

**SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
March 13, 1999

Senate Chambers
State Capitol

Senate convened at 8:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Jabs, McCarthy and Wilson, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/13/1999
Correctly printed: HB 17, HB 167, HB 227, HB 228, HB 230, HB 395, HB 561, HJR 25.
Correctly engrossed: HB 129, HB 187, HB 557.
Signed by the President at 2:50 p.m., March 12, 1999: SB 1, SB 91, SB 95, SB 101, SB 115, SB 116, SB 120, SB 140, SB 155, SB 203, SB 347.
Signed by the President at 4:30 p.m., March 12, 1999: SB 8, SB 18, SB 32, SB 48, SB 49, SB 162, SB 191, SB 201, SB 231, SB 246.
Signed by the Secretary of Senate at 6:30 p.m., March 12, 1999: SB 1, SB 91, SB 95, SB 101, SB 115, SB 116, SB 120, SB 140, SB 155, SB 203, SB 347.
Signed by the Secretary of Senate at 9:10 a.m., March 13, 1999: SB 8, SB 18, SB 32, SB 48, SB 49, SB 162, SB 191, SB 201, SB 231, SB 246.

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/12/1999
HB 100, be amended as follows:

1. Page 18, line 21.
Strike: "CLIENTS"

2. Page 19, line 7.
Strike: "CLIENTS"

3. Page 105, lines 5 and 7.
Strike: "72"
Insert: "70"

(new amendment per clerical)
Page 105, line 20.
Strike: "35,"

4. Page 105, line 22.
Strike: "36"
Insert: "35"

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

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman): 3/12/1999

HB 304, be amended as follows:

1. Page 2, line 10.

Strike: "or"

2. Page 2, line 11.

Following: "adjuster"

Insert: "; or

(g) an accountant licensed under Title 37, chapter 50"

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

HB 414, be concurred in. Report adopted.

HB 419, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Beck, Chairman): 3/13/1999

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 13, 1999:

TITLE

NAME

Pages:

Ryan Asay
Michaela Hubbard
Chad Fink
Jessica Hansen
Alice Maahs
Kyle Mace
Lisa Toews
Rebecca Unger

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 15, 1999:

TITLE

NAME

Pages:

Jordan Cole, Helena, MT
Kristen Browning, Polson, MT
Cameron Milton, Roundup, MT
Darah Johnson, Deer Lodge, MT
Brett Saylor, Choteau
Mark Nelson, Big Sandy, MT
Clint Peterson, Bridger, MT
MaryAnn Koopman, Bozeman, MT

Report Adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman): 3/13/1999

HB 44, be concurred in. Report adopted.

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

HB 126, be amended as follows:

1. Page 7, line 6.

Following: "WITH"

Insert: "gross negligence or with"

2. Page 7, line 9.

Following: "~~or~~"

Insert: "willful or wanton misconduct or"

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

HB 136, be concurred in. Report adopted.

HB 269, be concurred in. Report adopted.

HB 275, be amended as follows:

1. Title, line 7.

Strike: "ANNUALLY"

Insert: "BIENNIALLY, WITH ANNUAL UPDATES,"

2. Page 1, line 30.

Strike: "AN ANNUAL"

Insert: "a biennial"

Following: "report"

Insert: ", with annual updates,"

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

HB 583, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/12/1999

SB 29, introduced by J. Hertel

SB 44, introduced by A. Ellis

SB 98, introduced by K. Mesaros

SB 196, introduced by Mesaros

SB 291, introduced by B. Crismore

SB 296, introduced by L. Nelson

SB 396, introduced by S. Bartlett

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

3/12/1999

SB 54, introduced by M. Halligan

SB 289, introduced by S. Doherty

SB 274 - 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 274:

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

3/12/1999

Representative Kitzenberg, Chairman
Representative Eggers
Representative McKenney

SB 260 - The House did not concur with the Governor's Amendments to SB 260 and by motion the Speaker was authorized to appoint a **Free** conference committee, and requests the Senate appoint a like committee to confer on SB 260. The Speaker appointed the following committee members:

3/12/1999

Representative Rose, Chairman
Representative Beck
Representative Fisher

House bill passed and transmitted to the Senate for concurrence:

3/12/1999

HB 128, introduced by K. Gillan

MOTIONS

HB 522 - Senator C. Christiaens moved that consideration of HB 522, on second reading this legislative day, be passed until the fifty-eighth legislative day, Monday, March 15, 1999. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 529, introduced by G. Jergeson, B. Barnhart, S. Bartlett, G. Beck, R. Buzzas, C. Christiaens, V. Cocchiarella, T. Dell, S. Doherty, D. Eck, B. Eggers, J. Ellingson, R. Erickson, T. Facey, E. Franklin, S. Gallus, K. Galvin-Halcro, G. Golie, M. Guggenheim, G. Gutsche, T. Hagener, M. Halligan, H. Harper, D. Harrington, J. Hurdle, C. Juneau, B. Krenzler, R. Lenhart, M. Lindeen, J. Lynch, J. Mangan, G. Matthews, M. McCann, B. McCarthy, L. McCulloch, R. Menahan, L. Nelson, B. Pavlovich, R. Peck, J. Quilici, B. Raney, G. Roush, T. Schmidt, D. Shea, F. Smith, C. Squires, S. Stang, E. Swanson, J. Tester, M. Waterman, C. Williams, B. Wilson, D. Wyatt, referred to Taxation.

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

HB 128, introduced by K. Gillan (by request of the Revenue Oversight Committee), referred to Taxation.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 200, as amended by the House, passed as follows:

Yeas: Beck, Berry, 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 31

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

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

Total 18

Paired: Mesaros, Swysgood, Ayes; McCarthy, Wilson, Noes.

Absent or not voting: None.

Total 0

Excused: Jabs.

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 Ellis in the chair.

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

SB 454 - Senator T. Beck moved SB 454 do pass. After discussion, Senator T. Beck made a substitute motion that consideration of SB 454 be placed below HB 349 on the second reading board. Motion carried.

SB 502 - Senator L. Grosfield moved SB 502 do pass. Motion carried unanimously.

HB 98 - Senator T. Keating moved HB 98 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Mohl, Roush, Shea, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Mr. President.

Total 36

Nays: Bartlett, Bishop, Christiaens, Doherty, Franklin, Halligan, Miller, Nelson, Stang, Toews, Wells.

Total 11

Absent or not voting: None.

Total 0

Excused: Jabs, McCarthy, Wilson.

Total 3

HB 107 - Senator D. Mahlum moved HB 107 be concurred in. Motion carried unanimously.

Senator Devlin assumed the chair.

HB 132 - Senator A. Ellis moved HB 132, second reading copy, be amended as follows :

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

1. Page 2, line 3.

Strike: "greater"

Insert: "less"

Amendment **adopted** as follows:

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

Total 30

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

Total 16

Absent or not voting: Cocchiarella.

Total 1

Excused: Jabs, McCarthy, Wilson.

Total 3

HB 132 - Senator A. Ellis moved HB 132, second reading copy, be further amended as follows :

1. Title, line 12.

Strike: "15-16-102,"

2. Page 4, line 17 through page 5, line 14.

Strike: section 5 in its entirety

Renumber: subsequent sections

Amendment **adopted** unanimously.

HB 132 - Senator Ellis moved HB 132, as amended, be concurred in. Motion carried 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Waterman, Wells, Mr. President.

Total 43

Nays: Beck, Miller, Toews.

Total 3

Absent or not voting: Taylor.

Total 1

Excused: Jabs, McCarthy, Wilson.

Total 3

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

Senator Ellis resumed the chair.

HB 173 - Senator W. Crismore moved HB 173 be concurred in. Motion carried unanimously.

HB 192 - Senator K. Miller moved HB 192 be concurred in. Motion carried with Senator Franklin voting nay.

HB 210 - Senator J. Bohlinger moved HB 210 be concurred in. Motion carried unanimously.

HB 215 - Senator J. Wells moved HB 215 be concurred in. Motion carried unanimously.

HB 349 - Senator J. Hertel moved HB 349 be concurred in. Motion carried unanimously.

SB 454 - Senator T. Beck moved SB 454 do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Jergeson, Keenan, Lynch, Mahlum, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Mr. President.

Total 37

Nays: Ellis, Grosfield, Holden, Keating, Miller, Mohl, Taylor, Toews, Waterman, Wells.

Total 10

Absent or not voting: None.

Total 0

Excused: Jabs, McCarthy, Wilson.

Total 3

SB 10 - Conference Committee Report No. 1 - Senator A. Mohl moved the Conference Committee report to SB 10 be adopted. Motion carried unanimously.

SB 20 - Conference Committee Report No. 1 - Senator D. Shea moved the Conference Committee report to SB 20 be adopted. Motion carried unanimously.

SB 90, House Amendments - Senator S. Stang moved House Amendments to SB 90 be concurred in. Motion carried unanimously.

SB 99, House Amendments - Senator J. Tester moved House Amendments to SB 99 be concurred in. Motion carried unanimously.

HB 118 - Senator S. Bartlett moved HB 118 be concurred in. Motion carried unanimously.

Senator Bishop excused at this time.

HB 360 - Senator M. Cole moved HB 360 be concurred in. Motion carried unanimously.

HB 379 - Senator L. Grosfield moved HB 379 be concurred in. Motion carried unanimously.

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

HB 442 - Senator M. Sprague moved HB 442 be concurred in. Motion carried unanimously.

HB 476 - Senator M. Halligan moved HB 476 be concurred in. Motion carried unanimously.

Senators Christiaens, Franklin and Shea excused at this time.

HB 494 - Senator T. Beck moved HB 494 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McNutt, Mesaros, Nelson, Roush, Sprague, Stang, Tester, Thomas, Waterman, Wells, Mr. President.

Total 34

Nays: Devlin, Ellis, Harp, Keenan, Miller, Mohl, Swysgood, Taylor, Toews.

Total 9

Absent or not voting: None.

Total 0

Excused: Bishop, Christiaens, Franklin, Jabs, McCarthy, Shea, Wilson.

Total 7

Senators Christiaens and Franklin present at this time.

HB 514 - Senator B. Keenan moved HB 514 be concurred in. Motion carried unanimously.

Senator Nelson excused at this time.

SB 79 - Free Conference Committee Report No. 1 - Senator C. Swysgood moved the Free Conference Committee report to SB 79 be adopted. Motion carried unanimously.

HB 58 - Senator M. Cole moved HB 58 be concurred in. Motion carried unanimously.

HB 69 - Senator G. Jergeson moved HB 69 be concurred in. Motion carried unanimously.

Senator Christiaens excused at this time.

HB 331 - Senator G. Roush moved HB 331 be concurred in. Motion carried unanimously.

HB 371 - Senator S. Bartlett moved HB 371 be concurred in. Motion carried unanimously.

HB 404 - Senator F. Thomas moved consideration of HB 404 be passed for the day. Motion carried.

HB 418 - Senator B. Stang moved HB 418 be concurred in. Motion carried unanimously.

HB 444 - Senator G. Devlin moved HB 444 be concurred in. Motion carried unanimously.

HB 468 - Senator J. Wells moved HB 468 be concurred in. Motion carried unanimously.

SENATE JOURNAL
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 13, 1999

HB 474 - Senator D. Grimes moved HB 474 be concurred in. Motion carried unanimously.

HB 479 - Senator J. Bohlinger moved HB 479 be concurred in. Motion carried unanimously.

Senator Bartlett excused at this time.

HB 492 - Senator M. Halligan moved HB 492 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Mr. President.
Total 37

Nays: Cocchiarella, Eck, Keenan, Toews, Waterman.
Total 5

Absent or not voting: None.
Total 0

Excused: Bartlett, Bishop, Christiaens, Jabs, McCarthy, Nelson, Shea, Wilson.
Total 8

HB 495 - Senator J. Lynch moved HB 495 be concurred in. Motion carried unanimously.

HB 526 - Senator J. Lynch moved HB 526 be concurred in. Motion carried with Senator Wells voting nay.

HB 615 - Senator B. Keenan moved HB 615 be concurred in. Senator Taylor expressed a conflict of interest. Motion carried unanimously.

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Monday, March 15, 1999. Motion carried.

Senate adjourned at 11:21 a.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate