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

Roll Call. All members present, except Representatives Gunderson, Keane, and Ricci, excused. Quorum present.

Majority Leader Tschida rose in recognition of the 1-year anniversary of the tragic shooting at Stoneman Douglas High School in Parkland, Florida. Mr. Speaker ordered the House stand for a moment of silence.

BILLS (Ricci, Chair):


Correctly engrossed: HB 157, HB 211, HB 230, HB 318.

Correctly enrolled: HB 20, HB 61, HB 63, HB 101, HB 156.

Examined by the sponsor and found to be correct: HB 59, HB 61, HB 63, HB 68, HB 101.

Transmitted to the Senate: HB 34, HB 212, HB 219, HB 221, HB 232, HB 236, HB 292, HB 310, HB 323, HB 331.

Signed by the Speaker at 4:43 p.m., February 14, 2019: HB 59, HB 61, HB 63, HB 68, HB 101.

REPORTS OF STANDING COMMITTEES

EDUCATION (Berglee, Chair):


HB 211, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.
   Strike: "PROVIDING" on line 8 through "RETENTION;" on line 9

2. Page 10, line 3.
   Strike: ";"

   Strike: "(i)"
   Strike: "45"
   Insert: "20"
   Following: "from a"
   Insert: "Montana"
Strike: "10,000"
Insert: "15,000"

4. Page 10, line 5 through line 7.
Strike: ";" on line 5 through "census" on line 7

5. Page 11, line 18.
Following: "20+7."
Insert: "For the school year beginning July 1, 2019, eligibility for the program may be governed by the report adopted by the board of public education by December 1, 2019."

Strike: "and recruitment and retention"

Strike: subsections (3) through (5) in their entirety

Following: line 24
Insert: "(3) If the funding for loan repayment assistance in any year is less than the total amount for which Montana quality educators qualify, the superintendent of public instruction shall prorate repayment assistance amounts accordingly."

Strike: "$400,000"
Insert: "$500,000"

Strike: line 24 in its entirety
Insert: "loan repayment assistance pursuant to 20-4-504."


STATE ADMINISTRATION (Mandeville, Chair): 2/14/2019
HB 318, introduced bill, be amended as follows:

1. Title, line 11.
Following: "13-38-105"
Strike: ","
Insert: "AND"
Following: "13-38-202,"
Strike: "AND"
2. Title, page 1, line 12.
**Strike:** "13-38-205,"
**Following:** "PROVIDING"
**Insert:** "EFFECTIVE DATES AND"

3. Page 1, line 13.
**Following:** line 12
**Insert:** "WHEREAS, the office of committee representative is a position created by the Montana Legislature pursuant to section 13-38-201, MCA; and
WHEREAS, the committee representatives in each precinct constitute the city or county central committee of their respective political parties; and
WHEREAS, the Legislature has delegated the power of the State of Montana to party central committees to participate in the process of filling vacancies for legislative and county commission positions; and
WHEREAS, the State of Montana has the power to regulate political parties to ensure elections are orderly, fair, and honest; and
WHEREAS, other courts have recognized that when a state delegates power to a political party committee to fill vacancies, the state may require compliance with state law; and
WHEREAS, the State of Montana has an interest in limiting opportunities for fraud and corruption by party leadership; and
WHEREAS, the Montana Supreme Court has recognized the power to intervene in the affairs of a political party when the rights of individuals are involved; and
WHEREAS, the enactment of secret rules governing committee representatives, the use of fraudulent proxies of committee representatives, the arbitrary removal of committee representatives, and the filing of false trade and service marks with the Montana Secretary of State are fraudulent and corrupt practices; and
WHEREAS, the enactment of secret rules governing committee representatives, the use of fraudulent proxies of committee representatives, and the removal of committee representatives before the conclusion of a term may result in a disorderly, unfair, and dishonest election to fill a vacancy in a legislative or county commission position; and
WHEREAS, it is in the interest of the State of Montana to prevent fraud and corruption and to ensure fair, honest, and orderly elections conducted by committee representatives and to protect the rights of individuals by setting clear expectations and guidelines for the office of committee representative."

4. Page 1, line 18.
**Strike:** "must"
**Insert:** "shall"

5. Page 2, line 4.
**Following:** "death"
**Strike:** """"
**Insert:** "or written"
6. Page 2, line 4 through line 5.
**Following:** "resignation"
**Strike:** ", or felony conviction"

7. Page 2, line 9 through page 3, line 1.
**Strike:** section 3 in its entirety
**Renumber:** subsequent sections

**Strike:** "5 and 6"
**Insert:** "4 and 5"

**Strike:** "4 and 7"
**Insert:** "3 and 6"

**Strike:** "4 and 7"
**Insert:** "3 and 6"

**Strike:** "5"
**Insert:** "4"

**Strike:** "5"
**Insert:** "4"

13. Page 4, line 5.
**Strike:** "6"
**Insert:** "5"

**Strike:** "6"
**Insert:** "5"

15. Page 4, line 11.
**Following:** line 10
**Insert:** "NEW SECTION. Section 9. Effective dates. (1) [Section 1] is effective October 1, 2019.
       (2) [Sections 2 through 10] are effective on passage and approval."
**Renumber:** subsequent section
**Strike:** "[This act] applies"  
**Insert:** "[Sections 2 through 6] apply"

17. Page 4, line 13.  
**Strike:** "June 15"  
**Insert:** "August 1"


**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence: 2/12/2019

- SB 9, introduced by D. Salomon
- SB 52, introduced by D. Sands
- SB 55, introduced by D. Salomon
- SB 73, introduced by S. Hinebauch
- SB 100, introduced by K. Regier
- SB 111, introduced by M. Blasdel
- SB 137, introduced by S. Hinebauch
- SB 171, introduced by S. Fitzpatrick
- SB 175, introduced by D. Howard
- SB 196, introduced by D. Sands

**Senate joint resolution** passed and transmitted to the House for concurrence: 2/12/2019

- SJR 4, introduced by J. Sesso

**House bills** concurred in and returned to the House: 2/12/2019

- HB 20, introduced by R. Peppers
- HB 61, introduced by D. Bedey
- HB 63, introduced by R. Shaw
- HB 101, introduced by C. Knudsen
- HB 156, introduced by J. Dooling
MESSAGES FROM THE GOVERNOR

February 14, 2019

Representative Greg Hertz, Speaker
Montana House of Representatives
Capitol Building
Helena, MT 59601

Dear Speaker Hertz:

On Thursday, February 14, 2019, I signed the following bill:

House Bill 46—Sheldon-Galloway

The bill has been delivered to the Secretary of State’s Office.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

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

HB 457, introduced by D. Zolnikov, referred to Judiciary.
HB 473, introduced by D. Lenz, referred to Judiciary.
HB 475, introduced by B. Tschida, W. Galt, referred to Business and Labor.
HB 476, introduced by J. Keane, D. Ankney, referred to Energy, Technology and Federal Relations.
HB 477, introduced by M. Funk, referred to Judiciary.
HB 480, introduced by M. Dunwell, referred to Judiciary.
HB 481, introduced by W. Galt, referred to Business and Labor.
HB 482, introduced by A. Doane, J. Windy Boy, referred to State Administration.
HB 483, introduced by J. Read, R. Garcia, D. Skees, referred to Judiciary.
HB 484, introduced by B. Brown, referred to State Administration.
HB 485, introduced by B. Brown, referred to State Administration.
HB 486, introduced by B. Brown, referred to Judiciary.
HB 487, introduced by D. Skees, referred to Energy, Technology and Federal Relations.
HB 488, introduced by M. Regier, referred to Human Services.
HB 489, introduced by M. Regier, referred to Taxation.
HB 491, introduced by B. Tschida, D. Sands, referred to Transportation.

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

SB 9, introduced by D. Salomon (by request of the Education Interim Committee), referred to Education.
SB 52, introduced by D. Sands (by request of the Department of Justice), referred to Judiciary.
SB 55, introduced by D. Salomon (by request of the State Auditor), referred to Business and Labor.
SB 73, introduced by S. Hinebauch (by request of the Department of Agriculture), referred to Agriculture.
SB 100, introduced by K. Regier, referred to Judiciary.
SB 137, introduced by S. Hinebauch, M. Lang, referred to Agriculture.
SB 171, introduced by S. Fitzpatrick, referred to Business and Labor.
SB 196, introduced by D. Sands, B. Tschida, referred to Transportation.

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

SJR 4, introduced by J. Sesso, referred to Natural Resources.
Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative C. Knudsen in the chair.

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

**HB 48** - Majority Leader Tschida moved consideration of **HB 48** be passed for the day. Without objection, so ordered.

**HB 173** - Representative Morigeau moved **HB 173** do pass. Motion carried as follows:


Total 99

Nays: DeVries.

Total 1

Voted absentee: Gunderson, Keane, Ricci, Aye.

Excused: Gunderson, Keane, Ricci.

Total 3

Absent or not voting: None.

Total 0

**HB 267** - Representative Zolnikov moved **HB 267** do pass. Motion carried as follows:


Total  99

Nays: Schreiner.
Total  1

Voted absentee: Gunderson, Keane, Ricci, Aye.

Excused: Gunderson, Keane, Ricci.
Total  3

Absent or not voting: None.
Total  0

**HB 269** - Representative Skees moved **HB 269** do pass. Motion **failed** as follows:

Total  38

Total  62

Voted absentee: Gunderson, Ricci, Aye;  Keane, No.

Excused: Gunderson, Keane, Ricci.
Total  3

Absent or not voting: None.
Total  0
HB 284 - Representative Glimm moved HB 284 do pass. Motion carried as follows:

Total 53

Total 47

Voted absentee: Gunderson, Ricci, Aye; Keane, No.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

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

Total 56

Total 44

Voted absentee: Gunderson, Ricci, Aye; Keane, No.
Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 320 - Representative Mercer moved HB 320 do pass.

HB 320 - Representative Dooling moved HB 320, second reading copy, be amended as follows:

1. Page 1, line 13.
   **Strike:** "(2)"
   **Insert:** "(3)"

2. Page 1, line 16.
   **Following:** line 15
   **Insert:** "(2) Subsection (1) applies to assets and earnings held in and distributions from a qualified tuition program established and maintained by another state as provided by section 529(b)(1)(A)(ii) of the Internal Revenue Code, 26 U.S.C. 529(b)(1)(A)(ii), if the owner, contributor, or designated beneficiary is a Montana resident."
   **Renumber:** subsequent subsections

3. Page 1, line 20.
   **Strike:** "(2)"
   **Insert:** "(3)"

4. Page 1, line 23.
   **Following:** line 22
   **Insert:** "(2) Subsection (1) applies to assets and earnings held in and distributions from a qualified program established as provided in section 529A of the Internal Revenue Code, 26 U.S.C. 529A, and maintained by another state if the owner, contributor, or designated beneficiary is a Montana resident."
   **Renumber:** subsequent subsections

Amendment adopted as follows:


Total 99

Nays: Hayman.
Total 1

Voted absentee: Gunderson, Keane, Ricci, Aye.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 320 - Representative Mercer moved HB 320, second reading copy, be further amended as follows:

1. Page 1, line 13.
   Following: "(2),"
   Insert: "up to $100,000 of"

2. Page 1, line 20.
   Following: "529A,"
   Insert: "up to $100,000 of"

Amendment adopted as follows:

Total 86

Total 14

Voted absentee: Gunderson, Ricci, Aye; Keane, No.
Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 320 - Representative Mercer moved HB 320, as amended, do pass. Motion carried as follows:

Total 99

Nays: None.
Total 0

Voted absentee: Gunderson, Keane, Ricci, Aye.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: Dooling.
Total 1

HR 2 - Representative Olsen moved HR 2 be adopted.

HR 2 - Representative Olsen moved HR 2, second reading copy, be amended as follows:

1. Page 2, line 6 through line 7.
Strike: "limited liability" on line 6 through "Constitution and" on line 7

Strike: "nonhuman entities are"
Insert: "artificial entities may be"
Amendment adopted as follows:

Total 53

Total 47

Voted absentee: Keane, Aye; Gunderson, Ricci, No.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HR 2 - Representative Olsen moved HR 2, as amended, be adopted. Motion failed as follows:

Total 49

Total 51

Voted absentee: Keane, Aye; Gunderson, Ricci, No.

Excused: Gunderson, Keane, Ricci.
Total 3
Minority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair C. Knudsen moved the Committee of the Whole report be adopted. Report adopted as follows:


Total 68


Total 29

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.

Total 3

Absent or not voting: None.

Total 0

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Mandeville, Chair):

HB 157, introduced bill, be amended as follows:

1. Page 1, line 12.
   Strike: "knows or"

2. Page 1, line 13.
   Following: "the judge has"
   Insert: "benefitted from or"

3. Page 1, line 16.
   Strike: "in-kind"
   Insert: "independent"
4. Page 1, line 17.
Strike: "an intermediary"
Insert: "one or more persons"

5. Page 1, line 17 through line 18.
Strike: "is received by" on line 17 through "committee" on line 18
Insert: "benefits the judicial candidate"

6. Page 1, following line 21.
Insert: "(a) "Action or proceeding" means any civil or criminal case brought before a court."
Renumber: subsequent subsections

7. Page 1, line 23.
Following: "candidate"
Strike: "or"
Insert: "and"

8. Page 1, line 29.
Strike: "13-37-229(1)(b)"
Insert: "13-37-232(1)"


THIRD READING OF BILLS

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

**HB 34** passed as follows:

Total 95

Nays: Berglee, Doane.
Total 2
Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

**HB 226** passed as follows:

Total 60

Total 37

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

**HB 236** passed as follows:

Total 67
Total 30

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 331 passed as follows:

Total 94

Nays: Redfield, Skees, Webb.
Total 3

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 212 passed as follows:

Total 96

Nays: Read.
Total 1

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 219 passed as follows:

Total 62

Total 35

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0
HB 221 passed as follows:

Total 95

Nays: Windy Boy, Zolnikov.
Total 2

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 232 passed as follows:

Total 56

Total 41

Voted absentee: None.
Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 292 passed as follows:

Total 89

Total 8

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 310 passed as follows:

Total 52

Moore E, Moore T, Mortensen, Noland, Read, Redfield, Regier, Shaw, Skees, Tschida, Usher, Vinton, Webb, White, Mr. Speaker.
Total 45

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 323 passed as follows:

Total 55

Total 42

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

HB 353 failed as follows:

Total 44
Total 53

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

SJR 1 concurred in as follows:

Total 59

Total 38

Voted absentee: None.

Excused: Gunderson, Keane, Ricci.
Total 3

Absent or not voting: None.
Total 0

**MOTIONS**

Majority Leader Tschida moved to re-refer HB 405 from the Taxation Committee to the Business and Labor Committee. Without objection, so ordered.
UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 464**.
Motion carried.

**HB 464** (J. Krotkov, Chief Sponsor)
M. Dunwell.

Mr. Speaker, I move that the following undersigned name be **REMOVED** as sponsor to **HB 433**.
Motion carried.

**HB 433** (F. Moore, Chief Sponsor)
M. Ryan.

ANNOUNCEMENTS

Minority Leader Schreiner rose on a **Point of Personal Privilege** and made the following statement: “Mr. Speaker, from the beginning of the session, yourself and I have had a good working relationship that has been based on respect and decorum of this body. I cannot let this go and say that was not violated by the opening of one of the bills today, where a party was attacked directly and accused of a bunch of horrendous things, but also brought up race. That is not the way this body should function, Mr. Speaker, and I hope that on day 32, we come here willing to do better.”

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Friday, February 15, 2019.
Motion carried.

House adjourned at 4:00 p.m.