HOUSE JOURNAL
63RD LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana — House Chambers
March 12, 2013 — State Capitol

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

Roll Call. All members present, except Representatives Doane and Hertz, excused. Quorum present.

BILLS (O'Hara, Chair): 3/12/2013

Correctly printed: **HB 97**, **HB 408**, **HB 523**, **HB 542**, **HB 588**, **SB 12**, **SB 23**, **SB 92**, **SB 114**, **SB 225**, **SJR 3**, **SJR 6**.
Correctly engrossed: **HB 338**, **HB 377**, **HB 454**, **SB 145**.
Correctly enrolled: **HB 45**, **HB 131**.
Examined by the sponsor and found to be correct: **HB 142**, **HB 179**, **HB 264**.
Transmitted to the Senate: **HB 403**, **SB 61**, **SB 62**, **SB 104**, **SB 235**.
Signed by the Speaker at 2:35 p.m., March 12, 2013: **HB 142**, **HB 179**, **HB 264**.
Signed by the Chief Clerk of the House at 2:45 p.m., March 12, 2013: **HB 142**, **HB 179**, **HB 264**.
Signed by the President at 3:52 p.m., March 12, 2013: **HB 142**, **HB 179**, **HB 264**.
Delivered to the Governor for approval at 9:46 a.m., March 12, 2013: **HB 28**, **HB 123**, **HB 190**, **HB 199**, **HB 212**, **HB 243**, **HB 261**.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

TRANSPORTATION (Lavin, Chair): 3/11/2013
SB 114, be concurred in. Report adopted.
SB 225, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair): 3/12/2013

HB 97, do pass. Report adopted.

HB 338, introduced bill, be amended as follows:

1. Title, page 1, line 15.
Following: "ADJUSTMENTS"
Insert: "EXCEPT IN THE JUDGES' RETIREMENT SYSTEM"

2. Title, page 1, line 26.
Strike: "19-5-901,"

3. Title, page 1, line 27.
Strike: "19-5-902,"

4. Page 6, line 1.
Following: "(8)"
Insert: "(a)"

5. Page 6.
Following: line 3
Insert: "(b) shall monitor the potential fiscal impacts of reinstating the guaranteed annual benefit adjustments pursuant to [section 11] and 19-20-719(2) and recommend any legislation the committee determines necessary to ensure the retirement systems remain actuarially sound; and"

6. Page 19, line 29.
Strike: "19-5-901,"

7. Page 20, line 1.
Following: "suspended"
Insert: "until all of the retirement systems under chapters 3, 5 through 9, 13, and 20 of this title are 100% funded as of each system's latest annual actuarial valuation"

8. Page 53, line 27 through page 55, line 16.
Strike: section 50 through section 51 in their entirety
Renumber: subsequent sections

9. Page 82, line 1.
Following: "suspended"
Insert: "until the retirement system and all of the retirement systems under chapters 3, 5 through 9, and 13 of this title are 100% funded as of each system's latest annual actuarial valuation"

10. Page 87, line 27.
Strike: "85"
Insert: "84"

11. Page 88, line 3.
Following: "**Severability**"
Insert: "**-- nonseverability**"

12. Page 88, line 3.
Strike: "If"
Insert: "(1) Except as provided in subsection (2), if"

13. Page 88.
Following: line 5
Insert: "(2) If [section 11] or 19-20-719(2), or both, are invalid in one or more of their applications, [section 10] is void."

14. Page 88, line 9 through line 10.
Strike: "52" on line 9 through "84" on line 10
Insert: "50, 54, 57 through 59, 63, 67 through 69, 72 through 77, and 79 through 82"

And, as amended, do pass. Report adopted.

HB 377, introduced bill, be amended as follows:

1. Title, page 1, line 10.
Following: "MEMBERS"
Insert: "AND EMPLOYERS"

2. Title, page 1.
Following: line 15
Insert: "REVISING THE GUARANTEED ANNUAL BENEFIT ADJUSTMENT FOR NEW AND CURRENT MEMBERS;"

3. Title, page 1, line 21.
Following: "19-20-602,"
Insert: "19-20-605, 19-20-621,"
Following: "19-20-716,"
Insert: "19-20-719,"

4. Page 6, line 22.
Strike: "contribution"
Insert: "contributions"

5. Page 6, line 23.
Strike: "contribution"
Insert: "contributions"

6. Page 6, line 24.
Strike: "contribution"
Insert: "contributions"

7. Page 6, line 25.
Following: "19-20-605"
Insert: "and [section 8]"

8. Page 8, line 20.
Strike: "and"

9. Page 8, line 21.
Following: "[section 6],"
Insert: "and [section 8],"

10. Page 11.
Following: line 26
Insert: "Section 7. Section 19-20-605, MCA, is amended to read:

"19-20-605. Pension accumulation account -- employer's contribution. (1) The pension accumulation account is the account in which the reserves for payment of retirement allowances and benefits must be accumulated and from which retirement allowances and benefits must be paid to retirees or their beneficiaries. ~~Contributions to and payments from~~ Employer contributions to the pension accumulation account must be made as provided in [section 8] and this section.

(2) Except as provided in subsection (3), for each member employed during the whole or part of the preceding payroll period, the employer shall pay into the pension accumulation account an amount equal to 9.85% of total earned compensation, plus the supplemental contribution required under [section 8].

(3) For each member employed by a school district, an education cooperative, a county, or a community college during the whole or part of the preceding payroll period, the employer shall pay into the pension accumulation account an amount equal to 7.47% of total earned compensation, plus the supplemental contribution required under [section 8].

(4) Beginning July 1, 2013, for each retired member who returns to covered employment under the provisions of 19-20-731 during all or part of the preceding payroll period, the employer shall pay into the pension accumulation account an amount equal to 9.85% of the total earned compensation paid to the retired member, plus the supplemental contribution required under [section 8].

(5) If the employer is a district or community college district, the trustees shall budget and pay for the employer's contribution under the provisions of 20-9-501.

(6) If the employer is the superintendent of public instruction, a public institution of the state of Montana, a unit of the Montana university system, or the Montana state school for the deaf and blind, the legislature shall appropriate to the employer an adequate amount to allow the payment of the employer's contribution.

(7) If the employer is a county, the county commissioners shall budget and pay for the employer's contribution in the manner provided by law for the adoption of a county budget and for payments under the budget.

(8) All interest and other earnings realized on the money of the retirement system must be credited to the pension accumulation account, and the amount required to allow regular interest on the annuity savings account must be transferred to that account from the pension accumulation account.

(9) The board may transfer from the pension accumulation account to the expense account an amount necessary to cover expenses of administration.""

Insert: "NEW SECTION. **Section 8. Employer's supplemental contribution -- actuarially determined adjustments.** (1) (a) Subject to subsections (1)(b) and (1)(c), each employer shall contribute to the retirement system a supplemental amount equal to 1% of total earned compensation of each member employed during the whole or part of the preceding payroll period.

(b) The board may decrease the employer's supplemental contribution if:

(i) the average funded ratio of the system based on the last three actuarial valuations is equal to or greater than 90%; and

(ii) the period necessary to amortize all liabilities of the system based on the most recent annual actuarial valuation is less than 15 years.

(c) Following one or more decreases in the supplemental contribution rate pursuant to subsection (1)(b), the board may increase the supplemental contribution to a rate not to exceed 1% if:

(i) the average funded ratio of the system based on the last three annual actuarial valuations is equal to or less than 80%; and

(ii) the period necessary to amortize all liabilities of the system based on the most recent annual actuarial valuation is greater than 20 years.

(2) After the board has actuarially determined the need to impose, increase, or decrease a supplemental contribution rate under this section, the imposition, increase, or decrease is effective on the first day of July following the board's determination."

Insert: "Section 9. Section 19-20-621, MCA, is amended to read:

"19-20-621. Montana university system optional retirement program supplemental contributions. (1) Each employer within the university system with employees participating in the optional retirement program under Title 19, chapter 21, shall contribute to the teachers' retirement system a supplemental employer contribution sufficient to amortize, by July 1, 2033, the past service liability of the teachers' retirement system for the university system members.

(2) The optional retirement program supplemental employer contribution as a percentage of the total compensation of all employees participating in the program is:

~~(a) 4.04% beginning July 1, 2001, through June 30, 2007; and~~

~~(b) 4.72% beginning July 1, 2007~~

(a) 5.72% beginning July 1, 2013, through June 30, 2014;

(b) 6.72% beginning July 1, 2014, through June 30, 2015;

(c) 7.62% beginning July 1, 2015, through June 30, 2016;

(d) 8.72% beginning July 1, 2016, through June 30, 2017; and

(e) 9.04% beginning July 1, 2017.

(3) The board shall periodically review the supplemental employer contribution rate and recommend adjustments to the legislature as needed to maintain the amortization of the university system's past service liability by July 1, 2033.""

Renumber: subsequent sections

11. Page 12, line 11.
Strike: "and"
Following: "[section 6]"
Insert: ", and [section 8]"

12. Page 13.
Following: line 12
Insert: "Section 11. Section 19-20-719, MCA, is amended to read:

"19-20-719. Guaranteed annual benefit adjustment -- rulemaking. (1) On January 1 of each year, the retirement allowance payable to each ~~recipient~~ tier one member or benefit recipient of a tier one member who is eligible under subsection ~~(2)~~ (3) must be increased by ~~1.5%~~ the amount provided in either subsection (1)(a) or subsection (1)(b) as follows:

(a) if the most recent actuarial valuation of the retirement system shows that retirement system liabilities are less than 90% funded, 0.5%; or

(b) if the most recent actuarial valuation of the retirement system shows that retirement system liabilities are at least 90% funded and the provision of the increase is not projected to cause the system's liabilities to be less than 85% funded, an amount greater than 0.5% but no more than 1.5%, as set by the retirement board.

(2) On January 1 of each year, the retirement allowance payable to each tier two member or benefit recipient of a tier two member who is eligible under subsection (3) must be increased as follows:

(a) by 1.5% if the system's unfunded liabilities amortize in 25 years or less as of the system's latest actuarial valuation and the increase is not projected to cause the amortization period to be greater than 25 years; or

(b) by 1.5% minus 0.1% for each year the amortization period of the system's unfunded liabilities is greater than 25 years as of the system's latest annual actuarial valuation. If the amortization period is 40 years or greater, the retirement allowance may not be increased.

~~(2)~~(3) A benefit recipient is eligible for and must receive the annual benefit adjustment provided for in this section if ~~the retiree has received~~ at least 36 monthly retirement benefit payments have been made prior to January 1 of the year in which the adjustment is to be made.""
Renumber: subsequent sections

13. Page 14, line 8.
Strike: "and"
Following: "[section 6]"
Insert: ", and [section 8]"

14. Page 24, line 19.
Strike: "[Section 6] is"
Insert: "[Sections 6 and 8] are"

15. Page 24, line 20.
Strike: "[section 6]"
Insert: "[sections 6 and 8]"

And, as amended, do pass. Report adopted.

HB 454, introduced bill, be amended as follows:

1. Title, page 1, line 15.
Following: "SYSTEM;"
Insert: "REVISING THE GUARANTEED ANNUAL BENEFIT ADJUSTMENT FOR NEW AND CURRENT MEMBERS;"

2. Title, page 1, line 17.
Following: "19-3-316,"
Insert: "19-3-1605,"

3. Page 11.
Following: line 16
Insert: "Section 5. Section 19-3-1605, MCA, is amended to read:

"19-3-1605. Guaranteed annual benefit adjustment. (1) Subject to subsection (2), on January 1 of each year, the permanent monthly benefit payable during the preceding January to each recipient who is eligible under subsection (3) must be increased by the applicable percentage provided in subsection (4).

(2) (a) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the adjustments amount to less than an annualized increase of the applicable percentage provided in subsection (4), then the recipient's benefit must be adjusted by an amount that will provide a total annualized increase of the applicable percentage in the benefit paid since the preceding January.

(b) If a recipient's benefit payable during the preceding January has been increased by one or more adjustments not provided for in this section and the increases amount to more than an annualized increase of the applicable percentage provided in subsection (4), then the benefit increase provided under this section must be 0%.

(c) If a benefit recipient is a contingent annuitant receiving an optional benefit upon the death of the original payee that occurred since the preceding January, the new recipient's monthly benefit must be increased to the applicable percentage provided in subsection (5) more than the amount that the contingent annuitant would have received had the contingent annuitant received a benefit during the preceding January.

(3) Except as provided in subsection (2)(b), a benefit recipient is eligible for and must receive the minimum annual benefit adjustment provided for in this section if the benefit's commencement date is at least 12 months prior to January 1 of the year in which the adjustment is to be made.

~~(4) (a) The applicable percentage is 3% for benefit recipients hired or assuming office:~~

~~(i) before July 1, 2007; or~~

~~(ii) on or after July 1, 2007, if the benefit recipient is an existing member of a benefit plan for which the applicable percentage is 3%.~~

~~(b) Except as provided in subsection (4)(a)(ii), the applicable percentage is 1.5% for benefit recipients hired or assuming office on or after July 1, 2007.~~

~~(5) (a) The applicable percentage rate for a contingent annuitant described in subsection~~

~~(2)(c) is 3% if the original payee:~~

~~(i) was hired or assumed office before July 1, 2007; or~~

~~(ii) was an existing member of a benefit plan for which the applicable percentage is 3%.~~

~~(b) Except as provided in subsection (5)(a)(ii), the applicable percentage rate for a contingent annuitant described in subsection (2)(c) is 1.5% if the original payee was hired or assumed office on or after July 1, 2007.~~

(4) (a) If the most recent actuarial valuation of the retirement system shows that retirement system liabilities are less than 90% funded, the applicable percentage must be as follows:

(i) 1% for a member or a benefit recipient or contingent annuitant of a member hired or assuming office before July 1, 2007; or

(ii) 0.5% for a member or a benefit recipient or contingent annuitant of a member hired or assuming office on or after July 1, 2007, but before July 1, 2013.

(b) If the most recent actuarial valuation of the retirement system shows that retirement system liabilities are at least 90% funded and the provision of the applicable percentage will not cause the system's liabilities to be less than 85% funded, the applicable percentage must be as follows:

(i) for a member or a benefit recipient or contingent annuitant of a member hired or assuming office before July 1, 2007, an amount set by the board that is greater than 1% but no more than 3%; or

(ii) for a member or a benefit recipient or contingent annuitant of a member hired or assuming office on or after July 1, 2007, but before July 1, 2013, an amount set by the board that is greater than 0.5% but no more than 1.5%.

(5) The applicable percentage for a member or a benefit recipient or contingent annuitant of a member hired or assuming office on or after July 1, 2013, is as follows:

(a) 1.5% if the system's unfunded liabilities amortize in 25 years or less as of the system's latest actuarial valuation and the increase is not projected to cause the amortization period to be greater than 25 years; or

(b) 1.5% minus 0.1% for each year the amortization period of the system's unfunded liabilities is greater than 25 years as of the system's latest annual actuarial valuation. If the amortization period is 40 years or greater, the retirement allowance may not be increased.

(6) The board shall adopt rules to administer the provisions of this section.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/11/2013

HB 142, introduced by Connell
HB 179, introduced by Randall
HB 264, introduced by Ingraham

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 588, introduced by Harris, referred to Fish, Wildlife and Parks.

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

SB 31, introduced by Debby Barrett, referred to Federal Relations, Energy, and Telecommunications.
SB 88, introduced by Dick Barrett (by request of the Reserved Water Rights Compact Commission), referred to Natural Resources.
SB 150, introduced by Driscoll, Larsen, McCarthy, Miller, Regier, Schwaderer, Van Dyk, Wilmer, Zolnikov, referred to Judiciary.
SB 180, introduced by Debby Barrett, Flynn, Shaw, Welborn, Wittich, referred to Federal Relations, Energy, and Telecommunications.
SB 238, introduced by Hamlett, Jacobson, referred to Judiciary.
SB 271, introduced by Thomas, referred to Local Government.
SB 278, introduced by Peterson, Debby Barrett, Dick Barrett, Connell, Lang, Salomon, Williams, 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 Hagan in the chair.

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

HB 408 - Representative Miller moved **HB 408** 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, Howard, Ingraham, Jacobson, 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 64

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, 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 36

Voted Absentee: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 523 - Representative Schwaderer moved **HB 523** 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, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, 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, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 40

Voted Absentee: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 542 - Representative Curtis moved **HB 542** do pass. Motion carried as follows:

Yeas: Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Court, Curtis, Dudik, Eck, Fiscus, Gursky, Hertz, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lang, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, White, Whitford, Williams, Wilmer, Wilson, Woods.

Total 56

Nays: Ankney, Ballance, J. Bennett, Blyton, Brodehl, Connell, Cook, Doane, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Laszloffy, Lenz, McNiven, Miller, O'Neil, Randall, Redfield, Schwaderer, C. Smith, Vance, Wagoner, Washburn, Welborn, Zolnikov, Mr. Speaker.
Total 43

Voted Absentee: Hertz, Aye; Doane, No.

Excused: None.
Total 0

Absent or not voting: Cuffe.
Total 1

SB 12 - Representative Ingraham moved **SB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.
Total 58

Nays: B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 42

Voted Absentee: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 23 - Representative Fitzpatrick moved **SB 23** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, 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, Mr. Speaker.
Total 60

Nays: B. Bennett, Berry, 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 40

Voted Absentee: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 92 - Representative Berry moved **SB 92** 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: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 - Representative Wagoner moved **SB 145** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boss Ribs, 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, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Noonan, O'Hara, O'Neil, Osmundson, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Wilmer, Woods, Zolnikov, Mr. Speaker.
Total 89

Nays: Boland, Brockie, MacDonald, Neill, Pease-Lopez, Peppers, Pomnichowski, Squires, Swanson, Williams, Wilson.
Total 11

Voted Absentee: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 3 - Representative Kerns moved **SJR 3** 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: Doane, Hertz, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 6 - Representative Knudsen moved **SJR 6** 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: Doane, Hertz, 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 Hagan 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, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, 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, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Zolnikov, Mr. Speaker.
Total 91

Nays: B. Bennett, Boland, Hagan, McClafferty, B. Smith, Woods.
Total 6

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: McNiven.
Total 1

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 498 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, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, 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 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.

Total 1

SB 40 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, 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, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Woods, Zolnikov, Mr. Speaker.
Total 94

Nays: Pomnichowski, Squires, Wilson.
Total 3

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

SB 86 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, 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 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

SB 101 concurred in as follows:

Yeas: Ankney, B. Bennett, Blyton, Boland, Boss Ribs, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Harris, Hill, Hollandsworth, Hoven, Howard, Hunter, Jacobson, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.
Total 64

Nays: Ballance, Bangerter, J. Bennett, Berry, Brockie, Brodehl, Cuffe, Edmunds, Ehli, Glimm, Halvorson, Hansen, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Lavin, McNiven, Miller, Osmundson, Randall, Redfield, Regier, Reichner, Schwaderer, C. Smith, Vance, Warburton, White, Zolnikov, Mr. Speaker.
Total 33

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

SB 120 concurred in as follows:

Yeas: Ankney, Ballance, J. Bennett, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Connell, Cook, Cuffe, Curtis, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Hill, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lynch, McCarthy, McChesney, McClafferty, Miller, Noonan, Osmundson, Pease-Lopez, Peppers, Randall, Redfield, Regier, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Zolnikov, Mr. Speaker.
Total 68

Nays: Bangerter, B. Bennett, Boland, Coffin, Court, Dudik, Gursky, Harris, Hunter, Jacobson, Lenz, Lieser, MacDonald, McNally, McNiven, Mehlhoff, Moore, Neill, O'Hara, O'Neil, Pierson,

Pomnichowski, Price, Reichner, C. Smith, Squires, Steenberg, Wilson, Woods.
Total 29

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

SB 211 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, 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 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

SB 213 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, 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 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Doane, Hertz.
Total 2

Absent or not voting: Hollenbaugh.
Total 1

MOTIONS

Majority Leader Vance moved **HB 408** be moved from the Committee of the Whole to the Appropriations committee.
Majority Leader Vance moved **HB 523** be moved from the Committee of the Whole to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 1:00 p.m., Wednesday, March 13, 2013. Motion carried.

House adjourned at 2:15 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House