

**SENATE JOURNAL  
62<sup>ND</sup> LEGISLATURE  
EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 28, 2011

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS:**

4/28/2011

Correctly engrossed: **HB 174.**

**MOTIONS**

Senator Essmann moved the third reading board be moved to the 10:30 agenda. Without objection, so ordered.

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**HB 271 - Conference Committee Report No. 1** - Senator Hinkle moved the Conference Committee report to **HB 271** be adopted. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair.

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Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 35

Nays: Blewett, Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senators Gillan and Gallus gave their farewell remarks to the Senate.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 10:30 a.m. Motion carried.

Senate in recess.

Senate reconvened at 10:31 a.m.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 156**

Report No. 2, April 27, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 156** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 156** (reference copy -- salmon) be amended as follows:

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1. Title, page 1, line 6.

**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

2. Page 2, line 16.

**Strike:** "July 1, 2011"

**Insert:** "on passage and approval"

For the Senate:

Priest, Chair  
Ripley  
Windy Boy

For the House:

Bangerter, Vice Chair  
Pease-Lopez  
Read

**FREE CONFERENCE COMMITTEE**  
on House Amendments to **Senate Bill 36**  
Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 36** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 36** (reference copy -- salmon) be amended as follows:

1. Title, line 8 through line 9.

**Strike:** "ALLOWING" on page 1, line 8 through "PROCEEDINGS;" on line 9

2. Page 1, line 17 through line 18.

**Strike:** "The" on line 17 through "proceedings." on line 18

For the Senate:

Ripley, Chair  
Hamlett  
Vincent

For the House:

McNutt, Vice Chair  
MacDonald

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill not concurred in:**

4/28/2011

**HB 439**, introduced by Hollenbaugh

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**Senate joint resolution** concurred in and returned to the Senate: 4/28/2011

**SJR 28**, introduced by Lake

**Governor's amendments to Senate bills** concurred in and returned to the Senate: 4/28/2011

**SB 166**, introduced by Balyeat

**SB 212**, introduced by Ripley

**SB 279**, introduced by Jackson

**SB 305**, introduced by Jackson

**Free Conference Committee Report No.1** adopted: 4/28/2011

**SB 35**, introduced by Hamlett

**SB 136**, introduced by Balyeat

**SB 312**, introduced by Vincent

**SB 329**, introduced by Zinke

**HB 375**, introduced by Cook

**HB 611**, introduced by Cook

**SB 372**, introduced by Tutvedt

**SB 426**, introduced by Balyeat

**Senate bill not** concurred in and returned to the Senate: 4/28/2011

**SB 315**, introduced by Ripley

**Governor's amendments to House bill** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/28/2011

**HB 494**, introduced by Edmunds

Senator Williams announced the Democrats would caucus.

Senator Essmann announced the Republicans would stand at ease.

Senate in recess.

Senate reconvened at 10:55 a.m.

**MOTIONS**

Senator Shockley moved to change his vote on **the Committee of the Whole Report** from No to Yes. Without objection, so ordered.

Senator Essmann moved that **HB 2** be removed from third reading and placed on a later

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agenda. Without objection, so ordered.

Senator Balyeat moved to override the Governor's veto of **HB 483**.

Senator Balyeat withdrew his motion.

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**SB 298 - Governor's Amendments** - Senator Vincent moved Governor's amendments to **SB 298** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 312 - Free Conference Committee Report No. 1** - Senator Vincent moved the Free Conference Committee report to **SB 312** be adopted. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 32

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 18

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 329 - Free Conference Committee Report No. 1** - Senator Zinke moved the Free Conference Committee report to **SB 329** be adopted. Motion carried as follows:  
Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Caferro, Erickson, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 31

Nays: Augare, Blewett, Branae, Brenden, Facey, Gallus, Gillan, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:  
Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 37

Nays: Blewett, Branae, Erickson, Facey, Hawks, Keane, Moss, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**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 174** concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moore, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 375, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 533, as amended by the Governor**, concurred in as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brown, Buttrey, Essmann, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 40

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Nays: Augare, Brenden, Caferro, Erickson, Facey, Gallus, Jent, Kaufmann, Shockley, Vuckovich.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 611, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Erickson, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 30

Nays: Augare, Blewett, Branae, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 612, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Zinke, Mr. President.  
Total 31

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Williams, Windy Boy.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 33** concurred in as follows:

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Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Hinkle, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Wittich, Zinke, Mr. President.

Total 26

Nays: Augare, Blewett, Branae, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Kaufmann, Keane, Larsen, Moss, Priest, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 29, as amended by the Governor**, passed as follows:

Yeas: Augare, Barrett, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Kaufmann, Larsen, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Mr. President.

Total 30

Nays: Arthun, Balyeat, Brenden, Brown, Buttrey, Gallus, Hinkle, Hutton, Keane, Lake, Lewis, Moore, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 100, as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 43

Nays: Blewett, Brenden, Caferro, Erickson, Gallus, Kaufmann, Tropila.

Total 7

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 136, Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Gallus, Kaufmann, Keane, Larsen.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 207, as amended by the Governor**, passed as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Wittich, Zinke, Mr. President.

Total 39

Nays: Augare, Caferro, Erickson, Gallus, Jent, Kaufmann, Keane, Larsen, Stewart-Peregoy, Williams, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 265, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Augare, Blewett, Branae, Brown, Buttrey, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jackson, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Olson, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke.

Total 28

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Nays: Arthun, Balyeat, Barrett, Brenden, Essmann, Gallus, Hinkle, Hutton, Jones, Lake, Lewis, Moore, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 266, as amended by the Governor, failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Sonju, Stewart-Peregoy, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 25

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moore, Moss, Ripley, Shockley, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 372, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 31

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 426, Free Conference Committee Report No. 1**, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

**MOTIONS**

Senator Olson moved to reconsider the third reading action on **SB 266** and place **SB 266** on third reading this day. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Buttrey, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Lake, Larsen, Moss, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate Essmann moved the Senate recess until 1:30 p.m.

Senate in recess.

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Senate reconvened at 1:31 p.m.

**BILLS AND JOURNALS:**

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Correctly enrolled: **SB 166, SB 212, SB 279, SB 305, SJR 28.**

Correctly enrolled: **SB 136, SB 265, SB 372, SB 426.**

Examined by the sponsor and found to be correct: **SB 166, SB 212, SB 279, SB 305, SJ 28.**

**MOTIONS**

Senator Tutvedt moved to override the Governor's veto on **HB 342**. Due to the two-thirds requirement, motion **failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Balyeat moved to override the Governor's veto on **HB 483**. Due to the two-thirds requirement, motion **failed** as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Wanzenried raised a procedural concern regarding the progression of bills through the Legislature to the Governor's desk. President Peterson clarified the bills must be transmitted within ten days of sine die and the bills will be passed on to the Governor in accordance with the rules.

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**SB 35 - Free Conference Committee Report No. 1** - Senator Hamlett moved the Free Conference Committee report to **SB 35** be adopted. Motion carried as follows:  
Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 316 - Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 316** be adopted. Motion carried as follows:  
Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.  
Total 26

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.  
Total 24

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 494 - Governor's Amendments** - Senator Wittich moved Governor's amendments to **HB 494** be concurred in. Motion carried as follows:

Yeas: Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Lake, Larsen, Lewis, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 29

Nays: Arthun, Augare, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Jones, Kaufmann, Keane, Moore, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 39

Nays: Blewett, Erickson, Hawks, Jent, Kaufmann, Keane, Moss, Vincent, Wanzenried, Williams, Windy Boy.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**MOTIONS**

Senator Olson moved to suspend the rules and reconsider action on the Governor's amendments on **SB 266** and place **SB 266** on third reading this legislative day.

Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 38

Nays: Branae, Caferro, Erickson, Facey, Hawks, Jent, Kaufmann, Moss, Tropila, Vuckovich, Wanzenried, Williams.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the Senate recess until 3:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 3:33 p.m.

Roll Call. All members present, except Senator Gallus excused. Quorum present.

Senator Gallus present.

**BILLS AND JOURNALS:**

4/28/2011

Signed by the Speaker at 2:45 p.m., April 28, 2011: **SB 423**.

Signed by the President at 2:35 p.m., April 28, 2011: **SB 423**.

Signed by the Secretary of the Senate at 1:05 p.m., April 27, 2011: **SB 423**.

Delivered to the Governor for approval at 2:50 p.m., April 28, 2011: **SB 423**.

**MESSAGES FROM THE GOVERNOR**

April 28, 2011

The Honorable Jim Peterson  
President of the Senate State Capitol  
Helena, MT 59620

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Dear President Peterson:

In accordance with the powers vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 423 (SB 423) **"AN ACT ESTABLISHING THE MONTANA MARIJUANA ACT AND REVISING LAWS RELATING TO THE USE OF MARIJUANA; CREATING A REGISTRY PROGRAM FOR THE CULTIVATION, MANUFACTURE, TRANSPORTATION, AND TRANSFER OF MARIJUANA BY CERTAIN INDIVIDUALS; REQUIRING REPORTING; ALLOWING INSPECTIONS; REQUIRING LEGISLATIVE MONITORING; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; ESTABLISHING A TRANSITION PROCESS; AMENDING SECTIONS 37-1-316,37-3-343,37-3-347,41-5-216, 45-9-203, 46-18-202,50-46-201,5046-202, AND 61-11-101, MCA; REPEALING SECTIONS 50-46-101,50-46-102,50-46-103,50-46-201, 50-46-202,50-46-205,50-46-206,50-46-207, AND 50-46-210, MCA; AND PROVIDING EFFECTIVE DATES."**

As presented to me, Senate Bill 423 is disappointing. In its original form, Senate Bill 423 introduced by Senator Essmann was a more substantive bill with a broader statutory scheme that included a licensing system. Numerous iterations of Senate Bill 423 surfaced during the session and over eleven amendments were proposed.

The Children, Families, Health and Human Services Interim Legislative Committee worked diligently for eighteen months, with the input of all stakeholders, devising a medical marijuana reform bill eventually introduced as House Bill 68. The interim committee heard from citizens, law enforcement officers, patients, hospice workers, growers, community leaders, etc. Like the original version of SB 423, House Bill 68 was more substantive but regrettably was set aside at the outset of the session, never to surface again.

Senate Bill 423 does have some positive provisions. It addresses the needs of law enforcement and local government. It also provides local jurisdictions the ability to ban operations within certain areas, including storefronts, which send the wrong message to children in our communities.

However, Senate Bill 423 has no licensing provisions for providers and laboratories and no genetic tracking of medical marijuana to assist in prosecuting individuals who illegally divert marijuana to noncardholders. It abruptly shuts down the provider industry effective July 1, 2011, eliminates the jobs associated with the industry and makes access to medical marijuana very difficult for vulnerable patients. More importantly, the content of the current version of the bill ignores over forty hours of compelling testimony by the public describing patients who are suffering terribly and their reliance on "caregivers", now known as "providers" in Senate Bill 423. As you know, I vetoed House Bill 161, the outright repeal of 1-148, the 2004 citizen initiative that created our current medical marijuana law, That initiative passed with a vote of 276,042 to 170,579; almost 62% of those Montanans casting a ballot voted for the measure, It is not the role of my office or the legislative body to pass laws that ignore the will of the people expressed at the ballot box. I believe HB 423 essentially repeals 1-148.

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This is the fourth session since passage of the medical marijuana initiative. I hoped this legislature would pass a law that honored the intent of the voters while providing law enforcement the necessary tools to prevent abuse and protect public safety. I agree current law is unacceptable and have spent considerable time crafting amendments to the current bill to set up a reasonable regulatory framework, missing in the provisions of 1-148. My amendments to the Senate Bill 423 are constrained by the title and I am unable to address the need for licensing or legally requiring genetic tracking of the strains of marijuana. Nonetheless, I urge the legislature to uphold my amendatory veto.

My amendments do the following'

- SB 423 requires one physician for minors. While there are only 51 minors on the registry as of April 1, 2011, I believe it is appropriate that two physicians certify in those rare cases a child may respond to treatment with medical marijuana in an edible form or topical cream.
- My amendments to SB 423 address the bill's constitutional problems. SB 423 ignores privacy concerns. Article II, Section § 10 of our Montana Constitution guarantees our citizens the right to privacy. Those who register for cards have a constitutional right to privacy protected by Article II, Section § 10. Under SB 423, cardholders, i.e. patients' names and addresses must be provided to local law enforcement by the Department of Public Health and Human Services. The right to privacy is a fundamental right. The blanket disclosure requirement in the bill would never survive the strict scrutiny standard for invading a patient's right to privacy. The requirement also directly violates the Montana Government Health Care Information Act. (See, 50-16-601-611, MCA.) Our Montana Government Health Care Information Act was enacted with the express purpose of expanding the Health Insurance Portability and Accountability Act of 1996 (HIPAA) coverage to non-HIPAA covered entities. (See, 50-16-502(6) & (7) & 505, MCA.) Releasing a list of the identities of patients is forbidden under HIPAA and our law. Currently, law enforcement can verify that particular people who hold themselves out as cardholders actually are cardholders with the Department of Public Health and Human Services. This process has worked well and need not be tampered with in the new law. Handing over a list of cardholders to law enforcement is unfair to vulnerable patients who legitimately qualify for a card. I fear it would drive those patients to the illegal market for marijuana.
- Compounding the privacy issues, SB 423 also permits law enforcement unlimited access, without permission or warrant, to the private homes of cardholders who grow their own marijuana. Article II, Section § 11 of our Montana constitution protects citizens from unreasonable searches and seizures. Patients who grow their own plants were not the genesis of any of the problems that arose under the current law and should not now be subject to warrantless searches. If law enforcement officers believe a patient is diverting their marijuana or growing beyond the allowed limits they should properly investigate the matter; gain access through consent or through a search warrant. Law enforcement, working with the Department of Public Health and Human Services can ensure suspected abuse is investigated and when confirmed, appropriate enforcement action taken. My amendments permit inspections of providers and manufacturers by the

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Department of Public Health and Human Services and law enforcement during normal business hours. My amendments provide for a reasonable time limit for unannounced inspections, which may often occur in a provider's personal residence. My amendments also provide reasonable procedures for securing marijuana products and paraphernalia where a cardholder is admitted to a health care facility.

- My amendments move the reviewing authority for approving a new medical condition for eligibility for medical marijuana treatment from the legislature to the Department of Public Health and Human Services. The Department of Public Health and Human Services is the only agency in the bill with all the responsibility for administering the law. It is in a good position to review records and seek advice from medical experts if a physician is seeking to have a new medical condition approved for a potential cardholder. These patients need not be subject to the long delay between sessions awaiting approval of their physician's recommendations.
- My amendments also provide for a more rational transition time for providers to register and comply with the new law. The new effective date for some of the provisions in the bill is October 1, 2011 and for other provisions July 1, 2011. The local government and law enforcement provisions are effective upon passage and approval.
- Providers who grow and manufacture marijuana products must register their location with the Department of Public Health and Human Services and local law enforcement, ensuring more effective compliance enforcement. My amendments provide rule making authority for the Department to enable cardholders to receive a list of providers in a particular area. Given that S8 423 prohibits advertising and storefronts may be prohibited by local jurisdictions, it is essential patients are able to find a provider.
- I believe S8 423 makes access to medical marijuana far too difficult for patients, many of whom are suffering chronic and severe illness and do not have the physical or financial ability to grow their own marijuana to treat their debilitating condition. Patients must be able to obtain medical marijuana from legitimate sources with a reliable product. Therefore, I have increased the number of cardholders a provider or manufacturer may have from three to twenty-five. I believe this limit will prevent the large grow operations that boomed under the current law. My amendments do allow a provider to charge for their plant products and lift the no profit restriction from the bill. Another amendment allows a provider to be both a grower and manufacturer of marijuana infused product. There has been no testimony that this now common practice has been a problem.
- S8 423 codifies the restrictions on physicians and provides for review of physicians who certify more than fifteen patients a year. My amendment increases that number to 50 patients. Fifty is less than 5% of your average Montana physician's patient load and this limit will still certainly curtail the number of cardholders.
- Finally, I have put rulemaking authority in the Department of Public Health and Human Services to write rules around the transportation, possession of samples, testing and

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labeling of marijuana by laboratories in Montana. Laboratories have been receiving, testing and labeling marijuana under the current law and doing so protects the patients in titrating proper doses and assists the medical community with scientific information about the value of particular strains on specific debilitating conditions. It may also help us in the future with tracking marijuana and prosecuting illegal activity. My amendments permit laboratories to register with the department and provide legal protections to the laboratories that do testing and labeling.

I respectfully request that the legislature agree to these proposed amendments. It would be irresponsible to adjourn without a reform bill that addresses the weakness of 1-148 and the concerns raised at public hearings while honoring the intent of the initiative and the Montanans who voted for it.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

c Legislative Services Division

Report No. 1, April 28, 2011

Governor's recommendations for amendments to **Senate Bill 423** (reference copy -- salmon) are as follows:

1. Title, page 1, line 13.

**Strike:** "50-46-201, 50-46-202,"

2. Page 2, line 4.

**Following:** "delivery,"

**Insert:** "including delivery for laboratory testing,"

3. Page 2, line 24 through line 25.

**Following:** "BY"

**Strike:** ":", on line 24 through "(I)" on line 25

4. Page 2, line 25.

**Following:** "INCLUDING"

**Insert:** "relevant and necessary"

5. Page 2, line 27 through line 29.

**Strike:** "OR" on line 27 through "EXAMINATION;" on line 29

6. Page 3, line 7.

**Strike:** "LEGISLATURE"

**Insert:** "department by rule"

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7. Page 4, line 4.

**Strike:** "REGISTERED CARDHOLDER,"

**Following:** "PROVIDER"

**Strike:** " "

8. Page 4, line 25.

**Following:** "RELEVANT"

**Insert:** "and necessary"

9. Page 4, line 27.

**Following:** "REVIEWING"

**Insert:** "any"

**Following:** "RELEVANT"

**Insert:** "and necessary"

10. Page 6, line 8.

**Following:** "department"

**Strike:** "shall" through "renewal"

**Insert:** "must have complete application materials and may verify any documentation that is"

11. Page 7, line 3.

**Strike:** "registered cardholders"

**Following:** "and"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

12. Page 7, line 5.

**Strike:** "cardholders"

**Following:** "or"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

13. Page 7, line 8.

**Strike:** "15"

**Insert:** "50"

14. Page 7, line 19 and line 20.

**Strike:** " " on line 19 through "(A)" on line 20

15. Page 7, line 21 through line 25.

**Strike:** " ; AND" on line 21 through "CERTIFICATIONS" on line 25

16. Page 7, line 28.

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**Strike:** "and (3)"

**Insert:** "through (4)"

17. Page 8, line 15.

**Following:** "any"

**Insert:** ", or names, dates of birth, and street addresses of both providers if a patient has both types of providers"

18. Page 9.

**Following:** line 10

**Insert:** "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."

**Renumber:** subsequent subsections

19. Page 10, line 30.

**Strike:** "THREE"

**Insert:** "25"

20. Page 11, line 3.

**Strike:** "TWO"

**Insert:** "24"

21. Page 11, line 5 through line 7.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

22. Page 11, line 10 through line 15.

**Strike:** ":" on line 10 through "(C)" on line 15

**Following:** "CARDHOLDER" on line 15

**Strike:** "; or"

**Insert:** "."

23. Page 11, line 16.

**Strike:** line 16 in its entirety

24. Page 11, line 17.

**Strike:** "(a)"

25. Page 11, line 19.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

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26. Page 11, line 24 through line 25.

**Strike:** subsection (b) in its entirety

27. Page 12, line 3 through line 4.

**Following:** "PROVIDER" on line 3

**Strike:** ":" through "(A)" on line 4

**Following:** "PRODUCTS" on line 4

**Strike:** "; AND" on line 4

**Insert:** "unless the marijuana-infused products provider is also a registered provider."

28. Page 12, line 5.

**Strike:** line 5 in its entirety

29. Page 12, line 28 through page 13, line 20.

**Strike:** subsection (D) through subsection (M) in their entirety

**Insert:** "(d) confirm that the physician:

(i) has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after obtaining a comprehensive medical history and conducting a physical examination that included a personal review of any medical records maintained by other treating physicians and that may have included the patient's reaction and response to conventional medical therapies;

(ii) has reviewed all prescription and nonprescription medications and supplements used by the patient and has considered the potential drug interaction with marijuana;

(iii) has explained the potential risks and benefits of the use of marijuana to the patient; and

(iv) plans to continue to assess the patient and the patient's use of marijuana during the course of the physician-patient relationship;

(e) state that in the physician's professional opinion the potential benefits of the use of marijuana would likely outweigh the health risks for the patient; and

(f) attest that the information provided in the written certification and accompanying statements is true and correct.

(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."

**Renumber:** subsequent subsection

30. Page 13, line 30.

**Following:** "(1)"

**Insert:** "(a)"

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31. Page 14, line 1.

**Following:** "hospices"

**Insert:** "and residential care facilities"

32. Page 14, line 2.

**Strike:** "in the order listed"

33. Page 14, line 4.

**Strike:** "(a)"

**Insert:** "(i)"

34. Page 14, line 5.

**Following:** ";

**Insert:** "or"

35. Page 14, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney"

36. Page 14, line 7.

**Strike:** "; or"

**Insert:** "."

37. Page 14, line 8.

**Strike:** "(c)"

**Insert:** "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

38. Page 14, line 9.

**Following:** "provider"

**Insert:** ", "

**Strike:** "OR"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney, if any,"

39. Page 14, line 11 and line 12.

**Following:** "respond by"

**Strike:** "removing and destroying"

**Insert:** "storing"

**Following:** "marijuana" on line 12

**Insert:** "and any paraphernalia for up to 45 days for the registered cardholder or by transferring the marijuana to the cardholder's provider or marijuana-infused products provider to be held for the cardholder. If the cardholder is released from the health care facility within

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45 days, the marijuana and any paraphernalia must be returned to the cardholder. After 45 days, the marijuana and any paraphernalia must be destroyed"

40. Page 14, line 26.

**Strike:** "or"

41. Page 14, line 27.

**Following:** "marijuana"

**Insert:** "; or

(c) a testing laboratory or its owners, officers, or employees are transporting, receiving, or in possession of marijuana samples for testing and labeling under rules adopted by the department"

42. Page 19, line 4.

**Strike:** "FREQUENT,"

43. Page 19, line 7.

**Strike:** "AT ANY TIME"

**Insert:** "during normal business hours of 8 a.m. to 5 p.m."

44. Page 19, line 13.

**Following:** "INVESTIGATION"

**Insert:** "during normal business hours of 8 a.m. to 5 p.m."

45. Page 19, line 24.

**Strike:** "or"

46. Page 19, line 27.

**Following:** "PRODUCTS"

**Insert:** "; or

(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing the person's own marijuana"

47. Page 21.

**Following:** line 30

**Insert:** "(d) a process for maintaining a list of providers and marijuana-infused products providers who have fewer than 25 registered cardholders and who want their contact information provided to cardholders in their area;

(e) procedures for adding to the list of debilitating medical conditions for which use of marijuana is allowed;

(f) requirements for testing laboratories to register with the department;

(g) the manner in which testing laboratories may transport, receive, test, and label marijuana samples for providers and marijuana-infused product providers;

(h) inspections procedures for registered cardholders who have chosen to cultivate and manufacture marijuana for their own use; and"

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**Renumber:** subsequent subsection

48. Page 28, line 17 through page 30, line 6.

**Strike:** section 30 through section 31 in their entirety

**Renumber:** subsequent sections

49. Page 32, line 28.

**Strike:** "July 1, 2011"

**Insert:** "October 1, 2011"

50. Page 32, line 30.

**Strike:** "Before July 1, 2011,"

**Insert:** "By October 1, 2011,"

51. Page 33, line 29.

**Strike:** "July 1, 2011"

**Insert:** "October 1, 2011"

52. Page 33, line 30 through Page 34, line 1.

**Strike:** "30" on page 33, line 30 through "38" on page 34, line 1

**Insert:** "31, 33, and 36"

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**SB 36 - Free Conference Committee Report No. 1** - Senator Ripley moved the Free Conference Committee report to **SB 36** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**SB 143 - Governor's Amendments** - Senator Barrett moved Governor's amendments to **SB 143** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Erickson, Kaufmann, Williams.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 156 - Free Conference Committee Report No. 1** - Senator Windy Boy moved the Free Conference Committee report to **SB 156** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 174 - Governor's Amendments** - Senator Vuckovich moved Governor's amendments to **SB 174 not** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

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Total 39

Nays: Branae, Facey, Gallus, Hawks, Jent, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 225** - Senator Priest moved consideration of **SB 225** be passed for the day. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 28

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 286** - Senator Olson moved the Governor's amendments to **SB 286** be divided and Amendment No. 2 be segregated.

Senate in recess for Rules Committee meeting.

Senate reconvened.

Senator Kaufmann excused.

**SB 286**—Senator Olson withdrew his motion to divide.

**SB 286 - Governor's Amendments** - Senator Olson moved Governor's amendments to **SB 286** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane,

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Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Mr. President.

Total 46

Nays: Buttrey, Ripley, Zinke.

Total 3

Absent or not voting: None.

Total 0

Excused: Kaufmann.

Total 1

Senator Kaufmann present at this time.

**HB 310** - Senator Shockley moved consideration of **HB 310** be moved to the next board.  
Motion carried.

Senator Essmann moved the Senate rise and report and beg leave to sit again.

Senator Essmann withdrew his motion.

Senate in recess.

Senate reconvened.

**SB 423 - Governor's Amendments** - Senator Essmann moved Governor's amendments to **SB 423** be **not** concurred in. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Zinke, Mr. President.

Total 30

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Wittich.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 310 - Governor's Amendments** - Senator Shockley moved Governor's amendments to **HB 310** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Shockley excused at this time.

Senator Essmann moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 40

Nays: Blewett, Branae, Erickson, Hawks, Jent, Larsen, Wanzenried, Williams, Windy Boy.

Total 9

Absent or not voting: None.

Total 0

Excused: Shockley.

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:

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**SB 266, as amended by the Governor**, passed as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Buttrey, Essmann, Gallus, Gillan, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Mowbray, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Stewart-Peregoy, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Mr. President.  
Total 30

Nays: Augare, Branae, Brown, Caferro, Erickson, Facey, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moore, Moss, Shockley, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Zinke.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Essmann moved to appoint a **Free** Conference Committee on **SB 423** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/28/2011

Senator Essmann, Chair  
Senator Larsen  
Senator Vincent

Senator Essmann moved to reconsider action on **SB 136** and that **SB 136** be returned to the **Free** Conference Committee.

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.  
Total 46

Nays: Gallus, Kaufmann, Vuckovich, Windy Boy.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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Senator Essmann moved to appoint a **Free** Conference Committee on **SB 136** and request the House to appoint a like committee. Motion Carried. President Peterson appointed:

4/28/2011

Senator Balyeat, Chair  
Senator Hinkle  
Senator Vuckovich

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 604**  
Report No. 2, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **House Bill 604** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 604** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 4.

**Following:** "TRANSFERS"

**Insert:** "AND AN APPROPRIATION"

2. Title, page 1, line 6.

**Following:** "ACCOUNT"

**Insert:** ", "

**Strike:** "AND"

**Following:** "FUND"

**Insert:** ", AND THE FIRE SUPPRESSION ACCOUNT"

3. Title, page 1, line 10.

**Following:** "DISTRICTS;"

**Insert:** "AUTHORIZING A FUND TRANSFER FROM THE OLDER MONTANANS TRUST FUND TO THE HEALTH AND MEDICAID INITIATIVES ACCOUNT;"

**Following:** "OLD"

**Strike:** "STATE"

4. Title, page 1, lines 11 and 12.

**Strike:** "STATE" on line 11 through "FUND" on line 12

**Insert:** "OLD FUND LIABILITY ACCOUNT"

5. Title, page 1, line 12.

**Following:** "FUND;"

**Insert:** "REVISING THE TRANSFER TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT FOR FISCAL YEARS 2012 AND 2013;

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IMPOSING A PREMIUM FEE ON CERTAIN WORKERS' COMPENSATION POLICIES;  
CREATING A STATE SPECIAL REVENUE ACCOUNT;"

**Following:** "SECTIONS"

**Insert:** "15-35-108,"

6. Title, page 1, line 12.

**Strike:** "39-71-2311" on line 12 through "39-71-2351," on line 13

7. Title, page 1, line 13.

**Following:** "75-10-743,"

**Insert:** "76-13-150,"

8. Title, page 1, line 14.

**Following:** "DATE"

**Insert:** ", AN APPLICABILITY DATE, "

**Strike:** "A TERMINATION DATE"

**Insert:** "TERMINATION DATES"

9. Page 2, line 5.

**Strike:** "\$9,166,502"

**Insert:** "\$6 million"

10. Page 2, line 6 through line 8.

**Following:** "2011"

**Strike:** ", FOR" on page 2, line 6 through "CESSATION" on line 8

11. Page 2, line 9.

**Following:** line 8

**Insert:** "(3) By August 15, 2011, the state treasurer shall transfer \$3 million from the fire suppression account provided for in 76-13-150 to the general fund."

12. Page 2, lines 10 through page 7, line 3.

**Strike:** sections 3 through 10 in their entirety

**Insert:** "NEW SECTION. Section 3. Transfer of funds to health and medicaid initiative account. For the biennium beginning July 1, 2011, the state treasurer shall transfer \$3,166,502 from the older Montanans trust fund provided for in 52-3-115 to the health and medicaid initiatives account provided for in 53-6-1201."

**Insert:** "**Section 4.** Section 15-35-108, MCA, is amended to read:

**"15-35-108. (Temporary) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

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(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) \$1.275 million to the research and commercialization state special revenue account created in 90-3-1002, of which \$375,000 per year is appropriated for fiscal years 2012 and 2013 to the department of commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants for small business innovation research and small business technology transfer, \$125,000 per year is appropriated for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce, and \$300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development of energy and natural resources doctoral programs at Montana tech of the university of Montana;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

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- (C) \$425,000 for certified regional development corporations;
- (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
- (E) \$300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)

**15-35-108. (Effective July 1, 2013) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of [5.8% through September 30, 2013, and beginning October 1, 2013, the amount of] 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

- (i) \$65,000 to the cooperative development center;
- (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

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(iii) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002;

(iv) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified regional development corporations;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)

**15-35-108. (Effective July 1, 2019) Disposal of severance taxes.** Severance taxes collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) The amount of 12% of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated by the legislature for provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Beginning July 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) The amount of 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

(9) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.""

**Renumber:** subsequent sections

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13. Page 7, line 29 through line 30.

**Strike:** "to that" on line 29 through "treasurer" on line 30

14. Page 8, line 1.

**Following:** "~~39-71-2324~~"

**Insert:** "to the old fund account provided for in [section 14] if the amount in [section 13 or 14] is insufficient"

15. Page 9, line 4 through line 5.

**Strike:** ":", on line 4 through "(a)" on line 5

16. Page 9, line 7.

**Strike:** "; and"

**Insert:** "."

17. Page 9, line 11.

**Strike:** line 11 in its entirety

18. Page 13, line 8.

**Insert:** "**Section 10.** Section 76-13-150, MCA, is amended to read:

**"76-13-150. Fire suppression account -- fund transfer.** (1) There is a fire suppression account in the state special revenue fund to the credit of the department.

(2) The legislature may transfer money from other funds to the account, and the money in the account is subject to legislative fund transfers.

(3) Funds received for restitution by private parties must be deposited in the account.

(4) Money in the account may be used only for the purpose of paying expenses for fire prevention, including fuel mitigation, grants for the purchase of fire suppression equipment for county cooperatives, and fire suppression costs.

(5) Interest earned on the balance of the account is retained in the account.""

**Renumber:** subsequent sections

19. Page 14.

**Following:** line 4

**Insert:** "NEW SECTION. **Section 13. Old fund liability account.** (1) There is an old fund liability account in the state special revenue fund established by 17-2-102 to be administered by the department of administration.

(2) Until July 1, 2013, the state fund shall deposit in the account described in subsection (1) the fees collected as provided in [section 14].

(3) Interest and income earned on money in the account must be retained within the account except as provided in this section.

(4) Beginning July 1, 2012, the state treasurer shall transfer funds in the old fund liability account on an as-needed basis into the old fund account provided for in [section 14] to pay claims for injuries occurring before July 1, 1990."

**Insert:** "NEW SECTION. **Section 14. Old fund premium fee -- assessment.** (1) Until

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July 1, 2013, the state fund shall pay into the old fund liability account, provided for in [section 13], a fee assessed upon net premiums. Beginning July 1, 2013, the state fund shall deposit the fees assessed upon net premiums into the old fund account.

(2) A fee must be assessed on net premiums at a rate of 2.75% and must be included in rates established in 39-71-2330.

(3) (a) For the purposes of this section, the term "net premium" has the meaning provided by the national association of insurance commissioners.

(b) For the purposes of this part, the term "old fund account" means the account in the proprietary fund type to pay claims for injuries resulting from accidents that occurred before July 1, 1990."

**Insert:** "NEW SECTION. Section 15. Appropriation. (1) There is appropriated up to \$2 million in fiscal year 2011 from the general fund to the department of administration on a one-time-only basis for transfer to the old fund account provided for in [section 14].

(2) There is appropriated \$11 million on a one-time-only basis for the fiscal year ending June 30, 2012, to the department of administration for transfer to the old fund account for unfunded liabilities, if necessary. These funds may be used only for the purposes of this subsection, except as provided in subsection (3).

(3) If the funds appropriated in subsection (2) are not needed for the purpose specified in subsection (2), the department of administration may transfer up to \$2.2 million of the remainder to compensate state agencies for any difference in the amount appropriated from the general fund for workers' compensation premiums and the actual amount of workers' compensation premiums funded from the general fund. The methodology for determining general fund appropriations for workers' compensation and actual general fund workers' compensation premium costs must be based on an agreement between the director of the office of budget and program planning and the legislative fiscal analyst.

(4) (a) The approving authority, as defined in 17-7-102, shall review and may approve the transfer under subsection (3).

(b) The legislative finance committee shall review the proposed transfer prior to the distribution of funds under subsection (3)."

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Sections 13 and 14] are intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [sections 13 and 14]."

**Renumber:** subsequent sections

20. Page 14, line 12.

**Following:** line 11

**Insert:** "(3) If House Bill No. 611 is not passed and approved, then [section 4 of this act], amending 15-35-108, is void."

21. Page 14, line 17.

**Strike:** "date"

**Insert:** "dates -- applicability"

**Strike:** "[This"

**Insert:** "(1) Except as provided in subsection (2), [this"

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22. Page 14.

**Following:** line 17

**Insert:** "(2) [Section 14(2)] is effective July 1, 2011, and applies to new or renewal policies effective July 1, 2011."

23. Page 14, line 19.

**Following:** "TERMINATION."

**Insert:** "(1)"

**Strike:** "AND 12"

**Insert:** ", 6, and 7"

24. Page 14.

**Following:** line 19

**Insert:** "(2) [Section 14] terminates June 30, 2023."

For the Senate:

Lewis, Chair  
Hamlett  
Zinke

For the House:

McNutt, Vice Chair  
Esp  
McChesney

**SPECIAL ORDERS OF THE DAY**

Senator Facey moved **SR 14** be adopted.

Senator Ripley made a substitute motion that **SR 14** be indefinitely postponed. Motion **failed** as follows:

Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 23

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ripley moved that **SR 14** be indefinitely postponed until the 90<sup>th</sup> Legislative day. Motion **failed** as follows:

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Yeas: Balyeat, Barrett, Brenden, Brown, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 24

Nays: Arthun, Augare, Blewett, Branae, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Murphy, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ripley moved that the Senate recess until 5:30 p.m. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate in recess.

Senate reconvened at 5:30 p.m.

**BILLS AND JOURNALS:**

4/28/2011

Correctly enrolled: **SB 265, SB 426.**

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**MESSAGES FROM THE OTHER HOUSE**

**Governor's amendments to Senate bill not** concurred in and returned to the Senate

4/28/2011

**SB 29**, introduced by Moss

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**HB 604 - Free Conference Committee Report No. 1** - Senator Lewis moved the Free Conference Committee report to **HB 604** be adopted. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.

Total 29

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 40

Nays: Augare, Caferro, Erickson, Jent, Kaufmann, Larsen, Moss, Wanzenried, Williams, Windy Boy.

Total 10

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Brenden, Chairman of Fish and Game Committee, rose on a point of order and asked why Senator Facey was carrying **SR 14**. Senator Facey explained Senator Wittich had requested him to carry the bill.

**SR 14**—Senator Facey moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 14**.

Senator Gallus moved to close debate on **SR 14**.

Vote Count: 2106

Senate in recess.

Senate reconvened.

Senator Facey's motion to concur in **SR 14** carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brown, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Mowbray, Shockley, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 27

Nays: Balyeat, Barrett, Brenden, Buttrey, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Murphy, Olson, Priest, Ripley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MESSAGES FROM THE OTHER HOUSE**

**Governor's amendments to Senate bill not** concurred in and returned to the Senate:

4/28/2011

**SB 174**, introduced by Vuckovich

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**SPECIAL ORDERS OF THE DAY**

Senator Williams gave her farewell remarks to the Senate.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Senator Essmann moved the Senate recess until 7:30 p.m. Motion carried.

Senate in recess.

Senate reconvened at 7:50 p.m.

Senator Jent excused.

**BILLS AND JOURNALS:**

4/28/2011

Correctly enrolled: **SR 14**.

Examined by the sponsor and found to be correct: **SB 265, SB 426, SR 14**.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 136**

Report No. 1, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 136** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 136** (reference copy -- salmon) be amended as follows:

1. Page 8, line 16.

**Strike:** "twice"

**Insert:** "four times"

For the Senate:

Balyeat, Chair  
Hinkle  
Vuckovich

For the House:

Kennedy, Vice Chair  
Knudsen  
Phillips

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**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:

**SB 143, as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Erickson, Hawks, Kaufmann, Williams.

Total 4

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 286, as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 41

Nays: Blewett, Caferro, Erickson, Facey, Kaufmann, Moss, Van Dyk, Williams.

Total 8

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 298, as amended by the Governor**, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried,

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Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Caferro, Erickson, Kaufmann.

Total 3

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

Senate in recess.

Senate reconvened.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 423**

Report No. 3, April 28, 2011

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 423** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 423** (reference copy -- salmon) be amended as follows:

1. Page 2, line 25.

**Following:** "INCLUDING"

**Insert:** "relevant and necessary"

2. Page 4, line 4.

**Strike:** "REGISTERED CARDHOLDER,"

**Following:** "PROVIDER"

**Strike:** " "

3. Page 4, line 25.

**Following:** "RELEVANT"

**Insert:** "and necessary"

4. Page 4, line 27.

**Following:** "REVIEWING"

**Insert:** "any"

**Following:** "RELEVANT"

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**Insert:** "and necessary"

5. Page 6, line 8.

**Following:** "department shall"

**Strike:** "verify"

**Insert:** "review"

6. Page 7, line 3.

**Strike:** "registered cardholders"

**Following:** "and"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

7. Page 7, line 5.

**Strike:** "cardholders"

**Following:** "or"

**Strike:** " "

**Following:** "providers"

**Strike:** " "

8. Page 7, line 8.

**Strike:** "15"

**Insert:** "25"

9. Page 7, line 28.

**Strike:** "and (3)"

**Insert:** "through (4)"

10. Page 9.

**Following:** line 10

**Insert:** "(3) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to [section 7] from a second physician in addition to the minor's treating physician or referral physician."

**Renumber:** subsequent subsections

11. Page 10, line 28.

**Following:** "(A)"

**Insert:** "(i)"

12. Page 11.

**Following:** line 1

**Insert:** "(ii) A person who is registered as both a provider and a marijuana-infused products provider may assist no more than three registered cardholders."

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13. Page 11, line 15 through line 16.

**Strike:** "; or" on line 15 through "PRODUCTS PROVIDER" on line 16

14. Page 12, line 5.

**Following:** "SMOKING"

**Insert:** "unless the marijuana-infused products provider is also a registered provider and is providing the marijuana to a registered cardholder who has selected the person as the person's registered provider"

15. Page 13.

**Following:** line 20

**Insert:** "(3) A physician who is the second physician recommending marijuana for use by a minor shall submit:

(a) a statement initialed by the physician that the physician conducted a comprehensive review of the minor's medical records as maintained by the treating physician or referral physician;

(b) a statement that in the physician's professional opinion, the potential benefits of the use of marijuana would likely outweigh the health risks for the minor; and

(c) an attestation that the information provided in the written certification and accompanying statements is true and correct."

**Renumber:** subsequent subsections

16. Page 13, line 30.

**Following:** "(1)"

**Insert:** "(a)"

17. Page 14, line 1.

**Following:** "hospices"

**Insert:** "and residential care facilities"

18. Page 14, line 2.

**Strike:** "in the order listed"

19. Page 14, line 4.

**Strike:** "(a)"

**Insert:** "(i)"

20. Page 14, line 5.

**Following:** ";

**Insert:** "or"

21. Page 14, line 6.

**Strike:** "(b)"

**Insert:** "(ii)"

**Following:** "provider"

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**Insert:** ", "

**Strike:** "OR"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney"

22. Page 14, line 7.

**Strike:** "; or"

**Insert:** "."

23. Page 14, line 8.

**Strike:** "(c)"

**Insert:** "(b) If a patient is unable to remove the marijuana or the health care facility is unable to contact an individual as provided in subsection (1)(a), the facility shall"

24. Page 14, line 9.

**Following:** "provider"

**Insert:** ", "

**Strike:** "OR"

**Following:** "PROVIDER"

**Insert:** ", court-appointed guardian, or person with a power of attorney, if any,"

25. Page 19, line 4.

**Strike:** "FREQUENT,"

26. Page 19, line 7.

**Strike:** "AT ANY TIME"

**Insert:** "during normal business hours"

27. Page 19, line 13.

**Following:** "INVESTIGATION"

**Insert:** "during normal business hours"

28. Page 19, line 24.

**Strike:** "or"

29. Page 19, line 27.

**Following:** "PRODUCTS"

**Insert:** "; or

(c) fails to cooperate with the department concerning an investigation or inspection if the person is registered and cultivating or manufacturing marijuana"

For the Senate:

Essmann, Chair  
Vincent

For the House:

Smith, Vice Chair  
Sands

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Berry

Senate in recess.

Senate reconvened.

Senator Jent excused.

April 28, 2011

The Honorable Jim Peterson  
President of the Senate  
State Capitol

Helena, MT 59620  
The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Peterson and Speaker Milburn:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 110 (SB 110), **"AN ACT ALLOWING AN EXEMPTION FROM PROPERTY TAXES, UNDER CERTAIN CONDITIONS, FOR LAND OWNED BY A TAXPAYER THAT INCLUDES A COUNTY ROAD AND ASSOCIATED EASEMENT."**

My objection to SB 110 is that it is a cumbersome, more costly, less uniform, and delayed approach to resolving a tax issue that the Department of Revenue (DOR) has already begun to address.

Senate Bill 110 creates a property tax exemption for up to 30 feet from the center line on either side of a county road -for tax years beginning after December 31,2014. The exemption, however, is available only upon application by an affected taxpayer who will be required to submit to the DOR a legal description, maps, deeds, petitions, resolutions, court decrees, and any other information that verifies the parcel boundaries. If historical information is not available, the property owner will be required to obtain a resolution from the county commissioners in the county in which the property is located in order to apply for the exemption. The DOR then will be required to evaluate nonuniform information through methodology estimated to cost in excess of \$600,000 through fiscal year 2015. The DOR anticipates it will take two years to implement SB 110, for an additional estimated impact to the state in fiscal year 2016 of another \$550,000.

In contrast, the DOR has already started planning to use its recently developed, current mapping data (geographic information system, or GIS, data) of agricultural and forest

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lands to identify a 30 foot right of way. From that, DOR intends to apply a low grazing value to all Montana roads over the next three years (fiscal years 2012 through 2014), at an estimated administrative cost of \$200,000 during that time period. The DOR plans to work with the Agricultural Land Advisory Committee to apply a consistent, uniform, and reasonable value for these properties.

Under either the DOR or the SB 110 approach, the benefit to affected property taxpayers is anticipated to be approximately the same statewide -approximately \$100,000 per year. The advantages of the DOR model are twofold. First, the cost to achieve this same result under the DOR model is anticipated to be a fraction of the cost anticipated under SB 110 (\$200,000 versus over \$1,000,000). Second, the results will be comprehensive and uniform, not checkerboard, since they will not be dependent on the taxpayer's initiative to seek an exemption.

If SB 110 becomes law, the DOR will need to begin implementing it now. I do not believe SB 110 is a good use of taxpayer dollars. For these reasons, I respectfully ask for your support to sustain my veto of the bill.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

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

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lake in the chair.

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

**SB 136 - Free Conference Committee Report No. 1** - Senator Balyeat moved the Free Conference Committee report to **SB 136** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Erickson.

Total 1

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Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 423 - Free Conference Committee Report No. 3** - Senator Essmann moved the Free Conference Committee report to **SB 423** be adopted. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 33

Nays: Blewett, Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Lake moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 39

Nays: Blewett, Caferro, Erickson, Kaufmann, Keane, Larsen, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

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**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:

**SB 329, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Caferro, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 31

Nays: Augare, Blewett, Branae, Brenden, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried, Williams, Windy Boy.

Total 19

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 2**, as amended by the Governor, concurred in as follows:

Yeas: Arthun, Balyeat, Brown, Buttrey, Erickson, Essmann, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 27

Nays: Augare, Barrett, Blewett, Branae, Brenden, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 23

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 271**, Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle,

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Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.  
Total 29

Nays: Augare, Blewett, Branae, Caferro, Erickson, Facey, Gallus, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.  
Total 21

Paired: Gillan, Aye; Jent, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 310**, as amended by the Governor, concurred in as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Branae, Brenden, Brown, Buttrey, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.  
Total 41

Nays: Blewett, Caferro, Erickson, Gallus, Jent, Kaufmann, Larsen, Van Dyk, Wanzenried.  
Total 9

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 316, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Larsen, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Walker, Zinke, Mr. President.  
Total 28

Nays: Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Kaufmann, Keane, Moss, Murphy, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.

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Total 22

Paired: Jent, Aye; Gillan, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 494**, as amended by the Governor, **failed** as follows:

Yeas: Balyeat, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Larsen, Lewis, Mowbray, Priest, Ripley, Shockley, Sonju, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 25

Nays: Arthun, Augare, Barrett, Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Keane, Moore, Moss, Murphy, Olson, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 25

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 604, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Brown, Buttrey, Essmann, Hamlett, Hinkle, Hutton, Jackson, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Zinke, Mr. President.

Total 27

Nays: Augare, Blewett, Branae, Brenden, Caferro, Erickson, Facey, Gallus, Gillan, Hawks, Jent, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich.

Total 23

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**SB 35, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Gillan, Kaufmann, Stewart-Peregoy, Wanzenried.

Total 4

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 36, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 48

Nays: Gillan.

Total 1

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 156, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 312, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Windy Boy, Wittich, Zinke, Mr. President.

Total 35

Nays: Augare, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Van Dyk, Wanzenried, Williams.

Total 15

Paired: Brown, Aye; Jent, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 136, Free** Conference Committee Report No. 1, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich, Zinke, Mr. President.

Total 46

Nays: Erickson, Kaufmann, Williams.

Total 3

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

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**SB 423, Free** Conference Committee Report No. 3, adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Essmann, Gillan, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Lewis, Moore, Mowbray, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 35

Nays: Caferro, Erickson, Facey, Gallus, Hawks, Kaufmann, Larsen, Moss, Murphy, Stewart-Peregoy, Tropila, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 15

Paired: Jent, Aye; Larsen, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

Senator Hamlett rose on a point of personal privilege and thanked everyone for their assistance during the session.

Senator Shockley rose on a point of personal privilege and thanked scanner Suzi Hamilton for her assistance.

President Peterson rose on a point of personal privilege and acknowledged Senator Hutton for his service in the Legislature.

Senator Williams rose on a point of personal privilege and gave her closing remarks.

Senator Gallus rose on a point of personal privilege expressing his disappointment at the Senate's failure to approve the appointment of his wife, Jennifer Hensley, as Commissioner of Political Practices.

A committee from the House of Representatives informed the Senate that the House of Representatives of the 62<sup>nd</sup> Legislature had adjourned sine die.

Senator Essmann moved the President appoint a committee to notify the Governor that the Senate of the 62<sup>nd</sup> Legislature is ready to adjourn sine die. President Peterson appointed Senator Williams, Senator Gallus, Senator Zinke, and Senator Jones.

Senator Essmann moved the President appoint a committee to notify the House of Representatives that the Senate of the 62<sup>nd</sup> Legislature is ready to adjourn sine die.

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President Peterson appointed Senator Vincent, Senator Brown, Senator Hawks and Senator Moss.

Senator Essmann moved the President appoint a committee to notify the Supreme Court that the Senate of the 62<sup>nd</sup> Legislature is ready to adjourn sine die. President Peterson appointed Senator Shockley, Senator Murphy, Senator Jent and Senator Blewett.

The committees sent to inform the Governor, House of Representatives and the Supreme Court returned and were discharged.

Senator Essmann rose on a point of personal privilege and gave his closing remarks.

Senator Essmann moved the Senate adjourn sine die.

Senate adjourned sine die at 9:08 p.m.

MARILYN MILLER  
Secretary of the Senate

JIM PETERSON  
President of the Senate