

**HOUSE JOURNAL
63RD LEGISLATURE
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
April 15, 2013

House Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chair):

4/15/2013

Correctly printed: **HB 277, HJR 18, HJR 31, SB 201, SB 231, SB 240, SB 265, SB 280, SB 370, SB 386, SB 392.**

Correctly engrossed: **SB 117, SB 173, SB 175, SB 282, SB 405, SB 408.**

Correctly enrolled: **HB 188, HB 464, HB 605.**

Examined by the sponsor and found to be correct: **HB 46, HB 61, HB 64, HB 131, HB 147, HB 171, HB 233, HB 239, HB 258, HB 259, HB 286, HB 313, HB 433, HB 442, HB 533, HB 560, HB 605.**

Transmitted to the Senate: **SB 28, SB 178, SB 342, SJR 21.**

Signed by the Speaker at 9:35 a.m., April 16, 2013: **HB 131.**

Signed by the Speaker at 10:35 a.m., April 16, 2013: **HB 46, HB 61, HB 64.**

Signed by the Speaker at 10:40 a.m., April 16, 2013: **HB 147, HB 171, HB 233, HB 239, HB 258, HB 259.**

Signed by the Speaker at 10:55 a.m., April 16, 2013: **HB 286, HB 313, HB 433, HB 442, HB 533, HB 560, HB 605.**

Signed by the Chief Clerk of the House at 9:55 a.m., April 16, 2013: **HB 131.**

Signed by the Chief Clerk of the House at 12:00 p.m., April 16, 2013: **HB 46, HB 61, HB 64, HB 147, HB 171, HB 233, HB 239, HB 258, HB 259, HB 286, HB 313, HB 433, HB 442, HB 533, HB 560, HB 605.**

Signed by the President at 9:20 a.m., April 16, 2013: **HB 118, HJR 16.**

Delivered to the Governor for approval at 11:20 a.m., April 15, 2013: **HB 145, HB 157, HB 310, HB 391, HB 392, HB 544.**

Delivered to the Secretary of State at 10:42 a.m., April 15, 2013: **HJR 9.**

Delivered to the Secretary of State at 1:15 p.m., April 15, 2013: **HB 79, HJR 17.**

LEGISLATIVE ADMINISTRATION (O'Hara, Chair):

4/15/2013

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following pages of the House be ceased as of 8:00 a.m., Saturday, April 13, 2013:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Erik Kelly, Chester
Kaitlyn Skoog, Helena
Margaret Brunell, Anaconda
Colette Werk, Hays
Latrell Kirkaldie, Hays
Reilly Parisot, Helena

and recommend that the following pages of the House be employed as of 1:00 p.m., Monday, April 15, 2013:

Chance Dickman, Miles City
Kassidy Shultz, Boulder
Jessica Riffel, Carter
Charlie McFaddon, Helena
Brandon Hudyma, Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Ingraham, Chair):
SB 405, be amended as follows:

4/15/2013

1. Title, page 1, line 5.

Strike: "REVISING"

Insert: "ENDING"

Following: "REGISTRATION"

Strike: "AND"

Insert: "ON THE FRIDAY BEFORE ELECTION DAY AND ELIMINATING ELECTION DAY REGISTRATION;"

2. Title, page 1, line 7.

Following: "MONTANA"

Insert: "AT A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE 2014 PRIMARY ELECTION"

3. Page 4, line 27.

Strike: "the general election" through "November"

Insert: "a special election to be held concurrently with the primary election held in the spring of"

4. Page 4, following line 30.

Insert: "COORDINATION SECTION. Section 7. Coordination instruction. If House Bill No. 30 is passed and approved, then [this act] is void."

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

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

SB 408, be amended as follows:

1. Title, page 1, line 6.

Following: "AFFILIATION;"

Insert: "ELIMINATING SEPARATE PARTY BALLOTS AND PROVIDING FOR ONE PRIMARY BALLOT CONTAINING ALL PRIMARY RACES;"

2. Title, page 1, line 10.

Strike: "13-10-311,"

3. Title, page 1, line 13.

Following: "13-14-118,"

Insert: "13-15-201,"

4. Title, page 1, line 14.

Following: "13-16-211,"

Insert: "13-16-412,"

Following: "13-17-103,"

Insert: "13-19-205,"

5. Title, page 1, line 19.

Following: "13-10-305,"

Insert: "13-10-311,"

6. Page 21, line 14 through line 17.

Strike: "ballots," on line 14 through "name" on line 17

Following: line 17

Insert: "(b) (i) In a top two primary election, the political party preference declared by the candidate on the declaration of candidacy under 13-10-201 must appear with the candidate's name on the ballot. The word "preference" must follow the candidate's preferred party, if any. If a candidate has not declared a preference for a political party, the words "no party preference" must appear on the ballot with the candidate's name. Nothing in a top two primary election portion of the ballot may indicate whether a candidate has been endorsed or nominated by a political party. The top two primary portion or portions of the ballot must clearly and conspicuously state that candidates in that section are not nominees or members of or endorsed by or otherwise associated with the candidate's political party preference.

(ii) Information must be printed on the ballot and in the voter information pamphlet provided for in 13-27-401 to inform voters that in the top two primary the two candidates who receive the most votes for the office will advance to a general election regardless of either candidate's political party preference."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

7. Page 21, line 18 through line 19.

Strike: "(b)" on line 18 through "if:" on line 19

Insert: "(2)(a) All offices and ballot issues must appear on one ballot. The ballot must be arranged to eliminate the possibility of widespread voter confusion."

Renumber: subsequent subsections

8. Page 21, line 20.

Strike: "(i) each"

Insert: "Each"

Strike: "is"

Insert: "must be"

Strike: ";

Insert: "."

9. Page 21, line 21 through line 22.

Strike: "(ii)" on line 21 through "with" on line 22

Insert: "(b) With"

10. Page 21, line 23 through page 22, line 3.

Strike: subsection (c) in its entirety

11. Page 22, line 4.

Strike: "(2)"

Insert: "(3)"

Strike: "does"

Insert: "is"

Strike: "need"

Insert: "required"

12. Page 22, line 4 through line 6.

Strike: "for a political party" on line 4 through "(b)" on line 6

Insert: "if"

13. Page 22, line 6.

Strike: "one candidate files for nomination by that party"

Insert: "two candidates file"

14. Page 22, line 8.

Strike: "(3)"

Insert: "(4)"

Strike: "(2)"

Insert: "(3)"

15. Page 22, line 8 through line 9.

Strike: "for a" on line 8 through "party" on line 9

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

16. Page 22, line 9 through line 10.

Strike: "for that" on line 9 through the first "party" on line 10

Strike: "for that party" on line 10

17. Page 22, line 12 through line 17.

Strike: subsection (4) through subsection (5) in their entirety

Renumber: subsequent subsections

Insert: "(5)(a) If a partisan primary is held, the ballot must contain the following:

(i) a clear and conspicuous, segregated area for the elector to mark the political party the elector wishes to affiliate with for the purposes of voting in the primary election;

(ii) an option for the elector to mark "none of the above" with respect to political party affiliation; and

(iii) a clear and conspicuous statement that only electors who mark a political party affiliation may vote on the partisan primary portion of the ballot.

(b) A vote cast in a partisan primary may be counted only if the elector has marked an affiliation with one political party, a vote cast in a partisan primary corresponds only to the marked party's primary, and the elector has voted only once for each office."

Renumber: subsequent subsections

18. Page 22, line 20.

Strike: subsection (7) in its entirety

Renumber: subsequent subsections

19. Page 24, line 15 through line 18.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

20. Page 27, line 14.

Strike: "partisan"

21. Page 34, line 5 through line 7.

Strike: subsection (4) in its entirety

Renumber: subsequent subsections

22. Page 34, line 8 through line 9.

Strike: "Instructions" on line 8 through "ballots." on line 9

23. Page 35, line 16 through line 18.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

24. Page 38, line 7.

Insert: "**Section 54.** Section 13-15-201, MCA, is amended to read:

"**13-15-201. Preparation for count -- absentee ballot count procedures.** (1) Subject to ~~13-10-311~~, to To prepare for a count of ballots, the counting board or, if appointed, the absentee

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

counting board shall take ballots out of the box to determine whether each ballot is single.

(2) The board shall count all ballots to ensure that the total number of ballots corresponds with the total number of names in the pollbook.

(3) If the board cannot reconcile the total number of ballots with the pollbook, the board shall submit to the election administrator a written report stating how many ballots were missing or in excess and any reason of which they are aware for the discrepancy. Each judge on the board shall sign the report.

(4) A ballot that is not marked as official is void and may not be counted unless all judges on the board agree that the marking is missing because of an error by election officials, in which case the ballot must be marked "unmarked by error" on the back and must be initialed by all judges.

(5) If two or more ballots are folded or stuck together to look like a single ballot, they must be laid aside until the count is complete. The counting board shall compare the count with the pollbooks, and if a majority believes that the ballots folded together were voted by one elector, the ballots must be rejected and handled as provided in 13-15-108, otherwise they must be counted.

(6) Only valid absentee ballots may be counted in an election conducted under this chapter.

(7) For the purpose of this chapter, a voted absentee ballot is valid only if:

(a) the elector's signature on the affirmation on the return envelope is verified pursuant to 13-13-241; and

(b) it is received before 8 p.m. on election day, except as provided in 13-21-206 and 13-21-207.

(8) (a) A ballot is invalid if:

(i) problems with the ballot have not been resolved pursuant to 13-13-245;

(ii) any identifying marks are placed on the ballot by the elector; or

(iii) except as provided in subsection (8)(b), more than one ballot is enclosed in a single return or secrecy envelope.

(b) The provisions of subsection (8)(a)(iii) do not apply if:

(i) there are multiple elections being held at the same time and the envelope contains only one ballot for each election; or

(ii) the return envelope contains ballots from the same household, each ballot is in its own secrecy envelope, and the return envelope contains a valid signature for each elector who has returned a ballot."

Renumber: subsequent sections

25. Page 39, line 5 through line 6.

Strike: "At" on line 5 through "ballots"." on line 6

26. Page 44, following line 17.

Insert: "**Section 65.** Section 13-16-412, MCA, is amended to read:

"**13-16-412. Procedure for recounting paper ballots.** To conduct a recount of paper ballots:

(1) the election administrator shall provide to the recount board, unopened, each sealed package or envelope received from the election judges of the precinct or precincts in which a recount is ordered, containing all the paper ballots voted in the precinct or precincts;

(2) a member of the recount board shall open each sealed package or envelope and

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

remove the ballots, and the board shall count the votes on each ballot manually in the manner provided in 13-15-206(2), ~~except that if the office to be recounted is on a partisan primary election ballot, votes are recounted only on the party ballots that are subject to the recount;~~ and

(3) the recount must be tallied on previously prepared tally sheets. The tally sheets must show the names of the respective candidates, the office or offices for which a recount is made, and the number of each election precinct."

Renumber: subsequent sections

27. Page 46, line 27.

Insert: "**Section 70.** Section 13-19-205, MCA, is amended to read:

"13-19-205. Written plan for conduct of election -- amendments -- approval procedures. (1) The election administrator shall prepare a written plan for the conduct of the election and shall submit it to the secretary of state in a manner that ensures that it is received at least 60 days prior to the date set for the election.

(2) The written plan must include:

(a) a timetable for the election; and

(b) sample written instructions that will be sent to the electors. The instructions must include but are not limited to:

(i) information on the estimated amount of postage required to return the ballot;

(ii) (A) the location of the places of deposit and the days and times when ballots may be returned to the places of deposit, if the information is available; or

(B) if the information on location and hours of places of deposit is not available, a section that will allow the information to be added before the instructions are mailed to electors; and

(iii) any applicable instructions specified under 13-13-214~~(5)~~(4).

(3) The plan may be amended by the election administrator any time prior to the 35th day before election day by notifying the secretary of state in writing of any changes.

(4) Within 5 days of receiving the plan and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove, or recommend changes to the plan or amendments.

(5) When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan unless the election is canceled for any reason provided by law."

Renumber: subsequent sections

28. Page 63, following line 30.

Insert: "13-10-311. Election judges' duties when preparing for count."

29. Page 64, following line 14.

Insert: "COORDINATION SECTION. **Section 106. Coordination instruction.** If House Bill No. 120 is passed and approved and if [this act] is passed by the legislature and approved by the electorate and both contain a section amending 5-2-402, then section 5-2-402 must be amended as follows:

"5-2-402. Appointment by board of county commissioners -- county central committee role -- timeframes. (1) Except as provided in subsection (5) or as otherwise provided by law, whenever a vacancy occurs in the legislature, the vacancy must be filled by appointment

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

by the board of county commissioners or, in the event of a multicounty district, the boards of county commissioners of the counties comprising the district sitting as one appointing board.

(2) (a) Whenever a vacancy is within a single county, the board of county commissioners shall make the appointment as described in 5-2-403, 5-2-404, or 5-2-406.

(b) Whenever a vacancy is within a multicounty district, the boards of county commissioners shall sit as one appointing board. The selection of an individual to fill the vacancy must be as follows:

(i) The presiding officer of the board of county commissioners of the county in which the person resided whose vacancy is to be filled shall call a meeting for the purpose of appointing the member of the legislature and shall preside at the meeting.

(ii) Each commissioner's vote is determined by the following formula: 100 multiplied by (A divided by B) multiplied by (1 divided by C), where:

(A) A is the total votes cast in the respective county for the person vacating the legislative seat or, if the vacating person was not elected, the votes cast for the last person to be elected for the current term;

(B) B is the total votes cast for that person in the legislative district; and

(C) C is the number of authorized commissioners on the board of the commissioner whose vote is being determined.

(iii) The person selected to fill the vacancy is the one who receives the highest number above 50 that results from the calculation in subsection (2)(b)(ii). If none of the candidates receives a number higher than 50 from that calculation, the selection board shall cast its votes again in the same manner for the persons receiving the two highest numbers. If neither vote results in a candidate receiving a number higher than 50 from the calculation provided in subsection (2)(b)(ii), then 5-2-404 applies.

(c) If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula in subsection (2)(b)(ii) must be applied using the votes cast for the senatorial candidates at the last election in which votes were cast for a senate candidate. Only the number of votes cast by electors residing in the new senate district for ~~senate candidates of the party to which the person vacating the seat belonged~~ may be counted. The secretary of state shall provide an estimate of the number of votes cast for ~~each party~~ by county or portion of a county. The selection process is the same as provided in subsection (2)(b)(iii).

(3) The appointment process to fill a vacant legislative seat under this section is as follows:

(a) Within 7 days of being notified of a vacancy as described in 2-16-501, the secretary of state shall notify the board of county commissioners, and if the vacating legislator marked a party preference on the legislator's most recent declaration of candidacy filed with the secretary of state or election administrator, the secretary of state shall notify the relevant state party that is responsible for notifying the county central committee of the county where the vacating legislator is a resident, if the legislative seat is within one county, or the boards of county commissioners and the corresponding county central committees if the legislative seat is in a multicounty district. If the legislator is an ~~is an~~ did not mark a party preference, marked "independent", or marked a party preference for a party that does not have a county central committee as the party preference on the legislator's most recent declaration of candidacy filed with the secretary of state or election administrator, independent or belongs to a party for which there is no county central committee, the notification of county commissioners suffices.

(b) The county central committee or committees, upon receipt of notification of a vacancy,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

have 45 days to propose a list of prospective appointees, pursuant to 5-2-403(1). The county central committee or the county central committees, acting together, shall forward the list of names to the appointing board within the 45-day period.

(c) The appointing board shall make and confirm an appointment and notify the secretary of state within 15 days:

(i) after receiving the list of prospective appointees from the county central committee or committees;

(ii) after 45 days have expired after the notification of vacancy if the county central committee or committees have not provided a list of prospective appointees; or

(iii) after notification of a vacancy if the legislator vacating the seat is an independent.

(4) If the legislature is in session, the notification process in subsection (3)(a) must be followed within 5 days. The process described in subsection (3)(b) must take place in 5 days. The process described in subsection (3)(c) must take place in 5 days.

(5) Notwithstanding subsection (6), if a vacancy occurs prior to a primary election, 13-10-326 applies. If a vacancy occurs after a primary and prior to a general election, 13-10-327 applies.

(6) If the legislature is called into special session within 85 days of a general election, a person must be appointed to fill a legislative vacancy pursuant to subsections (1) through (4)."

Insert: "COORDINATION SECTION. Section 107. Coordination instruction. If [this act] is passed by the legislature and approved by the electorate and if House Bill No. 120 is passed and approved:

(1) the reference to "declaration for nomination" in 13-10-201 must be changed to "declaration of candidacy"; and

(2) the reference to "declaration for nomination" in 13-14-113 must be changed to "declaration of candidacy"."

Insert: "COORDINATION SECTION. Section 108. Coordination instruction. If [this act] is passed by the legislature and approved by the electorate and if Senate Bill No. 375 is passed and approved, then the section that amends 13-37-216 in [this act] is void and the reference to "gubernatorial" in the definition of "political party organization" in section 13-1-101 in Senate Bill No. 375 must be changed to "presidential"."

Renumber: subsequent sections

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

TAXATION (Miller, Chair):

4/15/2013

SB 282, be amended as follows:

1. Title, page 1, line 13.

Strike: "REPEALING" through "MEDIA;"

2. Page 1, line 21.

Strike: "15-32-104,"

Following: "15-32-106,"

Insert: "15-32-201,"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Strike: "15-32-502,"

Strike: "17-7-502,"

3. Title, page 1, line 26.

Strike: "15-30-2319,"

4. Page 1, line 27 through line 28.

Strike: "15-31-901," on line 27 through "15-31-911," on line 28

5. Title, page 1, line 28.

Strike: "15-32-109,"

6. Title, page 1, line 29.

Strike: "15-32-201," through "15-32-203,"

7. Title, page 1, line 30.

Following: "15-32-501,"

Insert: "15-32-502,"

8. Page 15, line 17.

Strike: "4%"

Insert: "3.5%"

9. Page 15, line 18.

Strike: "6%"

Insert: "5.75%"

10. Page 15, line 20.

Strike: "4%"

Insert: "3.5%"

11. Page 15, line 21.

Strike: "6%"

Insert: "5.75%"

12. Page 15, line 24.

Strike: "4%"

Insert: "3.5%"

13. Page 15, line 25.

Strike: "6%"

Insert: "5.75%"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

14. Page 15, line 28.

Strike: "4%"

Insert: "3.5%"

15. Page 15, line 29.

Strike: "6%"

Insert: "5.75%"

16. Page 16, line 13.

Strike: "4%"

Insert: "3.5%"

Strike: "4%"

Insert: "3.5%"

17. Page 16, line 14.

Strike: "6%"

Insert: "5.75%"

Strike: "4%"

Insert: "3.5%"

18. Page 16, line 21.

Strike: "4%"

Insert: "3.5%"

19. Page 16, line 22.

Strike: "2.5%"

Insert: "2%"

20. Page 16, line 24.

Strike: "4%"

Insert: "3.5%"

21. Page 16, line 25.

Strike: "4%"

Insert: "3.5%"

22. Page 16, line 26.

Strike: "4%"

Insert: "3.5%"

23. Page 16, line 29.

Strike: "4%"

Insert: "3.5%"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

24. Page 16, line 30.

Strike: "2.5%"

Insert: "2%"

25. Page 17, line 2.

Strike: "4.5%"

Insert: "4.25%"

26. Page 17, line 3.

Strike: "6%"

Insert: "5.75%"

27. Page 17, line 4.

Strike: "4.5%"

Insert: "4.25%"

28. Page 32, line 20.

Strike: "15-30-2103(1)"

Insert: "15-30-2103"

29. Page 34, line 5.

Strike: "15-30-2103(1)(d)"

Insert: "15-30-2103"

30. Page 34, line 25.

Strike: "15-30-2103(1)(d)"

Insert: "15-30-2103"

31. Page 41, line 4 through line 7.

Strike: section 32 in its entirety

Renumber: subsequent sections

32. Page 41, line 11.

Following: "~~15-32-109~~."

Insert: "The department shall provide forms on which a taxpayer may apply for a credit under 15-32-109."

33. Page 41, line 12.

Following: "credit"

Insert: "or credit"

Following: "~~15-32-109~~"

Insert: "or 15-32-109"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

34. Page 41, line 14.

Following: "credit"

Insert: "or credit"

Following: "generation"

Insert: "or energy conservation"

35. Page 41, line 15 through line 17.

Strike: "The" on line 15 through "days." on line 17

36. Page 41, line 17.

Following: "credit"

Insert: "or credit"

37. Page 41.

Following: line 18

Insert: "**Section 33.** Section 15-32-201, MCA, is amended to read:

"15-32-201. Amount of credit -- to whom available. (1) A resident individual taxpayer who completes installation of an energy system using a recognized nonfossil form of energy generation, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including installation costs, less grants received, not to exceed \$500, against the income tax liability imposed against the taxpayer pursuant to chapter 30.

(2) A resident individual taxpayer who completes installation of an energy system using a low-emission wood or biomass combustion device, as defined in 15-32-102, to provide heat for the taxpayer's principal dwelling is allowed to claim a tax credit in an amount equal to the cost of the system, including the installation costs, not to exceed \$500, against the income tax liability imposed against the taxpayer pursuant to Title 15, chapter 30.

(3) In determining whether an energy system is eligible for a tax credit under this part, the department may refer a credit involving an energy system using a recognized nonfossil form of energy generation or a low-emission wood or biomass combustion device to the department of environmental quality for its advice, and the department of environmental quality shall respond within 60 days."

Renumber: subsequent sections

38. Page 41, line 20 through page 43, line 14.

Strike: section 34 in its entirety

Renumber: subsequent sections

39. Page 48, line 13 through page 49, line 21.

Strike: section 40 in its entirety

Renumber: subsequent sections

40. Page 80, line 26.

Strike: line 26

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

41. Page 81, line 4 through line 13.

Strike: line 4 through line 13

42. Page 81, line 14.

Strike: line 14

43. Page 81, line 16 through line 18.

Strike: line 16 through line 18

44. Page 81.

Following: line 26

Insert: "15-32-502. Definitions."

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

SB 370, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

4/13/2013

HB 605, introduced by Schwaderer

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

4/13/2013

HB 3, introduced by Ankney

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

4/13/2013

SB 23, introduced by Rosendale

SB 44, introduced by Keane

Governor's amendments to Senate bills not concurred in and transmitted to the House:

4/13/2013

SB 105, introduced by T. Brown

SB 139, introduced by Walker

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

SJR 18 - The Senate failed to concur in House amendments to **SJR 18**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SJR 18**:

4/15/2013

Senator Thomas, Chair
Senator Dick Barrett
Senator Rosendale

SB 198 - The Senate failed to concur in House amendments to **SB 198**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 198**:

4/15/2013

Senator Thomas, Chair
Senator Boulanger
Senator Tropila

SB 223 - The Senate failed to concur in House amendments to **SB 223**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 223**:

4/15/2013

Senator Murphy, Chair
Senator Webb

SB 256 - The Senate failed to concur in House amendments to **SB 256**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 256**:

4/15/2013

Senator F. Moore, Chair
Senator Hamlett
Senator Sales

SB 323 - The Senate failed to concur in House amendments to **SB 323**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on **SB 323**:

4/15/2013

Senator Thomas, Chair
Senator Debby Barrett
Senator Vuckovich

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

MESSAGES FROM THE GOVERNOR

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear Speaker Blasdel:

On Friday, April 12, I signed and delivered the following House bills to the Secretary of State:

House Bill 38 – Ingraham
House Bill 68 – MacDonald
House Bill 72 – MacDonald
House Bill 105 – Steenberg
House Bill 210 – McClafferty
House Bill 291 – Kerns
House Bill 328 – Washburn
House Bill 335 – Eck
House Bill 362 – Berry
House Bill 402 – Hunter
House Bill 455 – Blyton
House Bill 462 – Jones

I am returning House Bill 8 – Cook, House Bill 385 – Lavin and House Bill 562 – Swanson with amendments.

I have vetoed House Bill 283 – Wagoner, House Bill 304 – Kerns, and House Bill 374 – Fitzpatrick.

Sincerely,

STEVE BULLOCK
Governor

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol Helena, MT 59620

Dear Speaker Blasdel:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 8 (HB 8), "AN ACT APPROVING

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

RENEWABLE RESOURCE PROJECTS AND AUTHORIZING LOANS; REAUTHORIZING RENEWABLE RESOURCE PROJECTS AUTHORIZED BY THE 62ND LEGISLATURE; APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR LOANS UNDER THE RENEW ABLE RESOURCE GRANT AND LOAN PROGRAM; AUTHORIZING THE ISSUANCE OF COAL SEVERANCE TAX BONDS; AUTHORIZING THE CREATION OF A STATE DEBT AND APPROPRIATING COAL SEVERANCE TAXES FOR DEBT SERVICE; PLACING CERTAIN CONDITIONS UPON LOANS; AND PROVIDING AN EFFECTIVE DATE."

The legislature amended into HB 8 funds for North Central and Dry Prairie Regional Water Systems projects totaling \$16,000,000. Since these projects have not yet had their federally funded match identified at the passage of this bill, I feel it is necessary that the department report back to the legislative finance committee the progress of these projects.

For these reasons, my amendment requires the Department of Natural Resources and Conservation to report to the Legislative Finance Committee on the progress of the Dry Prairie Regional Water and the North Central Regional Water projects by September 1, 2014.

I respectfully ask for your support of this amendment.

Sincerely,

Steve Bullock
Governor

Amendments to House Bill No. 8
Reference Copy

Requested by the Governor

For the House Committee of the Whole

Prepared by Todd Everts
April 12, 2013 (1:29pm)

1. Page 2, line 5.

Insert: "(4)The department of natural resources and conservation shall report to the legislative finance committee on the progress of the Dry Prairie Regional Water and the North Central Regional Water projects by September 1, 2014."

- END -

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol Helena, MT 59620

The Honorable Jeff Essmann
President of the Senate
State Capitol Helena, MT 59620

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 283 (HB 283), "AN ACT PROVIDING FOR FISCAL NOTES THAT INCLUDE BUSINESS IMPACT STATEMENTS; AMENDING SECTION 5-4203, MCA; AND PROVIDING A TERMINATION DATE."

HB 283 requires the Legislative Fiscal Analyst, with the assistance of the Budget Director, to prepare a business impact statement for proposed legislation. This may seem like a reasonable request, given that the Office of Budget and Program Planning (OBPP) already prepares fiscal notes. However, the purpose of the fiscal note is to show in dollar amounts the estimated increase or decrease in governmental revenue or expenditures, costs that may be absorbed without additional funds, and long-range financial implications. A fiscal note may further illustrate technical or mechanical defects to a bill. At present the Budget Director works in cooperation with the state or local agencies affected by the bill to accomplish these requirements. Collectively these are sensible and realistic expectations.

However, asking the OBPP and Legislative Fiscal Division to determine the impact of proposed policies on private businesses is neither reasonable nor realistic. They do not have the expertise or resources to determine what costs businesses of varying sizes across a vast and diverse state may not incur relating to proposed legislation.

HB 283 is also unnecessary. Private businesses already have the opportunity to review and comment on proposed legislation throughout the legislative process. That is the best opportunity for both businesses and the Legislature to analyze the impacts.

For these reasons, I respectfully ask for your support in sustaining my veto.

Sincerely,

STEVE BULLOCK
Governor

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Jeff Essmann
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 304 (HB 304), "AN ACT REVISING CONCEALED WEAPONS LAWS; PROVIDING THAT THE OFFENSE OF CARRYING A CONCEALED WEAPON DOES NOT APPLY TO A PERSON WHO IS ELIGIBLE TO POSSESS A HANDGUN UNDER STATE OR FEDERAL LAW; AND AMENDING SECTION 45-8-317, MCA."

Montana grants the authority to issue a concealed weapons permit with our locally elected sheriffs, who "shall" issue a permit to an applicant. The sheriff may require completion of basic firearms safety training before issuing a permit or they may deny a permit to a person struggling with mental illness. Denials are uncommon, and only happen under the most extreme circumstances.

Our laws have been in place since 1919 and have served our state well. As of April 11, 2013, there were 33,814 concealed weapons permit holders. I have improved this century-old process this legislative session by signing into law Senate Bill 145, which classifies all concealed weapons permit information as confidential criminal justice information.

House Bill 304 would effectively eliminate Montana's concealed weapon permitting process by allowing anyone eligible to possess a handgun to carry a concealed weapon without a permit. The measure would allow individuals to decide whether they are eligible to carry a concealed weapon.

If the logic of HB 304 were applied to other situations, there would be no need for a person to be licensed before driving on our highways -all they would need to do would be to determine whether they were "eligible" to drive. The same goes for pilot's licenses, building permits, hunting licenses, or any other type of permit. While I will fiercely defend the 2nd amendment rights of our citizens, I cannot support an absurd concept that threatens the safety of our communities, by not providing for basic fundamentals of gun safety or mental health screening.

Moreover, instead of protecting the rights of Montanans, in reality HB 304 erodes the ability of a Montana citizen to purchase a weapon or carry concealed in another state. HB 304 would void our state's reciprocity agreements with more than 40 states that recognize concealed weapon pennints and it would void our laws allowing Montana permit holders to bypass the federal background check

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

required for a firearm purchase.

I respectfully ask that you stand with the Montana Sheriffs and Peace Officers Association, the Montana County Attorneys Association and the Montana Association of Chiefs of Police in opposition to this bill and sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Jeff Essmann
President of Senate
State Capitol
Helena, MT 59620

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the Laws of the State of Montana, I hereby veto House Bill 374 (HB 374), entitled, "AN ACT PROVIDING TO AN INDIVIDUAL LEGISLATOR WHO IS A SPONSOR OR COSPONSOR OF LEGISLATION STANDING TO INTERVENE IN DECLARATORY JUDGMENT ACTIONS INVOLVING ALLEGED CONSTITUTIONAL OR STATUTORY VIOLATIONS; PROVIDING LEGISLATIVE FINDINGS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

HB 374 allows legislators to intervene as parties in declaratory judgment actions challenging, on constitutional or statutory grounds, the laws they have sponsored or co-sponsored. The bill violates the separation of powers doctrine, which provides that one branch of government may not encroach upon the authority reserved to another branch of government. Mont. Const. art. III, § 1.

Under Montana's Constitution, it is within the exclusive authority of the executive branch to defend the state against lawsuits. Mont. Const. art. VI, § 4. Section 2-15-501 (1), (6), MCA. HB 374 would enable the Legislature to encroach on the exclusive authority of the executive branch. Further, the bill is unnecessary in light of the fact that legislators who would like to be heard in these cases may apply to the court to participate as amicus curiae.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

For these reasons, I respectfully ask you to sustain my veto of HB 374.

Sincerely,

STEVE BULLOCK
Governor

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 385 (HB 385), "AN ACT GENERALLY REVISING LAWS RELATING TO A TENANT ENGAGING IN OR KNOWINGLY ALLOWING ANY PERSON TO ENGAGE IN ANY ACTIVITY ON RENTAL PREMISES THAT CREATES A REASONABLE POTENTIAL THAT THE PREMISES MAYBE DAMAGED OR DESTROYED OR THAT NEIGHBORING TENANTS MAYBE INJURED; AND AMENDING SECTIONS 7024-303, 70-24-321, 70-24-422, AND 70-24-427, MCA."

HB 385 assists landlords in dealing with tenants who may be damaging property or endangering other tenants. I support the common sense provisions of this bill which broaden the circumstances under which a landlord may terminate a rental agreement.

However, the provisions of this bill concerning timelines for termination of an agreement and for court action in certain circumstances present practical and legal difficulties. First, it is unreasonable to provide for the immediate termination of a rental agreement upon written notice to a tenant. Any tenant will need a certain amount of time to find alternative housing and to move out. My amendments restore the three-day notice period as provided in current statute.

Second, the bill requires that a court, within 24 hours of receiving notice of certain tenant behavior, issue an order in favor of the landlord delivering possession of the premises to the landlord. This language contains no provision that the tenant be notified or provided an opportunity to be heard. The bill deprives tenants of due process. My amendments strike this provision in its entirety.

Finally, the new deadlines for court action following a landlord claim for possession or damages are unrealistic, given court caseloads. My amendments change the timeline from 3 business days to 14 days for a landlord claim to be heard, while requiring an accelerated 5 day timeline for certain claims. An appeal to a district court must similarly be heard within 14 days. Finally, a court must render a decision on a landlord's complaint within 5 days after the hearing.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

These amendments assist landlords and provide for a faster legal process, while ensuring that the measure is consistent with basic constitutional protections.

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Report No. 001, April 16, 2013

Governor's recommendations for amendments to **House Bill 385** (reference copy -- salmon) are as follows:

1. Page 5, line 2.

Strike: "IMMEDIATELY"

2. Page 5, line 3.

Following: "~~3 days~~"

Insert: "3 days"

3. Page 5, line 5 through line 8.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

4. Page 5, line 11.

Strike: "(7)"

Insert: "(6)"

5. Page 5, line 20.

Strike: "3 BUSINESS"

Insert: "14"

6. Page 5, line 23.

Following: "summons"

Insert: ", except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the action must be heard within 5 business days after the tenant's appearance or the answer date stated in the summons"

7. Page 5, line 24.

Strike: "3 BUSINESS"

Insert: "14"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

8. Page 5, line 26.

Following: "court"

Insert: "" , except that if the rental agreement is terminated because of noncompliance under 70-24-321(3), the hearing must be held within 5 business days after the case is transmitted to the district court"

9. Page 5, line 30.

Strike: "3 BUSINESS"

Following: "5"

April 12, 2013

The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

Dear Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 562 (HB 562), "AN ACT REVISING SUBDIVISION LA WS REGARDING SURVEYS AND EXEMPTIONS FROM LOCAL SUBDIVISION REVIEW; EXEMPTING FROM REVIEW BOUNDARY RELOCATIONS AND RESULTING TRACTS OF RECORD UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 76-3-207, MCA; AND PROVIDING AN EFFECTIVE DATE."

Current law identifies circumstances under which a division or aggregation of land is exempt from the subdivision review processes in the Montana Subdivision and Platting Act. HB 562 modifies the exemption from common boundary line relocation (Section 76-3-207(1)(a)) to clarify that the exemption is available for use even if the relocation of common boundary lines will result in the creation of a tract of record that is less than 160 acres. This new language reflects existing law and does not change the scope of the exemption.

This clarification, however, is applicable to all of the exemptions listed in Section 76-3-207, MCA. By adding the proposed language to the boundary line relocation exemption only, HB 562 could potentially create ambiguity in existing law and the applicability of the remaining exemptions listed in Section 76-3-207, MCA.

I propose an amendment to HB 562 to move the proposed language instead to the introductory section of 76-3-207, MCA. This change will make clear that all exemptions listed under this provision of the Montana Subdivision and Platting Act are available regardless of whether the use of the exemption will result in the creation of a tract of record that is less than 160 acres.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

I respectfully ask for your support of these amendments.

Sincerely,

STEVE BULLOCK
Governor

Report No. 001, April 13, 2013

Governor's recommendations for amendments to **House Bill 562** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5 through line 6.

Strike: "EXEMPTING" on line 5 through "CIRCUMSTANCES;" on line 6

2. Page 1, line 15.

Strike: "land"

Insert: "tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation,"

3. Page 1, line 19.

Strike: "tracts" through "acres"

Insert: "adjoining properties"

FIRST READING AND COMMITMENT OF BILLS

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

HJR 31, introduced by Lieser, 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 Wagoner in the chair.

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

HB 54 - Senate Amendments - Representative Ingraham moved Senate amendments to **HB 54** be concurred in. Motion carried as follows:

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

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Fitzpatrick, Flynn, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Kary, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 85

Nays: Ballance, Cuffe, Doane, Glimm, Harris, Hoven, Jones, Kerns, Knudsen, Randall, Schwaderer, C. Smith, Zolnikov.

Total 13

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Miller, Osmundson.

Total 2

HB 97 - Senate Amendments - Representative Wilmer moved Senate amendments to **HB 97** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Doane, Dudik, Eck, Edmunds, Fiscus, Flynn, Gibson, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jacobson, Kerns, Knudsen, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 73

Nays: Ballance, Brodehl, Cuffe, Ehli, Fitzpatrick, Galt, Glimm, Greef, Harris, Hertz, Hoven, Howard, Jones, Kary, Lang, Laszloffy, McNiven, O'Neil, Randall, Regier, Schwaderer, C. Smith, Warburton, White, Zolnikov.

Total 25

Voted Absentee: None.

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Absent or not voting: Osmundson, Reichner.

Total 2

HB 133 - Senate Amendments - Representative Berry moved Senate amendments to **HB 133** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, 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, 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, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 94

Nays: Ballance, Doane, Kerns, O'Neil, Warburton.

Total 5

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Schwaderer.

Total 1

HB 240 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 240** be **not** concurred in. 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, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, 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, Wilmer, Zolnikov, Mr. Speaker.

Total 60

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hagstrom, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, O'Hara, Pease-Lopez, Peppers,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilson, Woods.
Total 40

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 345 - Senate Amendments - Representative C. Smith moved Senate amendments to **HB 345** be **not** concurred in. 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, Lieser, McCarthy, 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 64

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

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 18 - Representative Clark moved **HJR 18** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, B. Bennett, Berry, Blyton, Boss Ribs, Brodehl, Clark, Coffin, Court, Cuffe, Curtis, Dudik, Eck, Ehli, Fiscus, Flynn, Galt, Glimm, Greef, Gursky, Halvorson, Hansen, Hertz, Hill, Hollenbaugh, Hunter, Ingraham, Jones, Knudsen, Laszloffy, Lavin, Lenz, Lieser, MacDonald, McCarthy, McChesney, McClafferty, McNally, Moore, Neill, Noonan, Pease-Lopez, Pierson, Pomnichowski, Price, Randall, Regier, Reichner, Salomon, Shaw, B. Smith,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Steenberg, Swanson, Wagoner, Washburn, Welborn, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 62

Nays: Bangerter, J. Bennett, Boland, Brockie, Connell, Cook, Doane, Edmunds, Fitzpatrick, Gibson, Hagan, Hagstrom, Harris, Hollandsworth, Hoven, Howard, Jacobson, Kary, Kerns, Lang, Lynch, McNiven, Mehlhoff, Miller, O'Hara, O'Neil, Osmundson, Peppers, Redfield, Schreiner, C. Smith, Squires, Vance, Warburton, White, Whitford, Zolnikov.
Total 37

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: Schwaderer.
Total 1

HJR 24 - Representative Cuffe moved **HJR 24** be adopted. Motion **failed** as follows:

Yeas: Ankney, Ballance, Bangerter, Blyton, Brockie, Clark, Connell, Cuffe, Edmunds, Ehli, Fitzpatrick, Galt, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Kary, Lang, Lavin, Lenz, McChesney, Moore, O'Hara, Osmundson, Regier, Reichner, Salomon, Shaw, B. Smith, Wagoner, Warburton, Washburn, White, Whitford, Zolnikov, Mr. Speaker.
Total 47

Nays: B. Bennett, J. Bennett, Berry, Boland, Boss Ribs, Brodehl, Coffin, Cook, Court, Curtis, Doane, Dudik, Eck, Fiscus, Flynn, Gibson, Hill, Hunter, Jacobson, Kerns, Knudsen, Laszloffy, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Schreiner, Schwaderer, C. Smith, Squires, Steenberg, Swanson, Vance, Welborn, Williams, Wilmer, Wilson, Woods.
Total 53

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

SB 117 - Representative D. Jones moved **SB 117** 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, 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, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Harris, Welborn.

Total 2

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Salomon.

Total 1

SB 175 - Majority Leader Vance moved consideration of **SB 175** be placed at the bottom of the second reading board. Motion carried.

SB 173 - Representative Reichner moved **SB 173** be concurred in.

SB 173 - Representative D. Moore moved **SB 173**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

Following: "OBLIGATIONS"

Insert: "AND CLEARLY ASSIGNING ALL LIABILITY FOR OLD FUND AND NEW FUND CLAIMS TO THE STATE FUND"

2. Page 5, line 8.

Strike: "PREMIUMS PAID TO THE STATE FUND BASED UPON WAGES PAYABLE ON OR AFTER JULY 1, 2013, MAY BE USED"

Insert: "After the one-time general fund transfer to the state fund, all liability for and the responsibility"

3. Page 5, lines 10 through 11.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Following: "1990, OR"

Insert: "on or"

Following: the second "1990,"

Strike: "SUBJECT TO" on line 10 through "TRANSFER" on line 11

Insert: "belong to the state fund"

4. Page 5, line 27 through line 30.

Following: "1990"

Strike: the rest of line 27 through "(1)(C)" on line 30

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, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, 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, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Harris, Jones, Kary, Kerns.

Total 4

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Warburton.

Total 1

SB 173 - Minority Leader Hunter moved **SB 173**, second reading copy, be amended as follows:

1. Page 6, line 26.

Strike: "\$43.989"

Insert: "\$39.6"

Amendment adopted as follows:

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

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

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, 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 96

Nays: Cook, Harris, Kerns, O'Neil.

Total 4

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 - Representative Reichner moved **SB 173**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. 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, 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, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 95

Nays: J. Bennett, Doane, Harris, Kerns, Zolnikov.

Total 5

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

SB 201 - Representative Connell moved **SB 201** be concurred in. Motion carried 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, 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, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Schwaderer, Williams.

Total 2

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Connell.

Total 1

SB 231 - Representative Calf Boss Ribs moved **SB 231** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Gibson, Gursky, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Jones, Knudsen, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 71

Nays: J. Bennett, Blyton, Brodehl, Cuffe, Doane, Edmunds, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Harris, Howard, Ingraham, Kary, Kerns, Lang, Lavin, McNiven, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, C. Smith, Warburton, Mr. Speaker.

Total 29

Voted Absentee: None.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 240 - Representative Miller moved **SB 240** 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, 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, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, 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, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: MacDonald, Pomnichowski, Wilson.

Total 3

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Cuffe.

Total 1

SB 265 - Representative Cuffe moved **SB 265** be concurred in.

SB 265 - Representative Williams moved **SB 265**, second reading copy, be amended as follows:

1. Page 1, line 22.

Strike: "MAY PROVIDE RECOMMENDATIONS TO"

Insert: "shall request that at least one representative of"

2. Page 1, line 23.

Following: "COMMISSION"

Insert: "attend each water policy interim committee meeting to provide testimony and answer questions."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

3. Page 1, line 24.

Strike: "64TH"

Insert: "63RD"

4. Page 1, line 30.

Strike: "15, 2014"

Insert: "30, 2013"

5. Page 3, line 7.

Strike: "BIENNIUM"

Insert: "fiscal year"

Amendment **not** adopted as follows:

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

Total 45

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

Total 55

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 265 - Representative Brodehl moved for cloture. Motion Carried. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brockie, Brodehl, Clark, Coffin, Connell, Cook, 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, McClafferty, McNiven, Mehlhoff, Miller, Moore, Noonan, O'Hara, O'Neil, Pease-Lopez, Pierson, Pomnichowski,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Boss Ribs, Court, MacDonald, McChesney, McNally, Neill, Peppers, Price, Schreiner, B. Smith, Squires, Whitford, Williams.

Total 15

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Osmundson.

Total 1

SB 265 - Representative Cuffe moved **SB 265** be concurred in. 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, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, 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 59

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

Total 41

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

SB 280 - Representative Knudsen moved **SB 280** 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: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 386 - Representative Steenberg moved **SB 386** 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, Ehli, Fiscus, Flynn, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, 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, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.
Total 87

Nays: Edmunds, Fitzpatrick, Galt, Hansen, Harris, Kerns, McNiven, Randall, Redfield, C. Smith, Zolnikov, Mr. Speaker.
Total 12

Voted Absentee: None.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Excused: None.

Total 0

Absent or not voting: Greef.

Total 1

SB 392 - Representative B. Bennett moved **SB 392** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Doane, Dudik, Eck, Ehli, Fiscus, Flynn, Gibson, Greef, Gursky, Hagan, Hagstrom, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, 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, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 80

Nays: Ballance, J. Bennett, Brodehl, Cuffe, Edmunds, Fitzpatrick, Galt, Glimm, Halvorson, Hansen, Jones, Kary, Kerns, Redfield, Regier, C. Smith, Vance, Wagoner, White, Zolnikov.

Total 20

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 175 - Representative Salomon moved **SB 175** be concurred in.

SB 175 - Representative Miller moved **SB 175** be sent back to the Education Committee to review all floor amendments and finalize **SB 175**. Motion **failed** as follows:

Yeas: Ballance, J. Bennett, Blyton, Brodehl, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Hansen, Harris, Hertz, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Lenz, Miller, O'Neil, Osmundson, Randall, Regier, Schwaderer, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov.

Total 35

Nays: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Fitzpatrick, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 64

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Laszloffy.

Total 1

SB 175 - Minority Leader Hunter moved for cloture. Motion Carried. 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, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kerns, 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, Zolnikov, Mr. Speaker.

Total 94

Nays: Fiscus, Harris, Kary, Knudsen, Miller, Schwaderer.

Total 6

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 175 - Representative Cook moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

Following: "~~DISTRICTS;~~"

Insert: "REDIRECTING OIL AND NATURAL GAS PRODUCTION TAX REVENUE FROM THE STATE GENERAL FUND TO A NEW NATURAL RESOURCE DEVELOPMENT K-12 FUNDING PAYMENT TO SUPPORT BASE BUDGETS OF SCHOOL DISTRICTS;"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

2. Title, page 1, line 16.

Following: "~~AND~~"

Insert: "THE NATURAL RESOURCE DEVELOPMENT K-12 FUNDING PAYMENT AND"

3. Title, page 1, line 18.

Following: "~~AND~~"

Insert: "REVISING AND"

4. Title, page 1, line 20 through line 21.

Strike: "INCREASING" on line 20 through "BUDGET;" on line 21

5. Title, page 1, line 24.

Strike: "AND FOURTH"

6. Title, page 2, line 11.

Following: "~~DISTRIBUTION;~~"

Insert: "PROVIDING AN APPROPRIATION; ESTABLISHING A STATE SPECIAL REVENUE ACCOUNT TO TRANSFER MONEY TO THE GUARANTEE ACCOUNT TO SUPPORT INCREASES IN THE BASIC ENTITLEMENT AND PROVIDING FOR A TRANSFER FROM THE GENERAL FUND TO THE ACCOUNT;"

7. Page 2, line 13.

Following: "~~20-7-102;~~"

Insert: "20-7-102,"

Following: "~~20-9-141;~~"

Insert: "20-9-141,"

8. Title, page 2, line 16.

Following: "DATES"

Strike: "AND"

Insert: ", "

9. Title, page 2, line 17.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

10. Page 3, line 24.

Strike: "\$20 times"

Following: "20-9-311"

Insert: ", multiplied by:

- (a) \$10 for fiscal year 2014;
- (b) \$15 for fiscal year 2015; and
- (c) \$20 for fiscal year 2016 and subsequent fiscal years"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

11. Page 3, line 29.

Following: "(3)"

Strike: "THE"

Insert: "Unless funds are otherwise appropriated at higher amounts by the legislature, the"

12. Page 3, line 29 through line 30.

Strike: "AN AMOUNT" on line 29 through "SYSTEM" on line 30

Insert: "no more than \$500,000 per biennium"

13. Page 4, line 1.

Strike: "DEVELOPING" through "SYSTEM"

Insert: "mediating with vendors, developing a plan, preparing a request for proposal solicitation package, managing the vendor contract, and implementing a plan with school districts for the statewide data system. This limitation does not apply if the office of public instruction develops and administers the statewide data system without a vendor"

14. Page 6, line 27.

Following: line 26

Insert: "**Section 3.** Section 20-7-102, MCA, is amended to read:

"20-7-102. Accreditation of schools. (1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.

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

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

(4) As used in this section, "7th and 8th grades funded at high school rates" means an elementary school district or K-12 district elementary program whose 7th and 8th grades are funded as provided in ~~20-9-306(14)(c)(ii)~~ 20-9-306(15)(c)(ii)."

Renumber: subsequent sections

15. Page 11.

Following: line 22

Insert: "**Section 5.** Section 20-9-141, MCA, is amended to read:

"20-9-141. Computation of general fund net levy requirement by county superintendent. (1) The county superintendent shall compute the levy requirement for each district's general fund on the basis of the following procedure:

(a) Determine the funding required for the district's final general fund budget less the

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

sum of direct state aid, the natural resource development K-12 funding payment, and the special education allowable cost payment for the district by totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii) any general fund budget amount adopted by the trustees of the district under the provisions of 20-9-308 and 20-9-353.

(b) Determine the money available for the reduction of the property tax on the district for the general fund by totaling:

(i) the general fund balance reappropriated, as established under the provisions of 20-9-104;

(ii) amounts received in the last fiscal year for which revenue reporting was required for each of the following:

(A) interest earned by the investment of general fund cash in accordance with the provisions of 20-9-213(4); and

(B) any other revenue received during the school fiscal year that may be used to finance the general fund, excluding any guaranteed tax base aid;

(iii) anticipated oil and natural gas production taxes;

(iv) pursuant to subsection (4), anticipated revenue from coal gross proceeds under 15-23-703; and

(v) school district block grants distributed under 20-9-630.

(c) Notwithstanding the provisions of subsection (2), subtract the money available to reduce the property tax required to finance the general fund that has been determined in subsection (1)(b) from any general fund budget amount adopted by the trustees of the district, up to the BASE budget amount, to determine the general fund BASE budget levy requirement.

(d) Determine the sum of any amount remaining after the determination in subsection (1)(c) and any tuition payments for out-of-district pupils to be received under the provisions of 20-5-320 through 20-5-324, except the amount of tuition received for a pupil who is a child with a disability in excess of the amount received for a pupil without disabilities, as calculated under 20-5-323(2).

(e) Subtract the amount determined in subsection (1)(d) from any additional funding requirement to be met by an over-BASE budget amount, a district levy as provided in 20-9-303, and any additional financing as provided in 20-9-353 to determine any additional general fund levy requirements.

(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000.

(3) The net general fund levy requirement determined in subsections (1)(c) and (1)(d) must be reported to the county commissioners by the later of the first Tuesday in September or within 30 calendar days after receiving certified taxable values by the county superintendent as the general fund net levy requirement for the district, and a levy must be set by the county commissioners in accordance with 20-9-142.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

(4) For each school district, the department of revenue shall calculate and report to the county superintendent the amount of revenue anticipated for the ensuing fiscal year from revenue from coal gross proceeds under 15-23-703."

Renumber: subsequent sections

16. Page 11.

Following: line 30

Insert: "(b) starting in fiscal year 2015, the natural resource development K-12 funding payment for a variable percentage of the basic and per-ANB entitlements above the direct state aid for the general fund budget of a district, as referenced in subsection (10);"

Renumber: subsequent subsections

17. Page 12, line 30.

Strike: ", "

Insert: "."

18. Page 13, line 3.

Following: "~~(i)~~"

Insert: "(i)"

Strike: the first "year"

Insert: "years"

Following: "and"

Insert: "2015 and \$300,000 for"

Following: the second "year"

Insert: "for school districts with an ANB of 800 or fewer; and

(ii) \$290,000 for fiscal years 2014 and 2015 and \$300,000 for each succeeding fiscal year for school districts with an ANB of more than 800, plus \$12,000 for fiscal years 2014 and 2015 and \$15,000 for each succeeding fiscal year for each additional 80 ANB over 800"

19. Page 13, line 9.

Strike: " "

Insert: " ¹."

20. Page 13, line 12.

Following: "~~(i)~~"

Insert: "(i)"

Strike: the first "year"

Insert: "years"

Following: "and"

Insert: "2015 and \$50,000 for"

Following: the second "year"

Insert: "for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(ii) \$40,000 for fiscal years 2014 and 2015 and \$50,000 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

\$2,000 for fiscal years 2014 and 2015 and \$2,500 for each succeeding fiscal year for each additional 25 ANB over 250"

21. Page 13, line 19.

Strike: " "
Insert: "."

22. Page 13, line 22.

Following: "~~(A)~~"

Insert: "(A)"

Strike: the first "year"

Insert: "years"

Following: "and"

Insert: "2015 and \$50,000 for"

Following: the second "year"

Insert: "for school districts or K-12 district elementary programs with an ANB of 250 or fewer; and

(B) \$40,000 for fiscal years 2014 and 2015 and \$50,000 for each succeeding fiscal year for school districts or K-12 district elementary programs with an ANB of more than 250, plus \$2,000 for fiscal years 2014 and 2015 and \$2,500 for each succeeding fiscal year for each additional 25 ANB over 250"

23. Page 13, line 28.

Strike: " "
Insert: "."

24. Page 14, line 1.

Following: "~~(A)~~"

Insert: "(A)"

Strike: the first "year"

Insert: "years"

Following: "and"

Insert: "2015 and \$100,000 for"

Following: the second "year"

Insert: "for the school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of 450 or fewer; and

(B) \$80,000 for fiscal years 2014 and 2015 and \$100,000 for each succeeding fiscal year for school districts or K-12 district elementary programs with combined grades 7 and 8 with an ANB of more than 450, plus \$4,000 for fiscal years 2014 and 2015 and \$5,000 for each succeeding fiscal year for each additional 45 ANB over 450"

25. Page 14.

Following: line 25

Insert: "(10) "Natural resource development K-12 funding payment" means the payment, starting in fiscal year 2015, of a variable percentage of the basic and per-ANB

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

entitlements above the direct state aid for the general fund budget of a district. The total payment to school districts may not exceed the greater of 50% of the fiscal year 2012 oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) or 50% of the oil and natural gas production taxes deposited into the general fund pursuant to 15-36-331(4) for the fiscal year occurring 2 fiscal years prior to the school fiscal year in which the payment is provided, plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3)(a). The amount of the natural resource development K-12 funding payment must be determined as follows:

(a) for fiscal year 2015, \$3 million; and

(b) for fiscal year 2016 and each subsequent year, the payment must be, subject to the limitations of this subsection (10), an amount sufficient to offset any estimated increase in statewide revenue from the general fund BASE budget levy provided for in 20-9-141 that is anticipated to result from increases in the basic or per-ANB entitlements plus any excess interest and income revenue appropriated by the legislature pursuant to 20-9-622(3)(a). The superintendent of public instruction shall incorporate a natural resource development K-12 funding payment calculated in compliance with this subsection (10)(b) in preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112."

Renumber: subsequent subsections

26. Page 15, line 25 through line 26.

Strike: "resulting" on line 25 through "20-9-311," on line 26

Insert: "calculated"

27. Page 17, line 7.

Following: "(1)"

Insert: "(a)"

Strike: "subsection"

Insert: "subsections (1)(b) and"

28. Page 17, line 8.

Strike: "150%"

Insert: "130%"

29. Page 17.

Following: line 9

Insert: "(b) For fiscal years 2014 through 2017 for a school district with a maximum general fund budget of less than \$1.5 million, the maximum amount of oil and gas production taxes that a school district may retain is 150% of the school district's maximum general fund budget."

30. Page 17, line 16.

Strike: "30"

Insert: "34"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

31. Page 17, line 24.

Strike: "150%"

Insert: "130%"

32. Page 17, line 28.

Strike: "150%"

Insert: "130%"

33. Page 18, line 9.

Strike: "150%"

Insert: "130%"

34. Page 18, line 20.

Strike: "150%"

Insert: "130%"

35. Page 20, line 22.

Strike: "2020"

Insert: "2016"

36. Page 20.

Following: line 23

Insert: "Section 9. Section 20-9-310, MCA, is amended to read:

"20-9-310. (Temporary) Oil and natural gas production taxes for school districts -- allocation and limits. (1) The Except as provided in subsection (8), the maximum amount of oil and natural gas production taxes that a school district may retain is 130% of the school district's maximum budget, determined in accordance with 20-9-308.

(2) Upon receipt of school district budget reports required under 20-9-134, the superintendent of public instruction shall provide the department of revenue with a list reporting the maximum general fund budget for each school district.

(3) The department of revenue shall make the full quarterly distribution of oil and natural gas production taxes as required under 15-36-332(6) until the amount distributed reaches the limitation in subsection (1) of this section. The department of revenue shall deposit any amount exceeding the limitation in subsection (1) in the state school oil and natural gas distribution account provided for in [section 34].

(4) For fiscal year 2012, By the last day of the month immediately following the month in which the quarterly distribution of oil and natural gas production taxes in subsection (3) is made, the office of public instruction shall distribute any amount of oil and natural gas production taxes exceeding the limitation in subsection (1) must be deposited in the guarantee account as provided in 20-9-622: based on allocations determined by the department of revenue pursuant to subsection (3) as follows:

(a) 70% of the retained amount must be deposited in the guarantee account provided for in 20-9-622;

(b) 5% of the retained amount must be deposited in the state school oil and natural gas

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

impact account provided for in 20-9-517; and

(c) 25% of the retained amount must be distributed to the counties for deposit in the county school oil and natural gas impact fund provided for in 20-9-518.

(5) Subject to the limitation in subsection (1) and except as provided in subsection (7), the trustees shall budget and allocate the oil and natural gas production taxes received by the district as follows:

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

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

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

~~(d)~~(a) for each succeeding fiscal year, the trustees shall budget in the general fund an amount of oil and natural gas production taxes equal to the lesser of ~~55%~~ 25% of the total oil and natural gas production taxes received by the district in the prior year or the general fund levy requirement;

~~(e)~~(b) oil and natural gas production taxes received by the district must be deposited in the general fund until the ~~budgeted amount~~ limit under subsection (5)(a) is reached; and

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

(6) Except as provided in subsection (7), 50% of the oil and natural gas production taxes deposited in the general fund pursuant to subsection (5)(a) must be applied to the BASE budget levy. Remaining oil and natural gas production taxes deposited in the general fund may be applied to either the BASE budget levy or the over-BASE budget levy at the discretion of the board of trustees.

(7) The provisions of subsections (5) and (6) do not apply to the following:

(a) a district that has a maximum general fund budget of less than \$1 million;

(b) a district whose oil and gas revenue combined with its adopted general fund budget total 105% or less of its maximum general fund budget;

(c) a district that has a maximum general fund budget of \$1 million or more and has had an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314 in the year immediately preceding the fiscal year to which subsections (5) and (6) would otherwise apply; or

(d) a district that has issued outstanding oil and natural gas revenue bonds. Any funds received pursuant to this subsection (7) must first be applied by the district to payment of debt service obligations for oil and natural gas revenue bonds for the next 12-month period.

(8) The limit on oil and natural gas production taxes that a school district may retain under subsection (1) must be increased for any school district with an unusual enrollment increase approved by the superintendent of public instruction as provided in 20-9-314. The increase in the limit on oil and natural gas production taxes that a school district may retain under subsection (1) applies in the year immediately following the fiscal year in which the office of public instruction has approved the district's unusual enrollment increase and must be calculated by multiplying \$45,000 times each additional ANB approved by the superintendent of

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

public instruction as provided in 20-9-314.

~~(6)~~(9) In any year in which the actual oil and natural gas production taxes received by a school district are less than 50% of the total oil and natural gas production taxes received by the district in the prior year, the district may transfer money from any budgeted fund to its general fund in an amount not to exceed the amount of the shortfall.

~~(7) Beginning in fiscal year 2013, for any amount retained by the department of revenue in compliance with the limitation in subsection (1), the amount retained must be allocated as follows:~~

~~— (a) 70% of the retained amount must be deposited in the guarantee account provided for in 20-9-622;~~

~~— (b) 5% of the retained amount must be deposited in the state school oil and natural gas impact account provided for in 20-9-517; and~~

~~— (c) 25% of the retained amount must be distributed to the counties for deposit in the county school oil and natural gas impact fund provided for in 20-9-518. (Terminates June 30, 2016--sec. 29, Ch. 418, L. 2011.)"~~

Renumber: subsequent sections

37. Page 21, line 1.

Strike: " 1 "

Insert: "and to a count of regularly enrolled pupils on"

38. Page 21, line 1 through line 2.

Strike: ",AND" on line 1 through "YEAR," on line 2

39. Page 21, line 3.

Strike: "FOUR"

Insert: "three"

40. Page 28, line 6.

Following: "20-9-330"

Insert: ", the data-for-achievement payment, and the general fund payments in 20-9-327 through 20-9-330"

41. Page 28, line 23.

Strike: "and" through "section"

42. Page 28, line 24 through line 25.

Strike: "for state" on line 24 through "aid" on line 25

43. Page 28, line 26.

Following: "received."

Insert: "Except as provided in subsection (2), money in the guarantee account must be used for state equalization aid."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

44. Page 30, line 8.

Strike: "AND"

45. Page 30, line 10.

Following: "payment;"

Insert: "and

(vii) the total natural resource development K-12 funding payment;"

46. Page 30, line 16.

Strike: "AND"

47. Page 30, line 18.

Following: "payment;"

Insert: "and

(vii) the total natural resource development K-12 funding payment;"

48. Page 30, line 26.

Strike: "AND"

Following: "payment"

Insert: ", and the total natural resource development K-12 funding payment"

49. Page 40, line 22.

Strike: "25"

Insert: "28"

50. Page 44, line 11.

Insert: "**Section 30.** Section 20-9-517, MCA, is amended to read:

"20-9-517. (Effective July 1, 2013 2016) State school oil and natural gas impact account. (1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools that are not receiving oil and natural gas production taxes under 15-36-331 ~~but are impacted by contiguous counties that are benefiting from receipt of oil and natural gas production taxes~~ in an amount sufficient to address oil and gas development impacts.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to ~~20-9-310(7)~~ 20-9-310(4)(b) and any amounts pursuant to 20-9-104(6).

(3) A school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-314;

(b) a district's need to hire new teachers or staff as a result of increased enrollment;

(c) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

(d) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the following:

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

- (a) the local district's or school's need;
 - (b) the severity of the energy development impacts;
 - (c) availability of funds in the account; and
 - (d) the applicant district's ability to meet the needs identified in subsection (3).
- (5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.
- (6) The amount in the account may not exceed \$7.5 million. Any amount over \$7.5 million must be deposited in the state general fund guarantee account and distributed in the same manner as provided in 20-9-622(3)."

51. Page 46, line 11.

Following: "~~20-9-306~~"

Insert: "as part of the natural resource development K-12 funding payment referred to in 20-9-306"

52. Page 46, line 28 through line 30.

Strike: "common" on line 28 through "related" on line 30

53. Page 47, line 9.

Strike: "150%"

Insert: "130%"

54. Page 47, line 15.

Insert: "NEW SECTION. Section 35. Montana support for schools special revenue account. (1) There is a Montana support for schools special revenue account within the state special revenue fund established in 17-2-102.

(2) Money must be transferred into the Montana support for schools special revenue account pursuant to [section 36].

(3) Money in the account must be transferred to the guarantee account pursuant to and for the purposes described in [section 36]."

Insert: "NEW SECTION. Section 36. Transfers of funds. (1) Prior to June 30, 2013, there is transferred \$22,950,178 from the state general fund to the Montana support for schools special revenue account, provided for in [section 35], for purposes of funding the costs of restructuring the basic entitlement for fiscal years 2014 and 2015 under the provisions of [this act].

(2) After July 1, 2013, and prior to July 30, 2013, there is transferred from the Montana support for schools special revenue account to the guarantee account, provided for in 20-9-622, \$11,475,089 for state equalization aid in fiscal year 2014.

(3) After July 1, 2014, and prior to July 30, 2014, there is transferred from the Montana support for schools special revenue account to the guarantee account, provided for in 20-9-622, \$11,475,089 for state equalization aid in fiscal year 2015.

(4) The amounts transferred to the guarantee account under this section must be excluded from the calculation of excess interest and income revenue under 20-9-342."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Insert: "NEW SECTION. Section 37. Appropriation. For the biennium beginning July 1, 2013, there is appropriated:

(1) \$25.8 million from the state general fund to the office of public instruction for school district BASE aid;

(2) \$22.3 million from the state school oil and natural gas distribution account for the purposes specified in [section 34]; and

(3) \$13,522 from the state general fund to the office of public instruction for costs associated with the K-12 data task force under [section 1]."

Renumber: subsequent sections

55. Page 47, line 17.

Strike: "[Sections 1, 7, and 8]"

Insert: "[Sections 1 and 7]"

56. Page 47, line 30.

Strike: "25, 29, AND 30"

Insert: "28, 33, 34, and 35"

57. Page 48, line 2.

Strike: "25, 29, AND 30"

Insert: "28, 33, 34, and 35"

58. Page 48, line 3.

Strike: "24"

Insert: "27"

59. Page 48, line 4.

Strike: "24"

Insert: "27"

60. Page 48, line 10.

Strike: "SUBSECTION (2)"

Insert: "subsections (2) and (3)"

61. Page 48, line 14.

Following: "(2)"

Insert: "[Sections 9 and 30] are effective July 1, 2016.

(3)"

Strike: "26 AND 27"

Insert: "29 and 31"

62. Page 48, line 15.

Following: line 14

Insert: "NEW SECTION. Section 43. Termination. [Sections 8, 29, and 35] terminate June 30, 2016."

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Amendment adopted as follows:

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

Total 55

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

Total 45

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 175 - Representative Hansen moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 2, line 13.

Following: "SECTIONS"

Insert: "20-2-121,"

2. Page 4.

Following: line 1

Insert: "**Section 3.** Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education -- powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of 20-1-303 and 20-1-304;

(6) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

(9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131;

(10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904;

(11) adopt rules for student assessment in the public schools ensuring the following:

(a) that the technology infrastructure, connectivity, and capacity of all public schools and districts that administer statewide assessments pursuant to the common core curriculum adopted by the board on November 4, 2011, without the fiscal analysis required by 20-7-102(2) and (3) are load tested and independently verified to be adequate, efficient, and reliable; and

(b) that only after the testing and verification required in subsection (11)(a) occur may the full implementation of online common core assessments for K-12 public school students be conducted; and

(12) perform any other duty prescribed from time to time by this title or any other act of the legislature.""

3. Page 17, line 16.

Strike: "30"

Insert: "31"

4. Page 40, line 22.

Strike: "25"

Insert: "26"

5. Page 47, line 30.

Strike: "25, 29, AND 30"

Insert: "26, 30, and 31"

6. Page 48, line 2.

Strike: "25, 29, AND 30"

Insert: "26, 30, and 31"

7. Page 48, line 3.

Strike: "24"

Insert: "25"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

8. Page 48, line 4.

Strike: "24"

Insert: "25"

9. Page 48, line 14.

Strike: "26 AND 27"

Insert: "27 and 28"

Amendment **not** adopted as follows:

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

Total 48

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

Total 51

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Schwaderer.

Total 1

SB 175 - Representative Hansen moved **SB 175**, second reading copy, be amended as follows:

1. Title, page 2, line 13.

Following: "SECTIONS"

Insert: "20-7-101,"

2. Page 4.

Following: line 1

Insert: "**Section 3.** Section 20-7-101, MCA, is amended to read:

"20-7-101. Standards of accreditation. (1) Standards of accreditation for all schools must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

(2) Prior to adoption or amendment of any accreditation standard, the board shall submit each proposal to the education and local government interim committee for review. The interim committee shall request a fiscal analysis to be prepared by the legislative fiscal division. The legislative fiscal division shall provide its analysis to the interim committee and to the office of budget and program planning to be used in the preparation of the executive budget.

(3) If the fiscal analysis of the proposal is found by the legislative fiscal division to have a substantial fiscal impact, the board may not implement the standard until July 1 following the next regular legislative session and shall request that the same legislature fund implementation of the proposed standard. A substantial fiscal impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(4)(a) The board of public education may not adopt any additional standards related to the common core curriculum beyond those standards adopted by the board on November 4, 2011, until after October 1, 2018.

(b) Prior to September 1, 2018, the board of public education shall evaluate the effectiveness of the changes in standards of accreditation adopted by the board on November 4, 2011, and report to the education and local government interim committee. The evaluation and report must include:

(i) a comparison of student achievement before and after adoption of standards related to the common core curriculum;

(ii) an evaluation of the quality of curricula designed to meet the standards related to the common core curriculum;

(iii) a summary of the results of a survey of teachers related to the changes in standards of accreditation;

(iv) a consideration of other standards of accreditation that may result in increased levels of student achievement; and

(v) an evaluation of the assessment related to the common core curriculum and the assessment implementation.

~~(4)~~(5) Standards for the retention of school records must be as provided in 20-1-212."
Renumber: subsequent sections

3. Page 17, line 16.

Strike: "30"

Insert: "31"

4. Page 40, line 22.

Strike: "25"

Insert: "26"

5. Page 47, line 30.

Strike: "25, 29, AND 30"

Insert: "26, 30, and 31"

6. Page 48, line 2.

Strike: "25, 29, AND 30"

Insert: "26, 30, and 31"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

7. Page 48, line 3.

Strike: "24"

Insert: "25"

8. Page 48, line 4.

Strike: "24"

Insert: "25"

9. Page 48, line 14.

Strike: "26 AND 27"

Insert: "27 and 28"

Amendment **not** adopted as follows:

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

Total 48

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

Total 52

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 175 - Representative Schwaderer moved **SB 175**, second reading copy, be amended as follows:

1. Page 9, line 24.

Strike: "THE"

Insert: "personally identifiable"

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

2. Page 9, line 25.

Strike: "INDIVIDUAL"

Insert: "personally identifiable"

3. Page 9, line 27.

Strike: "THIS"

Insert: "personally identifiable"

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, 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 99

Nays: Kerns.

Total 1

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 175 - Representative Brodehl moved for cloture. Motion Carried. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Eck, Edmunds, Ehli, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kerns, Knudsen, Laszloffy, Lavin, Lenz, Lieser, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 85

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Nays: Cuffe, Curtis, Doane, Dudik, Fiscus, Fitzpatrick, Hertz, Kary, Lang, Lynch, Miller, Noonan, Squires, Warburton, Zolnikov.
Total 15

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 - Representative Salomon moved **SB 175**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Fitzpatrick, Flynn, Gibson, Gursky, Hagan, Halvorson, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Jacobson, Lang, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.
Total 60

Nays: Ballance, J. Bennett, Blyton, Brodehl, Cuffe, Doane, Edmunds, Ehli, Fiscus, Galt, Glimm, Greef, Hagstrom, Hansen, Harris, Hertz, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, McNiven, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov, Mr. Speaker.
Total 40

Voted Absentee: None.

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 Wagoner 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, Dudik, Eck, Edmunds, Ehli, Fiscus, Flynn, Gibson, Glimm, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kerns,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Knudsen, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, Whitford, Wilmer, Wilson, Woods, Mr. Speaker.
Total 86

Nays: Doane, Fitzpatrick, Galt, Greef, Harris, Kary, Lang, Miller, O'Neil, Regier, Warburton, White, Williams.
Total 13

Voted Absentee, None.

Excused: None.
Total 0

Absent or not voting: Zolnikov.
Total 1

MOTIONS

Representative Hansen moved **HB 277** be removed from third reading.

Motion **passed** as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Cook, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Noonan, O'Hara, O'Neil, 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 89

Nays: Berry, Connell, Court, Eck, Fiscus, Harris, Hertz, Hoven, Lenz, Neill, Osmundson.
Total 11

Voted Absentee: None.

Excused: None.
Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Absent or not voting: None.

Total 0

Representative Hansen moved that the rules be **suspended** to allow reconsider action on **HB 277**.

Motion **passed** as follows:

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

Total 86

Nays: Ballance, Court, Doane, Fiscus, Galt, Harris, Hertz, Hoven, Jones, Knudsen, Lenz, Osmundson, C. Smith, Warburton.

Total 14

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Hansen moved to **reconsider** action on **HB 277** and that **HB 277** be placed on second reading on Tuesday, April 16, 2013.

Motion **passed** as follows:

Yeas: Ankney, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hill, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Reichner, Salomon, Schreiner, Schwaderer,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 87

Nays: Ballance, Brodehl, Court, Fiscus, Galt, Harris, Hertz, Hoven, Knudsen, Lenz, Osmundson, Regier, Warburton.
Total 13

Voted Absentee: None.

Excused: None.
Total 0

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:

HB 188 passed as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cuffe, Doane, Edmunds, Ehli, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, McChesney, McClafferty, McNiven, Miller, Moore, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.
Total 73

Nays: B. Bennett, Boland, Cook, Court, Curtis, Dudik, Eck, Fiscus, Gursky, Hill, Hunter, Jacobson, MacDonald, McCarthy, McNally, Mehlhoff, Neill, Pomnichowski, Schreiner, B. Smith, Squires, Steenberg, Whitford, Williams, Wilmer, Wilson, Woods.
Total 27

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

HJR 22 adopted as follows:

Yeas: Ankney, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Fiscus, Greef, Gursky, Hagan, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jacobson, Jones, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 64

Nays: Ballance, J. Bennett, Berry, Brodehl, Cuffe, Doane, Edmunds, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Hagstrom, Harris, Howard, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, C. Smith, Vance, Wagoner, White, Zolnikov, Mr. Speaker.

Total 36

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HJR 26 adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, 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, Pease-Lopez, Peppers, Pierson, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 84

Nays: J. Bennett, Brodehl, Court, Doane, Flynn, Hansen, Harris, Jones, Kerns, O'Neil, Osmundson, Pomnichowski, Schwaderer, C. Smith, Vance, Williams.

Total 16

Voted Absentee: None.

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 69 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, 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, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 88

Nays: B. Bennett, J. Bennett, Berry, Brodehl, Doane, Gursky, Harris, Kerns, Miller, O'Neil, Squires, Zolnikov.

Total 12

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 108 concurred in as follows:

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

Total 78

Nays: J. Bennett, Brodehl, Cuffe, Doane, Galt, Halvorson, Hansen, Harris, Hollandsworth, Kerns, Knudsen, Laszloffy, O'Neil, Osmundson, Redfield, Regier, Schwaderer, C. Smith,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Vance, Wagoner, Warburton, Zolnikov.

Total 22

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 264 concurred in as follows:

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

Total 76

Nays: Blyton, Brodehl, Doane, Fitzpatrick, Flynn, Galt, Glimm, Harris, Howard, Jones, Kerns, Knudsen, Miller, O'Neil, Randall, Regier, Schwaderer, C. Smith, Vance, Wagoner, Welborn, White, Zolnikov, Mr. Speaker.

Total 24

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 355 concurred in as follows:

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

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Boss Ribs, Fitzpatrick, Whitford.

Total 3

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

MOTIONS

Majority Leader Vance moved **SB 173** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Vance moved **SB 240** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Vance moved **SB 280** be moved from the Committee of the Whole to the Appropriations committee.

Representative Vance moved **SB 175** be moved from the Committee of the Whole to the Appropriations committee.

Representative Hoven objected to the motion to re-refer **SB 175** to Appropriations.

Motion to re-refer **SB 175** to Appropriations **failed** as follows:

Yeas: Bangerter, Brodehl, Coffin, Court, Cuffe, Doane, Dudik, Eck, Edmunds, Fiscus, Fitzpatrick, Glimm, Halvorson, Hertz, Hollenbaugh, Howard, Hunter, Ingraham, Jones, Kary, Knudsen, Lang, Lavin, Lenz, Lynch, MacDonald, McCarthy, McNiven, Neill, Noonan, O'Neil, Osmundson, Pomnichowski, Randall, Redfield, Regier, Schwaderer, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Williams, Zolnikov, Mr. Speaker.

Total 49

Nays: Ankney, Ballance, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Connell, Cook, Curtis, Ehli, Flynn, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hill, Hollandsworth, Hoven, Jacobson, Kerns, Laszloffy, Lieser, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, O'Hara, Pease-Lopez, Peppers, Pierson, Price,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Reichner, Salomon, Schreiner, Shaw, B. Smith, Welborn, Whitford, Wilmer, Wilson, Woods.
Total 51

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Majority Leader Vance moved to appoint a **Free** Conference Committee on **HB 97** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:
4/15/2013

Representative Wilmer, Vice Chair
Representative Blyton
Representative Lenz

Majority Leader Vance moved to appoint a Conference Committee on **HB 133** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:
4/15/2013

Representative Berry, Vice Chair
Representative Boland
Representative Lang

Majority Leader Vance moved to appoint a **Free** Conference Committee on **HB 240** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:
4/15/2013

Representative C. Smith, Vice Chair
Representative Kerns
Representative MacDonald

Majority Leader Vance moved to appoint a **Free** Conference Committee on **HB 345** and request the Senate to appoint a like committee. Motion Carried. Speaker Blasdel appointed:
4/15/2013

Representative C. Smith, Vice Chair
Representative Fitzpatrick
Representative Steenberg

Majority Leader Vance moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 148**. Motion Carried. Speaker Blasdel appointed:
4/15/2013

Representative Fitzpatrick
Representative Curtis
Representative Hagan

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Majority Leader Vance moved to accede to the request of the Senate and appoint a Conference Committee on **SB 198**. Motion Carried. Speaker Blasdel appointed:

4/15/2013

Representative Lavin
Representative Laszloffy
Representative Lynch

Majority Leader Vance moved to accede to the request of the Senate and appoint a Conference Committee on **SB 223**. Motion Carried. Speaker Blasdel appointed:

4/15/2013

Representative Reichner
Representative D. Jones
Representative Squires

Majority Leader Vance moved to accede to the request of the Senate and appoint a Conference Committee on **SB 256**. Motion Carried. Speaker Blasdel appointed:

4/15/2013

Representative Randall
Representative Peppers
Representative Redfield

Majority Leader Vance moved to accede to the request of the Senate and appoint a Conference Committee on **SB 323**. Motion Carried. Speaker Blasdel appointed:

4/15/2013

Representative Salomon
Representative Pierson
Representative Schwaderer

Majority Leader Vance moved to accede to the request of the Senate and appoint a Conference Committee on **SJR 18**. Motion Carried. Speaker Blasdel appointed:

4/15/2013

Representative Halvorson
Representative Howard
Representative McCarthy

Representative Hertz moved to reconsider action on **SB 387** and that **SB 387** be placed on second reading on Monday, April 15, 2013.

Motion **failed** as follows:

Yeas: Ballance, Bangerter, J. Bennett, Blyton, Cuffe, Doane, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, McNiven, Osmundson, Randall, Redfield, Regier,

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.

Total 42

Nays: Ankney, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Gibson, Gursky, Hagan, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 58

Voted Absentee: None

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Ankney moved that **SB 375** be taken from Judiciary and brought before the Committee of the Whole.

Motion **failed** as follows:

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

Total 54

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

Total 46

Voted Absentee: None

Excused: None.

Total 0

HOUSE JOURNAL
SEVENTY-NINTH LEGISLATIVE DAY - APRIL 15, 2013

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 1:00 p.m., Tuesday, April 16, 2013.
Motion carried.

House adjourned at 5:10 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House