

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON SENATE BILL 423

Call to Order: Chair Jeff Essmann, on April 19, 2011 at 11:30 A.M., in Room 137
Capitol

ROLL CALL

Members Present:

Sen. Jeff Essmann, Chair (R)
Rep. Cary Smith, Chair (R)
Rep. Tom Berry (R)
Sen. Cliff Larsen (D)
Rep. Diane Sands (D)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Sue O'Connell, Legislative Services Division (LSD)
Pam Schindler, Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: SB 423

Executive Action: SB 423-Do Pass As Amended

(Please Note: The Free Conference Committee Report was not available until 4/20/11. It is included in the Free Conference Committee Minutes 4/20/11)

(Please Note: Some Amending Sections will not be in consecutive order or will not be "Moved and Voted Upon." Various Amending Sections will be internal changes and/or be approved when corresponding Amending Sections are voted upon. Refer to the audio/video minutes if further information is necessary.)

00:00:22 Chairman Essmann
00:00:48 Sue O'Connell, Legislative Service Division (LSD)
[EXHIBIT\(frs87sb0423a01\)](#)
[EXHIBIT\(frs87sb0423a02\)](#)

00:02:48 **Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 41**. Motion carried unanimously by voice vote.

00:03:29 Ms. O'Connell
00:05:26 Chairman Essmann

00:06:21 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 65**.

Discussion:

00:06:40 Ms. O'Connell

00:06:55 **Vote:** Motion carried unanimously by voice vote.

00:07:12 Ms. O'Connell

00:09:01 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH "RED BILL" PAGE 7, LINES 8-15**.

[EXHIBIT\(frs87sb0423a03\)](#)

Discussion:

00:09:23 Chairman Essmann
00:11:13 Sen. Larsen

00:11:35 **Vote:** Motion carried unanimously by voice vote.

00:11:59 Ms. O'Connell

Discussion regarding various topics within the "Red Bill":

(Please refer to the audio/video minutes for further information)

00:13:13 Chairman Essmann
00:15:00 Rep. Sands
00:16:04 Chairman Essmann
00:16:41 Rep. Berry
00:17:11 Chairman Essmann

00:17:51 Rep. Sands
00:18:21 Rep. Smith
00:18:55 Rep. Sands
00:19:35 Ms. O'Connell
00:20:16 Chairman Essmann
00:20:27 Rep. Smith
00:20:51 Sen. Vincent
00:20:59 Rep. Sands
00:21:17 Sen. Larsen
00:22:26 Rep. Sands
00:22:46 Rep. Smith
00:24:23 Sen. Larsen
00:25:24 Chairman Essmann

00:25:57 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH LANGUAGE, "A PROVIDER MAY ACCEPT A REIMBURSEMENT FROM A CARDHOLDER ..."**.

Discussion:

00:26:36 Rep. Smith
00:26:41 Rep. Sands
00:26:52 Chairman Essmann

00:27:02 **Vote:** Motion carried 4-2 by voice vote with Rep. Sands and Sen. Larsen voting no.

00:27:39 Ms. O'Connell

00:29:23 **Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH A CONCEPTUAL AMENDMENT FOR LANGUAGE, "...BACKGROUND CHECKS ON RENEWING A CARD..."**. Motion carried unanimously by voice vote.

00:29:54 Ms. O'Connell

00:31:27 **Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTIONS 74, 75, 76**. Motion carried unanimously by voice vote.

00:32:12 Ms. O'Connell
00:33:04 Chairman Essmann
00:33:09 Rep. Smith
00:33:29 Ms. O'Connell
00:33:41 Chairman Essmann

00:33:50 **Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 81 AND TO ALSO STRIKE THE WORD, "EXCLUSIVELY"**. Motion carried unanimously by voice vote.

00:34:29 Ms. O'Connell

00:35:25 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTIONS 97 AND 98.**

Discussion:

00:35:47 Chairman Essmann

00:36:07 Rep. Smith

00:36:19 **Substitute Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 97 AND NOT 98.** Motion carried unanimously by voice vote.

00:37:25 Ms. O'Connell

00:38:26 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 122.**

Discussion:

00:38:48 Rep. Smith

00:39:14 Ms. O'Connell

00:39:51 Rep. Smith

00:40:01 **Vote:** Motion carried unanimously by voice vote.

00:40:21 Ms. O'Connell

00:41:26 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 134 AND RELATED LANGUAGE, AND TO INSERT THE WORDS "FRAUDULENT REPRESENTATION" AND "VIOLATION" LANGUAGE.** Motion carried unanimously by voice vote.

00:42:27 Ms. O'Connell

00:43:27 **Motion:** Rep. Sands moved that **SB 423 BE AMENDED.**
EXHIBIT(frs87sb0423a04)

Discussion:

00:43:51 Chairman Essmann

00:44:09 Ms. O'Connell

00:44:39 Chairman Essmann

00:45:22 Rep. Smith

00:45:40 **Substitute Motion/Vote:** Rep. Sands **WITHDREW PREVIOUS MOTION** and moved that **SB 423 BE AMENDED WITH THE LAST SENTENCE OF PREVIOUS AMENDMENT, "REJECTION OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DEPARTMENT ACTION, SUBJECT TO JUDICIAL REVIEW".** Motion carried unanimously by voice vote.

00:47:19 Ms. O'Connell

00:48:46 **Motion:** Rep. Sands move that **SB 423 BE AMENDED.**

[EXHIBIT\(frs87sb0423a05\)](#)

[EXHIBIT\(frs87sb0423a06\)](#)

Discussion:

00:49:51 Rep. Sands
 00:51:06 Sen. Vincent
 00:52:02 Rep. Sands
 00:52:43 Sen. Vincent
 00:53:13 Rep. Sands
 00:53:20 Sen. Vincent
 00:53:52 Chairman Essmann
 00:55:25 Sen. Larsen
 00:56:42 Rep. Smith
 00:57:38 Rep. Berry

00:58:17 **Substitute Motion:** Chairman Essmann moved that **SB 423 BE AMENDED WITH THE LANGUAGE FROM PREVIOUS AMENDMENT IN SUB-SECTION ii.**

00:59:18 Rep. Smith
 00:59:28 Rep. Sands
 01:00:38 Sen. Larsen
 01:01:43 Rep. Berry
 01:02:25 Sen. Vincent

01:03:32 **Vote:** Motion carried 4-2 by voice vote with Rep. Sands and Sen. Larsen voting no.

01:04:05 Ms. O'Connell
 01:04:15 Chairman Essmann

01:04:19 **Motion:** Rep. Sands moved that **SB 423 DO PASS AS AMENDED.**

Discussion:

01:04:35 Sen. Larsen
 01:06:33 Rep. Smith
 01:06:45 Sen. Larsen
 01:07:13 Rep. Berry
 01:07:44 Chairman Essmann
 01:08:03 Rep. Sands
 01:08:20 Chairman Essmann

01:08:57 **Vote:** Motion carried unanimously by voice vote.

01:09:26 Chairman Essmann
01:10:05 Rep. Berry

(The Free Conference Committee on SB 423 reconvened @ 3:00 P.M. Room 137, Sen. Larsen was excused)

01:10:56 Chairman Essmann
01:11:16 Ms. O'Connell

01:12:12 **Motion/Vote:** Rep. Sands moved that **SB 423 BE AMENDED WITH SECTION 10, AND TO REMOVE THE LANGUAGE, "AT A MINIMUM" BEFORE LITTLE A.** Motion carried unanimously by voice vote.

[EXHIBIT\(frs87sb0423a07\)](#)

[EXHIBIT\(frs87sb0423a08\)](#)

01:12:54 Ms. O'Connell

01:13:37 **Motion:** Sen. Berry moved that **SB 423 BE AMENDED WITH A CONCEPTUAL AMENDMENT FOR PAGE 6, LINE 7 "COULD NOT CULTIVATE OR MANUFACTURE UNLESS THE REGISTERED CARDHOLDER IS THE PROVIDER"**. Motion carried unanimously by voice vote.

01:14:12 **Motion:** Rep. Sands moved that **SB 423 DO PASS AS AMENDED.**

Discussion:

01:14:40 Sen. Vincent
01:15:45 Chairman Essmann

01:16:00 **Vote:** Motion carried unanimously by voice vote.

01:16:26 Valencia Lane, LSD

[EXHIBIT\(frs87sb0423a09\)](#)

ADJOURNMENT

Adjournment: 4:15 P.M.

Pam Schindler, Secretary

Additional Documents:

EXHIBIT([frs87sb0423aad.pdf](#))