

**HOUSE JOURNAL  
67TH LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 15, 2021

House Chambers  
State Capitol

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

Roll Call. All members present, except Representatives Gunderson, Stafman, and Whiteman-Pena, excused. Quorum present.

**BILLS** (Hinkle, Chair): 1/15/2021  
Correctly printed: **HB 33, HB 62, HB 68, HB 96, HB 133, HB 158, HB 159, HB 160.**  
Correctly engrossed: **HB 28, HB 56, HB 70, HB 83, HB 108, HB 111.**

Representative Windy Boy arose a **Point of Personal Privilege** to recognize Representative Whiteman-Pena was absent due attending to her family after the passing of her brother and requested a moment of silence.

Speaker Galt ordered the House to stand for a moment of silence.

Representative Fuller arose on a **Point of Personal Privilege** to recognize Leo J. Powers from Alder Gulch, Montana. On January 15, 1945 Sergeant Powers was presented with the Medal of Honor for conspicuous bravery during the 1944 battle in Monte Cassino. Sgt. Powers was one of six Montanans who have been awarded the Medal of Honor. Today, we thank God that such men lived.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Noland, Chair): 1/15/2021  
**HB 64**, do pass. Report adopted.  
**HB 65**, do pass. Report adopted.  
**HB 66**, do pass. Report adopted.  
**HB 74**, do pass. Report adopted.  
**HB 76**, do pass. Report adopted.  
**HB 80**, do pass. Report adopted.

**FISH, WILDLIFE AND PARKS** (Fitzgerald, Chair): 1/14/2021  
**HB 108**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "second"

**Insert:** "or subsequent"

2. Page 1, line 24.

**Following:** "court"

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**Insert:** "not less than"

**Following:** "months"

**Insert:** "or more than 3 years"

4. Page 1, line 25.

**Strike:** "unless the court imposes a longer period"

And, as amended, do pass. Report adopted.

**HB 120**, do pass. Report adopted.

**HUMAN SERVICES** (Lenz, Chair):

1/14/2021

**HB 38**, do pass. Report adopted.

**HB 51**, do pass. Report adopted.

**HB 60**, do pass. Report adopted.

**HB 70**, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "~~biennial~~"

Insert: "biennial"

2. Page 1, line 27.

Following: "with"

Strike: "evidence-based"

Following: "activities"

Insert: "based on the best available evidence"

3. Page 2, line 19.

Strike: "and reviewing"

Insert: "analyzing, and reporting program evaluation data, quality health outcomes, and"

4. Page 2, line 24.

Following: "~~biennial~~"

Insert: "biennial"

5. Page 2, line 25.

Strike: "every 5 years"

Insert: "that must be submitted to the legislature as provided in 5-11-210"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Usher, Chair):

1/15/2021

**HB 56**, introduced bill, be amended as follows:

1. Page 3, line 20 through line 21.

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Strike: "the authority" on line 20 through "61-9-406(6)" on line 21

2. Page 3, line 21.

Following: "section"

Insert: ", the authority to issue a citation:

(i) pursuant to 61-9-520(1)(a) for violation of 61-9-406(6) when the vehicle configuration causes a lane blockage; and

(ii) pursuant to 61-9-520(1)(b) for violation of 61-9-406(6) when the vehicle configuration causes an incident that results in the closure of all lanes in one or both directions of a highway"

And, as amended, do pass. Report adopted.

**HB 73**, do pass. Report adopted.

**HB 105**, do pass. Report adopted.

**HB 124**, do pass. Report adopted.

**TAXATION** (Beard, Chair):

1/15/2021

**HB 53**, do pass. Report adopted.

**HB 111**, introduced bill, be amended as follows:

1. Page 2, line 25.

Following: "(iii) (A)"

Insert: "subject to subsection (18), up to"

2. Page 3, line 2.

Following: "(B)"

Insert: "subject to subsection (18), up to"

3. Page 8, line 13.

Following: "(2)(c)."

Insert: "(18) 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 2021;

(b) 20% is exempt in tax year 2022;

(c) 30% is exempt in tax year 2023;

(d) 40% is exempt in tax year 2024; and

(e) 50% is exempt in tax year 2025 and thereafter."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE SENATE**

**Senate bills** passed and transmitted to the House for concurrence:

1/13/2021

**SB 19**, introduced by K. Regier

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**SB 28**, introduced by D. Salomon

**SB 50**, introduced by D. Sands

**Senate joint resolution** passed and transmitted to the House for concurrence: 1/13/2021

**SJR 1**, introduced by C. Smith

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 161**, introduced by J. Hamilton, referred to Taxation.

**HB 162**, introduced by P. Fielder, M. Binkley, B. Brown, S. Hinebauch, J. Hinkle, D. Kary, M. Noland, D. Skees, B. Tschida, referred to Taxation.

**HB 163**, introduced by P. Fielder, B. Brown, R. Fitzgerald, C. Glimm, S. Gunderson, S. Hinebauch, J. Hinkle, B. Ler, D. Loge, M. Noland, D. Skees, J. Small, C. Smith, referred to Fish, Wildlife and Parks.

**HB 164**, introduced by C. Keogh, S. Greef, referred to Judiciary.

**HB 165**, introduced by J. Trebas, referred to Taxation.

**HB 166**, introduced by D. Fern, F. Anderson, J. Fuller, S. Vinton, J. Windy Boy, referred to Education.

**HB 167**, introduced by M. Regier, J. Gillette, referred to Judiciary.

**HB 168**, introduced by B. Mercer, referred to Business and Labor.

**HB 169**, introduced by S. Gist, G. Frazer, S. Galloway, C. Hinkle, R. Marshall, T. McGillvray, B. Phalen, B. Tschida, referred to State Administration.

**HB 170**, introduced by T. Welch, D. Ankney, M. Blasdel, M. Cuffe, W. Galt, D. Harvey, D. Hawk, G. Hertz, T. Jacobson, J. Kassmier, J. Keane, C. Knudsen, R. Lynch, R. Osmundson, V. Ricci, J. Small, C. Smith, G. Vance, K. Walsh, J. Welborn, referred to Taxation.

**HB 171**, introduced by S. Greef, B. Brown, C. Friedel, S. Hinebauch, D. Howard, D. Kary, T. Manzella, K. Regier, D. Salomon, J. Small, C. Smith, referred to Judiciary.

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

**SB 19**, introduced by K. Regier (by request of the Law and Justice Interim Committee), referred to Judiciary.

**SB 28**, introduced by D. Salomon (by request of the State Auditor), referred to Business and Labor.

**SB 50**, introduced by D. Sands (by request of the Law and Justice Interim Committee), referred to Judiciary.

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

**SJR 1**, introduced by C. Smith (by request of the Joint Rules Committee), referred to Rules.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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

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

**HB 29** - Representative Trebas moved **HB 29** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Stafman, Whiteman Pena, Aye.

Excused: Gunderson, Stafman, Whiteman Pena.

Total 3

Absent or not voting: None.

Total 0

**HB 58** - Representative Karjala moved **HB 58** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy,

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Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

Total 0

Voted absentee: Stafman, Whiteman Pena, Aye.

Excused: Gunderson, Stafman, Whiteman Pena.

Total 3

Absent or not voting: None.

Total 0

**HB 81** - Representative Hamilton moved **HB 81** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Lenz, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Olsen, Patelis, Phalen, Putnam, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 90

Nays: Duram, Hinkle C, Kerns, Knudsen R, Ler, Noland, Read, Skees, Tschida.

Total 9

Voted absentee: Stafman, Whiteman Pena, Aye.

Excused: Gunderson, Stafman, Whiteman Pena.

Total 3

Absent or not voting: None.

Total 0

**HB 88** - Representative Bertoglio moved **HB 88** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker,

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Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 94

Nays: Duram, Fielder, Gillette, Nave, Skees.

Total 5

Voted absentee: Stafman, Whiteman Pena, Aye.

Excused: Gunderson, Stafman, Whiteman Pena.

Total 3

Absent or not voting: None.

Total 0

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

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 93

Nays: None.

Total 0

Voted absentee: None.

Excused: Gunderson, Stafman, Whiteman Pena.

Total 3

Absent or not voting: Farris-Olsen, Gillette, Gist, Reksten.

Total 4

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**UNFINISHED BUSINESS**

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 157**.  
Motion carried.

**HB 157** (R. Marshall, Chief Sponsor)  
J. Kassmier.

Mr. Speaker, I move that the following undersigned name be **ADDED** as sponsor to **HB 158**.  
Motion carried.

**HB 158** (C. Hinkle, Chief Sponsor)  
J. Ellsworth.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 1:00 p.m., Monday, January 18, 2021.  
Motion carried.

House adjourned at 1:30 p.m.

CAROLYN TSCHIDA  
Chief Clerk of the House

WYLIE GALT  
Speaker of the House