

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

Helena, Montana
April 13, 2011

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chairman):

4/13/2011

Delivered to the Governor for approval at 10:50 a.m., April 13, 2011: **HB 51, HB 83, HB 91, HB 100, HB 165, HB 188, HB 279, HB 341, HB 388, HB 411, HB 483, HB 551, HB 565.**

Delivered to the Governor for approval at 12:05 p.m., April 13, 2011: **HB 219.**

Delivered to the Governor for approval at 10:15 a.m., April 13, 2011: **HB 2.**

Signed by the Chief Clerk of the House at 9:55 a.m., April 13, 2011: **HB 2.**

Signed by the President at 10:10 a.m., April 13, 2011: **HB 2.**

Signed by the Speaker at 10:05 a.m., April 13, 2011: **HB 2.**

Correctly enrolled: **HB 2, HB 306, HB 358, HB 363, HB 377, HB 444, HB 458, HB 477, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 585, HB 607, HB 609, HB 616, HB 618, HB 641, HB 642.**

Correctly engrossed: **HR 2, SB 303, SJR 18, SJR 20.**

Correctly printed: **SB 94, SJR 23.**

Examined by the sponsor and found to be correct: **HB 2, HB 306, HB 358, HB 363, HB 377, HB 444, HB 458, HB 477, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 585, HB 607, HB 609, HB 616, HB 641, HB 642.**

Signed by the Chief Clerk of the House at 6:00 p.m., April 13, 2011: **HB 363, HB 492, HB 494, HB 560, HB 561, HB 562, HB 577, HB 607, HB 641.**

REPORTS OF STANDING COMMITTEES

FISH, WILDLIFE AND PARKS (Washburn, Chairman):
HJR 37, do pass. Report adopted.

4/12/2011

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 153**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 153** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

And, recommend that **Senate Bill 153** (reference copy -- salmon) be amended as follows:

1. Page 1, line 26.

Following: "~~or (3)~~"

Insert: "or (3)"

For the Senate:
Hutton, Chair
Jent
Shockley

For the House:
Kerns, Vice Chair
Menahan
O'Hara

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 198**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 198** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 198** (reference copy -- salmon) be accepted by the Senate.

For the Senate:
Ripley, Chair
Balyeat
Facey

For the House:
Hendrick, Vice Chair
B. Bennett
Kary

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 221**
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 221** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 221** (reference copy -- salmon) be amended as follows:

1. Page 10, line 6.

Following: "basis:"

Insert: "(ii) a medicaid primary care case management service within the meaning of 42 CFR 438;"

Renumber: subsequent subsections

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

For the Senate:
Gillan, Chair
Murphy

For the House:
Berry, Vice Chair
Hunter
Salomon

FREE CONFERENCE COMMITTEE
on House Bill 43
Report No. 1, April 12, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered Senate amendments to **House Bill 43** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 43** (reference copy -- salmon) be amended as follows:

1. Page 2, line 5.

Following: "duties;"

Insert: "or"

2. Page 2, line 6.

Strike: line 6

Renumber: subsequent subsection

3. Page 5, line 6.

Following: "marijuana"

Strike: "is"

Insert: "and who is otherwise"

Following: "chapter"

Strike: " "

Insert: "is"

4. Page 5, line 7.

Strike: "[section 5] through "(5)(C) OF THIS SECTION"

Insert: "subsections (5)(b) through (5)(d)"

5. Page 5, line 11 through line 13.

Strike: subsection (c) in its entirety

Insert: "(c) Nothing in this chapter may be construed to require an insurer to reimburse any person for costs associated with the medical use of marijuana, as defined in 50-46-102.

(d) In an accepted liability claim, the benefits payable under this chapter may not be increased or enhanced due to a worker's medical use of marijuana, as defined in 50-46-102. An insurer remains liable for those benefits that the worker would qualify for absent the worker's medical use of marijuana."

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

6. Page 6, line 25 through page 7, line 4.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 9, line 12 through line 13.

Strike: section 8 in its entirety

Renumber: subsequent sections

8. Page 9.

Following: line 14

Insert: "COORDINATION SECTION. Section 7. Coordination instructions. (1) If both House Bill No. 161 and [this act] are passed and approved, then [sections 2 through 6 of this act] are void.

(2) If House Bill No. 175 is approved by the electorate in 2012, then [sections 2 through 6 of this act] are void on [the effective date of House Bill No. 175]."

Renumber: subsequent section

For the House:
MacLaren, Chair
Fitzpatrick
Hunter

For the Senate:
Moore, Vice Chair
Facey
Tutvedt

FREE CONFERENCE COMMITTEE
on **Senate Bill 156**
Report No. 1, April 13, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

1. Page 1, line 23.

Following: "up to 15% of"

Insert: "up to 15% of"

Following: "for"

Strike: ":",

2. Page 1, line 25.

Following: "benefits"

Insert: "costs related to the administration of the tribal family assistance plan. The remainder of the state share must be used for cash benefits."

3. Page 1, line 26 through line 28.

Strike: "(I) MONTHLY" on line 26 through "PROGRAM." on line 28

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

For the Senate:
Murphy, Chair
Windy Boy

For the House:
Bangerter, Vice Chair
Pease-Lopez

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/12/2011

HB 363, introduced by Cuffe
HB 492, introduced by Howard
HB 494, introduced by Edmunds
HB 560, introduced by Arntzen
HB 561, introduced by Arntzen
HB 562, introduced by Arntzen
HB 577, introduced by Stahl
HB 607, introduced by Welborn
HB 641, introduced by Hands

Free Conference Committee Report No.1 **NOT** adopted: 4/12/2011

HB 2, introduced by McNutt

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

4/12/2011

HB 186, introduced by Hunter
HB 316, introduced by Cook
HB 372, introduced by Washburn

Senate joint resolutions passed and transmitted to the House for concurrence: 4/12/2011

SJR 26, introduced by Lewis
SJR 27, introduced by Caferro

Governor's amendments to Senate bills concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/8/2011

SB 294, introduced by Buttrey
SB 351, introduced by Ripley

Free Conference Committee Report No.1 adopted: 4/13/2011

HB 2, introduced by McNutt

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

MESSAGES FROM THE GOVERNOR

April 12, 2011

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

Dear Representative Milburn:

Please be informed that I have signed **House Bill 334** sponsored by Representative Reichner et al., and **House Bill 508** sponsored by Representative McNally et al., on April 12, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

**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 Skees in the chair.

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

HB 439 - Representative McGillvray moved consideration of **HB 439** be placed on the second agenda. Motion carried.

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

House Recessed.
House Reconvened.

SB 143 - Representative Read moved **SB 143** 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, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 72

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - Representative Knudsen moved **SB 225** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.
Total 89

Nays: Barrett, B. Bennett, Berry, Boland, Hill, Klock, MacDonald, Mehlhoff, Price, Schmidt.
Total 10

Excused: None.
Total 0

Absent or not voting: Wilmer.
Total 1

SB 315 - Representative McGillvray moved consideration of **SB 315** be passed for the day. Motion carried.

SB 303 - Representative Stahl moved **SB 303** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn, Mr. Speaker.

Total 51

Nays: Ankney, Barrett, Belcourt, B. Bennett, Boland, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Kary, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 132 - Representative Hill moved **SB 132** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, 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, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Bangerter, Fitzpatrick, Hunter, Knox.

Total 4

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

HR 2 - Representative Milburn moved **HR 2** be adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HR 2 - Representative Milburn moved **HR 2**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

Following: "URGING THE"

Insert: "PRESIDENT OF THE UNITED STATES, THE"

2. Title, page 1, line 5.

Following: "DEFENSE"

Insert: ", AND CONGRESS"

3. Page 3, line 18.

Following: "House ask"

Insert: "the President of the United States, the Secretary of Defense, and"

4. Page 5, line 9.

Following: "resolution to"

Insert: "President of the United States Barack Obama,"

5. Page 5, line 10.

Strike: "Secretary of the Air Force Michael Donley,"

Insert: "Senate Majority Leader Harry Reid, Speaker of the House of Representatives John Boehner,"

Amendment adopted as follows:

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

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HR 2 - Representative Milburn moved **HR 2**, as amended, be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, 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 98

Nays: Burnett, Esp.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 4 - Senate Amendments - Representative Mehlhoff moved Senate amendments to **HB 4** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Yates, Mr. Speaker.
Total 70

Nays: B. Beck, Blasdel, Blyton, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Wagner, Welborn.
Total 29

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Wilmer.

Total 1

HB 587 - Senate Amendments - Representative McNutt moved Senate amendments to **HB 587** 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, Malek, McChesney, McClafferty, 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, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: McGillvray, Skattum, C. Smith.

Total 3

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

HB 5 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 5** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 65

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Flynn, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, Osmundson, Randall, Read, Regier, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 35

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 7 - Senate Amendments - Representative Belcourt moved Senate amendments to **HB 7** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 67

Nays: B. Beck, G. Bennett, Blyton, Brodehl, Burnett, Esp, Flynn, Hale, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, Osmundson, Randall, Read, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Senate Amendments - Representative Cook moved Senate amendments to **HB 316** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, 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, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNutt, Mehlhoff, Menahan, Noonan, 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 93

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Nays: Boland, MacDonald, McNally, McNiven, Miller, More, O'Hara.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 34 - Representative Hendrick moved **HJR 34** be adopted. Motion **failed** as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Clark, Connell, Cuffe, Ehli, Evans, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 50

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Burnett, Cook, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Flynn, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Klock, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 35 - Representative Wilmer moved **HJR 35** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Price, Read, Reinhart, Sands, Schmidt, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 45

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Harris, Hendrick, Hollandsworth, Howard, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Phillips, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Washburn, Welborn, Yates, Mr. Speaker.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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 Skees 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, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNutt, Menahan, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 71

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

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

REPORTS OF STANDING COMMITTEES

TAXATION (Blasdel, Chairman):

4/13/2011

SB 94, be concurred in. Report adopted.

SJR 23, be concurred in. Report adopted.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

MESSAGES FROM THE SENATE

Governor's amendments to House bill not concurred in and returned to the House: 4/11/2011

HB 219, introduced by McGillvray

House bill not concurred in and returned to the House: 4/11/2011

HB 387, introduced by Flynn

House amendments to Senate bills NOT concurred in: 4/13/2011

SB 329, introduced by Zinke

SB 348, introduced by De. Barrett

SB 423, introduced by Essmann

SB 329 - The Senate failed to concur in House amendments to **SB 329**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 329**:

4/13/2011

Senator Zinke, Chair

Senator De. Barrett

Senator Essmann

SB 348 - The Senate failed to concur in House amendments to **SB 348**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 348**:

4/13/2011

Senator De. Barrett, Chair

Senator Hamlett

Senator Vincent

SB 423 - The Senate failed to concur in House amendments to **SB 423**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 423**:

4/13/2011

Senator Essmann, Chair

Senator Larsen

Senator Vincent

House bills concurred in and returned to the House: 4/13/2011

HB 306, introduced by Berry

HB 358, introduced by MacLaren

HB 377, introduced by Warburton

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 444, introduced by Burnett
HB 458, introduced by Welborn
HB 477, introduced by Hollandsworth
HB 585, introduced by G. Bennett
HB 609, introduced by MacLaren
HB 616, introduced by Randall
HB 618, introduced by Pease-Lopez
HB 642, introduced by Blasdel

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

4/13/2011

HB 296, introduced by Sesso
HB 370, introduced by Squires
HB 375, introduced by Cook
HB 495, introduced by Cook
HB 518, introduced by Hunter
HB 604, introduced by Cook
HB 612, introduced by Roberts
HB 622, introduced by Ankney
HB 638, introduced by Howard

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:

HJR 9 failed as follows:

Yeas: B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McNiven, More, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 46

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

Total 53

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: Howard.

Total 1

HJR 24 adopted as follows:

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

Total 55

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

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 25 adopted as follows:

Yeas: Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Connell, Court, Cuffe, Driscoll, Edmunds, Evans, Furey, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Randall, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Vance, Wagner, Warburton, Washburn, Williams, Wilmer.

Total 56

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

Total 44

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 31 adopted 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, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 55

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

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 32 adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Burnett, Connell, Court, Cuffe, Driscoll, Ehli, Furey, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Rosendale, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Washburn, Williams, Wilmer, Mr. Speaker.

Total 56

Nays: Ankney, B. Beck, G. Bennett, Blasdel, Brodehl, Clark, Cook, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Hoven, Kennedy, Kerns, Knox, Knudsen, Malek, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Randall, Read, Regier, Roberts, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Welborn, Yates.

Total 44

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 38 adopted as follows:

Yeas: Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Clark, Cuffe, Edmunds, Ehli, Evans, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, Miller, 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, Mr. Speaker.

Total 51

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Connell, Cook, Court, Driscoll, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 39 adopted as follows:

Yeas: Arntzen, Bangerter, Barrett, Belcourt, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNiven, Mehlhoff, Menahan, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Randall, Read, Reinhart, Rosendale, Sands, Skees, Squires, Swanson, Taylor, Vance, Washburn, Williams, Wilmer, Mr. Speaker.

Total 58

Nays: Ankney, B. Beck, B. Bennett, G. Bennett, Boland, Brodehl, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Harris, Howard, Kennedy, Kerns, Knox, McClafferty, McNally, McNutt, Miller, Noonan, Peterson, Phillips, Price, Regier, Reichner, Roberts, Salomon, Schmidt, Sesso, Skattum, Small, C. Smith, Stahl, Wagner, Warburton, Welborn, Yates.

Total 41

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: F. Smith.

Total 1

SB 253 concurred in as follows:

Yeas: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, 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, Welborn, Mr. Speaker.
Total 51

Nays: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer, Yates.
Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 265 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.
Total 61

Nays: B. Beck, Blasdel, Brodehl, Burnett, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.
Total 39

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 295 concurred in as follows:

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

Total 80

Nays: B. Bennett, Boland, Court, Furey, Hands, Hunter, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Sands, Schmidt, Sesso, F. Smith, Swanson.

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 372 concurred in 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, 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

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 409 concurred in as follows:

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

Total 76

Nays: Belcourt, Boland, Court, Driscoll, Esp, Hill, Hollenbaugh, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Peterson, Phillips, Price, Sands, Schmidt, Sesso, F. Smith, Stahl, Swanson, Yates.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 411 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, 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, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 75

Nays: G. Bennett, Berry, Blasdel, Blyton, Brodehl, Edmunds, Flynn, Hale, Hendrick, Kary, Kennedy, Kerns, Knox, More, O'Neil, Randall, Read, Regier, Salomon, Skattum, Skees, C. Smith, Vance, Wagner, Warburton.

Total 25

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 412 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, 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, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, 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, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

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

Total 20

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 418 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, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, 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, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Esp, 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 35

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 420 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, 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, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 78

Nays: B. Beck, G. Bennett, Blasdel, Burnett, Edmunds, Esp, Fitzpatrick, Hale, Kennedy, Kerns, Knudsen, McGillvray, Miller, Peterson, Randall, Read, Regier, Reichner, Skattum, C. Smith, Wagner, Warburton.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 424 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty,

McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Rosendale, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer.

Total 52

Nays: Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Salomon, Skattum, Skees, C. Smith, Stahl, Vance,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 426 concurred in 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, 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 69

Nays: Barrett, 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 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 429 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, 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, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 70

Nays: Barrett, B. Bennett, Blyton, Boland, Court, Furey, Hands, Hill, Hiner, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Cuffe moved to reconsider action taken previously on **SB 414**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, 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 62

Nays: Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Ehli, Furey, Gibson, Greef, Hands, Hill, Hiner, Hoven, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.
Total 38

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative MacLaren moved to reconsider action taken previously on **HJ 33**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, Peterson, Randall, Read, Regier,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Reichner, Roberts, Rosendale, Skees, Small, C. Smith, Stahl, Vance, Warburton, Washburn, Mr. Speaker.
Total 52

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hale, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kary, Kennedy, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Reinhart, Salomon, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Swanson, Taylor, Wagner, Welborn, Williams, Wilmer, Yates.
Total 48

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Representative Fitzpatrick moved to override the Governor's Veto on **HB 531**.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, 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 66

Nays: Bangerter, 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 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

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:
4/13/2011

Representative Ankney
Representative Cuffe
Representative Hollenbaugh

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 316** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McNutt
Representative Esp
Representative Sesso

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 423** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative C. Smith
Representative Berry
Representative Sands

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 348** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative K. Peterson
Representative Connell
Representative Phillips

Representative McGillvray moved to appoint a **Free** Conference Committee on **SB 329** and accede to the request of the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:
4/13/2011

Representative McGillvray
Representative Esp
Representative Mehlhoff

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 611** and request the Senate to appoint a like committee.
4/13/2011

Representative Esp rose on a point of personal privilege to clarify that **HB 611** must first be heard and the amendments rejected before a free conference committee could be appointed.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Representative MacDonald rose on a point of personal privilege to clarify that **HB 621** must first be heard and the amendments rejected before a free conference committee could be appointed.

Representative Furey moved to reconsider action taken previously on **HJ 29**.

Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Driscoll, Evans, Furey, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Read, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Williams, Wilmer.

Total 46

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

Total 52

Excused: None.

Total 0

Absent or not voting: Kennedy, Skees.

Total 2

**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 Skees in the chair.

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

HB 439 - Representative McGillvray moved consideration of **HB 439** be placed at the bottom of the second reading board for the purpose of amendment. Representative Hollenbaugh objected. Motion carried as follows:

Yeas: Arntzen, Bangerter, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Hendrick, Hollandsworth, Howard, Ingraham,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Kary, Kerns, Klock, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 51

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

Total 46

Excused: None.

Total 0

Absent or not voting: Knox, Miller, Skees.

Total 3

HB 366 - Senate Amendments - Representative Rosendale moved Senate amendments to **HB 366** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, 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, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Miller, 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, Welborn, Williams, Mr. Speaker.

Total 75

Nays: B. Bennett, Boland, Court, Furey, Hands, Hunter, MacDonald, MacLaren, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Wilmer, Yates.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 611 - Senate Amendments - Representative Cook moved Senate amendments to **HB 611** be **not** 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, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.
Total 69

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Swanson, Williams, Wilmer, Yates.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 621 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 621** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 90

Nays: B. Beck, Blasdel, Lavin, Miller, O'Neil, Regier, Reichner, Wagner.
Total 8

Excused: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Ehli, Loney.

Total 2

HJR 36 - Representative Warburton moved **HJR 36** be adopted. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Clark, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Greef, Hands, Hansen, Harris, Hoven, Hunter, Loney, MacDonald, MacLaren, Malek, McGillvray, McNally, More, Noonan, O'Neil, Pease-Lopez, Peterson, Price, Read, Reinhart, Roberts, Sands, Skees, C. Smith, F. Smith, Stahl, Wagner, Warburton, Williams, Wilmer.

Total 42

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Connell, Cook, Edmunds, Esp, Fitzpatrick, Flynn, Gibson, Hale, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, McChesney, McClafferty, McNiven, McNutt, Mehlhoff, Menahan, Miller, O'Hara, Osmundson, Phillips, Randall, Regier, Reichner, Rosendale, Salomon, Schmidt, Sesso, Skattum, Small, Squires, Swanson, Taylor, Vance, Washburn, Welborn, Yates, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: Ingraham.

Total 1

HB 619 - Senate Amendments - Representative Ankney moved Senate amendments to **HB 619** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, 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, Kennedy, Klock, 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, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Kary, Kerns, Knox, Skattum, Wagner.

Total 5

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: B. Beck.

Total 1

SB 214 - Representative Di. Barrett moved **SB 214** be concurred in. Motion **failed** as follows:

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

Total 47

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

Total 52

Excused: None.

Total 0

Absent or not voting: Hollandsworth.

Total 1

SB 354 - Representative Menahan moved **SB 354** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Hands, 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, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: G. Bennett, Fitzpatrick, Greef, Hale, Hansen, More, Randall, Vance.

Total 8

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: Miller.

Total 1

SJR 15 - Representative Read moved **SJR 15** be concurred in. Motion carried as follows:

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

Total 79

Nays: Ankney, Court, Edmunds, Hands, Hendrick, Howard, Kerns, Knox, McClafferty, McGillvray, Mehlhoff, Miller, O'Neil, Peterson, Phillips, Reinhart, Schmidt, Sesso, Welborn, Yates.

Total 20

Excused: None.

Total 0

Absent or not voting: Salomon.

Total 1

SJR 17 - Representative Randall moved **SJR 17** be concurred in. Motion carried as follows:

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

Total 84

Nays: Ankney, Boland, Court, Esp, Hands, Howard, Kerns, Knox, McClafferty, Mehlhoff, Phillips, Schmidt, Sesso, Small, Welborn, Yates.

Total 16

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

SJR 18 - Representative Fitzpatrick moved **SJR 18** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Hands, Hansen, Hendrick, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Skees, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer, Mr. Speaker.

Total 55

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Gibson, Greef, Hale, Harris, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Sesso, Skattum, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 20 - Representative More moved **SJR 20** be concurred in.

SJR 20 - Representative Hunter moved **SJR 20**, second reading copy, be amended as follows:

1. Page 2, line 14.

Strike: "and"

2. Page 2, line 17.

Following: "effect"

Insert: "; and

(5) review financing options for the expansion of the Medicaid program that is expected to occur under changes in federal law"

Amendment adopted as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 69

Nays: Ankney, Arntzen, B. Beck, Blasdel, Burnett, Edmunds, Esp, Evans, Hale, Harris, Hendrick, Hollandsworth, Howard, Kerns, Knox, Knudsen, Lavin, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Skattum, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 20 - Representative More moved **SJR 20**, as amended, be concurred in. Motion carried as follows:

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

Total 83

Nays: Ankney, Arntzen, B. Bennett, G. Bennett, Burnett, Esp, Hollandsworth, Howard, Kerns, Knox, Miller, Noonan, O'Neil, Osmundson, Sesso, Welborn, Yates.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 21 - Representative Loney moved **SJR 21** be concurred in. Motion carried as follows:

Yeas: Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blyton, Boland, Clark, Cook, Court, Cuffe, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hansen, Harris, Hiner, Hollandsworth, Hollenbaugh, Hoven, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

McChesney, McNiven, Mehlhoff, Miller, More, O'Hara, O'Neil, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Skees, Squires, Vance, Wagner, Warburton, Williams, Wilmer, Mr. Speaker.

Total 52

Nays: Ankney, Arntzen, B. Bennett, Blasdel, Brodehl, Burnett, Connell, Driscoll, Edmunds, Ehli, Esp, Hale, Hands, Hendrick, Hill, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, McClafferty, McGillvray, McNally, McNutt, Menahan, Noonan, Osmundson, Pease-Lopez, Peterson, Phillips, Randall, Read, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Washburn, Welborn, Yates.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 439 - Representative Hollenbaugh moved **HB 439** do pass.

Representative McGillvray rose on a point order to clarify Representative Ankney's previous statement that it does in fact, take two of each of the three members from the House and the Senate on a conference committee to concur in amendments.

HB 439 - Representative Hollenbaugh moved **HB 439** do pass. Motion carried as follows:

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

Total 53

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

Total 47

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

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

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

Total 87

Nays: Barrett, B. Beck, Hale, Kary, McNiven, Miller, Phillips, Randall, Regier, F. Smith, Washburn.

Total 11

Excused: None.

Total 0

Absent or not voting: Evans, Yates.

Total 2

House Recessed.

House Reconvened.

**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 Skees in the chair.

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

HB 604 - Representative McGillvray moved consideration of **HB 604** be placed at the top of the second reading board. Motion carried.

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 375 - Representative McGillvray moved consideration of **HB 375** be placed below HB 604 on the second reading board. Motion carried.

HB 612 - Representative McGillvray moved consideration of **HB 612** be placed below HB 375 on the second reading board. Motion carried.

HB 604 - Senate Amendments - Representative Cook moved Senate amendments to **HB 604** be **not** 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, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.
Total 69

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

Excused: None.
Total 0

Absent or not voting: Roberts.
Total 1

HB 375 - Senate Amendments - Representative Cook moved Senate amendments to **HB 375** be **not** 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, Lavin, Loney, McGillvray, McNiven, McNutt, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Mr. Speaker.
Total 60

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Knox, Knudsen, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 612 - Senate Amendments - Representative Roberts moved Senate amendments to **HB 612** be **not** 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, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, 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, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Taylor, Williams, Wilmer.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 6 - Senate Amendments - Representative McChesney moved Senate amendments to **HB 6** 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, Esp, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 74

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Nays: Arntzen, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Evans, Greef, Hale, Harris, Hendrick, Kary, Kennedy, Kerns, Knox, Lavin, Miller, More, O'Neil, Osmundson, Randall, Regier, Skattum, Skees, C. Smith, Wagner.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 133 - Senate Amendments - Representative Salomon moved Senate amendments to **HB 133** be concurred in. Motion carried as follows:

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

Total 78

Nays: Brodehl, Burnett, Edmunds, Flynn, Hale, Harris, Hendrick, Ingraham, Kennedy, Kerns, Knox, Knudsen, Miller, More, Skattum, Skees, Small, C. Smith, Taylor, Welborn, Yates.

Total 21

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

HB 122 - Senate Amendments - Representative Malek moved Senate amendments to **HB 122** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Lavin, 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, F. Smith, Squires, Swanson, Taylor,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates.

Total 89

Nays: B. Beck, Brodehl, Greef, Hale, Harris, Kary, Knudsen, Loney, C. Smith, Stahl.

Total 10

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

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

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

Total 79

Nays: B. Bennett, Boland, Furey, Hands, Hill, MacDonald, McClafferty, Mehlhoff, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Warburton.

Total 18

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans, Small.

Total 2

MOTIONS

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 611** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/13/2011

Representative McGillvray, Vice Chair

Representative Esp

Representative Mehlhoff

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

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: 4/13/2011

Representative Ankney
Representative Cuffe
Representative Hollenbaugh

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 604** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed: 4/13/2011

Representative McNutt
Representative Esp
Representative McChesney

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 375** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed: 4/13/2011

Representative McNutt
Representative Cook
Representative Sesso

Representative McGillvray moved to appoint a Conference Committee on **HB 122** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed: 4/13/2011

Representative Ingraham
Representative Malek
Representative Skees

Representative McGillvray moved to appoint a Conference Committee on **HB 612** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed: 4/13/2011

Representative McNutt
Representative Esp
Representative Sesso

Representative Fitzpatrick moved to override the Governor's Veto on **HB 531**.

Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, 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,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Washburn, Welborn, Mr. Speaker.

Total 65

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

Total 33

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans.

Total 1

**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 Skees in the chair.

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

SB 294 - Governor's Amendments - Representative Reichner moved Governor's amendments to **SB 294** 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, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price,

Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 71

Nays: G. Bennett, Blasdel, Burnett, Edmunds, Esp, Evans, Flynn, Hansen, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner.

Total 29

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

SB 351 - Governor's Amendments - Representative Rosendale moved Governor's amendments to **SB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, 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, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: G. Bennett, Edmunds, Hale, Kerns, Knox, Miller, O'Neil, Read, Skattum, C. Smith.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 262 - Senate Amendments - Representative Sands moved Senate amendments to **HB 262** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Blasdel, Brodehl, Burnett, Edmunds, Flynn, Hale, Hansen, Harris, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Read, Regier, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn.

Total 31

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

SB 198 - Conference Committee Report No. 1 - Representative Kennedy moved the Conference Committee report to **SB 198** be adopted. Motion carried as follows:

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

Total 78

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hoven, MacDonald, Malek, McNally, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Williams, Wilmer.

Total 21

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 29 - Conference Committee Report No. 1 - Representative McNiven moved the Conference Committee report to **HB 29** be adopted. Motion carried 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, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Menahan, Miller, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, MacDonald, Malek, McClafferty, McNally, Mehlhoff, More, Noonan, Pease-Lopez, Phillips, Reinhart, Sands,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Schmidt, Sesso, Swanson, Williams, Wilmer.

Total 24

Excused: None.

Total 0

Absent or not voting: Klock.

Total 1

HB 43 - Free Conference Committee Report No. 1 - Representative MacLaren moved the Free Conference Committee report to **HB 43** be adopted. Motion carried as follows:

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

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Blasdel.

Total 1

HB 47 - Conference Committee Report No. 1 - Representative K. Peterson moved the Conference Committee report to **HB 47** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, 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, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Burnett, Fitzpatrick, Gibson, Miller, Roberts.

Total 5

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

HB 258 - Conference Committee Report No. 1 - Representative Edmunds moved the Conference Committee report to **HB 258** be adopted. 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, 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, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Hands, Mehlhoff, Sesso.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 297 - Conference Committee Report No. 1 - Representative Berry moved the Conference Committee report to **HB 297** be adopted. 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, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: Edmunds, Esp, Hale, Kary, Kerns, Knox, More, Skattum, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: F. Smith, Squires.

Total 2

HB 525 - Conference Committee Report No. 1 - Representative McNiven moved the Conference Committee report to **HB 525** be adopted. 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, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, 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: Court, McGillvray, Reinhart.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 132 - Conference Committee Report No. 1 - Representative Hoven moved the Conference Committee report to **HB 132** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Kennedy, Kerns, Klock, Knox, Knudsen, 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, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 97

Nays: Hale, Miller, Vance.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 495 - Senate Amendments - Representative Cook moved Senate amendments to **HB 495** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, 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, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, 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, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 89

Nays: B. Beck, Belcourt, B. Bennett, Hiner, Kennedy, Knudsen, Regier, Reinhart, Sands, Skattum, C. Smith.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 - Senate Amendments - Representative Roberts moved Senate amendments to **HB 613** be concurred in. Motion carried as follows:

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skees, Small, C. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 61

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Edmunds, Evans, Flynn, Furey, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Knox, Knudsen, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skattum, F. Smith, Swanson, Williams, Wilmer.
Total 39

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 296 - Senate Amendments - Representative Sesso moved Senate amendments to **HB 296** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Furey, Gibson, Greef, Hale, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Randall, Reinhart, Roberts, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 60

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Edmunds, Esp, Fitzpatrick, Flynn, Hansen, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, O'Neil, Osmundson, Read, Regier, Reichner, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.
Total 40

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

HB 351 - Senate Amendments - Representative Cook moved Senate amendments to **HB 351** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, 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, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 86

Nays: Belcourt, G. Bennett, Edmunds, Esp, Flynn, Hale, Hendrick, Kennedy, Kerns, Knox, Osmundson, Randall, Skattum, Vance.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 9 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 9** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Nays: Arntzen, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Welborn.

