

**HOUSE JOURNAL  
65TH LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 3, 2017

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Peppers, excused. Quorum present.

**SPECIAL ORDERS OF THE DAY**

Speaker Knudsen moved that the House revert to Order of Business # 11, Special Orders Of The Day, the purpose of receiving entertainment by Jason DeShaw.

Majority Leader Ehli introduced Jason DeShaw, an award-winning mental health advocate and country singer/songwriter from Eastern Montana. Diagnosed with bipolar disorder and alcoholism, Jason speaks and sings across North America, striving to bring people hope. Jason DeShaw has performed, across the country from the forensic unit at Warm Springs to the lecture halls of Harvard.

Speaker Knudsen thanked Jason DeShaw for his performance.

Majority Leader Ehli moved that the House Recess for the purpose of receiving the State of Education Address by the Superintendent of Public Instruction, Elsie Arntzen. Motion carried.

Majority Leader Ehli moved that Speaker Knudsen be authorized to appoint a committee of two to escort the Superintendent of Public Instruction Elsie Arntzen into the House Chamber. Motion carried.

Speaker Knudsen appointed Representative Berglee and Representative Hamilton. The Committee was discharged.

Sergeant-at-Arms Murfitt notified Speaker Knudsen that the Superintendent of Public Instruction, Elsie Arntzen, was awaiting entrance into the House Chamber.

The Committee escorted Superintendent Arntzen into the Chamber.

Speaker Knudsen introduced the Honorable Elsie Arntzen Superintendent of Public Instruction.

Thank you for sharing your talent and your story with us, Jason. It is truly inspiring. We need to spread your message of hope to students across Montana. You truly make Montana proud.

Thank you, Speaker Knudsen, and Members of the Montana House of Representatives for hosting me today. For twelve years I have been honored to serve shoulder to shoulder with you in these chambers, as well as with our esteemed colleagues in the Senate, but I have to tell you, sometimes

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you have reminded me of my class of ten year olds.

A Montana thank you today for the members of the tribal nations, representatives of our statewide elected officials, and other guests here today.

Most importantly, I want to thank my family, who continue to support me as they always have. I am a proud mother of two daughters, grandmother of four beautiful grandchildren, and have been married to my high school sweetheart, Steven, for over forty years.

I have a degree in Economics from the University of Montana. Go Griz! I also have my Education degree from MSU. Go Cats! For twenty-three years I was privileged to teach in Billings Public Schools. In fact, I am currently in the certificate renewal process for my teaching license. As State Superintendent I'll even get to sign my own teaching certificate.

My purpose is to strengthen our public schools by ensuring a seamless system that reflects our community values, our culture, and our historic journey in a way that will make Montana proud and a leader in the West.

As the Superintendent of the Office of Public Instruction, I am responsible for leading one of the largest agencies of our state government. About forty percent of the state's general fund is dedicated to our public schools. This funds about sixty-four percent of your local school district's budget. Last week I presented our budget request to the Joint Subcommittee on Education. This request respects local taxpayers and, most importantly, our students.

The budget that I have offered is fiscally responsible and funds Montana's obligation to our schools. That is why my priority this session is to make sure that you do right by our students, and our taxpayers, and pass my budget. The Natural Resource Development payment that was removed by the Governor must be restored because it supports our Montana treasures, our students, in an equitable manner. If it is not reinstated, then a roughly \$11.4 million tax shift will be placed on local property taxpayers. Our budget resists that tax burden to local taxpayers. The State of Montana and the Governor must recognize your responsibility to public education and not further burden our local communities.

I have also asked that a formula component of the definition of quality public education be returned as stated in statute; that is the \$6.3 million Data for Achievement payment. The direct effect is that school districts will lose budget authority to best support our students and, as you know, money closest to the student is money well spent.

Thank you to this body for unanimously supporting House Bill 191, championed by the House Education Chair, Representative Berglee. I have strongly advocated for this bill. This is the statutorily mandated inflationary increase to K-12 Base Aid. By prioritizing the passage of this most important legislation early in these tight fiscal times, all of you are putting our Montana public schools and our students first. Thank you! This provides stability as next year's school budgets are being crafted for our future students. Thank you for helping me keep Montana's promise to fund our public schools and place this on the Governor's desk before the end of February.

My office has been carefully monitoring education-related bills and offering informational testimony

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on fiscal implications. This is evidence of my sincere commitment to depoliticize this office and to honor the legislature, as you are the lawmakers.

I want to recognize the admirable work for education emphasized by many of you. A thank you to those of you who have joined the Bipartisan Education Caucus. The meaningful conversations that we have over hot coffee and apple fritters encourage us all to be mindful of education throughout our day. I hope to see even more of you join us in the coming weeks. Set your alarm to be there at 7:00am.

To our Montana Native American leaders: I am listening. The valuable conversations we have had in our combined Education Council highlights the interconnectedness of culture, community, and education. Indian Education for All is in our constitutional framework. That is why, on day two of this legislature, the Office of Public Instruction hosted an Indian Education for All event in the Rotunda. It is my priority to have all Montana students learn about, and be proud of, Montana.

While speaking at the Assessment and Data Conference this week in Billings I reiterated that assessment must be purposeful and meaningful to student success. This data must be governed with integrity and respect for student privacy. We need to ensure progress monitoring for continued growth for all students. Our gifted students must have the opportunity to advance and our special needs students must be encouraged to perform at the best of their ability, and then celebrate their success.

Along with family support, a strong indicator for student success is a qualified teacher. Critical to retention of quality teachers are mentoring and professional development. A great resource provided by the Office of Public Instruction is the Teacher's Learning Hub, which offers online courses to professionals in the field of education all across Montana.

As a proud fourth generation Montanan, I invite all of you who humbly serve our great state to embrace Montana Proud. Montana Proud is my vision for achieving student success. It must be about the students.

I am excited to announce that the Ag Literacy program will now be an inter-agency collaboration between the Montana Department of Agriculture and the Office of Public Instruction. The Ag Literacy program will enhance the knowledge of, and pride in, Montana's number one industry.

I want to increase the value of a high school diploma. Let's begin this work by inspiring our middle school students. Raising math achievement will be a priority in Montana. Students who are not proficient in math when they enter college only have a ten percent chance of completing their degree. Now, more than ever, young people need the skills to thrive in a fast-changing economy. I am proud to strengthen our partnership with the Office of the Commissioner of Higher Education to ensure that our students are college, career, and community ready to make Montana proud.

Being Montana proud includes hope. Our school counselors are on the front lines of protecting our students. They educate the whole mind, body, and spirit. Join me in recognizing these individuals in our schools, as next week is National School Counselor week. I appreciate the Montana School Counselor's Association, under the direction of Renee Schoening of Deer Lodge, for their

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partnership in bringing Montana Hope to all of our students.

Many of you here in this body are champions of mental health awareness. You are joined by our passionate community partners. Montana consistently ranks as one of the highest states in the country for youth suicide.

Our university system at MSU-Bozeman, houses a renowned international program, Youth Aware of Mental Health. I am thankful for the leadership of Dr. Byerly. Also, NAMI, The National Alliance on Mental Illness, under the direction of Matt Kuntz, provides positive resources for our Montana families; Montana hope to make Montana proud.

My efforts to make Montana proud don't stop at our borders. I was elected to be the gatekeeper for Montana's public schools against federal overreach. In this effort, I am in communication with Montana's entire congressional delegation and we will all be working together to advance Montana's educational interests. Local control and flexibility are Montana values that I will be advocating for. Flexibility for parents, teachers, and local public schools creates the environment of opportunity that each unique Montana student needs to succeed and be proud of.

Thank you again for the opportunity to address you this afternoon. I will let you get back to the People's business. May God Bless Montana and God Bless our students. Thank you for putting Montana students first.

Speaker Knudsen thanked Superintendent Arntzen for her remarks and requested the Committee escort Superintendent Arntzen from the Chamber.

Speaker Knudsen requested Sergeant-at-Arms Murfitt escort the honored guests from the House Chamber.

Speaker Knudsen called the House back to order.

**MOTIONS**

Representative Ehli announced the Republicans would caucus.  
Representative Eck announced the Democrats would stand at ease.

**BILLS** (Ricci, Chair):

2/3/2017

Correctly printed: **HB 140, HB 198, HB 217, HB 248, HB 304, HB 307, HB 362, HB 363, HB 364, HB 365, HB 366, HB 367, HB 368, HB 369, HB 370, HB 371, HB 372, SB 33, SB 36, SB 77, SB 101.**

Correctly engrossed: **HB 99, HB 110, HB 137, HB 144, HB 145, HB 163, HB 213, HB 276, HB 294.**

Examined by the sponsor and found to be correct: **HB 113.**  
Transmitted to the Senate: **HB 1, HB 140, HB 217, SB 77.**

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Returned to the Governor with amendments not concurred in at 3:55 p.m., February 3, 2017: **HB 1**.

**AGRICULTURE** (Redfield, Chair):

2/2/2017

**HB 126**, introduced bill, be amended as follows:

1. Title, page 1, line 9 through line 10.

**Strike:** "PROVIDING" on line 9 through "LICENSES;" on line 10

2. Title, page 1, line 13.

**Strike:** "80-8-202,"

3. Title, page 1, line 14 through line 15.

**Strike:** "REPEALING" on line 14 through "80-8-214, MCA;" on line 15

4. Page 2.

**Following:** line 7

**Insert:** "(4) "Beneficial insects" means those insects that, in the course of their life cycle, carry, transmit, or spread pollen to and from vegetation, act as parasites and predators on other insects, or are otherwise beneficial."

**Renumber:** subsequent subsections

5. Page 3, line 10.

**Strike:** "(17)(a)"

**Insert:** "(18)(a)"

6. Page 4, line 9.

**Following:** "bear the"

**Insert:** "necessary"

7. Page 5, line 7 through line 11.

**Strike:** "means" on line 7 through "a pest" on line 11

**Insert:** "includes any insect, rodent, nematode, snail, slug, or weed and any form of plant or animal life or virus, except a virus on or in living humans or other animals, that is normally considered a pest or that the department declares a pest"

8. Page 9, line 22.

**Strike:** "fund"

**Insert:** "be used for"

9. Page 9, line 23.

**Following:** "service"

**Insert:** "pesticide education program for the purpose of coordinating the certification and training of farm applicators"

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10. Page 9, line 23 through line 24.

