

**SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana
February 9, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Miller, excused. Quorum present.

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

Thomas, Majority Whip

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/9/1999
Correctly printed: SB 103, SB 107, SB 186, SB 249, SB 289, SB 304, SB 319, SB 326, SB 392, SB 393, SB 394, SB 395, SB 396, SB 397, SB 398, SB 399, SB 400, SB 401, SB 402, SB 403, SB 404, SB 405, SB 406, SB 407, SB 408, SB 409, SB 410, SB 411, SB 412, SB 413, SJR 5, SJR 7, SJR 8, SR 3, HB 29, HB 35, HB 55.

Correctly engrossed: SB 170, SB 260, SB 273.

Correctly enrolled: SB 4, SB 28, SB 30, SB 34, SB 51, SB 62, SB 106, SB 141.

Examined by the sponsor and found to be correct: SB 4, SB 28, SB 30, SB 34, SB 51, SB 62, SB 106, SB 141.

Signed by the Speaker at 10:45 a.m., February 9, 1999: SB 7, SB 17, SB 26, SB 50, SB 93.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman): 2/9/1999
SB 299, do pass. Report adopted.
SB 325, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "ACCLAMATION"

Insert: "WHEN NO OTHER REASON FOR THE ELECTION EXISTS"

2. Page 1, line 11.

Following: "elected"

Insert: "and there is no other reason for the election"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman): 2/8/1999
SR 3, be adopted. Report adopted.

STATE ADMINISTRATION (Cole, Chairman): 2/8/1999
SB 352, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "KOREAN"

Insert: "CONFLICT"

(new amendment to reflect amendments in catchline of section, (per clerical)

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Page 2, line 1

Following: "Korean"

Insert: "conflict"

2. Page 2, lines 2 and 5.

Following: "Korean"

Insert: "conflict"

And, as amended, do pass. Report adopted.

HB 36, be concurred in. Report adopted.

HB 66, be amended as follows:

1. Page 1, line 17.

Strike: "the following:"

2. Page 1, line 18.

Strike: "(a)"

Strike: "; or"

Insert: "."

3. Page 1, lines 19 and 20.

Strike: subsection (3)(b) in its entirety

And, as amended, be concurred in. Report adopted.

HB 175, be concurred in. Report adopted.

HB 194, be concurred in. Report adopted.

HB 197, be amended as follows:

1. Page 1, line 15.

Following: " ; "

Insert: "or"

2. Page 1, lines 16 and 17.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

TAXATION (Devlin, Chairman):

2/9/1999

HB 82, be amended as follows:

1. Title, line 8.

Strike: "FILING"

Insert: "SUBMISSION"

And, as amended, be concurred in. Report adopted.

HB 137, be concurred in. Report adopted.

HB 138, be concurred in. Report adopted.

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

HB 139, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

February 8, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 194** sponsored by Senator Halligan et al on February 5, 1999 and **Senate Bill 56** sponsored by Senator B. McCarthy, et al on February 8, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/8/1999

HB 300, introduced by K. Ohs
HB 306, introduced by S. Anderson
HB 331, introduced by C. Ahner
HB 344, introduced by B. Raney
HB 348, introduced by T. Facey
HB 391, introduced by D. Hedges
HB 421, introduced by C. Younkin

MOTIONS

SB 55 - Senator Taylor moved consideration of SB 55 be placed below SB 47 on the second reading board this legislative day. Motion carried.

SB 342 - Senator Hargrove moved that Jergeson be added as sponsor to SB 342. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 414, introduced by S. Stang, referred to Business and Industry.
SB 415, introduced by R. Jabs, referred to Local Government.
SB 416, introduced by L. Grosfield (by request of the Senate Judiciary Standing Committee), referred to Judiciary.
SB 417, introduced by M. Waterman, referred to Local Government.
SB 418, introduced by C. Swysgood, S. Anderson, T. Beck, J. Cobb, M. Cole, R. Dale, G. Devlin, A. Ellis, L.

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Grinde, L. Grosfield, J. Hertel, J. Holden, R. Jabs, M. McCann, K. Mesaros, D. Mood, L. Nelson, K. Ohs, S. Rose, B. Story, B. Tash, L. Taylor, B. Thomas, J. Witt, referred to Fish and Game.

SB 419, introduced by D. Shea, V. Cocchiarella, S. Gallus, D. Harrington, J. Lynch, C. Williams, referred to Business and Industry.

SB 420, introduced by D. Mahlum, referred to Highways and Transportation.

SB 421, introduced by D. Mahlum, referred to Highways and Transportation.

SB 422, introduced by D. Toews, R. Peck, referred to Education and Cultural Resources.

SB 423, introduced by D. Mahlum, referred to Local Government.

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

HB 300, introduced by K. Ohs, referred to Local Government.

HB 306, introduced by S. Anderson, referred to Business and Industry.

HB 331, introduced by C. Ahner, referred to Natural Resources.

HB 344, introduced by B. Raney, J. Bohlinger, referred to Fish and Game.

HB 348, introduced by T. Facey, L. McCulloch, M. Halligan, referred to Education and Cultural Resources.

HB 391, introduced by D. Hedges, referred to Agriculture, Livestock and Irrigation.

HB 421, introduced by C. Younkin, referred to Business and Industry.

**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 Taylor in the chair.

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

SB 20 - House Amendments - Senator D. Shea moved House amendments to SB 20 be **not** concurred in. Motion carried unanimously.

SB 47 - Senator C. Swysgood moved SB 47 do pass. Motion carried as follows:

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

Total 41

Nays: Bartlett, Ellingson, Franklin, Halligan, Jergeson, Shea, Stang, Waterman.

Total 8

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

Senator Devlin assumed the chair.

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

SB 55 - House Amendments - Senator M. Taylor moved House amendments to SB 55 be concurred in. Motion carried unanimously.

SB 170 - Senator M. Taylor moved SB 170 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ellis, Grimes, Grosfield, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McNutt, Mesaros, Sprague, Swysgood, Taylor, Thomas, Toews, Wilson, Mr. President.

Total 27

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Halligan, Hargrove, Keenan, Lynch, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Tester, Waterman, Wells.

Total 22

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

Senator Taylor resumed the chair.

SB 249 - Senator T. Beck requested SB 249 be moved to the bottom of the second reading board for purpose of amendment. Request granted.

SB 273 - Senator R. Jabs moved SB 273 do pass. Motion carried unanimously.

HB 29 - Senator D. Grimes moved HB 29 be concurred in. Motion carried unanimously.

HB 30 - Senator Ekegren moved HB 30 be concurred in. Motion carried unanimously.

HB 35 - Senator Crismore moved HB 35 be concurred in. Motion carried unanimously.

HB 51 - Senator L. Nelson moved HB 51 be concurred in. Motion carried unanimously.

HB 80 - Senator T. Beck moved HB 80 be concurred in. Motion carried unanimously.

HB 254 - Senator R. Holden moved HB 254 be concurred in. Motion carried unanimously.

HB 284 - Senator L. Grosfield moved HB 284 be concurred in. Motion carried 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

SB 249 - Senator T. Keating moved SB 249 do pass. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 31

Nays: Bartlett, Beck, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Jergeson, Lynch, McCarthy, Shea, Stang, Tester, Waterman, Wilson.
Total 18

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Taylor 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 103 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, Mohl, Nelson, Roush, 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: Miller.
Total 1

SB 107 passed as follows:

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

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

Total 39

Nays: Devlin, Glaser, Grimes, Grosfield, Keenan, Mohl, Swysgood, Taylor, Toews, Wells.

Total 10

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

SB 186 passed as follows:

Yeas: Bartlett, Beck, Berry, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson.

Total 37

Nays: Bishop, Bohlinger, Cocchiarella, Doherty, Eck, Ellingson, McCarthy, Mesaros, Mohl, Shea, Waterman, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

SB 258 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, Mohl, Nelson, Roush, 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: Miller.

Total 1

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

SB 289 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, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Devlin, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

SB 304 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, Mohl, Nelson, Roush, 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: Miller.

Total 1

SB 319 passed as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 27

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Jergeson, Lynch, McCarthy, Mesaros, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 22

Absent or not voting: None.

Total 0

Excused: Miller.

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Total 1

SB 326 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, Mohl, Nelson, Roush, 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: Miller.

Total 1

SJR 5 adopted 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Keenan, Toews.

Total 2

Absent or not voting: None.

Total 0

Excused: Miller.

Total 1

SJR 7 adopted as follows:

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

Total 43

Nays: DePratu, Ellis, Holden, Keenan, Toews, Wells.

Total 6

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Absent or not voting: None.
Total 0

Excused: Miller.
Total 1

HB 55 concurred in 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, Mohl, Nelson, Roush, 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: Miller.
Total 1

SPECIAL ORDERS OF THE DAY

A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA

WHEREAS, Nadia Ben-Youseff, an esteemed resident of Sidney, Montana and a freshman at Sidney Senior High School, has achieved national recognition for exemplary volunteer service by receiving a 1999 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Miss Ben-Youseff earned this award by giving generously over \$6,000 to various children's charities from royalties earned from her poems written over many years and published in book form; and

WHEREAS, the success of the State of Montana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Nadia Ben-Youseff who use their considerable talents and resources to serve others, the Montana State Legislature is pleased to recognize and honor her talents and generosity.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA;

That the congratulations of all Montanans be extended to Nadia Ben-Youseff as a recipient of a Prudential Spirit of

SENATE JOURNAL
THIRTY-SECOND LEGISLATIVE DAY - FEBRUARY 9, 1999

Community Award, recognizes her outstanding record of volunteer service, peer leadership and community spirit, and extends best wishes for her continued success and happiness.

REPRESENTATIVE BILL REHBEIN
House District 100

SENATOR WAL MCNUTT
Senate District 50

REP. JOHN MERCER,
Speaker of the House

SEN. BRUCE CRIPPEN
President of the Senate

Senator McNutt moved the Joint Proclamation be approved. Motion carried 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, Mohl, Nelson, Roush, 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: Miller.
Total 1

MOTIONS

SB 186 - Senator Halligan moved he be allowed to change his vote on SB 186, third reading this legislative day, from nay to yea. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 12:30 p.m., Wednesday, February 10, 1999. Motion carried.

Senate adjourned at 3:10 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate