

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

Helena, Montana
April 27, 2011

House Chambers
State Capitol

House convened at 8:07 a.m. Mr. Speaker in the Chair. Invocation by Representative O'Hara. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Evans, Hands, and McNiven, excused. Quorum present.

BILLS (O'Hara, Chairman): 4/27/2011

Delivered to the Governor for approval at 11:07 a.m., April 27, 2011: **HB 59, HB 416.**

Delivered to the Governor for approval at 9:55 a.m., April 27, 2011: **HB 43.**

Delivered to the Governor for approval at 11:08 a.m., April 27, 2011: **HB 106, HB 186, HB 283, HB 370, HB 518, HB 543.**

Delivered to the Secretary of State at 12:10 p.m., April 27, 2011: **HJR 8.**

Delivered to the Secretary of State at 5:00 p.m., April 27, 2011: **HB 3, HB 15.**

Correctly engrossed: **SB 315, SJR 28.**

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the sixty-eighth, sixty-ninth, seventieth, seventy-first, seventy-second, seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, and seventy-eighth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 316**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Following: "~~TAXES;~~"

Insert: "REVISING THE ALLOCATION OF METALLIFEROUS MINES LICENSE TAXES;"

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2. Title, page 1, line 20.

Following: "~~TAXES;~~"

Insert: "REVISING THE ALLOCATION OF THE LODGING FACILITY USE TAX;"

3. Title, page 1, line 27 through line 28.

Strike: "LIMITING" through "TAXES;"

4. Title, page 1, line 30.

Following: "~~15-37-117;~~"

Insert: "15-37-117,"

5. Title, page 2, line 1.

Following: "~~16-11-119;~~"

Insert: "15-65-121,"

6. Title, page 2, line 3.

Strike: "AN"

7. Title, page 2, line 4.

Strike: "DATE" through "DATE"

Insert: "DATES AND TERMINATION DATES"

8. Page 8, line 25.

Insert: "**Section 3.** Section 15-37-117, MCA, is amended to read:

"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of 17-2-124, be allocated as follows:

(a) to the credit of the general fund of the state, ~~57%~~ 60.45% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, ~~2.5%~~ 2.25% of total collections each year;

(c) to the hard-rock mining reclamation debt service fund established in 82-4-312, 8.5% of total collections each year;

(d) to the natural resources operations state special revenue account established in 15-38-301, ~~7%~~ 6.3% of total collections each year; and

(e) within 60 days of the date the tax is payable pursuant to 15-37-105, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local government costs, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, ~~25%~~ 22.5% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

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(A) 33 1/3% is allocated to the county for general planning functions or economic development activities as described in 7-6-2225(3)(c) through (3)(e);

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502."

Renumber: subsequent sections

9. Page 20, line 14.

Insert: "Section 6. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (1)(a) through ~~(1)(e)~~ (1)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of ~~\$400,000~~ \$360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of \$40,000 each year must be deposited in the state general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, ~~or deposited in the heritage preservation and development account, or deposited in the state general fund under this section~~ is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~4%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 60.75% to be used directly by the department of commerce; ~~and~~

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(e) (i) ~~except as provided in subsection (1)(e)(ii), 22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~\$35,000~~ \$31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

(f) the remainder to be deposited in the state general fund.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.""

Renumber: subsequent sections

10. Page 20, line 27 through page 21, line 10.

Strike: section 6 in its entirety

Renumber: subsequent sections

11. Page 39, line 6 through line 7.

Strike: section 12 in its entirety

Renumber: subsequent sections

12. Page 39, line 8.

Insert: "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(g) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount

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of ~~\$400,000~~ \$360,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004, and the amount of \$40,000 each year must be deposited in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account, or deposited in the state general fund under this section ~~is statutorily appropriated, as provided in 17-7-502, and~~ must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) ~~4%~~ 0.9% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) ~~2.5%~~ 2.25% to the university system for the establishment and maintenance of a Montana travel research program;

(c) ~~6.5%~~ 5.85% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 58.41% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), ~~22.5%~~ 20.25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if ~~22.5%~~ 20.25% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds ~~\$35,000~~ \$31,500, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(f) 2.34% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477]; and

(g) the remainder to be deposited in the general fund.

~~(2)(3)~~ If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)(4)~~ If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

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(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If House Bill No. 477 and [this act] are both passed and approved and if both of these bills contain a section that amends 15-65-121, then the sections amending 15-65-121 are void and 15-65-121 must be amended as follows:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections ~~(1)(a)~~ (2)(a) through ~~(1)(e)~~ (2)(f) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account ~~is statutorily appropriated, as provided in 17-7-502,~~ and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) ~~67.5%~~ 64.9% to be used directly by the department of commerce; ~~and~~

(e) (i) except as provided in subsection ~~(1)(e)(ii)~~ (2)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and

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(f) 2.6% to the Montana historical interpretation state special revenue account established in [section 1 of House Bill No. 477].

~~(2)~~(3) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

~~(3)~~(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(e) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the Montana historical interpretation state special revenue account pursuant to subsection (2)(f) are subject to appropriation by the legislature."

{Internal References to 15-65-121:

15-65-122x 15-65-131x 15-65-131x 17-7-502x }

Renumber: subsequent sections

13. Page 39, line 13.

Strike: " date"

Insert: " dates"

Strike: "[This act] "

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

14. Page 39, line 14.

Following: line 13

Insert: "(2) The amendments to 15-65-121 contained in [section 14] are effective July 1, 2014."

15. Page 39, line 15 through 16.

Strike: "EXCEPT" on page 39, line 15 through "TERMINATES" on line 16

Insert: "[Sections 1, 2, 4, 5, and 7 through 12] terminate"

16. Page 39, line 17.

Strike: "[SECTION 6] TERMINATES"

Insert: "[Sections 3 and 6 and the amendments to 15-65-121 contained in section 13] terminate"

For the House:
McNutt, Chair
Esp

For the Senate:
Lewis, Vice Chair
Zinke

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FREE CONFERENCE COMMITTEE
on **House Bill 611**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 611** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 611** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

Strike: "VARIOUS"

2. Title, page 1, line 5.

Strike: "TO" through "ACT"

3. Title, page 1, line 6 through line 8.

Strike: "PROVIDING" on page 1, line 6 through "PAYMENT;" on line 8

4. Title, page 1, line 10.

Following: "~~COMMERCE;~~"

Insert: "REVISING THE USE OF THE RESEARCH AND COMMERCIALIZATION ACCOUNT TO INCLUDE THE DEPARTMENT OF AGRICULTURE;"

5. Title, page 1, line 10 and 11.

Strike: "1" on line 10 through "20-9-516;" on line 11

Following: "~~90-1-203;~~"

Insert: "AND 90-3-1003,"

6. Page 2, line 5 through page 5, line 17.

Strike: section 2 through section 3 in their entirety

Re-number: subsequent sections

7. Page 6, line 28.

Insert: "**Section 2.** Section 90-3-1003, MCA, is amended to read:

"90-3-1003. Research and commercialization account -- use. (1) The research and commercialization account provided for in 90-3-1002 is statutorily appropriated, as provided in 17-7-502, to the board of research and commercialization technology, provided for in 2-15-1819, for the purposes provided in this section.

(2) The establishment of the account in 90-3-1002 is intended to enhance the economic growth opportunities for Montana and constitute a public purpose.

(3) The account may be used only for:

(a) loans that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana;

(b) grants that are to be used for production agriculture research, development, and

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commercialization projects, clean coal research and development projects, or renewable resource research and development projects to be conducted at research and commercialization centers located in Montana;

(c) matching funds for grants from nonstate sources that are to be used for research and commercialization projects to be conducted at research and commercialization centers located in Montana; or

~~(d) the Montana food and agricultural development program provided for in 80-11-901; or~~
(e) administrative costs that are incurred by the board in carrying out the provisions of this part.

(4) At least ~~20%~~ \$195,000 of the account funds ~~approved for research and commercialization projects must be directed~~ distributed on an annual basis to the department of agriculture to support and administer the Montana food and agricultural development program provided for in 80-11-901 ~~toward projects that enhance production agriculture.~~

(5) (a) At least 30% of the account funds approved for research and commercialization projects must be directed toward projects that enhance clean coal research and development or renewable resource research and development.

(b) If the board is not in receipt of a qualified application for a project to enhance clean coal research and development or renewable resource research and development, subsection (5)(a) does not apply.

(6) An applicant for a grant shall provide matching funds from nonstate sources equal to 25% of total project costs. The requirement to provide matching funds is a qualifier, but not a criterion, for approval of a grant.

(7) The board shall establish policies, procedures, and criteria that achieve the objectives in its research and commercialization strategic plan for the awarding of grants and loans. The criteria must include:

(a) the project's potential to diversify or add value to a traditional basic industry of the state's economy;

(b) whether the project shows promise for enhancing technology-based sectors of Montana's economy or promise for commercial development of discoveries;

(c) whether the project employs or otherwise takes advantage of existing research and commercialization strengths within the state's public university and private research establishment;

(d) whether the project involves a realistic and achievable research project design;

(e) whether the project develops or employs an innovative technology;

(f) verification that the project activity is located within the state;

(g) whether the project's research team possesses sufficient expertise in the appropriate technology area to complete the research objective of the project;

(h) verification that the project was awarded based on its scientific merits, following review by a recognized federal agency, philanthropic foundation, or other private funding source; and

(i) whether the project includes research opportunities for students.

(8) The board shall direct the state treasurer to distribute funds for approved projects. Unallocated interest and earnings from the account must be retained in the account. Repayments of loans and any agreements authorizing the board to take a financial right to licensing or royalty fees paid in connection with the transfer of technology from a research and commercialization center to another nonstate organization or ownership of corporate stock in a private sector organization must be deposited in the account.

(9) The board shall refer grant applications to external peer review groups. The board shall

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compile a list of persons willing to serve on peer review groups for purposes of this section. The peer review group shall review the application and make a recommendation to the board as to whether the application for a grant should be approved. The board shall review the recommendation of the peer review group and either approve or deny a grant application.

(10) The board shall identify whether a grant or loan is to be used for basic research, applied research, or some combination of both. For the purposes of this section, "applied research" means research that is conducted to attain a specific benefit or solve a practical problem and "basic research" means research that is conducted to uncover the basic function or mechanism of a scientific question.

(11) For the purposes of this section:

(a) "clean coal research and development" means research and development of projects that would advance the efficiency, environmental performance, and cost-competitiveness of using coal as an energy source well beyond the current level of technology used in commercial service;

(b) "renewable resource research and development" means research and development that would advance:

(i) the use of any of the sources of energy listed in 69-3-2003(10) to produce electricity; and

(ii) the efficiency, environmental performance, and cost-competitiveness of using renewable resources as an energy source well beyond the current level of technology used in commercial service."''

Renumber: subsequent sections

8. Page 6, line 29 through line 30.

Strike: section 4 in its entirety

For the House:
McGillvray, Chair
Esp
Mehlhoff

For the Senate:
Ripley, Vice Chair
Jones

MESSAGES FROM THE SENATE

Free Conference Committee Report No.1 **not** adopted:

4/26/2011

SB 265, introduced by Hamlett

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:

SJR 30 concurred in as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Driscoll, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts,

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Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 53

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Reichner, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 439 failed (due to 2/3 vote requirement) as follows:

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

Total 62

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

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 526 passed 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, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum,

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Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, 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, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 423 concurred in as follows:

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

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Evans, Furey, Hands, Harris, Hill, Hollenbaugh, Howard, Kerns, Malek, McClafferty, Miller, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Sesso, Skees, Small, Squires, Swanson, Williams, Wilmer.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 27 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt,

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Sesso, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Mr. Speaker.

Total 61

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn, Yates.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SJR 29 concurred in as follows:

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

Total 78

Nays: Arntzen, B. Beck, Brodehl, Burnett, Connell, Esp, Fitzpatrick, Greef, Hansen, Harris, Kerns, More, Noonan, Roberts, Rosendale, Schmidt, Sesso, Small, Vance, Welborn, Yates.

Total 21

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

HB 2 passed as follows:

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

Total 55

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

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 100 passed as follows:

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

Total 74

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

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 310 passed as follows:

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

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Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates,
Mr. Speaker.
Total 99

Nays: Hollenbaugh.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 533 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,
Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn,
Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard,
Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney,
McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil,
Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,
Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,
Washburn, Welborn, Yates, Mr. Speaker.
Total 78

Nays: Barrett, B. Bennett, Boland, Court, Furey, Hill, Hollenbaugh, Hunter, MacDonald, Malek,
McClafferty, Noonan, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams,
Wilmer.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 612 passed 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, MacDonald, MacLaren, McChesney, McClafferty, McGillvray,
McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson,
Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon,

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Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 95

Nays: Boland, Malek, Noonan, Pease-Lopez, Wagner.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 627 passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, 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, Yates, Mr. Speaker.
Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 13 adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Evans, Flynn, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, MacLaren, McGillvray, McNiven, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.
Total 59

Nays: Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Esp, Fitzpatrick, Furey, Gibson, Hill, Hiner, Hollenbaugh, Hunter, Kerns, Loney, MacDonald, Malek, McChesney, McClafferty, McNally,

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McNutt, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Yates.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 265 concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Mr. Speaker.
Total 63

Nays: Blasdel, Brodehl, Burnett, Cuffe, Edmunds, Esp, Evans, Flynn, Greef, Hale, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Peterson, Randall, Regier, Rosendale, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 passed as follows:

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

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Nays: B. Bennett, Brodehl, Esp, Greef, Hale, Howard, Kennedy, Kerns, Knox, Loney, Miller, More, O'Neil, Salomon, Skattum, C. Smith, Vance, Wagner.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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

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

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

SJR 28 - Representative Reichner moved **SJR 28** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Ehli, Evans, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.
Total 53

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Connell, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Kerns, Klock, Knox, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Regier, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Wagner, Williams, Wilmer, Yates.
Total 47

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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SB 36 - Governor's Amendments - Representative K. Peterson moved Governor's amendments to **SB 36** be **not** concurred in. Motion carried 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, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Flynn, Gibson, Hale, Hill, Klock, MacLaren, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Sesso, Swanson.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 305 - Governor's Amendments - Representative Regier moved Governor's amendments to **SB 305** be concurred in. 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, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, 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, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Burnett, Knudsen, Randall, Read, Taylor.

Total 5

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 279 - Governor's Amendments - Representative Regier moved Governor's amendments to **SB 279** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, 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, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 96

Nays: Barrett, Belcourt, Driscoll.

Total 3

Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

HB 494 - Governor's Amendments - Representative Edmunds moved Governor's amendments to **HB 494** be concurred in. Motion carried as follows:

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

Total 60

Nays: Bangerter, Barrett, Belcourt, Berry, Boland, Connell, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Hara, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.

Total 40

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 315 - Representative Salomon moved **SB 315** be concurred in. Motion carried as follows:

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

Total 51

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

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 375 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 375** 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, 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, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: Stahl.

Total 1

SB 372 - Free Conference Committee Report No. 1 - Representative Blasdel moved the Free Conference Committee report to **SB 372** 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, 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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 426 - Free Conference Committee Report No. 1 - Representative McGillvray moved the Free Conference Committee report to **SB 426** 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, 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,

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Squires, Swanson, Williams, Wilmer.

Total 32

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 Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted 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, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

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

Total 31

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Hollenbaugh.

Total 1

Representative Warburton introduced the pages as follows:

LEGISLATIVE ADMINISTRATION (O'Hara, Chairman):

4/27/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 5:00 p.m., Wednesday, April 20, 2011:

TITLE

NAME

Pages:

Justin Miller, Florence
Bailey Kennedy, Laurel

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Holly Galen, Big Timber
Erika Davies, Lolo
Ellery Luikens, Kalispell

and recommend that the following attaches of the House be employed as of 8:00 a.m.,
Tuesday, April 26, 2011:

<u>TITLE</u>	<u>NAME</u>
Pages:	Zach Johnson, Helena Caleb Metroka, Helena Hunter Feiss, Helena Carlton Michel, East Helena

Report Adopted.

House Recessed.
House Reconvened.

Representative Sesso introduced Joanne Skipper with Big Brothers, Big Sisters. She presented the First Place Trophy from the House and Senate Basketball Team to Representatives Sesso and Hendrick for the House of Representatives.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on **Senate Bill 35**
Report No. 01, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 35** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 35** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

Following: "met;"

Insert: "and"

2. Page 1, line 23 through line 28.

Strike: line 23 through line 28 in their entirety

3. Page 1, line 29.

Strike: "(e)"

Insert: "(c)"

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4. Page 1, line 30 through page 2, line 1.

Strike: "; and" on page 1, line 30 through "time" on page 2, line 1

5. Page 2, line 2.

Strike: "historic and future"

Insert: "process for the"

6. Page 2, line 4.

Following: line 3

Insert: "(3) Nothing in [sections 1 through 9] diminishes the state's ownership of the beds of navigable rivers, streams, or lakes under any other law."

7. Page 2, line 5.

Strike: "For"

Insert: "Solely for"

8. Page 2, line 25.

Strike: "deemed"

Insert: "determined to be"

9. Page 3, line 4.

Strike: "deemed"

Insert: "determined to be"

10. Page 3, line 17 through line 18.

Strike: "The authorization" on line 17 through "met." on line 18

11. Page 4, line 2.

Strike: "deemed"

Insert: "determined to be"

12. Page 4, line 8.

Following: line 7

Insert: "(11) The provisions of this section do not restrict the power of the board to seek adjudication of title pursuant to 77-1-105."

13. Page 4, line 16.

Strike: "deemed"

Insert: "determined to be"

14. Page 5, line 7.

Following: "relocate"

Insert: "or increase the size of"

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15. Page 5, line 10.

Following: "relocated"

Insert: "or increased in size"

16. Page 5, line 11.

Strike: "The"

Insert: "Without prior board approval, the"

17. Page 5, line 12.

Following: "may"

Insert: "relocate or"

Following: "if the"

Insert: "relocation or"

18. Page 5, line 13.

Following: "granted"

Strike: "and if"

Insert: ". If the footprint is increased in size,"

Strike: "pays"

Insert: "shall pay"

19. Page 5, line 14.

Strike: "has"

Insert: "shall obtain"

20. Page 5, line 24 through line 25.

Strike: "for water" on line 24 through "water right" on line 25

21. Page 5, line 25.

Following: "relocate"

Insert: "or increase the size of"

For the Senate:

Vincent, Chair

Hamlett

Ripley

For the House:

McNutt, Vice Chair

G. Bennett

Reinhart

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 136**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 136** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 7, line 20.

Strike: "twice"

Insert: "four times"

For the Senate:

Balyeat, Chair
Hinkle
Vuckovich

For the House:

Kennedy, Vice Chair
Knudsen
Phillips

FREE CONFERENCE COMMITTEE
on **Senate Bill 312**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 312** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 312** (reference copy -- salmon) be amended as follows:

1. Page 18, line 29.

Strike: "50"

Insert: "25"

For the Senate:

Vincent, Chair
Keane
Mowbray

For the House:

Belcourt, Vice Chair
Ankney
G. Bennett

FREE CONFERENCE COMMITTEE
on **Senate Bill 329**
Report No. 1, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 329** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 329** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 7.

Following: "SCHOOLS;"

Insert: "CHANGING THE MONTANA VIRTUAL ACADEMY TO THE MONTANA DIGITAL ACADEMY;"

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2. Title, page 1, line 25 through line 26.

Strike: "ELIMINATING" on line 25 through "ACCOUNT;" on line 26

3. Title, page 1.

Following: line 26

Insert: "REVISING THE USE OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT;"

4. Title, page 1, line 29.

Following: "FUND;"

Insert: "REQUIRING A SCHOOL DISTRICT TO REPORT BUDGET AMENDMENTS TO THE LEGISLATURE AND THE BOARD OF PUBLIC EDUCATION; LIMITING A SCHOOL DISTRICT'S ENDING FUND BALANCE TO A SPECIFIC PERCENTAGE; PROVIDING AN APPROPRIATION;"

5. Page 1, line 30.

Strike: "17-7-502,"

Following: "20-3-363,"

Insert: "20-7-102, 20-7-1201,"

Following: "20-9-104,"

Insert: "20-9-161,"

6. Title, page 2, line 1.

Strike: "20-9-622,"

Insert: "20-9-516,"

7. Page 2, line 8.

Strike: "7"

Insert: "8"

8. Page 4, line 1.

Strike: "7"

Insert: "8"

9. Page 4, line 21.

Strike: "7"

Insert: "8"

10. Page 4, line 25.

Strike: "7"

Insert: "8"

11. Page 5, line 16 through page 6, line 18.

Strike: section 2 in its entirety

Renumber: subsequent sections

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12. Page 7, line 20.

Strike: "4"

Insert: "3"

13. Page 7, line 21.

Strike: "5"

Insert: "4"

14. Page 9, line 4.

Insert: "(6) The superintendent of public instruction shall continually enhance the statewide data system to support the collection of data from schools, implement a data collection plan to reduce redundant data requests, increase data use from the centralized system by various functions within the office of public instruction, and promote transparency in reporting to schools, school districts, communities, and the public. Actionable data analysis must be produced to promote academic improvement.

(7) The superintendent of public instruction shall gather, maintain, and distribute longitudinal, actionable data in the following areas:

- (a) statewide student identifier;
- (b) student-level enrollment data, including average daily attendance;
- (c) student-level statewide assessment data;
- (d) information on untested students;
- (e) student-level graduation and dropout data;
- (f) ability to match student-level K-12 and higher education data;
- (g) a statewide data audit system;
- (h) a system to track student achievement with a direct teacher-to-student match to help track, report, and create opportunities for improved individual student performance;
- (i) student-level course completion data, including transcripts, to assess career and college readiness; and
- (j) student-level ACT results, scholastic achievement test results, and advanced placement exam data.

(8) The superintendent of public instruction shall emphasize the creation of and distribution of individual diagnostic data for each student in a manner that is timely and protects the privacy rights of students and families as they relate to education so that school districts may use the data to support timely academic intervention as needed and to otherwise improve the academic achievement of the students of each school district.

(9) On or before June 30, 2013, the superintendent of public instruction shall begin presenting longitudinal data on academic achievement and shall develop plans for a measurement of growth for the statewide student assessment required by the board of public education."

15. Page 9, line 4.

Insert: "**Section 5.** Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public

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instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

(2) A school may be accredited for a period consisting of 1, 2, 3, 4, or 5 school years, except that multiyear accreditation may be granted only to schools that are in compliance with 20-4-101.

(3) A nonpublic school may, through its governing body, request that the board of public education accredit the school. Nonpublic schools may be accredited in the same manner as provided in subsection (1).

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in 20-9-306(14)(c)(ii)(14)(a)(iii)(B)."

Insert: "Section 6. Section 20-7-1201, MCA, is amended to read:

"20-7-1201. Montana virtual digital academy -- purposes -- governance. (1) There is a Montana virtual digital academy at a unit of the Montana university system.

(2) The purposes of the Montana virtual digital academy are to:

(a) make distance learning opportunities available to all school-age children through public school districts in the state of Montana;

(b) offer high-quality instructors who are licensed and endorsed in Montana and courses that are in compliance with all relevant education and distance learning rules, standards, and policies; and

(c) emphasize the core subject matters required under the accreditation standards, offer advanced courses for dual credit in collaboration with the Montana university system, and offer enrichment courses.

(3) The Montana virtual digital academy must be governed by a board with equal representation from:

(a) the commissioner of higher education or a designee;

(b) the superintendent of public instruction or a designee;

(c) a Montana-licensed and Montana-endorsed classroom teacher appointed by the board of public education;

(d) a Montana-licensed school district administrator appointed by the board of public education;

(e) a trustee of a Montana school district appointed by the board of public education;

(f) the dean of the school of education of the hosting unit of the Montana university system or a designee as a nonvoting member; and

(g) the two officers provided for in subsection (5) as nonvoting members.

(4) The governing board shall elect a presiding officer and vice presiding officer to 2-year terms without limitation on the number of terms.

(5) The governing board shall hire a program director and a curriculum director who shall serve as chief executive officer and vice chief executive officer respectively on the governing board in a nonvoting capacity. The program director shall develop and, upon approval of the governing board, implement policies and guidelines for the Montana virtual

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digital academy pertaining to:

- (a) course offerings;
- (b) software and hardware selection;
- (c) instructor selection;
- (d) partnering school agreements;
- (e) instructor training and curriculum development;
- (f) course evaluation;
- (g) grant opportunities; and
- (h) other activities that are essential to the success of a statewide distance learning

program.""

Renumber: subsequent sections

16. Page 9, line 27.

Strike: "8"

Insert: "9"

17. Page 9, line 29.

Strike: "9"

Insert: "10"

18. Page 10, line 13.

Strike: "ESTIMATION,"

Following: "ALLOCATION"

Strike: " , "

19. Page 10, line 13 through line 18.

Strike: subsection (1) through subsection (2) in their entirety

Renumber: subsequent subsections

20. Page 10, line 20.

Strike: "150%"

Insert: "130%"

Following: "MAXIMUM"

Strike: "OR ADOPTED"

21. Page 10, line 26.

Strike: "(3)"

Insert: "(1)"

22. Page 10, line 28.

Strike: "(3)"

Insert: "(1)"

Strike: "STATE GENERAL FUND"

Insert: "guarantee account as provided in 20-9-622"

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23. Page 10, line 29.

Strike: "(3)"

Insert: "(1)"

Following: "SHALL"

Insert: "budget and"

24. Page 11, line 1 through line 3.

Strike: subsections (a) and (b) in their entirety

Insert: "(a) for fiscal year 2012, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 25% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(b) for fiscal year 2013, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 35% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(c) for fiscal year 2014, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 45% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(d) for each succeeding fiscal year, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of 55% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

(e) oil and natural gas production taxes received by the district must be deposited in the general fund until the budgeted amount is reached; and

(f) all remaining oil and natural gas production tax revenue may be deposited in any budgeted fund.

(6) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall."

Renumber: subsequent subsection

25. Page 11, line 4.

Strike: "JULY 1,"

Insert: "in fiscal year"

26. Page 11, line 5.

Strike: "(3)"

Insert: "(1)"

27. Page 11, line 9.

Strike: "8"

Insert: "9"

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28. Page 11, line 11.

Strike: "9"

Insert: "10"

29. Page 11, line 15.

Strike: "COUNTIES AND"

30. Page 11, line 16.

Strike: "NEIGHBORING"

Insert: "contiguous"

31. Page 11, line 19.

Strike: "7(5)"

Insert: "8(3)"

Strike: "20-9-104(6)"

Insert: "[section 7]"

32. Page 11, line 20.

Strike: "COUNTY OR"

33. Page 12, line 10.

Strike: "20-9-104(6)"

Insert: "[section 7]"

Strike: "7(5)"

Insert: "8(3)"

34. Page 12, line 12.

Strike: "20-9-104(6)"

Insert: "[section 7]"

Strike: "7(5)"

Insert: "8(3)"

35. Page 13, line 6.

Insert: "**Section 11.** Section 20-9-161, MCA, is amended to read:

"20-9-161. Definition of budget amendment for budgeting purposes. As used in this title, unless the context clearly indicates otherwise, the term "budget amendment" for the purpose of school budgeting means an amendment to an adopted budget of the district for the following reasons:

(1) an increase in the enrollment of an elementary or high school district that is beyond what could reasonably have been anticipated at the time of the adoption of the budget for the current school fiscal year whenever, because of the enrollment increase, the district's budget for any or all of the regularly budgeted funds does not provide sufficient financing to properly maintain and support the district for the entire current school fiscal year;

(2) the destruction or impairment of any school property necessary to the maintenance

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of the school, by fire, flood, storm, riot, insurrection, or act of God, to an extent rendering school property unfit for its present school use;

(3) a judgment for damages against the district issued by a court after the adoption of the budget for the current year;

(4) an enactment of legislation after the adoption of the budget for the current year that imposes an additional financial obligation on the district;

(5) the receipt of:

(a) a settlement of taxes protested in a prior school fiscal year;

(b) taxes from a prior school fiscal year as the result of a tax audit by the department of revenue or its agents;

(c) delinquent taxes from a prior school fiscal year; and

(d) a determination by the trustees that it is necessary to expend all or a portion of the taxes received under subsection (5)(a), (5)(b), or (5)(c) for a project or projects that were deferred from a previous budget of the district; or

(6) any other unforeseen need of the district that cannot be postponed until the next school year without dire consequences affecting:

(a) the safety of the students and district employees; or (b) the educational functions of the district. Any budget amendment adopted pursuant to this subsection (6)(b) that in combination with other budget amendments within the same school fiscal year exceeds 10% of the district's adopted general fund budget must be reported by the school district to the education and local government interim committee and the board of public education with an explanation of why the budget amendment is necessary.""

Renumber: subsequent sections

36. Page 18, line 1.

Following: "(6)"

Insert: "(a)"

37. Page 18, line 2.

Strike: "(a)"

Insert: "(i)"

38. Page 18, line 3.

Strike: "(i)"

Insert: "(A)"

Strike: "\$256,256"

Insert: "\$256,003"

Strike: "and"

39. Page 18, line 4.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$257,870 for each succeeding fiscal year;"

Insert: "\$262,224 for fiscal year 2013; and

(C) except as provided in subsection (6)(b), \$260,099 for each succeeding fiscal year;"

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40. Page 18, line 5.

Strike: "(b)"

Insert: "(ii)"

41. Page 18, line 7.

Strike: "(i)"

Insert: "(A)"

Strike: "\$23,056"

Insert: "\$23,033"

42. Page 18, line 8.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$23,201 for each succeeding fiscal year; and"

Insert: "\$23,593 for fiscal year 2013; and

(C) except as provided in subsection (6)(b), \$23,402 for each succeeding fiscal year;"

43. Page 18, line 9.

Strike: "(c)"

Insert: "(iii)"

44. Page 18, line 11.

Strike: "(i)"

Insert: "(A)"

45. Page 18, line 12.

Strike: "(A)"

Insert: "(I)"

Strike: "\$23,056"

Insert: "\$23,033"

Strike: "and"

46. Page 18, line 13.

Strike: "(B)"

Insert: "(II)"

Strike: "\$23,201 for each succeeding fiscal year; plus"

Insert: "\$23,593 for fiscal year 2013; and

(III) except as provided in subsection (6)(b), \$23,402 for each succeeding fiscal year;
plus"

47. Page 18, line 14.

Strike: "(ii)"

Insert: "(B)"

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48. Page 18, line 16.

Strike: "(A)"

Insert: "(I)"

Strike: "\$65,295"

Insert: "\$65,231"

Strike: "and"

49. Page 18, line 17.

Strike: "(B)"

Insert: "(II)"

Strike: "\$65,706 for each succeeding fiscal year."

Insert: "\$66,816 for fiscal year 2013; and

(III) except as provided in subsection (6)(b), \$66,275 for each succeeding fiscal year.

(b) If fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds \$1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (6) are the amounts to be paid for succeeding fiscal years."

50. Page 19, line 8.

Following: "(14)"

Insert: "(a)"

51. Page 19, line 10.

Strike: "(a)"

Insert: "(i)"

Strike: "\$6,349"

Insert: "\$6,343"

52. Page 19, line 11.

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$6,389"

Insert: "\$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), \$6,444"

53. Page 19, line 14.

Strike: "(b)"

Insert: "(ii)"

54. Page 19, line 15.

Strike: "\$4,960"

Insert: "\$4,955"

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55. Page 19, line 16.

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$4,991"

Insert: "\$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), \$5,034"

56. Page 19, line 19.

Strike: "(c)"

Insert: "(iii)"

57. Page 19, line 21.

Strike: "(i)"

Insert: "(A)"

Strike: "\$4,960"

Insert: "\$4,955"

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$4,991"

Insert: "\$5,075 for fiscal year 2013, and except as provided in subsection (14)(b), \$5,034"

58. Page 19, line 25.

Strike: "(ii)"

Insert: "(B)"

Strike: "\$6,349"

Insert: "\$6,343"

Following: "2012"

Insert: ", "

Strike: "and"

Strike: "\$6,389"

Insert: "\$6,497 for fiscal year 2013, and except as provided in subsection (14)(b), \$6,444"

59. Page 19.

Following: line 28

Insert: "(b) If the fiscal year 2012 general fund revenue, including transfers in, reflected in the audited comprehensive annual financial report exceeds \$1,766,500,000, then the entitlements for fiscal year 2013 in this subsection (14) are the amounts to be paid for succeeding fiscal years."

60. Page 24, line 29.

Insert: "**Section 19.** Section 20-9-516, MCA, is amended to read:

"20-9-516. School facility and technology account. (1) There is a school facility and technology account in the state special revenue fund provided for in 17-2-102. The purpose of

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the account is to provide money to schools for:

- (a) major deferred maintenance;
- (b) improving energy efficiency in school facilities;
- (c) critical infrastructure in school districts;
- (d) emergency facility needs; ~~and~~
- (e) technological improvements; and
- (f) state reimbursement for school facilities as provided in 20-9-371.

(2) There must be deposited in the account:

- (a) an amount of money equal to the income attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year;
- (b) the mineral royalties transferred from the guarantee account as provided in 20-9-622; and
- (c) the rental income received from power site leases as provided in 77-4-208.""

Renumber: subsequent sections

61. Page 24, line 30 through page 25, line 14.

Strike: section 17 in its entirety

Renumber: subsequent sections

62. Page 26, line 9.

Strike: "one-half of"

63. Page 27, line 29.

Insert: "NEW SECTION. Section 22. Ending fund balance limits. (1) Beginning July 1, 2016, the combined ending fund balance for all budgeted funds of a school district may not exceed 300% of the maximum general fund budget. The 300% limit is not applicable to the building reserve fund, the debt service fund, or the bus depreciation reserve fund.

(2) The county superintendent shall, upon completion of a school fiscal year, redistribute any amounts in excess of the 300% limit among any other school districts in the same county whose combined ending fund balance for all budgeted funds included in subsection (1) has not exceeded the 300% limit. The county superintendent shall redistribute funds equally to the school districts qualifying for redistribution on a per-quality-educator basis, calculated by dividing the total funds by the total number of quality educators, as defined in 20-4-502, employed by the qualifying school districts in the county in the immediately preceding school fiscal year. School districts receiving the funds may place the funds in any budgeted fund of the district at the discretion of the board of trustees of each district.

(3) Unless an exception is granted under subsection (5), upon completion of a school fiscal year, a school district with combined ending fund balances in excess of the 300% limit shall cooperate with the county superintendent in effectuating the redistribution of excess funds as provided in subsection (2). A school district may make the payment required under this subsection from any fund or funds of the district other than the debt service fund, the building reserve fund, and the bus depreciation reserve fund.

(4) Any funds that cannot be redistributed within a county without causing a school district in the county to exceed the 300% limit must be remitted by the county treasurer to the

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state for deposit in the guarantee account provided for in 20-9-622.

(5) In accordance with 20-9-161, a school district shall report to the education and local government interim committee for any exception taken to the limits prescribed by subsection (1) of this section.

(6) This section does not apply to school districts that are in a nonoperating status under 20-9-505 or that are in the first year of operation after reopening under 20-6-502 or 20-6-503.

(7) Beginning July 1, 2013, the balance of a school district's flexibility fund may not exceed 150% of the school district's maximum general fund budget."

Insert: "NEW SECTION. Section 23. Appropriation. (1) There is appropriated \$1 million for fiscal year 2013 from the general fund to the superintendent of public instruction. The purpose of the appropriation is to contribute to interlocal cooperative funds provided for in 20-3-363 to be paid to districts participating in multidistrict cooperatives. The superintendent shall pay to participating districts an amount in proportion to the size of the district's BASE budget compared to the sum of the BASE budgets of participating districts in all multidistrict cooperatives.

(2) By December 31, 2012, the prime applicant of a multidistrict cooperative shall report to the office of public instruction the name of each participating district along with a copy of the finalized agreement pursuant to 20-3-363. The office of public instruction shall pay the district's proportionate share no later than February 1, 2013."

Renumber: subsequent sections

64. Page 28, line 4.

Strike: "4, 5, AND 7 THROUGH 9"

Insert: "3, 4, 8 through 10, and 22"

65. Page 28, line 6.

Strike: "4, 5, AND 7 THROUGH 9"

Insert: "3, 4, 8 through 10, and 22"

66. Page 28, line 7.

"COORDINATION SECTION. Section 26. Coordination instruction. If House Bill No. 316 is not passed and approved in a form that reallocates at least 10% of the metalliferous mines license tax allocations in 15-37-117(1)(a), (1)(b), (1)(d), and (1)(e) to the state general fund and at least 10% of the lodging and facility use tax allocations in 15-65-121(1)(a) through (1)(e) to the state general fund, then [section 15 of this act], amending 20-9-306, is void and 20-9-306 is amended as follows:

Insert: "**20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

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- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment; and
- (f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) for each high school district:

(i) ~~\$246,085~~ \$256,003 for fiscal year ~~2010~~ 2012; and

(ii) ~~\$253,468~~ \$260,099 for each succeeding fiscal year;

(b) for each elementary school district or K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) ~~\$22,141~~ \$23,033 for fiscal year ~~2010~~ 2012;

(ii) ~~\$22,805~~ \$23,402 for each succeeding fiscal year; and

(c) for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(i) for kindergarten through grade 6 elementary program:

(A) ~~\$22,141~~ \$23,033 for fiscal year ~~2010~~ 2012; and

(B) ~~\$22,805~~ \$23,402 for each succeeding fiscal year; plus

(ii) for an approved and accredited junior high school program, 7th and 8th grade program, or middle school:

(A) ~~\$62,704~~ \$65,231 for fiscal year ~~2010~~ 2012; and

(B) ~~\$64,585~~ \$66,275 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable

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cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$6,097~~ \$6,343 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,444 for each succeeding fiscal year for the first ANB, decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school, 7th and 8th grade program, or middle school, a maximum rate of ~~\$4,763~~ \$4,955 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,034 for each succeeding fiscal year for the first ANB, decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~\$4,763~~ \$4,955 for fiscal year ~~2010~~ 2012 and ~~\$4,906~~ \$5,034 for each succeeding fiscal year for the first ANB for kindergarten through grade 6, decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$6,097~~ \$6,343 for fiscal year ~~2010~~ 2012 and ~~\$6,280~~ \$6,444 for each succeeding fiscal year for the first ANB for grades 7 and 8, decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327."

Insert: "COORDINATION SECTION. Section 27. Coordination instruction. If [this act] is passed and approved, the general fund appropriation for BASE aid is House Bill No. 2 is increased by \$3,419,812."

Renumber: subsequent sections

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67. Page 28, line 11.

Strike: "8 AND 9"

Insert: "9 and 10"

Following: "JULY 1,"

Strike: "2012"

Insert: "2013"

68. Page 28.

Following: line 11

Insert: "NEW SECTION. **Section 29. Termination.** [Sections 1, 7, and 8] terminate June 30, 2016."

For the Senate:
Zinke, Chair
Jones
Stewart-Peregoy

For the House:
McGillvray, Vice Chair
Esp

MESSAGES FROM THE SENATE

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

4/27/2011

SB 166, introduced by Balyeat

SB 212, introduced by Ripley

SB 279, introduced by Jackson

Free Conference Committee Report No.1 adopted:

4/27/2011

HB 122, introduced by Malek

HB 621, introduced by Ankney

SB 423, introduced by Essmann

Governor's amendments to House bills concurred in and returned to the House:

4/27/2011

HB 165, introduced by Hollandsworth

HB 565, introduced by Noonan

House joint resolutions concurred in and returned to the House:

4/27/2011

HJR 32, introduced by Connell

HJR 38, introduced by Hansen

HJR 39, introduced by MacLaren

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House amendments to Senate joint resolution concurred in:

4/27/2011

SJR 23, introduced by Essmann

**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 Hollenbaugh in the chair.

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

HB 611 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 611** 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, 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, 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 93

Nays: Edmunds, Hale, Kerns, Knox, Miller, Skattum, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 316 - Free Conference Committee Report No. 1 - Representative Cook moved the Free Conference Committee report to **HB 316** be adopted. Motion **failed** as follows:

Yeas: Ankney, Arntzen, Bangerter, Berry, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Ehli, Esp, Evans, Fitzpatrick, Gibson, Greef, Hollandsworth, Hoven, Ingraham, MacLaren, McGillvray, McNiven, McNutt, O'Hara, O'Neil, Osmundson, Peterson, Reichner, Roberts, Salomon, F. Smith, Stahl, Taylor, Warburton, Mr. Speaker.

Total 35

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Nays: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Blasdel, Boland, Court, Cuffe, Driscoll, Edmunds, Flynn, Furey, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollenbaugh, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Squires, Swanson, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates.
Total 65

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 166 - Governor's Amendments - Representative Lavin moved Governor's amendments to **SB 166** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, 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, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 99

Nays: Stahl.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 - Governor's Amendments - Representative Knudsen moved Governor's amendments to **SB 212** 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, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill,

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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, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 92

Nays: Edmunds, Kennedy, Kerns, Knox, Osmundson, Small, Stahl, Wagner.
Total 8

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

Yeas: Arntzen, Bangerter, Barrett, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Flynn, Furey, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, 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, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.
Total 87

Nays: Ankney, B. Bennett, Driscoll, Fitzpatrick, Gibson, Pease-Lopez, Squires.
Total 7

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Belcourt, Hollenbaugh, Loney.
Total 3

MOTIONS

Representative Malek moved to reconsider action taken previously on **HB 13**.

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Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Court, Driscoll, Furey, Gibson, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 39

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

Total 58

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: None.

Total 0

Representative Mehlhoff rose on a point of personal privilege in regard to previous conversation on HB 13. He stated that he didn't rise to say he was an adjunct teacher because they don't get benefits.

Representative C. Smith moved to override the governor's veto on **HB 341**.

Motion carried 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, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.

Total 64

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, 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, Yates.

Total 32

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Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Small.

Total 1

Representative C. Smith moved to override the governor's veto on **HB 456**.

Motion carried 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, 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, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: None.

Total 0

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

4/27/2011

Representative Bangerter
Representative Pease-Lopez
Representative Read

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 36**. Motion Carried. Speaker Milburn appointed:

4/27/2011

Representative McNutt
Representative MacDonald
Representative K. Peterson

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Representative Taylor rose on a point of personal privilege to address a message that was left on Representative Hansen's desk and her disappointment in the individual who left it.

House Recessed.
House Reconvened.

Roll Call. All members present, except Representatives Evans, Hands, and McNiven, excused. Quorum present.

Representative McGillvray moved that the House Republicans Caucus. Motion carried.
Representative MacDonald moved that the House Democrats Caucus. Motion carried.

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 Hollenbaugh in the chair.

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

SB 329 - Representative Esp moved consideration of **SB 329** be placed at the bottom of the second reading board. Motion carried.

SB 312 - Free Conference Committee Report No. 1 - Representative G. Bennett moved the Free Conference Committee report to **SB 312** be adopted. 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, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Stahl, Swanson, Taylor,

Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 78

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Williams, Wilmer.
Total 21

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Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 136 - Free Conference Committee Report No. 1 - Representative Phillips moved the Free Conference Committee report to **SB 136** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, 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, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, 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, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 94

Nays: Boland, Court, Hill, Mehlhoff, Menahan.

Total 5

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 35 - Free Conference Committee Report No. 1 - Representative McNutt moved the Free Conference Committee report to **SB 35** 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, 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, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

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Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

SB 329 - Conference Committee Report No. 1 - Representative Esp moved the Conference Committee report to **SB 329** be adopted.

SB 329 - Representative Berry moved for cloture. Motion carried.

SB 329 - Free Conference Committee Report No. 1 - Representative Esp moved the Free Conference Committee report to **SB 329** be adopted. Motion carried as follows:

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

Total 50

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

Total 49

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

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

Yeas: 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, More, O'Hara, O'Neil,

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Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skees, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.
Total 59

Nays: Ankney, Arntzen, Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Knudsen, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Randall, Reinhart, Rosendale, Sands, Schmidt, Sesso, Skattum, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.
Total 36

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Hollenbaugh, Small.
Total 2

MOTIONS

Representative Hollenbaugh moved to consider action taken previously on **HB 439**.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Fitzpatrick, Furey, Gibson, Hansen, Hill, Hiner, Hollenbaugh, Hunter, Kary, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.
Total 54

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Esp, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.
Total 42

Excused: Evans, Hands, McNiven.
Total 3

Absent or not voting: Small.
Total 1

Representative McGillvray moved to reconsider action taken previously on **HB 316**.

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Motion carried as follows:

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

Total 53

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

Total 43

Excused: Evans, Hands, McNiven.

Total 3

Absent or not voting: Small.

Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Thursday, April 28, 2011. Motion carried.

House adjourned at 4:43 p.m.

BETH CARGO
Chief Clerk of the House

MIKE MILBURN
Speaker of the House