

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

Helena, Montana
April 2, 2007

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Gebhardt, Gillan excused. Quorum present.

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

Total 41

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

Total 7

Absent or not voting: None.

Total 0

Excused: Gebhardt, Gillan.

Total 2

SEN. CAROL WILLIAMS, SD 46, MISSOULA moved the Senate Democrats to caucus and **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Senate Republicans to caucus.

The Senate reconvened at 12:53 p.m.

Roll Call. Senator Black excused. Quorum present.

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

Total 41

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

Total 8

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

COMMUNICATIONS AND PETITIONS

House Joint Memorial No. 4 by State Affairs Committee was read and posted to the journal.

REPORTS OF STANDING COMMITTEES

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BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):
HB 766, be amended as follows:

4/2/2007

1. Title, line 4.

Following: "LAWS;"

Insert: "ELIMINATING THE ELIGIBILITY OF QUALIFIED ASSOCIATION HEALTH PLANS FOR PREMIUM ASSISTANCE AND PREMIUM INCENTIVE PAYMENTS;"

2. Title, line 6.

Following: "PAYMENTS;"

Insert: "AUTHORIZING THE BOARD OF DIRECTORS OF THE SMALL BUSINESS HEALTH INSURANCE POOL TO DESIGN, IMPLEMENT, AND ALLOCATE AVAILABLE FUNDING FOR A WELLNESS BENEFIT FOR ELIGIBLE EMPLOYEES AND DEPENDENTS COVERED UNDER PURCHASING POOL COVERAGE AND TO ALLOCATE FUNDS FOR CAFETERIA PLAN EXPENSES;"

3. Title, line 11 through line 12.

Strike: "CLARIFYING" on line 11 through the first "AND" on line 12

Insert: "DEDICATING SPECIFIC APPROPRIATION FUNDS;"

Following: "SECTIONS" on line 12

Insert: "33-22-1815, 33-22-1816, 33-22-2001,"

Following: "33-22-2002" on line 12

Strike: "AND"

Insert: ", 33-22-2004,"

Following: "33-22-2005,"

Insert: "33-22-2006, 33-22-2007, AND 33-22-2008,"

Following: "MCA"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1.

Following: line 15

Insert: "**Section 1.** Section 33-22-1815, MCA, is amended to read:

"33-22-1815. Qualifications for voluntary purchasing pool. A voluntary purchasing pool of disability insurance purchasers may be formed solely for the purpose of obtaining disability insurance upon compliance with the following provisions:

(1) It contains at least 51 eligible employees.

(2) It establishes requirements for membership. ~~The~~ Except as provided in Title 33, chapter 22, part 20, the voluntary purchasing pool shall accept for membership any small employers and may accept for membership any employers with at least 51 eligible employees that otherwise meet the requirements for membership. However, the voluntary purchasing pool may not exclude any small employers that otherwise meet the requirements for membership on the basis of claim experience, occupation, or health status.

(3) It holds an open enrollment period at least once a year during which new members can join the voluntary purchasing pool.

(4) It offers coverage to eligible employees of member employers and to the employees' dependents. Coverage may not be limited to certain employees of member small employers except as provided in 33-22-1811(3)(c).

(5) It does not assume any risk or form self-insurance plans among its members.

(6) (a) Disability insurance policies, certificates, or contracts offered through the voluntary purchasing pool must rate the entire purchasing pool group as a whole and charge each insured person based on a community rate within the common group, adjusted for case characteristics as permitted by the laws governing group disability

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insurance.

(b) Except for the rates for the small business health insurance pool established in 33-22-2001, rates for voluntary purchasing pool groups must be set pursuant to the provisions of 33-22-1809.

(c) At its discretion, premiums may be paid to the disability insurance policies, certificates, or contracts by the voluntary purchasing pool or by member employers.

(7) A person marketing disability insurance policies, certificates, or contracts for a voluntary purchasing pool must be licensed as an insurance producer."

Insert: "Section 2. Section 33-22-1816, MCA, is amended to read:

"33-22-1816. Commissioner powers and duties -- application for registration -- reporting insolvency.

(1) The commissioner shall develop forms for registration of an organization as a voluntary purchasing pool.

(2) An organization seeking to be registered as a voluntary purchasing pool shall make application to the commissioner. The commissioner shall register an organization as a voluntary purchasing pool upon proof of fulfillment of the qualifications provided in 33-22-1815.

(3) Except as provided in subsection (5), on March 1 of each year, the voluntary purchasing pool shall provide a report and financial statement for the previous calendar year to the commissioner in order that the commissioner may determine:

(a) whether the operation of the voluntary purchasing pool is fiscally sound;

(b) whether the voluntary purchasing pool is bearing any risk; and

(c) the number of individuals covered.

(4) The annual report of the voluntary purchasing pool must disclose its total administrative cost.

(5) A voluntary purchasing pool may choose to operate on a fiscal year other than on the calendar year.

A voluntary purchasing pool that establishes a fiscal year that is other than the calendar year shall provide the report required in subsection (3) to the commissioner within 60 days of the voluntary purchasing pool's fiscal yearend.

(6) A small business health insurance pool established pursuant to 33-22-2001 is exempt from the provisions of this section."

Insert: "Section 3. Section 33-22-2001, MCA, is amended to read:

"33-22-2001. Establishment of small business health insurance pool -- intent. (1) There is established a nonprofit legal entity known as the small business health insurance pool, with participating membership consisting of all employer members of the purchasing pool.

(2) The small business health insurance pool is created as a voluntary purchasing pool pursuant to the provisions of 33-22-1815 ~~through and~~ 33-22-1817.

(3) Subject to the conditions in 53-6-1201, the purchasing pool shall make group health plan coverage available effective January 1, 2006.

(4) It is the intent of the legislature that the board:

(a) establish criteria that will allow the greatest number of employees possible to be eligible for premium assistance payments by not permitting eligibility for premium assistance payments under this part to employees who continue [to maintain enrollment in another] comprehensive health insurance coverage through a spouse, parent, or other person; and

(b) allow eligible small employers to determine the length of the waiting period that will apply to their employees as long as the waiting period:

(i) is not more than 12 months; and

(ii) applies to all eligible employees within that small group in the same manner.

(5) The legislative auditor shall conduct or have conducted, at least once each biennium covering the prior 2 fiscal years, a financial compliance audit of the board and the purchasing pool. The cost of the audit must be paid for by the purchasing pool as a direct cost not subject to the cap on administrative expenses."

Renumber: subsequent sections

5. Page 1, line 24.

Following: "15"

Insert: "eligible"

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6. Page 1, line 25.

Following: "15"

Insert: "eligible"

7. Page 2, line 3.

Following: "pool"

Strike: "or through" through "plans"

8. Page 2, line 6.

Following: "pool"

Strike: "or through" through "plans"

9. Page 2.

Following: line 17

Insert: "Section 5. Section 33-22-2004, MCA, is amended to read:

"33-22-2004. Powers and duties of board. (1) The board shall:

(a) establish an operating plan that includes but is not limited to administrative and accounting procedures for the operation of the purchasing pool and a schedule for premium incentive and premium assistance payments and that complies with the powers and duties provided for in this section;

(b) recommend to the commissioner the number of employees that may be employed in order to qualify as an eligible small employer;

~~(b)(c)~~ require employers and employees to reapply for premium incentive payments or premium assistance payments on an annual basis;

~~(c)(d)~~ upon reapplication, give priority to employers and their eligible employees who are already receiving the premium incentive payments and premium assistance payments unless that employer group no longer meets eligibility requirements;

~~(d)(e)~~ upon reapplication, allow employers to retain eligibility to receive premium incentive payments and premium assistance payments on behalf of their eligible employees if the number of their employees goes over the maximum number, not to exceed ~~nine~~ 15 employees, established by the commissioner in administrative rule;

~~(e)(f)~~ renew purchasing pool group health plan coverage for all employer groups, even if the employer group no longer receives or is eligible for a premium incentive or premium assistance payment;

~~(f)(g)~~ adopt a premium incentive payment amount schedule that is ~~the same for~~ based on a percentage of the employer's share of the premium that is uniformly applied to all registered eligible small employers who join the purchasing pool ~~or obtain qualified association health plan coverage;~~

~~(g)(h)~~ adopt premium assistance payment amounts that, ~~in combination with the premium incentive payments, are consistent with the amounts provided for in 33-22-2006 and 33-22-2008 or with the assistance of the department of public health and human services,~~ adopt a premium assistance payment schedule that is equitably proportional to the income or wage level for eligible employees;

~~(h)(i)~~ establish criteria for determining which employees will be eligible for a premium assistance payment and the amount that the employees will receive from among those eligible small employer groups that have registered with the commissioner pursuant to 33-22-2008 and applied for coverage under the purchasing pool group health plan ~~or qualified association health plan~~. However, to the extent that federal funds are used to make some premium assistance payments, criteria for those payments must be consistent with any waiver requirements determined by the department of public health and human services pursuant to 53-2-216. Eligibility for employees is not limited to the waiver eligibility groups.

~~(i)(j)~~ make appropriate changes to eligibility or other elements in the operating plan, implement a wellness benefit, and offer funding for cafeteria plan assistance, as provided for in 26 U.S.C. 125, as needed to reach the goal of expending ~~90%~~ 95% of the funding dedicated to premium incentive payments and premium assistance payments during the current biennium;

~~(j)(k)~~ limit the total amount of premium incentive payments and premium assistance payments paid to the

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amount of available state, federal, and private funding;

~~(k)~~(l) approve no more than six fully insured group health plans with different benefit levels that will be offered to employers participating in the purchasing pool;

~~(h)~~(m) prepare appropriate specifications and bid forms and solicit bids from health insurance issuers authorized to do business in this state;

~~(m)~~(n) contract with no more than three health insurance issuers to underwrite the group health plans that will be offered through the purchasing pool;

~~(n)~~(o) request that the department of public health and human services seek a federal waiver for medicaid matching funds for premium assistance payments based on the department's analysis, as provided in 53-2-216, if it is in the best interests of the purchasing pool;

~~(o)~~(p) comply with the participation requirements provided for in 33-22-1811;

~~(p)~~(q) meet at least four times annually; and

~~(q)~~(r) within 2 years after the purchasing pool is established and considered stable by the board, examine the possibility of offering an opportunity for individual sole proprietors without employees to purchase insurance from the purchasing pool without premium incentive payments, premium assistance payments, or tax credits.

(2) The board may:

(a) borrow money;

(b) enter into contracts with insurers, administrators, or other persons;

(c) hire employees to perform the administrative tasks of the purchasing pool;

(d) assess its members for costs associated with administration of the purchasing pool and request that the commissioner transfer funds or request that the department of public health and human services transfer funds from the special revenue account, as provided in 53-6-1201, for that purpose;

(e) set contribution levels for employers;

(f) request that funds be transferred from the funds appropriated for premium incentive payments and premium assistance payments to the general fund to offset tax credits if the number of eligible small employers seeking premium incentive payments and employees receiving premium assistance payments is insufficient to exhaust at least ~~90%~~ 95% of the appropriated funds for the premium incentive and assistance payments, the wellness benefit, and the cafeteria plan expenses during a biennium;

(g) request that funds be transferred from the funds appropriated for tax credits to the funds appropriated for premium incentive payments and premium assistance payments if the number of eligible small employers seeking tax credits is insufficient to exhaust at least 95% of the funds appropriated for tax credits;

~~(g)~~(h) seek other federal, state, and private funding sources;

~~(h)~~(i) accept all small employer groups who apply for coverage under the small business health insurance pool group health plan even if they are not eligible for any tax credit or premium incentive payment and have not been registered by the commissioner pursuant to 33-22-2008;

~~(i) receive from the commissioner's office or the department of public health and human services premium incentive payments on behalf of eligible small employers and premium assistance payments on behalf of eligible employees, collect the employer or employee premiums from the employer or employees, and make premium payments to insurers on behalf of the eligible small employers and employees;~~

~~(j) request the commissioner to direct more than 30% of the available funding for premium incentives and premium assistance payments to qualified association health plan coverage instead of purchasing pool coverage; and~~

~~(k)~~(l) pay appropriate commissions to licensed insurance producers who market purchasing pool coverage; and

(k) design, implement, and allocate funding, if available, for a wellness benefit in addition to benefits provided in the insurance contract, in which eligible employees and dependents covered under purchasing pool coverage may participate."

10. Page 2, line 20.

Strike: "-- RATES"

Strike: "(1)"

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11. Page 2, line 22.

Strike: "(A)"

Insert: "(1)"

Renumber: subsequent subsections

Following: "regarding"

Insert: "eligibility,"

12. Page 3, line 7 through line 9.

Strike: subsection (9) in its entirety

Renumber: subsequent subsections

13. Page 3, line 10 through line 11.

Strike: "for qualified" on line 10 through "coverage" on line 11

14. Page 3, line 12.

Strike: "and"

15. Page 3, line 13.

Strike: "(I)"

Insert: "(a)"

Renumber: subsequent subsections

16. Page 3, line 19.

Following: "plans"

Insert: "; and"

Insert: "(11) approve or disapprove any wellness benefit and any funding allocated for that benefit that is proposed by the board for pool participants"

17. Page 3, line 20.

Strike: line 20

18. Page 3.

Following: line 20

Insert: "**Section 7.** Section 33-22-2006, MCA, is amended to read:

"33-22-2006. Premium incentive payments, premium assistance payments, and tax credits for small employer health insurance premiums paid -- eligibility for small group coverage -- amounts. (1) ~~An~~ Subject to subsection (2), an employer is eligible to apply for premium incentive payments and premium assistance payments or a tax credit under this part if the employer and any related employers:

(a) did not have more than the number of employees established for eligibility by the commissioner at the time of registering for premium incentive payments or premium assistance payments or a tax credit under 33-22-2008;

(b) provide or will provide a group health plan for the employer's and any related employer's employees;

(c) do not have delinquent state income tax liability owing to the department of revenue from previous years;

(d) have been registered as eligible small employer participants by the commissioner as provided in 33-22-2008; and

(e) do not have any employees, not including an owner, partner, or shareholder of the business, who received more than \$75,000 in gross compensation, including bonuses and commissions, from the small employer or related employer in the prior tax year.

(2) An employer may not receive a premium incentive payment, a premium assistance payment, or a tax

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credit for the premium of any of the following individuals or the individual's dependents if the individual's gross income in the prior tax year exceeds \$75,000:

- (a) a sole proprietor of a sole proprietorship that is the employer;
- (b) a partner of a partnership that is the employer;
- (c) a shareholder of a corporation that is the employer;
- (d) a member or manager of a limited liability company that is the employer; or
- (e) the trustee of a trust that is the employer.

~~(2)~~(3) The commissioner shall establish, by rule, the maximum number of employees that may be employed to qualify as ~~a~~ an eligible small employer under subsection (1). However, the number may not be less than two employees or more than ~~nine~~ 15 employees. The commissioner shall consider the recommendation of the board when changing the rule pertaining to the number of employees that determines eligibility. The maximum number may be different for employers seeking premium incentive payments and premium assistance payments than for employers seeking a tax credit. The number must be set to maximize the number of employees receiving coverage under this part. The commissioner may not change the maximum employee number more often than every 6 months. If the maximum number of allowable employees is changed, the change does not disqualify registered employers with respect to the tax year for which the ~~employer has~~ employers have registered.

~~(3)~~(4) Except as provided in subsection ~~(4)~~ (5), an eligible small employer may claim a tax credit in the following amounts:

- (a) (i) not more than \$100 each month for each employee and \$100 each month for each employee's spouse, if the employer covers the employee's spouse, if the average age of the group is under 45 years of age; or
- (ii) not more than \$125 each month for each employee and \$100 each month for each employee's spouse, if the employer covers the employee's spouse, if the average age of the group is 45 years of age or older; and
- (b) not more than \$40 each month for each dependent, other than the employee's spouse, if the employer is paying for coverage for the dependents, not to exceed two dependents of an employee in addition to the employee's spouse.

~~(4)~~(5) An employer may not claim a tax credit:

- (a) in excess of 50% of the total premiums paid by the employer for the qualifying small group;
- (b) for premiums paid from a medical care savings account provided for in Title 15, chapter 61; or
- (c) for premiums for which a deduction is claimed under 15-30-121 or 15-31-114.

~~(5)~~(6) An employer may not claim a premium incentive payment in excess of 50% of the total premiums paid by the employer for the qualifying small group."

Insert: "Section 8. Section 33-22-2007, MCA, is amended to read:

"33-22-2007. Filing for tax credit -- filing for premium incentive payments and premium assistance payments. (1) An eligible small employer may:

- (a) apply the tax credit against taxes due for the current tax year on a return filed pursuant to Title 15, chapter 30 or 31; or
- (b) if the eligible small employer did not sponsor a group health plan for employees during the 2 years prior to the first tax year of registration for the premium incentive payments or premium assistance payments or operates a new business that is less than 2 years old and has never sponsored a group health plan, apply to receive monthly premium incentive payments and premium assistance payments to be applied to coverage obtained through the purchasing pool ~~or qualified association health plan coverage approved by the commissioner.~~

(2) An eligible small employer may not, in the same tax year, apply the tax credit against taxes due for the current tax year, as provided for in subsection (1)(a), and receive premium incentive payments, as provided for in subsection (1)(b).

(3) The premium incentive payments and premium assistance payments provided for in subsection (1)(b) must be paid pursuant to a plan of operation implemented by the board and any applicable administrative rules.

(4) (a) If an eligible small employer's tax credit as provided in subsection (1)(a) exceeds the employer's liability under 15-30-103 or 15-31-121, the amount of the excess must be refunded to the eligible small employer. The tax credit may be claimed even if the eligible small employer has no tax liability under 15-30-103 or 15-31-121.

(b) A tax credit is not allowed under 15-30-129, 15-31-132, or any other provision of Title 15, chapter 30 or 31, with respect to any amount for which a tax credit is allowed under this part.

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(5) The department of revenue or the commissioner may grant a reasonable extension for filing a claim for premium incentive payments or premium assistance payments or a tax credit whenever, in the department's or the commissioner's judgment, good cause exists. The department of revenue and the commissioner shall keep a record of each extension and the reason for granting the extension.

(6) (a) If an employer that would have a claim under this part ceases doing business before filing the claim, the representative of the employer who files the tax return or pays the premium may file the claim.

(b) If a corporation that would have a claim under this part merges with or is acquired by another corporation and the merger or acquisition makes the previously eligible corporation ineligible for the premium incentive payments, premium assistance payments, or tax credit in the future, the surviving or acquired corporation may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the former eligible corporation remained eligible.

(c) If an employer that would have a claim under this part files for bankruptcy protection, the receiver may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the employer was eligible."

Insert: "Section 9. Section 33-22-2008, MCA, is amended to read:

"33-22-2008. Registration -- funding limitations -- transfers -- maximum number -- waiting list -- information transfer for tax credits. (1) (a) Each eligible small employer that proposes to apply for premium incentive payments and premium assistance payments or a tax credit under this part must be registered each year with the commissioner. ~~The commissioner shall begin taking new applications for 2006 on October 1, 2005.~~

(b) An eligible small employer may submit a new application for the premium incentive payments and premium assistance payments or the tax credit anytime during the year, but in order to maintain the employer's registration for the next year, the registration application must be renewed each year.

(c) The commissioner shall begin accepting renewal applications on October 1 of each year and stop accepting renewal applications on October 31 of each year.

(d) The registration application must include the number of individuals covered, as of the date of the registration application, under the small group health plan for which the employer is seeking premium incentive payments and premium assistance payments or a tax credit. If, after the initial registration, the number of individuals increases, the employer may apply to register the additional individuals, but those additional individuals may be added only at the discretion of the commissioner, who shall limit enrollment based on available funds.

(e) A small employer is not eligible to apply for premium incentive payments and premium assistance payments or a tax credit for a number of employees, or the employees' spouses or dependents, over the number that has been established in 33-22-2006 as the maximum number of employees an employer may have in order to qualify for registration for the time period in question.

(f) An employer's decision to apply for premium incentive payments and premium assistance payments ~~or instead of a tax credit~~ is irrevocable for 12 months or until the purchasing pool group health plan ~~or qualified association health plan renews its registration~~ is renewed, whichever time period is less. An employer may choose to discontinue receiving any premium incentive payments and premium assistance payments or tax credits at any time.

(2) (a) The commissioner shall register qualifying eligible small employers in the order in which applications are received and according to whether or not the application is for premium incentive payments and premium assistance payments or a tax credit.

(b) (i) Initially, 60% of the available funding must be dedicated to provide and maintain premium incentive payments and premium assistance payments for eligible small employers who have not sponsored group health plans in the previous 2 years and who chose to join the purchasing pool ~~or a qualified association health plan~~ and 40% of the available funding must be dedicated to tax credits for eligible small employers who currently sponsor a small group health plan.

(ii) Sixty percent of any additional funds up to \$1 million appropriated to this program from the special revenue account that is an increase over the prior biennium must be dedicated to provide and maintain premium incentive payments and premium assistance payments for employers who have not sponsored group health plans in the previous 2 years and who choose to join the purchasing pool as provided in 53-6-1201(3)(e).

(iii) Forty percent of any additional funds up to \$1 million appropriated to this program from the special

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revenue account that is an increase over the prior biennium must be dedicated to provide and maintain tax credits, as provided in 53-6-1201(3)(d), for employers who have not sponsored group health plans in the previous 2 years and who choose to join a qualified association health plan.

(c) Funding may be transferred from the allocated fund for premium incentive payments and premium assistance payments to the general fund for tax credits if the board requests the transfer, as provided in 33-22-2004, and the commissioner approves the request.

(d) Funding may be transferred from the allocated fund for tax credits to the allocated fund for premium incentive payments and premium assistance payments if the board requests the transfer, as provided in 33-22-2004, and the commissioner approves the request.

(3) (a) The maximum number of eligible small employers is reached when the anticipated amount of claims for premium incentive payments and premium assistance payments and tax credits has reached 95% of the amount of money allocated for premium incentive payments and premium assistance payments and tax credits.

(b) The commissioner may establish a waiting list for applicants that are otherwise qualified for registration but cannot be registered because of a lack of money or because the maximum number of eligible small employers has been reached.

(c) The commissioner shall mail to each employer registered under this section a notice of registration containing a unique registration number and indicating eligibility for either premium incentive payments and premium assistance payments or a tax credit. The commissioner shall also issue to each employer that is eligible for premium incentive payments and premium assistance payments or the tax credit a certificate, placard, sticker, or other evidence of participation that may be publicly posted.

(d) The commissioner shall notify all persons who applied for registration and who were not accepted that they were not registered and the reason that they were not registered.

(4) A prospective participant shall apply for registration on a form provided by the commissioner. The prospective participant shall:

(a) provide the number of eligible employees and whether the employer qualifies under 33-22-2006;

(b) provide information that is necessary to estimate the amount of the premium incentive payments and premium assistance payments payable to the applicant or the amount of the tax credit available to the applicant, such as the ages of employees or dependents, relationships of employees' dependents, and information required by the department of public health and human services for determination of eligibility for premium assistance payments matched by federal funds;

(c) indicate whether the prospective employer intends to pursue the claim as a tax credit through the income tax process or through premium incentive payments and premium assistance payments to be applied toward purchasing pool ~~or eligible qualified association health plan~~ coverage;

(d) indicate whether or not the employer previously sponsored a group health plan and, if so, when and for how long; and

(e) provide any additional information determined by the commissioner to be necessary to support an application.

(5) (a) Each year, small employer participants shall reregister with the commissioner in order to determine the participant's continued eligibility.

(b) Small employer participants in the purchasing pool who no longer meet eligibility requirements because of statutory changes must be allowed to remain in the purchasing pool, but premium incentive payments and premium assistance payments will be discontinued beginning in January following a loss of eligibility status triggered by reregistration in October.

(c) Small employer participants who currently receive a tax credit but no longer meet eligibility requirements because of statutory changes will lose eligibility to claim a tax credit beginning in January following a loss of eligibility status triggered by reregistration in October.

(6) The commissioner shall transmit to the department of revenue, at least annually, a list of eligible small employers that are taxpayers entitled to the tax credit and shall specify the taxpayer's name and tax identification number, the tax year to which the credit applies, the amount of the credit, and whether the credit is to be applied against taxes due on the taxpayer's return or paid as premium incentive payments or premium assistance payments. Unless there has been a finding of fraud or misrepresentation on the part of the taxpayer regarding issues relating

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to eligibility for the tax credit, the department of revenue may not redetermine or change the commissioner's determination regarding the taxpayer's entitlement to and amount of the tax credit.

(7) If the department of public health and human services receives approval for a section 1115 waiver as provided in 53-2-216, the commissioner shall work with the department of public health and human services with regard to eligibility determinations as required by federal law or waiver conditions."

Insert: "NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval."

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

HB 785, be concurred in. Report adopted.

HJR 28, be concurred in. Report adopted.

HJR 39, be amended as follows:

1. Page 1, line 11 through line 12.

Strike: "a negative" on line 11 through "graduates" on line 12

Insert: "the fifth worst rate of net outmigration of young, single, college-educated adults, according to the U.S. Bureau of the Census"

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

EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):

4/2/2007

HB 594, be concurred in. Report adopted.

HB 609, be amended as follows:

1. Title, page 1, line 5.

Strike: "HEALTH BENEFIT OR GROUP"

2. Title, page 1, line 6.

Following: "DISTRICT'S"

Insert: "SELF-INSURED"

3. Page 1, line 12.

Following: first "benefit"

Strike: "or group health benefit"

4. Page 1, line 14.

Following: first "plan"

Strike: "or employee group health benefit plan"

5. Page 1, line 15.

Strike: "rate stabilization or other local health benefit"

6. Page 1, line 17.

Following: "district's"

Insert: "self-insured"

7. Page 1, line 26.

Following: "filed or"

Insert: "self-insured"

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

HB 672, be concurred in. Report adopted.

FINANCE AND CLAIMS (Schmidt, Chairman):

4/2/2007

HB 269, be concurred in. Report adopted.

HB 283, be concurred in. Report adopted.

HB 400, be amended as follows:

1. Page 1, line 13.

Strike: "10%"

Insert: "5%"

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

HB 608, be amended as follows:

1. Page 2, line 6.

Strike: "\$500,000"

Insert: "\$1 million"

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

HB 811, be concurred in. Report adopted.

JUDICIARY (Laslovich, Chairman):

4/2/2007

HB 136, be amended as follows:

1. Page 1, line 14.

Strike: "\$100,000"

Insert: "\$50,000"

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

HB 272, be amended as follows:

1. Title, line 5.

Following: "OFFENDER"

Strike: "OR A VIOLENT OFFENDER"

2. Title, line 6.

Following: line 5

Strike: "1,"

Following: "2"

Strike: ", "

Following: "OFFENDER"

Strike: "OR A VIOLENT OFFENDER"

3. Page 1, line 28.

Following: "require"

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Strike: "the"
Insert: "an"
Following: "offender"
Insert: "given a level 2 or level 3 designation"

4. Page 2, line 22.
Following: "require"
Strike: "the"
Insert: "an"
Following: "offender"
Insert: "given a level 2 or level 3 designation"

5. Page 2, line 28.
Following: "name"
Strike: " , "
Following: "and"
Insert: "and"
Following: "address"
Strike: " , and photograph"

6. Page 3, line 5.
Following: "46-23-509"
Strike: "OR IS A VIOLENT OFFENDER"

7. Page 3, line 28.
Following: line 27
Insert: "COORDINATION SECTION. Section 4. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 1 of this act] amending 46-23-504 is void and 46-23-504 as amended by [this act] must read as follows:

"46-23-504. Persons required to register -- procedure. (1) A sexual or violent offender:
(a) shall register immediately upon conclusion of the sentencing hearing if the offender is not sentenced to confinement or is not sentenced to the department and placed in confinement by the department;
(b) must be registered as provided in 46-23-503 at least 10 days prior to release from confinement if sentenced to confinement or sentenced to the department and placed in confinement by the department;
(c) shall register within 10 days of entering a county of this state for the purpose of residing or setting up a temporary domicile for 10 days or more or for an aggregate period exceeding 30 days in a calendar year.

(2) Registration under subsection (1)(a) or (1)(c) must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality. Whichever law enforcement official the offender registers with shall notify the other official of the registration. The probation officer having supervision over an offender required to register under subsection (1)(a) shall verify the offender's registration status with the appropriate law enforcement agency.

(3) At the time of registering, the offender shall sign a statement in writing giving the information required by the department of justice. The chief of police or sheriff shall fingerprint the offender, unless the offender's fingerprints are on file with the department of justice, and shall photograph the offender. Within 3 days, the chief of police or sheriff shall send copies of the statement, fingerprints, and photographs to the department of justice. The registration agency shall require an offender given a level 2 or level 3 designation to appear before the registration agency for a new photograph every year.

(4) (a) The department of justice shall mail a registration verification form:
(i) each 90 days to an offender designated as a level 3 offender under 46-23-509; and
(ii) each year to a violent offender or an offender designated as a level 1 or level 2 offender under

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46-23-509.

(b) The form must require the offender's current address and notarized signature. Within 10 days after receipt of the form, the offender shall complete the form and return it to the department.

(5) The offender is responsible, if able to pay, for costs associated with registration. The fees charged for registration may not exceed the actual costs of registration. The department of justice may adopt a rule establishing fees to cover registration costs incurred by the department of justice in maintaining registration and address verification records. The fees must be deposited in the general fund.

(6) The clerk of the district court in the county in which a person is convicted of a sexual or violent offense shall notify the sheriff in that county of the conviction within 10 days after entry of the judgment. ""

Insert: "COORDINATION SECTION. Section 5. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 2 of this act] amending 46-23-505 is void and 46-23-505 as amended by [this act] must read as follows:

"46-23-505. Notice of change of address -- duty to inform -- forwarding of information. If an offender required to register under this part has a change of address, the offender shall within 10 days of the change give written notification of the new address to the agency with whom the offender last registered or, if the offender was initially registered under 46-23-504(1)(b), to the ~~department and to the chief of police of the municipality or sheriff of the county~~ registration agency for the county or municipality from which the offender is moving. The agency or department shall, within 3 days after receipt of the new address, forward it to the department of justice, which shall forward a copy of the new address and photograph to the sheriff having jurisdiction over the new address and to the chief of police of the municipality of the new address if the new address is in a municipality. The registration agency shall require the offender to appear before the registration agency for a new photograph every year.""

Insert: "COORDINATION SECTION. Section 6. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 3 of this act] amending 46-23-508 is void."

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

HB 287, be amended as follows:

1. Title, line 6.

Following: "ACT"

Strike: "; " through "DATE"

2. Page 3, line 23.

Strike: section 3 in its entirety

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

HB 299, be amended as follows:

1. Page 1, line 18.

Following: "including"

Strike: "but not limited to"

2. Page 1, line 22.

Following: "avalanches"

Insert: ", except on open, designated ski trails"

3. Page 1, line 28.

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Following: "terrain,"

Strike: "EXTREME TERRAIN,"

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

HB 319, be concurred in. Report adopted.

HB 435, be amended as follows:

1. Page 3, line 4 through line 5.

Following: the first "CRIME" on line 4

Strike: remainder of line 4 through "CRIME," on line 5

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

HB 464, be amended as follows:

1. Page 2, line 12.

Following: "insured"

Insert: "or claimant"

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

HB 468, be amended as follows:

1. Page 1, line 10.

Following: "**program.**"

Insert: "(1)"

2. Page 1, line 17.

Insert: "(2) Proceedings and records of the program created by the board pursuant to 37-3-203(4) do not include health care information, as defined in 50-16-803, maintained by a health care provider in the provision of health care services to a physician who is receiving or has received assistance from the program. The health care information is subject to discovery from the physician or health care provider and to introduction into evidence in an administrative or judicial proceeding as may otherwise be allowed by law."

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

HB 559, be concurred in. Report adopted.

HB 630, be concurred in. Report adopted.

HB 636, be concurred in. Report adopted.

HB 641, be concurred in. Report adopted.

HB 742, be concurred in. Report adopted.

HB 781, be amended as follows:

1. Page 4, line 23.

Following: "African"

Insert: "American"

Following: "American,"

Strike: "or"

Following: "Asian"

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Insert: ", or Middle Eastern"

2. Page 4, line 30.

Following: line 29

Insert: "(10) Each law enforcement agency in this state may use federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."

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

NATURAL RESOURCES AND ENERGY (Lind, Chairman):

4/2/2007

HB 25, be amended as follows:

1. Title, page 1, line 11.

Following: "RESOURCES;"

Insert: "REQUIRING THE COMMISSION TO ADDRESS CARBON OFFSETS IN THE APPROVAL PROCESS;"

Following: "ASSETS;"

Insert: "REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH TARIFFS;"

2. Page 1, line 12.

Following: "69-8-311,"

Insert: "69-8-402,"

3. Title, page 1, line 16.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 17.

Strike: "69-8-103(3)(b)"

Insert: "69-8-103(4)(b)"

5. Page 5.

Following: line 27

Insert: "(3) "Carbon offset provider" means a qualified third-party entity that arranges for projects or actions that either reduce carbon dioxide emissions or that increase the absorption of carbon dioxide."

Renumber: subsequent subsections

6. Page 6.

Following: line 3

Insert: "(5) "Cost-effective carbon offsets" means any combination of certified actions taken to reduce carbon dioxide emissions, which collectively do not increase the cost of electricity produced annually on a per-megawatt-hour basis by more than 2.5%, including:

(a) actions undertaken by the applicant that increase the absorption of carbon dioxide from a facility or equipment used to generate electricity; or

(b) actions by a carbon offset provider on behalf of the applicant."

Renumber: subsequent subsections

7. Page 11, line 7.

Following: "exemption"

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Insert: "-- tariffs"

8. Page 13, line 14.

Following: "KILOWATTS"

Strike: "AND"

Insert: "that is not purchasing electricity from a public utility on [the effective date of this act] or a small customer of a buying cooperative pursuant to Title 35, chapter 19,"

9. Page 13, line 15.

Following: "SUPPLIER"

Insert: "or a buying cooperative established pursuant to Title 35, chapter 19"

Following: "CUSTOMER"

Insert: "or small customer of a buying cooperative pursuant to Title 35, chapter 19,"

10. Page 13, line 18.

Following: "(B)"

Strike: "A"

Insert: "Except as provided in subsection (3), a"

11. Page 13.

Following: line 20

Insert: "(3) Subject to the tariffs established pursuant to subsection (6) and notwithstanding any other provisions of this section, a small customer, as defined in 35-19-102, may:

(a) choose to purchase electricity from a buying cooperative pursuant to Title 35, chapter 19; and

(b) subsequently purchase electricity from a public utility."

Renumber: subsequent subsections

12. Page 13, line 21.

Following: "AFFECTS"

Strike: "A RETAIL CUSTOMER'S"

Insert: "the"

Following: "OBLIGATIONS"

Insert: "of a customer pursuant to subsection (3) or the rights and obligations of a retail customer"

13. Page 13, line 27.

Strike: "(4)(B)"

Insert: "(5)(b)"

14. Page 14, line 1.

Strike: "(4)(A)"

Insert: "(5)(a)"

15. Page 14.

Following: line 4

Insert: "(6) Upon the request of an electricity supplier or a buying cooperative formed pursuant to Title 35, chapter 19, the commission shall prepare the following tariffs for public utilities:

(a) a nondiscriminatory, cost-based tariff indicating the costs that a public utility will incur if transmission and distribution services are provided to another electricity supplier;

(b) a nondiscriminatory, cost-based reentry tariff for the relevant customer class to defray the costs of a customer returning to a public utility, with the commission taking into account, among other things, the benefit to

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the public utility customers of having increased load from the additional customer to defray costs on all of its systems; and

(c) a nondiscriminatory, cost-based tariff for a customer class to defray the unrecovered, embedded costs of customers that leave the utility. The commission shall, in making a decision on a tariff, take into account the following:

- (i) additional demands on the energy supply system that can defray the loss of customers;
- (ii) the extent to which the customer leaving the energy supply system will enable the utility to purchase less power, decreasing spot-market or short-term contract purchases;
- (iii) the benefit to the utility of not needing to construct additional generation facilities; and
- (iv) any other factors that the commission considers necessary."

16. Page 15, line 16.

Insert: "Section 10. Section 69-8-402, MCA, is amended to read:

"69-8-402. Universal system benefits programs. (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and low-income energy assistance.

(2) Beginning January 1, 1999, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. These universal system benefits charge rates must remain in effect through December 31, 2009.

(a) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

(b) A utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance, and for large customers' programs or activities as provided in subsection (7). The department of revenue shall review claimed credits of the utilities and large customers pursuant to 69-8-414.

(c) A ~~utility's distribution services provider~~ utility at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

(d) A customer's ~~distribution services provider~~ utility shall collect universal system benefits funds less any allowable credits.

(e) For a utility to receive credit for low-income-related expenditures, the activity must have taken place in Montana.

(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs and low-income energy assistance.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) A utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 17% of the utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(a) A utility must receive credit toward the utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities.

(b) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412.

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(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(8) A public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230. A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and telecommunications interim committee. The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to the department of revenue and the energy and telecommunications interim committee. The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(a) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(b) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2); and

(c) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

(9) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

(10) (a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection (10)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance.""

Renumber: subsequent sections

17. Page 16, line 24.

Strike: the first "and"

Insert: ", buying cooperatives formed pursuant to Title 35, chapter 19, and"

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18. Page 16, line 26.

Following: "identified in"

Insert: "35-19-102 and"

19. Page 16, line 27.

Following: "and (2)"

Insert: "and small customers pursuant to 35-19-102"

20. Page 17, line 20.

Strike: "DECEMBER 31, 2007"

Insert: "March 31, 2008"

21. Page 19, line 12.

Following: "(4)"

Insert: "(a)"

Strike: "THE"

Insert: "Except as provided in subsections (4)(b) through (4)(d), the"

22. Page 19.

Following: line 16

Insert: "(b) If an air quality permit pursuant to Title 75, chapter 2, is required for a new electrical generation resource or a modification to an existing resource, the commission shall hold the public hearing on the application for approval at least 30 days after the issuance of the final air quality permit.

(c) If a final air quality permit is not issued within the time limit pursuant to subsection (4)(a), the commission shall extend the time limit in order to comply with subsection (4)(b).

(d) The commission may extend the time limit for issuing an order for an additional 60 days following the hearing pursuant to subsection (4)(b)."

23. Page 20.

Following: line 7

Insert: "(e) When issuing an order for the acquisition of an equity interest or lease in a facility or equipment that is constructed after January 1, 2007, and that is used to generate electricity that is primarily fueled by natural or synthetic gas, the commission shall require the applicant to implement cost-effective carbon offsets. Expenditures required for cost-effective carbon offsets pursuant to this subsection (6)(e) are fully recoverable in rates. By March 31, 2008, the commission shall adopt rules for the implementation of this subsection (6)(e)."

Renumber: subsequent subsections

24. Page 20.

Following: line 20

Insert: "(8) Until the state or federal government has adopted uniformly applicable statewide standards for the capture and sequestration of carbon dioxide, the commission may not approve an application for the acquisition of an equity interest or lease in a facility or equipment used to generate electricity that is primarily fueled by coal and that is constructed after January 1, 2007, unless the facility or equipment captures and sequesters a minimum of 50% of the carbon dioxide produced by the facility."

Renumber: subsequent subsections

25. Page 21, line 8.

Strike: "DECEMBER 31, 2007"

Insert: "March 31, 2008"

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26. Page 24, line 30.

Strike: "18"

Insert: "19"

27. Page 25, line 2.

Strike: "18"

Insert: "19"

28. Page 25, line 14.

Insert: "NEW SECTION. **Section 24. Effective date.** [This act] is effective on passage and approval."

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

HB 36, be concurred in. Report adopted.

HB 328, be concurred in. Report adopted.

HB 460, be amended as follows:

1. Title, lines 5 and 6.

Strike: "CLARIFYING" on line 5 through "REQUIREMENTS;" on line 6

2. Title, line 9.

Strike: "SECTIONS" through ", AND"

Insert: "SECTION"

3. Page 1, line 14 through page 7, line 16.

Strike: section 1 and section 2 in their entirety

Renumber: subsequent sections

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

HB 584, be concurred in. Report adopted.

HB 681, be amended as follows:

1. Title, line 8.

Following: "69-8-1004,"

Strike: "AND"

Following: "69-8-1005,"

Insert: "AND 69-8-1007,"

2. Page 3, line 15.

Following: "69-8-1007 and"

Strike: "subsection"

Insert: "subsections "

Following: "(11)"

Insert: "and (12)"

3. Page 5, line 5.

Strike: "subsection (11)"

Insert: "subsections (11) and (12)"

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Following: "utility"

Insert: "or competitive electricity supplier"

4. Page 5, line 6.

Following: "utility"

Insert: "or competitive electricity supplier"

5. Page 5, line 7.

Following: "utility"

Insert: "or competitive electricity supplier"

6. Page 5, line 10.

Following: "utility"

Insert: "or competitive electricity supplier"

7. Page 5, line 13.

Following: "utility"

Insert: "or competitive electricity supplier"

8. Page 5, line 15.

Following: "utility"

Insert: "or competitive electricity supplier"

9. Page 5, line 17.

Following: "utility"

Insert: "or competitive electricity supplier"

10. Page 5.

Following: line 18

Insert: "(12)(a) Retail sales made by a competitive electricity supplier made according to prices, terms, and conditions of a written contract executed prior to [the effective date of this act] are exempt from the standards in subsections (2) through (4).

(b) The exemption provided for in subsection (12)(a) is terminated upon modification after [the effective date of this act] of the prices, terms, or conditions in a written contract."

11. Page 5, line 22.

Strike: "or competitive electricity supplier"

12. Page 5, line 28.

Strike: "or competitive electricity supplier"

13. Page 6.

Following: line 21

Insert: "(7) For the purpose of implementing this part, the commission has regulatory authority over competitive electricity suppliers."

Insert: "**Section 4.** Section 69-8-1007, MCA, is amended to read:

"69-8-1007. Cost caps. (1) A public utility that has restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the eligible renewable resource has demonstrated through a competitive bidding process that the total cost of electricity from that eligible resource, including the associated cost of ancillary services necessary to manage the transmission grid and firm the resource,

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is less than or equal to bids for the equivalent quantity of power over the equivalent contract term from other electricity suppliers.

(2) A public utility that has not restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the cost per kilowatt hour of the generation from the renewable resource does not exceed by more than 15% the cost of power from any other alternate generating resource available to the public utility.

(3) A competitive electricity supplier is not obligated to take electricity from an eligible renewable resource unless the total cost of the electricity from that eligible renewable resource, including ancillary services, is less than or equal to a cost cap determined by the commission based on:

(a) the cost of alternate power supplies available to the competitive electricity supplier; and

(b) the cost caps applicable to other utilities under this section."

Renumber: subsequent section

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

HB 715, be amended as follows:

1. Title, line 5.

Following: "USED FOR"

Insert: "CLEAN"

2. Page 1, line 29.

Following: "or"

Insert: "clean"

3. Page 2, line 8.

Following: "enhance"

Insert: "clean"

4. Page 2, line 9.

Following: "ENHANCE"

Insert: "clean"

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

PUBLIC HEALTH, WELFARE AND SAFETY (Weinberg, Chairman):

4/2/2007

HB 77, be concurred in. Report adopted.

HB 154, be concurred in. Report adopted.

HB 414, be concurred in. Report adopted.

HB 459, be concurred in. Report adopted.

HB 461, be concurred in. Report adopted.

HB 687, be amended as follows:

1. Title, line 4.

Following: "INSURANCE"

Insert: "AND HEALTH PLAN"

2. Title, page 1, line 5.

Following: "7;"

Strike: "AND"

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Following: "SECTIONS"
Insert: "2-18-704,"
Following: "33-30-1014,"
Strike: "AND"

3. Title, line 6.

Following: "33-31-301,"
Insert: "AND 33-35-306,"
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 1, line 10.

Insert: "**Section 1.** Section 2-18-704, MCA, is amended to read:

"2-18-704. Mandatory provisions. (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(d) For purposes of:

- (i) "developmental assessment"; and
- (ii) well-child care";

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

- (i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

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(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.

(8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in 33-22-129.

(9) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (9)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the immunization practice advisory committee of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (9).

(d) For purposes of this subsection (9):

(i) "well-child care" means the services described in subsection (9)(b) and delivered by a physician or a health care professional supervised by a physician; and

(ii) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics."

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Renumber: subsequent sections

5. Page 10, line 23.

Insert: "**Section 6.** Section 33-35-306, MCA, is amended to read:

"33-35-306. Application of insurance code to arrangements. (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(b) Title 33, chapter 1, part 7;

(c) 33-3-308;

(d) Title 33, chapter 18, except 33-18-242;

(e) Title 33, chapter 19;

(f) 33-22-107, 33-22-131, 33-22-134, and 33-22-135; and

(g) 33-22-512, 33-22-525 and 33-22-526.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked."

Insert: "NEW SECTION. **Section 7. Effective date.** [This act] is effective January 1, 2008."

Insert: "NEW SECTION. **Section 8. Applicability.** [This act] applies to policies, certificates, evidence of coverage, and plans issued or renewed on or after January 1, 2008."

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

HB 727, be amended as follows:

1. Title, line 5.

Following: "PLAN"

Insert: "BY PROVIDING FOR CONTINUED ELIGIBILITY FOR THE PURPOSE OF RETURNING TO WORK"

2. Page 1, line 26.

Following: "determining"

Insert: "continuing"

3. Page 1, line 27.

Strike: "family"

Insert: "earned"

Following: "income"

Strike: "received from any source"

Insert: "for individuals who have returned to work"

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

HB 743, be concurred in. Report adopted.

HJR 9, be concurred in. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

4/2/2007

HB 462, be amended as follows:

1. Title, page 1, line 8.

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Strike: "AND"

Insert: "PROVIDING FOR THE DISPOSITION OF CURRENT CONSTITUENT SERVICES ACCOUNTS;"

Strike: "SECTION"

Insert: "SECTIONS 2-2-104 AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.

Following: line 10

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

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 through 3].

(2) "Personal benefit" has the meaning provided in 13-37-240."

Renumber: subsequent sections

3. Page 1, line 13 through line 15.

Strike: "IS AN ACCOUNT" on line 13

Insert: "may be"

Strike: "HOLDING" on line 13 through "POSITION" on line 15

Insert: "elected to a statewide or legislative office to pay for constituent services"

4. Page 1, line 15.

Strike: "PUBLIC OFFICIAL"

Insert: "person elected to a statewide or legislative office"

5. Page 1, line 16.

Following: "(2)"

Insert: "(a)(i)"

6. Page 1, line 17.

Following: "."

Insert: "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions, subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session.

(b)"

Following: "used"

Insert: "only"

7. Page 1, line 17 through line 18.

Strike: "expenses" on line 17 through "constituents" on line 18

Insert: "constituent services"

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8. Page 1, line 18.

Following: ". "

Insert: "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account."

9. Page 1, line 24 through page 2, line 1.

Strike: subsections (3) and (4) in their entirety

Insert: "(3) A statewide official or legislator may not establish any account related to the public official's office other than a constituent services account. This subsection does not prohibit a statewide official or legislator from establishing a campaign account."

Renumber: subsequent subsections

10. Page 2, line 2.

Strike: "an annual"

Insert: "a quarterly"

11. Page 2, line 4.

Following: ". "

Insert: "The report must include the same information as required for a candidate reporting contributions under 13-37-229 and expenditures under 13-37-230. The report must be certified as provided in 13-37-231."

12. Page 2.

Following: line 6

Insert: "NEW SECTION. **Section 3. Contribution limits applicable to constituent services accounts.** (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account are limited as follows:

(a) for the office of governor or lieutenant governor, not to exceed \$500;

(b) for a statewide office, other than the governor or lieutenant governor, not to exceed \$250;

(c) for a legislator, not to exceed \$130.

(3) A candidate may not accept any contributions in excess of the limits in this section."

Insert: "**Section 4.** Section 2-2-104, MCA, is amended to read:

"2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [sections 1 through 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not

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receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

Renumber: subsequent sections

13. Page 2, line 12.

Following: "candidate"

Insert: "for a statewide elected or legislative office"

14. Page 2, line 13.

Strike: "1"

Insert: "2"

15. Page 2.

Following: line 16

Insert: "NEW SECTION. Section 6. Disposition of current accounts. A constituent services account that exists on [the effective date of this act] must be closed within 120 after [the effective date of this act]. Money in the account must either be spent on constituent services or donated to a charitable purpose."

Renumber: subsequent section

16. Page 2, line 18.

Strike: "[Section 1] is"

Insert: "[Sections 1 through 3] are"

17. Page 2, line 19.

Strike: the first "part 2,"

Strike: the second "part 2,"

Strike: "[section 1]"

Insert: "[sections 1 through 3]"

18. Page 2.

Following: line 19

Insert: "NEW SECTION. Section 8. Applicability. [This act] applies to any constituent services account opened on or after [the effective date of this act]."

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

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HB 520, be concurred in. Report adopted.

TAXATION (Elliott, Chairman):

4/2/2007

HB 778, be concurred in. Report adopted.

HJR 36, be concurred in. Report adopted.

HJR 362, be amended as follows:

1. Page 2.

Following: line 3

Insert: "(3) The board of county commissioners may enter an order that permanently and prospectively cancels real property taxes on parcels identified by the county treasurer or the board as being solely used for road purposes and that otherwise meet the requirements of this section."

Renumber: subsequent subsection

2. Page 3, line 2.

Insert: "NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent section

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

MOTIONS

SEN. JESSE LASLOVICH, SD 43, ANACONDA moved to take **SB 939** out of Taxation Committee and placed on second reading this 70th Legislative day. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. DANIEL MCGEE, SD 29, LAUREL moved to take **HB 215** out of Judiciary Committee and placed on second reading the 71st Legislative day. Motion **failed** as follows:

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

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. CHRISTINE KAUFMANN, SD 41, HELENA moved to take **SB 560** out of Committee and placed on second reading this 70th Legislative day. Motion **failed** as follows:

Yeas: Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laslovich, Lind, Moss, Smith, Squires, Wanzenried, Weinberg, Mr. President.

Total 16

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS moved to take **HB 359** out of Committee and placed on second reading this 70 Legislative day. Motion **failed** as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate convened at 5:14 p.m.

Roll Call. Senators Juneau, Bales, Black, Laible excused. Quorum present.

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

Total 39

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

Total 7

Absent or not voting: None.

Total 0

Excused: Bales, Black, Juneau, Laible.

Total 4

FIRST READING AND COMMITMENT OF BILLS

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

SB 568, introduced by Wanzenried, referred to Finance and Claims.

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

SJR 27, introduced by Weinberg, referred to Finance and Claims.

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

HJR 6, introduced by Kasten, referred to Finance and Claims.

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

HB 3, introduced by Franklin, referred to Finance and Claims.

HB 8, introduced by Kasten, referred to Finance and Claims.

HB 49, introduced by Hamilton, referred to Local Government.

HB 63, introduced by Musgrove, referred to Finance and Claims.

HB 155, introduced by Noonan, referred to Finance and Claims.

HB 298, introduced by Hiner, referred to Finance and Claims.

HB 304, introduced by Furey, referred to Natural Resources and Energy.

HB 343, introduced by Rice, referred to Finance and Claims.

HB 406, introduced by Clark, referred to Finance and Claims.

HB 418, introduced by Koopman, referred to Public Health, Welfare and Safety.

HB 463, introduced by Villa, referred to Taxation.

HB 488, introduced by Jopek, referred to Taxation.

HB 512, introduced by L. Jones, referred to Finance and Claims.

HB 529, introduced by Lake, referred to Taxation.

HB 539, introduced by Groesbeck, referred to Finance and Claims.

HB 574, introduced by Hiner, referred to Finance and Claims.

HB 677, introduced by Arntzen, referred to Judiciary.

HB 680, introduced by Cohenour, referred to Taxation.

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HB 732, introduced by Small-Eastman, referred to Education and Cultural Resources.
HB 797, introduced by Ankney, referred to State Administration.
HB 822, introduced by Reinhart, referred to Taxation.
HB 823, introduced by Small-Eastman, referred to Taxation.
HB 826, introduced by McChesney, referred to Taxation.
HB 829, introduced by L. Jones, referred to Finance and Claims.
HB 830, introduced by Kasten, referred to Finance and Claims.
HB 831, introduced by McNutt, referred to Natural Resources and Energy.
HB 835, introduced by Stahl, referred to Natural Resources and Energy.
HB 841, introduced by Ankney, referred to Education and Cultural Resources.

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

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

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

SB 558 - Senator Lind moved **SB 558** do pass. Motion **failed** as follows:

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

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 558 - Senator Stapleton moved **SB 558** be **indefinitely postponed**. Motion **failed** as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

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Excused: None.
Total 0

SB 567 - Senator Gillan moved **SB 567** do pass. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 33

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Hansen, Kitzenberg, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Tash, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

SB 105 - Senator Lind moved **SB 105** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.
Total 33

Nays: Balyeat, Barkus, Curtiss, Elliott, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Shockley, Squires, Stapleton, Steinbeisser, Story, Wanzenried.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

HB 113 - Senator Cocchiarella moved to strike Senator Brown's amendment (610847CW) passed on the 69th Legislative day due to the Supreme Court ruling currently in place regarding non-resident purchase of liquor licenses. Motion carried as follows:

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Yeas: Barkus, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 36

Nays: Bales, Balyeat, Black, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, McGee, Perry, Story, Tash, M.Tropila.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 113 - Senator Cocchiarella moved **HB 113** be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 39

Nays: Bales, Balyeat, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, McGee, Perry, Tash.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 537 - Senator Ryan moved **HB 537** be concurred in. Motion carried as follows:

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

Nays: Brown, McGee, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 668 - Senator Cocchiarella moved **HB 668** be concurred in. Motion carried unanimously.

HB 364 - Senator Esp moved **HB 364** be concurred in. Motion carried unanimously.

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

Senate convened at 5:15 p.m.

HJR 16 - Senator Jent moved **HJR 16** be concurred in. Motion carried unanimously.

HB 26 - Senator Hansen moved **HB 26** be concurred in. Motion carried with Senator Wanzenried, Juneau, O'Neil, Kaufmann voting nay.

HB 737 - Senator Brueggeman moved **HB 737** be concurred in. Motion carried with Senator Balyeat, Curtiss, Wanzenried, McGee voting nay.

HB 235 - Senator Gillan moved **HB 235** be concurred in. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Stapleton, M.Tropila, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Curtiss, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried.

Total 21

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 24 - Senator Lind moved consideration of **HB 24** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

SB 400 - Senator Kaufmann moved **SB 400** do pass. Motion carried as follows:

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

Total 38

Nays: Bales, Balyeat, Barkus, Curtiss, Jackson, Lewis, McGee, Murphy, O'Neil, Shockley, Steinbeisser.

Total 11

Absent or not voting: None.

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Total 0

Excused: Black.

Total 1

SB 558 - Senator Lind moved **SB 558** do pass. Motion carried as follows:

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

Total 25

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

Total 24

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

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

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

Total 26

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

Total 23

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 755 - Senator Esp moved **HB 755** be concurred in. Motion carried with Senator McGee voting nay.

HB 389 - Senator Williams moved consideration of **HB 389** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

HB 372 - Senator Lewis moved **HB 372** be concurred in. Motion carried with Senator Balyeat, Ryan, McGee voting nay.

HB 650 - Senator McGee moved **HB 650**, second reading copy, be amended as follows:

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1. Title, line 5.

Following: "~~GOD-GIVEN~~"

Insert: "GOD-GIVEN,"

2. Page 1, line 28.

Following: "~~God-given~~"

Insert: "God-given,"

Amendment carried as follows:

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

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, M, Wanzenried, Weinberg, Williams, Cooney.

Total 24

Absent or not voting: None

Excused: Black

Total 0

HB 650 - Senator McGee moved **HB 650** be concurred in as amended. Motion **failed** as follows:

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

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, J, Tropila, J, Wanzenried, Weinberg, Williams, Cooney.

Total 25

Absent or not voting: 0

Excused: Black

Total 0

Senator Stapleton made a **substitute motion** that the amendment to **HB 650** be stripped and that **HB 650** remain on second reading. He further moved that **HB 650** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.

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Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted.

THIRD READING OF BILLS

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

HB 782 concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HJR 22 concurred in as follows:

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

Total 43

Nays: Balyeat, Curtiss, Esp, Gebhardt, McGee, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HJR 26 concurred in as follows:

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

Total 44

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Nays: Curtiss, Esp, Gebhardt, Jackson, O'Neil.
Total 5

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HJR 33 concurred in as follows:

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

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Jent, Lind, McGee, O'Neil, Perry.
Total 12

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 452 concurred in as follows:

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

Nays: Weinberg.
Total 1

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 467 concurred in as follows:

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

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Nays: Juneau, Steinbeisser.
Total 2

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 514 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 629 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 617 concurred in as follows:

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

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Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 657 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 35 concurred in as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 300 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus,

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Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 310 concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 587 concurred in as follows:

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

Total 46

Nays: Gallus, Jent, M.Tropila.

Total 3

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

HB 99 concurred in as follows:

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Yeas: Bales, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 40

Nays: Balyeat, Barkus, Curtiss, Gallus, Gebhardt, McGee, O'Neil, Shockley, Stapleton.
Total 9

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

HB 348 concurred in as follows:

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

Nays: Barkus, Curtiss, Gillan, McGee, Shockley, Smith, Stapleton.
Total 7

Absent or not voting: None.
Total 0

Excused: Black.
Total 1

SB 551 failed as follows:

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

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

Paired: Black, Aye; Schmidt, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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SPECIAL ORDERS OF THE DAY

LEGISLATIVE ADMINISTRATION (Smith, Chairman):

4/2/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 10:00 a.m., Saturday, March 31, 2007:

TITLE

NAME

Pages: Ashley Glover, Great Falls
Montana Wilson, Wolfpoint
Clara Moulton, Great Falls
Amy McKinney, Libby
John Garrison, Thompson Falls
Tara Turnbull, Culbertson
Katie Jolley, Victor

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 2, 2007:

TITLE

NAME

Pages: Tyler Zupan, Wilsall
Ryan Arthun, Wilsall
Elizabeth Redfern, Missoula
Steel Andersen, Livingston
Shelby Shaw, Butte

Report Adopted.

SPECIAL ORDERS OF THE DAY

SR 9 - SEN. CAROLYN SQUIRES, SD 48, MISSOULA moved to confirm Stan Boone as member of the Board of Livestock. **SEN. STEVE GALLUS, SD 37, BUTTE** presented Mr Boone's qualifications. The motion to adopt carried as follows:

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

Total 26

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

Total 24

Paired: Moss, Aye; Black, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, April 3, 2007. Motion carried.

Senate adjourned at 8:17 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate