

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

Helena, Montana
April 23, 2013

House Chambers
State Capitol

House convened at 3:00 p.m. Mr. Speaker presiding. Invocation by Representative Warburton. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS (O'Hara, Chair):

4/23/2013

Correctly printed: **SB 81**.

Correctly engrossed: **SB 410**.

Correctly enrolled: **HB 100, HB 184, HB 262, HB 297, HB 301, HB 345, HB 377, HB 395, HB 457**.

Examined by the sponsor and found to be correct: **HB 76, HB 205, HB 301, HB 395, HB 454, HB 457, HB 555**.

Transmitted to the Senate: **SB 394**.

Signed by the Speaker at 11:25 a.m., April 24, 2013: **HB 76, HB 205, HB 301, HB 395, HB 454, HB 457, HB 555**.

Signed by the Chief Clerk of the House at 3:30 p.m., April 24, 2013: **HB 76, HB 205, HB 301, HB 395, HB 454, HB 457, HB 555**.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on **House Bill 120**

Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 120** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 120** (reference copy -- salmon) be amended as follows:

1. Page 13, line 20 through line 21.

Strike: "who" on line 20 through "registration" on line 21

2. Page 13, line 27 through line 28.

Strike: "or" on line 27 through "county" on line 28

3. Page 25, line 17.

Strike: "or by facsimile or other electronic means"

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For the Senate:

Wittich, Chair
Boulanger
Malek

For the House:

Vance, Vice Chair
Hunter
Ingraham

FREE CONFERENCE COMMITTEE
on **House Bill 218**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 218** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 218** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 14.

Strike: "A"

Strike: "DATE"

Insert: "DATES"

2. Page 5, line 6.

Strike: "EACH"

Insert: "the"

Following: "2014,"

Insert: "only"

3. Page 8, line 21.

Following: "**Termination.**"

Strike: "[This act]"

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

4. Page 8, following line 21.

Insert: "(2) [Section 9] terminates June 30, 2015."

For the Senate:

Rosendale, Chair
F. Moore
Stewart-Peregoy

For the House:

Ankney, Vice Chair
Cuffe
McChesney

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FREE CONFERENCE COMMITTEE
on **House Bill 240**
Report No. 001, April 22, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 240** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 240** (reference copy -- salmon) be amended as follows:

1. Page 3, line 25.

Following: "PROHIBITED"

Insert: "for certain individuals"

2. Page 3, line 26.

Strike: "SUBSECTIONS (2) AND (3)"

Insert: "subsection (2)"

3. Page 3, line 28.

Following: "property"

Insert: "by a person with a permit issued pursuant to 45-8-321 or recognized pursuant to 45-8-329"

4. Page 4, line 16 through line 20.

Strike: subsection (3) in its entirety

For the Senate:

F. Moore, Chair
Fielder
Larsen

For the House:

C. Smith, Vice Chair
Kerns
MacDonald

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 96**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 96** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 15.

Following: "REVENUE;"

Insert: "PROVIDING CONTINGENT INCREASES AND DECREASES TO APPROPRIATIONS;"

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2. Page 8, line 7.

Strike: "\$10"

Insert: "\$6"

3. Page 8, line 10.

Strike: "\$10"

Insert: "\$6"

4. Page 8, line 23.

Strike: "\$250,000"

Insert: "\$100,000"

5. Page 11.

Following: line 3

Insert: "COORDINATION SECTION. Section 7. 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 \$580,680,837 is decreased by \$3,053,710 in fiscal year 2015; and

(2) the general fund appropriation for Reimbursement Block Grants in House Bill No. 2 of \$66,334,425 is increased by \$7,931,716 in fiscal year 2015."

Renumber: subsequent sections

For the Senate:

Tutvedt, Chair
Phillips
Thomas

For the House:

G. Bennett, Vice Chair
Lavin
McClafferty

FREE CONFERENCE COMMITTEE
on **Senate Bill 173**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 173** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 173** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 6.

Following: "LAWS;"

Insert: "AUTHORIZING THE STATE OF MONTANA TO OBTAIN WORKERS' COMPENSATION COVERAGE UNDER PLAN NO. 2 OR PLAN NO. 3; AUTHORIZING THE STATE COMPENSATION INSURANCE FUND TO INSURE ITS EMPLOYEES UNDER PLAN NO. 3 IF THE DEPARTMENT OF ADMINISTRATION ELECTS COVERAGE FOR OTHER STATE AGENCIES UNDER PLAN NO. 2;"

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2. Title, page 1, line 7 through line 8.

Strike: "A ONE-TIME" on line 7 through "PRIOR TO USING" on line 8

3. Title, page 1, line 10.

Strike: "2013"

Insert: "1990"

4. Title, page 1, line 19.

Following: "SECTIONS"

Insert: "39-71-403, 39-71-2201,"

5. Page 1.

Following: line 22

Insert: "Section 1. Section 39-71-403, MCA, is amended to read:

~~"39-71-403. Plan three exclusive for state agencies -- election of plan by public corporations State agency coverage -- public corporation coverage -- financing of self-insurance fund -- exemption for university system -- definitions -- rulemaking.~~ (1) (a) Except as provided in [section 3] and subsection (5), ~~if a state agency is the employer, the terms, conditions, and provisions of compensation plan No. 3, state fund, are exclusive, compulsory, and obligatory upon both employer and employee.~~ of this section, the department of administration shall elect workers' compensation insurance coverage on behalf of all state agencies and manage the coverage under the terms, conditions, and provisions of compensation plan No. 2 or plan No. 3. The state agency is the employer for purposes of the compensation plan selected pursuant to this section. Any sums necessary to be paid under the provisions of this chapter by a state agency are considered to be ordinary and necessary expenses of the state agency. The state agency shall pay the sums ~~into the state fund~~ at the time and in the manner provided for in this chapter, notwithstanding that the state agency may have failed to anticipate the ordinary and necessary expense in a budget, estimate of expenses, appropriations, ordinances, or otherwise.

(b) (i) ~~Subject to subsection (5), the department of administration, provided for in 2-15-1001, shall manage~~ The department of administration shall elect coverage under one compensation plan to provide workers' compensation insurance coverage for all state agencies except the state compensation insurance fund if the state compensation insurance chooses a plan No. 2 insurer. The plan selected by the department of administration is to be exclusive, compulsory, and obligatory upon both the employer and the employee.

(ii) ~~The state fund plan No. 2 or plan No. 3 insurer~~ shall provide the department of administration with all information regarding the state agencies' coverage.

(iii) Notwithstanding the status of a state agency as employer in subsection (1)(a) and contingent upon mutual agreement between the department of administration and the ~~state fund,~~ the state fund plan No. 2 or plan No. 3 insurer, the plan No. 2 or plan No. 3 insurer shall issue one or more policies for all state agencies.

(iv) In any year in which the workers' compensation premium due from a state agency is lower than in the previous year, the appropriation for that state agency must be reduced by the same amount that the workers' compensation premium was reduced and the difference must be returned to the originating fund instead of being applied to other purposes by the state agency submitting the premium.

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(2) (a) A public corporation, ~~other than a state agency~~, may elect coverage under compensation plan No. 1, plan No. 2, or plan No. 3, separately or jointly with any other public corporation, ~~other than a state agency~~ or with the department of administration as provided in subsection (2)(b).

(b) Except as provided in [section 3], the department of administration, on behalf of all state agencies, may join with a public corporation to elect coverage under compensation plan No. 2 or plan No. 3. Until notes or bonds described in subsection (3)(a) are fully paid, the funds described in subsection (3)(a) must remain separate from the funds paid to the department of administration by state agencies.

(c) A public corporation, if electing coverage under compensation plan No. 1, may purchase reinsurance or issue bonds or notes pursuant to subsection (3)(b). A public corporation electing coverage under compensation plan No. 1 is subject to the same provisions as a private employer electing compensation plan No. 1.

(3) (a) A public corporation, ~~other than a state agency~~, that elects coverage under plan No. 1 may establish a fund sufficient to pay the compensation and benefits provided for in this chapter and to discharge all liabilities that are reasonably incurred during the fiscal year for which the election is effective. Proceeds from the fund ~~must~~ may be used only to pay claims covered by this chapter and for actual and necessary expenses required for the efficient administration of the fund, including debt service on any bonds and notes issued pursuant to subsection (3)(b).

(b) (i) A public corporation, ~~other than a state agency~~, separately or jointly with another public corporation, ~~other than a state agency~~, may issue and sell its bonds and notes for the purpose of establishing, in whole or in part, the self-insurance workers' compensation fund provided for in subsection (3)(a) and to pay the costs associated with the sale and issuance of the bonds. Bonds and notes may be issued in an amount not exceeding 0.18% of the total assessed value of taxable property, determined as provided in 15-8-111, of the public corporation as of the date of issue. The bonds and notes must be authorized by resolution of the governing body of the public corporation and are payable from an annual property tax levied in the amount necessary to pay principal and interest on the bonds or notes. This authority to levy an annual property tax exists despite any provision of law or maximum levy limitation, including 15-10-420, to the contrary. The revenue derived from the sale of the bonds and notes may not be used for any other purpose.

(ii) The bonds and notes:

(A) may be sold at public or private sale;

(B) do not constitute debt within the meaning of any statutory debt limitation; and

(C) may contain other terms and provisions that the governing body determines.

(iii) Two or more public corporations, ~~other than state agencies~~, may agree to exercise their respective borrowing powers jointly under this subsection (3)(b) or may authorize a joint board to exercise the powers on their behalf.

(iv) The fund established from the proceeds of bonds and notes issued and sold under this subsection (3)(b) may, if sufficient, be used in lieu of a surety bond, reinsurance, specific and aggregate excess insurance, or any other form of additional security necessary to demonstrate the public corporation's ability to discharge all liabilities as provided in subsection (3)(a). Subject to the total assessed value limitation in subsection (3)(b)(i), a public corporation may issue bonds and notes to establish a fund sufficient to discharge liabilities for periods greater than 1 year.

(4) All money in the fund established under subsection (3)(a) not needed to meet immediate expenditures must be invested by the governing body of the public corporation or the joint board created by two or more public corporations as provided in subsection (3)(b)(iii), and all

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proceeds of the investment must be credited to the fund.

(5) For the purposes of subsection ~~(4)(b)~~ (1)(a), the judicial branch or the legislative branch may choose not to have the department of administration manage its workers' compensation policy.

(6) The department of administration may adopt rules to implement ~~subsection (4)(b)(i)~~ this section.

(7) As used in this section, the following definitions apply:

(a) "Public corporation" ~~includes~~ has the meaning provided in 39-71-116 except that a state agency is excluded and the Montana university system is included.

(b) (i) "State agency" means:

(A) the executive branch and its departments and all boards, commissions, committees, bureaus, and offices;

(B) the judicial branch; and

(C) the legislative branch.

(ii) The term does not include the Montana university system."

Insert: "**Section 2.** Section 39-71-2201, MCA, is amended to read:

"39-71-2201. Election to be bound by plan -- captive reciprocal insurers. (1) Any employer ~~except those specified in 39-71-403~~ may, by filing an election to become bound by compensation plan No. 2, insure the employer's liability to pay the compensation and benefits provided by this chapter with any insurance company authorized to transact ~~such~~ workers' compensation business in this state.

(2) Any employer electing to become bound by compensation plan No. 2 shall make the election on the form and in the manner prescribed by the department.

(3) A captive reciprocal insurer established by or on behalf of an employer or a group of employers is considered to be a compensation plan No. 2 insurer. Pursuant to 33-28-205, a captive reciprocal insurer may not be a member of an insurance guaranty association or guaranty fund."

Insert: "**NEW SECTION. Section 3. State compensation insurance fund options.** If the department of administration elects coverage under plan No. 2 under the provisions of 39-71-403, the state fund may choose to provide and manage workers' compensation coverage for its employees under plan No. 3. If the state fund exercises this option, the state fund is exempt from 39-71-403 for the purposes of 39-71-2314. For the purposes of this chapter, upon exercising the option under this section, the state fund is the employer and the terms, conditions, and provisions of plan No. 3 are exclusive, compulsory, and obligatory upon both the employer and the employee."

Renumber: subsequent sections

6. Page 3, line 6.

Strike: "EMPLOYEE OR"

7. Page 3, lines 7 through 8.

Strike: "TO" on line 7

Insert: "at a meeting of"

Strike: "IN A PUBLIC HEARING," on line 7 through "COMMENT," on line 8

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8. Page 3, line 14.

Following: "ADJUSTMENTS"

Insert: "for all employees"

9. Page 3, line 18.

Following: the first "THE"

Insert: "degree of"

10. Page 5, line 10.

Strike: "AFTER THE ONE-TIME" through "FUND, ALL"

Insert: "All"

11. Page 5, lines 14 through 15.

Strike: "AFTER EXPENDING" on line 14 through "TRANSFER" on line 15

Insert: "Subject to subsection (3), the state fund's equity or surplus, as that term is used in 39-71-2323, that has accrued from income other than premiums paid to the state fund based upon wages payable on or after July 1, 1990, must be used"

12. Page 5, lines 16 through 19.

Following: "1990" on line 16

Strike: ", the state fund's assets" on line 16 through "funded" on line 19

13. Page 6, lines 27 through 29.

Strike: section 6 in its entirety

Insert: "NEW SECTION. Section 9. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [section 3]."

Renumber: subsequent section

For the Senate:

Sonju, Chair
D. Brown
Keane

For the House:

Berry, Vice Chair
Lang
Noonan

FREE CONFERENCE COMMITTEE
on **Senate Bill 282**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 282** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 282** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 21.

Following: "~~15-32-104~~,"

Insert: "15-32-104,"

Strike: "15-32-201,"

2. Title, page 1, line 27.

Following: "~~15-30-2319~~,"

Insert: "15-30-2319,"

3. Title, page 1, line 29.

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

Insert: "15-32-109,"

Following: "~~15-32-203~~,"

Insert: "15-32-201, 15-32-202, 15-32-203,"

4. Page 15, line 17.

Strike: "3.5%"

Insert: "4%"

5. Page 15, line 18.

Strike: "5.75%"

Insert: "6%"

6. Page 15, line 20.

Strike: "3.5%"

Insert: "4%"

7. Page 15, line 21.

Strike: "5.75%"

Insert: "6%"

8. Page 15, line 24.

Strike: "3.5%"

Insert: "4%"

9. Page 15, line 25.

Strike: "5.75%"

Insert: "6%"

10. Page 15, line 28.

Strike: "3.5%"

Insert: "4%"

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11. Page 15, line 29.

Strike: "5.75%"

Insert: "6%"

12. Page 16, line 13.

Strike: the first "3.5%"

Insert: "4%"

Strike: the second "3.5%"

Insert: "4%"

13. Page 16, line 14.

Strike: "5.75%"

Insert: "6%"

14. Page 16, line 15.

Strike: "3.5%"

Insert: "4%"

15. Page 16, line 21.

Strike: "3.5%"

Insert: "4%"

16. Page 16, line 22.

Strike: "2%"

Insert: "2.5%"

17. Page 16, line 24.

Strike: "3.5%"

Insert: "4%"

18. Page 16, line 25.

Strike: "3.5%"

Insert: "4%"

19. Page 16, line 26.

Strike: "3.5%"

Insert: "4%"

20. Page 16, line 29.

Strike: "3.5%"

Insert: "4%"

21. Page 16, line 30.

Strike: "2%"

Insert: "2.5%"

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22. Page 17, line 2.

Strike: "4.25%"

Insert: "4.5%"

23. Page 17, line 3.

Strike: "5.75%"

Insert: "6%"

24. Page 17, line 4.

Strike: "4.25%"

Insert: "4.5%"

25. Page 41, line 9.

Insert: "**Section 32.** Section 15-32-104, MCA, is amended to read:

"15-32-104. Limitations on deduction and credit. Tax treatment under 15-32-103 and 15-32-109 is limited to persons and firms not primarily engaged in the provision of gas or electricity derived from fossil fuel extraction or conventional hydroelectric development.""

Renumber: subsequent sections

26. Page 41, line 12 through line 13.

Strike: "THE" on line 12 through "15-32-109." on line 13

27. Page 41, line 14.

Strike: "OR CREDIT"

Strike: "OR 15-32-109"

28. Page 41, line 16.

Strike: "OR CREDIT"

Strike: "OR ENERGY CONSERVATION"

29. Page 41, line 19.

Following: "days."

Insert: "The department may refer a deduction involving energy conservation to the department of labor and industry for its advice, and the department of labor and industry shall respond within 60 days."

30. Page 41, line 20.

Strike: "OR CREDIT"

31. Page 41, line 22 through page 42, line 5.

Strike: section 33 in its entirety

Renumber: subsequent subsections

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32. Page 81.

Following: line 13

Insert: "15-30-2319. Credit for energy-conserving investments."

33. Page 82.

Following: line 1

Insert: "15-32-109. Credit for energy-conserving expenditures."

34. Page 82.

Following: line 5

Insert: "15-32-201. Amount of credit -- to whom available.

15-32-202. Taxable years in which credit may be claimed -- carryover.

15-32-203. Department to make rules."

For the Senate:

Thomas, Chair
Phillips
Tutvedt

For the House:

Osmundson, Vice Chair
Coffin
Hansen

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 323**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 323** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 323** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

Following: "PHYSICIAN:"

Insert: "Ongoing prescriptions for Schedule II and Schedule III drugs may be prescribed only by a treating physician."

For the Senate:

Thomas, Chair
Debby Barrett
Vuckovich

For the House:

Salomon, Vice Chair
Pierson
Schwaderer

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FREE CONFERENCE COMMITTEE
on **Senate Bill 348**
Report No. 001, April 23, 2013

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 348** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 348** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 9 through line 11.

Strike: "REVISING" on line 9 through "CONTROL;" on line 11

2. Title, page 1, line 17.

Strike: "REPEALING" through "PROGRAM;"

3. Title, page 1, line 18.

Strike: "20-9-516,"

4. Title, page 1, line 19 through line 20.

Strike: "REPEALING" on line 19 through "MCA;" on line 20

5. Page 4, line 6 through page 5, line 5.

Strike: section 5 in its entirety

Renumber: subsequent sections

6. Page 14, line 4 through line 17.

Strike: section 11 in its entirety

Renumber: subsequent sections

7. Page 14, line 19.

Strike: "10"

Insert: "9"

8. Page 14, line 20.

Strike: "1"

Insert: "9"

9. Page 14, line 22.

Strike: "subsections"

Insert: "subsection"

Strike: "and (3)"

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10. Page 14, line 24.

Strike: "10"

Insert: "9"

11. Page 14, line 25.

Strike: subsection (3) in its entirety

12. Page 14, line 27 through line 28.

Strike: section 14 in its entirety

Renumber: subsequent sections

13. Page 14, line 30.

Strike: "10"

Insert: "9"

For the Senate:

Thomas, Chair
Arntzen
Facey

For the House:

Blyton, Vice Chair
McClafferty
Salomon

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/22/2013

HB 457, introduced by Price

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

4/23/2013

HB 411, introduced by Harris

This amended bill is being returned 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.

Senate joint resolutions passed and transmitted to the House for concurrence: 4/22/2013

SJR 31, introduced by Phillips

SJR 38, introduced by Windy Boy

House amendments to Senate bill concurred in: 4/22/2013

SB 69, introduced by Walker

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Free Conference Committee Report No.1 adopted:

4/22/2013

HB 301, introduced by Halvorson

HB 395, introduced by Wagoner

HB 240 - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 240**:

4/22/2013

Senator F. Moore, Chair

Senator Fielder

Senator Larsen

SB 348 - The Senate failed to concur in House amendments to **SB 348**, authorized the President to appoint the following **Free** Conference Committee, and requested that the House appoint a like committee to confer on **SB 348**:

4/22/2013

Senator Thomas, Chair

Senator Arntzen

Senator Facey

MESSAGES FROM THE GOVERNOR

April 22, 2013

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

Dear Speaker Blasdel:

On Monday, April 22, I signed and delivered the following House bills to the Secretary of State:

House Bill 23 - B. Bennett
House Bill 24 - Ankney
House Bill 37 - McChesney
House Bill 71 - MacDonald
House Bill 78 - Regier
House Bill 95 - Wilmer
House Bill 122 - B. Bennett
House Bill 187 - Flynn
House Bill 189 - Lenz
House Bill 195 - Ingraham
House Bill 203 - Clark

House Bill 336 - Gibson
House Bill 352 - Fitzpatrick
House Bill 344 - Hoven
House Bill 410 - Washburn
House Bill 446 - Schwaderer
House Bill 448 - Brodehl
House Bill 461 - Lieser
House Bill 485 - Lavin
House Bill 508 - Edmunds
House Bill 510 - Ingraham
House Bill 546 - Hollandsworth

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House Bill 250 - Bangerter
House Bill 299 - Warburton

House Bill 552 - Neill

I am returning House Bill 554 -B. Smith with amendments.

I have vetoed House Bill 30 - Washburn, House Bill 162 - Flynn, House Bill 396 - Lang and House Bill 522 - Schwaderer.

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013

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

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

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 30 (HB 30), "AN ACT REVISING THE CLOSE OF LATE VOTER REGISTRATION; ENSURING COMPLIANCE WITH THE NATIONAL VOTER REGISTRATION ACT; AMENDING SECTIONS 13-2-301, 13-2-304, 13-19-207, AND 61-5-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

In 2005, the 59th Montana Legislature passed a measure that allowed an eligible voter to register at any time leading up to and including on Election Day. That measure passed with large, bipartisan support -141 to 9. Since then, 28,000 Montanans have registered and voted on Election Day and our democracy is better for it.

The nearly unanimous passage of Election Day Registration ensured that a lifelong voter would not be denied the opportunity to participate because a clerical error removed them from the voting rolls or a political operative attempted to purge them.

HB 30 seeks to eliminate those protections voters rely on.

Proponents of this measure cited long lines on Election Day as their primary reason for passing HB 30 and denying some eligible Montanans the right to participate in our democracy. I believe that the registration and voting process should become more convenient so that every eligible

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Montanan can have their say in our elections that includes ensuring that election officials have the tools they need to conduct elections efficiently. Regardless of whom they supported, we should celebrate that some Montanans would wait in line for several hours to cast their ballot and ensure their voices were heard -not using it as an excuse to make it more difficult for Montanans to exercise their rights.

If implemented, HB 30 could deny the fundamental right to the ballot to a senior citizen who moved into an assisted living facility. It could also disallow an active duty military member from voting because she happened to be deployed during an arbitrarily prescribed voter registration period.

I don't believe it is wise for elected leaders to step on the freedoms that Montanans expect us to protect. For these reasons, I respectfully request that you sustain my veto.

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013
The Honorable Mark Blasdel
Speaker of the House
State Capitol
Helena, MT 59620

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

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 162 (HB 162) "AN ACT ESTABLISHING A HIGH-DEDUCTIBLE HEALTH PLAN WITH A HEALTH SAVINGS ACCOUNT AS AN OPTIONAL HEALTH PLAN OFFERED UNDER THE STATE EMPLOYEE GROUP BENEFITS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

HB 162 unnecessarily mandates that the State Employee Group Benefit Plan offer a High Deductible Health Plan with a Health Savings Account. This is already an option the Plan may offer under current law. However, a mandate from the Legislature to the Department of Administration to require the plan to offer a particular benefit would be unprecedented. Currently, the Plan operates with broad guidance from the Legislature and within a specific appropriation, but is not mandated to offer any specific benefit. The language should stay as is, allowing the health plan to continue to analyze what is the best plan at any given period in time for state employees and what options may be in the best interests of the plan or its members, now or in the future.

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In addition, Section 1 (2) adds an unnecessary and redundant requirement that the department comply with the Montana Procurement Act (Act). As a state agency, the department already does this. Not only is the department required to follow this Act, but it is also the agency that administers the procurement program for the state.

The department has considered offering a high-deductible plan to state employees and will continue to consider this option irrespective of the bill. However, until the department has reached its own conclusions as to the merits of offering a high deductible plan, I oppose HB 162, which mandates such an option be offered. I therefore respectfully request that you sustain my veto.

Sincerely

STEVE BULLOCK
Governor

April 22, 2013

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

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

Dear Speaker Blasdel and President Essmann:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 396 (HB 396), "AN ACT REQUIRING APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS BEFORE THE DEPARTMENTS OF LIVESTOCK OR FISH, WILDLIFE, AND PARKS MAY AUTHORIZE ANY RELEASE, TRANSPLANTATION, OR RELOCATION OF WILD BUFFALO OR BISON CERTIFIED AS BRUCELLOSIS-FREE INTO A MONTANA COUNTY; AMENDING SECTIONS 81-2-120 AND 87-1-216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HB 396 sets a dangerous precedent by transferring authority for management of certain of the state's wildlife from the state to the counties. Montana's wildlife resources are managed by the state for good reasons, and the soundness of this policy is reflected in current statute in section 7-1-111 (12), MCA (prohibiting counties with self-government powers, which includes almost all counties, from exercising any power that applies to or affects fish and wildlife). Management of the public's wildlife should not be parsed out in a confusing manner among 56 counties and along arbitrary political boundaries that have little to do with how fish and wildlife are present on or utilize the landscape.

As an illustration of the problem, HB 396 fails to establish criteria by which counties must make decisions regarding wildlife transplantation, and it provides no appropriate public process for doing

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so. This would be in contrast to the current process, where wildlife management is defined by science, well-established criteria, and opportunity for public input. HB 396 is not sound public policy.

Finally, HB 396 runs counter to Montana's established laws for disease control and the transport of wildlife and livestock, by allowing county government to exercise veto authority over the transport of one particular species. Proper application and harmonization of these laws belongs in the hands of the state veterinarian and state livestock inspectors.

I am committed to ensuring that state government works cooperatively with Montana counties. On April 5, I signed into law SB 249, which further defines "consultation" with respect to the relationship between the Department of Fish, Wildlife & Parks and counties and tribes regarding management of predators and large game species. I have asked the department to carry forward the spirit of SB 249 as it works with counties and tribes on the management of all fish and wildlife.

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

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013

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

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

Dear Speaker Blasdel and President Essman:

In accordance with the power vested in me as Governor by the Constitution and the Laws of the State of Montana, I hereby veto House Bill 522 (HB 522), entitled, "AN ACT RELATING TO DETAINMENT WITHOUT CHARGE, MILITARY TRIBUNALS, AND TRANSFER TO FOREIGN JURISDICTIONS OF PERSONS RESIDING IN THE STATE OF MONTANA; PROHIBITING THE STATE FROM PROVIDING MATERIAL SUPPORT FOR CERTAIN FEDERAL ACTS; PROHIBITING STATE PARTICIPATION IN THE IMPLEMENTATION OF CERTAIN FEDERAL ACTS; REQUIRING PERIODIC REPORTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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HB 522 prohibits state agencies from providing material support in the implementation of sections 1021 and 1022 of the federal National Defense Authorization Act of 2012. Section 1021 of that Act has been challenged in federal court as being in violation of the First and Fifth Amendments to the U.S. Constitution. At issue in the litigation is whether section 1021 is overbroad or ambiguous and may allow for the indefinite detention of U.S. citizens who are journalists or activists. The litigation concerning the scope of Section 1021 is ongoing. See Christopher Hedges, et al. v. Barak Obama, et al., 890 F.Supp.2d 424 (S.D. N.Y., Sept. 12, 2012); Hedges, et al. v. Obama, 2012 U.S. App. LEXIS 19880 (2nd CiT., Sept. 17, 2012); Hedges, et al v. Obama, 133 S.Ct. 1307 (Feb. 19, 2013).

HB 522 is similar to other bills this legislative session which attempt to nullify federal law in some instances, and prohibit the nullification of federal law in other instances. I vetoed HB 302, which would have prohibited the enforcement of a potential federal ban on semiautomatic weapons, even though no ban is even being considered. I also vetoed HB 50, which would have prohibited local governments from "nullifying" federal immigration law. I now veto HB 522 for the same reasons. First, the scope and applicability of the National Defense Authorization Act is under litigation. The result of that litigation may render HB 522 unnecessary. Second -as I have previously stated while any citizen is entitled to make political statements, we ought not clutter the Montana code with such statements or put our law enforcement officers in an untenable position. This bill should more appropriately have been brought as a joint resolution.

For these reasons, I respectfully ask you to sustain my veto of HB 522.

Sincerely,

STEVE BULLOCK
Governor

April 22, 2013

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

Dear Speaker Blasdel:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 554 (HB 554), "AN ACT REVISING LAWS RELATED TO LEGISLATOR PAYROLL AND BENEFITS; AMENDING SECTIONS 52-302 AND 5-2-303, MCA; AND PROVIDING AN EFFECTIVE DATE."

HB 554 was originally designed to fix two issues related to legislator compensation and ensure that if a legislator is also a state employee, the State Plan would be paid only once for this employee. In the form approved by both houses, the issue of legislator compensation has been satisfactorily resolved; however, the benefits issue is not. As a result, under HB 554, the State Health Care Plan will receive double payments of the state share for state employees who are also legislators.

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In order to eliminate these double payments, it only makes sense that during the legislative session, the legislative branch would pay the state share and when the Legislature is not in session, the employing agency would pay the state share. My proposed amendment addresses the double payment issue by requiring just that.

I respectfully ask for your support of this amendment.

Sincerely,

STEVE BULLOCK
Governor

Report No. 001, April 23, 2013

Governor's recommendations for amendments to **House Bill 554** (reference copy -- salmon) are as follows:

1. Page 2, line 12.

Following: "(C)"

Insert: "(i)"

Strike: "MUST"

Insert: "may not"

2. Page 2, line 13.

Following: "WHO IS"

Insert: "also"

3. Page 2, line 15.

Insert: "(ii) The unused employer contributions under subsection (2)(c)(i) must revert to the general fund at the end of the biennium."

- End -

FIRST READING AND COMMITMENT OF BILLS

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

SJR 31, introduced by Phillips, referred to Natural Resources.

SJR 38, introduced by Windy Boy, Augare, Brockie, Calf Boss Ribs, Hamlett, Pease-Lopez, B. Smith, Stewart-Peregoy, Whitford, referred to Education.

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**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 Laszloffy in the chair.

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

HB 129 - Senate Amendments - Representative Gibson moved Senate amendments to **HB 129** be concurred in. Motion failed as follows:

Yeas: Ankney, Bangerter, Berry, Blyton, Clark, Connell, Cook, Cuffe, Ehli, Fitzpatrick, Gibson, Greef, Hagan, Hagstrom, Hertz, Hollandsworth, Hoven, Ingraham, McCarthy, McChesney, McNally, McNiven, Mehlhoff, O'Hara, Salomon, Shaw, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 31

Nays: Ballance, B. Bennett, J. Bennett, Boland, Boss Ribs, Brockie, Brodehl, Coffin, Court, Curtis, Doane, Dudik, Eck, Edmunds, Fiscus, Flynn, Galt, Glimm, Gursky, Halvorson, Hansen, Harris, Hill, Hollenbaugh, Howard, Hunter, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McClafferty, Miller, Moore, Neill, Noonan, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Schreiner, Schwaderer, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, White, Whitford, Wilson, Woods, Zolnikov.

Total 69

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 265 - Senate Amendments - Representative Fitzpatrick moved Senate amendments to **HB 265** 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, Cuffe, Curtis, Doane, Dudik, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Noonan,

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O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 95

Nays: Court, Eck, Kerns, Neill, Zolnikov.

Total 5

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 359 - Governor's Amendments - Representative Fitzpatrick moved Governor's amendments to **HB 359** be concurred in. Motion carried as follows:

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

Total 97

Nays: O'Neil, Schwaderer.

Total 2

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

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HB 431 - Conference Committee Report No. 1 - Representative Knudsen moved the Conference Committee report to **HB 431** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 98

Nays: Lang, O'Neil.
Total 2

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 81 - Representative Ballance moved **SB 81** be concurred in. Motion carried as follows:

Yeas: Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Hara, O'Neil, Osmundson, Randall, Regier, Reichner, Salomon, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.
Total 53

Nays: Ankney, B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gibson, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lang, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Redfield, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.
Total 47

Voted Absentee: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative McClafferty on a **Point of Personal Privilege** rose to say that she is a special ed teacher and resented comments made that special needs children's requirements were not being met in public school. The Chair ruled her out of order.

SB 410 - Representative Vance moved consideration of **SB 410** be passed for the day. Motion Carried.

SB 148 - Free Conference Committee Report No. 1 - Representative Fitzpatrick moved the Free Conference Committee report to **SB 148** be adopted. Motion carried as follows:

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

Total 60

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

Total 39

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Brockie.

Total 1

SB 305 - Conference Committee Report No. 1 - Representative Randall moved the Conference Committee report to **SB 305** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Connell, Cook, Cuffe, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary,

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Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Williams, Zolnikov, Mr. Speaker.

Total 59

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

Total 40

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

SJR 18 - Free Conference Committee Report No. 1 - Representative Halvorson moved the Free Conference Committee report to **SJR 18** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, 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 61

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

Total 39

Voted Absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

Representative B. Bennett moved to reconsider action on **HB 129**.

Motion **passed** as follows:

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

Total 57

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

Total 43

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 129 - Senate Amendments- Representative Gibson moved the Conference Committee report to **HB 129** be adopted. Motion carried as follows:

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

Total 59

Nays: Ballance, J. Bennett, Brodehl, Doane, Edmunds, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Halvorson, Hansen, Harris, Hoven, Howard, Jones, Kary, Kerns, Knudsen, Lang,

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Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.
Total 41

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

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 Laszloffy moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brockie, Brodehl, Clark, Connell, Cook, Court, Cuffe, Doane, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lynch, MacDonald, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Moore, Neill, Noonan, O'Hara, Osmundson, Peppers, Pomnichowski, Price, Randall, Redfield, Regier, Salomon, Schwaderer, Shaw, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Williams, Wilmer, Mr. Speaker.
Total 79

Nays: B. Bennett, Boland, Boss Ribs, Coffin, Curtis, Dudik, Gursky, Lieser, McCarthy, Miller, O'Neil, Pease-Lopez, Pierson, Schreiner, B. Smith, Warburton, Whitford, Wilson, Woods, Zolnikov.
Total 20

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: Reichner.
Total 1

THIRD READING OF BILLS

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

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HB 133, Conference Committee Report No. 1, adopted as follows:

Yeas: Ankney, Ballance, Bangerter, Berry, Blyton, Boss Ribs, Brockie, Brodehl, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Fiscus, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Miller, Moore, Neill, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Price, Randall, Regier, Reichner, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Wagoner, Washburn, Welborn, Whitford, Williams, Wilmer, Zolnikov, Mr. Speaker.
Total 75

Nays: B. Bennett, J. Bennett, Boland, Coffin, Court, Curtis, Doane, Dudik, Eck, Fitzpatrick, Gursky, Halvorson, Hill, Hollenbaugh, Kerns, McNiven, Noonan, Pomnichowski, Redfield, Schreiner, Vance, Warburton, White, Wilson, Woods.
Total 25

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 274, as amended by the Governor, passed as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, Neill, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Steenberg, Vance, Wagoner, Warburton, Washburn, Welborn, White, Wilmer, Zolnikov, Mr. Speaker.
Total 63

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Jacobson, Kerns, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Swanson, Whitford, Williams, Wilson, Woods.
Total 36

Voted Absentee: None.

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Excused: None.

Total 0

Absent or not voting: Jones.

Total 1

HB 377 passed as follows:

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

Total 56

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

Total 44

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 342, Free Conference Committee Report No. 1, adopted as follows:

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

Total 60

Nays: Ballance, J. Bennett, Berry, Blyton, Brodehl, Cuffe, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Hagstrom, Harris, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Neil, Osmundson, Randall, Redfield, Regier, C.

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Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov.
Total 40

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 394 passed as follows:

Yeas: Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, 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, Welborn, White, Zolnikov, Mr. Speaker.
Total 57

Nays: Ankney, B. Bennett, Boland, Boss Ribs, Coffin, Court, Curtis, Dudik, Eck, Gursky, 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, Whitford, Williams, Wilmer, Wilson, Woods.
Total 42

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: Brockie.
Total 1

House in Recess.
House Reconvened.

**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 Jacobson in the chair.

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

HB 120 - Free Conference Committee Report No. 1 - Representative Ingraham moved the Free Conference Committee report to **HB 120** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, 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, 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, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Wilmer, Woods, Zolnikov, Mr. Speaker.
Total 94

Nays: B. Bennett, Gursky, Pomnichowski, Whitford, Williams, Wilson.
Total 6

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 218 - Representative Jacobson moved consideration of **HB 218** be placed at the bottom of the second reading board. Motion Carried.

HB 240 - Free Conference Committee Report No. 1 - Representative C. Smith moved the Free Conference Committee report to **HB 240** be adopted. Motion carried as follows:

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

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

Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 40

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 554 - Governor's Amendments - Representative B. Smith moved Governor's amendments to **HB 554** be concurred in. Motion carried as follows:

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

Total 99

Nays: Schwaderer.

Total 1

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 96 - Free Conference Committee Report No. 1 - Representative G. Bennett moved the Free Conference Committee report to **SB 96** be adopted. Motion carried as follows:

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Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, 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 61

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

Total 39

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 173 - Free Conference Committee Report No. 1 - Representative Lang moved the Free Conference Committee report to **SB 173** be adopted. Motion **failed** as follows:

Yeas: Lynch, Noonan, Pierson.

Total 3

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

Voted Absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 282 - Free Conference Committee Report No. 1 - Representative Hansen moved the Free Conference Committee report to **SB 282** be adopted. Motion carried as follows:

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

Total 62

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

Total 38

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 323 - Conference Committee Report No. 1 - Representative Salomon moved the Conference Committee report to **SB 323** be adopted. Motion carried as follows:

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

Total 60

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

Total 40

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Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 337 - Governor's Amendments - Representative Lenz moved Governor's amendments to **SB 337** be concurred in. Motion **failed** as follows:

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

Total 39

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, Lenz, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 61

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 218 - Free Conference Committee Report No. 1 - Representative Ankney moved the Free Conference Committee report to **HB 218** be adopted. 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, 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, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Halvorson, Whitford.

Total 2

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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 Jacobson 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, Connell, Cook, Court, Cuffe, Curtis, Doane, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lynch, McChesney, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pierson, Pomnichowski, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer.

Total 82

Nays: B. Bennett, Boland, Coffin, Dudik, Gursky, Lieser, MacDonald, McCarthy, McClafferty, Pease-Lopez, Peppers, Price, Schreiner, Swanson, Wilson, Woods, Zolnikov.

Total 17

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

House Recessed.

House Reconvened.

Roll Call. All members present. Quorum present.

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

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

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

SB 410 - Representative Ankney moved **SB 410** be concurred in.

SB 410 - Speaker Blasdel moved **SB 410**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

Following: "ACT;"

Insert: "CREATING STATE SPECIAL REVENUE ACCOUNTS AND AUTHORIZING APPROPRIATIONS PURSUANT TO THOSE ACCOUNTS IN ORDER TO IMPLEMENT CERTAIN TRANSFERS; AMENDING SECTION 17-7-502, MCA;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 10.

Strike: "Transfer."

Insert: "Transfers. (1)"

3. Page 1, following line 11.

Insert: "(2) By July 1, 2013, the state treasurer shall transfer the following amounts from the general fund:

- (a) \$2 million to the corrections operations account established in [section 2];
- (b) \$2 million to the public health operations account established in [section 3];
- (c) \$7.5 million to the governor's operations account established in [section 4];
- (d) \$2 million to the department of labor and industry operations account established in [section 5].

Insert: "NEW SECTION. Section 2. Corrections operations account -- statutory appropriation. (1) There is a corrections operations account in the state special revenue fund. The account consists of money deposited into the account pursuant to [section 1(2)(a)].

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of corrections for the biennium beginning July 1, 2013, for the purpose of funding various operations costs of the department."

Insert: "NEW SECTION. Section 3. Public health operations account -- statutory appropriation. (1) There is a public health operations account in the state special revenue fund. The account consists of money deposited into the account pursuant to [section 1(2)(b)].

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

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department of public health and human services for the biennium beginning July 1, 2013, for the purpose of funding various operations, benefits, and grant costs of the department.

(3) Notwithstanding the provisions of 17-7-402 and 17-7-403, the department may add authority through the budget amendment process for any federal funds matched by these funds."

"NEW SECTION. Section 4. Governor's operations account. (1) There is a governor's operations account in the state special revenue fund. The account consists of money deposited into the account pursuant to [section 1(2)(c)].

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the governor's office of budget and program planning for the biennium beginning July 1, 2013, for the purpose of transferring money to the following departments to fund operations costs:

- (a) the department of public health and human services;
- (b) the department of natural resources and conservation;
- (c) the department of environmental quality;
- (d) the department of administration;
- (e) the department of commerce;
- (f) the department of revenue;
- (g) the department of corrections;
- (h) the department of labor and industry; and
- (i) the governor's office."

Insert: "NEW SECTION. Section 5. Department of labor and industry operations account. (1) There is a department of labor and industry operations account in the state special revenue fund. The account consists of money deposited into the account pursuant to [section 1(2)(d)].

(2) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of labor and industry for the biennium beginning July 1, 2013, for the purpose of funding various operations costs of the department."

Insert: "Section 6. 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 that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: [section 4]; 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;

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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; [section 5]; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; [section 3]; [section 2]; 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.)"

Insert: "NEW SECTION. Section 7. Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 50, and the provisions of Title 50 apply to [section 3].

(3) [Section 4] is intended to be codified as an integral part of Title 2, chapter 15, part 2, and the provisions of Title 2, chapter 15, part 2, apply to [section 4].

(4) [Section 5] is intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [section 5]."

Insert: "NEW SECTION. Section 8. Coordination instruction. If House Bill No. 2 is passed and approved, the conditional language on page B-8, lines 9 through 11, of the reference copy must read as follows:

(1) Subject to subsection (2), \$60 million is unrestricted for use in programs

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administered by the department, and Medicaid Services -- Developmental Services, Medicaid Services -- Health Resources, Medicaid Services -- Senior and Long-Term Care, and Medicaid Services -- Addictive and Mental Disorders may be used only to pay for medicaid services for existing eligible medicaid enrollees for expenses recorded as benefits and claims in the state accounting system and may not be transferred to other uses in the department.

(2) The funds in subsection (1) may not be used to expand the medicaid program as allowed under Public Law 111-148 and Public Law 111-152 to newly eligible populations as defined in NFIB v. Sebelius, 132 S. Ct. 2566 (2012)."

Renumber: subsequent section

4. Page 1, following line 14.

Insert: "NEW SECTION. **Section 10. Termination date.** [This act] terminates June 30, 2015."

Amendment adopted as follows:

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

Total 76

Nays: Ballance, J. Bennett, Doane, Edmunds, Fiscus, Flynn, Galt, Glimm, Hagstrom, Hansen, Harris, Hertz, Jones, Kary, Kerns, McNiven, O'Neil, Randall, Redfield, Regier, Wagoner, Warburton, White, Zolnikov.

Total 24

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 410 - Representative Ankney moved **SB 410**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Ehli, Fitzpatrick, Gibson, Greef, Gursky,

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Hagan, Halvorson, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jacobson, Knudsen, Lang, Lavin, 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, Vance, Washburn, Welborn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 71

Nays: Ballance, J. Bennett, Blyton, Doane, Edmunds, Fiscus, Flynn, Galt, Glimm, Hagstrom, Hansen, Harris, Howard, Jones, Kary, Kerns, Laszloffy, McNiven, Miller, O'Neil, Randall, Redfield, Regier, Schwaderer, C. Smith, Wagoner, Warburton, White, Zolnikov.

Total 29

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 28 - Governor's Amendments - Representative C. Smith moved Governor's amendments to **SB 28** be concurred in. Motion carried as follows:

Yeas: Ballance, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, 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, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 92

Nays: Ankney, J. Bennett, Berry, Brodehl, Harris, Kerns, Shaw, Welborn.

Total 8

Voted Absentee: None.

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

SB 348 - Free Conference Committee Report No. 1 - Representative Salomon moved the Free Conference Committee report to **SB 348** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Blyton, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Ehli, Fiscus, Fitzpatrick, Galt, Gibson, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Jacobson, Jones, Kary, Knudsen, 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, Regier, Reichner, Salomon, Schreiner, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Washburn, Whitford, Williams, Wilmer, Wilson, Woods, Mr. Speaker.

Total 81

Nays: J. Bennett, Berry, Brodehl, Doane, Edmunds, Flynn, Glimm, Hansen, Harris, Ingraham, Kerns, Lang, Randall, Redfield, Schwaderer, Warburton, Welborn, White, Zolnikov.

Total 19

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Vance moved the committee rise and report. Motion Carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Wagoner moved the Committee of the Whole report be adopted. Report adopted as follows:

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

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

Nays: Harris.
Total 1

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Representative Schwaderer moved to override the Governor's Veto on **HB 522**.

Motion **failed** as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Coffin, Connell,
Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef,
Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard,
Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore,
O'Neil, Osmundson, Pomnichowski, Randall, Redfield, Regier, Reichner, Salomon,
Schwaderer, C. Smith, Squires, Vance, Wagoner, Warburton, Washburn, Welborn, White,
Wilson, Woods, Zolnikov, Mr. Speaker.
Total 64

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Court, Curtis, Dudik, Eck, Gursky, Hill,
Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney,
McClafferty, McNally, Mehlhoff, Noonan, O'Hara, Pease-Lopez, Peppers, Pierson, Price,
Schreiner, Shaw, B. Smith, Steenberg, Swanson, Whitford, Williams, Wilmer.
Total 35

Voted Absentee: None.

Excused: None.
Total 0

Absent or not voting: Neill.
Total 1

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Representative Flynn moved to override the Governor's Veto on **HB 162**.

Motion **failed** as follows:

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

Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, 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 61

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

Total 38

Voted Absentee: None.

Excused: None.

Total 0

Absent or not voting: Neill.

Total 1

Majority Leader Vance moved the House accede to the request of the Senate and appoint a Conference Committee on **SB 348**. Motion Carried. Speaker Blasdel appointed:

4/23/2013

Representative Salomon, Vice Chair

Representative Blyton

Representative McClafferty

UNFINISHED BUSINESS

Chief Clerk Grovom read a message from Jennifer Simmons, Financial Services Manager, providing the Legislator's final Per Diem and Payroll information.

SPECIAL ORDERS OF THE DAY

Representative Pease-Lopez introduced Representative Connell who played the piano for the House.

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 9:00 a.m., Wednesday, April 24, 2013. Motion carried.

House adjourned at 11:10 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House