

**HOUSE JOURNAL
66TH LEGISLATURE
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 13, 2019

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Galt, Lenz, Mortensen, and Runningwolf, excused. Quorum present.

BILLS (Ricci, Chair):

3/13/2019

Correctly printed: **HB 218, HB 351, HB 387, HB 654, HB 655, HJR 31, SJR 12.**

Correctly engrossed: **HB 2, HB 295, HB 389, HB 431, HB 443, HB 515, HB 552, HB 633.**

Correctly enrolled: **HB 30, HB 44, HB 58, HB 70, HB 142, HB 151, HB 154, HB 247, HB 259.**

Examined by the sponsor and found to be correct: **HB 44, HB 58, HB 154, HB 247, HB 283.**

Signed by the President at 9:40 a.m., March 13, 2019: **HB 65, HB 105, HB 153.**

Delivered to the Governor for approval at 9:28 a.m., March 13, 2019: **HB 73, HB 94, HB 102,**

HB 107, HB 127, HB 160, HB 162, HB 175, HB 176, HB 201, HB 213, HB 220.

Delivered to the Governor for approval at 10:35 a.m., March 13, 2019: **HB 65, HB 105, HB 153.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Shaw, Chair):

3/12/2019

HB 389, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "AGRICULTURAL PRODUCTS"

Insert: "HAY, STRAW, OR BOTH"

2. Page 1, line 12.

Following: "with load,"

Insert: "that does not exceed a height of 15 feet 6 inches"

3. Page 1, line 13.

Strike: "agricultural products"

Insert: "hay, straw, or both on a two-lane highway"

4. Page 1, line 15.

Strike: "does not encounter overhead obstacles"

Insert: "will not encounter overhead obstacles 17 feet from the ground or lower while

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

HB 431, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Title, page 1, line 8.

Strike: "A MINIMUM AMOUNT OF"

3. Page 2.

Following: line 6

Insert: "(4) A farmer who qualifies for and receives loan repayment assistance shall repay that assistance if the farmer ceases to operate the farm before the end of the 5-year commitment."

4. Page 8, line 27.

Strike: "At least"

Insert: "No more than"

Strike: "must"

Insert: "may"

5. Page 8, line 29.

Following: "through 5."

Insert: "The council may use the unspent funds for grants, loans, or other program costs pursuant to this chapter."

And, as amended, do pass. Report adopted.

HB 443, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "80-6-102,"

Insert: "80-6-106,"

2. Page 1, line 17.

Following: "department."

Insert: "From July 1, 2019, to June 30, 2021, the department may not charge a hobbyist beekeeper an annual hobbyist apiary site registration or reregistration fee in excess of \$19."

3. Page 2.

Following: line 27

Insert: "**Section 2.** Section 80-6-106, MCA, is amended to read:

"80-6-106. Application fee. (1) At the time a new application to register an apiary site is submitted to the department by an owner or applicant not currently registered in the department's apiary database, the owner or applicant shall pay an application fee. The Except as provided in

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

subsection (2), the fee may not be less than \$10 or more than \$100.

(2) From July 1, 2019, to June 30, 2021, the department may not charge an owner or applicant who is a hobbyist beekeeper and is not registered in the department's apiary database a hobbyist apiary site application fee in excess of \$19.

(3) The Except as provided in subsection (2), the department may adjust the fee by rule to maintain adequate funding for this part."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 56, be concurred in. Report adopted.

SB 57, be concurred in. Report adopted.

SB 91, be concurred in. Report adopted.

SB 137, be concurred in. Report adopted.

APPROPRIATIONS (Glimm, Chair):

3/12/2019

HB 295, introduced bill, be amended as follows:

1. Page 2, line 6.

Strike: "strive to"

And, as amended, do pass. Report adopted.

HB 633, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "REVENUE ACCOUNT;"

Insert: "PROVIDING FOR A STUDY OF A FUNDING FORMULA FOR DIGITAL LIBRARY SERVICES;"

2. Page 1, line 16.

Strike: "resources"

Insert: "resource"

3. Page 1.

Following: line 20

Insert: "NEW SECTION. Section 2. Digital library services funding study. During the 2019-2020 interim, the legislative finance committee shall direct a study of a funding formula to adequately and fairly distribute the cost of administering and operating the natural resource information system and other digital library services among state agencies and private or commercial entities."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

HB 638, do pass. Report adopted.

BUSINESS AND LABOR (Noland, Chair):

3/13/2019

HB 515, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: "REVISING SURRENDER" on line 8 through "LICENSES;" on line 9

2. Title, page 1, line 12.

Strike: "61-5-209,"

3. Page 8, line 10 through line 14.

Strike: section 5 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

FISH, WILDLIFE AND PARKS (Brown, Chair):

3/12/2019

HB 423, do pass. Report adopted.

HB 432, do pass. Report adopted.

HB 552, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "LANDS;"

Insert: "PROVIDING RULEMAKING AUTHORITY; PROVIDING PENALTIES;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "87-1-301"

Insert: "AND 87-6-601"

2. Page 1, line 10.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (4)"

3. Page 1, line 16.

Strike: "Trapping"

Insert: "Except as provided in subsection (4), trapping"

4. Page 1, line 19.

Strike: "For"

Insert: "Except as provided in subsection (4), for"

Following: "gated"

Insert: "with a cable, chain, gate, fence, or other temporary structure"

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

5. Page 1.

Following: line 20

Insert: "(4) The commission may expand setback distances for roads and trails in high-use areas adjacent to urban population centers and for campgrounds and trailheads."

6. Page 4.

Following: line 1

Insert: "**Section 3.** Section 87-6-601, MCA, is amended to read:

"87-6-601. Trapping and snaring offenses. (1) A person may not use a snare trap for the purpose of snaring a fur-bearing animal, a predatory animal, or a nongame species unless:

(a) the snare trap is tagged with a numbered metal device identifying the owner's name, address, and telephone number;

(b) the consent of the landowner has been obtained for a set on private property; and

(c) the snare trap is set in a manner, including in accordance with any setback requirement established pursuant to [section 1], and at a time so that it will not unduly endanger livestock. A person who injures livestock in snare traps is liable for damages to the owner of the livestock.

(2) A person trapping fur-bearing animals, predatory animals, or any other animals shall fasten a metal tag to all traps bearing in legible English the name and address or wildlife conservation license number of the trapper, except that a tag is not required on traps used by landowners trapping on their own land or on an irrigation ditch right-of-way contiguous to the land.

(3) A holder of a Class C-2 trapper's license may not trap or snare predatory animals or nongame wildlife on private property without obtaining written permission from the landowner, the lessee, or their agents.

(4) A person shall set a trap in accordance with any setback requirement established pursuant to [section 1].

~~(4)~~(5) A person may not at any time willfully destroy, open or leave open, or partially destroy a house of any muskrat or beaver, except that trapping in the house of muskrats is not prohibited when authorized by the commission.

~~(5)~~(6) (a) A person may not destroy, disturb, or remove any trap or snare belonging to another person or remove wildlife from a trap or snare belonging to another person without permission of the owner of the trap or snare, except that from March 1 to October 1 of each year a person may remove any snare from land owned or leased by the person if the snare would endanger livestock.

(b) This subsection ~~(5)~~ (6) does not apply to a law enforcement officer acting within the scope of the officer's duty.

~~(6)~~(7) A person convicted of a violation of this section shall be fined not less than \$50 or more than \$1,000 or be imprisoned in the county detention center for not more than 6 months, or both. In addition, the person, upon conviction or forfeiture of bond or bail, may be subject to forfeiture of any current hunting, fishing, or trapping license issued by the state and the privilege to hunt, fish, or trap in this state or to use state lands, as defined in 77-1-101, for recreational purposes for a period of time set by the court.

~~(7)~~(8) A violation of this section may also result in an order to pay restitution pursuant to 87-6-905 and 87-6-906.""

Renumber: subsequent sections

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

And, as amended, do pass. Report adopted.

JUDICIARY (Doane, Chair): 3/13/2019
HB 217, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/11/2019

HB 30, introduced by S. Gunderson
HB 44, introduced by Z. Brown
HB 58, introduced by Z. Brown
HB 70, introduced by R. Shaw
HB 142, introduced by J. Kassmier
HB 151, introduced by R. Fitzgerald
HB 154, introduced by K. Sullivan
HB 247, introduced by B. Grubbs
HB 259, introduced by D. Bedey

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

HB 55, introduced by F. Mandeville 3/11/2019

FIRST READING AND COMMITMENT OF BILLS

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

HB 658, introduced by E. Buttrey, F. Anderson, D. Ankney, N. Ballance, G. Custer, J. Dooling, R. Fitzgerald, S. Fitzpatrick, R. Garcia, F. Garner, T. Gauthier, B. Grubbs, K. Holmlund, B. Hoven, L. Jones, J. Kassmier, D. Loge, W. McKamey, F. Moore, T. Richmond, W. Sales, D. Salomon, R. Shaw, J. Small, R. Tempel, J. Welborn, T. Welch, referred to Human Services.

**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. Speaker Hertz in the chair.

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

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

HB 55 - Senate Amendments - Representative Mandeville moved Senate amendments to **HB 55** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Besette, Bishop, Brown B, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Greef, Grubbs, Gunderson, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Windy Boy, Winter, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Brown Z, Glimm, Hamilton, Noland, Ricci.

Total 5

Voted absentee: Galt, Lenz, Mortensen, Runningwolf, Aye.

Excused: Galt, Lenz, Mortensen, Runningwolf.

Total 4

Absent or not voting: None.

Total 0

SJR 12 - Representative Gunderson moved **SJR 12** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Besette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Galt, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Lenz, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Mortensen, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Runningwolf, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: Windy Boy.

Total 1

Voted absentee: Galt, Lenz, Mortensen, Runningwolf, Aye.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Excused: Galt, Lenz, Mortensen, Runningwolf.

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. Speaker Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Abbott, Anderson, Bachmeier, Bahr, Ballance, Bartel, Beard, Bedey, Berglee, Bessette, Bishop, Brown B, Brown Z, Burnett, Buttrey, Caferro, Curdy, Custer, DeVries, Doane, Dooling, Dudik, Dunn, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, Fleming, Fuller, Funk, Galloway, Garcia, Garner, Glimm, Greef, Grubbs, Gunderson, Hamilton, Hamlett, Harvey, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Knudsen R, Krautter, Krotkov, Loge, Lynch, Mandeville, Manzella, Marler, McKamey, Mercer, Moore E, Moore T, Morigeau, Noland, Olsen, Peppers, Perry, Pierson, Pope, Read, Redfield, Regier, Ricci, Ryan, Sales, Schreiner, Shaw, Skees, Smith, Stewart Peregoy, Sullivan, Sweeney, Tschida, Usher, Vinton, Weatherwax, Webb, Welch, White, Winter, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Windy Boy.

Total 1

Voted absentee: None.

Excused: Galt, Lenz, Mortensen, Runningwolf.

Total 4

Absent or not voting: None.

Total 0

UNFINISHED BUSINESS

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 457**. Motion carried.

HB 457 (D. Zolnikov, Chief Sponsor)

B. Bennett, D. Dunn, J. Ellsworth, J. Read, K. Sullivan.

HOUSE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY - MARCH 13, 2019

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 425**.
Motion carried.

HB 425 (M. Caferro, Chief Sponsor)

D. Barrett, B. Bennett, C. Boland, J. Cohenour, J. Ellis, J. Gross, P. Flowers, T. Jacobson,
M. MacDonald, S. Malek, E. McClafferty, N. McConnell, M. McNally, M. Phillips, J.
Pomnichowski, D. Sands, J. Sesso, F. Smith, G. Vuckovich, S. Webber.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Tschida moved the House adjourn until 1:00 p.m., Thursday, March 14, 2019.
Motion carried.

House adjourned at 1:33 p.m.

LINDSEY VROEGINDEWEY
Chief Clerk of the House

GREG HERTZ
Speaker of the House