

**SENATE JOURNAL
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 12, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Robert Ross of the Assembly of God Church in Kalispell. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Berry, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

Correctly printed: HB 52, HB 64, HB 130, HB 142, HB 154, HB 232, HB 282, HB 331, HB 352, HB 371, HB 404, HB 418, HB 468, HB 474, HB 479, HB 492, HB 495, HB 531, HB 615.

Correctly engrossed: HB 58, HB 69, HB 444, HB 526.

Correctly enrolled: SB 8, SB 18, SB 32, SB 48, SB 49, SB 162, SB 191, SB 201, SB 231, SB 246.

Examined by the sponsor and found to be correct: SB 8, SB 18, SB 32, SB 48, SB 49, SB 162, SB 191, SB 201, SB 231, SB 246.

Signed by the Speaker at 4:37 p.m., March 11, 1999: SB 88.

Delivered to the Governor for his approval at 9:45 a.m., March 12, 1999: SB 88.

HIGHWAYS AND TRANSPORTATION (Mohl, Chairman):

3/11/1999

HB 129, be amended as follows:

1. Page 7, line 17 through line 18.

Strike: "or" on line 17 through "roadway" on line 18

Insert: "that presents an immediate hazard or an emergency or life-threatening situation"

2. Page 8, line 5 and line 6.

Strike: "IF" on line 5 through "APPLIES" on line 6

Insert: "A violation of 61-9-402(4)(a) is considered reckless endangerment of highway workers, as provided in 61-8-315, and is punishable as provided in 61-8-715(2)"

3. Page 10, line 5.

Strike: "OR" through "ROADWAY"

Insert: "that presents an immediate hazard or an emergency or life-threatening situation"

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

HB 187, be amended as follows:

1. Page 1, line 22.

Following: "place."

Insert: "The boundaries of the work zone must be clearly identified by the posting of signs."

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

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HB 561, be concurred in. Report adopted.
HJR 25, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman): 3/12/1999
HB 227, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman): 3/12/1999
HB 167, be concurred in. Report adopted.
HB 395, be concurred in. Report adopted.
HB 557, be amended as follows:

1. Page 1, line 30 through page 2, line 2.
Following: "recovery." on page 1, line 30
Strike: remainder of line 30 through "claim." on page 2, line 2

2. Page 2, lines 4 and 5.
Strike: "workers'" on line 4 through "compensation" on line 5
Insert: "release of information related to workers' compensation must be consistent with the provisions of this subsection"

3. Page 2, line 7.
Following: "DISCOVERY"
Insert: "or disclosure"

4. Page 2, line 8.
Following: "PROCEDURE."
Strike: "RULES OF"
Insert: "by "

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

LOCAL GOVERNMENT (Sprague, Chairman): 3/12/1999
HB 17, be concurred in. Report adopted.
HB 228, be concurred in. Report adopted.
HB 230, be concurred in. Report adopted.

MOTIONS

SB 200, House Amendments - Senator Doherty moved SB 200, House Amendments, be taken from second reading this legislative day and rereferred to the committee on Finance and Claims. After discussion, Senator Harp made a substitute motion that SB 200, House Amendments, be withdrawn from the committee on Finance and Claims and placed on second reading this day. 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, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 32

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Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 18

Paired: Berry, Aye; Jergeson, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 52 concurred in as follows:

Yeas: Bartlett, Beck, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 64 concurred in as follows:

Yeas: Beck, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Wells, Mr. President.

Total 30

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Toews, Waterman, Wilson.

Total 19

Absent or not voting: None.

Total 0

Excused: Berry.

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Total 1

HB 130 concurred in as follows:

Yeas: Bartlett, Beck, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 154 concurred in as follows:

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

Total 43

Nays: Bishop, Keating, Keenan, Mesaros, Mohl, Swysgood.

Total 6

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

HB 232 concurred in as follows:

Yeas: Bartlett, Beck, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Berry.
Total 1

HB 282 concurred in as follows:

Yeas: Bartlett, Beck, 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, Mohl, Nelson, Roush, Shea, Sprague, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Miller, Stang, Swysgood, Taylor, Toews.
Total 5

Absent or not voting: None.
Total 0

Excused: Berry.
Total 1

HB 352 concurred in as follows:

Yeas: Bartlett, Beck, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Miller, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 41

Nays: Grimes, Grosfield, Keenan, Mesaros, Mohl, Nelson, Swysgood, Taylor.
Total 8

Absent or not voting: None.
Total 0

Excused: Berry.
Total 1

HB 531 concurred in as follows:

Yeas: Bartlett, Beck, 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 49

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Berry.

Total 1

HJR 23 concurred in as follows:

Yeas: Bartlett, Beck, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

**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 Bohlinger in the chair.

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

SB 200, House Amendments - Senator M. Taylor moved House Amendments to SB 200 be concurred in. Motion carried as follows:

Yeas: Beck, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 30

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 19

Absent or not voting: None.

Total 0

Excused: Berry.

Total 1

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

MOTIONS

SB 260 - 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 260. Motion carried. The president appointed the following members:

Senator Devlin, Chairman
Senator Glaser
Senator Stang

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Saturday, March 13, 1999. Motion carried.

Senate adjourned at 3:00 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate