

**SENATE JOURNAL
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 6, 1999

Senate Chambers
State Capitol

Senate convened at 7:00 a.m. Senator Mesaros Acting President presiding. Invocation by Senator Tom Keating. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Ellis and Swysgood, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/5/1999
Correctly printed: SB 487, HB 32, HB 90, HB 95, HB 116, HB 120, HB 123, HB 176, HB 200, HB 221, HB 245,
HB 274, HB 387, HB 391, HB 502, HB 620.
Correctly engrossed: HB 211.
Signed by the Secretary of Senate at 2:40 p.m., March 5, 1999: SB 52, SB 53, SB 84.

FINANCE AND CLAIMS (Swysgood, Chairman): 3/5/1999
SB 198, do pass. Report adopted.
HB 110, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman): 3/5/1999
HB 23, be concurred in. Report adopted.
HB 189, be concurred in. Report adopted.
HB 231, be concurred in. Report adopted.
HB 454, be concurred in. Report adopted.
HB 467, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman): 3/6/1999
MR. PRESIDENT:
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, March 6, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kate Britton Jennifer Eidum Charles Felice Jillian Gaub Katie Gibson Tyson Nimmick Bob Tester Karen Weinheimer

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 8, 1999:

<u>TITLE</u>	<u>NAME</u>
Pages:	Ryan Asay, Forsyth, MT Michaela Hubbard, Missoula, MT

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Chad Fink, Hysham, MT
Jessica Hansen, Harlem, MT
Alice Maahs, Libby, MT
Kyle Mace, Laurel, MT
Lisa Toews, Lustre, MT
Rebecca Unger, Frazer, MT

Report Adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman): 3/5/1999

HB 70, be concurred in. Report adopted.

HB 156, be concurred in. Report adopted.

HB 190, be concurred in. Report adopted.

HJR 22, be concurred in. Report adopted.

STATE ADMINISTRATION (Cole, Chairman): 3/5/1999

HB 188, be amended as follows:

1. Title, page 1, lines 13 and 14.

Strike: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

2. Page 5, line 9.

Strike: " ; "

Insert: " . "

3. Page 9, line 12.

Strike: "[SECTION]"

Insert: "[Sections 10 and"

4. Page 9, line 14.

Strike: "8"

Insert: "9"

5. Page 9, lines 15 and 16.

Strike: subsection (3) in its entirety

6. Page 9, lines 18 through 22.

Strike: section 14 in its entirety

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

HB 241, be concurred in. Report adopted.

HB 258, 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: 3/5/1999

SB 8, introduced by D. Hargrove

House bills passed and transmitted to the Senate for concurrence: 3/6/1999

HB 185, introduced by R. Menahan

HB 586, introduced by R. Dale

HB 607, introduced by L. Soft

MOTIONS

SB 274 - 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 274. Motion carried. Acting president Mesaros appointed the following members:

Senator DePratu, Chairman

Senator Jabs

Senator Wilson

HB 99 - Senator Ekegren moved that consideration of HB 99 on second reading this legislative day, be passed for the day. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was **rereferred** to committee:

HB 248, introduced by D. Harrington, **rereferred** from committee on Natural Resources to committee on Taxation.

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

HB 185, introduced by R. Menahan (by request of the Correctional Standards and Oversight Committee), referred to Judiciary.

HB 586, introduced by R. Dale, D. Fuchs, S. Rose, B. Tash, referred to Local Government.

HB 607, introduced by L. Soft, A. Bishop, J. Bohlinger, C. Christiaens, B. Davies, M. Guggenheim, B. Krenzler, J. Quilici, referred to Business and Industry.

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 32 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, 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

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Nays: Grosfield, Harp.
Total 2

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 90 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 95 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 116 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea,

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Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 120 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 176 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 211 concurred in as follows:

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

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Doherty, Eck, Ekegren, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 43

Nays: Glaser, Keenan, Miller, Toews, Wells.
Total 5

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 221 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 245 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wilson, Mr. President.
Total 35

Nays: Devlin, Grosfield, Harp, Holden, Keenan, Mesaros, Miller, Mohl, Nelson, Taylor, Tester, Toews, Wells.
Total 13

Absent or not voting: None.
Total 0

Excused: Ellis, Swysgood.
Total 2

HB 391 concurred in as follows:

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Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, 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 43

Nays: Christiaens, Ekegren, Grosfield, Mohl, Wells.

Total 5

Absent or not voting: None.

Total 0

Excused: Ellis, Swysgood.

Total 2

SB 487 passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, 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 47

Nays: Jergeson.

Total 1

Absent or not voting: None.

Total 0

Excused: Ellis, Swysgood.

Total 2

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

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

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

SB 88, House Amendments - Senator S. Stang moved House Amendments to SB 88 be concurred in. Motion carried unanimously.

HB 123 - Senator C. Christiaens moved HB 123 be concurred in. Motion carried unanimously.

HB 200 - Senator V. Cocchiarella moved HB 200 be concurred in. Motion carried unanimously.

HB 274 - Senator M. Cole moved HB 274 be concurred in. Motion carried unanimously.

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HB 387 - Senator M. Taylor moved HB 387 be concurred in. Motion carried unanimously.

HB 502 - Senator D. Hargrove moved HB 502 be concurred in. After discussion, Senator Eck made a substitute motion that consideration of HB 502 be passed for the day. Motion carried unanimously.

Senator Nelson excused at this time

HB 620 - Senator J. Tester moved that consideration of HB 620 be passed for the day. Motion carried.

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

ANNOUNCEMENTS

Senator Thomas acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Monday, March 8, 1999. Motion carried.

Senate adjourned at 7:52 a.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate