

**SENATE JOURNAL
64TH LEGISLATURE
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 26, 2015

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Moore presiding. Invocation by Pastor Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

BILLS AND JOURNALS

3/26/2015

Correctly printed: **SB 375, SB 418, SB 419, SR 45, SR 46, SR 47, HB 111, HB 168, HB 258, HB 315, HB 330, HB 550, HB 584.**

Correctly engrossed: **SB 194, SB 212, SB 279, SB 326, SB 386, SB 392, SB 394, SB 409, HB 101, HB 196, HB 262, HB 284, HB 373, HB 374, HB 381, HB 400, HB 537, HB 562.**

Correctly enrolled: **SB 79, SB 188, SR 3, SR 13, SR 20, SR 27, SR 28.**

Examined by the sponsor and found to be correct: **SB 42, SB 109, SB 141, SB 174, SB 184, SB 196, SB 332.**

Transmitted to the House: **SB 309, HB 39, HB 40, HB 49, HB 118, HB 272, HB 343, HB 350, HB 439, HB 522.**

Signed by the Secretary of the Senate at 4:30 p.m., March 26, 2015: **SB 42, SB 109, SB 141, SB 174, SB 184, SB 196, SB 332.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (T. Brown, Chair):

3/25/2015

HB 196, be amended as follows:

1. Page 2, line 11.

Strike: "AS DEFINED IN [SECTION 3]"

2. Page 2, line 22.

Strike: "BASELINE"

Insert: "annual"

3. Page 2, line 22 through line 26.

Strike: "FOR EACH YEAR" on line 22 through "NEXT BIENNIUM" on line 26

4. Page 3, line 20.

Insert: "(9) As used in this section, "resident nonbeneficiary student" means a resident of the state of Montana who is not:

(a) a member of an Indian tribe; or

(b) a biological child of a member of an Indian tribe, living or deceased."

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5. Page 3, line 21 through page 4, line 4.

Strike: section 3 through section 4 in their entirety

Renumber: subsequent sections

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

HB 284, be amended as follows:

1. Title, page 1, line 5 through line 8.

Strike: "REQUIRING" on line 5 through "COURT" on line 8

Insert: "AND CLARIFYING REDRESS"

2. Page 1, line 12.

Strike: "5"

Insert: "4"

3. Page 1, line 17.

Strike: "OR EMPLOYEE"

4. Page 1, line 19.

Strike: "PERSON"

Insert: "student"

Strike: "PERSON'S"

Insert: "student's"

5. Page 1, line 20.

Strike: "PERSON" in both places

Insert: "student" in both places

Strike: "PERSON'S"

Insert: "student's"

6. Page 1, line 22.

Following: "of"

Insert: "or"

7. Page 1, line 23 through line 26.

Strike: "i" on line 23 through "SUPPRESSED" on line 26

8. Page 1, line 30.

Strike: "(1)"

9. Page 2, line 1 through line 14.

Strike: ":" on line 1 through "LAW" on line 14

10. Page 2, line 16 through page 3, line 7.

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Strike: section 4 in its entirety
Renumber: subsequent sections

11. Page 3, line 9.

Strike: "NOT REQUIRED"

12. Page 3, line 10.

Strike: "5"

Insert: "4"

13. Page 3, line 10 through line 12 .

Strike: "BRING" on line 10 through "ANY" on line 12

Insert: "seek redress under any available law, either civil or criminal, after exhausting all"

14. Page 3, line 12 through line 13.

Strike: "PRIOR" on line 12 through "ACTION" on line 13

15. Page 3, line 15.

Strike: "5"

Insert: "4"

16. Page 3, line 17.

Strike: "5"

Insert: "4"

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

HB 373, be amended as follows:

1. Page 3, line 18 through line 19.

Strike: subsection (8) in its entirety

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

HB 374, be amended as follows:

1. Title, page 1, line 9.

Following: "REQUIRING"

Insert: "THE OFFICE OF PUBLIC INSTRUCTION TO DEVELOP"

Following: "TRAINING"

Insert: "MATERIALS"

2. Title, page 1, line 10.

Strike: "REQUIRING"

Insert: "RECOMMENDING"

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3. Page 1, line 23.

Strike: "Mandatory youth"

Insert: "Youth"

4. Page 1, line 25.

Following: "prevention"

Insert: "training materials"

Following: "training"

Insert: "materials"

Strike: "superintendent"

Insert: "office"

5. Page 1, line 25 through line 28.

Strike: "in" on line 25 through "meets" on line 28

Insert: ", meet"

Re-number: subsequent subsections

6. Page 1, line 29.

Strike: "is"

Insert: "be"

7. Page 2, line 1.

Following: "The"

Insert: "legislature recommends that"

Strike: "must"

8. Page 2, line 4.

Strike: "(4)"

Insert: "(3)"

9. Page 2, line 5.

Strike: "Employees" through "shall"

Insert: "The legislature recommends that employees under subsection (2)"

10. Page 2, line 7 through line 8.

Strike: "PROVIDED" on line 7 through "INSTRUCTION" on line 8

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

FINANCE AND CLAIMS (Jones, Chair):

3/26/2015

SB 398, do pass. Report adopted.

SB 418, do pass. Report adopted.

NATURAL RESOURCES (Vincent, Chair):

3/25/2015

SB 326, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

Following: "AUTHORITY;"

Insert: "REQUIRING REPORTING TO THE ENVIRONMENTAL QUALITY COUNCIL;"

2. Title, page 1, line 7 through line 8.

Strike: "AND A RETROACTIVE" on line 7 through "APPLICABILITY DATE" on line 8

3. Page 1, line 12 through page 4, line 17.

Strike: section 1 through section 2 in their entirety

Insert: "**Section 1.** Section 77-1-804, MCA, is amended to read:

"77-1-804. Rules for recreational use of state lands -- penalty. (1) The board shall adopt rules authorizing and governing the recreational use of state lands allowed under 77-1-203. The board shall use local offices of the department to administer this program whenever practical.

(2) Rules adopted under this section must address the circumstances under which the board may close legally accessible state lands to recreational use. Action by the board may be taken upon its own initiative or upon petition by an individual, organization, corporation, or governmental agency. Closures may be of an emergency, seasonal, temporary, or permanent nature. State lands may be closed by the board only after public notice and opportunity for public hearing in the area of the proposed closure, except when the department is acting under rules adopted by the board for an emergency closure. Closed lands must be posted by the lessee or by the department at the request of the lessee at customary access points, with signs provided or authorized by the department.

(3) Closure rules adopted pursuant to subsection (2) may categorically close state lands whose use or status is incompatible with recreational use. Categorical or blanket closures may be imposed on state lands due to:

- (a) cabin site and home site leases and licenses;
- (b) the seasonal presence of growing crops; and
- (c) active military, commercial, or mineral leases.

(4) The board shall adopt rules that provide an opportunity for any individual, organization, or governmental agency to petition the board for purposes of excluding a specified portion of state land from a categorical closure that has been imposed under subsection (3).

(5) Under rules adopted by the board, state lands may be closed on a case-by-case basis for certain reasons, including but not limited to:

(a) damage attributable to recreational use that diminishes the income-generating potential of the state lands;

- (b) damage to surface improvements of the lessee;
- (c) the presence of threatened, endangered, or sensitive species or plant communities;
- (d) the presence of unique or special natural or cultural features;
- (e) wildlife protection;
- (f) noxious weed control; or
- (g) the presence of buildings, structures, and facilities.

(6) (a) Rules adopted under this section may impose restrictions ~~upon~~ on general recreational activities, including the discharge of weapons, camping, open fires, vehicle use, and any use that will interfere with the presence of livestock.

(b) The board may also by rule restrict access on state lands in accordance with a block

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management program administered by the department of fish, wildlife, and parks.

(c) Motorized vehicle use by recreationists on state lands is restricted to federal, state, and dedicated county roads, trails developed by the department for motorized use, and to those roads designated by the department to be open to motorized vehicle use.

(d) Recreational overnight use of state lands in a 30-day period is limited to 16 days:

(i) in a designated campground; and

(ii) on unleased, unlicensed lands outside a campground unless otherwise allowed by the department.

(e) Pets on state lands must be on a leash or otherwise controlled to prevent harassment of livestock or wildlife.

(f) Horses may be kept overnight on state lands if:

(i) the horses do not remain in a stream riparian zone for more than 1 hour; and

(ii) only feed certified as noxious weed seed free is present on state lands.

(g) A horse kept overnight on state lands where there is a lease or license must be kept in compliance with the provisions of subsection (6)(f) and must be restrained.

(h) Restrictions on general recreational activities must comply with the following:

(i) at least 30 days prior to a restriction, except in the case of emergency, the lessee or the department if requested by the lessee shall:

(A) post notice of the proposed restriction at frequent access points to the land where the restriction is proposed; and

(B) issue a press release or a public service announcement detailing the proposed restriction;

(ii) except for seasonal restrictions and unless required for public safety, a restriction in an area may not exceed 1 year; and

(iii) if a misuse of the land, including littering, may lead to a restriction, common access points must be posted with notice of the possible restriction for 30 days with information detailing the misuse of land and stating the penalties for the violation. If the misuse persists at the end of 30 days, a proposed restriction notice may be posted in accordance with subsection (6)(h)(i).

(7) The board shall adopt rules providing for the issuance of a recreational special use license. Commercial or concentrated recreational use, as defined in 77-1-101, is prohibited on state lands unless it occurs under the provisions of a recreational special use license. The board may also adopt rules requiring a recreational special use license for recreational use that is not commercial, concentrated, or within the definition of general recreational use.

(8) For a violation of rules adopted by the board pursuant to this section, the department may assess a civil penalty of up to \$1,000 for each day of violation. The board shall adopt rules providing for notice and opportunity for hearing in accordance with Title 2, chapter 4, part 6. Civil penalties collected under this subsection must be deposited as provided in 87-1-601(8).

(9) Unauthorized dumping of refuse on state lands and destruction of property, which includes land and improvements, are misdemeanor crimes punishable by a fine of not more than \$1,500."

Insert: "NEW SECTION. Section 2. Reporting requirements. (1) On or before September 1 of each year preceding the convening of a regular session of the legislature, the department shall provide a report to the environmental quality council in accordance with 5-11-210.

(2) The report must include:

(a) existing road closures and restrictions on state lands;

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(b) anticipated road closures and restrictions on state lands; and
(c) ongoing travel management planning on state lands or foreseeable travel management planning by the department or by the department in conjunction with federal agencies conducting travel management planning that may impact state lands."

Renumber: subsequent sections

4. Page 4, line 19.

Strike: "[Section 1]"

Insert: "[Section 2]"

5. Page 4, line 20.

Strike: "[section 1]"

Insert: "[section 2]"

6. Page 4, line 24 through line 26.

Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

SB 409, introduced bill, be amended as follows:

1. Page 2, line 19.

Following: "means"

Insert: ", with regard to tailings storage facilities,"

2. Page 3, line 8.

Following: "means"

Insert: ", with regard to tailings storage facilities,"

3. Page 6, line 26.

Strike: "produces"

Insert: "stores"

4. Page 11, line 25.

Strike: "9"

Insert: "10"

5. Page 12, line 9.

Following: "facility"

Insert: ", an operator that is constructing a new tailings storage facility,"

6. Page 13, line 1.

Following: "panel"

Insert: "created pursuant to [section 6]"

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7. Page 27, line 21.

Following: "application"

Insert: "submitted after [the effective date of this act]"

8. Page 31, line 14.

Following: "(2)(dd)"

Insert: "]"

9. Page 31, line 21.

Following: "to"

Insert: ":"

(1)"

10. Page 31, line 22.

Following: "[the effective date of this act]"

Strike: "and"

Insert: ";"

(2)"

11. Page 31, line 23.

Following: "[the effective date of this act]"

Insert: "; and"

(3) a tailings storage facility constructed after [the effective date of this act]"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Thomas, Chair):

3/25/2015

SJ 22, do pass. Report adopted.

HB 256, be concurred in. Report adopted.

STATE ADMINISTRATION (D. Brown, Chair):

3/25/2015

SB 279, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Following: "APPOINTMENTS;"

Insert: "REQUIRING THE GOVERNOR TO MAKE AN APPOINTMENT TO FILL CERTAIN VACANCIES IN THE LAST YEAR OF AN OFFICE'S TERM;"

2. Page 2, line 8.

Following: "(4)(a)"

Insert: "(i)"

3. Page 2, line 9.

Following: "held."

Insert: "(ii)(A)"

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4. Page 2, line 10.

Strike: "new" through "commences."

Insert: "results of the regularly scheduled general election are certified.

(B) When the results are certified, the governor shall appoint the candidate who won the election for the senate seat to fill the remainder of the vacancy."

5. Page 2, line 11 through line 12.

Strike: "The governor" on line 11 through "the office." on line 12

Insert: "Unless the appointment is made pursuant to subsection (4)(a)(ii)(B), when a vacancy occurs, if the vacating officeholder represented a political party eligible for primary election under 13-10-601, the person appointed by the governor pursuant to subsection (4)(a)(i) or (4)(a)(ii) must be of the same political party and must be selected by the governor as provided in subsections (5) and (6)."

6. Page 2, line 15.

Following: "that office."

Insert: "(5) Within 3 days after being notified of a vacancy, the governor shall notify the political party that was represented by the vacating officeholder.

(6) (a) Within 15 days after being notified of a vacancy, the state party central committee shall forward to the governor a list of three prospective appointees.

(b) The governor shall select an appointee from the list within 15 days after receiving it."

And, as amended, do pass. Report adopted.

HB 68, be concurred in. Report adopted.

HB 101, be amended as follows:

1. Title, page 1, line 10.

Strike: "REVISING" through "INFORMATION;"

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

HB 209, be concurred in. Report adopted.

HB 211, be concurred in. Report adopted.

HB 288, be concurred in. Report adopted.

HB 290, be concurred in. Report adopted.

HB 331, be concurred in. Report adopted.

HB 342, be concurred in. Report adopted.

HB 381, be amended as follows:

1. Page 2, line 26 through line 27.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

2. Page 3, line 2.

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Following: "reduction of" on line 3

Strike: "."

Insert: "10% or more in the federal receipts that the designated state agency receives."

3. Page 3, line 3 through line 4.

Strike: line 3 through line 4 in their entirety

4. Page 3, line 6.

Strike: "through (1)(c)"

Insert: "and (1)(b)"

5. Page 3, line 9.

Strike: "through (1)(c)"

Insert: "and (1)(b)"

6. Page 3, line 12 through line 13.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

7. Page 3, line 18.

Following: "funds;"

Insert: "and"

8. Page 3, line 19 through line 21.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

9. Page 3, line 22.

Strike: "identify"

Insert: "identifies"

Following: "administer"

Insert: "the total"

10. Page 3, line 22 through line 23.

Following: "receives" on line 22

Insert: "."

Strike: remainder of line 22 through line 23 in their entirety

11. Page 3, line 25.

Following: "year"

Insert: "for the most recent full year for which it has the reports"

12. Page 4, line 16.

Strike: "(3)(C) AND (3)(D)"

Insert: "(3)(b)"

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13. Page 4, line 18.

Strike: "SUBSECTIONS (3)(C) AND (3)(D)"

Insert: "subsection (3)(b)"

14. Page 4, line 19.

Strike: "SUBSECTIONS (3)(C) AND (3)(D)"

Insert: "subsection (3)(b)"

Following: "FULFILLED."

Insert: "If a live link to a federal web page containing the information required under subsection (3)(b) is not available, the agency is not required to provide that information in another format."

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

HB 400, be amended as follows:

1. Page 2, line 9.

Following: "precinct."

Insert: "A poll watcher from each of the two largest political parties in the county must be present during the transcription process."

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

HB 460, be concurred in. Report adopted.

HB 529, be concurred in. Report adopted.

HB 562, be amended as follows:

1. Page 1, line 17.

Following: "federal"

Strike: "governments"

Insert: "flow-through funds"

2. Page 1, line 19.

Following: "members" on line 19

Insert: ", as state citizens,"

3. Page 1, line 19.

Following: "regarding"

Strike: "the receipt of federal and"

Insert: "federal flow-through funds and the receipt of"

4. Page 2, line 27.

Strike: "by a federal or state entity"

Insert: "directly or indirectly"

Strike: "or"

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5. Page 2, line 28.

Strike: "subrecipient"

Insert: "either as state funds or federal funds provided through a state agency"

6. Page 2, line 30 through page 3, line 1.

Following: "received" on page 2, line 30

Strike: "directly" on page 2, line 30 through "recipients" on page 3, line 1.

Insert: "directly or indirectly by a tribal entity as state funds or as federal funds passed through a state agency directly or indirectly from a subrecipient"

7. Page 3, line 5.

Following: "state"

Insert: "funds"

Following: "funds"

Insert: "through a state agency"

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

HB 564, be concurred in. Report adopted.

HB 575, be concurred in. Report adopted.

HB 578, be concurred in. Report adopted.

HB 580, be concurred in. Report adopted.

HJ 14, be concurred in. Report adopted.

TAXATION (Tutvedt, Chair):

3/26/2015

HB 228, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

March 25, 2015

The Honorable Debby Barrett
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Barrett:

On Wednesday, March 25, 2015, I signed the following bills:

Senate Bill 21 - J. Cohenour

Senate Bill 53 - Dick Barrett

Senate Bill 80 - D. Brown

Senate Bill 96 - J. Keane

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Senate Bill 110 - E. Buttrey

Senate Bill 119 - D. Kary

These bills were delivered to the Secretary of State's Office today.

Sincerely,

STEVE BULLOCK
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/25/2015

SB 79, introduced by T. Facey

SB 188, introduced by C. Vincent

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/25/2015

SB 101, introduced by R. Driscoll

SB 150, introduced by J. Windy Boy

Senate amendments to House bills concurred in: 3/25/2015

HB 36, introduced by R. Lynch

HB 107, introduced by R. Cook

HB 208, introduced by D. Moore

HB 241, introduced by T. Berry

HB 285, introduced by K. Flynn

HB 375, introduced by S. Lavin

House bill passed and transmitted to the Senate for concurrence: 3/25/2015

HB 430, introduced by S. Fitzpatrick

SB 126 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 126**:

3/25/2015

Representative Berglee
Representative Mehlhoff
Representative Regier

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MOTIONS

Senator Buttrey moved that **SB 405** be taken from Finance and Claims and brought before the Committee of the Whole on Friday, March 27, 2015, legislative day sixty-four. Motion carried as follows:

Yeas: Ankney, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Tutvedt, Vuckovich, Whitford, Windy Boy, Wolken.

Total 28

Nays: Arntzen, Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Howard, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Vance, Vincent, Webb, Ms. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved **SB 194**, **SB 212**, **SB 326**, and **SB 386** be re-referred from the second-reading board, and **SB 20** be re-referred from the second-reading agenda, to the Finance and Claims Committee. Without objection, so ordered.

Senator Arntzen moved that **SB 413** be re-referred from the Taxation Committee to the Finance and Claims Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.

Total 27

Nays: Barrett Dick, D. Brown, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Whitford, Wolken.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Vincent moved that **SB 407** be re-referred from the Taxation Committee to the Finance and Claims Committee. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Connell, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Thomas, Vance, Vincent, Ms. President.

Total 26

Nays: Barrett Dick, Brenden, D. Brown, Caferro, Cohenour, Driscoll, Facey, Kaufmann, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Taylor, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 420, introduced by B. Hamlett, Debby Barrett, referred to Finance and Claims.

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

SR 48, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

SR 49, introduced by F. Thomas, referred to Public Health, Welfare and Safety.

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

HB 430, introduced by S. Fitzpatrick, A. Doane, J. Essmann, K. Hansen, G. Hertz, E. Hill, S. Lavin, N. McConnell, M. Monforton, A. Person, N. Swandal, referred to Local Government.

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

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

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

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SB 393 - Senator Arntzen moved **SB 393** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 259 - Senator Vance moved **HB 259** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 49

Nays: Facey.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 324 - Senator Facey moved **HB 324** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 363 - Senator Connell moved **HB 363** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Vincent, Vuckovich, Whitford, Windy Boy, Wolken.

Total 31

Nays: Blasdel, Brenden, D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Webb, Ms. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 503 - Senator Thomas moved consideration of **HB 503** be passed for the day. Without objection, so ordered.

HB 536 - Senator Connell moved **HB 536** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

HB 542 - Senator D. Brown moved **HB 542** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 99 - Senator Kaufmann moved **HB 99** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Hamlett, Hoven, Howard, Jones, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 41

Nays: D. Brown, Fielder, Hansen, Hinkle, Kary, Keenan, Rosendale, Smith, Vance.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 251 - Senator Driscoll moved consideration of **HB 251** be passed for the day. Without objection, so ordered.

HB 573 - Senator Arntzen moved **HB 573** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour,

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Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 46

Nays: Ankney, Moore, Vance, Vincent.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 447 - Senator Swandal moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 448 - Senator Swandal moved **HB 448** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 297 - Senator Fielder moved **HB 297** be concurred in.

HB 297 - Senator Fielder moved **HB 297**, second reading copy, be amended as follows:

1. Page 3, line 13 through line 14.

Following: "vehicle"

Insert: "while in motion"

Following: "61-1-101"

Strike: ", including " on line 13 through "stop sign" on line 14

Amendment **not** adopted as follows:

Yeas: Arntzen, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Rosendale, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vuckovich, Webb, Whitford, Windy Boy, Ms. President.

Total 24

Nays: Ankney, Barrett Dick, Blasdel, Brenden, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Vance, Vincent, Wolken.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 297 - Thereupon, the Senate reverted to the original motion of Senator Fielder which **failed** as follows:

Yeas: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Hoven, Howard, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Swandal, Tutvedt, Vuckovich, Whitford, Wolken.

Total 25

Nays: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Vance, Vincent, Webb, Windy Boy, Ms. President.

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Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 297 - Senator Rosendale moved **HB 297** be indefinitely postponed. Motion carried as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Howard, Jones, Kary, Keenan, Moore, Pomnichowski, Ripley, Rosendale, Sales, Smith, Taylor, Thomas, Tutvedt, Vance, Vincent, Whitford, Windy Boy, Ms. President.

Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hoven, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Sands, Sesso, Stewart-Peregoy, Swandal, Vuckovich, Webb, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 516 - Senator Swandal moved **HB 516** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Ms. President.

Total 48

Nays: Ankney, Windy Boy.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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HB 555 - Senator Howard moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hinkle, Hoven, Howard, Jones, Kary, Keane, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.

Total 42

Nays: Hansen, Kaufmann, Keenan, Rosendale, Sales, Smith, Tutvedt, Vincent.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 431 - Senator Malek moved **HB 431** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Vance, Vincent, Vuckovich, Webb, Wolken, Ms. President.

Total 45

Nays: Ankney, Ripley, Tutvedt, Whitford, Windy Boy.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Rosendale moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Pro Tempore Moore presiding. Chair Pomnichowski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keane, Keenan, Larsen, Moore, Phillips, Pomnichowski, Ripley, Sales, Sands, Sesso, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Wolken, Ms. President.

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Total 40

Nays: Barrett Dick, Driscoll, Kaufmann, Malek, McNally, Moe, Rosendale, Smith, Webb, Windy Boy.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

THIRD READING OF BILLS

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

SB 375 passed as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hinkle, Hoven, Howard, Jones, Kary, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Ms. President.

Total ~~27~~ 28

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Hansen, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, ~~Sales~~, Sands, Sesso, Stewart-Peregoy, Whitford, Windy Boy, Wolken.

Total ~~23~~ 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Vote represents a change made by Senator Sales under Motions on legislative day sixty-four.

HB 111 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Keane, Larsen, Malek, McNally, Moore, Phillips, Pomnichowski, Sales, Sands, Sesso, Swandal, Taylor, Thomas, Webb, Wolken, Ms. President.

Total 33

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Nays: Barrett Dick, Brenden, D. Brown, Kary, Kaufmann, Keenan, Moe, Ripley, Rosendale, Smith, Stewart-Peregoy, Tutvedt, Vance, Vincent, Vuckovich, Whitford, Windy Boy.
Total 17

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 168 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 315 concurred in as follows:

Yeas: Ankney, Arntzen, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Connell, Fielder, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Moore, Ripley, Rosendale, Sales, Smith, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Webb, Ms. President.
Total 29

Nays: Barrett Dick, Caferro, Cohenour, Driscoll, Facey, Hamlett, Kaufmann, Keane, Larsen, Malek, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Stewart-Peregoy, Vuckovich, Whitford, Windy Boy, Wolken.
Total 21

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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HB 537 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 550 concurred in as follows:

Yeas: Ankney, Arntzen, Barrett Dick, Blasdel, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Cohenour, Connell, Driscoll, Facey, Fielder, Hamlett, Hansen, Hinkle, Hoven, Howard, Jones, Kary, Kaufmann, Keane, Keenan, Larsen, Malek, McNally, Moe, Moore, Phillips, Pomnichowski, Ripley, Rosendale, Sales, Sands, Sesso, Smith, Stewart-Peregoy, Swandal, Taylor, Thomas, Tutvedt, Vance, Vincent, Vuckovich, Webb, Whitford, Windy Boy, Wolken, Ms. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Buttrey, Chair):
SB 396, introduced bill, be amended as follows:

3/26/2015

1. Title, page 1, line 10.

Following: "CERTIFICATE;"

Insert: "PROVIDING FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK CARRIERS; REQUIRING TRANSPORTATION NETWORK CARRIERS TO PROVIDE

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DISCLOSURES; PROVIDING INSURANCE REQUIREMENTS;"

2. Title, page 1, line 13.

Strike: "60-12-102"

Insert: "69-12-102"

3. Page 2.

Following: line 26

Insert: "NEW SECTION. **Section 4. Insurance requirements of transportation**

network carriers. A transportation network carrier driver or transportation network carrier on the driver's behalf shall maintain primary motor vehicle liability insurance on the driver's personal vehicle that meets the following requirements:

(1) The insurance policy recognizes that the driver is a transportation network carrier driver or otherwise uses a personal vehicle to transport riders for compensation and covers the driver:

- (a) while the driver is logged on to the transportation network carrier's digital network; or
- (b) while the driver is engaged in a prearranged ride.

(2)(a) While a participating transportation network carrier driver is logged on to the transportation network carrier's digital network and is available to receive transportation requests but is not engaged in a prearranged ride, the following automobile insurance requirements apply:

(i) The policy must provide primary motor vehicle liability insurance in the amount of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage.

(ii) The policy must provide uninsured motorist coverage as provided by 33-23-201.

(b) The coverage requirements of subsection (2)(a) may be satisfied by any of the following:

(i) motor vehicle liability insurance maintained by the transportation network carrier driver;

(ii) motor vehicle liability insurance maintained by the transportation network carrier; or

(iii) any combination of subsections (2)(b)(i) and (2)(b)(ii).

(3)(a) While a transportation network carrier driver is engaged in a prearranged ride, the following motor vehicle liability insurance requirements apply:

(i) The policy must provide primary motor vehicle liability insurance that provides at least \$1,000,000 for death, bodily injury, and property damage.

(ii) The policy must provide uninsured motorist coverage as provided by 33-23-201.

(b) The coverage requirements of subsection (3)(a) may be satisfied by any of the following:

(i) motor vehicle liability insurance maintained by the transportation network carrier on the driver's personal vehicle;

(ii) motor vehicle liability insurance maintained by the transportation network carrier on the driver's personal vehicle; or

(iii) any combination of subsections (3)(b)(i) and (3)(b)(ii).

(4) If insurance maintained by the driver in subsections (2) or (3) has lapsed or does not

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provide the required limits of coverage, insurance maintained by a transportation network carrier must provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(5) Coverage under a motor vehicle liability insurance policy maintained by the transportation network carrier may not be dependent on a driver's personal motor vehicle liability insurer first denying a claim and a driver's personal motor vehicle liability insurance policy insurer may not be required to first deny a claim.

(6) Insurance required by this section may be placed with an insurer authorized under Title 33, including a surplus lines insurer.

(7) Insurance satisfying the requirements of this section satisfies mandatory insurance requirements in Title 61, chapter 6.

(8) A transportation network carrier driver shall carry proof of coverage satisfying subsections (2) and (3) at all times during the use of a personal vehicle in connection with a transportation network carrier's digital network. In the event of an accident, a transportation network carrier driver shall provide insurance coverage information to the directly interested parties, motor vehicle liability insurers, and investigating police officers upon request. Upon such request, a transportation network carrier driver shall also disclose to directly interested parties, motor vehicle liability insurers, and investigating police officers whether the driver was logged on to the transportation network carrier's digital network or engaged in a prearranged ride at the time of an accident."

"NEW SECTION. Section 5. Disclosures. A transportation network carrier shall disclose in writing to a transportation network carrier driver the following before the driver is allowed to accept a request for a prearranged ride on the transportation network carrier's digital network:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network carrier provides while the transportation network carrier driver uses a personal vehicle in connection with a transportation network carrier's digital network; and

(2) that the transportation network carrier driver's own motor vehicle liability insurance policy might not provide any coverage while the driver is logged on to the transportation network carrier's digital network and is available to receive transportation requests or is engaged in a prearranged ride, depending on its terms.

"NEW SECTION. Section 6. Motor vehicle liability insurance provisions. (1) Insurers that write motor vehicle liability insurance in Montana may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a driver is logged on to a transportation network carrier's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a motor vehicle liability insurance policy, including, but not limited to:

(a) liability coverage for bodily injury and property damage including insurance required under Title 61, chapter 6;

(b) personal injury protection coverage;

(c) uninsured and underinsured motorist coverage, including insurance provided under 33-23-201;

(d) medical payments coverage;

(e) comprehensive physical damage coverage; and

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(f) collision physical damage coverage.

(2) Nothing in this section requires that a personal motor vehicle liability insurance policy provide coverage while the driver is logged on to the transportation network carrier's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a personal vehicle to transport riders for compensation. An insurer may provide coverage for the transportation network carrier driver's personal vehicle, if it chooses to do so by contract or endorsement.

(3) A motor vehicle liability insurer that excludes the coverage described in [section 4] has no duty to defend or indemnify any claim expressly excluded. [Sections 4 through 6] do not invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use prior to the enactment of [sections 4 through 6]. A motor vehicle liability insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its motor vehicle liability policy has a right of contribution against other insurers that provide motor vehicle liability insurance to the same driver in satisfaction of the coverage requirements of [section 4] at the time of loss.

(4) In a claims coverage investigation, transportation network carriers and any insurer potentially providing coverage under [section 4] shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network carrier driver, if applicable, including the precise times that a transportation network carrier driver logged on and off the transportation network carrier's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any motor vehicle liability insurance maintained under [section 4].

Renumber: subsequent sections

4. Page 5.

Following: line 16

Insert: "(8) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network carrier that enables the prearrangement of rides with transportation network carrier drivers."

Renumber: subsequent subsections

5. Page 6.

Following: line 12

Insert: "(15) "Personal vehicle" means a vehicle that is used by a transportation network carrier driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network carrier driver; and

(b) not a taxicab, limousine, or for-hire vehicle.

(16) "Prearranged ride" means transportation provided by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network carrier, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxicab, limousine, or other for-hire vehicle pursuant to Title 69, chapter 12."

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Renumber: subsequent subsections

6. Page 6, line 19.

Following: "drivers."

Insert: "A transportation network carrier shall not be deemed to control, direct, or manage the personal vehicles or transportation network carrier drivers that connect to its digital network, except where agreed to by written contract."

7. Page 6, line 20.

Following: "driver"

Insert: "or "driver""

8. Page 6, line 20 through line 23.

Following: "who"

Strike: "operates" on line 20 through "services." on line 23

Insert: ": (a) receives connections to potential riders and related services from a transportation network carrier in exchange for payment of a fee to the transportation network carrier; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network carrier in return for compensation or payment of a fee.

(22) "Transportation network carrier rider" or "rider" means an individual or persons who use a transportation network carrier's digital network to connect with a transportation network carrier driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider."

9. Page 6, line 26 through page 7, line 1.

Following: "application." on page 6, line 26

Strike: remainder of line 26 through page 7, line 1

10. Page 18, line 18.

Strike: "3"

Insert: "6"

11. Page 18, line 20.

Strike: "3"

Insert: "6"

And, as amended, do pass. Report adopted.

SB 401, introduced bill, be amended as follows:

1. Title, line 5 through line 7.

Strike: "ALLOWING" on line 5 through "PROGRAM;" on line 7

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2. Title, page 1, line 10 through line 12.

Following: "FEES"

Strike: remainder of line 10 through "DEPOSIT" on line 12

3. Title, page 1, line 12.

Following: "23-3-405,"

Insert: "AND"

Strike: "AND 23-3-601,"

4. Title, page 1, line 13.

Strike: "AND"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "23-3-502,"

Insert: "23-3-601, AND 23-3-602,"

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.

Strike: "designate in writing"

Insert: "appoint"

6. Page 1, line 19.

Strike: "written"

Following: "authority"

Insert: "granted by the department"

7. Page 2, line 1 through line 2.

Strike: "(a)" on line 1 through "the" on line 2

Insert: "The"

8. Page 2, line 4.

Following: "state."

Insert: "The department may accept private donations for the costs of administering the boxing program. Donations received by the department for this purpose must be deposited in the state special revenue fund for the use of the boxing program."

9. Page 2, line 5 through line 7.

Strike: subsection (b) in its entirety

10. Page 2, line 22.

Strike: "administered within 1 year prior to the event"

11. Page 2, line 27 through line 30.

Following: "community."

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Strike: "Rules" on line 27 through the end of line 30

12. Page 4, line 10 through line 12.

Following: "department"

Strike: remainder of line 10 through line 12

Insert: "as provided in 37-1-134, set by the department."

13. Page 4, line 14 through line 27.

Strike: section 5 in its entirety

"NEW SECTION. Section 5. Event license required -- fee -- rulemaking. (1) A professional boxing event may not be conducted without a license issued pursuant to this section.

(2) Only a licensed promoter may apply for an event license. An event may consist of one or more bouts or matches between contestants conducted within a 24-hour period.

(3) The department shall establish the fee for an event license by rule.

(a) The license fee must be adequate to fund the expenses and expenditures of the department that are reasonably attributable to the licensing and regulation of the event that is licensed.

(b) The rule may specify that the fee charged may vary from event to event, based upon the location and nature of the event being licensed, and the relative level of expense involved with adequately regulating the specific event.

(c) The department may, by rule, allow the promoter to decrease the amount of the license fee payable to the department by directly contracting for, or otherwise obtaining, certain services incident to the proper regulation of the event.

(4) The department may, by rule, specify the timing of the payment of the event license fee, and may require that some or all of the license fee be paid in advance of the event. The department shall obtain reasonable sureties or security to guarantee the payment of the full amount of the event license fee by the promoter.

14. Page 4, line 29.

Strike: "section"

Insert: "sections"

Strike: "is"

Insert: "are"

15. Page 5.

Following: line 1

Insert: "23-3-601 Report of ticket sales -- tax on gross receipts -- disposition of money received.

23-3-602. Examination of books and records on failure to make report or on unsatisfactory report -- penalty for failure to pay tax.

"NEW SECTION. Section 7. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 23, chapter 3, and the provisions of Title 23, chapter 3, apply to [section 5]."

"NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 2015."

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And, as amended, do pass. Report adopted.

HB 554, be amended as follows:

1. Page 1, line 27.

Following: "approved,"

Insert: "registered,"

2. Page 2, line 1.

Following: "approved,"

Insert: "registered,"

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

MOTIONS

Senator Dick Barrett moved to change his vote on **HB 315** from Yes to No. Without objection, so ordered.

Majority Leader Rosendale moved **SB 394** and **SB 395** be re-referred from the second-reading board to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Rosendale moved the Senate adjourn until 1:00 p.m., Friday, March 27, 2015, the sixty-fourth legislative day. Motion carried.

Senate adjourned at 3:00 p.m.

MARILYN MILLER
Secretary of the Senate

DEBBY BARRETT
President of the Senate