

**HOUSE JOURNAL
67TH LEGISLATURE
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
April 14, 2021

House Chambers
State Capitol

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

Roll Call. All members present, except Representatives Greef and Weatherwax, excused. Quorum present.

BILLS (J. Hinkle, Chair): 4/14/2021

Correctly printed: **HJR 27, HJR 36, HJR 39, SB 81, SB 134, SB 147, SB 155, SB 213, SB 219, SB 232, SB 237, SB 243, SB 254, SB 272, SB 285, SB 301, SB 314, SB 332, SB 336, SB 337, SB 338, SB 360, SB 376, SJR 8, SJR 10.**

Correctly engrossed: **SB 224, SB 231, SB 272, SB 284, SB 318, SB 357.**

Transmitted to the Senate: **SB 301, SB 314, SB 337, SB 338, SB 360, SJR 8, SJR 10.**

REPORTS OF STANDING COMMITTEES

HUMAN SERVICES (Lenz, Chair): 4/13/2021
SB 357, be amended as follows:

1. Page 21.

Following: line 23

Insert: "COORDINATION SECTION. Section 14. Coordination instruction. If both House Bill No. 210 and [this act] are passed and approved and both bills contain a section that amends 37-15-314, then the sections amending 37-15-314 are void and 37-15-314 must be amended as follows:

~~"37-15-314. Telepractice -- authorization -- licensure Telehealth -- authorization -- assistants.~~ (1) An audiologist, ~~or~~ speech-language pathologist, speech-language pathology assistant, or audiology assistant who is licensed under and meets the requirements of this chapter may engage in telepractice-telehealth in Montana without obtaining a separate or additional license from the board.

(2) Except as provided in 37-15-103, an audiologist, ~~or~~ speech-language pathologist, speech-language pathology assistant, or audiology assistant who is not a resident of Montana and who is not licensed under this chapter may not provide services to patients in Montana through telepractice-telehealth without first obtaining a license from the board in accordance with this part.

(3) An audiology ~~aide or assistant~~ or a speech-language pathology ~~aide or assistant~~ may not engage in telepractice-telehealth. ~~This section does not prohibit an audiology aide or assistant or a speech-language pathology aide or assistant from serving as a facilitator or provide other services as directed by a speech-language pathologist or audiologist that otherwise comply with board rules for scope of practice by speech-language pathology assistants and audiology assistants."~~

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

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TAXATION (Beard, Chair): 4/14/2021
SB 263, be concurred in. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/12/2021

HB 300, introduced by J. Schillinger
HB 302, introduced by J. Kassmier

House joint resolution concurred in and returned to the House: 4/12/2021

HJR 8, introduced by F. Garner

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/12/2021

HB 276, introduced by M. Caferro
HB 365, introduced by J. Trebas
HB 423, introduced by D. Lenz
HB 449, introduced by F. Garner
HB 462, introduced by M. Stromswold
HB 479, introduced by K. Sullivan
HB 501, introduced by J. Trebas
HB 539, introduced by B. Usher

House bill not concurred in and returned to the House: 4/12/2021

HB 476, introduced by K. Whitman

House amendments to Senate bills concurred in: 4/12/2021

SB 106, introduced by W. Sales
SB 163, introduced by C. Glimm
SB 309, introduced by W. Sales

FIRST READING AND COMMITMENT OF BILLS

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

HJR 40, introduced by B. Mercer, K. Seekins-Crowe, B. Tschida, referred to Judiciary.
HJR 41, introduced by J. Trebas, referred to Judiciary.

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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 Tschida in the chair.

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

HB 63 - Senate Amendments - Representative Dooling moved Senate amendments to **HB 63** be **not** concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, 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 97

Nays: Buttrey, Farris-Olsen, Olsen.

Total 3

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

HB 178 - Senate Amendments - Representative Bedey moved Senate amendments to **HB 178** be **not** 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, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf,

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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: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

HB 555 - Senate Amendments - Representative M. Regier moved Senate amendments to **HB 555** be **not** concurred in. Motion carried as follows:

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

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, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 164 - Representative Fielder moved **SB 164** be concurred in. Motion **failed** as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Fuller, Galloway, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 48

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Frazer, Funk, Garner, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 52

Voted absentee: Greef, Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 165 - Representative Gunderson moved **SB 165** be concurred in. Motion carried as follows:

Yeas: Bartel, Beard, Berglee, Binkley, Brewster, Carlson, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Gunderson, Hill, Hinkle C, Hinkle J, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, Mercer, Mitchell, Moore, Nave, Noland, Patelis, Phalen, Read, Regier A, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Zolnikov, Mr. Speaker.

Total 51

Nays: Abbott, Anderson, Bedey, Bertoglio, Bishop, Buckley, Buttrey, Caferro, Curdy, Custer, Dooling, Dunwell, Farris-Olsen, Fern, Fitzgerald, France, Funk, Greef, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, McKamey, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy.

Total 49

Voted absentee: Greef, Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

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Absent or not voting: None.

Total 0

SB 172 - Representative Galloway moved **SB 172** be concurred in. Motion carried as follows:

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

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, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 173 - Representative M. Regier moved **SB 173** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fleming, Frazer, Fuller, Galloway, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Kassmier, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, 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, Whitman, Zolnikov, Mr. Speaker.

Total 59

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

Total 41

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Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 185 - Representative Galloway moved **SB 185** be concurred in. 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, 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, Custer, Dunwell, Farris-Olsen, Fern, France, Funk, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kerr-Carpenter, Kortum, Marler, Novak, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Olsen.

Total 1

SB 224 - Representative Putnam moved **SB 224** be concurred in.

SB 224 - Speaker Pro Tempore Knudsen moved **SB 224**, second reading copy, be amended as follows:

1. Title, line 14 through line 15.

Strike: "INCREASING" on line 14 through "CANDIDATES;" on line 15

2. Title, line 18.

Following: "CANDIDATES;"

Insert: "REPEALING AGGREGATE CONTRIBUTION LIMITS RECEIVED BY CERTAIN CANDIDATES;"

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3. Title, line 18 through line 19.

Strike: "13-37-218,"

4. Title, line 19.

Strike: "SECTION"

Insert: "SECTIONS"

5. Title, line 20.

Strike: ","

Insert: "AND 13-37-218,"

6. Page 11, line 5.

Strike: "\$750"

Insert: "\$1,000"

7. Page 11, line 7.

Strike: "\$500"

Insert: "\$700"

8. Page 11, line 17.

Strike: "\$27,000"

Insert: "\$100,000"

9. Page 11, line 19.

Strike: "\$9,000"

Insert: "\$75,000"

10. Page 11, line 20.

Strike: "\$4,000"

Insert: "\$15,000"

11. Page 11, line 21.

Strike: "\$2,000"

Insert: "\$3,000"

12. Page 11, line 22.

Strike: "\$1,500"

Insert: "\$2,000"

13. Page 12, line 9 through line 19.

Strike: section 4 in its entirety

Renumber: subsequent sections

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14. Page 20, line 13.

Strike: "section"

Insert: "sections"

15. Page 20, line 14.

Strike: "is"

Insert: "are"

16. Page 20.

Following: line 15

Insert: "13-37-218. Limitations on receipts from political committees."

Amendment adopted as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, 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, Mitchell, Moore, Nave, Noland, Novak, 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

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

Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Buckley, Mercer.

Total 2

SB 224 - Representative Putnam moved **SB 224**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, 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, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M,

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Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 69

Nays: Abbott, Bishop, Caferro, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Garner, Hamilton, Harvey, Hawk, Hayman, Karjala, Keane, Kelker, Keogh, Kortum, Marler, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: None.
Total 0

SB 231 - Representative Malone moved **SB 231** be concurred in.

SB 231 - Representative Malone moved **SB 231**, second reading copy, be amended as follows:

1. Page 3, line 3 through line 5.
Strike: ":" on line 4 through "(II) THE" on line 5

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, 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, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 92

Nays: Curdy, Dunwell, France, Hayman, Kortum, Olsen, Whiteman Pena, Windy Boy.
Total 8

Voted absentee: Greef, Weatherwax, Aye.

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Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 231 - Representative Bedey moved **SB 231**, second reading copy, be further amended as follows:

1. Page 3, line 7.

Strike: "."

Insert: "; and

(c) a division of land transferred to an immediate family member pursuant to subsection (1)(b) may be owned jointly with that immediate family member's spouse."

2. Page 3, line 21.

Following: "member"

Insert: "or the spouse of an immediate family member"

Amendment 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, 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, 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: Smith.

Total 1

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 231 - Representative Malone moved **SB 231**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gist, Greef, Gunderson, Harvey, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mitchell, Noland, Patelis, 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 68

Nays: Abbott, Bishop, Curdy, Dunwell, Farris-Olsen, Fern, France, Funk, Gillette, Hamilton, Hayman, Kelker, Keogh, Kortum, Marler, Mercer, Moore, Nave, Novak, Olsen, Putnam, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.
Total 31

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Karjala.
Total 1

SB 260 - Representative Buttrey moved **SB 260** be concurred in.

SB 260 - Representative Mercer moved **SB 260**, second reading copy, be amended as follows:

1. Title, line 8 through line 9.

Strike: "PROVIDING" on line 8 through "EXCEPTIONS;" on line 9

Insert: "PROVIDING DEFINITIONS; PROVIDING FOR PROTECTION OF PROPERTY INTERESTS; REQUIRING AN ANALYSIS BY THE ATTORNEY GENERAL RELATING TO TAKINGS OF PROPERTY; AND"

2. Title, line 10.

Following: "MCA"

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

3. Page 1, line 12 through line 19.

Strike: line 12 through "purposes." on line 19

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4. Page 1, line 24.

Following: "exist."

Strike: "(1)"

5. Page 1, line 25.

Strike: "(a)"

Insert: "(1)"

Renumber: subsequent subsections

6. Page 2, line 11 through page 3, line 28.

Strike: subsections (2) through (7) in their entirety

7. Page 3.

Following: line 28

Insert: "NEW SECTION. **Section 2. Declaration of purpose.** The purpose of this chapter is to establish an orderly, consistent review process that better enables state agencies to evaluate whether proposed regulatory or administrative actions may result in a taking of private property without due process of law. It is not the purpose of this chapter to expand or reduce the scope of private property protections provided in the state and federal constitutions."

Insert: "NEW SECTION. **Section 3. Definitions.** As used in this chapter the following definitions apply:

(1) "Private property" means all property described in 70-1-104.

(2) "Regulatory taking" means a regulatory or administrative action resulting in deprivation of private property that is the subject of such action, whether such deprivation is total or partial, permanent or temporary, in violation of the state or federal constitution.

(3) "State agency" means the state of Montana and any officer, agency, board, commission, department, governmental entity, or similar body of the executive branch of the state government."

Insert: "NEW SECTION. **Section 4. Protection of private property.** (1) The attorney general shall establish a process, including a checklist, that enables a state agency to evaluate proposed regulatory or administrative actions to ensure that the actions do not result in an unconstitutional taking of private property. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in law. All state agencies shall follow the guidelines of the attorney general.

(2) An owner of private property that is the subject of such action may submit a written request with a state agency to analyze the questions on the checklist before undertaking the regulatory or administrative action. Before making a final decision concerning the matter at issue, the state agency shall prepare a written taking analysis concerning the action. Any regulatory taking analysis prepared shall comply with the process set forth in this chapter, including use of the checklist developed by the attorney general pursuant to subsection (1) and shall be provided to the private property owner no later than 42 days after the date of filing the request with the state agency whose action is questioned. A regulatory taking analysis prepared pursuant to this section is considered public information.

(3) (a) The checklist must contain the following questions that must be considered in any regulatory takings analysis:

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- (i) Does the regulation or action result in either a permanent or temporary physical occupation of private property?
 - (ii) Does the regulation or action require a property owner to either dedicate a portion of property or to grant an easement?
 - (iii) Does the regulation deprive the owner of all economically viable uses of the property?
 - (iv) Does the regulation have a significant impact on the landowner's economic interest?
 - (v) Does the regulation deny a fundamental attribute of ownership?
 - (vi) Does the regulation serve the same purpose that would be served by directly prohibiting the use or action?
 - (vii) Does the condition imposed substantially advance that purpose?
- (b) The attorney general may include additional questions in the checklist on an annual basis.
- (4) A governmental action is voidable if a written taking analysis is not prepared after a request has been made pursuant to this chapter. A private property owner whose property is the subject of governmental action and who is affected by a governmental action without the preparation of a requested taking analysis as required by this section may seek a judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. An action seeking to invalidate a governmental action for noncompliance with subsection (2) must be filed in a district court in the county in which the private property owner's affected private property is located. If the affected property is located in more than one county, the private property owner may file suit in any county in which the affected private property is located.
- (5) During the preparation of the taking analysis, any time limitation relevant to the regulatory or administrative actions is tolled. The tolling ceases when the taking analysis has been provided to the property owner. Both the request for a taking analysis and the taking analysis must be part of the official record regarding the regulatory or administrative action.
- (6) A private property owner is not required to submit a request under this chapter. The decision by the private property owner not to submit a request under this chapter may not prevent or prohibit the private property owner from seeking any legal or equitable remedy including, but not limited to, the payment of just compensation."

Renumber: subsequent sections

8. Page 4, line 2 through line 6.

Strike: section 2 and 3 in their entirety

9. Page 4.

Following: line 7

Insert: "NEW SECTION. **Section 5. Codification instruction.** [Sections 2 through 4] are intended to be codified as an integral part of Title 71, chapter 1, and the provisions of Title 71, chapter 1, apply to [sections 2 through 4]."

10. Page 4, line 8 through line 9.

Strike: section 4 in its entirety

Amendment adopted as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster,

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Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Fern, 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, Marshall, McKamey, Mercer, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 91

Nays: Farris-Olsen, Fielder, Marler, Mitchell, Olsen, Reksten, Sheldon-Galloway, Skees, Tenenbaum.

Total 9

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 260 - Representative Buttrey moved **SB 260**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Bedey, Berglee, Bertoglio, Brewster, Buttrey, Carlson, Dooling, Fitzgerald, Fleming, Frazer, Fuller, Garner, Gillette, Greef, Holmlund, Hopkins, Jones, Kassmier, Knudsen C, Knudsen R, Ler, Loge, Malone, McKamey, Mercer, Nave, Noland, Patelis, Phalen, Putnam, Read, Ricci, Schillinger, Seekins-Crowe, Smith, Stromswold, Trebas, Walsh, Welch, Whitman, Mr. Speaker.

Total 41

Nays: Abbott, Anderson, Bartel, Beard, Binkley, Bishop, Buckley, Caferro, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fern, Fielder, France, Funk, Galloway, Gist, Gunderson, Hamilton, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Karjala, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Kortum, Lenz, Marler, Marshall, Mitchell, Moore, Novak, Olsen, Regier A, Regier M, Reksten, Running Wolf, Sheldon-Galloway, Skees, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Tschida, Usher, Vinton, Weatherwax, Whiteman Pena, Windy Boy, Zolnikov.

Total 59

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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SB 284 - Representative Fitzgerald moved **SB 284** be concurred in.

SB 284 - Representative Fitzgerald moved **SB 284**, second reading copy, be amended as follows:

1. Page 1, line 25.

Strike: "is"

Insert: "may be"

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

Total 98

Nays: Marler, Smith.

Total 2

Voted absentee: Greef, Weatherwax, Aye.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SB 284 - Representative Fitzgerald moved **SB 284**, as amended, be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, 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, Nave, Noland, Patelis, Phalen, Putnam, Read, Regier M, Reksten, Ricci, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Stromswold, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

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

Total 35

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 1 - Representative Skees moved **SJR 1** be concurred in. Motion carried as follows:

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

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, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Weatherwax, Whiteman Pena, Windy Boy.

Total 33

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 7 - Representative Walsh moved **SJR 7** be concurred in. Motion carried as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kerns, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell,

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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 68

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

Total 32

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

SJR 17 - Representative Duram moved **SJR 17** be concurred in. Motion carried as follows:

Yeas: Abbott, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Curdy, Custer, Dunwell, Duram, Farris-Olsen, Fitzgerald, Frazer, Funk, Galloway, Garner, Greef, Gunderson, Hamilton, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Loge, Marshall, McKamey, Mercer, Moore, Nave, Noland, Olsen, Patelis, Phalen, Putnam, Read, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 65

Nays: Anderson, Bartel, Beard, Bedey, Berglee, Carlson, Dooling, Fern, Fielder, Fleming, France, Fuller, Gillette, Gist, Harvey, Hayman, Kassmier, Keane, Lenz, Ler, Malone, Marler, Mitchell, Novak, Regier A, Regier M, Reksten, Skees, Stafman, Stewart Peregoy, Tschida, Usher, Weatherwax, Whiteman Pena, Windy Boy.

Total 35

Voted absentee: Greef, Aye; Weatherwax, No.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: None.

Total 0

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

Yeas: Anderson, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hawk, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.
Total 80

Nays: Abbott, Bartel, Bishop, Dunwell, Farris-Olsen, France, Hamilton, Harvey, Hayman, Karjala, Kortum, Marler, Olsen, Stewart Peregoy, Tschida, Whiteman Pena, Windy Boy.
Total 17

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Noland.
Total 1

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 90 passed 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, 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, 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, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 97

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Nays: None.

Total 0

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 179 passed as follows:

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

Total 79

Nays: Bartel, Duram, Fielder, Galloway, Gillette, Harvey, Hill, Hinkle C, Hinkle J, Karjala, Kerns, Mitchell, Moore, Olsen, Reksten, Sheldon-Galloway, Skees, Whiteman Pena.

Total 18

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 331 passed 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, 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, Lenz, Ler, Loge, Malone, Marler, 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, Smith, Stafman, Stewart Peregoy, Stromswold,

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

Total 95

Nays: Kortum, Olsen.

Total 2

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

HB 333 passed as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Dunwell, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Hamilton, 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, 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, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 94

Nays: Caferro, Hinkle J, Tenenbaum.

Total 3

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 301 concurred in as follows:

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

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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, Sheldon-Galloway, Skees, 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, Olsen, Running Wolf, Seekins-Crowe, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 32

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 314 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Binkley, Brewster, Buttrey, Carlson, Dooling, Duram, Fielder, Fitzgerald, Fleming, 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, Walsh, Welch, Whitman, Zolnikov, Mr. Speaker.

Total 62

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

Total 35

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

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SB 337 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, 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, 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, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 338 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, 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, 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, Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane, Whiteman Pena, Windy Boy.

Total 31

Voted absentee: None.

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Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SB 360 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, 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 71

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

Total 26

Voted absentee: None.

Excused: Greef, Weatherwax.

Total 2

Absent or not voting: Novak.

Total 1

SJR 8 concurred in as follows:

Yeas: Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buttrey, Carlson, Custer, Dooling, Duram, Fielder, Fitzgerald, Fleming, 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, 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,

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Olsen, Running Wolf, Smith, Stafman, Stewart Peregoy, Sullivan, Tenenbaum, Thane,
Whiteman Pena, Windy Boy.
Total 31

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Novak.
Total 1

SJR 10 concurred in as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Bishop, Brewster, Buckley, Buttrey, Caferro, Carlson, Curdy, Custer, Dooling, Duram, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Gunderson, Harvey, Hawk, Hayman, Hill, Hinkle C, Hinkle J, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Lenz, Ler, Loge, Malone, Marshall, McKamey, Mercer, Mitchell, Moore, Nave, Noland, 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, Thane, Trebas, Tschida, Usher, Vinton, Walsh, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.
Total 91

Nays: Dunwell, Farris-Olsen, Hamilton, Kortum, Marler, Tenenbaum.
Total 6

Voted absentee: None.

Excused: Greef, Weatherwax.
Total 2

Absent or not voting: Novak.
Total 1

MOTIONS

Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 63** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Dooling
Majority Leader Vinton
Representative Sullivan

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Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 178** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative Bedey
Representative Bertoglio
Representative Running Wolf

Majority Leader Vinton moved the Speaker be authorized to appoint a Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to **HB 555** and request the Senate to appoint a like committee. Without objection, Speaker Galt appointed:

Representative M. Regier
Representative Mercer
Representative Farris-Olsen

Majority Leader Vinton moved the Speaker be authorized to appoint a Joint Select Committee on Judicial Transparency and Accountability to meet with a like committee from the Senate. Without objection, Speaker Galt appointed:

Majority Leader Vinton
Minority Leader Abbott
Representative A. Regier

REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Jones, Chair):
SB 272, be amended as follows:

4/14/2021

1. Page 1, line 13.

Strike: "17"

Insert: "18"

2. Page 1.

Following: line 27

Insert: "(j) one member representing the legislative branch, appointed by the legislative branch information technology planning council;"

Renumber: subsequent subsections

3. Page 2.

Following: line 3

Insert: "(l) one member representing K-12 education, appointed by the superintendent of public instruction;"

Renumber: subsequent subsections

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

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JUDICIARY (Usher, Chair):
SB 318, be amended as follows:

4/14/2021

Following: "SETTING;"

Insert: "REQUIRING A JUDICIAL OFFICER TO DISQUALIFY THE JUDICIAL OFFICER IN CERTAIN PROCEEDINGS; PROVIDING FOR ENFORCEMENT OF COMPLAINTS AGAINST JUDICIAL OFFICERS; PROVIDING RULEMAKING AUTHORITY;"

2. Title, line 6.

Following: "SECTIONS"

Insert: "2-2-136"

3. Title, line 6.

Following: "3-1-604"

Insert: ", "

4. Page 1.

Following: line 10

Insert: "Section 1. Section 2-2-136, MCA, is amended to read:

"2-2-136. Enforcement for state officers, legislators, and state employees -- referral of complaint involving county attorney. (1) (a) A person alleging a violation of this part or [section 4] by a state officer, legislator, judicial officer, or state employee may file a complaint with the commissioner of political practices. The commissioner does not have jurisdiction for a complaint concerning a legislator if a legislative act is involved in the complaint. The commissioner also has jurisdiction over complaints against a county attorney that are referred by a local government review panel pursuant to 2-2-144 or filed by a person directly with the commissioner pursuant to 2-2-144(6). If a complaint is filed against the commissioner or another individual employed in the office of the commissioner, the complaint must be resolved in the manner provided for in 13-37-111(5).

(b) The commissioner may request additional information from the complainant or the person who is the subject of the complaint to make an initial determination of whether the complaint states a potential violation of this part.

(c) The commissioner may dismiss a complaint that is frivolous, does not state a potential violation of this part or [section 4], or does not contain sufficient allegations to enable the commissioner to determine whether the complaint states a potential violation of this part.

(d) When a complaint is filed, the commissioner may issue statements or respond to inquiries to confirm that a complaint has been filed, to identify against whom it has been filed, and to describe the procedural aspects and status of the case.

(2) (a) If the commissioner determines that the complaint states a potential violation of this part or [section 4], the commissioner shall hold an informal contested case hearing on the complaint as provided in Title 2, chapter 4, part 6. However, if the issues presented in a complaint have been addressed and decided in a prior decision and the commissioner determines that no additional factual development is necessary, the commissioner may issue a summary decision without holding an informal contested case hearing on the complaint.

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(b) Except as provided in 2-3-203, an informal contested case proceeding must be open to the public. Except as provided in Title 2, chapter 6, part 10, documents submitted to the commissioner for the informal contested case proceeding are presumed to be public information.

(c) The commissioner shall issue a decision based on the record established before the commissioner. The decision issued after a hearing is public information open to inspection.

(3) (a) Except as provided in subsection (3)(b), if the commissioner determines that a violation of this part or [section 4] has occurred, the commissioner may impose an administrative penalty of not less than \$50 or more than \$1,000.

(b) If the commissioner determines that a violation of 2-2-121(4)(b) has occurred, the commissioner may impose an administrative penalty of not less than \$500 or more than \$10,000.

(c) If the violation was committed by a state employee, the commissioner may also recommend that the employing state agency discipline the employee. The employing entity of a state employee may take disciplinary action against an employee for a violation of this part, regardless of whether the commissioner makes a recommendation for discipline.

(d) The commissioner may assess the costs of the proceeding against the person bringing the charges if the commissioner determines that a violation did not occur or against the officer or employee if the commissioner determines that a violation did occur.

(4) A party may seek judicial review of the commissioner's decision, as provided in Title 2, chapter 4, part 7, after a hearing, a dismissal, or a summary decision issued pursuant to this section.

(5) The commissioner may adopt rules to carry out the responsibilities and duties assigned by this part and [section 4]."

Renumber: subsequent sections

5. Page 1.

Following: line 22

Insert: "NEW SECTION. Section 4. Judicial conflict of interest -- recusal -- definition. (1) A judicial officer shall disqualify the judicial officer in any proceeding in which the judicial officer's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(a) the judicial officer has a personal bias or prejudice concerning a party or a party's lawyer or personal knowledge of facts that are in dispute in the proceeding;

(b) the judicial officer knows that the judicial officer, the judicial officer's spouse or domestic partner, a person within the third degree of relationship to either the judicial officer or the judicial officer's spouse or domestic partner, or the spouse or domestic partner of a person within the third degree of relationship to either judicial officer or the judicial officer's spouse or domestic partner is:

(i) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(ii) acting as a lawyer in the proceeding;

(iii) a person who has more than a de minimus interest that could be substantially affected by the proceeding; or

(iv) likely to be a material witness in the proceeding;

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(c) the judicial officer knows that the judicial officer, individually or as a fiduciary, or the judicial officer's spouse or domestic partner, parent, child, or any other member of the judicial officer's family residing in the same household has an economic interest in the subject matter in a controversy or in a party to the proceeding;

(d) the judicial officer, while a judicial officer or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy;

(e) the judicial officer:

(i) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during the association;

(ii) served in governmental employment and in that capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in that capacity an opinion concerning the merits of the particular matter in controversy;

(iii) was a material witness concerning the matter;

(iv) previously presided as a judicial officer over the matter in another court; or

(v) has received a campaign contribution from a lawyer or party to the proceeding.

(f) a lawyer or party to the proceeding has made a contribution to a political committee or other entity that engaged in independent expenditures that supported the judicial officer or opposed the judicial officer's opponent in an election;

(2) A judicial officer shall keep informed about the judicial officer's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judicial officer's spouse or domestic partner and minor children residing in the judicial officer's household.

(3) A judicial officer subject to disqualification under this section, other than for bias or prejudice, may disclose in writing or on the record the basis of the judicial officer's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judicial officer and court personnel, whether to waive disqualification. If, following disclosure, the parties and lawyers agree, without participation by the judicial officer or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding.

(4) For the purposes of this section, "judicial officer" has the meaning provided in 1-1-202."

Insert: "NEW SECTION. Section 5. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 2, chapter 2, and the provisions of Title 2, chapter 2, apply to [section 4]."

Insert: "NEW SECTION. Section 6. {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 section

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

SB 344, be concurred in. Report adopted.

SB 365, be concurred in. Report adopted.

SB 370, be concurred in. Report adopted.

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ANNOUNCEMENTS

Representative Mercer arose on a **Point of Personal Privilege** To introduce Bob Brown. The House recognized Mr. Brown for his commendable service as a past Representative and Secretary of State.

Representative Dunwell arose on a **Point of Personal Privilege** to recognize Minority Leader Abbott's birthday.

Committee meetings were announced by the committee chairs.

Majority Leader Vinton moved the House adjourn until 1:00 p.m., Thursday, April 15, 2021. Motion carried.

House adjourned at 3:33 p.m.

CAROLYN TSCHIDA
Chief Clerk of the House

WYLIE GALT
Speaker of the House