

**SENATE JOURNAL
FIFTIETH LEGISLATIVE DAY**

Helena, Montana
March 5, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Pastor Ken Moore. Pledge of Allegiance to the Flag.

The Great Falls Young People's Choir, under the direction of Ms. Mary Dietz, performed two vocal numbers for the Senate. A division of the choir will represent the state of Montana on June 27, 1999 while singing in Carnegie Hall in New York City.

Roll Call. All members present. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/5/1999
Correctly printed: SB 487, SB 521, HB 10, HB 12, HB 48, HB 75, HB 101, HB 120, HB 151, HB 176, HB 211, HB 214, HB 233, HB 245, HB 391, HB 480.
Correctly engrossed: HB 32, HB 90, HB 95, HB 116, HB 221.
Signed by the President at 8:30 a.m., March 5, 1999: SB 52, SB 53, SB 84.

FISH AND GAME (Mesaros, Chairman): 3/5/1999
HB 387, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman): 3/4/1999
HB 200, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman): 3/5/1999
HB 99, be amended as follows:

1. Title, line 7.
Strike: "OR WATER"

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

HB 123, be concurred in. Report adopted.

STATE ADMINISTRATION (Cole, Chairman): 3/4/1999
HB 274, be concurred in. Report adopted.
HB 502, be concurred in. Report adopted.
HB 620, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

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Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/4/1999

SB 88, introduced by S. Stang

House bill passed and transmitted to the Senate for concurrence: 3/5/1999

HB 34, introduced by J. Stovall

MOTIONS

SB 79 - Senator Harp moved that the President be authorized to appoint a Free Conference Committee, and request the House to appoint a like committee to confer on SB 79. Motion carried. The president appointed the following members:

Senator Swysgood, Chairman
Senator Toews
Senator McCarthy

HB 118 - Senator Bartlett moved that consideration of HB 118 on second reading this legislative day, be passed until the fifty-sixth legislative day, March 12, 1999. Motion carried

FIRST READING AND COMMITMENT OF BILLS

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

HB 34, introduced by J. Stovall (by request of the Committee on Indian Affairs), referred to Finance and Claims.

**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 Miller in the chair.

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

SB 274, House Amendments - Senator B. Wilson moved House Amendments to SB 274 be **not** 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 32 - Senator V. Cocchiarella moved HB 32 be concurred in. Motion carried unanimously.

HB 90 - Senator D. Toews moved HB 90 be concurred in. Motion carried unanimously.

HB 95 - Senator L. Grosfield moved HB 95 be concurred in. Motion carried unanimously.

HB 116 - Senator C. Christiaens moved HB 116 be concurred in. Motion carried unanimously.

HB 120 - Senator T. Keating moved HB 120 be concurred in. Motion carried unanimously.

HB 176 - Senator M. Halligan moved HB 176 be concurred in. Motion carried unanimously.

HB 211 - Senator M. Sprague requested that consideration of HB 211 be moved to the bottom of the second reading board for purpose of amendment. Request granted.

HB 221 - Senator G. Jergeson moved HB 221 be concurred in. Motion carried unanimously.

HB 245 - Senator M. Sprague moved HB 245 be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Sprague, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 35

Nays: Bartlett, Beck, Devlin, Ekegren, Ellis, Grosfield, Holden, Mahlum, Mesaros, Mohl, Stang, Swysgood, Taylor, Toews, Wells.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 391 - Senator L. Nelson moved HB 391 be concurred in. Motion carried as follows:

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

Nays: Christiaens, Grosfield, Harp, Mohl, Swysgood, Wells.

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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 487 - Senator G. Roush moved SB 487 do pass. Motion carried with Senator Jergeson voting nay.

HB 211 - Senator F. Thomas moved HB 211, second reading copy, be amended as follows :

1. Page 1, line 18.

Following: "supplier to" on line 18

Strike: "all"

Amendment **adopted** unanimously.

HB 211 - Senator M. Sprague moved HB 211, as amended, be concurred in. Motion carried with Senator Glaser voting nay.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Miller 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 10 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 12 concurred in as follows:

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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 48 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 75 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

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Excused: None.
Total 0

HB 101 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 151 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Devlin.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 214 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, 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, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Ellingson, Keenan, Swysgood, Taylor.
Total 4

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 233 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Doherty, Franklin, Jergeson, Swysgood.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 480 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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 7:00 a.m., Saturday, March 6, 1999. Motion carried.

Senate adjourned at 2:11 p.m.

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ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate