

**SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 3, 1999

Senate Chambers  
State Capitol

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

Roll Call. All members present. Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 3/3/1999  
Correctly printed: SB 449, HB 38, HB 41, HB 73, HB 119, HB 170, HB 179, HB 237, HB 405, HJR 9.  
Examined by the sponsor and found to be correct: SB 171.  
Signed by the Secretary of Senate at 1:00 p.m., March 3, 1999: SB 171, SB 260.  
Signed by the President at 8:55 a.m., March 3, 1999: SB 260.  
Signed by the President at 9:00 a.m., March 3, 1999: SB 171.  
Signed by the Speaker at 10:35 a.m., March 3, 1999: SB 171, SB 260.  
Delivered to the Governor for his approval at 1:10 p.m., March 3, 1999: SB 171, SB 260.

**FINANCE AND CLAIMS** (Swysgood, Chairman): 3/3/1999  
**HB 10**, be concurred in. Report adopted.  
**HB 12**, be concurred in. Report adopted.  
**HB 75**, be concurred in. Report adopted.  
**HB 480**, be concurred in. Report adopted.

**JUDICIARY** (Grosfield, Chairman): 3/3/1999  
**HB 48**, be concurred in. Report adopted.  
**HB 214**, be concurred in. Report adopted.  
**HB 233**, be concurred in. Report adopted.

**LABOR AND EMPLOYMENT RELATIONS** (Keating, Chairman): 3/3/1999  
**HB 101**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Sprague, Chairman): 3/2/1999  
**HB 151**, be concurred in. Report adopted.

**MOTIONS**

**SB 274, House Amendments** - Senator Wilson moved that consideration of House Amendments to SB 274 on second reading this legislative day, be passed until the fiftieth legislative day, March 5, 1999. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 1999

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

**SB 518**, introduced by M. Cole, B. Crippen, G. Devlin, J. Hertel, C. Hibbard, S. Rose, referred to Taxation.  
**SB 519**, introduced by M. Cole, B. Crippen, W. Crismore, G. Devlin, A. Ellis, D. Hargrove, J. Hertel, C. Hibbard, S. Rose, R. Somerville, referred to Taxation.  
**SB 520**, introduced by M. Cole, B. Crippen, W. Crismore, G. Devlin, A. Ellis, D. Hargrove, C. Hibbard, S. Rose, R. Somerville, referred to Taxation.

The following House bills have been **referred** from the committee on Business and Industry to the committee on Labor and Employment Relations:

**HB 167**, introduced by R. Johnson.  
**HB 229**, introduced by D. Ewer.  
**HB 281**, introduced by R. Johnson.  
**HB 395**, introduced by T. Facey, J. Ellingson.  
**HB 461**, introduced by B. Simon.  
**HB 514**, introduced by R. Somerville, G. Masolo.  
**HB 557**, introduced by D. Ewer, S. Bartlett, T. Beck, S. Doherty, J. Ellingson, E. Franklin, H. Harper, J. Lynch, L. McCulloch, B. Raney, G. Roush, D. Shea, B. Wilson.

**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:

**HB 170** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 179** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, 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,

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 1999

Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: Cocchiarella, Keenan.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 119** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 237** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 1999

**HJR 9** adopted as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 35

Nays: Bishop, Crismore, Devlin, Ekegren, Grimes, Harp, Keating, Keenan, Lynch, Miller, Mohl, Sprague, Swysgood, Taylor, Wells.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Senator Harp moved that the Senate stand in recess until the hour of 1:40 p.m. for party caucuses. Motion carried.

Senate recessed at 1:15 p.m.

Senate reconvened at 1:50 p.m.

Roll Call. All members present. Quorum present.

**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 Roush in the chair.

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

**HB 38** - Senator M. Halligan moved HB 38 be concurred in. Motion carried unanimously.

**HB 41** - Senator M. Halligan moved HB 41 be concurred in. Motion carried unanimously.

**HB 73** - Senator D. Hargrove moved HB 73 be concurred in. Motion carried unanimously.

**HB 405** - Senator A. Ellis moved HB 405 be concurred in. Motion carried unanimously.

**SB 79** - Senator Swysgood moved SB 79, as amended by the House be further amended as follows:

1. Title, page 1, lines 11 through 13.

**Following:** "SYSTEM;" on line 11.

**Strike:** remainder of line 11 through "CONSTITUTION;" on line 12

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 1999

**Following:** "PROVIDING" on line 12

**Insert:** "AN IMMEDIATE"

**Following:** "EFFECTIVE" on line 12

**Strike:** "DATES<sub>2</sub>"

**Insert:** "DATE, A"

**Strike:** "DATES" on line 13

**Insert:** "DATE"

**Following:** "AND" on line 13

**Insert:** "A"

**Strike:** "DATES"

**Insert:** "DATE"

2. Page 1, lines 17 and 18.

**Strike:** "Subject to the provisions of 20-25-423, there"

**Insert:** "There"

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

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

4. Page 2, lines 3 and 4.

**Following:** "If"

**Strike:** remainder of line 3 through "act]" on line 4

**Insert:** "[this act] is passed and approved, then Senate Bill No. 56"

5. Page 2, line 6 through line 16.

**Strike:** section 5 in its entirety

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

**Renumber:** subsequent sections

6. Page 2, line 21 through line 23.

**Following:** "**Termination.**" on line 21

**Strike:** remainder of line 21 through "section 1]" on line 23

**Insert:** "[Section 1]"

After discussion, Senator Swysgood made a substitute motion that consideration of SB 79 be passed for the day. Motion carried.

**SB 449** - Senator B. DePratu moved consideration of SB 449 be passed for the day. Motion carried.

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

**MOTIONS**

**SB 79** - Senator Swysgood moved that the Senate reconsider its action in concurring with House amendments to SB 79 on the 24th legislative day, January 30, 1999. Motion carried as follows:

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

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 3, 1999

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

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 449** - Senator Swysgood moved that SB 449 be taken from the second reading board and rereferred to the committee on Finance and Claims because of its large fiscal impact. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, March 4, 1999. Motion carried.

Senate adjourned at 2:22 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate