

**HOUSE JOURNAL
63RD LEGISLATURE
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana
February 20, 2013

House Chambers
State Capitol

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

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

BILLS (O'Hara, Chair):

2/20/2013

Correctly printed: **HB 170, HB 254, HB 255, HB 359, HB 391, HB 392, HB 395, HB 396, HB 422, HB 438, HB 446, HB 448, HB 455, HB 459, HB 460, HB 463, HB 464, HB 469, HB 501, HB 515, HB 548, HB 549, HB 550, HB 551, HB 552, HB 553, HB 554, HB 555, HB 556, HB 557, HB 558, SB 123.**

Correctly engrossed: **HB 314, HB 368, HB 369, HB 375, HB 385, HB 415, HB 421, HB 440, HB 450, HB 462.**

Correctly enrolled: **HB 18, HB 47, HB 114, HB 115, HB 138, HB 141, HB 202.**

Examined by the sponsor and found to be correct: **HB 36, HB 152, HB 155, HB 192.**

Transmitted to the Senate: **HB 281, HB 345, SB 47.**

Signed by the Speaker at 3:25 p.m., February 20, 2013: **HB 36, HB 152, HB 155, HB 192.**

Signed by the Chief Clerk of the House at 3:47 p.m., February 20, 2013: **HB 36, HB 152, HB 155, HB 192.**

Signed by the President at 9:00 a.m., February 21, 2013: **HB 36, HB 152, HB 155, HB 192.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Randall, Chair):

2/19/2013

HB 375, introduced bill, be amended as follows:

1. Page 1, line 13.

Following: "program"

Insert: "-- legislative intent"

Following: "."

Insert: "(1) The legislature intends that reimbursements made pursuant to this section aid in the conservation of wildlife by protecting private landowners who provide critical wildlife habitat."

Renumber: subsequent subsections

2. Page 9, line 8.

Following: "funding."

Insert: "(1)"

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3. Page 9, line 9.

Strike: "[section 1] and"

4. Page 9, line 11.

Following: line 10

Insert: "(2) The department shall use money from the federal special revenue fund described in 87-1-601(3) to implement [section 1]."

And, as amended, do pass. Report adopted.

HB 395, do pass. Report adopted.

HB 396, do pass. Report adopted.

BUSINESS AND LABOR (Berry, Chair):

2/19/2013

HB 415, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "GRANTING" through "AUTHORITY;"

2. Page 1, line 11.

Strike: "8"

Insert: "7"

3. Page 1, line 13.

Strike: "8"

Insert: "7"

4. Page 1, line 15.

Strike: "8"

Insert: "7"

5. Page 1, line 19.

Strike: "8"

Insert: "7"

6. Page 1, line 20.

Strike: "8"

Insert: "7"

7. Page 1, line 24.

Strike: "8"

Insert: "7"

8. Page 2, line 3.

Strike: "8"

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Insert: "7"

9. Page 2, line 27.

Strike: "8"

Insert: "7"

10. Page 4, line 28.

Following: "period"

Insert: ", so long as no benefits have been provided"

11. Page 5, line 14.

Following: "3(3)"

Strike: ", "

Insert: "and"

Strike: ", and 8"

12. Page 5, line 18 through line 27.

Strike: strike section 8 in its entirety

Renumber: subsequent sections

13. Page 7, line 22.

Strike: "8"

Insert: "7"

14. Page 7, line 24.

Strike: "8"

Insert: "7"

15. Page 7, line 25.

Strike: "Title 31, chapter 1, and the provisions of Title 31, chapter1"

Insert: "Title 30, chapter 14, part 1, and the provisions of Title 30, chapter 14, part 1"

16. Page 7, line 26.

Strike: "8"

Insert: "7"

And, as amended, do pass. Report adopted.

HB 450, introduced bill, be amended as follows:

1. Page 2, line 1 through line 4.

Strike: "If" on line 1 through "accident" on line 4

Insert: "After a motor vehicle accident, if coverage exists under one or more motor vehicle liability policies and one or more disability insurance policies, member contracts, health benefit

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plans, or group health plans, payment must be made in the following order of priority"

2. Page 2, line 12 through line 13.

Strike: "medical" on line 12 through "charges" on line 13

Insert: "covered medical expenses must be paid according to the terms of the applicable policy"

3. Page 2, following line 13.

Insert: "(3) Subject to the terms of the applicable policy, claims made under this section must be paid in the order presented or demanded with supporting documentation evidencing the existence and amount of damages. Claims include but are not limited to medical expenses and lost wages."

4. Page 2, line 28 through line 29.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 460, do pass. Report adopted.

HB 464, do pass. Report adopted.

HB 501, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Welborn, Chair):

2/19/2013

HB 440, introduced bill, be amended as follows:

1. Title, page 1, line 9.

Following: "87-1-209"

Insert: ", 87-1-230,"

2. Page 5.

Following: line 21

Insert: "**Section 3.** Section 87-1-230, MCA, is amended to read:

"87-1-230. (Temporary) Maintenance account -- annual report. (1) There is a maintenance account in the state special revenue fund. In addition to the funds set aside for maintenance of land or water acquired by the department pursuant to 87-1-209(1), the department shall also deposit into the maintenance account:

(a) funds dedicated for development and maintenance of real property used for wildlife habitat under 87-1-242(4)(a)(5)(a);

(b) interest earned on the account; and

(c) any other money that the department considers appropriate or necessary for maintenance of the department's land or water.

(2) Funds deposited in the account are statutorily appropriated, as provided in 17-7-502,

to the department and may be used only for maintenance of any land or water acquired by the department.

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(3) (a) The department shall provide an annual report regarding deposits into and withdrawals from the account established in subsection (1) to the oversight subcommittee of the environmental quality council for the purpose of demonstrating the use of funds in the account toward the good neighbor policy.

(b) The report must describe the types of maintenance completed by fish, wildlife, and parks region and maintenance plans for the subsequent fiscal year.

(c) The report is due to the environmental quality council by September 1 following the end of each fiscal year. (Terminates June 30, 2013--sec. 8, Ch. 427, L. 2009.)"

Renumber: subsequent sections

3. Page 5, line 25.

Strike: "maintenance"

4. Page 5, line 27.

Following: "and to"

Insert: "secure, develop, and"

Following: "habitat"

Strike: ", "

Insert: "in accordance with this section and"

5. Page 6, line 11.

Strike: "Eighty"

Insert: "Fifty-five"

6. Page 6, line 12.

Following: "~~87-1-209~~"

Insert: "secure wildlife habitat pursuant to 87-1-209.

(4) Twenty-five percent of the money allocated by this section, together with the interest and income from the money, must be used to"

Renumber: subsequent subsections

7. Page 6, line 14 through line 15.

Strike: "from the sale" on line 14 through "subsection (1)" on line 15

Insert: "allocated by this subsection"

8. Page 6, line 20.

Strike: "(4)(a)"

Insert: "(5)(a)"

And, as amended, do pass. Report adopted.

SB 123, be concurred in. Report adopted.

JUDICIARY (Kerns, Chair):

2/20/2013

HB 369, introduced bill, be amended as follows:

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1. Title, page 1, line 8.

Following: "COURT;"

Insert: "REQUIRING A PARTY TO PAY DISTRICT COURT FEES UPON REMOVAL;"

2. Page 1, following line 28.

Insert: "(c) Upon receiving notice of removal, the justices' court, municipal court, city court, or small claims division of a justices' court shall immediately transmit the pleadings and all papers in the action to the clerk of the district court."

3. Page 1, following line 30.

Insert: "(5) A party who files a notice to remove a civil action to district court under this section shall pay all costs and fees of filing the papers in the district court pursuant to 25-1-201."

And, as amended, do pass. Report adopted.

HB 385, introduced bill, be amended as follows:

1. Page 3, line 28.

Following: "~~part 4~~"

Insert: ", including but not limited to any of the following activities:

(a) criminal production or manufacture of dangerous drugs as prohibited by 45-9-110;

(b) operation of an unlawful clandestine laboratory as prohibited by 45-9-132;

(c) gang-related activities as prohibited by Title 45, chapter 8, part 4;

(d) unlawful possession of a firearm, explosive, or hazardous or toxic substance; or

(e) any activity that is otherwise prohibited by law"

2. Page 4, line 26.

Following: "rental agreement"

Insert: "immediately"

3. Page 4, line 27.

Strike: "3 days"

4. Page 4, following line 27.

Insert: "(5) If a tenant violates the provisions of 70-24-321(3) and written notice specifying the violation has been provided to the court, the court shall within 24 hours of receiving notice issue an order for possession in favor of the landlord and a writ of assistance to the county sheriff to deliver possession to the landlord."

Renumber: subsequent subsections

5. Page 4, line 30.

Strike: "(6)"

Insert: "(7)"

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6. Page 5, line 9.

Strike: "20"

Insert: "3 business"

7. Page 5, line 13.

Strike: "20"

Insert: "3 business"

8. Page 5, line 19.

Strike: "5"

Insert: "3 business"

And, as amended, do pass. Report adopted.

HB 391, do pass. Report adopted.

HB 438, do pass. Report adopted.

HB 459, do pass. Report adopted.

HB 462, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "IMMEDIATE"

2. Page 3, line 24.

Strike: "on passage and approval"

Insert: "July 1, 2013"

And, as amended, do pass. Report adopted.

HB 515, do pass. Report adopted.

LOCAL GOVERNMENT (Bangerter, Chair):

2/19/2013

HB 314, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Following: "PROTEST;"

Insert: "REQUIRING A PROTEST FORM TO BE SENT TO PROPERTY OWNERS IN THE PROPOSED DISTRICT;"

2. Title, page 1, line 15.

Following: "A SPECIAL DISTRICT;"

Insert: "REVISING SPECIAL DISTRICT COST ESTIMATE AND ASSESSMENT DATES;"

3. Title, page 1, line 15 through line 16.

Strike: "PROHIBITING CERTAIN SPECIAL DISTRICTS FROM MAKING ASSESSMENTS UNTIL

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COMPLYING WITH THE ACT;"

4. Title, page 1, line 18.

Following: "EFFECTIVE DATE"

Insert: "AND AN APPLICABILITY DATE"

5. Page 2, line 19.

Following: "and"

Insert: "either"

Following: "the"

Insert: "street"

Following: "address"

Insert: "or the legal description, whichever the signatory prefers,"

6. Page 4, line 16.

Following: "from"

Insert: "either"

7. Page 4, line 17.

Following: "intention"

Insert: "or the date the protest form provided for in subsection (2)(c) was sent to property owners, whichever is later,"

8. Page 4, line 19.

Following: "(2)"

Insert: "(a) A property owner may register a written protest under either subsection (2)(b) or (2)(c).
(b) A property owner may register a written protest in any format in conformity with this section."

Strike: "be in writing,"

Following: "protestor"

Insert: "by either its street address or its legal description, whichever the property owner prefers"

9. Page 4, line 22.

Following: line 21

Insert: "(c) The governing body shall send each person referred to in 7-11-1007(3)(c) a protest form with space for any information required under subsection (2)(b) of this section, mailing instructions, and the date the form must be returned to the governing body. The form must specify that if it is not returned, the owner's lack of action must be construed as support of the creation of the special district. The form must allow a property owner to select either support for or opposition against the creation of the district. However, if an owner does not make a selection of support or opposition and returns the form to the governing body, it must be construed as a protest of the creation of the special district."

10. Page 8, line 28.

Following: "first Thursday"

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Insert: "after the first Tuesday"

11. Page 9, line 5 through line 6.

Strike: subsection (c) in its entirety

12. Page 9, line 24.

Following: ~~"third Monday in August"~~

Insert: "later of the"

Following: "first Thursday"

Insert: "after the first Tuesday"

13. Page 9, line 27 through line 30.

Strike: section 10 in its entirety

Renumber: subsequent sections

14. Page 10.

Following: line 9

Insert: "NEW SECTION. Section 13. Applicability. [This act] applies to special districts created on or after [the effective date of this act]."

And, as amended, do pass. Report adopted.

HB 368, introduced bill, be amended as follows:

1. Page 1, line 12.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 13.

Strike: "reasonably believes"

Insert: "has clear and convincing evidence"

3. Page 1, line 15.

Strike: "24"

Insert: "48"

Strike: "the occurrence of events upon which"

Strike: "formed that belief"

Insert: "obtained that evidence"

4. Page 1, line 16.

Following: "~~premises~~"

Insert: "immediately remove the abandoned property from the premises and"

5. Page 1, line 16 through line 17.

Strike: "the landlord reasonably believes"

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Insert: "that"

6. Page 1, lines 17 and.

Strike: "and abandoned" on line 17

Strike: "Any" on line 17 through "abandoned." on line 18

7. Page 1, line 19.

Following: line 18

Insert: "(b) An item that is clearly labeled "rent to own" or "leased" or likewise identified may be discarded only with confirmation from the lessor that the item does not have a lien, provided that the lessor can be easily identified from the label and the landlord makes a reasonable effort to contact the lessor.

(c) For the purposes of this subsection (1), the following definitions apply:

(i) "Hazardous" means any item that is potentially or actually flammable, a biohazard, or an item otherwise capable of inflicting personal harm or injury.

(ii) "Perishable" means any item requiring refrigeration or any food item with a marked expiration date.

(iii) "Valueless" means any item that has an insubstantial resale value but does not include personal photos, jewelry, or other small items that are irreplaceable."

8. Page 2, line 1.

Strike: "7"

Insert: "10"

9. Page 2, line 25.

Following: line 24

Insert: "(9) The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification in any lease or rental agreement at the time of the agreement or when the tenant occupies the property. The landlord shall provide the same notification upon termination of the lease or rental agreement."

And, as amended, do pass. Report adopted.

HB 421, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "48"

Insert: "72"

2. Page 1, line 14.

Following: "~~48 hours~~"

Insert: "for a period longer than 48 hours"

Strike: "48"

Insert: "72"

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3. Page 1, line 26.

Following: "on"

Insert: "for a period of 72 hours or more"

4. Page 2, line 11.

Strike: "48-hour"

Insert: "72-hour"

5. Page 2, line 12.

Strike: "48-hour"

Insert: "72-hour"

And, as amended, do pass. Report adopted.

HB 422, do pass. Report adopted.

HB 455, do pass. Report adopted.

SB 41, be amended as follows:

1. Page 2, line 21.

Following: "consider the"

Insert: "mitigation of an"

2. Page 2, line 23.

Following: "DEVELOPMENT."

Insert: "The provisions of this subsection do not limit the authority of a local governing body to enforce subdivisions regulations pursuant to 76-3-501."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):

2/20/2013

HB 448, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/19/2013

SB 118, introduced by Thomas

SB 198, introduced by Thomas

SB 230, introduced by Wanzenried

SB 252, introduced by Rosendale

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House bills concurred in and returned to the House:

2/19/2013

HB 36, introduced by Boland
HB 152, introduced by Fitzpatrick
HB 155, introduced by D. Moore
HB 192, introduced by Hagan

FIRST READING AND COMMITMENT OF BILLS

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

HB 548, introduced by Zolnikov, referred to Transportation.
HB 549, introduced by Whitford, Augare, Brockie, Calf Boss Ribs, Pease-Lopez, Peppers, B. Smith, Stewart-Peregoy, referred to Education.
HB 550, introduced by Gursky, Curtis, Dudik, Jacobson, D. Moore, Pease-Lopez, referred to Judiciary.
HB 551, introduced by Flynn, referred to Federal Relations, Energy, and Telecommunications.
HB 552, introduced by Neill, referred to State Administration.
HB 553, introduced by Halvorson, Brenden, Doane, Knudsen, Rosendale, referred to Natural Resources.
HB 554, introduced by B. Smith, referred to State Administration.
HB 555, introduced by Hill, referred to Judiciary.
HB 556, introduced by Cuffe (by request of the House Joint Appropriations Subcommittee on Natural Resources and Transportation), referred to Appropriations.
HB 557, introduced by Court, referred to State Administration.
HB 558, introduced by Lenz, referred to Natural Resources.

**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 Hollenbaugh in the chair.

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

HB 170 - Representative Galt moved **HB 170** do pass. Motion carried as follows:

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

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Welborn, White, Zolnikov, Mr. Speaker.

Total 65

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

Total 35

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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 254 - Representative Cook moved **HB 254** do pass. Motion carried as follows:

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

Total 81

Nays: Ballance, J. Bennett, Brodehl, Flynn, Galt, Halvorson, Hansen, Hoven, Howard, Kerns, Knudsen, O'Neil, Osmundson, Regier, C. Smith, Vance, Warburton, Zolnikov.

Total 18

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

Excused: None.

Total 0

Absent or not voting: Ingraham.

Total 1

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HB 255 - Representative Cook moved **HB 255** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Edmunds, Ehli, Flynn, Gibson, Gursky, Hagan, Hagstrom, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Shaw, B. Smith, Steenberg, Swanson, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.

Total 61

Nays: Ballance, J. Bennett, Blyton, Brodehl, Cuffe, Doane, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Halvorson, Hansen, Harris, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Schwaderer, C. Smith, Squires, Vance, Wagoner, Warburton, Zolnikov, Mr. Speaker.

Total 39

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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 359 - Representative Fitzpatrick moved **HB 359** do pass. Motion carried 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, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov.

Total 59

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, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 39

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

Excused: None.

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Total 0

Absent or not voting: Ankney, Mr. Speaker.

Total 2

HB 392 - Representative Doane moved **HB 392** do pass. Motion carried as follows:

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

Total 60

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

Total 39

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

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HB 446 - Representative Schwaderer moved **HB 446** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Coffin, 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, McChesney, McNiven, Mehlhoff, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 63

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

Total 37

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

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 463 - Representative G. Bennett moved **HB 463** 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, McNiven, Mehlhoff, 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, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 96

Nays: Kerns, Miller, Schwaderer, Zolnikov.

Total 4

Voted Absentee: Connell, Osmundson, Pease-Lopez, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 469 - Representative Fitzpatrick moved **HB 469** 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, 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.

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Total 100

Nays: None.

Total 0

Voted Absentee: Connell, Osmundson, 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 Hollenbaugh moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Cook, Court, Cuffe, Curtis, Doane, 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, Peppers, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 88

Nays: B. Bennett, Boland, Dudik, Pomnichowski, Schreiner, B. Smith, Squires, Williams.

Total 8

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

Total 4

Absent or not voting: None.

Total 0

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:

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HB 47 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, 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, 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 96

Nays: None.

Total 0

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

Total 4

Absent or not voting: None.

Total 0

HB 203 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Galt, Gibson, Gursky, Hagan, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jacobson, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Peppers, Pierson, Pomnichowski, Price, Randall, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.

Total 69

Nays: J. Bennett, Brodehl, Edmunds, Fitzpatrick, Flynn, Glimm, Greef, Hagstrom, Harris, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lenz, McNiven, O'Neil, Redfield, Regier, Reichner, Schwaderer, C. Smith, Vance, Zolnikov, Mr. Speaker.

Total 27

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

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Total 4

Absent or not voting: None.

Total 0

HB 301 passed as follows:

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

Total 88

Nays: J. Bennett, Fitzpatrick, Kary, Kerns, O'Neil, Redfield, C. Smith, Zolnikov.

Total 8

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

Total 4

Absent or not voting: None.

Total 0

HB 335 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, 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, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, 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 94

Nays: None.

Total 0

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Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

Total 4

Absent or not voting: Hagstrom, McClafferty.

Total 2

HB 374 passed as follows:

Yeas: Ankney, Ballance, J. Bennett, Berry, Blyton, Brodehl, Clark, Cook, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, 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, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 54

Nays: Bangerter, B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Cuffe, Curtis, Dudik, Eck, Gibson, 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 41

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.

Total 4

Absent or not voting: Greef.

Total 1

HB 388 passed as follows:

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

Total 88

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Nays: Edmunds, Jones, Kerns, O'Neil, Pomnichowski, Salomon, C. Smith, Zolnikov.
Total 8

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.
Total 4

Absent or not voting: None.
Total 0

HB 389 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, 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, 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, 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 95

Nays: Jacobson.
Total 1

Voted Absentee: None.

Excused: Connell, Osmundson, Pease-Lopez, Warburton.
Total 4

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Representative Knudsen announced that The 2013 Blue Jean Special Train ride is scheduled for March 9th. The ride offers Legislators and their families the chance to experience train travel and learn about train safety and operations. It's a chance to kick back and enjoy the scenery between Helena and Avon, Montana. The sign-up list is in the Chief Clerk's office.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Vance moved that the House adjourn until 1:00 p.m., Thursday, February 21, 2013. Motion carried.

House adjourned at 2:20 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House