

**HOUSE JOURNAL
62ND LEGISLATURE
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 12, 2011

House Chambers
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bangerter. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative Flynn, absent. Quorum present.

BILLS (O'Hara, Chairman):

4/12/2011

Correctly printed: **HJR 34, HJR 35, HJR 36, SB 354.**

Correctly engrossed: **SB 412, SB 420.**

Correctly enrolled: **HB 51, HB 188, HB 388, HB 565.**

Examined by the sponsor and found to be correct: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Speaker at 2:15 p.m., April 12, 2011: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Chief Clerk of the House at 2:00 p.m., April 12, 2011: **HB 51, HB 188, HB 388, HB 565.**

Signed by the Speaker at 2:30 p.m., April 12, 2011: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Signed by the Chief Clerk of the House at 1:45 p.m., April 12, 2011: **HB 8, HB 83, HB 91, HB 100, HB 165, HB 279, HB 341, HB 411, HB 483, HB 551.**

Delivered to the Governor for approval at 8:20 a.m., April 12, 2011: **HB 166, HB 196, HB 277, HB 291, HB 533, HB 538, HB 548, HB 602.**

Signed by the Chief Clerk of the House at 7:00 p.m., April 12, 2011: **HB 306, HB 358, HB 377, HB 444, HB 458, HB 477, HB 585, HB 609, HB 616, HB 642.**

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chairman):

4/12/2011

HJR 34, do pass. Report adopted.

HJR 35, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE

on Senate Amendments to **House Bill 47**

Report No. 1, April 8, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 47** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that Senate amendments to **House Bill 47** (reference copy -- salmon) be accepted by the House.

For the House:
K. Peterson, Chair
Kennedy

For the Senate:
Balyeat, Vice Chair
Hinkle

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 132**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 132** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 132** (reference copy -- salmon) be amended as follows:

1. Page 8, line 8.

Strike: "1,000-POUND"

Insert: "1,200-pound"

For the House:

Hoven, Chair
Taylor

For the Senate:

Tutvedt, Vice Chair
Arthun
Gillan

CONFERENCE COMMITTEE
on Senate Amendments to **House Bill 297**
Report No. 1, April 11, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 297** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 297** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Strike: "2013"

Insert: "2015"

For the House:

Berry, Chair
B. Bennett
Stahl

For the Senate:

Shockley, Vice Chair
Augare

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MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/11/2011

HB 51, introduced by Di. Barrett
HB 188, introduced by Loney
HB 388, introduced by Cook
HB 565, introduced by Noonan

Senate joint resolution passed and transmitted to the House for concurrence: 4/11/2011

SJR 23, introduced by Essmann

House amendments to Senate bill concurred in: 4/11/2011

SB 16, introduced by Brown

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

4/11/2011

HB 6, introduced by McChesney
HB 9, introduced by Hollenbaugh
HB 10, introduced by Hollenbaugh
HB 140, introduced by Hiner
HB 159, introduced by C. Smith
HB 209, introduced by Washburn
HB 283, introduced by Bangerter
HB 317, introduced by Cook
HB 351, introduced by Cook
HB 439, introduced by Hollenbaugh
HB 611, introduced by Cook
HB 613, introduced by Roberts
HB 615, introduced by K. Williams
HB 621, introduced by Ankney

FIRST READING AND COMMITMENT OF BILLS

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

SJR 23, introduced by Essmann, referred to Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed

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of in the following manner:

HB 90 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, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Ingraham, Kennedy, Knudsen, Miller, Randall, Read, Skees, C. Smith, Wagner, Warburton.

Total 10

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HB 271 passed as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, 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 69

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

Total 29

Excused: None.

Total 0

Absent or not voting: Edmunds, Flynn.

Total 2

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HB 559 passed as follows:

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

Total 91

Nays: Arntzen, Burnett, Harris, McNiven, O'Neil, Pease-Lopez, Peterson, Sands.

Total 8

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HJR 13 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Evans, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNally, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 67

Nays: Belcourt, B. Bennett, Boland, Brodehl, Cuffe, Esp, Fitzpatrick, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Yates.

Total 32

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

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SB 187 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Furey, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 79

Nays: B. Beck, G. Bennett, Blyton, Fitzpatrick, Gibson, Hale, Harris, Ingraham, Kennedy, Kerns, Knox, Miller, O'Neil, Randall, Skattum, Skees, Small, C. Smith, Vance, Wagner.
Total 20

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

SB 326 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 62

Nays: Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.
Total 37

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

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SB 329 concurred in as follows:

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

Total 57

Nays: Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer, Yates.

Total 42

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

SB 348 concurred in as follows:

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

Total 88

Nays: Barrett, Brodehl, Greef, Hill, Kennedy, Malek, Noonan, O'Neil, Pease-Lopez, F. Smith.

Total 10

Excused: None.

Total 0

Absent or not voting: Flynn, Stahl.

Total 2

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SB 358 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, 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: Flynn.

Total 1

SB 371 concurred in as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Yates, Mr. Speaker.

Total 60

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Court, Driscoll, Furey, Gibson, Greef, Hands, Hill, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McClafferty, McGillvray, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Warburton, Welborn, Williams, Wilmer.

Total 39

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

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SB 417 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

Nays: Blasdel, Burnett, Edmunds, Esp, Hansen, Kennedy, Kerns, McGillvray, Miller, O'Neil, Randall, Regier, Reichner, Skattum, C. Smith, Vance, Wagner.
Total 17

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

SB 423 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 77

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kerns, Malek, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sesso, Squires, Swanson, Williams, Wilmer.
Total 22

Excused: None.
Total 0

Absent or not voting: Flynn.
Total 1

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HB 2 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, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 54

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Taylor, Wagner, Williams, Wilmer, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: Flynn, Stahl.

Total 2

Representative Warburton rose on a point of personal privilege to state that although she voted no on SB 371 she meant to vote yes.

**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 Di. Barrett in the chair.

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

SB 412 - Representative Small moved **SB 412** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires,

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Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

Nays: B. Beck, G. Bennett, Burnett, Edmunds, Esp, Flynn, Hale, Howard, Kennedy, Kerns, Knox, Loney, More, Regier, Skattum, Skees, C. Smith, Wagner. Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 372 - Representative Blasdel moved **SB 372** 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, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, 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, Yates, Mr. Speaker.
Total 70

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 - Representative McGillvray moved **SB 426** be concurred in. 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, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker. Total 67

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

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 429 - Representative Blasdel moved **SB 429** 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, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 - Representative Connell moved **HJR 32** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Evans, Flynn, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 73

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Nays: B. Beck, B. Bennett, Brodehl, Clark, Cook, Edmunds, Esp, Fitzpatrick, Gibson, Hale, Howard, Kerns, Knox, Knudsen, McNutt, Miller, More, O'Neil, Randall, Regier, Salomon, Skattum, Skees, Taylor, Vance, Wagner, Yates.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 - Representative MacLaren moved **SB 418** be concurred in. 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, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

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

Total 34

Excused: None.

Total 0

Absent or not voting: O'Hara.

Total 1

HJR 33 - Representative MacLaren moved **HJR 33** be adopted. Motion **failed** as follows:

Yeas: Ankney, Bangerter, B. Beck, Berry, Blyton, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Small, C. Smith, Stahl, Taylor, Vance, Washburn, Williams, Mr. Speaker.

Total 46

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Brodehl, Burnett, Court, Driscoll, Edmunds, Furey, Greef, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kennedy,

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Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, Skees, F. Smith, Squires, Swanson, Wagner, Warburton, Welborn, Wilmer, Yates.

Total 52

Excused: None.

Total 0

Absent or not voting: Arntzen, Randall.

Total 2

SB 420 - Representative Ingraham moved **SB 420** be concurred in. Motion carried as follows:

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

Total 83

Nays: B. Beck, G. Bennett, Blasdel, Edmunds, Esp, Fitzpatrick, Hale, Kennedy, Kerns, Knudsen, McGillvray, Peterson, Randall, Regier, Skattum, Wagner, Warburton.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 24 - Representative Blyton moved **HJR 24** be adopted. Motion carried as follows:

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

Total 63

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Nays: Barrett, Belcourt, B. Bennett, Boland, Brodehl, Court, Cuffe, Driscoll, Esp, Furey, Greef, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Yates.

Total 36

Excused: None.

Total 0

Absent or not voting: Blyton.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 68

Nays: Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 30

Excused: Flynn.

Total 1

Absent or not voting: Yates.

Total 1

Representative Sesso moved that the House Democrats Caucus. Motion carried.

House Recessed.

House Reconvened.

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REPORTS OF STANDING COMMITTEES

JUDICIARY (Peterson, Chairman):
HJR 36, do pass. Report adopted.
SB 354, be concurred in. Report adopted.

4/12/2011

**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 Di. Barrett in the chair.

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

SB 411 - Representative McNally moved **SB 411** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 81

Nays: G. Bennett, Blyton, Brodehl, Edmunds, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, More, O'Neil, Randall, Read, Skattum, Skees, C. Smith, Wagner, Warburton.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 39 - Representative MacLaren moved **HJR 39** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips,

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Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Mr. Speaker.

Total 72

Nays: Ankney, B. Beck, B. Bennett, G. Bennett, Brodehl, Cuffe, Edmunds, Esp, Flynn, Hill, Hiner, Hollenbaugh, Howard, Kennedy, Kerns, Knox, McNally, Price, Regier, Reichner, Schmidt, Sesso, Skattum, Small, Welborn, Yates.

Total 26

Excused: None.

Total 0

Absent or not voting: Harris, Noonan.

Total 2

SB 253 - Representative Blasdel moved **SB 253** be concurred in.

Representative McGillvray moved to pass **SB 253** until after the House Recessed.

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 82

Nays: B. Bennett, Blasdel, Boland, Furey, Hill, Malek, Noonan, Pease-Lopez, Phillips, Price, Randall, Sesso, Squires.

Total 13

Excused: None.

Total 0

Absent or not voting: Court, Esp, McChesney, Miller, Welborn.

Total 5

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House Recessed.
House Reconvened.

Representative Schmidt read the following proclamation:

***A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
LUPUS AWARENESS MONTH PROCLAMATION***

April 12, 2011

WHEREAS, each year the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, lupus is an acute and chronic, lifelong autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body. It can affect any part of the body, including the skin, lungs, heart, kidneys, and brain. No organ is spared. The disease can cause seizures, strokes, heart attacks, miscarriages, and organ failure. Lupus costs the nation over \$100 billion a year in direct and indirect medical costs; and

WHEREAS, while lupus strikes mostly women of childbearing age, no one is safe from lupus. Native Americans, African American, Hispanics/Latinos, and Asians are two to three times more likely to develop lupus--a disparity that remains unexplained; and

WHEREAS, lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the cause and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, there have been no new drugs approved by the U.S. Food and Drug Administration specifically for lupus in 52 years; current treatments for the disease can have damaging side effects. Drugs for lupus that are available today are older, further increasing patient suffering and indirect medical costs of the disease; and

WHEREAS, nearly 5,000 citizens in Montana are directly affected by lupus along with their families and friends.

Now, therefore, be it resolved by the House of Representatives and the Senate of the State of Montana that we do hereby proclaim the month of May as Lupus Awareness Month in Montana.

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The Ringling Five, from Shield River Valley entertained the House of Representatives with Music. They were accompanied by Dorothy's Girls, Josie Jesson, Lilly Eaton, Kellan Young, Bailee Clift, Bray Holmes and Emily Romans from Livingston.

FIRST READING AND COMMITMENT OF BILLS

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

SJR 26, introduced by Lewis, referred to Appropriations.

SJR 27, introduced by Caferro, Lewis, referred to Human Services.

MOTIONS

Representative Berry moved to suspend the rules and accept **HB 555**. Motion **failed** 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, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

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

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative C. Smith moved to override the Governor's Veto on **HB 342**.

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, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt,

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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, Yates, Mr. Speaker.

Total 68

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

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Hoven moved to reconsider previous action taken on **SB 214**, and place it on second reading on April 13th.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, F. Smith, Swanson, Warburton, Williams, Wilmer, Yates.

Total 54

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Brodehl, Burnett, Clark, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McChesney, McGillvray, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 45

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

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**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 Di. Barrett in the chair.

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

SB 253 - Representative Blasdel moved **SB 253** be concurred in.

SB 253 - Representative K. Williams moved **SB 253**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "THE CREDIT" on line 6 through "CONVERSION," on line 8
2. Title, page 1, line 11 through line 13.
Strike: "THE CREDIT" on line 11 through "GENERATION," on line 13
3. Title, page 1, line 13 through line 14.
Strike: "THE CREDITS" on line 13 through "MATERIAL," on line 14
4. Title, page 1, line 20.
Strike: "15-32-104," through "15-32-106,"
5. Title, page 1, line 23.
Strike: "15-30-2319, 15-30-2320,"
6. Page 1, line 24.
Strike: "15-31-137,"
7. Title, page 1, line 25 through line 26.
Strike: "15-32-109," on line 25 through "15-32-407," on line 26
8. Title, page 1, line 27 through line 28.
Strike: "15-32-601," on line 27 through "15-32-609,"
9. Page 2, line 24 through page 3, line 21.
Strike: section 2 through section 4 in their entirety
Renumber: subsequent sections
10. Page 29, line 20.
Strike: "15-32-202, 15-32-404,"

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11. Page 30, line 4 through line 5.

Strike: "15-30-2319." on line 4 through "conversion." on line 5

12. Page 30, line 14.

Strike: "15-31-137." through "conversion."

13. Page 30, line 30 through page 31, line 10.

Strike: "15-32-109." on page 30, line 30 through "authorized." on page 31, line 10

14. Page 31, line 19 through line 24.

Strike: "15-32-601." on line 19 through "rulemaking." on line 24

Amendment **not** adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Evans, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

Total 36

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, 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, Mr. Speaker.

Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 253 - Representative Blasdel moved **SB 253** be concurred in. Motion carried as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 51

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Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.
Total 47

Excused: None.
Total 0

Absent or not voting: Harris, Kennedy.
Total 2

SB 265 - Representative Lavin moved **SB 265** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 57

Nays: Arntzen, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Reichner, Rosendale, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 43

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 409 - Representative G. Bennett moved **SB 409** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale,

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Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 77

Nays: Belcourt, Boland, Court, Driscoll, Hollenbaugh, MacDonald, Malek, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Sands, Schmidt, Sesso, Stahl, Swanson, Williams, Wilmer, Yates.
Total 22

Excused: None.
Total 0

Absent or not voting: Hoven.
Total 1

HJR 9 - Representative Knox moved **HJR 9** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.
Total 53

Nays: Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Cook, Court, Driscoll, Esp, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kerns, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.
Total 46

Excused: None.
Total 0

Absent or not voting: Randall.
Total 1

HJR 25 - Representative Malek moved **HJR 25** be adopted. Motion carried as follows:

Yeas: Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price,

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Randall, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Warburton, Williams, Wilmer.
Total 56

Nays: Ankney, Arntzen, Bangerter, B. Beck, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McChesney, McGillvray, McNiven, McNutt, Peterson, Regier, Roberts, Rosendale, Sesso, Skattum, Small, C. Smith, Stahl, Taylor, Washburn, Welborn, Yates, Mr. Speaker.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 28 - Representative MacDonald moved **HJR 28** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Driscoll, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 42

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Randall, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 58

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 29 - Representative Furey moved **HJR 29** be adopted. Motion **failed** as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara,

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Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Mr. Speaker.
Total 48

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 52

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 31 - Representative Hendrick moved **HJR 31** be adopted. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, Osmundson, Phillips, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 56

Nays: Ankney, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kerns, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 44

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 38 - Representative Hansen moved **HJR 38** be adopted.

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Representative Warburton rose on a point of personal privilege to ask that members keep the decorum and civility of the House by refraining from using names of members, especially when those members are not present.

Representative Brodehl rose on a point of personal privilege to state that earlier in the discussion he was accused of talking about wages, retirement and pensions. He stated that he did not discuss any of those things and that he would appreciate comments be kept truthful.

Representative Squires rose on a point of personal privilege to respond.

Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Connell, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 52

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Burnett, Clark, Cook, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - Representative Taylor moved **SB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 82

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Nays: Belcourt, Boland, Furey, Hands, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, Swanson.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 414 - Representative Cuffe moved **SB 414** be concurred in. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Evans, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.
Total 49

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Yates, Mr. Speaker.
Total 51

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 424 - Representative Sesso moved **SB 424** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Vance, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 76

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Nays: G. Bennett, Blasdel, Burnett, Edmunds, Esp, Harris, Hollandsworth, Kennedy, Kerns, Knox, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Regier, Skattum, Skees, C. Smith, Stahl, Wagner, Warburton, Washburn.

Total 24

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 Di. Barrett moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 73

Nays: B. Bennett, Boland, Furey, Hands, Hendrick, Hill, MacDonald, Malek, McClafferty, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams.

Total 21

Excused: None.

Total 0

Absent or not voting: Ankney, Barrett, Cuffe, Harris, Miller, Welborn.

Total 6

MOTIONS

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 621** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/11/2011

Representative Ankney
Representative Cuffe
Representative Hollenbaugh

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 10:00 a.m., Wednesday, April 13, 2011. Motion carried.

House adjourned at 3:38 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House