

**SENATE JOURNAL  
65TH LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 8, 2017

Senate Chambers  
State Capitol

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

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

**BILLS AND JOURNALS** (Keenan, Chair): 3/8/2017  
Correctly printed: **SB 167, SB 195, SB 245, SB 330, SB 331, SB 332, SB 333, SB 334, SR 47.**  
Correctly engrossed: **SB 193.**  
Correctly enrolled: **SR 7, SR 24, SR 30, SR 34, SR 46.**  
Examined by the sponsor and found to be correct: **SR 7, SR 24, SR 30, SR 34, SR 46.**  
Delivered to the Secretary of State at 8:30 a.m., March 8, 2017: **SB 85.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hoven, Chair): 3/7/2017  
**SB 285**, introduced bill, be amended as follows:

1. Page 1, line 25 through line 26.

**Strike:** "The U.S.A." on line 25 through "federation" on line 26

**Insert:** "Agricultural groups with an interest in the production and marketing of pulses"

And, as amended, do pass.

**HB 131**, be amended as follows:

1. Title, page 1, line 7.

**Following:** "80-10-101,"

**Insert:** "80-10-103,"

2. Page 6.

**Following:** line 2

**Insert:** "**Section 5.** Section 80-10-103, MCA, is amended to read:

**"80-10-103. Assessment to fund educational and experimental programs -- collection.** Money to fund 80-10-104 through 80-10-106 must be produced by an assessment of 75 cents per ton of fertilizer manufactured in or distributed into Montana for final sale. Collections must be made in accordance with procedures in 80-10-207 and payment is the responsibility of the in-state manufacturer or of the supplier if the fertilizer is not manufactured in Montana."

**ReNUMBER:** subsequent sections

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3. Page 9, line 4.

**Following:** the first "manufacturers"

**Insert:** ", sales by distributors for final sale out of state,"

4. Page 9, line 22.

**Following:** "manufacturers"

**Insert:** ", sales by distributors for final sale out of state,"

**Strike:** "them"

**Insert:** "manufacturers"

5. Page 9, line 25 through page 10, line 2.

**Strike:** "(i) Each" on page 9, line 25 through "(ii)" on page 10, line 2

6. Page 10, line 10.

**Strike:** "(3)(a)(ii)"

**Insert:** "(3)(a)"

And, as amended, be concurred in.

**HB 256**, be amended as follows:

1. Page 2, line 5.

**Following:** "~~apart~~"

**Insert:** "not more than"

And, as amended, be concurred in.

**HB 286**, be concurred in.

**HB 305**, be concurred in.

**HB 377**, be concurred in.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Buttrey, Chair):

3/8/2017

**SB 254**, do pass.

**HB 346**, be concurred in.

**HB 347**, be concurred in.

**HIGHWAYS AND TRANSPORTATION** (Vance, Chair):

3/7/2017

**SB 196**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "SECTION"

**Insert:** "SECTIONS 61-8-301,"

**Following:** "61-8-314,"

**Insert:** "AND 61-8-370,"

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2. Page 1, following line 8.

**Insert:** "Section 1. Section 61-8-301, MCA, is amended to read:

**"61-8-301. Reckless driving -- reckless endangerment of highway worker.** (1) A person commits the offense of reckless driving if the person:

(a) operates a vehicle in willful or wanton disregard for the safety of persons or property;

or

(b) operates a vehicle in willful or wanton disregard for the safety of persons or property while passing, in either direction, a school bus that has stopped and is displaying the visual flashing red signal, as provided in 61-8-351 and 61-9-402. This subsection (1)(b) does not apply to situations described in 61-8-351(6).

(2) A municipality may enact and enforce 61-8-715 and subsection (1) of this section as an ordinance.

(3) A person who is convicted of the offense of reckless driving or of reckless endangerment of a highway worker is subject to the penalties provided in 61-8-715.

(4) (a) A person commits the offense of reckless endangerment of a highway worker if the person purposely, knowingly, or negligently drives a motor vehicle in a highway construction work zone in a manner that endangers persons or property or if the person purposely removes, ignores, or intentionally strikes an official traffic control device in a construction work zone for reasons other than:

(i) avoidance of an obstacle;

(ii) an emergency; or

(iii) to protect the health and safety of an occupant of the vehicle or of another person.

(b) As used in this section:

(i) ~~"construction zone" has the same meaning as is provided in 61-8-314; and~~

(ii) "highway worker" means an employee of the department of transportation, a local authority, a utility company, or a private contractor; and

(ii) "work zone" has the meaning provided in 61-8-314."

**Renumber:** subsequent sections

3. Page 1, line 13 through line 16.

**Following:** "(a)"

**Strike:** ""Construction zone" means" on line 13 through "a work zone." on line 16

**Insert:** ""Highway worker" has the same meaning as in 61-8-301."

4. Page 1, line 18 through line 19.

**Following:** "means"

**Strike:** "the area where" on line 18 through "taking place" on line 19

**Insert:** "an area on a public highway or on the adjacent right-of-way where construction, repair, maintenance, or survey work is being performed by the department of transportation, a local authority, a utility company, or a private contractor with the department of transportation or with a local authority"

5. Page 1, line 20.

**Strike:** "in a construction zone or"

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6. Page 1, line 22.

**Strike:** "in a construction zone or"

7. Page 1, line 27.

**Strike:** "or construction zones"

8. Page 1, line 30.

**Strike:** "the construction zone and"

9. Page 2, line 1.

**Strike:** "both zones"

**Insert:** "the work zone"

10. Page 2, line 3.

**Strike:** "construction"

**Insert:** "work"

11. Page 2, line 9.

**Following:** "(5)"

**Strike:** "(a)"

12. Page 2, line 11.

**Strike:** "(i)"

**Insert:** "(a)"

**Following:** "if a"

**Insert:** "highway"

**Following:** "at the time"

**Insert:** "and place"

13. Page 2, line 13.

**Strike:** "(ii)"

**Insert:** "(b)"

**Following:** "if no"

**Insert:** "highway"

**Following:** "at the time"

**Insert:** "and place"

14. Page 2, line 15 through line 16.

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

15. Page 2, following line 16.

**Insert:** "**Section 3.** Section 61-8-370, MCA, is amended to read:

**"61-8-370. Securing of load -- requirement -- exemptions.** (1) A person operating a loaded vehicle on a public highway shall load the vehicle or secure the load sufficiently to prevent littering or creating an obstruction dangerous to the public traveling on the highway.

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- (2) The following vehicles are exempt from the provisions in subsection (1):
- (a) a commercial motor vehicle that is operating in compliance with state and federal laws and requirements governing the securing of loads;
  - (b) a vehicle transporting processed or unprocessed agricultural products or inputs, including but not limited to fertilizer, manure, and pesticides;
  - (c) a vehicle performing road maintenance; and
  - (d) a vehicle in a marked construction work zone. ""

And, as amended, do pass.

**HB 267**, be concurred in.

**FINANCE AND CLAIMS** (Jones, Chair):  
**SB 180**, do pass.

3/8/2017

**JUDICIARY** (Regier, Chair):  
**HB 64**, be concurred in.  
**HB 148**, be amended as follows:

3/7/2017

1. Page 2, line 14.

**Following:** "warrant"

**Insert:** "or investigative subpoena"

2. Page 2, line 16 through line 19.

**Following:** "to a" on line 16

**Insert:** "search"

**Following:** "court" on line 16

**Strike:** remainder of line 16 through "searched" on line 19

**Insert:** "under Title 46, chapter 5, part 2, or an investigative subpoena issued under Title 46, chapter 4, part 3"

3. Page 3, line 18.

**Strike:** "subsections"

**Insert:** "subsection"

And, as amended, be concurred in.

Without objection, committee reports were adopted.

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**MESSAGES FROM THE GOVERNOR**

March 1, 2017

Senator Scott Sales, President  
Montana Senate  
Capitol Building  
Helena, MT 59601

Dear President Sales

On Wednesday, March 1, 2017, I signed the following bills:

**SB 3** - D. Kary  
**SB 16** - L. Jones  
**SB 39** - T. Richmond  
**SB 52** - Cohenour

Sincerely,

STEVE BULLOCK  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**SR 48**, introduced by D. Ankney, referred to Energy and Telecommunications.  
**SR 49**, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.

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

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

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

**SB 25, House amendments** - Senator Blasdel moved consideration of House amendments to **SB 25** be passed for the day. Without objection, so ordered.

**SB 154** - Senator Lang moved **SB 154** do pass. Motion carried as follows:

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Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Vance, Vincent, Webb, Welborn, Mr.President.

Total 30

Nays: Barrett, Boland, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Thomas, Vuckovich, Whitford, Wolken.

Total 19

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1

**HB 304** - Senator Osmundson moved **HB 304** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1

**SB 170** - Senator Hinebauch moved **SB 170** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Jones, Kary, Keenan, Lang, Malek, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Sands, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 30

Nays: Barrett, Boland, Caferro, Cohenour, Facey, Gross, Hoven, Howard, MacDonald, McClafferty, McNally, Pomnichowski, Salomon, Sesso, Small, Smith F, Vuckovich, Whitford, Wolken.

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Total 19

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1

**SB 251** - Senator Facey moved **SB 251** do pass.

**SB 251** - Senator Facey moved **SB 251**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 6.

**Strike:** "CLARIFYING" on line 5 through "ACT;" on line 6

2. Title, page 1, line 9.

**Strike:** "7-1-111,"

**Following:** "15-65-101"

**Strike:** ", "

3. Page 1, line 14 through page 3, line 5.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 4, line 29.

**Strike:** "2"

**Insert:** "1"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1



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**SB 251** - Bill, as amended passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.  
Total 37

Nays: Blasdel, Hinkle, Hoven, Howard, Kary, Keenan, Pomnichowski, Regier, Smith C, Vincent, Webb, Mr.President.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Fielder.  
Total 1

**SR 27** - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 27**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Fielder.  
Total 1

**SR 28** - Senator D. Brown moved that the nomination transmitted by the Governor be concurred in and confirmed in accordance with **SR 28**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1

**SR 37** - Senator D. Brown moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 37**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: Lang.

Total 1

Absent or not voting: None.

Total 0

Excused: Fielder.

Total 1

Senator Swandal excused at this time.

**SB 218** - Senator Blasdel moved **SB 218** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Welborn, Wolken, Mr.President.

Total 39

Nays: Barrett, Boland, Brown, Cohenour, Gross, Pomnichowski, Smith F, Vincent, Whitford.

Total 9

Absent or not voting: None.

Total 0

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Excused: Fielder, Swandal.

Total 2

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

Chair Olszewski moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder, Swandal.

Total 2

**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 167** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Fielder, Swandal.

Total 2

**SB 195** passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hoven, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Welborn, Whitford, Wolken.

Total 35

Nays: Blasdel, Brown, Hinebauch, Hinkle, Howard, Keenan, Lang, Olszewski, Regier, Smith C, Vance, Vincent, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: Fielder, Swandal.

Total 2

**SB 245** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Fielder, Swandal.

Total 2

**MOTIONS**

Majority Leader Thomas moved that **HB 487** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the Education and Cultural Resources Committee. Without objection, so ordered.

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Majority Leader Thomas moved that **HB 333** be taken from the Public Health, Welfare, and Safety Committee and re-referred to the State Administration Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

President Sales announced that U.S. Secretary of the Interior Ryan Zinke would be addressing the Montana Senate and House of Representatives next Monday at 1:00 p.m.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Thursday, March 9, 2017, the forty-ninth legislative day. Motion carried.

Senate adjourned at 2:17 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate