

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

Helena, Montana
February 9, 2017

House Chambers
State Capitol

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

Roll Call. All members present, except Representative Windy Boy, excused. Quorum present.

Correctly printed: **HB 73, HB 173, HB 187, HB 219, HB 297, HB 288, HB 302, HB 306, HB 342, HB 405, HB 415, HB 417, HB 418, HB 419, HB 420, SB 10, SB 41, SB 53, SB 68, SJR 2.**

Correctly engrossed: **HB 62, HB 77, HB 225, HB 317, SB 131.**

Transmitted to the Senate: **HB 73, HB 173, HB 219, HB 297, SB 10, SB 41, SB 53, SB 68, SJR 2.**

Signed by the Speaker at 11:50 a.m., February 9, 2017: **HB 115, HB 122.**

Signed by the Chief Clerk of the House at 2:45 p.m., February 9, 2017: **HB 115, HB 122.**

Delivered to the Governor for approval at 10:51 a.m., February 9, 2017: **HB 39, HB 42, HB 74, HB 88, HB 113, HB 197.**

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Ballance, Chair):

2/8/2017

HB 152, do pass. Report adopted.

HB 209, do pass. Report adopted.

HB 255, introduced bill, be amended as follows:

1. Page 2, line 1.

Strike: "section,"aircraft""

Insert: "section:

(a) "Aircraft""

2. Page 2, line 2.

Insert: "(b) "Campaign activity" includes the following activities:

(i) making or attending a campaign speech;

(ii) attending a campaign rally, a fundraiser for a candidate or a political party, a candidate forum, or a block party in support of a candidate;

(iii) visiting a campaign headquarters; or

(iv) participating in a parade as a candidate."

And, as amended, do pass. Report adopted.

BUSINESS AND LABOR (Noland, Chair):

2/9/2017

HB 347, do pass. Report adopted.

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HUMAN SERVICES (Wagoner, Chair): 2/8/2017
HB 220, do pass. Report adopted.
HB 266, do pass. Report adopted.
HJR 6, be adopted. Report adopted.

JUDICIARY (Doane, Chair): 2/8/2017
HB 280, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "POSSESSED"

Insert: "AND CONCEALED"

2. Page 1, line 10.

Following: "property."

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

3. Page 1, line 11.

Following: "possessed"

Insert: "and concealed"

4. Page 1, line 12.

Strike: ", either openly or concealed,"

5. Page 1, line 12.

Following: line 12

Insert: "(2) This section does not apply to a state prison as defined in 53-30-101."

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (White, Chair): 2/8/2017
HB 228, introduced bill, be amended as follows:

1. Page 3, line 1.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (5)"

2. Page 6.

Following: line 11

Insert: "(6) Administrative costs paid from the account are limited to \$400,000 in each fiscal year."

Renumber: subsequent subsections

3. Page 7.

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Following: line 11

Insert: "(6) Administrative costs paid from the account are limited to \$400,000 in each fiscal year."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 337, do pass. Report adopted.

HB 339, introduced bill, be amended as follows:

1. Page 4, line 24 through page 8, line 8.

Strike: section 2 in its entirety

Insert: "**Section 2.** Section 85-2-306, MCA, is amended to read:

"85-2-306. Exceptions to permit requirements. (1) (a) Except as provided in subsection (1)(b), ground water may be appropriated only by a person who has a possessory interest in the property where the water is to be put to beneficial use and exclusive property rights in the ground water development works.

(b) If another person has rights in the ground water development works, water may be appropriated with the written consent of the person with those property rights or, if the ground water development works are on national forest system lands, with any prior written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the certificate.

(c) If the person does not have a possessory interest in the real property from which the ground water may be appropriated, the person shall provide to the owner of the real property written notification of the works and the person's intent to appropriate ground water from the works. The written notification must be provided to the landowner at least 30 days prior to constructing any associated works or, if no new or expanded works are proposed, 30 days prior to appropriating the water. The written notification under this subsection is a notice requirement only and does not create an easement in or over the real property where the ground water development works are located.

(2) Inside the boundaries of a controlled ground water area, ground water may be appropriated only:

(a) according to a permit received pursuant to 85-2-508; or

(b) according to the requirements of a rule promulgated pursuant to 85-2-506.

(3) (a) Outside the boundaries of a controlled ground water area, a permit is not required before appropriating ground water by means of a well or developed spring:

(i) when the appropriation is made by a local governmental fire agency organized under Title 7, chapter 33, and the appropriation is used only for emergency fire protection, which may include enclosed storage;

(ii) when a maximum appropriation of 350 gallons a minute or less is used in nonconsumptive geothermal heating or cooling exchange applications, all of the water extracted is returned without delay to the same source aquifer, and the distance between the extraction well and both the nearest existing well and the hydraulically connected surface waters is more than twice the distance between the extraction well and the injection well;

(iii) when the appropriation is outside a stream depletion zone, is 35 gallons a minute or

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less, and does not exceed 10 acre-feet a year, ~~except that a combined appropriation from the same source by two or more wells or developed springs exceeding 10 acre-feet, regardless of the flow rate, requires a permit and an additional 0.25 acre-feet a year for a gray water system as defined in 15-24-3201; or~~

(iv) when the appropriation is within a stream depletion zone, is 20 gallons a minute or less, and does not exceed 2 acre-feet a year, ~~except that a combined appropriation from the same source by two or more wells or developed springs exceeding this limitation requires a permit and an additional 0.25 acre-feet a year for a gray water system as defined in 15-24-3201.~~

(b) Within a tract of record, as defined in 76-3-103, in existence on October 18, 2014, regardless of any subsequent division of that tract, an appropriation under subsections (3)(a)(iii) and (3)(a)(iv) may not be located less than:

(i) 660 feet from another well or developed spring that was appropriated pursuant to subsections (3)(a)(iii), (3)(a)(iv), and (3)(d) within a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344 or from a stream depletion zone, except as provided in subsection (3)(c) of this section; and

(ii) 330 feet from another well or developed spring that was appropriated pursuant to subsections (3)(a)(iii), (3)(a)(iv), and (3)(d) outside a basin closed pursuant to 85-2-319, 85-2-321, 85-2-330, 85-2-336, 85-2-341, 85-2-343, or 85-2-344, except as provided in subsection (3)(c) of this section.

(c) The conditions in subsection (3)(b) do not apply to the distance between appropriations that are located on:

(i) separate tracts of record, as defined in 76-3-103, and in existence on or before October 17, 2014; or

(ii) separate tracts of record subsequently created by any pending project, development, or subdivision for which the application and required fees were received by the department of environmental quality in accordance with 76-4-125 or by the local reviewing authority in accordance with 76-3-604(1)(a) on or before October 17, 2014.

(d) A combined appropriation from the same source by two or more wells or developed springs exceeding the volume limitations in subsections (3)(a)(iii) and (3)(a)(iv) requires a permit.

~~(b)~~(e) (i) Within 60 days of completion of the well or developed spring and appropriation of the ground water for beneficial use, the appropriator shall file a notice of completion with the department on a form provided by the department through its offices.

(ii) Upon receipt of the notice, the department shall review the notice and may, before issuing a certificate of water right, return a defective notice for correction or completion, together with the reasons for returning it. A notice does not lose priority of filing because of defects if the notice is corrected, completed, and refiled with the department within 30 days of notification of defects or within a further time as the department may allow, not to exceed 6 months.

(iii) If a notice is not corrected and completed within the time allowed, the priority date of appropriation is the date of refiled a correct and complete notice with the department.

~~(e)~~(f) A certificate of water right may not be issued until a correct and complete notice has been filed with the department, including proof of landowner notification or a written federal special use authorization as necessary under subsection (1). The original of the certificate must be sent to the appropriator. The department shall keep a copy of the certificate in its office in Helena. The date of filing of the notice of completion is the date of priority of the right.

(4) An appropriator of ground water by means of a well or developed spring first put to beneficial use between January 1, 1962, and July 1, 1973, who did not file a notice of completion,

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as required by laws in force prior to April 14, 1981, with the county clerk and recorder shall file a notice of completion, as provided in subsection (3), with the department to perfect the water right. The filing of a claim pursuant to 85-2-221 is sufficient notice of completion under this subsection. The priority date of the appropriation is the date of the filing of a notice, as provided in subsection (3), or the date of the filing of the claim of existing water right.

(5) An appropriation under subsection (4) is an existing right, and a permit is not required. However, the department shall acknowledge the receipt of a correct and complete filing of a notice of completion, except that for an appropriation of 35 gallons a minute or less, not to exceed 10 acre-feet a year, the department shall issue a certificate of water right. If a certificate is issued under this section, a certificate need not be issued under the adjudication proceedings provided for in 85-2-236.

(6) A permit is not required before constructing an impoundment or pit and appropriating water for use by livestock if:

- (a) the maximum capacity of the impoundment or pit is less than 15 acre-feet;
- (b) the appropriation is less than 30 acre-feet a year;
- (c) the appropriation is from an ephemeral stream, an intermittent stream, or another source other than a perennial flowing stream; and
- (d) the impoundment or pit is to be constructed on and will be accessible to a parcel of land that is owned or under the control of the applicant and that is 40 acres or larger.

(7) (a) Within 60 days after constructing an impoundment or pit, the appropriator shall apply for a permit as prescribed by this part. Subject to subsection (7)(b), upon receipt of a correct and complete application for a stock water provisional permit, the department shall automatically issue a provisional permit. If the department determines after a hearing that the rights of other appropriators have been or will be adversely affected, it may revoke the permit or require the permittee to modify the impoundment or pit and may then make the permit subject to terms, conditions, restrictions, or limitations that it considers necessary to protect the rights of other appropriators.

(b) If the impoundment or pit is on national forest system lands, an application is not correct and complete under this section until the applicant has submitted proof of any written special use authorization required by federal law to occupy, use, or traverse national forest system lands for the purpose of diversion, impoundment, storage, transportation, withdrawal, use, or distribution of water under the permit.

(8) A person may also appropriate water without applying for or prior to receiving a permit under rules adopted by the department under 85-2-113.

(9) Pursuant to 85-20-1902, the provisions of this section do not apply within the exterior boundaries of the Flathead Indian reservation."

2. Page 9, line 1.

Strike: "(3)(b)"

Insert: "(3)(e)"

3. Page 9, line 6.

Strike: "(3)(b)"

Insert: "(3)(e)"

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And, as amended, do pass. Report adopted.

TAXATION (Essmann, Chair):

2/9/2017

HB 331, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "SECTION"

Insert: "SECTIONS 15-10-420 and"

2. Page 2, line 25.

Following: "(d)"

Insert: "(i)"

3. Page 2, line 26.

Strike: "(i)"

Insert: "(A)"

4. Page 2, line 28.

Strike: "(ii)"

Insert: "(B)"

5. Page 2, line 30.

Strike: "(iii)"

Insert: "(C)"

6. Page 3, line 2.

Following: line 1

Insert: "(ii) The term does not include a physician who provides services to patients."

7. Page 3, line 9.

Following: line 8

Insert: "**Section 2.** Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's newly taxable value, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the

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average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; and
- (v) transfer of property from tax-exempt to taxable status.

(b) Newly taxable property does not include:

(i) an increase in value that arises because of an increase in the incremental value within a tax increment financing district; or

(ii) property for which the property tax exemption is revoked pursuant to [section 1].

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(ii), the value of newly taxable class four property that was constructed, expanded, or remodeled property since the completion of the last reappraisal cycle is the current year market value of that property less the previous year market value of that property.

(d) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property under 15-6-134 or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

(a) school district levies established in Title 20; or

(b) a mill levy imposed for a newly created regional resource authority.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity:

(a) may increase the number of mills to account for a decrease in reimbursements; and

(b) may not increase the number of mills to account for a loss of tax base because of legislative action that is reimbursed under the provisions of 15-1-121(7).

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed

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for purposes of 15-10-108, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
- (ii) a levy to repay taxes paid under protest as provided in 15-1-402;
- (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326;
- (iv) a levy for the support of a study commission under 7-3-184;
- (v) a levy for the support of a newly established regional resource authority;
- (vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703;

or

(vii) a levy for reimbursing a county for costs incurred in transferring property records to an adjoining county under 7-2-2807 upon relocation of a county boundary.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable value in a governmental unit."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 335, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/7/2017

SB 58, introduced by McNally
SB 93, introduced by Richmond
SB 116, introduced by Blasdel
SB 128, introduced by Salomon
SB 135, introduced by McClafferty

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

HB 18, introduced by Jacobson

2/7/2017

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HB 125, introduced by Curdy
HB 138, introduced by Fern
HB 191, introduced by Berglee

2/8/2017

FIRST READING AND COMMITMENT OF BILLS

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

HB 416, introduced by E. Greef, referred to Local Government.
HB 421, introduced by R. Brodehl, referred to Education.
HB 422, introduced by R. Cook, L. Jones, referred to Local Government.
HB 423, introduced by S. Berglee, A. Doane, L. Jones, A. Knudsen, T. Manzella, D. Salomon, D. Skees, referred to Education.
HB 424, introduced by Z. Brown, J. Pomnichowski, C. Vincent, referred to Natural Resources.
HB 425, introduced by J. Price, referred to Business and Labor.
HB 426, introduced by J. Price, referred to Judiciary.
HB 427, introduced by A. Knudsen, J. Pomnichowski, referred to Judiciary.
HB 428, introduced by D. Jones, D. Bartel, M. Blasdel, E. Greef, D. Lenz, W. McKamey, J. Trebas, B. Tschida, referred to Business and Labor.
HB 429, introduced by M. Cuffe, referred to Natural Resources.
HB 430, introduced by A. Hertz, M. Blasdel, referred to Business and Labor.
HB 431, introduced by E. Hill Smith, referred to Judiciary.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 8, introduced by B. Tschida, referred to Judiciary.

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

SB 58, introduced by M. McNally (by request of the State Auditor), referred to Business and Labor.
SB 93, introduced by T. Richmond, referred to Energy, Technology, and Federal Relations.
SB 116, introduced by M. Blasdel, referred to Business and Labor.
SB 128, introduced by D. Salomon, referred to Business and Labor.
SB 135, 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 Z. Brown in the chair.

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

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HB 18 - Senate Amendments - Representative Jacobson moved Senate Amendments to **HB 18** not 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, 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, 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, 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: Doane, Schreiner.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 125 - Senate Amendments - Representative Curdy moved Senate Amendments to **HB 125** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, 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, 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, Regier, Ricci, 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: Bartel, Burnett, Hopkins, Redfield, Rosendale.
Total 5

Excused: None.
Total 0

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Absent or not voting: None.

Total 0

HB 138 - Senate Amendments - Representative Fern moved Senate Amendments to **HB 138** 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 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

HB 288 - Representative Bennett moved **HB 288** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Ballance, Beard, Bennett, Bishop, Z. Brown, Burnett, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Galloway, Garner, Greef, Gunderson, Hamilton, Hamlett, Hayman, A Hertz, G Hertz, Hill-Smith, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Loge, Lynch, McCarthy, McConnell, McKamey, Morigeau, O'Hara, Olsen, Peppers, Perry, Pierson, Price, Rosendale, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Tschida, Webber, Welch, Windy Boy, Woods, Zolnikov.

Total 64

Nays: Anderson, Bartel, Berglee, Brodehl, B. Brown, Cuffe, Doane, Ehli, Essmann, Fitzgerald, Flynn, Galt, Glimm, Grubbs, Harris, Holmlund, Knokey, C Knudsen, Lavin, Lenz, Mandeville, Manzella, Mortensen, Noland, Patelis, Redfield, Regier, Ricci, Skees, Staffanson, Usher, Vinton, Wagoner, Webb, White, Mr. Speaker.

Total 36

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 302 - Representative Funk moved **HB 302** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bennett, Bishop, B. Brown, Z. Brown, Court, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Garner, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Jones, Karjala, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Loge, Manzella, McConnell, McKamey, Morigeau, Mortensen, Noland, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Schreiner, Shaw, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Usher, Webber, Windy Boy, Woods, Zolnikov.

Total 68

Nays: Ballance, Bartel, Beard, Berglee, Brodehl, Burnett, Cook, Cuffe, Galloway, Galt, Glimm, Greef, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Keane, Lenz, Lynch, Mandeville, McCarthy, O'Hara, Sales, Skees, Tschida, Vinton, Wagoner, Webb, Welch, White, Mr. Speaker.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 306 - Representative Harris moved **HB 306** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Custer, Doane, Ehli, Essmann, 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, Zolnikov, Mr. Speaker.

Total 59

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ellis, 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.

Total 41

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 342 - Representative Fitzgerald moved **HB 342** do pass. Motion carried as follows:

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

Total 79

Nays: Abbott, Bennett, Bishop, Court, Dunwell, Eck, Ellis, Funk, Hamilton, Hayman, Hill-Smith, Karjala, Kelker, McConnell, Morigeau, Olsen, Price, Ryan, Schreiner, Windy Boy, Woods.

Total 21

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 Z. Brown 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, 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, 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, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

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Excused: None.

Total 0

Absent or not voting: Windy Boy.

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 73 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, Z. Brown, 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, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Mortensen, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Ricci, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 91

Nays: B. Brown, Burnett, Hopkins, C Knudsen, Manzella, Noland, Rosendale, Staffanson.

Total 8

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

HB 173 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, 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, 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, Woods, Zolnikov, Mr. Speaker.

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Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

HB 219 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, 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, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Regier.

Total 1

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

HB 297 passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, 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, 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,

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White, Woods, Zolnikov, Mr. Speaker.

Total 98

Nays: Burnett.

Total 1

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

SB 10 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, 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, 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, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

SB 41 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, 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, 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,

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Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

SB 53 concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, 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, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Mortensen, Noland, O'Hara, Patelis, Perry, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Zolnikov, Mr. Speaker.

Total 92

Nays: Bennett, Hill-Smith, Morigeau, Olsen, Peppers, Smith, Woods.

Total 7

Excused: None.

Total 0

Absent or not voting: Windy Boy.

Total 1

SB 68 concurred in as follows:

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

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Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.
Total 93

Nays: B. Brown, Cuffe, Doane, Glimm, Manzella, Noland.
Total 6

Excused: None.
Total 0

Absent or not voting: Windy Boy.
Total 1

SJR 2 concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Bartel, Bennett, Berglee, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fleming, Flynn, Funk, Galloway, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Jacobson, Karjala, Keane, Kelker, Knokey, Lavin, Loge, Lynch, McCarthy, McKamey, O'Hara, Peppers, Perry, Pierson, Price, Redfield, Ricci, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Webb, Webber, Welch, Woods, Zolnikov, Mr. Speaker.
Total 66

Nays: Ballance, Beard, Brodehl, B. Brown, Burnett, Cuffe, Doane, Fern, Fitzgerald, Glimm, Harris, Hopkins, Jones, Kipp III, C Knudsen, Lenz, Mandeville, Manzella, McConnell, Morigeau, Mortensen, Noland, Olsen, Patelis, Regier, Rosendale, Skees, Staffanson, Tschida, Usher, Vinton, Wagoner, White.
Total 33

Excused: None.
Total 0

Absent or not voting: Windy Boy.
Total 1

MOTIONS

Representative Ehli moved to re-refer **HB 302** to the Appropriations Committee. Without objection, so ordered.

Representative Essmann moved to re-refer **HB 239** to the Taxation Committee.

Mr. Speaker ruled the motion out of order.

Representative Essmann withdrew his motion.

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Representative Ehli moved to appoint a Free Conference Committee on **HB 18** and request the Senate to appoint a like committee. Motion carried. Speaker Knudsen appointed:

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Representative Galt
Representative Jacobson
Representative Redfield

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned names be **ADDED** as sponsors to **HB 406**
Motion carried.

HB 406 (G. Hertz, Chief Sponsor)

Galt, Harris, D. Jones, Lavin, Manzella, Mortensen, Ricci, Skees, Staffanson, and Tschida.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 370**
Motion carried.

HB 370 (B. Bennett, Chief Sponsor)

Wagoner.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Representative Ehli moved that the House adjourn until 1:00 p.m., Friday, February 10, 2017.
Motion carried.

House adjourned at 1:51 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

AUSTIN KNUDSEN
Speaker of the House