

**SENATE JOURNAL  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 1999

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. Senator Eck 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 journals for the seventeenth and eighteenth legislative days, find the same to be correct.

Miller, Chairman

Senator Thomas introduced the Senate pages for the week of January 25-30, 1999.

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 1/25/1999  
Correctly printed: SB 48, SB 49, SB 71, SB 77, SB 78, SB 101, SB 110, SB 128, SB 134, SB 159, SB 162, SB 166,  
SB 176, SB 178, SB 188, SB 189, SB 193, SB 194, SB 195, SB 265, SB 266, SB 267, SB 268, SB 269,  
SB 270, SB 271, SB 272, SB 273, SB 274.  
Correctly engrossed: SB 171

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence: 1/23/1999

**HB 58**, introduced by C. Younkin  
**HB 70**, introduced by J. Hurdle  
**HB 85**, introduced by B. Simon  
**HB 90**, introduced by T. Hagener  
**HB 95**, introduced by B. Story  
**HB 172**, introduced by C. Hibbard  
**HB 187**, introduced by J. Tropila  
**HB 255**, introduced by S. Anderson

**MOTIONS**

**SB 68** - Senator Mahlum moved that the Senate pass consideration of SB 68 on second reading this day, until the twentieth legislative day, January 26, 1999, for purpose of amendment. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 275**, introduced by D. Grimes, referred to Business and Industry.  
**SB 276**, introduced by D. Berry, referred to Natural Resources.  
**SB 277**, introduced by J. Bohlinger, A. Bishop, R. Buzzas, J. Cobb, B. Crippen, S. Doherty, R. Erickson, D. Ewer, G. Gutsche, M. Halligan, C. Hibbard, J. Hurdle, S. Kitzenberg, J. Mangan, B. Raney, D. Shea, C. Squires,

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S. Stang, J. Tester, M. Waterman, referred to Local Government.  
**SB 278**, introduced by J. Bohlinger, referred to Local Government.  
**SB 279**, introduced by J. Bohlinger, referred to Local Government.  
**SB 280**, introduced by J. Bohlinger, referred to Local Government.  
**SB 281**, introduced by J. Bohlinger, referred to Local Government.  
**SB 282**, introduced by J. Bohlinger, referred to Local Government.  
**SB 283**, introduced by J. Bohlinger, referred to Local Government.  
**SB 284**, introduced by J. Bohlinger, referred to Local Government.  
**SB 285**, introduced by J. Bohlinger, referred to Local Government.  
**SB 286**, introduced by J. Bohlinger and Doherty, referred to Local Government.  
**SB 287**, introduced by J. Bohlinger, referred to Local Government.  
**SB 288**, introduced by L. Nelson, referred to Education and Cultural Resources.  
**SB 289**, introduced by S. Doherty, J. Bohlinger, S. Gallus, G. Jergeson, J. Lynch, L. Nelson, D. Shea, F. Thomas, referred to Business and Industry.

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

**SJR 7**, introduced by J. Bohlinger, referred to Local Government.

**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 48** 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, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 47

Nays: Keating, Stang, Waterman.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 49** 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, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 47

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Nays: Glaser, Keating, Wells.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 71** 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, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 171** passed as follows:

Yeas: Bartlett, Beck, Berry, Cole, Crismore, Devlin, Ekegren, Ellingson, Ellis, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, McNutt, Mesaros, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Wells.  
Total 31

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Franklin, Glaser, Lynch, Mahlum, McCarthy, Miller, Shea, Stang, Toews, Waterman, Wilson, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Harp moved that the Senate stand in recess until the hour of 1:35 p.m. for the purpose of party caucuses.  
Motion carried.

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Senate recessed at 1:13 p.m.

Senate reconvened at 1:40 p.m.

Roll Call. All members present. Quorum present.

**MOTIONS**

**SB 171** - Senator Stang moved he be allowed to change his vote on SB 171, third reading this day, from yea to nay. Motion carried.

**SB 171** - Senator Bohlinger moved he be allowed to change his vote on SB 171, third reading this day, from yea to nay. Motion carried.

**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 Ekegren in the chair.

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

**SB 151** - Senator D. Toews moved SB 151 do pass. Motion carried unanimously.

**SB 192** - Senator J. Bohlinger moved SB 192, second reading copy, be amended as follows :

1. Page 1, line 15 through page 1, line 19.

**Strike:** "providing" on page 1, line 15 through "computer" on page 1, line 19

**Insert:** "a service that enables users to access content, information, electronic mail, or other services offered over the internet and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. The term does not include telecommunications services"

2. Page 2, line 9.

**Following:** line 8

**Insert:** "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 128 is passed and approved, then [this act] is void."

**Renumber:** subsequent sections

Amendment **adopted** unanimously.

**SB 192** - Senator J. Bohlinger moved SB 192, as amended, do pass. Motion carried unanimously.

**SB 78** - Senator S. Stang moved SB 78 do pass. Motion **failed** as follows:

Yeas: Bartlett, Christiaens, Crismore, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 19

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Nays: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Ellis excused at this time.

**SB 78** - Senator Swysgood moved to indefinitely postpone SB 78. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Glaser, Grimes, Grosfield, Hargrove, Hertel, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 31

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Stang, Tester, Waterman, Wilson.

Total 16

Absent or not voting: Harp, Holden.

Total 2

Excused: Ellis.

Total 1

**SB 67** - Senator D. Mahlum moved SB 67 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, Devlin, Eck, Ellingson, Franklin, Glaser, Grosfield, Halligan, Hargrove, Holden, Jabs, Jergeson, Keating, Mahlum, McNutt, Mesaros, Miller, Nelson, Roush, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Mr. President.

Total 31

Nays: Bartlett, Bishop, Christiaens, DePratu, Doherty, Ekegren, Grimes, Harp, Hertel, Keenan, Lynch, McCarthy, Mohl, Shea, Sprague, Waterman, Wells, Wilson.

Total 18

Absent or not voting: None.

Total 0

Excused: Ellis.

Total 1

**SB 77** - Senator B. Keenan moved SB 77 do pass. Motion carried as follows:

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Yeas: Berry, Bohlinger, Cole, Crismore, Devlin, Ekegren, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 27

Nays: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.

Total 22

Absent or not voting: None.

Total 0

Excused: Ellis.

Total 1

**SB 94** - Senator L. Nelson moved SB 94 do pass. Motion carried with Senators Stang and Swysgood voting nay.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Senator Eck in the chair. Chairman Ekegren 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 1:00 p.m., Tuesday, January 26, 1999. Motion carried.

Senate adjourned at 2:52 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate