

**SENATE JOURNAL
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 1999

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. Senator Devlin presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Eck, Harp, Holden and Toews, excused. Quorum present.

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

Miller, Chairman

Senator Thomas introduced the Senate pages and thanked them for their good work through the week.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 1/23/1999
Correctly printed: SB 1, SB 11, SB 31, SB 69, SB 71, SB 95, SB 96, SB 97, SB 110, SB 188, SB 192, SB 193, SB 195, SB 260, SB 261, SB 262, SB 263, SB 264.
Correctly engrossed: SB 48, SB 94, SB 142, SB 159, SB 162, SB 166, SB 176, SB 189.

JUDICIARY (Grosfield, Chairman): 1/22/1999
SB 128, do pass. Report adopted.
SB 155, introduced bill, be amended as follows:

1. Title, line 6 through line 9.

Following: "OFFENDER;" on line 6

Strike: remainder of line 6 through "MCA;" on line 9

2. Page 1, line 14 through page 13, line 14.

Strike: section 1 through section 4 in their entirety

Insert: "NEW SECTION. Section 1. Sexual or violent offender registration information -- responsibility of broker or salesperson. The responsibility of a broker or salesperson with respect to sexual or violent offender registration information maintained by a governmental entity under Title 46, chapter 23, part 5, is limited to disclosure of:

(1) the fact that the information may be maintained and by whom; and

(2) the actual knowledge, if any, that the broker or salesperson has of sexual or violent offender registration information that pertains to the property in question."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 37, chapter 51, part 1, and the provisions of Title 37, chapter 51, part 1, apply to [section 1]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman): 1/22/1999
SB 67, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

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Strike: "DEFINING" on line 4 through ";" on line 5

2. Title, page 1, line 6, through page 1, line 7.

Following: first "EMPLOY" on line 6

Strike: ", "

Insert: "OR TO"

Following: "EMPLOY"

Strike: remainder of line 6 through "EMPLOYMENT OF" on line 7

3. Title, line 9.

Strike: "SECTIONS 49-2-101 AND"

Insert: "SECTION"

4. Page 1, line 13 through page 3, line 23.

Strike: section 1 in its entirety

Renumber: subsequent section

5. Page 4, line 26.

Following: first "employ"

Strike: " "

Insert: "or to"

Following: "employ"

Strike: " , or advertise for the employment of"

And, as amended, do pass. Report adopted.

SB 68, introduced bill, be amended as follows:

1. Title, page 1, lines 7 and 8.

Following: "SERVICES;" on line 7

Strike: remainder of line 7 through "EXPENSES;" on line 8

2. Title, line 14.

Strike: "39-71-1101, 39-71-1102,"

3. Page 2, line 18 through page 3, line 24.

Strike: Sections 2 and 3 in their entirety

Renumber: subsequent sections

4. Page 5, line 13.

Strike: "6"

Insert: "4"

And, as amended, do pass. Report adopted.

SB 77, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman):

MR. PRESIDENT:

1/23/1999

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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 23, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Ryan DePratu Sean Dennehy Ty Stetzner Quinn Shea Erin Davis Kelsie Eggensperger David Guenthner Emily York

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 25, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Katie Osborne, Billings, MT Jesse Laslovich, Anaconda, MT Annie Ryan, Great Falls, MT Jessica Ulrich, Dillon, MT Angela Muir, Geraldine, MT Shavonne Maes, Anaconda, MT Heidi Cox, Huson, MT Sarah Prescott, Bozeman, MT

Report Adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 1/22/1999

HB 3, introduced by Zook
HB 41, introduced by Hagener
HB 52, introduced by Menahan
HB 180, introduced by Soft
HB 207, introduced by Johnson

MOTIONS

SB 78 - Senator Stang moved that the Senate reconsider its action in adopting the Adverse Committee Report on the seventeenth legislative day, January 22, 1999. Motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, Doherty, Ellingson, Franklin, Glaser, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Waterman, Wells, Wilson, Mr. President.
Total 35

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Nays: Berry, Cole, DePratu, Devlin, Ekegren, Ellis, Grimes, Mesaros, Mohl, Taylor, Thomas.
Total 11

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 78 - Senator Stang moved that SB 78 be printed and placed on second reading the nineteenth legislative day, January 25, 1999. Motion carried.

SB 142 - Senator Bartlett moved that SB 142 be taken from the second reading board and rereferred to the Committee on Local Government. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 265, introduced by D. Grimes, E. Bergsagel, J. Cobb, W. Crismore, R. Dale, A. Ellis, E. Franklin, L. Grinde, L. Grosfield, D. Harrington, T. Keating, J. Lynch, B. McCarthy, R. Menahan, K. Mesaros, D. Mood, K. Ohs, S. Orr, J. Quilici, D. Shea, L. Soft, B. Story, B. Tash, B. Thomas, referred to Natural Resources.

SB 266, introduced by J. Lynch, referred to Highways and Transportation.

SB 267, introduced by J. Lynch, referred to Highways and Transportation.

SB 268, introduced by J. Lynch, referred to Highways and Transportation.

SB 269, introduced by D. Toews, and S. Kitzenberg, referred to Local Government.

SB 270, introduced by G. Devlin, T. Hagener, B. Lawson, K. Mesaros, S. Stang, T. Zook, referred to Taxation.

SB 271, introduced by M. Taylor, D. Berry, W. Crismore, B. DePratu, G. Devlin, P. Ekegren, B. Glaser, D. Grimes, L. Grosfield, T. Keating, B. Keenan, D. Mahlum, G. Masolo, W. McNutt, A. Mohl, M. Sprague, F. Thomas, J. Wells, referred to Labor and Employment Relations.

SB 272, introduced by V. Cocchiarella, B. DePratu, D. Fuchs, L. Grinde, D. Shea, S. Stang, referred to Business and Industry.

SB 273, introduced by R. Jabs, referred to Judiciary.

SB 274, introduced by B. Wilson, J. Bohlinger, C. Christiaens, B. Crippen, E. Franklin, G. Golie, J. Harp, S. Kitzenberg, J. Lynch, J. Mangan, J. McKenney, K. Mesaros, J. Quilici, S. Rose, F. Thomas, D. Wyatt, referred to Taxation.

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 1 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, 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 46

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 11 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McCarthy, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 41

Nays: DePratu, Glaser, Lynch, McNutt, Mohl, Stang, Swysgood.
Total 7

Paired: Holden, Toews, Ayes; McNutt, Swysgood, Noes.

Absent or not voting: None.
Total 0

Excused: Eck, Harp.
Total 2

SB 31 passed as follows:

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

Nays: Miller, Mohl, Swysgood.
Total 3

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 69 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs,

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Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Mohl.
Total 1

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 95 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, 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 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 96 passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 39

Nays: Bishop, Ellingson, Glaser, Mohl, Swysgood, Taylor, Wells.
Total 7

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 97 passed as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, 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 46

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

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

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

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

SB 101 - Senator Franklin moved SB 101 do pass. Motion carried unanimously.

SB 134 - Senator Mahlum moved SB 134 do pass. Motion carried unanimously.

SB 151 - Senator Thomas moved consideration of SB 151 be passed for the day due to the absence of Senator Toews. Motion carried.

SB 171 - Senator M. Halligan moved SB 171, second reading copy, be amended as follows :

1. Title, line 6.

Following: "PROPERTY;"

Insert: "PROVIDING A PENALTY FOR A FIRST OFFENSE;"

2. Page 1, line 19.

Following: "hunting"

Insert: "-- penalty"

Following: "."

Insert: "(1)"

3. Page 1, line 21.

Following: "."

Insert: "(2) A person in possession of a valid hunting license who violates this section shall, upon conviction for a first offense, be fined an amount not to exceed \$25."

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Amendment **adopted** as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Ekegren, Ellingson, Franklin, Grimes, Halligan, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wells, Wilson.
Total 29

Nays: Beck, Cole, Crismore, Devlin, Ellis, Glaser, Grosfield, Hargrove, Hertel, Jabs, Keating, Mesaros, Mohl, Swysgood, Taylor, Tester, Mr. President.
Total 17

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 171 - Senator Mesaros moved SB 171, as amended, do pass. After discussion, Senator Grosfield requested that SB 171 be moved to the bottom of the second reading board in order to get clarification of amendment. Request granted.

SB 178 - Senator Nelson moved SB 178 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Ellingson, Ellis, Franklin, Grimes, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wells, Mr. President.
Total 34

Nays: Beck, Crismore, Devlin, Ekegren, Glaser, Grosfield, Miller, Mohl, Roush, Swysgood, Taylor, Wilson.
Total 12

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 194 - Senator Halligan moved SB 194 do pass. Motion carried unanimously.

Senator Taylor excused at this time.

SB 48 - Senator Swysgood moved SB 48 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Ellis, Grimes, Grosfield, Hargrove, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Swysgood, Tester, Thomas, Wells, Wilson, Mr. President.
Total 37

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Nays: Doherty, Franklin, Glaser, Keating, Roush, Stang, Waterman.
Total 7

Absent or not voting: Halligan.
Total 1

Excused: Eck, Harp, Holden, Taylor, Toews.
Total 5

Senator Taylor present at this time.

SB 49 - Senator Swysgood moved SB 49 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 43

Nays: Glaser, Keating, Wells.
Total 3

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 71 - Senator Nelson moved SB 71 do pass. Motion carried unanimously.

SB 110 - Senator Ellis moved SB 110 do pass. Motion carried unanimously.

SB 159 - Senator Devlin moved SB 159 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Taylor, Wells, Wilson, Mr. President.
Total 32

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Ellingson, Jabs, Jergeson, McCarthy, Shea, Stang, Tester, Thomas, Waterman.
Total 13

Absent or not voting: Swysgood.
Total 1

Excused: Eck, Harp, Holden, Toews.
Total 4

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SB 162 - Senator W. Crismore moved SB 162 do pass. Motion carried unanimously.

Senator Taylor excused at this time.

SB 166 - Senator J. Lynch moved SB 166 do pass. Motion carried unanimously.

SB 176 - Senator J. Bohlinger moved SB 176 do pass. Motion carried unanimously.

SB 188 - Senator T. Beck moved SB 188 do pass. Motion carried with Senator Waterman voting nay.

Senator Taylor present at this time.

SB 189 - Senator D. Berry moved SB 189 do pass. Motion carried as follows:

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

Total 45

Nays: Mohl.

Total 1

Absent or not voting: None.

Total 0

Excused: Eck, Harp, Holden, Toews.

Total 4

SB 192 - Senator J. Bohlinger moved SB 192 do pass. After discussion, Senator Bohlinger made a substitute motion that consideration of SB 192 be passed for the day. Motion carried unanimously.

SB 193 - Senator D. Hargrove moved SB 193 do pass. Motion carried unanimously.

SB 195 - Senator J. Lynch moved SB 195 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Wells, Wilson, Mr. President.

Total 40

Nays: Bartlett, Ellingson, Grosfield, Mohl, Taylor, Waterman.

Total 6

Absent or not voting: None.

Total 0

Excused: Eck, Harp, Holden, Toews.

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Total 4

SB 171 - Senator L. Grosfield moved SB 171, second reading copy, be further amended as follows :

1. Page 1, line 21, Senate Committee of the Whole amendment (Halligan) is amended as follow:

Insert: "(2) ~~A~~ Except for hunting big game animals on private property, a person in possession of a valid hunting license who violates this section shall, upon conviction for a first offense, be fined an amount not to exceed \$25."

Amendment **adopted** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Mr. President.
Total 36

Nays: Bohlinger, Doherty, Ellingson, Halligan, Lynch, McCarthy, Miller, Shea, Wells, Wilson.
Total 10

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

SB 171 - Senator Mesaros moved SB 171, as amended, do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Ellis, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, McNutt, Mesaros, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Wells.
Total 30

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Franklin, Glaser, Lynch, Mahlum, McCarthy, Miller, Shea, Stang, Waterman, Wilson, Mr. President.
Total 16

Absent or not voting: None.
Total 0

Excused: Eck, Harp, Holden, Toews.
Total 4

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Senator Devlin in the chair. Chairman Ellingson moved the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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Senator Thomas moved that the Senate adjourn until 1:00 p.m., Monday, January 25, 1999. Motion carried.

Senate adjourned at 11:45 a.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate