

**HOUSE JOURNAL
64TH LEGISLATURE
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 25, 2015

House Chambers
State Capitol

House convened at 8:00 a.m. Mr. Speaker presiding. Invocation by Representative Hagstrom. Pledge of Allegiance to the Flag. Roll Call. All members present, except Representative Webber, excused. Quorum present.

BILLS (Welborn, Chair):

4/25/2015

Correctly enrolled: **HB 33, HJR 26, HJR 29.**

Signed by the President at 8:30 a.m., April 25, 2015: **HB 4, HB 7, HB 9, HB 11, HB 28, HB 34, HB 114, HB 115, HB 140, HB 150, HB 156, HB 167, HB 204, HB 211, HB 219, HB 223, HB 226, HB 228, HB 270, HB 300, HB 306, HB 359, HB 403, HB 423, HB 454, HB 463, HB 464, HB 487, HB 488, HB 496, HB 510, HB 517, HB 559, HB 560, HB 577, HB 590, HB 599, HB 604, HB 617, HB 627, HB 628, HB 629, HJR 13.**

Delivered to the Governor at 9:37 a.m., April 25, 2015: **HB 34, HB 204, HB 270, HB 306.**

Delivered to the Governor for approval at 9:37 a.m., April 25, 2015: **HB 4, HB 7, HB 9, HB 11, HB 28, HB 114, HB 115, HB 150, HB 156, HB 167, HB 211, HB 219, HB 223, HB 226, HB 228, HB 300, HB 359, HB 403, HB 423, HB 454, HB 463, HB 464, HB 487, HB 488, HB 496, HB 510, HB 517, HB 559, HB 560, HB 577, HB 590, HB 599, HB 604, HB 617, HB 627, HB 628, HB 629.**

Representative Custer rose on a **Point of Personal Privilege** regarding a document that referred to her legislation in a negative manner.

MESSAGES FROM THE SENATE

House joint resolutions concurred in and returned to the House:

4/24/2015

HJR 26, introduced by Pierson

HJR 29, introduced by Olsen

House amendments to Senate bill concurred in:

4/24/2015

SB 316, introduced by Webb

Conference Committee Report No.1 adopted:

4/24/2015

HB 10, introduced by McCarthy

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Free Conference Committee Report No.1 adopted:

4/24/2015

HB 2, introduced by Ballance
HB 6, introduced by Cuffe
HB 33, introduced by Ehli
SB 260, introduced by F. Moore
SB 354, introduced by Ripley
SB 418, introduced by L. Jones

MESSAGES FROM THE GOVERNOR

April 24, 2015

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Speaker Knudsen:

Please be informed that I have signed **House Bill 60** sponsored by Representative Curdy, **House Bill 89** sponsored by Representative Dudik, **House Bill 196** sponsored by Representative Webber, **House Bill 337** sponsored by Representative Karjala, **House Bill 358** sponsored by Representative Lynch, **House Bill 525** sponsored by Representative Noland, **House Bill 553** sponsored by Representative Noland, and **House Bill 606** sponsored by Representative Clark on April 24, 2015.

Sincerely,

STEVE BULLOCK
Governor

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:

SB 416 failed (due to the 2/3 vote requirement) as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Garner, Hayman, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Moore, Noonan, Olsen, Osmundson,

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Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Welborn, Williams, Wilson, Woods, Mr. Speaker.
Total 64

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Doane, Ehli, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hertz, Jones, Lamm, Lang, Laszloffy, Manzella, Monforton, Mortensen, Noland, Olszewski, Pinocci, Randall, Redfield, Regier, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov.
Total 35

Excused: Webber.
Total 1

Absent or not voting: None.
Total 0

HB 33 passed as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Flynn, Funk, Garner, Glimm, Greef, Hagstrom, Harris, Hayman, Hertz, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, Mandeville, Manzella, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Meyers, Miller, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Tschida, Welborn, White, Williams, Wilson, Woods, Mr. Speaker.
Total 91

Nays: B. Brown, Burnett, Lamm, Monforton, Schwaderer, Wagoner, Wittich, Zolnikov.
Total 8

Excused: Webber.
Total 1

Absent or not voting: None.
Total 0

SB 354 concurred in as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Clark, Cook, Cuffe, Custer, Doane, Ehli, Essmann, Fitzpatrick, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jones, Lang, Laszloffy, Lavin, Mandeville, Manzella, McCarthy, McKamey, Mehlhoff, Meyers, Miller, Moore, Mortensen, Noland, Olszewski, Osmundson, Perry, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schwaderer, Shaw, Staffanson,

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Tschida, Wagoner, Welborn, White, Mr. Speaker.

Total 57

Nays: B. Bennett, Z. Brown, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Fiscus, Funk, Hayman, Hill, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lamm, Lieser, Lynch, MacDonald, McClafferty, McConnell, Monforton, Noonan, Olsen, Pease-Lopez, Peppers, Person, Pierson, Pope, Price, Schreiner, Smith, Steenberg, Swanson, Tropila, Williams, Wilson, Wittich, Woods, Zolnikov.

Total 42

Excused: Webber.

Total 1

Absent or not voting: None.

Total 0

MOTIONS

Representative Hertz moved to Suspend the Rules in order to reconsider action on **SB 402** and that **SB 402** be placed on third reading on this same day, April 25, 2015..

Motion **passed** as follows:

Yeas: Ballance, Berglee, Berry, Clark, Cook, Cuffe, Curdy, Custer, Doane, Dudik, Ehli, Essmann, Fiscus, Fitzpatrick, Funk, Garner, Greef, Hagstrom, Harris, Hertz, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Laszloffy, Lavin, Lieser, Lynch, Mandeville, McCarthy, McClafferty, McKamey, Mehlhoff, Meyers, Miller, Moore, Mortensen, Noland, Noonan, Olsen, Olszewski, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Schwaderer, Shaw, Smith, Swanson, Tschida, Wagoner, Welborn, White, Williams, Woods, Mr. Speaker.

Total 71

Nays: B. Bennett, J. Bennett, Brodehl, B. Brown, Z. Brown, Burnett, Court, Dunwell, Eck, Ellis, Flynn, Glimm, Hayman, Hess, Hill, Lamm, MacDonald, Manzella, McConnell, Monforton, Osmundson, Pope, Staffanson, Steenberg, Tropila, Wilson, Wittich, Zolnikov.

Total 28

Excused: Webber.

Total 1

Absent or not voting: None.

Total 0

Minority Leader Hunter moved to reconsider action on **SB 416** and that **SB 416** be placed on third reading on this same day, April 25, 2015.

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Representative Wittich made a substitute motion to adjourn until Monday, April 26, 2015.

Motion **failed** as follows:

Yeas: Ballance, J. Bennett, Brodehl, B. Brown, Cuffe, Ehli, Fiscus, Flynn, Glimm, Hagstrom, Harris, Hertz, Hess, Lamm, Laszloffy, Manzella, Meyers, Monforton, Mortensen, Noland, Olsen, Olszewski, Pinocci, Ricci, Schwaderer, Staffanson, Tschida, White, Wittich, Zolnikov.

Total 30

Nays: B. Bennett, Berglee, Berry, Z. Brown, Burnett, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Garner, Greef, Hayman, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, McKamey, Mehlhoff, Miller, Moore,

Noonan, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Randall, Redfield, Regier, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Wagoner, Welborn, Williams, Wilson, Woods, Mr. Speaker.

Total 69

Excused: Webber.

Total 1

Absent or not voting: None.

Total 0

Motion to reconsider **passed** as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Garner, Hayman, Hess, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lang, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, Mehlhoff, Moore, Noonan, Olsen, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Richmond, Salomon, Schreiner, Shaw, Smith, Staffanson, Steenberg, Swanson, Tropila, Welborn, Williams, Wilson, Woods, Mr. Speaker.

Total 60

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hertz, Jones, Lamm, Laszloffy, Lavin, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Pinocci, Randall, Redfield, Regier, Ricci, Schwaderer, Tschida, Wagoner, White, Wittich, Zolnikov.

Total 39

Excused: Webber.

Total 1

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Absent or not voting: None.

Total 0

House Recessed.

House Reconvened.

THIRD READING OF BILLS

SB 416 failed (due to 2/3 vote requirement) as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Garner, Hayman, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, Mehlhoff, Moore, Noonan, Olsen, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Welborn, Williams, Wilson, Woods, Mr. Speaker.

Total 60

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Doane, Ehli, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Jones, Lamm, Lang, Laszloffy, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Pinocci, Randall, Redfield, Regier, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov.

Total 39

Excused: Webber.

Total 1

Absent or not voting: None.

Total 0

SB 402 failed as follows:

Yeas: Berglee, Berry, Clark, Cook, Cuffe, Custer, Doane, Dudik, Ehli, Essmann, Fitzpatrick, Funk, Garner, Hertz, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kipp III, Lang, Laszloffy, Lavin, Lynch, McCarthy, McClafferty, McKamey, Mehlhoff, Meyers, Miller, Moore, Noonan, Pease-Lopez, Peppers, Perry, Person, Pierson, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Swanson, Welborn, Mr. Speaker.

Total 49

Nays: Ballance, B. Bennett, J. Bennett, Brodehl, B. Brown, Z. Brown, Burnett, Court, Curdy, Dunwell, Eck, Ellis, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hayman, Hill, Jones, Kelker, Lamm, Lieser, MacDonald, Mandeville, Manzella, McConnell, Monforton, Mortensen, Noland, Olsen, Olszewski, Osmundson, Pinocci, Pope, Price, Schwaderer, Staffanson, Steenberg, Tropila, Tschida, Wagoner, White, Williams, Wilson, Wittich, Woods, Zolnikov.

Total 49

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Excused: Webber.

Total 1

Absent or not voting: Hess.

Total 1

MOTIONS

Representatives McClafferty, Funk and Kelker moved to change their vote on **SB 354** from Yes to No. Without objection, so ordered.

Minority Leader Hunter moved to reconsider action on **SB 416** and that **SB 416** be placed on third reading on Monday, April 27, 2015.

Representative Wittich made a substitute motion to adjourn and reconvene, April 27, 2015 at 12:00 p.m.

Motion **failed** as follows:

Yeas: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Ehli, Essmann, Fiscus, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hertz, Holmlund, Jones, Lamm, Laszloffy, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Pinocci, Randall, Redfield, Regier, Ricci, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.

Total 43

Nays: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ellis, Fitzpatrick, Funk, Hayman, Hess, Hill, Hollandsworth, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, Mehlhoff, Moore, Noonan, Olsen, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Welborn, Williams, Wilson, Woods.

Total 56

Excused: Webber.

Total 1

Absent or not voting: None.

Total 0

Motion to reconsider **passed** as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fitzpatrick, Funk, Garner, Hayman, Hill, Hollandsworth, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lavin, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell,

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Mehlhoff, Moore, Noonan, Olsen, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Welborn, Williams, Wilson, Woods, Mr. Speaker.

Total 56

Nays: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Doane, Ehli, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Holmlund, Jones, Lamm, Lang, Laszloffy, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Schwaderer, Staffanson, Wagoner, White, Wittich, Zolnikov.

Total 42

Excused: Webber.

Total 1

Absent or not voting: Tschida.

Total 1

Representative Wittich rose on appeal, requesting an interpretation of the Rules from the Speaker with regard to his objection, citing H50-170(7).

The Speaker ruled that when an action is taken and fails on reconsideration, it cannot be reconsidered further. However, if a reconsideration motion passes, the legislation may continue to be reconsidered. Therefore, the Speaker ruled the objection out of order.

Representative Richmond moved to reconsider action on **SB 402** and that **SB 402** be placed on third reading on this same day, April 25, 2015.

Representative Wittich made a substitute motion to adjourn.

Motion failed as follows:

Yeas: Ballance, J. Bennett, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Ehli, Ellis, Essmann, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hertz, Holmlund, Jones, Lamm, Laszloffy, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, Mortensen, Noland, Olszewski, Osmundson, Peppers, Pinocci, Schwaderer, Tropila, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.

Total 40

Nays: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Fitzpatrick, Funk, Garner, Hayman, Hess, Hill, Hollandsworth, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McConnell, Mehlhoff, Moore, Noonan, Olsen, Pease-Lopez, Perry, Person, Pierson, Pope, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Staffanson, Steenberg, Swanson, Welborn, Williams, Wilson, Woods.

Total 58

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Excused: Webber.

Total 1

Absent or not voting: Tschida.

Total 1

Motion to reconsider **failed** as follows:

Yeas: Berry, Clark, Cook, Cuffe, Curdy, Custer, Doane, Dudik, Essmann, Fitzpatrick, Funk, Garner, Hertz, Hollandsworth, Holmlund, Hunter, Jacobson, Karjala, Kipp III, Lang, Lavin, Lynch, McCarthy, McClafferty, McKamey, Mehlhoff, Miller, Moore, Noonan, Pease-Lopez, Perry, Person, Pierson, Price, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Swanson, Wagoner, Welborn, Mr. Speaker.

Total 47

Nays: Ballance, B. Bennett, J. Bennett, Berglee, Brodehl, B. Brown, Z. Brown, Burnett, Court, Dunwell, Eck, Ehli, Ellis, Fiscus, Flynn, Glimm, Greef, Hagstrom, Harris, Hayman, Hess, Hill, Jones, Kelker, Lamm, Laszloffy, Lieser, MacDonald, Mandeville, Manzella, McConnell, Meyers, Monforton, Mortensen, Noland, Olsen, Olszewski, Osmundson, Peppers, Pinocci, Pope, Schwaderer, Staffanson, Steenberg, Tropila, White, Williams, Wilson, Wittich, Woods, Zolnikov.

Total 51

Excused: Webber.

Total 1

Absent or not voting: Tschida.

Total 1

Representative Dudik rose on a **Point of Order** stating that per H60-40(a), a substitute motion to adjourn during a reconsider motion was out of order.

Representative Essmann rose on a **Point of Order**, stating that H60-40 only applied when the motion was interrupting a vote.

SPECIAL ORDERS OF THE DAY

Representative Williams rose to thank Representative Pierson and Senator Blasdel for the Prime Rib Dinner they prepared for members of the Legislature in the Rotunda. Representative Pierson announced that the dinner raised \$560 for Special Olympics.

Representative Tropila thanked the pages for their service.

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ANNOUNCEMENTS

Majority Leader Regier moved that the House adjourn until 10:00 a.m., Monday, April 27, 2015.
Motion carried.

House adjourned at 9:20 a.m.

LINDSEY GROVOM
Chief Clerk of the House

AUSTIN KNUDSEN
Speaker of the House