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

Roll Call. All members present, except Representatives Hagstrom and Woods, excused. Quorum present.

BILLS (Welborn, Chair): 2/23/2015

Correctly printed: HB 443, HB 446, HB 581.
Transmitted to the Senate: HB 290, HB 374.
Signed by the President at 10:15 a.m., February 23, 2015: HB 74.
Signed by the Speaker at 10:20 a.m., February 24, 2015: HB 27.
Signed by the Chief Clerk of the House at 11:20 a.m., February 24, 2015: HB 27.
Delivered to the Governor for approval at 10:45 a.m., February 23, 2015: HB 74.

LEGISLATIVE ADMINISTRATION (Welborn, Chair): 2/23/2015

MR. SPEAKER:
We, your committee on Legislative Administration recommend that employment of the following pages of the House be ceased as of 12:00 p.m., Saturday, February 21, 2015:

Maggie Miltko, Missoula
Barclay Fagg, Billings
Harrison Fagg, Billings
Dylan Myhre, Hamilton
Jackson Boos, Billings
Shalom Baer, Kalispell

and recommend that the following pages of the House be employed as of 1:00 p.m., Monday, February 23, 2015:

Hannah Fischer, Helena
Thomas Whyte, Helena
Autumn Webber, Browning
Tanner Marks, Helena
Mariah Welch, Billings
COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, and thirtieth legislative days, find the same to be correct.

Representative Welborn, Chair

REPORTS OF STANDING COMMITTEES

JUDICIARY (Bennett, Chair):

HB 397, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.
   **Strike:** "ELIMINATING THE ABILITY OF A BIRTH PARENT TO REQUEST THAT AN ORIGINAL BIRTH CERTIFICATE FOR AN ADOPTEE NOT BE RELEASED WITHOUT A COURT ORDER;"

2. Title, page 1, line 7.
   **Strike:** "42-5-109, 42-5-202,"

   **Following:** "certificate"
   **Insert:** "unless the birth parent has specifically requested in writing that the vital statistics bureau withhold release of the original birth certificate. The birth parent may change the request at any time by notifying the vital statistics bureau in writing of the change"

   **Strike:** section 2 through section 3 in their entirety
   **Renumber:** subsequent sections

   **Strike:** "an adoptee who has reached 18 years of age;"

   **Strike:** "]
Strike: "and"

Following: "review"
Insert: "; and
(e) an original birth certificate as provided for in 42-6-109"

Following: "1985"
Insert: ", or 30 years or more ago, whichever date is later"

Following: "1997;"
Insert: "and"

Strike: "and before October 1, 2015;"

Strike: "; and" on line 10 through "2015" on line 12

Strike: "unless" on line 25 through "order" on line 28

Following: line 30
Insert: "(3) A birth parent may request in writing to the vital statistics bureau that the birth certificate for an adoptee not be released without a court order. The birth parent may change the request at any time by notifying the vital statistics bureau in writing of the change."

15. Page 5, line 1.
Strike: "(3)"
Insert: "(4)"


HB 444, introduced bill, be amended as follows:

1. Page 2, line 10.
Insert: "(4) "Governmental entity" means a state or local agency, including by not limited to a law enforcement entity or any other investigative entity, agency, department, division, bureau,
board, or commission or an individual acting or purporting to act for or on behalf of a state or local agency.”

   Following: "provider of"
   Insert: "the"

   Following: "(B)"
   Insert: "of"

   Strike: "communications"
   Insert: "communication"

5. Page 4, line 2.
   Strike: "communications system"
   Insert: "communication service"

   Following: line 2
   Insert: "(3) Nothing in [sections 1 through 8] may be construed to limit a governmental entity’s ability to use, maintain, or store information on its own electronic communication service or to disseminate information stored on its own electronic communication service."

   Strike: "government"
   Insert: "governmental"

   Following: "provider of"
   Insert: "an"

   Following: "of"
   Insert: "an"
   Strike: "communications"
   Insert: "communication"


HB 445, introduced bill, be amended as follows:

1. Page 1, line 12.
   Following: "Definitions."

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Insert: "As used in sections [1 through 4], the following definitions apply:"

2. Page 1, line 28.
Strike: "(a)"

3. Page 2, line 1 through line 5.
Strike: subsection (b) through subsection (c) in their entirety

Following: "(d)"
Insert: "if"

5. Page 2, line 16.
Following: line 15
Insert: "(3) Nothing in [sections 1 through 4] may be construed to limit a government entity's ability to use, maintain, or store information on its own electronic devices or to disseminate information stored on its own electronic devices."

Following: "(iii)"
Insert: "of"

Following: "(B)"
Insert: "of"


HB 505, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.
Strike: "IF" on line 6 through "WORKPLACE" on line 7

2. Page 1, line 12 through line 13.
Strike: "that" on line 12 through "workplace" on line 13

HB 533, introduced bill, be amended as follows:

1. Page 2, line 30.
   Following: "authorized"
   Insert: "in writing"


HB 583, introduced bill, be amended as follows:

1. Page 3, line 30.
   Following: line 29
   Insert: "NEW SECTION. Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
   Renumber: subsequent sections


TRANSPORTATION (Lavin, Chair): 2/20/2015

HB 415, introduced bill, be amended as follows:

1. Title, line 6 through line 7.
   Strike: "PROHIBITING" on line 6 through "EXCEPTIONS;" on line 7

2. Page 3, line 15 through page 4, line 19.
   Strike: section 3 in its entirety
   Renumber: subsequent sections

3. Page 5, line 3 through line 4.
   Strike: section 5 in its entirety


HB 486, introduced bill, be amended as follows:

1. Title, line 8.
   Strike: "45-5-205,"
   Strike: "61-8-401,"
2. Page 2, line 22 through page 3, line 5.
Strike: section 3 in its entirety
Renumber: subsequent sections

3. Page 19, line 4 through line 6.
Strike: "If" on line 4 through "source." on line 6

Following: "miles an hour"
Strike: ", 48.28" through "hour."

5. Page 20, line 5 through page 21, line 12.
Strike: section 6 in its entirety
Renumber: subsequent sections

6. Page 21, line 17.
Strike: "The"
Insert: "Subject to the exceptions stated in this part, the"
Following: "whenever"
Insert: ": (a)"

7. Page 21, line 18.
Following: "highway"
Insert: ";"
Following: "open"
Insert: "(b) a bicycle is operated on"
Strike: "or mopeds"

8. Page 21, line 18 through line 19.
Strike: "subject" on line 18 through "part" on line 19

Following: "sidewalks"
Insert: "and bike lanes"
Strike: "A"
Insert: "Subject to the provisions of subsection (3)(b), a"

Following: "(3)"
Insert: "(a)"

Following: line 7

Insert: "(b)  A moped may be operated on and along a sidewalk or a bicycle path only under human propulsion and may not be operated on or along a sidewalk or bicycle path if the moped is under power from an independent power source.
   (c)  A moped may be operated under human propulsion or an independent power source on a highway, in a designated bicycle lane on a highway, or on the shoulder of a highway."


HB 491, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

Strike: "PROVIDING" on line 6 through "CONVICTIONS" on line 9

Insert: "CLARIFYING ELIGIBILITY"

2. Page 5, line 8 through line 12.

Strike: subsection (4) in its entirety

Insert: "(4)  A person is eligible to participate in and a court may compel a person to participate in a sobriety program if the person:
   (a) is charged with violating 61-8-465; or
   (b)(i)  is charged with or has been convicted of violating 61-8-401 or 61-8-406; and
   (ii)  at any time in the 10 years preceding the date of the current charge or conviction:
      (A)  has been convicted in this state of a violation of 61-8-401, 61-8-406, or 61-8-465;
      (B)  has been convicted of a violation of a statute or regulation in another state or on a federally recognized Indian reservation that is similar to 61-8-401, 61-8-406, or 61-8-465; or
      (C)  has forfeited bail or collateral deposited to secure the defendant's appearance in court in this state, in another state, or on a federally recognized Indian reservation for a charge of violating 61-8-401, 61-8-406, 61-8-465, or a similar statute or regulation and the forfeiture has not been vacated.
   (5)  As used in this section, "conviction" has the meaning provided in 45-2-101."


HB 549, introduced bill, be amended as follows:

1. Title, line 5.

Following: "INCLUDE"

Insert: "CERTAIN"

2. Page 1, line 25.

Strike: "and"

3. Page 1, line 27.

Following: "jurisdiction"
Insert: ";  (10) a motorcycle designed for off-road recreational use unless it has been modified to meet the equipment standards specified in chapter 9 and has been registered for highway use; and
(11) a moped. For the purposes of this section, a moped means a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged"


MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/20/2015

SB 112, introduced by Ankney
SB 220, introduced by Kaufmann
SB 235, introduced by Hansen
SB 248, introduced by Brenden
SB 282, introduced by Facey

FIRST READING AND COMMITMENT OF BILLS

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

SB 112, introduced by D. Ankney, referred to Natural Resources.
SB 220, introduced by C. Kaufmann, referred to State Administration.
SB 235, introduced by K. Hansen, referred to State Administration.

SB 282, introduced by T. Facey, referred to Education.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

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

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

HB 237 - Representative Olszewski moved HB 237 do pass. Motion carried as follows:

Total 97

Nays: Burnett, Dudik, Zolnikov.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 281 - Representative Mortensen moved HB 281 do pass. Motion failed as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, B. Brown, Burnett, Doane, Fiscus, Glimm, Grefe, Hagstrom, Harris, Hertz, Hess, Holmlund, Lamm, Mandeville, Manzella, McKamey, Monforton, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Regier, Richmond, Staffanson,
Tschida, Wagoner, White, Williams, Wittich, Zolnikov, Mr. Speaker.

Total 36


Total 64

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 320 - Representative Glimm moved HB 320 do pass. Motion carried as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Clark, Cuffe, Doane, Ehli, Essmann, Fiscus, Flynn, Garner, Glimm, Greef, Hagstrom, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jones, Lam, Lang, Laszloffy, Lavin, Mandeville, Manzella, McKamey, Meyers, Miller, Monforton, Moore, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Schwaderer, Shaw, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.

Total 54


Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 370 - Representative D. Moore moved HB 370 do pass. Motion failed as follows:

Yeas: B. Bennett, Z. Brown, Clark, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Fiscus, Funk, Greef, Hagstrom, Hayman, Hill, Hunter, Karjala, Kelker, Kipp III, Lieser, Lynch, MacDonald,
HB 394 - Representative G. Bennett moved HB 394 do pass. Motion carried as follows:


Total 52

Nays: Ballance, Berry, Brodehl, B. Brown, Burnett, Clark, Cook, Cuffe, Custer, Doane, Ehli, Flynn, Garner, Glimm, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jacobson, Jones, Lamm, Lang, Laszlof, Lavin, Mandeville, Manzella, Mehlhoff, Miller, Monforton, Moore, Mortensen, Noland, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Schwaderer, Shaw, Staffanson, Tschida, Wagoner, White, Zolnikov, Mr. Speaker.

Total 47

Excused: None.

Absent or not voting: Welborn.

Total 1

HB 434 - Representative Lieser moved HB 434 do pass. Motion carried as follows:

Yeas: Ballance, B. Bennett, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Z. Brown, Burnett, Clark, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann,
HB 441 - Representative Essmann moved HB 441 do pass. Motion carried as follows:

Total 95

Total 36

Excused: None.
Total 0

Absent or not voting: Lang.
Total 1
Majority Leader Regier moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:


Nays: B. Bennett, Z. Brown, Court, Curdy, Dudik, Eck, Hill, Hunter, Karjala, Kipp III, MacDonald, McCarthy, Pease-Lopez, Peppers, Perry, Price, Williams. Total 17

Excused: Hagstrom, Woods. Total 2

Absent or not voting: Lang. 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:

HB 164 passed as follows:


Nays: B. Brown, Manzella, Welborn. Total 3
Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 191 passed as follows:

Total 98

Nays: None.
Total 0

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 196 passed as follows:

Total 82

Total 16
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Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 227 passed as follows:

Yeas: B. Bennett, Berry, Brodehl, Z. Brown, Clark, Cook, Court, Cuffe, Curdy, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fiscus, Fitzpatrick, Funk, Garner, Glimm, Greef, Harris, Hayman, Hertz, Hill, Hollandsworth, Holmlund, Hunter, Jacobson, Jones, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, McClafferty, McConnell, McRae, Mehlfow, Meyers, Miller, Moore, Noland, Noonan, Olsen, Olszewski, Osmundson, Pease-Lopez, Peppers, Perry, Person, Pierson, Pope, Price, Redfield, Regier, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Webber, Welborn, Williams, Wilson, Mr. Speaker.
Total 76

Total 22

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 244 passed as follows:

Yeas: Ballance, J. Bennett, Berglee, Berry, Brodehl, Burnett, Doane, Flynn, Hess, Lamm, Laszlofzy, Manzella, Monforton, Mortensen, Pinocci, Randall, Schwaderer, Staffanson, Tschida, Wagoner, White, Wittich, Zolnikov, Mr. Speaker.
Total 53

Total 45

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Excused: Hagstrom, Woods. 
Total 2

Absent or not voting: None.
Total 0

**HB 252** passed as follows:

Total 88

Total 10

Excused: Hagstrom, Woods. 
Total 2

Absent or not voting: None.
Total 0

**HB 306** passed as follows:

Yeas: B. Bennett, Berry, Z. Brown, Clark, Cook, Court, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fitzpatrick, Funk, Garner, Hayman, Hertz, Hill, Hollandswoth, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lang, Lavin, Lieser, Lynch, MacDonald, Mandeville, McCarthy, Mclafferty, McConnell, McKamey, Mehlhoff, Meyers, Moore, Mortensen, Noonan, Olsen, Olszewski, Pease-Lopez, Peppers, Perry, Person, Pierson, Pinocci, Pope, Price, Redfield, Ricci, Richmond, Salomon, Schreiner, Shaw, Smith, Steenberg, Swanson, Tropila, Webber, Welborn, Williams, Wilson, Mr. Speaker.
Total 67

Total 31
Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 318 passed as follows:

Total 73

Total 25

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 322 passed as follows:

Total 57

Total 41
HB 337 passed as follows:
Total 89

Nays: J. Bennett, B. Brown, Burnett, Doane, Flynn, Lamm, Mortensen, Staffanson, Zolnikov.
Total 9

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 402 passed as follows:
Total 59

Total 39
Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

**HB 439** passed as follows:

Total 97

Nays: Monforton.
Total 1

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

**HB 538** passed as follows:

Total 98

Nays: None.
Total 0
Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 542 passed as follows:

Total 84

Total 14

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

HB 546 passed as follows:

Total 93

Nays: J. Bennett, Burnett, Hess, Lamm, Laszloffy.
Total 5
Excused: Hagstrom, Woods.
Total  2

Absent or not voting: None.
Total  0

HB 550 passed as follows:

Total  73

Total  25

Excused: Hagstrom, Woods.
Total  2

Absent or not voting: None.
Total  0

MOTIONS

Majority Leader Regier moved HB 237 be moved from the Committee of the Whole to the Appropriations Committee.

Representative Dunwell moved that HB 384 be taken from Business and Labor and brought before the Committee of the Whole.

Motion failed as follows:

Total  41
Representative Hill moved that HB 317 be taken from Judiciary and brought before the Committee of the Whole.

Motion failed as follows:


Total 50

Nays: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Clark, Cuffe, Custer, Doane, Ehli, Fiscus, Garner, Glimm, Gref, Harris, Hertz, Hess, Hollandsworth, Holmlund, Jones, Lamm, Lang, Laszlof, Lavine, Mandeville, Manzella, McKamey, Miller, Monforton, Moore, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall, Redfield, Regier, Ricci, Richmond, Salomon, Schwaderer, Shaw, Staffanson, Tschida, Wagoner, Welborn, White, Wittich, Zolnikov, Mr. Speaker.

Total 48

Excused: Hagstrom, Woods.

Total 2

Absent or not voting: None.
Total 0
Representative Lieser moved that **HJR 19** be taken from Natural Resources and brought before
the Committee of the Whole.

Motion **failed** as follows:

Yeas: B. Bennett, Z. Brown, Clark, Cook, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Fitzpatrick,
Funk, Hayman, Hill, Hunter, Jacobson, Karjala, Kelker, Kipp III, Lieser, Lynch, MacDonald,
McCarthy, McClafferty, McConnell, Mehlhoff, Noonan, Olsen, Pease-Lopez, Peppers, Perry,
Person, Pierson, Pope, Price, Ricci, Schreiner, Smith, Steenberg, Swanson, Tropila, Webber,
Williams, Wilson.
Total 44

Nays: Ballance, J. Bennett, Berglee, Berry, Brodehl, B. Brown, Burnett, Cufie, Custer, Doane,
Ehli, Essmann, Fiscus, Flynn, Garner, Glimm, Greef, Harris, Hertz, Hess, Hollandsworth,
Holmlund, Jones, Lamm, Lang, Laszlofry, Lavin, Mandeville, Manzella, McKamey, Meyers,
Miller, Monforton, Moore, Mortensen, Noland, Olszewski, Osmundson, Pinocci, Randall,
Redfield, Regier, Richmond, Salomon, Schwaderer, Shaw, Staffanson, Tschida, Wagoner,
Welborn, White, Wittich, Zolnikov, Mr. Speaker.
Total 54

Excused: Hagstrom, Woods.
Total 2

Absent or not voting: None.
Total 0

**SPECIAL ORDERS OF THE DAY**

Majority Aide Schuyler Watt proposed to Mariah Gondeiro during Session, Miss Gondeiro said
yes.

Representative Pope read the following proclamation honoring all Engineers working in the
State of Montana:

**A JOINT PROCLAMATION OF THE MONTANA LEGISLATURE**

WHEREAS, Montana is made great by those individuals and organizations that perform
exemplary service on behalf of their community through unique achievement in their
professional endeavors; and

WHEREAS, The State of Montana relies on skilled, creative engineers to design functional,
economic and efficient infrastructure to improve the quality of life and create equality of
opportunity; and

WHEREAS, The work of engineers is too often invisible to the public who benefit from it and is
therefore worthy of special recognition; and

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WHEREAS, The Montana House of Representatives wishes to recognize and honor all engineers who live and work in Montana and who practice the profession of engineering in an honorable, responsible and competent manner;

THEREFORE, Be it resolved that the House of Representatives and Senate of the State of Montana, do hereby proclaim February 23 through February 28, 2015 as ENGINEERS WEEK in The State of Montana.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Regier moved that the House adjourn until 1:00 p.m., Tuesday, February 24, 2015. Motion carried.

House adjourned at 3:26 p.m.

LINDSEY GROVOM	AUSTIN KNUDSEN
Chief Clerk of the House	Speaker of the House