Total 44

Excused: None.

Total 0

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Absent or not voting: None.

Total 0

HB 10 - Senate Amendments - Representative Hollenbaugh moved Senate amendments to **HB 10** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: Arntzen, B. Beck, G. Bennett, Blyton, Evans, Flynn, Hale, Hansen, Harris, Hendrick, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, More, Osmundson, Peterson, Randall, Read, Regier, Roberts, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.

Total 32

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

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

Total 94

Nays: B. Beck, Squires, Warburton, Wilmer.

Total 4

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

Excused: Pease-Lopez.

Total 1

Absent or not voting: Evans.

Total 1

MESSAGES FROM THE GOVERNOR

April 13, 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 542, **"AN ACT REVISING PROVISIONS GOVERNING CRITERIA FOR LOCAL GOVERNMENT REVIEW OF PROPOSED SUBDIVISIONS AND INFORMATION PROVIDED AS PART OF A REVIEW; REQUIRING INFORMATION FROM A GOVERNMENTAL ENTITY TO BE SUPPORTED BY SCIENTIFIC INFORMATION; PROHIBITING CONSIDERATION OF INFORMATION PROVIDED BY A GOVERNMENTAL ENTITY THAT IS OR HAS BEEN INVOLVED IN AN EFFORT TO ACQUIRE OR ASSIST OTHERS IN ACQUIRING AN INTEREST IN THE REAL PROPERTY UNDER REVIEW; PROHIBITING A GOVERNING BODY FROM CONSIDERING THE IMPACT OF A SUBDIVISION UNDER REVIEW IN CONJUNCTION WITH THE IMPACTS OF POTENTIAL FUTURE SUBDIVISIONS; PROVIDING THAT INFORMATION PERTAINING TO MITIGATION BY THE SUBDIVIDER MAY NOT BE CONSIDERED NEW INFORMATION; AMENDING SECTIONS 76-3-608 AND 76-3-615, MCA; AND PROVIDING AN APPLICABILITY DATE"** for the following reasons.

I issue this veto because the amendments to Montana's subdivision review process contained in HB 542 are unnecessary, contrary to the public interest, and could jeopardize one of Montana's most important industries – farming and ranching. The amendments would unnecessarily tie the hands of local governments by limiting sources of information those governments can rely on in their decision-making absent any reasonable justification.

First, in the name of clarifying the original intent of subdivision review criteria, HB 542 would replace the term "agriculture" as a criterion for considering a proposed subdivision's impacts,

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

with the term “surrounding agricultural operations.” This would prevent local governments from considering a new subdivision’s overall impacts to agriculture, including the permanent loss of agricultural land. This subtle but significant change would erode the original intent of Montana’s subdivision laws, which in the words of the primary bill sponsor in 1975 when the laws were enacted, was to address “the tragic intrusion on the agricultural land base of Montana.” Simply stated, I oppose this change to Montana’s subdivision review laws that eliminates the consideration of the impacts of a subdivision to Montana agriculture.

Totally unworkable in my opinion is the requirement that information presented to a local governing body from federal, state, or local government experts concerning wildlife, wildlife habitats, or the natural environment be limited to “the best available scientific information.” While this standard for providing opinions may sound reasonable, I doubt any two parties can give the same definition of what it actually means. Who will determine whether information provided is the “best available”? What if the information is “reasonably reliable”? What if dueling experts each proclaim their information is the “best available”? Under each example, the local governing body would be put in the position of having to make an evidentiary determination as to whether information is the “best available” and exclude all other information. I believe this high evidentiary standard for the submission of comments is unnecessary, unreasonable, and counterproductive.

Additionally, I object to the provision in HB 542 prohibiting a local governing body, in its consideration of a pending subdivision application, from considering the impact of a future subdivision. I believe that local officials are best suited to decide whether impacts to future developments in their areas should be considered. I also oppose HB 542’s absolute prohibition on the categorization of all mitigation information as new information. Clearly, notwithstanding this arbitrary classification in the bill, a mitigation proposal could be new information as a matter of fact, thereby triggering the requirement for a public hearing and the opportunity for neighbors to comment on the developer’s new proposal. Like other provisions of the bill, I believe this categorization is unnecessary, unreasonable, and contrary to Montana’s strong public participation laws.

Finally, while the requirement that a governmental entity offering comments disclose any self-interest it may have based on its own efforts to acquire or assist another in acquiring the property may be of value, this provision in HB 542, alone, is not sufficient to win my support for the bill in its entirety. In any event, local governments should have the tools necessary under existing law to address this issue to the extent it has been a problem.

I ask for your support in sustaining my veto of HB 542 for the reasons stated above.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 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 161, **"AN ACT REPEALING THE MEDICAL MARIJUANA ACT; AMENDING SECTIONS 37-1-136, 45-9-101, 45-9-102, 45-9-103, 45-9-110, 45-9-127, 45-10-103, AND 45-10-107, MCA; REPEALING SECTIONS 50-46-101, 50-46-102, 50-46-103, 50-46-201, 50-46-202, 50-46-205, 50-46-206, 50-46-207, AND 50-46-210, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

On November 2, 2004, Montana voters passed citizens' initiative I-148, encaptioned, "The Medical Marijuana Act," allowing for the lawful use of marijuana for medical purposes under state law. The act was passed by Montanans on a vote of 276,042 to 170,579, almost 62% of those casting a ballot. I issue this veto of HB 161 because I do not believe it is right that 91 legislators overturn the will of the people of Montana, who passed this citizen initiative in 2004 by this significant margin.

Having twice been elected to statewide office, I bring to this issue an ever-abiding respect for Montana's electoral process. I know it is the people of Montana I serve, and so it is the people of Montana I listen to as I execute the laws of this state day in and day out. I understand that the vast majority of Montana citizens and even the promoters of I-148 agree that the Medical Marijuana Act, written as broadly as it was, came to be something never anticipated when the voters passed it in 2004. However, balancing that fact with the medical needs of Montana citizens, I believe the proper resolution of this unanticipated outcome is not outright repeal, but amendment to serve the original intent – to provide a medicinal option for Montanans "to alleviate the symptoms or effects of the patient's debilitating medical condition." Sec. 2(4), I-148, now codified at Mont. Code Ann. § 50-46-102(5).

For the stated reasons, I respectfully ask the members of the Legislature to sustain my veto.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 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 180, "**AN ACT REVISING THE CLOSE OF VOTER REGISTRATION; AND AMENDING SECTIONS 13-2-301 AND 13-2-304, MCA**" for the following reasons.

In 2005, a bipartisan Montana Legislature voted by a margin of 141-9 to allow Montana citizens to register to vote at any time through Election Day, eliminating an antiquated and onerous law that prohibited citizens from voting unless they registered 30 days in advance of an election. Since taking effect on January 1, 2006, a total of 42,905 eligible Montana voters have used this new law to register to vote and, of these voters, 18,747 have registered on Election Day.

In spite of the fact that the 2005 voting measure received near unanimous approval, HB 180 is now attempting to roll it back, by prohibiting voters from registering on Election Day. This attempt at making voting more difficult is made without any showing that it is necessary. At committee hearings in both chambers, the proponents of HB 180 testified that this legislation is necessary to root out "voter fraud," but failed to produce a single verifiable example of any voter fraud that has occurred in Montana as a result of Election Day registration.

As Montana Secretary of State Linda McCulloch stated in her opposition to this measure, HB 180 advances the notion of bureaucracy over democracy, placing a harsh penalty on those wishing to exercise the fundamental right to vote.

The Montana Legislature is unwise to trample on our citizens' freedom in this way, and my Administration will continue its consistent efforts to prevent any needless incursions on the freedom to cast a ballot.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 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 272, **"AN ACT PROHIBITING THE USE OF HUNTING ACCESS ENHANCEMENT FEES FOR FEE TITLE LAND ACQUISITION; AMENDING SECTIONS 87-1-270 AND 87-1-271, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

House Bill 272 represents a surprising reaction to Fish, Wildlife, and Parks' (FWP's) use of a specific funding source to achieve the policy goal of promoting access to public lands endorsed by the 2009 Legislature. Specifically in 2009, through passage of the bonding bill, House Bill No. 674, the Legislature authorized the Department of Natural Resources and Conservation to purchase as much as possible of Plum Creek Timber Company lands offered for sale. The alternative to this purchase would have been subdivision and development of these lands, and the result would have been loss of fish and wildlife habitat, timber lands, access, and recreational opportunity for hunting, fishing, hiking, camping, and snowmobiling.

Consistent with the Legislature's 2009 policy direction for acquisition of Plum Creek lands, and in accordance with its authority under § 87-1-270, MCA and other funding sources, in 2010 FWP acquired the Marshall Block, comprising significant timberland formerly owned by Plum Creek west of Seeley Lake. Supporters of the Marshall Block purchase included the Missoula County Commission, the Seeley Lake Community Council, the Swan ATV Club and Pyramid Mountain Lumber, to name just a few.

House Bill 272 seeks to restrict the use of certain hunting access enhancement fees to prohibit fee title acquisition of land. Had HB 272 been in effect in 2010, FWP would have been prohibited from using these funds for acquiring the Marshall Block, and the purchase itself would have been jeopardized.

House Bill 272 appears to reflect both a notable and piecemeal policy shift by the Legislature in reaction to one specific land acquisition by FWP. I disagree with this policy shift and believe that FWP needs to maintain a full complement of tools for conserving access to public lands, including fee title acquisition, in order to be able to react with flexibility as access opportunities

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

present themselves in a sometimes fast-moving real estate market. House Bill 272 does not allow for that necessary flexibility.

For these reasons, I ask for your support in sustaining my veto

Sincerely,

BRIAN SCHWEITZER
Governor

April 13, 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 318, "**AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY AUTHORIZE ANY TRANSPLANTATION OR RELOCATION OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

I issue this veto of HB 318 because its underpinnings lie not in scientific fact, but in the perpetuation of unfounded fears related to disease management and bison management.

HB 318 transfers decision-making for bison relocation from the state to counties, which under the bill are granted ultimate authority to determine whether relocation may occur. Increased tolerance for bison in Montana and relocation of bison to other suitable habitats and tribal lands was part of the court-ordered Interagency Bison Management Plan adopted in 2000, to which two state agencies and three federal agencies were parties. Proponents of HB 318 who helped write and agreed to that plan are now seeking to undermine the heart of it through this legislation.

The bison quarantine and relocation study was written over 6 years ago. In well over a dozen industry-sanctioned and federally-approved tests, the quarantined bison now available for

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

relocation have in every instance tested negatively for brucellosis. These are quite possibly the most-tested animals in the history of animal health management. No other group of animals has been tested so rigorously over such a long period of time.

The claim that these bison risk the spread of brucellosis, which is the underpinning for HB 318, is without merit. Those who do not believe the science apparently would throw out the entire structure of the US. animal health system we have relied on for decades to control disease in livestock. I find this position a disturbing one, given the picture it presents to consumers about disease control and the safety of the entire U.S. food supply. Based on the very same testing protocol we rely on to assure disease-free animals across the country, these bison are at least as safe as any other animal in Montana, or the world, for that matter.

The transfer of authority from the state to the counties under HB 318 is also accompanied by a more subtle change in law with respect to decision-making for the management of bison, which under current law must be based upon scientific risk-based criteria that the state must follow, to a system that establishes no bases or parameters upon which counties would be required to use to approve relocation. The shifting of wildlife management decisions from considered science to political decision-making is not only contrary to sound public policy, it places significant federal fish and wildlife funding at risk.

Also without merit are arguments that relocated bison somehow present other property and safety risks. Given the existence of dozens of domestic bison herds throughout Montana, I do not believe these arguments support enactment of HB 318 into law.

Finally, HB 318 runs counter to Montana's own tried and tested laws for disease control and the transport of livestock and other animals by allowing county government to arbitrarily exercise veto authority over the transport of one particular species. Montana makes no such exception for any other species, including cattle, horses, mules, swine, llamas, alpacas, or sheep. There likewise is no exception for the transplantation of any wildlife species, including any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other wild animal or the egg, sperm, embryo, or offspring of the wild animal.

Proper management of commerce, disease, and wildlife statutes rightly belongs in the hands of experts at the state level, whether it involves state livestock inspectors, the state veterinarian, or state wildlife biologists. For these reasons, I ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER
Governor

April 13, 2011

The Honorable Mike Milburn
Speaker of the House
State Capitol

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

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 464, "**AN ACT PROVIDING THAT PHYSICIANS WHO ARE BOARD-CERTIFIED OR BOARD-ELIGIBLE IN PEDIATRIC OR GERIATRIC SUBSPECIALTIES MAY BE LIABLE FOR DAMAGES ONLY UPON PROOF BY CLEAR AND CONVINCING EVIDENCE; AND PROVIDING AN APPLICABILITY DATE**" for the following reasons.

House Bill 464 establishes a higher standard of proof for personal injury claims by injured people against a practitioner board-eligible or board-certified in a pediatric or geriatric subspecialty than for all other medical malpractice claims. For doctors with these subspecialties, an injured person would have to prove their claim by clear and convincing evidence, rather than by a preponderance of the evidence, as I believe is required for all other medical malpractice claims, and indeed all other claims arising in tort.

Proponents of HB 464 argued for its passage on grounds that there is a shortage of these medical subspecialists in Montana and reducing their exposure to tort liability will assist in recruiting them to practice here. However, they failed to back their arguments with credible facts. As a general statement, Montana's small population, not its court system, primarily accounts for the limited number of subspecialists that practice here. History tells us that when doctors decide to locate their practice in Montana, they do so either because they have roots in Montana or based on quality of life opportunities here, such as Montana's excellent educational system or our state's unsurpassed grandeur and extraordinary recreational opportunities. Finally, the equal protection requirements of both our state and federal constitutions prohibit economic-based legislative classifications absent a rationale basis for the classifications. I have been counseled that the line-drawing contained in this bill, unsupported by factual evidence, may run afoul of the equal protection standards that would apply.

For these reasons, I ask for your support in sustaining my veto of HB 464.

Sincerely,

BRIAN SCHWEITZER
Governor

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

April 13, 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 456, **"AN ACT ALLOWING FOR PARENTAL CONTROL OVER STUDENT PARTICIPATION IN COURSES OF INSTRUCTION INVOLVING HUMAN SEXUAL EDUCATION; REQUIRING A SCHOOL DISTRICT TO INFORM A PARENT OR GUARDIAN WHEN EVENTS OR COURSES ON HUMAN SEXUALITY WILL BE HELD OR TAUGHT; PROHIBITING A SCHOOL DISTRICT FROM ALLOWING ANY ABORTION SERVICES PROVIDER TO OFFER MATERIALS OR INSTRUCTIONS AT A SCHOOL; AMENDING SECTION 20-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE"** for the following reasons.

I have been advised that HB 456 likely runs afoul of the Montana Constitution's requirements for local control of schools, and poses free speech, freedom of association, and equal protection problems under both the state and federal constitutions. House Bill 456 also presents numerous practical problems for schools, both, generally, in the administration of the "opt-in" requirements for educational offerings addressing human sexual education, and, specifically, in ensuring that the "opt-in" requirements are followed notwithstanding the broadly described categories of course offerings subject to those requirements.

Regarding local control, Article X, § 9(3)(a) of the Montana Constitution charges the board of public education with the "general supervision" of Montana's public school system, while Article X, § 8 places direct "supervision and control" of schools in a board of trustees elected as provided by law. Under this constitutional structure, the board of public education must adopt accreditation standards for public schools, including a basic instructional program for students, and school trustees are charged with establishing curriculum guidelines to meet the Board's standards.

The Montana Supreme Court forcefully affirmed the principles of local control in *Yanzick v. School District*, 196 Mont. 375, 389-90, 641 P.2d 431, 440 (1982), in which the court quoted from the transcripts to the 1972 Constitutional Convention Proceedings where delegates discussed their express intent not to grant in the new board of public education the power to "control" the schools, but rather to limit the power of the board of public education to one of

HOUSE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 13, 2011

“supervision.” Where the Board of Public Education is limited in its ability to “control” public schools in Montana under the state constitution, the Legislature’s ability to do so is even more confined.

Just as the Montana Constitution places “control” of the Montana university system in the Board of Regents, thus limiting the authority of the Legislature to control the university, particularly in the area of academic instruction, see Board of Regents v. Judge, 168 Mont. 433, 543 P.2d 1323 (1975), so the Montana Constitution places general supervision of the schools in the Board of Public Education and direct “control” of Montana’s public schools in the board of trustees, a structure upon which the Legislature may not encroach, particularly in the area of course offerings. By infringing on the authority of local board of trustees to establish their own attendance policies regarding excused and unexcused absences and creating barriers to the provision of instructional resource materials in the area of sex education, HB 456’s requirements raise grave constitutional concerns.

In summary, I believe HB 456 would establish dangerous precedent as a content-based restriction on the power of local schools to make their own curriculum decisions. Where parents object to curriculum or policies adopted by members of local school boards, their recourse properly lies at the local level.

For these reasons, I ask for your support in sustaining my veto of HB 456.
Sincerely,

BRIAN SCHWEITZER
Governor

Representative Taylor thanked the pages for the week.

House Recessed.
House Reconvened

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 2:00 p.m., Monday, April 18, 2011. Motion carried.

House adjourned at 4:54 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House