**Strike:** "The fee" on line 23 through "programs." on line 24

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

**Strike:** subsections (c) and (d) in their entirety

12. Page 11, line 25 through page 13, line 6.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

13. Page 13, line 21.

**Strike:** "hold a pesticide license"

**Insert:** "be licensed to apply nonrestricted pesticides, provided that the veterinarian registers with the department each year. The veterinarian must meet all other requirements and rules of the Montana Pesticides Act. The department shall consider the professional licensing requirements for veterinarians when adopting rules in relation to transactions and activities of a veterinary practice"

14. Page 14, line 3 through line 4.

**Strike:** "The department shall issue a dealer's license only to individuals."

15. Page 14, line 5.

**Strike:** "held in commercial storage,"

16. Page 14, line 13 through line 16.

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

**Renumber:** subsequent subsections

17. Page 15, line 5.

**Following:** "rules"

**Insert:** "if the certified pharmacies and veterinarians register with the department each year. However, the certified pharmacies and veterinarians must meet all other requirements concerning the commercial sale of pesticides. The department shall take into account the professional licensing requirements of pharmacists, certified pharmacies, and veterinarians when adopting rules"

18. Page 15, line 13.

**Following:** "service"

**Insert:** ":",

**Strike:** "for"

19. Page 15, line 14.

**Strike:** "operating"

**Insert:** "(i) to train extension service agents regarding farm pesticide applicator certification and training; and

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(ii) to operate"

20. Page 16, line 23.

**Strike:** "80-8-207"

**Insert:** "80-8-208"

21. Page 17.

**Following:** line 18

**Insert:** "**Section 9.** Section 80-8-214, MCA, is amended to read:

**"80-8-214. Liability.** The department shall annually require from each commercial pesticide applicator proof of financial responsibility in amounts to be determined under rules promulgated by the department. The financial responsibility is pesticide activity-related liability insurance of at least \$250,000 total and no less than \$50,000 per incident."

22. Page 20, line 17 through line 20.

**Strike:** section 15 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HB 256**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Strike:** "two"

**Insert:** "three"

**Following:** "gauge"

**Insert:** ", high-tensile"

2. Page 2, line 1.

**Strike:** "no more than 30 feet apart"

**Insert:** "an average distance of 50 feet apart along the full span"

3. Page 2, line 2.

**Following:** "charger"

**Insert:** "with an output of at least one-half joule and"

And, as amended, do pass. Report adopted.

**HB 286**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** "81-1-113."

**Insert:** "(6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for mountain lion predation."

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2. Page 2.

**Following:** line 19

**Insert:** "(6) The board shall prioritize grants for prevention of wolf and grizzly bear predation over those for mountain lion predation."

3. Page 6, line 20.

**Following:** "wolves"

**Strike:** " "

**Insert:** "or"

**Following:** "lions"

**Strike:** ", or grizzly bears"

4. Page 7, line 29.

**Following:** "wolves"

**Strike:** " "

**Insert:** "or"

**Following:** "lions"

**Strike:** ", or grizzly bears"

And, as amended, do pass. Report adopted.

**HB 305**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "game animals or animals that are unlawfully taken"

**Insert:** "species managed or protected subject to Title 87"

And, as amended, do pass. Report adopted.

**SB 41**, be concurred in. Report adopted.

**BUSINESS AND LABOR** (Noland, Chair):

2/3/2017

**HB 73**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Flynn, Chair):

2/2/2017

**HB 96**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "DATE"

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

2. Page 1, line 20 through line 21.

**Strike:** "A designee" on line 20 through "landowner." on line 21

**Insert:** "A landowner may not receive compensation from a designee for a license or permit issued pursuant to this section or for hunting access on the landowner's property."



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3. Page 1, line 30.

**Strike:** "and"

4. Page 2.

**Following:** line 1

**Insert:** "(d) may not receive cash payments under 87-1-267 if the landowner designates another person to receive a license or permit issued pursuant to this section and the designee is someone other than an immediate family member or an authorized full-time employee of the landowner; and"

**Renumber:** subsequent subsections

5. Page 2, line 2.

**Strike:** "charge a fee or"

6. Page 2, line 20.

**Following:** "(7)"

**Insert:** "(a)"

7. Page 2, line 22.

**Following:** "must define"

**Insert:** "  
(i)"

**Following:** "open to public elk hunting"

**Strike:** ", "

**Insert:** "  
(ii)"

8. Page 2, line 23.

**Following:** "property"

**Strike:** ", and"

**Insert:** "  
(iii) the names of persons to whom the landowner will designate a license or permit issued pursuant to this section if the landowner designates another person to receive the license or permit;  
and  
(iv)"

9. Page 2, line 24.

**Following:** "property."

**Insert:** "(b)"

10. Page 2.

**Following:** line 28

**Insert:** "NEW SECTION. Section 3. Termination. [This act] terminates June 30, 2019."

And, as amended, do pass. Report adopted.

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**LOCAL GOVERNMENT** (Greef, Chair):

2/2/2017

**HB 245**, introduced bill, be amended as follows:

1. Page 1, line 29 through 30.

**Strike:** "requirements of" on line 29 through "subsection (1)(a)" on line 30

**Insert:** "provisions of subsections (1) and (2)"

2. Page 2, line 1.

**Following:** "determination"

**Insert:** "in writing"

3. Page 2, line 2.

**Strike:** "requirements of subsection (1)(a)"

**Insert:** "provisions of subsections (1) and (2)"

4. Page 2, line 4 through line 6.

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

**Renumber:** subsequent subsections

5. Page 2, line 7 through line 8.

**Following:** "final plat" on line 7

**Strike:** "or certificate of survey"

6. Page 2, line 10.

**Following:** "until a"

**Insert:** "written"

7. Page 2, line 11 through line 12.

**Strike:** "application" on line 11

**Insert:** "final plat"

**Strike:** "required elements and sufficient information pursuant to" on line 11 through "subsection (1)(a)" on line 12

**Insert:** "information required under subsections (1) and (2)"

8. Page 2, line 12.

**Following:** "notified."

**Insert:** "However, the governing body or its agent or agency may review subsequent submissions of the final plat only for information found to be deficient during the original review of the final plat. If a determination is made under subsection (3)(b) that the final plat conforms to the provisions of subsections (1) and (2), the governing body shall review and approve or deny the final plat within 20 working days."

And, as amended, do pass. Report adopted.

**HB 300**, do pass. Report adopted.

**HB 316**, do pass. Report adopted.

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**STATE ADMINISTRATION** (Mandeville, Chair):  
**HB 182**, introduced bill, be amended as follows:

2/3/2017

1. Title, page 1, line 5.

**Following:** "PARENTS;"

**Insert:** "ESTABLISHING A POSITION AND REQUIRING A PROCEDURE TO HANDLE COMPLAINTS; PROVIDING RULEMAKING AUTHORITY;"

2. Page 2, line 18.

**Following:** "(u)"

**Insert:** "may"

**Strike:** "department"

**Insert:** "critical response and complaint manager established in [section 3]"

3. Page 3, line 9.

**Strike:** "and"

4. Page 3, line 10.

**Following:** "worker"

**Insert:** "; and"

(m) may complain to the critical response and complaint manager established in [section 3] without fear of retaliation"

5. Page 3.

**Following:** line 11

**Insert:** "NEW SECTION. Section 3. Critical response and complaint manager -- procedure -- rulemaking -- report. (1) There is a position of critical response and complaint manager within the department.

(2) The manager shall handle complaints pursuant to [section 1] and [section 2].

(3) The department shall adopt rules to provide for the complaint procedure and provide copies of the procedure upon request.

(4) The department shall report each interim to the children, families, health, and human services interim committee provided for in 5-5-225 about the complaint procedure and the nature of the complaints received pursuant to [sections 1 through 3]."

**Renumber:** subsequent sections

6. Page 3, line 17.

**Strike:** "and 2"

**Insert:** "through 3"

7. Page 3, line 19.

**Strike:** "and 2"

**Insert:** "through 3"

And, as amended, do pass. Report adopted.

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**HB 271**, introduced bill, be amended as follows:

1. Page 4, line 15.

**Following:** "this section"

**Insert:** "and who has notified the department and requested the award"

2. Page 4, line 16.

**Strike:** "as of [the effective date of this act]"

3. Page 4, line 17.

**Following:** " \_ "

**Insert:** "An eligible family member who has requested the award on or before [the effective date of this act] must receive the honor and remember medallion by August 1, 2017."

And, as amended, do pass. Report adopted.

**HB 279**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Following:** "organization"

**Insert:** "for veterans"

**Following:** "verifies"

**Insert:** "in a writing provided to the mortuary that"

2. Page 2, line 8.

**Following:** "organization"

**Insert:** "for veterans"

**Following:** "verifies"

**Insert:** "in a writing provided to the mortuary that"

3. Page 2, line 9.

**Following:** "subsection (2)"

**Insert:** "and the mortuary is immediately covered by the protections in subsection (1)"

4. Page 2, line 11.

**Following:** "organization"

**Insert:** "for veterans"

And, as amended, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/1/2017

**SB 12**, introduced by Connell  
**SB 27**, introduced by Thomas  
**SB 50**, introduced by Pomnichowski  
**SB 51**, introduced by Facey  
**SB 91**, introduced by Hinkle  
**SB 124**, introduced by McClafferty

**House bills** concurred in and returned to the House: 2/1/2017

**HB 113**, introduced by Greef  
**HB 16**, introduced by Ricci  
**HB 25**, introduced by Lynch

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 373**, introduced by B. Grubbs, Z. Brown, referred to Local Government.  
**HB 374**, introduced by K. White, referred to Transportation.  
**HB 375**, introduced by G. Hertz, B. Bennett, V. Court, J. Fleming, J. Hamilton, B. Hamlett, T. Jacobson, J. Karjala, K. Kelker, G. Kipp III, K. McCarthy, N. McConnell, S. Morigeau, A. Olszewski, Z. Perry, M. Ryan, D. Salomon, S. Webber, J. Windy Boy, referred to Education.  
**HB 376**, introduced by J. Windy Boy, D. Ankney, N. Ballance, S. Berglee, M. Blasdel, B. Brown, D. Brown, E. Buttrey, P. Connell, M. Cuffe, A. Doane, R. Ehli, D. Fern, C. Glimm, E. Greef, B. Harris, G. Hertz, J. Hinkle, D. Jones, D. Kary, B. Keenan, G. Kipp III, J. Knokey, A. Knudsen, D. Lenz, D. Loge, T. Manzella, W. McKamey, F. Moore, D. Mortensen, M. Noland, A. Redfield, V. Ricci, A. Rosendale, D. Salomon, R. Shaw, D. Skees, J. Small, C. Smith, S. Staffanson, S. Stewart-Peregoy, N. Swandal, F. Thomas, B. Tschida, G. Vance, G. Vuckovich, K. Wagoner, R. Webb, T. Welch, K. White, D. Zolnikov, referred to Education.  
**HB 377**, introduced by A. Redfield, referred to Agriculture.  
**HB 378**, introduced by K. Dudik, R. Brodehl, R. Cook, J. Essmann, F. Garner, J. Knokey, D. Sands, S. Stewart-Peregoy, R. Webb, K. White, C. Wolken, referred to Judiciary.  
**HB 379**, introduced by K. Dudik, R. Cook, F. Garner, J. Knokey, D. Lenz, D. Sands, R. Webb, C. Wolken, referred to Judiciary.  
**HB 380**, introduced by V. Court, referred to Judiciary.  
**HB 381**, introduced by D. Lenz, F. Garner, E. McClafferty, L. Sheldon-Galloway, referred to Education.  
**HB 382**, introduced by D. Lenz, E. McClafferty, L. Sheldon-Galloway, referred to Education.  
**HB 383**, introduced by G. Custer, D. Ankney, B. Beard, B. Bennett, M. Blasdel, E. Buttrey, R. Ehli, T. Facey, S. Lavin, R. Lynch, S. Malek, C. Schreiner, R. Shaw, R. Tempel, G. Vuckovich, referred to State Administration.

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**HB 385**, introduced by S. Berglee, W. Galt, G. Hertz, M. Hopkins, D. Howard, D. Kary, C. Knudsen, S. Lavin, F. Mandeville, T. Manzella, D. Mortensen, R. Osmundson, J. Patelis, M. Regier, D. Skees, C. Smith, K. Wagoner, referred to Judiciary.

**HB 386**, introduced by R. Ehli, referred to Human Services.

**HB 387**, introduced by K. Wagoner, E. McClafferty, referred to Human Services.

**HB 388**, introduced by G. Hertz, referred to State Administration.

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

**SB 12**, introduced by P. Connell (by request of the Energy and Telecommunications Interim Committee), referred to Energy, Technology, and Federal Relations.

**SB 27**, introduced by F. Thomas (by request of the Revenue and Transportation Interim Committee), referred to Taxation.

**SB 50**, introduced by J. Pomnichowski (by request of the Department of Fish, Wildlife, and Parks), referred to Fish, Wildlife and Parks.

**SB 51**, introduced by T. Facey (by request of the House Fish, Wildlife, and Parks Standing Committee), referred to Fish, Wildlife and Parks.

**SB 91**, introduced by J. Hinkle, referred to Fish, Wildlife and Parks.

**SB 124**, introduced by E. McClafferty, referred to Education.

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

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

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

**HB 1 - Governor Amendments** - Representative Ballance moved Governor Amendments to **HB 1** not be concurred in. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Cook, Cuffe, Custer, Doane, Ehli, Essmann, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Jones, Keane, Knokey, C Knudsen, Lavin, Lenz, Loge, Mandeville, Manzella, McKamey, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Sales, Shaw, Skees, Staffanson, Stewart-Per, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Windy Boy, Zolnikov, Mr. Speaker.  
Total 61

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Burnett, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Kelker, Kipp III, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Swanson, Webber, Woods.

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Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Staffanson, Stewart-Per, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Court, Ellis, Smith, Swanson.

Total 4

Excused: None.

Total 0

Absent or not voting: Peppers.

Total 1

**HB 248** - Representative Ehli moved consideration of **HB 248** be passed for the day. Motion carried.

Representative Dudik was excused for the day.

**HB 122 - Senate Amendments** - Representative Schreiner moved Senate Amendments to **HB 122** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G

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Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Noland, O'Hara, Olsen, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: Doane, Mortensen, Patelis, Usher.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 147** - Representative Zolnikov moved **HB 147** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: Lavin.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 148** - Representative Zolnikov moved **HB 148** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Glimm, Greef, Grubbs,



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Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.  
Total 96

Nays: Anderson, Garner, Lavin, Manzella.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 198** - Representative Windy Boy moved **HB 198**, second reading copy, be amended as follows:

1. Title, page 1, line 6.  
**Strike:** "REMOVING A"  
**Insert:** "EXTENDING THE"

2. Title, page 1, line 8.  
**Strike:** "REPEALING"  
**Insert:** "AMENDING"

3. Page 1, line 25.  
**Following:** "~~Temporary~~"  
**Insert:** "(Temporary)"

4. Page 2, line 7.  
**Following:** "fund"  
**Strike:** "the"

5. Page 2, line 12.  
**Following:** "2015.)"  
**Insert:** "(Terminates June 30, 2019.)"

6. Page 2, line 14.  
**Strike:** line 14  
**Insert:** "Section 3. Section 6, Chapter 380, Laws of 2015, is amended to read:  
"Section 6. Termination. [This act] terminates June 30, 2019.""

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Amendment **not** adopted as follows:

Yeas: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Doane, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Hamilton, Hamlett, Hayman, A Hertz, Hill-Smith, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lynch, Mandeville, McCarthy, McConnell, Morigeau, Olsen, Patelis, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Webber, Windy Boy, Woods, Zolnikov.  
Total 50

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Custer, Ehli, Essmann, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Harris, G Hertz, Holmlund, Hopkins, C Knudsen, Lavin, Lenz, Loge, Manzella, McKamey, Mortensen, Noland, O'Hara, Redfield, Regier, Ricci, Rosendale, Sales, Shaw, Skees, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 198** - Representative Olsen moved **HB 198**, second reading copy, be amended as follows:

1. Title, page 1, line 7.  
**Following:** "SECTIONS"  
**Insert:** "7-4-2631,"  
**Following:** "10-2-603"  
**Insert:** ", "  
**Following:** "AND"  
**Strike:** "37-19-203"  
**Insert:** "50-15-111"  
**Following:** "MCA;"  
**Insert:** "REPEALING SECTION 37-19-203, MCA;"

2. Page 1, line 12.  
**Insert:** "**Section 1.** Section 7-4-2631, MCA, is amended to read:  
"**7-4-2631. (Temporary) Fees of county clerk.** (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:  
(a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;  
(b) for filing of subdivision and townsite plats, \$25 plus:  
(i) for each lot up to and including 100, 50 cents;  
(ii) for each additional lot in excess of 100, 25 cents;  
(c) for filing certificates of surveys and amendments to the certificates of surveys, \$25

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plus 50 cents for each tract or lot;

(d) for each page of a document required to be filed with a subdivision, townsite plat, or certificate of survey for which a filing fee is not otherwise set by law, \$1;

(e) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, \$2;

(f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(g) for administering an oath with certificate and seal, no charge;

(h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;

(k) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;

(l) (i) for each certified copy of a birth certificate, \$5;

(ii) for each certified copy of a death certificate, \$15, and for each additional certified copy of the same record ordered at the same time as the first certified copy, \$6; and

(iii) for the filing of an original death certificate, an amount, if any, to be determined by the county by resolution and deposited in the county general fund;

(m) for electronic storage of minutes of an administrative board, district, or commission pursuant to 7-1-204, 7-11-1030, 7-13-2350, 7-22-2113, 7-33-2112, or 76-15-324, no charge;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) The county clerks shall charge, for the use of their respective counties, the fee as provided in 7-4-2632 for recording and indexing the following:

(a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with the seal affixed; and

(b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with the seal affixed.

(3) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis.

(4) (a) A county shall transfer to the ~~department of labor and industry for deposit as provided in 37-19-203~~ state veterans' cemeteries account provided for in 10-2-603 for the purposes described in 10-2-603 \$3 of each fee collected under subsection (1)(l)(ii) of this section.

(b) The fees must be transferred monthly unless the ~~department of labor and industry board of veterans' affairs~~ and the county have agreed to a different period. (~~Terminates June 30, 2017--sec. 6, Ch. 380, L. 2015.~~)

~~7-4-2631. (Effective July 1, 2017) Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:~~

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~~\_\_\_\_\_ (a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;~~  
~~\_\_\_\_\_ (b) for filing of subdivision and townsite plats, \$25 plus:~~  
~~\_\_\_\_\_ (i) for each lot up to and including 100, 50 cents;~~  
~~\_\_\_\_\_ (ii) for each additional lot in excess of 100, 25 cents;~~  
~~\_\_\_\_\_ (c) for filing certificates of surveys and amendments thereto, \$25 plus 50 cents per tract or lot;~~  
~~\_\_\_\_\_ (d) for each page of a document required to be filed with a subdivision, townsite plat, or certificate of survey for which a filing fee is not otherwise set by law, \$1;~~  
~~\_\_\_\_\_ (e) for a copy of a record or paper:~~  
~~\_\_\_\_\_ (i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and~~  
~~\_\_\_\_\_ (ii) for each certification with seal affixed, \$2;~~  
~~\_\_\_\_\_ (f) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;~~  
~~\_\_\_\_\_ (g) for administering an oath with certificate and seal, no charge;~~  
~~\_\_\_\_\_ (h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;~~  
~~\_\_\_\_\_ (i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;~~  
~~\_\_\_\_\_ (j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;~~  
~~\_\_\_\_\_ (k) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;~~  
~~\_\_\_\_\_ (l) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;~~  
~~\_\_\_\_\_ (m) for electronic storage of minutes of an administrative board, district, or commission pursuant to 7-1-204, 7-11-1030, 7-13-2350, 7-22-2113, 7-33-2112, or 76-15-324, no charge;~~  
~~\_\_\_\_\_ (n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service:~~  
~~\_\_\_\_\_ (2) The county clerks shall charge, for the use of their respective counties, the fee as provided in 7-4-2632 for recording and indexing the following:~~  
~~\_\_\_\_\_ (a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with the seal affixed; and~~  
~~\_\_\_\_\_ (b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been recorded with the seal affixed.~~  
~~\_\_\_\_\_ (3) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis."~~

**Renumber:** subsequent sections

3. Page 1, line 16.

**Following:** "pursuant to"

**Insert:** "7-4-2631,"

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4. Page 1, line 17.

**Strike:** "and 37-19-203"

**Insert:** ", and 50-15-111"

5. Page 1, line 24 through page 2, line 12.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

6. Page 2, line 13.

**Insert:** "**Section 3.** Section 50-15-111, MCA, is amended to read:

**"50-15-111. (Temporary) Certified copy fee -- exceptions -- transfer.** (1) Subject to a minimum charge required by subsection (1)(a)(ii), the department shall prescribe, by rule, a fee for:

- (a) (i) a certified copy of certificates or records other than a death certificate;
  - (ii) a death certificate, which at a minimum must be:
    - (A) \$15 for each certified copy of a death certificate;
    - (B) \$8 for each additional certified copy of a death certificate requested at the same time as the first copy; and
    - (C) \$13 for each informational copy of a death certificate;
  - (b) a search of files or records when a copy is not made;
  - (c) a copy of information provided for statistical or administrative purposes as allowed by law;
  - (d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;
  - (e) filing a delayed registration of a vital event;
  - (f) the amendment of a vital record, after 1 year from the date of filing; and
  - (g) other services specified by this chapter or by rule.
- (2) Except as provided in subsection (3), fees received under subsection (1) must be deposited in the state special revenue fund to be used by the department for:
- (a) the maintenance of indexes to vital records;
  - (b) the preservation of vital records; and
  - (c) the administration of the system of vital statistics.
- (3) The department shall transfer to the ~~department of labor and industry for use as specified in 37-19-203~~ state veterans' cemeteries account provided for in 10-2-603 for the purposes described in 10-2-603 \$3 of each fee charged under subsection (1)(a)(ii) of this section. ~~(Terminates June 30, 2017--sec. 6, Ch. 380, L. 2015.)~~

~~**50-15-111. (Effective July 1, 2017) Certified copy fee.** (1) The department shall prescribe, by rule, a fee for:~~

- ~~\_\_\_\_\_ (a) a certified copy of certificates or records;~~
- ~~\_\_\_\_\_ (b) a search of files or records when a copy is not made;~~
- ~~\_\_\_\_\_ (c) a copy of information provided for statistical or administrative purposes as allowed by law;~~
- ~~\_\_\_\_\_ (d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination or acknowledgment, or court order;~~
- ~~\_\_\_\_\_ (e) filing a delayed registration of a vital event;~~

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- ~~\_\_\_\_\_ (f) the amendment of a vital record, after 1 year from the date of filing; and~~  
~~\_\_\_\_\_ (g) other services specified by this chapter or by rule.~~  
~~\_\_\_\_\_ (2) Fees received under subsection (1) must be deposited in the state special revenue fund to be used by the department for:~~  
~~\_\_\_\_\_ (a) the maintenance of indexes to vital records;~~  
~~\_\_\_\_\_ (b) the preservation of vital records; and~~  
~~\_\_\_\_\_ (c) the administration of the system of vital statistics."~~

**Insert:** "NEW SECTION. Section 4. Repealer. The following section of the Montana Code Annotated is repealed:

37-19-203. Funding from death certificate fees -- uses."

**Renumber:** subsequent sections

Amendment **not** adopted as follows:

Yeas: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ellis, Essmann, Fern, Fleming, Funk, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Stewart-Per, Swanson, Webber, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 44

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Custer, Doane, Ehli, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Jones, Knokey, C Knudsen, Lavin, Lenz, Loge, Mandeville, Manzella, McKamey, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Sales, Shaw, Skees, Staffanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White.

Total 56

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Curtis rose on a **Point of Personal Privilege** in response to discussion on the amendment. She stated, "The language is only stricken from the amendment because it is no longer pertinent to the bill and it does not make any changes."

**HB 198** - Representative Wagoner moved **HB 198** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Custer, Doane, Dudik, Ehli, Fitzgerald, Flynn, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, G Hertz, Holmlund, Knokey, Lavin, Lenz, Loge, Mandeville, Manzella, McKamey, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Sales, Shaw, Skees,

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Trebas, Tschida, Vinton, Wagoner, Webb, Welch, White, Mr. Speaker.

Total 51

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Dunwell, Eck, Ellis, Essmann, Fern, Fleming, Funk, Galloway, Hamilton, Harris, Hayman, A Hertz, Hill-Smith, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, C Knudsen, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Staffanson, Stewart-Per, Swanson, Usher, Webber, Windy Boy, Woods, Zolnikov.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 236** - Representative Garner moved **HB 236** do pass. Motion **failed** as follows:

Yeas: Anderson, Ballance, Bartel, Bennett, Berglee, Brodehl, B. Brown, Cuffe, Doane, Flynn, Galloway, Galt, Glimm, Greef, Gunderson, Hamlett, Harris, A Hertz, G Hertz, Holmlund, Jones, C Knudsen, Lenz, Loge, Mandeville, Manzella, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Skees, Staffanson, Trebas, Tschida, Usher, Wagoner, Webb, White, Windy Boy, Zolnikov, Mr. Speaker.

Total 45

Nays: Abbott, Bachmeier, Beard, Bishop, Z. Brown, Burnett, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Funk, Garner, Grubbs, Hamilton, Hayman, Hill-Smith, Hopkins, Jacobson, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Lynch, McCarthy, McConnell, McKamey, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Vinton, Webber, Welch, Woods.

Total 55

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 33** - Representative McKamey moved **SB 33** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G

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Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 36** - Representative Morigeau moved **SB 36** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Beard, Bennett, Berglee, Bishop, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Regier, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Tschida, Vinton, Webb, Webber, Welch, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 86

Nays: Bartel, Brodehl, B. Brown, C Knudsen, Lavin, Manzella, Redfield, Ricci, Rosendale, Skees, Staffanson, Usher, Wagoner, White.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 101** - Representative Redfield moved **SB 101** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt,



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Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: Manzella.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Z. Brown.

Total 1

Excused: None.

Total 0

Absent or not voting: Dudik, Peppers.

Total 2

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**THIRD READING OF BILLS**

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

**HB 140** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Dudik, Peppers.

Total 2

**HB 217** passed as follows:

Yeas: Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dunwell, Eck, Ehli, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Abbott, Ellis, Karjala.

Total 3

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Excused: None.

Total 0

Absent or not voting: Dudik, Peppers.

Total 2

**SB 77** concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Dudik, Peppers.

Total 2

**MOTIONS**

Representative Ehli moved to re-refer **HB 147** to the Appropriations Committee. Without objection, so ordered.

Representative Ehli moved to re-refer **HB 198** to the Appropriations Committee. Without objection, so ordered.

Representative White moved to reconsider action on **HB 294** and that **HB 294** be placed on second reading Monday, February 6, 2017.

Motion **failed** as follows:

Yeas: Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Fitzgerald, Flynn, Galloway, Galt, Glimm, Grubbs, Gunderson, Harris, A Hertz, G Hertz, Holmlund, Hopkins, C Knudsen, Lavin, Lenz, Loge, Mandeville, Manzella, Mortensen,

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Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Sales, Skees, Staffanson, Trebas, Tschida, Usher, Vinton, Webb, Welch, White, Zolnikov, Mr. Speaker.  
Total 49

Nays: Abbott, Anderson, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Garner, Greef, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lynch, McCarthy, McConnell, McKamey, Morigeau, Olsen, Perry, Pierson, Price, Ryan, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Wagoner, Webber, Windy Boy, Woods.  
Total 49

Excused: None.  
Total 0

Absent or not voting: Dudik, Peppers.  
Total 2

Representative Bennett moved the New England Patriots will win the Super Bowl against the Atlanta Falcons February 5, 2017.

Motion **failed** as follows:

Yeas: Bachmeier, Bartel, Beard, Bennett, Bishop, Dunwell, Ehli, Ellis, Fern, Fleming, Grubbs, Hamlett, Harris, Kelker, McKamey, Patelis, Price, Smith, Zolnikov.  
Total 19

Nays: Abbott, Anderson, Ballance, Berglee, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Eck, Essmann, Fitzgerald, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Gunderson, Hamilton, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, Morigeau, Mortensen, Noland, O'Hara, Olsen, Perry, Pierson, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Mr. Speaker.  
Total 78

Excused: None.  
Total 0

Absent or not voting: Dudik, Peppers, Staffanson.  
Total 3

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**UNFINISHED BUSINESS**

Mr. Speaker, I move that the following undersigned name be **REMOVED** as sponsor to **HB 209**  
Motion carried.

**HB 209** (B. Usher, Chief Sponsor)  
Ryan.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 372**  
Motion carried.

**HB 372** (A. Doane, Chief Sponsor)  
Anderson.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Ehli moved that the House adjourn until 1:00 p.m., Monday, February 6, 2017.  
Motion carried.

House adjourned at 3:08 p.m.

LINDSEY VROEGINDEWEY  
Chief Clerk of the House

AUSTIN KNUDSEN  
Speaker of the House