

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

Helena, Montana
November 15, 2017

Senate Chambers
State Capitol

Senate convened at 1:30 p.m. President Sales presiding. Invocation by Senator Regier. Pledge of Allegiance to the Flag.

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

BILLS AND JOURNALS

11/15/2017

Correctly printed:**SB 4, SB 10, SB 12.**

Correctly engrossed:**SB 1, SB 2, SB 3, SB 4, SB 5, SB 8, SB 9.**

Correctly enrolled:**SB 1, SB 2, SB 3, SJ 1, SR 1, SR 2.**

Examined by the sponsor and found to be correct:**SB 1, SB 2, SB 3, SJ 1, SR 1, SR 2.**

Transmitted to the House:**SB 1, SB 2, SB 3, SB 4, SB 5, SB 8, SB 9, SB 10, SB 12, HB 2, HB 3, HB 5, HB 6, HB 8.**

Signed by the Secretary of the Senate at 9:17 p.m., November 15, 2017:**SB 1, SB 2, SB 3, SR 1, SR 2.**

Signed by the President at 9:30 p.m., November 15, 2017:**SB 1, SB 2, SB 3, SR 1, SR 2.**

Signed by the Speaker at 12:30 p.m., November 16, 2017:**SB 1, SB 2, SB 3, SB 4, SB 5, SB 9.**

Delivered to the Governor at 1:45 p.m., November 16, 2017:**SB 1, SB 2, SB 3, SB 4, SB 5, SB 9.**

Delivered to the Secretary of State at 2:10 p.m., November 16, 2017: **SJ 1, SR 1, SR 2.**

Senator Sands rose on a point of personal privilege and requested the Senate stand for a moment of silence in remembrance of Governor Judy Martz.

REPORTS OF STANDING COMMITTEES

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

11/14/2017

SB 4, do pass.

SB 5, introduced bill, be amended as follows:

1. Title, page 1, line 11.

Strike: "AN IMMEDIATE EFFECTIVE DATE"

Insert: "EFFECTIVE DATES"

2. Page 3, line 7.

Strike: "not"

3. Page 4, line 16 through line 17.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

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4. Page 4, line 18 through line 19.

Following: "business entity" on line 18

Strike: "or" on line 18 through "5 years of" on line 19

Insert: "after"

5. Page 4, line 19.

Following: "license"

Strike: "; or"

Insert: "unless that transfer is due to a death of an owner;"

6. Page 4, line 22.

Following: "control"

Insert: "; or (iii) proposes a location for the license that had the same license type within the previous 12 months"

7. Page 6, line 8.

Following: line 7

Insert: "**Section 2.** Section 16-4-105, MCA, is amended to read:

"16-4-105. Limit on retail beer licenses -- wine license amendments -- limitation on use of license -- exceptions -- lottery -- rulemaking. (1) Except as provided in 16-4-109, 16-4-110, 16-4-115, 16-4-420, and chapter 4, part 3, of this title, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person, ~~firm, or corporation~~ business entity that is approved by the department ~~as a person, firm, or corporation qualified to sell beer~~, subject to the provisions in subsections (1)(a) through (1)(e): the following exceptions:

(a) The number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within a distance of 5 miles from the corporate limits of the cities and towns must be determined on the basis of population prescribed in 16-4-502 as follows:

(i) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits of the towns, not more than one retail beer license;

(ii) in incorporated cities or incorporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of the cities or towns, one retail beer license for every 500 inhabitants;

(iii) in incorporated cities of over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of the cities, four retail beer licenses for the first 2,000 inhabitants, two additional retail beer licenses for the next 2,000 inhabitants or major fraction of 2,000 inhabitants, and one additional retail beer license for every additional 2,000 inhabitants.

(b) The number of ~~the~~ inhabitants in each incorporated ~~cities and~~ city or incorporated ~~towns~~ town, exclusive of the number of inhabitants residing within a distance of 5 miles from the corporate limits of the ~~cities or towns~~ city or town, governs the number of retail beer licenses that may be issued for use within the ~~cities and towns~~ city or town and within a distance of 5 miles from the corporate limits of the ~~cities and towns~~ city or town. ~~If two or more incorporated municipalities are situated within a distance of 5 miles from each other, the total number of retail beer licenses that may be issued for use in both the incorporated municipalities and within a distance of 5 miles from their respective corporate limits must be determined on the basis of the combined populations of~~

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~~both municipalities and may not exceed the limitations in this section.~~ The distance of 5 miles from the corporate limits of any incorporated city or incorporated town must be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of the city or town.

(c) When the 5-mile boundary of one incorporated city or incorporated town overlaps the 5-mile boundary of another incorporated city or incorporated town, the quota area for each city or town terminates in a straight line equidistant between each city or town.

~~(e)(d)~~ Retail beer licenses of issue on March 7, 1947, and retail beer licenses issued under 16-4-110 that are in excess of the limitations in this section are renewable, but new licenses may not be issued in violation of the limitations.

~~(d)(e)~~ The limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to an enlisted persons', noncommissioned officers', or officers' club located on a state or federal military reservation on May 13, 1985, or to a post of a nationally chartered veterans' organization or a lodge of a recognized national fraternal organization if the veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949.

~~(e)(f)~~ The number of retail beer licenses that the department may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within a distance of 5 miles from the corporate limits or for use at premises situated within any unincorporated area must be determined by the department in its discretion, except that a retail beer license may not be issued for any premises so situated unless the department determines that the issuance of the license is required by public convenience and necessity pursuant to 16-4-203. Subsection ~~(3)~~ (5) does not apply to licenses issued under this subsection (1)(e)(f). The owner of the license whose premises are situated outside of an incorporated city or incorporated town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(2) (a) For a period of 7 years after [the effective date of this section], existing licenses as of [the effective date of section 1] in either of two quota areas that were established as provided in subsection (1)(c) may be transferred between the two quota areas if they were part of a combined quota area prior to [the effective date of section 1].

(b) If any new retail beer licenses are allowed by separating a combined quota area that existed as of [the effective date of section 1], as provided in subsection (1)(c), the department shall publish the availability of no more than one new beer license a year until the quota has been reached.

(3) A license issued under subsection (1)(f) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area for 5 years from the date of the annexation.

~~(2)(4)~~ A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The department may issue an amendment if it finds, on a satisfactory showing by the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. Except for beer and wine licenses issued pursuant to 16-4-420, a person holding a beer and wine license may sell wine for consumption on or off the premises. Nonretention of the beer license, for whatever reason, means automatic loss of the wine amendment license.

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~~(3)(a)~~(5) Except as provided in ~~subsections subsection (1)(e)(f) and (3)(b)~~, a license issued pursuant to this section after October 1, 1997, must have a conspicuous notice that the license may not be used for premises where gambling is conducted.

~~(b) Subsection (3)(a) does not apply to licenses issued under this section if the department received the application before October 1, 1997. For the purposes of this subsection (3)(b), the application is received by the department before October 1, 1997, if the application's mail cover is postmarked by the United States postal service before October 1, 1997, or if the application was consigned to a private courier service for delivery to the department before October 1, 1997. An applicant who consigns an application to a private courier shall provide to the department, upon demand, documentary evidence satisfactory to the department that the application was consigned to a private courier before October 1, 1997.~~

~~(4) A license issued under subsection (1)(e) that becomes located within 5 miles of an incorporated city or town because of annexation after April 15, 2005, may not be transferred to another location within the city quota area for 5 years from the date of the annexation.~~

~~(5)~~(6) (a) When the department determines that a quota area is eligible for an additional retail beer license as provided in this section, the department shall advertise the availability of the license in the quota area for which the license is available. If there are more applicants than number of licenses available, the license must be awarded to an applicant by a lottery.

(b) The department shall numerically rank all applicants in the lottery. Only the successful applicants will be required to submit a completed application and a one-time processing fee set by the department by rule. An applicant's ranking may not be sold or transferred to another person or business entity. An applicant's ranking applies only to the intended license advertised by the department or to the number of licenses determined to be available for the lottery when there are more applicants than licenses available. The department shall determine an applicant's qualifications for a retail beer license awarded by lottery prior to the award of a license by lottery.

(c) A successful lottery applicant shall pay to the department a \$25,000 original license fee and in subsequent years pay the annual fee for the license as provided in 16-4-501.

(d) (i) The successful lottery applicant is subject to forfeiture of the license and the original license fee if the successful lottery applicant:

~~(A) enters into a concession agreement, as defined in rule, for the license awarded by lottery in the first 5 years~~ proposes a location for the license that had the same license type within the previous 12 months;

~~(B) transfers a license awarded by lottery within 5 years of receiving the license; or~~

~~(C) does not use the license within 1 year of receiving the license or stops using the license within 5 years. The department may extend the time for use if the lottery winner provides evidence the delay in use is for reasons outside the applicant's control.~~

(ii) In the case of forfeiture, the department shall offer the license to the next eligible ranked applicant in the lottery.

~~(6)~~(7) The department may adopt rules to implement this section."

Renumber: subsequent sections

8. Page 7, line 8.

Strike: "act"

Insert: "section"

9. Page 7, line 9.

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Strike: "act"

Insert: "section"

10. Page 7, line 10.

Strike: "act"

Insert: "section"

11. Page 7, line 12.

Strike: "act"

Insert: "section"

12. Page 8, line 24.

Strike: "lottery"

Insert: "competitive bidding process"

13. Page 10, line 1 through line 2.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

14. Page 10, line 3 through line 4.

Strike: "or" on line 3 through "years of" on line 4

Insert: "after"

15. Page 10, line 4.

Following: "license"

Strike: "; or"

Insert: "unless that transfer is due to the death of an owner;"

16. Page 10, line 7.

Following: "control"

Insert: "; or (iii) proposes a location for the license that had the same license type within the previous 12 months"

17. Page 10, line 15 through line 18.

Strike: subsection (10) in its entirety

Renumber: subsequent subsections

18. Page 10, line 30.

Strike: "(12)"

Insert: "(11)"

19. Page 11, line 17.

Following: line 16

Insert: "**Section 5.** Section 16-4-204, MCA, is amended to read:

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"16-4-204. Transfer -- catering endorsement -- rulemaking. (1) (a) Except as provided in subsection ~~(1)(d)(2)~~, a license may be transferred to a new ownership owner and to a location outside the quota area ~~for which it was originally issued~~ where the license is currently located only when the following criteria are met:

(i) the total number of all-beverages licenses in the ~~original~~ current quota area exceeded the quota for that area by at least 25% in the most recent census prescribed in 16-4-502;

(ii) the total number of all-beverages licenses in the quota area to which the license would be transferred, exclusive of those issued under 16-4-209(1)(a) and (1)(b), did not exceed that area's quota in the most recent census prescribed in 16-4-502:

(A) by more than 33%; or

(B) in an incorporated city of more than 10,000 inhabitants and within a distance of 5 miles from its corporate limits, by more than 43%; or

(iii) the department finds, after a public hearing, that the public convenience and necessity would be served by a transfer; and

(iv) an applicant for the new ownership to be awarded on a lottery basis by the department has met the following criteria:

(A) the applicant had not made another application under this subsection (1)(a) for a lottery-awarded license within the previous 12 months;

(B) the applicant has provided with the application an irrevocable letter of credit from a financial institution that guarantees the applicant's ability to pay \$100,000; and

(C) the applicant or, if the applicant is not an individual, a person with an ownership interest in the applicant does not have an ownership interest in an all-beverages license.

(b) A license transferred pursuant to subsection (1)(a) that was issued pursuant to a lottery is not eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6.

(c) A successful lottery applicant shall commence business within 1 year of the lottery unless the department grants an extension because a delay was caused by circumstances beyond the control of the applicant.

~~(d)(2)~~ A license within an incorporated quota area may be transferred to a new ownership owner and to a new unincorporated location within the same county on application to and with consent of the department when the ~~quota of the~~ total number of all-beverages licenses in the ~~original~~ current quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the transfer.

~~(e) For 5 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.~~

~~(f) Once a license is transferred to a new quota area under subsection (1)(a), it may not be transferred to another quota area or back to the original quota area.~~

~~(g)(3)~~ A license issued under 16-4-209(1)(a) may not be transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

~~(2)~~ ~~(a)(4)~~ (a) Any all-beverages licensee is, upon the approval and in the discretion of the department, entitled to a catering endorsement to the licensee's all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages for on-premises consumption. The alcoholic beverages must be consumed on the premises where the event is held.

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(b) A written application for a catering endorsement and an annual fee of \$250 must be submitted to the department for its approval.

(c) An all-beverages licensee who holds an endorsement granted under this subsection ~~(2)~~(4) may not cater an event in which the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business.

(d) The licensee shall notify the local law enforcement agency that has jurisdiction over the premises where the catered event is to be held. A fee of \$35 must accompany the notice.

(e) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-6-103.

(f) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval.

(g) A catering endorsement issued for the purpose of selling and serving beer at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises.

(h) A licensee may not share revenue from the sale of alcoholic beverages with the sponsor of the catered event unless the sponsor is the state of Montana, a political subdivision of the state, or a qualified entity under section 501(c) of the Internal Revenue Code, 26 U.S.C. 501(c), as amended.

(5) The department may adopt rules to implement this section.""

Renumber: subsequent sections

20. Page 14, line 6.

Following: line 5

Insert: "Section 8. Section 16-4-305, MCA, is amended to read:

"16-4-305. Montana heritage retail alcoholic beverage licenses -- use -- quota. (1) (a) The Montana heritage preservation and development commission may use Montana heritage retail alcoholic beverage licenses within the quota area in which the licenses were originally issued, for the purpose of providing retail alcoholic beverage sales on property acquired by the state under Title 22, chapter 3, part 10. The licenses are to be considered when determining the appropriate quotas for issuance of other retail liquor licenses.

(b) The department may issue a wine amendment pursuant to 16-4-105~~(2)~~(4) if the use of a Montana heritage retail alcoholic beverage license for the sale of beer meets all the requirements of that section.

(2) The Montana heritage preservation and development commission may lease a Montana heritage retail alcoholic beverage license to an individual or entity approved by the department.

(3) Montana heritage retail alcoholic beverage licenses are subject to all laws and rules governing the use and operation of retail liquor licenses.

(4) For the purposes of this section, "Montana heritage retail alcoholic beverage licenses" are all-beverages liquor licenses and retail on-premises beer licenses that have been transferred to the Montana heritage preservation and development commission under the provisions of section 2, Chapter 251, Laws of 1999.""

Renumber: subsequent sections

21. Page 14, line 19.

Strike: "(12)"

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Insert: "(11)"

22. Page 14, line 23.

Following: line 22

Insert: "**Section 10.** Section 16-4-306, MCA, is amended to read:

"16-4-306. Transfer of existing license to political subdivision of state -- rulemaking.

(1) A political subdivision of the state of Montana may apply to the department for the transfer of an existing retail beer or beer and wine license and, upon approval by the department, the political subdivision may own and operate the license or lease the license to a person, firm, corporation, or other entity approved by the department.

(2) A license that is transferred to a political subdivision of the state:

(a) may be transferred only to another political subdivision of the state and not to any other person, firm, corporation, or entity;

(b) does not authorize and may not be used in conjunction with gambling activities except for horseracing as authorized in Title 23, chapter 4;

(c) may be authorized only for a fairgrounds complex owned by the political subdivision;

(d) is authorized for use in all facilities contained in the fairgrounds complex;

(e) is not, with respect to the facilities, subject to the provisions of 16-4-204~~(2)~~(4);

(f) must be taken into account in determining the license quota restrictions of 16-4-105; and

(g) is subject to all license fees, laws, and rules applicable to retail beer or beer and wine licenses.

(3) The department may adopt rules to implement the provisions of this section."

Renumber: subsequent sections

23. Page 15, line 7.

Strike: "(12)"

Insert: "(11)"

24. Page 16, line 7.

Following: line 6

Insert: "**Section 12.** Section 16-4-402, MCA, is amended to read:

"16-4-402. Application -- investigation. (1) Prior to the issuance of a license under this chapter, the applicant shall file with the department an application containing information and statements relative to the applicant and the premises where the alcoholic beverage is to be sold as required by the department.

(2) (a) Upon receipt of a completed application for a license under this code, accompanied by the necessary license fee or letter of credit as provided in 16-4-501(7)(f), the department of justice shall make a thorough investigation of all matters relating to the application. Based on the results of the investigation or on other information, the department shall determine whether:

(i) the applicant is qualified to receive a license;

(ii) the applicant's premises are suitable for the carrying on of the business; and

(iii) the requirements of this code and the rules promulgated by the department are met and complied with.

(b) This subsection (2) does not apply to a catering endorsement provided in 16-4-111 or 16-4-204~~(2)~~(4), a retail beer and wine license for off-premises consumption as provided in 16-4-115, or a special permit provided in 16-4-301.

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(c) For an original license application and an application for transfer of location of a license, the department of justice's investigation and the department's determination under this subsection (2) must be completed within 90 days of the receipt of a completed application. If information is requested from the applicant by either department, the time period in this subsection (2)(c) is tolled until the requested information is received by the requesting department. The time period is also tolled if the applicant requests and is granted a delay in the license determination or if the license is for premises that are to be altered, as provided in 16-3-311, or newly constructed. The basis for the tolling of the deadline must be documented.

(3) (a) Upon proof that an applicant made a false statement in any part of the original application, in any part of an annual renewal application, or in any hearing conducted pursuant to an application, the application for the license may be denied, and if issued, the license may be revoked.

(b) A statement on an application or at a hearing that is based upon a verifiable assertion made by a governmental officer, employee, or agent that an applicant relied upon in good faith may not be used as the basis of a false statement for a denial or revocation of a license.

(4) The department shall issue a conditional approval letter upon the last occurrence of either:

(a) completion of the investigation and determination provided for in subsection (2) if the department has not received information that would cause the department to deny the application; or

(b) a final agency decision that either denies or dismisses a protest against the approval of an application pursuant to 16-4-207.

(5) The conditional approval letter must state the reasons upon which the future denial of the application may be based. The reasons for denial of the application after the issuance of the conditional approval letter are as follows:

(a) there is false or erroneous information in the application;

(b) the premises are not approved by local building, health, or fire officials;

(c) there are physical changes to the premises that if known prior to the issuance of the conditional approval letter would have constituted grounds for the denial of the application or denial of the issuance of the conditional approval; or

(d) a final decision by a court exercising jurisdiction over the matter either reverses or remands the department's final agency decision provided for in subsection (4)."

Renumber: subsequent sections

25. Page 21, line 9 through line 10.

Strike: subsection (i) in its entirety

Renumber: subsequent subsections

26. Page 21, line 11 through line 12.

Strike: "or" on line 11 through "years of" on line 12

Insert: "after"

27. Page 21, line 12.

Following: "license"

Strike: " or "

Insert: "unless that transfer is due to the death of an owner;"

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28. Page 21, line 15.

Following: "control"

Insert: "; or (iii) proposes a location for the license that had the same license type within the previous 12 months"

29. Page 22, line 13.

Following: line 12

Insert: "**Section 14.** Section 16-4-420, MCA, is amended to read:

"16-4-420. Restaurant beer and wine license -- rulemaking. (1) The department shall issue a restaurant beer and wine license to an applicant whenever the department determines that the applicant, in addition to satisfying the requirements of this section, meets the following qualifications and conditions:

(a) the applicant complies with the licensing criteria provided in 16-4-401 for an on-premises consumption license;

(b) the applicant operates a restaurant at the location where the restaurant beer and wine license will be used or satisfies the department that:

(i) the applicant intends to open a restaurant that will meet the requirements of subsection (6) and intends to operate the restaurant so that at least 65% of the restaurant's gross income during its first year of operation is expected to be the result of the sale of food;

(ii) the restaurant beer and wine license will be used in conjunction with that restaurant, that the restaurant will serve beer and wine only to a patron who orders food, and that beer and wine purchases will be stated on the food bill; and

(iii) the restaurant will serve beer and wine from a service bar, as service bar is defined by the department by rule;

(c) the applicant understands and acknowledges in writing on the application that this license prohibits the applicant from being licensed to conduct any gaming or gambling activity or operate any gambling machines and that if any gaming or gambling activity or machine exists at the location where the restaurant beer and wine license will be used, the activity must be discontinued or the machines must be removed before the restaurant beer and wine license takes effect; and

(d) the applicant states the planned seating capacity of the restaurant, if it is to be built, or the current seating capacity if the restaurant is operating.

(2) (a) A restaurant that has an existing retail license for the sale of beer, wine, or any other alcoholic beverage may not be considered for a restaurant beer and wine license at the same location.

(b) (i) An on-premises retail licensee who sells the licensee's existing retail license may not apply for a license under this section for a period of 1 year from the date that license is transferred to a new purchaser.

(ii) A person, including an individual, with an ownership interest in an existing on-premises retail license that is being transferred to a new purchaser may not attain an ownership interest in a license applied for under this section for a period of 1 year from the date that the existing on-premises retail license is transferred to a new purchaser.

(3) A completed application for a license under this section and the appropriate application fee, as provided in subsection (11), must be submitted to the department. The department shall investigate the items relating to the application as described in subsections (3)(a) through (3)(d).

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Based on the results of the investigation and the exercise of its sound discretion, the department shall determine whether:

- (a) the applicant is qualified to receive a license;
- (b) the applicant's premises are suitable for the carrying on of the business;
- (c) the requirements of this code and the rules promulgated by the department are complied with; and

- (d) the seating capacity stated on the application is correct.

(4) An application for a beer and wine license submitted under this section is subject to the provisions of 16-4-203, 16-4-207, and 16-4-405.

(5) If a premises proposed for licensing under this section is a new or remodeled structure, then the department may issue a conditional license prior to completion of the premises based on reasonable evidence, including a statement from the applicant's architect or contractor confirming that the seating capacity stated on the application is correct, that the premises will be suitable for the carrying on of business as a bona fide restaurant, as defined in subsection (6).

(6) (a) For purposes of this section, "restaurant" means a public eating place:

- (i) where individually priced meals are prepared and served for on-premises consumption;
- (ii) where at least 65% of the restaurant's annual gross income from the operation must be from the sale of food and not from the sale of alcoholic beverages. Each year after a license is issued, the applicant shall file with the department a statement, in a form approved by the department, attesting that at least 65% of the gross income of the restaurant during the prior year resulted from the sale of food.

- (iii) that has a dining room, a kitchen, and the number and kinds of employees necessary for the preparation, cooking, and serving of meals in order to satisfy the department that the space is intended for use as a full-service restaurant; and

- (iv) that serves an evening dinner meal at least 4 days a week for at least 2 hours a day between the hours of 5 p.m. and 11 p.m. The provisions of subsection (6)(b) and this subsection (6)(a)(iv) do not apply to a restaurant for which a restaurant beer and wine license is in effect as of April 9, 2009, or to subsequent renewals of that license.

(b) The term does not mean a fast-food restaurant that, excluding any carry-out business, serves a majority of its food and drink in throw-away containers not reused in the same restaurant.

(7) (a) A restaurant beer and wine license may be transferred, on approval by the department, from the original applicant to a new owner of the restaurant only after 1 year of use by the original owner.

(b) A license issued under this section may be jointly owned, and the license may pass to the surviving joint tenant upon the death of the other tenant. However, the license may not be transferred to any other person or entity by operation of the laws of inheritance or succession or any other laws allowing the transfer of property upon the death of the owner in this state or in another state.

(c) An estate may, upon the sale of a restaurant that is property of the estate and with the approval of the department, transfer a restaurant beer and wine license to a new owner.

(8) (a) The department shall issue a restaurant beer and wine license to a qualified applicant:

- (i) except as provided in subsection (8)(c), for a restaurant located in a quota area with a population of 5,000 persons or fewer, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

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(ii) for a restaurant located in a quota area with a population of 5,001 to 20,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 160% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(iii) for a restaurant located in a quota area with a population of 20,001 to 60,000 persons, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 100% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105;

(iv) for a restaurant located in a quota area with a population of 60,001 persons or more, as the quota area population is determined in 16-4-105, if the number of restaurant beer and wine licenses issued in that quota area is equal to or less than 80% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105; and

(v) for a restaurant located in a quota area that is also a resort community, as defined in 7-6-1501, if the number of restaurant beer and wine licenses issued in the quota area that is also a resort community is equal to or less than 200% of the number of beer licenses that may be issued in that quota area pursuant to 16-4-105.

(b) In determining the number of restaurant beer and wine licenses that may be issued under this subsection (8) based on the percentage amounts described in subsections (8)(a)(i) through (8)(a)(v), the department shall round to the nearer whole number.

(c) If the department has issued the number of restaurant beer and wine licenses authorized for a quota area under subsection (8)(a)(i), there must be a one-time adjustment of four additional licenses for that quota area.

(d) If there are more applicants than licenses available in a quota area, then the license must be awarded by lottery as provided in subsection ~~(9)~~(10).

(9) If any new restaurant beer and wine licenses are allowed by separating a combined quota area, pursuant to 16-4-105 as of [the effective date of section 13], the department shall publish the availability of no more than one new restaurant beer and wine license a year until the quota has been reached.

~~(9)–(a)(10)~~ When a restaurant beer and wine license becomes available by the initial issuance of licenses under this section or as the result of an increase in the population in ~~the~~ a quota area, the nonrenewal of a restaurant beer and wine license, or the lapse or revocation of a license by the department, then the department shall advertise the availability of the license in the quota area for which it is available. If there are more applicants than number of licenses available, the license must be awarded to an applicant by a lottery.

(b) A preference must be given to an applicant who does not yet have in any quota area a restaurant beer and wine license or a retail beer license and who operates a restaurant that is in the quota area described in subsection (8) in which the license has become available and that meets the qualifications of subsection (6) for at least 12 months prior to the filing of an application. An applicant with a preference must be awarded a license before any applicant without a preference.

(c) The department shall numerically rank all applicants in the lottery. Only the successful applicants will be required to submit a completed application and a one-time required fee. An applicant's ranking may not be sold or transferred to another person or entity. The preference and an applicant's ranking apply only to the intended license advertised by the department or to the number of licenses determined under subsection (8) when there are more applicants than licenses

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available. The applicant's qualifications for any other restaurant beer and wine license awarded by lottery must be determined at the time of the lottery.

(d) If a successful lottery applicant does not use a license within 1 year of notification by the department of license eligibility, the applicant shall forfeit the license. The department shall refund any fees paid except the application fee and offer the license to the next eligible ranked applicant in the lottery.

~~(10)~~(11) Under a restaurant beer and wine license, beer and wine may not be sold for off-premises consumption.

~~(11)~~(12) An application for a restaurant beer and wine license must be accompanied by a fee equal to 20% of the initial licensing fee. If the department does not make a decision either granting or denying the license within 4 months of receipt of a complete application, the department shall pay interest on the application fee at the rate of 1% a month until a license is issued or the application is denied. Interest may not accrue during any period that the processing of an application is delayed by reason of a protest filed pursuant to 16-4-203 or 16-4-207. If the department denies an application, the application fee, plus any interest, less a processing fee established by rule, must be refunded to the applicant. Upon the issuance of a license, the licensee shall pay the balance of the initial licensing fee. The amount of the initial licensing fee is determined according to the following schedule:

- (a) \$5,000 for restaurants with a stated seating capacity of 60 persons or less;
- (b) \$10,000 for restaurants with a stated seating capacity of 61 to 100 persons; or
- (c) \$20,000 for restaurants with a stated seating capacity of 101 persons or more.

~~(12)~~(13) The annual fee for a restaurant beer and wine license is \$400.

~~(13)~~(14) If a restaurant licensed under this part increases the stated seating capacity of the licensed restaurant or if the department determines that a licensee has increased the stated seating capacity of the licensed restaurant, then the licensee shall pay to the department the difference between the fees paid at the time of filing the original application and issuance of a license and the applicable fees for the additional seating.

~~(14)~~(15) The number of beer and wine licenses issued to restaurants with a stated seating capacity of 101 persons or more may not exceed 25% of the total licenses issued.

~~(15)~~(16) Possession of a restaurant beer and wine license is not a qualification for licensure of any gaming or gambling activity. A gaming or gambling activity may not occur on the premises of a restaurant with a restaurant beer and wine license.

(17) The department may adopt rules to implement this section."

Renumber: subsequent sections

30. Page 23, line 11.

Strike: section 10 in its entirety

Insert: "NEW SECTION. Section 16. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 2, 5, 8, 10, 12, and 14] are effective January 1, 2024."

31. Page 23, line 13.

Strike: section 11 in its entirety

Insert: "NEW SECTION. Section 17. Termination. [Sections 1, 4, 7, 9, 11, and 13] terminate December 31, 2022."

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And, as amended, do pass.

SB 8, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "2.75% TAX" on line 5 through "2020" on line 7

Insert: "2.5% TAX ON NET PREMIUMS COLLECTED AFTER JANUARY 1, 2018"

2. Title, page 1, line 7.

Following: "33-2-705"

Strike: "AND"

Insert: ", 33-2-708,"

Following: "33-30-102,"

Insert: "AND 53-4-1115,"

3. Page 2, line 9.

Strike: "January 1, 2020"

Insert: "January 1, 2018"

4. Page 2, line 10.

Strike: "2%"

Insert: "2.5%"

5. Page 2, line 12.

Strike: "2%"

Insert: "2.5%"

6. Page 3, line 2.

Insert: "**Section 2.** Section 33-2-708, MCA, is amended to read:

"33-2-708. Fees and licenses. (1) (a) Except as provided in subsection (5), the commissioner shall collect a fee of \$1,900 from each insurer applying for or annually renewing a certificate of authority to conduct the business of insurance in Montana.

(b) The commissioner shall collect certain additional fees as follows:

(i) nonresident insurance producer's license:

(A) application for original license, including issuance of license, if issued, \$100;

(B) biennial renewal of license, \$50;

(C) lapsed license reinstatement fee, \$100;

(ii) resident insurance producer's license lapsed license reinstatement fee, \$100;

(iii) surplus lines insurance producer's license:

(A) application for original license and for issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

(iv) insurance adjuster's license:

(A) application for original license, including issuance of license, if issued, \$50;

(B) biennial renewal of license, \$100;

(C) lapsed license reinstatement fee, \$200;

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- (v) insurance consultant's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
 - (vi) viatical settlement broker's license:
 - (A) application for original license, including issuance of license, if issued, \$50;
 - (B) biennial renewal of license, \$100;
 - (C) lapsed license reinstatement fee, \$200;
 - (vii) resident and nonresident rental car entity producer's license:
 - (A) application for original license, including issuance of license, if issued, \$100;
 - (B) quarterly filing fee, \$25;
 - (viii) an original notification fee for a life insurance producer acting as a viatical settlement broker, in accordance with 33-20-1303(2)(b), \$50;
 - (ix) navigator certification:
 - (A) application for original certification, including issuance of certificate if issued, \$100;
 - (B) biennial renewal of certification, \$50;
 - (C) lapsed certification reinstatement fee, \$100;
 - (x) 50 cents for each page for copies of documents on file in the commissioner's office.
 - (c) The commissioner may adopt rules to determine the date by which a nonresident insurance producer, a surplus lines insurance producer, an insurance adjuster, an insurance public adjuster, or an insurance consultant is required to pay the fee for the biennial renewal of a license.
- (2) (a) The commissioner shall charge a fee of \$75 for each course or program submitted for review as required by 33-17-1204 and 33-17-1205, but may not charge more than \$1,500 to a sponsoring organization submitting courses or programs for review in any biennium.
- (b) Insurers and associations composed of members of the insurance industry are exempt from the charge in subsection (2)(a).
- (3) (a) Except as provided in ~~subsection~~ subsections (3)(b) and (3)(c), the commissioner shall promptly deposit with the state treasurer to the credit of the general fund all fines and penalties and those amounts received pursuant to 33-2-311, 33-2-705, 33-28-201, and 50-3-109.
- (b) The For tax years beginning on or after January 1, 2018, and ending December 31, 2019, the revenue collected on health insurance insurers under 33-2-705(2)(d) must be deposited as follows:
- For the fiscal year ending June 30, 2018:
- (i) \$6.20 million is deposited in the special revenue account provided for in 53-4-1115;
 - (ii) \$12.59 million is deposited in the general fund; and
 - (iii) the remainder is deposited in the fire suppression account provided for in 76-13-150.
- For the fiscal year ending June 30, 2019:
- (i) \$6.53 million is deposited in the special revenue account provided for in 53-4-1115;
 - (ii) \$13.27 million is deposited in the general fund; and
 - (iii) the remainder is deposited in the fire suppression account provided for in 76-13-150.
- (c) For the fiscal year ending June 30, 2020, and subsequent fiscal years, the commissioner shall deposit 33% of the money collected under 33-2-705 in the special revenue account provided for in 53-4-1115.
- ~~(e)~~(d) All other fees collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33 must be deposited in the state special revenue fund to the credit of the state auditor's office.

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(4) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded.

(5) The commissioner shall collect a licensing fee of \$500 for casualty insurance companies issuing policies of legal professional liability insurance pursuant to 33-1-206."

Renumber: subsequent sections

7. Page 3, line 13.

Insert: "Section 4. Section 53-4-1115, MCA, is amended to read:

"53-4-1115. Special revenue account. (1) There is an account in the state special revenue fund to the credit of the department for the purposes provided in subsection (2). There must be paid into the account the amounts collected under 33-2-708(3)(b) and (3)(c). Any interest or income derived from the account must be deposited in the account.

(2) Money in the account:

(a) is to be used solely to cover the number of additional enrollees in the plan that exceeds the number of enrollees as of November 4, 2008, within the limits provided in 53-4-1004, 53-6-131, and this part, and to cover the costs of enrollment, including premium assistance, under 53-4-1108(1), and to pay administrative costs associated with expanded eligibility, and to establish and maintain a reserve; and

(b) may be used only to match federal funds available under the children's health insurance program and the Montana medicaid program.

(3) The unexpended balance of an appropriation from the account must remain in the account and may be used only for the purposes stated in subsection (2).

(4) The special revenue account does not affect and is not exclusive of any other sources of funding for the programs described in 53-4-1104(2), including the special revenue account provided for in 53-4-1012.

(5) If the department determines that there is insufficient funding for the purposes of subsection (2), it may reduce eligibility requirements for participants in the children's health insurance program as provided in 53-4-1004(4)."

Renumber: subsequent sections

And, as amended, do pass.

FINANCE AND CLAIMS (Jones, Chair):

11/15/2017

SB 1, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "MCA;"

Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 1, line 21 through line 23.

Strike: section 2 in its entirety

3. Page 1.

Following: line 24

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Insert: "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 2 does not reduce appropriations to the judicial branch by at least \$2 million in fiscal year 2018 and at least \$3 million in fiscal year 2019, then [this act] is void. "

And, as amended, do pass.

SB 2, introduced bill, be amended as follows:

1. Title, page 1, line 13.

Following: "MCA;"

Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 18, line 11.

Strike: "Section 8."

Insert: "Reduction"

Insert: "Proportional reduction"

3. Page 18, line 12 through line 17.

Strike: "(1)" on line 12 through "(2)" on line 17

4. Page 18, line 19.

Strike: "of the reduced appropriations under subsection (1)"

Insert: "appropriated"

5. Page 18, line 21.

Strike: "10-10-146"

Insert: "20-10-146"

6. Page 19.

Following: line 10

Insert: "NEW SECTION. Section 12. Contingent voidness. If House Bill No. 2 does not reduce general fund appropriations to the Office of Public Instruction for "Reimbursement Block Grants" to \$0 in fiscal year 2019, then [this act] is void."

Renumber: subsequent sections

7. Page 19, line 14.

Following: "10,"

Insert: "12,"

And, as amended, do pass.

SB 3, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "MCA;"

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Insert: "PROVIDING FOR CONTINGENT VOIDNESS;"

2. Page 1, line 19.

Strike: "governor"

Insert: "approving authority, as defined in 17-7-102,"

3. Page 1, line 20 through line 22.

Strike: "General fund" on line 20 through "accounting system." on line 22

4. Page 4.

Following: line 24

Insert: "NEW SECTION. Section 3. Contingent voidness. If House Bill No. 2 is not passed and approved, then [this act] is void."

Renumber: subsequent sections

And, as amended, do pass.

SB 10, do pass.

SB 12, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

11/15/2017

HB 2, introduced by Ballance

HB 5, introduced by Cook

HB 8, introduced by Usher

**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 Vincent in the chair.

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

SB 4 - Senator Buttrey moved **SB 4** do pass.

SB 4 - Senator Buttrey moved **SB 4**, second reading copy, be amended as follows:

1. Page 1, line 13.

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Strike: "general fund"

Insert: "fire suppression account provided for in 76-13-150"

2. Page 1, line 20.

Strike: "general fund"

Insert: "fire suppression account provided for in 76-13-150"

3. Page 2, line 13.

Strike: "general fund"

Insert: "fire suppression account provided for in 76-13-150"

Amendment adopted as follows:

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

Total 45

Nays: Connell, Olszewski, Webb.

Total 3

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 4 - As amended, **SB 4** passed as follows:

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

Total 30

Nays: Brown, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

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SB 3 - Senator Osmundson moved **SB 3** 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, 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

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

SB 1 - Senator Swandal moved **SB 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, 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

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

SB 2 - Senator Ankney moved **SB 2** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.
Total 45

Nays: Brown, Olszewski, Vance.

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Total 3

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

HB 5 - Senator Olszewski moved **HB 5** be concurred in. Motion carried as follows:

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

Total 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 12 - Senator K. Regier moved **SB 12** do pass. Motion carried as follows:

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

Total 28

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

Total 20

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 10 - Senator Olszewski moved **SB 10** do pass.

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SB 10 - Senator Barrett made a **substitute motion** that **SB 10** be **indefinitely postponed**.

Motion **failed** as follows:

Yeas: Barrett, Boland, Caferro, Cohenour, Facey, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Salomon, Sands, Sesso, Small, Smith F, Swandal, Thomas, Vuckovich, Welborn, Whitford, Wolken.

Total 22

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

Total 26

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 10 - Senator Facey made a **substitute motion** that consideration of **SB 10** be passed until Friday, November 17, 2017. Motion **failed** as follows:

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

Total 19

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

Total 29

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 10 - Passed as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, 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 29

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

Total 19

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

Senator Sesso rose on a point of personal privilege and urged Senators to remember Senate decorum.

HB 2 - Majority Leader Thomas moved consideration of **HB 2** be placed at the bottom of the second reading board. Without objection, so ordered.

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

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

Yeas: Ankney, Barrett, Brown, Buttrey, Connell, Facey, 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, Vuckovich, Webb, Welborn, Mr. President.

Total 34

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

Total 14

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:

SB 4 passed as follows:

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Yeas: Ankney, Barrett, Boland, Buttrey, Caferro, Cohenour, Facey, Gauthier, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moore, Osmundson, Phillips, Pomnichowski, Richmond, Sands, Sesso, Small, Smith F, Tempel, Vuckovich, Welborn, Whitford, Wolken.
Total 29

Nays: Brown, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Howard, Kary, Keenan, Olszewski, Regier, Salomon, Smith C, Swandal, Thomas, Vance, Vincent, Webb, Mr.President.
Total 19

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

SB 3 passed 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

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

SB 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, 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

Absent or not voting: None.

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Total 0

Excused: Blasdel, Gross.

Total 2

SB 2 passed as follows:

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

Total 45

Nays: Brown, Olszewski, Vance.

Total 3

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

HB 5 concurred in as follows:

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

Total 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 12 passed as follows:

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

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Total 27

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

Total 21

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 10 passed as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, 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 29

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

Total 19

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Jones, Chair):

11/15/2017

SB 9, introduced bill, be amended as follows:

1. Page 2, line 8.

Strike: "."

Insert: ";

Insert: "(C) delivered through one-time-only expenditures to mitigate impacts from reductions to general fund appropriations in House Bill No. 2. Appropriations from the account provided for in subsection (1) are not intended to become a part of the base budget as provided in 17-7-102 for the biennium beginning July 1, 2019."

2. Page 5, line 13 through line 14.

Strike: subsection (b) in its entirety

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Renumber: subsequent subsections

3. Page 5, line 18.

Strike: "[LC 19]"

Insert: "House Bill No. 6"

4. Page 5.

Following: line 19

Insert: "(d) (i) If House Bill No. 2 is passed and approved and the governor exercises line item veto authority, then the percentages in 17-7-140(1)(a)(i) and (3)(a)(i) are reduced by a reduction percentage.

(ii) For the purposes of this subsection (1)(d), the following definitions apply:

(A) "Approved line items" means the total general fund line item appropriation amounts in House Bill No. 2 and Chapter 366, Laws of 2017, for fiscal year 2018 and fiscal year 2019 after the governor exercises line item veto authority.

(B) "Legislative line items" means the total general fund line item appropriation amounts in House Bill No. 2 and Chapter 366, Laws of 2017, for fiscal year 2018 and fiscal year 2019.

(C) "Line item veto amount" is calculated by subtracting approved line items from legislative line items.

(D) "Reduction percentage" means the line item veto amount divided by \$2.3 billion and multiplied by 100.

5. Page 5, line 28.

Following: "million"

Insert: ", to include transfers, except those transfers in House Bill No. 6 and any revenue proceeds generated by Senate Bill No. 5,"

6. Page 6, line 3.

Strike: "\$112"

Insert: "\$111.4"

7. Page 6, line 12.

Strike: "TABLE"

Insert: "

Commissioner of Political Practices	75,831
Department of Administration	538,446
Department of Commerce	362,949
Department of Labor and Industry	179,538
Department of Military Affairs	468,162
Department of Revenue	995,467
Governor's Office	425,932
Department of Public Health & Human Services	30,551,970
Department of Agriculture	73,854
Department of Environmental Quality	520,616
Department of Livestock	256,234

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Department of Natural Resources and Conservation	1,462,945
Crime Control Division	232,828
Department of Corrections	2,225,295
Department of Justice	2,258,568
Board of Public Education	14,211
Commissioner of Higher Education	2,236,411
Montana Arts Council	51,736
Office of Public Instruction	1,141,361
Legislative Branch	443,777
Judicial Branch	1,205,000
TOTAL	45,721,131

"

8. Page 6, line 13.

Strike: "\$112"

Insert: "\$111.4"

9. Page 6, line 14.

Strike: "\$112"

Insert: "\$111.4"

10. Page 6, line 15.

Strike: "\$112"

Insert: "\$111.4"

11. Page 6, line 17.

Strike: "[LC 19]"

Insert: "House Bill No. 6"

12. Page 6, line 20.

Strike: "[LC 19]"

Insert: "House Bill No. 6"

13. Page 6, line 22.

Strike: "[LC 19]"

Insert: "House Bill No. 6"

14. Page 6, line 24.

Strike: "[LC 19]"

Insert: "House Bill No. 6"

15. Page 6, line 27.

Strike: "December 1"

Insert: "December 15"

And, as amended, do pass.

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Without objection, committee report was adopted.

**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 Vincent in the chair.

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

HB 2 - Senator Moore moved **HB 2** be concurred in. Motion carried as follows:

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

Total 30

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

Total 18

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.

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

Yeas: Ankney, Brown, Buttrey, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, 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, Hoven, MacDonald, Malek, McClafferty, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 17

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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:

HB 2 concurred in as follows:

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

Total 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

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ANNOUNCEMENTS

Majority Leader Thomas moved the Senate recess until 4:00 p.m. Without objection, so ordered.

Senate recessed at 2:50 p.m.

Senate reconvened at 4:03 p.m. President Sales presiding. Senators Blasdel, Buttrey, and Gross excused.

Senator Connell moved to change his third reading vote on SB 4 from Yes to No. Without objection, so ordered.

**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 Vincent in the chair.

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

SB 5 - Senator Fitzpatrick moved **SB 5** do pass.

SB 5 - Senator Fitzpatrick moved **SB 5**, second reading copy, be amended as follows:

1. Page 36, line 28.

Strike: "2022"

Insert: "2023"

Amendment adopted as follows:

Yeas: Ankney, Barrett, Boland, Brown, Caferro, Cohenour, Connell, Facey, 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 F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Fielder, Smith C.

Total 2

Absent or not voting: None.

Total 0

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Excused: Blasdel, Buttrey, Gross.

Total 3

SB 5 - As amended, passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Caferro, Cohenour, Connell, Facey, 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 F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 45

Nays: Fielder, Smith C.

Total 2

Absent or not voting: None.

Total 0

Excused: Blasdel, Buttrey, Gross.

Total 3

Senator Buttrey present at this time.

SB 9 - Senator L. Jones moved **SB 9** do pass. Motion carried as follows:

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

Total 32

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

Total 16

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.

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

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Yeas: Ankney, Brown, Buttrey, Caferro, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr. President.
Total 36

Nays: Barrett, Boland, Cohenour, MacDonald, Malek, McClafferty, Pomnichowski, Sands, Smith F, Vuckovich, Whitford, Wolken.
Total 12

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

ANNOUNCEMENTS

Senator Thomas moved the Senate recess until 5:00 p.m. Motion carried.

Senate recessed at 4:35 p.m.

Senate reconvened at 5:05 p.m. President Sales presiding. Senators Blasdel and Gross excused.

**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 Vincent in the chair.

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

SB 8 - Senator Buttrey moved **SB 8** do pass.

SB 8 - Senator Buttrey moved **SB 8**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

Strike: the first "ISSUERS"

2. Page 2, line 10 through line 11.

Strike: "Effective" on line 10 through "2.5%." on line 11

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Insert: "Effective for premiums collected on or after January 1, 2018, the tax on net premiums reported to the commissioner as comprehensive major medical or medicare supplement coverage as required under 33-2-701 is computed at a rate of 2.5%."

3. Page 2, line 12.

Strike: "health insurance issuers"

Insert: "insurers"

4. Page 2, line 13 through line 15.

Strike: "For purposes" on line 13 through "insurance coverage." on line 15

5. Page 4, line 21 through line 30.

Strike: subsection (b) in its entirety

Insert: "(b) For the calendar year beginning January 1, 2018, the commissioner shall deposit the first \$2.7 million received in the fire suppression account provided for in 76-13-150, and for the calendar year beginning January 1, 2019, the commissioner shall deposit the first \$5.3 million received in the fire suppression account provided for in 76-13-150."

6. Page 5, line 1.

Strike: "For the fiscal year" through "fiscal years"

Insert: "After the deposits provided for in subsection (3)(b)"

Amendment adopted as follows:

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

Nays: Barrett, Boland, Cohenour, Facey, Pomnichowski, Sands, Vuckovich, Whitford.
Total 8

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

SB 8 - As amended, passed as follows:

Yeas: Ankney, Barrett, Buttrey, Fielder, Fitzpatrick, Gauthier, Hoven, Jones, Kary, Keenan, Lang, MacDonald, Moore, Osmundson, Phillips, Regier, Richmond, Salomon, Sesso, Small, Swandal, Tempel, Thomas, Vincent, Webb, Welborn, Mr.President.
Total 27

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Nays: Boland, Brown, Caferro, Cohenour, Connell, Facey, Hinebauch, Hinkle, Howard, Malek, McClafferty, McNally, Olszewski, Pomnichowski, Sands, Smith C, Smith F, Vance, Vuckovich, Whitford, Wolken.

Total 21

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

HB 8 - Senator Kary moved **HB 8** be concurred in. Motion carried as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, 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 30

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

Total 18

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.

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

Yeas: Ankney, Brown, Buttrey, Caferro, Connell, Facey, 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, Vuckovich, Webb, Welborn, Mr.President.

Total 34

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

Total 14

Absent or not voting: None.

Total 0

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Excused: Blasdel, Gross.

Total 2

MOTIONS

Senator Vuckovich moved to change his second reading vote on HB 8 from Yes to No. 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 5 passed as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, 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, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 44

Nays: Fielder, Smith C, Smith F, Vuckovich.

Total 4

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

SB 9 passed 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

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Excused: Blasdel, Gross.

Total 2

SB 8 passed as follows:

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

Total 25

Nays: Barrett, Boland, Brown, Caferro, Cohenour, Facey, Hinebauch, Howard, MacDonald, Malek, McClafferty, McNally, Olszewski, Phillips, Pomnichowski, Sands, Sesso, Smith C, Smith F, Vance, Vuckovich, Whitford, Wolken.

Total 23

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

HB 8 concurred in as follows:

Yeas: Ankney, Brown, Buttrey, Connell, Fielder, Fitzpatrick, 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 30

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

Total 18

Absent or not voting: None.

Total 0

Excused: Blasdel, Gross.

Total 2

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate recess until one-half hour after recess of the House of Representatives. Motion carried.

Senate recessed at 6:05 p.m.

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Senate reconvened at 12:25 a.m., November 16, 2017. President Sales presiding. Senators Blasdel, Caferro and Gross excused.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 11/15/2017

SB 1, introduced by Swandal
SB 2, introduced by Ankney
SB 3, introduced by Osmundson

House bills passed and transmitted to the Senate for concurrence: 11/16/2017

HB 3, introduced by Ballance
HB 6, introduced by Ballance

**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:

HB 3 - Senator L. Jones moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, 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 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Blasdel, Caferro, Gross.

Total 3

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Senator Caferro present at this time.

HB 6 - Senator L. Jones moved **HB 6** be concurred in. 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, 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: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

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

Majority Leader Thomas moved the Committee of the Whole report be adopted. Report adopted 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

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:

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HB 3 concurred in 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

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

HB 6 concurred in as follows:

Yeas: Ankney, Barrett, Boland, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, 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: Malek.
Total 1

Absent or not voting: None.
Total 0

Excused: Blasdel, Gross.
Total 2

MOTIONS

Senator L. Jones moved the Senate adjourn sine die. Motion carried.

Senate adjourned at 12:36 a.m., November 16, 2017.

MARILYN MILLER
Secretary of Senate

SCOTT SALES
President of the Senate

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