

**SENATE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 15, 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 except Senator Mahlum, excused. Quorum present.

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 3/15/1999

Correctly printed: SB 454, SB 502, HB 44, HB 58, HB 69, HB 98, HB 107, HB 118, HB 136, HB 173, HB 192, HB 210, HB 215, HB 269, HB 331, HB 349, HB 360, HB 371, HB 379, HB 414, HB 418, HB 419, HB 442, HB 444, HB 468, HB 474, HB 476, HB 479, HB 492, HB 494, HB 495, HB 514, HB 526, HB 583, HB 615.

Correctly engrossed: HB 100, HB 126, HB 132, HB 275, HB 304.

Correctly enrolled: SB 29, SB 44, SB 98, SB 114, SB 136, SB 188, SB 196, SB 197, SB 200, SB 230, SB 291, SB 296, SB 394, SB 396.

Examined by the sponsor and found to be correct: SB 29, SB 44, SB 98, SB 114, SB 136, SB 188, SB 196, SB 197, SB 200, SB 230, SB 291, SB 296, SB 394, SB 396.

Signed by the Speaker at 12:40 p.m., March 13, 1999: 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 1:06 p.m., March 13, 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 12:50 p.m., March 15, 1999: SB 200.

Signed by the President at 12:49 p.m., March 15, 1999: SB 200.

Signed by the Speaker at 1:03 p.m., March 15, 1999: SB 200.

Delivered to the Governor for his approval at 10:45 a.m., March 15, 1999: SB 1, SB 8, SB 18, SB 32, SB 48, SB 49, SB 91, SB 95, SB 101, SB 115, SB 116, SB 120.

Delivered to the Governor for his approval at 2:25 p.m., March 15, 1999: SB 140, SB 155, SB 162, SB 191, SB 200, SB 201, SB 203, SB 231, SB 246, SB 347.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Bishop, Chairman):

3/15/1999

**HB 551**, be amended as follows:

1. Title, line 9.

**Strike:** "CERTAIN SAVINGS"

**Insert:** "GENERAL FUND MONEY"

**Strike:** "APPROPRIATED"

**Insert:** "TRANSFERRED"

2. Page 2, lines 7 and 8.

**Strike:** "Any savings resulting from the implementation of a" on line 7

**Insert:** "The department shall transfer to each new"

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**Following:** "plan" on line 7  
**Strike:** remainder of line 7 through "level" on line 8

3. Page 2, lines 10 through 12.

**Strike:** "UP TO" on line 10

**Insert:** "after [the effective date of this act]"

**Following:** "MONEY" on line 10

**Strike:** remainder of line 10 through "]" on line 12

**Insert:** "from existing general fund appropriation authority for each of the fiscal years of the succeeding biennium for the use of each tribe implementing a family assistance plan"

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

**MESSAGES FROM THE OTHER HOUSE**

Senate bills concurred in and returned to the Senate: 3/13/1999

**SB 114**, introduced by F. Thomas  
**SB 136**, introduced by G. Jergeson  
**SB 188**, introduced by T. Beck  
**SB 197**, introduced by C. Christiaens  
**SB 230**, introduced by D. Grimes  
**SB 394**, introduced by J. Tester

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/13/1999

**SB 112**, introduced by E. Franklin  
**SB 128**, introduced by C. Christiaens

**MOTIONS**

**SB 525** - Senator G. Devlin moved that Bohlinger, Grosfield, Zook, Ekegren, Ahner, L. Taylor, Curtiss, Stovall, Eck, Crippen, Tash, S. Anderson, Ohs, E. Clark, J. Andersen, Hibbard, Hedges, B. Thomas, Rose, Rehbein, Waterman, T. Beck and Younkin be added as sponsors to SB 525. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 530**, introduced by A. Bishop, referred to Taxation.

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

**SR 4**, introduced by M. Cole, D. Hargrove, J. Tester, J. Wells, B. Wilson, referred to State Administration.

**THIRD READING OF BILLS**

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

**SB 10, Conference Committee** 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, 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: Mahlum.  
Total 1

**SB 20, Conference Committee** passed 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: Bartlett.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**SB 79, Free Conference Committee** 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, 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: Mahlum.

Total 1

**SB 90, as amended by the House**, passed 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Bartlett, Toews.

Total 2

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**SB 99, 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, 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: Mahlum.

Total 1

**SB 454** 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, Jabs, Jergeson, Keenan, Lynch, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood,

Tester, Thomas, Toews, Wilson, Mr. President.

Total 42

Nays: Ellis, Holden, Keating, Miller, Taylor, Waterman, Wells.

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Total 7

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**SB 502** 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, 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: Mahlum.

Total 1

**HB 58, as amended by the Senate,** 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, 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: Mahlum.

Total 1

**HB 69, as amended by the Senate,** concurred in as follows:

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

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Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 45

Nays: Cocchiarella, Miller, Mohl, Stang.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 98, as amended by the Senate, concurred in as follows:**

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, McCarthy, McNutt, Mohl, Roush, Shea, Sprague, Swysgood, Tester, Thomas, Waterman, Wilson, Mr. President.  
Total 36

Nays: Bartlett, Bishop, Christiaens, Doherty, Franklin, Halligan, Mesaros, Miller, Nelson, Stang, Taylor, Toews, Wells.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 107, as amended by the Senate, 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, 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: Mahlum.  
Total 1

**HB 118 concurred in as follows:**

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

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Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, 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: Mahlum.  
Total 1

**HB 132, as amended by the Senate,** concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, McCarthy, McNutt, Mesaros, Mohl, Roush, Sprague, Taylor, Tester, Thomas, Waterman, Wells, Mr. President.  
Total 36

Nays: Beck, Devlin, Doherty, Jergeson, Keenan, Lynch, Miller, Nelson, Shea, Stang, Swysgood, Toews, Wilson.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 173** 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, Lynch, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 45

Nays: Keenan, Miller, Taylor, Wells.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 192, as amended by the Senate,** concurred in as follows:

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

Total 47

Nays: Christiaens, Franklin.

Total 2

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**HB 210** 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, 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: Mahlum.

Total 1

**HB 215, as amended by the Senate,** concurred in as follows:

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

Total 46

Nays: Beck, Devlin, Swysgood.

Total 3

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1



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**HB 331** 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, 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: Mahlum.  
Total 1

**HB 349** 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, 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: Mahlum.  
Total 1

**HB 360** 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, 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: Mahlum.

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Total 1

**HB 371** 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, 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: Mahlum.

Total 1

**HB 379, as amended by the Senate,** 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, 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: Mahlum.

Total 1

**HB 418** 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 47

Nays: Bartlett, Waterman.

Total 2

Absent or not voting: None.

Total 0

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Excused: Mahlum.  
Total 1

**HB 442** 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, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.  
Total 47

Nays: Miller, Wilson.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 444, as amended by the Senate,** 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, 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: Mahlum.  
Total 1

**HB 468** 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: Toews.  
Total 1

Absent or not voting: None.

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Total 0

Excused: Mahlum.

Total 1

**HB 474** 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, 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: Mahlum.

Total 1

**HB 476** 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Total 48

Nays: Wilson.

Total 1

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**HB 479** 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, 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

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Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 492** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Tester, Thomas, Wells, Wilson, Mr. President.  
Total 42

Nays: Grimes, Keenan, Nelson, Swysgood, Taylor, Toews, Waterman.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 494** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.  
Total 39

Nays: DePratu, Devlin, Ellis, Jabs, Keenan, Miller, Mohl, Swysgood, Taylor, Toews.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**HB 495** 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**HB 514** 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, 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: Mahlum.

Total 1

**HB 526, as amended by the Senate,** 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, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 47

Nays: Miller, Wells.

Total 2

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**HB 615** 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Mahlum.  
Total 1

**MOTIONS**

**HB 404** - Senator F. Thomas moved that consideration of HB 404 be passed until the sixty-second legislative day, March 19, 1999. Motion carried.

**HB 142** - Senator Harp moved that consideration of HB 142 be placed below HB 522 on the second reading board this legislative day. Motion carried.

**HB 395** - Senator Ellingson moved that consideration of HB 395 be passed until the fifty-ninth legislative day, March 16, 1999. 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 Shea in the chair.

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

**SB 187 - House Amendments** - Senator J. Tester moved House amendments to SB 187 be concurred in. Motion carried unanimously.

**HB 522** - Senator B. McCarthy moved HB 522 be concurred in. Motion carried unanimously.

**HB 142** - Senator T. Keating made his opening remarks on HB 142. The committee then reverted to the body of the bill for the purpose of amendment.

**Senator C. Christiaens excused at this time.**

**HB 142** - Senator V. Cocchiarella moved HB 142, second reading copy, be amended as follows :

1. Page 3, line 23.

**Strike:** "SUBSTANTIAL, CREDIBLE"

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

**Strike:** "Except" on page 3, line 30 through "The" on page 4, line 2

**Insert:** "Except when the department and board have a specific statutory duty to avoid environmental harm and specific knowledge that environmental harm may arise when the department or board do not act, the"

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Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Hertel, Jergeson, Keenan, Lynch, McCarthy, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.

Total 21

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Holden, Jabs, Keating, McNutt, Mesaros, Miller, Mohl, Nelson, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.

Total 27

Absent or not voting: None.

Total 0

Excused: Christiaens, Mahlum.

Total 2

**Senator C. Christiaens present at this time.**

**HB 142** - Senator Keating moved HB 142 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells.

Total 30

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Jergeson, Keenan, Lynch, McCarthy, Shea, Waterman, Wilson, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**SB 54 - House Amendments** - Senator M. Halligan moved House amendments to SB 54 be **not** concurred in. Motion carried unanimously.

**SB 289 - House Amendments** - Senator S. Doherty moved House amendments to SB 289 be concurred in. Motion carried unanimously.

**HB 373** - Senator D. Hargrove moved HB 373 be concurred in. Motion carried unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Whip Thomas introduced the Senate pages for the week of March 15 - 20, 1999.



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Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Tuesday, March 16, 1999. Motion carried.

Senate adjourned at 3:02 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate