

**SENATE JOURNAL
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana
March 4, 1999

Senate Chambers
State Capitol

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

Roll Call. All members present. Quorum present.

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

Miller, Chairman

BILLS AND JOURNAL (Miller, Chairman): 3/4/1999
Correctly printed: SB 518, SB 519, SB 520, HB 10, HB 12, HB 38, HB 41, HB 48, HB 73, HB 75, HB 101, HB 151, HB 214, HB 233, HB 405, HB 480.
Correctly enrolled: SB 52, SB 53, SB 84.
Examined by the sponsor and found to be correct: SB 52, SB 53, SB 84.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman): 3/4/1999
HB 221, be amended as follows:

1. Title, line 8 through line 10.

Following: "PROPERTY" on line 8

Strike: "AND FOR" on line 8 through "RIGHT-OF-WAY" on line 10

2. Title, line 14.

Following: "PROVIDING"

Strike: "AN IMMEDIATE"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 10.

Strike: "A"

Insert: "If a"

Following: "PERSON"

Strike: "WHO"

4. Page 2, line 11.

Following: "AND"

Strike: "WHO"

5. Page 2, lines 17 and 18.

Following: "shall be" on line 17

Strike: remainder of line 17 through "\$1,000" on line 18

Insert: "sentenced pursuant to 46-18-212"

6. Page 2, line 22.

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Following: "Effective"

Strike: "date"

Insert: "dates"

Strike: "[this act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

7. Page 2, line 23.

Insert: "(2) [Section 1(3)(b)] is effective October 1, 1999."

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

HB 391, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hertel, Chairman):

3/3/1999

HB 32, be amended as follows:

1. Title, page 1, line 8.

Strike: "REVISING"

Insert: "ELIMINATING"

2. Page 3, line 30.

Strike: ":"

Insert: "."

3. Page 4, line 1 through line 2.

Strike: subsection (d) in its entirety

4. Page 5, line 28.

Strike: ":"

Insert: "."

5. Page 5, line 29 through line 30.

Strike: subsection (d) in its entirety

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

HB 211, be concurred in. Report adopted.

HB 245, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

3/3/1999

HB 90, be amended as follows:

1. Title, page 1, line 8.

Following: "LEVIED;"

Insert: "AUTHORIZING A DISTRICT TO IMPOSE A LEVY TO ELIMINATE ANY NEGATIVE FUND BALANCE AND RESTORE RESERVES TO THE PRIOR YEAR'S OPERATING RESERVE;"

Following: "DATE"

Strike: "AND"

Insert: ", "

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2. Title, page 1, line 9.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 2, line 2.

Following: "15-23-703:"

Strike: "and"

Insert: "(v) anticipated oil and natural gas production taxes; and"

4. Page 2, line 3.

Strike: "(v)"

Insert: "(vi)"

5. Page 2, lines 10 and 11.

Following: "(B)"

Strike: remainder of line 10 through "(C)" on line 11

6. Page 2, line 15.

Strike: "(D)"

Insert: "(C)"

7. Page 3, line 11.

Following: line 10

"NEW SECTION. Section 2. Levy to eliminate negative fund balance in operating reserves." A school district in which actual collection of revenue identified in 20-9-141(1)(b) is less than the collection of revenue in the prior year may levy an amount that is sufficient to eliminate any negative fund balance and restore the district's reserves to the prior year's operating reserve as provided in 20-9-104(1)."

Insert: "**NEW SECTION. Section 3. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 20, chapter 9, part 1, and the provisions of Title 20, chapter 9, part 1, apply to [section 2]."

Renumber: subsequent section

8. Page 3, line 13.

Strike: "2000"

Insert: "1999"

9. Page 3, line 14.

Following: line 13

Insert: "**NEW SECTION. Section 5. Termination.** [Section 2] terminates July 1, 2000."

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

JUDICIARY (Grosfield, Chairman):

3/4/1999

HB 116, be amended as follows:

1. Title, line 10.

Following: "CENTER:"

Insert: "PROVIDING THAT ONLY THE FIRST 6 MONTHS OF MANDATORY IMPRISONMENT ON A FOURTH OFFENSE DUI MAY NOT BE SUSPENDED;"

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2. Page 1, line 20.

Following: "13 months,"

Insert: "for which"

3. Page 1, line 21.

Following: "execution of"

Strike: "which"

Insert: "the first 6 months"

4. Page 2, line 8.

Following: "imprisonment"

Strike: "and"

Insert: ", "

Following: "probation"

Insert: ", and chemical dependency treatment"

5. Page 2, line 20.

Following: "camp"

Strike: "or a"

Insert: ", "

Following: "center"

Insert: ", or treatment facility"

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

HB 176, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

3/4/1999

HB 95, be amended as follows:

1. Page 9, line 5.

Following: "application."

Insert: "The department shall notify the objector of any defects in an objection. An objection not corrected or completed within 15 days from the date of notification of the defects is terminated."

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

HB 120, be concurred in. Report adopted.

TAXATION (Devlin, Chairman):

3/4/1999

SB 487, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

SB 10 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House Amendments to SB 10:

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Representative Hanson, Chairman
Representative Beck
Representative Hedges

SB 20 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House Amendments to SB 20:
3/3/1999

Representative Grinde, Chairman
Representative Facey
Representative Noennig

FIRST READING AND COMMITMENT OF BILLS

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

SB 521, introduced by D. Hargrove, L. Nelson, F. Thomas, referred to State Administration.

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

HB 57, introduced by J. Mercer (by request of the Board of Regents of Higher Education), referred to Labor and Employment Relations.

HB 109, introduced by J. Mercer (by request of the Department of Justice), referred to Judiciary.

**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 Crismore in the chair.

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

SB 79, House Amendments - Senator C. Swysgood moved that House Amendments to SB 79, be **not** concurred in. Motion carried unanimously.

HB 10 - Senator C. Swysgood moved HB 10 be concurred in. Motion carried unanimously.

HB 12 - Senator T. Beck moved HB 12 be concurred in. Motion carried as follows:

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

Total 50

Nays: None.

Total 0

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 48 - Senator C. Christiaens moved HB 48 be concurred in. Motion carried unanimously.

HB 75 - Senator E. Franklin moved HB 75 be concurred in. Motion carried unanimously.

HB 101 - Senator D. Berry moved HB 101 be concurred in. Motion carried unanimously.

HB 151 - Senator J. Lynch moved HB 151 be concurred in. Motion carried unanimously.

HB 214 - Senator L. Grosfield moved HB 214 be concurred in. Motion carried with Senator Ellingson voting nay.

HB 233 - Senator J. Bohlinger moved HB 233 be concurred in. Motion carried with Senator Doherty voting nay.

HB 480 - Senator T. Keating moved HB 480 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Crismore 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:

HB 38 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 41 concurred in as follows:

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

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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, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Keenan, Swysgood, Toews.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 73 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 405 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, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Jergeson, Taylor.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, March 5, 1999. Motion carried.

Senate adjourned at 1:49 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate