

**SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 23, 1999

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Crippen presiding. Invocation by Pastor Ron Ellis. Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 2/23/1999  
Correctly printed: SB 264, SB 302, SB 344, SB 345, SB 366, SB 372, SB 409, SB 419, SB 421, SB 427, SB 457,  
SB 481, SB 488, SB 492, SB 503, SB 505, SB 507.  
Correctly engrossed: SB 12, SB 130, SB 132, SB 220, SB 233, SB 270, SB 334, SB 355, SB 390, SB 403, SB 430,  
SB 445, SB 446, SB 448, SB 452, SB 466, SB 470, SB 471, SB 472, SB 476, SB 486, SB 490, SB 493,  
SB 494, SB 495, SB 496, SB 497, SB 498, SB 500, SB 504, SB 506, SJR 11.

**MOTIONS**

Majority Leader Harp moved that the Senate stand in recess until the hour of 8:37 a.m.

Senate recessed at 8:07 a.m.

Senate reconvened at 8:45 a.m.

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

**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:

**Senator Toews excused at this time.**

**SB 365** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Toews, Wells.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 2

**SB 434** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Toews, Wells.

Total 2

**SB 477** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, 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, Waterman, Mr. President.

Total 44

Nays: Bartlett, Doherty, Franklin, Wilson.

Total 4

Absent or not voting: None.

Total 0

Excused: Toews, Wells.

Total 2

**SJR 8** adopted as follows:

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

Total 43

Nays: Ellingson, Glaser, Grosfield, Mahlum, Miller.

Total 5

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Excused: Toews, Wells.  
Total 2

**Senator Toews present at this time.**

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

**Session #1**

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Christiaens in the chair.

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

**SB 482** - Senator K. Mesaros moved SB 482 do pass. Motion carried unanimously.

**SB 483** - Senator K. Mesaros moved SB 483 do pass. Motion carried unanimously.

**SB 484** - Senator K. Mesaros moved SB 484 do pass. Motion carried unanimously.

**SB 485** - Senator K. Mesaros moved SB 485 do pass. Motion carried unanimously.

**SB 10, House Amendments** - Senator A. Mohl moved SB 10, House Amendments, be **not** concurred in. Motion carried unanimously.

**SB 100** - Senator J. Ellingson moved SB 100, second reading copy, be amended as follows :

1. Title, page 1, line 12.

**Strike:** "\$4,821"

**Insert:** "\$4,845"

2. Title, page 1, line 13.

**Strike:** "\$4,869"

**Insert:** "\$4,917"

3. Title, page 1, line 18.

**Strike:** "41.8%"

**Insert:** "41.9%"

4. Title, page 1, line 20.

**Strike:** "38.2%"

**Insert:** "38.1%"

5. Page 3, lines 8 and 21.

**Strike:** "\$4,821"

**Insert:** "\$4,845"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

6. Page 3, line 30 in two places.

Page 4, line 26 in two places

**Strike:** "41.8%"

**Insert:** "41.9%"

7. Page 4, lines 2 and 3.

**Strike:** "38.2%"

**Insert:** "38.1%"

8. Page 5, line 7 and 20.

**Strike:** "\$4,869"

**Insert:** "\$4,917"

9. Page 7, line 14 in two places.

Page 9, line 2 in two places.

**Strike:** "38.2%"

**Insert:** "38.1%"

Amendment **failed** as follows:

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

Total 20

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

Total 28

Absent or not voting: Jabs.

Total 1

Excused: Wells.

Total 1

**SB 100** - Senator J. Harp moved SB 100, do pass. Motion carried unanimously.

**Senator Ekegren excused at this time.**

**SB 171, House Amendments** - Senator K. Mesaros moved SB 171, House Amendments, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cole, Crismore, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Swysgood, Taylor, Tester, Thomas.

Total 29

Nays: Bartlett, Bishop, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Halligan, Lynch, Miller, Shea, Sprague, Stang, Toews, Waterman, Wilson, Mr. President.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 18

Absent or not voting: McCarthy.

Total 1

Excused: Ekegren, Wells.

Total 2

**SB 329** - Senator J. Ellingson moved SB 329 do pass. After discussion, Senator Ellingson requested consideration of SB 329 be placed at the bottom of the second reading board for purpose of amendment. Request granted.

**SB 382** - Senator S. Bartlett moved SB 382 do pass. Motion **failed** as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Jergeson, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.

Total 23

Nays: Berry, Crismore, DePratu, Devlin, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Ekegren, Wells.

Total 2

**SB 382** - Senator Grosfield moved that SB 382 be indefinitely postponed. Motion **failed** as follows:

Yeas: Bartlett, Berry, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Thomas, Toews.

Total 24

Nays: Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Waterman, Wilson, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Ekegren, Wells.

Total 2

**SB 399** - Senator R. Jabs moved SB 399 do pass. Motion carried unanimously.

**SB 338** - Senator K. Mesaros moved SB 338 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellis, Franklin, Grimes,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Mahlum, McNutt, Mesaros, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 29

Nays: Bishop, Christiaens, Devlin, Eck, Ellingson, Glaser, Grosfield, Halligan, Keating, Keenan, Lynch, McCarthy, Miller, Mohl, Nelson, Roush, Shea, Stang, Toews.

Total 19

Absent or not voting: None.

Total 0

Excused: Ekegren, Wells.

Total 2

**SB 339, SB 340 and SB 341** - Senator Devlin requested SB 339, SB 340 and SB 341 be placed below SB 337 on the second reading board this legislative day, for purpose of amendment. Request granted.

**SB 411** - Senator G. Jergeson moved SB 411, second reading copy, be amended as follows :

1. Title, line 10.

**Strike:** "AND"

2. Title, line 11.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

3. Page 10, line 7.

**Following:** "expended"

**Insert:** "by the board,"

**Following:** the first "and"

**Insert:** "by"

4. Page 10, line 7 through line 8.

**Strike:** "to be expended"

5. Page 11.

**Following:** line 8

**"NEW SECTION. Section 10. Effective dates.** (1) [Section 1] is effective October 1, 1999.

(2) [Sections 2 through 6, 8, 9, and this section] are effective on passage and approval.

(3) (a) [Section 7(1)(a)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(1)].

(b) [Section 7(1)(b)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(2)].

(c) [Section 7(1)(c)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(3)]."

Amendment **failed** as follows:

Ayes: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Devlin, Doherty, Eck, Ellingson, Franklin, Halligan,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Jabs, Jergeson, Keenan, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.  
Total 23

Nays: Beck, Berry, Cole, Crismore, DePratu, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Ekegren, Wells.  
Total 2

**SB 411** - Senator Crismore moved SB 411, do pass. Motion carried as follows:

Yeas: Beck, Berry, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Mr. President.  
Total 31

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Lynch, McCarthy, Stang, Tester, Waterman, Wilson.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Ekegren, Wells.  
Total 2

**SB 455** - Senator J. Tester moved SB 455 do pass. Motion carried unanimously.

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Christiaens moved the Committee of the Whole report be adopted. Report adopted.

**MOTIONS**

Majority Leader Harp moved that the Senate stand in recess until the hour of 1:00 p.m.

Senate recessed at 11:30 P.M.

Senate reconvened at 1:00 p.m.

Roll Call. All members present except Senators Grosfield and Wells, excused. Quorum present.

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

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Miller, Chairman

**Senator Grosfield present at this time.**

**MOTIONS**

**SB 338** - Senator Devlin moved that the Senate reconsider its action in passing SB 338 on second reading this legislative day in order to amend SB 338 and its companion bills, SB 339, SB 340 and SB 341. Motion carried as follows:

Yeas: Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Franklin, Glaser, Grosfield, Halligan, Harp, Jergeson, Keating, Keenan, Lynch, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Tester, Toews, Mr. President.  
Total 26

Nays: Bartlett, Beck, Berry, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Grimes, Hargrove, Hertel, Holden, Jabs, Mahlum, McCarthy, McNutt, Mesaros, Sprague, Taylor, Thomas, Waterman, Wilson.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 338** - Senator Devlin moved that consideration of SB 338 be placed above SB 339 on the second reading board so consideration of the companion bills would be in consecutive order to be voted on. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

**Session #2**

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Christiaens in the chair.

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

**SB 458** - Senator F. Thomas moved SB 458 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 46

Nays: Cole, Devlin, Toews.  
Total 3



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 334** - Senator K. Mesaros moved SB 334, second reading copy, be amended as follows :

1. Title, line 10.

**Strike:** "AND"

2. Title, line 11.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

3. Page 10, line 7.

**Following:** "expended"

**Insert:** "by the board,"

**Following:** the first "and"

**Insert:** "by"

4. Page 10, line 7 through line 8.

**Strike:** "to be expended"

5. Page 11.

**Following:** line 8

**"NEW SECTION. Section 10. Effective dates.** (1) [Section 1] is effective October 1, 1999.

(2) [Sections 2 through 6, 8, 9, and this section] are effective on passage and approval.

(3) (a) [Section 7(1)(a)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(1)].

(b) [Section 7(1)(b)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(2)].

(c) [Section 7(1)(c)] is effective on the later of either passage and approval or the occurrence of the contingency provided in [section 8(3)]."

Amendment **adopted** unanimously.

**SB 334** - Senator K. Mesaros moved SB 334, as amended, do pass. Motion carried unanimously.

**SB 335** - Senator K. Mesaros moved SB 335 do pass. Motion carried unanimously.

**SB 336** - Senator K. Mesaros moved SB 336 do pass. Motion carried unanimously.

**SB 337** - Senator K. Mesaros moved SB 337 do pass. Motion carried unanimously.

**SB 338** - Senator J. Devlin moved SB 338, second reading copy, be amended as follows :

1. Title, line 19.

**Strike:** "87-2-401,"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

2. Page 7, line 30.

**Strike:** "[\$5]"

3. Page 8, line 3.

**Strike:** "[\$8]"

4. Page 9, line 28 through page 10, line 2.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

5. Page 22, line 15.

**Strike:** "20(1)"

**Insert:** "19(1)"

6. Page 22, line 16.

**Strike:** "20(3)"

**Insert:** "19(3)"

7. Page 22, line 18.

**Strike:** "20(5)"

**Insert:** "19(5)"

8. Page 22, line 22 through line 25.

**Strike:** subsections (5) and (6) in their entirety

9. Page 23, line 7.

**Strike:** "[SECTIONS 20 AND 21]"

**Insert:** "[Sections 19 and 20]"

10. Page 23, line 9.

**Strike:** "[SECTIONS 20 AND 21]"

**Insert:** "[sections 19 and 20]"

11. Page 23, line 11.

**Strike:** "SECTIONS 20 AND 21"

**Insert:** "Sections 19 and 20"

12. Page 23, line 16.

**Strike:** "22 THROUGH 25"

**Insert:** "21 through 24"

Amendment **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Glaser, Grimes, Grosfield, Harp, Keating, Keenan, Miller, Mohl, Nelson, Roush, Stang, Swysgood, Toews.

Total 23

Nays: Bartlett, Beck, Cocchiarella, Doherty, Eck, Ellis, Franklin, Halligan, Hargrove, Hertel, Holden, Jabs,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Shea, Sprague, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 338** - Senator K. Mesaros moved SB 338, do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 38

Nays: Cole, Devlin, Ekegren, Glaser, Keating, Miller, Mohl, Nelson, Roush, Stang, Toews.

Total 11

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**Senator Doherty excused at this time.**

**SB 339** - Senator K. Mesaros moved SB 339 do pass. Motion carried as follows:

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

Total 41

Nays: Cole, Devlin, Keating, Miller, Nelson, Stang, Toews.

Total 7

Absent or not voting: None.

Total 0

Excused: Doherty, Wells.

Total 2

**Senator Doherty present at this time.**

**SB 340** - Senator K. Mesaros moved SB 340 do pass. Motion carried as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

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

Total 40

Nays: Bishop, Cole, Devlin, Ellingson, Keating, Miller, Nelson, Stang, Toews.

Total 9

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 341** - Senator K. Mesaros moved SB 341 do pass. Motion carried as follows:

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

Total 39

Nays: Bishop, Cole, Devlin, Ellingson, Keating, Lynch, Miller, Nelson, Stang, Toews.

Total 10

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 401** - Senator G. Jergeson moved SB 401, second reading copy, be amended as follows :

1. Title, line 9.

**Strike:** "EARNED" in two places

2. Page 6, line 9.

**Strike:** "EARNED"

3. Page 6, line 10.

**Strike:** "EARNED"

Following: the first "INCOME"

**Strike:** ", EXCLUDING UNEARNED INCOME"

4. Page 6, line 20.

**Following:** "OF GROSS"

**Strike:** "EARNED"

**Following:** "GROSS"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**Strike:** "EARNED"

**Strike:** "EXCLUDING UNEARNED INCOME,"

5. Page 10, line 24.

**Following:** "OF GROSS"

**Strike:** "EARNED"

**Following:** "GROSS"

**Strike:** "EARNED"

**Strike:** "EXCLUDING UNEARNED INCOME,"

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Halligan, Jergeson, Lynch, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 22

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

Total 27

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 401** - Senator R. Holden moved SB 401 do pass. Motion carried as follows:

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

Total 33

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Nelson, Roush, Stang, Tester, Waterman, Wilson.

Total 16

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 406** - Senator S. Doherty moved SB 406 do pass. Motion carried unanimously.

Senator Wilson assumed the chair.

**SB 462** - Senator L. Grosfield moved SB 462 do pass. Motion carried as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

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

Total 40

Nays: Devlin, Harp, Lynch, Mesaros, Mohl, Nelson, Shea, Swysgood, Toews.

Total 9

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 478** - Senator C. Christiaens moved SB 478 do pass. Motion carried unanimously.

Senator Christiaens reassumed the chair.

**SB 489** - Senator J. Bohlinger moved SB 489 do pass. Motion **failed** as follows:

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

Total 21

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

Total 28

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 489** - Senator J. Devlin moved that SB 489 be indefinitely postponed. Motion carried as follows:

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

Total 28

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

Total 21

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Excused: Wells.  
Total 1

**SB 491** - Senator D. Grimes moved SB 491 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Jabs, Jergeson, Keating, Mahlum, McNutt, Nelson, Roush, Stang, Tester, Thomas, Waterman.  
Total 26

Nays: Beck, Bishop, Cole, Devlin, Ekegren, Ellis, Glaser, Harp, Hertel, Holden, Keenan, Lynch, McCarthy, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Taylor, Toews, Wilson, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 492** - Senator L. Grosfield moved SB 492 do pass. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Keenan, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Wilson, Mr. President.  
Total 38

Nays: Beck, Devlin, Ellis, Glaser, Harp, Holden, Lynch, Mohl, Swysgood, Toews, Waterman.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 499** - Senator L. Grosfield moved SB 499 do pass. Motion carried unanimously.

**SB 501** - Senator J. Hertel moved SB 501 do pass. Motion carried unanimously.

**SB 329** - Senator J. Ellingson moved SB 329, second reading copy, be amended as follows :

1. Page 4, line 22.

**Strike:** "A"

**Insert:** "Unless accompanied by a person who is 18 years of age or older, a"

Amendment **adopted** unanimously.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**SB 329** - Senator J. Ellingson moved SB 329, as amended, do pass. Motion carried as follows:

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

Total 39

Nays: Bishop, Crismore, Devlin, Glaser, Harp, Holden, Keenan, Miller, Mohl, Toews.

Total 10

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Christiaens 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 130** passed as follows:

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

Total 41

Nays: DePratu, Devlin, Ellis, Grimes, Mesaros, Miller, Swysgood, Toews.

Total 8

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 132** passed as follows:

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



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 39

Nays: DePratu, Devlin, Ellis, Grimes, Grosfield, Keenan, Mesaros, Mohl, Swysgood, Toews.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 133, as amended by the House,** passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 42

Nays: Beck, Hertel, Keenan, McNutt, Miller, Swysgood, Toews, Wells.  
Total 8

Paired: Jergeson, Aye; Wells, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 220** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 233** passed as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

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, Miller, Nelson, Roush, Shea, Sprague, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 44

Nays: Keenan, Mohl, Stang, Swysgood, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 264** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 270** 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 48

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**SB 302** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.  
Total 48

Nays: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 344** passed as follows:

Yeas: Beck, Berry, Cole, Crismore, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Swysgood, Thomas, Toews, Wells.  
Total 29

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Mahlum, Nelson, Stang, Taylor, Tester, Waterman, Wilson, Mr. President.  
Total 21

Paired: Wells, Aye; Jergeson, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 345** passed as follows:

Yeas: Beck, Cole, Crismore, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Shea, Sprague, Stang, Swysgood, Thomas, Toews, Wells, Mr. President.  
Total 29

Nays: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Mahlum, Nelson, Roush, Taylor, Tester, Waterman, Wilson.  
Total 21

Paired: Wells, Aye; Jergeson, No.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 355** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Toews, Waterman, Wilson, Mr. President.  
Total 40

Nays: Bohlinger, Christiaens, Doherty, Ellingson, Franklin, Grimes, Stang, Tester, Thomas.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 366** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 40

Nays: Crismore, Devlin, Glaser, Grosfield, Keenan, Lynch, Shea, Swysgood, Toews.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 372** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 48

Nays: Bartlett.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 390** passed as follows:

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

Total 48

Nays: Bartlett.

Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 403** passed as follows:

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

Total 38

Nays: Christiaens, Devlin, Harp, Holden, Keating, Keenan, Mesaros, Miller, Nelson, Swysgood, Toews.

Total 11

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 409** passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Wilson, Mr. President.

Total 48

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Nays: Bishop.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 419** passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Wilson, Mr. President.  
Total 48

Nays: Bishop.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 421** passed as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Shea, Sprague, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 29

Nays: Beck, Bishop, Crismore, Devlin, Ekegren, Glaser, Grimes, Harp, Holden, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Stang, Swysgood, Toews, Wells.  
Total 21

Paired: Jergeson, Aye; Wells, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 430** 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,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wilson, Mr. President.  
Total 47

Nays: Stang, Waterman.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 446** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 48

Nays: Swysgood.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 448** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 48

Nays: Taylor.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 452** passed as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 453** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 457** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**SB 466** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 470** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 471** passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Wilson, Mr. President.  
Total 48

Nays: Bishop.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 1

**SB 472** passed as follows:

Yeas: Bartlett, Beck, Berry, Christiaens, Cole, Crismore, DePratu, Devlin, Doherty, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Holden, Jabs, Keating, Keenan, Lynch, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Thomas, Toews, Wells.

Total 33

Nays: Bishop, Bohlinger, Cocchiarella, Eck, Ekegren, Ellingson, Harp, Hertel, Jergeson, Mahlum, McCarthy, Mohl, Taylor, Tester, Waterman, Wilson, Mr. President.

Total 17

Paired: Wells, Aye; Jergeson, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 476** passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, 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, Wilson, Mr. President.

Total 48

Nays: Cole.

Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 481** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 486** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 488** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 490** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 500** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 503** passed as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Miller, Roush, Sprague, Taylor, Toews, Waterman, Wilson, Mr. President.

Total 31

Nays: Beck, Berry, Crismore, DePratu, Devlin, Ekegren, Glaser, Harp, Hertel, Jabs, Mesaros, Mohl, Nelson, Shea, Stang, Swysgood, Tester, Thomas.

Total 18

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 504** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 49

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 505** 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, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 506** 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, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 45

Nays: Miller, Stang, Swysgood, Toews.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 507** 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 44

Nays: Keenan, Miller, Stang, Swysgood, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SJR 12** 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, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**MOTIONS**

Majority Leader Harp moved that the Senate stand in recess until the hour of 4:15 p.m. this legislative day.

Senate recessed at 3:55 p.m.

Senate reconvened at 4:20 p.m.

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

**FIRST READING AND COMMITMENT OF BILLS**

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

**HB 6**, introduced by M. McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 8**, introduced by M. McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

**HB 74**, introduced by D. Mood (by request of the Department of Natural Resources and Conservation), referred to Natural Resources.

**HB 96**, introduced by L. Grinde (by request of the Department of Natural Resources and Conservation), referred

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

to Natural Resources.

**HB 100**, introduced by B. Simon (by request of the State Auditor), referred to Business and Industry.

**HB 104**, introduced by T. Hagener (by request of the Supreme Court), referred to Judiciary.

**HB 129**, introduced by J. Stovall, referred to Highways and Transportation.

**HB 173**, introduced by R. Somerville (by request of the Department of Military Affairs), referred to State Administration.

**HB 181**, introduced by P. Sliter (by request of the State Auditor), referred to Business and Industry.

**HB 182**, introduced by C. Ahner (by request of the Public Employees' Retirement Board), referred to State Administration.

**HB 183**, introduced by R. Dale (by request of the Department of Environmental Quality), referred to Natural Resources.

**HB 227**, introduced by B. Molnar, referred to Judiciary.

**HB 237**, introduced by E. Swanson, B. DePratu, L. Grosfield, D. Mood, K. Ohs, B. Simon, B. Tash, J. Tester, C. Tuss, M. Waterman, referred to Second Reading Board.

**HB 315**, introduced by B. Raney, J. Bohlinger, B. Crippen, S. Doherty, L. Grinde, L. Grosfield, H. Harper, S. Stang, B. Story, E. Swanson, referred to Fish and Game.

**HB 316**, introduced by B. Raney, L. Grosfield, B. Crippen, B. Eggers, L. Grinde, R. Jabs, C. Juneau, S. Stang, J. Stovall, referred to Fish and Game.

**HB 325**, introduced by M. Brainard, referred to Local Government.

**HB 336**, introduced by K. Gillan, R. Johnson, B. Krenzler, L. Soft, referred to Local Government.

**HB 366**, introduced by B. Kasten, C. Ahner, B. Barnhart, M. Guggenheim, M. Halligan, R. Johnson, L. Soft, M. Waterman, referred to Judiciary.

**HB 373**, introduced by C. Younkin, S. Anderson, J. Barnett, T. Beck, G. Devlin, D. Eck, A. Ellis, L. Grinde, M. Halligan, D. Hargrove, G. Masolo, M. McCann, K. Mesaros, K. Ohs, J. Shockley, B. Story, E. Swanson, C. Swysgood, B. Tash, S. Vick, J. Wells, referred to Agriculture, Livestock and Irrigation.

**HB 395**, introduced by T. Facey, J. Ellingson, referred to Business and Industry.

**HB 399**, introduced by M. Guggenheim, C. Christiaens, J. Cobb, T. Dell, R. Erickson, G. Gutsche, T. Hagener, J. Hurdle, B. Kasten, B. Krenzler, C. Squires, C. Tuss, C. Williams, referred to Public Health, Welfare and Safety.

**HB 429**, introduced by J. Shockley, referred to Natural Resources.

**HB 438**, introduced by B. Eggers, S. Doherty, G. Golie, G. Gutsche, H. Harper, G. Jergeson, C. Juneau, B. Krenzler, R. Lenhart, J. Mercer, R. Peck, B. Raney, B. Rehbein, J. Shockley, F. Smith, E. Swanson, referred to Fish and Game.

**HB 440**, introduced by M. Brainard, P. Bergsagel, E. Clark, R. Clark, J. Cobb, D. Haines, J. Holden, R. Jore, S. Kitzenberg, J. Shockley, B. Story, B. Tash, J. Witt, referred to Fish and Game.

**HB 469**, introduced by M. Brainard, referred to State Administration.

**HB 501**, introduced by K. Ohs, B. Barnhart, P. Bergsagel, B. DePratu, L. Grinde, D. Hargrove, J. Harp, B. Keenan, D. McGee, J. Mercer, D. Mood, B. Pavlovich, B. Simon, P. Sliter, E. Swanson, referred to Finance and Claims.

**HB 506**, introduced by P. Sliter, C. Ahner, S. Anderson, T. Beck, M. Brainard, R. Dale, L. Grinde, M. Halligan, B. Lawson, B. McCarthy, D. Mood, K. Ohs, B. Pavlovich, B. Raney, T. Schmidt, D. Shea, J. Stovall, C. Tuss, referred to Business and Industry.

**HB 508**, introduced by D. Harrington, referred to State Administration.

**HB 526**, introduced by J. Mangan, T. Beck, J. Bohlinger, E. Clark, D. Harrington, S. Kitzenberg, J. Lynch, R. Menahan, B. Pavlovich, R. Peck, J. Quilici, S. Rose, referred to Business and Industry.

**HB 527**, introduced by H. Harper, S. Bartlett, C. Christiaens, T. Facey, D. Grimes, M. Halligan, D. Mahlum, D. McGee, B. Wilson, referred to Judiciary.

**HB 530**, introduced by D. McGee, D. Grimes, S. Orr, L. Soft, referred to Judiciary.

**HB 531**, introduced by K. Gillan, referred to Agriculture, Livestock and Irrigation.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

- HB 559**, introduced by A. Curtiss, referred to State Administration.
- HB 561**, introduced by S. Gallus, G. Devlin, S. Doherty, L. Grinde, J. Harp, J. Lynch, W. McNutt, J. Mercer, A. Mohl, J. Quilici, F. Thomas, referred to Highways and Transportation.
- HB 566**, introduced by M. Brainard, S. Bookout-Reinicke, R. Clark, A. Curtiss, B. Davies, D. Fuchs, D. Haines, D. Hedges, R. Jore, D. McGee, J. McKenney, K. Miller, B. Molnar, J. Shockley, J. Wells, referred to Judiciary.
- HB 585**, introduced by R. Jore, referred to State Administration.
- HB 588**, introduced by B. Lawson, referred to Education and Cultural Resources.
- HB 590**, introduced by B. Lawson, S. Anderson, B. Barnhart, S. Bookout-Reinicke, R. Clark, B. DePratu, A. Ellis, D. Fuchs, P. Sliter, R. Somerville, C. Younkin, referred to Education and Cultural Resources.
- HB 592**, introduced by C. Hibbard, S. Anderson, S. Bartlett, D. Grimes, T. Keating, W. McNutt, D. Mood, S. Rose, P. Sliter, F. Thomas, B. Wilson, referred to Labor and Employment Relations.
- HB 593**, introduced by H. Harper, M. Noennig, referred to Judiciary.
- HB 596**, introduced by R. Somerville, B. DePratu, C. Hibbard, B. Lawson, M. Taylor, referred to Natural Resources.
- HB 601**, introduced by S. Anderson, D. Adams, J. Barnett, G. Beck, S. Bookout-Reinicke, M. Brainard, R. Clark, G. Golie, M. Hanson, D. Hedges, C. Juneau, G. Matthews, F. Smith, R. Somerville, C. Trexler, referred to Highways and Transportation.
- HB 614**, introduced by D. Wagner, referred to Local Government.
- HB 615**, introduced by D. Harrington, S. Gallus, L. Grinde, B. Keenan, G. Matthews, R. Menahan, B. Pavlovich, J. Quilici, B. Ryan, S. Stang, C. Younkin, referred to Business and Industry.
- HB 616**, introduced by M. Lindeen, L. Grinde, H. Harper, M. Noennig, B. Raney, P. Sliter, F. Thomas, B. Wilson, referred to State Administration.
- HB 625**, introduced by P. Bergsagel, D. Adams, C. Ahner, S. Bookout-Reinicke, R. Brown, R. Clark, A. Curtiss, R. Dale, B. Davies, S. Fisher, D. Fuchs, L. Grinde, D. Hedges, J. Holden, V. Jackson, R. Jore, J. Mercer, D. Mood, S. Orr, B. Rehbein, P. Sliter, R. Somerville, B. Story, B. Thomas, A. Walters, referred to State Administration.
- HB 632**, introduced by R. Bitney, B. Lawson, P. Sliter, referred to State Administration.
- HB 639**, introduced by J. Mangan, referred to Business and Industry.
- HB 640**, introduced by J. Mangan, referred to Business and Industry.
- HB 641**, introduced by C. Squires (by request of the House Business and Labor Standing Committee), referred to Business and Industry.

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

- HJR 6**, introduced by D. Mood, B. DePratu, L. Grosfield, K. Ohs, B. Simon, E. Swanson, B. Tash, J. Tester, C. Tuss, M. Waterman, referred to Business and Industry.
- HJR 7**, introduced by A. Curtiss, M. Brainard, B. Davies, K. Miller, B. Molnar, S. Orr, D. Wagner, referred to State Administration.
- HJR 8**, introduced by A. Curtiss, M. Brainard, B. Davies, D. Fuchs, K. Miller, S. Orr, D. Wagner, referred to Natural Resources.
- HJR 9**, introduced by C. Tuss, B. DePratu, L. Grosfield, D. Mood, K. Ohs, E. Swanson, J. Tester, M. Waterman (by request of the Joint Select Committee on Jobs and Income), referred to Second Reading Board.
- HJR 12**, introduced by C. Juneau, G. Beck, R. Buzzas, B. Eggers, K. Gillan, H. Harper, J. Hurdle, S. Kitzenberg, B. Krenzler, M. McCann, L. McCulloch, G. Roush, F. Smith, C. Williams, referred to State Administration.
- HJR 13**, introduced by J. McKenney, E. Clark, referred to Education and Cultural Resources.
- HJR 14**, introduced by D. Adams, J. Andersen, M. Brainard, G. Golie, B. Kasten, F. Smith, A. Walters, referred to Education and Cultural Resources.
- HJR 15**, introduced by J. Stovall, D. Adams, S. Anderson, T. Beck, R. Bitney, R. Brown, V. Cocchiarella, M.



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Cole, B. Crippen, D. Ewer, K. Gillan, L. Grinde, M. Hanson, J. Harp, D. Hedges, B. Kasten, D. McGee, J. Mercer, D. Mood, M. Noennig, K. Ohs, B. Pavlovich, B. Raney, P. Sliter, M. Sprague, B. Tash, L. Taylor, C. Tuss, B. Wilson, C. Younkin, T. Zook, referred to Business and Industry.

**HJR 16**, introduced by D. Ewer, C. Ahner, G. Beck, A. Bishop, S. Bookout-Reinicke, R. Buzzas, P. Clark, T. Dell, D. Eck, J. Ellingson, R. Erickson, T. Facey, S. Gallus, K. Gillan, G. Golie, M. Guggenheim, G. Gutsche, H. Harper, D. Harrington, C. Juneau, S. Kitzenberg, B. Lawson, R. Lenhart, M. Lindeen, J. Mangan, L. McCulloch, B. Molnar, B. Raney, G. Roush, B. Ryan, B. Simon, F. Smith, C. Squires, S. Stang, J. Stovall, C. Williams, referred to Labor and Employment Relations.

**HJR 17**, introduced by A. Curtiss, referred to Natural Resources.

**HJR 23**, introduced by M. Lindeen, D. Adams, C. Ahner, J. Andersen, S. Anderson, J. Barnett, B. Barnhart, S. Bartlett, G. Beck, T. Beck, E. Bergsagel, P. Bergsagel, D. Berry, A. Bishop, R. Bitney, J. Bohlinger, S. Bookout-Reinicke, M. Brainard, R. Brown, R. Buzzas, C. Christiaens, E. Clark, P. Clark, R. Clark, J. Cobb, V. Cocchiarella, M. Cole, B. Crippen, W. Crismore, A. Curtiss, R. Dale, B. Davies, T. Dell, B. DePratu, G. Devlin, S. Doherty, D. Eck, B. Eggers, P. Ekegren, J. Ellingson, A. Ellis, R. Erickson, D. Ewer, T. Facey, S. Fisher, E. Franklin, D. Fuchs, S. Gallus, K. Galvin-Halcro, K. Gillan, B. Glaser, G. Golie, D. Grimes, L. Grinde, L. Grosfield, M. Guggenheim, G. Gutsche, T. Hagener, D. Haines, M. Halligan, M. Hanson, D. Hargrove, J. Harp, H. Harper, D. Harrington, D. Hedges, J. Hertel, C. Hibbard, J. Holden, R. Holden, J. Hurdle, R. Jabs, V. Jackson, G. Jergeson, R. Johnson, R. Jore, C. Juneau, B. Kasten, T. Keating, B. Keenan, S. Kitzenberg, B. Krenzler, B. Lawson, R. Lenhart, M. Lindeen, J. Lynch, D. Mahlum, J. Mangan, G. Masolo, G. Matthews, M. McCann, B. McCarthy, L. McCulloch, D. McGee, J. McKenney, W. McNutt, R. Menahan, J. Mercer, K. Mesaros, K. Miller, A. Mohl, B. Molnar, D. Mood, L. Nelson, M. Noennig, K. Ohs, S. Orr, B. Pavlovich, R. Peck, J. Quilici, B. Raney, B. Rehbein, S. Rose, G. Roush, B. Ryan, T. Schmidt, D. Shea, J. Shockley, B. Simon, P. Sliter, F. Smith, L. Soft, R. Somerville, M. Sprague, C. Squires, S. Stang, B. Story, J. Stovall, E. Swanson, C. Swysgood, B. Tash, L. Taylor, M. Taylor, J. Tester, B. Thomas, F. Thomas, D. Toews, C. Trexler, J. Tropila, C. Tuss, S. Vick, D. Wagner, A. Walters, M. Waterman, J. Wells, C. Williams, B. Wilson, J. Witt, D. Wyatt, C. Younkin, T. Zook, referred to Natural Resources.

**HJR 24**, introduced by C. Juneau, B. Eggers, S. Kitzenberg, R. Lenhart, M. McCann, G. Roush, F. Smith, C. Williams, referred to Business and Industry.

**HJR 25**, introduced by K. Gillan, G. Beck, R. Clark, D. Harrington, B. Lawson, L. McCulloch, D. Mood, S. Rose, referred to Highways and Transportation.

**HJR 27**, introduced by B. Story, D. Adams, J. Barnett, P. Clark, R. Dale, B. Eggers, M. Guggenheim, D. Hedges, J. Holden, J. Hurdle, V. Jackson, R. Lenhart, M. Lindeen, G. Masolo, B. Ryan, F. Smith, B. Thomas, C. Trexler (by request of the House Agriculture Standing Committee), referred to Agriculture, Livestock and Irrigation.

**HJR 29**, introduced by B. Barnhart, T. Hagener, referred to Local Government.

**HJR 31**, introduced by R. Menahan (by request of the House State Administration Standing Committee), referred to State Administration.

**HJR 32**, introduced by P. Sliter, J. Barnett, R. Bitney, S. Bookout-Reinicke, R. Brown, D. Ewer, C. Juneau, B. Krenzler, B. Lawson, G. Masolo, G. Matthews, J. McKenney, B. Pavlovich, B. Simon, C. Squires, J. Stovall, C. Trexler, C. Tuss (by request of the House Business and Labor Standing Committee), referred to Business and Industry.

**MOTIONS**

**SB 491** - Senator Grimes moved that SB 491 be taken from the third reading board and rereferred to the committee on Finance and Claims. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Session #3

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Christiaens in the chair.

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

**SB 382** - Senator S. Bartlett moved SB 382, second reading copy, be amended as follows :

1. Title, lines 9 through 11.

**Following:** "PROOF;" on line 9

**Insert:** "AND"

**Following:** "ACT" on line 9

**Strike:** remainder of line 9 through "ACTION" on line 11

2. Page 1, line 15.

**Strike:** "9"

**Insert:** "8"

3. Page 1, line 24.

**Strike:** "9"

**Insert:** "8"

4. Page 2, line 4.

**Strike:** "issuance of an oral or written warning,"

5. Page 2, line 5.

**Strike:** "oral or written reprimand,"

6. Page 2, line 6.

**Strike:** "referral for psychiatric or psychological counseling,"

7. Page 2, line 7.

**Strike:** "discriminating"

**Insert:** "retaliating"

8. Page 2, line 16.

**Following:** " ;"

**Insert:** "or"

9. Page 2, lines 17 and 18.

**Following:** "regulation" on line 17

**Strike:** remainder of line 17 through "agency" on line 18

10. Page 3, line 1.

**Strike:** "violation" through "agency"

**Insert:** "fraud"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

11. Page 3, line 4.

**Strike:** "9"

**Insert:** "8"

12. Page 4, line 3.

**Strike:** "raised"

**Insert:** "demonstrated"

13. Page 4, line 6.

**Following:** "(3)"

**Strike:** " "

**Insert:** "or"

14. Page 4, line 7.

**Following:** "."

**Insert:** "A state agency or managerial employee may take an adverse personnel action against an employee if the evidence demonstrates that the employee acted knowing that the disclosure was false or was based on false information or that the employee made the disclosure with reckless disregard for the truth of the disclosure or for the truth of the information on which the disclosure was based."

15. Page 4, line 29 through page 5, line 20.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

16. Page 5, line 23.

**Strike:** "9"

**Insert:** "8"

17. Page 5, line 29.

**Strike:** "9"

**Insert:** "8"

18. Page 6, line 1.

**Strike:** "9"

**Insert:** "8"

Amendment **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, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Excused: Wells.  
Total 1

**SB 382** - Senator S. Bartlett moved SB 382, as amended, do pass. Motion **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Taylor, Tester, Waterman, Wilson.  
Total 21

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Stang, Swysgood, Thomas, Toews, Mr. President.  
Total 28

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 382** - Senator F. Thomas moved that SB 382 be indefinitely postponed. Motion carried as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Mr. President.  
Total 28

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 376** - Senator B. McCarthy moved SB 376 do pass. Motion **failed** as follows:

Yeas: Beck, Bishop, Christiaens, Cocchiarella, Eck, Ellingson, Franklin, Lynch, Mahlum, McCarthy, Roush, Shea, Swysgood, Toews, Mr. President.  
Total 15

Nays: Bartlett, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Nelson, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson.  
Total 34

Absent or not voting: None.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 0

Excused: Wells.

Total 1

**SB 376** - Senator F. Thomas moved that SB 376 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Sprague, Taylor, Tester, Thomas, Waterman.

Total 32

Nays: Beck, Bishop, Christiaens, Cocchiarella, Eck, Franklin, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Stang, Swysgood, Toews, Wilson, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SJR 13** - Senator R. Holden moved SJR 13, second reading copy, be amended as follows :

1. Page 1, lines 17 and 18.

**Strike:** lines 17 and 18 in their entirety

Amendment **adopted** as follows:

Yeas: Berry, Bohlinger, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.

Total 38

Nays: Bartlett, Beck, Bishop, Christiaens, Devlin, Franklin, Lynch, McCarthy, Shea, Wilson.

Total 10

Absent or not voting: Crismore.

Total 1

Excused: Wells.

Total 1

**SJR 13** - Senator S. Doherty moved SJR 13, as amended, be adopted. Motion carried as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ekegren, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Stang, Tester, Toews, Waterman, Wilson.

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 28

Nays: Beck, Berry, Bishop, Crismore, DePratu, Devlin, Ellis, Glaser, Hargrove, Harp, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Mr. President.

Total 21

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 12** - Senator M. Halligan moved SB 12 do pass. Motion carried unanimously.

**SB 422** - Senator D. Toews moved SB 422, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Strike:** "INTERLOCAL"

2. Title, page 1, line 10.

**Strike:** "20-5-101, 20-5-102,"

3. Title, page 1, line 11.

**Strike:** "20-7-419,"

**Strike:** "20-7-421,"

**Strike:** "20-9-212,"

4. Title, page 1, line 12.

**Strike:** "20-9-335,"

**Insert:** "20-9-334, AND"

**Following:** "20-9-406,"

**Strike:** "AND 20-9-505,"

**Following:** "MCA;"

**Strike:** "REPEALING SECTION 20-9-334, MCA;"

5. Page 6, line 17 through page 7, line 29.

**Strike:** sections 2 and 3 in their entirety

**Renumber:** subsequent sections

6. Page 8, lines 13 and 14.

**Following:** "tuition" on line 13

**Strike:** remainder of line 13 through "province" on line 14

7. Page 8, lines 18 and 19.

**Following:** "that" on line 18

**Strike:** remainder of line 18 through "that" on line 19

8. Page 9, line 1.

**Following:** "deny"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**Strike:** "an attendance agreement"

**Insert:** "permission for a nonresident student to attend"

9. Page 9, line 2.

**Following:** "problem"

**Strike:** "or"

**Insert:** ", "

10. Page 9, line 3.

**Following:** "child"

**Insert:** ", or that the transfer will result in additional costs to the receiving district that will not be compensated under 20-5-323"

11. Page 9, line 7.

**Following:** "~~and~~"

**Insert:** "tuition and"

12. Page 9, lines 9 and 10.

**Following:** "child" on line 9

**Strike:** remainder of line 9 through "expense," on line 10

13. Page 9, lines 11 and 12.

**Following:** "agreement" on line 11

**Strike:** remainder of line 11 through "20-5-323" on line 12

14. Page 10, line 2.

**Following:** "~~and~~"

**Insert:** "tuition and"

15. Page 10, line 22.

**Following:** "Whenever"

**Strike:** "a parent or guardian of a child,"

**Following:** "state"

**Strike:** ", "

16. Page 10, line 23.

**Following:** ", the"

**Strike:** "parent or guardian,"

**Following:** "agency"

**Strike:** ", "

17. Page 10, line 25.

**Following:** "attend"

**Insert:** "and provide a copy of the attendance agreement to the office of public instruction"

18. Page 10, line 29.

**Following:** "LESS THE"

**Insert:** "state portion of the total"

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**Following:** "ANB"

**Strike:** "PAYMENT"

**Insert:** "entitlement provided in 20-9-306"

19. Page 11, line 2.

**Following:** "The"

**Strike:** "trustees of the resident district"

**Insert:** "state agency, the court,"

20. Page 11, line 5.

**Following:** "~~20-5-324(5)~~."

**Insert:** "The county superintendent shall approve the agreement for payment under 20-5-324."

21. Page 11, lines 12 and 13.

**Following:** "(↔)" on line 12

**Strike:** remainder of line 12 through "(4)" on line 13

**Insert:** "(3) and (4)"

22. Page 11, lines 14 through 18.

**Following:** "20-5-321,"

**Strike:** remainder of line 14 through "FOR" on line 18

**Following:** "CONTRACT" on line 18

**Strike:** "MUST"

**Insert:** "may"

**Following:** "DISTRICT" on line 18

**Strike:** remainder of line 18

**Insert:** "of residence and the district of attendance"

23. Page 12, line 4.

**Following:** "(1)(A)"

**Insert:** "and (1)(d)"

24. Page 12, line 28.

**Following:** the second "placement"

**Insert:** "pursuant to the rate provided in 20-5-321(2)(b)"

25. Page 12, line 29 through page 13, line 3.

**Following:** "exceed the" on page 12, line 29

**Strike:** remainder of line 29

**Following:** "student" on page 12, line 30

**Insert:** ", less the on-schedule amount,"

**Following:** "district of" on page 12, line 30

**Strike:** remainder of line 30 through "year" on page 13, line 3

**Insert:** "attendance"

26. Page 13, line 20.

**Following:** line 19

**Strike:** "this section"



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**Insert:** "subsection (1)"

**Following:** "determine the"

**Insert:** "state's share of the"

27. Page 13, line 23.

**Following:** "subsection."

**Insert:** "The superintendent of public instruction shall reimburse the district of residence for the total per-ANB entitlement determined in subsection (2)."

28. Page 13, line 30.

**Following:** "~~fund.~~"

**Insert:** "(3) Except as provided in subsection (4), when a child has approval to attend a school outside the child's district of residence under the provisions of 20-5-320 or 20-5-321, the district of residence shall finance the tuition amount from the district tuition fund and any transportation amount from the transportation fund."

**Renumber:** subsequent subsections

29. Page 14, line 1.

**Following:** "~~and~~"

**Insert:** "tuition and"

30. Page 14, line 17.

**Following:** line 16

**Insert:** "(5) By December 31 of the school fiscal year, the county superintendent or the trustees shall pay at least one-half of any tuition and transportation obligation established under this section out of the money realized to date from the appropriate elementary or high school equalization fund provided for in 20-5-335 or from the district tuition or transportation fund. The remaining tuition and transportation obligation must be paid by June 15 of the school fiscal year. The payments must be made to the county treasurer in each county with a school district that is entitled to tuition and transportation. Except as provided in subsection (6)(b), the county treasurer shall credit tuition receipts to the general fund of a school district entitled to a tuition payment. The tuition receipts must be used in accordance with the provisions of 20-9-141. The county treasurer shall credit transportation receipts to the transportation fund of a school district entitled to a transportation payment."

**Renumber:** subsequent subsections

31. Page 14, line 17 through line 18.

**Following:** "~~(4)~~"

**Strike:** "remainder of line 17" through "~~(2)~~." on line 18

**Insert:** "(a)"

32. Page 14, line 22.

**Following:** line 21

**Insert:** "(b) Any tuition receipts received for the current school fiscal year for a pupil who is a child with disabilities that exceed the tuition amount received for a pupil without disabilities may be deposited in the district miscellaneous programs fund and must be used for that year in the manner provided for in 20-9-507 to support the costs of the program for which the tuition was received."

33. Page 16, line 2 through line 6.

**Strike:** subsection (6) in its entirety

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

34. Page 16, line 8 through line 15.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

35. Page 16, line 24.

**Following:** "The"

**Strike:** "county"

**Insert:** "district"

**Following:** "and"

**Insert:** "tuition and"

36. Page 16, line 25.

**Strike:** "20-5-323"

**Insert:** "20-7-421"

**Following:** "20-7-401"

**Strike:** ", including"

**Insert:** ". The county of residence is responsible for tuition and transportation for "

37. Page 16, line 27.

**Following:** "child"

**Insert:** "with disabilities"

38. Page 17, line 14 through line 20.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

39. Page 17, line 28.

**Following:** "~~child~~"

**Insert:** ", but whenever at the recommendation of institution officials the child attends classes conducted by a school within a local district, the district or county where the parents or guardian of the child maintains legal residence may be required to pay tuition to the district operating the school in accordance with the provisions of 20-5-321 or 20-7-421, whichever section applies to the circumstances of the child"

40. Page 19, line 27 through page 21, line 22.

**Strike:** section 14 in its entirety

**Renumber:** subsequent sections

41. Page 23, line 13 through page 24, line 1.

**Strike:** section 15 in its entirety

**Insert:** "**Section 10.** Section 20-9-334, MCA, is amended to read:

"**20-9-334. Out-of-county tuition obligations.** The county superintendent shall direct the county treasurer to deduct from the revenue available in the elementary and high school county equalization funds, prior to remittance of the funds to the state treasurer under the provisions of 15-1-504 and 20-9-212, the amount required for the month to pay the county's obligation for elementary and high school out-of-county tuition under ~~20-5-324~~ 20-5-321."

42. Page 25, line 25 through page 26, line 22.

**Strike:** sections 17 and 18 in their entirety

**Renumber:** subsequent sections

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

43. Page 27, line 4.

**Following:** "to"

**Insert:** "out-of-district agreements for"

Amendment **adopted** unanimously.

**SB 422** - Senator M. Waterman moved SB 422, second reading copy, be further amended as follows :

1. Title, page 1, line 10.

**Following:** "STUDENTS;"

**Insert:** "ESTABLISHING THE FORMULA TO DETERMINE THE AMOUNT THAT A RECEIVING DISTRICT

MAY CHARGE A SENDING DISTRICT FOR PROVIDING EDUCATIONAL SERVICES FOR  
CERTAIN OUT-OF-DISTRICT STUDENTS;"

Amendment #22, Senator Towes - Committee of the Whole

Strike #22 in its entirety

Insert: Page 11, lines 14 through 18

**Following:** "20-5-321," on line 14

**Strike:** remainder of line 14 through "A" on line 18

**Following:** "TUITION" on line 18

**Strike:** "CONTRACT MUST BE NEGOTIATED"

**Insert:** "may be charged"

**Following:** "DISTRICT"

**Strike:** remainder of line 18

**Insert:** "of residence and the district of attendance"

2. Page 12, line 5.

**Following:** "MAY"

**Strike:** "ENTER INTO NEGOTIATIONS WITH"

**Insert:** "charge"

**Following:** "DISTRICT"

**Insert:** "tuition"

**Following:** "TO"

**Strike:** "REQUIRE THAT THE SENDING DISTRICT"

3. Page 12, line 6.

**Following:** "SERVICES"

**Strike:** "BASED ON THE RATE DETERMINED BY THE RECEIVING DISTRICT"

**Following:** "."

**Insert:** "The rate that a receiving district may charge for tuition under subsections (1)(d) through (1)(g) under a tuition agreement for educational services is the adopted over-BASE budget of the receiving district divided by the district's total ANB for the elementary or high school program."

4. Page 12, lines 27 and 28.

**Following:** "facility" on line 27

**Insert:** "or when a child with a disability or special needs is placed pursuant to Title 20, chapter 7, part 4"

**Following:** "agency" on line 28

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**Insert:** "or the district"

Amendment **adopted** unanimously.

**SB 422** - Senator D. Grimes moved SB 422, second reading copy, be further amended as follows :

1. Title, page 1, line 13.

**Strike:** "AND"

**Insert:** ", "

**Following:** second "DATE"

**Insert:** ", AND A TERMINATION DATE"

2. Page 10, lines 19 through 21.

**Following:** "41-5-103;" on line 19

**Strike:** "or"

**Following:** "state" on line 21

**Insert:** "; or

(c) the child resides closer to the school that the child wishes to attend and more than 3 miles from the school that the child would attend in the resident district and the district of residence provides transportation and is not within the same county as the child's school of choice"

3. Page 27.

**Following:** line 4

**Insert:** "NEW SECTION. Section 20. Termination. Section 20-5-321(1)(c) terminates June 30, 2003."

Amendment **failed** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Crismore, DePratu, Doherty, Ekegren, Grimes, Grosfield, Hargrove, Harp, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Shea, Swysgood, Taylor, Thomas.  
Total 24

Nays: Bartlett, Christiaens, Cole, Devlin, Eck, Ellingson, Ellis, Franklin, Glaser, Halligan, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Miller, Roush, Sprague, Stang, Tester, Toews, Waterman, Wilson, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 422** - Senator D. Toews moved SB 422, as amended, do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, Doherty, Eck, Ellis, Franklin, Glaser, Grosfield, Halligan, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Mahlum, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 35

Nays: Cocchiarella, DePratu, Devlin, Ekegren, Ellingson, Grimes, Hargrove, Holden, Lynch, McCarthy, McNutt,

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Shea, Swysgood, Taylor.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 427** - Senator M. Sprague moved SB 427 do pass. Motion **failed** as follows:

Yeas: Bartlett, Jergeson, Miller, Shea, Sprague.  
Total 5

Nays: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 44

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 427** - Senator R. Jabs moved that SB 427 be indefinitely postponed. 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, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.  
Total 45

Nays: Jergeson, Shea, Sprague, Wilson.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**SB 445** - Senator C. Swysgood moved SB 445 do pass. Motion carried as follows:

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

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Total 43

Nays: Doherty, Jergeson, Miller, Nelson, Stang, Toews.

Total 6

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SJR 11** - Senator G. Jergeson moved SJR 11 be adopted. Motion carried unanimously.

**SB 496** - Senator L. Grosfield moved SB 496 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 36

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Lynch, McCarthy, Taylor.

Total 13

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 494** - Senator L. Grosfield moved SB 494 do pass. Motion carried as follows:

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

Total 33

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Nelson, Roush, Stang, Tester, Waterman, Wilson.

Total 16

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 498** - Senator L. Grosfield moved SB 498 do pass. Motion carried as follows:

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 38

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, McCarthy.

Total 11

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 493** - Senator L. Grosfield moved SB 493 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Swysgood, Thomas, Toews, Mr. President.

Total 34

Nays: Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Roush, Stang, Taylor, Tester, Waterman, Wilson.

Total 15

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 495** - Senator L. Grosfield moved SB 495 do pass. Motion carried as follows:

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

Total 31

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

Total 18

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

**SB 497** - Senator L. Grosfield moved SB 497 do pass. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McNutt, Mesaros, Mohl, Nelson, Shea, Sprague, Taylor, Toews, Mr. President.  
Total 28

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Keenan, Lynch, McCarthy, Miller, Roush, Stang, Swysgood, Tester, Thomas, Waterman, Wilson.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

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

**MOTIONS**

**SB 498** - Senator Sprague moved he be allowed to change his vote on SB 498, second reading this legislative day, from nay to yea. Motion carried.

**Senator Hargrove** moved the Senate suspend the rules to allow the late drafting and introduction of a bill to allow the sale of fireworks for the December 31, 1999 millennium celebration. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 44

Nays: Bartlett, Bishop, Devlin, Keenan, Swysgood.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**ANNOUNCEMENTS**

Majority Leader Harp moved that the Senate adjourn until 8:30 a.m., Wednesday, February 24, 1999. Motion carried.



SENATE JOURNAL  
FORTY-FOURTH LEGISLATIVE DAY - FEBRUARY 23, 1999

Senate adjourned at 7:45 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate