

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

Helena, Montana
March 10, 2017

House Chambers
State Capitol

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

Roll Call. All members present, except Representative A. Hertz, C. Knudsen, Lenz, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Mr. Speaker moved that the House revert to Order of Business # 11, Special Orders of The Day, for the purpose of receiving entertainment by Representative Glimm's son, Matt Glimm, who sang a song for the House.

BILLS (Ricci, Chair): 3/10/2017

Correctly printed: **HB 428, HJR 17, SB 54, SB 62, SB 86, SB 89, SB 100, SB 129, SB 142.**
Transmitted to the Senate: **HB 478, SB 54, SB 62, SB 86, SB 89, SB 100, SB 129, SB 142.**

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair): 3/10/2017
SB 108, be concurred in. Report adopted.
SB 128, be concurred in. Report adopted.
SB 165, be concurred in. Report adopted.
SB 169, be concurred in. Report adopted.
SB 318, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Flynn, Chair): 3/9/2017
SB 91, be concurred in. Report adopted.
SB 183, be concurred in. Report adopted.

JUDICIARY (Doane, Chair): 3/10/2017
SB 59, be amended as follows:

1. Title, page 1, line 10.

Following: "DETAINED;"

Insert: "CREATING AN OVERSIGHT COUNCIL TO MONITOR AND REPORT ON THE EFFECTS OF CRIMINAL JUSTICE LEGISLATION; REQUIRING THE QUALITY ASSURANCE UNIT OF THE DEPARTMENT OF CORRECTIONS TO ADOPT AN EVALUATION TOOL AND CONDUCT PROGRAM EVALUATIONS; REQUIRING THE DEPARTMENT TO ADOPT AND MAINTAIN AN INCENTIVES AND INTERVENTIONS GRID TO GUIDE COMMUNITY SUPERVISION OF OFFENDERS;"

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

2. Title, page 1, line 11.

Following: "ATTORNEY;"

Insert: "PROVIDING AN APPROPRIATION;"

3. Page 1, line 12.

Following: "46-9-109, MCA;"

Strike: "AND"

Following: "46-9-203, MCA"

Insert: "; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE"

4. Page 2, following line 20.

Insert: "NEW SECTION. **Section 3. Montana criminal justice oversight council -- duties -- membership.** (1) There is a Montana criminal justice oversight council. The council consists of 12 members as follows:

(a) one member of the house of representatives selected by the speaker of the house and one member of the senate selected by the president of the senate. The legislative members must be selected in consultation with the minority leaders and may not be of the same political party.

(b) one member selected by the chief justice of the Montana supreme court;

(c) the director of the department of corrections or the director's designee;

(d) an employee of the department of corrections selected by the director who has expertise in data collection and reporting;

(e) one member selected by the director of the department of public health and human services who has expertise in behavioral health treatment services;

(f) the executive director of the board of crime control or the director's designee;

(g) a county sheriff appointed by the attorney general; and

(h) the following individuals appointed by the governor:

(i) a member of a state-recognized or federally recognized Indian tribe located within the boundaries of the state of Montana who has expertise in criminal justice;

(ii) one member of the board of pardons and parole;

(iii) one representative of crime victims; and

(iv) one representative of a community corrections facility, treatment facility, or prerelease center.

(2) The director of the department of corrections or the director's designee shall serve as presiding officer.

(3) The council shall:

(a) review the recommendations of the commission on sentencing established in Chapter 343, Laws of 2015, and oversee implementation of and compliance with any legislation resulting from those recommendations;

(b) receive and analyze data collected by agencies and entities charged with implementing the recommendations of the commission on sentencing and that are collecting data during the implementation and management of specific recommendations;

(c) assess outcomes from the recommendations the commission on sentencing has made and corresponding criminal justice reforms;

(d) request, receive, and review data and report on performance outcome data relating to

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

criminal justice reform; and

(e) receive reports required by [section 4] to be produced by the department of corrections.

(4) The council shall submit by September 1 of each even-numbered year a biennial report to the governor and legislature, as provided in 5-11-210. The report must include:

(a) a description of the council's proceedings since the previous report;

(b) a summary of savings from criminal justice reforms and recommendations for how the savings should be reinvested to reduce recidivism; and

(c) a description of performance measures and outcomes related to criminal justice reforms.

(5) The council may appoint a working group to track implementation, evaluate compliance with any legislation resulting from criminal justice reforms, and perform other detailed analysis as directed by the council. If appointed, the working group shall meet regularly and report to the council as the council requires. The working group may include representatives of criminal justice agencies and key constituencies that are not members of the council.

(6) The council may request legislation to enact changes to the state's criminal justice system that the council finds necessary.

(7) The judicial branch, the department of corrections, the department of public health and human services, the board of pardons and parole, and the legislative services and fiscal divisions shall provide data and information as requested by the council.

(8) Appointments made under subsection (1) must be made within 60 days after [the effective date of this section]. A vacancy on the council must be filled in the manner of the original appointment.

(9) Council members must be reimbursed for travel expenses as provided in 2-18-501 through 2-18-503. Members of the council who are full-time salaried officers or employees of this state or any political subdivision are entitled to their regular compensation. Legislative members must be compensated as provided in 5-2-302.

(10) The council shall report to the law and justice interim committee and the legislative finance committee as requested."

Insert: "NEW SECTION. Section 4. Department of corrections to report on criminal justice reinvestment legislation impacts. In addition to any data or reports required by the Montana criminal justice oversight council pursuant to [section 3], the department of corrections shall:

(1) submit an annual report to the Montana criminal justice oversight council by August 15 of each year. The report must include the impact of any legislation related to recommendations from the commission on sentencing established in Chapter 343, Laws of 2015, and the extent to which the department has established and met implementation goals and projections concerning the prison population, recidivism rate, and other key public safety metrics.

(2) report to the legislature by January 1 of each year on the amount of savings generated and on the prison population impact under any legislation resulting from the recommendations of the commission on sentencing established in Chapter 343, Laws of 2015, for the purpose of tracking the progress toward meeting the impact estimates and goals of the legislation."

Insert: "NEW SECTION. Section 5. Supervision responses grid. (1) T h e department shall revise, maintain, and fully implement the policy known as the Montana incentives and interventions grid. The grid must guide responses to negative and positive behavior by people under supervision by the department, including responses to violations of supervision conditions in a swift, certain, and proportional manner. The grid must include guidance and procedures to

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

determine when and how to:

- (a) request a warrant or arrest without a warrant;
- (b) use a 72-hour detention;
- (c) initiate an intervention hearing;
- (d) seek departmental approval to use up to 90-day interventions; and
- (e) exhaust appropriate graduated violation responses before initiating the revocation process.

(2) The department shall:

- (a) provide information and training on the grid for probation and parole officers and supervisors and for members and staff of the board of pardons and parole; and
 - (b) offer information and training on the grid to district court judges, prosecution and defense attorneys, law enforcement personnel, and county detention center personnel.
- (3) The department shall review the grid every 5 years to ensure it adheres to evidence-based practices and that the use of sanctions and incentives by probation and parole officers is consistent across the state."

Insert: "NEW SECTION. Section 6. Quality assurance unit -- program standards -- evaluation -- cooperation with department of public health and human services. (1) There is a quality assurance unit in the department of corrections.

(2) In addition to duties assigned to it by the department director or otherwise required by law, the unit shall:

- (a) adopt a program evaluation tool that ensures adherence to evidence-based practices;
- (b) conduct evaluations of programs to reduce recidivism that are funded by the state; and
- (c) enforce standards to ensure programs are using best practices for reducing recidivism, including targeting highest-risk individuals, adhering to evidence-based or research-driven practices, and integrating opportunities for ongoing quality assurance and evaluation.

(3) Subject to the availability of funding, the department may contract with an independent contractor or academic institution to complete evaluations.

(4) The unit shall work jointly with the department of public health and human services to develop standards for the quality assurance in behavioral health or other clinical programs.

(5) The unit shall conduct regular evaluations of programs operated by the department or under a contract with the department.

(6) After [the effective date of this section], the department shall ensure contracts signed or renewed with providers include minimum program standards, eligibility criteria for program entry, and program dosage requirements that conform with the latest research available on best practices."

Renumber: subsequent sections

5. Page 3, line 18 through line 21.

Strike: section 5 in its entirety

6. Page 3, following line 21.

Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated \$28,000 from the general fund to the department of corrections for the biennium beginning July 1, 2017, for the purposes of funding the council as provided in [section 3]."

Insert: "NEW SECTION. Section 10. Notification to tribal governments. The secretary

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

Insert: "NEW SECTION. Section 11. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 44, chapter 4, part 3, and the provisions of Title 44, chapter 4, part 3, apply to [sections 1 and 2].

(2) [Section 5] is intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [section 5].

(3) [Section 6] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 6]."

Insert: "COORDINATION SECTION. Section 12. Coordination instruction. If both Senate Bill No. 63 and [this act] are passed and approved and if Senate Bill No. 63 contains a section amending 53-1-203, then the section amending 53-1-203 is void and any references in Senate Bill No. 63 to the "incentives and interventions grid adopted under 53-1-203" must be changed to the "incentives and interventions grid adopted under [section 5 of Senate Bill No. 59]."

Insert: "NEW SECTION. Section 13. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [section 3 and section 4(1)] are void.

(2) If the appropriation in [section 9] is vetoed, then [section 3 and section 4(1)] are void."

Insert: "NEW SECTION. Section 14. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval.

(2) [Sections 1, 2, 7, and 8] are effective October 1, 2017.

(3) [Section 9] is effective July 1, 2017."

Insert: "NEW SECTION. Section 15. Termination. [Sections 3 and 4] terminate June 30, 2019."

And, as amended, be concurred in. Report adopted.

SB 60, be concurred in. Report adopted.

SB 63, be concurred in. Report adopted.

SB 65, be amended as follows:

1. Title, page 1, line 12 through line 13.

Strike: "PROHIBITING" on line 12 through "ASSISTANCE;" on line 13

2. Page 2, line 15.

Following: "funds"

Insert: "and federal funds"

3. Page 2, line 18.

Strike: "EXCEPT AS" through ", THE"

Insert: "The"

4. Page 2, line 20 through line 21.

Strike: subsection (c) in its entirety

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

5. Page 2, line 30 through page 3, line 1.

Strike: subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

SB 67, be concurred in. Report adopted.

SJR 3, be concurred in. Report adopted.

SJR 11, be concurred in. Report adopted.

LOCAL GOVERNMENT (Greef, Chair):

3/9/2017

SB 2, be concurred in. Report adopted.

SB 189, be concurred in. Report adopted.

TAXATION (Essmann, Chair):

3/10/2017

HB 308, introduced bill, be amended as follows:

1. Page 1, line 15.

Strike: "pursuant to a"

Insert: "in a new or expanded"

2. Page 1, line 16.

Following: "31."

Insert: "A new or expanded apprenticeship program is an apprenticeship program or a slot in an apprenticeship program that did not exist before [the effective date of this act]."

3. Page 1, line 18.

Following: "(a)"

Insert: "for tax years 2018 and 2019, \$1,000 for each apprentice employed who is a veteran;

(b) for tax year 2020 and after:

(i)"

4. Page 1, line 19.

Strike: "(b)"

Insert: "(ii)"

5. Page 1, line 29.

Following: "program"

Insert: ", that the program is a new or expanded apprenticeship program,"

6. Page 2, line 6.

Following: line 5

Insert: "(8) The department shall provide to each high school in the state information about apprenticeship programs, including but not limited to occupations for which apprenticeships are available, student application requirements, and program requirements."

Renumber: subsequent subsections

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

And, as amended, do pass. Report adopted.

HB 391, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "10%"

Insert: "3%"

2. Page 1, line 29.

Strike: "2017"

Insert: "2018"

And, as amended, do pass. Report adopted.

HB 442, introduced bill, be amended as follows:

1. Page 1, line 11 through page 6, line 6.

Strike: everything after the enacting clause

Insert: "**Section 1.** Section 15-6-201, MCA, is amended to read:

"15-6-201. Governmental, charitable, and educational categories -- exempt property.

(1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operated for gain or profit;

(iv) municipal corporations;

(v) public libraries;

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(vii) special districts created pursuant to Title 7, chapter 11, part 10; and

(viii) subject to subsection (2), federally recognized Indian tribes in the state if the property is located entirely within the exterior boundaries of the reservation of the tribe that owns the property and the property is used exclusively by the tribe for essential government services. Essential government services are tribal government administration, fire, police, public health, education, recreation, sewer, water, pollution control, public transit, and public parks and recreational facilities.

(b) buildings and furnishings in the buildings that are owned by a church and used for actual religious worship or for residences of the clergy, not to exceed one residence for each member of the clergy, together with the land that the buildings occupy and adjacent land reasonably necessary for convenient use of the buildings, which must be identified in the application, and all land and improvements used for educational or youth recreational activities if the facilities are generally available for use by the general public but may not exceed 15 acres for

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

a church or 1 acre for a clergy residence after subtracting any area required by zoning, building codes, or subdivision requirements;

(c) land and improvements upon the land, not to exceed 15 acres, owned by a federally recognized Indian tribe when the land has been set aside by tribal resolution and designated as sacred land to be used exclusively for religious purposes;

(d) property owned and used exclusively for agricultural and horticultural societies not operated for gain or profit;

(e) property, not to exceed 80 acres, which must be legally described in the application for the exemption, used exclusively for educational purposes, including dormitories and food service buildings for the use of students in attendance and other structures necessary for the operation and maintenance of an educational institution that:

(i) is not operated for gain or profit;

(ii) has an attendance policy; and

(iii) has a definable curriculum with systematic instruction;

(f) property, of any acreage, owned by a tribal corporation created for the sole purpose of establishing schools, colleges, and universities if the property meets the requirements of subsection (1)(e);

(g) property used exclusively for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(h) property that is:

(i) (A) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21; or

(B) owned by a federally recognized Indian tribe within the state and set aside by tribal resolution; and

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and not operated for gain or profit;

(i) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(j) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(k) public museums, art galleries, zoos, and observatories that are not operated for gain or profit;

(l) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(m) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(n) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(o) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(o), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(p) property rented or leased to a municipality or taxing unit for less than \$100 a year and that is used for public park, recreation, or landscape beautification purposes. For the purposes of this subsection (1)(p), "property" includes land but does not include buildings. The exemption must be applied for by the municipality or taxing unit, and not more than 10 acres within the municipality or taxing unit may be exempted.

(q) property, not to exceed 500 acres per county, owned by a nonprofit organization and used for a public park.

(2) (a) (i) For the purposes of tribal property under subsection (1)(a)(viii), the property subject to exemption may not be:

(A) operated for gain or profit;

(B) held under contract to operate, lease, or sell by a taxable individual;

(C) used or possessed exclusively by a taxable individual or entity; or

(D) held by a tribal corporation except for educational purposes as provided in subsection

(1)(f).

(ii) For the purposes of parks and recreational facilities under subsection (1)(a)(viii), the property must be:

(A) set aside by tribal resolution and designated as park land, not to exceed 640 acres, or be designated as a recreational facility; and

(B) open to the general public.

(b) For the purposes of subsection (1)(b), the term "clergy" means, as recognized under the federal Internal Revenue Code:

(i) an ordained minister, priest, or rabbi;

(ii) a commissioned or licensed minister of a church or church denomination that ordains ministers if the person has the authority to perform substantially all the religious duties of the church or denomination;

(iii) a member of a religious order who has taken a vow of poverty; or

(iv) a Christian Science practitioner.

(c) For the purposes of subsection (1)(i):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(iii) up to 15 acres of property owned by a purely public charity is exempt at the time of its purchase even if the property must be improved before it can directly be used for its intended charitable purpose. If the property is not directly used for the charitable purpose within 8 years of receiving an exemption under this section or if the property is sold or transferred before it entered direct charitable use, the exemption is revoked and the property is taxable. In addition to taxes due for the first year that the property becomes taxable, the owner of the property shall pay an amount equal to the amount of the tax due that year times the number of years that the property was tax-exempt under this section. The amount due is a lien upon the property and when collected must be distributed by the treasurer to funds and accounts in the same ratio as property tax collected on the property is distributed. At the time the exemption is granted, the department shall file a notice with the clerk and recorder in the county in which the property is located. The notice must indicate that an exemption pursuant to this section has been granted. The notice must describe the penalty for default under this section and must specify that a default under this section will create a lien on the property by operation of law. The notice must be on a form prescribed by the department.

(iv) not more than 160 acres may be exempted by a purely public charity under any exemption originally applied for after December 31, 2004. An application for exemption under this section must contain a legal description of the property for which the exemption is requested.

(d) For the purposes of subsection (1)(k), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property owned by the public museum, art gallery, zoo, or observatory that is reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(e) For the purposes of subsection (1)(q):

(i) the term "public park" means an area of land for the enjoyment of the public, having facilities for rest and recreation, and does not include:

(A) a park generally not accessible to or open to the public and created in order to comply with subdivision laws; or

(B) property with the sole or principal purpose of conservation generally or protection or conservation of wildlife;

(ii) an exemption for a public park must be approved by the governing body of the city or county in which the public park is located before an application for exemption is made to the department. The exemption must be considered in a public hearing and the governing body must

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

consider the appropriateness of use of the land as a public park and the long-term sustainability of the park. If the governing body approves the exemption, a copy of the resolution or ordinance approving the exemption must be included in the application for exemption made to the department."

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to tax years beginning after December 31, 2017."

And, as amended, do pass. Report adopted.

SB 137, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 3/8/2017

SB 167, introduced by Vincent

SB 195, introduced by Connell

SB 245, introduced by Salomon

FIRST READING AND COMMITMENT OF BILLS

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

HB 580, introduced by B. Hamlett, D. Barrett, K. Dudik, J. Eck, F. Garner, B. Hoven, S. Lavin, C. Schreiner, referred to Judiciary.

HB 581, introduced by M. Regier, referred to Judiciary.

HB 582, introduced by G. Hertz, referred to Business and Labor.

HB 583, introduced by K. White, referred to Taxation.

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

HJR 18, introduced by A. Hertz, D. Fern, referred to Taxation.

HJR 19, introduced by B. Grubbs, D. Fern, F. Garner, B. Grubbs, J. Pomnichowski, G. Vance, referred to Transportation.

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

SB 167, introduced by C. Vincent, referred to Judiciary.

SB 195, introduced by P. Connell, referred to Judiciary.

SB 245, introduced by D. Salomon, referred to Business and Labor.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

**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 McConnell in the chair.

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

HB 24 - Senate Amendments - Representative Ehli moved Senate Amendments to **HB 24** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, 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 99

Nays: Ballance.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 65 - Governor's Amendments - Representative Holmlund moved Governor's Amendments to **HB 65** 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, 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,

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.
Total 99

Nays: Mandeville.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 81 - Senate Amendments - Representative Curdy moved Senate Amendments to **HB 81** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, 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, Hamlett, 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, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, Redfield, 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 93

Nays: B. Brown, Glimm, Harris, Hopkins, Noland, Rosendale.
Total 6

Excused: None.
Total 0

Absent or not voting: Hamilton.
Total 1

HB 119 - Senate Amendments - Representative Berglee moved Senate Amendments to **HB 119** be concurred in. Motion carried 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, 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,

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

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 98

Nays: Burnett, Glimm.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 146 - Conference Committee Report No. 1 - Representative Zolnikov moved the Conference Committee report to **HB 146** be adopted. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, 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, 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, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Staffanson, Stewart-Per, Swanson, Trebas, Tschida, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: Bartel, Hayman, Rosendale.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 247 - Senate Amendments - Representative Dudik moved Senate Amendments to **HB 247** 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,

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

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

Majority Leader Ehli moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair McConnell 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, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, 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 96

Nays: Garner.
Total 1

Excused: None.
Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.
Total 3

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

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 478 passed as follows:

Yeas: Anderson, Bachmeier, Bennett, Bishop, Z. Brown, Court, Curdy, Custer, Dudik, Dunwell, Eck, Ellis, Essmann, Fern, Fitzgerald, Fleming, Grubbs, Gunderson, Hamilton, Harris, Hayman, Hill-Smith, Jacobson, Karjala, Keane, Kelker, Kipp III, Lavin, Lynch, Manzella, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Olsen, Pierson, Price, Ryan, Shaw, Staffanson, Stewart-Per, Swanson, Trebas, Usher, Vinton, Wagoner, Webb, Webber, Welch, White, Windy Boy, Woods.

Total 53

Nays: Abbott, Ballance, Bartel, Beard, Berglee, Brodehl, B. Brown, Burnett, Cook, Cuffe, Curtis, Doane, Ehli, Flynn, Funk, Galloway, Galt, Garner, Glimm, Greef, Hamlett, G Hertz, Holmlund, Hopkins, Jones, Knokey, Loge, Mandeville, Noland, O'Hara, Patelis, Peppers, Perry, Redfield, Regier, Ricci, Rosendale, Sales, Schreiner, Skees, Smith, Tschida, Zolnikov, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 54 concurred in as follows:

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

Total 55

Nays: Ballance, Bartel, Berglee, Brodehl, B. Brown, Burnett, Cuffe, Doane, Ehli, Essmann, Flynn, Galloway, Galt, Glimm, Greef, Harris, G Hertz, Holmlund, Hopkins, Jones, Knokey, Lavin, Mandeville, Manzella, Mortensen, Noland, O'Hara, Patelis, Redfield, Regier, Ricci, Rosendale, Skees, Staffanson, Trebas, Tschida, Usher, Wagoner, Webb, Welch, White, Mr. Speaker.

Total 42

Excused: None.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 62 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, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, 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 97

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 86 concurred in as follows:

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

Total 67

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

Total 30

Excused: None.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 89 concurred in as follows:

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

Total 89

Nays: Brodehl, Burnett, Cook, Galloway, Mandeville, Regier, Rosendale, Zolnikov.

Total 8

Excused: None.

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 100 concurred in as follows:

Yeas: Anderson, Ballance, Bartel, Beard, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Cuffe, Curtis, Custer, Doane, Ehli, Essmann, Fitzgerald, Flynn, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamlett, Harris, Hayman, G Hertz, Holmlund, Hopkins, Jacobson, Jones, Karjala, Kelker, Knokey, Lavin, 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 64

Nays: Abbott, Bachmeier, Bennett, Court, Curdy, Dudik, Dunwell, Eck, Ellis, Fern, Fleming, Funk, Hamilton, Hill-Smith, Keane, Kipp III, Lynch, McCarthy, McConnell, Morigeau, Olsen, Peppers, Perry, Pierson, Price, Ryan, Schreiner, Smith, Stewart-Per, Swanson, Webber, Windy Boy, Woods.

Total 33

Excused: None.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 129 concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Bartel, Beard, Bennett, Berglee, Bishop, Brodehl, B. Brown, Z. Brown, Burnett, Cook, Court, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Funk, Galloway, Galt, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, G Hertz, Hill-Smith, Holmlund, Hopkins, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, Loge, Lynch, McCarthy, McConnell, McKamey, Morigeau, Mortensen, Noland, O'Hara, Olsen, Patelis, Peppers, Perry, Pierson, Price, 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, Mr. Speaker.

Total 90

Nays: Ballance, Cuffe, Flynn, Mandeville, Manzella, Redfield, Zolnikov.

Total 7

Excused: None.

Total 0

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

SB 142 concurred in as follows:

Yeas: Abbott, Anderson, Bachmeier, Ballance, Bartel, Beard, Bennett, Berglee, Bishop, B. Brown, Z. Brown, Burnett, Cook, Court, Curdy, Curtis, Custer, Doane, Dudik, Dunwell, Eck, Ehli, Ellis, Essmann, Fern, Fitzgerald, Fleming, Flynn, Funk, Galloway, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harris, Hayman, G Hertz, Hill-Smith, Holmlund, Jacobson, Jones, Karjala, Keane, Kelker, Kipp III, Knokey, Lavin, 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 93

Nays: Brodehl, Cuffe, Galt, Hopkins.

Total 4

Excused: None.

Total 0

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 10, 2017

Absent or not voting: A Hertz, C Knudsen, Lenz.

Total 3

MOTIONS

Representative Hamilton moved to change his vote on **HB 86** from Yes to No. 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., Monday, March 13, 2017.
Motion carried.

House adjourned at 1:41 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

AUSTIN KNUDSEN
Speaker of the House