

**SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 30, 1999

Senate Chambers  
State Capitol

Senate convened at 9:30 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Holden, Jabs, Miller and Waterman, excused. Quorum present.

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

Miller, Chairman

Senator Thomas introduced the Senate pages for the week of January 25 - 30, 1999, 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 200** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.  
Total 38

Nays: Bartlett, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Shea, Stang, Waterman.  
Total 12

Paired: Glaser, Holden, Jabs, Miller, Ayes; Eck, Jergeson, Lynch, Waterman, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 213** passed as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.  
Total 36

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Nelson, Stang, Waterman.  
Total 14

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

Paired: Holden, Lynch, McCarthy, Miller, Ayes; Eck, Halligan, Jabs, Waterman, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 1/30/1999  
Correctly printed: SB 321, SB 322, SB 323, SB 324, SB 325, SB 326, SB 327, SB 328, SB 329, SB 330, SB 331, SB 332, SB 333, SB 334, SB 335, SB 336, SB 337.

Correctly engrossed: SB 27, SB 200, SB 213.

Correctly enrolled: SB 80.

Signed by the Secretary of Senate at 10:10 a.m., January 30, 1999: SB 80.

Signed by the President at 11:40 a.m., January 30, 1999: SB 80.

**BUSINESS AND INDUSTRY** (Hertel, Chairman): 1/29/1999  
**SB 210**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman): 1/29/1999  
**SB 89**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "seven"

And, as amended, do pass. Report adopted.

**SB 113**, introduced bill, be amended as follows:

1. Title, line 15.

**Strike:** "FILE AND"

**Strike:** "PROOF OF"

2. Title, line 16.

**Strike:** "WITH THE DEPARTMENT"

3. Title, line 21 and line 28.

**Strike:** "18"

**Insert:** "12"

4. Title, line 27.

**Following:** "PERIOD;"

**Insert:** "EXEMPTING USED MOTOR VEHICLE DEALERS LICENSED BY THE DEPARTMENT OF JUSTICE ON OR BEFORE DECEMBER 31, 1999, FROM THE MINIMUM RETAIL SALES REQUIREMENTS FOR LICENSE RENEWAL;"

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

5. Page 4, line 21 through line 28.

**Strike:** subsections (a) and (b) in their entirety

**Renumber:** subsequent subsections

6. Page 5, line 1.

**Following:** "subsection"

**Insert:** "(7)"

7. Page 5, line 21.

**Strike:** "A"

**Insert:** "Except as provided in subsection (4)(c), a"

8. Page 5, line 27 and page 8, line 12.

**Strike:** "18"

**Insert:** "12"

9. Page 5, line 30.

**Strike:** "1 1/2"

**Insert:** "one"

**Strike:** "vehicles"

**Insert:** "vehicle"

10. Page 6, line 6 through line 7.

**Strike:** "or" on line 6 through "5," on line 7

11. Page 6, line 8.

**Following:** "term"

**Insert:** "or pay a fee of \$300 in addition to the application and license fee required in subsection (3).

(ii) A renewal applicant licensed as a motor vehicle wrecking facility under Title 75, chapter 10, part 5, is exempt from the minimum retail sales requirements of subsection (4)(a), as well as the additional renewal or the lower minimum sales requirements of this subsection"

**Renumber:** subsequent subsections

12. Page 6, line 17.

**Strike:** "this section"

**Insert:** "subsection (4)(a)"

13. Page 8, line 6.

**Strike:** "61-4-103"

**Insert:** "[section 23]"

14. Page 8, line 15.

**Strike:** "1 1/2"

**Insert:** "one"

15. Page 8, line 16.

**Strike:** "vehicles"

**Insert:** "vehicle"

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

16. Page 17, line 23.

**Strike:** "61-4-103 or [section 7]"

**Insert:** "[section 7 or 23]"

17. Page 29, line 6.

**Strike:** "\$100"

**Insert:** "\$25"

18. Page 41, line 3.

**Strike:** "[Sections"

**Insert:** "(1) Except as provided in subsection (2), [sections"

19. Page 41.

**Following:** line 4

**Insert:** "(2) [Sections 6(4)(a) and (4)(d)] do not apply to used motor vehicle dealers licensed by the department of justice on or before December 31, 1999."

And, as amended, do pass. Report adopted.

**LABOR AND EMPLOYMENT RELATIONS** (Keating, Chairman):

1/30/1999

**SB 90**, introduced bill, be amended as follows:

1. Title, page 1, lines 6 through 9.

**Following:** "LAW;" on line 6

**Strike:** remainder of line 6 through "POSITION;" on line 9

**Insert:** "PROVIDING FOR THE APPLICATION OF VETERANS' PREFERENCE BY AN EMPLOYER USING A NONSCORED PROCEDURE WHEN APPLICANTS HOLD SUBSTANTIALLY EQUAL QUALIFICATIONS;"

2. Page 1, lines 26 through 28.

**Following:** "position." on line 26

**Strike:** remainder of line 26 through "applied." on line 28"

3. Page 2, line 2 through line 5.

**Following:** "shall" on line 2

**Strike:** remainder of line 2 through "subsection (1)" on line 5

**Insert:** "give preference to a disabled veteran, eligible relative, or veteran, in that order, over any nonpreferred applicant holding substantially equal qualifications, as defined in 39-30-103"

And, as amended, do pass. Report adopted.

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

1/30/1999

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 30, 1999:

TITLE

NAME

Pages:

Katie Osborne

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

Jesse Laslovich  
Annie Ryan  
Jessica Ulrich  
Angela Muir  
Shavonne Maes  
Heidi Cox  
Sarah Prescott

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 1, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Trampus Conaster, Havre, MT Kyrie Marks, Clancy, MT Joe Youngberg, Belgrade, MT Kelcy Bradley, Lolo, MT Nicki Christiaens, Valier, MT Mike Cocchiarella, Missoula, MT Bridget Martin, Helena, MT Heidi Eck, Anaconda, MT

Report Adopted.

**LOCAL GOVERNMENT** (Sprague, Chairman):  
**SB 142**, introduced bill, be amended as follows:

1/29/1999

1. Title, page 1, line 4.

**Following:** "CLARIFYING"

**Insert:** "AND REVISING"

2. Page 1, line 10 through line 18.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 7-4-2510, MCA, is amended to read:

**"7-4-2510. Sheriff's department -- longevity payments.** (1) Beginning on the date of his the first anniversary of employment with the department and adjusted annually, a deputy sheriff or undersheriff is entitled to receive a longevity payment ~~amounting~~ for each year of service with the department. The payment must be determined as provided in subsection (2).

(2) (a) ~~The longevity payment must be determined by calculating to 1% of the minimum deputy's or undersheriff's base annual salary calculated using the minimum percentage provided in 7-4-2508 (2)(a) applied to the sheriff's base salary pursuant to 7-4-2503(1) for each year of service with the department, but years. The amount calculated annually is added to the sum of longevity increments determined in prior years for each year of service with the department.~~

(b) ~~Except as provided in 7-4-2504(2), years~~ of service during any year in which the salary was set at the same level as the salary of the prior fiscal year may not be included in any calculation of longevity increases.

(3) ~~This payment shall~~ The longevity payment must be included in county payroll warrants and must be made in equal ~~monthly~~ installments. "

And, as amended, do pass. Report adopted.

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

**SB 214**, do pass. Report adopted.  
**SB 225**, do pass. Report adopted.  
**SB 226**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Bishop, Chairman):  
**SB 219**, introduced bill, be amended as follows:

1/30/1999

1. Title, line 5.

**Following:** "ILLNESS;"

**Insert:** "AMENDING SECTIONS 33-22-701, 33-22-702, 33-22-704, AND 33-31-111, MCA;"

2. Page 1, line 20.

**Following:** "rendered by a"

**Strike:** "licensed"

**Following:** "physician"

**Insert:** "licensed under Title 37, chapter 3"

3. Page 1, line 21.

**Strike:** "licensed psychiatrist, "

4. Page 1, line 22.

**Strike:** "licensed"

5. Page 1, line 23.

**Following:** "physician"

**Insert:** "licensed under Title 37, chapter 3"

6. Page 2, line 21.

**Following:** line 20

**Insert:** "**Section 2.** Section 33-22-701, MCA, is amended to read:

"**33-22-701. Scope of part -- purpose -- exception.** ~~The~~ Except as provided in [section 1], the provisions of this part apply to all group policies of accident and health insurance and group subscriber contracts for the care and treatment of mental illness, alcoholism, and drug addiction offered to Montana residents by insurers, health service corporations, and all employees' health and welfare funds that provide accident and health insurance benefits to residents of this state. It is the purpose of this part to preserve the rights of the consumer to have ~~such~~ this coverage according to ~~his~~ the consumer's medical and economic needs."

**Insert:** "**Section 3.** Section 33-22-702, MCA, is amended to read:

"**33-22-702. Definitions.** For purposes of this part, the following definitions apply:

(1) "Chemical dependency treatment center" means a treatment facility that:

(a) provides a program for the treatment of alcoholism or drug addiction pursuant to a written treatment plan approved and monitored by a physician or chemical dependency counselor certified by the state; and

(b) is licensed or approved as a treatment center by the department of public health and human services under 53-24-208.

(2) "Inpatient benefits" are as set forth in 33-22-705.

(3) "Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written treatment plan approved and monitored by an interdisciplinary team, including a licensed physician, psychiatric social worker, and psychologist, and a treatment facility that is:

(a) licensed as a mental health treatment center by the state;

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

- (b) funded or eligible for funding under federal or state law; or
- (c) affiliated with a hospital under a contractual agreement with an established system for patient referral.
- (4) (a) "Mental illness" means a clinically significant behavioral or psychological syndrome or pattern that occurs in a person and that is associated with:
  - (i) present distress or a painful symptom;
  - (ii) a disability or impairment in one or more areas of functioning; or
  - (iii) a significantly increased risk of suffering death, pain, disability, or an important loss of freedom.
- (b) Mental illness must be considered as a manifestation of a behavioral, psychological, or biological dysfunction in a person.
- (c) Mental illness does not include:
  - (i) a developmental disorder;
  - (ii) a speech disorder;
  - (iii) a psychoactive substance use disorder;
  - (iv) an eating disorder, except for bulimia and anorexia nervosa; ~~or~~
  - (v) an impulse control disorder, except for intermittent explosive disorder and trichotillomania; or
  - (vi) a severe mental illness as provided in [section 1].
- (5) "Outpatient benefits" are as set forth in 33-22-705."

**Insert:** "Section 4. Section 33-22-704, MCA, is amended to read:

**"33-22-704. Applicability.** ~~This~~ Except as provided in [section 1], this part applies to policies, contracts, or any employees' health and welfare fund that provides accident and health insurance benefits, established, delivered, issued for delivery, or renewed after September 30, 1987, but does not apply to blanket, short-term travel, accident-only, limited or specified disease, individual conversion policies or contracts, or to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as medicare, or any other similar coverage under state or federal governmental plans."

**Insert:** "Section 5. Section 33-31-111, MCA, is amended to read:

**"33-31-111. Statutory construction and relationship to other laws.** (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to any health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, part 19;

(c) the requirements of 33-22-134 and 33-22-135; or

(d) network adequacy and quality assurance requirements provided under chapter 36.

(7) Sections 33-22-141, 33-22-142, 33-22-246, 33-22-247, 33-22-514, 33-22-523, 33-22-524, ~~and~~ 33-22-526, and [section 1] apply to health maintenance organizations."

**Renumber:** subsequent sections

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

And, as amended, do pass. Report adopted.

**TAXATION** (Devlin, Chairman):

1/29/1999

**SB 205**, do pass. Report adopted.

**SB 206**, introduced bill, be amended as follows:

1. Page 2, line 18.

**Following:** "fund"

**Insert:** "aeronautical functions and"

2. Page 2, line 20.

**Following:** "fund"

**Insert:** "aeronautical functions and"

And, as amended, do pass. Report adopted.

**SB 270**, do pass. Report adopted.

**ADVERSE COMMITTEE REPORT**

**HIGHWAYS AND TRANSPORTATION** (Mohl, Chairman):

1/29/1999

**SB 156**, do **not** pass. Adverse Committee Report adopted as follows:

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

Total 43

Nays: Bartlett, Halligan, Roush.

Total 3

Absent or not voting: None.

Total 0

Excused: Holden, Jabs, Miller, Waterman.

Total 4

Senator Christiaens excused at this time.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

1/29/1999

**HB 69**, introduced by McCann

**HB 203**, introduced by Shockley

**HB 209**, introduced by J. Shockley

**HB 233**, introduced by T. Schmidt

**HB 257**, introduced by C. Younkin



SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

**HB 319**, introduced by R. Dale  
**HB 357**, introduced by J. Cobb

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 338**, introduced by K. Mesaros, J. Hertel, E. Swanson, referred to Fish and Game.  
**SB 339**, introduced by K. Mesaros, J. Hertel, E. Swanson, referred to Fish and Game.  
**SB 340**, introduced by K. Mesaros, J. Hertel, E. Swanson, referred to Fish and Game.  
**SB 341**, introduced by K. Mesaros, J. Hertel, E. Swanson, referred to Fish and Game.  
**SB 342**, introduced by D. Hargrove, C. Ahner, S. Anderson, J. Barnett, T. Beck, D. Berry, J. Bohlinger, C. Christiaens, V. Cocchiarella, M. Cole, B. Crippen, R. Dale, B. DePratu, G. Devlin, S. Doherty, D. Eck, A. Ellis, E. Franklin, L. Grinde, L. Grosfield, M. Halligan, J. Harp, J. Hertel, C. Hibbard, R. Holden, R. Jabs, M. McCann, L. McCulloch, W. McNutt, J. Mercer, K. Mesaros, A. Mohl, L. Nelson, K. Ohs, J. Quilici, S. Rose, G. Roush, D. Shea, P. Sliter, M. Sprague, S. Stang, E. Swanson, C. Swysgood, B. Tash, M. Taylor, J. Tester, F. Thomas, M. Waterman, B. Wilson, C. Younkin, referred to Agriculture, Livestock and Irrigation.  
**SB 343**, introduced by C. Swysgood, C. Ahner, S. Anderson, T. Beck, A. Curtiss, R. Dale, G. Devlin, D. Grimes, L. Grosfield, G. Masolo, B. Pavlovich, J. Quilici, B. Rehbein, B. Tash, referred to Natural Resources.  
**SB 344**, introduced by C. Swysgood, C. Ahner, S. Anderson, T. Beck, A. Curtiss, R. Dale, G. Devlin, D. Grimes, L. Grosfield, G. Masolo, B. Pavlovich, B. Rehbein, B. Tash, referred to Natural Resources.  
**SB 345**, introduced by D. Shea, C. Ahner, S. Anderson, G. Beck, T. Beck, R. Bitney, R. Clark, W. Crismore, R. Dale, B. DePratu, G. Devlin, S. Gallus, D. Grimes, L. Grosfield, D. Hargrove, J. Harp, T. Keating, S. Kitzenberg, J. Lynch, G. Masolo, W. McNutt, S. Orr, B. Pavlovich, J. Quilici, S. Rose, P. Sliter, M. Sprague, S. Stang, B. Story, C. Swysgood, B. Tash, F. Thomas, J. Witt, referred to Natural Resources.  
**SB 346**, introduced by D. Hargrove, referred to Highways and Transportation.  
**SB 347**, introduced by S. Stang, referred to Business and Industry.  
**SB 348**, introduced by S. Bartlett, L. Grosfield, referred to Judiciary.  
**SB 349**, introduced by C. Christiaens, E. Bergsagel, D. Berry, A. Bishop, V. Cocchiarella, S. Doherty, J. Ellingson, L. Grinde, M. Halligan, J. Harp, J. McKenney, W. McNutt, K. Ohs, F. Thomas, referred to Business and Industry.  
**SB 350**, introduced by D. Mahlum, referred to Local Government.  
**SB 351**, introduced by G. Jergeson, T. Beck, D. Mahlum, B. Pavlovich, S. Rose, S. Stang, referred to Business and Industry.  
**SB 352**, introduced by D. Mahlum, T. Beck, M. Halligan, G. Jergeson, J. Lynch, S. Rose, referred to State Administration.  
**SB 353**, introduced by E. Franklin, J. Bohlinger, S. Doherty, D. Eck, K. Galvin-Halcro, L. Grosfield, G. Gutsche, H. Harper, C. Hibbard, B. Raney, L. Soft, referred to Finance and Claims.  
**SB 354**, introduced by A. Mohl, referred to Highways and Transportation.  
**SB 355**, introduced by A. Mohl, referred to Finance and Claims.  
**SB 356**, introduced by A. Mohl, referred to State Administration.  
**SB 357**, introduced by S. Stang, referred to Judiciary.

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

**HB 69**, introduced by M. McCann (by request of the Legislative Finance Committee), referred to Finance and Claims.  
**HB 203**, introduced by J. Shockley, referred to Judiciary.

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

**HB 209**, introduced by J. Shockley, referred to Judiciary.

**HB 233**, introduced by T. Schmidt, J. Bohlinger, referred to Judiciary.

**HB 257**, introduced by C. Younkin, A. Bishop, J. Cobb, D. Eck, D. Ewer, D. Grimes, G. Gutsche, D. Hargrove, H. Harper, J. Hurdle, S. Stang, B. Tash, referred to Judiciary.

**HB 319**, introduced by R. Dale, C. Ahner, D. Fuchs, P. Sliter, B. Tash, referred to Public Health, Welfare and Safety.

**HB 357**, introduced by J. Cobb, referred to Judiciary.

**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 Glaser in the chair.

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

**SB 133** - Senator Cole moved SB 133, second reading copy, be amended as follows :

1. Page 6, line 6.

**Following:** "~~and~~"

**Insert:** "and"

2. Page 6, line 7 and line 8.

**Strike:** "is" on line 7 through ";" on line 8

3. Page 6, line 9.

**Strike:** "(c)"

Amendment **adopted** unanimously.

**SB 133** - Senator Hertel moved SB 133, second reading copy, be further amended as follows :

1. Title, line 16.

**Strike:** "ON CERTAIN HIGHWAYS"

2. Page 6, line 6.

**Following:** "~~and~~"

**Insert:** "and"

3. Page 6, line 7.

**Following:** "highways"

**Insert:** "and completed sections of primary and secondary highways"

4. Page 6, line 8 through line 11.

**Strike:** ";" on line 8 through "3]" on line 11

Amendment **failed** as follows:

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

Yeas: Beck, Berry, Bishop, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Harp, Hertel, McNutt, Mesaros, Mohl, Swysgood, Thomas, Toews, Wells.

Total 18

Nays: Bartlett, Bohlinger, Cocchiarella, Cole, Crismore, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Hargrove, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Wilson, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: Christiaens, Holden, Jabs, Miller, Waterman.

Total 5

**SB 133** - Senator Taylor moved SB 133, second reading copy, be further amended as follows :

1. Page 3, line 4.

**Following:** "hour"

**Strike:** "at all times"

**Insert:** "during the daytime and 55 miles an hour during the nighttime"

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Ellingson, Glaser, Grimes, Halligan, Hargrove, Keating, Keenan, Taylor, Tester, Wells, Wilson.

Total 13

Nays: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Grosfield, Harp, Hertel, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Thomas, Toews, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: Christiaens, Holden, Jabs, Miller, Waterman.

Total 5

**SB 133** - Senator A. Mohl moved SB 133, as amended, do pass. Motion carried as follows:

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

Total 43

Nays: Toews, Wells.

Total 2

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

Absent or not voting: None.  
Total 0

Excused: Christiaens, Holden, Jabs, Miller, Waterman.  
Total 5

**SB 56, House Amendments** - Senator B. McCarthy moved House Amendments to SB 56 be concurred in. Motion carried unanimously.

**SB 79, House Amendments** - Senator C. Swysgood moved House Amendments to SB 79 be concurred in. Motion carried unanimously.

**SB 99** - Senator J. Tester moved SB 99 do pass. Motion carried unanimously.

**SB 114** - Senator F. Thomas moved SB 114 do pass. Motion carried unanimously.

Senator Ellis excused at this time.

**SB 180** - Senator J. Hertel moved SB 180 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Crismore, Eck, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Lynch, Mahlum, McCarthy, Mesaros, Mohl, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Wilson, Mr. President.  
Total 29

Nays: Cole, DePratu, Devlin, Doherty, Ekegren, Ellingson, Grosfield, Jergeson, Keating, Keenan, McNutt, Nelson, Roush, Taylor, Wells.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Christiaens, Ellis, Holden, Jabs, Miller, Waterman.  
Total 6

**SB 207** - Senator G. Roush moved SB 207 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Wells, Wilson, Mr. President.  
Total 40

Nays: DePratu, Keenan, Taylor, Toews.  
Total 4

Absent or not voting: None.  
Total 0

SENATE JOURNAL  
TWENTY-FOURTH LEGISLATIVE DAY - JANUARY 30, 1999

Excused: Christiaens, Ellis, Holden, Jabs, Miller, Waterman.  
Total 6

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Glaser 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, February 1, 1999. Motion carried.

Senate adjourned at 11:28 a.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate