

**SENATE JOURNAL
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana
February 10, 1999

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

The Custer County District High School Chorale from Miles City, Montana, under the direction of Terry Annalora, entertained the Senate with two vocal numbers. Senator Devlin stated the choral group was one of five choirs from the Northwest United States chosen to perform at the northwest Music Educators Conference in Portland, Oregon.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

Correctly printed: SB 47, SB 170, SB 249, SB 273, SB 299, SB 414, SB 415, SB 416, SB 417, SB 418, SB 419, SB 420, SB 421, SB 422, SB 423, SR 3, HB 29, HB 30, HB 35, HB 36, HB 51, HB 80, HB 137, HB 138, HB 139, HB 175, HB 194, HB 254, HB 284.

Correctly engrossed: SB 323, SB 325, SB 352, HB 66, HB 82, HB 197.

Correctly enrolled: SB 6, SB 76.

Examined by the sponsor and found to be correct: SB 6, SB 76.

Signed by the Secretary of Senate at 2:40 p.m., February 9, 1999: SB 17, SB 50, SB 93.

Signed by the Secretary of Senate at 1:05 p.m., February 10, 1999: SB 4, SB 28, SB 30, SB 34, SB 51, SB 62, SB 106, SB 141.

Signed by the President at 10:30 a.m., February 10, 1999: SB 4, SB 28, SB 30, SB 34, SB 51, SB 62, SB 106, SB 141.

Delivered to the Governor for his approval at 3:35 p.m., February 9, 1999: SB 7, SB 17, SB 26, SB 50, SB 93.

FINANCE AND CLAIMS (Swysgood, Chairman):

2/10/1999

SB 301, introduced bill, be amended as follows:

1. Title, line 6.

Following: "UNIVERSITY-NORTHERN;"

Insert: "ALLOWING MONTANA STATE UNIVERSITY-NORTHERN TO USE THE APPROPRIATION TO ESTABLISH A TRUST FUND PRIOR TO TERMINATION;"

2. Title, line 7.

Strike: "A DELAYED"

Strike: "DATE"

Insert: "DATES AND A TERMINATION DATE"

3. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 15-38-202, MCA, is amended to read:

"15-38-202. (Temporary) Investment of resource indemnity trust fund -- expenditure -- minimum

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balance. (1) All money paid into the resource indemnity trust fund, including money payable into the fund under the provisions of 15-36-324 and 15-37-117, must be invested at the discretion of the board of investments. Only the net earnings may be appropriated and expended until the fund reaches \$100 million. Thereafter, all net earnings and all receipts may be appropriated by the legislature and expended, provided that the balance in the fund may never be less than \$100 million.

(2) (a) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund:

(i) \$240,000, which is statutorily appropriated, as provided in 17-7-502, from the renewable resource grant and loan program state special revenue account to support the operations of the environmental science-water quality instructional programs at Montana state university-northern, to be used for support costs, for matching funds necessary to attract additional funds to further expand statewide impact, and for enhancement of the facilities related to the programs; Any amount of the appropriation in this subsection (2)(a)(i) that is not pledged to repay bonds issued prior to January 1, 1999, may be deposited in a nonexpendable trust account, the income from which may be used for the purposes provided in this subsection.

(ii) \$1 million to be deposited into the renewable resource grant and loan program state special revenue account, created by 85-1-604, for the purpose of making grants; and

(iii) \$1.5 million to be deposited into the reclamation and development grants special revenue account, created by 90-2-1104, for the purpose of making grants.

(b) At the beginning of each biennium, there is allocated from the interest income of the resource indemnity trust fund:

(i) an amount not to exceed \$175,000 to the environmental contingency account pursuant to the conditions of 75-1-1101;

(ii) an amount not to exceed \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161; and

(iii) \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631.

(c) The remainder of the interest income is allocated as follows:

(i) Thirty-six percent of the interest income of the resource indemnity trust fund must be allocated to the renewable resource grant and loan program state special revenue account created by 85-1-604.

(ii) Eighteen percent of the interest income of the resource indemnity trust fund must be allocated to the hazardous waste/CERCLA special revenue account provided for in 75-10-621.

(iii) Forty percent of the interest income from the resource indemnity trust fund must be allocated to the reclamation and development grants account provided for in 90-2-1104.

(iv) Six percent of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the legislature or the executive branch that proposes to appropriate funds other than as provided for by the allocations in subsection (2) must specify the amount of money from each allocation that is proposed to be diverted and the proposed use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or recommendation, an introduced bill, or a bill developed during the legislative appropriation process or otherwise during a legislative session.

15-38-202. (Effective July 1, 1999) Investment of resource indemnity trust fund -- expenditure -- minimum balance. (1) All money paid into the resource indemnity trust fund, including money payable into the fund under the provisions of 15-36-324 and 15-37-117, must be invested at the discretion of the board of investments. Only the net earnings may be appropriated and expended until the fund reaches \$100 million. Thereafter, all net earnings and all receipts may be appropriated by the legislature and expended, provided that the balance in the fund may never be less than \$100 million.

(2) (a) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund:

(i) \$240,000, which is statutorily appropriated, as provided in 17-7-502, from the renewable resource grant and loan program state special revenue account to support the operations of the environmental science-water quality

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instructional programs at Montana state university-northern, to be used for support costs, for matching funds necessary to attract additional funds to further expand statewide impact, and for enhancement of the facilities related to the programs; Any amount of the appropriation in this subsection (2)(a)(i) that is not pledged to repay bonds issued prior to January 1, 1999, may be deposited in a nonexpendable trust account, the income from which may be used for the purposes provided in this subsection.

(ii) \$1 million to be deposited into the renewable resource grant and loan program state special revenue account, created by 85-1-604, for the purpose of making grants; and

(iii) \$1.5 million to be deposited into the reclamation and development grants special revenue account, created by 90-2-1104, for the purpose of making grants.

(b) At the beginning of each biennium, there is allocated from the interest income of the resource indemnity trust fund:

(i) an amount not to exceed \$175,000 to the environmental contingency account pursuant to the conditions of 75-1-1101;

(ii) an amount not to exceed \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161; and

(iii) \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631.

(c) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund up to \$200,000 to be deposited in the orphan share account established in 75-10-743.

(d) The remainder of the interest income is allocated as follows:

(i) Thirty-six percent of the interest income of the resource indemnity trust fund must be allocated to the renewable resource grant and loan program state special revenue account created by 85-1-604.

(ii) Eighteen percent of the interest income of the resource indemnity trust fund must be allocated to the hazardous waste/CERCLA special revenue account provided for in 75-10-621.

(iii) Forty percent of the interest income from the resource indemnity trust fund must be allocated to the reclamation and development grants account provided for in 90-2-1104.

(iv) Six percent of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the legislature or the executive branch that proposes to appropriate funds other than as provided for by the allocations in subsection (2) must specify the amount of money from each allocation that is proposed to be diverted and the proposed use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or recommendation, an introduced bill, or a bill developed during the legislative appropriation process or otherwise during a legislative session."

Renumber: subsequent sections

4. Page 6, line 4.

Strike: "date"

Insert: "dates"

Strike: "[This act] is "

Insert: "(1) [Section 1 and this section] are"

Strike: "2000"

Insert: "1999"

5. Page 6, line 5.

Insert: "(2) [Sections 2 and 3] are effective July 1, 2014."

Insert: "NEW SECTION. Section 5. Termination. [Section 1] terminates June 30, 2014."

And, as amended, do pass. Report adopted.

SB 323, introduced bill, be amended as follows:

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1. Page 1, line 15 through page 1, line 16.

Following: "care" on line 15

Strike: "that" on page 1, line 15 through "1999" on page 1, line 16

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

2/9/1999

SB 348, introduced bill, be amended as follows:

1. Page 3, line 2.

Strike: "civil offense"

Insert: "municipal infraction"

2. Page 3, line 27.

Strike: "offense"

Insert: "infraction"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):

2/10/1999

SB 229, introduced bill, be amended as follows:

1. Title, line 4 and line 5.

Strike: "AMENDING" through "CONTRACTS;"

2. Title, page 1, line 6 through line 13.

Following: "CLASSIFICATIONS;" on line 6

Strike: remainder of line 6 through "CIRCUMSTANCES;" on line 13

Strike: "SECTIONS" on line 13

Insert: "SECTION"

Following: "18-2-401,"

Strike: "18-2-407, 18-2-411, AND 18-2-422,"

3. Page 4, line 2 through page 5, line 20.

Strike: section 2 through section 4 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 242, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "MORE THAN ONE"

Insert: "AN"

2. Title, page 1, line 5.

Following: "UNDER"

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Strike: "A"

Insert: "FEWER THAN TWO"

Following: "LICENSED"

Strike: "JOURNEYMAN OR MASTER ELECTRICIAN"

Insert: "JOURNEYMEN OR MASTER ELECTRICIANS OR A COMBINATION"

3. Title, lines 6 and 7.

Strike: "REQUIRING" on line 6

Insert: "ALLOWING"

Following: "UNDER" on line 6

Strike: remainder of line 6 through "ELECTRICIAN" on line 7

Insert: "FEWER THAN TWO JOURNEYMEN OR MASTER ELECTRICIANS OR A COMBINATION"

4. Page 1, line 13.

Strike: "journeyman or master electrician"

Insert: "licensed journeymen or master electricians"

5. Page 1, line 15.

Strike: "a journeyman or master electrician"

Insert: "journeymen or master electricians"

6. Page 1, line 19 through line 21.

Following: "(2)"

Strike: remainder of line 19 through "electrician" on line 21

Insert: "An apprentice may not work in the electrical trade under fewer than two journeymen electricians, two master electricians, or a combination. A state agency may not allow an apprentice to work under fewer than two journeymen electricians, two master electricians, or a combination"

7. Page 2, line 6.

Following: "supervision of"

Strike: "a"

8. Page 2, lines 7.

Strike: "journeyman or master electrician"

Insert: "journeymen or master electricians"

And, as amended, do pass. Report adopted.

SB 245, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "PROVIDE"

Insert: "LIVE-IN"

2. Page 2, line 24.

Following: "provide"

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Insert: "live-in"

And, as amended, do pass. Report adopted.

TAXATION (Devlin, Chairman):

2/10/1999

SB 111, introduced bill, be amended as follows:

1. Title, line 5.

Following: "EXEMPTING"

Insert: "ALL"

Following: "PROPERTY"

Insert: ", EXCEPT THAT SPECIFICALLY TAXED,"

2. Title, lines 6 and 7.

Following: "TAXATION;" on line 6

Insert: "EXEMPTING THE FIRST \$1 MILLION OF VALUE OF TAXABLE INTANGIBLE PROPERTY;"

Strike: "SECTIONS" on line 6 through "20-15-403" on line 7

Insert: "SECTION 15-6-201"

Strike: "REPEALING SECTIONS 15-6-204 AND 15-8-403, MCA;" on line 7

3. Page 1, line 12.

Strike: the second "Intangible"

Insert: "Except as specifically provided in subsection (2), intangible"

4. Page 1, line 14.

Strike: "For the purposes of this section,"

Insert: "The following"

Strike: "includes but"

Strike: "not limited to"

Insert: "taxable"

5. Page 1, line 15 through line 17.

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

Renumber: subsequent subsections

6. Page 1, lines 19 and 20.

Strike: subsections (d) and (e) in their entirety

Renumber: subsequent subsections

7. Page 1, line 22.

Strike: subsection (g) in its entirety

Renumber: subsequent subsections

8. Page 1, line 23.

Following: "licenses"

Insert: ", other than those granted by a government,"

9. Page 1, line 24.

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Following: "title;"

Insert: "and"

10. Page 1, lines 27 and line 28.

Strike: "; and" on line 27 through the second "rights" on line 28

11. Page 1, line 29 through page 2, line 4.

Following: "(3)"

Strike: "(a)" on line 29 through "property." on page 2, line 4

Insert: "The first \$1 million or less of value of taxable intangible property owned by a taxpayer is exempt from taxation."

12. Page 2, line 6 through page 8, line 15.

Strike: section 2 through section 10 in their entirety

Insert: "**Section 2.** Section 15-6-201, MCA, is amended to read:

"15-6-201. Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes;

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- (l) all watercraft;
 - (m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;
 - (n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;
 - (o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and
(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;
 - (p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;
 - (q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.
 - (r) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:
 - (i) construct, repair, and maintain improvements to real property; or
 - (ii) repair and maintain machinery, equipment, appliances, or other personal property;
 - (s) harness, saddlery, and other tack equipment;
 - (t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;
 - (u) timber as defined in 15-44-102;
 - (v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;
 - (w) all vehicles registered under 61-3-456;
 - (x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and
(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i); ~~and~~
(y) motorcycles and quadricycles; and
(z) the first \$1 million or less of value of taxable intangible personal property as provided in [section 1].
- (2) (a) For the purposes of subsection (1)(e), the term "institutions of purely public charity" includes any organization that meets the following requirements:
- (i) The organization qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 - (ii) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.
 - (b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and

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personal property owned by other persons is exempt if it is:

- (i) actually used by the governmental entity or nonprofit organization as a part of its public display;
- (ii) held for future display; or
- (iii) used to house or store a public display.

(3) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

- (a) \$20,000 in the case of a single-family residential dwelling;
- (b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/9/1999

HB 56, introduced by R. Menahan

HB 118, introduced by D. Mood

HB 119, introduced by D. Mood

HB 142, introduced by S. Anderson

HB 228, introduced by D. Ewer

HB 310, introduced by B. Molnar

HB 405, introduced by D. Fuchs

MOTIONS

SB 20 - Senator Harp moved the President be authorized to appoint a Conference Committee to meet with a like committee from the House on SB 20. Motion carried. The president appointed the following members:

Senator McNutt, Chairman

Senator Beck

Senator Shea.

SB 278-287 - Senator Bohlinger moved that SB 278 through SB 287 be taken from the committee on Local Government and rereferred to the committee on Finance and Claims so they may join SB 277 in that committee. These bills are the funding mechanism for the Housing Trust contained in SB 277. Motion carried.

SB 323 - Senator Swysgood moved SB 323 be taken from the second reading board and rereferred to the committee on Public Health, Welfare and Safety. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 424, introduced by V. Cocchiarella, referred to Taxation.

SB 425, introduced by B. Wilson, referred to Labor and Employment Relations.

SB 426, introduced by M. Sprague, referred to Taxation.

SB 427, introduced by M. Sprague, referred to Highways and Transportation.

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SB 428, introduced by S. Stang, referred to Education and Cultural Resources.

SB 429, introduced by D. Shea, referred to Highways and Transportation.

SB 430, introduced by G. Roush, R. Brown, E. Clark, G. Devlin, P. Ekegren, J. Ellingson, D. Hedges, J. Holden, G. Jergeson, C. Juneau, T. Keating, R. Lenhart, W. McNutt, L. Nelson, S. Rose, F. Smith, D. Toews, J. Witt, referred to Business and Industry.

SB 431, introduced by V. Cocchiarella, C. Christiaens, J. Cobb, J. Ellingson, T. Facey, G. Gutsche, L. McCulloch, S. Stang, J. Tester, referred to State Administration.

SB 432, introduced by F. Thomas, T. Beck, V. Cocchiarella, A. Ellis, S. Gallus, K. Gillan, L. Grosfield, J. Harp, C. Hibbard, T. Keating, B. Keenan, B. Lawson, B. McCarthy, W. McNutt, R. Menahan, D. Mood, B. Pavlovich, D. Shea, P. Sliter, E. Swanson, J. Tropila, M. Waterman, B. Wilson, referred to Labor and Employment Relations.

SB 433, introduced by D. Eck, B. Barnhart, E. Swanson, referred to Public Health, Welfare and Safety.

SB 434, introduced by M. Waterman, C. Ahner, S. Bartlett, T. Beck, B. Crippen, S. Doherty, S. Gallus, D. Hargrove, D. Harrington, J. Hertel, J. Lynch, K. Mesaros, D. Mood, J. Quilici, M. Taylor, referred to State Administration.

SB 435, introduced by M. Waterman, referred to Judiciary.

SB 436, introduced by M. Halligan, referred to Business and Industry.

SB 437, introduced by M. Halligan, referred to Business and Industry.

SB 438, introduced by C. Christiaens, D. Hargrove, referred to Public Health, Welfare and Safety.

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

SJR 9, introduced by M. Cole, C. Ahner, S. Bartlett, G. Jergeson, B. Rehbein, M. Taylor, referred to Business and Industry.

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

HB 56, introduced by R. Menahan, referred to State Administration.

HB 118, introduced by D. Mood (by request of the Teachers' Retirement Board), referred to State Administration.

HB 119, introduced by D. Mood (by request of the Public Employees' Retirement Board), referred to State Administration.

HB 142, introduced by S. Anderson (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

HB 228, introduced by D. Ewer, M. Lindeen, referred to Local Government.

HB 310, introduced by B. Molnar, K. Miller, B. Raney, B. Rehbein, referred to Education and Cultural Resources.

HB 405, introduced by D. Fuchs, referred to Taxation.

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 47 passed as follows:

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

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

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Total 11

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 55, as amended by the House, passed as follows:

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

Total 45

Nays: Doherty, Ellingson, Franklin, Nelson.

Total 4

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 170, passed as follows:

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

Total 32

Nays: Bartlett, Christiaens, Cocchiarella, Eck, Ellingson, Franklin, Hargrove, Keenan, Lynch, McCarthy, Miller, Mohl, Nelson, Shea, Tester, Waterman, Wells.

Total 17

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 249 passed as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 273 passed as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.

Total 1

HB 29 concurred in as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.

Total 1

HB 30 concurred in as follows:

Yeas: Bartlett, Beck, 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, Roush, Shea,

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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: Berry.
Total 1

HB 35 concurred in as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.
Total 1

HB 51 concurred in as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.
Total 1

HB 80 concurred in as follows:

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

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Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Berry.
Total 1

HB 254 concurred in as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.
Total 1

HB 284 concurred in as follows:

Yeas: Bartlett, Beck, 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, 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: Berry.
Total 1

SECOND READING OF BILLS

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(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 Sprague in the chair.

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

SB 81 - Senator J. Harp moved SB 81 do pass. Motion carried as follows:

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

Total 41

Nays: Beck, Devlin, Keating, Keenan, Miller, Swysgood, Toews, Wells.

Total 8

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

SB 299 - Senator J. Hertel moved SB 299 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 Sprague moved the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Harp moved the Senate proceed to the House of Representatives for the purpose of receiving the State of Indian Nations Address, and further that the Senate be adjourned until 1:00 p.m. Thursday, February 11, 1999, the 34th legislative day. Motion carried.

SPECIAL ORDERS OF THE DAY

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

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

Majority Leader Harp moved that the body resolve itself into a joint session for the purpose of receiving the State of Indian Nations Address from George Heavy Runner, Secretary of the Tribal Council of the Blackfeet Nation.

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Motion carried.

Majority Leader Harp moved that the president be authorized to appoint a committee of four to notify the secretary of the tribal Council of the Blackfeet Nation that we are in joint session and ready to receive the State of Indian Nations Address. Motion carried.

President Crippen appointed Senator Jabs, Senator Roush, Representative Stovall and Representative Juneau and discharged the committee to escort the secretary and dignitaries into the house chambers.

Sergeants-at-arms Cramer and Meuli escorted the committee and the Secretary of the Tribal council of the Blackfeet Nation and dignitaries to the rostrum.

After the Pledge of Allegiance, President Crippen introduced the Northern Cheyenne Singers, who then performed an honor song paying tribute to all legislators and dignitaries.

President Crippen introduced "Tony" Awtin Incashola, Director of the Salish and Kootenai Cultural Committee, who gave the invocation.

President Crippen introduced the representatives of the seven Indian Nations, and thanked each in their native language for their participation. He then introduced George Heavy Runner, Secretary of the Tribal Council of the Blackfeet Nation, who then gave the State of Indian Nations Address.

President Crippen introduced Burton Pretty On Top, Spiritual Leader of the Crow Nation, who performed a traditional pipe ceremony honoring and blessing all members of the joint session and the people in the gallery.

The escort committee escorted the Secretary of the Tribal Council of the Blackfeet Nation and the Representatives of the other Indian Nations from the joint session.

Majority Leader Harp moved that the joint session of the 56th Legislature be adjourned. Motion carried.

Joint Session adjourned at 3:21 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate