

**HOUSE JOURNAL
62ND LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 8, 2011

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Howard and Pease-Lopez, excused. Quorum present.

BILLS (O'Hara, Chairman): 4/8/2011

Correctly engrossed: **SB 214, SB 265, SB 411, SB 417, SB 426, SB 429.**

Correctly printed: **HJR 13, HJR 24, HJR 31, HJR 32, SB 187, SB 371, SB 406, SB 409, SB 412, SB 420, SB 423.**

Correctly enrolled: **HB 166, HB 196, HB 277, HB 291, HB 315, HB 533, HB 538, HB 548, HB 602.**
Examined by the sponsor and found to be correct: **HB 3, HB 15, HB 166, HB 196, HB 277, HB 291, HB 533, HB 538, HB 548, HB 602.**

Signed by the Speaker at 10:00 a.m., April 8, 2011: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Signed by the Chief Clerk of the House at 9:30 a.m., April 8, 2011: **HB 12, HB 69, HB 107, HB 125, HB 216, HB 295, HB 310, HB 336, HB 469, HB 522, HB 541, HB 552, HB 584.**

Delivered to the Governor for approval at 8:25 a.m., April 8, 2011: **HB 59, HB 61, HB 95, HB 103, HB 178, HB 191, HB 213, HB 251, HB 288, HB 300, HB 352, HB 380, HB 529, HB 535.**

Delivered to the Governor for approval at 1:38 p.m., April 8, 2011: **HB 307.**

Representative Regier thanked the pages.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (McNutt, Chairman): 4/8/2011

SB 187, be concurred in. Report adopted.

SB 371, be concurred in. Report adopted.

SB 409, be concurred in. Report adopted.

SB 423, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Washburn, Chairman): 4/7/2011

HJR 32, do pass. Report adopted.

LOCAL GOVERNMENT (MacLaren, Chairman): 4/7/2011

SB 417, be amended as follows:

1. Page 2, line 5.

Following: "(3)"

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Insert: "(a)"

Following: "means"

Strike: "the"

Following: "land"

Strike: "and" through "area"

2. Page 2, line 6.

Strike: "or an area used for military purposes"

Following: "that"

Insert: "is directly affected or that"

Following: "will be"

Insert: "directly"

3. Page 2.

Following: line 7

Insert: "(b) The term does not mean an area over which military aircraft operate when no other components of military facilities or military uses exist."

4. Page 3.

Following: line 1

Insert: "(5) A governing body may not designate land that is more than 1,200 feet from a launch control center or missile location as part of a military affected area."

5. Page 3, line 11.

Strike: "and"

6. Page 3, line 14.

Following: "recommendations"

Insert: "; and

(f) existing and potential future uses of the land proposed to be included in a military affected area"

7. Page 3, line 15.

Following: "regulations"

Insert: "must be limited to addressing current and known future military uses and"

Following: "may"

Insert: "be adopted only to"

8. Page 4, line 16 through line 19.

Following: "continue" on line 16

Strike: ", " on line 16 through "destroyed" on line 19

9. Page 4.

Following: line 19

Insert: "(2) A nonconforming structure or use that is destroyed or substantially damaged by fire,

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flood, or other natural disaster may not be restored as a nonconforming structure or use unless a variance is issued by the appeals board provided for in [section 10] or unless the restoration occurs within 24 months of the damage having occurred and the resulting structure or use occupies the same physical footprint and is used for the same purpose as the original nonconforming structure or use. A nonconforming structure or use is considered to be substantially damaged when 80% or more of a structure is damaged or destroyed."

Renumber: subsequent subsection

10. Page 4, line 26.

Strike: ", repairing,"

11. Page 5, lines 26 and 27.

Following: "contrary to" on line 26

Strike: "the" on line 26 through "public interest" on line 27

Insert: "military missions"

And, as amended, be concurred in. Report adopted.

SB 420, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 2**

Report No. 1, April 8, 2011

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 2** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 2** (reference copy -- salmon) be amended as follows:

1. Page A-1, line 19.

Following: "AND"

Strike: "\$8,877"

Insert: "\$8,840"

2. Page A-9.

Following: line 17

Insert: "455,000 455,000" [general fund FY 2012 and FY 2013]

3. Page B-1, line 9.

Strike: "29,395,052 29,118,420" [general fund FY 12 and FY 13]

Insert: "29,400,741 29,124,109" [general fund FY 12 and FY 13]

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Strike: " 2,276,504 2,275,518" [state special fund FY 12 and FY 13]

Insert: " 2,278,667 2,277,681" [state special fund FY 12 and FY 13]

4. Page B-1, line 10.

Strike: "223,665,786 222,555,644" [federal special fund FY 12 and FY 13]

Insert: "223,682,070 222,571,928" [federal special fund FY 12 and FY 13]

5. Page B-1, line 20.

Strike: "31,857,539 33,444,233" [general fund FY 12 and FY 13]

Insert: "31,873,779 33,460,473" [general fund FY 12 and FY 13]

Strike: "26,545,289 27,402,292" [federal special fund FY 12 and FY 13]

Insert: "26,550,974 27,407,977" [federal special fund FY 12 and FY 13]

6. Page B-2, line 11.

Following: "STIPENDS TO"

Strike: "REGULAR FOSTER" through "FAMILIES" on line 12

Insert: "families who provide regular foster care in a youth foster home and kinship families who provide regular foster care in a kinship foster home"

7. Page B-4, line 9.

Strike: "73,724,653 75,174,917" [general fund FY 12 and FY 13]

Insert: "73,956,561 75,408,214" [general fund FY 12 and FY 13]

8. Page B-4, line 14.

Strike: "66,513,741 67,532,499" [state special fund FY12 & FY13]

Insert: "67,383,145 68,322,968" [state special fund FY12 & FY13]

Strike: "415,749,085 443,087,924" [federal special fund FY12 & FY13]

Insert: "417,451,121 444,604,720" [federal special fund FY12 & FY13]

9. Page B-4, line 17.

Strike: "14,232,744 13,381,377 " [federal special fund FY12 & FY13]

Insert: "19,874,759 20,433,896" [federal special fund FY12 & FY13]

10. Page B-5, line 4.

Strike: "27,670,974 27,444,949" [state special fund FY 12 FY 13]

Insert: "28,518,813 28,311,258" [state special fund FY 12 FY 13]

Strike: "160,421,396 160,163,011" [federal special fund FY 12 FY 13]

Insert: "158,860,132 158,605,217" [federal special fund FY 12 FY 13]

11. Page B-5, line 17.

Strike: "62,344,378 62,814,384" [general fund FY 12 and FY 13]

Insert: "62,845,099 63,316,558" [general fund FY 12 and FY 13]

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12. Page B-6.

Strike: line 3 through line 4 in their entirety

13. Page B-6, line 13.

Following: "OF"

Strike: "A BILL ALLOWING THE TRANSFER OF REVENUES"

Insert: "Senate Bill No. 424 in a form that transfers revenue to the general fund"

Strike: "MONTANA"

Insert: "Montanans"

Following: "FUND"

Insert: "provided for in 52-3-115"

14. Page B-6, following line 24.

Insert: "Direct Care Provider Rate Increase may be used only to raise provider rates for medicaid services to allow for wage increases or lump-sum payments to workers who provide direct care and ancillary services."

15. Page C-3, line 18.

Following: "NO."

Strike: "610"

Insert: "370"

16. Page C-3, line 23.

Following: "If"

Strike: "LC"

Following: "862"

Strike: "411"

Insert: "House Bill No. 619"

17. Page C-12, line 7.

Strike: "\$1,893,487"

Insert: "\$1,543,487"

18. Page C-12, line 8.

Following: "AND"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

Following: "DECREASED BY"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

Following: "AND BY"

Strike: "\$1,893,487"

Insert: "\$1,543,487"

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19. Page D-6, line 18.

Strike: "73,435,468 73,488,148" [general fund FY 2012 and FY 2013]

Insert: "73,535,468 73,588,148" [general fund FY 2012 and FY 2013]

20. Page D-7, line 17.

Following: "includes"

Strike: "\$6,133,625"

Insert: "\$6,119,145"

Following: "and"

Strike: "\$6,120,961"

Insert: "\$6,106,542"

21. Page D-7, line 22.

Following: "of"

Strike: "\$14,793,778"

Insert: "\$14,712,670"

Following: "and"

Strike: "\$14,796,967"

Insert: "\$14,716,201"

22. Page D-7, line 24.

Following: "includes"

Strike: "\$37,156,156"

Insert: "\$36,988,761"

Following: "and"

Strike: "\$37,168,034"

Insert: "\$37,001,343"

23. Page D-8, line 6.

Following: "of"

Strike: "\$640,085"

Insert: "\$637,329"

Following: "and"

Strike: "\$639,025"

Insert: "\$636,281"

24. Page D-8, line 9.

Following: "of"

Strike: "\$10,526,138"

Insert: "\$10,475,405"

Following: "and"

Strike: "\$10,532,826"

Insert: "\$10,482,306"

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25. Page E-1, line 10.

Strike: "Teacher Data Module"

Insert: "District Education Profiles"

26. Page E-1, line 16.

Strike: "480,074,235 540,078,580" [general fund FY12 and FY13]

Insert: "492,262,212 520,021,232" [general fund FY12 and FY13]

27. Page E-2, line 4.

Strike: "51,546,927 51,546,927" [general fund FY12 and FY13]

Insert: "52,150,510 52,150,510" [general fund FY12 and FY13]

28. Page E-2, line 8.

Strike: "155,895 155,898" [general fund FY 12 and FY13]

Insert: "128,957 128,960" [general fund FY 12 and FY13]

29. Page E-2.

Strike: line 11 through line 13 in their entirety

Renumber: subsequent subsections

30. Page E-2, line 15.

Strike: "44,900,000 45,900,000" [State special fund FY12 and FY13]

Insert: "104,951,000 76,811,000" [state special fund FY12 and FY13]

31. Page E-3.

Strike: line 1 through line 2 in their entirety

Renumber: subsequent subsections

32. Page E-3, line 3.

Strike: "AND FUND SWITCH"

33. Page E-3, line 4.

Strike: "20,064,547 28,778,088" [State special fund FY12 and FY13]

Insert: "10,458,688 19,011,457" [state special fund FY12 and FY13]

34. Page E-3, line 17.

Strike: "Teacher Data Module"

Insert: "District Education Profiles"

Strike: "SENATE BILL NO. 403 IN A FORM"

Insert: "a bill "

35. Page E-3, line 18.

Strike: "PATHWAY TO EXCELLENCE"

Insert: "District Education Profiles online reporting "

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36. Page E-3, line 23.

Strike: "SENATE BILL NO. 403"

Insert: "a bill that eliminates the growth in HB 124 block grants"

Strike: "\$1,089,927"

Insert: "\$396,344"

Strike: "\$1,489,283"

Insert: "\$795,700"

37. Page E-3, line 25.

Strike: "BASE Aid Fund Switch"

Insert: "Guarantee Account"

Strike: "and House Bill No. 42"

38. Page E-4, line 1.

Strike: "\$28"

Insert: "\$25"

Strike: "SENATE BILL NO. 403"

Insert: "a bill"

39. Page E-4.

Strike: line 3 through line 4 in their entirety

40. Page E-4, line 10.

Strike: "4,288,763"

41. Page E-5, line 21.

Strike: "3,649,203 3,652,294" [general fund FY 12 and FY 13]

Insert: "3,676,141 3,679,232" [general fund FY 12 and FY 13]

For the House:
McNutt, Chair
Esp

For the Senate:
Lewis, Vice Chair
Ripley

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/7/2011

HB 3, introduced by Mehlhoff

HB 15, introduced by Schmidt

HB 533, introduced by Berry

Governor's amendments to House bill not concurred in and returned to the House: 4/7/2011

HB 307, introduced by Burnett

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House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/7/2011

HB 7, introduced by Belcourt

House amendments to Senate bills NOT concurred in:

4/7/2011

SB 126, introduced by Larsen

SB 338, introduced by Arthun

House amendments to Senate bills concurred in:

4/7/2011

SB 1, introduced by Tutvedt

SB 15, introduced by Jent

SB 42, introduced by Shockley

SB 347, introduced by Lake

MESSAGES FROM THE GOVERNOR

April 7, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol
Helena, Montana 59620

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 531, "**AN ACT REVISING THE CIVIL LIABILITY PROVISIONS FOR MULTIPLE DEFENDANTS; CLARIFYING THE PROCESS FOR MULTIPLE DEFENDANTS IN AN ACTION FOR NEGLIGENCE FOLLOWING THE SETTLEMENT OR RELEASE FROM LIABILITY OF A PERSON; AMENDING SECTION 27-1-703, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

My objections to HB 531 are two-fold. The bill takes an already complicated statute, Mont. Code Ann. § 27-1-703, governing the apportionment of damages in civil tort actions involving multiple defendants and makes it far more complicated. I suspect that the existing statute, itself, is understood by only a few judges and civil trial lawyers -- plaintiff and defendant. This statute has undergone many conversions and been amended heavily over the years. The prior

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version of this statute was challenged successfully on constitutional grounds, but the current version has been in effect since 1997. I do not believe there is any reason to amend the statute now.

Additionally, I fundamentally disagree with the precepts underlying HB 531, as expressed in the "preamble" to the bill, or the "whereas" clauses. First, the "whereas" clauses state that the bill's intent is to address the high cost of health insurance in this country. The bill, however, addresses all tort litigation, only a small amount of which is medical malpractice litigation. Second, the "whereas" clauses attach blame and responsibility for our country's health care problems and health care provider shortages on our nation's legal system. I believe those remarks are unfair and inflammatory.

For these reasons, I respectfully ask you to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HJR 37, introduced by Warburton, Stahl, referred to Fish, Wildlife and Parks.
HJR 38, introduced by Hansen, referred to Local Government.
HJR 39, introduced by MacLaren, referred to Local Government.

The following House resolution was introduced, read first time, and referred to committee:

HR 3, introduced by Milburn, referred to Business and Labor.

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 91 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, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan,

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O'Hara, O'Neil, Osmundson, 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 97

Nays: None.
Total 0

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: Hoven.
Total 1

HB 100 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.
Total 73

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, Malek, McClafferty, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams.
Total 25

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

HB 279 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, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

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McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Kerns, McGillvray, Skattum.

Total 3

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 341 passed as follows:

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

Total 72

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, O'Neil, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Wilmer.

Total 26

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

HB 483 passed 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, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner,

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Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Miller, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 31

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

HB 642 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 70

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Evans, Furey, Hands, Hill, Hoven, Hunter, MacDonald, Malek, McClafferty, Noonan, O'Neil, Phillips, Price, Reinhart, Sands, Schmidt, Squires, Stahl, Swanson, Taylor, Williams, Wilmer.
Total 27

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: Knudsen.
Total 1

SB 215 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Phillips, Price, Randall, Read, Regier, Reichner,

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Reinhart, Rosendale, Salomon, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 70

Nays: Bangerter, G. Bennett, Brodehl, Burnett, Esp, Flynn, Greef, Hale, Hands, Harris, Hendrick, Hunter, Kary, Kennedy, Kerns, Knox, McGillvray, McNiven, O'Neil, Osmundson, Peterson, Roberts, Sands, Schmidt, Skattum, Skees, C. Smith, Welborn.
Total 28

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 296 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Williams, Wilmer, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Brodehl, Edmunds, Greef, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Miller, More, O'Neil, Regier, Reichner, Sands, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Welborn, Yates.
Total 26

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 299 concurred in 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

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McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, 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 98

Nays: None.
Total 0

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 331 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 80

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Cuffe, Edmunds, Fitzpatrick, Hale, Hendrick, Kennedy, Kerns, Knox, McGillvray, Miller, More, Randall, Skattum, Skees.
Total 18

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 333 concurred in 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,

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McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, 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 98

Nays: None.
Total 0

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 376 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Williams, Wilmer, Yates, Mr. Speaker.
Total 72

Nays: G. Bennett, Blasdel, Brodehl, Cuffe, Edmunds, Greef, Hale, Hansen, Kary, Kennedy, Kerns, Knox, Lavin, McGillvray, O'Neil, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Welborn.
Total 26

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 382 concurred in 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, Hunter, Ingraham, Kary,

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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, 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 98

Nays: None.

Total 0

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SB 402 concurred in as follows:

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

Total 92

Nays: Barrett, Hands, Malek, McClafferty, Sands, F. Smith.

Total 6

Excused: Howard, Pease-Lopez.

Total 2

Absent or not voting: None.

Total 0

SB 410 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally,

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McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 69

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wilmer.
Total 29

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SB 413 concurred in 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, 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, Peterson, Phillips, Price, Randall, 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 97

Nays: Read.
Total 1

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

SJR 11 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hollandsworth, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson,

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Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 59

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, Furey, Hands, Harris, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates.
Total 39

Excused: Howard, Pease-Lopez.
Total 2

Absent or not voting: None.
Total 0

**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 Ankney in the chair.

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

HJR 8 - Representative Hunter moved **HJR 8** be adopted.

HJR 8 - Representative Kennedy moved **HJR 8**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Strike: "ALL"

Insert: "LOW-INCOME"

2. Page 1, line 28.

Following: "Montana children"

Insert: "who are at or below 130% of the federal poverty level"

3. Page 1, line 29.

Following: "foods for"

Insert: "those"

4. Page 2, line 2.

Following: "private programs"

Insert: "that serve children or families who are at or below 130% of the federal poverty level and"

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5. Page 2, line 5.

Following: "existing programs"

Insert: "that serve children or families who are at or below 130% of the federal poverty level"

6. Page 2, line 6.

Following: "the state"

Insert: "who are at or below 130% of the federal poverty level"

7. Page 2, line 9.

Following: "services"

Insert: "for children who are at or below 130% of the federal poverty level"

8. Page 2, line 15.

Following: "children"

Insert: "who are at or below 130% of the federal poverty level"

9. Page 2, line 28.

Following: "low-income children"

Insert: "who are at or below 130% of the federal poverty level"

Amendment **not** adopted as follows:

Yeas: Arntzen, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Fitzpatrick, Flynn, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 46

Nays: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Boland, Clark, Court, Driscoll, Ehli, Esp, Evans, Furey, Gibson, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HJR 8 - Representative Hunter moved **HJR 8** be adopted. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Mr. Speaker.
Total 60

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Yates.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 81 - Representative Rosendale moved **SB 81** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.
Total 75

Nays: G. Bennett, Blasdel, Blyton, Brodehl, Edmunds, Esp, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Welborn.
Total 22

Excused: None.
Total 0

Absent or not voting: Berry, Reichner, Mr. Speaker.
Total 3

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SB 207 - Representative Clark moved **SB 207** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, 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, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 75

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, MacDonald, Malek, McClafferty, Mehlhoff, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, F. Smith, Swanson, Williams, Wilmer.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 283 - Representative Esp moved **SB 283** be concurred in. 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, 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: Malek.
Total 1

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SB 379 - Representative Lavin moved **SB 379** be concurred in. Motion carried as follows:

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

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 421 - Representative Driscoll moved **SB 421** be concurred in. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Ingraham, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 41

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 59

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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SB 329 - Representative McGillvray moved consideration of **SB 329** be passed for the day.
Motion carried.

SB 343 - Representative McGillvray moved consideration of **SB 343** be placed at the top of the second reading board. Motion carried.

SB 343 - Representative Taylor moved **SB 343** be concurred in.

Representative McNutt assumed the chair.

SB 343 -Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Cook, Court, Edmunds, Evans, Fitzpatrick, Flynn, Furey, Hands, Hansen, Harris, Hendrick, Hill, Hoven, Howard, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, McGillvray, Miller, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Salomon, Sands, Skees, C. Smith, F. Smith, Taylor, Vance, Warburton, Washburn, Williams, Mr. Speaker.

Total 54

Nays: Ankney, Belcourt, Boland, Burnett, Connell, Cuffe, Driscoll, Ehli, Esp, Gibson, Greef, Hale, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Kerns, Knox, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, Price, Reinhart, Roberts, Rosendale, Schmidt, Sesso, Skattum, Small, Squires, Stahl, Swanson, Wagner, Welborn, Wilmer, Yates.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 233 - Representative Klock moved **SB 233** be concurred in.

Representative Ankney reassumed the chair.

Representative McNutt moved for cloture. Motion carried.

SB 233 - Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, 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, MacLaren, McChesney,

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McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 319 - Representative Lavin moved **SB 319** be concurred in.

Representative Sands stood on a point of personal privilege to state that she was offended by the Representative from Columbia Falls' comments. She stated that this bill as not an assessment of Montana's women it was about child safety; and that his assessment of Montana's women was not appropriate for the conversation.

SB 319 - Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 74

Nays: Arntzen, G. Bennett, Blasdel, Burnett, Edmunds, Ehli, Hale, Kennedy, Kerns, Knox, Knudsen, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 25

Excused: None.

Total 0

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Absent or not voting: Malek.

Total 1

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

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hollenbaugh, McClafferty, McNally, Menahan, Price, Reinhart, Schmidt, Squires, Williams.

Total 15

Excused: Evans, Howard, Pease-Lopez.

Total 3

Absent or not voting: Connell, Driscoll, Knox, Reichner, Small, Swanson.

Total 6

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

4/8/2011

HJR 13, do pass. Report adopted.

HJR 24, do pass. Report adopted.

HJR 31, do pass. Report adopted.

SB 214, be amended as follows:

1. Page 1, line 18.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

2. Page 1, line 20.

Following: "20-9-353"

Insert: ". (b)"

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Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to the electors if the"

3. Page 2, line 11.

Following: "(2)"

Insert: "(a)"

Strike: "When"

Insert: "Except as provided in subsection (2)(b), when"

4. Page 2, line 13.

Following: "15-10-425"

Insert: ". (b)"

Strike: ", except when a"

Insert: "The trustees are not required to submit a proposition to the electors if the"

And, as amended, be concurred in. Report adopted.

SB 265, be amended as follows:

1. Title, page 1, line 5.

Following: "AND"

Insert: "RESIDENTIAL GRAY WATER SYSTEMS AND"

2. Page 1, line 13.

Strike: "3"

Insert: "4"

3. Page 2.

Following: line 18

Insert: "NEW SECTION. Section 2. Gray water system for newly constructed residence -- tax abatement. (1) A residential dwelling that is under construction or that is newly constructed with a residential gray water system is taxed at 91% of its taxable market value during the course of the construction and for 10 years after completion of construction as provided in this section.

(2) To receive a tax abatement under this section, a taxpayer shall apply, on a form provided by the department, to the department on or before April 15 of the year for which the first abatement is claimed for property under construction and for the first year of the completion of construction but not later than 1 year after the completion of the construction. The claimant shall provide a certification from the local board of health pursuant to 50-2-116 that the residential dwelling is under construction or was constructed with a gray water system that meets the requirements of this section. The department may require other information that it considers necessary to determine the eligibility of the residential dwelling for a property tax abatement.

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(3) An abatement granted under this section remains in effect through the 10th year following the year construction was completed."

Renumber: subsequent sections

4. Page 2, line 24.

Following: "apply"

Insert: ", on a form provided by the department,"

5. Page 3, line 8.

Following: "3"

Insert: "or 3"

6. Page 2, line 9.

Following: "or"

Insert: "gray water system under [section 2] or"

7. Page 2, line 10.

Strike: "2"

Insert: "3"

8. Page 2, line 11.

Following: "3"

Insert: "or 3"

9. Page 2, line 14.

Strike: "3"

Insert: "4"

10. Page 2, line 16.

Strike: "3"

Insert: "4"

11. Page 2, line 20.

Following: "and"

Insert: "residential dwellings and"

And, as amended, be concurred in. Report adopted.

SB 406, be concurred in. Report adopted.

SB 411, be amended as follows:

1. Page 1, line 27.

Following: "(1)"

Strike: "A"

Insert: "(a) Subject to subsection (1)(b), a"

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2. Page 2, line 1.

Strike: "but not less than \$50"

3. Page 2.

Following: line 4

Insert: "(b) A penalty imposed under subsection (1)(a) must be reduced by the amount of the penalty imposed under subsection (2)(a) or (2)(b)."

4. Page 2, line 5.

Strike: "subsection"

Insert: "subsections"

Following: "(2)(b)"

Insert: "and (2)(d)"

5. Page 2, line 8.

Strike: "A"

Insert: "Except as provided in subsection (2)(d), a"

6. Page 2.

Following: line 12

Insert: "(d) A penalty may not be imposed under subsection (2)(a) or (2)(b) on the amount of unpaid tax if the taxpayer demonstrates there is reasonable cause for the unpaid amount and the taxpayer acted in good faith with respect to the unpaid amount."

7. Page 2, line 13.

Strike: "(d) A"

Insert: "(3)(a) Subject to subsection (3)(b), a"

8. Page 2, line 15.

Strike: "(2)(d)"

Insert: "(3)"

9. Page 2, line 16.

Strike: "(2)(d)"

Insert: "(3)"

10. Page 2.

Following: line 23

Insert: "(b) The amount of substantial understatement must be reduced by the amount of the understatement that is attributable to:

(i) the tax treatment of any item by the taxpayer if there is or was substantial authority for the treatment; or

(ii) any item if the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or in a statement attached to the return and there is a reasonable basis for the tax treatment of the item by the taxpayer."

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11. Page 2, line 24.

Strike: "(3)"

Insert: "(4)"

Renumber: subsequent subsections

12. Page 3, line 9.

Strike: "(6)(A)(I)"

Insert: "(7)(a)(i)"

13. Page 3, line 10.

Strike: "(6)(A)"

Insert: "(7)(a)"

14. Page 3, line 21.

Strike: "(7)(B)"

Insert: "(8)(b)"

15. Page 4, line 3.

Strike: "(6)(A)(I)"

Insert: "(7)(a)(i)"

Strike: "(7)(A)"

Insert: "(8)(a)"

And, as amended, be concurred in. Report adopted.

SB 412, be concurred in. Report adopted.

SB 426, be amended as follows:

1. Title, page 1, line 4.

Following: "ACT"

Insert: "CREATING THE TREASURE STATE TAXPAYER DIVIDEND PROGRAM;"

2. Title, page 1, line 5.

Strike: "REVENUE"

Insert: "FUND BALANCE"

3. Title, page 1, line 6.

Following: "AMOUNTS OF"

Insert: "ALL"

4. Page 1, line 13.

Strike: "state revenue"

Insert: "fund balance"

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5. Page 1, line 15.

Strike: "revenue received"

Insert: "balance"

6. Page 1, line 16.

Strike: "revenue"

Insert: "balance"

7. Page 1, line 19 through 21.

Strike: "revenue received" on line 19

Insert: "balance"

Strike: "106%" on line 19

Insert: "125%"

Following: the second "fund" on line 19

Insert: "balance"

Strike: ", " at end of line 19 through "reversions" on line 21

Following: "year]." on line 21

Insert: "Tax credits are not allowed under this section unless the excess balance is at least \$5 million."

8. Page 1, line 22.

Strike: "106%"

Insert: "125%"

9. Page 1, line 27.

Strike: "divide"

Insert: "determine the percentage by dividing"

10. Page 1, line 28.

Strike: "revenue"

Insert: "balance"

11. Page 1, line 29.

Following: "collections"

Insert: "from Montana residents"

12. Page 1, line 30.

Strike: "revenue"

Insert: "balance"

13. Page 2, line 1.

Strike: "that is a percentage"

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14. Page 2, line 2.

Strike: "percentage"

Insert: "amount"

15. Page 2, line 3.

Strike: "divide the property tax share of available excess revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

16. Page 2, line 6.

Strike: "revenue"

Insert: "balance"

17. Page 2, line 7.

Strike: "that is a percentage of the amount the"

Insert: "each"

18. Page 2, line 8.

Strike: "percentage"

Insert: "amount"

19. Page 2, line 9.

Strike: "divide the income tax share of available excess revenue"

Insert: "multiply the percentage determined in subsection (2)(a)"

20. Page 2, line 22.

Insert: "(8) This section may be cited as the "Treasure State Taxpayer Dividend Program"."

21. Page 3, line 5.

Strike: "revenue"

Insert: "general fund balance"

22. Page 3, line 7.

Strike: "revenue"

Insert: "general fund balance"

And, as amended, be concurred in. Report adopted.

SB 429, be amended as follows:

1. Title, page 1, line 5.

Strike: "AUTHORIZING A REINSTATEMENT FEE;"

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2. Title, page 1, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 28 through line 29.

Strike: subsection (4) in its entirety

4. Page 1.

Following: line 29

Insert: " Section 2. Section 35-8-912, MCA, is amended to read:

"35-8-912. Reinstatement following administrative dissolution. (1) A limited liability company administratively dissolved under the provisions of 35-8-209 may apply to the secretary of state for reinstatement within 5 years after the effective date of dissolution to restore its right to carry on business in this state and to exercise all its privileges and immunities. The applicant shall file an official application. The application must A limited liability company applying for reinstatement shall submit to the secretary of state an official application, executed by a person who was a member or manager at the time of dissolution, setting forth:

~~(a) recite the name of the company and the effective date of its administrative dissolution;~~

~~(b) state that the ground for dissolution either did not exist or has been eliminated;~~

~~(c) state that the company's name satisfies the requirements of 35-8-103;~~

~~(d) contain a certificate from the department of revenue reciting that all taxes owed by the company have been paid; and~~

~~(e) include all annual reports not yet filed with the secretary of state:~~

~~(a) the name and business mailing address of the limited liability company;~~

~~(b) a statement that the assets of the limited liability company have not been liquidated;~~

~~(c) a statement that a majority of its members have authorized the application for reinstatement; and~~

~~(d) if its name has been legally acquired by another entity prior to its application for reinstatement, the name under which the limited liability company desires to be reinstated.~~

~~(2) The limited liability company shall submit with its application for reinstatement:~~

~~(a) a certificate from the department of revenue stating that all taxes imposed pursuant to Title 15 have been paid unless a limited liability company has only one member and has not elected to be taxed as a corporation; and~~

~~(b) all annual reports not yet filed with the secretary of state.~~

~~(2) If the secretary of state determines that the application contains the information required by subsection (1) and that the information is correct, the secretary of state shall cancel the certificate of dissolution, prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement, file the original of the certificate, and serve the company with a copy of the certificate.~~

~~(3) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution, and the company may resume its business as if the administrative dissolution had not occurred.~~

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(3) When all requirements of subsections (1) and (2) are met and the secretary of state reinstates the limited liability company, the secretary of state shall:

(a) conform and file in the office of the secretary of state reports, statements, and other instruments submitted for reinstatement;

(b) immediately issue and deliver to the reinstated limited liability company a certificate of reinstatement authorizing it to transact business; and

(c) upon demand and receipt of the specified fee, issue to the limited liability company one or more certified copies of the certificate of reinstatement.

(4) The secretary of state may not order a reinstatement if 5 years have elapsed since the date of dissolution.

(5) A restoration of limited liability company rights pursuant to this section relates back to the date the limited liability company was administratively dissolved, and the limited liability company is considered to have been an existing legal entity from the date of its original organization."

Insert: "COORDINATION SECTION. Section 3. Coordination instruction. If Senate Bill No. 63 and [this act] are both passed and approved, then [section 18 of Senate Bill No. 63] amending 35-8-912 is void."

Renumber: subsequent section

5. Page 2, line 1.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

6. Page 2.

Following: line 1

Insert: "(2) [Section 2] is effective October 1, 2011."

Insert: "NEW SECTION. Section 5. Termination. [Section 1] terminates September 30, 2011."

And, as amended, be concurred in. Report adopted.

MOTIONS

Representative McGillvray moved **SB 343** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 97** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative K. Peterson
Representative Bangerter
Representative Driscoll

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Representative McGillvray moved to appoint a Conference Committee on **SB 153** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Kerns
Representative Menahan
Representative O'Hara

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 156** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Bangerter
Representative Pease-Lopez
Representative Read

Representative McGillvray moved to appoint a Conference Committee on **SB 221** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/8/2011

Representative Berry
Representative Hunter
Representative Salomon

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Monday, April 11, 2011. Motion carried.

House adjourned at 4:20 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House