

**SENATE JOURNAL
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana
February 19, 1999

Senate Chambers
State Capitol

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

Roll Call. All members present except Senators Halligan and Keenan, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/19/1999
Correctly printed: SB 183, SB 351, SB 364, SB 371, SB 380, SB 381, SB 394, SB 398, SB 426, SB 428, SB 438, SB 439, SB 513, SJR 4.
Correctly engrossed: SB 265, SB 323, SB 353, SB 367, SB 384, SB 388, SB 390, SB 393, SB 468, SB 469, SB 477.

BUSINESS AND INDUSTRY (Hertel, Chairman): 2/18/1999
SB 409, introduced bill, be amended as follows:

Title, page 1, line 5.

Following: "DATE"

Insert: "AND AN APPLICABILITY PROVISION" (clerical to reflect amendment 14)

1. Page 3, line 4 through line 5.

Strike: "by" on line 4 through "supplier" on line 5

Insert: "to"

2. Page 3, line 5 through line 6.

Strike: third "electricity" through "supplier" on line 6

Insert: "distribution system"

3. Page 3, line 9.

Strike: "50"

Insert: "25"

4. Page 5, line 22.

Strike: "**Electricity supplier**"

Insert: "Distribution services provider"

Strike: "An electricity supplier"

Insert: "A distribution services provider"

5. Page 5, line 25.

Strike: "or the local governing body"

6. Page 5, line 30.

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Strike: "cost of purchasing and installing an additional meter is"
Insert: "costs of net metering are"

7. Page 6, line 1.

Strike: "electricity supplier"
Insert: "distribution services provider"

8. Page 6, line 3 through line 4.

Following: "class" on line 3
Strike: "but" on line 3 through "the" on line 4
Insert: ". The"

9. Page 6, line 4 through line 5.

Following: "commission"
Strike: "or" on line 4 through "determines" on line 5
Insert: "shall determine"
Strike: "that"
Insert: "if"

10. Page 6, line 6.

Strike: "electricity supplier"
Insert: "distribution services provider"

11. Page 7, line 6.

Strike: "or the local governing body"

12. Page 7, line 7.

Strike: "or bylaw"

13. Page 7, line 10 through 14.

Strike: subsection (3) in its entirety

14. Page 7, following line 14.

Insert: "NEW SECTION. Section 6. Applicability. [Sections 1 through 5] do not apply to corporations organized under Title 35, chapter 18."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 419, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 9.

Strike: "PROVIDING " on line 4 through "MCA" on line 9
Insert: "CLARIFYING THAT CERTAIN PUBLICLY OWNED LICENSES ARE ELIGIBLE FOR GAMBLING ACTIVITIES; PROVIDING THAT LESSEES OF LICENSES ISSUED TO AIRPORT AUTHORITIES AND PUBLIC GOLF COURSES ARE ALSO ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; CLARIFYING THAT OWNERS OF RESORT LICENSES ARE ELIGIBLE TO OFFER CERTAIN GAMBLING ACTIVITIES; AMENDING SECTION 23-5-119, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

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2. Page 1, line 13 through page 2, line 29.

Strike: everything after the enacting clause

Insert: "Section 1. Section 23-5-119, MCA, is amended to read:

"23-5-119. Appropriate alcoholic beverage license for certain gambling activities. (1) Except as provided in subsection (3), to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises; ~~or~~

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202; or

(f) a retail all-beverages license issued under 16-4-208.

(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, parts 3, 5, or 6."

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective upon passage and approval."

And, as amended, do pass. Report adopted.

SB 430, do pass. Report adopted.

SB 459, introduced bill, be amended as follows:

1. Page 3, line 22.

Strike: "city"

Insert: "class two or smaller city or town"

2. Page 6, following line 17.

Insert: "(6) The amount of a grant may not exceed \$500,000."

And, as amended, do pass. Report adopted.

SB 470, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

2/19/1999

SB 421, introduced bill, be amended as follows:

1. Page 3, line 26.

Following: "transportation,"

Insert: "commerce, outdoor advertising,"

2. Page 4, line 16.

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Strike: "assurances"

Insert: "a methodology"

3. Page 4, line 25.

Strike: "assessing the degree to which"

4. Page 4, line 26.

Strike: "if a plan is adopted by the locality"

Insert: "including that the plan"

5. Page 4, line 27.

Strike: "indicates that the plan"

6. Page 5, line 13.

Strike: "new"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

2/18/1999

SB 443, introduced bill, be amended as follows:

1. Title, line 9.

Following: "19-5-301,"

Insert: "39-71-2904,"

2. Page 6, line 10.

Insert: "**Section 13.** Section 39-71-2904, MCA, is amended to read:

"**39-71-2904. Direct appeal to appellate court or supreme court.** Notwithstanding 2-4-701 through 2-4-704, an appeal from a final decision of the workers' compensation judge ~~shall~~ must be filed ~~directly~~ with the appellate court or the supreme court of Montana in the manner provided by law for appeals from the district court in civil cases."

Renumber: subsequent sections

3. Page 6, line 28.

Strike: "18"

Insert: "19"

And, as amended, do pass. Report adopted.

SB 472, introduced bill, be amended as follows:

1. Title, line 5.

Following: "45-8-302,"

Insert: "45-8-305,"

2. Title, page 6.

Following: "SECTIONS"

Strike: "45-8-305,"

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3. Page 1, line 11.

Strike: "~~45-8-304~~"

Insert: "45-8-305"

4. Page 1, line 16.

Following: "through"

Strike: "~~45-8-304,~~"

Insert: "through 45-8-305"

5. Page 1, line 24.

Insert: "**Section 3.** Section 45-8-305, MCA, is amended to read:

"45-8-305. Presumption of offensive or aggressive purpose. Possession or use of a machine gun shall must be presumed to be for an offensive or aggressive purpose:

~~_____ (1) when the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;~~

~~_____ (2) when the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any court of record, state or federal, in the United States of America or its territories or insular possessions;~~

~~_____ (3) when the machine gun is of the kind described in 45-8-309 and has not been registered as required in that section; or~~

~~_____ (4) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of being used in the machine gun are found in the immediate vicinity thereof. "~~

Renumber: subsequent sections

6. Page 1, line 26.

Strike: "~~45-8-304~~"

Insert: "45-8-305"

7. Page 2, line 7.

Following: "~~or~~"

Insert: "of a silencer that is not registered under federal law or"

8. Page 2, line 11.

Following: "Sections"

Strike: "45-8-305,"

And, as amended, do pass. Report adopted.

SB 481, do pass. Report adopted.

SB 486, introduced bill, be amended as follows:

1. Page 4, line 13 through line 14.

Strike: "**Parenting and visitation matters between natural parent and third party**"

Insert: "**Rights of parents and children -- policy -- findings**"

2. Page 4, line 19 through line 20.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

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3. Page 4, line 21.

Following: "finds"

Insert: ":

(a)"

4. Page 4, line 23.

Following: "parenthood"

Strike: ". A"

Insert: "; and

(b) that a"

5. Page 4, line 25.

Following: "when"

Strike: "any of the following exist:"

Insert: "the parent's conduct is contrary to the child-parent relationship."

6. Page 4, line 26 through page 5, line 13.

Strike: line 26 on line 4 through page 5, line 13

Insert: "NEW SECTION. Section 4. Parenting and visitation matters between natural parent and third party. (1) In cases when a nonparent seeks a parental interest in or visitation with a child, the provisions of this chapter apply unless a separate action is pending under Title 41, chapter 3.

(2) A court may award a parental interest to a person other than a natural parent when it is shown by clear and convincing evidence that:

(a) the natural parent has engaged in conduct that is contrary to the child-parent relationship; and

(b) the nonparent has established with the child a child-parent relationship, as defined in 40-4-211, and it is in the best interests of the child to continue that relationship.

(3) For purposes of an award of visitation rights under this section, a court may order visitation based on the best interests of the child.

(4) For purposes of this section, voluntarily permitting a child to remain continuously in the care of others for a significant period of time so that the others stand in loco parentis to the child is conduct that is contrary to the parent-child relationship.

(5) It is not necessary for the court to find a natural parent unfit before awarding a parental interest to a third party under this section."

Renumber: subsequent section

7. Page 5, line 15.

Strike: "[Section 3] is"

Insert: "[Sections 3 and 4] are"

8. Page 5, line 17.

Strike: "[section 3]"

Insert: "[sections 3 and 4]"

And, as amended, do pass. Report adopted.

SB 503, introduced bill, be amended as follows:

1. Page 1, line 18 through line 19.

Following: "together." on line 18

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Strike: remainder of line 18 through "guilty." on line 19

And, as amended, do pass. Report adopted.

SB 505, introduced bill, be amended as follows:

1. Title, line 6.

Following: "DISTRIBUTION"

Insert: "AND ACCOUNTABILITY"

2. Page 7, line 4.

Following: "distribution"

Insert: "and accountability"

And, as amended, do pass. Report adopted.

SB 506, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "COVER"

Insert: "PROVIDE FOR"

2. Page 6, line 24 and line 26.

Strike: "cover" in both places

Insert: "provide for"

And, as amended, do pass. Report adopted.

SB 507, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "COVER"

Insert: "PROVIDE FOR"

2. Page 6, line 23 and line 25.

Strike: "cover"

Insert: "provide for"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):

2/19/1999

SB 466, do pass. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):

2/19/1999

SB 264, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Following: first "COUNTY" on line 4

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Strike: the remainder of line 4 through "AREAS" on line 5

2. Title, line 6.

Strike: "IN ADDITION TO STRUCTURES"

Insert: "WITHIN FIRE SERVICE AREAS"

Strike: "SECTIONS"

Insert: "SECTION"

3. Title, line 7.

Strike: "7-33-2209 AND"

4. Page 1, line 11 through line 21.

Strike: section 1 in its entirety

Renumber: subsequent sections

5. Page 1, line 24.

Strike: "(a)"

6. Page 1, line 26.

Following: "shall"

Insert: ": (a)"

7. Page 1, line 27.

Strike: ". "

Insert: "; or (b) establish a schedule of fees to be assessed on all rural real property that is in the fire service area and that receives fire protection benefits. The fee must be approved by a majority of the qualified electors in the fire service area."

8. Page 1, line 28 through page 2, line 2.

Strike: page 1, line 28 through page 2, line 2 in their entirety

9. Page 2, line 3.

Following: "structures"

Insert: "or to all rural real property"

10. Page 2, line 5.

Following: "shall"

Insert: ", if authorized as provided by law,"

11. Page 2, line 6.

Strike: "and"

Insert: "or"

And, as amended, do pass. Report adopted.

SB 366, introduced bill, be amended as follows:

1. Page 2, line 27.

Following: "department."

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Insert: "Subject to the limitation provided in [section 6], a county plan submitted under this section must identify the maximum projected costs of the program on an annual basis."

2. Page 2, line 30.

Following: "."

Insert: "The owner of a mobile home park may request the county to remove a mobile home by providing the county with proof of notice to the owner of the mobile home and any lienholder that the mobile home park owner considers the mobile home abandoned and intends to pursue the disposal of the mobile home, as provided for in [sections 1 through 6], and by paying all costs incurred by the county associated with the removal, recycling, and disposal of the mobile home."

3. Page 3, line 2.

Following: "home"

Strike: ", less" through "materials,"

4. Page 3, line 23.

Following: "exceed"

Strike: "20%"

Insert: "10%"

5. Page 3, line 27.

Following: "vehicles"

Insert: "or abandoned or deserted mobile homes,"

6. Page 3, line 28.

Strike: "or"

Following: "junk vehicle"

Insert: "or abandoned or deserted mobile home"

Following: "material"

Insert: ", from any reimbursements from owners of mobile home parks made in accordance with [section 4],"

Following: the first "and"

Insert: "from"

And, as amended, do pass. Report adopted.

SB 500, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "PROVIDING A CONTINGENT VOIDNESS PROVISION"

2. Page 1, line 15.

Following: "4%"

Insert: "at least 4% but no more than"

3. Page 1, line 17.

Strike: "10%"

Insert: "4%"

4. Page 1, line 18.

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Strike: "["

5. Page 1, line 19.

Strike: "]"

6. Page 1, line 27.

Strike: "10%"

Insert: "4%"

Following: ", the city"

Insert: "or town"

7. Page 1, line 28.

Strike: "["

Strike: "]"

8. Page 1, line 29.

Following: "town."

Insert: "When the fund contains an amount that is less than 10% of the taxable valuation of all taxable property in the city or town, the city or town council may, if authorized by the voters, levy an annual special tax of not less than 1 mill and not more than 4 mills on each dollar of taxable valuation."

9. Page 2, line 1 through page 2, line 3.

Strike: section 3 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 504, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 18, 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 6** sponsored by Senator D. Hargrove, **Senate Bill 21** sponsored by Senator D. Shea, **Senate Bill 28** sponsored by Senator B. DePratu, **Senate Bill 30** sponsored by Senator D. Hargrove, **Senate Bill 62** sponsored by Senator B. Keenan, **Senate Bill 76** sponsored by Senator T. Beck, **Senate Bill 77** sponsored by Senator B. Keenan, and **Senate Bill 106** sponsored by Senator P. Ekegren on February 18, 1999.

Sincerely,

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MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence: 2/18/1999

HB 241, introduced by B. Ryan
HB 362, introduced by T. Schmidt
HB 379, introduced by B. Tash
HB 411, introduced by D. Ewer
HB 454, introduced by L. Soft
HB 480, introduced by R. Johnson
HB 502, introduced by K. Ohs
HB 514, introduced by R. Somerville
HB 571, introduced by M. McCann
HB 581, introduced by J. Cobb

House joint resolutions passed and transmitted to the Senate for concurrence: 2/18/1999

HJR 20, introduced by J. Quilici
HJR 21, introduced by B. Lawson

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 2/18/1999

SB 171, introduced by Mesaros

House bills passed and transmitted to the Senate for concurrence: 2/19/1999

HB 130, introduced by B. Story
HB 314, introduced by B. Raney
HB 326, introduced by M. Brainard
HB 444, introduced by B. Thomas
HB 458, introduced by K. Ohs
HB 482, introduced by J. Mangan
HB 485, introduced by S. Anderson
HB 486, introduced by S. Anderson
HB 487, introduced by S. Anderson
HB 488, introduced by D. Wagner
HB 528, introduced by C. Juneau
HB 533, introduced by S. Gallus
HB 534, introduced by S. Gallus
HB 539, introduced by P. Sliter
HB 551, introduced by J. Cobb
HB 557, introduced by D. Ewer
HB 583, introduced by B. Thomas
HB 584, introduced by C. Juneau

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

2/19/1999

HJR 22, introduced by G. Masolo

MOTIONS

SB 372 - Senator Doherty moved consideration of SB 372 be passed until the forty-third legislative day, February 22, 1999, due to Senator Halligan's excused absence. Motion carried.

SB 443 - Senator Grosfield moved that SB 443 be taken from the second reading board and rereferred to the committee on Finance and Claims. Motion carried.

SB 198 - Senator Grosfield moved that SB 198 be taken from the committee on Judiciary and rereferred to the committee on Finance and Claims. Motion carried.

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 183 passed as follows:

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

Total 46

Nays: Glaser, Toews.

Total 2

Absent or not voting: None

Excused: Halligan, Keenan.

Total 2

SB 351 passed as follows:

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

Total 44

Nays: Bartlett, Grimes, Miller, Wilson.

Total 4

Absent or not voting: None.

Total 0

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Excused: Halligan, Keenan.
Total 2

SB 364 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 371 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 380 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 47

Nays: Waterman.
Total 1

Absent or not voting: None.

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Total 0

Excused: Halligan, Keenan.

Total 2

SB 381 passed as follows:

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

Total 44

Nays: Beck, Cole, Devlin, Swysgood.

Total 4

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 394 passed as follows:

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

Total 43

Nays: Devlin, Miller, Mohl, Swysgood, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 428 passed as follows:

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

Total 47

Nays: Wilson.

Total 1

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Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 438 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 439 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, 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: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SJR 4 adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Swysgood.

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Total 1

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

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 Mesaros in the chair.

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

SB 386 - Senator D. Mahlum moved SB 386 do pass. Motion carried unanimously.

SB 263 - Senator R. Holden moved SB 263 do pass. Senator B. DePratu stated a possible conflict of interest in SB 263 as he sells original auto body parts. Senator Holden's motion **failed** as follows:

Yeas: Berry, Bishop, DePratu, Ellis, Hargrove, Holden, Jabs, Mahlum, McNutt, Sprague, Thomas, Toews, Waterman, Wells, Mr. President.

Total 15

Nays: Bartlett, Beck, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Harp, Hertel, Jergeson, Keating, Lynch, McCarthy, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Wilson.

Total 33

Absent or not voting: None.

Total 0

Excused: Halligan, Keenan.

Total 2

SB 263 - Senator B. McCarthy moved SB 263 be indefinitely postponed. Senator Jergeson made a substitute motion that SB 263 be passed for the day. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Holden, Jabs, Jergeson, McNutt, Miller, Roush, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Total 29

Nays: Beck, Bohlinger, Cole, Doherty, Eck, Ekegren, Ellingson, Franklin, Hertel, Keating, Lynch, Mahlum, McCarthy, Mesaros, Mohl, Nelson, Shea, Swysgood, Wilson.

Total 19

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Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 306 - Senator D. Grimes moved SB 306 do pass. Motion carried unanimously.

SB 342 - Senator D. Hargrove moved SB 342 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 39

Nays: Beck, Crismore, Devlin, Glaser, Grosfield, Keating, Miller, Toews.
Total 8

Absent or not voting: Grimes.
Total 1

Excused: Halligan, Keenan.
Total 2

SB 369 - Senator K. Miller moved SB 369, second reading copy, be amended as follows :

1. Page 3, line 18 through line 19.
Following: "after" on line 18
Strike: "October" on line 18 through "1999" on line 19
Insert: "January 1, 2000"

Amendment **adopted** unanimously.

SB 369 - Senator K. Miller moved SB 369, as amended, do pass. Motion carried unanimously.

SB 374 - Senator J. Lynch moved SB 374 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Harp, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Swysgood, Thomas, Wilson, Mr. President.
Total 35

Nays: Cole, Ellis, Hargrove, Holden, Mesaros, Miller, Mohl, Stang, Taylor, Tester, Toews, Waterman, Wells.
Total 13

Absent or not voting: None.
Total 0

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Excused: Halligan, Keenan.
Total 2

SB 378 - Senator S. Stang moved SB 378 do pass. Motion carried unanimously.

SB 377 - Senator S. Stang moved SB 377 do pass. Motion carried unanimously.

SB 349 - Senator C. Christiaens moved SB 349 do pass. Motion carried with Senators Swysgood and Taylor voting nay.

SB 415 - Senator R. Jabs moved SB 415 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Stang, Swysgood, Tester, Wilson, Mr. President.
Total 36

Nays: Bartlett, Glaser, Holden, Keating, Miller, Mohl, Sprague, Taylor, Thomas, Toews, Waterman, Wells.
Total 12

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

SB 414 - Senator S. Stang moved SB 414 do pass. Motion carried unanimously.

SB 379 - Senator S. Stang moved SB 379 do pass. Motion carried unanimously.

SJR 9 - Senator M. Cole moved SJR 9 be adopted. Motion carried unanimously.

SB 311 - Senator A. Mohl moved SB 311 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Shea, Swysgood, Thomas, Toews, Waterman, Wells, Mr. President.
Total 38

Nays: Cocchiarella, Franklin, Jergeson, Miller, Roush, Sprague, Stang, Taylor, Tester.
Total 9

Absent or not voting: Wilson.
Total 1

Excused: Halligan, Keenan.
Total 2

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SB 310 - Senator A. Mohl moved SB 310 do pass. Motion carried as follows:

Yeas: Beck, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Swysgood, Taylor, Tester, Toews, Wells, Mr. President.
Total 32

Nays: Bartlett, Berry, Cocchiarella, Devlin, Doherty, Franklin, Jergeson, Lynch, Miller, Nelson, Shea, Sprague, Stang, Thomas, Waterman, Wilson.
Total 16

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

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

MOTIONS

SB 263 - Senator McCarthy moved that SB 263 be taken from the second reading board and rereferred to the committee on Business and Industry and held until Rep. Sliter's bill comes from the House. Motion **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Grimes, Keating, Lynch, McCarthy, Mesaros, Nelson, Roush, Shea, Stang, Swysgood, Waterman, Wilson.
Total 19

Nays: Beck, Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Mahlum, McNutt, Miller, Mohl, Sprague, Taylor, Tester, Thomas, Toews, Wells, Mr. President.
Total 29

Absent or not voting: None.
Total 0

Excused: Halligan, Keenan.
Total 2

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, February 20, 1999. Motion carried.

Senate adjourned at 3:10 p.m.

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ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate