

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

Helena, Montana
March 26, 2021

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Fleming and Stewart Peregoy, excused. Quorum present.

BILLS (J. Hinkle, Chair): 3/26/2021

Correctly printed: **HB 367, HB 624, HB 682, HB 683, HB 684, HB 685, HB 686, HB 687, HB 688, HB 689, HB 690, HJR 26, HJR 27, SB 196, SB 211, SB 240, SB 267, SB 309.**

Correctly engrossed: **HB 14, HB 372, SB 184, SB 260, SB 300, SB 306, SB 354, SB 363.**

Correctly enrolled: **HB 37, HB 39, HB 97, HB 139, HB 157.**

Examined by the sponsor and found to be correct: **HB 39, HB 58, HB 71, HB 95, HB 97, HB 157, HB 220, HB 224, HB 225, HB 271, HB 304, HB 309, HB 353, HB 437, HB 594.**

Transmitted to the Senate: **HB 624, SB 169, SB 196, SB 211, SB 240, SB 267, SB 309.**

Signed by the Speaker at 9:30 a.m., March 26, 2021: **HB 22, HB 40, HB 76, HB 83, HB 130, HB 141, HB 177, HB 220, HB 232, HB 266, HB 268, HB 270, HB 271, HB 282, HB 283, HB 313, HJR 7.**

Signed by the Chief Clerk of the House at 10:30 a.m., March 26, 2021: **HB 22, HB 40, HB 76, HB 83, HB 130, HB 141, HB 177, HB 220, HB 232, HB 266, HB 268, HB 270, HB 271, HB 282, HB 283, HB 313, HJR 7.**

Signed by the President at 3:40 p.m., March 26, 2021: **HB 22, HB 40, HB 76, HB 83, HB 130, HB 141, HB 177, HB 220, HB 232, HB 266, HB 268, HB 270, HB 271, HB 282, HB 283, HB 313, HJR 7.**

Signed by the Speaker at 4:00 p.m., March 26, 2021: **HB 39, HB 58, HB 71, HB 95, HB 97, HB 157, HB 224, HB 225, HB 304, HB 309, HB 353, HB 437, HB 594.**

Signed by the Chief Clerk of the House at 4:10 p.m., March 26, 2021: **HB 39, HB 58, HB 71, HB 95, HB 97, HB 157, HB 224, HB 225, HB 304, HB 309, HB 353, HB 437, HB 594.**

Delivered to the Governor for approval at 4:51 p.m., March 26, 2021: **HB 22, HB 40, HB 76, HB 83, HB 130, HB 141, HB 177, HB 220, HB 232, HB 266, HB 268, HB 270, HB 271, HB 282, HB 283, HB 313.**

Representative Sheldon-Galloway arose on a **Point of Personal Privilege** to announce that the women wearing hats today are doing so in recognition of cancer awareness and requested the members stand for a moment of silence.

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

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REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Jones, Chair):

3/25/2021

HB 14, introduced bill, be amended as follows:

1. Title, line 7 through line 8.

Strike: "AUTHORIZING" on line 7 through "BONDS;" on line 8

2. Title, line 13.

Following: "AMOUNTS"

Strike: ","

Insert: ";"

3. Title, line 14.

Strike: "CREATING STATE DEBT;"

Insert: "PROVIDING FOR TRANSFERS OF FUNDS; PROVIDING APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE;"

4. Page 1, line 24.

Strike: "Bonds"

Insert: "LRBP CD Fund"

5. Page 1, line 28.

Strike: "LABOR AND INDUSTRY"

Insert: "LIVESTOCK"

6. Page 2, line 2.

Strike: "22,950,000" 13,100,000 36,050,000"

Insert: "9,850,000" 26,200,000 36,050,000"

7. Page 2, line 8.

Strike: the first "6,500,000"

Insert: "6,500,000" [Authority Only]

8. Page 2.

Following: line 13

Insert: "UM-W Block Hall Renovation

7,200,000 4,800,000 12,000,000

(2) Except as provided in subsection (3), "Authority Only" consists of federal funds received pursuant to the American Rescue Plan Act of 2021, Public Law 117-2."

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9. Page 2, line 14.

Strike: "(2)"

Insert: "(3)"

Following: "Only"

Insert: "for the UM Forestry Conservation & Science Lab and the MAES Research and Wool Laboratories"

10. Page 2, line 17.

Strike: "(3)"

Insert: "(4) (a)"

11. Page 2.

Following: line 19

Insert: "(b) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made pursuant to subsection (4)(c) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(c) The following money is appropriated for the biennium beginning July 1, 2021, to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Department of Livestock

MT Veterinarian Diagnostic and Ag Analytical Labs \$427,100 from the general fund, \$738,588 from state special revenue funds, and \$274,027 from proprietary funds

Department of Agriculture

MT Veterinarian Diagnostic and Ag Analytical Labs \$172,030 from the general fund and \$24,894 from state special revenue funds

Montana University System

UM Forestry Conservation & Science Lab \$1,552,575 from the general fund

MAES Research and Wool Laboratories \$389,402 from the general fund

(d) It is the legislature's intent that these appropriations become part of the respective agency's base budget for the biennium beginning July 1, 2021.

(e) Appropriations in subsection (4)(c) are contingent on the passage and approval of a bill that includes an appropriation for the construction of the indicated projects in subsection (4)(c)."

12. Page 3, line 19 through page 4, line 3.

Strike: section 5 in its entirety

Renumber: subsequent sections

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13. Page 5, line 8.

Strike: "8(1)"

Insert: "7(1)"

14. Page 5, line 10 through line 11.

Strike: "in the" on line 10 through "2019," on line 11

15. Page 5, line 13.

Strike: "8(1)"

Insert: "7(1)"

16. Page 5, line 15.

Strike: "in the local infrastructure account provided for in section 2(2), Chapter 476, Laws of 2019,"

17. Page 5, line 17.

Strike: "8(1)"

Insert: "7(1)"

18. Page 5, line 18.

Strike: "8(1)"

Insert: "7(1)"

19. Page 5, line 23.

Strike: "8(1)"

Insert: "7(1)"

20. Page 5, line 27.

Following: "[section"

Strike: "8"

Insert: "7"

21. Page 5, line 27 through line 28.

Strike: "deposited" on line 27 through "2021" on line 28

22. Page 6, line 2.

Strike: "8(1)"

Insert: "7(1)"

23. Page 6, line 4.

Strike: "[section 6]"

Insert: "this section"

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24. Page 6, line 10.

Strike: "6(2)"

Insert: "5(2)"

25. Page 6, line 11 through line 12.

Strike: "from" on line 11 through "2019" on line 12

26. Page 6, line 15.

Strike: "6(2)"

Insert: "5(2)"

27. Page 8, line 5.

Strike: "12 and 13"

Insert: "11 and 12"

28. Page 8, line 8 through line 9.

Strike: "in the" on line 8 through "priority" on line 9

Insert: "as conditions set forth in [section 12] are satisfied and"

29. Page 8, line 9 through line 10.

Strike: "Funds" on line 9 through "funding." on line 10

30. Page 11, line 15 through line 16.

Strike: "local" on line 15 through "2019," on line 16

Insert: "natural resources projects state special revenue account provided for in 15-38-302"

31. Page 11, line 17.

Strike: "2021"

Insert: "2023"

32. Page 11, line 19.

Strike: "12 and 13"

Insert: "11 and 12"

33. Page 11, line 22 through line 23.

Strike: "in the" on line 22 through "subsection (3)" on line 23

Insert: "as conditions set forth in [section 12] are satisfied and"

34. Page 11, line 23 through line 24.

Strike: "Funds" on line 23 through "funding." on line 24

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35. Page 12, line 18.

Following: "[section"

Strike: "11"

Insert: "12"

36. Page 12, line 22.

Strike: "10 and 11"

Insert: "9 and 10"

37. Page 13, line 3.

Strike: "10 and 11"

Insert: "9 and 10"

38. Page 13, line 11.

Following: "[section"

Strike: "11"

Insert: "10"

39. Page 13, line 12.

Following: "[section"

Strike: "10"

Insert: "9"

40. Page 13.

Following: line 18

Insert: "NEW SECTION. Section 15. Transfer of funds. (1) The state treasurer shall transfer \$58,600,000 from the general fund to the capital developments long-range building program account provided for in 17-7-209 by July 1, 2021.

(2) The state treasurer shall transfer \$2,099,322 from the general fund to the natural resources projects state special revenue account provided for in 15-38-302 by August 15, 2021."

Renumber: subsequent sections

41. Page 13, line 19 through line 21.

Strike: section 16 in its entirety

And, as amended, do pass. Report adopted.

HB 522, introduced bill, be amended as follows:

1. Title, line 9.

Following: line 8

Insert: "CREATING A STATE SPECIAL REVENUE ACCOUNT;"

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Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 2, line 11.

Following: "seven"

Strike: "voting"

3. Page 2, line 12 through line 13.

Strike: "and" on line 12 through "legislature" on line 13

4. Page 2, line 14.

Following: "(b) The"

Strike: "voting"

5. Page 3, line 7 through line 11.

Strike: subsections (c) through (iii) in their entirety

6. Page 3, line 12.

Following: "its"

Strike: "voting"

7. Page 4.

Following: line 10

Insert: "(5) The economic impact study in subsection (4)(b) will commence upon funding of the special revenue account outlined in [section 2]."

8. Page 4, line 11 through line 13.

Strike: subsection (5) in its entirety

9. Page 4.

Following: line 15

Insert: "NEW SECTION. Section 2. Military strategic and economic impact task force special revenue account. (1) There is a military strategic and economic impact task force special revenue account to the credit of the department of commerce.

(2) The account consists of grants, gifts, and donations from public and private sources that are made to the department of commerce for the purpose of supporting the military strategic and economic impact task force provided for in [section 1].

(3) Money in the account must be used by the department of commerce to support the economic impact study carried out by the military strategic and economic impact task force.

(4) Money in the account that is unencumbered and unexpended at the end of the biennium must be transferred to the department of commerce. The department shall use the reverted money to provide administrative services to the military strategic and economic impact task force. "

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Renumber: subsequent sections

10. Page 4, line 17.

Following: "appropriated"

Insert: "\$150,000"

11. Page 4, line 18.

Strike: ":"

Insert: "for each year of the biennium ending June 30, 2023, to establish and administer the military strategic and economic impact task force."

12. Page 4, line 19 through line 22.

Strike: subsections (1) and (2) in their entirety

13. Page 4, line 24 through page 5, line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

14. Page 5, line 5.

Strike: "[Section 1] is"

Insert: "[Sections 1 and 2] are"

15. Page 5, line 6.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

16. Page 5.

Following: line 9

Insert: NEW SECTION. Section 6. Termination. [This act] terminates June 30, 2025."

And, as amended, do pass. Report adopted.

HB 660, do pass. Report adopted.

SB 72, be concurred in. Report adopted.

SB 175, be concurred in. Report adopted.

SJR 15, be concurred in. Report adopted.

BUSINESS AND LABOR (Noland, Chair):

3/24/2021

SB 363, be amended as follows:

1. Page 1, line 26.

Strike: "chapter"

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Insert: "part"

2. Page 4, line 4.

Following: "premiums"

Insert: ", "

Strike: "and"

3. Page 4, line 4.

Following: "rates"

Strike: " , "

4. Page 6, line 11.

Following: "recommendation"

Insert: "to the consumer in writing"

5. Page 7, line 23.

Strike: "regulation"

Insert: "part"

6. Page 7, line 23.

Following: "not"

Insert: "discuss risks specific to a consumer's individual securities holdings, does not provide advice regarding a consumer's specific securities or securities investment performance, does not compare a consumer's securities or securities investment performance with the annuity products being recommended, does not recommend the liquidation of specific securities or identify specific securities that could be used to fund the purchase of a recommended annuity product, does not recommend specific allocations between insurance and securities products, does not offer research, analysis, or recommendations to a consumer regarding specific securities, and does not"

7. Page 8, line 12.

Following: "(A)"

Insert: "from"

8. Page 8, line 24.

Following: "percentages;"

Insert: "and"

9. Page 8, line 27.

Strike: "; and"

Insert: " . "

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10. Page 8, line 28.

Strike: "(iii)"

Insert: "(c)"

11. Page 8, line 28.

Strike: "prior"

Insert: "Prior"

12. Page 9, line 7.

Strike: "(c)"

Insert: "(d)"

Renumber: subsequent subsections

13. Page 9, line 20.

Strike: "(e)"

Insert: "(5)"

14. Page 9, line 20.

Strike: "subsection"

Insert: "section"

15. Page 10, line 18.

Strike: "(5)"

Insert: "(6)"

Renumber: subsequent subsections

16. Page 10, line 19.

Strike: "(5)(b)"

Insert: "(6)(b)"

17. Page 10, line 20.

Following: "(1)"

Strike: "(a)"

18. Page 10, line 28.

Strike: "(5)"

Insert: "(6)"

19. Page 11, line 11.

Strike: "(1)"

Insert: "(6)"

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20. Page 12, line 8.

Strike: "(3)"

Insert: "(4)"

21. Page 12, line 8.

Following: "(3),"

Insert: "(5), (6), (8),"

22. Page 12, line 8.

Strike: "(4)"

Insert: "(9)"

23. Page 12, line 22.

Strike: "(6)"

Insert: "(7)"

24. Page 13, line 1.

Strike: "(6)"

Insert: "(7)"

25. Page 13, line 3.

Strike: "(6)"

Insert: "(7)"

26. Page 13, line 6.

Strike: "(6)(c)(ii)"

Insert: "(7)(c)(ii)"

27. Page 13, line 7.

Strike: "(6)"

Insert: "(7)"

28. Page 13, line 12.

Following: "does"

Strike: "not"

29. Page 14, line 2.

Strike: "(8)"

Insert: "(9)"

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30. Page 14, line 5.

Strike: "(8)"

Insert: "(9)"

31. Page 14, line 7.

Strike: "(8)(a)"

Insert: "(9)(a)"

32. Page 14, line 7.

Strike: "(2)(a)"

Insert: "(7)"

33. Page 14, line 10.

Strike: "(8)(a)"

Insert: "(9)(a)"

34. Page 14, line 11.

Strike: "(8)(a)"

Insert: "(9)(a)"

35. Page 14, line 16.

Strike: "(8)(a)"

Insert: "(9)(a)"

36. Page 15, line 27.

Strike: "producers"

Insert: "producer"

37. Page 16, line 2.

Following: "part"

Insert: "; and

(c) appropriate penalties and sanctions"

38. Page 16, line 22.

Following: "within"

Insert: "6"

And, as amended, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Fitzgerald, Chair):
SB 306, be concurred in. Report adopted.

3/24/2021

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LOCAL GOVERNMENT (Custer, Chair): 3/25/2021
SB 238, be concurred in. Report adopted.
SB 286, be concurred in. Report adopted.

RULES (Skees, Chair): 3/25/2021
HR 5, be adopted. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/24/2021

HB 139, introduced by T. Welch
HB 195, introduced by V. Ricci
HB 226, introduced by K. Zolnikov
HB 242, introduced by C. Hinkle
HB 293, introduced by B. Mercer
HB 306, introduced by M. Funk
HB 310, introduced by A. Buckley
HB 438, introduced by S. Galloway
HB 446, introduced by R. Marshall

House joint resolution concurred in and returned to the House: 3/24/2021

HJR 10, introduced by D. Loge

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

3/24/2021
HB 176, introduced by S. Greef
HB 223, introduced by B. Mercer
HB 349, introduced by M. Hopkins
HB 379, introduced by S. Vinton

Senate bill passed and transmitted to the House for concurrence: 3/24/2021

SB 326, introduced by M. Lang

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FIRST READING AND COMMITMENT OF BILLS

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

HB 691, introduced by D. Lenz, referred to Human Services.

HB 692, introduced by K. Holmlund, L. Jones, referred to Appropriations.

HB 693, introduced by B. Mercer, J. Fuller, F. Nave, J. Patelis, referred to Appropriations.

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

SB 326, introduced by M. Lang, D. Ankney, R. Tempel, J. Welborn, referred to Taxation.

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 367 - Majority Leader Vinton moved consideration of **HB 367** be passed for the day. Without objection, so ordered.

HB 624 passed as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Ler, Loge, Marler, McKamey, Novak, Olsen, Patelis, Putnam, Read, Reksten, Running Wolf, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 66

Nays: Bartel, Binkley, Fielder, Fuller, Galloway, Gillette, Gunderson, Hinkle C, Kelker, Kerns, Knudsen R, Lenz, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Phalen, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Trebas, Tschida, Usher, Vinton.

Total 30

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

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Absent or not voting: Hill, Noland.

Total 2

SB 169 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

SB 196 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 67

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Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

SB 211 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 66

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Smith, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

SB 240 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson,

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Custer, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Running Wolf, Skees, Smith, Stafman, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

SB 267 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Dooling, Duram, Fielder, Fitzgerald, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 60

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Nave, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 37

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

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Absent or not voting: Carlson.

Total 1

SB 309 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Gunderson, 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, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Olsen, Patelis, Phalen, Putnam, Regier A, Reksten, Ricci, Running Wolf, Seekins-Crowe, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Mr. Speaker.

Total 85

Nays: Binkley, Galloway, Lenz, Read, Regier M, Schillinger, Sheldon-Galloway, Skees, Thane, Tschida, Whiteman Pena, Windy Boy, Zolnikov.

Total 13

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

**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 M. Regier in the chair.

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

HB 613 - Majority Leader Vinton moved consideration of **HB 613** be passed for the day. Without objection, so ordered.

SB 184 - Majority Leader Vinton moved consideration of **SB 184** be passed for the day. Without objection, so ordered.

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HB 5 - Representative Hopkins moved **HB 5** do pass.

HB 5 - Representative Hopkins moved **HB 5**, second reading copy, be amended as follows:

1. Page 13.

Following: line 8

Insert: "Canyon Ferry Fish Cleaning Station

| | |
|---------------------------------------|---------|
| 500,000 | 500,00 |
| Tiber Reservoir Fish Cleaning Station | |
| 500,000 | 500,000 |
| Smith River Eden Site Improvement | |
| 600,000 | 600,000 |

Amendment **not** adopted as follows:

Yeas: Anderson, Beard, Bedey, Bertoglio, Brewster, Buttrey, Caferro, Custer, Dooling, Fitzgerald, Frazer, Funk, Garner, Greef, Gunderson, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Kerr-Carpenter, Knudsen C, Loge, Malone, Marler, McKamey, Novak, Olsen, Putnam, Read, Reksten, Smith, Sullivan, Walsh, Weatherwax, Welch, Whitman, Windy Boy, Mr. Speaker.

Total 44

Nays: Abbott, Bartel, Berglee, Binkley, Bishop, Buckley, Carlson, Curdy, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fleming, France, Fuller, Galloway, Gillette, Gist, Hamilton, Hill, Hinkle C, Hinkle J, Keogh, Kerns, Knudsen R, Kortum, Lenz, Ler, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Stromswold, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Whiteman Pena, Zolnikov.

Total 56

Voted absentee: Fleming, Stewart Peregoy, No.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 5 - Representative Hopkins moved **HB 5** 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,

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Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, 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 100

Nays: None.

Total 0

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 6 - Representative Hopkins moved **HB 6** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, 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, Gunderson, 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: Beard.

Total 1

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

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Absent or not voting: None.

Total 0

HB 7 - Representative Hopkins moved **HB 7** 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, Gunderson, 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 100

Nays: None.

Total 0

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 8 - Representative Hopkins moved **HB 8** 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, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, 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, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 97

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Nays: Hamilton, Hinkle J, Stafman.

Total 3

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 9 - Representative Hopkins moved **HB 9** do pass. Motion carried as follows:

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

Total 80

Nays: Bartel, Binkley, Fielder, Galloway, Gillette, Hill, Hinkle C, Hinkle J, Kerns, Lenz, Marshall, Mitchell, Moore, Nave, Regier M, Sheldon-Galloway, Thane, Trebas, Tschida.

Total 19

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: Greef.

Total 1

HB 11 - Representative Hopkins moved **HB 11** 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, Gunderson, 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,

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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 100

Nays: None.

Total 0

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 43 - Senate Amendments - Representative R. Knudsen moved Senate amendments to **HB 43** be concurred in. 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, Gunderson, 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, 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: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

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Absent or not voting: Olsen.

Total 1

HB 279 - Representative Berglee moved **HB 279** do pass. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 64

Nays: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Olsen, Patelis, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 36

Voted absentee: Fleming, Aye; Stewart Peregoy, No.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 421 - Representative J. Hinkle moved **HB 421** do pass. Motion carried as follows:

Yeas: Bartel, Beard, Bedey, Bertoglio, Binkley, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fielder, Fleming, France, Frazer, Gillette, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Nave, Noland, Novak, Patelis, Phalen, Putnam, Reksten, Ricci, Schillinger, Sheldon-Galloway, Skees, Smith, Stewart Peregoy, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 66

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Nays: Abbott, Anderson, Berglee, Bishop, Brewster, Farris-Olsen, Fern, Fitzgerald, Fuller, Funk, Galloway, Garner, Hamilton, Hayman, Karjala, Kelker, Keogh, Knudsen R, Kortum, Marler, Mercer, Moore, Olsen, Read, Regier A, Regier M, Seekins-Crowe, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Welch.

Total 33

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: Running Wolf.

Total 1

HB 629 - Representative Fern moved **HB 629** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Bedey, Bertoglio, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Garner, Gillette, Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Novak, Patelis, Putnam, Reksten, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 71

Nays: Bartel, Beard, Berglee, Binkley, Carlson, Dunwell, Galloway, Gunderson, Hinkle C, Hinkle J, Kerns, Knudsen R, Lenz, Mitchell, Moore, Nave, Noland, Olsen, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Sheldon-Galloway, Skees, Tenenbaum, Tschida, Usher.

Total 29

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HB 643 - Representative Custer moved **HB 643** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, Beard, Bedey, Bertoglio, Bishop, Brewster, Buckley, Caferro, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner,

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Gist, Greef, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Knudsen C, Kortum, Loge, Malone, Marler, McKamey, Mercer, Novak, Olsen, Patelis, Putnam, Reksten, Ricci, Schillinger, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Mr. Speaker.

Total 69

Nays: Bartel, Berglee, Binkley, Buttrey, Carlson, Fielder, Fleming, Fuller, Galloway, Gillette, Gunderson, Hinkle C, Kerns, Knudsen R, Lenz, Ler, Marshall, Mitchell, Moore, Nave, Noland, Phalen, Read, Regier A, Regier M, Seekins-Crowe, Sheldon-Galloway, Tschida, Usher, Zolnikov.

Total 30

Voted absentee: Stewart Peregoy, Aye; Fleming, No.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: Running Wolf.

Total 1

HJR 24 - Representative Funk moved **HJR 24** do pass.

HJR 24 - Representative C. Hinkle moved **HJR 24**, second reading copy, be amended as follows:

1. Page 1, line 20 through line 21.

Strike: "natural" on line 20 through "nations," on line 21

Insert: "firearms"

2. Page 1, line 22.

Following: "individuality,"

Insert: "2nd Amendment heritage,"

3. Page 1, line 23.

Following: "unique"

Insert: "firearm"

4. Page 2, line 3.

Following: "on"

Insert: "how to add or implement multiple firearm graphics to"

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5. Page 2, line 3.

Strike: "of Montana's"

Insert: "Montana"

Amendment **not** adopted as follows:

Yeas: Binkley, Fleming, Hinkle C, Hinkle J, Kerns, Mitchell, Nave, Phalen, Read, Skees, Tschida, Usher.

Total 12

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

Total 88

Voted absentee: Fleming, Aye; Stewart Peregoy, No.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: None.

Total 0

HJR 24 - Representative Funk moved **HJR 24** do pass. Motion **failed** as follows:

Yeas: Abbott, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Farris-Olsen, Fern, Fleming, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Putnam, Reksten, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Whiteman Pena, Windy Boy.

Total 37

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kerns, Knudsen C,

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Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Olsen, Patelis, Phalen, Read, Regier A, Regier M, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 63

Voted absentee: Fleming, Stewart Peregoy, Aye.

Excused: Fleming, Stewart Peregoy.
Total 2

Absent or not voting: None.
Total 0

SJR 275 - Representative Berglee moved **SJR 275** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 74

Nays: Abbott, Curdy, Dunwell, Farris-Olsen, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Kelker, Keogh, Kortum, Marler, Novak, Olsen, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.
Total 25

Voted absentee: Fleming, Aye; Stewart Peregoy, No.

Excused: Fleming, Stewart Peregoy.
Total 2

Absent or not voting: Stromswold.
Total 1

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Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair M. Regier 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, Farris-Olsen, Fern, Fielder, Fitzgerald, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marler, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 90

Nays: Hayman, Karjala, Kortum, Stafman.

Total 4

Voted absentee: None.

Excused: Fleming, Stewart Peregoy.

Total 2

Absent or not voting: Keane, Olsen, Stromswold, Sullivan.

Total 4

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair):

3/26/2021

SB 76, be concurred in. Report adopted.

SB 260, be amended as follows:

1. Page 2, line 8.

Following: "85-2-102;"

Strike: "and"

2. Page 2, line 9.

Following: "property"

Insert: "; and

(k)mineral rights"

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3. Page 2.

Following: line 20

Insert: "(4) The power or authority of a local government to lawfully enact valid zoning, subdivision, or other land use regulations or ordinances that are required by law or that are necessary to protect documented public health, welfare, or safety impacts is set forth in Title 76, chapters 1 through 4, but is still subject to the 25% or greater diminution of value set forth in subsection (2)."

Renumber: subsequent subsections

4. Page 2, line 24 through line 26.

Strike: "the" on line 24 through "impacts" on line 26

Insert: "Montana law relative to primacy of the mineral estate, cannot be construed to limit access to or development of the mineral estate, and may not prevent the complete use, development, or recovery of any mineral"

5. Page 3, line 1.

Following: "(2)"

Insert: ":"

(i)"

6. Page 3, line 2.

Strike: "(4)(a)"

Insert: "(5)(a); or

(ii) by a party who is not the applicant or holder of a permit, license, approval or authorization under Title 75 or Title 82"

7. Page 3, line 11.

Strike: "or"

8. Page 3, line 12.

Following: "(D)"

Insert: "situations in which government action grants additional rights or privileges within the overall commercial marketplace to the detriment of competing property interests;

(e) land use decisions that cause a decrease in value of a neighboring parcel of land; or

(f)"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Usher, Chair):

3/26/2021

SB 93, be concurred in. Report adopted.

SB 338, be concurred in. Report adopted.

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SB 354, be amended as follows:

1. Title, line 7.

Strike: "SECTION"

Insert: "SECTIONS 23-2-322 AND"

2. Page 1.

Following: line 15

Insert: "**Section 2.** Section 23-2-322, MCA, is amended to read:

"23-2-322. Prescriptive easement not acquired by recreational use of surface waters.

(1) A prescriptive easement is a right to use the property of another that is acquired by open, exclusive, notorious, hostile, adverse, continuous, and uninterrupted use for a period of 5 years.

(2) A prescriptive easement cannot be acquired through:

(a) recreational use of surface waters, including:

(i) the streambeds underlying them;

(ii) the banks up to the ordinary high-water mark; or

(iii) any portage over and around barriers; ~~or~~

(b) the entering or crossing of private property;

(i) to reach surface waters; or

(ii) to reach public property if reasonable, legal access to the public property is otherwise documented and deemed available within 1 mile of the alleged prescriptive easement access point to the public property; or

(c) a leasehold interest in the proposed servient tenement.

(3) (a) For a prescriptive easement that has not been reduced to writing or that is the result of a court order, an individual or governmental entity claiming the prescriptive easement shall pay a \$100 filing fee and file the following information with the regional office of the department of natural resources and conservation on a form prescribed by the department:

(i) an affidavit setting forth the specific facts that satisfy each of the criteria in subsection (1); and

(ii) a map that accurately depicts the location and nature of the public access prescriptive easement.

(b) The form prescribed by the department must be filed no later than December 31, 2022. This date serves as a notice requirement only, and by its filing does not create any rights. A prescriptive easement filed under this subsection (3) may only be claimed by an individual or governmental entity. A party may challenge the validity of a claim of a prescriptive easement at any time.

(4) The criteria set forth in subsection (1) are not satisfied for public access purposes if there is signage generated by a governmental entity and in place for a period of 5 or more years at the claimed easement site indicating that an individual is entering private property."

Renumber: subsequent sections

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3. Page 1.

Following: line 28

Insert: "NEW SECTION. Section 5. {standard} **Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Beard, Chair):

3/26/2021

HB 372, introduced bill, be amended as follows:

1. Title, line 5.

Following: "TAX;"

Insert: "INCREASING THE EXEMPTION AMOUNT FOR 8 YEARS AND THEN"

2. Title, line 8.

Strike: "THE BLOCK GRANT PROGRAM"

Insert: "GUARANTEED TAX BASE AID"

3. Title, line 10.

Following: "15-1-123,"

Insert: "15-6-138,"

4. Title, line 11.

Following: "15-24-3001,"

Insert: "20-9-366,"

5. Title, line 12.

Following: "PROVIDING"

Insert: "EFFECTIVE DATES,"

6. Title, line 13.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

7. Page 1, line 17 through page 2, line 2.

Strike: section 1 in its entirety

8. Page 8, line 25.

Following: "15-1-123"

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Strike: "(6)"

Insert: "(5)"

9. Page 10, line 20.

Following: "15-1-123"

Strike: "(3)"

Insert: "(5)"

10. Page 12, line 17.

Following: "15-1-121(5),"

Strike: "each school district,"

11. Page 13, line 2 through line 3.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

12. Page 13, line 11.

Strike: "(7)"

Insert: "(6)"

13. Page 13.

Following: line 15

Insert: "**Section 4.** Section 15-1-123, MCA, is amended to read:

"15-1-123. Reimbursement for class eight rate reduction and exemption -- distribution -- appropriations. (1) ~~For~~ Except as provided in subsection (2), for the tax rate reductions in 15-6-138(3), the increased exemption amount in 15-6-138(4), the effective tax rate reductions on property under 15-6-145 because of the rate reductions required by the amendments of 15-6-138 in section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and the effective tax rate reductions on property under 15-6-145 because of the increased exemption amount required by the amendment of 15-6-138 in section 2, Chapter 396, Laws of 2013, the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference between property tax collections under 15-6-138 as amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013, and under 15-6-145 and the property tax revenue that would have been collected under 15-6-138 and 15-6-145 if 15-6-138 had not been amended by section 2, Chapter 411, Laws of 2011, and section 2, Chapter 396, Laws of 2013. The difference plus the amount calculated in subsection (2) is the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109.

(2) For the increased exemption amount in 15-6-138(4) as amended by [this act], the department shall reimburse each local government, as defined in 15-1-121(5), each tax increment financing district, and the 6-mill university levy for the purposes of 15-10-109 the difference

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between property tax collections that would have been collected under 15-6-138(4) as amended by section 8, Chapter 361, Laws of 2015, and [this act]. The difference calculated in this subsection is added to the annual reimbursable amount for each local government, each tax increment financing district, and the 6-mill levy for the support of the Montana university system under 15-10-109 calculated in subsection (1).

(3) The growth rate applied to the reimbursements is:

(a) for the reimbursement calculated pursuant to subsection (1), one-half of the average rate of inflation for the prior 3 years;

(b) for the reimbursement calculated pursuant to subsection (2), 0%.

~~(2)(4) The department shall distribute the reimbursements calculated in subsection subsections (1) and (2) to local governments with the entitlement share payments under 15-1-121(7). The growth rate applied to the reimbursement is one-half of the average rate of inflation for the prior 3 years.~~

~~(3)(5) The amount determined under subsection-subsections (1) and (2) for each tax increment financing district must be added to the reimbursement amount for the tax increment financing district as provided in 15-1-121(8)(b) if the tax increment financing district is still in existence. If a tax increment financing district that is entitled to a reimbursement under this section is not listed under 15-1-121(8)(b), the reimbursement must be made to that tax increment financing district at the same time as other districts.~~

~~(4)(6) (a) The amount determined under subsection-subsections (1) and (2) for the 6-mill university levy must be added to current collections and reimbursements for the support of the Montana university system as provided in 15-10-109.~~

~~(b) The department of administration shall transfer the amount determined under this subsection (4) (6) from the general fund to the state special revenue fund for the support of the Montana university system as provided in 15-10-109."~~

Insert: "**Section 5.** Section 15-6-138, MCA, is amended to read:

"15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five under 15-6-135;

(c) for oil and gas production, all:

(i) machinery;

(ii) fixtures;

(iii) equipment, including flow lines and gathering lines, pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, and gas boosters, together with equipment that is skidable, portable, or movable;

(iv) tools that are not exempt under 15-6-219; and

(v) supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-

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held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class or that are rented under a purchase incentive rental program as defined in 15-6-202(4);

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, the following definitions apply:

(a) "Coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(b) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(c) "Flow lines and gathering lines" means pipelines used to transport all or part of the oil or gas production from an oil or gas well to an interconnection with a common carrier pipeline as defined in 69-13-101, a pipeline carrier as defined in 49 U.S.C. 15102(2), or a rate-regulated natural gas transmission or oil transmission pipeline regulated by the public service commission or the federal energy regulatory commission.

(3) Except as provided in 15-24-1402, class eight property is taxed at:

(a) for the first \$6 million of taxable market value in excess of the exemption amount in subsection (4), 1.5%; and

(b) for all taxable market value in excess of \$6 million, 3%.

(4) The ~~first \$100,000 of~~ following market value of class eight property of a person or business entity is exempt from taxation:

(a) \$300,000 in tax year 2022;

(b) \$400,000 in tax year 2023;

(c) \$500,000 in tax year 2024;

(d) \$600,000 in tax year 2025;

(e) \$700,000 in tax year 2026;

(f) \$800,000 in tax year 2027;

(g) \$900,000 in tax year 2028; and

(h) \$1 million in tax year 2029.

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(5) The gas gathering facilities of a stand-alone gas gathering company providing gas gathering services to third parties on a contractual basis, owning more than 500 miles of gas gathering lines in Montana, and centrally assessed in tax years prior to 2009 must be treated as a natural gas transmission pipeline subject to central assessment under 15-23-101. For purposes of this subsection, the gas gathering line ownership of all affiliated companies, as defined in section 1504(a) of the Internal Revenue Code, 26 U.S.C. 1504(a), must be aggregated for purposes of determining the 500-mile threshold."

14. Page 27.

Following: line 15

Insert: "**Section 18.** Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property value disregarded because of protested taxes under 15-1-409(2) or property subject to the creation of a new school district under 20-6-326, divided by the district's prior year GTBA budget area.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under 20-6-326, divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's prior year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.

(4) "Guaranteed tax base aid budget area" or "GTBA budget area" means the portion of a district's BASE budget after the following payments are subtracted:

- (a) direct state aid;
- (b) the total data-for-achievement payment;
- (c) the total quality educator payment;
- (d) the total at-risk student payment;
- (e) the total Indian education for all payment;
- (f) the total American Indian achievement gap payment; and
- (g) the state special education allowable cost payment.

(5) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible

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district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~193% for fiscal year 2018, 216% for fiscal year 2019, 224% for fiscal year 2020, and 232% for fiscal year 2021, 236% for fiscal years 2022 and 2023, 237% for fiscal years 2024 and 2025, 238% for fiscal years 2026 through 2028, and 239% for fiscal year 2029~~ and each succeeding fiscal year and divided by the prior year statewide GTBA budget area for the state elementary school districts or the state high school districts.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' prior year total per-ANB entitlement amounts.""

15. Page 30, line 4 through line 5.

Strike: strike section 20 in its entirety

Renumber: subsequent sections

16. Page 30.

Following: line 6

Insert: "NEW SECTION. Section 22. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2021.

(2) [Sections 1, 3, 6 through 17, and 19 through 21] are effective January 1, 2030."

Renumber: subsequent sections

17. Page 30, line 7.

Strike: "[This act] applies"

Insert: "[Sections 2, 4, 5, and 18] apply"

18. Page 30.

Following: line 8

Insert: "NEW SECTION. Section 24. Termination. [Section 4] terminates December 31, 2029."

And, as amended, do pass. Report adopted.

MOTIONS

Majority Leader Vinton moved to re-refer **HB 279** to the Appropriations Committee. Without objection, so ordered.

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

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Majority Leader Vinton moved to re-refer **HB 629** to the Appropriations Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 1:00 p.m., Monday, March 29, 2021. Motion carried.

House adjourned at 3:27 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House