

**SENATE JOURNAL  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
January 28, 1999

Senate Chambers  
State Capitol

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

Roll Call. All members present except Senators Franklin and Roush, excused. Quorum present.

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

Miller, Chairman

Senator Franklin present at this time.

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 1/28/1999

Correctly printed: SB 40, SB 115, SB 165, SB 217, SB 222, SB 230, SB 231, SB 259, SB 296, SB 297, SB 298, SB 299, SB 300, SB 301, SB 302, SB 303, SB 304, SB 305, SB 306, SB 307, SB 308, SB 309, SB 310, SB 311, SB 312, SR 2.

Correctly engrossed: SB 133, SB 200.

Signed by the President at 8:30 a.m., January 28, 1999: SJR 1.

Signed by the Speaker at 10:15 a.m., January 28, 1999: SJR 1.

Delivered to the Secretary of State at 11:24 a.m., January 28, 1999: SJR 1.

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman): 1/27/1999

**SB 133**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "STATE;"

**Insert:** "IMPOSING A SPECIAL SPEED LIMIT ON U.S. HIGHWAY 93;"

**Following:** "LIMITS;"

**Insert:** "ALTERING THE SPEED LIMITS LOCAL AUTHORITIES CAN SET;"

2. Title, line 10.

**Following:** "LIMITS"

**Insert:** "ON CERTAIN HIGHWAYS"

3. Title, line 11 through line 12.

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

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

4. Title, line 13.

**Following:** "MCA"

**Strike:** "AND"

5. Title, line 14.

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**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 1, line 18 through page 8, line 15.

**Strike:** everything following the enacting clause

**Insert:** "**Section 1.** Section 7-14-2113, MCA, is amended to read:

"**7-14-2113. County authority to establish speed limits.** A board of county commissioners may, by ordinance, establish a special speed limit in accordance with ~~61-8-306~~ and 61-8-310 on any county road."

**Insert:** "**Section 2.** Section 61-8-303, MCA, is amended to read:

"**61-8-303. Speed restrictions -- basic rule.** (1) A person ~~operating or driving~~ shall operate a vehicle of any character on a public highway of this state shall drive the vehicle in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, ~~condition of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead~~ visibility, weather, and roadway conditions. The person ~~operating or driving the vehicle shall drive the vehicle so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway.~~

(2) When no special hazard exists that requires lower speed for compliance with subsection (1), the speed of a vehicle not in excess of the limits specified in [section 3] and this section or established as authorized in 61-8-309 through 61-8-311 and 61-8-313 is lawful, but a speed in excess of the following limits 25 miles an hour in an urban district is unlawful:

~~— (a) 25 miles per hour in an urban district;~~

~~— (b) 55 miles per hour in other locations during the nighttime, except that the nighttime speed limit on completed sections of interstate highways is 65 miles per hour.~~

~~(3) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.~~

~~(4)(3) The speed limits set forth in this section may be altered by the transportation commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.~~

~~(5) The driver of a vehicle shall, consistent with subsection (1), drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway condition."~~

**Insert:** "**NEW SECTION. Section 3. Speed limits -- exception to basic rule.** (1) Except as provided in 61-8-309, 61-8-310, 61-8-312, and subsection (2) of this section, the speed limit for vehicles traveling:

(a) on a federal-aid interstate highway outside an urbanized area of 50,000 population or more is 75 miles an hour at all times and the speed limit for vehicles traveling on federal-aid interstate highways within an urbanized area of 50,000 population or more is 65 miles an hour at all times;

(b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles an hour during the nighttime.

(2) The speed limit for vehicles traveling on U.S. highway 93 between the Canadian and Idaho borders is 65 miles an hour at all times. The speed limit imposed by this subsection ceases to be effective if U.S. highway 93 is upgraded to a continuous four-lane highway.

(3) A vehicle may exceed the speed limits imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the right-hand lane.

(4) A speed in excess of the speed limit established pursuant to this section is unlawful notwithstanding any provision of 61-8-303(1).

(5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime" means at any other hour.

(6) The speed limits set forth in this section may be altered by the commission or a local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314."

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**Insert: "NEW SECTION. Section 4. Penalty for violation of speed limits -- no record for certain violations.**

(1) Subject to subsection (2), a person violating the speed limit imposed pursuant to [section 3] is guilty of a misdemeanor and shall be fined in accordance with the following schedule:

Amount of Fine	MPH in Excess of Speed Limit
\$20	1 - 10 (daytime)
25	1 - 10 (nighttime)
40	11 - 20
70	21 - 30
100	31 +

(2) A violation of a speed limit imposed pursuant to [section 3] may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of a speed limit against the insured or increase premiums because of the violation if the speed limit is exceeded by no more than:

- (a) 10 miles an hour during the daytime; or
- (b) 5 miles an hour during the nighttime."

**Insert: "Section 5.** Section 61-8-309, MCA, is amended to read:

**"61-8-309. Establishment of special speed zones.** (1) (a) If the commission determines upon the basis of an engineering and traffic investigation that a speed limit set by 61-8-303 or [section 3] is greater or less than is reasonable or safe under the conditions found to exist at an intersection, curve, or dangerous location; or ~~any other part on a segment~~ of a highway less than 50 miles in length under its jurisdiction, the commission may set a reasonable and safe special speed limit at that location.

(b) If a local authority requests the department of transportation or an engineer, as provided in subsection (1)(c)(i), to conduct an engineering and traffic investigation based on the belief that a speed limit on a highway under the department's jurisdiction is greater than is reasonable or safe, the commission may not increase the speed limit under consideration as a result of the investigation.

(c) (i) A local authority may request at its own expense that an engineering and traffic investigation be completed by a licensed professional engineer selected from a list compiled and approved by a committee as provided in subsection (1)(c)(ii).

(ii) A committee containing two department of transportation staff appointed by the director and two representatives of associations whose membership comprises cities, towns, and counties, as authorized by 7-5-2141 and 7-5-4141, shall review credentials submitted by licensed professional engineers and shall determine who appears on the list of individuals authorized to conduct engineering and traffic investigations for local governments. ~~The list must be completed by October 1, 1997, and~~ must be updated every 2 years.

(iii) Upon completion of an engineering and traffic investigation conducted for a local government, the department of transportation shall submit a report to the commission with findings and recommendations. The commission shall decide on an appropriate speed limit based on the traffic investigation within 120 days from the date the investigation is submitted to the department.

(2) The department of transportation shall erect and maintain appropriate signs giving notice of these special limits. When they are erected, the limits are effective at that part at all times or at other times that the commission sets.

(3) The authority of the commission under this section includes the authority to set reduced nighttime speed limits on curves and other dangerous locations.

(4) This section does not authorize the commission to set a statewide speed limit."

**Insert: "Section 6.** Section 61-8-310, MCA, is amended to read:

**"61-8-310. When local authorities may and shall alter limits.** (1) If a local authority in its jurisdiction determines on the basis of an engineering and traffic investigation that the speed permitted under 61-8-303, ~~and~~ 61-8-309 through 61-8-313, and [section 3] is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may set a reasonable and safe limit that:

- (a) decreases the limit at an intersection;
- (b) increases the limit within an urban district, but not to more than ~~55~~ 65 miles ~~per an~~ hour during the

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nighttime;

(c) decreases the limit outside an urban district, but not to less than ~~45~~ 35 miles ~~per an~~ hour; or

(d) decreases the limit in an area near a school, a senior citizen center, as defined in 23-5-112, or a designated crosswalk, as crosswalk is defined in 61-1-209, that is close to a school or a senior citizen center to not less than 80%, rounded down to the nearest whole number evenly divisible by 5, of the limit that would be set on the basis of an engineering and traffic investigation, but not less than 15 miles an hour. If warranted by an engineering and traffic investigation, a local authority may adopt variable speed limits to adapt to traffic conditions by time of day, provided that the variable limits comply with the provisions of 61-8-206.

(2) A board of county commissioners may set limits, as provided in subsection (1)(c), without an engineering and traffic investigation on a county road, as defined in 60-1-103.

(3) A local authority in its jurisdiction may determine the proper speed for all arterial streets and shall set a reasonable and safe limit on arterial streets that may be greater or less than the speed permitted under 61-8-303 or [section 3] for an urban district.

(4) An altered limit established as authorized under this section is effective at all times or at other times determined by the authority when appropriate signs giving notice of the altered limit are erected upon the highway.

(5) Except as provided in subsection (1)(d), the commission has exclusive jurisdiction to set special speed limits on all federal-aid highways or extensions of federal-aid highways in all municipalities or urban areas. The commission shall set these limits in accordance with 61-8-309."

**Insert:** "Section 7. Section 61-8-312, MCA, is amended to read:

**"61-8-312. Special speed limitations on trucks, truck tractors, motor-driven cycles, and vehicles towing house trailers.** (1) ~~A person may not operate a truck or truck tractor, the gross weight of which exceeds 8,000 pounds, at a speed greater than 65 miles an hour~~ Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

(a) those completed sections of interstate is 75 miles an hour; and

(b) four-lane divided highways is 70 miles an hour during the daytime and 65 miles an hour during the nighttime as those terms are defined in [section 3]; and

(c) 60 miles an hour on those completed sections of primary and secondary highways is 60 miles an hour during the daytime and 55 miles an hour during the nighttime as those terms are defined in [section 3]. However, the truck nighttime speed limit may not exceed that of automobiles, as stated in 61-8-303.

(2) A person may not operate Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination of vehicles subject to special permits under 61-10-124(4) at a speed greater than is 55 65 miles an hour unless otherwise stated in the permit.

(3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

(4) A person may not operate a vehicle that is towing a house trailer at a speed greater than a maximum of 50 miles an hour."

**Insert:** "Section 8. Section 61-9-415, MCA, is amended to read:

**"61-9-415. Slow-moving vehicles.** (1) It is unlawful for a person to operate on a state highway, a farm, rural, or county road, or a city street of this state a slow-moving vehicle or equipment, an animal-drawn vehicle, or any other machinery, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, that normally travels or is normally used at a speed of less than 25 miles an hour, unless there is displayed on the rear of the vehicle an emblem as provided in subsection (2) ~~of this section~~. The requirement of the emblem is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) must be of substantial construction, and must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and a height

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of 12 inches. The triangle must be bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated so that the remaining height is a minimum of 14 inches. The emblem must be mounted on the rear of the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway; and must be maintained in a clean, reflective condition.

(3) In addition to the requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 or [section 3] does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle. "

**Insert: "Section 9.** Section 61-11-203, MCA, is amended to read:

**"61-11-203. Definitions.** As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle ~~which~~ that is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in [section 4(2)], 3 points;

(m) all other moving violations, 2 points.

(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

(4) "License" means any type of license or permit to operate a motor vehicle. "

**Insert: "NEW SECTION. Section 10. Relationship between speed limits and basic rule.** (1) The maximum numerical speed limits imposed under this part do not authorize speeds higher than those required for the careful and prudent operation of a vehicle as required by 61-8-303(1).

(2) The basic rule imposed by 61-8-303(1), requiring careful and prudent operation of a vehicle, does not authorize speeds higher than those established by the maximum numerical speed limits imposed under this part."

**Insert: "NEW SECTION. Section 11. Codification instruction.** (1) [Sections 3 and 10] are intended to be codified as an integral part of Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [sections 3 and 10].

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(2) [Section 4] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 4]."

**Insert:** "NEW SECTION. Section 12. Repealer. Sections 61-8-304, 61-8-305, 61-8-306, 61-8-307, 61-8-718, and 61-11-103, MCA, are repealed."

**Insert:** "NEW SECTION. Section 13. Effective date. [This act] is effective May 28, 1999."

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Sprague, Chairman):  
**SB 180**, introduced bill, be amended as follows:

1/27/1999

1. Title, line 5.

**Following:** "ACQUISITION"

**Insert:** "OR DISPOSITION"

2. Page 1, line 12.

**Following:** "acquisitions"

**Insert:** "or dispositions"

**Following:** "proposes" on line 12

**Insert:** "to dispose of real property or"

3. Page 1, line 15.

**Following:** "acquisition " on line 15

**Insert:** "or disposition"

4. Page 1, line 16.

**Strike:** "the acquisition's" on line 16

**Following:** "finalization" on line 16

**Insert:** "of the acquisition or disposition"

5. Page 1, lines 18, 19, 20, 26, 27, and 28.

**Following:** "acquisition"

**Insert:** "or disposition"

And, as amended, do pass. Report adopted.

**SB 207**, introduced bill, be amended as follows:

1. Page 2, line 8.

**Strike:** "or"

**Following:** "scientific"

**Insert:** ", or adult or juvenile correctional or detention"

2. Page 2, line 27.

**Following:** line 27

**Insert:** "NEW SECTION. Section 2. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

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And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Bishop, Chairman):  
**SB 99**, introduced bill, be amended as follows:

1/28/1999

1. Page 1, line 26.

**Following:** "dependents."

**Insert:** "Renewals of coverage under this section must provide for the same level of benefits as are available to other members of the group. Premiums charged to a spouse or dependent under this section must be the same as premiums charged to other similarly situated members of the group. Dependent special enrollment must be allowed under the terms of 33-22-523(2) and (3)."

And, as amended, do pass. Report adopted.

**SB 114**, introduced bill, be amended as follows:

1. Title, line 8 through line 9.

**Following:** "THAT"

**Strike:** the remainder of line 8 through "RECEIVING" on line 9

**Insert:** "PUBLIC AND PRIVATE ENTITIES PROVIDING"

**Strike:** "IS CONSIDERED" on line 9

**Insert:** "ARE NAMED INSURED OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES"

2. Title, line 10 through line 13.

**Following:** "COMPENSATION"

**Strike:** the remainder of line 10 through "WORKSITE" on line 13

**Insert:** "COVERAGE"

3. Page 2, line 26.

**Strike:** "employer's"

**Insert:** "entity's"

4. Page 2, line 30 through page 3, line 1.

**Strike:** "Premiums" on page 2, line 30 through "[section 5]." on page 3, line 1

**Insert:** "The department of public health and human services shall provide workers' compensation coverage for participants in the FAIM project who are placed at public or private worksites through an endorsement to the department of public health and human services' workers' compensation policy naming the public or private worksite entities as named insureds under the policy. The endorsement may cover only the entity's FAIM participants and may only be for the duration of each participant's training in the FAIM project under a written agreement between the department of public health and human services and each public or private entity. The department of public health and human services may not provide workers' compensation coverage for individuals who are covered for workers' compensation purposes by another state or federal employment training program."

5. Page 3, lines 2 and 3.

**Following:** "the" on line 2

**Strike:** the remainder of line 2 through "employee" on line 3

**Insert:** "wage that a probationary employee is paid for work of a similar nature at the assigned worksite"

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6. Page 9, line 23.

**Strike:** "entity"

**Strike:** "business"

**Insert:** "entity"

7. Page 9, line 27.

**Strike:** "employer"

**Insert:** "entity"

**Following:** "worksite"

**Insert:** "under a written training agreement between the department of public health and human services and the entity"

8. Page 10, line 4.

**Strike:** "business"

**Strike:** "governmental"

**Insert:** "public"

9. Page 10, line 8 through line 27.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

10. Page 10, line 29.

**Strike:** "[Sections 4 and 5] are"

**Insert:** "[Section 4] is"

11. Page 11, line 1.

**Strike:** "[sections 4 and 5]"

**Insert:** "[section 4]"

And, as amended, do pass. Report adopted.

**SB 197**, introduced bill, be amended as follows:

1. Page 1, line 19 through line 20.

**Strike:** "operates a youth care facility and"

**Following:** "residing in"

**Strike:** "the"

**Insert:** "a youth care"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

1/27/1999



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**HB 47**, introduced by S. Anderson  
**HB 53**, introduced by R. Clark  
**HB 125**, introduced by R. Johnson  
**HB 136**, introduced by C. Williams  
**HB 156**, introduced by J. Tropila  
**HB 186**, introduced by R. Peck  
**HB 192**, introduced by J. Andersen  
**HB 214**, introduced by D. McGee  
**HB 220**, introduced by S. Rose  
**HB 254**, introduced by R. Somerville  
**HB 264**, introduced by D. Wyatt  
**HB 277**, introduced by B. Pavlovich  
**HB 283**, introduced by C. Younkin  
**HB 284**, introduced by B. Story

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 313**, introduced by K. Mesaros, W. Crismore, L. Grosfield, K. Ohs, B. Tash, referred to Natural Resources.  
**SB 314**, introduced by D. Grimes, K. Ohs, referred to Natural Resources.  
**SB 315**, introduced by J. Wells, C. Ahner, P. Bergsagel, D. Ewer, D. Grimes, D. Hargrove, A. Mohl, referred to Business and Industry.  
**SB 316**, introduced by L. Nelson, D. Adams, E. Clark, W. Crismore, G. Devlin, D. Hedges, R. Jabs, S. Kitzenberg, R. Lenhart, M. McCann, B. Ryan, S. Stang, L. Taylor, J. Witt, referred to Natural Resources.  
**SB 317**, introduced by T. Beck, referred to State Administration.  
**SB 318**, introduced by W. McNutt, G. Devlin, M. Hanson, D. Hedges, B. Kasten, S. Kitzenberg, R. Lenhart, G. Matthews, L. Nelson, B. Rehbein, F. Smith, referred to Business and Industry.  
**SB 319**, introduced by R. Holden, L. Soft, referred to Judiciary.  
**SB 320**, introduced by R. Holden, referred to Judiciary.

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

**HB 47**, introduced by S. Anderson (by request of the State Auditor), referred to Business and Industry.  
**HB 53**, introduced by R. Clark (by request of the Department of Corrections), referred to Judiciary.  
**HB 125**, introduced by R. Johnson (by request of State Library Commission), referred to Education and Cultural Resources.  
**HB 136**, introduced by C. Williams (by request of the State Auditor), referred to Public Health, Welfare and Safety.  
**HB 156**, introduced by J. Tropila (by request of the State Auditor), referred to Public Health, Welfare and Safety.  
**HB 186**, introduced by R. Peck, referred to Business and Industry.  
**HB 192**, introduced by J. Andersen, referred to Local Government.  
**HB 214**, introduced by D. McGee, referred to Judiciary.  
**HB 220**, introduced by S. Rose, referred to Education and Cultural Resources.  
**HB 254**, introduced by R. Somerville, referred to Agriculture, Livestock and Irrigation.  
**HB 264**, introduced by D. Wyatt, referred to Business and Industry.  
**HB 277**, introduced by B. Pavlovich, referred to Business and Industry.  
**HB 283**, introduced by C. Younkin, referred to Judiciary.  
**HB 284**, introduced by B. Story, M. Cole, L. Grosfield, G. Jergeson, M. McCann, L. Nelson, K. Ohs, S. Rose,

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B. Tash, J. Tester, referred to Agriculture, Livestock and Irrigation.

**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 Shea in the chair.

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

**SB 40** - Senator D. Grimes moved SB 40 do pass. Motion carried unanimously.

**SB 217** - Senator K. Miller moved SB 217 do pass. Motion carried as follows:

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

Total 48

Nays: None.

Total 0

Absent or not voting: Grosfield.

Total 1

Excused: Roush.

Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Shea 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 115** 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

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Absent or not voting: None.  
Total 0

Excused: Roush.  
Total 1

**SB 165** 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: Toews.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Roush.  
Total 1

**SB 222** 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Roush.  
Total 1

**SB 230** 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

**SB 231** 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

**SB 259** 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, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Sprague.

Total 1

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 12:30 p.m., Friday, January 29, 1999. Motion carried.

Senate adjourned at 1:28 p.m.

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ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate