

**SENATE JOURNAL
60TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 16, 2007

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):

4/16/2007

SJR 29, introduced joint resolution, be amended as follows:

1. Page 1, line 20 through line 22.

Strike: "may"

Insert: "shall"

Following: "responsibilities" on line 20

Strike: "because" on line 20 through "terrorism" on line 22

Insert: ", and the Legislature expects maximization of returns through the prudent expert principle but may require that the ramifications of politically risky investments be considered"

2. Page 2, line 1.

Following: "decisions"

Insert: ", including management decisions that lead to more cost-effective handling of investments"

Following: ";

Strike: "and"

3. Page 2, line 3.

Following: "Legislature"

Insert: "; and

(3) economic development funds can be invested by the appropriate entity in state government responsible for the specific economic development program and, if so, determine what criteria to establish for those investments"

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4. Page 2, line 5 through line 7.

Strike: "in companies" on line 5 through "responsibility" on line 7

And, as amended, be adopted. Report adopted.

SJR 30, be adopted. Report adopted.

HJR 69, be amended as follows:

1. Page 13, line 30 through page 14, line 1.

Strike: "with" on page 13, line 30 through "satisfied" on page 14, line 1

Insert: "as described in 71-1-212"

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

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

4/16/2007

HB 831, be amended as follows:

1. Page 3, line 7 through line 8.

Following: "drain away for"

Strike: "maintenance" on line 7 through "streamflow" on line 8

Insert: "a beneficial use"

2. Page 6, line 2 through line 3.

Following: "drain away for"

Strike: "maintenance" on line 2 through "streamflow" on line 3

Insert: "a beneficial use"

3. Page 11, line 23.

Strike: "MODELING INFORMATION,"

4. Page 13, line 2.

Following: "use"

Insert: "of surface water"

5. Page 16, line 6.

Following: "use"

Insert: "of surface water"

6. Page 17, line 16.

Following: "use"

Insert: "of surface water"

7. Page 18, line 25.

Following: "use"

Insert: "of surface water"

8. Page 32, line 17.

Strike: "(1)"

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9. Page 32, line 19 through line 20.

Strike: "SUBSTANTIAL" on line 19 through "prior appropriator" on line 20

Insert: "a correct and complete application"

10. Page 32, line 23 through line 25.

Strike: subsection (II) in its entirety

11. Page 32, line 30.

Following: "(3)(a)"

Strike: "(II)"

12. Page 33, line 2 through line 3.

Following: "16]" on line 2

Strike: "and"

Strike: "PROVES BY" on line 2 through "will be offset" on line 3

13. Page 33, following line 17.

Insert: "(6) The priority date for an appropriation right that is granted to an entity whose permit application was returned after April 11, 2006, and before [the effective date of this act] because of the department's interpretation of a court decision is the date of the initial application to the department."

14. Page 33, line 22.

Strike: "water balance,"

15. Page 34, line 11.

Following: "survey"

Insert: ", and used by the water court, unless the applicant chooses to expand the boundaries"

16. Page 34, line 28.

Strike: "or change in appropriation right"

17. Page 34, line 30 through page 35, line 1.

Strike: subsection (ii) in its entirety

Renumber: subsequent subsections

18. Page 35, line 28 through line 29.

Strike: "that will result" on line 28 through "may" on line 29

Insert: "shall"

19. Page 36, line 10.

Following: "evidence"

Strike: "that"

Insert: "of how"

Strike: "be effective in offsetting"

Insert: "offset"

20. Page 36, line 25.

Following: "evidence"

Strike: "that"

Insert: "of how"

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Strike: "be effective in offsetting"
Insert: "offset"

21. Page 36, line 28.
Strike: "predicted"

22. Page 37, line 6.
Following: "APPROPRIATE"
Insert: "ground"

23. Page 37, line 12 through line 30.
Strike: subsection (3) in its entirety
Insert: "(3) (a) Once an application has been determined to be correct and complete, the department shall prepare a notice and publish it as provided under 85-2-307.
(b) If no valid objection to the application is filed and the applicant proves that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be granted or approved in a modified form or upon terms, conditions, or limitations specified by the department.
(c) If no valid objection to the application is filed and the applicant has not proved that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be denied.
(d) If a valid objection to the application is filed, the department shall proceed to process the application pursuant to 85-2-308 through 85-2-311. If the applicant satisfies the criteria of 85-2-311 or 85-2-402, if necessary, and proves by a preponderance of the evidence that net depletion, if any, will not adversely affect a prior appropriator based on the applicant's mitigation plan or aquifer recharge plan, the department shall issue the permit."

24. Page 38, line 6.
Strike: "or mitigation"

25. Page 38, line 9.
Strike: "or mitigation"

26. Page 38, line 13.
Strike: "mitigation plan or"

27. Page 38, line 14.
Strike: "or mitigation"

28. Page 38, line 17.
Strike: "a mitigation plan or"
Insert: "an"

29. Page 38, line 20.
Following: "meet"
Insert: ", at a minimum,"

30. Page 38, line 23 through line 26.
Strike: "must" on line 23 through "discharge" on line 26
Insert: "that are used for aquifer injection must meet the more stringent of either primary drinking water standards pursuant to Title 75, chapter 6, or the nondegradation requirements pursuant to 75-5-303 at the point of discharge.
(4) The appropriate interim legislative committee shall review drinking water standards and effluent

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treatment standards in other jurisdictions and recommend appropriate treatment standards for purposes of aquifer recharge and mitigation.

(5) For the purposes of this section, "aquifer injection" means the use of a well to inject water directly into an aquifer system without filtration through the geologic materials overlying the aquifer system for the purpose of aquifer recharge or for an aquifer storage and recovery project"

31. Page 41, line 20.

Strike: "to determine" through "resources"

Insert: ", as appropriate,"

32. Page 43, line 9.

Following: "appropriated"

Insert: "from the general fund"

33. Page 43, line 10.

Following: "geology"

Insert: "only"

34. Page 44, line 5.

Strike: "or change in appropriation right"

35. Page 44, line 6.

Strike: "pending or"

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

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

4/16/2007

HB 473, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

4/16/2007

HB 529, be amended as follows:

1. Title, line 4 through line 5.

Strike: "REDUCING" on line 4 through "PROPERTY;" on line 5

2. Title, line 6.

Following: "EXEMPT"

Insert: "CLASS EIGHT"

3. Title, line 8 through line 9.

Strike: "UNDER" on line 8 through "GRANTS" on line 9

Insert: "THROUGH GUARANTEED TAX BASE FUNDING"

4. Title, line 11.

Following: "PROVIDING"

Insert: "APPROPRIATIONS AND"

5. Title, line 12.

Strike: "7-1-2111,"

Strike: "15-6-138,"

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Strike: "20-9-406,"

6. Title, line 13.

Strike: "20-9-630"

Insert: "20-9-366"

Strike: "A DELAYED"

Strike: "DATE"

Insert: "DATES"

7. Page 1, line 18.

Following: "15-6-138"

Insert: "under [section 55, House Bill No. 833]"

8. Page 1, line 19.

Following: "15-6-145"

Insert: "because of the rate adjustment required by the amendment of 15-6-138 in [section 55, House Bill No. 833]"

9. Page 1, line 22.

Strike: "4"

Insert: "55, House Bill No. 833"

10. Page 1, line 24.

Strike: "4"

Insert: "55, House Bill No. 833"

Strike: "₂"

11. Page 1, line 25.

Strike: "SCHOOL DISTRICT,"

12. Page 2, lines 21 and 22.

Following: "DISTRIBUTIONS" on line 21

Insert: "for fiscal year 2009"

Strike: ", AND THE" on line 21 through "20-9-630(2)." on line 22

Insert: ". Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6)."

13. Page 2, line 25.

Strike: "AND FOR EACH SCHOOL DISTRICT"

14. Page 2, line 27 through line 28.

Strike: "BY" on line 27 through "20-9-630." on line 28

15. Page 3, line 11 through page 4 line 13.

Strike: section 2 in its entirety

Renumber: subsequent sections

16. Page 16, line 26 through page 18, line 2.

Strike: section 4 in its entirety

Renumber: subsequent sections

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17. Page 18, line 23.

Strike: "first \$100,000"

Insert: "specified amount"

Following: "property"

Insert: "exempt"

Following: "15-6-138"

Insert: "(5)"

18. Page 22, line 13 through line 15.

Strike: "SHALL DECREASE" on line 13

Insert: "may not increase"

Strike: "NEW REIMBURSEMENT" on line 13

Insert: "loss of tax base because of legislative action that is reimbursed"

Strike: "THAT" on line 14 through "RECEIVED" on line 15

19. Page 23, line 15.

Following: "~~{section 1}~~;"

Insert: "[section 9];"

20. Page 23, line 19.

Strike: "20-9-630;"

21. Page 24, line 8 through page 27, line 18.

Strike: sections 9 and 10 in their entirety

Insert: "**Section 7.** Section 20-9-366, MCA, is amended to read:

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

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

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~140%~~ 142% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~175%~~ 181% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~121%~~ 123% and divided by 1,000, with the quotient divided by the total state elementary

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ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts."

Insert: "NEW SECTION. Section 8. Appropriation. (1) There is appropriated to the department of revenue \$1,028,863 from the general fund for the administration of the property tax rebate provided in [House Bill No. 833].

(2) There is appropriated to the office of public instruction \$9,340,700 from the general fund for the purpose of paying the increase in guaranteed tax base payments established in 20-9-366(4)(a) as amended by [section 7]."

Insert: "NEW SECTION. Section 9. Statutory appropriation. The money necessary for the payment of the tax rebates established in [section 55, House Bill No. 833] are statutorily appropriated, as provided in 17-7-502, from the general fund to the department of revenue for distribution to taxpayers."

Renumber: subsequent sections

22. Page 27, line 23.

Strike: "date"

Insert: "dates"

Strike: "[This"

Insert: "(1) Except as provided in subsections (2) and (3), [this"

23. Page 27.

Following: line 23

Insert: "(2) [Section 8(1) and this section] are effective on passage and approval.

(3) [Section 8(2)] is effective July 1, 2008."

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

HJR 31, be concurred in. Report adopted.

4/16/2007

HB 240, be amended as follows:

1. Page 1, line 18 through line 20.

Strike: ":" on line 18 through "(ii)" on line 20

2. Page 2, line 3 through line 6.

Strike: "the following" on line 3 through ""Designated" on line 6

Insert: ""designated"

3. Page 2, line 8 through line 9.

Strike: subsection (c) in its entirety

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

HB 798, be amended as follows:

1. Page 3, line 2.

Strike: "subsections"

Insert: "subsection"

Strike: ""and (3)"

2. Page 9.

Following: line 29

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Insert: "(4) The application must be accompanied by an application fee of \$50."

3. Page 10, line 21 through line 22.

Following: "IF"

Strike: "HOUSE BILL NO. 805" on line 21 through ", AND" on line 22

4. Page 10, line 23.

Strike: "ARE"

Insert: "IS"

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

HB 826, be amended as follows:

1. Page 2, line 3.

Strike: "six"

Insert: "13"

2. Page 2, line 6.

Strike: "one county treasurer"

Insert: "two county treasurers, one representing eastern Montana and one representing western Montana,"

3. Page 2, line 9.

Following: the second "board"

Insert: ";

(vii) two members who are residential property taxpayers appointed by the governor from a list provided by the Montana association of county treasurers;

(viii) one member to represent schools impacted by centrally assessed property tax protests appointed by the Montana school boards association;

(ix) one member appointed by the Montana education association-Montana federation of teachers;

(x) one member appointed by the Montana league of cities and towns; and

(xi) one member representing an impacted centrally assessed class of taxpayers appointed by the Montana association of counties"

4. Page 2, line 19.

Following: "protest"

Insert: "with due regard not to prejudice the outcome of pending litigation"

5. Page 3, line 3.

Strike: "the governor and"

6. Page 3, line 8.

Strike: "At-large"

Insert: "Committee"

Following: "members"

Insert: "who are not legislators"

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

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MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/14/2007
SB 253, introduced by Cooney

House joint resolution passed and transmitted to the Senate for concurrence: 4/14/2007
HJR 49, introduced by Thomas

House joint resolution passed and transmitted to the Senate for concurrence: 4/14/2007
HJR 50, introduced by Becker

Senate bill concurred in and returned to the Senate: 4/14/2007
SB 158, introduced by Cocchiarella

Senate bill concurred in and returned to the Senate: 4/14/2007
SB 209, introduced by Essmann

Senate bill concurred in and returned to the Senate: 4/14/2007
SB 552, introduced by Harrington

Senate bill concurred in and returned to the Senate: 4/14/2007
SB 553, introduced by Black

Senate joint resolution concurred in and returned to the Senate: 4/14/2007
SJR 2, introduced by Smith

Senate joint resolution concurred in and returned to the Senate: 4/14/2007
SJR 5, introduced by Brueggeman

Senate joint resolution concurred in and returned to the Senate: 4/14/2007
SJR 6, introduced by Schmidt

Senate joint resolution concurred in and returned to the Senate: 4/14/2007
SJR 13, introduced by Smith

Senate joint resolution concurred in and returned to the Senate: 4/14/2007
SJR 24, introduced by Laslovich

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Senate joint resolution not concurred in and returned to the Senate:

4/14/2007

SJR 10, introduced by Brown

MOTIONS

SEN. ROY BROWN, SD 25, BILLINGS moved to take **HB 406** from Finance and Claims Committee and placed on second reading the 81st Legislative day. The motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Gebhardt, Gillan, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Lewis, Lind, McGee, Murphy, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.
Total 30

Nays: Balyeat, Cobb, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Larson, Laslovich, Moss, O'Neil, Pease, Ryan, Schmidt, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 20

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. JIM SHOCKLEY, SD 45, VICTOR moved to take **HB 321** out of committee and placed on second reading on the 81st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 28

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to refer **HB 179** to Finance and Claims Committee. The motion **failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Harrington,

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Jackson, Jent, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS moved to refer **HB 490** to Finance and Claims Committee. Motion **failed** as follows:

Yeas: Barkus, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Jent, Juneau, Kaufmann, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. JESSE LASLOVICH, SD 43, ANACONDA moved to take **HB 405** out of committee and placed on second reading the 81st Legislative day. Motion **failed** as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Essmann, Gallus, Harrington, Jent, Juneau, Kitzenberg, Larson, Laslovich, Lewis, McGee, Moss, Pease, Peterson, Ryan, Smith, Squires, Steinbeisser, Tash, J.Tropila, Mr. President.

Total 24

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Hawks, Jackson, Kaufmann, Laible, Lind, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Story, M.Tropila, Wanzenried, Weinberg, Williams.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. DAN HARRINGTON, SD 38, BUTTE moved to take **HB 539** out of Finance and Claims Committee and placed on second reading the 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Cocchiarella, Elliott, Gallus, Gebhardt, Harrington, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lewis, Lind, Moss, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.
Total 22

Nays: Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Laible, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.
Total 27

Absent or not voting: Brueggeman.
Total 1

Excused: None.
Total 0

SEN. JIM SHOCKLEY, SD 45, VICTOR moved **HB 420** be taken out of committee and placed on second reading this 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser.
Total 24

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 26

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. CHRISTINE KAUFMANN, SD 41, HELENA moved to change her vote on **HB 63** from "no" to "yes". Motion carried.

SEN. CHRISTINE KAUFMANN, SD 41, HELENA moved to change her vote on **HB 131** from "yes" to "no". Motion carried.

SEN. JERRY BLACK, SD 14, SHELBY moved his vote on **HB 68** be changed from "no" to "yes". Motion carried.

SEN. VERDELL JACKSON, SD 5, KALISPELL moved his vote on **HB 820** be changed from "yes" to "no". Motion carried.

SEN. JOE BALYEAT, SD 34, BOZEMAN moved to take **HB 273** out of committee and placed on second reading this 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 23

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Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. GARY PERRY, SD 35, MANHATTAN moved to change his vote on **HB 820** from "yes" to "no".
Motion carried.

SEN. LARRY JENT, SD 32, BOZEMAN moved to change his vote on **HB 406** from "no" to "yes". Motion carried.

SEN. JOHN BRUEGGEMAN, SD 6, POLSON moved to suspend the rules in order to place **HB 8** on third reading this Legislative day. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Balyeat, Essmann, Juneau.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SEN. MITCH TROPILA, SD 12, GREAT FALLS moved to change his vote on **HB 473** from "no" to "yes".
Motion carried.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the appointment of a Conference Committee on **HB 25**. President appoints Senator Laslovich, Chair, Senators Ryan, Esp.

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved to dissolve the Conference Committee on **SB 49** and appoint a Free Conference Committee. President appoints Senator Jent, Chair, Senators Pease, Esp.

FIRST READING AND COMMITMENT OF BILLS

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

SR 10, introduced by Squires, referred to State Administration.

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

HB 828, introduced by Olson, referred to Natural Resources and Energy.

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

HJR 49, introduced by Thomas, referred to Natural Resources and Energy.

HJR 50, introduced by Becker, referred to Public Health, Welfare and Safety.

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 820 concurred in as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 809 concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 3 concurred in as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,

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Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 35

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 4 concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.
Total 16

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 7 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 131 concurred in as follows:

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Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Curtiss, Esp, Kaufmann, McGee, O'Neil, Stapleton, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 12 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Curtiss, McGee, O'Neil, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 125 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Juneau.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 95 concurred in as follows:

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Yeas: Bales, Brown, Brueggeman, Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Black, Curtiss, Elliott, Esp, Essmann, McGee, O'Neil, Perry, Stapleton, Story.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 9 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, Jackson, McGee, O'Neil, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 63 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Cocchiarella, Essmann, McGee, O'Neil, Perry.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 160 concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: McGee, Story.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 512 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 6 concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 48

Nays: Balyeat, Shockley.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 616 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.
Total 36

Nays: Balyeat, Brown, Esp, Essmann, Jackson, Jent, Kaufmann, Lind, McGee, O'Neil, Shockley, Story, Wanzenried, Weinberg.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 680 concurred in as follows:

Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Barkus, Curtiss, Gebhardt, Jackson, McGee, Murphy, Stapleton, Steinbeisser.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 304 concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Weinberg.
Total 32

Nays: Barkus, Brown, Gallus, Gillan, Hansen, Jent, Juneau, Kaufmann, Larson, McGee, Moss, Schmidt, Shockley, Stapleton, M.Tropila, Wanzenried, Williams, Mr. President.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 830 concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 44

Nays: Barkus, Brown, Gebhardt, Juneau, McGee, O'Neil.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 49 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 42

Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, McGee, O'Neil, Shockley.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 96 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: None.
Total 0

HB 116 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: Cobb.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 195 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 480 concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Gallus, Gebhardt, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, Williams, Mr. President.
Total 31

Nays: Balyeat, Brown, Cobb, Elliott, Esp, Essmann, Gillan, Hansen, Jackson, Juneau, McGee, O'Neil, Peterson, Schmidt, Stapleton, Story, M.Tropila, Wanzenried, Weinberg.
Total 19

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 488 concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Barkus, McGee, Shockley, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 592 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 46

Nays: Esp, Larson, Stapleton, Weinberg.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 823 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Gallus, Harrington, Schmidt, M.Tropila.

Total 4

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 829 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 8 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Essmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

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

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

HB 298 - Senator Laible moved **HB 298** be concurred in. Motion carried as follows:

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Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Barkus, Brown, Esp, McGee, Perry, Stapleton, J.Tropila.

Total 8

Absent or not voting: None.

Total 0

Excused: Essmann, Peterson, Ryan, Story.

Total 4

HB 574 - Senator Lewis moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Hansen, Jackson, Juneau, McGee, O'Neil, Perry, Shockley, Stapleton, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 677 - Senator Juneau moved **HB 677** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

HB 8 - Senator Brueggeman moved **HB 8** be concurred in. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Gallus.
Total 1

HB 27 - Senator Curtiss moved **HB 27** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Stapleton, Story.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 141 - Senator Williams moved consideration of **HB 141** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 148 - Senator Gillan moved **HB 148** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Hawks, Jent, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Squires, Tash, Wanzenried, Weinberg, Williams, Mr. President.
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Laible, McGee, O'Neil, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila.
Total 23

Absent or not voting: None.
Total 0

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Excused: Harrington, Juneau.
Total 2

HB 179 - Senator J. Tropila moved **HB 179** be concurred in. Motion carried unanimously.

HB 278 - Senator Gillan moved **HB 278**, second reading copy, be amended as follows:

1. Page 1, line 15 through line 16.

Strike: "OR A" on line 15 through "PROGRAM" on line 16

Amendment adopted unanimously.

HB 278 - Senator Lewis moved **HB 278**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Story.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 330 - Senator Williams moved consideration of **HB 330** be placed below 568 on the second reading board. Motion carried.

HB 678 - Senator Ryan moved **HB 678** be concurred in. Motion carried as follows:

Yeas: Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Essmann, Gillan, Hansen, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Black, Curtiss, Elliott, Esp, Gallus, Gebhardt, Jackson, Juneau, O'Neil, Peterson, Shockley, Steinbeisser, Story, Wanzenried.
Total 16

Absent or not voting: None.
Total 0

Excused: Harrington.
Total 1

HB 490 - Senator Kaufmann moved **HB 490** be concurred in. Motion carried as follows:

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Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 47

Nays: Perry.
Total 1

Absent or not voting: None.
Total 0

Excused: Bales, Cobb.
Total 2

HB 536 - Senator Esp moved **HB 536**, second reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "either of"

2. Page 2, line 6.
Strike: "or"
Insert: "and"

3. Page 3, line 14.
Strike: "or to"
Insert: "; (b)"

4. Page 3, line 16.
Strike: "(b)"
Insert: "(c)"
Following: "distribution to"
Insert: ": (i)"
Following: "patient"
Strike: "or to"
Insert: "; (ii)"

5. Page 3, line 17.
Following: "patient;"
Insert: "or"

6. Page 3, line 18.
Strike: "(c)"
Insert: "(iii)"

7. Page 5, line 16.
Following: "drug;"
Insert: "or"

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8. Page 5, line 17 through line 18.

Strike: subsection (xiv) in its entirety

Renumber: subsequent subsection

9. Page 7, line 9 through line 11.

Strike: subsection (b) in its entirety

Renumber: subsequent subsection

10. Page 9, line 6.

Strike: "the following"

Insert: "other"

11. Page 9, line 7.

Strike: ":",

Insert: ", including but not limited to detailed employment history and criminal background information, as specified in board rules."

12. Page 9, line 8 through line 27.

Strike: line 8 through line 27

13. Page 10, line 14.

Following: "substances"

Insert: ", subject to the provisions of 37-1-203 and 37-1-205"

14. Page 10, line 18.

Strike: "engaged only in intracompany transfers"

Insert: "not engaged in wholesale distribution"

15. Page 11, line 1.

Following: "between a"

Insert: "United States"

16. Page 11, line 2 through line 3.

Strike: ", unless" on line 2 through "stringent" on line 3

Following: "." on line 3

Insert: "The United States food and drug administration guidelines are minimum requirements only, and the state may adopt, implement, and enforce stricter guidelines."

17. Page 11, line 9.

Strike: ", unless" through "stringent"

Following: "."

Insert: "The United States food and drug administration guidelines are minimum requirements only, and the state may adopt, implement, and enforce stricter guidelines."

18. Page 11, line 19.

Strike: "prescription drug marketing guidelines"

Insert: "Prescription Drug Marketing Act guidances"

19. Page 11, line 20.

Strike: "policing"

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Insert: "administering"

20. Page 13, line 13.

Following: "drug"

Insert: "and the national drug code number"

21. Page 14, line 3 through line 6.

Strike: subsection (2) in its entirety

Insert: "(2) Notice and an opportunity for hearing must be afforded to individuals pursuant to the Montana Administrative Procedure Act and this title."

Amendment adopted unanimously.

Senator J. Tropila in the chair.

HB 536 - Senator _____ moved **HB 536**, as amended be concurred in. Motion carried with Senators McGee and O'Neil voting nay.

HB 556 - Senator Cocchiarella moved **HB 556** be concurred in. Motion carried unanimously.

HB 568 - Senator Wanzenried moved **HB 568** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 141 - Senator Cocchiarella moved **HB 141** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Juneau, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, M.Tropila.

Total 18

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

HB 461 - Senator Williams moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 41

Nays: Bales, Balyeat, Barkus, Curtiss, Essmann, McGee, O'Neil, Shockley, Stapleton.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Williams moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate reconvened at 4:30 p.m.

Roll Call. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 34

Nays: Balyeat, Essmann, Gebhardt, Gillan, Jackson, Lind, McGee, Murphy, O'Neil, Shockley.
Total 10

Absent or not voting: None.
Total 0

Excused: Bales, Esp, Gallus, Hawks, Laslovich, Ryan.
Total 6

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

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

HB 69 - Senator Williams moved consideration of **HB 69** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

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HB 240 - Senator Elliott moved **HB 240** be concurred in. Motion carried unanimously.

HB 337 - Senator Gebhardt moved **HB 337** be concurred in. Motion carried unanimously.

HB 473 - Senator Lind moved **HB 473** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 38

Nays: Gillan, Harrington, Hawks, Juneau, Kaufmann, Pease, Schmidt, Smith, Squires, Wanzenried, Mr. President.

Total 11

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

HB 611 - Senator Wanzenried moved **HB 611** be concurred in. Motion carried with Senator Balyeat, Essmann, O'Neil, Story, Jackson voting nay.

HB 790 - Senator Esp moved **HB 790** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

HB 840 - Senator Laslovich moved **HB 840** be concurred in. Motion carried unanimously.

HB 330 - Senator Lind moved **HB 330** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Tuesday, April 17, 2007. Motion carried.

Senate adjourned at 6:03 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate