

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

Helena, Montana  
March 9, 2017

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/9/2017

Correctly printed: **SB 154, SB 170, SB 180, SB 218, SB 254, SR 48, SR 49, HB 64, HB 267, HB 286, HB 304, HB 305, HB 346, HB 347, HB 377.**

Correctly engrossed: **SB 196, SB 251, SB 285, HB 131, HB 148, HB 256.**

Correctly enrolled: **SR 27, SR 28, SR 37.**

Transmitted to the House: **SB 167, SB 195, SB 245.**

Signed by the President at 4:28 p.m., March 8, 2017: **SR 7, SR 24, SR 30, SR 34, SR 46.**

Signed by the Secretary of the Senate at 9:55 a.m., March 9, 2017: **SR 7, SR 24, SR 30, SR 34, SR 46.**

Delivered to the Secretary of State at 11:23 a.m., March 9, 2017: **SR 7, SR 24, SR 30, SR 34, SR 46.**

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Jones, Chair): 3/8/2017

**HB 3**, be amended as follows:

1. Page 3, line 20.

**Strike:** "MARCH 11"

**Insert:** "March 22"

2. Page 5, line 20.

**Strike:** "\$359,938"

**Insert:** "\$459,938"

And, as amended, be concurred in.

**HB 307**, be amended as follows:

1. Title, Page 1, line 7.

**Following:** "DATE"

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

2. Page 3, line 14.

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**Insert:** "NEW SECTION. **Section 4. Termination.** [Section 1(3)] terminates September 30, 2025."

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):  
**HB 45**, be amended as follows:

3/9/2017

1. Title, page 1, line 8.

**Strike:** "AUTOPSIES"

**Insert:** "POSTMORTEM EXAMINATIONS"

2. Title, page 1, line 9.

**Following:** "46-4-103,"

**Insert:** "46-4-110,"

3. Page 1, line 17.

**Following:** "Montana"

**Insert:** "and be board-certified in forensic pathology"

4. Page 1, line 23.

**Strike:** "pathologists"

**Insert:** "physicians"

5. Page 1, line 23.

**Following:** "Montana"

**Strike:** ", must"

**Insert:** "and"

6. Page 1, line 29 through line 30.

**Strike:** "have" on line 29 through "fellowship" on line 30

**Insert:** "be board-certified or eligible to be board-certified in forensic pathology. Board certification is required within 5 years of eligibility"

7. Page 2, line 3.

**Strike:** "Autopsy"

**Insert:** "Postmortem examination"

**Following:** "coroner"

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

8. Page 2, line 5.

**Strike:** "autopsies"

**Insert:** "postmortem examinations"

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9. Page 2, line 7.

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

10. Page 2, line 8.

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

11. Page 2, line 10.

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

12. Page 2, line 11.

**Strike:** "autopsy"

**Insert:** "postmortem examination"

13. Page 2, line 12.

**Strike:** "state of Montana"

**Insert:** "department of justice"

14. Page 2, line 12.

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

15. Page 2, line 14.

**Strike:** "an autopsy"

**Insert:** "a postmortem examination"

16. Page 2, line 18.

**Strike:** "Autopsies"

**Insert:** "Postmortem examinations"

17. Page 2, line 21.

**Following:** "(6)"

**Insert:** "(a)"

**Strike:** "An autopsy"

**Insert:** "A postmortem examination"

18. Page 2, line 23.

**Strike:** "(a)"

**Insert:** "(i)"

19. Page 2, line 25.

**Strike:** "(b)"

**Insert:** "(ii)"

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20. Page 2, line 26.

**Following:** line 26

**Insert:** "(b) If a death under subsection (6)(a) occurred while the decedent was under medical care, a state or deputy state medical examiner must be consulted and the need for further examination determined on a case-by-case basis."

21. Page 2, line 27.

**Strike:** "state of Montana"

**Insert:** "department of justice"

22. Page 2, line 27.

**Strike:** "autopsies"

**Insert:** "postmortem examinations"

23. Page 2, line 28.

**Following:** line 27

**Insert:** "**Section 5.** Section 46-4-110, MCA, is amended to read:

"**46-4-110. Powers of coroner.** In the performance of duties under this chapter, the coroner may:

(1) pronounce the fact of death of any human being under circumstances in which the coroner has a duty to inquire pursuant to 46-4-122;

(2) certify and amend death certificates as considered necessary in circumstances under which the coroner has a duty to inquire pursuant to 46-4-122;

(3) issue subpoenas pursuant to 46-4-112;

(4) order ~~autopsies~~ postmortem examinations as provided in 46-4-103;

(5) conduct examinations and tests as considered necessary to determine the cause, manner, and circumstances of death and identification of a dead human body as provided in 46-4-101 and 46-4-113;

(6) order a dead human body to be disinterred or removed from its place of disposition, with or without the consent of the next of kin, under circumstances in which the coroner has a duty to inquire pursuant to 46-4-122;

(7) conduct inquests pursuant to 46-4-201; and

(8) order cessation of any activity by any person or agency, other than the law enforcement agency having jurisdiction, that may obstruct or hinder the orderly conduct of an inquiry or the collection of information or evidence needed for an inquiry."

**Renumber:** subsequent sections

And, as amended, be concurred in.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

3/8/2017

**SR 36**, be adopted.

**SR 38**, be adopted.

**HB 95**, be concurred in.

**HB 163**, be concurred in.

**HB 173**, be concurred in.

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**TAXATION** (Blasdel, Chair):

3/9/2017

**HB 175**, be concurred in.

**HB 209**, be concurred in.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

3/8/2017

**HB 17**, introduced by R. Ehli

**HB 225**, introduced by E. Greef

**HB 303**, introduced by K. Kelker

**HB 383**, introduced by G. Custer

**HB 444**, introduced by R. Shaw

**HB 539**, introduced by R. Cook

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 335**, introduced by J. Welborn, D. Ankney, P. Connell, referred to Local Government.

**SB 336**, introduced by G. Vance, referred to Highways and Transportation.

**SB 337**, introduced by D. Ankney, referred to Natural Resources.

**SB 338**, introduced by D. Ankney, referred to Energy and Telecommunications.

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

**SR 50**, introduced by K. Regier, referred to Judiciary.

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

**HB 17**, introduced by R. Ehli (by request of the Children, Families, Health, and Human Services Interim Committee), referred to Finance and Claims.

**HB 225**, introduced by E. Greef, F. Garner, referred to Highways and Transportation.

**HB 303**, introduced by K. Kelker, referred to Judiciary.

**HB 383**, introduced by G. Custer, D. Ankney, B. Beard, B. Bennett, M. Blasdel, E. Buttrey, R. Ehli, T. Facey, S. Lavin, R. Lynch, S. Malek, C. Schreiner, R. Shaw, R. Tempel, G. Vuckovich, referred to State Administration.

**HB 444**, introduced by R. Shaw, J. Keane, referred to Agriculture, Livestock and Irrigation.

**HB 539**, introduced by R. Cook, referred to Finance and Claims.

The following House bill, previously introduced, was referred to committee:

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**HB 514**, introduced by B. Smith, referred to State Administration.

**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 Hoven in the chair.

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

**SB 254** - Senator Blasdel moved **SB 254** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Malek, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Mr.President.  
Total 40

Nays: Barrett, Boland, Facey, Gross, MacDonald, McClafferty, Pomnichowski, Sands, Vuckovich, Wolken.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 286** - Senator Olszewski moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 44

Nays: Blasdel, Boland, Cohenour, Gross, Howard, Pomnichowski.  
Total 6

Absent or not voting: None.  
Total 0

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Excused: None.

Total 0

**HB 305** - Senator Salomon moved **HB 305** be concurred in. Motion carried as follows:

Yeas: Ankney, Blasdel, Brown, Buttrey, Caferro, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, McClafferty, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Wolken, Mr.President.  
Total 39

Nays: Barrett, Boland, Cohenour, Facey, Gross, Malek, McNally, Phillips, Pomnichowski, Sands, Whitford.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 346** - Senator Barrett moved **HB 346** be concurred in. 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

**HB 347** - Senator Facey moved **HB 347** be concurred in. 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,

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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

**HB 377** - Senator Salomon moved **HB 377** be concurred in. 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

**HB 146 - Conference Committee Report No. 1** - Senator Buttrey moved the Conference Committee report to **HB 146** be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, 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: Cohenour, McClafferty.  
Total 2

Absent or not voting: None.  
Total 0

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Excused: None.

Total 0

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

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

Yeas: Ankney, Barrett, Blasdel, Boland, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, 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: Cohenour, Phillips.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

### MOTIONS

Majority Leader Thomas moved that **SB 170** be taken from the third reading this date and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

### THIRD READING OF BILLS

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

**SB 154** passed as follows:

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

Total 33

Nays: Barrett, Boland, Cohenour, Facey, Gauthier, Gross, MacDonald, Malek, McClafferty,

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McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 193** passed as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Gauthier, Gross, Hinkle, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Swandal, Tempel, Thomas, Welborn, Whitford, Wolken.  
Total 36

Nays: Blasdel, Brown, Fielder, Fitzpatrick, Hinebauch, Hoven, Howard, Regier, Smith C, Vance, Vincent, Vuckovich, Webb, Mr.President.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 218** passed as follows:

Yeas: Ankney, Blasdel, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Webb, Wolken, Mr.President.  
Total 41

Nays: Barrett, Boland, Brown, Cohenour, Pomnichowski, Vincent, Vuckovich, Welborn, Whitford.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 304** concurred in 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

**MOTIONS**

Majority Leader Thomas moved that **SB 330** be taken from the Local Government Committee and re-referred to the Energy and Telecommunications Committee. Without objection, so ordered.

Majority Leader Thomas moved that **HB 175** and **HB 209** be taken from the second reading board and re-referred to the Finance and Claims Committee. Without objection, so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Friday, March 10, 2017, the fiftieth legislative day. Motion carried.

Senate adjourned at 1:36 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate