

**HOUSE JOURNAL  
65TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 13, 2017

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Curtis, Kipp III and Windy Boy, excused. Quorum present.

**LEGISLATIVE ADMINISTRATION** (Ricci, Chair):

2/13/2017

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following pages of the House be ceased as of 5:00 p.m., Friday, February 10, 2017:

Kierra Johnson, Great Falls  
Olivia Boysza, Butte  
Joriann Heikinen, Butte  
Kaden Sangray, Cameron  
Logan Laity, Helena  
Leah Aigner, Shepherd

and recommend that the following pages of the House be employed as of 8:00 a.m., Monday, February 13, 2017:

Morgan Hopkin, Billings  
Naomi Doney, Billings  
Hannah Konen, Fairfield  
Kallie Linse, Laurel  
Halley Haden, Missoula  
Annika Cahill, Scobey  
Hunter Flynn, Whitehall

Report Adopted.

**BILLS** (Ricci, Chair):

2/13/2017

Correctly printed: **HB 62, HB 77, HB 220, HB 266, HB 287, HB 301, HB 335, HB 337, HB 340, HB 347, HB 432, HB 433, HB 434, HB 435, HB 436, HB 437, HB 438, HB 439, HB 440, HJR 7, SB 39, SB 52, SB 85.**

Correctly engrossed: **HB 86, HB 149, HB 168, HB 283, HB 289, HB 311.**

Examined by the sponsor and found to be correct: **HB 65, HB 80, HB 87, HB 150, HB 166.**

Transmitted to the Senate: **HB 220, HB 266, HB 337, HB 347.**

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Delivered to the Governor for approval at 11:57 a.m., February 13, 2017: **HB 43, HB 63, HB 76, HB 115, HB 122, HB 221.**

**REPORTS OF STANDING COMMITTEES**

**EDUCATION** (Berglee, Chair):

2/13/2017

**HB 270**, introduced bill, be amended as follows:

1. Title, page 1, line 11.

**Following:** "20-7-308,"

**Insert:** "20-9-326,"

2. Page 11, line 5.

**Following:** "criteria for approval of"

**Insert:** "high school"

3. Page 11, line 22.

**Following:** "In order for a"

**Insert:** "high school"

4. Page 11, line 27.

**Following:** "**secondary**"

**Insert:** "high school"

5. Page 11, line 29.

**Following:** "appropriation for"

**Insert:** "high school"

6. Page 11, line 30.

**Following:** "providing approved"

**Insert:** "high school"

7. Page 12, line 3.

**Following:** "**secondary**"

**Insert:** "high school"

8. Page 12, line 9.

**Following:** "**secondary**"

**Insert:** "high school"

9. Page 12, line 16.

**Following:** "**secondary**"

**Insert:** "high school"

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10. Page 13, line 1 through line 5.

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

**Renumber:** subsequent subsections

11. Page 13, line 6.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (3)(b)"

12. Page 13, line 9.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (3)(b)"

13. Page 13, line 17.

**Following:** "(6)"

**Insert:** "(a)"

14. Page 13, line 19.

**Following:** "20-9-507 and"

**Insert:** ", except as provided in subsection (5)(b),"

**Following:** "~~secondary~~"

**Insert:** "high school"

15. Page 13, line 21.

**Following:** "required by 20-9-213."

**Insert:** "(b) A K-12 school district that receives funding for both a middle school program pursuant to [section 9] and a high school program pursuant to this section may deposit the money in the same subfund and the money may be expended for either of the programs."

16. Page 13, line 23.

**Following:** "~~secondary~~"

**Insert:** "high school"

17. Page 13, following line 25.

**Insert:** "NEW SECTION. Section 9. Funding for middle grades career and technical education -- distribution. (1) For the purposes of this section, the term "middle grades" means grades 6, 7, and 8.

(2) The superintendent of public instruction shall annually distribute money from the biennial appropriation for middle grades career and technical education to eligible elementary and K-12 school districts. To be eligible for a distribution of funds, an elementary or K-12 school district must provide a list of career and technical education courses available to students in the middle grades to the office of public instruction.

(3) The superintendent of public instruction shall distribute funds based on the proportion of an eligible school district's total quality educators to the statewide total of quality educators in

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all eligible school districts.

(4) The superintendent of public instruction shall annually distribute the funds allocated in this section by November 1. The money received by the school district must be deposited into the subfund of the miscellaneous programs fund established by 20-9-507 and, except as provided by [section 8(5)], may be expended only for middle grades career and technical education programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213."

**Renumber:** subsequent sections

18. Page 14, following line 13.

**Insert:** "**Section 11.** Section 20-9-326, MCA, is amended to read:

**"20-9-326. Annual inflation-related adjustments to basic entitlements and per-ANB entitlements.** (1) In preparing and submitting an agency budget pursuant to 17-7-111 and 17-7-112, the superintendent of public instruction shall determine the inflation factor for the basic and per-ANB entitlements, the data-for-achievement payment, ~~and~~ the general fund payments in 20-9-327 through 20-9-330, and for K-12 career and technical education funding that was appropriated in the general appropriations act in the previous legislative session in each fiscal year of the ensuing biennium. The inflation factor is calculated as follows:

(a) for the first year of the biennium, divide the consumer price index for July 1 of the prior calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the prior calendar year and raise the resulting ratio to the power of one-third; and

(b) for the second year of the biennium, divide the consumer price index for July 1 of the current calendar year by the consumer price index for July 1 of the calendar year 3 years prior to the current calendar year and raise the resulting ratio to the power of one-third.

(2) The present law base for the entitlements and programs referenced in subsection (1), calculated under Title 17, chapter 7, part 1, must consist of any enrollment increases or decreases plus the inflation factor calculated pursuant to this section, not to exceed 3% in each year, applied to both years of the biennium.

(3) For the purposes of this section, "consumer price index" means the consumer price index, U.S. city average, all urban consumers, for all items, using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.""

19. Page 15, line 10.

**Strike:** "\$1 million"

**Insert:** "\$1,850,000"

20. Page 15, line 12 through line 13.

**Strike:** " and 8]."

**Insert:** "through 9]. The legislature intends that the appropriation be considered part of the ongoing base for the next legislative session. Of the \$1,850,000 in each year of the biennium:

(1) \$1,000,000 must be spent on eligible programs offered for grades 9 through 12; and

(2) \$850,000 must be spent on eligible programs offered for grades 6 through 8."

21. Page 15, following line 13.

**Insert:** "NEW SECTION. **Section 14. Codification instruction.** [Section 8] is intended

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to be codified as an integral part of Title 20, chapter 7, part 3, and the provisions of Title 20, chapter 7, part 3, apply to [section 8]."

And, as amended, do pass. Report adopted.

**ENERGY, TECHNOLOGY, AND FEDERAL RELATIONS** (Zolnikov, Chair): 2/10/2017  
**SB 32**, be concurred in. Report adopted.

**HUMAN SERVICES** (Wagoner, Chair): 2/13/2017  
**HB 285**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 13

**Insert:** "(ii) at least one board-certified physician with expertise in chronic pain management;"

**Renumber:** subsequent subsections

2. Page 2, line 22 through line 23.

**Strike:** "but may" on line 22

**Insert:** "or"

**Strike:** "at the" on line 22 through "discretion" on line 23

**Strike:** "as provided" on line 23 through "2-18-503" on line 23

3. Page 3, line 7.

**Following:** "department"

**Insert:** ", consisting of materials provided on the department's website"

4. Page 3, line 11.

**Strike:** "department" through "about"

**Following:** "care"

**Insert:** "information"

**Strike:** "its"

**Insert:** "the department's"

5. Page 3, line 11 through line 13.

**Strike:** ", including" on line 11 through "The information" on line 13

6. Page 3.

**Following:** line 18

**Insert:** "(b) The information must include links to external resources."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Doane, Chair): 2/13/2017  
**HB 370**, do pass. Report adopted.

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**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/9/2017

**SB 42**, introduced by Barrett  
**SB 60**, introduced by Wolken  
**SB 64**, introduced by Wolken  
**SB 121**, introduced by Buttrey  
**SB 140**, introduced by Ankney  
**SB 144**, introduced by R. Webb

**House bills** concurred in and returned to the House: 2/9/2017

**HB 67**, introduced by Ryan  
**HB 68**, introduced by Ryan  
**HB 89**, introduced by Dudik  
**HB 105**, introduced by Garner

**HB 18** - The Senate acceded to the request of the House and authorized the President to appoint the following **Free** Conference Committee to meet with a like committee from the House to confer on **HB 18**:

2/10/2017

Senator Blasdel, Chair  
Senator McClafferty  
Senator Tempel

**MESSAGES FROM THE GOVERNOR**

February 13, 2017

Representative Austin Knudsen, Speaker  
Montana House of Representatives  
Capitol Building  
Helena, MT 59601

Dear Speaker Knudsen:

On Monday, February 13, 2017, I signed the following bills:

HB 16 - V. Ricci  
HB 25 - R. Lynch  
HB 42 - K. Abbott  
HB 74 - G. Hertz  
HB 113 - E. Greef  
HB 120 - J. Bachmeier

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HB 132 - N. McConnell

Sincerely,  
STEVE BULLOCK  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 441**, introduced by D. Lenz, K. Dudik, referred to Judiciary.

**HB 442**, introduced by V. Court, J. Karjala, K. Kelker, M. MacDonald, K. McCarthy, M. McNally, J. Patelis, T. Richmond, R. Webb, D. Zolnikov, referred to Taxation.

**HB 443**, introduced by B. Hamlett, C. Knudsen, F. Moore, R. Shaw, S. Stewart-Peregoy, J. Welborn, referred to Agriculture.

**HB 444**, introduced by R. Shaw, J. Keane, referred to Agriculture.

**HB 445**, introduced by E. Greef, referred to Local Government.

**HB 446**, introduced by J. Bachmeier, F. Anderson, A. Curtis, G. Custer, D. Fern, J. Fleming, B. Grubbs, W. McKamey, S. Webber, referred to Human Services.

**HB 447**, introduced by R. Fitzgerald, referred to State Administration.

**HB 448**, introduced by R. Fitzgerald, referred to State Administration.

**HB 449**, introduced by W. Galt, R. Cook, referred to Business and Labor.

**HB 450**, introduced by G. Hertz, referred to Judiciary.

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

**SB 42**, introduced by D. Barrett (by request of the Department of Environmental Quality), referred to Natural Resources.

**SB 60**, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

**SB 64**, introduced by C. Wolken (by request of the Commission on Sentencing), referred to Judiciary.

**SB 121**, introduced by E. Buttrey, referred to State Administration.

**SB 140**, introduced by D. Ankney, referred to Energy, Technology, and Federal Relations.

**SB 144**, introduced by R. Webb, referred to Judiciary.

**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 Lenz 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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**SB 39** - Representative Ehli moved consideration of **SB 39** be passed for the day. Motion carried.

**HB 146 - Senate Amendments** - Representative Zolnikov moved Senate Amendments to **HB 146** 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, Doane, Dudik, Dunwell, Eck, 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, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Staffanson, White.

Total 2

Excused: None.

Total 0

Absent or not voting: Ehli.

Total 1

**HB 228** - Representative Keane moved **HB 228** do pass. Motion carried as follows:

Yeas: Abbott, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Greef, Grubbs, Gunderson, Hamilton, Hayman, A Hertz, G Hertz, Hill-Smith, Holmlund, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, C Knudsen, Lenz, Loge, Lynch, Mandeville, McCarthy, McConnell, Morigeau, 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, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 88

Nays: Anderson, B. Brown, Glimm, Hamlett, Harris, Hopkins, Jacobson, Lavin, Manzella, McKamey, Mortensen, Usher.

Total 12

Excused: None.

Total 0



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Absent or not voting: None.

Total 0

**HB 255** - Representative Tschida moved **HB 255** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, 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 58

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Custer, 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 42

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 287** - Representative Bennett moved **HB 287** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fitzgerald, Fleming, Funk, Garner, Greef, Grubbs, Hamilton, Hamlett, Hayman, G Hertz, Hill-Smith, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lynch, McCarthy, McConnell, McKamey, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ricci, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Trebas, Vinton, Webb, Webber, Welch, Windy Boy, Woods.

Total 60

Nays: Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Flynn, Galloway, Galt, Glimm, Gunderson, Harris, A Hertz, Holmlund, C Knudsen, Lavin, Lenz, Loge, Mandeville, Manzella, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Rosendale, Skees, Staffanson, Tschida, Usher, Wagoner, White, Zolnikov, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**HB 301** - Representative Ellis moved **HB 301** 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, Greef, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Webber, Welch, Windy Boy, Woods.

Total 47

Nays: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Flynn, Galloway, Galt, Garner, Glimm, 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, Skees, Staffanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, White, Zolnikov, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 339** - Representative Z. Brown moved **HB 339**, second reading copy, be amended as follows:

1. Title, line 8.

**Following:** "PERMIT;"

**Insert:** "REVISING REQUIREMENTS TO ESTABLISH STREAM DEPLETION ZONES;"

**Following:** "85-2-306,"

**Insert:** "85-2-380,"

2. Page 11, line 24.

**Following:** line 23

**Insert:** "**Section 3.** Section 85-2-380, MCA, is amended to read:

**"85-2-380. Stream depletion zones -- establishment -- rulemaking. (1)**

~~Notwithstanding the provisions of subsection (2), the~~ The department may establish a stream depletion zone by rule. The department may initiate rulemaking on its own accord or in response to a petition submitted pursuant to subsection (2) if:

~~(a) the stream depletion zone lies 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; and~~

~~(b) there exists a hydrogeologic assessment for the area where the stream depletion zone is proposed that was conducted by either the ground water investigation program established by 85-2-525 or by a hydrogeologist or a qualified licensed professional engineer.~~

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(2) If the provisions of subsection (1) are met, the department shall initiate rulemaking to establish a stream depletion zone upon receipt of a petition signed by:

(a) a municipality, county, conservation district, or local water quality district formed under Title 7, chapter 13, part 45; or

(b) the owners of at least 15% of the flow rate of the surface water rights in the area estimated to be affected, the boundary of which cannot exceed the boundaries of the drainage subdivisions established by the office of water data coordination, United States geological survey, and used by the water court.

(3) The department shall provide notice of the rulemaking by first-class mail to an appropriator of water who, according to the records of the department, may be affected by the proposed stream depletion zone.

(4) In establishing rules related to stream depletion zones, the department shall consult with the ground water investigation program and the ground water assessment steering committee established by 2-15-1523."

**Renumber:** subsequent section

Amendment **not** adopted as follows:

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

Total 42

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

Total 58

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 339** - Representative Glimm moved **HB 339** do pass. Motion carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Custer, Doane, Ehli, Essmann, Fitzgerald, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Harris, A Hertz, G Hertz, Holmlund, Hopkins, Jacobson, Jones, Keane, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McKamey, Mortensen, Noland, O'Hara, Patelis, Pierson, Price, Redfield, Regier, Ricci, Rosendale, Sales, Schreiner,

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Shaw, Skees, Staffanson, Stewart-Per, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Zolnikov, Mr. Speaker.  
Total 66

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Flynn, Funk, Hamilton, Hayman, Hill-Smith, Karjala, Kelker, Kipp III, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Ryan, Smith, Swanson, Webber, Windy Boy, Woods.  
Total 34

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 Lenz 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, 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, Keane, Kelker, 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, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Woods, Zolnikov.  
Total 91

Nays: Curdy, Ellis, Karjala, Swanson.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Curtis, Kipp III, Manzella, Windy Boy, Mr. Speaker.  
Total 5

Representatives Pierson and Windy Boy excused at this time.

**HB 340** - Representative Skees moved **HB 340** do pass.

**HB 340** - Representative Brodehl moved for cloture. Motion carried. Motion **failed** as follows:

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Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Cuffe, Custer, Doane, Ehli, Fern, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Harris, A Hertz, G Hertz, Hill-Smith, Holmlund, Hopkins, 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, Zolnikov, Mr. Speaker.  
Total 62

Nays: Abbott, Bachmeier, Bennett, Bishop, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Fleming, Funk, Hamilton, Hamlett, Hayman, Jacobson, Karjala, Kelker, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Price, Ryan, Schreiner, Smith, Swanson, Webber, Woods.  
Total 32

Excused: None.  
Total 0

Absent or not voting: Curtis, Essmann, Jones, Kipp III, Pierson, Windy Boy.  
Total 6

**HB 340** - do pass motion for **HB 340** carried as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Fitzgerald, Flynn, Galloway, Galt, 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, Skees, Staffanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Welch, White, Zolnikov, Mr. Speaker.  
Total 54

Nays: Abbott, Bachmeier, Bennett, Bishop, Z. Brown, Cook, Court, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Garner, Hamilton, Hamlett, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Sales, Schreiner, Shaw, Smith, Stewart-Per, Swanson, Webber, Windy Boy, Woods.  
Total 46

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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Representative Eck rose on a **Point of Personal Privilege** and made the following statement. "We are here to speak to bill, we are not here to impugn the integrity of individuals who are not here to defend themselves. I find it highly improper that is what has been happening here. I think it should not be allowed on the House floor. It is not proper."

Representative Dunwell rose on a **Point of Personal Privilege** and made the following statement. "I believe the intent of this bill is not to impugn the integrity or hold a tribunal against the Commissioner of Political Practices or the staff but to decide on whether the office should be disbanded, not to impugn the integrity of any individual or staff at the office. I object."

**HJR 6** - Representative Hill Smith moved **HJR 6** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, B. Brown, Z. Brown, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, 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, Loge, Lynch, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, Regier, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 90

Nays: Brodehl, Burnett, Cook, Doane, Glimm, Lenz, Mandeville, Ricci, Welch.

Total 9

Excused: None.

Total 0

Absent or not voting: Essmann.

Total 1

**HJR 7** - Representative Hill Smith moved **HJR 7** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bennett, Bishop, B. Brown, Z. Brown, Court, Curdy, Curtis, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Gunderson, Hamilton, Hamlett, Harris, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Knokey, Loge, Lynch, Manzella, McCarthy, McConnell, Morigeau, Mortensen, Olsen, Patelis, Peppers, Perry, Pierson, Price, Regier, Ricci, Rosendale, Ryan, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Usher, Webber, Welch, White, Windy Boy, Woods, Zolnikov.

Total 60

Nays: Ballance, Bartel, Beard, Berglee, Brodehl, Burnett, Cook, Cuffe, Custer, Doane, Ehli, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, A Hertz, G Hertz, Holmlund, Hopkins, Jones, C Knudsen, Lavin, Lenz, Mandeville, McKamey, Noland, O'Hara, Redfield,

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Sales, Staffanson, Tschida, Vinton, Wagoner, Webb, Mr. Speaker.

Total 39

Excused: None.

Total 0

Absent or not voting: Essmann.

Total 1

**SB 52** - Representative Vinton moved **SB 52** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Bishop, B. Brown, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, Fern, Fleming, Flynn, Funk, Galloway, 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, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Regier, Ricci, Rosendale, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, Windy Boy, Woods, Mr. Speaker.

Total 88

Nays: Berglee, Brodehl, Doane, Fitzgerald, Galt, Lavin, Mortensen, Redfield, Staffanson, White, Zolnikov.

Total 11

Excused: None.

Total 0

Absent or not voting: Essmann.

Total 1

**SB 85** - Representative Welch moved **SB 85** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Bishop, Z. Brown, Burnett, Cook, Court, Cuffe, Curdy, Curtis, Custer, Dudik, Dunwell, Eck, Ehli, Ellis, 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, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart-Per, Swanson, Trebas, Tschida, Usher, Wagoner, Webber, Welch, Windy Boy, Woods, Mr. Speaker.

Total 88

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Nays: Berglee, Brodehl, B. Brown, Doane, Regier, Rosendale, Staffanson, Vinton, Webb, White, Zolnikov.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Essmann.  
Total 1

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

Yeas: Anderson, Bachmeier, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Curtis, Custer, Doane, Dudik, Eck, Ehli, Ellis, 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, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Patelis, Perry, Price, Redfield, Regier, Ricci, Rosendale, Ryan, Sales, Shaw, Skees, Staffanson, Stewart-Per, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Zolnikov, Mr. Speaker.  
Total 83

Nays: Abbott, Bennett, Bishop, Z. Brown, Court, Curdy, Dunwell, Olsen, Peppers, Schreiner, Smith, Swanson, Woods.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Essmann, Kipp III, Pierson, 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 59, as amended by the Senate**, 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, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith,



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Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, 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 95

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

**HB 191, as amended by the Senate, passed as follows:**

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Cook, Court, Cuffe, Curdy, Curtis, Custer, Doane, Dudik, Eck, Ehli, Ellis, 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, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, 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 93

Nays: Z. Brown, Dunwell.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

**HB 220 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, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith,

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Total 95

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

**HB 266** passed as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, 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, Zolnikov, Mr. Speaker.  
Total 57

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, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Price, Ryan, Schreiner, Smith, Stewart-Per, Swanson, Webber, Woods.  
Total 38

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

**HB 337** 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, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, A Hertz, G Hertz, Hill-Smith,

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Total 95

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

**HB 347** 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, 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, Knokey, C Knudsen, Lavin, Lenz, Loge, Lynch, Mandeville, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, 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 95

Nays: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Burnett, Essmann, Kipp III, Pierson, Windy Boy.  
Total 5

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**MOTIONS**

Representative Ehli moved to re-refer **SB 85** to the Appropriations Committee. Without objection, so ordered.

Representative Ehli moved to re-refer **HB 228** to the Appropriations Committee. Without objection, so ordered.

Representative Ehli moved to re-refer **HB 339** to the Appropriations Committee. Without objection, so ordered.

Representative Ryan moved to change his vote on **HB 191** from No to Yes. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative Ehli moved that the House adjourn until 1:00 p.m., Tuesday, February 14, 2017. Motion carried.

House adjourned at 6:22 p.m.

LINDSEY VROEGINDEWEY  
Chief Clerk of the House

AUSTIN KNUDSEN  
Speaker of the House