

**HOUSE JOURNAL  
62ND LEGISLATURE  
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 26, 2011

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Edmunds. Pledge of Allegiance to the Flag.

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

**BILLS** (O'Hara, Chairman): 4/21/2011

Signed by the Speaker at 1:00 p.m., April 21, 2011: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 351, HB 495, HB 613, HB 619, HB 633.**

Signed by the Chief Clerk of the House at 12:00 p.m., April 21, 2011: **HB 5, HB 6, HB 7, HB 9, HB 10, HB 351, HB 495, HB 613, HB 619, HB 633.**

Signed by the Speaker at 1:05 p.m., April 21, 2011: **HB 90, HB 559.**

Signed by the Chief Clerk of the House at 12:00 p.m., April 21, 2011: **HB 90, HB 559.**

Signed by the President at 3:30 p.m., April 25, 2011: **HB 90, HB 559.**

Signed by the Speaker at 1:00 p.m., April 21, 2011: **HB 29, HB 43, HB 47, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 525, HB 530, HB 587, HB 615, HB 622.**

Signed by the Chief Clerk of the House at 12:30 p.m., April 21, 2011: **HB 29, HB 43, HB 47, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 525, HB 530, HB 587, HB 615, HB 622.**

**BILLS** (O'Hara, Chairman): 4/26/2011

Signed by the Speaker at 1:15 p.m., April 26, 2011: **HB 4, HB 106, HB 159, HB 186, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 518, HB 543, HB 638, HJR 8.**

Signed by the Chief Clerk of the House at 11:00 a.m., April 26, 2011: **HB 4, HB 106, HB 159, HB 186, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 518, HB 543, HB 638, HJR 8.**

Delivered to the Governor for approval at 1:10 p.m., April 26, 2011: **HB 29, HB 47, HB 90, HB 111, HB 133, HB 152, HB 167, HB 172, HB 249, HB 262, HB 265, HB 296, HB 297, HB 366, HB 408, HB 409, HB 458, HB 525, HB 530, HB 559, HB 587, HB 607, HB 615, HB 622.**

Examined by the sponsor and found to be correct: **HB 4, HB 106, HB 159, HB 209, HB 258, HB 283, HB 317, HB 370, HB 372, HB 405, HB 414, HB 460, HB 543, HB 638.**

Correctly printed: **SJR 28.**

Correctly engrossed: **SJR 27, SJR 29, SJR 30.**

Delivered to the Governor for approval at 9:50 a.m., April 26, 2011: **HB 494.**

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Representative Sands announced that Mary McCue had passed away, the House had a moment of silence.

Representative MacDonald moved that the House Democrats Caucus. Motion carried.

House Recessed.  
House Reconvened.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Reichner, Chairman):  
**SJR 28**, be concurred in. Report adopted.

4/20/2011

**MESSAGES FROM THE GOVERNOR**

April 21, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 12** sponsored by Representative Menahan, **House Bill 69** sponsored by Representative Menahan, **House Bill 125** sponsored by Representative Klock, **House Bill 279** sponsored by Representative F. Smith et al., **House Bill 469** sponsored by Representative Clark, **House Bill 548** sponsored by Representative Bangerter et al., and **House Bill 584** sponsored by Representative Mehlhoff et al., on April 20, 2011.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 21, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
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Dear Representative Milburn:

Please be informed that I have signed **House Bill 51** sponsored by Representative Di. Barrett, **House Bill 83** sponsored by Representative Berry et al., **House Bill 91** sponsored by Representative Ingraham, **House Bill 107** sponsored by Representative Hollenbaugh, **House Bill 166** sponsored by Representative Esp, **House Bill 196** sponsored by Representative Connell et al., **House Bill 216** sponsored by Representative Miller, **House Bill 291** sponsored by Representative Sesso et al., **House Bill 295** sponsored by Representative Cook, **House Bill 336** sponsored by Representative Menahan, **House Bill 411** sponsored by Representative Wilmer et al., **House Bill 522** sponsored by Representative Kary et al., **House Bill 541** sponsored by Representative Welborn, **House Bill 552** sponsored by Representative Hale et al., and **House Bill 602** sponsored by Representative McNutt on April 21, 2011.

Delivered without signature was **HB 277** sponsored by Representative Washburn, and **HB 538** sponsored by Representative Peterson.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 188** sponsored by Representative Loney et al., on April 22, 2011.

Delivered without signature was **HB 327** sponsored by Representative McClafferty.

Sincerely,  
BRIAN SCHWEITZER  
Governor

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

HOUSE JOURNAL  
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The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 2, "**AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2013; AND PROVIDING AN EFFECTIVE DATE.**" for the following reasons.

I have worked closely with you and the Senate President and have reached an agreement with both of you as to every line change contained in these amendments. I now await passage of these amendments by the House and Senate in order that a budget for the State of Montana for the 2013 biennium be delivered to me for final signature.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 2  
April 26, 2011

Governor's recommendations for amendments to **House Bill 2** (reference copy -- salmon) are as follows:

1. Page A-2, line 7.

**Strike:** "2,406,554 2,403,155" [general fund FY 2012 and FY 2013]  
**Insert:** "2,589,554 2,586,155" [general fund FY 2012 and FY 2013]

2. Page A-5, line 6.

**Strike:** "5,197,645 5,199,561" [general fund FY 2012 and FY 2013]  
**Insert:** "5,357,049 5,358,965" [general fund FY 2012 and FY 2013]

3. Page A-5, line 12.

**Strike:** "10,553,944 10,560,200" [general fund FY 2012 and FY 2013]  
**Insert:** "10,858,929 10,865,185" [general fund FY 2012 and FY 2013]

4. Page A-5.

**Following:** line 18

**Insert:** "b. Computer Programming (Restricted/Biennial/OTO) 500,000" [general fund FY 2012]

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5. Page A-5.

**Following:** line 24

**Insert:** "c. SB 29 -- Alcohol Server and Sales Training  
89,004 85,419" [proprietary FY 2012 and FY 2013]

6. Page A-6, line 1.

**Strike:** "1,824,161 1,826,065" [general fund FY 2012 and FY 2013]

**Insert:** "1,876,058 1,877,962" [general fund FY 2012 and FY 2013]

7. Page A-6, line 4.

**Strike:** "9,775,358 9,786,472" [general fund FY 2012 and FY 2013]

**Insert:** "10,025,706 10,036,820" [general fund FY 2012 and FY 2013]

8. Page A-6, line 8.

**Strike:** "18,842,690 18,867,679" [general fund 2012 and FY 2013]

**Insert:** "19,326,056 19,351,045" [general fund 2012 and FY 2013]

9. Page A-6.

**Following:** line 16

**Insert:** "Computer Programming is contingent on passage and approval of House Bill No. 316 or Senate Bill No. 329.

Information Technology and Processing and Property Assessment Division do not include present law adjustments for non-department of administration rent increases for the department of revenue for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of revenue's leases for office space and that the department of revenue either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

10. Page A-9, line 3.

**Strike:** "425,179 574,821 462,959 537,041"  
[general fund and state special fund FY 2012 and FY 2013]

**Insert:** "1,000,000 0 1,000,000 0"  
[general fund and state special fund FY 2012 and FY 2013]

11. Page A-11.

**Following:** line 10

**Insert:** "a. HB 186 -- Worksafe Montana  
500,000 500,000" [state special fund FY 2012 and FY 2013]

"b. HB 334 -- Workers' Compensation Revisions  
442,772 408,297" [state special fund FY 2012 and FY 2013]

12. Page A-11.

**Following:** line 12

**Insert:** "a. HB 83 -- Prescription Drug Registry

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145,107 115,838" [state special fund FY 2012 and FY 2013]

**Insert:** "b. SB 423 -- Medical Marijuana

50,000 50,000" [state special fund FY 2012 and 2013]

13. Page A-11.

**Following:** line 22

**Insert:** "HB 186 -- Worksafe Montana is contingent on passage and approval of House Bill No. 186.

HB 83 -- Prescription Drug Registry is contingent upon passage and approval of House Bill No. 83.

SB 423 -- Medical Marijuana is contingent on passage and approval of Senate Bill No. 423."

14. Page A-12.

**Following:** line 16

**Insert:** "b. Military Museum -- Equipment (Restricted/Biennial/OTO)

100,000 [general fund FY 2012]"

15. Page B-2.

**Following:** line 17

**Insert:** "Management and Disability Transitions, Human and Community Services Division, Child and Family Services Division, and Child Support Enforcement Division do not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

16. Page B-3.

**Following:** line 9

**Insert:** "c. SB 423 -- Medical Marijuana (OTO)

150,000 150,000"[state special fund FY 2012 and FY 2013]

17. Page B-3.

**Following:** line 23

**Insert:** "SB 423 -- Medical Marijuana is contingent on passage and approval of Senate Bill No. 423.

Quality Assurance Division does not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6)."

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18. Page B-4, line 1.

**Strike:** "10,806,920" [state special fund FY 2012]

**Insert:** "14,806,920" [state special fund FY 2012]

19. Page B-4, line 3.

**Strike:** "10,804,580" [state special fund FY 2013]

**Insert:** "14,804,580" [state special fund FY 2013]

20. Page B-4, line 13.

**Strike:** "128,642,182                    129,723,906" [federal special fund FY 2012 and FY 2013]

**Insert:** "129,478,183                    130,542,467" [federal special fund FY 2012 and FY2013]

21. Page B-4, line 14.

**Strike:** "73,956,561                    75,408,214" [general fund FY 2012 and FY 2013]

**Insert:** "74,383,149    75,834,802" [general fund FY 2012 and FY 2013]

22. Page B-4, line 15 through line 16.

**Strike:** line 15 through line 16 in their entirety

23. Page B-4, line 20.

**Strike:** "105,459,899    111,011,040" [general fund FY 2012 and FY 2013]

**Insert:** "114,523,581    119,867,693" [general fund FY 2012 and FY 2013]

24. Page B-4, line 21.

**Strike:** "67,383,145    68,322,968" [state special fund FY 2012 and FY 2013]

**Insert:** "68,393,078    69,177,133" [state special fund FY 2012 and FY 2013]

**Strike:** "417,451,121    444,604,720" [federal special fund FY 2012 and FY 2013]

**Insert:** "466,795,456    492,995,088" [federal special fund FY 2012 and FY 2013]

25. Page B-4, line 25 through page B-5, line 3.

**Strike:** Page B-4, line 25 through page B-5, line 3 in their entirety

**Renumber:** subsequent subsections

26. Page B-5.

**Following:** line 5

**Insert:** "c. Indian Property Exclusion (OTO)

262,543 513,982 266,037 510,488" [state special fund and federal special fund FY 2012 and FY 2013]

**Insert:** "d. Reestablish Hospital Base (OTO)

307,268 261,291" [state special fund FY 2012 and FY 2013]

**Insert:** "e. Big Sky Rx (Biennial)

4,003,825 4,003,223" [state special fund FY 2012 and 2013]

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27. Page B-5, line 23.

**Strike:** "~~2,731,179 2,767,530~~" [state special fund FY 2012 and FY 2013]  
**Insert:** "1,638,708 1,711,292" [state special fund FY 2012 and FY 2013]  
**Strike:** "~~5,346,843 5,310,492~~" [federal special fund FY 2012 and FY 2013]  
**Insert:** "3,208,106 3,283,723" [federal special fund FY 2012 and FY 2013]

28. Page B-5.

**Following:** line 23

**Insert:** "e. Restore Personal Assistance (OTO)  
251,358 492,085 251,358 482,320 " [state special fund and federal special fund FY 2012  
and FY 2013 ]

29. Page B-5, line 25.

**Strike:** "12,653,778" [state special fund FY 2013]  
**Insert:** "14,801,412" [state special fund FY 2013]

30. Page B-6.

**Strike:** line 2 through line 3 in their entirety  
**Strike:** line 11 through line 12 in their entirety  
**Strike:** line 15 in its entirety  
**Strike:** line 20 through line 24 in their entirety

31. Page B-7.

**Strike:** line 13 through line 14 in their entirety

32. Page B-7.

**Following:** line 14

**Insert:** "Federal special revenue appropriated to the department of public health and human services may be allocated among programs when developing 2013 biennial operating plans.

Disability Services Division, Senior and Long-Term Care Division, and Addictive and Mental Disorders Division do not include present law adjustments for non-department of administration rent increases for the department of public health and human services for the 2013 biennium. It is the intent of the legislature that its rejection of the governor's proposed present law adjustments for rent is a reduction in the funds available for the purpose of the department of public health and human services' leases for office space and that the department of public health and human services either renegotiate the leases due to the reduction in funds or cancel the leases as provided in 2-17-101(6).

If the Addictive and Mental Disorders Division is unable to secure a federal grant to support the suicide prevention coordination position, the division may use other funds available from the appropriations for the Addictive and Mental Disorders Division to fund the position."



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33. Page C-4.

**Following:** line 18

**Insert:** "b. SB 206 -- Energy Transmission Siting  
613,386 602,386" [state special fund FY 2012 and FY 2013]

34. Page C-5.

**Following:** line 12

**Insert:** "SB 206 -- Energy Transmission Siting is contingent upon passage and approval of Senate  
Bill No. 206."

35. Page C-6.

**Strike:** line 15 through line 16 in their entirety

36. Page C-7.

**Strike:** line 12 through line 13 in their entirety

37. Page C-7, line 17.

**Strike:** "(OTO)"

38. Page C-7, line 19.

**Strike:** "/OTO"

39. Page C-7, line 21.

**Strike:** "(OTO)"

40. Page C-8, line 4.

**Strike:** "(OTO)"

41. Page C-8, line 12.

**Strike:** "(OTO)"

42. Page C-8, line 16.

**Strike:** "(OTO)"

43. Page C-8, line 18.

**Strike:** "(OTO)"

44. Page C-8.

**Strike:** line 25 in its entirety

45. Page C-10.

**Strike:** line 4 through line 5 in their entirety

**Renumber:** subsequent subsections

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46. Page C-10.

**Strike:** line 11 through line 12 in their entirety

47. Page C-10.

**Strike:** line 17 through line 20 in their entirety

**Renumber:** subsequent subsections

48. Page C-12, line 8.

**Strike:** "\$1,543,487"

**Insert:** "\$1,893,487"

**Following:** "\$1,893,487"

**Strike:** "\$1,543,487"

**Insert:** "\$1,893,487"

**Following:** "\$1,893,487"

**Strike:** "\$1,543,487"

**Insert:** "\$1,893,487"

49. Page C-12, line 9.

**Following:** "\$1,893,487"

**Strike:** "\$1,543,487"

**Insert:** "\$1,893,487"

50. Page C-13.

**Strike:** line 1 through line 2 in their entirety

51. Page C-13.

**Following:** line 2

**Insert:** "c. SB 126 -- Ag Inspection Fees

84,753 84,753" [state special fund FY 2012 and FY 2013]

52. Page C-13.

**Strike:** line 10 in its entirety

53. Page C-13.

**Following:** line 12

**Insert:** "SB 126 -- Ag Inspection Fees is contingent upon passage and approval of Senate Bill No. 126."

54. Page D-1, line 9.

**Strike:** "200,000 200,000" [general fund FY 2012 and FY 2013]

**Insert:** "295,927 295,518" [general fund FY 2012 and FY 2013]

55. Page D-1, line 18.

**Strike:** "327,078 327,265" [state special fund FY 2012 and FY 2013]

**Insert:** "227,078 227,265" [state special fund FY 2012 and FY 2013]

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56. Page D-1, line 19.

**Strike:** "24,913,770 25,002,216" [general fund FY 2012 and FY 2013]

**Insert:** "25,013,770 25,102,216" [general fund FY 2012 and FY 2013]

57. Page D-5, line 16.

**Following:** "(01)"

**Insert:** "(Biennial)"

58. Page D-5, line 18.

**Strike:** "19,541,412 19,558,747" [general fund FY 2012 and FY 2013]

**Insert:** "21,041,412 21,058,747" [general fund FY 2012 and FY 2013]

59. Page D-5, line 22.

**Insert:** "c. Death Penalty Cases (Restricted/Biennial/OTO) 500,000 400,000" [general fund FY 2012 and FY 2013]

**Insert:** "d. SB 15 -- Misdemeanor Aggravated DUI  
85,500 85,500" [general fund FY2012 and FY 2013]

**Insert:** "e. SB 187 -- Revise Public Defender Laws 111,144" [state special fund FY 2013]

60. Page D-5, line 23.

**Following:** "(02)"

**Insert:** "(Biennial)"

61. Page D-6.

**Following:** line 6

**Insert:** "Death Penalty Cases is restricted for the purpose of death penalty case costs until September 1, 2012. After September 1, 2012, any remaining funds available for the appropriation may be used for any purpose consistent with the mission of the agency.

SB 15 -- Misdemeanor Aggravated DUI is contingent on passage and approval of Senate Bill No. 15.

SB 187 -- Revise Public Defender Laws is contingent on passage and approval of Senate Bill No. 187."

62. Page D-6, line 16.

**Strike:** "58,313,406 58,554,173" [general fund FY 2012 and FY 2013]

**Insert:** "60,113,406 60,354,173" [general fund FY 2012 and FY 2013]

63. Page D-7.

**Strike:** line 19 through line 21 in their entirety

**Strike:** line 24 through line 25 in their entirety

64. Page D-8.

**Strike:** line 1 through line 3 in their entirety

**Strike:** line 9 through line 13 in their entirety

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65. Page E-1, line 9.

**Strike:** "0 0" [general fund FY 2012 and FY 2013]

**Insert:** "1,168,000 1,168,000" [general fund FY 2012 and FY 2013]

**Strike:** "1,168,000 1,168,000" [state special fund FY 2012 and FY 2013]

**Insert:** "0 0" [state special fund FY 2012 and FY 2013]

66. Page E-1.

**Strike:** line 10 through line 11 in their entirety

67. Page E-1, line 17.

**Strike:** "492,262,212 520,021,232" [general fund FY 2012 and FY 2013]

**Insert:** "485,441,752 526,495,288" [general fund FY 2012 and FY 2013]

68. Page E-2.

**Strike:** line 18 through line 20 in their entirety

**Renumber:** subsequent subsections

69. Page E-3.

**Strike:** line 9 through line 11 in their entirety

70. Page E-3.

**Following:** line 11

**Insert:** "o. Multidistrict Cooperatives (Restricted/Biennial/OTO) 1,000,000" [general fund FY2012]

71. Page E-3, line 22 through Page E-4, line 2.

**Strike:** Page E-3, line 22 through Page E-4, line 2 in their entirety

72. Page E-4.

**Strike:** line 9 through line 11 in their entirety

73. Page E-5.

**Following:** line 6

**Insert:** "The general fund appropriation for BASE Aid is increased by \$5,647,742 in FY 2012 and is decreased by \$7,589,936 in FY 2013 if Senate Bill No. 329 is not passed and approved in a form that:

(1) provides for an inflation factor for basic and total per-ANB entitlements of at least 1.0% in FY 2012 and at least 2.43% in FY 2013; and

(2) allocates revenue from school districts' excess oil and natural gas production taxes to the state special revenue guarantee account provided for in 20-9-622. For the purpose of this subsection (2), excess oil and natural gas production taxes means revenue in excess of 130% of a school district's maximum budget."

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74. Page E-5.

**Following:** line 8

**Insert:** "Multidistrict Cooperatives is contingent on passage and approval of Senate Bill No. 329.  
Advancing Agricultural Ed in Montana is contingent on passage and approval of House Bill  
No. 611."

75. Page E-5, line 22.

**Strike:** "427,117 426,752" [general fund FY 2012 and FY 2013]  
**Insert:** "444,245 443,981" [general fund FY 2012 and FY 2013]  
**Strike:** "20,886 21,175" [state special fund FY 2012 and FY 2013]  
**Insert:** "3,758 3,946" [state special fund FY 2012 and FY 2013]

76. Page E-9, line 9.

**Strike:** "11,901,940 12,149,860" [general fund FY 2012 and FY 2013]  
**Insert:** "9,901,940 10,149,860" [general fund FY 2012 and FY 2013]  
**Strike:** "1,066,239 1,066,239" [federal special fund FY 2012 and FY 2013]  
**Insert:** "3,066,239 3,066,239" [federal special fund FY 2012 and FY 2013]

77. Page E-10, line 4.

**Strike:** "11,805,424 11,856,141" [general fund FY 2012 and FY 2013]  
**Insert:** "12,455,424 12,506,141" [general fund FY 2012 and FY 2013]

78. Page E-10, line 12.

**Strike:** "2,756,185 2,757,538" [general fund FY 2012 and FY 2013]  
**Insert:** "3,356,185 3,357,538" [general fund FY 2012 and FY 2013]

79. Page E-10.

**Following:** line 15

**Insert:** "g. Educational Units (Restricted/Biennial/OTO) 4,855,152 4,380,153" [general fund  
FY 2012 and  
FY 2013]

**Insert:** "h. MUS Research (Restricted/Biennial/OTO)  
1,500,000 2,000,000" [general fund FY 2012 and FY 2013]

**Insert:** "i. PBS (Restricted)  
150,000 150,000" [general fund FY 2012 and FY 2013]

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

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The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 100, "**AN ACT PROVIDING FOR FISCAL NOTES THAT INCLUDE BUSINESS IMPACT STATEMENTS; AND AMENDING SECTION 5-4-203, MCA**" for the following reasons.

My amendments speak for themselves. House Bill 100 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic Development and to the Legislative Finance Committee on a biannual basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 100  
April 28, 2011

Governor's recommendations for amendments to **House Bill 100** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5.

**Following:** "STATEMENTS;"

**Insert:** "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 2.

**Following:** line 12

**Insert:** "NEW SECTION. Section 3. Reporting requirements. (1) On or before September 1, 2012, April 1, 2013, September 1, 2013, April 1, 2014, and September 1, 2014, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

- (a) the governor's office of economic development; and
- (b) the legislative finance committee.

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(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

**Renumber:** subsequent section

April 21, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 310, "**AN ACT REVISING THE LAWS RELATING TO INITIATIVES AND REFERENDA; REQUIRING STATEMENTS ON PETITIONS FOR INITIATIVES AND REFERENDA AND ON THE BALLOT THAT CLEARLY INDICATE THAT A "YES" VOTE SUPPORTS A BALLOT ISSUE AND THAT A "NO" VOTE OPPOSES A BALLOT ISSUE; REQUIRING A SINGLE STATEMENT OF PURPOSE AND IMPLICATION; AMENDING SECTIONS 13-27-202, 13-27-204, 13-27-205, 13-27-206, 13-27-207, 13-27-312, 13-27-315, AND 13-27-501, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

My amendments change the effective date of HB 310 to occur after the 2012 elections.

As HB 310 is currently written, all legislative referenda passed by the 62nd Legislature must contain the current statutory format offering the voter "FOR" and "AGAINST" statements, while any citizen proposed initiatives and constitutional amendments for the 2012 ballot must utilize a new format ("YES" or "NO" options, without statements) proposed in this legislation. I believe that two different sets of language for ballot issues on the 2012 ballot could prove confusing to voters. Therefore, I propose amending HB 310 with a later effective date. This will ensure that all ballot measures use uniform language and format in all elections henceforth.

I ask for your support of my amendments.  
Sincerely,

BRIAN SCHWEITZER  
Governor

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GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 310  
April 26, 2011

Governor's recommendations for amendments to **House Bill 310** (reference copy -- salmon) are as follows:

1. Title, line 12 through line 13.

**Strike:** "AN" on line 12 through "APPLICABILITY" on line 13

**Insert:** "A DELAYED EFFECTIVE"

2. Page 9, line 28 through page 10, line 2.

**Strike:** sections 9 and 10 in their entirety

**Insert:** "NEW SECTION. Section 9. Effective date. [This act] is effective January 1, 2013."

April 21, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 533, "**AN ACT GENERALLY REVISING STATE LAND MINE LEASING LAWS; CLARIFYING LIMITATIONS ON LEASING; CLARIFYING THE LEASING PROCEDURES FOR COAL MINING LEASES; ALLOWING THE BOARD OF LAND COMMISSIONERS THE DISCRETION IN DEMANDING A SURETY BOND; PROVIDING AN EXCEPTION TO THE DURATION OF A LEASE IF THE LEASE OR PERMIT IS CHALLENGED; DEFINING CERTAIN TERMS; CLARIFYING RENTAL TERMS; AMENDING SECTIONS 77-3-305, 77-3-312, 77-3-313, 77-3-314, AND 77-3-316, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

My amendments speak for themselves. House Bill 533 was touted by Republican leadership this session as one of ten bills that will bring jobs to Montana. My amendments are simple. They ask the Department of Labor and Industry to report to the Governor's Office of Economic



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Development and to the Revenue and Transportation Committee on a quarterly basis the number of jobs that have been created in Montana as a result of the bill's passage.

I trust the Legislature will be as interested as the rest of Montana in knowing the answer to this question. I ask for your support of my amendments.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 533  
April 26, 2011

Governor's recommendations for amendments to **House Bill 533** (reference copy -- salmon) are as follows:

1. Title, page 1, line 8.

**Following:** "TERMS;"

**Insert:** "ESTABLISHING TEMPORARY REPORTING REQUIREMENTS;"

2. Page 3.

**Following:** line 23

**Insert:** "NEW SECTION. Section 6. Reporting requirements. (1) On or before September 1, 2011, January 1, 2012, April 1, 2012, June 1, 2012, September 1, 2012, and January 1, 2013, the department of labor and industry shall report on the number of jobs that have been created in Montana as a result of passage of [this act] to:

(a) the governor's office of economic development; and

(b) the environmental quality council.

(2) If requested, the governor's office of economic development shall assist the department of labor and industry in preparing the report."

**Renumber:** subsequent sections

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

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Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 551, "**AN ACT PROVIDING FOR A HIGH-DEDUCTIBLE HEALTH PLAN WITH A FEDERALLY QUALIFIED HEALTH SAVINGS ACCOUNT FOR COVERED INDIVIDUALS IN THE STATE EMPLOYEE GROUP BENEFIT PLAN; AND PROVIDING A DELAYED EFFECTIVE DATE**" for the following reasons.

My proposed amendments to HB 551 offer the Department of Administration (DOA) the discretion to offer a high-deductible health insurance plan to state employees, rather than mandate such a plan be offered, as provided in the bill. The DOA has considered offering a high-deductible plan to state employees and would continue to consider this option irrespective of the bill. However, mandating that this option be offered would require legislation in the future, if it were determined that such a plan was not in the best interest of the State or its employees.

I respectfully ask for your support of my amendments.  
Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 551  
April 28, 2011

Governor's recommendations for amendments to **House Bill 551** (reference copy -- salmon) are as follows:

1. Title, line 4.

**Strike:** "PROVIDING FOR"

**Insert:** "AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO OFFER"

2. Page 1, line 12.

**Strike:** "shall"

**Insert:** "may"

3. Page 1, line 14.

**Following:** "limitations of"

**Strike:** "the"

**Insert:** "a"

**Following:** "plan"

**Insert:** "offered under this section"

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4. Page 1, line 16.

**Strike:** "The department"

**Insert:** "If the department offers a high-deductible plan under subsection (1), it"

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 219, "**AN ACT INCREASING THE DEDUCTION ALLOWED UNDER THE INDIVIDUAL INCOME TAX FOR FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2015; PROVIDING AN INFLATION ADJUSTMENT FOR THE DEDUCTION OF FEDERAL INCOME TAXES PAID BEGINNING IN TAX YEAR 2016; AMENDING SECTION 15-30-2131, MCA; AND PROVIDING AN APPLICABILITY DATE**" for the following reasons.

House Bill 219 leaves out more than 75% of Montana taxpayers -- ordinary, hard-working Montanans mostly earning less than \$65,000 a year -- from the tax breaks the bill provides. Instead, 80% of the tax benefits contained in HB 219 would go to those in higher income brackets. The bill also creates long-term fiscal problems, which is why, in 2003, the Executive and Legislature agreed not to index the federal tax deduction for inflation. The cost of HB 219 is estimated to more than triple in five years—from \$2.868 million in FY 2016 to \$9.432 million in FY 2021.

When I sent you my amendatory veto to HB 219, I notified the Legislature of my objections and sought to correct the long-term fiscal imbalance the bill would create, but the Legislature has seen fit to reject my proposed amendments.

On grounds of fairness to Montana taxpayers and fiscal responsibility, I have vetoed the bill and ask for your support in sustaining my veto.

Sincerely,

BRIAN SCHWEITZER  
Governor

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April 23, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 341, "**AN ACT REVISING THE INTEREST THAT MAY BE AWARDED ON CIVIL JUDGMENTS; CLARIFYING THAT THE CHANGE IN RATE DOES NOT APPLY TO SITUATIONS OTHER THAN CIVIL JUDGMENTS; AMENDING SECTIONS 25-9-205 AND 27-1-210, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE**" for the following reasons.

Montana statute establishes interest payments on judgments in civil cases at 10%. House Bill 341 seeks to establish a two-tiered system for interest, so that for actions for a recovery on an injury (injuries to the person and to property), the interest rate would fluctuate based on the prime rate published by the federal reserve system on the date of judgment, but for all other actions (unless specified by a controlling contract), the interest rate would remain at the current statutory rate of 10% without any rational basis for the distinction.

I believe HB 341 is unnecessary, unnecessarily complicated, and inequitable. I respectfully ask for your support in sustaining my veto.

Sincerely,  
BRIAN SCHWEITZER  
Governor

April 22, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

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The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 388, "**AN ACT REVISING THE PROCEDURES AND STANDARDS FOR MAKING BUDGET COMPARISONS; AND AMENDING SECTION 17-7-151, MCA**" for the following reasons.

Codification of HB 388 is unnecessary because members of the Legislature already have access to all of the information requested within the bill. The Legislative Fiscal Division provides the information required by HB 388 and posts it on-line in Volume 1 - Statewide Perspectives of the Legislative Budget Analysis. During the House Appropriations hearing on HB 388, the Principal Fiscal Analyst of the Legislative Fiscal Division stated the following: "I'm sure all of you are familiar with volume one of our budget analysis. If you turn to page 72 through 76, the exact information that is requested in this bill is contained in this document. It takes about eight hours of man-hour time to produce that information."

I ask for your support in sustaining my veto of the bill.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 23, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 483, "**AN ACT GENERALLY REVISING CAMPAIGN FINANCE LAWS; REVISING REPORTING PROVISIONS APPLICABLE TO CHURCHES IN**

**ISSUE AND BALLOT ISSUE CAMPAIGNS TO CONFORM WITH COURT DECISIONS PROTECTING THE FREE EXERCISE OF RELIGION AS GUARANTEED BY THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION AND ARTICLE II, SECTION 5, OF THE MONTANA CONSTITUTION; REVISING DEFINITIONS RELATED TO EXPENDITURES AND CONTRIBUTIONS; PROHIBITING RULES THAT WOULD REQUIRE THE REPORTING OF INCIDENTAL CONTRIBUTIONS OR EXPENDITURES IN ISSUE AND BALLOT ISSUE CAMPAIGNS; AMENDING SECTIONS 13-1-101 AND 13-37-226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" for the following reasons.**

Like all organizations, churches may advocate to their members about ballot issues and political candidates without the need to file any paperwork with the Office of Political Practices (OPP). And like all organizations, churches that engage in this type of advocacy with an audience outside of their membership must file campaign finance disclosures with OPP.

Unfortunately, however, HB 483 attempts to create a new category of unregulated political activity that churches -- but no other organization -- may engage in. At a time when unregulated money is exerting undue influence on our political system, I do not believe that we should be loosening campaign laws in this way.

House Bill 483 was ostensibly drafted as a response to a Ninth Circuit decision in a case involving the Canyon Ferry Road Baptist Church in East Helena, in which the Church was cited by the OPP for not reporting small expenditures (such as making a few copies on a copy machine) in the course of advocating to its congregation for the passage of a ballot measure. Indeed, the title of HB 483 states that its purpose is to revise Montana law "to conform with court decisions protecting the free exercise of religion."

Unfortunately, this bill does no such thing. Contrary to the bill's title, the Court's decision had nothing to do with the free exercise of religion. The Ninth Circuit ruling simply held that no organization -- regardless of the organization's status -- should be required to report tiny, insignificant spending as political activity. In the Court's view, to require such reporting "impermissibly infringe[d] on the Church's free speech rights" and, for this reason, Montana's reporting requirements were "unconstitutional as applied to the Church's de minimis activities" under the particular facts of the case. *Canyon Ferry Baptist Church of East Helena v. Unsworth*, 556 F.3d 1021, 1034 (9th Cir. 2009). Indeed, the Ninth Circuit expressly disavowed that its ruling was based on religious freedom, stating that because the case was decided on free speech issues, it was "unnecessary . . . to address the Church's additional challenges based on First Amendment rights of association and free exercise of religion." *Id.* at 1028, n.9.

The Legislature certainly could codify this Ninth Circuit ruling, as it often codifies court decisions, and I would have no objection. Instead, under the guise of codifying the Ninth Circuit ruling, HB 483 opens the door to allow churches to engage in any political activity that occurs "in the normal course of exercising its freedom of religious expression" without having to report its actions. Under HB 483, a church could fundraise, spend money, and communicate with audiences well outside its membership without having to report those activities. Not only would

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this create the potential for the unreported flow of money in pursuit of ballot initiatives and political campaigns, it also would sow confusion and invite litigation by adopting a new rule under the First Amendment to churches, alone, that no court has ever endorsed.

Montana law should not be in the business of drawing lines to favor some organizations' political activities over others. When any organization, even a church, starts electioneering beyond its membership, voters have a right to know the identity of the organization. Churches are already protected by the Ninth Circuit's decision, and the Commissioner of Political Practices is under order from that Court to allow churches and other organizations to make de minimis expenditures without having to report them if the reporting requirement would create a burden on freedom of speech.

I am an ardent advocate of the First Amendment, encompassing both freedom of speech and religious freedom. I also am an ardent advocate of fair campaign practices and disclosure laws. It is for these reasons that I have issued my veto of HB 483.

Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 645**, introduced by Stahl, referred to Appropriations.

**HB 646**, introduced by Stahl, Priest, referred to Appropriations.

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

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

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

**SJR 27** - Representative Hunter moved **SJR 27** be concurred in. Motion carried as follows:  
Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Randall, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Stahl, Swanson, Warburton,

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Washburn, Williams, Wilmer, Mr. Speaker.

Total 62

Nays: B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Greef, Hale, Hansen, Harris, Howard, Kennedy, Kerns, Knox, Knudsen, Loney, Miller, More, O'Neil, Osmundson, Peterson, Read, Regier, Roberts, Skattum, Skees, Small, C. Smith, Taylor, Vance, Wagner, Welborn, Yates.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 30** - Representative Read moved **SJR 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Clark, Connell, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Mr. Speaker.

Total 56

Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 526 - Senate Amendments** - Representative Edmunds moved Senate amendments to **HB 526** be concurred in. Motion carried as follows:

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



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Washburn, Welborn, Mr. Speaker.

Total 66

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

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 29** - Representative Wagner moved **SJR 29** be concurred in. Motion carried as follows:

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

Total 83

Nays: Arntzen, B. Beck, Brodehl, Burnett, Esp, Greef, Hale, Hansen, Harris, Howard, McNutt, Roberts, Rosendale, Small, Vance, Welborn, Yates.

Total 17

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt,

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Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 89

Nays: B. Bennett, Hill, MacDonald, McClafferty, Noonan, Pease-Lopez, Reinhart, Squires.

Total 8

Excused: Evans, Hands.

Total 2

Absent or not voting: Kennedy.

Total 1

**MOTIONS**

Representative Burnett moved to override the governor's veto on **HB 307**.

Motion carried as follows:

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

Total 70

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

Total 28

Excused: Evans, Hands.

Total 2

Absent or not voting: None.

Total 0

Representative Hiner moved to reconsider action taken previously on **HB 13** and place it on the second agenda today.

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Motion carried as follows:

Yeas: Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Reichner, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 59

Nays: Ankney, Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Edmunds, Esp, Flynn, Hale, Hansen, Harris, Hendrick, Kennedy, Kerns, Knox, Knudsen, Loney, More, O'Neil, Osmundson, Peterson, Randall, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton.  
Total 39

Excused: Evans, Hands.  
Total 2

Absent or not voting: None.  
Total 0

Representative Howard moved to override the governor's veto on **HB 483**.

Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 66

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

Excused: Evans, Hands.  
Total 2

Absent or not voting: Kennedy.  
Total 1

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

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

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

**HB 122 - Free Conference Committee Report No. 1** - Representative Malek moved the Free Conference Committee report to **HB 122** be adopted. Motion carried as follows:

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

Total 94

Nays: B. Bennett, Brodehl, Esp, Greef, Howard, Stahl.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 423 - Free Conference Committee Report No. 2** - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted.

**SB 423** - Representative Stahl moved for cloture.

**SB 423 - Free Conference Committee Report No. 2** - Representative Berry moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, O'Hara, Osmundson,

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Pease-Lopez, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Skattum, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 72

Nays: Barrett, Belcourt, B. Bennett, Driscoll, Furey, Hands, Harris, Hill, Hollenbaugh, Hunter, Kennedy, Kerns, Malek, McClafferty, Miller, Noonan, O'Neil, Peterson, Phillips, Price, Reinhart, Sands, Sesso, Skees, Squires, Swanson, Williams, Wilmer.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 77

Nays: Barrett, Belcourt, B. Bennett, Boland, Furey, Hill, Malek, McClafferty, Miller, Noonan, Pease-Lopez, Phillips, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson.

Total 18

Excused: Evans, Hands.

Total 2

Absent or not voting: Esp, Kennedy, McNally.

Total 3

House Recessed.

House Reconvened.

Representative Skattum presented a slide show presentation of the 62nd Legislature.

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**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 375**  
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 375** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 375** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.

**Strike:** "1.258%"

**Insert:** "1.369%"

For the House:  
McNutt, Chair  
Cook

For the Senate:  
Ripley, Vice Chair  
Brown  
Keane

**FREE CONFERENCE COMMITTEE**  
on **House Bill 612**  
Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 612** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 612** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

**Strike:** "PREMIUM" through "AND" on line 6

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

**Strike:** "LIMITING" on line 8 through "PROGRAM;" on line 9

3. Title, page 1, line 11.

**Strike:** "53-6-101,"

4. Page 4, line 17 through line 23.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

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5. Page 5, line 6.

**Strike:** "(7)"

**Insert:** "(6)"

6. Page 8, line 5 through page 11, line 2.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

For the House:

Roberts, Chair

Esp

Sesso

For the Senate:

Lewis, Vice Chair

Hamlett

Priest

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 372**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 372** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 372** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

**Following:** "PROGRAM,"

**Insert:** "TO COUNTY SCHOOL RETIREMENT AND COUNTY TRANSPORTATION REIMBURSEMENT,"

2. Title, page 1, line 14.

**Following:** "17-7-502,"

**Insert:** "20-9-501,"

**Strike:** "AND"

**Following:** "20-9-630,"

**Insert:** "AND 20-10-146,"

**Following:** "IMMEDIATE"

**Insert:** "AN"

3. Title, page 1, line 15.

**Strike:** "DATES"

**Insert:** "DATE,"

**Strike:** "AND"

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

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4. Page 11, line 4.

**Following:** "section"

**Insert:** ", the amounts determined under [section 3(2)] for local governments,"

**Strike:** "and"

5. Page 11, line 5.

**Following:** "(8)"

**Insert:** ", and the amounts determined under [section 3(4)] for tax increment financing districts"

6. Page 11, line 8.

**Strike:** "The"

**Insert:** "Except for the distribution made under [section 3(2)(b)], the"

7. Page 12, line 18.

**Strike:** "If"

**Insert:** "Except for a tax increment financing district entitled to a reimbursement under [section 3(4)], if"

8. Page 12, line 22.

**Strike:** "One-half"

**Insert:** "Except for the reimbursement made under [section 3(4)(b)], one-half"

9. Page 16, line 18.

**Following:** "school district,"

**Insert:** "the county retirement fund under 20-9-501, the countywide school transportation reimbursement under 20-10-146,"

10. Page 17, line 5 through line 7.

**Strike:** subsection (c) in its entirety

11. Page 17, line 13.

**Strike:** "AUGUST 1"

**Insert:** "November 30"

12. Page 18, line 2 through line 4.

**Strike:** subsection (c) in its entirety

13. Page 18, line 11.

**Following:** "department"

**Insert:** "of administration"

**Strike:** "distribute"

**Insert:** "transfer"

**Following:** "(5)(b)"

**Insert:** "from the general fund to the state special revenue fund"



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14. Page 18, line 13.

**Strike:** "THE"

**Insert:** "Beginning in fiscal year 2013, the department of administration shall transfer the"

15. Page 18, line 13 through line 14.

**Strike:** "ARE" on line 13 through "17-7-502," on line 14

**Strike:** "DEPARTMENT" through "REGENTS" on line 14

**Insert:** "state special revenue fund"

16. Page 18.

**Following:** line 15

**Insert:** "(6) (a) The office of public instruction shall distribute the reimbursement to the countywide retirement fund under 20-9-501 for fiscal year 2012 and all other fiscal years in which rate reductions occur. One-half of the amount must be distributed in November and the remainder in May.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (6)(b) to the countywide retirement fund.

(c) The amounts determined under this subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the countywide retirement account.

(7) (a) The office of public instruction shall distribute the reimbursement to the county transportation reimbursement under 20-10-146 for fiscal year 2012 and all other fiscal years in which rate reductions occur. The reimbursement must be made at the same time as countywide school transportation block grants are distributed under 20-9-632.

(b) For fiscal year 2012 and all other fiscal years in which rate reductions occur, the department shall determine from the amount calculated under subsection (1) the amount that is attributable to personal property taxes that are not a lien on real property in the county. By November 30 following each of those fiscal years, the office of public instruction shall distribute the amount determined under this subsection (7)(b) to the county transportation reimbursement.

(c) The amounts determined under this subsection (7) are statutorily appropriated, as provided in 17-7-502, from the general fund to the office of public instruction for distribution to the county transportation reimbursement.

17. Page 23.

**Following:** line 29

**Insert:** "**Section 8.** Section 20-9-501, MCA, is amended to read:

**"20-9-501. Retirement costs and retirement fund.** (1) The trustees of a district or the management board of a cooperative employing personnel who are members of the teachers' retirement system or the public employees' retirement system, who are covered by unemployment insurance, or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and

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paying the employer's contributions to the systems as provided in subsection (2)(a). The district's or the cooperative's contribution for each employee who is a member of the teachers' retirement system must be calculated in accordance with Title 19, chapter 20, part 6. The district's or the cooperative's contribution for each employee who is a member of the public employees' retirement system must be calculated in accordance with 19-3-316. The district's or the cooperative's contributions for each employee covered by any federal social security system must be paid in accordance with federal law and regulation. The district's or the cooperative's contribution for each employee who is covered by unemployment insurance must be paid in accordance with Title 39, chapter 51, part 11.

(2) (a) The district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the retirement fund for the following:

(i) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from state or local funding sources;

(ii) a cooperative employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the cooperative's interlocal cooperative fund if the fund is supported solely from districts' general funds and state special education allowable cost payments, pursuant to 20-9-321, or are paid from the miscellaneous programs fund, provided for in 20-9-507, from money received from the medicaid program, pursuant to 53-6-101;

(iii) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district's school food services fund provided for in 20-10-204;

(iv) a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are paid from the district impact aid fund, pursuant to 20-9-514; and

(v) for the 2011 biennium only, a district employee whose salary and health-related benefits, if any health-related benefits are provided to the employee, are budgeted in the district general fund but are paid from state fiscal stabilization funds received pursuant the American Recovery and Reinvestment Act of 2009, Public Law 111-5.

(b) For an employee whose benefits are not paid from the retirement fund, the district or the cooperative shall pay the employer's contributions to the retirement, federal social security, and unemployment insurance systems from the funding source that pays the employee's salary.

(3) The trustees of a district required to make a contribution to a system referred to in subsection (1) shall include in the retirement fund of the final budget the estimated amount of the employer's contribution. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to the systems in accordance with the financial administration provisions of this title.

(4) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the money available to reduce the retirement fund levy requirement by adding:

(i) any anticipated money that may be realized in the retirement fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

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(iii) coal gross proceeds taxes under 15-23-703;

(iv) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the retirement fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the retirement fund. The retirement fund operating reserve may not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and must be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(v) property tax reimbursements made pursuant to [section 3(6)];

~~(v)~~(vi) any other revenue anticipated that may be realized in the retirement fund during the ensuing school fiscal year, excluding any guaranteed tax base aid;

(b) notwithstanding the provisions of subsection (9), subtracting the money available for reduction of the levy requirement, as determined in subsection (4)(a), from the budgeted amount for expenditures in the final retirement fund budget.

(5) The county superintendent shall:

(a) total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special education cooperative agreement levy requirements; and

(b) report each levy requirement to the county commissioners on the fourth Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds.

(6) The county commissioners shall fix and set the county levy or district levy in accordance with 20-9-142.

(7) The net retirement fund levy requirement for a joint elementary district or a joint high school district must be prorated to each county in which a part of the district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(8) The net retirement fund levy requirement for districts that are members of special education cooperative agreements must be prorated to each county in which the district is located in the same proportion as the special education cooperative budget is prorated to the member school districts. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151, and the county commissioners shall fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152.

(9) The county superintendent shall calculate the number of mills to be levied on the taxable property in the county to finance the retirement fund net levy requirement by dividing the amount determined in subsection (5)(a) by the sum of:

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

(b) the taxable valuation of the district divided by 1,000.

(10) The levy for a community college district may be applied only to property within the district.

(11) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements for county school funds supporting elementary and high school district retirement obligations to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied

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by the superintendent of public instruction.'''

**Renumber:** subsequent sections

18. Page 25.

**Following:** line 15

**Insert: "Section 10.** Section 20-10-146, MCA, is amended to read:

**"20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation or individual transportation that is actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) countywide school transportation block grants distributed under 20-9-632;

(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vii) federal forest reserve funds allocated under the provisions of 17-3-213; and

(viii) property tax reimbursements made pursuant to [section 3(7)]; and

~~(viii)~~(ix) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy

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must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

**Renumber:** subsequent sections

19. Page 25, line 24 through line 26.

**Strike:** section 11 in its entirety

20. Page 25.

**Following:** line 26

"COORDINATION SECTION. Section 13. Coordination instruction. If both Senate Bill No. 329 and [this act] are passed and approved and if both contain a section that amends 20-9-630, then the sections amending 20-9-630 are void and 20-9-630 must be amended as follows:

**"20-9-630. School district block grants.** (1) (a) The office of public instruction shall provide a block grant to each school district based on:

(i) the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999; and

(ii) any reimbursement to be made to a school district pursuant to subsection (2).

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

~~(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.~~

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

(2) If the legislature enacts a reimbursement provision that is to be distributed pursuant to this section, the office of public instruction shall determine the reimbursement amount as provided in the enactment and add the appropriate amount to block grant distributions under this section. Except for the reimbursement made under [section 3(3)(b) of Senate Bill No. 372],

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the total of reimbursement distributions made pursuant to this subsection in a fiscal year must be added to all other distributions to the school district in the fiscal year to determine the distribution for the subsequent fiscal year.

(3) Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district general fund from the block grants provided for in subsection (1) and the amount received by the district general fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(b) The block grant for the district transportation fund is equal to ~~one-half of the average~~ amount received in fiscal ~~years 2002 and 2003~~ year 2011 by the district transportation fund from the block grants provided for in subsection (1) and the amount received by the district transportation fund under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372]. ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.~~

(c) (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal ~~years 2002 and 2003~~ by the district ~~tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds~~ from the block grants provided for in subsection (1). ~~The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year~~ year 2011 and the amount received under subsection (2), except the amount received under [section 3(3)(b) of Senate Bill No. 372].

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

**Insert:** "COORDINATION SECTION. Section 14. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the general fund appropriation for BASE aid in House Bill No. 2 of \$526,495,288 is decreased by \$1,803,873 in fiscal year 2013;

(2) the general fund appropriation for HB 124 Block Grants in House Bill No. 2 of \$52,150,510 is increased by \$6,444,852 in fiscal year 2013; and

(3) [section 3(3)(c), (6)(c), and (7)(c) and section 7 of this act] are void."

**Renumber:** subsequent sections

21. Page 26, line 2 through line 3.

**Strike:** "DATES" on line 2

**Insert:** "date"

**Strike:** "(1)" on line 2

**Strike:** "EXCEPT" on line 2 through "ACT]" on line 3

**Insert:** "[This act]"

22. Page 26, line 4.

**Strike:** "(2)" through "2011."

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23. Page 26.

**Following:** line 7

**Insert:** "NEW SECTION. Section 18. Termination. [Section 3(3)(c), (6)(c), and (7)(c) and section 7] terminate June 30, 2013."

For the Senate:  
Tutvedt, Chair  
Lake

For the House:  
Blasdel, Vice Chair  
Lavin

**MESSAGES FROM THE SENATE**

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

4/26/2011

**SB 36**, introduced by Hamlett

**SB 305**, introduced by Jackson

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

4/26/2011

**HB 627**, introduced by G. Bennett

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

4/26/2011

**HJR 13**, introduced by Hansen

**House amendments to Senate joint resolutions** concurred in:

4/26/2011

**SJR 15**, introduced by Tutvedt

**SJR 20**, introduced by Wittich

**Free Conference Committee Report No.1** adopted:

4/26/2011

**SB 348**, introduced by De. Barrett

Conference Committee Report No.1 adopted:

4/26/2011

**SB 97**, introduced by Shockley

**SB 338**, introduced by Arthun

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

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

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

**HB 439 - Senate Amendments** - Representative Hollenbaugh moved Senate amendments to **HB 439** be concurred in.

Representative Hollenbaugh rose on a point of personal privilege to correct a financial figure he had previously given.

**HB 439** - Representative Stahl moved for cloture. Motion carried.

**HB 439 - Senate Amendments** - Representative Hollenbaugh moved Senate amendments to **HB 439** be concurred in.

Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Berry, Boland, Connell, Cook, Court, Driscoll, Edmunds, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Warburton, Welborn, Williams, Wilmer, Yates.  
Total 57

Nays: Arntzen, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Clark, Cuffe, Ehli, Esp, Evans, Flynn, Hale, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, McNiven, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Washburn, Mr. Speaker.  
Total 43

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 94** - Representative Hoven moved **SB 94** be concurred in.



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**SB 94** - Representative Blasdel moved **SB 94**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

**Strike:** "IMMEDIATE" through "RETROACTIVE"

2. Page 3, line 22.

**Strike:** "2010"

**Insert:** "2011"

3. Page 3, line 23.

**Strike:** "2010"

**Insert:** "2011"

4. Page 4, line 4.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

5. Page 4, line 6.

**Strike:** "Retroactive applicability"

**Insert:** "Applicability"

6. Page 4, line 6 through line 7.

**Strike:** "retroactively" on line 6 through "1-2-109," on line 7

**Strike:** "2010" on line 7

**Insert:** "2011"

Amendment adopted as follows:

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

Total 58

Nays: Ankney, Barrett, Belcourt, B. Bennett, Berry, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Read, Reinhart, Roberts, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer, Yates, Mr. Speaker.

Total 42

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**SB 94** - Representative Miller moved **SB 94**, second reading copy, be further amended as follows:

1. Page 2, line 14.

**Strike:** "Ireland,"

Amendment **not** adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Cuffe, Edmunds, Evans, Fitzpatrick, Greef, Hale, Hansen, Harris, Hendrick, Howard, Kary, Kerns, Knox, Knudsen, Lavin, McGillvray, McNiven, Miller, More, O'Neil, Osmundson, Randall, Regier, Rosendale, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.

Total 44

Nays: Barrett, Belcourt, B. Bennett, Berry, Boland, Clark, Cook, Court, Driscoll, Ehli, Esp, Flynn, Furey, Gibson, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Kennedy, Klock, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer, Yates, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** - Representative Hoven moved **SB 94**, as amended, be concurred in. Motion **failed** as follows:

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

Total 37

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

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Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn.  
Total 63

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13** - Representative Hiner moved **HB 13** do pass.

**HB 13** - Representative Hiner moved **HB 13**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** "INITIATIVE;"

**Insert:** "PROVIDING THAT THE SALARY INCREASES AND APPROPRIATIONS ARE CONTINGENT ON A CERTIFICATION OF GENERAL FUND REVENUE BY THE DEPARTMENT OF ADMINISTRATION;"

2. Title, page 10.

**Strike:** "AN"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 1, line 14.

**Following:** line 13

**Insert:** "NEW SECTION. Section 1. Certification. (1) By August 1, 2011, the department of administration shall certify to the budget director the amount of unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 as recorded when the fiscal year 2011 statewide accounting, budgeting, and human resource system records are closed in July 2011, adjusted for any known material misstatements. General fund revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and human resource system using generally accepted accounting principles in accordance with 17-1-102(2).

(2) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2011, adjusted for any known material misstatements as provided in subsection (1), exceed the revenue and transportation interim committee's estimate, as introduced in the 2011 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least \$35,000,000, then the department of administration shall certify to the budget director the difference between \$1,672,133,000, plus prior fiscal year revenue of \$750,000, and the certified unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 adjusted for any known material misstatements as provided in subsection (1). The certification must be provided no later than August 1, 2011.

(3) The department of administration shall notify the code commissioner and the

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legislative fiscal analyst of the occurrence of any certification and the date of the occurrence."

**Renumber:** subsequent sections

4. Page 6, line 3.

**Strike:** "date"

**Insert:** "dates -- contingency"

**Strike:** "[This act]"

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

5. Page 6, line 4.

**Following:** line 3

**Insert:** "(2) [Sections 2 and 5] are effective only if the department of administration certifies that unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 exceed the revenue and transportation interim committee's estimate, as introduced in the 2011 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least \$35,000,000 as provided in [section 1]."

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, Belcourt, G. Bennett, Berry, Boland, Clark, Cook, Court, Cuffe, Edmunds, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Hands, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Taylor, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 66

Nays: B. Beck, B. Bennett, Blasdel, Blyton, Brodehl, Burnett, Connell, Driscoll, Esp, Greef, Hale, Hansen, Harris, Kerns, Knox, Knudsen, MacLaren, More, O'Neil, Osmundson, Randall, Read, Regier, Roberts, Rosendale, Skattum, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn.

Total 32

Excused: None.

Total 0

Absent or not voting: Kennedy, Small.

Total 2

**HB 13** - Representative Hiner moved **HB 13**, as amended, do pass. Motion **failed** as follows:

Yeas: Ankney, Bangerter, Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Fitzpatrick, Furey, Gibson, Hands, Hill, Hiner, Hollenbaugh, Hunter, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Miller, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates. Total 42

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Nays: Arntzen, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Flynn, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacLaren, McGillvray, McNiven, McNutt, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 315** - Representative McGillvray moved consideration of **SB 315** be passed for the day.  
Motion carried.

**SB 106 - Governor's Amendments** - Representative Kerns moved Governor's amendments to **SB 106** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Swanson, Williams, Wilmer.  
Total 33

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 125 - Governor's Amendments** - Representative C. Smith moved Governor's amendments to **SB 125** be **not** concurred in. Motion carried as follows:  
Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson,

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Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

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

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 229 - Governor's Amendments** - Representative Hendrick moved Governor's amendments to **SB 229** be **not** concurred in. Motion carried as follows:

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

Total 66

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

Total 33

Excused: None.

Total 0

Absent or not voting: Read.

Total 1

**SB 277 - Governor's Amendments** - Representative Welborn moved Governor's amendments to **SB 277** be **not** concurred in. Motion carried as follows:

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

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

Total 71

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

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 356 - Governor's Amendments** - Representative Flynn moved Governor's amendments to **SB 356** be **not** concurred in. Motion carried as follows:

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

Total 65

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

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 366 - Governor's Amendments** - Representative Skattum moved Governor's amendments to **SB 366** be **not** concurred in. Motion carried as follows:

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

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

Total 64

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

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 68

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

Total 30

Excused: Evans, Hands.

Total 2

Absent or not voting: None.

Total 0

House Recessed.



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House Reconvened.

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

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 426**

Report No. 1, April 26, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 426** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 426** (reference copy -- salmon) be amended as follows:

1. Page 1, line 30.

**Strike:** "of the excess revenue BALANCE"

**Insert:** "to be refunded"

2. Page 2, line 1 through line 2.

**Following:** "to" on line 1

**Insert:** "total"

**Strike:** "collections" on line 1

**Insert:** "that was assessed, other than local option vehicle tax under 61-3-537,"

**Following:** "and" on line 1

**Insert:** "total"

**Strike:** "FROM MONTANA RESIDENTS" on lines 1 and 2

**Insert:** "for the same fiscal year as the general fund balance"

3. Page 2, line 4.

**Following:** "taxes"

**Insert:** "paid"

4. Page 2, line 5.

**Strike:** "for the property tax year beginning"

5. Page 2, line 7 through line 8.

**Strike:** "total" on line 7 through "calendar" on line 8

**Insert:** "the individual's total property taxes paid on the principal residence in the prior"

6. Page 2, line 10.

**Following:** "paid"

**Insert:** "in Montana individual income taxes"

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7. Page 2, line 11.

**Strike:** "on Montana source income"

8. Page 2, lines 13 and 14.

**Strike:** "total" on line 13 through "previous calendar" on line 14

**Insert:** "the individual's income taxes paid in the prior"

9. Page 2, line 22.

**Following:** "section,"

**Insert:** "the following definitions apply: (a) "Budgeted general fund balance" is a projected general fund balance calculated by the legislative fiscal analyst by August 1 for each fiscal year. In determining the projected general fund balance, the legislative fiscal analyst shall use the appropriate fiscal year amounts as utilized by the legislature in developing the biennial budget. The fiscal year amounts are anticipated revenues and transfers that include the impacts of enacted legislation, established level of appropriations and transfers, anticipated supplemental appropriations, and anticipated reversions. To calculate the projected balance, the legislative fiscal analyst shall add the unassigned fund balance from the most recent completed fiscal year plus the anticipated revenues and transfers less the level of appropriations and transfers, supplemental appropriations, and anticipated reversions for the most recent completed fiscal year.

(b)"

**Strike:** ""principal"

**Insert:** ""Principal"

10. Page 2, line 24.

**Following:** line 23

**Insert:** "located in Montana and"

**Following:** "and"

**Insert:** "includes"

11. Page 3, line 10.

**Strike:** "a refund"

**Insert:** "refunds"

12. Page 3, line 13.

**Strike:** "a refund"

**Insert:** "refunds"

For the Senate:  
Balyeat, Chair  
Hamlett  
Lake

For the House:  
Miller, Vice Chair  
Randall

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**MESSAGES FROM THE SENATE**

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

4/26/2011

**SB 35**, introduced by Hamlett  
**SB 108**, introduced by De. Barrett  
**SB 136**, introduced by Balyeat  
**SB 312**, introduced by Vincent

April 26, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

The Honorable Jim Peterson  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Speaker Milburn and President Peterson:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments House Bill 494, "**AN ACT REVISING PROVISIONS GOVERNING EXEMPTION FROM SUBDIVISION REVIEW FOR THE SALE, RENT, LEASE, OR OTHER CONVEYANCES OF BUILDINGS, STRUCTURES, OR OTHER IMPROVEMENTS; AMENDING SECTION 76-3-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE**" for the following reasons.

House Bill 494 would permit the sale, rent, or lease of one or more parts of one or more buildings, structures, or other improvements, whether they are existing or proposed, on a parcel of land without any review or approval by a local government under the provisions of the Montana Subdivision and Platting Act.

I have proposed amendments to HB 494 to accomplish five things.

The first amendment eliminates the provision in the bill that would permit the sale or conveyance of multiple buildings, structures, or improvements on a single tract of record without subdivision review. Exempting such sales or conveyances to different individuals would constitute defacto divisions of land that effectively would swallow the entire Subdivision and Platting Act. My understanding is that the intent of HB 494 is to provide property owners with the ability to earn additional income through rent or lease, not to circumvent the Act in its entirety. The ability to legally transfer undivided interests within a single property can only be

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achieved through the subdivision of a tract of record to create condominiums or through the use of the exemption for condominiums found under § 76-3-203, MCA. Therefore, the ability to sell or otherwise convey buildings, structures and improvements should be removed from the bill.

The second amendment limits the exemption for renting or leasing to a maximum of four buildings, structures, or improvements. Placing this "sideboard" on the exemption will accomplish the primary objective of the bill without jeopardizing the ability of local governments to provide services and protect public health and safety. Currently, the bill would permit an unlimited number of buildings, structures, or improvements upon a tract of record without any local government review or approval. Permitting this unlimited development would be contrary to the purposes of the Montana Subdivision and Platting Act, as codified at § 76-3-102, MCA.

The third amendment deletes the section of HB 494 discussing the applicability of zoning regulations to the exemption established under the bill. Zoning regulations apply independent of subdivision regulations or exemptions to subdivision regulations addressed in the bill. Therefore, the language I propose to delete has no effect anyway and is unnecessarily confusing.

The fourth amendment grandfathers youth camps, as defined in § 50-52-101, MCA, that are under construction or already in operation, into the exemption provided under § 76-3-204, MCA. The amendment also clarifies that youth camps that only lease or rent their property as camps are not subject to subdivision review.

The final amendment would "grandfather" in existing buildings, structures, or improvements that are currently being rented or leased and those under construction as of the Act's effective date. This step will provide predictability to those individuals who have previously invested time and money into their rental and lease developments and those who are currently in the process of doing so.

To that end, I believe my amendments are good for the residents of Montana and keep control of land use issues in the hands of local governments. I have discussed these amendments with the sponsor, Representative Edmunds, and he has indicated his support. I ask for your support of the amendments, as well.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 494  
April 26, 2011

Governor's recommendations for amendments to **House Bill 494** (reference copy -- salmon) are as follows:

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1. Title, line 5.

**Following:** "THE"

**Strike:** "SALE,"

**Following:** "RENT"

**Strike:** ", "

**Insert:** "OR"

**Following:** "LEASE"

**Strike:** ", OR OTHER CONVEYANCES"

2. Title, line 6.

**Following:** "IMPROVEMENTS;"

**Insert:** "EXEMPTING YOUTH CAMPS FROM SUBDIVISION REVIEW;"

3. Title, line 7.

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 12.

**Strike:** "conveyances"

**Insert:** "rent or lease"

5. Page 1, line 13.

**Strike:** "(1)" through "sale,"

**Insert:** "The"

**Following:** "rent"

**Strike:** ", "

**Insert:** "or"

**Strike:** ", or other conveyance"

6. Page 1, line 14.

**Strike:** "one or more"

**Insert:** "up to four"

7. Page 1, line 18 through line 19.

**Strike:** line 18 through line 19

8. Page 1, line 20.

**Insert:** "NEW SECTION. Section 2. Exemption for youth camps. A youth camp, as defined in 50-52-101, is not subject to the requirements of this chapter."

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 76, chapter 3, part 2, and the provisions of Title 76, chapter 3, part 2, apply to [section 2]."

**Renumber:** subsequent section

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9. Page 1, line 22.

**Insert:** "NEW SECTION. Section 5. Retroactive applicability. (1) [Section 1] applies retroactively, within the meaning of 1-2-109, to the rent or lease of one or more parts of buildings, structures, or other improvements existing or under construction prior to [the effective date of this act].

(2) [Section 2] applies retroactively, within the meaning of 1-2-109, to youth camps under construction or in operation prior to [the effective date of this act]."

**MOTIONS**

Representative McGillvray moved to suspend the rules and accept the **SB 108** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 136** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 312** and place it on second reading today for consideration of the governor's amendments.

Representative McGillvray moved to suspend the rules and accept the **SB 35** and place it on second reading today for consideration of the governor's amendments.

Representative Sesso questioned the reason for the suspension of the rules.

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

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

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

**SB 108 - Governor's Amendments** - Representative Vance moved Governor's amendments to **SB 108** be concurred in. Motion carried as follows:

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

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Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,  
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 99

Nays: Pease-Lopez.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 136 - Governor's Amendments** - Representative Wilmer moved Governor's amendments  
to **SB 136** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry,  
Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,  
Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,  
Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,  
Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek,  
McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,  
More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read,  
Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum,  
Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton,  
Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 99

Nays: O'Neil.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 312 - Governor's Amendments** - Representative G. Bennett moved Governor's  
amendments to **SB 312** be concurred in.

Representative McClafferty rose on a point of personal privilege to request that the members  
are given full information before bills are voted on.

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Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Wilmer, Yates, Mr. Speaker.  
Total 96

Nays: Barrett, Court, McClafferty, Williams.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 35 - Governor's Amendments** - Representative McNutt moved Governor's amendments to **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 100

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



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**HB 2 - Governor's Amendments** - Representative McNutt moved Governor's amendments to **HB 2** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Kary, Klock, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, O'Hara, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Small, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 54

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

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 100 - Governor's Amendments** - Representative Vance moved Governor's amendments to **HB 100** be concurred in. Motion carried as follows:

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

Total 97

Nays: More, Phillips.

Total 2

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

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**HB 310 - Governor's Amendments** - Representative Blyton moved Governor's amendments to **HB 310** be concurred in. Motion carried as follows:

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

Total 96

Nays: Loney, More, O'Neil, Warburton.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 533 - Governor's Amendments** - Representative Berry moved Governor's amendments to **HB 533** be concurred in. Motion carried as follows:

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

Total 92

Nays: Barrett, Burnett, Court, Hale, Hansen, More, Randall, Warburton.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 551 - Governor's Amendments** - Representative Flynn moved Governor's amendments to **HB 551** be **not** concurred in. Motion carried as follows:

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

Total 67

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

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 265 - Free Conference Committee Report No. 1** - Representative Lavin moved the Free Conference Committee report to **SB 265** be adopted. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 72

Nays: Blasdel, Brodehl, Burnett, Edmunds, Evans, Hale, Harris, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, McNiven, Miller, More, O'Neil, Randall, Read, Regier, Rosendale, Skattum, C. Smith, Taylor, Wagner, Warburton.

Total 27

Excused: None.

Total 0

Absent or not voting: Wilmer.

Total 1

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**HB 612 - Free Conference Committee Report No. 1** - Representative Roberts moved the Free Conference Committee report to **HB 612** be adopted. Motion carried as follows:

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

Total 94

Nays: Belcourt, Court, Hands, MacDonald, Malek, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 13 - Senate Amendments** - Representative Hansen moved Senate amendments to **HJR 13** be concurred in. Motion carried as follows:

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

Total 67

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

Total 33

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 627 - Senate Amendments** - Representative G. Bennett moved Senate amendments to **HB 627** be concurred in.

Representative MacDonald rose on a point of order to make note of the deadline for amendments to referenda

Motion carried as follows:

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

Total 65

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

Total 34

Excused: None.

Total 0

Absent or not voting: Peterson.

Total 1

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman K. Peterson moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 65

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

Total 32

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Excused: Evans, Hands.

Total 2

Absent or not voting: Stahl.

Total 1

**MESSAGES FROM THE SENATE**

**SB 156** - The Senate failed to concur in House amendments to **SB 156**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 156**:

4/26/2011

Senator Priest, Chair  
Senator Ripley  
Senator Windy Boy

**SB 35** - The Senate failed to concur in House amendments to **SB 35**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 35**:

4/26/2011

Senator Vincent, Chair  
Senator Hamlett  
Senator Ripley

**SB 312** - The Senate failed to concur in House amendments to **SB 312**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 312**:

4/26/2011

Senator Vincent, Chair  
Senator Keane  
Senator Mowbray

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

4/26/2011

Senator Balyeat, Chair  
Senator Hinkle  
Senator Vuckovich

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**SB 108** - The Senate failed to concur in House amendments to **SB 108**, authorized the President to appoint the following Conference Committee, and requested that the House appoint a like committee to confer on House amendments to **SB 108**:

4/26/2011

Senator De. Barrett, Chair  
Senator Augare  
Senator Tutvedt

**MOTIONS**

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 312**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative Belcourt  
Representative Ankney  
Representative G. Bennett

Representative McGillvray moved to accede to the request of the Senate and appoint a **Free** Conference Committee on **SB 35**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative McNutt  
Representative G. Bennett  
Representative Reinhart

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

4/26/2011

Representative Kennedy  
Representative Knudsen  
Representative Phillips

Representative McGillvray moved to accede to the request of the Senate and appoint a Conference Committee on **SB 108**. Motion Carried. Speaker Milburn appointed:

4/26/2011

Representative Welborn  
Representative Cuffe  
Representative Wilmer

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 8:00 a.m., Wednesday, April 27, 2011. Motion carried.

House adjourned at 5:54 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House