

**SENATE JOURNAL  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 6, 1999

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Mesaros and Taylor, excused. Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/6/1999  
Correctly printed: SB 154, SB 215, SB 227, SB 232, SB 234, SB 236, SB 257, SB 272, SB 276, SB 290, SB 296, SB 326, SB 385, SB 386, SB 387, SB 388, SB 389, SB 390, SB 391, HB 93.  
Correctly engrossed: SB 103, SB 107, SB 163, SB 186, SB 258, SB 289, SB 304.  
Correctly enrolled: SB 93.  
Signed by the Secretary of Senate at 3:44 a.m., February 5, 1999: SB 7, SB 26.  
Examined by the sponsor and found to be correct: SB 93.  
Signed by the President at 8:50 a.m., February 6, 1999: SB 7, SB 26.

**JUDICIARY** (Grosfield, Chairman): 2/5/1999  
**SB 319**, introduced bill, be amended as follows:

1. Title, line 5.  
**Following:** "DISCOUNTS"  
**Insert:** "OR RATING OR PREMIUM REDUCTIONS"
2. Page 2, line 21.  
**Following:** "discounts"  
**Insert:** "or rating or premium reductions"
3. Page 4, line 7.  
**Following:** "discounts"  
**Insert:** "or rating or premium reductions"

And, as amended, do pass. Report adopted.

**LEGISLATIVE ADMINISTRATION** (T. Beck, Chairman) 2/6/1999

**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, February 6, 1999:

TITLE NAME

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Pages: Trampus Conaster  
Kyrie Marks  
Joe Youngberg  
Kelcy Bradley  
Nicki Christiaens  
Mike Cocchiarella  
Bridget Martin  
Heidi Eck

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

TITLE

NAME

Pages: Tucker Kalberg, Billings, MT  
Carius Steward, Great Falls, MT  
Shana Berry, Helena, MT  
Corey Shott, Missoula, MT  
Ryan Heimbuch, Glendive, MT  
Abby Sather, Kalispell, MT  
Clancy Casey, East Helena, MT  
Kelly Seilstad, Denton, MT

Report Adopted.

**MESSAGES FROM THE OTHER HOUSE**

House bills passed and transmitted to the Senate for concurrence:

2/6/1999

**HB 89**, introduced by M. Guggenheim  
**HB 103**, introduced by R. Peck  
**HB 132**, introduced by B. Kasten  
**HB 204**, introduced by J. Shockley  
**HB 205**, introduced by B. Tash  
**HB 231**, introduced by J. Witt  
**HB 296**, introduced by J. Shockley  
**HB 301**, introduced by M. McCann  
**HB 346**, introduced by B. Raney  
**HB 361**, introduced by J. Shockley  
**HB 371**, introduced by J. Cobb  
**HB 392**, introduced by B. Tash

House joint resolution passed and transmitted to the Senate for concurrence:

2/6/1999

**HJR 2**, introduced by B. Story

**MOTIONS**

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**SB 382** - Senator Bartlett moved that T. Beck, G. Beck, Bohlinger, Hibbard and Waterman be added as sponsors to SB 382. Motion carried.

**SB 382** - Senator Bartlett moved that SB 382 be taken from the Committee on Local Government and rereferred to the Committee on State Administration. Motion carried.

**SB 360** - Senator Crismore moved that SB 360 be taken from the Committee on Natural Resources and rereferred to the Committee on Business and Industry. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 392**, introduced by R. Holden, referred to Agriculture, Livestock and Irrigation.

**SB 393**, introduced by M. Waterman, referred to Education and Cultural Resources.

**SB 394**, introduced by J. Tester, M. Guggenheim, referred to Agriculture, Livestock and Irrigation.

**SB 395**, introduced by M. Halligan, A. Bishop, J. Bohlinger, L. Nelson, referred to Ethics.

**SB 396**, introduced by S. Bartlett, referred to Business and Industry.

**SB 397**, introduced by S. Stang, referred to Highways and Transportation.

**SB 398**, introduced by J. Bohlinger, referred to Public Health, Welfare and Safety.

**SB 399**, introduced by R. Jabs, referred to Public Health, Welfare and Safety.

**SB 400**, introduced by R. Holden, S. Kitzenberg, referred to State Administration.

**SB 401**, introduced by R. Holden, T. Beck, M. Cole, G. Devlin, P. Ekegren, B. Glaser, G. Jergeson, W. McNutt, B. Story, J. Tester, D. Toews, T. Zook, referred to Agriculture, Livestock and Irrigation.

**SB 402**, introduced by S. Stang, referred to Judiciary.

**SB 403**, introduced by S. Stang, referred to Judiciary.

**SB 404**, introduced by W. McNutt, S. Bartlett, T. Beck, A. Bishop, J. Bohlinger, B. Crippen, B. DePratu, G. Devlin, S. Doherty, P. Ekegren, D. Grimes, L. Grosfield, M. Halligan, D. Hargrove, J. Harp, R. Holden, R. Jabs, J. Lynch, D. Mahlum, K. Mesaros, A. Mohl, B. Rehbein, P. Sliter, M. Sprague, M. Taylor, F. Thomas, B. Wilson, referred to Judiciary.

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

**SR 3**, introduced by L. Grosfield (by request of Senate Judiciary Standing Committee), referred to Judiciary.

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

**HB 132**, introduced by B. Kasten (by request of Department of Revenue), referred to Taxation.

**HB 204**, introduced by J. Shockley, referred to Judiciary.

**HB 205**, introduced by B. Tash, referred to Local Government.

**HB 301**, introduced by M. McCann, J. Hertel, B. Lawson, R. Peck, B. Rehbein, S. Stang, B. Story, J. Tester, F. Thomas, D. Toews, referred to Education and Cultural Resources.

