

**SENATE JOURNAL
TENTH LEGISLATIVE DAY**

Helena, Montana
January 14, 1999

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/14/1999
Correctly printed: SB 23, SB 30, SB 34, SB 46, SB 62, SB 136, SB 141, SB 147, SB 190, SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198, SB 199, SB 201, SJR 2.
Correctly engrossed: SB 24, SB 55, SB 61, SB 88, SB 148.
Delivered to the Secretary of State at 2:45 p.m., January 12, 1999: SR 1.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman): 1/14/1999
SB 7, do pass. Report adopted.
SB 18, introduced bill, be amended as follows:

1. Page 2, line 10.

Following: "crop,"

Insert: "forage used by livestock,"

2. Page 6, line 1.

Following: "producers."

Insert: "The referendum must include, among other informational items, the amount of the assessment and the method of collection."

3. Page 6, line 4.

Following: "be"

Insert: "a producer who is"

4. Page 6, line 21.

Following: "must be"

Insert: "a producer who is"

5. Page 7, line 9.

Following: "loan;"

Strike: "or"

6. Page 7, line 11.

Following: "program"

Insert: "; or (d) as otherwise provided by department rule for the specific research or market development program"

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7. Page 7.

Following: line 18

Insert: "(4) If the first purchaser is a foreign entity, the producer shall make a good faith effort to ensure that the assessment is collected as provided in this section and paid to the department as provided in [section 10]."

8. Page 8, line 22.

Following: "[section 9]"

Insert: "or as otherwise provided by department rule"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

1/13/1999

SB 2, do pass. Report adopted.

SB 56, do pass. Report adopted.

SB 79, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "DATES"

Insert: ", RETROACTIVE APPLICABILITY DATES,"

2. Page 1, line 30.

Following: "dates"

Insert: "-- retroactive applicability"

3. Page 2, line 2.

Following: "invalidity"

Insert: ", [sections 3 and 4] are void, and [section 1] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1998"

4. Page 2, lines 5 and 6.

Following: "6" on line 5

Insert: "(1)"

Following: "effective" on line 6

Strike: "January 1, 2001"

Insert: "on the date of the court decision and [section 1] applies retroactively, within the meaning of 1-2-109, to tax years after December 31, 1998"

5. Page 2, line 7.

Insert: "NEW SECTION. Section 6. Retroactive applicability. [Section 3] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1998."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 80, introduced bill, be amended as follows:

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1. Title, page 1, line 6.

Following: "EFFECTIVE DATE"

Insert: ", A RETROACTIVE APPLICABILITY DATE,"

2. Page 2, line 2.

Following: "voidness."

Insert: "(1)"

3. Page 2, line 4.

Following: line 3

Insert: "(2) If a court of competent jurisdiction determines that Constitutional Initiative No. 75 does not require a second election before the tax authorized by referendum measure No. 113 may be imposed, then this act is void."

(new amendment per clerical correction)

4. Page 2, line 5

Following: "date"

Insert: "...retroactive applicability"

5. Page 2, line 6.

Following: "approval"

Insert: "and applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1998"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

1/13/1999

SB 8, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "communications services"

Insert: ", such as but not limited to caller identification services,"

2. Page 1, line 22.

Following: "transmitted."

Insert: "The term does not include a device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services, such as but not limited to caller identification services, or used for cost accounting or similar purposes in the ordinary course of business."

3. Page 1, line 24 through line 25.

Following: "(1)" on line 24

Strike: remainder of line 24 through first "a" on line 25

Insert: "A"

4. Page 1, line 26.

Following: "[section 3]"

Insert: ", except as provided in subsection (2). Subsection (2) may not be construed to permit a law enforcement agent to operate a pen register or trap and trace device without a court order obtained under [section 3]"

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5. Page 3, line 13.

Insert: "(7) Proceedings conducted under this section are subject to the secrecy and disclosure provisions relating to grand jury proceedings. Any information obtained pursuant to an order issued under this section is confidential criminal justice information subject to the provisions of Title 44, chapter 5."

6. Page 3, line 16.

Following: "other"

Insert: "nongovernmental"

7. Page 3, line 19.

Following: "device."

Insert: "The immunity provided by this section does not extend to any governmental agency, law enforcement agent, or prosecutor."

And, as amended, do pass. Report adopted.

SB 20, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "TELEPHONE AND"

2. Title, line 9.

Following: "HEARINGS"

Insert: "AND ADMINISTRATIVE REVIEWS BY TELEPHONE"

Strike: "PROVIDING FOR"

Insert: "CLARIFYING THE LAWS RELATING TO"

3. Title, line 10.

Strike: "INSPECTION OF"

Insert: "ACCESS TO"

Following: "BOARD"

Strike: "ACTS AND DECISIONS"

Insert: "RECORDS"

4. Page 2, line 2.

Following: "before"

Strike: "one"

Insert: "the"

Following: "board"

Strike: "member and one staff member or two board members"

5. Page 2, line 17.

Insert: "(3) Any decision may be rendered by a board member and a board-designated hearings officer or by two or more board members."

6. Page 2, line 24.

Following: "hearings"

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Insert: "and administrative reviews"

7. Page 2, line 25.

Strike: "telephone or"

8. Page 2, line 26.

Following: "videoconference"

Insert: "and may hold an administrative review via telephone conference"

9. Page 2, line 28.

Strike: "and reports -"

Insert: "--"

10. Page 2, line 29 through line 30.

Following: "decisions" on line 29

Strike: remainder of line 29 through "records" on line 30

Following: "." on line 30

Insert: "Citizens may inspect and make copies of the public records of the board, as provided in 2-6-102 and this section.

(2) Records and materials that are constitutionally protected from disclosure are not subject to disclosure under the provisions of subsection (1). Information that is constitutionally protected from disclosure is information in which there is an individual privacy or safety interest that clearly exceeds the merits of public disclosure."

Renumber: subsequent subsections

11. Page 3, line 3.

Following: "a"

Strike: ":"

12. Page 3, line 4.

Strike: "(a)"

Following: "privacy"

Insert: "or safety"

13. Page 3, line 4 through line 6.

Following: "clearly" on line 4

Strike: remainder of line 4 through "nondisclosure" on line 6

Insert: "exceeds the merits of public disclosure"

14. Page 3, line 7.

Following: "privacy"

Insert: "or safety"

Following: "interest"

Strike: "or a legitimate, penological interest"

15. Page 3, line 7 through line 8.

Following: "and may" on line 7

Strike: remainder of line 7 through "release the" on line 8

Insert: "withhold a"

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16. Page 3, line 8.

Following: "privacy"

Insert: "clearly"

17. Page 3, line 9.

Strike: "an"

18. Page 3, line 10.

Strike: "institution"

Insert: "a facility"

Following: "safety of"

Strike: "a staff member or member of the public"

Insert: "facility personnel, a member of the public, or an inmate of the facility"

19. Page 3, line 11 through line 14.

Strike: subsection (4) in its entirety

Insert: "(5) The board may not withhold from public scrutiny under subsections (2) through (4) any more information than is required to protect an individual privacy interest or a safety interest."

Renumber: subsequent subsections

20. Page 3, line 15.

Following: "copying"

Insert: "and inspecting"

21. Page 3, line 16.

Following: "inspected"

Strike: "by the public"

Insert: "or copied"

And, as amended, do pass. Report adopted.

SB 54, introduced bill, be amended as follows:

1. Title, line 11.

Following: "41-5-206,"

Insert: "41-5-332, 41-5-348,"

2. Title, line 12.

Following: "41-5-1513,"

Strike: "AND"

Insert: "41-5-1803,"

Following: "46-24-211,"

Insert: "AND 52-5-129,"

3. Page 2, line 13.

Strike: "or"

4. Page 2, line 14.

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Following: "order"

Insert: "; or

(c) violation of a youth parole agreement"

5. Page 8, line 30.

Strike: "16"

Insert: "20"

6. Page 9, line 12.

Insert: "Section 5. Section 41-5-332, MCA, is amended to read:

"41-5-332. Custody -- hearing for probable cause. (1) When a youth is taken into custody for questioning, a hearing to determine whether there is probable cause to believe the youth is a delinquent youth or a youth in need of intervention must be held within 24 hours, excluding weekends and legal holidays. A hearing is not required if the youth is released prior to the time of the required hearing.

(2) The probable cause hearing required under subsection (1) may be held by the youth court, a justice of the peace, a municipal or city judge, or a magistrate having jurisdiction in the case as provided in 41-5-203. If the probable cause hearing is held by a justice of the peace, a municipal or city judge, or a magistrate, a record of the hearing must be made by a court reporter or by a tape recording of the hearing.

(3) A probable cause hearing may be conducted by telephone if other means of conducting the hearing are impractical. All written orders and findings of the court in a hearing conducted by telephone must bear the name of the judge or magistrate presiding in the case and the hour and date the order or findings were issued.

(4) A hearing is not required for a youth placed in detention for an alleged parole violation."

Insert: "Section 6. Section 41-5-348, MCA, is amended to read:

"41-5-348. Place of detention. Placement in detention means placement in one of the following facilities:

(1) a short-term detention center; ~~or~~

(2) a youth detention facility, including a regional detention facility; ~~or~~

(3) a secure detention facility outside the state or operated by an Indian tribe that is under contract to the state or a subdivision of the state and that is in substantial compliance with the licensing requirements contained in rules adopted by the department."

Renumber: subsequent sections

7. Page 9, line 14.

Strike: "-- matter referred to county attorney"

8. Page 9, line 15 through line 17.

Following: first "youth" on line 15

Strike: remainder of line 15 through "court" on line 17

9. Page 12, line 6.

Strike: "first"

Following: "alleged"

Insert: "first"

10. Page 13, line 30.

Following: "adult"

Insert: "unless it is recommended by the county attorney and accepted by the youth court judge"

11. Page 15, line 29.

Insert: "Section 14. Section 41-5-1803, MCA, is amended to read:

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"41-5-1803. County responsibility to provide youth detention services. (1) Each county shall provide services for the detention of youth in facilities separate from adult jails.

(2) In order to fulfill its responsibility under subsection (1), a county may:

(a) establish, operate, and maintain a holdover, a short-term detention center, or a youth detention facility at county expense;

(b) provide shelter care facilities as authorized in 41-5-1801;

(c) contract with another county for the use of an available shelter care facility, holdover, short-term detention center, or youth detention facility;

(d) establish and operate a network of holdovers in cooperation with other counties;

(e) establish a regional detention facility; ~~or~~

(f) enter into an agreement with a private party under which the private party will own, operate, or lease a shelter care facility or youth detention facility for use by the county. The agreement may be made in substantially the same manner as provided for in 7-32-2232 and 7-32-2233.

(g) contract with another state or an Indian tribe for use of a secure detention facility. The contracting county shall determine that the out-of-state or tribal detention facility substantially complies with the licensing requirements contained in rules adopted by the department.

(3) Each county or regional detention facility must be licensed by the department in accordance with rules adopted under 41-5-1802."

Renumber: subsequent sections

12. Page 16, line 2.

Strike: "applies for review of sentence under the criminally convicted youth act, or"

13. Page 16, line 3.

Following: "remedy,"

Insert: "or the district court grants a hearing under [sections 18 through 21],"

14. Page 16, lines 4 and 5.

Strike: "application for review under the criminally convicted youth act"

Insert: "hearing under [sections 18 through 21]"

15. Page 16, line 7.

Insert: "**Section 16.** Section 52-5-129, MCA, is amended to read:

"52-5-129. Hearing on alleged violation of parole agreement -- right to appeal outcome. (1) When it is alleged by a juvenile parole officer that a youth has violated the terms of the youth's parole agreement, the youth must be granted a hearing at the site of the alleged violation or in the county in which the youth is residing or is found within 10 days after notice has been served on the youth or the youth is detained, whichever is earlier. At the discretion of the hearings officer, this hearing may be held by means of interactive video transmission. The purpose of the hearing is to determine whether the youth committed the violation and, if so, whether the violation is of such a nature that the youth should be returned to the youth correctional facility from which the youth was released or whether a different plan for custody and supervision of the youth should be pursued by the department of corrections.

(2) The youth, upon advice of an attorney, may waive the right to a hearing.

(3) With regard to this hearing, the youth must be given:

(a) written notice of the alleged violation of the parole agreement, including notice of the purpose of the hearing;

(b) a disclosure of the evidence against the youth and the facts constituting the alleged violation;

(c) the opportunity to be heard in person or by interactive video transmission and to present witnesses and documentary evidence to controvert the evidence against the youth and to show that there are compelling reasons that justify or mitigate the violation;

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(d) the opportunity to have the hearings officer subpoena witnesses;
(e) the right to confront and cross-examine adverse witnesses in person or by means of interactive video transmission;
(f) the right to be represented by an attorney;
(g) a record of the hearing; and
(h) notice that a written statement as to the evidence relied upon in reaching the final decision and the reasons for the final decision will be provided by the hearings officer.

(4) The department shall provide a hearings officer to conduct the hearing. The department shall adopt rules necessary to effect a prompt and full review.

(5) If the hearings officer finds, by a preponderance of the evidence, that the youth did in fact commit the violation, the hearings officer shall make a recommendation to the department for the placement of the youth. In making this recommendation, the hearings officer may consider mitigating or aggravating circumstances. The youth or the youth's attorney may appeal the hearings officer's decision to the department director. The appeal must be made in writing within 5 days of the hearing. The department director or designee shall grant or deny the appeal within 5 days of receipt of the appeal.

(6) The youth may appeal the decision of the department director to the district court of the county in which the hearing was held by serving and filing a notice of appeal with the court within 10 days of the department director's decision. The youth may obtain a written transcript of the hearing from the department by giving written notice of appeal. The district court, upon receipt of a notice of appeal, shall order the department to promptly certify to the court a record of all proceedings before the department and shall proceed to a prompt hearing on the appeal based upon the record on appeal. The decision of the department may not be altered except for abuse of discretion or manifest injustice.

(7) Pending the hearing on a violation and pending the department's decision, a youth may not be detained except when the youth's detention or care is required to protect the person or property of the youth or of others or the youth may abscond or be removed from the community. The department shall determine the place and manner of detention pursuant to 41-5-348 and is responsible for the cost of the detention. Procedures for taking into custody and detention of a youth charged with violation of the youth's parole agreement are as provided in 41-5-321, ~~41-5-331 through 41-5-334~~, and ~~41-5-344 through 41-5-349~~.

(8) If the decision is made to return the youth to the youth correctional facility from which the youth was released and the youth appeals that decision, the youth shall await the outcome of the appeal at the facility."

Renumber: subsequent sections

16. Page 16, line 21.

Following: "youth."

Insert: "If a youth is denied placement in a state youth correctional facility under this section, the department shall inform and seek approval of the district court of the intended alternative placement prior to placing the youth."

17. Page 16, line 28.

Strike: "14 through 17"

Insert: "18 through 21"

18. Page 17, line 16.

Strike: "and"

19. Page 17, line 17.

Following: "attorney"

Insert: ", and juvenile probation officer"

Following: "months"

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Insert: "until the youth attains the age of 21"

20. Page 17, line 20.

Strike: "17" in two places

Insert: "21" in two places

21. Page 17, line 23.

Following: "41-5-206,"

Insert: "except for offenses punishable by death or life imprisonment or when a sentence of 100 years could be imposed,"

22. Page 17, line 25.

Following: "youth."

Insert: "The department shall notify the court of the youth's impending birthday no later than 90 days before the youth's 21st birthday."

23. Page 17, line 28.

Strike: "16"

Insert: "20"

24. Page 18, line 19.

Page 18, line 21.

Strike: "5"

Insert: "7"

25. Page 18, line 22.

Page 18, line 23.

Strike: "13 through 17"

Insert: "17 through 21"

And, as amended, do pass. Report adopted.

SB 60, introduced bill, be amended as follows:

1. Title, line 5.

Following: "MASTERS"

Insert: "WITH APPROVAL OF A GOVERNING BODY"

2. Page 1, line 11.

Following: "(1)"

Strike: "A"

Insert: "With approval of the governing body of the county or counties served by the district court or with the approval of a consolidated city-county government, a"

And, as amended, do pass. Report adopted.

SB 63, introduced bill, be amended as follows:

1. Page 3, line 23.

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Strike: "18"
Insert: "12"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

1/13/1999

SB 64, do pass. Report adopted.

SB 72, introduced bill, be amended as follows:

1. Title, page 1, line 12.

Following: "FUNDS" on line 12

Strike: "AND" on line 12 through "REQUIREMENTS" on line 13

2. Title, page 1, line 14.

Strike: "75-5-636,"

3. Title, page 1, line 14.

Following: "REPEALING"

Strike: "SECTIONS"

Insert: "SECTION"

4. Title, page 1, line 15.

Following: "75-5-501,"

Strike: "75-5-617, AND 75-6-110,"

5. Page 6, line 9.

Following: "waste"

Insert: "primarily from sources other than human waste"

6. Page 6, line 16 through line 24.

Strike: section 8 in its entirety

Renumber: subsequent sections

7. Page 7, line 18.

Following: "(6)"

Insert: "(a)"

Following: "exceed"

Insert: ":"

8. Page 7, line 19.

Strike: "\$1,000 for each day of violation."

Insert: "(i) \$1,000 for each day of a violation pertaining to a public water system, other than a water hauler or a water bottling plant, that serves a population of more than 10,000; and
(ii) \$500 for each day of violation for other violations. (b)"

9. Page 8, line 23.

Strike: "Sections" through "are"

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Insert: "Section 75-5-501, MCA, is"

10. Page 9, line 8.

Following: "[section"

Strike: "13"

Insert: "12"

And, as amended, do pass. Report adopted.

SB 98, do pass. Report adopted.

SJR 3, be adopted. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):

1/14/1999

SB 76, introduced bill, be amended as follows:

1. Page 3, line 28.

Following: "~~department~~"

Insert: "administered by the department"

2. Page 7, line 13.

Following: line 12

Insert: "(10) The department shall delete an applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

3. Page 8, line 4.

Following: line 3

Insert: "(6) The department shall delete the applicant's social security number in any electronic database 5 years after the date that application is made for the most recent license."

And, as amended, do pass. Report adopted.

SB 93, do pass. Report adopted.

TAXATION (Devlin, Chairman):

1/14/1999

SB 106, do pass. Report adopted.

SB 109, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/13/1999

HB 32, introduced by Johnson

HB 63, introduced by Simon

HB 73, introduced by Rose

HB 101, introduced by Bookout-Reinicke

MOTIONS

SB 61 and SB 146 - Senator Ellis moved that he be allowed to add sponsors to SB 61 and SB 146. After discussion,

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Senator Ellis withdrew his motion.

SB 61 - Senator Harp moved that the rules be temporarily suspended to allow additional sponsors to SB 61 after the standing committee report had been adopted by the Senate. 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, 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

FIRST READING AND COMMITMENT OF BILLS

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

SB 202, introduced by Bartlett, Lindeen, Tester, Stang, Bohlinger, Harper, Bishop and Squires, referred to Labor and Employment Relations.

SB 203, introduced by Bartlett, Noennig and Halligan, referred to Judiciary.

SB 204, introduced by Keating, Walters, Brainard, Mood, Wells, Stovall, Tash, Sprague and Keenan, referred to Education and Cultural Resources.

SB 205, introduced by McNutt, Pavlovich, Rose, Gallus, Glaser, Harrington, Matthews, Mahlum, Galvin-Halcro, G. Beck, Hertel, Crippen, Grimes, Mercer, McCarthy, Ohs, Ellis, Kitzenberg, Bartlett, Rehbein, Hanson, Hibbard, Mesaros, Harper, Squires, Menahan, Tropila, Quilici, M. Taylor, Grinde, Lynch, Shea, Masolo, Ryan, Grosfield, Swanson, Nelson, T. Beck, DePratu and R. Holden, referred to Taxation.

SB 206, introduced by McNutt, Pavlovich, Rose, Gallus, Mahlum, Mood, Galvin-Halcro, Hertel, Crippen, Grimes, Matthews, Mercer, Glaser, Ohs, McCarthy, Ellis, Kitzenberg, Bartlett, Rehbein, Hanson, Squires, Hibbard, Ryan, Mesaros, Harper, McCulloch, G. Beck, Harrington, Tropila, Quilici, Menahan, Grinde, Lynch, Shea, Grosfield, M. Taylor, Masolo, Swanson, DePratu, T. Beck, Nelson, Smith and R. Holden, referred to Taxation.

SB 207, introduced by Roush, J. Holden, Golie, G. Beck, Stang, Ekegren, referred to Local Government.

SB 208, introduced by Roush, G. Beck, Rose, Lynch, Stang, Ekegren, Jergeson, J. Holden and Juneau, referred to Taxation.

SB 209, introduced by Christiaens, referred to Public Health, Welfare and Safety.

SB 210, introduced by Lynch, Harper, Pavlovich and Shea, referred to Business and Industry.

**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

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reading. Motion carried. Senator Cocchiarella in the chair.

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

SB 24 - Senator Nelson moved SB 24 do pass. After discussion, Senator Grosfield requested that consideration of SB 24 be placed at the bottom of the second reading board. Request granted.

SB 34 - Senator Jergeson moved SB 34 do pass. Motion carried unanimously.

SB 46 - Senator Swysgood moved SB 46 do pass. Motion carried as follows:

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

Total 44

Nays: Doherty, Franklin, Jergeson, Stang, Waterman.

Total 5

Absent or not voting: Toews.

Total 1

Excused: None.

Total 0

SB 55 - Senator M. Taylor moved consideration of SB 55 be passed for the day. Motion carried.

SB 84 - Senator Halligan moved SB 84 do pass. Motion carried unanimously.

SB 88 - Senator Stang moved SB 88 do pass. Motion carried unanimously.

SB 136 - Senator Jergeson moved SB 136 do pass. Motion carried unanimously.

SB 148 - Senator DePratu moved SB 148 do pass. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Cocchiarella 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 23 passed as follows:

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

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Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 45

Nays: Doherty, Glaser, Keenan, Miller, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 30 passed as follows:

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

Total 41

Nays: Bartlett, Christiaens, Grosfield, Keenan, Lynch, Miller, Taylor, Wells, Wilson.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 141 passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Mr. President.

Total 48

Nays: Bishop, Wilson.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 62 passed as follows:

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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 147 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 42

Nays: Glaser, Keating, Keenan, Miller, Sprague, Stang, Toews, Wells.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SJR 2 adopted as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 41

Nays: Beck, Devlin, Hargrove, Harp, Keenan, Miller, Mohl, Swysgood, Toews.
Total 9

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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MOTIONS

SB 61 - Senator Ellis moved that Harp, Grosfield, F. Thomas, Hertel, Jabs, McNutt, Mesaros, Devlin, DePratu, Wells, M. Taylor, Ekegren, Cole and Bohlinger be added as sponsors to SB 61. Motion carried.

SB 146 - Senator Ellis moved that Grosfield, Jabs, Hertel, Cole, Ekegren and DePratu be added as sponsors to SB 146. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, January 15, 1999. Motion carried.

Senate adjourned at 2:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate