

**SENATE JOURNAL  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 1999

Senate Chambers  
State Capitol

Senate convened at 8:30 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Crismore and Miller, excused. Quorum present.

Senator Thomas introduced the Senate pages and thanked them for a job well done.

**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 24** passed as follows:

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

Total 41

Nays: Christiaens, Cocchiarella, Eck, Franklin, Halligan, Lynch, Shea.

Total 7

Absent or not voting: None.

Total 0

Excused: Crismore, Miller.

Total 2

**SB 55** passed as follows:

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

Total 47

Nays: Franklin.

Total 1

Absent or not voting: None.

Total 0

Excused: Crismore, Miller.

Total 2

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**SB 56** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Crismore, Miller.

Total 2

**SB 61** passed as follows:

Yeas: Beck, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Mohl, Sprague, Stang, Swysgood, Taylor, Thomas, Wells, Mr. President.

Total 29

Nays: Bartlett, Berry, Bishop, Christiaens, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Tester, Toews, Waterman, Wilson.

Total 20

Paired: Crismore, Thomas, Ayes; Berry, No.

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

**SB 79** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Crismore, Miller.  
Total 2

**SB 80** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Crismore, Miller.  
Total 2

Senator Halligan excused at this time.

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 1/16/1999  
Correctly printed: SB 21, SB 47, SB 55, SB 56, SB 58, SB 61, SB 79, SB 80, SB 91, SB 122, SB 131, SB 179, SB 211, SB 212, SB 213, SB 214.  
Correctly engrossed: SB 22, SB 24, SB 49, SB 57, SB 59, SB 127.

**JUDICIARY** (Grosfield, Chairman): 1/15/1999  
**SB 65**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Following:** "property."

**Insert:** "The trustees shall adopt a policy identifying criteria for permitted possession, carrying, or storing of a weapon on all or a portion of school property."

2. Page 2, line 11.

**Following:** "education"

**Insert:** "or property that is owned by a school district and that is rented or leased to a person and is not used for instruction or student activities"

And, as amended, do pass. Report adopted.

**SB 87**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "and"

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**Insert:** "for the designation of"

2. Page 2, line 12.

**Following:** "duties"

**Strike:** "-- restriction on liability"

3. Page 2, line 19.

**Following:** line 18

**Insert:** "(2) The snowmobile area operator owes a duty of reasonable care, as required by 27-1-701, to a snowmobiler except for the risks inherent in the sport of snowmobiling."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 112**, do pass. Report adopted.

**SB 124**, introduced bill, be amended as follows:

1. Title, line 11 through line 12.

**Following:** "PLANNING;" on line 11

**Strike:** remainder of line 11 through "DISTURBANCES;" on line 12

2. Title, line 14.

**Strike:** "53-21-202,"

3. Page 4, line 11 through line 28.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 158**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Following:** "'AN ACT" on line 4

**Strike:** remainder of line 4 through the second "DRUG;" on line 5

2. Title, line 8.

**Following:** "SECTIONS"

**Strike:** "45-9-102,"

3. Page 1, line 13 through page 2, line 7.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 2, line 16.

**Strike:** "a blood"

**Insert:** "an"

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5. Page 5, line 18.

**Following:** "blood"

**Strike:** ", "

**Insert:** "or"

**Following:** "breath,"

**Strike:** "or"

6. Page 5, line 19.

**Strike:** "urine,"

7. Page 5, line 21.

**Strike:** "or urine"

And, as amended, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (Beck, Chairman):

1/16/1999

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, January 16, 1999:

TITLE

NAME

Pages:

Emilyn Anderson  
Treavor Zion  
Seth Davidson  
Pat Mumme  
Ryli Clark  
Matthew Trexler

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 18, 1999:

TITLE

NAME

Pages:

Ryan DePratu, Fairfield, MT  
Sean Dennehy, Butte, MT  
Ty Stetzner, Butte, MT  
Quinn Shea, Butte, MT  
Erin Davis, Shelby, MT  
Kelsie Eggensperger, Thompson Falls, MT  
David Guenthner, Laurel, MT  
Emily York, Polson, MT

Report Adopted.

**STATE ADMINISTRATION** (Cole, Chairman):

1/15/1999

**SB 39**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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House bills passed and transmitted to the Senate for concurrence:

1/15/1999

**HB 29**, introduced by Ohs  
**HB 81**, introduced by Menahan  
**HB 93**, introduced by Pavlovich  
**HB 171**, introduced by Matthews  
**HB 189**, introduced by Barnett

**MOTIONS**

**SB 54** - Senator Doherty moved that consideration of SB 54, on second reading this legislative day, be postponed until the thirteenth legislative day, January 18, 1999. Motion carried.

**SB 60** - Senator Doherty moved that consideration of SB 60, on second reading this legislative day, be postponed until the thirteenth legislative day, January 18, 1999. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 215**, introduced by Bartlett, referred to Judiciary.  
**SB 216**, introduced by Swysgood, Rose, Hagener, McCarthy and Tash, referred to Natural Resources.  
**SB 217**, introduced by Miller, referred to Labor and Employment Relations.  
**SB 218**, introduced by Miller, referred to Labor and Employment Relations.  
**SB 219**, introduced by Waterman, C. Hibbard, D. Adams, C. Ahner, B. Barnhart, S. Bartlett, J. Bohlinger, R. Buzzas, C. Christiaens, B. Crippen, R. Dale, S. Doherty, D. Eck, D. Ewer, S. Gallus, K. Gillan, M. Guggenheim, M. Halligan, D. Hargrove, G. Jergeson, T. Keating, B. Keenan, R. Lenhart, D. Mahlum, J. Mangan, G. Masolo, T. Schmidt, D. Shea, S. Stang, J. Tester, B. Thomas, J. Wells, B. Wilson, C. Williams and C. Younkin, referred to Public Health, Welfare and Safety.

**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 McCarthy in the chair.

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

**SB 2** - Senator Toews moved SB 2 do pass. Motion carried unanimously.

**SB 7** - Senator Holden moved SB 7, second reading copy, be amended as follows :

1. Page 2, line 2.

**Following:** "acre" on line 2

**Insert:** "If a lease is issued on the basis of an annual guarantee of \$15 an acre, pursuant to this subsection, and the county in which the lease is issued is subsequently declared a disaster county, then the \$15 an acre guarantee is negotiable and the lease may be reconfigured on a crop share basis for the year in which the disaster was declared."

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Amendment **failed** as follows:

Yeas: Bartlett, Beck, Devlin, Doherty, Hargrove, Holden, Toews, Wilson.  
Total 8

Nays: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Mr. President.  
Total 39

Absent or not voting: None.  
Total 0

Excused: Crismore, Halligan, Miller.  
Total 3

**SB 7** - Senator Jabs moved **SB 7**, do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Crismore, Halligan, Miller.  
Total 3

**SB 8** - Senator Hargrove moved SB 8 do pass. Motion carried with Senators Glaser and Keenan voting nay.

**SB 18** - Senator Nelson moved SB 18 do pass. Motion carried with Senators Glaser and Toews voting nay.

**SB 20** - Senator Shea moved SB 20 do pass. Motion carried unanimously.

**SB 64** - Senator Mohl moved SB 64 do pass. Motion carried as follows:

Yeas: Beck, Berry, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Mr. President.  
Total 30

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Jergeson, Keenan, Lynch, Nelson, Shea, Stang, Waterman, Wilson.

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Total 17

Absent or not voting: None.

Total 0

Excused: Crismore, Halligan, Miller.

Total 3

**SB 63** - Senator Nelson moved SB 63 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cole, DePratu, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Hertel, Holden, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 34

Nays: Beck, Bishop, Cocchiarella, Devlin, Ellingson, Harp, Keating, Mesaros, Mohl, Stang, Swysgood, Taylor, Toews.

Total 13

Absent or not voting: None.

Total 0

Excused: Crismore, Halligan, Miller.

Total 3

**SB 72** - Senator Keenan moved SB 72 do pass. Motion carried with Senators Ellingson and Franklin voting nay.

**SB 76** - Senator T. Beck moved SB 76 do pass. Motion carried as follows:

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

Total 38

Nays: Bartlett, Christiaens, Devlin, Grosfield, Mesaros, Swysgood, Taylor, Toews, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: Crismore, Halligan, Miller.

Total 3

**SB 93** - Senator Hargrove moved SB 93 do pass. Motion carried unanimously.

**SB 98** - Senator Mesaros moved SB 98 do pass. Motion carried unanimously.

**SB 106** - Senator Ekegren moved SB 106 do pass. Motion carried as follows:



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

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Crismore, Halligan, Miller.

Total 3

**SB 109** - Senator Ellis moved SB 109 do pass. Motion carried unanimously.

**SJR 3** - Senator Cocchiarella moved SJR 3 be adopted. Motion carried as follows:

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

Total 46

Nays: Toews.

Total 1

Absent or not voting: None.

Total 0

Excused: Crismore, Halligan, Miller.

Total 3

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

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:30 p.m., Monday, January 18, 1999. Motion carried.

Senate adjourned at 10:15 a.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate

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