HOUSE JOURNAL 67TH LEGISLATURE FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana House Chambers March 9, 2021 State Capitol

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

Roll Call. All members present, except Representatives Ler, Usher, and Walsh, excused. Quorum present.

BILLS (J. Hinkle, Chair):

3/9/2021

Correctly engrossed: HB 593.

Representative Fern arose to express condolences over the news that former member, Representative Kelly Flynn passed after a battle with cancer.

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

REPORTS OF STANDING COMMITTEES

BUSINESS AND LABOR (Noland, Chair):

2/26/2021

HB 593, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

Strike: "PROVIDING" on line 5 through "LICENSE;" on line 6

2. Title, line 10.

Following: "37-31-101," Strike: "37-31-103,"

3. Title, line 11.

Following: "37-31-323,"

Insert: "AND"

4. Title, line 12.

Strike: "37-33-404, AND 49-2-101,"

Following: "PROVIDING"
Insert: "A DELAYED"
Strike: "DATES"
Insert: "DATE"

5. Page 1, line 24.

Following: the first "esthetician" Strike: "or master esthetician"

6. Page 2, line 5.

Strike: "one member" Insert: "two members"

7. Page 2, line 5.

Strike: "is" Insert: "are"

8. Page 2, line 7.

Strike: "two members" Insert: "one member"

9. Page 2, line 7.

Strike: "are" Insert: "is"

10. Page 2, line 12.

Strike: "(2)(a),"

Following: "cosmetologist"

Strike: ", electrologist, esthetician,"

11. Page 2, line 16.

Strike: "master esthetician, or manicurist, or member affiliated with a school or"

12. Page 4, line 20 through line 26.

Strike: subsections (18) through (20) in their entirety

Renumber: subsequent subsections

13. Page 5, line 27 through page 6, line 3.

Strike: subsection (22) in its entirety Renumber: subsequent subsections

14. Page 6, line 5.

Following: "esthetics,"
Strike: "master esthetics,"

15. Page 6, line 7 through line 8.

Strike: ":" on line 7 through "(i)" on line 8

16. Page 6, line 9.

Following: "esthetics,"

Strike: "master esthetics,"

17. Page 6, line 11.

Following: "esthetics,"

Strike: "master esthetics,"

18. Page 6, line 12 through line 14.

Strike: "; or" on line 12 through "practitioner" on line 14

19. Page 6, line 24 through line 28.

Strike: section 3 in its entirety Renumber: subsequent sections

20. Page 7, line 18 through line 19.

Strike: "master" on line 18 through "esthetics," on line 19

21. Page 7, line 22.

Following: "esthetician,"

Strike: "a master esthetician,"

22. Page 7, line 24.

Following: "a"

Insert: "salon, shop, booth, or"

23. Page 8, line 2 through line 6.

Following: "manicurist" on line 2

Strike: remainder of line 2 through "(b)" on line 6

24. Page 8, line 7.

Following: "esthetician,"

Strike: "a master esthetician,"

25. Page 8, line 8.

Strike: "(c)" Insert: "(b)"

Renumber: subsequent subsections

26. Page 8, line 9.

Following: "esthetics,"

Strike: "master esthetics,"

27. Page 8, line 12.

Following: "shop,"

Insert: "or"

Following: "booth" Strike: ", or room"

28. Page 8, line 13 through line 14.

Strike: "master" on line 13 through "esthetics," on line 14

29. Page 8, line 14.

Following: "salon"

Strike: ","
Following: "or"
Insert: "or"

Following: "shop"
Strike: ", or room"

30. Page 8, line 16. Following: "salon"

Strike: ","
Following: "or"
Insert: "or"
Following: "shop"

Strike: ", or room"

31. Page 8, line 17. Following: "salon"

Strike: "<u>,"</u>
Following: "or"
Insert: "or"

Following: "shop" Strike: ", or room"

32. Page 8, line 23. Following: "shop," Strike: "room,"

33. Page 8, line 25. Following: "esthetics," Strike: "master esthetics,"

34. Page 8, line 27. Following: "esthetics," Strike: "master esthetics,"

35. Page 9, line 2. Following: "esthetics," Strike: "master esthetics,"

36. Page 9, line 3. Following: "shop,"

Insert: "or"

Following: "booth"
Strike: ", or room"

37. Page 9, line 12.

Following: line 11 Insert: "or"

Following: "booth"
Strike: ", or room"

38. Page 12, line 27 through page 13, line 9.

Strike: subsection (8) in its entirety

39. Page 14, line 1. Strike: "(2)(c)(ii)" Insert: "(1)(c)(ii)"

40. Page 14, line 2.

Strike: ";" Insert: "."

41. Page 17, line 7 through line 12.

Strike: "A school" on line 7 through "(10)" on line 12

42. Page 17, line 15.

Strike: "(11)" Insert: "(10)"

Renumber: subsequent subsections

43. Page 18, line 4. Following: "manicuring"

Strike: "."

44. Page 18, line 8. Following: "booths,"

Insert: "and"

Following: "schools"
Strike: ", and rooms"

45. Page 18, line 10.

Following: "salon"

Insert: "," Strike: "or"

Following: "booth,"

Insert: "or"

Following: "school" Strike: ", or room"

46. Page 18, line 14. Following: "booth," Strike: "room,"

47. Page 18, line 16. Following: "booth," Strike: "room,"

48. Page 18, line 19. Following: "booth," Strike: "room,"

49. Page 18, line 21. Following: "booth," Strike: "room,"

50. Page 18, line 24.

Following: "booth," in two places Strike: "room," in two places

51. Page 18, line 25. Following: "booth," Strike: "room,"

52. Page 18, line 27. Following: "booth," Strike: "room,"

53. Page 19, line 3. Following: "booth," Strike: "room,"

54. Page 19, line 19. Following: "booth," Strike: "room"

55. Page 19, line 22. Following: "booths," Strike: "rooms,"

56. Page 20, line 5 through page 23, line 22. Strike: sections 15 and 16 in their entirety

Renumber: subsequent sections

57. Page 24, line 10. Strike: "dates"

Insert: "date"

58. Page 24, line 10.

Strike: "(1) Except as provided in subsection (2), [this act]"

Insert: "[This act]"

59. Page 24, line 12.

Strike: "(2) [Sections 16, 18, 19] and this section are effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (McKamey, Chair):

3/9/2021

SJR 9, be concurred in. Report adopted.

TAXATION (Beard, Chair):

3/9/2021

HB 432, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 8, 2021

The Honorable Wylie Galt Speaker of the House State Capitol Helena, Montana 59620

Dear Speaker Galt:

On Friday, March 5, 2021, I signed the following bill:

House Bill 143 - Jones

On Monday, March 8, 2021, I signed the following bills:

House Bill 94 – Walsh

House Bill 142 - Kassmier

The bills have been delivered to the Secretary of State's Office.

Sincerely,

GREG GIANFORTE

Governor

FIRST READING AND COMMITMENT OF BILLS

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

HJR 22, introduced by A. Olsen, referred to Transportation.

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 Gunderson in the chair.

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

HB 445 - Majority Leader Vinton moved consideration of **HB 445** be passed for the day. Without objection, so ordered.

HB 103 - Senate Amendments - Representative Curdy moved Senate amendments to **HB 103** 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, 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: Ler, Walsh, Aye.

Excused: Ler, Walsh.

Absent or not voting: None.

Total 0

HB 193 - Senate Amendments - Representative Patelis moved Senate amendments to **HB 193** be concurred in. Motion carried as follows:

Yeas: Abbott, Anderson, Bartel, Beard, Bedey, Berglee, Bertoglio, Binkley, Brewster, Buckley, Buttrey, Carlson, Curdy, Custer, Dooling, Duram, Farris-Olsen, Fern, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, 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, Olsen, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, 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 92

Nays: Bishop, Caferro, Dunwell, Funk, Hayman, Hill, Kortum, Sheldon-Galloway. Total 8

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Total 0

HB 247 - Representative Bertoglio moved HB 247 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, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Nays: Sheldon-Galloway, Tschida.

Total 2

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: Olsen.

Total 1

HB 305 - Representative Berglee moved **HB 305** do pass. Motion carried as follows:

Yeas: Abbott, Anderson, 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, Mitchell, Moore, Nave, Noland, Novak, Patelis, Phalen, Putnam, Read, Regier A, Regier M, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, 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 95

Nays: Bartel, McKamey, Mercer, Olsen, Sheldon-Galloway.

Total 5

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Total 0

HB 346 - Representative Welch moved HB 346 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.

Nays: None. Total 0

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Total 0

HB 403 - Representative Running Wolf moved HB 403 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, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, Holmlund, Hopkins, Jones, Karjala, Kassmier, Keane, Kelker, Keogh, Kerns, Kerr-Carpenter, Knudsen C, Knudsen R, Kortum, Ler, Loge, Malone, Marler, Marshall, McKamey, Mitchell, Noland, Novak, Olsen, Patelis, Putnam, Read, Regier A, Reksten, Ricci, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Nays: Bartel, Binkley, Hill, Hinkle C, Hinkle J, Lenz, Mercer, Moore, Nave, Phalen, Regier M, Skees, Trebas, Tschida.

Total 14

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Absent or not voting: None. Total 0

HB 488 - Representative Dooling moved HB 488 do pass. Motion carried as follows:

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

Nays: Bartel, Berglee, Binkley, Caferro, Fuller, Galloway, Gillette, Hill, Hinkle J, Kerns, Lenz, Ler, Mitchell, Noland, Phalen, Regier A, Regier M, Ricci, Schillinger, Sheldon-Galloway, Skees, Stromswold, Tschida, Usher, Vinton.

Total 25

Voted absentee: Walsh, Aye; Ler, Usher, No.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Total 0

HJR 6 - Representative Fern moved HJR 6 do pass. Motion carried as follows:

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

Nays: Bartel, Binkley, Caferro, Fleming, Galloway, Hill, Hinkle C, Hopkins, Keane, Lenz, Marshall, Nave, Olsen, Phalen, Regier A, Regier M, Ricci, Tschida, Windy Boy.

Total 19

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Total 0

HJR 8 - Representative Garner moved HJR 8 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, Fielder, Fitzgerald, Fleming, France, Frazer, Fuller, Funk, Galloway, Garner, Gillette, Gist, Greef, Gunderson, Hamilton, Harvey, Hawk, Hayman, 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, McKamey, Mercer, Mitchell, Moore, Noland, Novak, Olsen, Patelis, Putnam, Read, Regier A, Reksten, Running Wolf, Schillinger, Seekins-Crowe, Sheldon-Galloway, Skees, Smith, Stafman, Stewart Peregoy, Stromswold, Sullivan, Tenenbaum, Thane, Trebas, Usher, Vinton, Walsh, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Total 91

Nays: Bartel, Binkley, Hill, Marshall, Nave, Phalen, Regier M, Ricci, Tschida.

Total 9

Voted absentee: Ler, Usher, Walsh, Aye.

Excused: Ler, Usher, Walsh.

Total 3

Absent or not voting: None.

Majority Leader Vinton moved the Committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Gunderson 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, 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, Loge, Malone, Marler, Marshall, Mercer, Mitchell, Moore, Nave, 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, Vinton, Weatherwax, Welch, Whiteman Pena, Whitman, Windy Boy, Zolnikov, Mr. Speaker.

Nays: McKamey, Noland.

Total 2

Voted absentee: None.

Excused: Ler, Walsh.

Total 2

Absent or not voting: Usher.

Total 1

MOTIONS

Majority Leader Vinton moved to re-refer **HB 403** to the Appropriations Committee. Without objection, so ordered.

Majority Leader Vinton moved to re-refer **HB 488** 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., Wednesday, March 10, 2021. Motion carried.

House adjourned at 2:09 p.m.

A presentation of a short video clip of the floor address made by Representative Kelly Flynn on the close of the November 2017 Special Session was shown in memoriam of Representative Flynn's dedication and service to Montana.

CAROLYN TSCHIDA Chief Clerk of the House WYLIE GALT Speaker of the House