

**HOUSE JOURNAL  
65TH LEGISLATURE  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 10, 2017

House Chambers  
State Capitol

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

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

**BILLS** (Ricci, Chair):

2/10/2017

Correctly printed: **HB 152, HB 209, HB 220, HB 266, HB 288, HB 302, HB 306, HB 335, HB 337, HB 342, HB 347, HB 416, HB 421, HB 422, HB 423, HB 424, HB 425, HB 426, HB 427, HB 428, HB 429, HB 430, HB 431, HJR 6, HJR 8.**

Correctly engrossed: **HB 228, HB 255, HB 280, HB 331, HB 339.**

Correctly enrolled: **HB 65, HB 80, HB 87, HB 150, HB 166.**

Transmitted to the Senate: **HB 152, HB 209, HB 211, HB 226, HB 288, HB 306, HB 342.**

**REPORTS OF STANDING COMMITTEES**

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

2/9/2017

**HJR 7**, be adopted. Report adopted.

**HB 289**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "REQUIRING" on line 4 through "ADDITIONAL" on line 5

**Insert:** "REVISING"

2. Title, page 1, line 5 through line 6.

**Following:** "RULEMAKING" on line 5

**Insert:** ";

**Strike:** "PENALTIES" on line 5 through "ASSISTANT" on line 6

**Insert:** "REVISING DEFINITIONS"

3. Page 1.

**Following:** line 23

**Insert:** "(6) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action."

**Renumber:** subsequent subsections

4. Page 2, line 8.

**Strike:** "in the case of an emergency, but the"

**Insert:** "when a guide's license cannot be readily attained prior to the service of a participant due to an emergency. The"

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5. Page 3, line 28.

**Following:** "and"

**Insert:** "and"

6. Page 3, line 29.

**Strike:** ", and annual reporting and auditing related to the use of outfitter's assistants"

7. Page 3 through page 4.

**Strike:** line 30 on page 3 through line 7 on page 4

**Insert:** "must also identify data that may be collected regarding use of outfitter's assistants."

8. Page 5, line 3 through page 6, line 2.

**Strike:** section 3 in its entirety

**Insert:** "**Section 3.** Section 37-47-325, MCA, is amended to read:

**"37-47-325. (Temporary) Outfitter's assistants -- exemption from licensing.** (1) An outfitter may hire or retain an outfitter's assistant.

(2) An outfitter's assistant is not required to obtain a license under this chapter.

(3) The outfitter's assistant must carry proof of employment as ~~provided in 37-47-404(4)(b) pending adoption of proof of employment~~ required by the board by rule.

(4) (a) An outfitter who employs or retains an outfitter's assistant is responsible for ensuring that the outfitter's assistant:

(i) safeguards the public health, safety, and welfare while providing services; and

(ii) is qualified and competent to perform the tasks of a guide.

(b) The board shall hold an outfitter who employs or retains an outfitter's assistant responsible under the provisions of 37-1-316, 37-47-341, and 37-47-402 for any acts or omissions by the outfitter's assistant in the ordinary course and scope of duties assigned by the outfitter.

(5) The outfitter's assistant may not be employed or retained by an outfitter for more than 15 days in a calendar year unless the outfitter's assistant is actively obtaining a guide's license pursuant to this part and the board determines that the license application is routine for purposes of 37-1-101.

(6) An outfitter may use more than one outfitter's assistant in a calendar year.

(7) An outfitter's assistant may be employed or retained by an outfitter on more than one occasion in a calendar year if:

(a) the outfitter's assistant is not employed or retained for more than 15 days as an outfitter's assistant in that calendar year; or

(b) the outfitter's assistant is actively obtaining a guide's license and the board determines that the license application is routine for purposes of 37-1-101. ~~(Terminates December 31, 2017--sec. 1, Ch. 136, L. 2015.)"~~

And, as amended, be adopted. Report adopted.

**HB 311**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "PROVIDING PENALTIES;"

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2. Page 1, line 11.

**Following:** "veterans"

**Strike:** "are"

**Insert:** "may be"

3. Page 1, line 15 through line 17.

**Strike:** "Block" on line 15 through "basis." on line 17

4. Page 1, line 26 through page 2, line 4.

**Strike:** line 26 on page 1 through line 4 on page 2

**Renumber:** subsequent sections

5. Page 2, line 6.

**Strike:** "(1)"

6. Page 2, line 8 through line 9.

**Strike:** subsection (2) in its entirety

And, as amended, be adopted. Report adopted.

**SB 52**, be concurred in. Report adopted.

**JUDICIARY** (Doane, Chair):

2/10/2017

**HB 149**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SCANNER"

**Insert:** "READER"

2. Title, page 1, line 7.

**Strike:** "SCANNER"

**Insert:** "READER"

3. Page 1, line 11.

**Strike:** "scanner"

**Insert:** "reader"

4. Page 1, line 13.

**Strike:** "scanner"

**Insert:** "reader"

5. Page 1, line 14.

**Strike:** "scanner"

**Insert:** "reader"

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6. Page 1, line 22.

**Strike:** "scanners"

**Insert:** "readers"

7. Page 2, line 2.

**Strike:** "scanner"

**Insert:** "reader"

8. Page 2, following line 3.

**Insert:** "(d) State or local law enforcement may use a device and equipment, including license plate readers if necessary, if the following requirements are met:

(i) A state or local law enforcement agency that uses an automatic license plate reader system shall adopt and publicize a written policy governing its use before the automatic license plate reader system is operational. The policy must address the following:

(A) use of any database to compare data obtained by the automatic license plate reader system;

(B) retention of data associated with the automatic license plate reader system;

(C) sharing of the data with another law enforcement agency;

(D) training of automatic license plate reader system operators;

(E) supervisory oversight of automatic license plate reader system use;

(F) access to and security of data;

(G) access to data obtained by automatic license plate reader systems not operated by the law enforcement agency; and

(H) any other subjects related to automatic license plate reader system use by the law enforcement agency.

(ii) At least once every year, the law enforcement agency shall audit its automatic license plate reader system use and effectiveness and report the findings to the head of the law enforcement agency responsible for operating the system.

(iii) Data obtained by a law enforcement agency in accordance with this subsection (2)(d) must be obtained, accessed, preserved, or disclosed only for law enforcement or criminal justice purposes.

(iv) A law enforcement agency that uses a license plate reader system shall:

(A) maintain a record of users who access license plate reader data. The record must be maintained indefinitely.

(B) keep system maintenance and calibration schedules and records on file.

(v) Operation of a license plate reader and access to data collected by a license plate reader must be for official law enforcement purposes only. A license plate reader must be used only to scan, detect, and identify a license plate number for the purpose of identifying a vehicle that is:

(A) stolen;

(B) associated with a wanted, missing, or endangered person;

(C) registered to a person against whom there is an outstanding warrant;

(D) in violation of commercial trucking requirements;

(E) involved in case-specific criminal investigative surveillance;

(F) involved in a homicide, shooting, or other major crime or incident; or

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(G) in the vicinity of a recent crime and may be connected to that crime.

(vi) A positive match by a license plate reader alone does not constitute reasonable suspicion as grounds for a law enforcement officer to stop a vehicle. The officer shall:

(A) develop independent reasonable suspicion for the stop; or

(B) immediately confirm visually that the license plate on a vehicle matches the image of the license plate displayed on the license plate reader and confirm by other means that the license plate number meets one of the criteria specified in subsection (2)(d)(v).

(vii) A law enforcement agency that uses an automatic license plate reader system in accordance with this section shall update the system from the databases specified pursuant to subsection (2)(d)(i) every 24 hours if an update is available or as soon as practicable after an update becomes available.

(viii) A license plate reader may be installed for the sole purpose of recording and checking license plates and may not be capable of photographing, recording, or producing images of the occupants of a vehicle."

9. Page 2, line 6.

**Strike:** "In"

**Insert:** "As used in"

**Strike:** "license plate scanner"

**Insert:** "the following definitions apply: (a) "Law enforcement agency" means:

(i) an agency or officer of the state of Montana or a political subdivision that is empowered by the laws of this state to conduct investigations or to make arrests; and

(ii) an attorney, including the attorney general, who is authorized by the laws of this state to prosecute or to participate in the prosecution of a person who is arrested or who may be subject to a civil action related to or concerning an arrest.

(b) "License plate reader"

10. Page 2, following line 13.

**Insert:** "NEW SECTION. **Section 2. Preservation and disclosure of records by law enforcement agency.** (1) Except as provided in subsection (2), captured license plate data obtained by an automatic license plate reader system that is operated by or on behalf of a law enforcement agency for law enforcement purposes pursuant to [section 1(2)(d)] may not be preserved for more than 90 days after the date that the data is captured.

(2) Data obtained by an automatic license plate reader may be preserved for more than 90 days pursuant to any of the following:

(a) a preservation request submitted pursuant to subsection (3);

(b) a search warrant issued pursuant to 46-5-220;

(c) a federal search warrant issued in compliance with the Federal Rules of Civil Procedure.

(3) Upon the request of a law enforcement agency, the custodian of captured license plate data shall take all necessary steps to immediately preserve captured license plate data in its possession. A requesting agency must specify in a sworn written statement:

(a) the location of the particular camera or cameras for which captured license plate data must be preserved;

(b) the particular license plate for which captured license plate data must be preserved;

(c) the date or dates and timeframes for which captured license plate data must be

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preserved;

(d) specific and articulable facts showing that there are reasonable grounds to believe that the captured license plate data is relevant and material to an ongoing criminal or missing persons investigation or is needed to prove a violation of a motor carrier safety regulation; and

(e) the case and the identity of the parties involved in the case.

(4) One year from the date of the initial preservation request, the captured license plate data obtained by an automatic license plate reader system must be destroyed according to the custodian's record or data retention policy, unless the custodian receives another preservation request within the 1-year period. If the custodian receives another preservation request, the 1-year retention period resets based on the date of the second request.

(5) License plate data captured in accordance with [section 1] is a public record but is protected from disclosure under the provisions of Title 2, chapter 6, parts 10 through 12, except to the person to whom the license plate is registered.

(6) Nothing in this section may be construed as requiring the disclosure of captured license plate data if a law enforcement agency determines that disclosure of that data will compromise an ongoing investigation.

(7) Captured license plate data may not be sold for any purpose."

**Renumber:** subsequent sections

11. Page 2, line 16.

**Following:** "1"

**Insert:** "(2)(a) through (2)(c)"

12. Page 2, line 23.

**Strike:** "and 2"

**Insert:** "through 3"

13. Page 2, line 25.

**Strike:** "and 2"

**Insert:** "through 3"

And, as amended, do pass. Report adopted.

**HB 168**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "CASES;"

**Insert:** "PROVIDING DEFINITIONS;"

2. Page 1, line 10.

**Following:** "expungement"

**Insert:** "-- definitions"

3. Page 1, line 16.

**Following:** "(a)"

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**Insert:** "(i)"

4. Page 1, line 18.

**Strike:** "and"

**Insert:** "or"

5. Page 1, line 18.

**Following:** line 18

**Insert:** "(ii) the person has applied to a United States military academy, has applied to enlist in the armed forces or national guard, or is currently serving in the armed forces or national guard and is prohibited from enlisting or holding a certain position due to a prior conviction; and"

6. Page 1, line 21.

**Strike:** "two"

**Insert:** "one"

7. Page 1, line 22.

**Following:** "45-5-201"

**Strike:** "or"

**Insert:** ", "

8. Page 1, line 22.

**Following:** "45-5-206"

**Insert:** ", stalking under 45-5-220, a violation of a protective order under 45-5-626, or driving under the influence of alcohol or drugs under Title 61, chapter 8, part 4"

9. Page 1, line 23.

**Following:** "must be sent"

**Insert:** "by the person whose records are to be expunged"

10. Page 1, line 24.

**Following:** "offense,"

**Insert:** "the clerk of the court in which the person was sentenced,"

11. Page 1, line 26 through line 28.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

12. Page 2, line 2.

**Following:** "person's life."

**Insert:** "A person submitting a petition for expungement under this section must be fingerprinted for purposes of determining prior convictions."

13. Page 2, line 2.

**Following:** line 2

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**Insert:** "(7) The department of justice shall expunge any records under this section within existing department resources.

(8) For purposes of this section, the following definitions apply:

(a) "Expunge" or "expungement" means to permanently destroy, delete, or erase a record of an offense from the criminal history record information system maintained by the department of justice in a manner that is appropriate for the record's physical or electronic form.

(b)(i) "Record" means any identifiable description, notation, or photograph of an arrest and detention; complaint, indictment, or information and disposition arising from a complaint, indictment, or information; sentence; correctional status; release; and court document or filing.

(ii) The term does not include a fingerprint record or data that may be maintained for investigative purposes."

And, as amended, do pass. Report adopted.

**HB 340**, do pass. Report adopted.

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

2/9/2017

**HB 301**, do pass. Report adopted.

**SB 39**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Mandeville, Chair):

2/10/2017

**HB 86**, introduced bill, be amended as follows:

1. Page 9, line 6.

**Strike:** "organizations"

**Insert:** "families"

And, as amended, do pass. Report adopted.

**HB 283**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Strike:** "administered"

**Insert:** "awarded"

2. Page 1, line 17.

**Following:** "2016"

**Insert:** ", to the extent the information is available"

3. Page 1, line 21.

**Following:** "(d) the"

**Insert:** "award"

**Strike:** "and"

4. Page 1, line 22.



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**Following:** "grant"

**Insert:** "; and

(f) the grant period"

5. Page 1, line 30.

**Strike:** "administered"

**Insert:** "awarded"

6. Page 2, line 4.

**Following:** "(d) the"

**Insert:** "award"

**Strike:** "and"

7. Page 2, line 5.

**Following:** "grant"

**Insert:** "; and

(f) the grant period"

And, as amended, do pass. Report adopted.

**HB 287**, do pass. Report adopted.

**TAXATION** (Essmann, Chair):

2/10/2017

**SB 85**, do concur. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

2/8/2017

**SB 86**, introduced by Richmond

**SB 119**, introduced by Hinkle

**SB 165**, introduced by Salomon

**House bill not** concurred in and returned to the House:

2/8/2017

**HB 55**, introduced by Loge

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

2/8/2017

**HB 59**, introduced by Dudik

**HB 146**, introduced by Zolnikov

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House bills concurred in and returned to the House:

2/8/2017

HB 65, introduced by Holmlund  
HB 80, introduced by Curdy  
HB 87, introduced by Swanson  
HB 150, introduced by White  
HB 166, introduced by Trebas

**FIRST READING AND COMMITMENT OF BILLS**

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

HB 432, introduced by B. Hamlett, P. Connell, C. Glimm, C. Knudsen, C. Vincent, G. Vuckovich, referred to Natural Resources.  
HB 433, introduced by B. Hamlett, P. Connell, T. Richmond, C. Vincent, G. Vuckovich, referred to Natural Resources.  
HB 434, introduced by K. Flynn, D. Bartel, B. Brown, J. Cohenour, A. Doane, R. Fitzgerald, W. Galt, C. Glimm, S. Gunderson, B. Hamlett, B. Harris, D. Kary, D. Mortensen, A. Redfield, B. Tschida, referred to Fish, Wildlife and Parks.  
HB 435, introduced by T. Burnett, referred to Human Services.  
HB 436, introduced by T. Burnett, referred to State Administration.  
HB 437, introduced by S. Lavin, M. Blasdel, B. Brown, T. Facey, W. Galt, C. Knudsen, Z. Perry, referred to Fish, Wildlife and Parks.  
HB 438, introduced by K. Holmlund, referred to Judiciary.  
HB 439, introduced by R. Ehli, referred to State Administration.  
HB 440, introduced by J. Keane, referred to Transportation.

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

SB 86, introduced by T. Richmond, referred to Taxation.  
SB 119, introduced by J. Hinkle, referred to Fish, Wildlife and Parks.  
SB 165, introduced by D. Salomon, referred to Business and Labor.

**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 White in the chair.

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

**HB 59 - Senate Amendments** - Representative Dudik moved Senate Amendments to **HB 59** do concur. Motion carried as follows:

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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 62** - Representative Brodehl moved **HB 62** 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, 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, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.  
Total 99

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Tschida.  
Total 1

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**HB 77** - Representative Brodehl moved **HB 77** 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, 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 191 - Senate Amendments** - Representative Berglee moved Senate Amendments to **HB 191** do concur. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Berglee, Bishop, Brodehl, B. Brown, Burnett, Cook, Court, Cuffe, Curdy, 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, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Bennett, Z. Brown, Curtis, Smith, Webber.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

Representative Curtis excused at this time.

**HB 220** - Representative McCarthy moved **HB 220** 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, 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 266** - Representative Ballance moved **HB 266** 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

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 317** - Representative W. Sales moved **HB 317** do pass. Motion **failed** as follows:

Yeas: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fitzgerald, Fleming, Funk, Garner, Greef, Grubbs, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Loge, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Sales, Schreiner, Smith, Stewart-Per, Swanson, Webber, White, Windy Boy, Woods.

Total 50

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

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 335** - Representative Trebas moved **HB 335** do pass. Motion carried as follows:

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

Total 66

Nays: Abbott, Bachmeier, Bishop, Z. Brown, Court, Curdy, Curtis, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Hamilton, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Lynch, McConnell, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Swanson, Webber, Windy Boy, Woods.

Total 34

Excused: None.

Total 0

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Absent or not voting: None.

Total 0

**HB 337** - Representative Hamlett moved **HB 337** 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, 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 347** - Representative D. Jones moved **HB 347** 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, 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

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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 White 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, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, 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, 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: Karjala, Peppers, Smith, Woods.

Total 4

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**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 125** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bennett, Berglee, Bishop, Brodehl, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, 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, Regier, Ricci, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 90



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Nays: Bartel, Beard, B. Brown, Redfield, Rosendale, Wagoner.

Total 6

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 138** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, 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, 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 96

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 152** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, 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, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov, Mr. Speaker.

Total 93

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Nays: Hamilton, Keane, Smith.

Total 3

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 209** passed as follows:

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

Total 69

Nays: Abbott, Bachmeier, Bennett, Bishop, Court, Curdy, Dunwell, Eck, Fern, Fleming, Funk, Galloway, Hamilton, Hayman, Hill-Smith, Jacobson, Karjala, Kelker, McConnell, Morigeau, Olsen, Pierson, Ryan, Smith, Swanson, Webber, Woods.

Total 27

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 211** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, 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, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Mr. Speaker.

Total 95

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Nays: Zolnikov.

Total 1

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 226** passed as follows:

Yeas: Abbott, Anderson, Bachmeier, Bennett, Bishop, Brodehl, Z. Brown, Cook, Court, Cuffe, Curdy, Custer, Doane, Dudik, Eck, Ellis, Fern, Fitzgerald, Fleming, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Hamilton, Hamlett, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Jacobson, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lynch, McCarthy, McConnell, Morigeau, Noland, Olsen, Patelis, Peppers, Perry, Pierson, Regier, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Webber, Welch, Woods.

Total 63

Nays: Ballance, Bartel, Beard, Berglee, B. Brown, Burnett, Dunwell, Ehli, Essmann, Flynn, Harris, Hopkins, Jones, Lavin, Lenz, Loge, Mandeville, Manzella, McKamey, Mortensen, O'Hara, Redfield, Ricci, Rosendale, Staffanson, Tschida, Usher, Vinton, Wagoner, Webb, White, Zolnikov, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 288** passed as follows:

Yeas: Abbott, Bachmeier, Beard, Bennett, Bishop, Z. Brown, Burnett, Cook, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fitzgerald, Fleming, Funk, Garner, Greef, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Loge, Lynch, Mandeville, McCarthy, McConnell, McKamey, Morigeau, Olsen, Patelis, Peppers, Perry, Pierson, Regier, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Webber, Welch, Woods, Zolnikov.

Total 61

Nays: Anderson, Ballance, Bartel, Berglee, Brodehl, B. Brown, Cuffe, Doane, Ehli, Essmann, Flynn, Galloway, Galt, Glimm, Grubbs, Holmlund, C Knudsen, Lavin, Lenz, Manzella, Mortensen, Noland, O'Hara, Redfield, Ricci, Rosendale, Skees, Staffanson, Tschida, Usher, Vinton, Wagoner, Webb, White, Mr. Speaker.

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Total 35

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 306** passed 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, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Jones, Kipp III, 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, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Ryan, Schreiner, Smith, Stewart-Per, Swanson, Webber, Woods.

Total 37

Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**HB 342** passed as follows:

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

Total 78

Nays: Abbott, Bennett, Bishop, Court, Dunwell, Eck, Ellis, Funk, Hayman, Hill-Smith, Karjala, Kelker, McCarthy, McConnell, Morigeau, Olsen, Ryan, Woods.

Total 18

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Excused: None.

Total 0

Absent or not voting: Curtis, Gunderson, Price, Windy Boy.

Total 4

**MOTIONS**

Representative Ehli moved to re-refer **HB 62** to the Appropriations Committee. Without objection, so ordered.

Representative Ehli moved to re-refer **HB 77** to the Appropriations Committee. Without objection, so ordered.

Representative Ehli moved to re-refer **HB 335** to the Appropriations Committee. Without objection, so ordered.

Representative Tschida rose on a **Point of Personal Privilege** and apologized for his language during second reading discussion.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Ehli moved that the House adjourn until 1:00 p.m., Monday, February 13, 2017. Motion carried.

House adjourned at 2:14 p.m.

LINDSEY VROEGINDEWEY  
Chief Clerk of the House

AUSTIN KNUDSEN  
Speaker of the House