

**SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana
January 22, 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. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/22/1999
Correctly printed: SB 69, SB 134, SB 194, SB 247, SB 248, SB 249, SB 250, SB 251, SB 252, SB 253, SB 254, SB 255, SB 256, SB 257, SB 258, SB 259.
Correctly engrossed: SB 1, SB 11, SB 96, SB 97, SB 99, SB 101, SB 171, SB 179.

BUSINESS AND INDUSTRY (Hertel, Chairman): 1/22/1999
SB 162, introduced bill, be amended as follows:

1. Page 8, line 8.

Following: "(a)"

Insert: "except title insurance,"

Strike: "without limitation"

2. Page 8, line 13.

Following: "33"

Strike: ", chapters 1 and 2"

And, as amended, do pass. Report adopted.

SB 189, introduced bill, be amended as follows:

1. Page 2, lines 25 and 26.

Following: "intended to" on line 25

Strike: the remainder of line 25 through "types" on line 26

Insert: "replace the duties"

Following: "agents" on line 26

Insert: "as provided elsewhere"

2. Page 6, line 6 and line 14.

Following: "The"

Insert: "subsequent" in both places

3. Page 7, lines 3, 4 and 5.

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Following: "statement" on line 3

Strike: the remainder of line 3 through "following:" on line 5

Insert: "that reads as follows: "IF A SELLER AGENT IS ALSO REPRESENTING A BUYER OR A BUYER AGENT IS ALSO REPRESENTING A SELLER WITH REGARD TO A PROPERTY, THEN A DUAL AGENCY RELATIONSHIP MAY BE ESTABLISHED."

4. Page 7, line 6.

Following: "BUYER."

Strike: "THIS RELATIONSHIP"

Insert: "THESE OBLIGATIONS "

5. Page 11, line 23.

Following: "The"

Insert: "subsequent"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

1/22/1999

SB 71, do pass. Report adopted.

SB 94, introduced bill, be amended as follows:

1. Page 13, line 16.

Strike: "surrendered" through "license"

Insert: "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

1/22/1999

SB 176, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "ALLOWING PROSECUTION FOR"

Insert: "INCREASING PENALTIES FOR THE FIRST OFFENSE OF"

2. Title, line 10 through line 12.

Following: "EXPLOITATION" on line 10

Strike: remainder of line 10 through "CONVICTION" on line 12

3. Title, line 12.

Strike: "SECOND"

Insert: "FIRST"

4. Page 1, line 28.

Strike: "or a pattern of infliction of pain"

5. Page 2, line 21.

Strike: "or a pattern of the infliction of mental anguish"

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

6. Page 2, line 24.

Strike: "¡"

7. Page 2, line 25.

Strike: "(a)"

8. Page 2, line 29 through line 30.

Following: "disability" on line 29

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

Insert: "."

9. Page 3, line 1 through line 2.

Strike: subsection (b) in its entirety

10. Page 4, line 2.

Strike: "or of being repeated"

11. Page 10, line 8 through line 9.

Following: "neglects" on line 8

Strike: remainder of line 8 through "52-3-803(7)(a)" on line 9

12. Page 10, line 13 through line 15.

Following: "both." on line 13

Strike: remainder of line 13 through line 15 in its entirety

And, as amended, do pass. Report adopted.

SB 188, do pass. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):

1/22/1999

SB 142, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1.

Following: line 17

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 166, introduced bill, be amended as follows:

1. Title, line 7.

Following: "FUNDING;"

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Insert: "TRANSFERRING RESPONSIBILITY FOR DETERMINING VALUE OF A JUNK VEHICLE FROM THE STATE TO COUNTIES;"

2. Page 3, line 9 and line 11.

Strike: ", as determined by the department," on line 9

Following: "police." on line 11

Insert: "The county representative designated to implement the county motor vehicle recycling and disposal program pursuant to 75-10-521 for the county where the vehicle is being stored shall determine the value of the vehicle."

And, as amended, do pass. Report adopted.

SB 193, do pass. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

1/22/1999

SB 48, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "exceed"

Insert: "the sum of"

Following: "of the"

Insert: "book value"

2. Page 1, line 19.

Following: "in the"

Insert: "nine"

Following: "trust"

Strike: "fund"

Insert: "funds administered by the department"

Following: "preceding the"

Strike: "fiscal year"

Insert: "new biennium and 10% of the revenue deposited in the capitol building land grant trust fund in the last completed fiscal year prior to the new biennium"

3. Page 1, line 20.

Following: "(3) "

Strike: "Funds"

Insert: "Unreserved funds"

Following: "to"

Insert: "each of"

4. Page 1, line 21.

Following: "trust"

Strike: "fund"

Insert: "funds in proportionate shares to each trust's contribution to the account as calculated in [section 2(3)]"

5. Page 1, line 27.

Following: "proceeds"

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Strike: "from the sale of trust land, easements,"
Insert: "or income from the sale of easements"
Following: "timber"
Insert: ", except timber from public school lands"

6. Page 2, line 1.

Following: "for the"

Strike: "trust."

Insert: "appropriate trust and the capitol building land grant trust fund.

(3) The amount of money that is deposited into the trust land administration account may not exceed 1 1/8% of the book value balance in each of the nine nonexpendable trust funds administered by the department on the first day of January preceding the new biennium and 10% of the previous fiscal year revenue deposited into the capitol building land grant trust fund."

7. Page 3, line 30.

Strike: "except as provided in [section 2]."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Cole, Chairman): 1/22/1999
SB 195, do pass. Report adopted.

TAXATION (Devlin, Chairman): 1/22/1999
SB 110, do pass. Report adopted.
SB 159, introduced bill, be amended as follows:

1. Page 1, line 23.

Following: "return."

Insert: "The state agency may pay the discounts from the account of the office administering credit card payments, or it may provide that the discounts be absorbed by the accounts being paid by the cash or check payment."

2. Page 2, line 13.

Following: "15-24-202."

Insert: "The county governing body may provide that the discounts be paid from the county general fund, or it may provide that the discounts be prorated to the accounts being paid by the cash or check payment."

3. Page 3, line 3.

Following: "watercraft."

Insert: "The county governing body may provide that the discounts be paid from the county general fund, or it may provide that the discounts be prorated to the accounts being paid by the cash or check payment."

4. Page 3, line 20.

Following: "snowmobile."

Insert: "The county governing body may provide that the discounts be paid from the county general fund, or it may provide that the discounts be prorated to the accounts being paid by the cash or check payment."

5. Page 4, line 7.

Following: "vehicle."

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Insert: "The county governing body may provide that the discounts be paid from the county general fund, or it may provide that the discounts be prorated to the accounts being paid by the cash or check payment."

6. Page 4, line 26.

Following: "vehicle."

Insert: "The county governing body may provide that the discounts be paid from the county general fund, or it may provide that the discounts be prorated to the accounts being paid by the cash or check payment."

And, as amended, do pass. Report adopted.

SB 192, do pass. Report adopted.

ADVERSE COMMITTEE REPORT

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

1/22/1999

SB 78, do not pass.

MOTIONS

SB 99 - Senator Tester moved that SB 99 be taken from the second reading board this legislative day and rereferred to the Committee on Public Health, Welfare and Safety for purpose of amendment. Motion carried.

SB 164 - Senator Devlin moved that SB 164 be taken from the Taxation Committee and rereferred to the Committee on Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 260, introduced by B. Glaser, D. Fuchs, L. Grinde, J. Harp, B. Keenan, W. McNutt, K. Miller, S. Rose, M. Sprague, D. Toews, referred to Taxation.

SB 261, introduced by M. Halligan J. Rose, referred to Education and Cultural Resources.

SB 262, introduced by M. Halligan, L. Grosfield, B. Stang, S. Orr (by request of Joint Select Committee on CI-75), referred to Taxation.

SB 263, introduced by R. Holden, P. Sliter, referred to Business and Industry.

SB 264, introduced by P. Ekegren, referred to Local Government.

**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 Ellis in the chair.

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

SB 1 - Senator D. Mahlum moved SB 1 do pass. Motion carried unanimously.

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

SB 11 - Senator M. Halligan moved SB 11 do pass. Motion carried as follows:

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

Total 41

Nays: Beck, DePratu, Devlin, Glaser, Lynch, Mahlum, McNutt, Stang, Swysgood.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 31 - Senator Stang moved SB 31 do pass. Motion carried with Senators Devlin and Swysgood voting nay.

SB 69 - Senator Stang moved SB 69 do pass. Motion carried unanimously.

SB 95 - Senator Grosfield moved SB 95 do pass. Motion carried unanimously.

SB 96 - Senator Ellingson requested SB 96 be moved below SB 97 on the second reading board for purpose of amendment. Request granted.

SB 97 - Senator Stang moved SB 97 do pass. Motion carried unanimously.

SB 96 - Senator Ellingson moved SB 96, second reading copy, be amended as follows :

1. Page 1, line 15 and line 16.

Following: "all" on line 15

Insert: "all"

Strike: "VOTING" on line 16

Amendment **failed** as follows:

Yeas: Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Glaser, Halligan, Holden, Lynch, McCarthy, Mesaros, Nelson, Roush, Shea, Stang, Tester, Toews, Wells.

Total 18

Nays: Bartlett, Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Waterman, Wilson, Mr. President.

Total 32

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Excused: None.
Total 0

SB 96 - Senator Stang moved SB 96 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ekegren, Ellis, Franklin, Grimes, Grosfield, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 37

Nays: Beck, Devlin, Ellingson, Glaser, Halligan, Harp, Keenan, Mohl, Swysgood, Taylor, Toews, Wells.
Total 12

Absent or not voting: DePratu.
Total 1

Excused: None.
Total 0

Senator Ellis moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Ellis 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 22 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, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Toews.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 33 passed as follows:

Yeas: Bartlett, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson,

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

Ellis, Franklin, Grimes, Halligan, Hargrove, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 36

Nays: Beck, Bohlinger, Doherty, Glaser, Grosfield, Harp, Jergeson, Lynch, Mahlum, McCarthy, Shea, Swysgood, Taylor, Toews.
Total 14

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 140 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 172 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, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Toews.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 187 passed as follows:

SENATE JOURNAL
SEVENTEENTH LEGISLATIVE DAY - JANUARY 22, 1999

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

REPORTS OF STANDING COMMITTEES

ADVERSE COMMITTEE REPORT

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman): 1/22/1999
SB 78, do not pass. Adverse Committee Report adopted as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Swysgood, Thomas, Toews, Wells, Wilson, Mr. President.
Total 37

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Ellingson, Jabs, Jergeson, Lynch, Roush, Stang, Taylor, Tester, Waterman.
Total 13

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, January 23, 1999. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate