

**SENATE JOURNAL  
63RD LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 16, 2013

Senate Chambers  
State Capitol

Senate convened at 12:03 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Correctly printed: **SJR 26, SJR 32, SR 63, HB 2, HB 6, HB 12, HB 13, HB 15, HB 16, HB 87, HB 354, HB 415, HB 447, HB 580, HB 604, HB 609, HB 614, HB 625, HB 630.**

Correctly engrossed: **HB 5, HB 19, HB 39, HB 218, HB 377, HB 454, HB 603.**

Correctly enrolled: **SB 28, SB 31, SB 178, SB 203, SJR 21, SR 32, SR 63.**

Examined by the sponsor and found to be correct: **SB 84, SB 94, SB 114, SB 138, SB 158, SB 160, SB 183, SB 191, SB 250, SB 275, SB 301, SB 302, SB 324, SB 325, SB 336, SB 337, SB 357, SJR 21, SR 34, SR 41, SR 44, SR 45, SR 50, SR 54.**

Transmitted to the House: **SJR 26, HB 2, HB 5, HB 6, HB 12, HB 13, HB 15, HB 16, HB 87, HB 354, HB 415, HB 447, HB 580, HB 586, HB 604, HB 609, HB 625, HB 630.**

Signed by the Speaker at 12:45 p.m., April 15, 2013: **SB 20, SB 107, SB 112, SB 127, SB 144, SB 179, SB 236, SB 242, SB 294.**

Signed by the Secretary of the Senate at 9:00 a.m., April 16, 2013: **SJR 21.**

Signed by the President at 9:20 a.m., April 16, 2013: **SJR 21.**

Signed by the Speaker at 9:50 a.m., April 16, 2013: **SJR 21.**

Delivered to the Secretary of State at 11:29 a.m., April 16, 2013: **SJR 21.**

Signed by the President at 8:56 a.m., April 16, 2013: **SB 154, SB 200, SB 344, SB 345.**

Signed by the Speaker at 11:20 a.m., April 16, 2013: **SB 154, SB 200, SB 344, SB 345.**

Delivered to the Governor at 2:11 p.m., April 16, 2013: **SB 20, SB 107, SB 112, SB 127, SB 144, SB 154, SB 179, SB 200, SB 236, SB 242, SB 294, SB 344, SB 345.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Brown, Chair): 4/11/2013  
**SR 43**, be adopted. Report adopted.  
**SR 60**, be adopted. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Peterson, Chair): 4/15/2013  
**HB 39**, be amended as follows:

1. Title, page 1, line 15.

**Following:** "~~20-9-517,~~"

**Insert:** "20-9-517,"

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2. Page 12.

**Following:** line 3

**Insert:** "**Section 5.** Section 20-9-517, MCA, is amended to read:

**"20-9-517. (Effective July 1, 2013) State school oil and natural gas impact account.**

(1) There is a state school oil and natural gas impact account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools that are not receiving oil and natural gas production taxes under 15-36-331 but are impacted by contiguous counties that are benefiting from receipt of oil and natural gas production taxes.

(2) There must be deposited in the account oil and natural gas production taxes, if any, pursuant to 20-9-310(7) and any amounts pursuant to 20-9-104(6).

(3) A school district may apply to the superintendent of public instruction for funds from the account for circumstances that are directly related to impacts resulting from the development or cessation of development of oil and natural gas as follows:

(a) an unusual enrollment increase as determined pursuant to 20-9-161 and 20-9-314;

(b) an unusual enrollment decrease;

(c) higher rates of student mobility;

~~(b)~~(d) a district's need to hire new teachers or staff as a result of increased enrollment;

~~(c)~~(e) the opening or reopening of an elementary or high school approved by the superintendent of public instruction pursuant to 20-6-502 or 20-6-503; or

~~(d)~~(f) major maintenance for a school or district.

(4) In reviewing an applicant's request for funding, the superintendent of public instruction shall consider the following:

(a) the local district's or school's need;

(b) the severity of the energy development impacts;

(c) availability of funds in the account; and

(d) the applicant district's ability to meet the needs identified in subsection (3).

(5) The superintendent of public instruction shall adopt rules necessary to implement the application and distribution process.

(6) The amount in the account may not exceed \$7.5 million. Any amount over \$7.5 million must be deposited in the state general fund."

**Renumber:** subsequent sections

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

**FINANCE AND CLAIMS** (Ripley, Chair):

4/16/2013

**HB 19**, be amended as follows:

1. Page 14, line 21.

**Strike:** "2014"

**Insert:** "2015"

2. Page 14, line 27.

**Strike:** "2013"

**Insert:** "2014"

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3. Page 14, line 28.

**Strike:** "2013"

**Insert:** "2014"

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

**HB 218**, be amended as follows:

1. Title, page 1, line 4.

**Following:** "AUTHORIZING"

**Strike:** "`" BOARD OF OIL AND GAS CONSERVATION"

**Insert:** "DEPARTMENT OF COMMERCE"

2. Title, page 1, line 6.

**Following:** "IMPACTS;"

**Insert:** "PROVIDING FOR ADMINISTRATION OF THE PROGRAM THROUGH THE  
DEPARTMENT OF COMMERCE;"

**Following:** "PRIORITIES"

**Insert:** "AND CRITERIA"

3. Title, page 1, line 7.

**Strike:** "REQUIRING OUTCOME MEASURES;"

4. Title, page 1, line 8.

**Following:** "PROVIDING"

**Insert:** "AN APPROPRIATION AND"

5. Title, page 1, line 10.

**Following:** "AN"

**Insert:** "IMMEDIATE"

6. Page 1, line 15.

**Strike:** "9"

**Insert:** "6"

7. Page 1, line 18.

**Strike:** "9"

**Insert:** "6"

8. Page 1, line 22.

**Strike:** "9"

**Insert:** "6"

9. Page 1, line 24.

**Strike:** subsection (1) in its entirety

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**Insert:** "(1) "Department" means the department of commerce established in 2-15-1801."

10. Page 1, line 26.

**Following:** "government,"

**Insert:** "a public school district, or"

11. Page 1, line 26 through line 27.

**Following:** "district" on line 26

**Strike:** remainder of line 26 through "75-6-304" on line 27

12. Page 2, line 5.

**Following:** "enforcement,"

**Insert:** "schools,"

13. Page 2, line 6.

**Strike:** "OR"

14. Page 2, line 7.

**Following:** "(H)"

**Insert:** "projects related to"

15. Page 2, line 10.

**Following:** "(I)"

**Insert:** "the provision of"

16. Page 2, line 13 through line 18.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

17. Page 2, line 21.

**Following:** "a"

**Insert:** "matching"

18. Page 2, line 20.

**Following:** "**grants.**"

**Strike:** "(1)"

19. Page 2, line 21 through line 24.

**Following:** "projects" on line 21

**Strike:** "." on line 21 through "development." on line 24

**Insert:** "for:

- (1) major repairs to or deferred maintenance on an oil and gas impact project;
- (2) major improvement, enhancements, or expansions to an oil and gas impact project;
- (3) construction of a new oil and gas impact project; or
- (4) preliminary planning or design of an oil and gas impact project."

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20. Page 2, line 26.

**Following:** "(1)"

**Strike:** "In awarding grants, preference"

**Insert:** "Grants"

21. Page 2, line 27.

**Strike:** "given"

**Insert:** "awarded"

22. Page 2, line 29 through line 30.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) No more than 10% of the funds used for grant purposes may be awarded for fire protection, law enforcement, and emergency services.

(3) In preparing recommendations for the award of grants under subsection (1), preference must be given to infrastructure projects based on the following order of priority:

(a) projects that solve urgent and serious public health or safety problems or that enable local governments to meet state or federal health or safety standards;

(b) projects that solve a local government's inability to provide adequate public services to an existing population; and

(c) projects that solve a local government's inability to provide adequate public services to estimated future populations.

(4) In awarding grants under this section, the department shall also consider the following attributes of an oil and gas impact project grant application:

(a) the local government's need for financial assistance, including whether the local government has committed to making a contribution to the project in an amount proportional to the amount of oil and gas production revenue received during the previous 48-month reporting period;

(b) whether the local government has completed all preliminary engineering and plan and specification review for the project and will be able to successfully manage the project in a timely manner and complete the project within the proposed budget and timeline;

(c) whether the local government will be able to satisfy any startup conditions or other requirements considered necessary by the department to accomplish the purpose of the project as described in the application;

(d) the extent of previous efforts by the local government to implement:

(i) long-term planning and management of the public facility or facilities;

(ii) long-term planning and management of the jurisdiction's anticipated future growth in population and the local government's ability to provide adequate public services to that population; and

(iii) proportional contributions from new development for the expansion, repair, maintenance, or operation of the public facility or facilities; and

(e) the importance of the project to the community, the extent of public notice about the project to the community, and the amount of community participation in and support for the project.

(5) In awarding planning grants under this section, the department shall distribute the grants on a first-come, first-served basis with preference given to those local governments that are already experiencing impacts associated with oil and gas development.

(6) The department:

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(a) shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses;  
(b) shall establish annual deadlines for the submission of applications for oil and gas impact project and planning grants; and  
(c) may adopt rules necessary to implement this section.  
(7) Grants made under this program are subject to review by the legislative finance committee."

23. Page 3, line 2 through line 9.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

24. Page 3, line 18.

**Following:** "(3)"

**Strike:** "The money"

**Insert:** "Funds"

**Following:** "account"

**Strike:** "is allocated"

**Insert:** "are statutorily appropriated, as provided in 17-7-502,"

**Following:** "to the"

**Strike:** "board"

**Insert:** "department for each fiscal year beginning July 1, 2014,"

25. Page 3, line 19.

**Strike:** "9" in both places

**Insert:** "6" in both places

26. Page 3, line 20.

**Following:** "FOR"

**Insert:** "projects related to"

27. Page 3, line 22 through line 23.

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

**Renumber:** subsequent subsection

28. Page 3, line 24.

**Following:** "Any"

**Strike:** "remaining"

**Following:** "account"

**Insert:** "that remains unobligated"

29. Page 3, line 27 through page 4, line 8.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

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30. Page 4, line 17.

**Following:** "(1)"

**Insert:** "or \$10 million, whichever is greater,"

31. Page 4, line 18.

**Strike:** "8"

**Insert:** "6"

**Strike:** "and is dedicated to local governments"

32. Page 4, line 20.

**Following:** "dedicated in"

**Strike:** "subsection (2)"

**Insert:** "subsections (2) and (3)"

33. Page 4, following line 22.

**Insert:** "NEW SECTION. Section 8. Appropriation from oil and gas impact account for oil and gas impact projects in 2015 biennium. There is appropriated to the department of commerce for the fiscal year beginning July 1, 2013, only, \$15 million from the oil and gas impact account established in [section 6] for the purpose of providing local governments with grants as provided for in [sections 1 through 6]."

**Renumber:** subsequent sections

34. Page 5, line 12.

**Strike:** "8"

**Insert:** "6"

35. Page 6, line 19.

**Strike:** "9"

**Insert:** "6"

36. Page 6, line 20.

**Strike:** "82" in both places

**Insert:** "90" in both places

**Strike:** "9"

**Insert:** "6"

37. Page 6, line 22.

**Following:** "effective"

**Strike:** "July 1, 2013"

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

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

**HB 377**, be amended as follows:

1. Title, line 18 through line 19.

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**Strike:** "STATUTORILY" on line 18 through "SYSTEM;" on line 19  
**Insert:** "PROVIDING APPROPRIATIONS;"

2. Title, line 21.

**Strike:** "19-20-621,"  
**Insert:** "19-20-607,"

3. Title, line 22.

**Strike:** "20-9-622,"

4. Page 13, line 2.

**Strike:** "AND (1)(C)"  
**Insert:** "through (1)(d)"

5. Page 13, line 3.

**Strike:** "1%"  
**Insert:** "the percentage specified in subsection (1)(b)"

6. Page 13.

**Following:** line 4

**Insert:** "(b) The percentage of compensation to be contributed under subsection (1)(a) is 1% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (1)(a) is 2%."

**Renumber:** subsequent subsections

7. Page 13, line 13.

**Strike:** "(1)(B)"  
**Insert:** "(1)(c)"

8. Page 13, line 22 through page 14, line 9.

**Strike:** section 9 in its entirety

**Insert:** "**Section 9.** Section 19-20-607, MCA, is amended to read:

**"19-20-607. Supplemental state contribution -- appropriation.** (1) (a) Each month, the state shall contribute, as a supplemental contribution to the teachers' retirement system, from the general fund to the pension trust fund an amount equal to:

~~—— (a) beginning July 1, 2007, through June 30, 2009, 2% of the total earned compensation of school district and community college active members participating in the system; and~~

~~—— (b) beginning July 1, 2009, 2.38% of the total earned compensation of school district and community college active members participating in the system.~~

(b) (i) Except as provided in subsection (1)(b)(ii), beginning [the effective date of this act] and on each July 1 thereafter, the state shall contribute from the general fund to the pension trust fund \$25 million as a supplemental contribution to the teachers' retirement system.

(ii) If the legislative finance committee determines that the board has failed to provide a sufficient report pursuant to [section 20], it shall recommend that \$5 million be subtracted from the



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amount allocated in subsection (1)(b)(i) subject to legislative approval.

(2) The contributions are statutorily appropriated, as provided in 17-7-502, to the pension trust fund. The board shall determine and shall certify to the state treasurer amounts due under this section on a monthly basis. The state treasurer shall transfer the certified amounts to the pension trust fund within 1 week following receipt of the certification from the board."

9. Page 16, line 8 through line 14.

**Strike:** "be" on line 8 through "increased." on line 14.

**Insert:** ", if the most recent actuarial valuation of the retirement system shows that retirement system liabilities are at least 90% funded and the provision of the increase is not projected to cause the system's liabilities to be less than 85% funded, be increased by an amount equal to or greater than 0.5% but no more than 1.5%, as set by the retirement board."

10. Page 19, line 2.

**Strike:** "2%"

**Insert:** "1.85%"

11. Page 25, line 20 through page 26, line 6.

**Strike:** section 20 in its entirety

**Insert:** "NEW SECTION. Section 20. Board to make special report. As soon as possible after the completion of each annual actuarial valuation for the teachers' retirement system, the board shall have its actuary present a detailed actuarial report to the legislative finance committee, provided for in 5-12-201, and the state administration and veterans' affairs interim committee, provided for in 5-5-228. The actuarial report must provide a trend analysis of the system's actual and projected progress toward 100% funding."

**Renumber:** subsequent sections

12. Page 27, line 16.

**Strike:** "September"

**Insert:** "October"

13. Page 27.

**Following:** line 22

**Insert:** "NEW SECTION. Section 23. Appropriations. (1) For the fiscal year beginning July 1, 2013, there is appropriated from the general fund for the purpose of making the supplemental employer contributions in [section 8]:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

(i) \$41,813 from the general fund;

(ii) \$597 from the state special revenue fund; and

(iii) \$17,323 from the federal special revenue fund;

(b) to the Montana university system, \$191,725 from the general fund; and

(c) to the office of public instruction for school BASE aid, \$2,061,932 from the general fund.

(2) For the fiscal year beginning July 1, 2014, there is appropriated from the general fund

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for the purpose of making the supplemental employer contributions in [section 8]:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

- (i) \$45,995 from the general fund;
- (ii) \$657 from the state special revenue fund; and
- (iii) \$19,055 from the federal special revenue fund;

(b) to the Montana university system, \$210,898 from the general fund; and  
fund."  
(c) to the office of public instruction for school BASE aid, \$2,370,191 from the general

**Renumber:** subsequent sections

14. Page 27, line 24.

**Following:** "instruction."

**Insert:** "(1)"

15. Page 27.

**Following:** line 26

**Insert:** "(2) [Section 20] is intended to be codified as an integral part of Title 19, chapter 20, part 2, and the provisions of Title 19, chapter 20, part 2, apply to [section 20]."

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

**HB 454**, be amended as follows:

1. Title, page 1, line 13.

**Following:** "FUND;"

**Insert:** "PROVIDING THAT THE UNALLOCATED PORTION OF COAL SEVERANCE TAX COLLECTIONS IS STATUTORILY APPROPRIATED TO THE PUBLIC EMPLOYEES' DEFINED BENEFIT RETIREMENT PLAN; REVISING THE ALLOCATION OF INTEREST INCOME FROM THE COAL TAX PERMANENT FUND AND PROVIDING A STATUTORY APPROPRIATION OF A PORTION OF THE INTEREST INCOME TO THE PUBLIC EMPLOYEES' DEFINED BENEFIT RETIREMENT PLAN; AMENDING THE TERMINATION DATE FOR THE TRANSFER OF CERTAIN MONEY FROM THE COAL SEVERANCE TAX BOND FUND TO THE TREASURE STATE ENDOWMENT FUND AND THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM FUND;"

2. Title, page 1, line 16.

**Following:** "BIENNIUM;"

**Insert:** "PROVIDING AN APPROPRIATION;"

3. Title, page 1, line 17.

**Strike:** "17-7-502,"

**Insert:** "15-35-108, 17-5-703,"

4. Title, page 1, line 19.

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**Strike:** "REPEALING" through "MCA;"

**Insert:** "AMENDING SECTION 6, CHAPTER 495, LAWS OF 1999, AND SECTIONS 15 AND 16, CHAPTER 389, LAWS OF 2011;"

5. Page 9, line 22 through page 10, line 30.

**Strike:** section 1 in its entirety

**Insert:** "Section 1. 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.~~

~~——— (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~~

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~~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;~~

~~— (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 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.

(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~~ 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 and is statutorily

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appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan established pursuant to 19-3-103.

(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~~ July 1 each year as follows:

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

(ii) ~~\$1.25 million~~ \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) ~~\$3.65~~ \$1.275 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; and

(v) except as provided in subsection (9)(c), up to \$21 million to the public employees' retirement system defined benefit plan trust fund.

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to [section 7], it shall recommend that \$5 million be subtracted from the amount allocated in subsection (9)(b)(v) subject to legislative approval. (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~~ 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

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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) (a) All 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 and is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the trust fund for the public employees' retirement system defined benefit plan pursuant to 19-3-103.

(b) Except as provided in subsection (9)(c), up to \$24 million of the interest income from the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on July 1 each year to the public employees' retirement system defined benefit plan trust fund.

(c) If the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to [section 7], it shall recommend that \$5 million be subtracted from the amount allocated in subsection (9)(b) subject to legislative approval."

**Insert: "Section 2.** Section 17-5-703, MCA, is amended to read:

**"17-5-703. (Temporary) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a treasure state endowment regional water system fund;

(d) a coal severance tax permanent fund;

(e) a coal severance tax income fund; and

(f) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) ~~Until June 30, 2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) ~~Until June 30, 2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment regional water system fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(c) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

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(d) The state treasurer shall monthly transfer from the treasure state endowment regional water system fund to the treasure state endowment regional water system special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account for regional water systems authorized under 90-6-715. Earnings not transferred to the treasure state endowment regional water system special revenue account must be retained in the treasure state endowment regional water system fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund. (Terminates June 30, ~~2020~~ 2016--secs. 15, 16, Ch. 389, L. 2011.)

**17-5-703. (Effective July 1, ~~2020~~ 2016) Coal severance tax trust funds.** (1) The trust established under Article IX, section 5, of the Montana constitution is composed of the following funds:

(a) a coal severance tax bond fund into which the constitutionally dedicated receipts from the coal severance tax must be deposited;

(b) a treasure state endowment fund;

(c) a coal severance tax permanent fund;

(d) a coal severance tax income fund; and

(e) a big sky economic development fund.

(2) (a) The state treasurer shall determine, on July 1 of each year, the amount necessary to meet all principal and interest payments on bonds payable from the coal severance tax bond fund during the next 12 months and retain that amount in the coal severance tax bond fund.

(b) The amount in the coal severance tax bond fund in excess of the amount required in subsection (2)(a) must be transferred from that fund as provided in subsections (3) and (4).

(3) (a) Until June 30, ~~2020~~ 2016, the state treasurer shall quarterly transfer to the treasure state endowment fund 50% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the treasure state endowment fund to the treasure state endowment special revenue account the amount of earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-6-710. Earnings not transferred to the treasure state endowment special revenue account must be retained in the treasure state endowment fund.

(4) (a) From July 1, 2005, through June 30, 2025, the state treasurer shall quarterly transfer to the big sky economic development fund 25% of the amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2) to be retained in the fund.

(b) The state treasurer shall monthly transfer from the big sky economic development fund to the economic development special revenue account, provided for in 90-1-205, the amount of

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earnings, excluding unrealized gains and losses, required to meet the obligations of the state that are payable from the account in accordance with 90-1-204. Earnings not transferred to the economic development special revenue account must be retained in the big sky economic development fund.

(5) Any amount in the coal severance tax bond fund in excess of the amount that is specified in subsection (2)(a) to be retained in the fund and that is not otherwise allocated under this section must be deposited in the coal severance tax permanent fund."

**Renumber:** subsequent sections

6. Page 12, line 3 through page 14, line 18.

**Strike:** section 3 in its entirety

**Insert:** "Section 4. Section 19-3-316, MCA, is amended to read:

**"19-3-316. Employer contribution rates.** (1) Each employer shall contribute to the system. Except as provided in subsection (2), the employer shall pay as employer contributions 6.9% of the compensation paid to all of the employer's employees plus any additional contribution under subsection (3), except for those employees properly excluded from membership. Of employer contributions made under this subsection for both defined benefit plan and defined contribution plan members, a portion must be allocated for educational programs as provided in 19-3-112. Employer contributions for members under the defined contribution plan must be allocated as provided in 19-3-2117.

(2) Local government and school district employer contributions must be the total employer contribution rate provided in subsection (1) minus the state contribution rates under 19-3-319.

(3) (a) Subject to subsection (4), each employer shall contribute to the system an additional employer contribution equal to ~~0.27%~~ the percentage specified in subsection (3)(b) of the compensation paid to all of the employer's employees, except for those employees properly excluded from membership.

(b) The percentage of compensation to be contributed under subsection (3)(a) is 1.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (3)(a) is 2.27%.

(4) (a) The board shall ~~periodically~~ annually review the additional employer contribution provided for under subsection (3) and recommend adjustments to the legislature as needed to maintain the amortization schedule set by the board for payment of the system's unfunded liabilities.

(b) The employer contribution required under subsection (3) terminates on ~~July 1~~ January 1 following the board's receipt of the system's actuarial valuation if:

~~\_\_\_\_\_ (i) the actuarial valuation determines that the period required to amortize the system's unfunded liabilities, including adjustments made for any benefit enhancements enacted by the legislature after the valuation, is less than 25 years; and~~

~~\_\_\_\_\_ (ii) terminating the additional employer contribution pursuant to this subsection (4)(b) and reducing the employee contribution pursuant to 19-3-315(2) would not cause the amortization period as of the most recent actuarial valuation to exceed 25 years."~~

**Renumber:** subsequent sections

7. Page 15, line 5.



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**Strike:** "(5)"

**Insert:** "(4)(b)"

8. Page 15, line 22 through page 16, line 12.

**Strike:** "(4)" on page 15, line 22 through "increased." on page 16, line 12

**Insert:** "(4) (a) Subject to subsection (5), the applicable percentage rate is 1.5% for benefit recipients hired or assuming office:

(i) before July 1, 2007;

(ii) on or after July 1, 2007, and prior to [the effective date of this act] if the benefit recipient is an existing member of a benefit plan for which the applicable percentage before [the effective date of this act] was either 3% or 1.5%; or

(iii) on or after [the effective date of this act].

(b) The applicable percentage rate for a contingent annuitant described in subsection (2)(c) is the same as the applicable percentage rate applicable to the original payee under subsection (4)(a).

(5) (a) Except as provided in subsection (5)(b), if the most recent actuarial valuation of the retirement system shows that retirement system liabilities are less than 90% funded, the applicable percentage rate in subsection (4) must be reduced by 0.1% for each 2% below that 90% funding level.

(b) If the amortization period is 40 years or greater, the applicable percentage rate is 0% and the retirement allowance may not be increased."

9. Page 16, line 15 through page 17, line 10.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

10. Page 18, line 11 through line 13.

**Strike:** section 6 in its entirety

**Insert:** "**Section 6.** Section 19-3-2117, MCA, is amended to read:

**"19-3-2117. Allocation of contributions and forfeitures.** (1) The member contributions made under 19-3-315 and additional contributions paid by the member for the purchase of service must be allocated to the plan member's retirement account.

(2) Subject to subsection (3) and adjustment by the board as provided in 19-3-2121, of the employer contributions under 19-3-316 received:

(a) an amount equal to:

(i) 4.19% of compensation must be allocated to the member's retirement account;

(ii) 2.37% of compensation must be allocated to the defined benefit plan as the plan choice rate;

(iii) 0.04% of compensation must be allocated to the education fund as provided in 19-3-112(1)(b); and

(iv) 0.3% of compensation must be allocated to the long-term disability plan trust fund established pursuant to 19-3-2141; and

(b) on July 1, 2009, continuing until the additional employer contributions terminate pursuant to ~~19-3-316~~ 19-3-316(4)(b), ~~0.27%~~ the percentage specified in subsection (3) of compensation must be allocated in the following order:

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(i) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability;  
and

(ii) to the long-term disability plan trust fund to provide disability benefits to eligible members; and

(c) on July 1, 2013, continuing until the additional employer contributions terminate pursuant to 19-3-316(4)(b), 1% of compensation must be allocated to the defined benefit plan unfunded liabilities.

(3) The percentage of compensation to be contributed under subsection (2)(b) is 0.27% for fiscal year 2014 and increases by 0.1% each fiscal year through fiscal year 2024. For fiscal years beginning after June 30, 2024, the percentage of compensation to be contributed under subsection (2)(b) is 1.27%.

~~(3)~~(4) Forfeitures of employer contributions and investment income on the employer contributions may not be used to increase a member's retirement account. The board shall allocate the forfeitures under 19-3-2116 to meet the plan's administrative expenses, including startup expenses. ""

**Insert:** "NEW SECTION. Section 7. Board report required. As soon as possible after the completion of each annual actuarial valuation for the public employees' retirement system, the board shall have its actuary present a detailed actuarial report to the legislative finance committee, provided for in 5-12-201, and the state administration and veterans' affairs interim committee, provided for in 5-5-228. The actuarial report must provide a trend analysis of the system's progress toward 100% funding."

**Insert:** "Section 8. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. [This act] terminates June 30, ~~2013~~ 2016."

**Insert:** "Section 9. Section 15, Chapter 389, Laws of 2011, is amended to read:

"Section 15. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. [This act] terminates June 30, ~~2013~~ 2020 2016.""

**Insert:** "Section 10. Section 16, Chapter 389, Laws of 2011, is amended to read:

"Section 16. Section 1, Chapter 70, Laws of 2001, is amended to read:

"Section 1. Section 6, Chapter 495, Laws of 1999, is amended to read:

"Section 6. Termination. [~~This act~~] [This act] ~~terminates~~ terminates June 30, ~~2013~~ 2016 ~~2020~~ 2016.""

**Insert:** "NEW SECTION. Section 11. Appropriations. (1) For the fiscal year beginning July 1, 2013, there is appropriated for the purpose of making the additional employer contributions in 19-3-316:

(a) to the office of budget and program planning, the following amounts from the indicated fund:

- (i) \$1,870,019 from the general fund;
- (ii) \$1,688,905 from the state special revenue fund;
- (iii) \$1,149,658 from the federal special revenue fund; and
- (iv) \$669,831 from other funds;

(b) to the Montana university system from the general fund, \$548,527; and

(c) to the office of public instruction for school BASE aid, \$377,500 from the general fund.

(2) For the fiscal year beginning July 1, 2014, there is appropriated for the purpose of making the additional employer contributions in 19-3-316:

(a) to the office of budget and program planning, the following amounts from the indicated

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fund:

- (i) \$2,057,021 from the general fund;
- (ii) \$1,857,796 from the state special revenue fund;
- (iii) \$1,264,624 from the federal special revenue fund; and
- (iv) \$736,814 from other funds;
- (b) to the Montana university system from the general fund, \$603,380; and
- (c) to the office of public instruction for school BASE aid, \$431,750 from the general fund."

**Insert:** "NEW SECTION. Section 12. Codification instruction. [Section 7] is intended to be codified as an integral part of Title 19, chapter 3, part 1, and the provisions of Title 19, chapter 3, part 1, apply to [section 7]."

**Renumber:** subsequent sections

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

**HB 556**, be concurred in. Report adopted.

**HB 626**, be concurred in. Report adopted.

**JUDICIARY** (Murphy, Chair):

4/16/2013

**SR 67, preliminary report**, be adopted. Report adopted.

**HB 521**, be concurred in. Report adopted.

**HB 555**, be concurred in. Report adopted.

**HB 603**, be amended as follows:

1. Page 1, line 19.

**Following:** "civil"

**Insert:** ", criminal,"

2. Page 1, line 29.

**Following:** "means"

**Strike:** "a state or local"

**Insert:** "any public"

3. Page 2, line 1.

**Following:** "a"

**Strike:** "state or local"

**Insert:** "public"

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

**HB 631**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Priest, Chair):

4/15/2013

**HB 423**, be concurred in. Report adopted.

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**MESSAGES FROM THE GOVERNOR**

April 15, 2013

The Honorable Jeff Essmann  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear President Essmann:

On Monday, April 15, 2013, I signed and delivered the following Senate bills to the Secretary of State:

**Senate Bill 11** Caferro  
**Senate Bill 18** Hamlett  
**Senate Bill 120** Buttrey  
**Senate Bill 122** Facey  
**Senate Bill 136** Larsen  
**Senate Bill 239** Buttrey

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills** passed and transmitted to the Senate for concurrence: 4/15/2013

**SB 28**, introduced by Thomas  
**SB 178**, introduced by Van Dyk

**Senate joint resolution** passed and transmitted to the Senate for concurrence: 4/15/2013

**SJR 21**, introduced by Caferro

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/15/2013

**SB 342**, introduced by Windy Boy

**Senate bill** not concurred in and returned to the Senate: 4/13/2013

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**SB 387**, introduced by Debby Barrett

**HB 97** - The House failed to concur in Senate amendments to **HB 97**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 97**:

4/16/2013

Representative Wilmer, Vice Chair  
Representative Blyton  
Representative Lenz

**HB 133** - The House failed to concur in Senate amendments to **HB 133**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 133**:

4/16/2013

Representative Berry, Vice Chair  
Representative Boland  
Representative Lang

**HB 240** - The House failed to concur in Senate amendments to **HB 240**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 240**:

4/16/2013

Representative C. Smith, Vice Chair  
Representative Kerns  
Representative MacDonald

**HB 345** - The House failed to concur in Senate amendments to **HB 345**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 345**:

4/16/2013

Representative C. Smith, Vice Chair  
Representative Fitzpatrick  
Representative Steenberg

**SPECIAL ORDERS OF THE DAY**

Senator Taylor introduced the pages for the coming week:

Nicole Nelson, Broadview, sponsored by Senator Olson  
Drake Phillips, Bozeman, sponsored by Senator Phillips  
Samuel Phillips, Bozeman, sponsored by Senator Phillips  
Dovydas Rackauskas, Bozeman, sponsored by Senator Phillips  
Lane Thole, Bigfork, sponsored by Senator Jackson  
Dallas Whitfield, Florence, sponsored by Senator Thomas

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**FIRST READING AND COMMITMENT OF BILLS**

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

**SJR 34**, introduced by Windy Boy, referred to Judiciary.

**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 2** concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 630** concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**HB 12** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Webb, Windy Boy.

Total 41

Nays: Fielder, Jones, Moore, Priest, Ripley, Sales, Vincent, Wittich, Mr. President.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 15** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 37

Nays: Barrett Debby, Boulanger, D. Brown, Jackson, Priest, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 354** concurred in as follows:

Yeas: Arntzen, Augare, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Facey, Fielder, Hamlett, Jackson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried, Webb, Windy Boy.

Total 29

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Nays: Arthun, Barrett Debby, Barrett Dick, Blewett, Boulanger, Driscoll, Jent, Jergeson, Kaufmann, Malek, Peterson, Phillips, Priest, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Wittich, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 586** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 47

Nays: Ripley, Sales, Wittich.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 625** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 40

Nays: Barrett Debby, D. Brown, Fielder, Priest, Sales, Vincent, Walker, Webb, Wittich, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: None.



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Total 0

**HB 609** concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 32

Nays: Arthun, Barrett Debby, Boulanger, Buttrey, Caferro, Fielder, Moore, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 26** passed as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Murphy, Olson, Peterson, Priest, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Mr. President.

Total 35

Nays: Barrett Dick, Blewett, Caferro, Fielder, Jackson, Kaufmann, Malek, Moore, Phillips, Ripley, Sales, Tropila, Vincent, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 16** concurred in as follows:

Yeas: Arntzen, Augare, Barrett Dick, Blewett, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 32

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Nays: Arthun, Barrett Debby, Boulanger, Brenden, Jackson, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 87** concurred in as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 63** adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Peterson, Priest, Rosendale, Sonju, Taylor, Thomas, Tutvedt, Vuckovich, Walker, Webb, Wittich, Mr. President.  
Total 27

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Ripley, Sales, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vincent, Wanzenried, Windy Boy.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 31, as amended by the House**, passed as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 32

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Larsen, Malek, Phillips, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 415** concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Windy Boy.

Total 31

Nays: Augare, Barrett Debby, Blewett, Boulanger, D. Brown, Caferro, Kaufmann, Larsen, Malek, Phillips, Rosendale, Sales, Sesso, Sonju, Taylor, Van Dyk, Webb, Wittich, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 604** concurred in as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 20

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 447** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Van Dyk, Vuckovich, Walker, Wanzenried, Windy Boy, Wittich.

Total 44

Nays: Rosendale, Sales, Tutvedt, Vincent, Webb, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 5** concurred in as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Rosendale, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Vuckovich, Windy Boy, Mr. President.

Total 30

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Jent, Moore, Priest, Ripley, Sales, Sonju, Taylor, Van Dyk, Vincent, Walker, Wanzenried, Webb, Wittich.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 6** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T.

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Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Webb, Windy Boy, Wittich.

Total 43

Nays: D. Brown, Fielder, Sales, Sonju, Vincent, Walker, Mr. President.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 13** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy, Mr. President.

Total 37

Nays: Boulanger, Fielder, Jackson, Moore, Priest, Rosendale, Sales, Sonju, Taylor, Vincent, Walker, Webb, Wittich.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 580** concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

Senator Van Dyk moved to change his third-reading vote on **HB 604** from Yes to No. Without objection, so ordered.

Senator Jackson moved to change his third-reading vote on **HB 87** from Yes to No. Without objection, so ordered.

Senator Sesso announced Senate Democrats would caucus. Senator Wittich announced Senate Republicans would caucus.

Senate recessed at 12:25 p.m. Senate reconvened at 12:49 p.m.

**MOTIONS**

Senator Debby Barrett moved to reconsider the indefinite postponement of **HB 298**. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 29

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Ripley, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Debby Barrett moved that **HB 298** be brought before the Committee of the Whole on Wednesday, April 17, the 81st legislative day. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro,

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Fielder, Hamlett, Jackson, Jergeson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Ripley, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 30

Nays: Augare, Barrett Dick, Blewett, Driscoll, Facey, Jent, Kaufmann, Keane, Larsen, Malek, Phillips, Priest, Rosendale, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 72**, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

**SR 73**, introduced by Peterson (by request of the Senate Education and Cultural Resources Standing Committee), referred to Education and Cultural Resources.

**SR 74**, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.

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

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

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

**HB 509** - Senator Walker moved consideration of **HB 509** be passed for the day. Without objection, so ordered.

Senator Wanzenried excused at this time.

**SB 196 - House Amendments** - Senator Rosendale moved House amendments to **SB 196** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D.

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Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wanzenried.  
Total 1

Senator Wanzenried present at this time.

**SB 217 - House Amendments** - Senator Hamlett moved House amendments to **SB 217** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 348 - House Amendments** - Senator Thomas moved House amendments to **SB 348** be **not** concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr.



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President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 129** - Senator Larsen moved **HB 129** be concurred in.

**HB 129** - Senator Debby Barrett moved **HB 129**, second reading copy, be amended as follows:

1. Title, page 1, line 6.

**Strike:** "REQUIRING" through "BROADLY;"

2. Page 1, line 27 through line 28.

**Strike:** ". The term" on line 27 through "broadly." on line 28

**Insert:** "; and"

Amendment adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 129** - Senator Larsen moved **HB 129**, as amended, be concurred in. Motion carried as follows:

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Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 404** - Senator Peterson moved **HB 404** be concurred in. Motion **failed** as follows:

Yeas: Arthun, Barrett Debby, Brenden, D. Brown, T. Brown, Buttrey, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Taylor, Tutvedt, Webb, Windy Boy, Wittich, Mr. President.  
Total 23

Nays: Arntzen, Augare, Barrett Dick, Blewett, Boulanger, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 404** - Senator Wittich moved **HB 404** be **indefinitely postponed**. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, Boulanger, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Priest, Ripley, Sales, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Windy Boy, Wittich, Mr. President.  
Total 35

Nays: Arntzen, Barrett Debby, Brenden, D. Brown, T. Brown, Jackson, Lewis, Moore, Murphy,

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Peterson, Rosendale, Sesso, Sonju, Walker, Webb.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 535** - Senator Keane moved **HB 535** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 559** - Senator Rosendale moved **HB 559** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Dick, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Peterson, Phillips, Priest, Rosendale, Taylor, Thomas, Tutvedt, Van Dyk, Vuckovich, Webb, Mr. President.

Total 27

Nays: Augare, Barrett Debby, Blewett, Brenden, D. Brown, Hamlett, Jackson, Keane, Malek, Moore, Murphy, Olson, Ripley, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Vincent, Walker, Wanzenried, Windy Boy, Wittich.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 588** - Senator Van Dyk moved **HB 588** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 591** - Senator F. Moore moved **HB 591** be concurred in. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Van Dyk, Vuckovich, Webb, Windy Boy.

Total 32

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Jackson, Lewis, Priest, Rosendale, Sales, Sonju, Tropila, Tutvedt, Vincent, Walker, Wanzenried, Wittich, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 593** - Senator Peterson moved **HB 593** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 44

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Nays: Augare, Barrett Dick, Blewett, Facey, Kaufmann, Tropila.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 607** - Senator Keane moved **HB 607** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 43

Nays: Augare, Barrett Dick, D. Brown, Facey, Kaufmann, Malek, Wanzenried.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 619** - Senator Fielder moved **HB 619** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 623** - Senator Thomas moved consideration of **HB 623** be placed at the bottom of the second reading board. Without objection, so ordered.

**HB 614** - Senator Debby Barrett moved **HB 614** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 46

Nays: D. Brown, Fielder, Sales, Wittich.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 414** - Senator Tutvedt moved **HB 414** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.  
Total 43

Nays: Augare, Blewett, D. Brown, Keane, Sales, Sesso, Wittich.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 76** - Senator Brenden moved **HB 76** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich,

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Wanzenried, Webb, Windy Boy, Mr. President.

Total 43

Nays: Boulanger, Priest, Sales, Sonju, Thomas, Walker, Wittich.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 408** - Senator Thomas moved **HB 408** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 40

Nays: Barrett Dick, Blewett, Facey, Jergeson, Kaufmann, Malek, Phillips, Sesso, Van Dyk, Wanzenried.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 45 - Governor's Amendments** - Senator Keane moved Governor's amendments to **SB 45** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: D. Brown, Kaufmann.

Total 2

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 162 - House Amendments** - Senator Keane moved House amendments to **SB 162** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Sonju assumed the chair.

**HB 623** - Senator Thomas moved **HB 623** be concurred in.

**HB 623** - Senator Wanzenried moved **HB 623**, second reading copy, be amended as follows:

1. Title, page 1, line 8 through line 21.

**Strike:** "PROVIDING GRANTS" on line 8 through "53-2-217, MCA;" on line 21

**Insert:** "ALLOWING USE OF MEDICAID FUNDS TO PURCHASE INSURANCE FOR CERTAIN NONDISABLED, NONELDERLY, AND NONPREGNANT INDIVIDUALS; ESTABLISHING ELIGIBILITY CRITERIA FOR INDIVIDUALS PURCHASING HEALTH INSURANCE WITH MEDICAID FUNDS; REQUIRING A REVIEW OF THE MONTANA MEDICAID PROGRAM AND THE HEALTH CARE DELIVERY SYSTEM; ESTABLISHING A MEDICAID WELLNESS PILOT PROJECT; ESTABLISHING WORKFORCE REPORTING REQUIREMENTS FOR CERTAIN HEALTH CARE PROFESSIONALS; PROVIDING FOR USE OF UNEXPENDED MEDICAID FUNDS; CREATING A FEE ON MEDICAID PROVIDERS AND INSURERS; CREATING A SPECIAL REVENUE ACCOUNT; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 33-2-708, 33-31-111, 37-8-202, 37-8-204, 53-6-132, AND 53-6-133, MCA;"



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**Following:** "DATES;"

**Insert:** ", "

**Strike:** "APPLICABILITY DATES,"

2. Title, page 1, line 22.

**Strike:** "A"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 1, line 24 through page 2, line 21.

**Strike:** line 24 on page 1 through line 21 on page 2

4. Page 2.

**Following:** line 23

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Montana Health Care Reform and Cost Containment Act"."

**Insert:** "NEW SECTION. Section 2. Legislative findings and intent. (1) The intent of [sections 1 through 5] is to modify and enhance Montana's health care delivery system to provide access to quality and affordable health care for all Montana citizens.

(2) The legislature finds that to achieve the purposes of [sections 1 through 5], it will be necessary for state government, health care providers, patient advocates, and other parties interested in quality and affordable health care to collaborate in order to:

(a) increase the number of Montanans with health insurance coverage;

(b) provide greater value for the tax dollars spent on the medicaid program by exploring options for delivering services in a more efficient and cost-effective manner, including but not limited to:

(i) offering incentives to encourage health care providers to achieve measurable performance outcomes;

(ii) improving the coordination of care among health care providers and health care payers;

(iii) reducing preventable hospital readmissions; and

(iv) exploring medicaid payment methodologies that promote quality of care and efficiencies;

(c) contain growth in health care costs by:

(i) curbing wasteful spending;

(ii) avoiding unnecessary use of health care services;

(iii) reducing the instances in which health care practitioners provide health care services in order to avoid the risk of litigation; and

(iv) reducing fraud;

(d) ensure an adequate number of health care professionals throughout the state;

(e) provide incentives that result in Montanans taking greater responsibility for their personal health;

(f) boost Montana's economy by reducing the costs of uncompensated care; and

(g) reduce or minimize the shifting of payment for unreimbursed health care costs to

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patients with private insurance.

(3) The legislature further finds that state policymakers have an interest in testing the effectiveness of wellness incentives in order to collect and analyze information about the correlation between wellness incentives and health status. It is the intent of the legislature to establish a pilot project in the medicaid program to evaluate whether incentives to improve a recipient's management of chronic disease improves overall health outcomes and reduces the long-term costs of health care for the recipient."

**Insert:**        "NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5], the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Recipient" means a person:

(a) who has been determined by a medicaid agency to be eligible for medicaid benefits, whether or not the person has received any benefits; or

(b) who receives medicaid benefits, whether or not the person is determined to be eligible."

**Insert:**        "NEW SECTION. Section 4. Review of medicaid and health care delivery systems -- advisory committee -- reports. (1) The department shall review state activities related to the medicaid program and delivery of health care services in Montana in order to make recommendations to the legislature on ways to make the medicaid program and the health care delivery system more efficient and cost-effective.

(2) The department shall establish an advisory committee made up of health care providers, health care consumers, and other parties interested in the way in which health care services are provided to Montanans. The committee may consist of up to 12 members.

(3) The advisory committee shall:

(a) evaluate the manner in which health care services are delivered and whether new approaches could improve delivery of care, including but not limited to the use of medical homes and coordinated care organizations;

(b) review ideas for reducing or minimizing the shifting of the payment of unreimbursed health care costs to patients with private insurance;

(c) evaluate whether providing incentives to health care providers for meeting measurable benchmarks may improve the delivery of health care services;

(d) review options for reducing inappropriate use of emergency department services, including ways to monitor for the excessive or inappropriate use of prescription drugs; and

(e) examine ways to:

(i) promote the appropriate use of health care services, particularly laboratory and diagnostic imaging services;

(ii) increase the availability of mental health services;

(iii) reduce fraud and waste in the medicaid program; and

(iv) improve the sharing of data among health care providers in order to identify patterns in the usage of health care services across payment sources.

(4) The department shall:

(a) provide regular reports to the advisory council on the department's efforts to obtain and implement a waiver pursuant to [sections 9 through 15];

(b) coordinate its efforts with any legislative committees that are working on matters

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related to health care and the delivery of health care services; and

(c) summarize and present the findings and recommendations of the advisory committee in a final report to the governor and to the children, families, health, and human services interim committee no later than August 15 of each even-numbered year."

**Insert:** "NEW SECTION. Section 5. Medicaid wellness pilot project. (1) Subject to any necessary approval from the centers for medicare and medicaid services, the department shall administer a pilot project designed to assess whether providing incentives for a recipient's participation in disease management and wellness activities improves the recipient's management of chronic disease.

(2) The department shall offer an incentive to adult recipients for meeting established targets for managing chronic disease. Subject to subsection (4), the department shall establish by rule the individuals to be covered by the pilot project, the chronic diseases to be included in the pilot project, the criteria that must be met to receive the incentive, and the duration and amount of the incentive to be offered.

(3) The department may undertake the pilot project in up to five counties, at least one of which must have a significant Indian population. The pilot project must begin with 60 days of receipt of federal approval, if required.

(4) The department may not require participation by recipients who reside in a long-term care facility as defined in 50-5-101 or a community residential facility as defined in 76-2-411.

(5) The department shall collect and analyze information related to the pilot project to determine if the project resulted in better health outcomes for participants. The analysis may include but is not limited to the incentives provided, the health conditions of the participants, the number of participants who met established goals, and to the extent possible, whether participants who met the goals used fewer medicaid services than:

(a) participants who did not meet the goals; and

(b) recipients with similar medical conditions in counties that were not included in the pilot project."

**Insert:** "NEW SECTION. Section 6. Short title. [Sections 6 through 8] may be cited as the "Montana Health Care Workforce Data Collection Act"."

**Insert:** "NEW SECTION. Section 7. Collecting and reporting of data -- requirement for licensure -- confidentiality. (1) The board shall collect information related to the physician and physician assistant workforce in Montana in order to evaluate whether Montanans have access to health care services based on the location where licensees are practicing, the medical specialties of the licensees, and the amount of time that licensees devote to patient care.

(2) At the time an individual applies to obtain or renew a license under Title 37, chapter 20, or this chapter, the board shall collect through electronic means information that includes at a minimum:

(a) the applicant's gender and date of birth;

(b) the applicant's employment and practice status, including but not limited to:

(i) active practices in Montana and other locations;

(ii) the area of practice, including areas of specialty;

(iii) the office, hospital, or clinical setting in which the applicant practices;

(c) the applicant's education, training, and specialty and subspecialty board certification;

(d) the locations where the applicant practices and the average number of hours the

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applicant works each week providing patient care at each location;

(e) the average number of weeks the applicant worked during the past full year in the licensed profession;

(f) the percentage of time the applicant spends engaged in direct patient care and in other activities, including but not limited to teaching, research, and administration in the licensed profession; and

(g) other data as proposed to and approved by the board.

(3) The board may not approve an application for a license or a renewal of a license for an applicant who fails to provide information as required under this section.

(4) The board shall report the information collected under this section to:

(a) the department of public health and human services provided for in 2-15-2201; and

(b) Montana professional associations representing physicians and physician assistants.

(5) (a) Except as provided in subsection (5)(b), the board may not release personally identifiable data collected under this section for any person licensed by the board.

(b) The provisions of subsection (5)(a) do not apply to the release of information to a state agency or a Montana medical professional association for state program, workforce, or health planning purposes."

**Insert:**        "NEW SECTION. Section 8. Health care workforce database -- sharing and use of data. (1) Subject to available funding, the department of public health and human services may create and maintain a database of health care workforce information collected by the board. The board shall provide the department of public health and human services with information collected pursuant to [sections 6 through 8] for the database.

(2) The department of public health and human services may contract or enter into other agreements with a private or public entity to:

(a) establish and maintain the database;

(b) analyze data contained in the database;

(c) develop reports to be used by the legislature, the governor, and the public related to health care workforce needs; and

(d) perform other activities to carry out the purposes of [sections 6 through 8].

(3) The department of public health and human services may seek federal and private funds to create and maintain the database."

**Insert:**        "NEW SECTION. Section 9. Health coverage options for low-income individuals -- legislative findings and intent. (1) The legislature finds that providing expanded health care coverage to low-income Montanans through an integrated market-based medicaid benefits program has the potential to:

(a) provide new coverage opportunities for additional Montanans;

(b) stimulate market competition; and

(c) offer alternatives to existing medicaid coverage.

(2) The legislature further finds that a market-based medicaid benefits program may offer fiscally sustainable and cost-effective health care, as well as allow for greater personal responsibility in the use of health care services.

(3) The legislature further finds that a program offered under a waiver:

(a) is not a perpetual federal or state right or a guaranteed entitlement; and

(b) is subject to cancellation upon appropriate notice.

(4) It is the intent of the legislature that the department shall apply to the secretary of the

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U.S. department of health and human services for authority under 42 U.S.C. 1315 or other available waiver authority as necessary to provide health care services through a program operated in accordance with the provisions of [sections 9 through 15] for eligible individuals.

(5) The intent of the proposed program is to increase participation and competition in the health insurance market, intensify price pressures, and reduce costs for both publicly and privately funded health care."

**Insert:** "NEW SECTION. Section 10. Definitions. As used in [sections 9 through 15], the following definitions apply:

(1) "Carrier" means a private entity offering qualified health plans through the health insurance exchange.

(2) "Commissioner" means the commissioner of insurance provided for in 2-15-1903.

(3) "Cost sharing" means the portion of the cost of a covered medical service that must be paid by or on behalf of eligible individuals.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Eligible individual" means an individual who meets the requirements of 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as enacted by Public Law 111-148, Public Law 111-152, and federal regulations implementing those laws.

(6) "Health insurance exchange" or "exchange" means the American health benefit exchange established pursuant to 42 U.S.C. 18031.

(7) "Premium" means the charge established as a condition of enrolling in a qualified health plan.

(8) "Program" means the waiver program established under [sections 9 through 15].

(9) "Qualified health plan" means a qualified health plan as defined in 42 U.S.C. 18021(a).

(10) "Secretary" means the secretary of the U.S. department of health and human services.

(11) "Waiver" means a waiver of medicaid state plan requirements, subject to approval by the secretary of the U.S. department of health and human services, authorized by:

(a) 42 U.S.C. 1315;

(b) 42 U.S.C. 1315 in combination with 42 U.S.C. 1396n; or

(c) any other federal statutes the secretary considers necessary for implementation of [sections 9 through 15]."

**Insert:** "NEW SECTION. Section 11. Design of waiver program -- rulemaking authority. (1) The department shall submit, as may be necessary in seeking approval, one or more requests to the secretary of the U.S. department of health and human services for a waiver that provides health insurance coverage to eligible individuals who have a low risk of needing extensive medical services by primarily using a private insurance option.

(2) A waiver request must seek to:

(a) improve access to quality health care;

(b) attract insurance carriers and enhance competition in the insurance marketplace;

(c) promote individually owned health insurance;

(d) strengthen personal responsibility through cost-sharing;

(e) improve continuity of coverage;

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- (f) maximize available service options;
  - (g) reduce growth in the state-administered Medicaid program;
  - (h) encourage appropriate care, including early intervention, prevention, and wellness;
  - (i) increase quality and delivery system efficiencies;
  - (j) facilitate Montana's continued payment innovation, delivery system reform, and market-driven improvements;
  - (k) discourage overutilization of health care services;
  - (l) reduce waste, fraud, and abuse;
  - (m) encourage and reward health outcomes and responsible choices; and
  - (n) promote efficiencies that will deliver value to the taxpayer.
- (3) Any proposal to be submitted to the secretary must:
- (a) result in a federal medical assistance percentage that is commensurate with the percentage authorized for eligible individuals by Public Law 111-148 and Public Law 111-152 on [the effective date of this act];
  - (b) use the health insurance exchange to purchase qualified health plans for eligible individuals;
  - (c) require that eligible individuals participate in cost sharing on a basis that is comparable to the cost sharing required of persons in the same income range in the private insurance market and that is structured to enhance the ability of eligible individuals to invest in their health care purchasing decisions; and
  - (d) allow the department to provide payment to carriers for the premiums and cost sharing of eligible individuals enrolled in plans offered by the carriers.
- (4) The department shall propose that participation in the program be limited to adults who are:
- (a) currently employed or actively seeking employment;
  - (b) primary caregivers for a family member; or
  - (c) the spouses of adults who are employed or actively seeking employment.
- (5) The department may propose that the program exempt from purchase of a qualified health plan any eligible individuals for whom obtaining a qualified health plan is determined to be impractical, overly complex, or contrary to continuity or effectiveness of health care because the individuals:
- (a) have exceptional health care needs, including but not limited to medical, mental health, or developmental conditions; or
  - (b) live in a geographical area, including an Indian reservation, that lacks health care providers who are participating in a qualified plan available to the individuals.
- (6) To the greatest extent possible, the department shall negotiate with the U.S. department of health and human services to develop waiver provisions that limit the extent to which the waiver would apply to eligible individuals who are able-bodied and who are not actively seeking employment.
- (7) The department shall implement the program as allowed under the waiver approved by the secretary. The department may adopt rules to carry out the program, including but not limited to rules establishing procedures for:
- (a) determining eligibility; and
  - (b) payment of premiums and cost-sharing requirements.
- (8) The implementation of a program authorized under this section and the authority of 42 U.S.C. 1315 is not subject to Title 53, chapter 6, part 7, or any other state law pertaining to

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managed care that would adversely affect:

- (a) approval of the program by the secretary; or
- (b) timely implementation of the program."

**Insert:**        "NEW SECTION. Section 12. Education and outreach on insurance coverage options. (1) The department shall undertake activities to increase public awareness of and knowledge about the options for obtaining health insurance coverage, including but not limited to the option of participating in the program provided for in [sections 9 through 15], the availability of tax credits for purchasing insurance, and the ways in which the health exchange may be used to review and decide on insurance options.

(2) The department shall report on the activities planned and undertaken as part of the outreach and education effort:

- (a) at each meeting of the advisory committee provided for in [section 4]; and
- (b) at least twice a year to the children, families, health, and human services interim committee."

**Insert:**        "NEW SECTION. Section 13. Deposit of unexpended medicaid funds. The department shall deposit into the insurance assistance mitigation account provided for in [section 15] any general fund money appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated."

**Insert:**        "NEW SECTION. Section 14. Insurance assistance mitigation fee. (1) A provider of medicaid services shall pay an insurance assistance mitigation fee as provided in this section.

(2) The department may establish by rule the amount of fee that each type of provider shall pay. The fee must be proportionate to the amount of medicaid services provided by each provider type.

(3) The fees established by the department must raise a total of \$20 million per fiscal year.

(4) The fee is due no later than January 15 of each year. Proceeds from the fee must be deposited in the special revenue account provided for in [section 15]."

**Insert:**        "NEW SECTION. Section 15. Insurance assistance mitigation account -- report. (1) There is an account in the state special revenue fund for the deposit of:

(a) any general fund money appropriated for medicaid services that is unexpended 12 months after the close of the fiscal year for which it was appropriated;

(b) money transferred from the general fund and the state special revenue fund that is the equivalent of the:

(i) reduction in state expenditures for health care services that occurs because of the use of medicaid funds to purchase health insurance and provide coverage for eligible individuals as allowed under [sections 9 through 15]; and

(ii) amount of general fund money replaced by receipt of the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program; and

(c) the insurance assistance mitigation fee assessed by the department pursuant to [section 14] and by the commissioner as provided in [section 18].

(2) The department may accept contributions, gifts, and grants for deposit into the account and for use as provided in subsection (3).

(3) Money in the account must be used by the department to pay the state share of

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expenditures for eligible individuals as allowed under [sections 9 through 15]. Money may not be spent from the account before January 1, 2017.

(4) The department shall identify the reductions in expenditures that occurred in the following programs because medicaid funds were used to cover eligible individuals as allowed under [sections 9 through 15]:

(a) the Montana comprehensive health association plan provided for in Title 33, chapter 22, part 15;

(b) the small business health insurance purchasing pool provided for in Title 33, chapter 22, part 20;

(c) services offered under the state medicaid program provided for in this part to:

(i) pregnant women;

(ii) individuals with breast or cervical cancer;

(iii) individuals undergoing chemical dependency and substance abuse treatment; and

(iv) any other eligible individual who is no longer obtaining services from a program paid for with general fund money;

(d) the mental health services program provided for in 53-21-702;

(e) health care services for individuals who have been ordered by a court of competent jurisdiction into a correctional facility or program as described in 53-1-202 when the health care services are provided outside of a correctional facility and paid for by the medicaid program rather than the general fund; and

(f) other sources as identified by the department.

(5) No later than January 1 of each odd-numbered year, the department shall report to the legislature on:

(a) the reductions identified pursuant to subsection (4); and

(b) the amount of federal funds the state received that are attributable to the enhanced federal medical assistance percentage provided pursuant to 42 U.S.C. 1397ee(b) for the children's health insurance program."

**Insert:**        "NEW SECTION. Section 16. Medicaid program reforms. (1) The department shall undertake efforts to redesign and reform the Montana medicaid program as outlined in this section. The department shall include parties interested in the operation of the programs in the process of developing and implementing the reforms.

(2) As part of its efforts under this section, the department shall:

(a) implement a patient-centered medical home model of care; and

(b) design and implement a plan to reduce use of hospital emergency departments for nonemergency care, using methods that include but are not limited to:

(i) allowing nurses to evaluate the level of care a patient may need;

(ii) providing targeted patient education;

(iii) increasing the monitoring of excessive emergency room use and behavior that may indicate that an individual is seeking prescription drugs from multiple sources; and

(iv) requiring providers participating in any primary care case management program to see a medicaid recipient assigned to their care within the timeframe established by the department by rule. The department shall establish by rule timeframes that may differ based on the urgency of a patient's medical condition.

(3) To the greatest extent possible, the department shall undertake the activities in subsection (2) no later than January 1, 2014."



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**Insert:**        "NEW SECTION. Section 17. Value-based purchasing. (1) The department shall establish a value-based purchasing system for the medicaid program. The program shall allow for incentive payments to the following providers if the providers meet established performance standards:

- (a) hospitals;
- (b) physicians;
- (c) advanced practice registered nurses;
- (d) long-term care facilities; and
- (e) home health care agencies.

(2) The department shall identify quality indicators and benchmarks using standards established by the medicare value-based purchasing program authorized pursuant to 42 U.S.C. 1395ww.

(3) The department shall require the providers listed in subsection (1) to begin reporting by July 1, 2014, the data required for quality indicators identified by the department.

(4) Medicaid payments to providers may be adjusted beginning in fiscal year 2016 to recognize a provider's compliance with quality indicators and benchmarks established pursuant to this section."

**Insert:**        "NEW SECTION. Section 18. Insurance assistance mitigation fee. (1) As a condition of writing health care benefits policies or contracts in this state, health insurance issuers licensed or authorized to do business in this state, including those formed under 42 U.S.C. 18042 as a consumer operated and oriented plan, shall pay an insurance assistance mitigation fee as provided in this section.

(2) The commissioner may establish by rule the amount of fee that an insurer shall pay. The fee must be proportionate to the number of policies or contracts that the insurer issues in Montana.

(3) The fees established by the commissioner must raise a total of \$10 million per fiscal year.

(4) The fee is due no later than January 15 of each year. Proceeds from the fee must be deposited in the special revenue account provided for in [section 15]."

**Insert: "Section 19.** Section 33-2-708, MCA, is amended to read:

**"33-2-708. (Temporary) Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

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- (B) biennial renewal of license, \$100;
  - (C) lapsed license reinstatement fee, \$200;
  - (v) insurance consultant's license:
    - (A) application for original license, including issuance of license, if issued, \$50;
    - (B) biennial renewal of license, \$100;
    - (C) lapsed license reinstatement fee, \$200;
  - (vi) viatical settlement broker's license:
    - (A) application for original license, including issuance of license, if issued, \$50;
    - (B) biennial renewal of license, \$100;
    - (C) lapsed license reinstatement fee, \$200;
  - (vii) resident and nonresident rental car entity producer's license:
    - (A) application for original license, including issuance of license, if issued, \$100;
    - (B) quarterly filing fee, \$25;
  - (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
  - (ix) 50 cents for each page for copies of documents on file in the commissioner's office;
  - (x) the insurance assistance mitigation fee provided for in [section 18].
- (c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
- (2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
- (b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
- (3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
- (b) The commissioner shall deposit 16.67% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
- (c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
- (4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded. (Terminates June 30, 2013--sec. 35(2), Ch. 486, L. 2009.)

**33-2-708. (Effective July 1, 2013) Fees and licenses.** (1) (a) Except as provided in 33-17-212(2), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

- (b) The commissioner shall collect certain additional fees as follows:
  - (i) nonresident insurance producer's license:
    - (A) application for original license, including issuance of license, if issued, \$100;
    - (B) biennial renewal of license, \$50;
    - (C) lapsed license reinstatement fee, \$100;
  - (ii) resident insurance producer's license lapsed license reinstatement fee, \$100;
  - (iii) surplus lines insurance producer's license:

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- (A) application for original license and for issuance of license, if issued, \$50;
  - (B) biennial renewal of license, \$100;
  - (C) lapsed license reinstatement fee, \$200;
  - (iv) insurance adjuster's license:
    - (A) application for original license, including issuance of license, if issued, \$50;
    - (B) biennial renewal of license, \$100;
    - (C) lapsed license reinstatement fee, \$200;
  - (v) insurance consultant's license:
    - (A) application for original license, including issuance of license, if issued, \$50;
    - (B) biennial renewal of license, \$100;
    - (C) lapsed license reinstatement fee, \$200;
  - (vi) viatical settlement broker's license:
    - (A) application for original license, including issuance of license, if issued, \$50;
    - (B) biennial renewal of license, \$100;
    - (C) lapsed license reinstatement fee, \$200;
  - (vii) resident and nonresident rental car entity producer's license:
    - (A) application for original license, including issuance of license, if issued, \$100;
    - (B) quarterly filing fee, \$25;
  - (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
  - (ix) 50 cents for each page for copies of documents on file in the commissioner's office;
  - (x) the insurance assistance mitigation fee provided for in [section 18].
  - (c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
- (2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
- (b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
- (3) (a) Except as provided in subsection (3)(b), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
- (b) The commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
- (c) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.
- (4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded."

**Insert: "Section 20.** Section 33-31-111, MCA, is amended to read:

**"33-31-111. Statutory construction and relationship to other laws.** (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to a health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated

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pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, part 19;

(c) the requirements of 33-22-134 and 33-22-135;

(d) network adequacy and quality assurance requirements provided under chapter 36;

or

(e) the requirements of Title 33, chapter 18, part 9.

(7) Title 33, chapter 1, parts 12 and 13, Title 33, chapter 2, part 19, 33-2-1114, 33-2-1211, 33-2-1212, 33-3-401, 33-3-422, 33-3-431, 33-15-308, Title 33, chapter 17, Title 33, chapter 19, 33-22-107, 33-22-129, 33-22-131, 33-22-136, 33-22-137, 33-22-141, 33-22-142, 33-22-152, [section 18], 33-22-244, 33-22-246, 33-22-247, 33-22-514, 33-22-515, 33-22-521, 33-22-523, 33-22-524, 33-22-526, and 33-22-706 apply to health maintenance organizations."

**Insert: "Section 21.** Section 37-8-202, MCA, is amended to read:

**"37-8-202. Organization -- meetings -- powers and duties.** (1) The board shall:

(a) meet annually and elect from among the members a president and a secretary;

(b) hold other meetings when necessary to transact its business;

(c) prescribe standards for schools preparing persons for registration and licensure under this chapter;

(d) provide for surveys of schools at times the board considers necessary;

(e) approve programs that meet the requirements of this chapter and of the board;

(f) conduct hearings on charges that may call for discipline of a licensee, revocation of a license, or removal of schools of nursing from the approved list;

(g) cause the prosecution of persons violating this chapter. The board may incur necessary expenses for prosecutions.

(h) adopt rules regarding authorization for prescriptive authority of advanced practice registered nurses. If considered appropriate for an advanced practice registered nurse who applies to the board for authorization, prescriptive authority must be granted.

(i) adopt rules to define criteria for the recognition of registered nurses who are certified through a nationally recognized professional nursing organization as registered nurse first assistants; ~~and~~

(j) establish a medical assistance program to assist licensed nurses who are found to

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be physically or mentally impaired by habitual intemperance or the excessive use of addictive drugs, alcohol, or any other drug or substance or by mental illness or chronic physical illness. The program must provide for assistance to licensees in seeking treatment for mental illness or substance abuse and monitor their efforts toward rehabilitation. The board shall ensure that a licensee who is required or volunteers to participate in the medical assistance program as a condition of continued licensure or reinstatement of licensure must be allowed to enroll in a qualified medical assistance program within this state and may not require a licensee to enroll in a qualified treatment program outside the state unless the board finds that there is no qualified treatment program in this state. For purposes of funding this medical assistance program, the board shall adjust the renewal fee to be commensurate with the cost of the program.

(k) pursuant to rules adopted by the board, periodically collect workforce data for the purpose of creating a statewide strategy for promoting efforts to develop a nursing workforce that will best meet the health care needs of Montanans. Except as otherwise provided by law, the data collected may not be disclosed in a manner that reveals individually identifiable information.

(2) The board may:

(a) participate in and pay fees to a national organization of state boards of nursing to ensure interstate endorsement of licenses;

(b) define the educational requirements and other qualifications applicable to recognition of advanced practice registered nurses. Advanced practice registered nurses are nurses who must have additional professional education beyond the basic nursing degree required of a registered nurse. Additional education must be obtained in courses offered in a university setting or the equivalent. The applicant must be certified or in the process of being certified by a certifying body for advanced practice registered nurses. Advanced practice registered nurses include nurse practitioners, nurse-midwives, nurse anesthetists, and clinical nurse specialists.

(c) establish qualifications for licensure of medication aides, including but not limited to educational requirements. The board may define levels of licensure of medication aides consistent with educational qualifications, responsibilities, and the level of acuity of the medication aides' patients. The board may limit the type of drugs that are allowed to be administered and the method of administration.

(d) adopt rules for delegation of nursing tasks by licensed nurses to unlicensed persons;

(e) adopt rules necessary to administer this chapter; and

(f) fund additional staff, hired by the department, to administer the provisions of this chapter."

**Insert: "Section 22.** Section 37-8-204, MCA, is amended to read:

**"37-8-204. Executive director.** (1) The department shall hire an executive director to provide services to the board in connection with the board's duties of:

(a) prescribing curricula and standards for nursing schools and making surveys of and approving schools and courses;

(b) evaluating and approving courses for affiliation of student nurses; and

(c) reviewing qualifications of applicants for licensure; and

(d) collecting workforce data.

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- (2) The department shall hire as the executive director an individual who:
- (a) is a graduate of an approved school of nursing and who has at least a master's degree with postgraduate courses in nursing;
  - (b) is licensed as a registered professional nurse in Montana; and
  - (c) has experience in teaching or administration in an approved school of nursing and who has completed at least 3 years in the clinical practice of nursing."

**Insert: "Section 23.** Section 53-6-132, MCA, is amended to read:

**"53-6-132. Application for assistance -- exception.** (1) ~~Subject to subsection (2), application for assistance under this part may be made in any local office of public assistance. The department shall adopt medicaid eligibility procedures and criteria that are consistent with federal requirements.~~

~~(2) The An application for medical assistance under this part must be presented in the manner and on the form prescribed by the department.~~

~~(3) All individuals wishing to apply must have the opportunity to do so.~~

~~(2) Notwithstanding the provisions of subsection (1), the department may designate an entity other than the local office of public assistance to determine eligibility for medicaid managed care services:~~

~~(4) The department may participate with federal and state programs and agencies in the coordination of procedures and criteria for eligibility determination, including use of interactive electronic networks and databases and other appropriate measures."~~

**Insert: "Section 24.** Section 53-6-133, MCA, is amended to read:

**"53-6-133. Eligibility determination.** (1) ~~The local office of public assistance shall promptly determine the eligibility of each applicant under this part must be determined in accordance with the rules of the department. Each applicant must be informed of the right to a fair hearing appeal a determination and of the confidential nature of the information given. The department, through the local office of public assistance, shall, after the hearing, determine whether or not~~ If the applicant is eligible for assistance under this part, and aid must be furnished promptly ~~to eligible persons.~~ Each applicant must receive written notice of the decision concerning the applicant's application; and of the right of appeal is secured to the applicant under the procedures of 53-2-606.

(2) The local office of public assistance and the department may accept the federal social security administration's determination of eligibility for supplemental security income, Title XVI of the Social Security Act, as qualifying the eligible individuals to receive medical assistance under this part."

**Insert: "NEW SECTION. Section 25. Codification instruction.** (1) [Sections 1 through 5] are intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [sections 1 through 5].

(2) [Sections 6 through 8] are intended to be codified as an integral part of Title 37, chapter 3, and the provisions of Title 37, chapter 3, apply to [sections 6 through 8].

(3) [Sections 9 through 15] are intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [sections 9 through 15].

(4) [Sections 16 and 17] are intended to be codified as an integral part of Title 53, chapter 6, part 1, and the provisions of Title 53, chapter 6, part 1, apply to [sections 15 and 16].

(5) [Section 18] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 18]."

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**Insert:** "NEW SECTION. Section 26. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert:** "NEW SECTION. Section 27. Contingent voidness. (1) If the secretary of the U.S. department of health and human services gives notice to the state that the U.S. department of health and human services will not consider for approval or would not approve the purchase of health insurance with medicaid funds for eligible individuals pursuant to [sections 9 through 15], then [sections 9 through 15 and 18] are void and the state may not obtain or use medicaid funds for individuals who would be eligible for medicaid under 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).

(2) The director of the department of public health and human services shall notify the code commissioner of the occurrence of the contingency within 10 days of its occurrence."

**Insert:** "NEW SECTION. Section 28. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective October 1, 2013.

(2) [Sections 1 through 8, 14, 15, and 18] are effective July 1, 2013.

(3) [Sections 9 through 13 and 25 through 30] are effective on passage and approval."

**Insert:** "NEW SECTION. Section 29. Contingent termination. (1) [Sections 9 through 14 and 18] terminate on the date that the federal medical assistance percentage for medical services provided to individuals eligible for medicaid pursuant to 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) is set below the level provided for in 42 U.S.C. 1396d(y) on [the effective date of this act].

(2) [Section 15] terminates 15 months after the contingency provided for in subsection (1) of this section occurs.

(3) The director of the department of public health and human services shall certify to the governor the occurrence of the contingency. The governor shall transmit a copy of the certification to the code commissioner."

**Insert:** "NEW SECTION. Section 30. Termination. (1) Except as provided in [sections 27 and 29], [sections 9 through 14 and 18] terminate June 30, 2017.

(2) Except as provided in [section 29(2)], [section 15] terminates September 30, 2017.

(3) [Section 5] terminates June 30, 2019."

Senator Wittich recommended the Senate recess to convene a Rules Committee meeting for the purpose of determining if the proposed amendment fits within the title of the bill.

Senate recessed at 2:45 p.m; Senate reconvened at 3:44 p.m. All members present.

Senator Wittich announced the determination of the Rules Committee is that amendment 623-002 violates Joint Rule 40-90 because it conflicts with the purpose of the bill. Senator Wittich moved the Senate adopt the Rules Committee report. Motion **failed** as follows:

Yeas: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

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Total 23

Nays: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

The Senate reverted to discussion of Senator Wanzenried's motion to amend **HB 623**.

Senator Thomas requested Sections 3, 23, and 24 be divided from the balance of the amendment.

Motion to amend **HB 623**, excluding Sections 3, 23, and 24 of the amendment, passed as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 26

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Motion to amend **HB 623** with Sections 3, 23, and 24 of the amendment **failed** as follows:

Yeas: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 22

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey,



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Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 28

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 623** - Senator Thomas moved **HB 623**, as amended, be concurred in. Motion carried as follows:

Yeas: Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 27

Nays: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Vincent, Walker, Webb, Wittich, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Wittich moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Sonju moved the Committee of the Whole report be adopted.

Senators Priest and Vincent excused at this time.

Report adopted as follows:

Yeas: Arthun, Augare, Barrett Dick, Blewett, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Sesso, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.  
Total 31

Nays: Arntzen, Barrett Debby, Boulanger, Brenden, D. Brown, Fielder, Lewis, Moore, Ripley, Rosendale, Sales, Sonju, Thomas, Walker, Webb, Wittich, Mr. President.

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Total 17

Absent or not voting: None.

Total 0

Excused: Priest, Vincent.

Total 2

**MOTIONS**

Senator F. Moore moved that **HB 213** be taken from Education and Cultural Resources and brought before the Committee of the Whole tomorrow, April 17, the eighty-first legislative day. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Lewis, Moore, Murphy, Priest, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 24

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Olson, Phillips, Ripley, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 24

Absent or not voting: None.

Total 0

Excused: Peterson, Vincent.

Total 2

Senator Sonju moved that **HB 230** be taken from Taxation and brought before the Committee of the Whole tomorrow, April 17, the eighty-first legislative day. Motion **failed** as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Moore, Murphy, Olson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Walker, Webb, Wittich, Mr. President.

Total 24

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.

Total 24

Absent or not voting: None.

Total 0

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Excused: Peterson, Vincent.

Total 2

Senator Wittich moved the Senate appoint a Conference Committee on **SB 342** and request the House to appoint a like committee. Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Lewis, Chair

Senator Arntzen

Senator Windy Boy

Senator Wittich moved the Senate accede to the request of the House and appoint a conference committee on **HB 431**. Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Olson, Chair

Senator Tropila

Senator Walker

Senator Wittich moved the Senate accede to the request of the House and appoint a **free** conference committee on **HB 450**. Without objection, so ordered. President Essmann appointed:

4/16/2013

Senator Wittich, Chair

Senator Thomas

Senator Caferro

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, April 17, 2013, the eighty-first legislative day. Motion carried.

Senate adjourned at 5:03 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate