

**SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 10, 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 fifty-third legislative day, find the same to be correct.

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/10/1999
Correctly printed: SB 441, SB 524, SB 525, SB 526, SB 527, SB 528, HB 24, HB 52, HB 64, HB 94, HB 113, HB 121, HB 150, HB 154, HB 171, HB 172, HB 188, HB 352, HB 357, HB 373, HB 392, HB 512, HB 531, HB 571, HJR 3, HJR 23.
Correctly engrossed: SB 467, HB 63, HB 130, HB 189, HB 232, HB 282, HB 502.
Examined by Sponsor: SB 88

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/10/1999
HB 442, be concurred in. Report adopted.
HB 522, be concurred in. Report adopted.

FISH AND GAME (Mesaros, Chairman): 3/10/1999
HB 215, be amended as follows:

1. Title, line 4.

Following: "OF"

Insert: "ELECTRONIC"

2. Page 1, line 9.

Following: "of"

Insert: "electronic"

3. Page 1, line 10.

Following: "any"

Insert: "electronic"

4. Page 1, line 12.

Following: "hunter."

Insert: "A radio-tracking collar attached to a dog that is used by a hunter engaged in lawful hunting activities is not considered a motion-tracking device or mechanism for purposes of this section."

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

HB 379, be amended as follows:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

1. Page 2, line 17.

Following: "UNDER"

Insert: "87-5-107 or under"

2. Page 2, line 19.

Following: "under"

Insert: "87-5-107 or under"

3. Page 2, line 29.

Following: line 28

Insert: "(c) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing."

4. Page 3, line 29.

Following: "UNDER"

Insert: "87-5-107 or under"

5. Page 4, line 1.

Following: "under"

Insert: "87-5-107 or under"

6. Page 4, line 11.

Following: line 10

Insert: "(c) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing."

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

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):

3/10/1999

HB 98, be amended as follows:

1. Page 1, line 22.

Following: "extending"

Insert: ", repairing, or replacing"

2. Page 1, line 26.

Following: "dealer;"

Strike: "and"

3. Page 1, line 28.

Following: "system"

Insert: "; and

(h) in the case of a private water supply, installation of the pump, waterline, or pressure tank, regardless of whether the pump, waterline, or pressure tank is located inside or outside the structure being served"

4. Page 2, line 2.

Following: "of a"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Insert: "county,"
Following: "city"
Insert: ", "

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

HB 514, be concurred in. Report adopted.
HB 592, be amended as follows:

1. Page 32, line 8.
Strike: "39-51-310, 39-51-2404,"

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

LOCAL GOVERNMENT (Sprague, Chairman):
SB 454, be amended as follows:

3/10/1999

1. Title, line 4 through line 5.
Strike: "REVISING" on line 4 through "INCLUDE" on line 5
Insert: "REQUIRING A STATE PAYMENT TO POWELL COUNTY FOR"

2. Title, line 6.
Strike: "AMENDING" through "MCA;"
Strike: "IMMEDIATE"

3. Title, line 7.
Strike: "AND" through "DATE"

4. Page 1 through page 2.
Strike: everything after the enacting clause
Insert: "WHEREAS, the state makes payments in lieu of taxes for property from which the state derives grazing, agricultural, or forest income; and
WHEREAS, the state prison conducts a farming and ranching operation in Powell County that is not subject to payment in lieu of taxes.
THEREFORE, the Legislature finds that it is appropriate for the state prison ranch to make a payment to Powell County that is comparable to a payment in lieu of taxes."

Insert: "NEW SECTION. Section 1. Payment to Powell County. (1) The department of corrections shall allocate \$46,000 each fiscal year from the proprietary enterprise fund established for the operation of the state prison ranch to the Powell County treasurer.

(2) The Powell County treasurer shall distribute the payment in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as property taxes are distributed."

Insert: "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 1]."

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1999."

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

And, as amended, do pass. Report adopted.

HB 107, be amended as follows:

1. Title, line 8.

Strike: line 8 in its entirety

2. Page 1, line 13 through page 2, line 29.

Strike: section 1 in its entirety

3. Page 3, line 1 through line 3.

Strike: line 1 through line 3 in their entirety

4. Page 3, line 4.

Strike: ""

5. Page 4, line 15.

Strike: ""

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

HB 192, be amended as follows:

1. Page 1, line 20 through line 21.

Strike: ", " on line 20 through "authority" on line 21

2. Page 1, line 29 through line 30.

Strike: "after the" on line 29 through "completed" on line 30

3. Page 2, line 1 through line 2.

Strike: "termination" on line 1 through "a" on line 2

4. Page 2, line 4.

Strike: "SHALL"

Insert: "may"

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

HB 210, be concurred in. Report adopted.

HB 360, be concurred in. Report adopted.

HB 476, be concurred in. Report adopted.

STATE ADMINISTRATION (Cole, Chairman):

3/10/1999

HB 173, be concurred in. Report adopted.

HB 349, be concurred in. Report adopted.

HB 494, be concurred in. Report adopted.

TAXATION (Devlin, Chairman):

3/10/1999

SB 502, introduced bill, be amended as follows:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

1. Title, line 5 through line 8.

Strike: "PROVIDING" on line 5 through "IMPROVEMENT;" on line 8

2. Title, line 13.

Strike: "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

3. Title, line 14.

Strike: "90-6-309,"

Strike: "90-6-402, 90-6-403,"

4. Page 3, line 28 through page 5, line 9.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 7, line 19 through page 9, line 4.

Strike: sections 6 and 7 in their entirety

Renumber: subsequent sections

6. Page 9, line 16 through line 18.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

7. Page 10, line 1.

Strike: "(3)"

Insert: "(2)"

8. Page 10, line 4.

Strike: "(3)"

Insert: "(2)"

9. Page 10, line 7.

Strike: "(3)"

Insert: "(2)"

Strike: "(5)"

Insert: "(4)"

10. Page 10, line 13 through line 15.

Strike: section 9 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 132, be amended as follows:

1. Title, line 12.

Strike: "15-16-101,"

2. Page 1, line 26.

Following: "\$50"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Insert: "or the amount of the tax due, whichever is less "

3. Page 1, line 28.

Following: "\$200"

Insert: "or the amount of the tax due, whichever is less "

4. Page 3, line 14 through page 4, line 15.

Strike: section 5 in its entirety

Renumber: subsequent sections

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 20
Report No. 1

We, your Conference Committee met and considered House amendments to Senate Bill 20 (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that the House amendments to Senate Bill 20 (reference copy -- salmon) be accepted by the Senate.

For the Senate:

McNutt, Chairman
Beck
Shea

For the House:

Grinde, Chairman
Facey
Noennig

MESSAGES FROM THE GOVERNOR

March 10, 1999

The Honorable Bruce Crippen
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable John Mercer
Speaker of the House
State Capitol
Helena, Montana 59620

Dear President Crippen and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 260, "**AN ACT REDUCING THE TAXES ON LIGHT VEHICLES AND FLEET VEHICLES; PROVIDING THAT THE TAX RATE DECREASES AS THE STATEWIDE**

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

VALUE OF LIGHT AND FLEET VEHICLES INCREASES; PROVIDING THAT THE AMOUNT OF MONEY DISTRIBUTED TO THE DISTRICT COURT FUND FROM LIGHT VEHICLE TAXES REMAIN UNCHANGED; CHANGING THE DISTRIBUTION FORMULA FOR MOTOR VEHICLE TAX COLLECTIONS; INCREASING THE PERMISSIBLE TAX RATE ALLOWED UNDER THE LOCAL OPTION VEHICLE TAX; REQUIRING A VOTE FOR IMPOSITION OF THE LOCAL OPTION VEHICLE TAX; AMENDING SECTIONS 20-9-141, 61-3-504, 61-3-509, AND 61-3-537, MCA; AND PROVIDING AN APPLICABILITY DATE" for the following reasons.

Senate Bill 260 contains a number of revisions and reductions to existing motor vehicle taxes. I support the intent of the bill. The bill was drafted and passed through both the Senate and House prior to the Montana Supreme Court's decision regarding the constitutional validity of CI-75. The Montana Supreme Court subsequently ruled that CI-75 was unconstitutional in its entirety.

New Section 5 of Senate Bill 260 contains a coordination instruction providing that if CI-75 is declared invalid, then the tax rate for motor vehicles would drop to 1.3% rather than the bracketed 1.4% in subsection 3 of Section 2. I believe that immediately dropping the tax rate on motor vehicles to 1.3% would impose a significant hardship on local government due to lost revenues. I believe that it would be more appropriate to begin with the original 1.4% rate. Because subsection 3 of Section 2 contains a reverse index which will allow the tax rate to gradually fall, Montana taxpayers will continue to receive reductions in their motor vehicle taxes over the ensuing years. However, using the 1.4% rate as a baseline will allow local government more time to absorb the loss in revenue and make budgetary adjustments as a result.

As a result of lowering the tax rate on vehicles, there will necessarily be a corresponding reduction in the funds available for certain special revenue accounts. Enactment of the bill in its current form would result in significant shortages in the special revenue accounts set aside for the 6 mill university levy and the 9 mill county public assistance fund. Due to the resulting loss of revenue, I believe that it is necessary to appropriate funds from the general fund for placement in special revenue accounts to insure that the special revenue accounts remain adequately funded.

For the foregoing reasons, I believe that the original "New Section 5," which dealt with the Supreme Court's decision on CI-75 should be deleted in its entirety and replaced with a substitute section appropriating specific amounts for placement into the special revenue account set aside for the 6 mill University levy and the account for the 9 mill levy for counties opting for state assumption of public assistance responsibility.

Senator Glaser, the bill's sponsor, is aware of the proposed amendments, which are attached, and he concurs with them.

Sincerely,

MARC RACICOT
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL 260

1. Title, line 11.

Following: "TAX;"

Insert: "PROVIDING FOR APPROPRIATIONS TO THE SPECIAL REVENUE ACCOUNTS FOR THE 6 MILL UNIVERSITY LEVY AND 9 MILL COUNTY PUBLIC ASSISTANCE LEVY;"

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

2. Page 5, lines 20 through 24.

Strike: section 5 in its entirety

Insert: "NEW SECTION. **Section 5. Appropriations from general fund.** (1) There is appropriated from the general fund \$604,305 for fiscal year 2000 and \$1,268,732 for fiscal year 2001 to the state special revenue fund referenced in 15-10-106.

(2) There is appropriated from the general fund \$87,471 for fiscal year 2000 and \$183,644 for fiscal year 2001 to the state special revenue fund in the state treasury to the credit of the department of public health and human services referenced in 53-2-813(2)."

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/9/1999

SB 1, introduced by D. Mahlum
SB 91, introduced by C. Swysgood
SB 95, introduced by L. Grosfield
SB 101, introduced by E. Franklin
SB 115, introduced by S. Stang
SB 116, introduced by B. Glaser
SB 120, introduced by S. Bartlett
SB 140, introduced by L. Nelson
SB 155, introduced by Berry
SB 203, introduced by Bartlett
SB 347, introduced by S. Stang

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/10/1999

SB 90, introduced by S. Stang
SB 99, introduced by J. Tester

Senate bill **not** concurred in and returned to the Senate: 3/8/1999

SB 168, introduced by Grosfield

House bills passed and transmitted to the Senate for concurrence: 3/9/1999

HB 470, introduced by B. Kasten
HB 536, introduced by B. Kasten

MOTIONS

HB 63 - Senator J. Hertel moved that HB 63 be taken from second reading this legislative day and rereferred to the committee on Business and Industry. Motion carried.

HB 512 - Senator Christiaens moved that consideration of HB 512 on second reading this legislative day, be postponed until the fifty-eighth legislative day, March 15, 1999. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

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

HB 470, introduced by B. Kasten (by request of the House Joint Appropriations Subcommittee on Human Services and Aging), referred to Finance and Claims.

HB 536, introduced by B. Kasten, S. Anderson, S. Bartlett, T. Beck, E. Bergsagel, C. Christiaens, G. Devlin, D. Eck, D. Ewer, E. Franklin, D. Grimes, L. Grosfield, M. Guggenheim, J. Harp, H. Harper, D. Harrington, C. Hibbard, T. Keating, B. Keenan, S. Kitzenberg, D. Mahlum, B. McCarthy, D. McGee, R. Peck, J. Quilici, P. Sliter, L. Soft, S. Stang, E. Swanson, J. Tester, F. Thomas, M. Waterman, B. Wilson, 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 8, 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

SB 18, 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.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Total 0

SB 32, 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 24 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 94 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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 113 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 121 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 150 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.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Total 50

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 171 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 172 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 188 concurred in as follows:

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

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 189 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 357 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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Excused: None.
Total 0

HB 392 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 502 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Doherty, Miller.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 571 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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 3 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, 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 46

Nays: Grosfield, Keenan, Swysgood, Toews.
Total 4

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 1:55 p.m. for party caucuses. Motion carried.

Senate recessed at 1:20 p.m.

Senate reconvened at 2:00 p.m.

Roll Call. All members present. Quorum present.

MOTIONS

SB 260, Governor's Amendments - Senator Harp moved that the Governor's Amendments to SB 260 be placed on the second reading board this legislative day and further, that it be placed before HB 155 on the second reading board. Motion carried.

**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 Keenan in the chair.

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

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

recommend as follows:

SB 260, Governor's Amendments - Senator Glaser moved that the Governor's Amendments to SB 260 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 39

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Stang, Waterman.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 155 - Senator G. Roush moved HB 155, second reading copy, be amended as follows :

1. Title, line 8.

Strike: "SECTIONS 33-15-1103 AND "

Insert: "SECTION"

2. Page 3, line 30 through page 4, line 29.

Strike: section 1 in its entirety

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 155 - Senator G. Roush moved HB 155, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jergeson, Keenan, Lynch, McCarthy, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson.
Total 39

Nays: Christiaens, Holden, Jabs, Keating, Mahlum, McNutt, Mohl, Swysgood, Toews, Mr. President.
Total 10

Absent or not voting: Devlin.
Total 1

Excused: None.
Total 0

HB 168 - Senator M. Taylor moved HB 168 be concurred in. Motion carried unanimously.

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999

SB 441 - Senator C. Christiaens moved SB 441 do pass. 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, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: Stang.
Total 1

Absent or not voting: None.
Total 0

Excused: None.
Total 0

Senator Grosfield excused at this time.

SB 467 - Senator S. Bartlett moved SB 467 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Halligan, Harp, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Waterman, Wells, Wilson, Mr. President.
Total 35

Nays: DePratu, Devlin, Ekegren, Grimes, Hargrove, Hertel, Holden, Jabs, Keenan, Mesaros, Miller, Mohl, Thomas, Toews.
Total 14

Absent or not voting: None.
Total 0

Excused: Grosfield.
Total 1

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, March 11, 1999. Motion carried.

Senate adjourned at 3:10 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate

SENATE JOURNAL
FIFTY-FOURTH LEGISLATIVE DAY - MARCH 10, 1999