

**SENATE JOURNAL
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana
January 27, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Jergeson and Toews, excused. Quorum present.

Mr. President: We, your committee on Bills and Journal, having examined the daily journal for the twentieth legislative day, find the same to be correct.

Miller, Chairman

MOTIONS

Senator Harp moved the Senate stand in recess until the hour of 1:23 p.m. for purpose of party caucuses. Motion carried.

Senate recessed at 1:03 p.m.

Senate reconvened at 1:32 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/27/1999
Correctly printed: SB 128, SB 155, SB 222, SB 230, SB 231, SB 259, SB 290, SB 291, SB 292, SB 293, SB 294, SB 295.
Correctly engrossed: SB 68, SB 115, SB 165, SB 213.
Correctly enrolled: SJR 1.
Signed by the Secretary of Senate at 1:08 p.m., January 27, 1999: SJR 1.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman): 1/26/1999
SB 217, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman): 1/26/1999
SB 40, do pass. Report adopted.

TAXATION (Devlin, Chairman): 1/27/1999
SB 200, introduced bill, be amended as follows:

1. Page 5, line 20.
Strike: "and for each succeeding tax year"

2. Page 5, line 24.
Strike: "the"
Following: "year"

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Insert: "2004"

3. Page 5.

Following: line 24

Insert: "(g) For tax year 2005 and for each succeeding tax year, the amount of the tax credit is the amount that results from multiplying the lesser of the market value of the personal property owned by the taxpayer in a county or \$4 million by the tax rate applicable to personal property described in 15-6-138 and by multiplying the resulting product by the average statewide mill levy applied to class eight personal property in the tax year."

4. Page 6, line 11.

Following: line 10

Insert: "(9) If the credit allowed under this section is claimed and a credit is also claimed under either [section 6] or [section 9], then the credit under [section 6] or [section 9] must be applied to the taxpayer's liability before the credit under this section is applied to the taxpayer's liability."

5. Page 7, line 10.

Strike: "and"

6. Page 7, line 12.

Strike: "."

Insert: "; and"

7. Page 7, line 13.

Following: line 12

Insert: "(c) must pay at least the qualifying annual salary."

8. Page 8, line 10.

Following: "jobs"

Insert: "by 20% or more"

9. Page 9, line 6.

Strike: "70%"

Insert: "80%"

10. Page 9, line 15.

Strike: "50%"

Insert: "25%"

11. Page 9, line 16.

Following: "program"

Insert: ", but if less than a combined total of \$2 million in credits is claimed for the tax years 2000 and 2001, then in tax year 2002 and succeeding years, an amount equal to 50% of the qualifying wages paid to each person enrolled in a qualified job training program"

12. Page 9, line 19.

Strike: "10%"

Insert: "5%"

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13. Page 9.

Following: line 19

Insert: "(3) The credit allowed by this section applies to job training that occurs during the first year of operation of a new business or the first year of expansion of an expanding business. A business that has additional expansion, subject to the conditions of [section 8(1)], is entitled to the credit for the additional expansion."

Renumber: subsequent subsections

14. Page 35, line 6.

Strike: "10"

Insert: "7"

15. Page 35.

Following: line 6

Insert: "(5) [Sections 8 through 10] apply to qualified job training programs that begin after July 1, 1999."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/26/1999

HB 66, introduced by J. Cobb

HB 116, introduced by D. McGee

HB 167, introduced by R. Johnson

HB 175, introduced by K. Gillan

HB 194, introduced by J. Cobb

HB 197, introduced by J. Cobb

HB 198, introduced by J. Cobb

HB 200, introduced by J. Cobb

HB 212, introduced by T. Hagener

HB 229, introduced by D. Ewer

HB 250, introduced by B. Rehbein

MOTIONS

SB 66 - Senator Bohlinger moved that SB 66 be taken from the table in the Judiciary Committee, printed and placed on second reading. Motion **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 21

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 29

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 66 - Senator Harp moved that the Senate indefinitely postpone the question of taking SB 66 from the table in the Judiciary Committee. Motion **carried** as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 29

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

FIRST READING AND COMMITMENT OF BILLS

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

SB 296, introduced by L. Nelson, D. Hedges, R. Jabs, G. Jergeson, S. Kitzenberg, B. Rehbein, J. Tester, referred to Business and Industry.

SB 297, introduced by B. DePratu, referred to Taxation.

SB 298, introduced by T. Keating, referred to Finance and Claims.

SB 299, introduced by J. Hertel, referred to Education and Cultural Resources.

SB 300, introduced by J. Hertel, referred to Education and Cultural Resources.

SB 301, introduced by T. Keating, referred to Finance and Claims.

SB 302, introduced by D. Toews, P. Ekegren, G. Jergeson, S. Kitzenberg, referred to Natural Resources.

SB 303, introduced by F. Thomas, S. Anderson, referred to Judiciary.

SB 304, introduced by D. Hargrove, B. Simon, referred to Business and Industry.

SB 305, introduced by F. Thomas, referred to Labor and Employment Relations.

SB 306, introduced by D. Grimes, S. Bartlett, R. Clark, J. Ellingson, L. Grosfield, M. Halligan, L. Soft, F. Thomas, referred to Judiciary.

SB 307, introduced by D. Grimes, R. Clark, D. Ewer, L. Grosfield, H. Harper, S. Orr, referred to Business and Industry.

SB 308, introduced by J. Bohlinger, referred to Taxation.

SB 309, introduced by J. Bohlinger, referred to Education and Cultural Resources.

SB 310, introduced by A. Mohl, referred to Taxation.

SB 311, introduced by A. Mohl, referred to Taxation.

SB 312, introduced by M. Halligan (by request of Joint Select Committee on CI-75), referred to Taxation.

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

SJR 2, introduced by J. Harp (by request of Senate Rules Committee), referred to Rules.

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

HB 3, introduced by T. Zook (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 27, introduced by M. Noennig, referred to Judiciary.

HB 29, introduced by K. Ohs (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 30, introduced by R. Peck (by request of the Department of Commerce), referred to Agriculture, Livestock and Irrigation.

HB 32, introduced by R. Johnson (by request of the Department of Commerce), referred to Business and Industry.

HB 36, introduced by J. Quilici (by request of the Department of Military Affairs), referred to State Administration.

HB 38, introduced by R. Peck (by request of the Code Commissioner), referred to Judiciary.

HB 41, introduced by T. Hagener (by request of the Supreme Court), referred to Judiciary.

HB 44, introduced by R. Johnson (by request of the Department of Commerce), referred to Public Health, Welfare and Safety.

HB 48, introduced by D. McGee, C. Christiaens (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.

HB 52, introduced by R. Menahan (by request of the Department of Military Affairs), referred to Public Health, Welfare and Safety.

HB 55, introduced by R. Peck, referred to State Administration.

HB 58, introduced by C. Younkin (by request of the Petroleum Tank Release Compensation Board), referred to Natural Resources.

HB 63, introduced by B. Simon, referred to Business and Industry.

HB 64, introduced by M. McCann, referred to Finance and Claims.

HB 65, introduced by C. Ahner (by request of the Department of Corrections), referred to Judiciary.

HB 66, introduced by J. Cobb, referred to State Administration.

HB 70, introduced by J. Hurdle (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.

HB 71, introduced by S. Rose, referred to Education and Cultural Resources.

HB 73, introduced by S. Rose, referred to Business and Industry.

HB 75, introduced by C. Ahner (by request of the Department of Military Affairs), referred to Finance and Claims.

HB 76, introduced by R. Somerville, referred to Judiciary.

HB 81, introduced by R. Menahan, referred to Judiciary.

HB 82, introduced by H. Harper (by request of the State Tax Appeal Board), referred to Taxation.

HB 90, introduced by T. Hagener (by request of the Office of Public Instruction), referred to Education and Cultural Resources.

HB 91, introduced by B. Simon, referred to Local Government.

HB 93, introduced by B. Pavlovich (by request of the Joint Interim Subcommittee on Veterans' Needs), referred to Fish and Game.

HB 94, introduced by J. Cobb (by request of Department of Justice), referred to Judiciary.

HB 95, introduced by B. Story (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 99, introduced by T. Hagener, referred to Local Government.

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- HB 101**, introduced by S. Bookout-Reinicke (by request of the Department of Environmental Quality and the Department of Public Health and Human Services), referred to Labor and Employment Relations.
- HB 116**, introduced by D. McGee (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.
- HB 123**, introduced by R. Menahan (by request of the Department of Justice), referred to Local Government.
- HB 138**, introduced by H. Harper (by request of the Department of Transportation), referred to Taxation.
- HB 139**, introduced by H. Harper (by request of the Department of Transportation), referred to Taxation.
- HB 151**, introduced by J. Witt, referred to Local Government.
- HB 154**, introduced by S. Gallus (by request of the State Auditor), referred to Business and Industry.
- HB 167**, introduced by R. Johnson, referred to Business and Industry.
- HB 170**, introduced by G. Masolo (by request of the Department of Public Health and Human Services), referred to Public Health, Welfare and Safety.
- HB 171**, introduced by G. Matthews (by request of State Auditor), referred to Business and Industry.
- HB 172**, introduced by C. Hibbard (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 175**, introduced by K. Gillan, referred to State Administration.
- HB 176**, introduced by E. Bergsagel (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.
- HB 179**, introduced by P. Sliter (by request of the Department of Labor and Industry), referred to Labor and Employment Relations.
- HB 180**, introduced by L. Soft (by request of the Department of Public Health and Human Services), referred to Judiciary.
- HB 187**, introduced by J. Tropila (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 189**, introduced by J. Barnett (by request of the Department of Transportation), referred to Highways and Transportation.
- HB 190**, introduced by L. Soft (by request of the Joint Oversight Committee on Children and Families), referred to Public Health, Welfare and Safety.
- HB 194**, introduced by J. Cobb, referred to State Administration.
- HB 196**, introduced by J. Cobb, referred to Business and Industry.
- HB 197**, introduced by J. Cobb, referred to State Administration.
- HB 198**, introduced by J. Cobb, referred to State Administration.
- HB 200**, introduced by J. Cobb, referred to Labor and Employment Relations.
- HB 201**, introduced by J. Cobb, referred to Business and Industry.
- HB 207**, introduced by R. Johnson, referred to Finance and Claims.
- HB 210**, introduced by R. Johnson, referred to Local Government.
- HB 212**, introduced by T. Hagener, C. Christiaens, J. Hertel, J. Witt, referred to Local Government.
- HB 215**, introduced by D. Ewer, P. Clark, referred to Fish and Game.
- HB 229**, introduced by D. Ewer, referred to Business and Industry.
- HB 250**, introduced by B. Rehbein, C. Hibbard, R. Lenhart, D. Mood, L. Nelson, G. Roush, referred to Business and Industry.
- HB 255**, introduced by S. Anderson, referred to Judiciary.
- HB 266**, introduced by M. Guggenheim, referred to Public Health, Welfare and Safety.

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

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

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

SB 115 - Senator Stang moved SB 115 do pass. Motion carried unanimously.

SB 165 - Senator J. Lynch moved SB 165 do pass. Motion carried unanimously.

SB 222 - Senator S. Doherty moved SB 222 do pass. Motion carried unanimously.

SB 230 - Senator D. Grimes moved SB 230 do pass. Motion carried unanimously.

SB 231 - Senator R. Jabs moved SB 231 do pass. Motion carried unanimously.

SB 259 - Senator D. Grimes moved SB 259 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Sprague.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Berry moved the Committee of the Whole report be adopted. Report adopted.

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 68 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 128 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 155 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, January 28, 1999. Motion carried.

Senate adjourned at 2:52 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate