HOUSE JOURNAL  
66TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY  

Helena, Montana           House Chambers  
February 25, 2019         State Capitol  

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

Roll Call. All members present, except Representatives Berglee, Curdy, Hamilton, and Mortensen, excused. Quorum present. 

BILLS (Ricci, Chair):  2/25/2019  


Signed by the Speaker at 4:00 p.m., February 25, 2019: HB 51, HB 206. 

Signed by the President at 6:00 p.m., February 25, 2019: HB 43, HB 45, HB 71, HB 79, HB 123, HB 136, HB 145, HB 163, HB 196. 

Delivered to the Governor for approval at 10:20 a.m., February 25, 2019: HB 64, HB 66, HB 67, HB 72, HB 84, HB 88, HB 91, HB 108, HB 110, HB 124, HB 143, HB 159, HB 200. 

LEGISLATIVE ADMINISTRATION (Ricci, Chair):  2/25/2019  

MR. SPEAKER: 

We, your committee on Legislative Administration recommend employment of the following pages of the House cease as of 12:00 p.m., Saturday, February 23, 2019: 

Clara Bentler, Billings 
Taylor Eggebrecth, Malta 
Allison Johnson, Billings 
Kirsten Kraske, Billings 
Magdalena McKeon, Columbia Falls 
Clara McRae, Helena 
Amanda Penley, Helena
and recommend the following pages of the House be employed as of 1:00 p.m., Monday, February 25, 2019:

James Blanchard, Helena
Catherine Edson, Bozeman
Anastasia Hays, Lavina
Kaylee Kardell, Sidney
Maria McEvoy, Missoula
Linnea Mills, Missoula
Samuel Sullivan, Helena

Report Adopted.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Ricci, Chair): 2/23/2019
HB 506, introduced bill, be amended as follows:

1. Title, line 5.
   Strike: "AN OPTION"
   Insert: "OPTIONS"

   Strike: "an option"
   Insert: "options"

3. Page 2, line 11.
   Strike: "option"
   Insert: "options"


STATE ADMINISTRATION (Mandeville, Chair): 2/25/2019
HB 510, introduced bill, be amended as follows:

1. Page 10, line 7.
   Following: "."
   Insert: "The requirement of this subsection (2)(b) does not apply to a home school student."

2. Page 10, line 8.
   Strike: "(2)"
   Insert: "(3)"

3. Page 10, line 11.
Strike: "(3)"
Insert: "(4)"

Strike: "county"
Insert: "counting"


FIRST READING AND COMMITMENT OF BILLS

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

HB 627, introduced by J. Hamilton, referred to Natural Resources.

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 Buttrey in the chair.

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

HB 214 - Representative Ricci moved HB 214 do pass. Motion carried as follows:

Total 57

Total 43

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.
HB 332 - Representative Kassmier moved HB 332 do pass. Motion carried as follows:


Total  58


Total  42

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.

Total  4

Absent or not voting: None.

Total  0

HB 379 - Representative Manzella moved HB 379 do pass. Motion carried as follows:


Total  56

Total 44

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 381 - Representative Dunn moved HB 381 do pass. Motion carried as follows:

Total 92

Nays: Duram, Fuller, McKamey, Mercer, Redfield, Woods.
Total 6

Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: Brown Z, Shaw.
Total 2

HB 393 - Representative Kassmier moved HB 393 do pass. Motion carried as follows:

Sales, Shaw, Skees, Smith, Sullivan, Tschida, Usher, Webb, Welch, White, Zolnikov,
Mr. Speaker.
Total 62

Nays: Abbott, Bahr, Ballance, Bishop, Brown Z, Burnett, Caferro, Curdy, Dudik, Dunwell,
Farris-Olsen, Fern, Funk, Greef, Hamilton, Hayman, Keane, Kelker, Keogh, Kerr-Carpenter,
Krotkov, Marler, Morigeau, Olsen, Peppers, Perry, Pierson, Pope, Runningwolf, Ryan,
Total 38

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 394 - Representative Hertz moved HB 394 do pass. Motion carried as follows:

Yeas: Anderson, Bachmeier, Ballance, Bartel, Beard, Bedey, Berglee, Bishop, Brown B,
Burnett, Buttrey, Caferro, Custer, DeVries, Doane, Doeling, Dunn, Duram, Fern, Fitzgerald,
Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson,
Hamlett, Harvey, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Knudsen C,
Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, McKamey, Mercer,
Moore E, Moore T, Morigeau, Mortensen, Noland, Peppers, Perry, Pierson, Read, Redfield,
Regier, Ricci, Runningwolf, Sales, Schreiner, Shaw, Skees, Smith, Sullivan, Sweeney, Tschida,
Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov,
Mr. Speaker.
Total 83

Nays: Abbott, Bahr, Bessette, Brown Z, Curdy, Dudik, Dunwell, Farris-Olsen, Hamilton,
Hayman, Keogh, Kerr-Carpenter, Marler, Olsen, Pope, Ryan, Stewart Peregoy.
Total 17

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0
HB 433 - Representative F. Moore moved HB 433 do pass. Motion carried as follows:

Total 79

Total 21

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 462 - Representative Burnett moved HB 462 do pass.

HB 462 - Representative Burnett moved HB 462, second reading copy, be amended as follows:

1. Page 1, line 24 through line 25.
Strike: "6 months" on line 24 through "year" on line 25
Insert: "by October 1 of each year"

2. Page 1, line 25 through line 26.
Strike: "a complete" on line 25 through "fiscal year," on line 26
Insert: "at a minimum"

3. Page 1, line 27.
Strike: "and"

4. Page 1, line 28.
Strike: ",. The report must describe"
Insert: ","

5. Page 1, line 29.

STATE INTERNET/BBS COPY
Following: "year"
Insert: ","

6. Page 1, line 30.
Following: ","
Insert: "Expenditures must be itemized in sufficient detail to illustrate costs associated with specific projects and obligations."

7. Page 7, line 9 through line 10.
Following: "including"
Strike: "a summary" on line 9 through "increment" on line 10
Insert: ":
(i) a list of all districts that use tax increment financing, any changes in the base taxable value of the districts, and the increment values of the districts;
(ii) the total base taxable value and incremental taxable value of all districts with a tax increment provision within the taxing jurisdiction as a percentage of the taxing jurisdiction's total taxable value; and
(iii) an analysis of the growth of the tax increment for each district relative to the growth of the taxable valuation of the taxing jurisdiction and the growth of the average statewide taxable valuation"

Amendment adopted as follows:

Total 60

Total 40

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0
HB 462 - Representative Burnett moved HB 462, as amended, do pass. Motion carried as follows:

Total 59

Total 41

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.
Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 482 - Representative Doane moved HB 482 do pass. Motion carried as follows:

Total 89

Total 9

Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.
HB 489 - Representative M. Regier moved HB 489 do pass. Motion carried as follows:


Total 60


Total 40

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

HB 490 - Representative W. Sales moved HB 490 do pass.

HB 490 - Representative W. Sales moved HB 490, second reading copy, be amended as follows:

1. Page 4, line 8.
   Following: "sells"
   Insert: "no more than 10 gallons of"
   Strike: "and produces 10 gallons of milk"
   Strike: "or less"

   Following: "of"
   Insert: "raw"
   **Strike:** "produced"
   **Insert:** "sold for human consumption"

   **Following:** "sells"
   **Insert:** "more than 10 gallons of"
   **Strike:** "and"

5. Page 4, line 30.
   **Strike:** "produces" through "milk"

   **Following:** "gallons of"
   **Insert:** "raw"
   **Strike:** "produced"
   **Insert:** "sold for human consumption"

7. Page 5, line 12.
   **Strike:** "1(2)(c)"
   **Insert:** "1(2)(d)"

8. Page 6, line 5.
   **Strike:** "section"
   **Insert:** "sections"

Amendment adopted as follows:

   Total 94

Nays: DeVries, Greef, Hopkins, Manzella, Tschida, White.
   Total 6

Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.
Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

**HB 490** - Representative W. Sales moved **HB 490**, as amended, do pass. Motion **failed** as follows:

Total 35

Total 65

Voted absentee: Curdy, Aye; Berglee, Hamilton, Mortensen, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

**HB 497** - Representative Galt moved **HB 497** do pass.

**HB 497** - Representative Z. Brown moved **HB 497**, second reading copy, be amended as follows:

1. Title, page 1, line 4.
   **Following:** "ADDITIONAL"
   **Insert:** "ANTLERLESS"

2. Page 1, line 4 through line 5.
   **Strike:** "during" on line 4 through "commission" on line 5

3. Title, page 1, line 5.
   **Strike:** "SECTION"
Insert: "SECTIONS 87-2-104 AND"

4. Page 1, line 9.
Insert: "Section 1. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses, permits, or tags allowed -- fees. (1) The department may prescribe rules and regulations for the issuance or sale of a replacement license, permit, or tag if the original license, permit, or tag is lost, stolen, or destroyed upon payment of a fee not to exceed $5.

(2) When authorized by the commission for game management purposes, the department may:

(a) issue more than one Class A-3 resident deer A, Class A-4 resident deer B, Class B-7 nonresident deer A, Class B-8 nonresident deer B, Class E-1 resident wolf, Class E-2 nonresident wolf, or special antelope license to an applicant; and

(b) issue a special antlerless moose license, a special cow or calf bison license, or one or more special adult ewe mountain sheep licenses to an applicant; and

(c) issue one or more Class A-9 resident antlerless elk B tag licenses or Class B-12 nonresident antlerless elk B tag licenses to an applicant. Unless otherwise reduced pursuant to subsection (4), the fee for a Class B-12 license is $270.

(3) For all of the game management licenses issued under subsection (2), the commission shall determine the hunting districts or portions of hunting districts for which the licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(4) When authorized by the commission for game management purposes, the department may issue Class A-9 resident antlerless elk B tag licenses and Class B-12 nonresident antlerless elk B tag licenses entitling the holder to take an antlerless elk. Unless otherwise reduced pursuant to subsection (5), the fee for a Class B-12 license is $270. The commission shall determine the hunting districts or portions of hunting districts for which Class A-9 and Class B-12 licenses are to be issued, the number of licenses to be issued, and all terms and conditions for the use of the licenses.

(5) The fee for a resident or nonresident license of any class issued under subsection (2) or (4) may be reduced annually by the department."

Renumber: subsequent sections

5. Page 1, line 28.
Strike: "Except" through "subject"
Insert: "Subject"

6. Page 1, line 29.
Strike: "two"
Insert: "three"

Amendment adopted as follows:


Total 93

Nays: Bachmeier, Fitzgerald, Marler, Noland, Olsen, Tschida, White.

Total 7

Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.

Excused: Berglee, Curdy, Hamilton, Mortensen.

Total 4

Absent or not voting: None.

Total 0

HB 497 - Representative Galt moved HB 497, as amended, do pass. Motion carried as follows:


Total 61


Total 39

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.

Total 4

Absent or not voting: None.

Total 0
HB 520 - Representative Shaw moved HB 520 do pass. Motion carried as follows:

Total 95

Nays: Burnett, DeVries, Regier, Schreiner, Windy Boy.
Total 5

Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HJR 18 - Representative Galt moved HJR 18 do pass.

HJR 18 - Representative Z. Brown moved HJR 18, second reading copy, be amended as follows:

1. Page 2, line 7 through line 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

Amendment adopted as follows:

Total 64
Total 36

Voted absentee: Curdy, Hamilton, Aye; Berglee, Mortensen, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HJR 18 - Representative Z. Brown moved HJR 18, second reading copy, be further amended as follows:

1. Page 2.
Following: line 1
Insert: "(3) publishing a list of landowners participating in a shoulder season;"
Renumber: subsequent subsections

Amendment adopted as follows:

Total 93

Total 7

Voted absentee: Berglee, Curdy, Hamilton, Aye; Mortensen, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4
Absent or not voting: None.
Total 0

**HJR 18** - Representative Galt moved **HJR 18**, as amended, do pass. Motion carried as follows:

Total 58

Total 42

Voted absentee: Berglee, Mortensen, Aye; Curdy, Hamilton, No.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

**SB 2** - Representative Fern moved **SB 2** be concurred in. Motion carried as follows:

Total 84

Total 16

**STATE INTERNET/BBS COPY**
Voted absentee: Berglee, Curdy, Hamilton, Mortensen, Aye.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

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


Nays: Bessette, Olsen, Peppers, Smith.
Total 4

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair):

HB 547, introduced bill, be amended as follows:

1. Title, page 1, line 4.
   Strike: "THE MONTANA"
   Strike: "ACT"
   Insert: "PROTECTIONS"

2. Title, page 1, line 6.
Following: "EMPLOYER;"
Insert: "LIMITING CONDITIONS OF EMPLOYMENT;"

3. Page 1, line 10 through line 11.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 1, line 26 through page 2, line 27.
Strike: section 3 through section 4 in their entirety
Renumber: subsequent sections

5. Page 2, line 29.
Strike: "[Sections 1 through 4] are"
Insert: "[Section 1] is"

Strike: "[sections 1 through 4]"
Insert: "[section 1]"


**JOINT SELECT COMMITTEE FOR SETTLEMENT ACCOUNTABILITY** (Mercer, Vice Chair): 2/25/2019


**STATE ADMINISTRATION** (Mandeville, Chair): 2/25/2019
HJR 8, introduced joint resolution, be amended as follows:

1. Page 1, line 22.
Following: "Liberation of"
Insert: "Rome and"

2. Page 1, line 23.
Following: the first "the"
Insert: "epic"

And, as amended, be adopted. Report adopted.

**TAXATION** (Redfield, Chair): 2/25/2019
The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 22** passed as follows:

Total  94

Nays: Hopkins, Mercer.
Total  2

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total  4

Absent or not voting: None.
Total  0

**HB 224** passed as follows:

Total  83
Nays: Beard, Burnett, DeVries, Doane, Dunn, Galloway, Read, Redfield, Skees, Tschida, Usher, Zolnikov, Mr. Speaker.
Total 13

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 229 passed as follows:

Total 96

Nays: None.
Total 0

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 314 passed as follows:

Mr. Speaker.

Total 94

Total 2

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 363 passed as follows:

Total 79

Total 17

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0
HB 407 passed as follows:

Total 69

Total 27

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 413 passed as follows:

Total 85

Total 11

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4
Absent or not voting: None.
Total 0

HB 428 passed as follows:

Total 68

Total 28

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 434 passed as follows:

Total 66

Total 30

Voted absentee: None.
Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 440 passed as follows:

Total 75

Total 21

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 463 passed as follows:

Total 95
HB 471 passed as follows:


Total 76


Total 20

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.

Total 4

Absent or not voting: None.

Total 0

HB 473 passed as follows:


Total 57
Total 39

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HB 487 passed as follows:

Total 64

Total 32

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

HJR 13 passed as follows:


Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen. Total 4

Absent or not voting: None. Total 0

**SB 20** concurred in as follows:


Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen. Total 4

Absent or not voting: None. Total 0
SB 25 concurring in as follows:

Total 90

Nays: Burnett, DeVries, Galloway, Lenz, Noland, Welch.
Total 6

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Tschida moved to re-refer HB 393 to the Appropriations Committee. Without objection, so ordered.

Majority Leader Tschida moved to re-refer HB 520 to the Appropriations Committee. Without objection, so ordered.

Representative Windy Boy moved HB 135 be taken from Education Committee and that HB 135 be placed on second reading on the 41st Legislative Day.

Motion failed as follows:

Total 46
Total 50

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0

Representative Lenz moved to reconsider action on HB 408 and that HB 408 be placed on second reading on the 41st Legislative Day.

Motion failed as follows:

Total 37

Total 59

Voted absentee: None.

Excused: Berglee, Curdy, Hamilton, Mortensen.
Total 4

Absent or not voting: None.
Total 0
Representative Mercer rose on a **Point of Personal Privilege** and made the following statement. "On Wednesday, the 126th Charter Day at University of Montana and Representative Zach Brown is to be awarded the President Royce Engstrom Endowed Prize in University Citizenship. This prize is awarded to a recent graduate (within ten years) of the University of Montana who, as a student, contributed in a significant way to the betterment of the University and who has remained an exemplary ambassador of the University through distinguished professional and societal service. Congratulations, Representative Zach Brown"

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Tuesday, February 26, 2019. Motion carried.

House adjourned at 3:14 p.m.