**HB 371**, introduced by J. Cobb, referred to Judiciary.

**HB 392**, introduced by B. Tash, V. Cocchiarella, B. McCarthy, K. Ohs, referred to Natural Resources.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the

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following manner:

**SB 154** passed as follows:

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

Total 45

Nays: Bishop, Glaser, Miller.

Total 3

Absent or not voting: None.

Total 0

Excused: Mesaros, Taylor.

Total 2

**SB 163** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mohl, Roush, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Wilson, Mr. President.

Total 35

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Glaser, Grosfield, Keenan, Miller, Nelson, Sprague, Toews, Waterman, Wells.

Total 14

Paired: Taylor, Aye; Ellingson, No.

Absent or not voting: None.

Total 0

Excused: Mesaros.

Total 1

**SB 215** passed as follows:

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

Total 34

Nays: Beck, Christiaens, Crismore, DePratu, Devlin, Eck, Harp, Holden, Keating, Keenan, Mohl, Sprague, Swysgood, Toews.

Total 14

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Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 227** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 232** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 234** passed as follows:

Yeas: Berry, Bohlinger, Cole, DePratu, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Keenan, Mahlum, McNutt, Mesaros, Mohl, Sprague, Swysgood, Taylor, Tester, Thomas, Wilson, Mr. President.  
Total 27

Nays: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, Crismore, Devlin, Doherty, Eck, Ellingson, Holden, Jergeson, Keating, Lynch, McCarthy, Miller, Nelson, Roush, Shea, Stang, Toews, Waterman, Wells.

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Total 23

Paired: Mesaros, Taylor, Ayes; Eck, McCarthy, Noes.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 236** passed as follows:

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

Total 39

Nays: Crismore, DePratu, Glaser, Holden, Keating, Keenan, Miller, Toews, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: Mesaros, Taylor.

Total 2

**SB 257** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Mesaros, Taylor.

Total 2

**SB 272** passed as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Halligan, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews,

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Wells, Wilson, Mr. President.  
Total 41

Nays: Bartlett, Bishop, Grimes, Grosfield, Hargrove, Harp, Waterman.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 276** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 290** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**SB 296** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin,

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Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mesaros, Taylor.  
Total 2

**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 McNutt in the chair.

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

**SB 317** - Senator T. Beck moved SB 317 do pass. Motion carried unanimously.

**SB 82** - Senator S. Doherty moved SB 82 do pass. Motion carried unanimously.

**SB 117** - Senator F. Thomas moved SB 117, second reading copy, be amended as follows :

1. Page 20, line 6.

**Following:** "72."

**Insert:** "or to provide relevant and necessary information to other public entities"

Amendment **adopted** unanimously.

**SB 117** - Senator F. Thomas moved SB 117, as amended, do pass. Motion carried unanimously.

**SB 118** - Senator F. Thomas moved SB 118 do pass. Motion carried unanimously.

**SB 216** - Senator C. Swysgood moved SB 216, second reading copy, be amended as follows:

1. Page 5, line 16.

**Strike:** "1W"

**Insert:** "1E"

Amendment **adopted** unanimously.

**SB 216** - Senator C. Swysgood moved SB 216, as amended, do pass. Motion carried unanimously.



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**SB 269** - Senator D. Toews moved SB 269 do pass. Motion carried unanimously.

**SB 295** - Senator S. Doherty moved SB 295 do pass. Motion carried unanimously.

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

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

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

**MOTIONS**

Senator Harp moved that the Senate proceed to the House of Representatives for the purpose of receiving the State of Education address, and further moved that upon adjournment of the joint session, the Senate would adjourn until 1:00 p.m., Monday, February 8, 1999. Motion carried.

Senate adjourned at 9:50 a.m.

**SPECIAL ORDERS OF THE DAY**

Sergeant-at-arms Nancy Meuli escorted the Senate into the House Chamber.

Speaker Mercer introduced President Crippen and yielded the chair to him.

Senate Majority Leader Harp moved that the body resolve itself into a joint session for the purpose of receiving the State of Education Address from the Superintendent of Public Instruction and the Commissioner of Higher Education. Motion carried.

Senate Majority Leader Harp moved that the President appoint an escort committee of four to notify the Superintendent of Public Instruction and the Commissioner of Higher Education that we are in joint session and ready to receive the State of Education Address.

The President appointed Senator Debbie Shea, Senator Daryl Toews, Representative Gay Ann Masolo and Representative Dan Harrington and discharged them to escort the Superintendent and Commissioner to the House Chamber.

The committee escorted the Superintendent and Commissioner into the chambers.

The Hawthorne Children's Choir from Bozeman, under the direction of Liza Smania, entertained the joint session with two vocal numbers.

President Crippen introduced Nancy Keenan, Superintendent of Public Instruction, who then gave the State of the Education Address.

Ms. Keenan introduced the 1999 Teacher of the Year, Mr. Terry Beaver, advanced biology teacher at Helena High School, who spoke on his life as a teacher and the rewards of the profession.

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President Crippen introduced Dr. Richard Crofts, Commissioner of Higher Education, who gave a brief overview of the higher education program in Montana and the steps the Board of Regents has taken in response to criticism of the 55th Legislature.

Dr. Crofts introduced Dr. Gregory Francis, Professor of Physics, MSU, Bozeman. Dr. Francis gave a short talk on motivating students, his experiences in teaching, and the enjoyment he experiences teaching in Montana.

The escort committee escorted the Superintendent of Public Instruction, the Commissioner of Higher Education and other dignitaries from the joint session.

Senate Majority Leader Harp moved that the joint session be adjourned. Motion carried.

Joint session adjourned at 11:20 a.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate