House Journal
66th Legislature
Thirty-Second Legislative Day

Helena, Montana House Chambers
February 15, 2019 State Capitol

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

Roll Call. All members present, except Mr. Speaker, excused. Quorum present.

BILLS (Ricci, Chair):


Correctly engrossed: HB 130, HB 192, HB 238, HB 325, HB 357, HB 436.

Examined by the sponsor and found to be correct: HB 20, HB 90, HB 156.

Transmitted to the Senate: HB 173, HB 267, HB 284, HB 302.

Signed by the Chief Clerk of the House at 7:19 a.m., February 15, 2019: HB 59, HB 61, HB 63, HB 68, HB 101.

Signed by the President at 9:45 a.m., February 15, 2019: HB 59, HB 61, HB 63, HB 68, HB 101.

Delivered to the Governor for approval at 2:42 p.m., February 15, 2019: HB 59, HB 61, HB 63, HB 68, HB 101.

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 173 passed as follows:

Total 97
HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 15, 2019

Nays: Berglee, DeVries.
Total  2

Voted absentee: None.

Excused: Mr. Speaker.
Total  1

Absent or not voting: None.
Total  0

HB 267 passed as follows:

Total  98

Nays: Schreiner.
Total  1

Voted absentee: None.

Excused: Mr. Speaker.
Total  1

Absent or not voting: None.
Total  0

HB 284 passed as follows:

Total  53
Total 46

Voted absentee: None.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

HB 302 passed as follows:

Total 56

Total 43

Voted absentee: None.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Ballance, Chair):

HB 436, introduced bill, be amended as follows:

1. Page 2, line 1.
   Strike: "$100,000"
   Insert: "$50,000"


**BUSINESS AND LABOR** (Noland, Chair):

SB 39, be concurred in. Report adopted.
SB 54, be concurred in. Report adopted.
SB 75, be concurred in. Report adopted.
SB 83, be concurred in. Report adopted.
SB 94, be concurred in. Report adopted.

**JUDICIARY** (Doane, Chair):

HB 192, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 6.
   Strike: "PROVIDING" on line 5 through "FELONY;" on line 6

2. Page 1, line 13.
   Strike: "annoy, or offend,"
   Insert: "or injure,"

3. Page 1, line 15.
   Strike: ":"
   Insert: ":;"

4. Page 1, line 15 through line 17.
   Strike: "The use of" on line 15 through "annoy, or offend." on line 17

5. Page 1, line 23.
   Following: "(d)"
   Insert: "with the purpose to terrify, intimidate, threaten, harass, or injure,"
   Following: "images, or films"
   Insert: "of an identifiable person"

6. Page 1, line 25.
   Following: "anus,"
   Insert: "or"
   Following: "female breast"
   Insert: "if the nipple is exposed"
   Strike: ", or other intimate parts of the person depicted"
HOUSE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 15, 2019

7. Page 2, line 8.
Following: "(ii)"
Insert: "(A)"
Following: "unlawful conduct"
Insert: ",;"

Strike: the first "or"
Insert: "(B)"
Following: "law enforcement,"
Insert: "including reporting to authorities,"

Following: "treatment"
Insert: "; or
(C) disclosures concerning historic, artistic, scientific, or educational materials"

Strike: "Except as provided in subsection (4)(c), a"
Insert: "A"

Strike: "or on a first" on line 20 through "subsection (1)(d)" on line 21

12. Page 2, following line 22.
Insert: "(5) Nothing in this section may be construed to impose liability on an interactive computer service for content provided by another person."

13. Page 2, line 23.
Strike: "(5)"
Insert: "(6) As used in this section, the following definitions apply:
(a)"

14. Page 2, following line 25.
Insert: "(b) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and this type of system of service as operated or offered by a library or educational institution."


HB 238, introduced bill, be amended as follows:

1. Page 1, line 10.
Strike: "law enforcement authorities"

STATE INTERNET/BBS COPY
Insert: "peace officers"

2. Page 1, line 12.
Strike: "law enforcement"
Insert: "peace"

3. Page 1, line 13.
Strike: "law enforcement authorities"
Insert: "a peace officer"
Strike: "their"
Insert: "the officer's"

4. Page 1, line 15.
Strike: "law enforcement authorities"
Insert: "a peace officer"

5. Page 1, line 17.
Strike: "shall"
Insert: "may"

6. Page 1, line 18 through line 20.
Strike: "sentenced" on line 18 through "section" on line 20
Insert: ":
(a) if the crime falsely reported was a misdemeanor, sentenced to not more than 6 months in the county jail or fined not more than $500, or both; or
(b) if the crime falsely reported was a felony, sentenced to not more than 10 years in the state prison or fined not more than $10,000, or both"


HB 325, introduced bill, be amended as follows:

1. Title, page 1, line 7.
Strike: "REVISING" through "WEAPONS;"

2. Title, page 1, line 8.
Strike: ", 45-8-328,"

3. Page 3, line 16 through page 4, line 2.
Strike: section 3 in its entirety
Renumber: subsequent sections

HB 357, introduced bill, be amended as follows:

1. Title, page 1, line 7.
   Strike: "REVISING" through "WEAPONS;"

2. Title, page 1, line 9.
   Strike: ", 45-8-328;"

3. Page 3, line 17 through page 4, line 3.
   Strike: section 3 in its entirety
   Renumber: subsequent sections

   Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If House Bill No. 325 is passed and approved, then [this act] is void."
   Renumber: subsequent sections


TAXATION (Redfield, Chair):


HB 130, introduced bill, be amended as follows:

1. Page 2, line 23.
   Following: "(A)"
   Insert: "subject to subsection (17), up to half of"

   Following: "(B)"
   Insert: "subject to subsection (17), up to half of"

   Following: line 26
   Insert: "(17) The exemption provided for in subsection (2)(c)(iii) for military pension income, military retirement income, and survivor benefits must be phased in as follows:
   (a) 10% is exempt in tax year 2019;
   (b) 20% is exempt in tax year 2020;
   (c) 30% is exempt in tax year 2021;
   (d) 40% is exempt in tax year 2022; and
   (e) 50% is exempt in tax year 2023 and thereafter."

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence: 2/13/2019

SB 8, introduced by K. Regier
SB 47, introduced by J. Cohenour
SB 160, introduced by N. McConnell
SB 179, introduced by D. Kary
SB 192, introduced by M. Lang

House bills concurred in and returned to the House: 2/13/2019

HB 47, introduced by T. Moore
HB 83, introduced by M. Caferro
HB 119, introduced by D. Loge

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 2/13/2019

HB 79, introduced by T. Welch

FIRST READING AND COMMITMENT OF BILLS

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

HB 494, introduced by Z. Brown, referred to Local Government.
HB 495, introduced by R. Farris-Olsen, J. Krautter, referred to Judiciary.
HB 496, introduced by D. Dunn, referred to Energy, Technology and Federal Relations.
HB 497, introduced by W. Galt, G. Hertz, S. Sales, B. Tschida, referred to Fish, Wildlife and Parks.
HB 498, introduced by J. Bahr, referred to Judiciary.
HB 499, introduced by K. Kelker, referred to Human Services.
HB 502, introduced by T. Burnett, referred to Human Services.
HB 505, introduced by W. Sales, referred to Natural Resources.
HB 507, introduced by E. Buttrey, M. Blasdel, R. Lynch, J. Sesso, J. Small, referred to Taxation.
HB 508, introduced by J. Bachmeier, referred to State Administration.
HB 509, introduced by G. Prierson, referred to Fish, Wildlife and Parks.
HB 510, introduced by J. Bachmeier, referred to State Administration.

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


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

SB 8, introduced by K. Regier, referred to Education.
SB 47, introduced by J. Cohenour (by request of the Water Policy Interim Committee), referred to Natural Resources.

SB 192, introduced by M. Lang, referred to Judiciary.

SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)

Majority Leader Tschida moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hamilton in the chair.

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

HB 179 - Representative Redfield moved HB 179 do pass. Motion carried as follows:

Total 91

Nays: Burnett, Doane, Fuller, Hayman, Hopkins, Mandeville, Manzella, Skees, Zolnikov.
Total 9

Voted absentee: Mr. Speaker, Aye.

Excused: Mr. Speaker.
Total 1

Absent or not voting: None.
Total 0

HB 243 - Representative White moved HB 243 do pass. Motion carried as follows:

Total 95

Nays: Burnett, Hayman, Kerr-Carpenter, McKamey.
Total 4

Voted absentee: Mr. Speaker, Aye.

Excused: Mr. Speaker.
Total 1

Absent or not voting: Peppers.
Total 1

HB 265 - Representative White moved HB 265 do pass. Motion carried as follows:

Total 57

Total 42

Voted absentee: Mr. Speaker, Aye.

Excused: Mr. Speaker.
Total 1

Absent or not voting: Peppers.
Total 1
HB 275 - Representative Garner moved HB 275 do pass. Motion carried as follows:

Total  99

Nays: None.
Total  0

Voted absentee: Mr. Speaker, Aye.

Excused: Mr. Speaker.
Total  1

Absent or not voting: Peppers.
Total  1

HB 280 - Representative B. Brown moved HB 280 do pass. Motion carried as follows:

Total  77

Total  22

Voted absentee: Mr. Speaker, Aye.
Excused: Mr. Speaker.
Total  1

Absent or not voting: Peppers.
Total  1

HB 297 - Representative Fleming moved HB 297 do pass. Motion carried as follows:

Total  97

Total  2

Voted absentee: Mr. Speaker, Aye.

Excused: Mr. Speaker.
Total  1

Absent or not voting: Peppers.
Total  1

HB 322 - Representative Fuller moved HB 322 do pass. Motion carried as follows:

Total  83
Total 17

Voted absentee: Peppers, Mr. Speaker, Aye.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 326 - Representative Redfield moved HB 326 do pass. Motion carried as follows:

Total 91

Nays: Bahr, Hayman, Kelker, Krotkov, Mandeville, Olsen, Peppers, Ryan, Schreiner.
Total 9

Voted absentee: Mr. Speaker, Aye; Peppers, No.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 327 - Representative Redfield moved HB 327 do pass.

HB 327 - Representative Olsen moved HB 327, second reading copy, be amended as follows:

1. Page 8, line 29.
Following: "it is"
Insert: "a cell-cultured edible product"
Amendment not adopted as follows:

Total 44

Total 56

Voted absentee: Peppers, Aye; Mr. Speaker, No.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 327 - Representative Redfield moved HB 327 do pass. Motion carried as follows:

Total 87

Total 13

Voted absentee: Mr. Speaker, Aye; Peppers, No.
Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 366 - Representative Farris-Olsen moved HB 366 do pass. Motion carried as follows:
Total 90

Nays: Bartel, Burnett, DeVries, Glimm, Mortensen, Noland, Redfield, Regier, Ricci, Usher.
Total 10

Voted absentee: Peppers, Mr. Speaker, Aye.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 369 - Representative Lynch moved HB 369 do pass. Motion carried as follows:
Total 74
Total 26

Voted absentee: Peppers, Aye; Mr. Speaker, No.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

HB 421 - Representative Dooling moved HB 421 do pass. Motion carried as follows:

Total 62

Total 38

Voted absentee: Mr. Speaker, Aye; Peppers, No.

Excused: Peppers, Mr. Speaker.
Total 2

Absent or not voting: None.
Total 0

Majority Leader Tschida moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker Pro Tempore presiding. Chair Hamilton moved the Committee of the Whole report be adopted. Report adopted as follows:

Total  95

Nays: Hamilton, Krotkov, Zolnikov.
Total  3

Voted absentee: None.

Excused: Peppers, Mr. Speaker.
Total  2

Absent or not voting: None.
Total  0

MOTIONS

Majority Leader Tschida moved to re-refer HB 421 to the Appropriations Committee. Without objection, so ordered.

Majority Leader Tschida moved to re-refer HB 280 to the Appropriations Committee. Without objection, so ordered.

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be ADDED as sponsor to HB 439. Motion carried.

HB 439 (D. Loge, Chief Sponsor)
M. Dunwell.
Representative DeVries rose on a **Point of Personal Privilege** and made the following statement: “To my friends in the Indian Caucus, I want to ask your forgiveness for the offense I caused. Recognizing how you value your culture and valuing culture myself, I get passionate over this issue. Thank you.”

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Monday, February 18, 2019. Motion carried.

House adjourned at 2:33 p.m.