

**HOUSE JOURNAL
62ND LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 20, 2011

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Rep. Wagner. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman): 1/20/2011

Correctly printed: **HB 40, HB 59, HB 89, HB 92.**

Correctly engrossed: **HB 66, HB 78, HB 91.**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Klock, Chair): 1/19/2011
HB 59, do pass. Report adopted.

HB 78, introduced bill, be amended as follows:

1. Page 3, line 14.

Strike: "are"

Insert: "have"

Following: "50%"

Insert: "of the equity interests, income interests, and voting interests"

And, as amended, do pass. Report adopted.

HB 92, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chairman): 1/20/2011

HB 40, do pass. Report adopted.

HB 66, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "PROVIDING RULEMAKING AUTHORITY;" on line 7

2. Title, page 1, line 8.

Strike: "SECTIONS 2-6-203 AND"

Insert: "SECTION"

3. Page 1, line 12 through page 2, line 1.

Strike: section 1 in its entirety

Renumber: subsequent sections

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And, as amended, do pass. Report adopted.

HB 89, do pass. Report adopted.

HB 91, introduced bill, be amended as follows:

1. Page 42, lines 23 through 27.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

2. Page 42.

Following: line 30

Insert: "(5) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

(b) allow it to be used in the United States mail."

3. Page 43, line 9.

Strike: "return"

Insert: "signature"

4. Page 43, line 14.

Strike: "return"

Insert: "signature"

5. Page 43, line 17.

Strike: "return"

Insert: "signature"

6. Page 43, line 19.

Strike: "return"

Insert: "signature"

7. Page 44, line 1.

Strike: "return"

Insert: "signature"

8. Page 44, line 16.

Strike: "return"

Insert: "signature"

9. Page 44, line 17.

Strike: "return"

Insert: "signature"

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10. Page 44, line 18.

Strike: "return"

Insert: "signature"

11. Page 44, line 26.

Strike: "return"

Insert: "signature"

12. Page 46, line 3.

Strike: "return"

Insert: "signature"

13. Page 46, line 10.

Strike: "return"

Insert: "signature"

14. Page 46, line 14.

Strike: "return"

Insert: "signature"

15. Page 46, line 23.

Strike: "return"

Insert: "signature"

16. Page 46, line 29.

Strike: "return"

Insert: "signature"

17. Page 47, line 9.

Strike: "return"

Insert: "signature"

18. Page 47, line 10.

Strike: "return"

Insert: "signature"

19. Page 47, line 17.

Strike: "return"

Insert: "signature"

20. Page 47, line 20.

Strike: "return"

Insert: "signature"

21. Page 47, line 22.

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Strike: "return"
Insert: "signature"

22. Page 47, line 27.

Strike: "return"
Insert: "signature"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 1/19/2011

SB 4, introduced by Lewis
SB 16, introduced by Brown
SB 67, introduced by Shockley
SB 112, introduced by Hinkle
SB 124, introduced by Ripley

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 290, introduced by Sesso, Furey, Gallus, Noonan, McClafferty, Hiner, Jent, Vuckovich, Hale, Gillan, Larsen, B. Bennett, Facey, Buttrey, Hill, Kaufmann, Keane, Sands, Malek, Augare, Belcourt, Driscoll, Wanzenried, Menahan, Branae, Van Dyk, MacDonald, Wilmer, Reinhart, Swanson, Pease-Lopez, McChesney, Hands, Hollenbaugh, Phillips, Yates, Shockley, C. Williams, referred to Transportation.

HB 291, introduced by Sesso, Wilmer, Noonan, Hiner, Driscoll, Malek, F. Smith, Furey, Yates, Swanson, Hands, Pease-Lopez, Belcourt, Sands, Menahan, McChesney, Reinhart, Keane, McClafferty, referred to Federal Relations, Energy, and Telecommunications.

HB 292, introduced by Kennedy, F. Smith, Evans, Cuffe, Hale, G. Bennett, Klock, Skees, O'Neil, Arntzen, C. Smith, Connell, Yates, Milburn, Brodehl, Hinkle, K. Peterson, Blasdel, Kerns, Hoven, McNiven, Greef, Belcourt, Ankney, Hendrick, Harris, More, Regier, Sonju, Read, Miller, Vance, Rosendale, Flynn, Salomon, Washburn, Lavin, Osmundson, Kary, Berry, Knox, Blyton, Murphy, Skattum, Small, Wagner, Reichner, Welborn, referred to Judiciary.

HB 293, introduced by Connell, referred to Taxation.

HB 294, introduced by Cook, referred to Agriculture.

HB 295, introduced by Cook, referred to Natural Resources.

HB 296, introduced by Sesso, Hollenbaugh, Gillan, Gallus, Wilmer, Swanson, McChesney, Reinhart, MacDonald, O'Hara, Hands, Sands, Belcourt, Yates, Brown, Driscoll, Mehlhoff, Windy Boy, Blewett, McClafferty, Noonan, F. Smith, Wagner, Vuckovich, Jones, Keane, Arthun, Furey, Stahl, Welborn, Schmidt, Zinke, Augare, Caferro, Hiner, Squires, Ankney, C. Williams, Murphy, referred to Appropriations.

HB 297, introduced by Berry, referred to State Administration.

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HB 298, introduced by McNutt, referred to Transportation.

HB 299, introduced by Hansen, Howard, O'Hara, Read, referred to Judiciary.

HB 300, introduced by Flynn, Olson, Klock, Berry, Stahl, Welborn, Balyeat, Ankney, Jackson, Keane, referred to Business and Labor.

HB 301, introduced by Knox, Burnett, More, Regier, G. Bennett, Berry, Ankney, O'Neil, Salomon, Kennedy, Rosendale, Osmundson, Skees, Skattum, McNiven, MacLaren, Wagner, Kerns, Vance, Taylor, referred to State Administration.

HB 302, introduced by Taylor, Howard, Arthun, Arntzen, Blasdel, Steinbeisser, Warburton, Hendrick, Cuffe, Edmunds, Stahl, Beck, Regier, K. Peterson, More, MacLaren, Burnett, Hansen, Lavin, Washburn, Ingraham, Salomon, Harris, Vance, Hollandsworth, Connell, Clark, C. Smith, Miller, Yates, Blyton, Knox, Ankney, Skees, McNiven, O'Hara, Kary, Skattum, Brodehl, Hinkle, Knudsen, Reichner, Kerns, referred to Transportation.

HB 303, introduced by Flynn, referred to Agriculture.

HB 304, introduced by Hendrick, Edmunds, Blasdel, Clark, Balyeat, Skees, Ripley, Howard, Beck, Stahl, referred to Local Government.

HB 305, introduced by Regier, referred to Taxation.

The following House bill was referred to committee:

HB 237, introduced by Menahan, Welborn, Ankney, Belcourt, referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative MacDonald in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 167 - Representative Regier moved **HB 167** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price,

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Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 29

Excused: None.

Total 0

Absent or not voting: McNutt.

Total 1

HB 195 - Representative Rosendale moved **HB 195** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Clark, Esp, Fitzpatrick, Howard, Loney, MacLaren, Miller, Welborn.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 117 - Representative Hunter moved **HB 117** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

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Nays: Hale.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 235 - Representative Fitzpatrick moved **HB 235** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Taylor.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 81 - Representative Roberts moved **HB 81** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Cuffe, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McNiven, McNutt, Miller, O'Neil,

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Osmundson, Randall, Read, Rosendale, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman MacDonald moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 96

Nays: B. Bennett, F. Smith, Squires.
Total 3

Excused: None.
Total 0

Absent or not voting: Evans.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 141 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,

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Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 100

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 44 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Ehli.
Total 1

HB 18 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Fitzpatrick, Flynn, Furey, Greef, Hands,

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Hansen, Hendrick, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, C. Smith, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 67

Nays: Belcourt, G. Bennett, Clark, Court, Cuffe, Driscoll, Esp, Evans, Gibson, Hale, Harris, Hiner, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, Miller, More, Osmundson, Pease-Lopez, Randall, Sands, Skattum, Skees, Small, F. Smith, Squires, Vance, Wagner, Warburton.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127 passed as follows:

Yeas: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 84

Nays: Bangerter, B. Beck, Burnett, Esp, Howard, Kennedy, McGillvray, McNiven, More, O'Neil, Peterson, Regier, Reichner, C. Smith, Stahl, Wagner.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 204 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,

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Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Representative McGillvray moved **HB 81** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved **HB 195** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, January 21, 2011. Motion carried.

House adjourned at 1:57 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House