

**HOUSE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 28, 2011

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative G. Bennett. Pledge of Allegiance to the Flag.

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

Examined by the sponsor and found to be correct: **HB 122, HB 165, HB 198, HB 375, HB 526, HB 533, HB 565, HB 611, HB 612, HB 621, HB 627, HJR 13, HJR 32, HJR 33, HJR 38, HJR 39.**

Correctly enrolled: **HB 122, HB 165, HB 375, HB 526, HB 533, HB 565, HB 611, HB 612, HB 621, HB 627, HJR 13, HJR 32, HJR 33, HJR 38, HJR 39.**

Signed by the Speaker at 9:36 a.m., April 28, 2011: **HB 122, HB 165, HB 526, HB 565, HB 621, HB 627, HJR 13, HJR 32, HJR 38, HJR 39.**

Signed by the Chief Clerk of the House at 9:15 a.m., April 28, 2011: **HB 122, HB 165, HB 526, HB 565, HB 621, HB 627, HJR 13, HJR 32, HJR 38, HJR 39.**

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

House Recessed.  
House Reconvened.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on **Senate Bill 156**  
Report No. 2, April 27, 2011**

Mr. President and Mr. Speaker:

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

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

1. Title, page 1, line 6.

**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

2. Page 2, line 16.

**Strike:** "July 1, 2011"

**Insert:** "on passage and approval"

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For the Senate:  
Priest, Chair  
Ripley  
Windy Boy

For the House:  
Bangerter, Vice Chair  
Pease-Lopez  
Read

**THIRD READING OF BILLS**

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

**HB 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, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kary, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Taylor, Warburton, Welborn, Williams, Wilmer, Yates.

Total 60

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

Total 39

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**HB 494 passed** as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, 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, Cook, Court, Driscoll, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

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Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**SB 35** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, 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, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 96

Nays: Fitzpatrick.  
Total 1

Excused: Evans.  
Total 1

Absent or not voting: Connell, Mehlhoff.  
Total 2

**SB 136** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, 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, McGillvray, McNally, McNiven, McNutt, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.  
Total 80

Nays: Barrett, Boland, Court, Driscoll, Esp, Malek, McChesney, McClafferty, Mehlhoff, Menahan, Pease-Lopez, Price, Reinhart, Sands, Small, F. Smith, Squires, Swanson, Wilmer.  
Total 19

Excused: Evans.  
Total 1

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Absent or not voting: None.

Total 0

**SB 166** concurred in as follows:

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

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 212** concurred in as follows:

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

Total 91

Nays: Barrett, Belcourt, Edmunds, Kennedy, Malek, McGillvray, F. Smith, Stahl.

Total 8

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

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**SB 279** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.  
Total 85

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Hunter, MacDonald, Malek, Menahan, Noonan, Pease-Lopez, Sands, Williams.  
Total 14

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**SB 305** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.  
Total 84

Nays: Barrett, Belcourt, Boland, Burnett, Court, Knudsen, Malek, Price, Randall, Read, Sands, F. Smith, Squires, Taylor, Williams.  
Total 15

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**SB 312** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

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

Total 69

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

Total 30

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 315 failed** as follows:

Yeas: Bangerter, G. Bennett, Blasdel, Brodehl, Burnett, Connell, Esp, Flynn, Greef, Hale, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.

Total 42

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

Total 57

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 329 concurred in** as follows:

Yeas: Ankney, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Lavin, Loney, MacLaren, McGillvray, McNiven,

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More, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Salomon, Skattum, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Mr. Speaker.

Total 50

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

Total 49

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 372** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, 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 67

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

Total 32

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 426** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum,

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

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.  
Total 32

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 28** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Ingraham, Kary, Kennedy, Klock, 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 55

Nays: Barrett, Belcourt, B. Bennett, G. Bennett, Boland, Court, Driscoll, Edmunds, Esp, Fitzpatrick, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Kerns, 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 44

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**HB 375** passed as follows:

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

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Vance, Wagner, Warburton, Washburn, Williams, Yates, Mr. Speaker.

Total 72

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

Total 27

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**HB 611** passed as follows:

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

Total 58

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

Total 41

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

Representative Taylor rose to request a change to her vote on HB 439. Multiple objections, vote was not changed.

## MOTIONS

Representative Kerns moved to suspend the rules and accept **HB 174** and place it on second reading today.

Representative Kerns withdrew his motion.

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

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

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

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

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Warburton, Washburn, Mr. Speaker.

Total 55

Nays: Barrett, B. Beck, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hale, Hands, Hendrick, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Wagner, Welborn, Williams, Wilmer, Yates.

Total 45

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 Sesso 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, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale,

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Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.  
Total 63

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

Excused: Evans, Hands.  
Total 2

Absent or not voting: None.  
Total 0

House Recessed.  
House Reconvened.

Representative Hendrick rose on a point of personal privilege to state that on SB 315 he had voted incorrectly.

House Recessed.  
House Reconvened.

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

Representative Read read the following proclamation:

A PROCLAMATION OF THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA

HONORING REPRESENTATIVE LILA EVANS

APRIL 28, 2011

WHEREAS, Lila Evans was elected to the office of House District 16 Representative during the General Election of November 2, 2010; and

WHEREAS, Representative Lila Evans on Monday, January 3, 2011 was officialll sworn into office; and

WHEREAS, Representative Lila Evans officially took her place among her fellow Representatives of the 62nd Legislative Session; and

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WHEREAS, Representative Lila Evans exemplified her strength of character, her gracious, yet fighting spirit, and her willingness to put the needs of others before her own through her example, commitment and willingness to make decisions and cast votes during committee meetings and on the House Floor on those bills brought before her.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA to honor Representative Lila Evans and thank her for her dedication, spirit and service to her constituents, to this House, the people of Montana and this 62nd Legislature as a whole on this 28th day of April, 2011.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 36**  
Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 36** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 36** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "ALLOWING" on page 1, line 8 through "PROCEEDINGS;" on line 9

2. Page 1, line 17 through line 18.

**Strike:** "The" on line 17 through "proceedings." on line 18

For the Senate:  
Ripley, Chair  
Hamlett  
Vincent

For the House:  
McNutt, Vice Chair  
MacDonald

**MESSAGES FROM THE SENATE**

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

4/28/2011

**HB 174**, introduced by Kerns, this bill has missed the deadline for general bills.

Conference Committee Report No.1 adopted:

4/28/2011

**SB 136**, introduced by Balyeat

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**Free Conference Committee Report No.1** adopted: 4/28/2011

**HB 375**, introduced by Cook  
**HB 611**, introduced by Cook  
**HB 612**, introduced by Roberts  
**SB 265**, introduced by Hamlett  
**SB 372**, introduced by Tutvedt  
**SB 426**, introduced by Balyeat

**House joint resolution** concurred in and returned to the House: 4/28/2011

**HJR 33**, introduced by MacLaren

**Governor's amendments to House bill** concurred in and returned to the House: 4/28/2011

**HB 533**, introduced by Berry

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

4/28/2011

**SB 29**, introduced by Moss  
**SB 100**, introduced by Shockley  
**SB 207**, introduced by Moore

Representative McGillvray moved that the House Republicans 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 156 - Free Conference Committee Report No. 2** - Representative Pease-Lopez moved the Free Conference Committee report to **SB 156** be adopted. Motion carried as follows:  
Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Klock, Knudsen, Lavin,

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MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 68

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Edmunds, Esp, Evans, Flynn, Hale, Hansen, Howard, Kary, Kennedy, Kerns, Knox, Loney, McGillvray, Miller, More, Randall, Rosendale, Skattum, Skees, Stahl, Taylor, Vance, Wagner, Warburton, Washburn.

Total 31

Excused: None.

Total 0

Absent or not voting: C. Smith.

Total 1

**SB 36 - Free Conference Committee Report No. 1** - Representative McNutt moved the Free Conference Committee report to **SB 36** 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, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Evans, Taylor.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 29** - Representative McGillvray moved consideration of **SB 29** be passed for the day. Representative MacDonald objected.

**SB 29** - Representative McGillvray moved consideration of **SB 29** be placed at the bottom of the second reading board. Motion carried.

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**SB 100 - Governor's Amendments** - Representative Connell moved Governor's amendments to **SB 100** 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, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: Taylor.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 207 - Governor's Amendments** - Representative Clark moved Governor's amendments to **SB 207** 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, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: Evans, Kary, McGillvray, Rosendale, Stahl, Warburton, Washburn.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**SB 29** - Representative McGillvray moved consideration of **SB 29** be placed on the next agenda. Motion carried.

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

Total 90

Nays: Fitzpatrick, Lavin, Loney, Noonan.

Total 4

Excused: Evans, Hands.

Total 2

Absent or not voting: Cuffe, Esp, Hollenbaugh, Peterson.

Total 4

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **House Bill 604**

Report No. 2, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 604** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 604** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

**Following:** "TRANSFERS"

**Insert:** "AND AN APPROPRIATION"

2. Title, page 1, line 6.

**Following:** "ACCOUNT"

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**Insert:** ", "  
**Strike:** "AND"  
**Following:** "FUND"  
**Insert:** ", AND THE FIRE SUPPRESSION ACCOUNT"

3. Title, page 1, line 10.  
**Following:** "DISTRICTS;"  
**Insert:** "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST  
FUND TO THE HEALTH AND MEDICAID INITIATIVES ACCOUNT;"  
**Following:** "OLD"  
**Strike:** "STATE"

4. Title, page 1, lines 11 and 12.  
**Strike:** "STATE" on line 11 through "FUND" on line 12  
**Insert:** "OLD FUND LIABILITY ACCOUNT"

5. Title, page 1, line 12.  
**Following:** "FUND;"  
**Insert:** "REVISING THE TRANSFER TO THE RESEARCH AND COMMERCIALIZATION  
STATE SPECIAL REVENUE ACCOUNT FOR FISCAL YEARS 2012 AND 2013;  
IMPOSING A PREMIUM FEE ON CERTAIN WORKERS' COMPENSATION POLICIES;  
CREATING A STATE SPECIAL REVENUE ACCOUNT;"  
**Following:** "SECTIONS"  
**Insert:** "15-35-108,"

6. Title, page 1, line 12.  
**Strike:** "39-71-2311" on line 12 through "39-71-2351," on line 13

7. Title, page 1, line 13.  
**Following:** "75-10-743,"  
**Insert:** "76-13-150,"

8. Title, page 1, line 14.  
**Following:** "DATE"  
**Insert:** ", AN APPLICABILITY DATE, "  
**Strike:** "A TERMINATION DATE"  
**Insert:** "TERMINATION DATES"

9. Page 2, line 5.  
**Strike:** "\$9,166,502"  
**Insert:** "\$6 million"

10. Page 2, line 6 through line 8.  
**Following:** "2011"  
**Strike:** ", FOR" on page 2, line 6 through "CESSATION" on line 8

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11. Page 2, line 9.

**Following:** line 8

**Insert:** "(3) By August 15, 2011, the state treasurer shall transfer \$3 million from the fire suppression account provided for in 76-13-150 to the general fund."

12. Page 2, lines 10 through page 7, line 3.

**Strike:** sections 3 through 10 in their entirety

**Insert:** "NEW SECTION. Section 3. Transfer of funds to health and medicaid initiative account. For the biennium beginning July 1, 2011, the state treasurer shall transfer \$3,166,502 from the older Montanans trust fund provided for in 52-3-115 to the health and medicaid initiatives account provided for in 53-6-1201."

**Insert:** "**Section 4.** Section 15-35-108, MCA, is amended to read:

**"15-35-108. (Temporary) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

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(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$1.275 million to the research and commercialization state special revenue account created in 90-3-1002, of which \$375,000 per year is appropriated for fiscal years 2012 and 2013 to the department of commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants for small business innovation research and small business technology transfer, \$125,000 per year is appropriated for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce, and \$300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development of energy and natural resources doctoral programs at Montana tech of the university of Montana;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified regional development corporations;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)

**15-35-108. (Effective July 1, 2013) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

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(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified regional development corporations;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

**15-35-108. (Effective July 1, 2019) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1,

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2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.""

**Renumber:** subsequent sections

13. Page 7, line 29 through line 30.

**Strike:** "to that" on line 29 through "treasurer" on line 30

14. Page 8, line 1.

**Following:** "~~39-71-2321~~"

**Insert:** "to the old fund account provided for in [section 14] if the amount in [section 13 or 14] is insufficient"

15. Page 9, line 4 through line 5.

**Strike:** ":", on line 4 through "(a)" on line 5

16. Page 9, line 7.

**Strike:** ":", and"

**Insert:** ":",

17. Page 9, line 11.

**Strike:** line 11 in its entirety

18. Page 13, line 8.

**Insert:** "**Section 10.** Section 76-13-150, MCA, is amended to read:

**"76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

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- (3) Funds received for restitution by private parties must be deposited in the account.
- (4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.
- (5) Interest earned on the balance of the account is retained in the account."

**Renumber:** subsequent sections

19. Page 14.

**Following:** line 4

**Insert:** "NEW SECTION. Section 13. Old fund liability account. (1) There is an old fund liability account in the state special revenue fund established by 17-2-102 to be administered by the department of administration.

(2) Until July 1, 2013, the state fund shall deposit in the account described in subsection (1) the fees collected as provided in [section 14].

(3) Interest and income earned on money in the account must be retained within the account except as provided in this section.

(4) Beginning July 1, 2012, the state treasurer shall transfer funds in the old fund liability account on an as-needed basis into the old fund account provided for in [section 14] to pay claims for injuries occurring before July 1, 1990."

**Insert:** "NEW SECTION. Section 14. Old fund premium fee -- assessment. (1) Until July 1, 2013, the state fund shall pay into the old fund liability account, provided for in [section 13], a fee assessed upon net premiums. Beginning July 1, 2013, the state fund shall deposit the fees assessed upon net premiums into the old fund account.

(2) A fee must be assessed on net premiums at a rate of 2.75% and must be included in rates established in 39-71-2330.

(3) (a) For the purposes of this section, the term "net premium" has the meaning provided by the national association of insurance commissioners.

(b) For the purposes of this part, the term "old fund account" means the account in the proprietary fund type to pay claims for injuries resulting from accidents that occurred before July 1, 1990."

**Insert:** "NEW SECTION. Section 15. Appropriation. (1) There is appropriated up to \$2 million in fiscal year 2011 from the general fund to the department of administration on a one-time-only basis for transfer to the old fund account provided for in [section 14].

(2) There is appropriated \$11 million on a one-time-only basis for the fiscal year ending June 30, 2012, to the department of administration for transfer to the old fund account for unfunded liabilities, if necessary. These funds may be used only for the purposes of this subsection, except as provided in subsection (3).

(3) If the funds appropriated in subsection (2) are not needed for the purpose specified in subsection (2), the department of administration may transfer up to \$2.2 million of the remainder to compensate state agencies for any difference in the amount appropriated from the general fund for workers' compensation premiums and the actual amount of workers' compensation premiums funded from the general fund. The methodology for determining general fund appropriations for workers' compensation and actual general fund workers' compensation premium costs must be based on an agreement between the director of the office of budget and program planning and the legislative fiscal analyst.

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(4) (a) The approving authority, as defined in 17-7-102, shall review and may approve the transfer under subsection (3).

(b) The legislative finance committee shall review the proposed transfer prior to the distribution of funds under subsection (3)."

**Insert:** "NEW SECTION. Section 16. Codification instruction. [Sections 13 and 14] are intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [sections 13 and 14]."

**Renumber:** subsequent sections

20. Page 14, line 12.

**Following:** line 11

**Insert:** "(3) If House Bill No. 611 is not passed and approved, then [section 4 of this act], amending 15-35-108, is void."

21. Page 14, line 17.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Strike:** "[This"

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

22. Page 14.

**Following:** line 17

**Insert:** "(2) [Section 14(2)] is effective July 1, 2011, and applies to new or renewal policies effective July 1, 2011."

23. Page 14, line 19.

**Following:** "TERMINATION."

**Insert:** "(1)"

**Strike:** "AND 12"

**Insert:** ", 6, and 7"

24. Page 14.

**Following:** line 19

**Insert:** "(2) [Section 14] terminates June 30, 2023."

For the House:

McNutt, Chair

Esp

McChesney

For the Senate:

Lewis, Vice Chair

Hamlett

Zinke

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**MESSAGES FROM THE SENATE**

**Governor's amendments to Senate bill not** concurred in and transmitted to the House for concurrence in the Governor's amendments:

4/28/2011

**SB 174**, introduced by Vuckovich

**SB 136** - The Senate failed to concur in the Governor's House amendments to **SB 136**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 136**:

4/28/2011

Senator Balyeat, Chair  
Senator Hinkle  
Senator Vuckovich

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

4/28/2011

Senator Essmann, Chair  
Senator Larsen  
Senator Vincent

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

4/28/2011

**SB 266**, introduced by Olson

(note: the message originally received was incorrect and said the governor's amendments were not concurred in, the journal clerk was given the correct report.)

**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 29 - Governor's Amendments** - Representative Welborn moved Governor's amendments to **SB 29** be concurred in. Motion **failed** as follows:

Yeas: Barrett, Belcourt, B. Bennett, Blyton, Boland, Cook, Court, Cuffe, Driscoll, Esp, Furey, Gibson, Hands, Hansen, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price,

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Reinhart, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Vance,  
Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 45

Nays: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark,  
Connell, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Greef, Hale, Harris, Hendrick, Hollandsworth,  
Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney,  
MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall,  
Read, Regier, Reichner, Roberts, Rosendale, Skattum, Skees, Small, C. Smith, Taylor,  
Wagner, Warburton, Washburn.  
Total 55

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 604 - Free Conference Committee Report No. 1** - Representative Cook moved the Free  
Conference Committee report to **HB 604** 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, Kerns,  
Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara,  
O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon,  
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, Hands, Hill, Hiner,  
Hollenbaugh, Hunter, Kennedy, MacDonald, Malek, McChesney, McClafferty, McNally,  
Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt,  
Sesso, Skattum, F. Smith, Squires, Swanson, Williams, Wilmer.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 423 - Governor's Amendments** - Representative Berry moved Governor's amendments to  
**SB 423** be concurred in. Motion carried as follows:

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

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Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 90

Nays: Driscoll, Harris, Hollenbaugh, Lavin, More, O'Hara, Peterson, Read, Skees.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Belcourt.  
Total 1

**SB 266 - Governor's Amendments** - Representative Berry moved Governor's amendments to **SB 266** be concurred in.

**SB 266** - Representative Hendrick moved for cloture. Motion carried.

**SB 266 - Governor's Amendments** - Representative Berry moved Governor's amendments to **SB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 65

Nays: Barrett, Belcourt, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Wagner, Williams, Wilmer.  
Total 34

Excused: None.  
Total 0

Absent or not voting: B. Bennett.  
Total 1

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**SB 174 - Governor's Amendments** - Representative Miller moved Governor's amendments to **SB 174** be **not** concurred in. Motion carried as follows:

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

Total 71

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

Total 29

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

Total 68

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

Total 27

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Clark, Hollenbaugh.

Total 3

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**MOTIONS**

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

4/28/2011

Representative C. Smith  
Representative Berry  
Representative Sands

Representative Kerns moved to suspend the rules and accept **HB 174** as amended.

Motion **failed** as follows:

Yeas: 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, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, Miller, More, 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 61

Nays: Ankney, Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 34

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

Representative Flynn moved to suspend the rules to reconsider **HB 198**.

Motion **failed** as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Driscoll, Edmunds, Ehli, Esp, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McNiven, Miller, More, Noonan, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 62

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Nays: Ankney, Bangerter, B. Bennett, G. Bennett, Berry, Boland, Cook, Court, Cuffe, Fitzpatrick, Furey, Gibson, Hoven, Hunter, Klock, McClafferty, McGillvray, McNally, McNutt, Menahan, O'Hara, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Small, Swanson, Welborn, Mr. Speaker.

Total 34

Excused: Evans, Hands.

Total 2

Absent or not voting: Mehlhoff, Sesso.

Total 2

Representative McGillvray moved to accede to the request of the Senate and appoint a Conference Committee on **SB 136**. Motion Carried. Speaker Milburn appointed:

4/28/2011

Representative Kennedy

Representative Knudsen

Representative Phillips

Representative MacLaren moved to suspend the rules on **HB 609**.

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, 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 67

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

Total 28

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

Representative MacLaren moved to reconsider **HB 609** and place it on third reading today.

Motion carried as follows:

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

Total 67

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

Total 28

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

Representative G. Bennett rose on a point of personal privilege to correct a statement made earlier about Representative Evan's health.

Representative Arntzen rose on a point of personal privilege about an item she had placed on members desks.

Representative Taylor rose on a point of personal privilege to clarify her statement made yesterday about the message left on Representative Hansen's desk because some members asked for clarification on whose desk it was.

House Recessed.

House Reconvened.

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

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

**on Senate Bill 136**

Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

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

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

1. Page 8, line 16.

**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 423**

Report No. 3, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25.

**Following:** "INCLUDING"

**Insert:** "relevant and necessary"

2. Page 4, line 4.

**Strike:** "REGISTERED CARDHOLDER,"

**Following:** "PROVIDER"

**Strike:** " "

3. Page 4, line 25.

**Following:** "RELEVANT"

**Insert:** "and necessary"

4. Page 4, line 27.

**Following:** "REVIEWING"

**Insert:** "any"

**Following:** "RELEVANT"

**Insert:** "and necessary"

5. Page 6, line 8.

**Following:** "department shall"

**Strike:** "verify"

**Insert:** "review"

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6. Page 7, line 3.

**Strike:** "registered cardholders"

**Following:** "and"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

7. Page 7, line 5.

**Strike:** "cardholders"

**Following:** "of"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

8. Page 7, line 8.

**Strike:** "15"

**Insert:** "25"

9. Page 7, line 28.

**Strike:** "and (3)"

**Insert:** "through (4)"

10. Page 9.

**Following:** line 10

**Insert:** "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."

**Renumber:** subsequent subsections

11. Page 10, line 28.

**Following:** "(A)"

**Insert:** "(i)"

12. Page 11.

**Following:** line 1

**Insert:** "(ii) A person who is registered as both a provider and a marijuana-infused products provider may assist no more than three registered cardholders."

13. Page 11, line 15 through line 16.

**Strike:** "; or" on line 15 through "PRODUCTS PROVIDER" on line 16

14. Page 12, line 5.

**Following:** "SMOKING"

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**Insert:** "unless the marijuana-infused products provider is also a registered provider and is providing the marijuana to a registered cardholder who has selected the person as the person's registered provider"

15. Page 13.

**Following:** line 20

**Insert:** "(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."

**Renumber:** subsequent subsections

16. Page 13, line 30.

**Following:** "(1)"

**Insert:** "(a)"

17. Page 14, line 1.

**Following:** "hospices"

**Insert:** "and residential care facilities"

18. Page 14, line 2.

**Strike:** "in the order listed"

19. Page 14, line 4.

**Strike:** "(a)"

**Insert:** "(i)"

20. Page 14, line 5.

**Following:** ";

**Insert:** "or"

21. Page 14, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "provider"

**Insert:** ", "

**Strike:** "OR"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney"

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22. Page 14, line 7.

**Strike:** "; or"

**Insert:** "."

23. Page 14, line 8.

**Strike:** "(c)"

**Insert:** "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

24. Page 14, line 9.

**Following:** "provider"

**Insert:** ", "

**Strike:** "OR"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney, if any,"

25. Page 19, line 4.

**Strike:** "FREQUENT,"

26. Page 19, line 7.

**Strike:** "AT ANY TIME"

**Insert:** "during normal business hours"

27. Page 19, line 13.

**Following:** "INVESTIGATION"

**Insert:** "during normal business hours"

28. Page 19, line 24.

**Strike:** "or"

29. Page 19, line 27.

**Following:** "PRODUCTS"

**Insert:** "; or

(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing marijuana"

For the Senate:  
Essmann, Chair  
Vincent

For the House:  
C. Smith, Vice Chair  
Berry  
Sands

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

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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 423 - Free Conference Committee Report No. 3** - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:

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

Total 88

Nays: B. Bennett, Hale, Harris, Hill, Hollenbaugh, Howard, Kerns, Noonan, Peterson, Read, Reinhart, Wilmer.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

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

Total 79

Nays: Barrett, Belcourt, Boland, Connell, Court, Driscoll, Ehli, Esp, Hill, Hollenbaugh, MacLaren, Malek, Menahan, Pease-Lopez, Peterson, Price, Sands, Schmidt, Swanson, Wilmer.

Total 20

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Excused: None.

Total 0

Absent or not voting: Mehlhoff.

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

Total 89

Nays: B. Bennett, Court, Hill, Loney, Malek, Noonan.

Total 6

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

### THIRD READING OF BILLS

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

**HB 609 failed** as follows:

Yeas: Loney, Mr. Speaker.

Total 2

Nays: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson,

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

Total 93

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

**SB 100** concurred in as follows:

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

Total 95

Nays: None.

Total 0

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

**SB 207** concurred in as follows:

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

Total 87

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Nays: Barrett, Blasdel, Harris, Hill, Kary, Read, Rosendale, F. Smith.  
Total 8

Excused: Evans, Hands.  
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.  
Total 3

**SB 266** concurred in 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, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 63

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, Kerns, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Noonan, O'Neil, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Stahl, Swanson, Williams, Wilmer.  
Total 32

Excused: Evans, Hands.  
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.  
Total 3

**HB 316** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, G. Bennett, Berry, Blasdel, Blyton, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Loney, MacLaren, McGillvray, McNiven, McNutt, Osmundson, Peterson, Randall, Read, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Mr. Speaker.  
Total 54

Nays: Barrett, B. Beck, B. Bennett, Boland, Brodehl, Court, Driscoll, Flynn, Furey, Hale, Hill, Hiner, Hollenbaugh, Hunter, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Pease-Lopez, Phillips, Price, Regier, Reinhart, Sands, Schmidt, Skees, F. Smith, Squires, Swanson, Williams, Wilmer, Yates.

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Total 41

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

**SB 156** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Bennett, Berry, Boland, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Gibson, Greef, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Reinhart, Roberts, Salomon, Sands, Schmidt, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 62

Nays: B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Esp, Flynn, Hale, Howard, Kary, Kerns, Knox, Loney, McGillvray, McNiven, Miller, More, O'Neil, Randall, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner, Warburton, Washburn.

Total 32

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Furey, Mehlhoff, Sesso.

Total 4

**SB 36** concurred in as follows:

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

Total 93

Nays: Hale, McGillvray.

Total 2

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Excused: Evans, Hands.  
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.  
Total 3

**HB 604** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, More, 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 64

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Furey, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.  
Total 31

Excused: Evans, Hands.  
Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.  
Total 3

**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, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.  
Total 78

Nays: Barrett, B. Bennett, Furey, Hale, Harris, Hill, Hollenbaugh, Howard, Kerns, Malek, McClafferty, Noonan, Peterson, Read, Reinhart, Squires, Wilmer.  
Total 17

Excused: Evans, Hands.

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Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

**SB 136** concurred in as follows:

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

Total 72

Nays: Barrett, B. Bennett, Boland, Connell, Court, Driscoll, Ehli, Esp, Hale, Hill, MacLaren, Malek, Menahan, Pease-Lopez, Peterson, Price, Sands, Schmidt, Skattum, Squires, Swanson, Williams, Wilmer.

Total 23

Excused: Evans, Hands.

Total 2

Absent or not voting: Belcourt, Mehlhoff, Sesso.

Total 3

**ADJOURNMENT**

Representative McGillvray moved the House Sine Die.

Representative Hunter made closing remarks.

Representative McGillvray made closing remarks.

Speaker Milburn made closing remarks

House adjourned at 8:50 PM.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House