

**SENATE JOURNAL
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana
March 8, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Jerry Rafferty of Billings, Montana. 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 journals for the fiftieth and fifty-first legislative days, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/8/1999
Correctly printed: SB 198, HB 23, HB 70, HB 110, HB 123, HB 156, HB 189, HB 190, HB 200, HB 231, HB 241, HB 258, HB 274, HB 387, HB 454, HB 467, HJR 22.
Correctly engrossed: HB 188.
Signed by the Speaker at 8:38 a.m., March 6, 1999: SB 52, SB 53, SB 84.
Delivered to the Governor for his approval at 9:00 a.m., March 8, 1999: SB 52, SB 53, SB 84.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Jabs, Chairman): 3/8/1999
HB 571, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/8/1999
HB 121, be concurred in. Report adopted.
HB 150, be amended as follows:

1. Page 1, line 18.

Strike: "Except as provided in subsection (4), the"

Insert: "The"

2. Page 2, line 10.

Strike: "A"

Insert: "Except as provided in subsection (2), a"

3. Page 2, line 17.

Following: "_"

Insert: "This subsection does not apply to goods or services prepared out of state for delivery or use in this state."

4. Page 3, line 15.

Strike: "Except as provided in subsection (4), the"

Insert: "The"

5. Page 4, line 7.

Strike: "A"

Insert: "Except as provided in subsection (2), a"

6. Page 4, line 14.

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Following: " "

Insert: "This subsection does not apply to goods or services prepared out of state for delivery or use in this state."

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

HB 155, be amended as follows:

1. Title, page 1, line 6.

Following: "PROPERTY"

Strike: " , "

Insert: "AND"

Strike: " , AND SURETY"

2. Page 4, line 26.

Following: "property"

Strike: " "

Insert: "and"

Strike: " , or surety "

3. Page 5, line 16.

Following: "property"

Strike: " "

Insert: "and"

Strike: " , or surety "

4. Page 5, line 21.

Following: "PROPERTY"

Strike: " "

Insert: "and"

Following: "CASUALTY"

Strike: " "

5. Page 5, line 22.

Strike: "OR SURETY"

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

HB 171, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

3/8/1999

HB 172, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/8/1999

HB 24, be concurred in. Report adopted.

HB 94, be concurred in. Report adopted.

HB 357, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

3/5/1999

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HB 113, be amended as follows:

1. Page 1, line 11.

Following: "determines"

Insert: "and verifies"

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

HB 392, be concurred in. Report adopted.

HJR 3, be concurred in. Report adopted.

TAXATION (Devlin, Chairman):

3/8/1999

SB 175, introduced bill, be amended as follows:

1. Title, line 5.

Following: "PREMIUMS"

Strike: "MADE"

Insert: "PAID BY STATE EMPLOYEES"

2. Page 1, line 14.

Following: "certain"

Insert: "state employee-paid"

3. Page 1, line 25.

Following: line 24

Insert: "(3) For the purposes of this section, the taxpayer must be an employee of state government, which includes the Montana university system, but does not include employees of counties, cities, towns, or school districts."

Renumber: subsequent subsections

4. Page 2, line 12.

Following: "taxpayer"

Insert: "for qualifying medical care insurance under Title 2, chapter 18, parts 7 and 8, or equivalent qualifying medical care insurance offered by the Montana university system"

And, as amended, do pass. Report adopted.

SB 375, introduced bill, be amended as follows:

1. Page 6, lines 5 and 6.

Strike: "money" on line 5 through "expenses" on line 6

Insert: "(i) except as provided in subsection (2)(p)(ii), school expenses not exceeding \$500 each, paid by the taxpayer for the taxpayer or a dependent of the taxpayer.

(ii) A taxpayer is not allowed an exclusion under this subsection (2)(p) for school expenses paid with a withdrawal from a family education savings account as defined in 15-62-103"

And, as amended, do pass. Report adopted.

HB 168, be concurred in. Report adopted.

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MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

3/6/1999

SB 18, introduced by Nelson

SB 32, introduced by Grimes

SB 79 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 79**:

3/6/1999

Representative Johnson, Chairman

Representative D. Haines

Representative E. Swanson

House bills passed and transmitted to the Senate for concurrence:

3/6/1999

HB 404, introduced by B. Thomas

HB 418, introduced by B. Pavlovich

HB 479, introduced by R. Johnson

HB 495, introduced by B. Pavlovich

MOTIONS

HB 258 - Senator Taylor moved that **HB 258** on second reading this legislative day be rereferred to the committee on Finance and Claims. Motion carried.

HB 502 - Senator Hargrove moved that consideration of **HB 502** on second reading this legislative day be passed until the fifty-third legislative day, March 9, 1999. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following House bill was **rereferred**:

HB 181, introduced by Sliter, rereferred from committee on Business and Industry to committee on Rules.

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

SB 522, introduced by M. Cole, A. Bishop, J. Bohlinger, C. Christiaens, B. Crippen, B. DePratu, G. Devlin, D. Hargrove, J. Harp, J. Hertel, M. Taylor, F. Thomas, referred to Taxation.

SB 523, introduced by A. Ellis, M. Cole, B. Crippen, G. Devlin, L. Grosfield, C. Hibbard, T. Keating, B. Story, F. Thomas, referred to Taxation.

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

HB 404, introduced by B. Thomas, E. Bergsagel, D. Ewer, J. Quilici, E. Swanson, F. Thomas, referred to Finance and Claims.

HB 418, introduced by B. Pavlovich, D. Hargrove, J. Quilici, D. Shea, referred to Taxation.

HB 479, introduced by R. Johnson, referred to Taxation.

HB 495, introduced by B. Pavlovich, G. Beck, S. Gallus, D. Harrington, B. McCarthy, L. McCulloch, R.

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Menahan, J. Quilici, G. Roush, D. Shea, C. Squires, J. Tropila, C. Tuss, C. Williams, referred to Finance and Claims.

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 88, as amended by the House, 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 123 concurred in 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, 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: Beck, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 200 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.

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President.
Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 274 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, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Halligan, Lynch.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 387 concurred in 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, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Bartlett, Tester.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

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

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

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

HB 99 - Senator P. Ekegren moved HB 99 be concurred in. Motion carried unanimously.

HB 620 - Senator Tester moved HB 620, second reading copy, be amended as follows :

1. Title, page 1, line 8.

Following: "INDIVIDUAL" on line 8

Insert: "OR PUBLIC"

2. Page 2, line 11.

Following: "individual"

Insert: "or public"

Amendment **adopted** unanimously.

HB 620 - Senator J. Tester moved HB 620, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Wells, Wilson.
Total 35

Nays: DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Harp, Keenan, Miller, Mohl, Swysgood, Taylor, Toews, Waterman, Mr. President.
Total 15

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 198 - Senator C. Christiaens moved SB 198 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellingson, Glaser, Hargrove, Harp, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 37

Nays: DePratu, Ellis, Franklin, Grimes, Grosfield, Halligan, Hertel, Holden, Jabs, McNutt, Shea, Stang, Tester.
Total 13

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

HB 23 - Senator R. Holden moved HB 23 be concurred in. Motion carried unanimously.

HB 70 - Senator D. Eck moved HB 70 be concurred in. Motion carried unanimously.

HB 110 - Senator T. Keating moved HB 110 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

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 156 - Senator B. DePratu moved HB 156 be concurred in. Motion carried unanimously.

HB 189 - Senator B. Stang moved consideration of HB 189 be passed for the day. Motion carried.

HB 190 - Senator V. Cocchiarella moved HB 190 be concurred in. Motion carried unanimously.

HB 231 - Senator D. Shea moved HB 231 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

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

HB 241 - Senator E. Franklin moved HB 241 be concurred in. Motion carried unanimously.

HB 454 - Senator A. Bishop moved HB 454 be concurred in. Motion carried unanimously.

HB 467 - Senator D. Shea moved HB 467 be concurred in. Motion carried unanimously.

HJR 22 - Senator D. Grimes moved HJR 22 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 Wilson moved the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas introduced the Senate pages for the week of March 8 - 13, 1999.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Tuesday, March 9, 1999. Motion carried.

Senate adjourned at 2:28 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate