

**SENATE JOURNAL  
66TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 29, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Bogner. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Howard excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/29/2019  
Correctly printed: **SB 204, SB 216, SB 245, SB 266, SB 312, SB 319, SB 321, SB 324, SB 326, SB 328, SB 330, SB 333, SB 337, SB 338, SB 341, SB 343, SB 344, SB 346, SB 348, SB 349, SB 351, SB 352, SB 353, SB 354, SB 356, SB 359, SB 360, SB 362, SB 363, SB 365, SR 50, SJ 13, HB 15, HB 41, HB 295, HB 351, HB 387, HB 520, HB 584.**  
Correctly engrossed: **SB 239, SB 265, SB 324, SB 358, SB 364, SB 365, HB 129.**  
Correctly enrolled: **SB 157.**  
Transmitted to the House: **SB 65, SB 195, SB 325, SB 329, SB 335, HB 238, HB 290, HB 586.**

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Osmundson, Chair): 3/28/2019  
**HB 2**, be amended as follows:

1. Page A-3, line 8: State Auditor's Office.

**Strike:** "181,334 181,334" [State Special Fund FY20 FY21]

**Insert:** "139,250 142,800" [State Special Fund FY20 FY21]

2. Page A-3, line 22:

**Strike:** "13,996,935 13,999,540" [General Fund FY 2020 FY 2021]

**Insert:** "14,081,469 14,084,074" [General Fund FY 2020 FY 2021]

**Strike:** "125,796 125,785" [State Special Fund FY 2020 FY 2021]

**Insert:** "126,528 126,517" [State Special Fund FY 2020 FY 2021]

**Strike:** "383,953 383,919" [Proprietary FY 2020 FY 2021]

**Insert:** "386,187 386,153" [Proprietary FY 2020 FY 2021]

3. Page A-3, line 32: .

**Strike:** "8,344,948 8,343,862" [General Fund FY 2020 FY 2021]

**Insert:** "8,514,813 8,513,727" [General Fund FY 2020 FY 2021]

**Strike:** "210,591 210,641" [State Special Fund FY 2020 FY 2021]

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**Insert:** "214,889 214,939" [State Special Fund FY 2020 FY 2021]

**Strike:** "41,017 41,027" [Proprietary FY 2020 FY 2021]

**Insert:** "41,854 41,864" [Proprietary FY 2020 FY 2021]

4. Page A-3, line 34: .

**Strike:** "10,553,627 10,542,067" [General Fund FY 2020 FY 2021]

**Insert:** "10,633,277 10,621,717" [General Fund FY 2020 FY 2021]

**Strike:** "629,393 629,375" [State Special Fund FY 2020 FY 2021]

**Insert:** "634,240 634,222" [State Special Fund FY 2020 FY 2021]

**Strike:** "272,067 271,904" [Federal Special Fund FY 2020 FY 2021]

**Insert:** "275,070 274,907" [Federal Special Fund FY 2020 FY 2021]

5. Page A-4, line 8: .

**Strike:** "414,421 414,914" [General Fund FY 20 FY 21]

**Insert:** "436,111 436,604" [General Fund FY 20 FY 21]

6. Page A-4, line 20: .

**Strike:** "2,270,737 2,270,709" [State Special Fund FY 20 FY 21]

**Insert:** "2,371,885 2,371,857" [State Special Fund FY 20 FY 21]

7. Page A-5, line 15: .

**Strike:** "2,148,716 2,156,715" [State Special Fund FY 20 FY 21]

**Insert:** "2,298,716 2,306,715" [State Special Fund FY 20 FY 21]

8. Page A-6: Department of Labor and Industry.

**Strike:** line 28 through line 29 in their entirety

9. Page A-7: Department of Labor and Industry.

**Strike:** line 3 in its entirety

10. Page A-7, line 10: Department of Military Affairs.

**Strike:** "1,111,065 1,110,886" [General Fund FY20 FY21]

**Insert:** "1,122,971 1,122,792" [General Fund FY20 FY21]

**Strike:** "3,332,731 3,332,198" [Federal Special Fund FY20 FY21]

**Insert:** "3,368,453 3,367,920" [Federal Special Fund FY20 FY21]

11. Page B-1, line 26 : .

**Strike:** "172,284,694 185,178,912" [General Fund FY20 FY21]

**Insert:** "172,071,588 184,735,578" [General Fund FY20 FY21]

12. Page B-1: .

**Following:** line 27

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**Insert:** "a. Montana Health Information Exchange (Restricted)"

**Insert:** "200,000 400,000" [General Fund FY20 FY21]

**Insert:** "b. Physician Reimbursement"

**Insert:** "13,106 43,334" [General Fund FY20 FY21]

**Renumber:** subsequent subsections

13. Page B-1, line 29: Department of Public Health and Human Services.

**Strike:** "10,708,378 13,548,061" [State Special Fund FY20 FY21]

**Insert:** "10,427,378 12,467,061" [State Special Fund FY20 FY21]

14. Page B-2, line 2: Department of Public Health and Human Services.

**Strike:** "19,817,292 23,673,777 " [State Special Fund FY20 FY21]

**Insert:** "20,317,292 23,173,177" [State Special Fund FY20 FY21]

15. Page B-2: .

**Following:** line 31

**Insert:** "If a bill amending 53-6-125 to allow for a reduction of the physician reimbursement calculated pursuant to that section for the biennium beginning July 1, 2019, is not passed and approved, Montana Health Information Exchange is void and Physician Reimbursement is increased by 200,000 in FY 2020 and increased by 400,000 in FY 2021."

16. Page C-1: Department of Fish, Wildlife & Parks.

**Following:** line 36

**Insert:** "a. Public Access Land Act (Restricted/Biennial/OTO)"

**Insert:** "500,000 500,000" [State Special Fund FY20 FY21]

17. Page C-2: Department of Fish, Wildlife & Parks.

**Following:** line 4

**Insert:** "If SB 341 is not passed and approved, the state special revenue appropriation for Public Access Land Act is void."

18. Page C-2, line 11: Department of Environmental Quality.

**Strike:** "11,694,017 11,691,443" [State Special Fund FY20 FY21]

**Insert:** "12,194,017 12,191,443" [State Special Fund FY20 FY21]

19. Page C-3, line 2: Department of Transportation.

**Strike:** "129,656,275 129,815,352" [State Special Fund FY20 FY21]

**Insert:** "129,760,071 129,922,287" [State Special Fund FY20 FY21]

**Strike:** "8,151,731 8,151,748" [Federal Special Fund FY20 FY21]

**Insert:** "8,821,378 8,841,644" [Federal Special Fund FY20 FY21]

20. Page C-3, line 31: Department of Livestock.

**Strike:** "2,008,128 2,005,090" [State Special Fund FY20 FY21]

**Insert:** "2,045,628 2,042,590" [State Special Fund FY20 FY21]

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21. Page C-4, line 35: Department of Natural Resources & Conservation.

**Strike:** "13,550,345 13,556,545" [General Fund FY20 FY21]

**Insert:** "13,617,856 13,625,482" [General Fund FY20 FY21]

**Strike:** "18,632,006 18,639,865" [State Special Fund FY20 FY21]

**Insert:** "18,654,509 18,662,844" [State Special Fund FY20 FY21]

22. Page C-5, line 30: Department of Agriculture.

**Strike:** "6,593,512 6,595,736" [State Special Fund FY20 FY21]

**Insert:** "6,626,162 6,646,386" [State Special Fund FY20 FY21]

23. Page D-1, line 14: Judicial Branch.

**Strike:** "30,578,711 30,576,234" [General Fund FY 20 FY 21]

**Insert:** "30,527,466 30,524,989" [General Fund FY 20 FY 21]

24. Page D-1, line 21: Judicial Branch.

**Following:** line 21

**Insert:** "If SB 26 is not passed and approved, Supreme Court Operations are increased by \$51,245 in general fund in FY 2020 and \$51,245 in general fund in FY 2021."

25. Page D-1, line 25: Department of Justice.

**Following:** line 25

**Insert:** "a. SB 26 Witness Expenses"

**Insert:** "51,245 51,245" [General Fund FY 20 FY 21]

26. Page D-2, line 2: Department of Justice.

**Strike:** "4,866,617 4,868,239" [General Fund FY 20 FY 21]

**Insert:** "4,991,617 4,993,239" [General Fund FY 20 FY 21]

27. Page D-2: Department of Justice.

**Following:** line 17

**Insert:** "SB 26 Witness Expenses is contingent on passage and approval of SB 26."

28. Page D-2: Department of Justice.

**Following:** line 17

**Insert:** "By June 30, 2019, the state treasurer shall transfer \$250,000 from the account established in 30-14-143 to the general fund."

29. Page D-3, line 3: Office of State Public Defender.

**Strike:** "21,746,346 21,556,707" [General Fund FY 20 FY 21]

**Insert:** "22,162,804 21,973,862" [General Fund FY 20 FY 21]

30. Page D-3: .

**Following:** Line 5

**Insert:** "b. Death Penalty Cases (OTO) 234,170 231,378"[General Fund FY 20 FY 21]

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31. Page D-3, line 7: Office of State Public Defender.

**Strike:** "2,148,937 2,169,789" [General Fund FY 20 FY 21]

**Insert:** "2,381,852 2,404,100" [General Fund FY 20 FY 21]

32. Page D-3, line 9: Office of State Public Defender.

**Strike:** "8,807,473 8,843,322" [General Fund FY 20 FY 21]

**Insert:** "8,923,930 8,960,478" [General Fund FY 20 FY 21]

33. Page D-3: Office of State Public Defender.

**Following:** line 15

**Insert:** "All appropriations for the Public Defender Division, Appellate Defender Division, Conflict Coordinator Division, and Central Services Division are biennial."

34. Page D-3, line 34: .

**Strike:** "77,278,112 77,750,302" [General Fund FY 20 FY 21]

**Insert:** "77,693,562 78,222,097" [General Fund FY 20 FY 21]

35. Page D-4: .

**Following:** line 33

**Insert:** "The indirect cost rate allocation is capped at 3% beginning July 1, 2019, for regional correctional facilities, which are both regional prisons in Dawson and Cascade Counties and the Missoula assessment and sanctions center. Capital costs for these regional correctional facilities are allocated to the per diem based on a use allowance for selected items of costs as follows: (1) the use allowance for buildings and improvements is limited to 2% of acquisition cost for a maximum of 40 years; and (2) the use allowance for equipment with an individual acquisition cost of \$5,000 or more is limited to 6.67% of acquisition cost for 15 years. Effective July 1, 2019, a regional correctional facility shall consult with the department prior to any anticipated personal services increases or nonroutine purchases that exceed \$5,000."

36. Page D-5, line 1: .

**Following:** "Dawson County correctional facility" on line 1

**Strike:** the remainder of line 1 through line 3

**Insert:** ", the Cascade County regional prison, and the Missoula assessment and sanction center be capped at the amounts of \$86.23 for Dawson County correctional facility, \$79.00 for Cascade County regional prison, and \$91.88 for the Missoula assessment and sanction center in FY 2020 and \$87.96 for Dawson County correctional facility, \$80.58 for Cascade County regional prison, and \$93.72 for the Missoula assessment and sanction center in FY 2021."

37. Page E-1, line 22: Office of Public Instruction.

**Strike:** "747,495,579" "768,804,316" [General Fund FY20 FY21]

**Insert:** "751,265,382" "771,187,564" [General Fund FY20 FY21]

38. Page E-1, line 31: Office of Public Instruction.

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**Strike:** "k. School Facility Reimbursement (Restricted)"

**Insert:** "k. Debt Service Assistance (Restricted)"

39. Page E-1, line 32: Office of Public Instruction.

**Strike:** ""4,000,000" "6,500,000"" [State Special Fund FY20 FY21]

**Insert:** "0" "2,500,000" [State Special Fund FY20 FY21]

40. Page E-2, line 2: Office of Public Instruction.

**Strike:** "o. Major Maintenance Aid (Restricted /Biennial)"

**Insert:** "o. Major Maintenance Aid and Debt Service Assistance (Restricted)"

41. Page E-2: Office of Public Instruction.

**Following:** line 5

**Insert:** "q. Cultural Integrity Commitment Act -- HB 41"

**Insert:** "47,590" "48,470" [General Fund FY20 FY21]

42. Page E-2, line 12 through page 2, line 13: Office of Public Instruction.

**Strike:** line 12 through line 13

**Insert:** "All appropriations for federal special revenue programs in state level activities and in local education activities are biennial. All general fund appropriations in local education activities are biennial, except Major Maintenance Aid and Debt Service Assistance."

**Following:** line 13

**Insert:** "The Major Maintenance Aid and Debt Service Assistance restricted line item appropriation is restricted to the major maintenance aid program established in 20-9-525 unless funding requirements for the program are less than the available funds. Any remaining appropriation authority from the restricted appropriations may be used to augment the appropriations for debt service assistance established in 20-9-367."

**Insert:** "Cultural Integrity Commitment Act -- HB 41 is contingent on passage and approval of HB 41."

**Insert:** "If HB 695 is not passed and approved, K-12 BASE Aid is increased by \$400,000 general fund in FY 2020 and \$400,000 general fund in FY 2021."

43. Page E-2, line 33: Commissioner of Higher Education.

**Strike:** "13,355,580 13,448,125" [General Fund FY20 FY21]

**Insert:** "13,584,080 13,762,125" [General Fund FY20 FY21]

44. Page E-5, line 13: Montana State Library.

**Strike:** "1,780,403 1,797,312" [State Special Fund FY20 FY21]

**Insert:** "1,880,403 1,947,312" [State Special Fund FY20 FY21]

And, as amended, be concurred in.

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

3/29/2019

**SB 266**, do pass.

**SB 330**, do pass.

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**SB 341**, do pass.

**HB 520**, be concurred in.

**STATE ADMINISTRATION** (Brown, Chair):

3/27/2019

**SB 363**, do pass.

**TAXATION** (Webb, Chair):

3/27/2019

**SB 265**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "4%,"

**Insert:** "ELIMINATING THE REQUIREMENT THAT MEDICAL MARIJUANA PROVIDERS AND MARIJUANA-INFUSED PRODUCTS PROVIDERS BE NAMED BY A REGISTERED CARDHOLDER; "

2. Title, page 1, line 7.

**Strike:** ", CONTRACTED SERVICES,"

**Following:** "PREMISES; "

**Insert:** "PROVIDING FOR THE ADDITIONAL RELEASE OF INFORMATION; "

3. Title, page 1, line 8.

**Following:** "FEES; "

**Insert:** "ESTABLISHING A TEMPORARY MORATORIUM ON PROVIDER LICENSING; ESTABLISHING LIMITS ON CARDHOLDER PURCHASES; CLARIFYING THE PROHIBITION ON PHYSICIAN-PROVIDER AFFILIATIONS; "

4. Title, page 1, line 9.

**Following:** "AUTHORITY; "

**Insert:** "PROVIDING FOR THE TRANSFER OF FUNDS; "

**Following:** "15-64-102, "

**Insert:** "18-7-101, "

5. Title, page 1, line 10.

**Following:** "50-46-317, "

**Insert:** "50-46-319, 50-46-320, "

**Following:** "50-46-326, "

**Insert:** "50-46-327, "

6. Title, page 1, line 11.

**Following:** "DATES"

**Insert:** ", "

**Strike:** "AND"

7. Title, page 1, line 12.

**Following:** "DATE"

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**Insert:** ", AND A CONTINGENT TERMINATION DATE"

8. Page 3, line 3.

**Insert: "Section 2.** Section 18-7-101, MCA, is amended to read:

**"18-7-101. Power to contract for printing -- ~~exception exceptions.~~** (1) Except as provided in 1-11-301 and 50-46-303, the department has exclusive power, subject to the approval of the governor, to contract for all printing for any purpose used by the state in any state office (elective or appointive), agency, or institution.

(2) The department shall supervise and attend to all public printing of the state as provided in this chapter and shall prevent duplication and unnecessary printing.

(3) Unless otherwise provided by law, the department, in letting contracts as provided in this chapter, for the printing, binding, and publishing of all laws, journals, and reports of the state agencies and institutions may determine the quantity, quality, style, and grade of all such printing, binding, and publishing.

(4) The provisions of this chapter do not apply to the state compensation insurance fund for purposes of external marketing or educational materials."

**Renumber:** subsequent sections

9. Page 4, line 5.

**Following:** "indirectly"

**Insert:** "through a business, an investment, or a spouse, parent, or child relationship"

10. Page 6, line 21.

**Insert: "Section 4.** Section 50-46-302, MCA, is amended to read:

**"50-46-302. Definitions.** As used in this part, the following definitions apply:

(1) "Canopy" means the total amount of square footage dedicated to live plant production at a registered premises consisting of the area of the floor, platform, or means of support or suspension of the plant.

(2) "Chemical manufacturing" means the production of marijuana concentrate.

(3) "Correctional facility or program" means a facility or program that is described in 53-1-202 and to which an individual may be ordered by any court of competent jurisdiction.

(4) "Debilitating medical condition" means:

(a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;

(b) cachexia or wasting syndrome;

(c) severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;

(d) intractable nausea or vomiting;

(e) epilepsy or an intractable seizure disorder;

(f) multiple sclerosis;

(g) Crohn's disease;

(h) painful peripheral neuropathy;

(i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;

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- (j) admittance into hospice care in accordance with rules adopted by the department; or
- (k) posttraumatic stress disorder.

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

(6) "Dispensary" means a registered premises from which a provider or marijuana-infused products provider is approved by the department to dispense marijuana or marijuana-infused products to a registered cardholder.

(7) (a) "Employee" means an individual employed to do something for the benefit of an employer ~~or a third person~~.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(8) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 1% or more of the net profits or net worth of the entity in which the interest is held.

~~(8)~~(9) "Local government" means a county, a consolidated government, or an incorporated city or town.

~~(9)~~(10) "Marijuana" has the meaning provided in 50-32-101.

~~(10)~~(11) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.

~~(11)~~(12) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, and byproducts of the marijuana plant, including but not limited to marijuana concentrates and marijuana-infused products.

~~(12)~~(13) (a) "Marijuana-infused product" means a product that contains marijuana and is intended for use by a registered cardholder by a means other than smoking.

(b) The term includes but is not limited to edible products, ointments, and tinctures.

~~(13)~~(14) (a) "Marijuana-infused products provider" means a person licensed by the department to manufacture and provide marijuana-infused products for a registered cardholder.

(b) The term does not include the cardholder's treating or referral physician.

~~(14)~~(15) "Mature marijuana plant" means a harvestable female marijuana plant that is flowering.

~~(15)~~(16) "Paraphernalia" has the meaning provided in 45-10-101.

~~(16)~~(17) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

~~(17)~~(18) (a) "Provider" means a person licensed by the department to assist a registered cardholder as allowed under this part.

(b) The term does not include a cardholder's treating physician or referral physician.

~~(18)~~(19) "Referral physician" means an individual who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

(c) is the physician to whom a patient's treating physician has referred the patient for physical examination and medical assessment.

~~(19)~~(20) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

~~(20)~~(21) "Registered premises" means the location at which a provider or marijuana-infused

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products provider:

(a) has indicated that marijuana will be cultivated, chemical manufacturing will occur, or marijuana-infused products will be manufactured for a registered ~~cardholder~~ cardholders; or

(b) has established a dispensary for sale of marijuana or marijuana-infused products to a registered ~~cardholder~~ cardholders.

~~(21)~~(22) "Registry identification card" means a document issued by the department pursuant to 50-46-303 that identifies an individual as a registered cardholder.

~~(22)~~(23) (a) "Resident" means an individual who meets the requirements of 1-1-215.

(b) An individual is not considered a resident for the purposes of this part if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

~~(23)~~(24) "Second degree of kinship by blood or marriage" means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepbrother, stepsister, stepson, stepdaughter, stepgrandparent, or stepgrandchild.

~~(24)~~(25) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

~~(25)~~(26) "Standard of care" means, at a minimum, the following activities when undertaken by a patient's treating physician or referral physician if the treating physician or referral physician is providing written certification for a patient with a debilitating medical condition:

(a) obtaining the patient's medical history;

(b) performing a relevant and necessary physical examination;

(c) reviewing prior treatment and treatment response for the debilitating medical condition;

(d) obtaining and reviewing any relevant and necessary diagnostic test results related to the debilitating medical condition;

(e) discussing with the patient and ensuring that the patient understands the advantages, disadvantages, alternatives, potential adverse effects, and expected response to the recommended treatment;

(f) monitoring the response to treatment and possible adverse effects; and

(g) creating and maintaining patient records that remain with the physician.

(27) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

~~(26)~~(28) "Testing laboratory" means a qualified person, licensed by the department, who meets the requirements of 50-46-311 and:

(a) provides testing of small representative samples of marijuana and marijuana-infused products; and

(b) provides information regarding the chemical composition, the potency of a sample, and the presence of molds, ~~or~~ pesticides, or other contaminants in a sample.

~~(27)~~(29) "Treating physician" means an individual who:

(a) is licensed under Title 37, chapter 3;

(b) has an established office in Montana; and

(c) has a bona fide professional relationship with the individual applying to be a registered cardholder.

~~(28)~~(30) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant and any marijuana derivatives that are appropriate for the use of marijuana by an individual with a debilitating medical condition.

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(b) The term does not include the seeds, stalks, and roots of the plant.

~~(29)~~(31) "Written certification" means a statement signed by a treating physician or referral physician that meets the requirements of 50-46-310 and is provided in a manner that meets the standard of care."

**Renumber:** subsequent sections

11. Page 8, line 10.

**Following:** "(c)"

**Insert:** "(i)"

**Strike:** "may"

**Insert:** "shall"

**Following:** "temporary"

**Insert:** "registry"

**Following:** "cards" on line 10

**Insert:** "upon receipt of an application. The cards are"

**Strike:** "that do not meet"

**Insert:** "and are exempt from"

12. Page 8, line 11.

**Following:** "(4)(b)."

**Insert:** "Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7."

13. Page 8.

**Following:** line 11

**Insert:** "(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid."

14. Page 8.

**Following:** line 24

**Insert:** "(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules."

**Renumber:** subsequent subsections

15. Page 8, line 27 through line 28.

**Strike:** "Rejection"

**Insert:** "Review of a rejection"

**Strike:** "is considered" on line 27 through "review" on line 28

**Insert:** "may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act"

16. Page 9, line 18.

**Strike:** "and"

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17. Page 9, line 20.

**Following:** "identification card"

**Insert:** ";

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released"

18. Page 10, line 10.

**Insert:** "Section 6. Section 50-46-303, MCA, is amended to read:

**"50-46-303. Department Medical marijuana registry -- department responsibilities -- issuance of cards and licenses -- confidentiality -- inspections -- reports.** (1) The department shall establish and maintain a program for registry of persons who receive registry identification cards or licenses under this part. The department shall issue:

(a) ~~the issuance of registry identification cards to Montana residents who have debilitating medical conditions and who submit applications meeting the requirements of this part;~~

(b) ~~the issuance of licenses:~~

(i) ~~to persons who apply to operate as providers; or marijuana-infused products providers; or testing laboratories and who submit applications meeting the requirements of this part; and~~

(ii) ~~for dispensaries established by providers or marijuana-infused products providers; and~~

(iii) through the state laboratory, to testing laboratories that submit applications meeting the requirements of this part; and

(c) ~~the issuance of endorsements for chemical manufacturing to a provider or a marijuana-infused products provider who applies for a chemical manufacturing endorsement and meets requirements established by the department by rule; and~~

~~(d) the tracking of marijuana and marijuana-infused products from either the seed or the immature plant stage until the marijuana or marijuana-infused product is sold to a registered cardholder to ensure that the marijuana or marijuana-infused product cultivated, manufactured, possessed, and sold under this part is not sold or otherwise provided to an individual who is not authorized under this part to possess the item. The tracking system must be provided to providers, marijuana-infused products providers, dispensaries, and testing laboratories at no additional cost.~~

(2) (a) An individual who obtains a registry identification card and ~~does not name a provider or marijuana-infused products provider~~ indicates the individual will not use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to cultivate, manufacture, possess, and transport marijuana as allowed by this part.

(b) An individual who obtains a registry identification card and ~~names a provider or marijuana-infused products provider~~ indicates the individual will use the system of licensed providers and marijuana-infused products providers to obtain marijuana or marijuana-infused products is authorized to possess marijuana as allowed by this part.

(c) A person who obtains a provider, marijuana-infused products provider, or dispensary license or an employee of a ~~licensee~~ licensed provider or marijuana-infused products provider is authorized to cultivate, manufacture, possess, sell, and transport marijuana as allowed by this part.

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(d) A person who obtains a testing laboratory license or an employee of a licensee licensed testing laboratory is authorized to possess, test, and transport marijuana as allowed by this part.

(3) The department shall conduct criminal history background checks as required by 50-46-307 and 50-46-308 before issuing a license to ~~a person named as~~ a provider or marijuana-infused products provider.

(4) (a) Registry identification cards and licenses issued pursuant to this part must:

(i) be laminated and produced on a material capable of lasting for the duration of the time period for which the card or license is valid;

(ii) state the name, address, and date of birth of the registered cardholder ~~and of the cardholder's provider or marijuana-infused products provider, if any;~~

(iii) indicate whether the cardholder is obtaining marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

~~(iii)(iv)~~ (iv) indicate whether a provider or marijuana-infused products provider has an endorsement for chemical manufacturing;

~~(iv)(v)~~ (v) state the date of issuance and the expiration date of the registry identification card or license;

~~(v)(vi)~~ (vi) contain a unique identification number; and

~~(vi)(vii)~~ (vii) contain other information that the department may specify by rule.

(b) Except as provided in subsection (4)(c), in addition to complying with subsection (4)(a), registry identification cards issued pursuant to this part must:

(i) include a picture of the registered cardholder; and

(ii) be capable of being used to track registered cardholder purchases.

(c) (i) The department may shall issue temporary registry identification cards upon receipt of an application. The cards are valid for 60 days that do not meet and are exempt from the requirements of subsection (4)(b). Printing of the temporary identification cards is exempt from the provisions of Title 18, chapter 7.

(ii) The cards may be issued before an applicant's payment of the fee has cleared. The department shall cancel the temporary card after 60 days and may not issue a permanent card until the fee is paid.

(5) (a) The department shall review the information contained in an application or renewal submitted pursuant to this part and shall approve or deny an application or renewal within 30 days of receiving the application or renewal and all related application materials.

(b) If the department fails to act on a completed application within 30 days of receipt, the department shall:

(i) refund the fee paid by an applicant for a registry identification card;

(ii) reduce the cost of the licensing fee for a new applicant for licensure or for a licensee seeking renewal of a license by 5% each week that the application is pending; and

(iii) if a licensee is unable to operate because a license renewal application has not been acted on, reimburse the licensee 50% of the gross sales the licensee reported in the most recent quarter for the purpose of the tax provided for in 15-64-102.

(c) Applications that are not processed within 30 days of receipt remain active until the department takes final action.

(d) An application for a license or renewal of a license is not considered complete until the department has completed a satisfactory inspection as required by this part and related administrative rules.

~~(b)(e)~~ (e) The department shall issue a registry identification card, license, or endorsement

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within 5 days of approving an application or renewal.

(6) Rejection Review of a rejection of an application or renewal is considered a final department action, subject to judicial review may be conducted as a contested case hearing pursuant to the provisions of the Montana Administrative Procedure Act.

(7) (a) Registry identification cards expire 1 year after the date of issuance unless:

~~—— (i) a physician has provided a written certification stating that a card is valid for a shorter period of time; or~~

~~—— (ii) a registered cardholder changes providers or marijuana-infused products providers.~~

(b) Licenses and endorsements issued to providers, marijuana-infused products providers, and testing laboratories must be renewed annually.

(8) (a) A registered cardholder shall notify the department of any change in the cardholder's name, address, or physician, provider, or marijuana-infused products provider or change in the status of the cardholder's debilitating medical condition within 10 days of the change.

(b) A registered cardholder who possesses mature plants or seedlings under 50-46-319(1) shall notify the department of the location of the plants and seedlings or any change of location of plants or seedlings. The department shall provide the names and locations of cardholders who possess mature plants or seedlings to the local law enforcement agency having jurisdiction in the area in which the plants or seedlings are located. The law enforcement agency and its employees are subject to the confidentiality requirements of 50-46-332.

(c) If a change occurs and is not reported to the department, the registry identification card is void.

(9) The department shall maintain a confidential list of individuals to whom the department has issued registry identification cards. Except as provided in subsections (8)(b) and (10), individual names and other identifying information on the list must be confidential and are not subject to disclosure, except to:

(a) authorized employees of the department as necessary to perform the official duties of the department; ~~and~~

(b) authorized employees of state or local government agencies, including law enforcement agencies, only as necessary to verify that an individual is a lawful possessor of a registry identification card;

(c) a judge, magistrate, or other authorized judicial officer in response to an order requiring disclosure; and

(d) another person or entity when the information pertains to a cardholder who has given written consent to the release and has specified:

(i) the type of information to be released; and

(ii) the person or entity to whom it may be released.

(10) The department shall provide the names and phone numbers of providers and marijuana-infused products providers and the city, town, or county where registered premises and testing laboratories are located to the public on the department's website. The department may not disclose the physical location or address of a provider, marijuana-infused products provider, dispensary, or testing laboratory.

(11) The department may share only information about providers, marijuana-infused products providers, dispensaries, and testing laboratories with the department of revenue for the purpose of investigation and prevention of noncompliance with tax laws, including but not limited to evasion, fraud, and abuse. The department of revenue and its employees are subject to the confidentiality requirements of 15-64-111(1).

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~~(12) The department shall report biannually to the legislature the number of applications for registry identification cards, the number of registered cardholders approved, the nature of the debilitating medical conditions of the cardholders, the number of providers and marijuana-infused products providers licensed, the number of endorsements approved for chemical manufacturing, the number of testing laboratories licensed, the number of dispensaries licensed, the number of registry identification cards and licenses revoked, the number of physicians providing written certification for registered cardholders, and the number of written certifications each physician has provided. The report may not provide any identifying information of cardholders, physicians, providers, marijuana-infused products providers, dispensaries, or testing laboratories.~~

~~———— (13) The board of medical examiners shall report annually to the legislature on the number and types of complaints the board has received involving physician practices in providing written certification for the use of marijuana, pursuant to 37-3-203."~~

**Renumber:** subsequent sections

19. Page 10, line 12.

**Following:** "production"

**Insert:** ", "

**Strike:** "and"

**Following:** "testing"

**Insert:** ", and sales"

20. Page 10, line 18.

**Following:** "the item;"

**Strike:** "and"

**Insert:** "(b) be capable of notifying providers and marijuana-infused products providers, before a sale is made, of the amount of usable marijuana a registered cardholder may purchase before reaching the maximum amount of usable marijuana allowed under this part; and"

**Renumber:** subsequent subsection

21. Page 11, line 4.

**Strike:** "9"

**Insert:** "15"

22. Page 12, line 19.

**Strike:** ", date of birth,"

23. Page 13, line 29.

**Strike:** "landlord"

**Insert:** "property owner"

24. Page 14, line 4.

**Insert:** "**Section 9.** Section 50-46-307, MCA, is amended to read:

**"50-46-307. Individuals with debilitating medical conditions -- requirements -- minors -- limitations.** (1) Except as provided in subsections (2) through ~~(4)~~ (5), the department shall issue a registry identification card to an individual with a debilitating medical condition who submits the

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following, in accordance with department rules:

(a) an application on a form prescribed by the department;  
(b) an application fee or a renewal fee;  
(c) the individual's name, street address, and date of birth;  
(d) proof of Montana residency;  
(e) a statement that the individual will be cultivating marijuana and manufacturing marijuana-infused products for the individual's use or will be obtaining marijuana ~~from a provider or a marijuana-infused products provider~~ or marijuana-infused products through the system of licensed providers and marijuana-infused products providers;

(f) a statement, on a form prescribed by the department, that the individual will not divert to any other individual the marijuana or marijuana-infused products that the individual cultivates, manufactures, or obtains for the individual's debilitating medical condition;

(g) the name of the individual's treating physician or referral physician and the street address and telephone number of the physician's office;

(h) the street address where the individual is cultivating marijuana or manufacturing marijuana-infused products if the individual is cultivating marijuana or manufacturing marijuana-infused products for the individual's own use; and

~~(i) the name, date of birth, and street address of the person the individual has selected as a provider or marijuana-infused products provider, if any; and~~

~~(j)~~(i) the written certification and accompanying statements from the individual's treating physician or referral physician as required pursuant to 50-46-310.

(2) The department shall issue a registry identification card to a minor if the materials required under subsection (1) are submitted and the minor's custodial parent or legal guardian with responsibility for health care decisions:

(a) provides proof of legal guardianship and responsibility for health care decisions if the individual is submitting an application as the minor's legal guardian with responsibility for health care decisions; and

(b) signs and submits a written statement that:

(i) the minor's treating physician or referral physician has explained to the minor and to the minor's custodial parent or legal guardian with responsibility for health care decisions the potential risks and benefits of the use of marijuana; and

~~(ii) indicates whether the parent or legal guardian will be obtaining marijuana or marijuana-infused products for the minor through the system of licensed providers and marijuana-infused products providers; and~~

~~(j)~~(iii) the minor's custodial parent or legal guardian with responsibility for health care decisions:

(A) consents to the use of marijuana by the minor;

(B) agrees to control the acquisition of marijuana and the dosage and frequency of the use of marijuana by the minor;

(C) agrees that the minor will use only marijuana-infused products and will not smoke marijuana;

(c) if the parent or guardian will be serving as the minor's provider, ~~submits fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation~~ undergoes background checks in accordance with subsection (3). The parent or legal guardian shall pay the costs of the background check and may not obtain a license as a marijuana-infused products provider if the parent or legal guardian does not meet the requirements

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of 50-46-308.

(d) pledges, on a form prescribed by the department, not to divert to any individual any marijuana cultivated or obtained for the minor's use in a marijuana-infused product.

(3) A parent serving as a minor's provider shall submit fingerprints to facilitate a fingerprint and background check by the department of justice and federal bureau of investigation upon the minor's initial application for a registry identification card and every 3 years after that. The department shall conduct a name-based background check in years when a fingerprint background check is not required.

~~(3)~~(4) An application for a registry identification card for a minor must be accompanied by the written certification and accompanying statements required pursuant to 50-46-310 from a second physician in addition to the minor's treating physician or referral physician.

~~(4)~~(5) An individual may not be a registered cardholder if the individual is in the custody of or under the supervision of the department of corrections or a youth court.

~~(5)~~(6) A registered cardholder who elects to obtain marijuana ~~from a provider~~ or marijuana-infused products ~~provider~~ through the system of licensed providers and marijuana-infused products providers may not cultivate marijuana or manufacture marijuana-infused products for the cardholder's use unless the registered cardholder is ~~the~~ a licensed provider or marijuana-infused products provider.

~~(6)~~(7) A registered cardholder may cultivate marijuana and manufacture marijuana-infused products as allowed under 50-46-319 only:

(a) at a property that is owned by the cardholder; or

(b) with written permission of the ~~landlord~~ property owner, at a property that is rented or leased by the cardholder.

~~(7)~~(8) No portion of the property used for cultivation of marijuana and manufacture of marijuana-infused products for use by the registered cardholder may be shared with or rented or leased to a provider, a marijuana-infused products provider, or a registered cardholder unless the property is owned, rented, or leased by cardholders who are related to each other by the second degree of kinship by blood or marriage.""

**Renumber:** subsequent sections

25. Page 14, line 21.

**Strike:** "any"

**Insert:** "the"

26. Page 15, line 25.

**Strike:** "4"

**Insert:** "7"

27. Page 15, line 27.

**Strike:** "to another provider or"

28. Page 16, line 1.

**Strike:** "Except" through "[section 10], a"

**Insert:** "A"

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29. Page 16, line 5.

**Strike:** "landlord"

**Insert:** "property owner"

30. Page 16, line 10.

**Following:** "products"

**Insert:** "or manufacture of marijuana-infused products or marijuana concentrate"

31. Page 16, line 12.

**Strike:** "Except" through "[section 10], no"

**Insert:** "No"

32. Page 16, line 26.

**Strike:** "and"

33. Page 16, line 28.

**Following:** "cardholder"

**Insert:** ";

(c) may not contract or otherwise arrange for another party to process the provider's or marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates; and

(d) may not open a dispensary before obtaining the required license or before the department has completed the inspection required under this part"

34. Page 16, line 29.

**Insert:** "Section 11. Section 50-46-308, MCA, is amended to read:

**"50-46-308. Provider types -- requirements -- limitations -- activities.** (1) (a) Subject to subsections (1)(b) and ~~(2)~~ (3), the department shall issue a license to or renew a license for ~~the~~ a person who is named as applying to be a provider or marijuana-infused products provider in a registered cardholder's approved application if the person submits to the department:

(i) the person's name, date of birth, and street address on a form prescribed by the department;

(ii) proof that the person is a Montana resident;

(iii) fingerprints to facilitate a fingerprint and background check by the department of justice and the federal bureau of investigation upon initial licensure and every 3 years after that;

(iv) ~~a written agreement signed by the registered cardholder that indicates whether the person will act as the cardholder's provider or marijuana-infused products provider;~~

~~(v)(iv)~~ a statement, on a form prescribed by the department, that the person will not divert to any other person the marijuana that the person cultivates or the marijuana-infused products that the person manufactures for ~~a registered cardholder~~ cardholders;

~~(vi)(v)~~ a statement acknowledging that the person will cultivate marijuana and manufacture marijuana-infused products for the registered cardholder at only one location as provided in subsection (6). The location must be identified by the street address of the location at which marijuana, marijuana concentrates, or marijuana-infused products will be cultivated or manufactured; and

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~~(vii)~~(vi) a fee as determined by the department to cover the costs of ~~the fingerprint and background check~~ required background checks and associated administrative costs of processing the license.

(b) If the person to be licensed consists of more than one individual, the names of all individuals must be submitted along with the fingerprints and date of birth of each.

(2) The department shall conduct a name-based background check for license renewal in the years that an applicant is not required to submit fingerprints for a fingerprint and background check.

~~(2)~~(3) The department may not license a person under this section if the person or an individual with a financial interest in the person:

(a) has a felony conviction or a conviction for a drug offense;

(b) is in the custody of or under the supervision of the department of corrections or a youth court;

(c) has been convicted of a violation under 50-46-331;

(d) has failed to:

(i) pay any taxes, interest, penalties, or judgments due to a government agency;

(ii) stay out of default on a government-issued student loan;

(iii) pay child support; or

(iv) remedy an outstanding delinquency for child support or for taxes or judgments owed to a government agency;

~~(e) is a registered cardholder who has designated a provider or marijuana-infused products provider in the individual's application for a card issued under 50-46-307;~~

~~(f)~~(e) (i) before July 1, ~~2020~~ 2021, has resided in Montana for fewer than 3 years except if the provider or marijuana-infused products provider was named by a registered cardholder by June 30, 2017; and

(ii) on or after July 1, ~~2020~~ 2021, has resided in Montana for less than 1 year; or

~~(g)~~(f) is under 18 years of age.

~~(3)~~(4) Marijuana for use pursuant to this part must be cultivated and manufactured in Montana.

~~(4)~~(5) A provider or marijuana-infused products provider may not use marijuana unless the person is also a registered cardholder.

~~(5)~~(6) Except as provided in 50-46-326 (1)(b), a provider or marijuana-infused products provider shall:

(a) prior to selling marijuana or marijuana-infused products, submit samples to testing laboratories pursuant to 50-46-311, 50-46-326, and related administrative rules;

(b) allow the department to collect samples of marijuana or marijuana-infused products during inspections of registered premises for testing as provided by the department by rule;

(c) participate as required by the department by rule in a seed-to-sale tracking system established by the department pursuant to ~~50-46-303~~ [section 7]; and

(d) obtain the license provided for in 80-7-106 from the department of agriculture if the provider or marijuana-infused products provider sells live plants as part of a sale of the provider's business. A provider or marijuana-infused products provider required to obtain a nursery license is subject to the inspection requirements of 80-7-108. The department of agriculture and its employees are subject to the confidentiality requirements of 50-46-332.

~~(6)~~(7) (a) A person licensed under this section may cultivate marijuana and manufacture marijuana-infused products for use by ~~a registered cardholder~~ cardholders only at one of the

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following locations:

(i) a property that is owned by the provider or marijuana-infused products provider; or  
(ii) with written permission of the ~~landlord~~ property owner, a property that is rented or leased by the provider or marijuana-infused products provider; ~~or~~  
~~(iii) a property owned, leased, or rented by the registered cardholder pursuant to the provisions of 50-46-307.~~

(b) ~~(i)~~ No portion of the property used for cultivation of marijuana ~~and manufacture of marijuana-infused products or manufacture of marijuana-infused products or marijuana concentrate~~ may be shared with or rented or leased to another provider, or marijuana-infused products provider, testing laboratory, or a registered cardholder.

(ii) No portion of a registered premises used to manufacture a marijuana-infused product or marijuana concentrate may be shared with, rented, or leased to another provider, marijuana-infused products provider, testing laboratory, or registered cardholder.

~~(7)~~(8) A licensed provider or marijuana-infused products provider may:

(a) in accordance with rules adopted by the department:

(i) operate dispensaries; and

(ii) engage in chemical manufacturing;

(b) employ employees to cultivate marijuana, manufacture marijuana concentrates and marijuana-infused products, and dispense and transport marijuana and marijuana-infused products; ~~and~~

(c) provide a small amount of marijuana, marijuana concentrate, or marijuana-infused products cultivated or manufactured on the registered premises to a licensed testing laboratory or the department of agriculture; ~~and~~

(d) sell the provider's business, including live plants.

(9) A provider or marijuana-infused products provider:

(a) may sell only marijuana the provider has cultivated or marijuana products derived from marijuana the provider has cultivated;

(b) may not sell marijuana or marijuana-infused products to another provider for subsequent resale to another provider or cardholder;

(c) may not contract or otherwise arrange for another party to process the provider's or marijuana-infused products provider's marijuana into marijuana-infused products or marijuana concentrates; and

(d) may not open a dispensary before obtaining the required license or before the department has completed the inspection required under this part."

**Renumber:** subsequent sections

35. Page 17, line 8.

**Following:** "may"

**Insert:** "not"

**Following:** "contract"

**Strike:** "as allowed under [section 10]"

**Insert:** "or other arrangement"

36. Page 17, line 17.

**Insert:** "**Section 13.** Section 50-46-309, MCA, is amended to read:

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**"50-46-309. Marijuana-infused products provider -- requirements -- allowable activities.** (1) A person licensed as a marijuana-infused products provider shall:

(a) prepare marijuana-infused products at a registered premises; and  
(b) use equipment that is used exclusively for the manufacture and preparation of marijuana-infused products.

(2) A marijuana-infused products provider:

(a) may cultivate marijuana only for the purpose of making marijuana-infused products; and  
(b) may not enter into a contract or other arrangement to provide services through the provider's commercial kitchen or chemical extraction facilities to another marijuana-infused products provider; and

~~(b)(c) may not provide a cardholder with marijuana in a form that may be used for smoking unless the marijuana-infused products provider is also a licensed provider and is providing the marijuana to a registered cardholder who has selected the person as the registered cardholder's licensed provider.~~

(3) All registered premises on which marijuana-infused products are manufactured must meet any applicable standards set by a local board of health for a retail food establishment as defined in 50-50-102.

(4) Marijuana-infused products may not be considered a food or drug for the purposes of Title 50, chapter 31."

**Renumber:** subsequent sections

37. Page 20, line 1.

**Following:** "department"

**Insert:** ":

(a)"

38. Page 20, line 2.

**Following:** "time"

**Insert:** "; and

(b) shall conduct an inspection of the provider's or marijuana-infused products provider's registered premises and proposed premises before approving the application"

39. Page 20, line 16 through page 21, line 2.

**Strike:** section 10 in its entirety

**Renumber:** subsequent sections

40. Page 21, line 12.

**Insert:** "**Section 17.** Section 50-46-319, MCA, is amended to read:

**"50-46-319. Legal protections -- allowable amounts.** (1) (a) A registered cardholder who has named a provider may:

(i) possess up to 1 ounce of usable marijuana; and

(ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.

(b) (i) A registered cardholder who has not named a provider may possess up to 4 mature plants, 4 seedlings, and the amount of usable marijuana allowed by the department by rule.

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(ii) If two or more registered cardholders share a residence and have not named providers, the cardholders may have a maximum of 8 mature plants, 8 seedlings, and the amount of usable marijuana allowed by the department by rule. The limits in this subsection (1)(b)(ii) apply regardless of the location of the plants and seedlings.

(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b).

(c) A provider or marijuana-infused products provider may have the canopy allowed by the department for the provider or marijuana-infused products provider. The canopy allotment is a cumulative total for all of the provider's or marijuana-infused products provider's registered premises and may not be interpreted as an allotment for each premises.

(d) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the cap, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 50-46-320 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card or license issued pursuant to this part may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of this part.

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under this part.

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Except as provided in 50-46-329, possession of or application for a license or registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the license or card to inspection by any governmental agency, including a law enforcement agency.

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(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a license or registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a license or registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by this part if the person:

- (i) is in possession of a valid registry identification card or license; and
- (ii) is in possession of an amount of marijuana that does not exceed the amount permitted under this part.

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

**Insert: "Section 18.** Section 50-46-319, MCA, is amended to read:

**"50-46-319. Legal protections -- allowable amounts.** (1) (a) A registered cardholder who has ~~named a provider~~ elected to obtain marijuana and marijuana-infused products through the system of licensed providers and marijuana-infused products providers may:

- (i) possess up to 1 ounce of usable marijuana; and
- (ii) purchase a maximum of 5 ounces of usable marijuana a month and no more than 1 ounce of usable marijuana a day.

(b) (i) A registered cardholder who has ~~not named a provider~~ elected not to use the system of licensed providers and marijuana-infused products providers may possess up to 4 mature plants, 4 seedlings, and the amount of usable marijuana allowed by the department by rule.

(ii) If two or more registered cardholders share a residence and have ~~not named~~ elected not to use the system of licensed providers and marijuana-infused products providers, the cardholders may have a maximum of 8 mature plants, 8 seedlings, and the amount of usable marijuana allowed by the department by rule. The limits in this subsection (1)(b)(ii) apply regardless of the location of the plants and seedlings.

(iii) A registered cardholder who possesses mature plants or seedlings shall notify the department of the location of the plants and seedlings pursuant to 50-46-303(8)(b).

(c) A provider or marijuana-infused products provider may have the canopy allowed by the department for the provider or marijuana-infused products provider. The canopy allotment is a cumulative total for all of the provider's or marijuana-infused products provider's registered premises and may not be interpreted as an allotment for each premises.

(d) (i) A registered cardholder may petition the department for an exception to the monthly limit on purchases. The request must be accompanied by a confirmation from the physician who signed the cardholder's written certification that the cardholder's debilitating medical condition warrants purchase of an amount exceeding the monthly limit.

(ii) If the department approves an exception to the cap, the approval must establish the monthly amount of usable marijuana that the cardholder may purchase and the limit must be entered into the seed-to-sale tracking system.

(2) Except as provided in 50-46-320 and subject to the provisions of subsection (7) of this section, an individual who possesses a registry identification card or license issued pursuant to this part may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by a professional licensing

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board or the department of labor and industry, solely because:

(a) the person cultivates, manufactures, possesses, or transports marijuana in the amounts allowed under this section; or

(b) the registered cardholder acquires or uses marijuana.

(3) A physician may not be arrested, prosecuted, or penalized in any manner or be denied any right or privilege, including but not limited to civil penalty or disciplinary action by the board of medical examiners or the department of labor and industry, solely for providing written certification for a patient with a debilitating medical condition.

(4) Nothing in this section prevents the imposition of a civil penalty or a disciplinary action by a professional licensing board or the department of labor and industry if:

(a) a registered cardholder's use of marijuana impairs the cardholder's job-related performance; or

(b) a physician violates the standard of care or other requirements of this part.

(5) (a) An individual may not be arrested or prosecuted for constructive possession, conspiracy as provided in 45-4-102, or other provisions of law or any other offense solely for being in the presence or vicinity of the use of marijuana and marijuana-infused products as permitted under this part.

(b) This subsection (5) does not prevent the arrest or prosecution of an individual who is in the vicinity of a registered cardholder's use of marijuana if the individual is in possession of or is using marijuana and is not a registered cardholder.

(6) Except as provided in 50-46-329, possession of or application for a license or registry identification card does not alone constitute probable cause to search the person or individual or the property of the person or individual or otherwise subject the person or individual or property of the person or individual possessing or applying for the license or card to inspection by any governmental agency, including a law enforcement agency.

(7) The provisions of this section relating to protection from arrest or prosecution do not apply to an individual unless the individual has obtained a license or registry identification card prior to an arrest or the filing of a criminal charge. It is not a defense to a criminal charge that an individual obtains a license or registry identification card after an arrest or the filing of a criminal charge.

(8) (a) A registered cardholder, a provider, or a marijuana-infused products provider is presumed to be engaged in the use of marijuana as allowed by this part if the person:

(i) is in possession of a valid registry identification card or license; and

(ii) is in possession of an amount of marijuana that does not exceed the amount permitted under this part.

(b) The presumption may be rebutted by evidence that the possession of marijuana was not for the purpose of alleviating the symptoms or effects of a registered cardholder's debilitating medical condition."

**Insert: "Section 19.** Section 50-46-320, MCA, is amended to read:

**"50-46-320. Limitations of act.** (1) This part does not permit:

(a) any individual, including a registered cardholder, to operate, navigate, or be in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana; or

(b) except as provided in subsection (3), the use of marijuana by a registered cardholder:

(i) in a health care facility as defined in 50-5-101;

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(ii) in a school or a postsecondary school as defined in 20-5-402;  
(iii) on or in any property owned by a school district or a postsecondary school;  
(iv) on or in any property leased by a school district or a postsecondary school when the property is being used for school-related purposes;  
(v) in a school bus or other form of public transportation;  
(vi) when ordered by any court of competent jurisdiction into a correctional facility or program;  
(vii) if a court has imposed restrictions on the cardholder's use pursuant to 46-18-202;  
(viii) at a public park, public beach, public recreation center, or youth center;  
(ix) in or on the property of any church, synagogue, or other place of worship;  
(x) in plain view of or in a place open to the general public; or  
(xi) where exposure to the marijuana smoke significantly adversely affects the health, safety, or welfare of children.

(2) A registered cardholder, provider, or marijuana-infused products provider may not cultivate marijuana or manufacture marijuana concentrates or marijuana-infused products for use by a registered cardholder in a manner that is visible from the street or other public area.

(3) A hospice or residential care facility licensed under Title 50, chapter 5, may adopt a policy that allows use of marijuana by a registered cardholder.

(4) Nothing in this part may be construed to require:

(a) a government medical assistance program, a group benefit plan that is covered by the provisions of Title 2, chapter 18, an insurer covered by the provisions of Title 33, or an insurer as defined in 39-71-116 to reimburse an individual for costs associated with the use of marijuana by a registered cardholder;

(b) an employer to accommodate the use of marijuana by a registered cardholder;

(c) a school or postsecondary school to allow a registered cardholder to participate in extracurricular activities; or

(d) a ~~landlord~~ property owner to allow a tenant who is a registered cardholder, provider, marijuana-infused products provider, dispensary, or testing laboratory to cultivate, manufacture, dispense, sell, or test marijuana, marijuana concentrates, or marijuana-infused products or to allow a registered cardholder to use marijuana.

(5) Nothing in this part may be construed to:

(a) prohibit an employer from including in any contract a provision prohibiting the use of marijuana for a debilitating medical condition; or

(b) permit a cause of action against an employer for wrongful discharge pursuant to 39-2-904 or discrimination pursuant to 49-1-102.

(6) Nothing in this part may be construed to allow a provider, marijuana-infused products provider, or employee of a licensee to use marijuana or to prevent criminal prosecution of a provider, marijuana-infused products provider, or employee of a licensee who uses marijuana or paraphernalia for personal use.

(7) (a) A law enforcement officer who has reasonable cause to believe that an individual with a valid registry identification card is driving under the influence of marijuana may apply for a search warrant to require the individual to provide a sample of the individual's blood for testing pursuant to the provisions of 61-8-405. An individual with a delta-9-tetrahydrocannabinol level of 5 ng/ml may be charged with a violation of 61-8-401 or 61-8-411.

(b) A registered cardholder, provider, or marijuana-infused products provider who violates subsection (1)(a) is subject to revocation of the individual's registry identification card or license if

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the individual is convicted of or pleads guilty to any offense related to driving under the influence of alcohol or drugs when the initial offense with which the individual was charged was a violation of 61-8-401, 61-8-406, 61-8-410, or 61-8-411. A revocation under this section must be for the period of suspension or revocation set forth:

- (i) in 61-5-208 for a violation of 61-8-401, 61-8-406, or 61-8-411; or
- (ii) in 61-8-410 for a violation of 61-8-410.

(c) If an individual's registry identification card or license is subject to renewal during the revocation period, the individual may not renew the card until the full revocation period has elapsed. The card or license may be renewed only if the individual submits all materials required for renewal.

(8) A provider or marijuana-infused products provider who violates 15-64-103 or 15-64-104 is subject to revocation of the person's license from the date of the violation until a period of up to 1 year after the department of revenue certifies compliance with 15-64-103 or 15-64-104."

**Renumber:** subsequent sections

41. Page 22, line 9.

**Strike:** "4"

**Insert:** "7"

42. Page 22, line 15.

**Insert:** "(9) The testing standards adopted pursuant to this section may be developed by the state laboratory.

**Insert:** "**Section 21.** Section 50-46-327, MCA, is amended to read:

**"50-46-327. Prohibitions on physician affiliation with providers and marijuana-infused products providers -- sanctions.** (1) (a) A physician who provides written certifications may not:

(i) accept or solicit anything of value, including monetary remuneration, from a provider or marijuana-infused products provider;

(ii) offer a discount or any other thing of value to a patient who uses or agrees to use a particular provider or marijuana-infused products provider; or

(iii) examine a patient for the purposes of diagnosing a debilitating medical condition at a registered premises or a testing laboratory.

(b) Subsection (1)(a) does not prevent a physician from accepting a fee for providing medical care to a provider or marijuana-infused products provider if the physician charges the individual the same fee that the physician charges other patients for providing a similar level of medical care.

(2) A provider or marijuana-infused products provider may not:

(a) arrange for a physician to conduct a physical examination or review of medical records required under this part, either in the physician's office or at another location; or

(b) pay all or a portion of the costs for an individual to be seen by a physician for the purposes of obtaining a written certification.

~~(2)~~(3) If the department has cause to believe that a physician has violated this section, has violated a provision of rules adopted pursuant to this part, or has not met the standard of care required under this part, the department may refer the matter to the board of medical examiners provided for in 2-15-1731 for review pursuant to 37-1-308.

~~(3)~~(4) A violation of this section constitutes unprofessional conduct under 37-1-316. If the board of medical examiners finds that a physician has violated this section, the board shall restrict

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the physician's authority to provide written certification for the use of marijuana. The board of medical examiners shall notify the department of the sanction.

~~(4)~~(5) If the board of medical examiners believes a physician's practices may harm the public health, safety, or welfare, the board may summarily restrict a physician's authority to provide written certification for the use of marijuana for a debilitating medical condition.

(6) (a) If the department has reason to believe a provider or marijuana-infused products provider has violated this section, the department shall refer the matter to the law enforcement entity and county attorney having jurisdiction where the provider or marijuana-infused products provider is doing business.

(b) If a provider or marijuana-infused products provider is found to have violated the provisions of this section, the department shall revoke the provider's or marijuana-infused products provider's license. A person whose license has been revoked for a violation of this section is prohibited from reapplying for licensure under this part.

(7) A law enforcement entity or county attorney who investigates a suspected violation of this section shall report the results of the investigation to the department."

**Renumber:** subsequent sections

43. Page 22, line 23.

**Strike:** "4"

**Insert:** "7"

44. Page 23, line 24 through line 25.

**Strike:** subsection (8) in its entirety

**Insert:** "(8) In addition to any other penalties provided under this part, the department may revoke, suspend for up to 1 year, or refuse to renew a license or endorsement issued under this part if, upon inspection and subsequent notice to the licensee, the department finds that any of the following circumstances exist:

(a) a cause for which issuance of the license or endorsement could have been rejected had it been known to the department at the time of issuance;

(b) a violation of an administrative rule adopted to carry out the provisions of this part; or

(c) noncompliance with any provision of this part.

(9) The department may suspend or modify a license or endorsement without advance notice upon a finding that presents an immediate threat to the health, safety, or welfare of registered cardholders, employees of the licensee, or members of the public.

(10) Review of a department action imposing a suspension, revocation, or other modification under this part must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

**Renumber:** subsequent subsections

45. Page 25.

**Following:** line 9

**Insert:** "(8) Review of a department action imposing a fine, suspension, or revocation under this section must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

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46. Page 25, line 10.

**Insert: "Section 24.** Section 50-46-330, MCA, is amended to read:

**"50-46-330. Unlawful conduct by cardholders or licensees -- penalties.** (1) The department shall revoke and may not reissue the registry identification card, license, or endorsement of an individual who:

- (a) is convicted of a drug offense;
- (b) allows another individual to be in possession of the individual's:
  - (i) registry identification card or license; or
  - (ii) mature marijuana plants, seedlings, usable marijuana, or marijuana-infused products;

or

(c) fails to cooperate with the department concerning an investigation or inspection if the individual is registered or licensed and cultivating marijuana, engaging in chemical manufacturing, or manufacturing marijuana-infused products.

(2) In addition to any other penalty provided by law, the department shall revoke a license issued under this part if the licensee:

- (a) purchases marijuana from an unauthorized source in violation of this part;
- (b) sells marijuana, marijuana concentrate, or marijuana-infused products to anyone other than a registered cardholder;
- (c) operates a carbon dioxide or hydrocarbon extraction system without obtaining a chemical manufacturing endorsement; or
- (d) transports marijuana or marijuana-infused products outside of Montana.

(3) A testing laboratory that fails to meet the ISO certification requirement established by the department by rule is subject to:

- (a) a fine of \$500 a week for the first 4 weeks that the laboratory fails to meet the requirement; and
- (b) a fine of \$1,000 a week for each subsequent week the laboratory fails to meet the requirement.

(4) A licensee who violates the advertising restrictions imposed under 50-46-341 is subject to:

- (a) a written warning for the first violation;
- (b) a 5-day license suspension or a \$500 fine for a second violation;
- (c) a 5-day license suspension or a \$1,000 fine for a third violation;
- (d) a 30-day license suspension or a \$2,500 fine for a fourth violation; and
- (e) a license revocation for a fifth violation.

(5) Except for the license revocations required under this section, a licensee shall choose whether to pay a fine or be subject to a license suspension when a penalty is imposed under this section.

(6) A licensee whose license is revoked may not reapply for licensure for 3 years from the date of the revocation.

(2)(7) A If no other penalty is specified under this part, a registered cardholder, provider, or marijuana-infused products provider who violates this part is punishable by a fine not to exceed \$500 or by imprisonment in a county jail for a term not to exceed 6 months, or both, unless otherwise provided in this part or unless the violation would constitute a violation of Title 45. An offense constituting a violation of Title 45 must be charged and prosecuted pursuant to the provisions of Title 45.

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(8) Review of a department action imposing a fine, suspension, or revocation under this section must be conducted as a contested case hearing under the provisions of the Montana Administrative Procedure Act."

**Renumber:** subsequent sections

47. Page 25, line 30.

**Strike:** "4"

**Insert:** "7"

48. Page 27.

**Following:** line 13

**Insert:** "(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;"

**Renumber:** subsequent subsections

49. Page 27, line 18.

**Strike:** "4"

**Insert:** "7"

50. Page 27, line 23.

**Strike:** "4(7)"

**Insert:** "7(7)"

51. Page 27, line 26.

**Strike:** "9"

**Insert:** "15"

52. Page 27, line 28.

**Strike:** "chapter"

**Insert:** "part"

**Strike:** "19"

**Insert:** "31"

53. Page 28, line 22.

**Insert:** "**Section 28.** Section 50-46-344, MCA, is amended to read:

**"50-46-344. Rulemaking authority -- fees.** (1) The department ~~shall~~ may adopt rules ~~necessary for the implementation and administration of this part. The rules must include but are not limited only as authorized in this section to specify:~~

(a) the manner in which the department will consider applications for licenses and endorsements and applications for registry identification cards for individuals with debilitating medical conditions and renewal of licenses, endorsements, and registry identification cards;

(b) the acceptable forms of proof of Montana residency;

(c) the procedures for obtaining fingerprints for the fingerprint and background check required under 50-46-307 and 50-46-308;

(d) the security and operating requirements for dispensaries;

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(e) the security and operating requirements for chemical manufacturing, including but not limited to requirements for:

- (i) safety equipment;
- (ii) extraction methods, including solvent-based and solvent-free extraction; and
- (iii) postprocessing procedures;

(f) notice and contested case hearing procedures for fines or license and endorsement revocations, suspensions, or modifications;

~~(f)(g)~~ the amount of usable marijuana that a registered cardholder who has not named a provider or marijuana-infused products provider elected not to use the system of licensed providers and marijuana-infused products providers may possess;

~~(g)~~ the canopy for which a provider or marijuana-infused products provider is licensed;

(h) implementation of a system to allow the tracking of marijuana and marijuana-infused products as required by ~~50-46-303~~ [section 7];

(i) requirements and standards for the testing and retesting of marijuana and marijuana-infused products, including testing of samples collected during the department's inspections of registered premises; ~~and~~

~~— (j) other rules necessary to implement the purposes of this part~~

(j) the amount of variance allowable in the results of raw testing data that would warrant a departmental investigation of inconsistent results as provided in [section 7(7)];

(k) the activities that constitute advertising in violation of 50-46-341; and

(l) the fees for dispensaries, endorsements for chemical manufacturing, testing laboratories, additional canopy licensure tiers created in accordance with [section 15], and the fingerprint and background checks required under 50-46-308 and 50-46-311. The fees and other revenues collected through the taxes paid under 15-64-102, civil penalties imposed pursuant to this part, and the licensing fees established by rule and in [section 31] must be sufficient to offset the expenses of administering this part.

(2) In establishing the canopy for a provider or marijuana-infused products provider, the department shall take into consideration:

(a) safety and security issues;

(b) the need to avoid overproduction of marijuana and marijuana-infused products;

~~(b)(c)~~ the provision of adequate access to usable marijuana to accommodate the needs of registered cardholders; and

~~(c)(d)~~ economies of scale and their effect on the ability of licensees to comply with regulatory requirements and undercut illegal market prices.

(3) The administrative rules allowed under this section for testing laboratories must be developed by the department division responsible for overseeing the state laboratory.

~~(3) (a) Except as provided in subsection (3)(b), license fees for providers and marijuana-infused products providers are \$1,000 for 10 or fewer registered cardholders and \$5,000 for more than 10 registered cardholders.~~

~~(b) The department may revise the fee provided for in subsection (3)(a) as needed to adequately fund the administration of the Montana Medical Marijuana Act and the seed-to-sale tracking system, including operating reserve funds of \$250,000. The department shall establish revised fees by rule.~~

~~(c) A provider of both marijuana and marijuana-infused products is required to have only one license.~~

~~(4) The department shall establish by rule the fees for dispensaries, endorsements for~~

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~~chemical manufacturing, and testing laboratories.~~

~~———— (5) All fees and civil penalties collected under this part must be deposited in the medical marijuana state special revenue account established in 50-46-345.~~

~~———— (6) The department's rules must establish application and renewal fees that generate revenue sufficient to offset all expenses of implementing and administering this part."~~

**Renumber:** subsequent sections

54. Page 28, line 24.

**Following:** "reserve"

**Insert:** "-- transfer of excess funds"

55. Page 28, line 27.

**Strike:** "19"

**Insert:** "31"

56. Page 29, line 5 through line 7.

**Strike:** "use the additional" on line 5 through "options" on line 7

**Insert:** "transfer the excess funds to the pain management education and treatment special revenue account provided for in [section 30]."

57. Page 29.

**Following:** line 7

**Insert:** "NEW SECTION. Section 30. Pain management education and treatment special revenue account. (1) There is a pain management education and treatment account in the state special revenue fund provided for in 17-2-102 to the credit of the department.

(2) The account consists of money transferred into the account as provided in 50-46-345.

(3) Money in the account must be used by the department for:

(a) efforts to educate the public about using pain management techniques and treatments that do not involve the use of opioid drugs; and

(b) a block grant program to pay the costs of the following alternative pain management treatments for individuals who have no other payment source for the treatments:

(i) acupuncture;

(ii) chiropractic;

(iii) physical therapy; and

(iv) naturopathic physician services.

(4) The block grant program must be operated in accordance with criteria established by the department as allowed under 53-24-204."

**Renumber:** subsequent sections

58. Page 29, line 28.

**Insert:** "NEW SECTION. Section 32. Moratorium on provider licensing. The department may not issue new provider licenses until all currently licensed providers are properly enrolled in and compliant with the seed-to-sale tracking system. The department may renew licenses for currently licensed providers who continue to meet licensing requirements."

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**Renumber:** subsequent sections

59. Page 30, line 3.

**Strike:** "4, 9, 10, and 19"

**Insert:** "7, 15, 30, 31, and 32"

60. Page 30, line 5.

**Strike:** "4, 9, 10, and 19"

**Insert:** "7, 15, 30, 31, and 32"

61. Page 30, line 7.

**Following:** "date"

**Insert:** "contingency -- direction to department of public health and human services"

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

**Insert:** "through (5)"

62. Page 30.

**Following:** line 8

**Insert:** "(2) [Sections 29 and 30] are effective July 1, 2019."

**Renumber:** subsequent subsections

63. Page 30, line 9.

**Strike:** "9 and 19"

**Insert:** "15 and 31"

64. Page 30.

**Following:** line 9

**Insert:** "(4) [Sections 4, 6, 7(1)(b), 9, 11, 13, 18, 24, and 28] are effective on the earlier of July 1, 2020, or the date that the department of public health and human services certifies to the code commissioner that the seed-to-sale tracking system is able to:

(a) track a registered cardholder's purchases of marijuana and marijuana-infused products from any provider or marijuana-infused products provider, not just the provider that the cardholder has named in the cardholder's applications for a registry identification card;

(b) alert all providers and marijuana-infused products providers that a registered cardholder has reached the maximum daily or monthly purchase limit; and

(c) prevent additional sales to a cardholder who has reached the daily or monthly maximum purchase limit."

**Renumber:** subsequent subsections

65. Page 30, line 10.

**Strike:** "[Section 13(7)] and this section"

**Insert:** "[Sections 2; 3; 5(4)(c), (5)(d), (6), (9)(c), and (9)(d); 8(1)(i) and (7)(b); 10(1)(a)(vi), (6)(d), (7)(a)(ii), (9)(c), and (9)(d); 12; 19; 21; 22(8); 23(8); 27(1)(f); and 32 through 37]"

66. Page 30, line 11.

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**Insert:** "(6) The department shall notify all licensed providers, marijuana-infused products providers, and registered cardholders of the date on which cardholders no longer need to name a provider or marijuana-infused products provider."

67. Page 30, line 12.

**Following:** "Applicability."

**Insert:** "(1)"

**Strike:** "13(7)"

**Insert:** "22(7)"

68. Page 30, line 13.

**Strike:** "13(7)"

**Insert:** "22(7)"

69. Page 30, line 14.

**Insert:** "(2) [Section 32] applies to provider applications submitted on or after [the effective date of section 32]."

**"NEW SECTION. Section 37. Contingent termination.** (1) [Section 32] terminates on the date that the director of the department of public health and human services certifies to the governor that all providers licensed on [the effective date of this section] are properly enrolled in and compliant with the seed-to-sale tracking system.

(2) The governor shall transmit a copy of the certification to the code commissioner."

**Renumber:** subsequent sections

And, as amended, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill** concurred in: 3/28/2019

**HB 327**, introduced by A. Redfield

**House bills** passed and transmitted to the Senate for concurrence: 3/28/2019

**HB 111**, introduced by F. Fleming

**HB 144**, introduced by A. Redfield

**HB 280**, introduced by B. Brown

**HB 385**, introduced by W. Galt

**HB 400**, introduced by K. Dudik

**HB 431**, introduced by Z. Brown

**HB 475**, introduced by B. Tschida

**HB 477**, introduced by M. Funk

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**HB 597**, introduced by D. Zolnikov  
**HB 630**, introduced by S. Morigeau  
**HB 636**, introduced by L. Jones  
**HB 645**, introduced by K. Sullivan  
**HB 712**, introduced by K. Holmlund  
**HB 713**, introduced by K. Holmlund  
**HB 714**, introduced by K. Holmlund  
**HB 716**, introduced by T. Woods

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 50**, introduced by J. Welborn, referred to Natural Resources.

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

**HB 111**, introduced by F. Fleming (by request of the Department of Corrections), referred to Judiciary.  
**HB 144**, introduced by A. Redfield, referred to Taxation.  
**HB 280**, introduced by B. Brown, referred to Fish and Game.  
**HB 385**, introduced by W. Galt, D. Bartel, M. Blasdel, G. Hertz, L. Jones, S. Morigeau, D. Skees, B. Tschida, M. Weatherwax, J. Windy Boy, referred to Business, Labor, and Economic Affairs.  
**HB 400**, introduced by K. Dudik, D. Salomon, referred to Public Health, Welfare and Safety.  
**HB 431**, introduced by Z. Brown, D. Ankney, J. Bachmeier, B. Bennett, J. Dooling, K. Dudik, D. Dunn, P. Flowers, M. Hopkins, J. Krautter, M. MacDonald, S. Malek, W. McKamey, B. Mercer, A. Redfield, W. Sales, D. Salomon, R. Shaw, referred to Agriculture, Livestock and Irrigation.  
**HB 475**, introduced by B. Tschida, W. Galt, referred to Business, Labor, and Economic Affairs.  
**HB 477**, introduced by M. Funk, referred to Judiciary.  
**HB 597**, introduced by D. Zolnikov, referred to Energy and Telecommunications.  
**HB 630**, introduced by S. Morigeau, D. Zolnikov, referred to Taxation.  
**HB 636**, introduced by L. Jones, B. Gillespie, referred to Taxation.  
**HB 645**, introduced by K. Sullivan, J. Read, D. Zolnikov, referred to Judiciary.  
**HB 712**, introduced by K. Holmlund, referred to Finance and Claims.  
**HB 713**, introduced by K. Holmlund, referred to Finance and Claims.  
**HB 714**, introduced by K. Holmlund, referred to Finance and Claims.  
**HB 716**, introduced by T. Woods, L. Jones, referred to Finance and Claims.

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

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

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consideration of business on second reading. Motion carried. Senator Richmond in the chair.

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

**SB 326** - Senator McConnell moved **SB 326** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 45

Nays: Hinebauch, Hoven, Smith C, Vance.

Total 4

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 333** - Senator Cohenour moved **SB 333** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 35

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Kary, Lang, Regier, Smith C, Thomas, Vance, Webb, Mr President.

Total 14

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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**SB 344** - Senator Lang moved **SB 344** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Barrett, Jacobson, Pomnichowski.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 348** - Senator K. Regier moved **SB 348** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 42

Nays: Bennett, Boland, Cohenour, Gross, MacDonald, McConnell, Pomnichowski.

Total 7

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 349** - Senator Cohenour moved **SB 349** do pass. Motion carried as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.

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Total 27

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 22

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 354** - Senator Olszewski moved **SB 354** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 19

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 321** - Senator Hoven moved **SB 321** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

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Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SJ 13** - Senator Cuffe moved **SJ 13** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, MacDonald, Malek, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 32

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 17

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 44

Nays: McClafferty, McNally, Phillips, Sands, Smith F.

Total 5

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Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 348**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered..

Majority Leader Thomas moved the President be authorized to appoint a conference committee, and request the House to appoint a like committee, to discuss **House amendments to SB 12**. Motion carried. The President appointed Senator Salomon, chair, and Senators McClafferty and Tempel.

Majority Leader Thomas moved the Senate **suspend Senate Rules 40-40, 40-60, 50-90, 50-190, and Joint Rule 40-150**, pertaining to second and third reading procedures, through the sixty-seventh legislative day. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 204** passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 41

Nays: Blasdel, Esp, Keenan, Lang, Regier, Tempel, Vance, Mr President.

Total 8

Paired: None.

Excused: Howard.

Total 1

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Absent or not voting: None.

Total 0

**SB 216** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Webber.

Total 19

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 245** passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Vuckovich, Webber, Welborn.

Total 34

Nays: Blasdel, Brown, Ellsworth, Esp, Hinebauch, Kary, Keenan, Lang, Olszewski, Smith C, Tempel, Thomas, Vance, Webb, Mr President.

Total 15

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 312** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

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Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 328** passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, MacDonald, McClafferty, McConnell, McNally, Osmundson, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Welborn, Mr President.

Total 30

Nays: Barrett, Brown, Cuffe, Esp, Fielder, Gross, Kary, Keenan, Lang, Malek, Olszewski, Phillips, Pomnichowski, Regier, Sands, Sesso, Vance, Webb, Webber.

Total 19

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 331 failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hoven, Osmundson, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webber, Welborn, Mr President.

Total 20

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Nays: Barrett, Bennett, Boland, Brown, Cohenour, Cuffe, Ellis, Esp, Fielder, Flowers, Gross, Hinebauch, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Sands, Smith F, Vuckovich, Webb.  
Total 29

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**SB 337** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 45

Nays: Fielder, Kary, Keenan, Olszewski.  
Total 4

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**SB 338** passed as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.  
Total 33

Nays: Blasdel, Bogner, Brown, Ellsworth, Esp, Hinebauch, Hoven, Kary, Keenan, Olszewski, Osmundson, Regier, Smith C, Vance, Webb, Mr President.  
Total 16

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Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 352** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Esp, Fielder, Keenan.

Total 3

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 119** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Esp, Hinebauch.

Total 2

Paired: None.

Excused: Howard.

Total 1

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Absent or not voting: None.

Total 0

**SB 226** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: Esp.

Total 1

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 295** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Fielder, Olszewski.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 310** passed as follows:

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Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 40

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Pomnichowski, Sands, Smith F, Vuckovich.

Total 9

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 15** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vuckovich, Webber, Welborn.

Total 36

Nays: Blasdel, Cuffe, Ellsworth, Esp, Keenan, Lang, Olszewski, Osmundson, Regier, Tempel, Vance, Webb, Mr President.

Total 13

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 351** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

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Total 43

Nays: Hinebauch, Keenan, Lang, Regier, Vance, Mr President.

Total 6

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 387** concurred in as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn.

Total 33

Nays: Barrett, Ellis, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, MacDonald, Olszewski, Pomnichowski, Sands, Vance, Webber, Mr President.

Total 16

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Vote totals include a change of vote from No to Yes made by Senator Bogner under Motions.

**HB 35** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webb, Webber, Welborn.

Total 37

Nays: Bogner, Brown, Esp, Fielder, Hinebauch, Kary, Keenan, Malek, Olszewski, Smith C, Thomas, Mr President.

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Total 12

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

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

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Phillips in the chair.

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

President Sales excused at this time.

**SB 346** - Senator Fitzpatrick moved **SB 346** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Howard, Mr President.

Total 2

Absent or not voting: None.

Total 0

President Sales present at this time.

**SB 351** - Senator Ellsworth moved **SB 351** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 358** - Senator Gauthier moved **SB 358** do pass.

**SB 358** - Senator Gauthier moved **SB 358**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AND REPORT ALCOHOL STORAGE FACILITY LICENSES"

2. Page 2, line 20 through line 21.

**Strike:** "-- resort alcohol storage facility" on line 20 through "licenses" on line 21

3. Page 3, line 6.

**Strike:** "is"

4. Page 3, line 7.

**Following:** "(a)"

**Insert:** "is"

5. Page 3, line 8.

**Following:** line 7

**Insert:** "(b) allows delivery of alcohol to the accommodation units of guests, as long as the guests are present, age is verified, and the guests are not intoxicated;"

**Renumber:** subsequent subsections

**Following:** "(b)"

**Insert:** "is"

6. Page 3, line 9.

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**Following:** "(c)"

**Insert:** "is"

7. Page 3, line 10 through line 26.

**Strike:** subsection (5) through subsection (7) in their entirety

**Renumber:** subsequent subsections

8. Page 10, line 4.

**Following:** "and"

**Insert:** "and"

9. Page 10, line 5 through 6.

**Following:** "license" on line 5

**Strike:** remainder of line 5 through "license" on line 6

10. Page 11, line 9 through line 10.

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

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Fielder, Smith C.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 358** - As amended, **SB 358** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

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Total 43

Nays: Esp, Fielder, Hinebauch, Osmundson, Smith C, Smith F.

Total 6

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 365** - Senator D. Brown moved **SB 365** do pass.

**SB 365** - Senator D. Brown moved **SB 365**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Following:** "FLATHEAD"

**Strike:** "VALLEY"

**Insert:** "COUNTY"

2. Page 1, line 11.

**Following:** "Flathead"

**Strike:** "valley"

**Insert:** "County"

3. Page 1, line 12.

**Following:** "Flathead"

**Strike:** "valley"

**Insert:** "County"

4. Page 1, line 15.

**Following:** "Flathead"

**Strike:** "valley"

**Insert:** "County"

5. Page 1, line 17.

**Following:** "Flathead"

**Strike:** "valley"

**Insert:** "County"

6. Page 1, line 18.

**Following:** "Flathead"

**Strike:** "valley"

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**Insert:** "County"

7. Page 1, line 21.

**Following:** "Flathead"

**Strike:** "valley"

**Insert:** "County"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Bennett, Kary.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 365** - As amended, **SB 365** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 47

Nays: Hinebauch, Kary.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

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Total 0

**SB 324** - Senator Jacobson moved **SB 324** do pass.

**SB 324** - Senator Jacobson moved **SB 324**, second reading copy, be amended as follows:

1. Page 1, line 21.

**Strike:** line 21

**Insert:** "in a place where the older person or person with a developmental disability has a reasonable expectation of privacy."

2. Page 3, line 1.

**Strike:** "into" through "facility"

3. Page 3, line 2.

**Strike:** "long-term care"

4. Page 3, line 24.

**Following:** "disability"

**Strike:** "residing" through "facility"

**Insert:** "in a place where the older person or person with a developmental disability has a reasonable expectation of privacy"

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 324** - As amended, **SB 324** passed as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Ellis, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 40

Nays: Cuffe, Ellsworth, Esp, Hinebauch, Kary, Lang, Smith C, Tempel, Vance.  
Total 9

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**SB 343** - Senator Richmond moved **SB 343** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Thomas, Vuckovich, Webber, Welborn.  
Total 28

Nays: Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Hoven, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Smith C, Smith F, Tempel, Vance, Webb, Mr President.  
Total 21

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**SB 356** - Senator Ankney moved **SB 356** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Kary, Keenan, Lang, McConnell, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vuckovich, Webb, Welborn, Mr President.  
Total 27

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Nays: Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Hinebauch, Hoven, Jacobson, MacDonald, Malek, McClafferty, McNally, Pomnichowski, Sands, Sesso, Smith F, Vance, Webber.

Total 22

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 362** - Senator Lang moved **SB 362** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: Vance.

Total 1

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

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Total 49

Nays: None.  
Total 0

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

**MOTIONS**

Senator Bogner moved to change his third-reading vote on **HB 387** from No to Yes. Without objection, so ordered.

Majority Leader Thomas moved the Senate recess for approximately forty-five minutes. Motion carried.

Senate recessed at 2:57 p.m.

Senate reconvened at 3:49 p.m. President Sales presiding.

**MOTIONS**

Majority Leader Thomas move the Senate reconsider its third-reading action on **SB 331**, and that **SB 331** be placed on third reading this date. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Lang, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 30

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Esp, Flowers, Gross, Keenan, MacDonald, Malek, McClafferty, McConnell, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Webber.

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Total 19

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**THIRD READING OF BILLS**

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 331** passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Kary, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 27

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Esp, Fielder, Flowers, Gross, Jacobson, Keenan, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Webber.

Total 22

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Majority Leader Thomas moved to take **HB 318** from the Senate and place it on second reading at the top of the agenda.. Without objection, so ordered.

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

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for

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consideration of business on second reading. Motion carried. Senator Phillips in the chair.

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

**HB 318** - Senator Fitzpatrick moved **HB 318** be concurred in.

**HB 318** - Senator Olszewski moved **HB 318** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Mr President.

Total 23

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Vuckovich, Webber, Welborn.

Total 26

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**HB 318** - Thereupon, the Senate reverted to the original motion of Senator Fitzpatrick which passed as follows:

Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Vuckovich, Webber, Welborn.

Total 26

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Mr President.

Total 23

Paired: None.

Excused: Howard.

Total 1

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Absent or not voting: None.

Total 0

Senator Esp excused at this time.

**SB 319** - Senator Kary moved **SB 319** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Esp, Howard.

Total 2

Absent or not voting: None.

Total 0

Senator Esp present at this time.

**SB 334** - Senator Hoven moved **SB 334** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn, Mr President.

Total 29

Nays: Blasdel, Bogner, Boland, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Salomon, Smith C, Thomas, Vance, Webb.

Total 20

Paired: None.

Excused: Howard.

Total 1

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Absent or not voting: None.

Total 0

**SB 364** - Senator D. Brown moved **SB 364** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.  
Total 47

Nays: Smith F, Vuckovich.

Total 2

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 69** - Senator Blasdel moved **SB 69** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 353** - Senator Cohenour moved **SB 353** do pass. Motion carried as follows:

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Yeas: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 25

Nays: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Hinebauch, Kary, Keenan, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 24

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 360** - Senator Jacobson moved **SB 360** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 28

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Smith C, Thomas, Vance, Webb, Mr President.

Total 21

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 359** - Senator Bennett moved **SB 359** do pass. Motion **failed** as follows:

Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.

Total 24

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Nays: Ankney, Blasdel, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 25

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 359** - Senator Thomas moved **SB 359** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gillespie, Hinebauch, Kary, Keenan, Lang, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 27

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Vuckovich, Webber.

Total 22

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Phillips moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cohenour, Cuffe, Ellsworth, Esp, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Mr President.

Total 37

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Nays: Barrett, Bennett, Boland, Ellis, Fielder, Flowers, Gross, MacDonald, McNally, Olszewski, Sands, Webber.  
Total 12

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

Senate recessed at 4:54 p.m.

Senate reconvened at 5:10 p.m. President Sales presiding.

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

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. President Sales in the chair.

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

**SB 265** - Senator Jacobson moved **SB 265** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Hoven, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 37

Nays: Brown, Cuffe, Ellsworth, Esp, Fielder, Gross, Hinebauch, Kary, Olszewski, Smith C, Vance, Mr President.  
Total 12

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.

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Total 0

**SB 266** - Senator Blasdel moved **SB 266** do pass. Motion carried as follows:

Yeas: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.

Total 37

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Hinebauch, Pomnichowski, Vance, Welborn, Mr President.

Total 12

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 330** - Senator Blasdel moved **SB 330** do pass. Motion carried as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Jacobson, Kary, Keenan, McClafferty, McConnell, McNally, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith F, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 33

Nays: Barrett, Brown, Esp, Fielder, Hinebauch, Hoven, Lang, MacDonald, Malek, Olszewski, Osmundson, Pomnichowski, Sands, Smith C, Tempel, Thomas.

Total 16

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 341** - Senator Blasdel moved **SB 341** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis,

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Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

**SB 363** - Senator Ankney moved **SB 363** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Ellis, Fitzpatrick, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Webb, Webber, Welborn.

Total 31

Nays: Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Gauthier, Hinebauch, Kary, Keenan, Lang, Olszewski, Regier, Smith C, Thomas, Vance, Mr President.

Total 18

Paired: None.

Excused: Howard.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth,

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Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 47

Nays: Brown, Olszewski.  
Total 2

Paired: None.

Excused: Howard.  
Total 1

Absent or not voting: None.  
Total 0

**MOTIONS**

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, April 1, 2019, the sixty-seventh legislative day. Motion carried.

Senate adjourned at 5:51 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate