

**HOUSE JOURNAL
63RD LEGISLATURE
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 1, 2013

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chair):

2/1/2013

Correctly printed: **HB 16, HB 24, HB 79, HB 95, HB 106, HB 184, HB 258, HB 273, HB 296, HJR 3, HJR 5, SB 8, SB 15, SB 16, SB 50, SJR 2, HB 353, HB 354, HB 355, HB 356, HB 357, HB 358, HB 359, HB 360, HB 361, HB 362, HB 363, HB 364.**

Correctly enrolled: **HB 21, HB 132, HB 139.**

Correctly engrossed: **HB 27, HB 37, HB 49, HB 78, HB 89, HB 133, HB 187, HB 195, HB 200, HB 210, HB 214, HB 215, HB 217, HB 251, HR 2.**

Transmitted to the Senate: **HB 120, HB 126, HB 152, HB 192, HB 259, HB 261.**

Signed by the Speaker at 12:55 p.m., February 1, 2013: **HB 20, HB 25, HB 42.**

Signed by the Chief Clerk of the House at 1:30 p.m., February 1, 2013: **HB 20, HB 25, HB 42.**

Signed by the President at 1:40 p.m., February 1, 2013: **HB 20, HB 25, HB 42.**

Delivered to the Governor for approval at 2:01 p.m., February 1, 2013: **HB 20, HB 25, HB 42.**

Examined by the sponsor and found to be correct: **HB 20, HB 25, HB 42.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Ankney, Chair):

1/31/2013

HB 16, do pass. Report adopted.

HB 210, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "ACADEMY;"

Strike: "REQUIRING" on line 7 through "APPROPRIATIONS;" on line 10

Insert: "PROVIDING FOR A REVERSION OF FUNDS;"

2. Page 1, line 14 through line 15.

Strike: "the commissioner of higher education"

Insert: "public instruction"

3. Page 1, line 15.

Following: "2013,"

Insert: "solely"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

4. Page 1, line 16.

Following: "academy."

Insert: "Any remaining funds that are unencumbered as of June 30, 2013, must revert to the general fund."

5. Page 1, line 18 through line 21.

Strike: section 2 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Welborn, Chair):
HB 27, introduced bill, be amended as follows:

1/31/2013

1. Page 1, line 17.

Strike: "mountain lions or"

Following: "wolves"

Insert: "after the general deer and elk season"

And, as amended, do pass. Report adopted.

HB 273, do pass. Report adopted.

LOCAL GOVERNMENT (Bangerter, Chair):
HB 258, do pass. Report adopted.

1/31/2013

STATE ADMINISTRATION (Ingraham, Chair):
HB 78, introduced bill, be amended as follows:

1/31/2013

1. Page 3, line 14.

Strike: "180"

Insert: "150"

2. Page 3, line 20.

Strike: "30"

Insert: "45"

And, as amended, do pass. Report adopted.

HB 214, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "REQUIRING"

Insert: "RECOMMENDING THAT"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

2. Title, page 1, line 8.

Following: "ACTION"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 12.

Strike: "must"

Insert: "may"

4. Page 1, line 18.

Strike: "must"

Insert: "may"

5. Page 1, line 23.

Strike: "The"

Insert: "If the"

Following: the first "flag"

Insert: "is displayed, it"

6. Page 2.

Following: line 9

Insert: "NEW SECTION. **Section 3. Effective date.** [This act] is effective May 27, 2013."

And, as amended, do pass. Report adopted.

HB 215, introduced bill, be amended as follows:

1. Page 1, line 10 through line 12.

Strike: "; and" on line 10 through "West"" on line 12

And, as amended, do pass. Report adopted.

HB 251, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "SECTIONS 13-2-304 AND"

Insert: "SECTION"

2. Page 1, line 10 through line 27.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 2.

Strike: "20"

Insert: "25"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

4. Page 2, line 5.

Strike: "20"

Insert: "25"

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Berry, Chair):
HB 133, introduced bill, be amended as follows:

2/1/2013

1. Title, line 7.

Following: "COUNSELORS"

Insert: "TO"

2. Title, line 10 through line 12.

Strike: "REVISING" on line 10 through "PHARMACY";" on line 12

3. Title, line 24.

Following: "SECTIONS"

Strike: "2-15-1740,"

4. Title, line 25.

Strike: "37-3-306,"

Following: "37-3-323,"

Strike: "37-7-101, 37-7-702,"

Following: "37-16-402,"

Insert: "37-17-104,"

5. Title, line 26.

Strike: "37-22-301,"

6. Page 2, line 6 through line 22.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 5, line 19 through page 6, line 18.

Strike: section 9 in its entirety

Renumber: subsequent sections

8. Page 8, line 1 through page 13, line 13.

Strike: sections 13 through 15 in their entirety

Renumber: subsequent sections

9. Page 15, line 10.

Strike: "21"

Insert: "16"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

10. Page 15, line 11.

Strike: "19"

Insert: "14"

11. Page 15, line 22.

Strike: "19 through 24"

Insert: "14 through 19"

12. Page 16, line 9.

Strike: "21"

Insert: "16"

13. Page 16, line 29.

Strike: "21"

Insert: "16"

14. Page 17, line 7.

Strike: "21"

Insert: "16"

15. Page 17, line 21.

Strike: "21"

Insert: "16"

16. Page 18, line 3.

Strike: "21"

Insert: "16"

17. Page 18, line 5.

Strike: "19 through 24"

Insert: "14 through 19"

18. Page 18, line 6.

Strike: "19 through 24"

Insert: "14 through 19"

19. Page 18, following line 8.

Insert: "**Section 20.** Section 37-17-104, MCA, is amended to read:

"**37-17-104. Exemptions.** (1) Except as provided in subsection (2), this chapter does not prevent:

(a) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, professional counselors licensed under Title 37, chapter 23, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology", "psychologist", "psychological", or "psychologic";

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

(b) the activities, services, and use of an official title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational institution, business corporation, or research laboratory insofar as these activities and services are a part of the duties of the office or position within the confines of the agency or institution;

(c) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of the supervised course of study of the student, intern, or resident in psychology;

(d) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of that person's residence to perform these activities and services. However, these persons shall report to the department the nature and extent of the services in this state prior to providing those services if the services are to exceed 10 days in a calendar year.

(e) a person authorized by the laws of the state or country of the person's former residence to perform activities and services, who has recently become a resident of this state and who has submitted a completed application for a license in this state, from performing the activities and services pending disposition of the person's application; and

(f) the offering of lecture services.

(2) Those qualified members of other professions described in subsection (1)(a) may indicate and hold themselves out as performing psychological testing, evaluation, and assessment, as described in 37-17-102(4)(b), provided that they are qualified to administer the test and make the evaluation or assessment.

(3) The board of social work examiners, and professional counselors, and marriage and family therapists shall adopt rules that qualify a licensee under Title 37, chapter 22 or 23, to perform psychological testing, evaluation, and assessment. The rules for licensed clinical social workers and professional counselors must be consistent with the guidelines of their respective national associations. Final rules must be adopted by October 1, 2010. A qualified licensee providing services under this exemption shall comply with the rules no later than 1 year from the date of adoption of the rules.""

Renumber: subsequent sections

20. Page 18, line 20.

Strike: "28"

Insert: "23"

21. Page 19, line 6 through line 29.

Strike: section 26 in its entirety

Renumber: subsequent sections

22. Page 22, line 16.

Strike: "31"

Insert: "26"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

23. Page 26, line 11.

Strike: "35"

Insert: "30"

24. Page 56, line 3 through line 4.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

25. Page 56, line 5.

Strike: "19 through 24"

Insert: "14 through 19"

26. Page 56, line 6.

Strike: "19 through 24"

Insert: "14 through 19"

27. Page 56, line 7.

Strike: "28"

Insert: "23"

28. Page 56, line 8.

Strike: "28"

Insert: "23"

29. Page 56, line 9.

Strike: "31"

Insert: "26"

30. Page 56, line 10.

Strike: "31"

Insert: "26"

31. Page 56, line 11.

Strike: "35"

Insert: "30"

32. Page 56, line 12.

Strike: "35"

Insert: "30"

33. Page 56, line 14.

Strike: "59 and 60"

Insert: "54 and 55"

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

HB 187, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: line 14

Insert: "(4) An outfitter who employs an outfitter's assistant is responsible for ensuring that the outfitter's assistant is competent to perform the tasks of a guide."

Renumber: subsequent subsections

2. Page 1, line 15.

Following: "days"

Insert: "in a calendar year"

3. Page 1, line 16.

Following: "part"

Insert: "and the board determines that the license application is routine"

4. Page 1, line 17.

Following: line 16

Insert: "(6) An outfitter may use more than one outfitter's assistant in a calendar year.

(7) An outfitter's assistant may be employed by an outfitter on more than one occasion in a calendar year if:

(a) the outfitter's assistant is not employed for more than 15 days as an outfitter's assistant in that calendar year; or

(b) the outfitter's assistant is actively obtaining a guide's license and the board determines that the license application is routine."

5. Page 2, line 21.

Following: "licensed guide"

Strike: "or"

Insert: ", "

Following: "professional guide"

Insert: ", or outfitter's assistant"

And, as amended, do pass. Report adopted.

JUDICIARY (Kerns, Chair):

2/1/2013

HJR 3, do pass. Report adopted.

HJR 5, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):

2/1/2013

HB 79, do pass. Report adopted.

HB 200, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 8.

Strike: "PROHIBITING" on line 4 through "BALLOTS;" on line 8

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

2. Title, page 1, line 8.

Strike: "ITEMS"

Insert: "PERSONS"

3. Title, page 1, line 8 through line 9.

Strike: "BEING" on line 8 through "DISTRIBUTED" on line 9

Insert: "DISTRIBUTING CERTAIN ITEMS"

4. Title, page 1, line 9 through line 10.

Strike: "SECTIONS" on line 9 through "AND" on line 10

Insert: "SECTION"

5. Page 1, line 14 through page 4, line 17.

Strike: section 1 through section 5 in their entirety

Renumber: subsequent sections

6. Page 4, line 24.

Strike: "person"

Insert: "candidate, a family member of a candidate, or a worker or volunteer for the candidate's campaign"

7. Page 5, line 4 through line 5.

Strike: section 7 in its entirety

And, as amended, do pass. Report adopted.

HB 217, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "CHURCHES"

Insert: "RELIGIOUS ORGANIZATIONS"

2. Title, page 1, line 9 through line 10.

Strike: "PROHIBITING RULES" on line 9 through "ISSUE CAMPAIGNS;" on line 10

3. Title, page 1, line 10.

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, page 1, line 11.

Strike: "AND 13-37-226"

5. Page 3, line 17 through line 18.

Strike: subsection (iii) in its entirety

Insert: "(iii) the cost of any communication by a religious organization that qualifies under 26

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

U.S.C. 501(c)(3) when requiring the organization to comply with Title 13 would burden the organization's religious beliefs and practices;"

6. Page 4, line 6 through line 7.

Strike: subsection (iv) in its entirety

Insert: "(iv) the cost of any communication by a religious organization that qualifies under 26 U.S.C. 501(c)(3) when requiring the organization to comply with Title 13 would burden the organization's religious beliefs and practices;"

7. Page 6, line 19 through page 8, line 18.

Strike: section 2 in its entirety

Renumber: subsequent sections

8. Page 8, line 24.

Strike: "3"

Insert: "2"

9. Page 8, line 25.

Strike: "3"

Insert: "2"

And, as amended, do pass. Report adopted.

HB 296, do pass. Report adopted.

TAXATION (Miller, Chair):

2/1/2013

HB 49, introduced bill, be amended as follows:

1. Page 2, line 21.

Strike: "uniformed services"

Insert: "armed forces"

2. Page 2, line 22.

Strike: "uniformed service"

Insert: "the armed forces"

3. Page 2, line 25.

Strike: "uniformed service"

Insert: "the armed forces"

And, as amended, do pass. Report adopted.

HB 89, introduced bill, be amended as follows:

1. Page 1, line 24.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Strike: "\$2,000"

Insert: "\$5,000"

And, as amended, do pass. Report adopted.

HB 195, introduced bill, be amended as follows:

1. Page 1, line 12 through line 20.

Strike: "the" on line 12 through "land" on line 20

Insert: ", in a prior year, the parcels totaled 15 acres or more and qualified as forest land but the number of acres was reduced to less than 15 acres for a public use described in 70-30-102 by the federal government, the state, a county, or a municipality, and since that reduction in acres, the parcels have not been further divided"

And, as amended, do pass. Report adopted.

SB 15, be concurred in. Report adopted.

SB 16, be concurred in. Report adopted.

SJR 2, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

SELECT COMMITTEE ON REDISTRICTING (Randall, Chair):

1/31/2013

HR 2, introduced resolution, be amended as follows:

1. Page 1, line 20.

Strike: "24 and 25"

Insert: "23 and 24"

2. Page 1, following line 22.

Insert: "WHEREAS, the House of Representatives contends that the proposed plan does not adequately consider the functional compactness of districts as required in the Commission's criteria; in particular, House District 13 includes a portion of Flathead County containing Kila and Marion that is not accessible by vehicle from the main western Sanders County portion of the district without having to leave the district and its residents share little in common with Sanders County residents; and

WHEREAS, the House of Representatives contends that the proposed plan fractures communities of interest in House Districts 21, 23, 77, 78, 82, and 84; and"

3. Page 1, line 26 through line 29.

Strike: "Senators Kaufmann" on line 26 through "Senate Districts" on line 29

Insert: "Senator Webb is assigned to a Senate District predominantly composed of citizens who have never had the opportunity to vote for him, when it is possible to assign him to a district that includes significant populations from his original Senate District"

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

4. Page 2, line 8.

Strike: "24 and 25"

Insert: "21 and 23"

5. Page 2, line 9.

Strike: "District 81"

Insert: "Districts 82 and 84"

6. Page 2, following line 11.

Insert: "(2) redraw House District 13 and any surrounding districts as necessary to create districts in the area that are functionally compact;"

Renumber: subsequent subsections

7. Page 2, following line 15.

Insert: "(4) redraw House Districts 77 and 78 to keep the town of Anaconda whole; and"

Renumber: subsequent subsections

8. Page 2, line 16 through line 19.

Strike: "the following" on line 16 through "(b)" on line 19

And, as amended, do pass. Report adopted.

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair):

1/31/2013

HB 95, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

1/31/2013

SB 40, introduced by Buttrey

SB 48, introduced by Jergeson

SB 77, introduced by Brenden

SB 94, introduced by D. Brown

SB 101, introduced by Facey

SB 104, introduced by Webb

SB 132, introduced by Jergeson

SB 133, introduced by Rosendale

SB 158, introduced by Thomas

House bills concurred in and returned to the House:

1/31/2013

HB 20, introduced by Cook

HB 25, introduced by Gibson

HB 42, introduced by Regier

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

FIRST READING AND COMMITMENT OF BILLS

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

HB 353, introduced by McClafferty, B. Bennett, Boland, Brockie, Calf Boss Ribs, Coffin, Court, Curtis, Dudik, Eck, Hill, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilson, referred to Education.

HB 354, introduced by Connell, referred to Appropriations.

HB 355, introduced by Clark, referred to Transportation.

HB 356, introduced by Clark, referred to Agriculture.

HB 357, introduced by Hansen, Ballance, G. Bennett, Boulanger, Brodehl, Doane, Fiscus, Flynn, Glimm, Greef, Halvorson, Harris, Ingraham, D. Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, Lewis, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Rosendale, Schwaderer, C. Smith, Vance, Wagoner, White, Zolnikov, referred to Education.

HB 358, introduced by Kerns, Edmunds, referred to Judiciary.

HB 359, introduced by Fitzpatrick, Thomas, referred to Judiciary.

HB 360, introduced by White, Edmunds, Galt, Glimm, Hagan, Jacobson, D. Jones, Regier, Shaw, Welborn, referred to Fish, Wildlife and Parks.

HB 361, introduced by Hunter, referred to Taxation.

HB 362, introduced by Berry, referred to Business and Labor.

HB 363, introduced by Berry, referred to Business and Labor.

HB 364, introduced by Schreiner, referred to Transportation.

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

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

SB 206 - Representative Flynn moved consideration of **SB 206** be placed at the bottom of the second reading board. Motion carried.

HB 24 - Representative Ankney moved **HB 24** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Kerns, McNiven.

Total 2

Voted Absentee: Pease-Lopez, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 37 - Representative McChesney moved **HB 37**, second reading copy, be amended as follows:

1. Page 2, line 13.

Strike: "10"

Insert: "5"

Amendment adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.

Total 0

Voted Absentee: Pease-Lopez, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

HB 37 - Representative McChesney moved **HB 37**, as amended, do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 88

Nays: Court, Eck, Fiscus, Hill, MacDonald, Miller, Neill, Pease-Lopez, Pierson, Pomnichowski, Schwaderer, Squires.

Total 12

Voted Absentee: Warburton, Aye; Pease-Lopez, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 106 - Representative Connell moved **HB 106** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: Harris, Kerns, Schwaderer, Vance.

Total 4

Voted Absentee: Pease-Lopez, Warburton, Aye.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 184 - Representative Fiscus moved **HB 184** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McCarthy, McChesney, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Welborn, White, Zolnikov, Mr. Speaker.

Total 60

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 38

Voted Absentee: Warburton, Aye; Pease-Lopez, No.

Excused: None.

Total 0

Absent or not voting: Howard, Washburn.

Total 2

HB 248 - Representative B. Bennett moved **HB 248**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "SEASON;"

Insert: "ALLOWING LOCAL GOVERNING BODIES TO EXTEND THE PROHIBITION;"

2. Title, line 6.

Strike: "SECTIONS 7-33-4206 AND"

Insert: "SECTION"

3. Page 1.

Following: line 13

Insert: "(2) A city or town council or board of county commissioners may extend the prohibition

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

provided in this section beyond the wildfire season or an extension of the wildfire season."

Renumber: subsequent subsection

4. Page 1, line 18 through line 22.

Strike: section 2 in its entirety

Renumber: subsequent sections

Amendment adopted as follows:

Yeas: Bangerter, B. Bennett, J. Bennett, Boland, Boss Ribs, Brockie, Coffin, Connell, Cook, Court, Curtis, Doane, Dudik, Eck, Ehli, Fitzpatrick, Gursky, Hagan, Hagstrom, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jacobson, Jones, Lang, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, B. Smith, Squires, Steenberg, Swanson, Wagoner, Whitford, Williams, Wilmer, Wilson, Woods.

Total 59

Nays: Ankney, Ballance, Berry, Blyton, Brodehl, Clark, Cuffe, Edmunds, Fiscus, Flynn, Galt, Gibson, Glimm, Greef, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Kary, Kerns, Knudsen, Lavin, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Schwaderer, Shaw, C. Smith, Vance, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 41

Voted Absentee: Pease-Lopez Aye; Warburton, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 248 - Representative B. Bennett moved **HB 248**, as amended, do pass. Motion **failed** as follows:

Yeas: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Gursky, Hagstrom, Hill, Hollenbaugh, Hunter, Jacobson, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 45

Nays: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Halvorson,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 55

Voted Absentee: Pease-Lopez Aye, Warburton, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 8 - Representative Wagoner moved **SB 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Voted Absentee: Pease-Lopez, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 50 - Representative O'Neil moved **SB 50** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Pease-Lopez, Warburton, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Jacobson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: None.
Total 0

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.
Total 2

Absent or not voting: None.
Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

SB 206 - Representative Vance moved consideration of **SB 206** be passed for the day. Motion Carried.

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Jacobson moved the Committee of the Whole report be adopted. Report adopted unanimously.

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 30 passed as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.
Total 60

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 38

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.
Total 2

Absent or not voting: None.
Total 0

HB 68 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Boland, Boss Ribs, Brockie, Clark, Coffin, Cook, Court, Curtis, Dudik, Eck, Fitzpatrick, Gibson, Gursky, Hagstrom, Halvorson, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Jones, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Peppers, Pierson, Pomnichowski, Price, Regier, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Total 61

Nays: J. Bennett, Berry, Blyton, Brodehl, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Greef, Hagan, Hansen, Harris, Howard, Ingraham, Kary, Kerns, Knudsen, Lang, Laszloffy, McNiven, Miller, Osmundson, Randall, Redfield, Reichner, Salomon, Schwaderer, C. Smith, Vance, Welborn, Zolnikov, Mr. Speaker.

Total 37

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.

Total 2

Absent or not voting: None.

Total 0

HB 154 passed as follows:

Yeas: Ankney, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 93

Nays: Ballance, Ehli, Greef, Pomnichowski, Swanson.

Total 5

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.

Total 2

Absent or not voting: None.

Total 0

HB 194 passed as follows:

Yeas: Ankney, Ballance, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Galt, Greef,

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 85

Nays: Bangerter, J. Bennett, Doane, Fitzpatrick, Flynn, Gibson, Glimm, Hertz, Kerns, McNally, Miller, Schwaderer, Williams.

Total 13

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.

Total 2

Absent or not voting: None.

Total 0

HB 226 passed as follows:

Yeas: Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 58

Nays: Ankney, B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Neill, Noonan, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 40

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.

Total 2

Absent or not voting: None.

Total 0

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

HB 250 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: O'Neil.
Total 1

Voted Absentee: None.

Excused: Pease-Lopez, Warburton.
Total 2

Absent or not voting: None.
Total 0

UNFINISHED BUSINESS

The following undersigned names were **ADDED** as sponsors to **HB 219** Motion carried.

HB 219 (Price Chief Sponsor)

B. Bennett, Boland, Brockie, Calf Boss Ribs, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Steenberg, Swanson, Wilmer, and Wilson.

The following undersigned names were **ADDED** as sponsors to **HB 358** Motion carried.

HB 358 (Kerns Chief Sponsor)

G. Bennett, Blyton, Connell, Cuffe, Doane, Edmunds, Galt, Glimm, Halvorson, Harris, Lenz, O'Neil, Randall, Regier, Salomon, C. Smith, Wagoner, White, and Zolnikov.

HOUSE JOURNAL
TWENTY-SECOND LEGISLATIVE DAY - FEBRUARY 1, 2013

SPECIAL ORDERS OF THE DAY

Representative Welborn introduced the Dillon Junior Fiddlers who performed for the House of Representatives. The fiddlers were presented with certificates of honorary membership to the House.

Representative Jerry O'Neill announced that his uncle, Carl O'Neill, who served in the House of Representatives in the 1940's had passed away January 31, 2013.

Representative O'Hara thanked the pages who had served this week and would not be able to attend Saturday's session.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 8:00 a.m., Saturday, February 2, 2013. Motion carried.

House adjourned at 2:40 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House