

**SENATE JOURNAL
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 19, 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 Beck, McCarthy, Mesaros, Swysgood, Toews and Waterman, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/19/1999
Correctly printed: SB 308, SB 522, SB 531, SJR 10, HB 53, HB 76, HB 96, HB 125, HB 196, HB 306, HB 429, HB 430, HB 485, HB 508, HB 509, HB 539, HB 580, HB 616, HB 620, HJR 8, HJR 11, HJR 17, HJR 20, HJR 21.
Correctly engrossed: HB 47, HB 180, HB 182, HB 186, HB 204, HB 209, HB 266, HB 348, HB 366, HB 412, HB 593, HB 625.
Correctly enrolled: SB 112, SB 128.
Examined by the sponsor and found to be correct: SB 112, SB 128.
Signed by the President at 3:40 p.m., March 18, 1999: SB 187, SB 289.
Signed by the Secretary of Senate at 9:10 a.m., March 19, 1999: SB 187, SB 289.
Delivered to the Governor for his approval at 9:10 a.m., March 19, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman): 3/19/1999
SB 361, introduced bill, be amended as follows:

1. Title, line 14 through line 15.
Strike: "PROVIDING" on line 14 through "PROVISIONS;" on line 15
2. Title, line 18.
Following: first "MCA;"
Strike: "AND"
Following: second "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"
3. Page 5, line 4.
Following: "goats,"
Strike: "and"
Following: "87-4-406"
Insert: ", and other animals for purposes of disease prevention, control, and eradication"
4. Page 9, line 8.
Strike: subsection (3) in its entirety

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Renumber: subsequent subsections

5. Page 9, line 13.

Strike: "livestock"

Insert: "fish, wildlife, and parks"

6. Page 10, line 9.

Following: "licensing,"

Strike: "reports and recordkeeping, exterior fencing,"

7. Page 10, line 10.

Following: "~~87-4-410~~,"

Insert: "classification of certain species under 87-4-424, removal of game animals under 87-4-410 and [section 28(8)], unlawful capture under 87-4-418,"

8. Page 10, lines 10 and 11.

Following: "87-4-413," on line 10

Strike: remainder of line 10 through "health," on line 11

9. Page 10, line 13.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

10. Page 10, lines 15 and 16.

Following: "to" on line 15

Strike: remainder of line 15 through "87-4-424" on line 16

Insert: "reports and recordkeeping, marking, inspection, transportation, importation, quarantine, hold orders, interior facilities, health"

11. Page 11, line 16.

Insert: "(3) When an application is considered completed, the department shall provide a copy of the application to the department of livestock."

Renumber: subsequent subsection

12. Page 11, line 21.

Following: "completion and"

Insert: "department of livestock"

13. Page 12, line 5.

Strike: "of fish, wildlife, and parks"

14. Page 12, lines 8 and 9.

Following: "department" on line 8

Strike: remainder of line 8 through "parks" on line 9

15. Page 12, lines 9 and 10.

Following: "department" on line 9

Strike: remainder of line 9 through "parks" on line 10

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16. Page 12, lines 27 through page 13, line 2.

Strike: subsections (2) and (3) in their entirety

Insert: "(2) The department of livestock shall assess a fee, not to exceed \$50, for each alternative livestock imported into the state."

ReNUMBER: subsequent subsection

17. Page 13, line 3.

Strike: "The "

Insert: "(a) One-half of the"

Following: "pursuant to"

Strike: "this section"

Insert: "subsection (1)"

18. Page 13, line 4.

Following: "part."

Insert: "(b) One-half of the fees collected pursuant to subsection (1) and all import fees collected pursuant to subsection (2) must be deposited in the state special revenue fund for the use of the department of livestock for purposes of this part."

19. Page 13, line 8.

Strike: "January 31"

Insert: "March 1"

20. Page 13, line 24.

Following: "department"

Insert: "and the department of livestock"

21. Page 13, line 25.

Following: "(2)"

Strike: "After" through "of"

Strike: "an" through "the"

Insert: "The"

Following: "department"

Insert: "of livestock"

22. Page 13, line 27.

Strike: "books"

Insert: "records"

23. Page 13, line 28.

Following: "(3)"

Strike: "Prior" through "on"

Insert: "On"

Following: first "department"

Strike: "and the department"

Insert: "of livestock"

24. Page 13, line 29.

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Strike: "of fish, wildlife, and parks"

Following: "shall"

Strike: "jointly"

25. Page 14, line 10.

Following: "livestock"

Insert: "of livestock"

26. Page 14, line 12.

Following: "livestock"

Insert: "of livestock"

27. Page 14, line 14.

Following: "livestock"

Insert: "of livestock"

28. Page 14, line 19.

Following: "livestock"

Insert: "of livestock"

29. Page 14, line 22.

Following: "livestock"

Insert: "of livestock"

30. Page 15, line 2.

Following: "Except"

Strike: "for" through "81-2-703"

Insert: "as otherwise provided in this part"

31. Page 15, line 11.

Strike: "department-designated"

Insert: "department of livestock designated"

32. Page 15, line 14.

Following: "livestock"

Insert: "of livestock"

33. Page 15, line 21.

Following: "livestock"

Insert: "of livestock"

34. Page 15, line 23.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

35. Page 16, line 13.

Following: "department"

Insert: "of livestock"

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36. Page 16, line 24.

Following: "department"

Insert: "of livestock"

37. Page 16, line 28.

Following: "department"

Insert: "of livestock"

38. Page 16, line 29.

Following: "department"

Insert: "of livestock"

39. Page 17, line 1.

Following: "department"

Insert: "of livestock"

40. Page 17, line 4.

Following: "department"

Insert: "of livestock"

Following: "report"

Insert: "any violations of this section and"

41. Page 17, line 5.

Following: "department"

Strike: "of fish, wildlife, and parks"

Following: "."

Insert: "If requested, the total number of alternative livestock on an alternative livestock ranch must be made available to the department."

42. Page 17, line 14.

Following: "owner"

Insert: "similar to other livestock"

43. Page 17, line 18.

Following: "part"

Insert: "over which the department has jurisdiction"

44. Page 17, line 20.

Following: "(2)"

Insert: "The department of livestock may adopt and enforce rules that are necessary to implement the provisions of this part over which the department of livestock has jurisdiction. (3)"

45. Page 18, line 6.

Following: "department"

Insert: "of livestock"

46. Page 18, line 8.

Following: first "department"

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Insert: "of livestock"

47. Page 18, line 9.

Following: "proceedings"

Insert: "upon recommendation of the department of livestock"

48. Page 18, line 10.

Following: "(4)"

Strike: "(a)"

49. Page 18, line 17 through line 19.

Strike: subsection (b) in its entirety

50. Page 18, line 24.

Strike: "of fish, wildlife, and parks"

51. Page 18, line 29.

Following: "livestock"

Insert: "of livestock"

52. Page 19, line 1.

Following: "livestock"

Insert: "of livestock"

53. Page 19, line 4.

Following: "livestock"

Insert: "of livestock"

54. Page 19, line 6.

Following: "~~available.~~"

Insert: "If requested, copies of import permits issued by the department of livestock must be shared with the department within 10 calendar days. Other pertinent documentation relating to importation must be shared as it becomes available."

55. Page 19, line 9.

Following: "rules"

Insert: "-- attorney fees"

56. Page 19, line 22.

Following: "with"

Insert: "the approval of the department of livestock and with"

57. Page 21, line 6.

Following: "(6)"

Insert: "If the applicant is successful in appealing the department's proposed decision pursuant to 87-4-428 or subsection (5) of this section, the applicant is entitled to all or a portion of the reasonable attorney fees and costs incurred by the applicant in bringing forth the appeal.

(7)"

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58. Page 22, line 27.

Following: "department"

Insert: "of livestock"

59. Page 23, line 19.

Following: "~~livestock~~" in two places

Insert: "of livestock" in two places

60. Page 23, lines 20 and 21.

Following: "department" on line 20

Strike: remainder of line 20 through "parks" on line 21

61. Page 23, line 28.

Following: "~~livestock~~"

Insert: "and the department of livestock"

62. Page 23, line 29.

Following: "~~livestock~~"

Insert: "and the department of livestock"

63. Page 24, line 4.

Following: "department"

Insert: "of livestock"

64. Page 24, line 7.

Strike: "fish, wildlife, and parks"

Insert: "livestock"

65. Page 24, lines 9 and 10.

Following: "department of" on line 9

Strike: remainder of line 9 through first "parks" on line 10

Insert: "livestock"

66. Page 24, line 10.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

67. Page 24, line 12.

Following: "department"

Insert: "of livestock"

68. Page 24, line 29.

Following: "department of"

Strike: "fish, wildlife, and parks"

Insert: "livestock"

69. Page 24, line 30.

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Following: "department of"
Strike: "fish, wildlife, and parks "
Insert: "livestock"

70. Page 25, line 4.
Following: "department"
Insert: "of livestock"

71. Page 25, line 5.
Following: "department"
Insert: "of livestock"

72. Page 25, line 6.
Following: "department"
Insert: "of livestock"

73. Page 25, line 8.
Following: "department"
Insert: "of livestock"

74. Page 25, line 9.
Following: "department of"
Strike: "fish, wildlife, and parks "
Insert: "livestock"

75. Page 25, line 15.
Following: "department"
Strike: "of fish, wildlife, and parks "

76. Page 25, line 21.
Following: "review."
Insert: "(1)"

77. Page 25, line 22.
Following: "department of"
Strike: "fish, wildlife, and parks "
Insert: "livestock"
Following: "by "
Strike: "October"
Insert: "July"

78. Page 25, lines 24 through 26.
Following: "ranch." on line 24
Strike: remainder of line 24 through line 26 in their entirety
Insert: "(2) In consultation with the department of livestock, the department shall select a contractor to prepare the programmatic environmental review, which must be in the form of an environmental impact statement.
(3) In addition to the department of livestock, the department shall seek the assistance and participation of other governmental agencies that have special expertise in areas that should be addressed in the programmatic.

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(4) For an alternative livestock ranch license application that is received after July 1, 2000, the department shall conduct an environmental review, if required, using the programmatic and tiering environmental impacts to the programmatic.

(5) If an environmental review, assessment, or impact statement is required relative to an application for an alternative livestock ranch license, the department of livestock shall prepare the portions of the environmental review, assessment, or impact statement pertaining to those functions over which the department of livestock has jurisdiction and shall make any necessary recommendations to the department regarding issuance of the license.

79. Page 25, line 30 through page 26, line 1.

Strike: section 31 in its entirety

Renumber: subsequent section

80. Page 26, line 3 through line 7.

Following: "voidness."

Strike: remainder of line 3 through "(2)" on line 7

81. Page 26, line 7 through line 9.

Following: "fund the"

Strike: remainder of line 7 through "fund the" on line 9

82. Page 26, line 12 through line 14.

Strike: section 33 in its entirety

Insert: NEW SECTION. Section 32. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 1999.

(2) [Sections 29(1), (2), (3), and (5)] and this section are effective July 1, 1999."

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Hertel, Chairman):

3/19/1999

HB 201, be concurred in. Report adopted.

HB 250, be concurred in. Report adopted.

HB 264, be concurred in. Report adopted.

HB 390, be concurred in. Report adopted.

FINANCE AND CLAIMS (Swysgood, Chairman):

3/19/1999

HB 470, be amended as follows:

1. Title, page 1, line 7 through line 9.

Following: "GRANT;"

Strike: "APPROPRIATING" on line 7 through "PROVIDERS;" on line 9

2. Page 1, line 22 through line 28.

Strike: section 2 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):

3/19/1999

HB 395, be amended as follows:

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1. Title, page 1, line 6.

Following: "DATE"

Strike: "AND"

Insert: ", "

2. Title, page 1, line 7.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 4, line 11.

Following: line 10

Insert: "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2001."

And, as amended, be concurred in. Report adopted.

HB 461, be amended as follows:

1. Title, page 1, lines 4 and 5.

Following: "ALLOWING" on line 4

Strike: remainder of line 4 through "INSPECTORS" on line 5

Insert: "STATE PLUMBING BOARD AND STATE ELECTRICAL BOARD COMPLIANCE OFFICERS"

2. Title, page 1, line 8.

Following: "37-69-308,"

Insert: "AND"

Following: "37-69-319,"

Strike: "50-60-106, 50-60-510, AND 50-60-604,"

3. Page 1, line 17.

Strike: "11"

Insert: "8"

4. Page 1, line 18.

Strike: "12]"

Insert: "9]"

5. Page 2, line 13.

Strike: "(2)"

Strike: "EXCEPT" through "fines"

Insert: "Fees"

6. Page 2, line 15.

Following: line 14

Insert: "(2) Fines collected under this chapter must be deposited in the state general fund."

7. Page 2, line 15 through line 18.

Strike: subsection (3) in its entirety

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8. Page 2, line 27.

Strike: "A building code compliance officer or an"

Insert: "An"

9. Page 2, line 30.

Strike: "compliance officer or"

10. Page 3, line 23.

Strike: "or collected as fines"

11. Page 3, line 24.

Strike: ", EXCEPT AS PROVIDED IN SUBSECTION (2),"

12. Page 2, line 28.

Strike: "12]"

Insert: "9]"

13. Page 3, line 26 through line 29.

Following: "(2)" on line 26

Strike: remainder of line 26 through "ENFORCEMENT" on line 29

Insert: "Fines collected under this chapter must be deposited in the state general fund"

14. Page 4, line 8.

Following: "(2)"

Strike: "A building code compliance officer or an"

Insert: "An"

15. Page 4, line 9.

Strike: "11]"

Insert: "8]"

16. Page 4, line 11.

Strike: "compliance officer or"

17. Page 4, line 13 through page 6, line 29.

Strike: sections 8 through 10 in their entirety

Renumber: subsequent sections

18. Page 7, line 3.

Strike: "or" through "officer"

19. Page 7, line 18.

Strike: "PERSON'S EMPLOYER"

Insert: "board office"

20. Page 7, line 21.

Strike: "appropriate authority identified on the citation"

Insert: "board"

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21. Page 7, line 22.

Following: "THE"

Strike: "AUTHORITY"

Insert: "board"

22. Page 7, lines 23 and 24.

Strike: "AND" on line 23 through "QUESTION" on line 24

23. Page 7, line 30.

Strike: "of" through "officer"

24. Page 8, line 15.

Strike: "PERSON'S EMPLOYER"

Insert: "board office"

25. Page 8, line 19.

Following: "THE"

Strike: "AUTHORITY"

Insert: "board"

26. Page 8, lines 20 and 21.

Strike: "AND" on line 20 through "QUESTION" on line 21

27. Page 8, line 25 through page 9, line 1.

Strike: section 13 in its entirety

Renumber: subsequent sections

28. Page 9, line 3.

Following: "is"

Strike: "[SECTIONS 11 AND 13] ARE"

Insert: "[Section 8] is"

29. Page 9, lines 4 through 6.

Following: "PART 3" on line 4

Strike: "; AND Title 50, chapter 60, part 5" on line 5

Following: "PART 3" on line 5

Strike: "; AND Title 50, chapter 60, part 5"

Strike: "[SECTIONS 11 AND 13]" on line 6

Insert: "[Section 8]"

30. Page 9, lines 7 through 9.

Strike: "[SECTIONS 12 AND 13] ARE" on line 7

Insert: "[Section 9] is"

Following: "PART 3" on line 8

Strike: "; AND Title 50, chapter 60, part 6"

Following: "3" on line 9

Strike: "; AND Title 50, chapter 60, part 6" on line 9

Strike: "[SECTIONS 12 AND 13]"

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Insert: "[section 9]"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):
HB 91, be amended as follows:

3/19/1999

1. Title, page 1, line 10 and line 11.

Strike: "PROVIDING" on line 10 through "CONSTITUTION;" on line 11

2. Title, line 12.

Strike: "IMMEDIATE"

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 2, line 17 through line 19.

Strike: "[and" on line 17 through "constitution]" on line 19

4. Page 7, line 6.

Following: "electors"

Insert: "voting on the question"

5. Page 7, line 18.

Following: "electors"

Insert: "voting on the question"

6. Page 8, line 30 through page 9, line 2.

Strike: section 10 in its entirety

Renumber: subsequent section

7. Page 9, line 4.

Strike: "on passage and approval"

Insert: "July 1, 1999"

8. Page 9.

Following: line 4

Insert: "NEW SECTION. Section 11. Applicability. [This act] applies to proceedings begun after June 30, 1999. A building permit issued prior to July 1, 1999, is subject to the conditions in effect at the time that the permit was issued."

And, as amended, be concurred in. Report adopted.

HB 205, be concurred in. Report adopted.

HB 300, be concurred in. Report adopted.

HB 336, be concurred in. Report adopted.

HB 353, be concurred in. Report adopted.

HB 443, be concurred in. Report adopted.

HJR 29, be concurred in. Report adopted.

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MESSAGES FROM THE GOVERNOR

March 18, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 91** sponsored by Senator C. Swysgood and **Senate Bill 201** sponsored by Senator McNutt et al on March 18, 1999.

Sincerely,

MARC RACICOT
Governor

FIRST READING AND COMMITMENT OF BILLS

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

SB 532, introduced by W. McNutt, T. Beck, D. Berry, A. Bishop, C. Christiaens, V. Cocchiarella, B. Crippen, B. DePratu, G. Devlin, D. Eck, P. Ekegren, A. Ellis, E. Franklin, B. Glaser, D. Grimes, L. Grosfield, M. Halligan, D. Hargrove, J. Harp, J. Hertel, R. Holden, R. Jabs, B. Keenan, J. Lynch, D. Mahlum, L. Nelson, G. Roush, D. Shea, M. Sprague, B. Story, C. Swysgood, M. Taylor, F. Thomas, D. Toews, J. Wells, B. Wilson (by request of Senate Taxation Standing Committee), referred to Taxation.

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

SJR 16, introduced by K. Miller, P. Bergsagel, M. Cole, W. Crismore, D. Haines, B. Keenan, M. McCann, P. Sliter, M. Taylor, F. Thomas, D. Toews, referred to Education and Cultural Resources.

SJR 17, introduced by D. Eck, referred to Natural Resources.

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 103, as amended by the House, passed as follows:

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

Total 43

Nays: Devlin.

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Total 1

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

SB 108, as amended by the House, passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McNutt, Miller, Mohl, Roush, Shea, Sprague, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 39

Nays: DePratu, Keating, Keenan, McCarthy, Nelson, Stang.

Total 6

Paired: Eck, Aye; McCarthy, No.

Absent or not voting: None.

Total 0

Excused: Beck, Mesaros, Swysgood, Toews, Waterman.

Total 5

SB 222, as amended by the House, passed as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

SB 308 passed as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang,

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Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

SB 522 passed as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

HB 53, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 43

Nays: Ellingson.
Total 1

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

HB 76 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin,

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Glaser, Grimes, Halligan, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 36

Nays: Bartlett, Christiaens, Eck, Ellingson, Grosfield, Hargrove, Jergeson, Nelson, Waterman.
Total 9

Paired: Miller, Aye; Waterman, No.

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews.
Total 5

HB 430, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 44

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

HB 508 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.
Total 42

Nays: Devlin, Mohl.
Total 2

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.
Total 6

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HB 580, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 616 concurred in as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 620, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

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Total 6

HJR 26, as amended by the Senate, concurred in as follows:

Yeas: 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: Bartlett.

Total 1

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HJR 27, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

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

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

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

HB 404 - Senator F. Thomas moved consideration of HB 404 be passed for the day. Motion carried.

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HB 469 - Senator J. Wells moved consideration of HB 469 be passed for the day. Motion carried.

HB 106 - Senator J. Tester moved HB 106 be concurred in. Motion carried unanimously.

HB 310 - Senator M. Halligan moved HB 310, second reading copy, be amended as follows :

1. Page 2, line 9 through line 25.

Strike: subsection (3) in its entirety

Insert: "(3)(a) Notwithstanding the requirements of 20-5-321(1)(d) or (1)(e) and subject to the provisions of subsection (3)(b), the youth court shall notify the school district that the youth presently attends or the school district that the youth has applied to attend of a youth's suspected drug use or criminal activity, if after an investigation has been completed:

(i) the youth has admitted the allegation or a petition has been filed with the youth court; and
(ii) a juvenile probation officer has reason to believe that a youth is currently involved with drug use or other criminal activity that has a bearing on the safety of children.

(b) Notification under subsection (3)(a) may not be given for status offenses.

(c) A school district may not refuse to accept the student if refusal violates the federal Individuals With Disabilities Education Act or the federal Americans With Disabilities Act of 1990."

Amendment **adopted** as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 44

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

HB 310 - Senator K. Miller moved HB 310, as amended, be concurred in. Motion carried unanimously.

HB 411 - Senator D. Grimes moved HB 411 be concurred in. Motion carried unanimously.

HB 585 - Senator J. Wells moved HB 585 be concurred in. Motion carried unanimously.

HJR 12 - Senator G. Roush moved HJR 12 be concurred in. Motion carried unanimously.

HJR 19 - Senator A. Ellis moved HJR 19 be concurred in. Motion carried unanimously.

HJR 31 - Senator B. Wilson moved HJR 31 be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck,

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Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wells, Mr. President.

Total 41

Nays: Ellis, Wilson.

Total 2

Absent or not voting: Bartlett.

Total 1

Excused: Beck, McCarthy, Mesaros, Swysgood, Toews, Waterman.

Total 6

SB 325 - Free Conference Committee Report No. 1 - Senator J. Hertel moved the Free Conference Committee report to SB 325 be adopted. Motion carried unanimously.

HB 47 - Senator F. Thomas moved HB 47 be concurred in. Motion carried unanimously.

HB 96 - Senator T. Keating moved HB 96 be concurred in. Motion carried unanimously.

HB 125 - Senator W. Glaser moved HB 125 be concurred in. Motion carried unanimously.

HB 180 - Senator M. Halligan moved HB 180 be concurred in. Motion carried unanimously.

HB 182 - Senator D. Hargrove moved HB 182 be concurred in. Motion carried unanimously.

HB 204 - Senator S. Doherty moved HB 204 be concurred in. Motion carried unanimously.

Senator Tester excused at this time.

HB 209 - Senator S. Bartlett moved HB 209 be concurred in. Motion carried unanimously.

HB 266 - Senator C. Christiaens moved HB 266 be concurred in. Motion carried as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.

Total 7

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HB 306 - Senator J. Hertel moved HB 306 be concurred in. Motion carried unanimously.

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 113
Report No. 1, March 19, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 113** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 113** (reference copy -- salmon) be amended as follows:

1. Page 31, line 22.

Following: "~~spouse,~~"

Insert: "the dealer's spouse,"

For the Senate:

Mahlum, Chairman
Hertel
Roush

For the House:

Anderson, Chairman
Lawson
Matthews (unsigned)

MOTIONS

HB 469 - Senator J. Wells moved that consideration of HB 469 be passed until the sixty-fourth legislative day, March 22, 1999. Motion carried.

SB 243 - Senator Harp moved that the President be authorized to appoint a Conference Committee, and request the House to appoint a like committee, to confer on House Amendments to SB 243. Motion carried. The president appointed the following members:

Senator Thomas, Chairman
Senator Grimes
Senator Halligan

SPECIAL ORDERS OF THE DAY

**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA**

WHEREAS, Jill Lombardi, an esteemed resident of Helena, Montana and a student at C.R. Anderson Middle School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

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WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Lombardi earned this award by serving on the Helena Youth Advisory Council and taking a leadership role over the past year in two council projects: a skateboard park and "Martin Luther King Volunteer Day." Jill recruited interested skateboarders to advise the council on the design of the proposed park, and then helped secure a \$50,000 grant to build it. For the volunteer day, Jill analyzed community needs, arranged volunteer projects, coordinated celebration activities and recruited volunteers. This special day had such a positive impact on the community that Jill and the youth council plan to host it again next year, and

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ms. Lombardi who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ON THE ELEVENTH DAY OF MARCH IN THE YEAR 1999:

That the congratulations of all Montanans be extended to Jill Lombardi as a recipient of a Prudential Spirit of Community Award, for her outstanding record of volunteer service, peer leadership and community spirit, and that all Montanans extend best wishes for her continued success and happiness.

SUE BARTLETT
Senator, District 27

CHASE HIBBARD
Representative, District 54

BRUCE D. CRIPPEN
President of the Senate

JOHN A. MERCER
Speaker of the House

STEVE DOHERTY
Senate Minority Leader

EMILY SWANSON
House Minority Leader

Senator Bartlett moved that the Lombardi Proclamation be adopted. Motion carried as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.

Total 7

A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

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OF THE STATE OF MONTANA

WHEREAS, Doug Swingley has won the 1999 Iditarod Trail Sled Dog Race; and

WHEREAS, Doug Swingley also won the race in 1995 and remains the only non-Alaskan native to win the 1,100-mile race from Anchorage to Nome, Alaska; and

WHEREAS, Doug Swingley, a Simms, Montana native who now resides in Lincoln, Montana, had the largest margin of victory in the race since 1992; and

WHEREAS, Doug Swingley, the self-proclaimed "Unamusher", used Treasure State dogs in reaching the apex of sled dog racing; and

WHEREAS, Doug Swingley overcame the obstacle of two broken sleds in winning the race, showing the type of perseverance and ingenuity in which Montanans take pride; and

WHEREAS, Doug Swingley proudly proclaims his Montana heritage and residence and acts as an inspiration for all Montanans.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to Doug Swingley for the exceptional qualities he has shown to friends and fans everywhere.

BRUCE D. CRIPPEN
Senate President

KEN MESAROS
Senator, District. 25

JOHN A. MERCER
Speaker of the House

JOHN COBB
Representative, District 50

STEVE DOHERTY
Senate Minority Leader

Senator Doherty moved the Swingley Proclamation be adopted. Motion carried as follows:

Yeas: Bartlett, 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, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Wells, Wilson, Mr. President.
Total 43

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Beck, McCarthy, Mesaros, Swysgood, Tester, Toews, Waterman.
Total 7

ANNOUNCEMENTS

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Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, March 20, 1999. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate