

**HOUSE JOURNAL
63RD LEGISLATURE
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 27, 2013

House Chambers
State Capitol

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

Roll Call. All members present, except Representative Eck, Harris, excused. Quorum present.

BILLS (O'Hara, Chair):

3/27/2013

Correctly printed: **HB 13, HB 86, HB 377, HB 378, HB 404, HB 420, HB 454, HB 472, HB 509, HB 559, HB 565, HB 575, HB 582, HB 591, HB 604, HB 605, HB 614, HB 617, HB 625, HB 626, HB 627, HB 630, HB 633, HB 637, HB 638, HJR 21, HJR 22, HJR 23, SB 19, SB 20, SB 149, SB 158, SB 161, SB 271, SB 290, SB 301, SB 346, SJR 14.**

Correctly engrossed: **HB 5, HB 213, HB 496, HB 589, HB 603, HB 608, HB623, SB 94, SB 127, SB 160, SB 162, SB 183, SB 196, SB 198, SB 215, SB 250, SB 256, SB 305, SB 324.**

Correctly enrolled: **HB 374, HJR 1, HJR 3.**

Examined by the sponsor and found to be correct: **HB 38, HB 68, HB 194, HB 210, HB 291, HB 314, HB 323, HB 362, HB 385, HB 562.**

Transmitted to the Senate: **HB 15, HB 218, HB 574, HB 579, HB 588, HB 609.**

Signed by the Speaker at 3:55 p.m., March 27, 2013: **HB 105.**

Signed by the Chief Clerk of the House at 4:35 p.m., March 27, 2013: **HB 105.**

Signed by the Speaker at 3:55 p.m., March 27, 2013: **HB 7, HB 8, HB 22, HB 65, HB 72, HB 304, HB 335, HB 463.**

Signed by the Chief Clerk of the House at 4:35 p.m., March 27, 2013: **HB 7, HB 8, HB 22, HB 65, HB 72, HB 304, HB 335, HB 463.**

Signed by the Speaker at 5:30 p.m., March 27, 2013: **HB 38, HB 68, HB 194, HB 210, HB 291, HB 314, HB 323, HB 362, HB 385, HB 562.**

Signed by the Chief Clerk of the House at 5:57 p.m., March 27, 2013: **HB 38, HB 68, HB 194, HB 210, HB 291, HB 314, HB 323, HB 362, HB 385, HB 562.**

Signed by the President at 10:21 a.m., March 27, 2013: **HB 7, HB 8, HB 22, HB 65, HB 72, HB 105, HB 304, HB 335, HB 463.**

Signed by the President at 10:15 a.m., April 2, 2013: **HB 38, HB 68, HB 194, HB 210, HB 291, HB 314, HB 323, HB 362, HB 385, HB 562.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Randall, Chair):

3/26/2013

SB 94, be amended as follows:

1. Page 1, line 19.

Following: "exchange"

Insert: "in nonmonetary transactions"

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

SB 162, be amended as follows:

1. Page 6, line 17.

Following: "year"

Insert: "not to exceed \$100,000"

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

SB 215, be amended as follows:

1. Title, page 1, line 6.

Following: "COMMERCE;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

2. Page 3, line 7.

Following: line 6

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2013."

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

SB 250, be amended as follows:

1. Title, page 1, line 6.

Strike: "DEDICATING FUNDS"

Insert: "DELETING REPORTING REQUIREMENTS; REMOVING THE STATUTORY APPROPRIATION"

2. Title, page 1, line 7.

Following: "SECTIONS"

Insert: "17-7-502,"

3. Page 1, line 12.

Insert: "**Section 1.** Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state

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that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; ~~87-1-230~~; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30, 2015; ~~pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013~~; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011, the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017.)"

Renumber: subsequent sections

4. Page 7, line 6.

Strike: "-- annual report"

5. Page 7, line 17 through line 25.

Strike: subsections (4) and (5) in their entirety

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

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SB 256, be amended as follows:

1. Page 3, line 13.

Strike: the second "wild"

2. Page 3.

Following: line 19

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 396 and [this act] are passed and approved and both contain sections amending 87-1-216, then the sections amending 87-1-216 are void and 87-1-216 must be amended as follows:

"87-1-216. Wild buffalo or bison as species in need of management -- policy -- department duties. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this section:

(a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a species requiring disease control;

(b) to designate other wild buffalo or bison as a species in need of management; and

(c) to set out specific duties for the department for management of the species.

(2) The department:

(a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease-free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to 87-2-730. The department may, following consultation with the department of livestock, adopt rules to authorize the taking of bison where and when necessary to prevent the transmission of a contagious disease.

(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to persons or property.

(4) The department may not:

(a) release, transplant, relocate, or allow wild buffalo or bison on any private or public land in Montana that has not been authorized for that use by the private or public owner; or

(b) pursuant to [section 1], release, transplant, or relocate any wild buffalo or bison into any Montana county without first receiving the approval of the board of county commissioners of the affected county or counties.

(5) Subject to subsection (4), the department shall develop and adopt a management plan

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before any wild buffalo or bison under the department's jurisdiction may be released, or transplanted, or relocated onto private or public land in Montana. A plan must include but is not limited to:

(a) measures to comply with any applicable animal health protocol required under Title 81, under subsection (2)(b), or by the state veterinarian;

(b) any animal identification and tracking protocol required by the department of livestock to identify the origin and track the movement of wild buffalo or bison for the purposes of subsections (2)(b) and (5)(c);

(c) animal containment measures that ensure that any animal ~~transplanted or released,~~ transplanted, or relocated on private or public land will be contained in designated areas. Containment measures must include but are not limited to:

(i) any fencing required;

(ii) contingency plans to expeditiously relocate wild buffalo or bison that enter private or public property where the presence of the animals is not authorized by the private or public owner;

(iii) contingency plans to expeditiously fund and construct more effective containment measures in the event of an escape; and

(iv) contingency plans to eliminate or decrease the size of designated areas, including the expeditious relocation of wild buffalo or bison if the department is unable to effectively manage or contain the wild buffalo or bison.

(d) a reasonable means of protecting public safety and emergency measures to be implemented if public safety may be threatened;

(e) a reasonable maximum carrying capacity for any proposed designated area using sound management principles, including but not limited to forage-based carrying capacity, and methods for not exceeding that carrying capacity; ~~and~~

(f) an estimation of private property damages and costs for which the department would be liable pursuant to subsection (7) if any released, transplanted, or relocated wild buffalo or bison escape; and

~~(f)~~(g) identification of long-term, stable funding sources that would be dedicated to implementing the provisions of the management plan for each designated area.

(6) When developing a management plan in accordance with subsection (5), the department shall provide the opportunity for public comment and hold a public hearing in the affected county or counties. Prior to making a decision to release, ~~or transplant, or relocate~~ wild buffalo or bison onto private or public land in Montana, the department shall respond to all public comment received and publish a full record of the proceedings at any public hearing.

(7) The department is liable for all costs incurred, ~~including costs arising from protecting public safety,~~ and any damage caused to private property by wild buffalo or bison, including damage that occurs as a result of the department's failure to meet the requirements of subsection (5). This may include costs arising from protecting public safety.

(8) When adopting and implementing rules regarding the special wild buffalo or bison license issued pursuant to 87-2-730, the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to minimize the potential for spreading any contagious disease to persons or to livestock.""

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

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SB 301, be concurred in. Report adopted.

SB 305, be amended as follows:

1. Page 1, line 21.

Strike: "has" through "and"

2. Page 1, line 22.

Strike: "by a person"

Insert: "or controlled by an individual, partnership, corporation, association, firm, or other entity, except for the state or a state agency"

3. Page 3, line 5.

Strike: "have" through "and"

4. Page 3, line 6.

Strike: "by a person"

Insert: "or controlled by an individual, partnership, corporation, association, firm, or other entity, except for the state or a state agency"

5. Page 6, line 12.

Strike: "have" through "and"

6. Page 6, line 13.

Strike: "by a person"

Insert: "or controlled by an individual, partnership, corporation, association, firm, or other entity, except for the state or a state agency"

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

APPROPRIATIONS (Ankney, Chair):

3/26/2013

HB 213, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "LIMITING"

Insert: "ELIGIBILITY FOR AND"

2. Page 1, line 15.

Following: "provider."

Insert: "The individual and the eligible student must be connected by consanguinity within the second degree."

And, as amended, do pass. Report adopted.

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HB 404, do pass. Report adopted.
HB 472, do pass. Report adopted.
HB 559, do pass. Report adopted.
HB 608, introduced bill, be amended as follows:

1. Page 1, line 28 through page 2, line 1.
Strike: section 4 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 626, do pass. Report adopted.

BUSINESS AND LABOR (Berry, Chair):

3/27/2013

HB 614, do pass. Report adopted.
SB 20, be concurred in. Report adopted.
SB 127, be amended as follows:

1. Page 4, line 30.
Strike: "EXPRESS"

2. Page 5, line 1 through line 16.
Strike: "INCLUDING CONDUCT" on line 1 through "EMPLOYER" on line 16

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

SB 149, be concurred in. Report adopted.
SB 158, be concurred in. Report adopted.
SB 183, be amended as follows:

1. Page 1, line 13.

Following: "rulemaking."

Insert: "(1) Each licensing board or the department on behalf of a program shall by July 1, 2014, adopt rules that provide that certification or licensure requirements established by that board or program may be met by relevant military training, service, or education completed by an individual as a member of the armed forces or reserves of the United States, the national guard of a state, or the military reserves.

(2) (a) An applicant for certification or licensure shall provide to the board or, if applying for licensure by a program, to the department satisfactory evidence, as specified in rule, of receiving military training, service, or education that is equivalent to relevant certification or licensure requirements."

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2. Page 1, line 13.

Strike: "(1)"

Insert: "(b)"

3. Page 1, line 15.

Following: "state,"

Insert: "or"

4. Page 1, line 16.

Strike: "of a state, or the naval militia of a state"

5. Page 1, line 18 through line 19.

Strike: subsection (2) in its entirety

6. Page 1, following line 19.

Insert: "(3) The department shall report to the interim committee responsible for monitoring licensing boards by January 1, 2014, on the progress and actions taken under this section by each licensing board or program."

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

LOCAL GOVERNMENT (Bangerter, Chair):

3/26/2013

HB 605, do pass. Report adopted.

SB 271, be concurred in. Report adopted.

SB 290, be concurred in. Report adopted.

SB 324, be amended as follows:

1. Title, page 1, line 14.

Strike: "76-4-103,"

2. Page 3, line 1.

Following: "exemptions."

Insert: "(1)"

3. Page 3, line 3.

Strike: subsection (1) in its entirety

4. Page 3, line 4.

Strike: "(2)"

Insert: "(a)"

5. Page 3, line 6.

Strike: "(3)"

Insert: "(b)"

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6. Page 3, following line 6.

Insert: "(i) the building was in existence or under construction before [the effective date of this act];"

7. Page 3, line 7.

Strike: "(a)"

Insert: "(ii)"

Renumber: subsequent subsections

8. Page 3, line 14.

Strike: "(3)(D)"

Insert: "(1)(b)(v)"

9. Page 3, line 17.

Strike: "(i)"

Insert: "(A)"

Renumber: subsequent subsections

10. Page 3, following line 19.

Insert: "(2) Any building that is exempt under subsection (1) from the provisions of [sections 1 through 8] and that is or will be served by water or wastewater must be in compliance with the provisions of [section 3].

(3) The exemption provided in subsection (1)(b)(i) is limited to the first three buildings created for lease or rent on a single tract."

11. Page 3, line 22.

Following: "five"

Insert: "the first"

12. Page 3, line 24 through line 25.

Strike: "pursuant to"

Insert: "if review is required by"

Following: "chapter 4,"

Strike: "if the tract" on line 24 through "MORE" on line 25

Insert: "or to the local board or department of health if review is required by Title 50"

13. Page 5, line 21.

Following: "chapter 4"

Insert: "or to the local board or department of health if review is required by Title 50"

14. Page 12, line 25 through line 30.

Strike: section 11 in its entirety

Renumber: subsequent sections

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

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SJR 14, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):
HB 496, introduced bill, be amended as follows:

3/27/2013

1. Page 7, line 3 through line 4.

Strike: "to exempt" on line 3 through "activities." on line 4

Insert: "on Legislative Referendum No. ____"

2. Page 7, line 5 through line 6.

Strike: "to exempt" on line 5 through "activities." on line 6

Insert: "on Legislative Referendum No. ____"

And, as amended, do pass. Report adopted.

TAXATION (Miller, Chair):
HB 589, introduced bill, be amended as follows:

3/27/2013

1. Page 1, line 15 through 17.

Strike: subsection (1) in its entirety

Insert: "(1) The legislature shall dedicate the following percentages of any tax collected by the state on the extraction, severance, or production of oil and gas, but not including any tax based on the value of the property and collected by the counties, to a trust fund, the interest and income from which may be appropriated:

- (a) 5 percent in 2016;
- (b) 10 percent in 2017;
- (c) 15 percent in 2018;
- (d) 20 percent in 2019;
- (e) 25 percent in 2020; and
- (f) 30 percent in 2021 and thereafter."

2. Page 1, line 19.

Strike: "The" through "appropriated."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/26/2013

HB 38, introduced by Ingraham
HB 68, introduced by MacDonald
HB 210, introduced by McClafferty
HB 314, introduced by Kary
HB 323, introduced by Cuffe

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HB 362, introduced by Berry
HB 385, introduced by Lavin
HB 562, introduced by Swanson

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

3/26/2013

HB 24, introduced by Ankney
HB 146, introduced by Hansen
HB 162, introduced by Flynn
HB 195, introduced by Ingraham
HB 203, introduced by Clark
HB 352, introduced by Fitzpatrick
HB 459, introduced by Kerns

Senate joint resolution concurred in and returned to the House:

3/26/2013

SJR 21, introduced by Caferro

This bill is being transmitted after the deadline for General Bills.
Joint rule 40-200 requires a 2/3 vote for the bill to be considered by the receiving house.

House amendments to Senate bill concurred in:

3/26/2013

SB 249, introduced by Debby Barrett

FIRST READING AND COMMITMENT OF BILLS

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

HB 637, introduced by Schwaderer, B. Bennett, Coffin, Hertz, referred to Appropriations.
HB 638, introduced by Regier, referred to Judiciary.

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

HJR 21, introduced by Hansen, Essmann, Phillips, Williams, referred to State Administration.
HJR 22, introduced by Coffin, referred to Education.
HJR 23, introduced by B. Bennett, Blewett, Clark, Dudik, Eck, Gursky, Larsen, Lenz, Lynch, MacDonald, McCarthy, McClafferty, Noonan, Schwaderer, Steenberg, Wagoner, Woods, referred to Business and Labor.

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THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 4 passed as follows:

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

Total 69

Nays: J. Bennett, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Halvorson, Hoven, Howard, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, McNiven, Miller, O'Neil, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, Wagoner, Zolnikov.

Total 29

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

HB 39 passed as follows:

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

Total 97

Nays: Kerns.

Total 1

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Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

HB 354 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 94

Nays: Doane, Kerns, Schwaderer, Zolnikov.

Total 4

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

HB 580 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Lang, Laszloffy, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, Welborn, Whitford, Wilmer, Wilson, Woods, Mr. Speaker.
Total 82

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Nays: J. Bennett, Flynn, Galt, Kerns, Knudsen, Lavin, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, Warburton, White, Williams, Zolnikov.
Total 16

Voted Absentee: None.

Excused: Eck, Harris.
Total 2

Absent or not voting: None.
Total 0

HB 586 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 88

Nays: J. Bennett, Doane, Flynn, Galt, Jones, Kerns, McNiven, Randall, Schwaderer, Zolnikov.
Total 10

Voted Absentee: None.

Excused: Eck, Harris.
Total 2

Absent or not voting: None.
Total 0

HB 599 passed as follows:

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

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Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 77

Nays: J. Bennett, Doane, Flynn, Galt, Halvorson, Hansen, Kerns, Knudsen, Lavin, McNiven, O'Neil, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, White, Zolnikov.

Total 21

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

HB 606 failed as follows:

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

Total 53

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

Total 45

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

HB 607 passed as follows:

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

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Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 88

Nays: J. Bennett, Fiscus, Flynn, Kary, Kerns, Miller, O'Neil, Welborn, White, Zolnikov.
Total 10

Voted Absentee: None.

Excused: Eck, Harris.
Total 2

Absent or not voting: None.
Total 0

SB 136 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 96

Nays: Hagstrom, Zolnikov.
Total 2

Voted Absentee: None.

Excused: Eck, Harris.
Total 2

Absent or not voting: None.
Total 0

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SB 239 concurred in as follows:

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

Total 85

Nays: J. Bennett, Brodehl, Doane, Edmunds, Glimm, Halvorson, Kerns, O'Neil, Randall, C. Smith, Vance, Wagoner, Mr. Speaker.

Total 13

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: None.

Total 0

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

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

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

SB 346 - Representative G. Bennett moved **SB 346** be concurred in. Motion carried as follows:

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

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C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Fiscus.
Total 1

Voted Absentee: Eck, Harris, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Representative Ankney moved **HB 5** do pass.

HB 5 - Representative Cook moved **HB 5**, second reading copy, be amended as follows:

1. Page 1, line 12.

Strike: "11"
Insert: "12"

2. Page 1, line 16.

Strike: "11"
Insert: "12"

3. Page 2, line 21.

Following: line 20

Insert: "Construct Butte Justice Center, Butte
1,600,000 [LRBP] 1,600,000 [Authority] 3,200,000 [Total]"

4. Page 3, line 19.

Following: line 18

Insert: "MONTANA UNIVERSITY SYSTEM

Renovate Romney Hall Classrooms, MSU-Bozeman

20,000,000" [LRBP] 5,000,000 [Authority] 25,000,000 [Total]

Construct Science and Instructional Tech Building Addition, MSU-Billings

10,000,000 [LRBP] 5,000,000 [Authority] 15,000,000" [Total]

Replace Roof, Great Falls College-MSU

1,000,000 [LRBP] 1,000,000 [Total]

Construct Automotive Technology Center, MSU-Northern

4,900,000 [LRBP] 3,000,000 [Authority] 7,900,000 [Total]

Construct Missoula College UM, UM-Missoula

29,000,000 [LRBP] 3,000,000 [Authority] 32,000,000 [Total]

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Main Hall Renovation, Phase 3, UM-Western
4,000,000 [LRBP] 500,000 [Authority] 4,500,000 [Total]

Construct Natural Resources Research Center Addition, Montana Tech
5,000,000 [LRBP] 5,000,000 [Authority] 10,000,000 [Total]

Construct Jabs Hall, MSU-Bozeman
20,000,000 [Authority] 20,000,000 [Total]

Construct Athlete Academic Center, UM-Missoula
2,500,000 [Authority] 2,500,000 [Total]

Construct Gilkey Executive Education Center, UM-Missoula
9,300,000 [Authority] 9,300,000 [Total]

Construct Mansfield Library Student Success, UM-Missoula
3,200,000 [Authority] 3,200,000 [Total]"

5. Page 8, line 17.

Insert: "NEW SECTION. Section 9. Conditions of projects. The legislature authorizes construction of the Butte-Silver Bow emergency operations center, to be occupied and operated by the consolidated government of Butte-Silver Bow in conjunction with the Butte justice center, if a long-term lease agreement is signed between the state of Montana and the consolidated government of Butte-Silver Bow ensuring payment of all operating and maintenance costs of the consolidated government of Butte-Silver Bow for its portion of the facility for the life of the building, until the term of the lease is altered, or until the building is sold."

Renumber: subsequent sections

6. Page 9, line 6.

Strike: "\$16,300,000"

Insert: "\$91,800,000"

7. Page 9, line 9.

Strike: "10"

Insert: "11"

8. Page 9, line 10.

Strike: "10"

Insert: "11"

Amendment adopted as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Neill, Noonan, O'Hara, O'Neil, Osmundson,

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Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 91

Nays: Doane, Jones, Kerns, McNiven, Moore, Randall, Regier, White.
Total 8

Voted Absentee: Eck, Harris, Aye.

Excused: None.
Total 0

Absent or not voting: Washburn.
Total 1

HB 5 - Representative D. Moore moved **HB 5** do pass.

HB 5 - Representative D. Moore moved **HB 5**, second reading copy, be amended as follows:

1. Page 1, line 12.

Strike: "11"

Insert: "12"

2. Page 1, line 16.

Strike: "11"

Insert: "12"

3. Page 2, line 21.

Following: line 20

Insert: "Construct Butte Justice Center, Butte

1,600,000 [LRBP] 1,600,000 [Authority] 3,200,000 [Total]"

4. Page 3, line 19.

Following: line 18

Insert: "MONTANA UNIVERSITY SYSTEM

Renovate Romney Hall Classrooms, MSU-Bozeman

20,000,000" [LRBP] 5,000,000 [Authority] 25,000,000 [Total]

Construct Science and Instructional Tech Building Addition, MSU-Billings

10,000,000 [LRBP] 5,000,000 [Authority] 15,000,000" [Total]

Replace Roof, Great Falls College-MSU

1,000,000 [LRBP] 1,000,000 [Total]

Construct Automotive Technology Center, MSU-Northern

4,900,000 [LRBP] 3,000,000 [Authority] 7,900,000 [Total]

Main Hall Renovation, Phase 3, UM-Western

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4,000,000 [LRBP] 500,000 [Authority] 4,500,000 [Total]
Construct Natural Resources Research Center Addition, Montana Tech
5,000,000 [LRBP] 5,000,000 [Authority] 10,000,000 [Total]
Construct Jabs Hall, MSU-Bozeman
20,000,000 [Authority] 20,000,000 [Total]
Construct Athlete Academic Center, UM-Missoula
2,500,000 [Authority] 2,500,000 [Total]
Construct Gilkey Executive Education Center, UM-Missoula
9,300,000 [Authority] 9,300,000 [Total]
Construct Mansfield Library Student Success, UM-Missoula
3,200,000 [Authority] 3,200,000 [Total]"

5. Page 8, line 17.

Insert: "NEW SECTION. Section 9. Conditions of projects. The legislature authorizes construction of the Butte-Silver Bow emergency operations center, to be occupied and operated by the consolidated government of Butte-Silver Bow in conjunction with the Butte justice center, if a long-term lease agreement is signed between the state of Montana and the consolidated government of Butte-Silver Bow ensuring payment of all operating and maintenance costs of the consolidated government of Butte-Silver Bow for its portion of the facility for the life of the building, until the term of the lease is altered, or until the building is sold."

Renumber: subsequent sections

6. Page 9, line 6.

Strike: "\$16,300,000"

Insert: "\$62,800,000"

7. Page 9, line 9.

Strike: "10"

Insert: "11"

8. Page 9, line 10.

Strike: "10"

Insert: "11"

Amendment **not** adopted as follows:

Yeas: J. Bennett, Berry, Clark, Doane, Fitzpatrick, Flynn, Galt, Glimm, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Lavin, Lenz, McNiven, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, Zolnikov, Mr. Speaker.
Total 40

Nays: Ankney, Ballance, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Brodehl,

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Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Gibson, Greef, Gursky, Hertz, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Laszloffy, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods.
Total 60

Voted Absentee: Harris, Aye; Eck, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Representative Ballance moved **HB 5**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

Strike: "PROVIDING" through "AUTHORITY;" on line 7

2. Page 1, line 12.

Strike: "11"

Insert: "10"

3. Page 1, line 16.

Strike: "11"

Insert: "10"

4. Page 3, line 9.

Strike: line 9 in its entirety

5. Page 4, line 12 through line 17.

Strike: lines 12 through 17 in their entirety

6. Page 7, line 18.

Strike: "EXCEPT" through the second "THE".

Insert: "The"

7. Page 8, line 18 through page 9, line 4.

Strike: section 9 in its entirety

Renumber: subsequent sections

8. Page 9, line 9.

Strike: "10"

Insert: "9"

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9. Page 9, line 10.

Strike: "10"

Insert: "9"

Amendment **not** adopted as follows:

Yeas: Ballance, Bangerter, J. Bennett, Brodehl, Clark, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, Osmundson, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov.

Total 43

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

Total 56

Voted Absentee: Harris, Aye; Eck, No.

Excused: None.

Total 0

Absent or not voting: O'Neil.

Total 1

HB 5 - Representative Ankney moved **HB 5**, as amended, do pass. Motion carried as follows:

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

Total 75

Nays: Ballance, J. Bennett, Doane, Flynn, Galt, Glimm, Greef, Halvorson, Harris, Howard, Jones, Kary, Kerns, Knudsen, McNiven, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, White.

Total 25

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Voted Absentee: Eck, Aye; Harris, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 13 - Representative Swanson moved **HB 13** do pass. Motion carried as follows:

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

Total 69

Nays: Ballance, J. Bennett, Doane, Flynn, Galt, Glimm, Greef, Hagstrom, Halvorson, Hansen, Harris, Hertz, Howard, Jones, Kary, Kerns, Knudsen, Laszloffy, McNiven, Moore, O'Neil, Osmundson, Randall, Regier, Reichner, Schwaderer, C. Smith, Vance, Warburton, White, Zolnikov.

Total 31

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 86 - Representative O'Hara moved **HB 86** do pass. Motion carried as follows:

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

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

Total 95

Nays: Ingraham, Kerns, O'Neil, Zolnikov.

Total 4

Voted Absentee: Eck, Harris, Aye.

Excused: None.

Total 0

Absent or not voting: Woods.

Total 1

SB 19 - Representative Connell moved **SB 19** be concurred in.

SB 19 - Representative Brodehl moved for cloture. Motion Carried. Motion carried as follows:

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

Total 84

Nays: Court, Dudik, Flynn, Lynch, MacDonald, McCarthy, Noonan, Pierson, Pomnichowski, Schreiner, Swanson, Warburton, Wilson.

Total 13

Voted Absentee: None.

Excused: Eck, Harris.

Total 2

Absent or not voting: Berry.

Total 1

SB 19 - Representative Connell moved **SB 19** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Hansen,

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Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, McNiven, Mehlhoff, Miller, Moore, O'Hara, O'Neil, Osmundson, Regier, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 53

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

Total 46

Voted Absentee: Eck, No.

Excused: Harris.

Total 1

Absent or not voting: None.

Total 0

HB 377 - Representative Woods moved **HB 377** do pass.

HB 377 - Representative Redfield moved **HB 377**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

Strike: "REVISING"

Insert: "ELIMINATING"

2. Title, page 1, line 21.

Strike: "19-20-719,"

3. Title, page 1, line 22.

Following: "19-20-732,"

Insert: "19-20-733,"

4. Title, page 1, line 23.

Following: "MCA;"

Insert: "REPEALING SECTION 19-20-719, MCA;"

5. Page 2, line 13.

Following: the first "participants"

Insert: ", "

Strike: "and"

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Following: the second "participants"

Insert: ", and elimination of the guaranteed annual benefit adjustment"

6. Page 13, line 7.

Following: "AND"

Insert: "and"

7. Page 13, line 9 through line 11.

Strike: "; AND" on line 9 through "19-20-719" on line 11

8. Page 15, line 27 through page 16, line 17.

Strike: section 11 in its entirety

Renumber: subsequent sections

9. Page 17.

Following: line 22

Insert: "**Section 12.** Section 19-20-733, MCA, is amended to read:

"19-20-733. Resumption of employment by retired member -- suspension of benefits. (1) [Except as provided in 19-20-732,] if a retired member returns to employment in a position covered by the retirement system and becomes an active contributing member, benefits must be suspended until the member terminates all employment and applies to have benefits reinstated.

(2) Except as provided in subsection (4), upon termination and retirement of a previously retired member who was reinstated to active membership pursuant to 19-20-731 before July 1, 2009:

(a) if the member earned less than 1 year of creditable service, the original benefit and retirement option that the member was receiving at the time of suspension of benefits must be reinstated beginning either the first of the month following termination or on July 1 following the date on which the retired member was reemployed, whichever is later; or

(b) if the member earned 1 year or more of creditable service, retirement benefits must be recalculated under 19-20-804 if the member would qualify for a service retirement benefit under 19-20-801 or under 19-20-802 if the member is eligible for early retirement. The recalculated benefit must include the service credit accumulated at the time of the member's previous retirement, plus any service credit accumulated subsequent to reemployment. The recalculated benefit amount must be increased by the amount of any benefit enhancement received pursuant to ~~19-20-719~~ that the retired member was receiving when the member's benefits were suspended.

(3) (a) Except as provided in subsection (4), upon the subsequent retirement of a formerly retired member who was reinstated to active membership pursuant to 19-20-731 on or after July 1, 2009, and earned:

(i) at least 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option and joint annuitant previously selected, plus an additional benefit based upon the new creditable service and compensation earned. The second benefit must be calculated as provided under 19-20-804 if the member is eligible for a service retirement benefit or under

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19-20-802 if the member is eligible for early retirement. The second benefit must be paid under the same retirement benefit option and with the same joint annuitant originally elected.

(ii) less than 3 years of membership service following suspension of benefits, the member is entitled to resume receiving the suspended benefit in accordance with the retirement benefit option previously selected, plus a refund of the employee contributions contributed after the member was reinstated to active service, plus interest.

(b) If a member dies during the period of reemployment following an initial retirement, the member must be considered as retiring on the day preceding the date of death and benefits must be determined according to the following:

(i) If the member elected the normal form benefit prior to reemployment, the member's designated beneficiary must receive an amount equal to the member's accumulated contributions on deposit.

(ii) If the member elected a retirement option pursuant to 19-20-702 prior to reemployment, the benefits due are payable in accordance with the terms of the original option elected and this subsection (3).

(4) If a retired member who has not attained normal retirement age is reemployed with the same employer within 30 days from the member's effective date of retirement or if that member is guaranteed reemployment with the same employer, the member must be considered to have continued in the status of an active member and not to have separated from service. Any retirement allowance payments received by the member must be repaid to the system, together with interest, at the actuarially assumed rate, and the retirement allowance must be canceled. (Bracketed language terminates June 30, 2015--sec. 5, Ch. 129, L. 2009.)"

Renumber: subsequent sections

10. Page 27.

Following: line 14

Insert: "NEW SECTION. Section 22. Repealer. The following section of the Montana Code Annotated is repealed:

19-20-719. Guaranteed annual benefit adjustment -- rulemaking."

Renumber: subsequent sections

Amendment **not** adopted as follows:

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

Total 43

Nays: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Fiscus, Fitzpatrick, Gibson, Gursky, Hagan, Hagstrom, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Shaw, B. Smith, Squires,

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Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.
Total 57

Voted Absentee: Harris, Aye; Eck, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 377 - Representative Woods moved **HB 377** do pass. Motion passed as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Gibson, Gursky, Hagan, Hagstrom, Hertz, Hill, Hollandsworth, Hollenbaugh, Hunter, Ingraham, Jacobson, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 64

Nays: Ballance, J. Bennett, Brodehl, Cuffe, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Halvorson, Hansen, Harris, Hoven, Howard, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Schwaderer, C. Smith, Vance, Wagoner, White, Zolnikov.
Total 36

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 378 - Representative McClafferty moved **HB 378** do pass. Motion passed as follows:

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

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Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 86

Nays: Cook, Doane, Edmunds, Galt, Glimm, Hollandsworth, Howard, Kerns, O'Neil, Osmundson, Randall, C. Smith, Zolnikov.
Total 13

Voted Absentee: Eck, Harris, Aye.

Excused: None.
Total 0

Absent or not voting: McNiven.
Total 1

HB 420 - Representative Salomon moved **HB 420** do pass. Motion passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jacobson, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Washburn, Welborn, Whitford, Wilmer, Wilson, Woods.
Total 73

Nays: J. Bennett, Doane, Fitzpatrick, Flynn, Galt, Harris, Howard, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Miller, O'Neil, Randall, Regier, Reichner, C. Smith, Vance, Wagoner, White, Williams, Zolnikov, Mr. Speaker.
Total 26

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.
Total 0

Absent or not voting: Berry.
Total 1

Majority Leader Vance moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

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Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 96

Nays: Flynn, Schwaderer.
Total 2

Voted Absentee: None

Excused: Eck, Harris.
Total 2

Absent or not voting: None.
Total 0

MOTIONS

Representative McClafferty moved to change her vote on **SB 19** from Yes to No. Without objection, so ordered.

Representative Wilson moved to change her vote on **HB 377** from Not Voting to Yes. Without objection, so ordered.

Representative Edmunds moved to reconsider action on **SB 197** and that **SB 197** be placed on second reading on this same day.

Motion **failed** as follows:

Yeas: Ballance, J. Bennett, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Fiscus, Galt, Gibson, Glimm, Halvorson, Hansen, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lavin, Lenz, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.
Total 41

Nays: Ankney, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Ehli, Fitzpatrick, Flynn, Greef, Gursky, Hagan, Hagstrom, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lang, Laszloffy, Lieser, Lynch, MacDonald,

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McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 56

Voted Absentee: None.

Excused: Eck, Harris.
Total 2

Absent or not voting: Welborn.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House recess until 5:30 p.m. this afternoon. Motion carried.

House recessed.
House reconvened.

Roll Call. All members present, except Representatives Eck, Harris, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Ankney, Chair): 3/27/2013
HB 509, do pass. Report adopted.
HB 575, do pass. Report adopted.
HB 582, do pass. Report adopted.
HB 591, do pass. Report adopted.

HUMAN SERVICES (Howard, Chair): 3/27/2013
HB 623, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 8.
Strike: "ESTABLISHING A" on line 6 through "INSURANCE;" on line 8
2. Title, page 1, line 10 through line 11.
Strike: "CREATING A" on line 10 through "APPROPRIATION AND" on line 11
Insert: "PROVIDING"
Strike: "17-7-502," on line 10

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3. Title, page 1, line 12 through line 13.

Following: "50-4-716" on line 12

Strike: ", "

Following: "EFFECTIVE DATES"

Strike: ", "

Insert: "AND"

Following: "APPLICABILITY DATES"

Strike: ", AND" on line 12 through "DATE" on line 13

4. Page 1, line 17.

Strike: "8"

Insert: "3"

5. Page 1, line 20.

Strike: "8"

Insert: "3"

6. Page 1, line 23 through Page 2, line 9.

Strike: "8" on line 23

Insert: "3"

Strike: "state government" on line 23 through "ensure" on Page 2, line 9

Insert: "the state has an interest in ensuring"

Strike: "; " on line 9

Insert: ". "

7. Page 2, line 10 through line 13.

Strike: subsection (e) through subsection (g) in their entirety

8. Page 2, line 15 through page 8, line 6.

Strike: section 3 through section 8 in their entirety

Renumber: subsequent sections

9. Page 8, line 12 through page 9, line 20.

Strike: section 10 in its entirety

Renumber: subsequent sections

10. Page 11, line 18.

Strike: "\$10 million"

Insert: "\$9,000"

11. Page 11, line 19.

Strike: "income-enhancement" through "[section 8]"

Insert: "general fund"

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12. Page 12, line 2 through line 8.

Strike: "(1) There is" on line 2 through "(3)" on line 8

13. Page 12, line 9.

Strike: "\$515,265"

Insert: "\$9,000"

Strike: "to expand"

Insert: "for"

14. Page 12, line 11 through line 14.

Strike: "(1)" on line 11 through "(2)" on line 14

15. Page 12, line 14.

Strike: "9"

Insert: "3"

16. Page 12, line 15.

Strike: "9"

Insert: "3"

17. Page 12, line 17 through line 29.

Strike: section 15 through section 16 in their entirety

18. Page 13, line 8.

Strike: ", 5 through 10,"

Strike: "13"

Insert: "6"

19. Page 13, line 10.

Strike: "11, 12"

Insert: "5"

Strike: "14 through 21"

Insert: "7 through 11"

20. Page 13, line 12.

Strike: "9"

Insert: "3"

21. Page 13, line 18.

Strike: section 21 in its entirety

And, as amended, do pass. Report adopted.

JUDICIARY (Kerns, Chair):

HB 603, introduced bill, be amended as follows:

3/27/2013

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1. Page 1, line 18.

Following: "exists"

Strike: "an immediate"

Insert: "a possible"

And, as amended, do pass. Report adopted.

SB 160, be amended as follows:

1. Title, page 1, line 9.

Strike: "AMENDING SECTION 46-23-502, MCA;"

2. Page 2, line 2.

Insert: "(4) For purposes of this section, "nonorganic failure to thrive" means inadequate physical growth that is a result of insufficient nutrition and is not secondary to a diagnosed medical condition."

3. Page 2, line 3 through page 3, line 22.

Strike: section 2 in its entirety

Renumber: subsequent sections

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

SB 196, be amended as follows:

1. Title, page 1, line 7.

Strike: "AND PRIVATE USERS"

Following: ";"

Insert: "AND"

2. Title, page 1, line 8.

Following: "COURT"

Strike: remainder of line 8 through "MCA"

3. Page 1, line 10.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Limitations on unmanned aerial vehicles. (1) In any prosecution or proceeding within the state of Montana, information from an unmanned aerial vehicle is not admissible as evidence unless the information was obtained:

(a) pursuant to the authority of a search warrant; or

(b) in accordance with judicially recognized exceptions to the warrant requirement.

(2) Information obtained from the operation of an unmanned aerial vehicle may not be used in an affidavit of probable cause in an effort to obtain a search warrant unless the information was obtained under the circumstances described in subsection (1)(a) or (1)(b) or

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was obtained through the monitoring of public lands or international borders.

(3) For the purposes of this section, "unmanned aerial vehicle" means an aircraft that is operated without direct human intervention from on or within the aircraft. The term does not include satellites."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 5, part 1, and the provisions of Title 46, chapter 5, part 1, apply to [section 1]."

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

SB 198, be amended as follows:

1. Page 1, line 18.

Following: "minor"

Insert: "under 45-5-201(1)(a)"

2. Page 1, line 21.

Strike: "10"

Insert: "5"

3. Page 1, line 25.

Following: "minor"

Insert: "under 45-5-201(1)(a)"

4. Page 2, line 27.

Strike: "must"

Insert: "may"

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

TRANSPORTATION (Lavin, Chair):

3/27/2013

SB 161, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

3/27/2013

HB 374, introduced by Fitzpatrick

House joint resolutions concurred in and returned to the House:

3/27/2013

HJR 1, introduced by Blyton

HJR 3, introduced by O'Neil

House bills concurred in as amended and returned to the House for concurrence in Senate

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amendments:

3/27/2013

HB 23, introduced by B. Bennett
HB 184, introduced by Fiscus
HB 250, introduced by Bangerter
HB 485, introduced by Lavin

MESSAGES FROM THE GOVERNOR

March 27, 2013

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

Dear Speaker Blasdel:

Please be informed that I have signed **House Bill 59** sponsored by Representative Lynch, **House Bill 89** sponsored by Representative Lynch, **House Bill 305** sponsored by Representative Lang, **House Bill 308** sponsored by Representative Lang, **House Bill 330** sponsored by Representative Fitzpatrick, **House Bill 333** sponsored by Representative Price, **House Bill 337** sponsored by Representative Redfield, **House Bill 351** sponsored by Representative Edmunds, **House Bill 356** sponsored by Representative Clark, **House Bill 368** sponsored by Representative Clark, and **House Bill 399** sponsored by Representative Ballance on March 27, 2013.

Sincerely,

STEVE BULLOCK
Governor

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

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

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

HB 454 - Representative McChesney moved **HB 454** do pass. Motion carried as follows:

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

Total 64

Nays: Ballance, J. Bennett, Brodehl, Cuffe, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hansen, Harris, Hoven, Howard, Jones, Kary, Kerns, Knudsen, Laszloffy, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, White, Zolnikov.

Total 36

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 565 - Representative McCarthy moved **HB 565** do pass. Motion carried as follows:

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

Total 58

Nays: Ballance, J. Bennett, Berry, Brodehl, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Halvorson, Hansen, Harris, Hoven, Ingraham, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Welborn, Zolnikov, Mr. Speaker.

Total 42

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.

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Total 0

Absent or not voting: None.

Total 0

HB 604 - Representative C. Smith moved **HB 604** do pass. Motion carried as follows:

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

Total 53

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

Total 47

Voted Absentee: Harris, Aye; Eck, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 617 - Representative Flynn moved **HB 617** do pass. Motion carried as follows:

Yeas: Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boss Ribs, Brodehl, Clark, Coffin, Cook, Court, Cuffe, Curtis, Doane, Eck, Edmunds, Ehli, Fiscus, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hoven, Howard, Hunter, Ingraham, Jacobson, Kary, Knudsen, Lang, Laszloffy, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Hara, Pease-Lopez, Pierson, Price, Randall, Redfield, Regier, Salomon, Schwaderer, C. Smith, Squires, Steenberg, Swanson, Warburton, Williams, Wilmer, Woods, Zolnikov, Mr. Speaker.

Total 68

Nays: Ankney, Boland, Brockie, Connell, Dudik, Fitzpatrick, Glimm, Harris, Hill, Hollandsworth, Hollenbaugh, Jones, Kerns, Lavin, Lenz, Moore, O'Neil, Osmundson, Peppers, Pomnichowski, Reichner, Schreiner, Shaw, B. Smith, Vance, Wagoner, Washburn, Welborn, White, Whitford, Wilson.

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Total 31

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.

Total 0

Absent or not voting: Flynn.

Total 1

HB 625 - Representative Ankney moved **HB 625** do pass. Motion carried as follows:

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

Total 92

Nays: Doane, Edmunds, Howard, Kary, Kerns, McNiven, Schwaderer.

Total 7

Voted Absentee: Eck, Harris, Aye.

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

HB 627 - Representative Osmundson moved **HB 627** do pass. Motion carried as follows:

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

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Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.
Total 90

Nays: J. Bennett, Hagstrom, Hansen, Kary, Kerns, O'Neil, Schwaderer, B. Smith, C. Smith,
Zolnikov.
Total 10

Voted Absentee: Eck, Harris, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 628 - Representative Steenberg moved **HB 628** do pass. Motion **failed** as follows:

Yeas: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill,
Hollenbaugh, Hunter, Jacobson, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney,
McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski,
Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson,
Woods.
Total 40

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

Voted Absentee: Eck, Aye; Harris, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 630 - Representative Williams moved **HB 630** do pass. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin,
Connell, Cook, Court, Curtis, Dudik, Eck, Gibson, Greef, Gursky, Hansen, Hertz, Hill,
Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lenz, Lieser, Lynch, MacDonald, McCarthy,

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McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Warburton, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 61

Nays: Ballance, J. Bennett, Berry, Brodehl, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Hagan, Hagstrom, Halvorson, Harris, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Miller, O'Neil, Randall, Redfield, Regier, C. Smith, Vance, Wagoner, Washburn, White, Zolnikov, Mr. Speaker.

Total 39

Voted Absentee: Harris, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 633 - Representative Ehli moved **HB 633** do pass. Motion carried as follows:

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

Total 73

Nays: J. Bennett, Doane, Flynn, Galt, Gursky, Hagstrom, Halvorson, Hansen, Harris, Ingraham, Jones, Kerns, Knudsen, Laszloffy, Lavin, McNally, O'Neil, Osmundson, Pomnichowski, Randall, Redfield, B. Smith, C. Smith, Vance, Wagoner, White, Williams.

Total 27

Voted Absentee: Harris, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vance moved the committee rise and report. Motion carried. Committee

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arose. House resumed. Mr. Speaker presiding. Chair Edmunds moved the Committee of the Whole report be adopted. Report adopted as follows:

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

Total 91

Nays: B. Bennett, Boland, Edmunds, Fitzpatrick, Gursky, B. Smith, Wilson.

Total 7

Voted Absentee: None.

Excused: Harris.

Total 1

Absent or not voting: Schwaderer.

Total 1

MOTIONS

Representative Noonan moved to change his vote on **HB 617** from No to Yes. Without objection, so ordered.

Minority Leader Hunter moved that **HB 590** be taken from Human Services and brought before the Committee of the Whole.

Motion **failed** as follows:

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

Total 49

Nays: Ballance, J. Bennett, Berry, Blyton, Brodehl, Cuffe, Doane, Edmunds, Ehli, Fiscus,

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Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.
Total 50

Voted Absentee: None.

Excused: Harris.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 9:00 a.m., Thursday, March 28, 2013. Motion carried.

House adjourned at 6:35 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House