

**SENATE JOURNAL
65TH LEGISLATURE / SPECIAL SESSION NOVEMBER 2017
FIRST LEGISLATIVE DAY**

Helena, Montana
November 14, 2017

Senate Chambers
State Capitol

Senate convened at 11:02 a.m. President Sales presiding. Invocation by Senator Osmundson. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present, Senators Blasdel and Gross excused. Quorum present.

BILLS AND JOURNALS

11/14/2017

Correctly printed: **SB 8, SB 9, SB 10, SB 11, SB 12, SJ 1, SR 1 SR 2.**

Transmitted to the House: **SJ 1.**

Minority Leader Sesso and Majority Leader Thomas each addressed opening comments to the Senate.

Senator Facey introduced guests from the Kumamoto Prefecture in Japan.

COMMUNICATIONS AND PETITIONS

**PETITION OF THE SIXTY-FIFTH LEGISLATURE
FOR A CALL OF SPECIAL SESSION**

WHEREAS, Article VIII, section 9, of the Montana Constitution requires a balanced budget; and

WHEREAS, the Governor called a special session of the Sixty-Fifth Legislature to convene on November 14, 2017; and

WHEREAS, section 17-7-140, MCA, requires the Governor to reduce spending to meet certain projected ending general fund balances; and

WHEREAS, pursuant to section 17-7-140, MCA, the Governor plans to implement a 6.61 percent reduction in general fund expenditures following the special legislative session; and

WHEREAS, while the Governor has the authority to reduce general fund expenditures, only the Legislature has the authority to reduce appropriations by 6.61 percent; and

WHEREAS, the Governor submitted legislation to be considered in a special session by the Sixty-Fifth Legislature while also potentially limiting the ability of the Sixty-Fifth Legislature to revise the legislation based on the narrow call; and

WHEREAS, the Sixty-Fifth Legislature needs additional flexibility to revise the Governor's legislation or introduce new legislation for the purpose of balancing the budget and providing budget stability; and

WHEREAS, it is in the public interest of all Montanans that the Legislature consider legislation that balances the budget, in addition to revising insurance laws; and

WHEREAS, Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, provide that the Legislature may be convened in special session at the request of a majority of the members.

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NOW, THEREFORE, WE THE UNDERSIGNED, being a majority of the members of the Sixty-Fifth Legislature, pursuant to Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, hereby convene the Sixty-Fifth Legislature into special session in Helena to run concurrently with the special session beginning November 14, 2017, called by the Governor.

The special session hereby convened shall consider legislation to:

(1) amend section 17-7-140, MCA, to reduce the amount of the projected ending general fund balance the Governor must ensure for the biennium;

(2) provide legislative intent and direction to accept proceeds from a private prison contractor (CoreCivic, formerly known as Corrections Corporation of America) while maintaining the state's option to purchase as well as the state's termination rights for the purposes of deposit to the general fund, the fire suppression account, or the budget stabilization reserve fund;

(3) reduce appropriations for the biennium starting July 1, 2017:

(a) to account for the Governor's proposed reductions in spending that were referenced in the Governor's special session call;

(b) for the Legislative Branch;

(c) for the Judicial Branch;

(d) from the state special revenue fund to the Department of Commerce, the State Auditor, and the Public Service Commission;

(e) from the highway nonrestricted account in the state special revenue fund;

(f) to account for rate reductions to the state employee benefit holiday;

(g) to account for rate reductions to the Department of Administration, Information Technology Services Division, Rates Maintained/Based Upon Financial Transparency Model;

(h) to account for rate reductions to the Department of Administration, State Financial Services Division, SABHRS Services Fee;

(i) to account for revisions of combined fund and transportation fund block grants to school districts and coal-fired generating unit closure mitigation block grants; and

(j) to implement statutory changes adopted by the Sixty-Fifth Legislature during the special session;

(4) expand the Governor's call for legislation to include legislation that:

(a) provides for fund balance transfers and other transfers within the state treasury to the general fund, the fire suppression account, the budget stabilization reserve fund, and the guarantee account for the purpose of balancing the budget and providing budget stability;

(b) provides for a contribution holiday to the state employee benefit group;

(c) temporarily revises employer share contributions to the judges' retirement system;

(d) revises the combined fund and transportation fund block grants to school districts;

(e) revises or eliminates the coal-fired generating unit closure mitigation block grants;

(f) revises the state fire assessment;

(g) deposits any additional revenue derived from taxes or fees to the general fund, the fire suppression account, and the budget stabilization reserve fund for the purpose of balancing the budget and providing budget stability; and

(h) reduces general fund appropriations or increases state special revenue fund appropriations to the Department of Natural Resources and Conservation, Forestry Division;

(5) revise existing appropriation authority through an appropriation reduction to an account or fund within the state treasury and a corresponding appropriation increase to another account or fund within the state treasury to implement statutory changes adopted by the Sixty-Fifth Legislature during the special session;

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(6) expand use of funds in the fire suppression account for the biennium starting July 1, 2017, to provide for fuel reduction and mitigation, forest restoration, grants for the purchase of fire suppression equipment, forest management projects on federal land, support for collaborative groups, and road maintenance on federal lands;

(7) revise health care and insurance coverage laws by authorizing application for state innovation waivers and the development of programs to ensure affordable care and coverage for high-risk individuals;

(8) provide for greater equality between insurance providers by reducing statutory financial advantages that are received by some but not all insurance providers; and

(9) appropriate funds for the operation of the special session.

Members of the Sixty-Fifth Legislature:

House Republicans

1. Anderson	2. Ballance	3. Bartel	4. Beard
5. Berglee	6. Brodehl	7. Brown, B.	8. Burnett
9. Cook	10. Cuffe	11. Custer	12. Doane
13. Ehli	14. Essmann	15. Fitzgerald	16. Flynn
17. Galt	18. Garner	19. Glimm	20. Greef
21. Grubbs	22. Gunderson	23. Harris	24. Hertz, A.
25. Hertz, G.	26. Holmlund	27. Hopkins	28. Jones
29. Knokey	30. Knudsen, A.	31. Knudsen, C.	32. Lavin
33. Lenz	34. Loge	35. Mandeville	36. Manzella
37. McKamey	38. Mortensen	39. Noland	40. O'Hara
41. Patelis	42. Redfield	43. Regier	44. Ricci
45. Rosendale	46. Sales	47. Shaw	48. Sheldon-Galloway
49. Skees	50. Trebas	51. Tschida	52. Usher
53. Vinton	54. Wagoner	55. Webb	56. Welch
57. White	58. Zolnikov		

Senate Republicans

59. Ankney	60. Blasdel	61. Brown	62. Buttrey
63. Connell	64. Fielder	65. Fitzpatrick	66. Gauthier
67. Hinebauch	68. Hinkle	69. Hoven	70. Howard
71. Jones	72. Kary	73. Keenan	74. Lang
75. Moore	76. Olszewski	77. Osmundson	78. Regier
79. Richmond	80. Sales	81. Salomon	82. Small
83. Smith, C.	84. Swandal	85. Tempel	86. Thomas
87. Vance	88. Vincent	89. Webb	90. Welborn

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**PETITION OF THE SIXTY-FIFTH LEGISLATURE
FOR A CALL OF SPECIAL SESSION**

WHEREAS, Article VIII, section 9, of the Montana Constitution requires a balanced budget; and

WHEREAS, the Governor called a special session of the Sixty-Fifth Legislature to convene on November 14, 2017; and

WHEREAS, the Governor submitted legislation to be considered in a special session by the Sixty-Fifth Legislature while also potentially limiting the ability of the Sixty-Fifth Legislature to revise the legislation based on the narrow call; and

WHEREAS, the Sixty-Fifth Legislature needs additional flexibility to revise the Governor's legislation or introduce new legislation for the purpose of balancing the budget and providing budget stability; and

WHEREAS, it is in the public interest of all Montanans that the Legislature consider legislation that balances the budget; and

WHEREAS, Article V, section 6, of the Montana Constitution and section 5-3-101, MCA provide that the Legislature may be convened in special session at the request of a majority of the members.

NOW, THEREFORE, WE THE UNDERSIGNED, being a majority of the members of the Sixty-Fifth Legislature, pursuant to Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, hereby convene the Sixty-Fifth Legislature into special session in Helena to run concurrently with the special session beginning November 14, 2017, called by the Governor.

The special session hereby convened shall consider legislation to repeal certain individual income tax credits and corporate income tax credits and use the estimated additional revenue for:

- (1) transfers to the fire suppression account;
- (2) transfers to the budget stabilization reserve fund;
- (3) school block grants; and
- (4) local emergency services.

Members of the Sixty-Fifth Legislature:

House Republicans

1. Anderson	2. Ballance	3. Bartel	4. Beard
5. Berglee	6. Brodehl	7. Brown, B.	8. Burnett
9. Cook	10. Cuffe	11. Custer	12. Doane
13. Ehli	14. Essmann	15. Fitzgerald	16. Flynn
17. Galt	18. Garner	19. Glimm	20. Greef
21. Grubbs	22. Gunderson	23. Harris	24. Hertz, A.
25. Hertz, G.	26. Holmlund	27. Hopkins	28. Jones
29. Knokey	30. Knudsen, A.	31. Knudsen, C.	32. Lavin
33. Lenz	34. Loge	35. Mandeville	36. Manzella
37. McKamey	38. Mortensen	39. Noland	40. O'Hara
41. Patelis	42. Redfield	43. Regier	44. Ricci
45. Rosendale	46. Sales	47. Shaw	48. Sheldon-Galloway
49. Skees	50. Trebas	51. Tschida	52. Usher
53. Vinton	54. Wagoner	55. Webb	56. Welch

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57. White

58. Zolnikov

Senate Republicans

59. Ankney

60. Blasdel

61. Brown

62. Buttrey

63. Connell

64. Fielder

65. Fitzpatrick

66. Gauthier

67. Hinebauch

68. Hinkle

69. Hoven

70. Howard

71. Jones

72. Kary

73. Keenan

74. Lang

75. Moore

76. Olszewski

77. Osmundson

78. Regier

79. Richmond

80. Sales

81. Salomon

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83. Smith, C.

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**PETITION OF THE SIXTY-FIFTH LEGISLATURE
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WHEREAS, the Governor submitted legislation to be considered in a special session by the Sixty-Fifth Legislature while also potentially limiting the ability of the Sixty-Fifth Legislature to revise the legislation based on the narrow call; and

WHEREAS, the Sixty-Fifth Legislature needs additional flexibility to revise the Governor's legislation or introduce new legislation for the purpose of balancing the budget and providing budget stability; and

WHEREAS, it is in the public interest of all Montanans that the Legislature consider legislation that balances the budget; and

WHEREAS, Article V, section 6, of the Montana Constitution and section 5-3-101, MCA provide that the Legislature may be convened in special session at the request of a majority of the members.

NOW, THEREFORE, WE THE UNDERSIGNED, being a majority of the members of the Sixty-Fifth Legislature, pursuant to Article V, section 6, of the Montana Constitution and section 5-3-101, MCA, hereby convene the Sixty-Fifth Legislature into special session in Helena to run concurrently with the special session beginning November 14, 2017, called by the Governor.

The special session hereby convened shall consider legislation to authorize furloughs for state employees and use the estimated savings for the purpose of balancing the budget and providing budget stability.

Members of the Sixty-Fifth Legislature:

House Republicans

1. Anderson

2. Ballance

3. Bartel

4. Beard

5. Berglee

6. Brodehl

7. Brown, B.

8. Burnett

9. Cook

10. Cuffe

11. Custer

12. Doane

13. Ehli

14. Essmann

15. Fitzgerald

16. Flynn

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17. Galt	18. Garner	19. Glimm	20. Greef
21. Grubbs	22. Gunderson	23. Harris	24. Hertz, A.
25. Hertz, G.	26. Holmlund	27. Hopkins	28. Jones
29. Knokey	30. Knudsen, A.	31. Knudsen, C.	32. Lavin
33. Lenz	34. Loge	35. Mandeville	36. Manzella
37. McKamey	38. Mortensen	39. Noland	40. O'Hara
41. Patelis	42. Redfield	43. Regier	44. Ricci
45. Rosendale	46. Sales	47. Shaw	48. Sheldon-Galloway
49. Skees	50. Trebas	51. Tschida	52. Usher
53. Vinton	54. Wagoner	55. Webb	56. Welch
57. White	58. Zolnikov		

Senate Republicans

59. Ankney	60. Blasdel	61. Brown	62. Buttrey
63. Connell	64. Fielder	65. Fitzpatrick	66. Gauthier
67. Hinebauch	68. Hinkle	69. Hoven	70. Howard
71. Jones	72. Kary	73. Keenan	74. Lang
75. Moore	76. Olszewski	77. Osmundson	78. Regier
79. Richmond	80. Sales	81. Salomon	82. Small
83. Smith, C.	84. Swandal	85. Tempel	86. Thomas
87. Vance	88. Vincent	89. Webb	90. Welborn

REPORTS OF STANDING COMMITTEES

RULES (Thomas, Chair):
SJ 1, do pass. Report adopted.

11/13/2017

MESSAGES FROM THE GOVERNOR

November 6, 2017

To: Members of the Montana Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith
Secretary of State Corey Stapleton

PROCLAMATION

Call to the 65th Legislature for a Special Session

WHEREAS, Article V, Section 6, of the Montana Constitution and § 5-3-101, MCA, provide that the Legislature may be convened in special session by the Governor;

WHEREAS, Article VI, Section 11, of the Montana Constitution provides that whenever the

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Governor considers it in the public interest, the Governor may convene the Legislature;

WHEREAS, Montana experienced the most expensive fire season in state history;

WHEREAS, fire suppression costs exceeded available appropriations for the biennium;

WHEREAS, general fund revenues were short of legislative projections (HJ2) for FY 2017 and are projected to fall significantly short of HJ 2 in FY 2018 and FY 2019;

WHEREAS, to ensure that the expenditure of appropriations does not exceed available revenue, the Governor invoked § 17-7-140, MCA and directed agencies to reduce spending in an amount that ensures that the projected general fund balance for the biennium will be at least 6 percent of all general fund appropriations in the second year of the biennium ending June 30, 2019;

WHEREAS, based upon the revenue estimates available at the time and in accordance with § 17-7-140, MCA, the Budget Director recommended to the Legislative Fiscal Analyst, the Legislative Finance Committee, and the Revenue and Finance Committee a 9.7 percent reduction in general fund expenditures;

WHEREAS, after considering the Budget Director's proposed spending reductions, the Legislative Finance Committee recommended that the Governor prioritize cuts that: 1) cause the least possible impact to services to Montana's most vulnerable citizens; 2) would impose the least possible increase to local property taxes; 3) could be made with the least impact on safety and security of Montana's communities; and 4) were consistent with legislative policies enacted in 2017 that would have a positive long-term fiscal impact;

WHEREAS, following the special session, the Governor will implement a 6.61 percent reduction in general fund expenditures;

WHEREAS, the Governor cannot implement cuts beyond 6.61 percent that conform with the recommendations of the Legislative Finance Committee;

WHEREAS, based upon current revenue projections from the Budget Director, a general fund budget deficit will remain after the Governor implements his 6.61 percent reduction;

WHEREAS, it is in the public interest of all Montanans that any reductions beyond the Governor's reductions of 6.61 percent be considered by the Sixty-Fifth Montana Legislature; and

WHEREAS, it is in the public interest of all Montanans that a special session of the Legislature be called for the limited purpose of approving fund transfers, reducing general fund expenditures, and adopting temporary revenue measures to address the projected shortfall in revenue for the 2019 biennium and to provide for appropriations for fire suppression and mitigation costs.

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NOW, THEREFORE I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby call the Sixty-Fifth Montana Legislature into special session in Helena, at the Capitol Complex at the hour of 12:00 p.m., the 14th day of November, 2017, and hereby direct the special session of the Sixty-Fifth Legislature to consider action limited to the following subjects:

1. Legislation approving fund balance and other transfers as submitted by the Office of Budget and Program Planning.
2. Legislation providing for a two-month employer contribution holiday to the state employee group benefits plan.
3. Legislation temporarily suspending employer share contribution to the judges' retirement system.
4. Legislation revising the sale of new liquor licenses by requiring an auction of newly created licenses.
5. Legislation eliminating the transportation and combined block grant payments and suspending the coal fired generating unit payment for the current biennium.
6. Legislation revising the state fire assessment to apply to all parcels.
7. Legislation temporarily increasing the accommodations and rental car tax rates to increase general fund revenues to offset state fire costs.
8. Legislation authorizing a management fee on excess investment holdings of the Montana State Fund to offset state fire costs.
9. Legislation providing appropriations for fire suppression costs and emergency funds for FY 2018 and FY 2019.

Dated this 6th day of November 2017.

STEVE BULLOCK
Governor

November 13, 2017

To: Members of the Montana Senate
Members of the Montana House of Representatives
Members of the Montana Supreme Court c/o Clerk of the Court Ed Smith
Secretary of State Corey Stapleton

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AMENDED PROCLAMATION

Call to the 65th Legislature for a Special Session

WHEREAS, Article V, Section 6, of the Montana Constitution and § 5-3-101, MCA, provide that the Legislature may be convened in special session by the Governor;

WHEREAS, Article VI, Section 11, of the Montana Constitution provides that whenever the Governor considers it in the public interest, the Governor may convene the Legislature;

WHEREAS, Montana experienced the most expensive fire season in state history;

WHEREAS, fire suppression costs exceeded available appropriations for the biennium;

WHEREAS, general fund revenues were short of legislative projections (HJ2) for FY 2017 and are projected to fall significantly short of HJ 2 in FY 2018 and FY 2019;

WHEREAS, to ensure that the expenditure of appropriations does not exceed available revenue, the Governor invoked § 17-7-140, MCA and directed agencies to reduce spending in an amount that ensures that the projected general fund balance for the biennium will be at least 6 percent of all general fund appropriations in the second year of the biennium ending June 30, 2019;

WHEREAS, based upon the revenue estimates available at the time and in accordance with § 17-7-140, MCA, the Budget Director recommended to the Legislative Fiscal Analyst, the Legislative Finance Committee, and the Revenue and Finance Committee a 9.7 percent reduction in general fund expenditures;

WHEREAS, after considering the Budget Director's proposed spending reductions, the Legislative Finance Committee recommended that the Governor prioritize cuts that: 1) cause the least possible impact to services to Montana's most vulnerable citizens; 2) would impose the least possible increase to local property taxes; 3) could be made with the least impact on safety and security of Montana's communities; and 4) were consistent with legislative policies enacted in 2017 that would have a positive long-term fiscal impact;

WHEREAS, following the special session, the Governor will implement a 6.61 percent reduction in general fund expenditures;

WHEREAS, the Governor cannot implement cuts beyond 6.61 percent that conform with the recommendations of the Legislative Finance Committee;

WHEREAS, based upon current revenue projections from the Budget Director, a general fund budget deficit will remain after the Governor implements his 6.61 percent reduction;

WHEREAS, it is in the public interest of all Montanans that any reductions beyond the Governor's reductions of 6.61 percent be considered by the Sixty-Fifth Montana Legislature;

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and

WHEREAS, it is in the public interest of all Montanans that a special session of the Legislature be called for the limited purpose of approving fund transfers, reducing general fund expenditures, and adopting temporary revenue measures to address the projected shortfall in revenue for the 2019 biennium and to provide for appropriations for fire suppression and mitigation costs.

NOW, THEREFORE I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me by the Constitution and laws of the State of Montana, do hereby call the Sixty-Fifth Montana Legislature into special session in Helena, at the Capitol Complex at the hour of 12:00 p.m., the 14th day of November, 2017, and hereby direct the special session of the Sixty-Fifth Legislature to consider action limited to the following subjects:

1. Legislation approving fund balance and other transfers as submitted by the Office of Budget and Program Planning.
2. Legislation providing for a two-month employer contribution holiday to the state employee group benefits plan.
3. Legislation temporarily suspending employer share contribution to the judges' retirement system.
4. Legislation revising the sale of new liquor licenses by requiring an auction of newly created licenses.
5. Legislation eliminating the transportation and combined block grant payments and suspending the coal fired generating unit payment for the current biennium.
6. Legislation revising the state fire assessment to apply to all parcels.
7. Legislation temporarily increasing the accommodations and rental car tax rates to increase general fund revenues to offset state fire costs.
8. Legislation authorizing a management fee on excess investment holdings of the Montana State Fund to offset state fire costs.
9. Legislation providing appropriations for fire suppression costs and emergency funds for FY 2018 and FY 2019.
10. Legislation to require third-party reservation intermediaries to pay and remit the lodging facility use tax.
11. Confirmation of judicial appointments subject to the provisions of § 3-1-1013, MCA.

Dated this 13th day of November 2017.

STEVE BULLOCK
Governor

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November 13, 2017

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

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 3-1-1013, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointments:

7th Judicial District

MCA 3-1-1010

- Judge Olivia C. Rieger, 25 Schmidt Lane, Glendive, MT 59330

13th Judicial District

MCA 3-1-1010

- Judge Donald L. Harris, 2924 Gregory Drive South, Billings, MT 59102

Workers Compensation Court

MCA 2-15-1707

- Judge David Michael Sandler, 9 Mountain Park Lane, Kalispell, MT 59901

I have included the appointees' application packets as received by the Judicial Nominations Commission.

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. She can be reached at extension -4405 or by email at sotterstrom@mt.gov. Thank you.

Sincerely,

STEVE BULLOCK
Governor

FIRST READING AND COMMITMENT OF BILLS

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

- SB 1**, introduced by N. Swandal (by request of the Governor), referred to Finance and Claims.
- SB 2**, introduced by D. Ankney (by request of the Governor), referred to Finance and Claims.
- SB 3**, introduced by R. Osmundson (by request of the Governor), referred to Finance and

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Claims.

SB 4, introduced by E. Buttrey (by request of the Governor), referred to Business, Labor, and Economic Affairs.

SB 5, introduced by S. Fitzpatrick (by request of the Governor), referred to Business, Labor, and Economic Affairs.

SB 6, introduced by D. Barrett (by request of the Governor), referred to Taxation.

SB 7, introduced by B. Hoven (by request of the Governor), referred to Taxation.

SB 8, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

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

SJ 1, introduced by F. Thomas, referred to Rules.

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

SR 1, introduced by K. Regier, referred to Select Committee on Judicial Appointments.

SR 2, introduced by K. Regier, referred to Select Committee on Judicial Appointments.

MOTIONS

Senator Connell moved the legislature convene itself into a special session to run concurrently with the special session beginning November 14, 2017, to consider legislation providing for a one-time transfer from the coal trust fund created by Article IX, section 5, of the Montana Constitution and using the revenue for:

1. transfers to the fire suppression account;
2. transfers to the budget stabilization reserve fund;
3. transfers to the general fund; and
4. transfers to the guarantee account for the purpose of balancing the budget and providing budget stability.

Motion requires a majority of the entire Legislature to pass. Motion failed the Senate but will be considered by the House of Representatives with the mathematical possibility of obtaining a majority vote of the entire Legislature. Senate vote as follows:

Yeas: Ankney, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinkle, Hoven, Howard, Jones, Keenan, Lang, Moore, Olszewski, Osmundson, Richmond, Salomon, Small, Swandal, Thomas, Welborn.

Total 21

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Hinebauch, Kary, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Regier, Sands, Sesso, Smith C, Smith F, Tempel, Vance, Vincent, Vuckovich, Webb, Whitford, Wolken, Mr. President.

Total 27

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Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Senator Regier moved the legislature convene itself into a special session to run concurrently with the special session beginning November 14, 2017, to consider legislation to transfer a portion of the general fund appropriation from the Montana Development Center to the state fire fund.

Motion requires a majority of the entire Legislature to pass. Motion passed the Senate as follows:

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

Total 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Senator Regier moved the legislature convene itself into a special session to run concurrently with the special session beginning November 14, 2017, to consider legislation eliminating state funded health centers for state employees and transferring the savings to the state fire fund.

Motion requires a majority of the entire Legislature to pass. Motion failed the Senate but will be considered by the House of Representatives with the mathematical possibility of obtaining a majority vote of the entire Legislature. Senate vote as follows:

Yeas: Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Keenan, Lang, Moore, Olszewski, Regier, Smith C, Swandal, Thomas, Vincent, Mr.President.

Total 17

Nays: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Facey, Gauthier, Jones, Kary, MacDonald, Malek, McClafferty, McNally, Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Vance, Vuckovich, Webb, Welborn, Whitford, Wolken.

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Total 31

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Senator Olszewski moved the legislature convene itself into a special session to run concurrently with the special session beginning November 14, 2017, to consider legislation revising vital statistic laws to prohibit the amendment or correction of gender designations in vital records.

Motion requires a majority of the entire Legislature to pass. Motion passed the Senate as follows:

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

Total 31

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

Total 17

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Majority Leader Thomas moved to suspend the following Senate Rules for the duration of the special session: S30-60 (2) (d), (9), (10); S30-70 (5) (b), (c), (d); S40-40 (2); S40-60 (2); S50-90 (5); S50-130 (1); S50-190 (1); S50-220 (4); S60-10 (1), (3); S70-30 (6). Rules not included in the list will remain in effect. Motion carried as follows:

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

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

**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. President Sales in the chair.

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

SJ 1 - Senator Thomas moved **SJ 1** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, 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 47

Nays: MacDonald.

Total 1

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Motion carried as follows.

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

Total 46

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Nays: MacDonald, Smith F.
Total 2

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
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:

SJ 1 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, 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, Whitford, Wolken, Mr.President.
Total 46

Nays: MacDonald, Welborn.
Total 2

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

ANNOUNCEMENTS

Senator C. Smith introduced the Senate Pages for the special session:

Abraham Osmundson, from Buffalo, sponsored by Senator Osmundson
Alida Royal, from Helena, sponsored by Representative Becky Beard

Senate recessed at 12:13 p.m. Senate will reconvene subject to the call of the chair.

Senate reconvened at 4:00 p.m. President Sales presiding.

Roll Call. Thirty-eight members present. Senators Blasdel, Brown, Buttrey, Connell, Facey,

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Fitzpatrick, Gross, Salomon, Small, F. Smith, Vance, and Vuckovich, excused.

MESSAGES FROM THE OTHER HOUSE

Senate joint resolution concurred in and returned to the Senate: 11/14/2017

SJ 1, introduced by Thomas

House votes on motions to expand the special session:

1. Motion related to a one-time transfer of funds from the coal trust fund. Senate vote 21-27, House vote 9-91. Failed to obtain a majority of the entire Legislature.

2. Motion related to elimination of state-funded health centers for state employees. Senate vote 17-31, House vote 53-47. Failed to obtain a majority of the entire Legislature.

3. Motion related to the transfer of a portion of Montana Developmental Center appropriations. Senate vote 30-18, House vote 49-51. Obtained a majority of the entire Legislature.

4. Motion related to revision of vital statistic laws. Senate vote 31-17, House vote 50-50. Obtained a majority of the entire Legislature.

FIRST READING AND COMMITMENT OF BILLS

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

SB 9, introduced by L. Jones, referred to Finance and Claims.

ANNOUNCEMENTS

Senate recessed at 4:11 p.m. Senate will reconvene at 5:00 p.m.

Senate reconvened at 5:12 p.m. President Sales presiding.

Roll Call. Forty-four members present; Senators Blasdel, Facey, Gross, Jones, Osmundson, and Salomon excused.

REPORTS OF STANDING COMMITTEES

SELECT COMMITTEE ON JUDICIAL APPOINTMENTS (Brown, Chair): 11/14/2017

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SR 1, be adopted.

SR 2, be adopted.

Without objection, committee reports were adopted.

FIRST READING AND COMMITMENT OF BILLS

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

SB 10, introduced by A. Olszewski, D. Howard, referred to Finance and Claims.

SB 12, introduced by K. Regier, referred to Finance and Claims.

The following Senate bill was introduced and read first time:

SB 11, introduced by L. Jones

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

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

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

Senators Facey and Salomon present at this time.

SR 1 - Senator K. Regier moved that the nominations transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 1**. Resolution adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, 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 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross, Jones, Osmundson.

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Total 4

SR 2 - Senator K. Regier moved that the nominations transmitted by the Chief Justice of the Supreme Court be concurred in and confirmed by the Senate in accordance with **SR 2**.

Resolution adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, 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 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross, Jones, Osmundson.

Total 4

Majority Leader Thomas moved the committee **rise, report progress, and beg leave to sit again**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Majority Leader Thomas moved the Committee of the Whole report be adopted. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Olszewski, 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 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross, Jones, Osmundson.

Total 4

ANNOUNCEMENTS

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Committee meetings were announced by the committee chairs.

Senate recessed at 5:25 p.m. Senate will reconvene at 7:00 p.m.

Senate reconvened at 8:15 p.m. President Sales presiding.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 10:00 a.m., Wednesday, November 15, 2017, the second legislative day. Motion carried.

Senate adjourned at 8:18 p.m.

MARILYN MILLER
Secretary of Senate

SCOTT SALES
President of the Senate