

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

Helena, Montana  
March 7, 2017

Senate Chambers  
State Capitol

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

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

**BILLS AND JOURNALS** (Keenan, Chair):

3/7/2017

Signed by the Speaker at 11:10 a.m., February 25, 2017: **SB 85, SB 131.**

Delivered to the Governor at 11:05 a.m., March 7, 2017: **SB 131.**

**MESSAGES FROM THE GOVERNOR**

March 3, 2017

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate the following board, council and commission appointments for confirmation.

**Hard-Rock Mining Impact Board**

*MCA 2-15-1822*

- ! Kay Clevidence, Farmers State Bank, PO Box 190, Victor, MT 59875, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Clevidence fulfills the qualifications of Representative of a Major Financial Institution, District 1, on the board.
- ! Joe Michaletz, Geo-Lex LLC, 925 Euclid Ave, Helena, MT 59624, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Michaletz fulfills the qualifications of Representative of the Hard-Rock Mining Industry, on the board.
- ! Tim Warner, 796 Stonegate Drive, Bozeman, MT 59715, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Warner fulfills the qualifications of Public At-Large, District 1, on the board.

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**Public Safety Officers Standards and Training (POST) Council**

*MCA 44-4-402*

- ! Kimberly Burdick, 914 River Street, Fort Benton, MT 59442, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Burdick fulfills the qualifications of Montana citizen at-large who is informed and experienced in the subject of law enforcement, on the council.
- ! Sheriff Leo Dutton, Lewis and Clark County Sheriff, 221 Breckenridge, Helena, MT 59601, was appointed to serve a term starting March 3, 2017 and ending January 1, 2021. Dutton fulfills the qualifications of Board of Crime Control Member, on the council.
- ! Sheriff Tony Harbaugh, Custer County Sheriff, 1010 Main Street, Miles City, MT 59301, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Harbaugh fulfills the qualifications of Sheriff and serves as Chair, on the council.
- ! Lt. Tim Neiter, 3165 King Ave East, Billings, MT 59101, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Neiter fulfills the qualifications of Detention Center Administrator or Detention Officer, on the council.
- ! Lewis Smith, 409 Missouri Ave, Room 301, Deer Lodge, MT 59722, was appointed to serve a term starting March 3, 2017 and ending January 1, 2019. Smith fulfills the qualifications of County Attorney, on the council.
- ! John Strandell, 2210 Alpine Drive, Helena, MT 59620, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Strandell fulfills the qualifications of State Government Law Enforcement Representative, on the council.
- ! Jim Thomas, PO Box 503, Canyon Creek, MT 59633, was reappointed to serve a term starting March 3, 2017 and ending January 1, 2021. Thomas fulfills the qualifications of Montana citizen at-large who is informed and experienced in the subject of law enforcement, on the council.

**Board of Regents of Higher Education**

*MCA 2-15-1508*

- ! Bill Johnstone, DA Davidson, 117 Village Downtown Blvd, Bozeman, MT 59715, was reappointed to serve a term starting March 3, 2017 and ending February 1, 2024. Johnstone fulfills the qualifications of District 1, Democrat on the board.

I have included the appointees' resumes, biography or other qualification documentation for your consideration.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor to coordinate with your office and Legislative Services as these appointments move through the confirmation process.

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Thank you.

Sincerely,

STEVE BULLOCK  
Governor

March 6, 2017

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, MT 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with Montana Code Annotated 5-5-302, I submit to you and the Montana Senate my cabinet appointment for confirmation.

! Department of Agriculture, Director, **Mr. Benjamin Thomas**, Montana Department of Agriculture, 302 N Roberts, Helena, MT 59601, appointed effective January 30, 2017.

If you need additional information, please call Stacey Otterstrom, Boards and Appointments Advisor at extension 4405.

Sincerely,

STEVE BULLOCK  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 334**, introduced by F. Moore, referred to Highways and Transportation.

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

**SR 47**, introduced by D. Salomon, referred to Education and Cultural Resources.

The following House bills, previously introduced, were referred to committees:

**HB 168**, introduced by Z. Brown, D. Mortensen, N. Swandal, referred to Judiciary.

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**HB 344**, introduced by G. Custer, referred to Natural Resources.

**HB 364**, introduced by D. Loge, R. Cook, R. Fitzgerald, B. Grubbs, W. McKamey, W. Sales, D. Skees, S. Staffanson, J. Trebas, B. Usher, P. Webb, R. Webb, referred to Public Health, Welfare and Safety.

**HB 393**, introduced by D. Zolnikov, E. Buttrey, A. Curtis, T. Facey, V. Ricci, C. Schreiner, J. Small, F. Smith, J. Trebas, B. Usher, referred to Business, Labor, and Economic Affairs.

**HB 494**, introduced by S. Berglee, F. Anderson, M. Blasdel, R. Brodehl, C. Knudsen, S. Lavin, D. Mortensen, D. Skees, K. Wagoner, D. Zolnikov, referred to Judiciary.

**HB 500**, introduced by A. Hertz, G. Hertz, referred to Business, Labor, and Economic Affairs.

Senator Keenan joined the Senate at this time.

**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 Gross in the chair.

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

**HB 146 - Conference Committee Report** - Senator Buttrey moved consideration of **HB 146 - Conference Committee Report** be passed for the day. Without objection, so ordered.

**SB 193** - Senator Thomas moved consideration of **SB 193** be placed at the bottom of the second reading board. Without objection, so ordered.

**SB 195** - Senator Connell moved **SB 195** do pass. Motion carried as follows:

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

Total 37

Nays: Blasdel, Brown, Caferro, Fielder, Hinkle, Howard, Kary, Lang, Moore, Olszewski, Smith C, Vance, Mr.President.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 167** - Senator Vincent moved **SB 167** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 245** - Senator Salomon moved **SB 245** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hoven, 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 48

Nays: Hinkle, Howard.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 7** - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 7**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 24** - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 24**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 30** - Senator Hoven moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 30**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SR 34** - Senator Salomon moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 34**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, 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.  
Total 48

Nays: Keenan, Mr.President.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SR 46** - Senator Buttrey moved that the nominations transmitted by the Governor be concurred in and confirmed in accordance with **SR 46**. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 193** - Senator Ankney moved **SB 193** do pass.

**SB 193** - Senator Ankney moved **SB 193**, second reading copy, be amended as follows:

1. Page 4, line 8.

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**Following:** "÷"

**Insert:** ":"

2. Page 4, line 9.

**Following:** "~~(a)~~"

**Insert:** "(a)"

**Following:** "~~;~~ or"

**Insert:** "; or (b) a licensed psychologist certified by the American board of professional psychology in behavioral and cognitive psychology"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 193** - Bill, as amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Jones, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Welborn, Whitford, Wolken.  
Total 34

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Regier, Smith C, Swandal, Vance, Vincent, Webb, Mr.President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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

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

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, 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 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, March 8, 2017, the forty-eighth legislative day. Motion carried.

Senate adjourned at 1:40 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate