

**SENATE JOURNAL  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 4, 1999

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Pro Tempore Beck 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 twenty-seventh legislative day, find the same to be correct.

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/4/1999  
Correctly printed: SB 154, SB 197, SB 225, SB 274, SB 296, SB 317, SB 369, SB 370, SB 371, SB 372, SB 373, SB 374, SB 375, SB 376, SB 377, SB 378, SB 379, SB 380.  
Correctly engrossed: SB 82, SB 117, SB 118, SB 219.  
Examined by the sponsor and found to be correct: SB 56, SR 2.  
Signed by the Secretary of Senate at 3:55 p.m., February 3, 1999: SR 2.  
Signed by the President at 4:00 p.m., February 3, 1999: SR 2.  
Delivered to the Secretary of State at 4:21 p.m., February 3, 1999: SR 2.  
Signed by the Secretary of Senate at 8:15 a.m., February 4, 1999: SB 56.  
Signed by the President at 8:45 a.m., February 4, 1999: SB 56.  
Signed by the Speaker at 10:12 a.m., February 4, 1999: SB 56.  
Delivered to the Governor for his approval at 10:30 a.m., February 4, 1999: SB 56.

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Jabs, Chairman): 2/4/1999  
**HB 254**, be concurred in. Report adopted.  
**HB 284**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Sprague, Chairman): 2/3/1999  
**SB 233**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Title, line 6.

**Strike:** "AND A RETROACTIVE APPLICABILITY DATE"

3. Page 2, line 30.

**Following:** "either a"

**Insert:** "full-time"

4. Page 3, line 1.

**Following:** "each"

**Insert:** "full-time"

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5. Page 3, line 2.

**Following:** "a"

**Insert:** "full-time"

6. Page 3, line 3.

**Following:** "each"

**Insert:** "full-time"

7. Page 3, line 5.

**Following:** "a"

**Insert:** "full-time"

8. Page 3, line 6.

**Following:** "each"

**Insert:** "full-time"

9. Page 3.

**Following:** line 7

**Insert:** "(ii) A county attorney who is a part-time official for a county of the first, second, or third class is entitled to receive an increase in salary equal to 60% of the increase in salary that a full-time attorney is entitled to for the same number of years of service pursuant to subsection (3)(d)(i). A county attorney who is a part-time official for a county of the fourth, fifth, sixth, or seventh class is entitled to receive an increase in salary equal to 50% of the increase in salary that a full-time attorney is entitled to for the same number of years of service pursuant to subsection (3)(d)(i)."

**Renumber:** subsequent subsection

10. Page 4, line 22.

**Strike:** "1999"

**Insert:** "2000"

11. Page 4, line 24 and line 25.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**SB 269**, do pass. Report adopted.

**SJR 7**, be adopted. Report adopted.

**NATURAL RESOURCES** (Crismore, Chairman):

2/4/1999

**SB 216**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Bishop, Chairman):

2/4/1999

**SB 81**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "PROGRAM;"

**Insert:** "PROHIBITING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FROM USING FUNDS APPROPRIATED FOR THE PROGRAM TO EXPAND MEDICAID ELIGIBILITY"

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CRITERIA;"

2. Title, line 7.

**Strike:** "OF PUBLIC HEALTH AND HUMAN SERVICES"

**Insert:** "TO ALTER ELIGIBILITY REQUIREMENTS IF FUNDING IS INSUFFICIENT; ALLOWING THE DEPARTMENT"

3. Title, line 10 through line 11.

**Following:** "PROGRAM;"

**Strike:** "AMENDING" on line 10 through ";" on line 11

**Insert:** "REQUIRING THAT RULES BE REVIEWED BY AN APPROPRIATE INTERIM COMMITTEE; REQUIRING THAT EXCESS FUNDS BE DEPOSITED INTO THE GENERAL FUND;"

**Following:** "DATE" on line 11

**Insert:** "AND A CONTINGENT TERMINATION PROVISION"

4. Page 1, line 27.

**Following:** "children."

**Insert:** "The department may not use money appropriated for this program to expand eligibility criteria for the Montana medicaid program."

5. Page 2, line 2.

**Following:** "(b)"

**Insert:** "except as provided in subsection (4),"

6. Page 2.

**Following:** line 11

**Insert:** "(4) If the department determines that there is insufficient funding for the program, it may lower the percentage of the federal poverty level established in subsection (1)(b) in order to reduce the number of persons who may be eligible to participate."

7. Page 2, line 16.

**Following:** "physician"

**Insert:** "and advanced practice registered nurse"

8. Page 2, line 28.

**Strike:** "an"

**Strike:** "company"

**Insert:** "companies"

**Strike:** "entity"

**Insert:** "entities"

9. Page 3, line 9.

**Following:** "rules"

**Insert:** "-- review by interim committee"

10. Page 3.

**Following:** line 23

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**Insert:** "(4) Rules adopted by the department pursuant to [sections 4 and 8] must be presented to and reviewed by an appropriate interim committee that examines issues related to children and families."

11. Page 4, line 3 through page 7, line 5.

**Strike:** section 10 in its entirety

**Insert:** "NEW SECTION. **Section 10. Excess funds to general fund.** Any funds appropriated for the program that remain unexpended at the end of the biennium must be transferred to the general fund."

12. Page 7.

**Following:** line 11

**Insert:** "NEW SECTION. **Section 13. Contingent termination.** (1) [This act] terminates on the date that the director of the department of public health and human services certifies to the governor that the federal government has terminated the program or that federal funding for the program has been discontinued.

(2) The governor shall transmit a copy of the certification to the code commissioner.

(3) Any excess funds remaining upon the termination of the program must be transferred to the general fund."

And, as amended, do pass. Report adopted.

**SJR 5**, introduced joint resolution, be amended as follows:

1. Page 1, line 16 through line 17.

**Strike:** lines 16 and 17 in their entirety

2. Page 1, line 29 through line 30.

**Strike:** subsection 2 in its entirety

**Renumber:** subsequent subsection

And, as amended, be adopted. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/3/1999

**HB 10**, introduced by J. Quilici

**HB 12**, introduced by J. Quilici

**HB 17**, introduced by B. Lawson

**HB 23**, introduced by S. Kitzenberg

**HB 141**, introduced by T. Hagener

**HB 150**, introduced by R. Menahan

**HB 211**, introduced by R. Johnson

**HB 217**, introduced by S. Rose

**HB 218**, introduced by S. Rose

**HB 219**, introduced by S. Rose

**HB 337**, introduced by E. Bergsagel

**HB 390**, introduced by B. Lawson

**MOTIONS**

**SB 142** - Senator Bartlett moved that SB 142 be taken from the second reading board this legislative day and

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rereferred to the Committee on Finance and Claims. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following introduced bills have been **rereferred**:

**SB 353**, introduced by E. Franklin, **rereferred** to the Public Health, Welfare and Safety Committee from the Finance and Claims Committee.

**HB 111**, introduced by M. Guggenheim, **rereferred** to the Public Health, Welfare and Safety Committee from the Judiciary Committee.

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

**SB 381**, introduced by D. Grimes, A. Bishop, M. Hanson, C. Hibbard, B. McCarthy, B. Tash, M. Taylor, referred to Fish and Game.

**SB 382**, introduced by S. Bartlett, A. Bishop, D. Ewer, H. Harper, G. Roush, referred to Local Government.

**SB 383**, introduced by D. Hargrove, C. Ahner, T. Beck, D. Berry, J. Bohlinger, S. Bookout-Reinicke, C. Christiaens, V. Cocchiarella, W. Crismore, B. DePratu, D. Eck, E. Franklin, D. Grimes, L. Grosfield, T. Hagener, J. Hertel, C. Hibbard, R. Jabs, S. Kitzenberg, D. Mahlum, J. Mangan, W. McNutt, K. Mesaros, K. Ohs, M. Sprague, S. Stang, B. Tash, J. Tester, F. Thomas, M. Waterman, D. Wyatt, C. Younkin, referred to State Administration.

**SB 384**, introduced by K. Mesaros, R. Peck, S. Rose, referred to Agriculture, Livestock and Irrigation.

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

**HB 10**, introduced by J. Quilici (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 12**, introduced by J. Quilici (by request of the Department of Environmental Quality and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 17**, introduced by B. Lawson, referred to Local Government.

**HB 23**, introduced by S. Kitzenberg, referred to Highways and Transportation.

**HB 141**, introduced by T. Hagener (by request of the Secretary of State), referred to State Administration.

**HB 150**, introduced by R. Menahan (by request of the Secretary of State), referred to Business and Industry.

**HB 211**, introduced by R. Johnson, referred to Local Government.

**HB 217**, introduced by S. Rose, referred to Agriculture, Livestock and Irrigation.

**HB 218**, introduced by S. Rose, referred to Agriculture, Livestock and Irrigation.

**HB 219**, introduced by S. Rose, referred to Agriculture, Livestock and Irrigation.

**HB 337**, introduced by E. Bergsagel, J. Lynch, W. McNutt, J. Quilici, F. Thomas, B. Wilson, referred to Business and Industry.

**HB 390**, introduced by B. Lawson, referred to Business and Industry.

**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:

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**SB 197** passed as follows:

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

Total 41

Nays: Devlin, Holden, Keenan, Mesaros, Mohl, Swysgood, Taylor, Toews, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 225** passed as follows:

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

Total 42

Nays: Devlin, Holden, Keenan, Mesaros, Mohl, Swysgood, Taylor, Toews.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 274** passed as follows:

Yeas: 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, 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 48

Nays: Bartlett, Jergeson.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**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 Christiaens in the chair.

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

**SB 246** - Senator Mahlum moved SB 246 do pass. Motion carried unanimously.

**SB 288** - Senator Nelson moved SB 288 do pass. Motion carried unanimously.

**SB 291** - Senator Crismore moved SB 291 do pass. Motion carried unanimously.

**SB 36** - Senator Bartlett moved SB 36, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Following:** "LIABILITY FOR"

**Insert:** "UNINSURED"

2. Page 1, line 12.

**Following:** "~~or~~"

**Insert:** "uninsured"

3. Page 1, line 13.

**Strike:** "A"

**Following:** "oral surgeon"

**Insert:** "An uninsured"

4. Page 1, line 20.

**Following:** "oral surgeon"

**Insert:** "uninsured"

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Lynch, McCarthy, Nelson, Shea, Waterman, Wilson.

Total 16

Nays: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Mr. President.

Total 34

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 36** - Senator Keenan moved SB 36 do pass. Motion carried unanimously.

**SB 75** - Senator Halligan moved SB 75 do pass. Motion carried unanimously.

**SB 163** - Senator B. Wilson moved SB 163, second reading copy, be amended as follows:

1. Page 2, line 5.

**Strike:** "OR"

**Following:** "hunting" on line 5

**Insert:** ", or horseback riding"

Amendment **adopted** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Harp, Hertel, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Swysgood, Taylor, Tester, Waterman, Wilson, Mr. President.  
Total 36

Nays: Cole, Devlin, Doherty, Glaser, Hargrove, Holden, Jergeson, Mesaros, Mohl, Sprague, Stang, Thomas, Toews, Wells.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 163** - Senator D. Mahlum moved SB 163, as amended, do pass. After discussion, Senator Mahlum made a substitute motion that SB 163 be passed for the day. Motion carried.

**SB 203** - Senator Bartlett moved SB 203 do pass. Motion carried unanimously.

**SB 221** - Senator S. Doherty moved SB 221 do pass. Motion carried unanimously.

**SB 74** - Senator K. Miller moved SB 74 do pass. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Christiaens, DePratu, Doherty, Ellis, Franklin, Glaser, Grimes, Grosfield, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Sprague, Thomas, Toews, Wells, Wilson, Mr. President.  
Total 24

Nays: Bartlett, Beck, Bishop, Cocchiarella, Cole, Crismore, Devlin, Eck, Ekegren, Ellingson, Halligan, Hargrove, Harp, Hertel, Jergeson, Lynch, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Waterman.  
Total 26



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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 74** - Senator Lynch moved that SB 74 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ellingson, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, McCarthy, McNutt, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Waterman.  
Total 32

Nays: Bohlinger, Christiaens, Doherty, Ekegren, Ellis, Franklin, Grosfield, Holden, Keating, Keenan, Mahlum, Mesaros, Miller, Sprague, Toews, Wells, Wilson, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 108** - Senator D. Berry moved SB 108 do pass. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Beck in the chair. Chairman Christiaens moved the Committee of the Whole report be adopted. Report adopted.

**MOTIONS**

**SB 100** - Senator Harp moved that Bohlinger, Cole, Crippen, Crismore, DePratu, Devlin, Ellis, Grosfield, Hargrove, Hertel, Johnson, Kitzenberg, Mahlum, Masolo, McNutt, Noennig, Ohs, Swysgood, and F. Thomas, be added as sponsors to SB 100. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:30 p.m., Friday, February 5, 1999. Motion carried.

Senate adjourned at 2:57 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate