

**SENATE JOURNAL
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana
March 18, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. Acting President Halligan presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/18/1999
Correctly printed: SB 308, SB 521, SB 522, SJR 15, HB 65, HB 76, HB 106, HB 275, HB 304, HB 362, HB 411, HB 414, HB 419, HB 551, HB 583, HB 585, HJR 12, HJR 19, HJR 31.
Correctly engrossed: HB 53, HB 310, HB 399.
Correctly enrolled: SB 187, SB 289.
Examined by the sponsor and found to be correct: SB 187, SB 289.
Signed by the President at 4:15 p.m., March 17, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.
Signed by the Secretary of Senate at 10:00 a.m., March 18, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.
Signed by the Speaker at 11:20 a.m., March 18, 1999: SB 87, SB 90, SB 99, SB 127, SB 131, SB 166, SB 227, SB 245, SB 290, SB 299, SB 317, SB 351, SB 428.

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/17/1999
HB 47, be amended as follows:

1. Page 2, line 1.

Strike: "3"

Insert: "5"

2. Page 2, line 1 through line 3.

Strike: ", EXCEPT" on line 1 through "VIOLATION" on line 3

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

HB 186, be amended as follows:

1. Title, page 1, line 6.

Following: " ; "

Insert: "CLARIFYING RESPONSIBILITY OF A FINANCIAL INSTITUTION ACTING AS AN ACCOUNT ADMINISTRATOR OF MEDICAL CARE SAVINGS ACCOUNTS;"

2. Page 2, line 22.

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Following: "(1)"

Insert: "(a)"

3. Page 2, line 23.

Following: "and"

Insert: ", except as provided in subsection (1)(b),"

4. Page 2, line 24.

Following: "."

Insert: "(b)"

5. Page 2, line 26.

Strike: ". A"

Insert: "or share account and has the same rights and duties pertaining to the account as pertain to a regular deposit or share account. Notwithstanding any other provision of this chapter, a"

Following: "for"

Insert: "determining whether a medical expense is eligible or nonreimbursable or for"

Following: "funds"

Insert: "if the account holder attests that withdrawals are for eligible and nonreimbursable medical expenses"

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

HB 196, be concurred in. Report adopted.

HB 306, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

3/18/1999

HB 125, be concurred in. Report adopted.

HB 348, be amended as follows:

1. Title, page 1, lines 4 and 5.

Following: "ACT" on line 4

Strike: remainder of line 4 through "MEET;" on line 5

2. Page 1, line 17.

Following: "district,"

Insert: "in first class elementary districts, not less than one regular meeting each month; or
(d) in any other district,"

3. Page 1, line 20.

Following: "~~(1)(d)~~"

Insert: "or (1)(d)"

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

HB 509, be concurred in. Report adopted.

HJR 20, be concurred in. Report adopted.

HJR 21, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/17/1999

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HB 180, be amended as follows:

1. Title, line 6.

Following: "SERVICES"

Insert: "OR A GUARDIAN AD LITEM"

2. Title, line 8 through line 9.

Following: "GUARDIANSHIPS;" on line 8

Strike: remainder of line 8 through "RIGHTS;" on line 9

3. Page 5, line 10.

Following: "shall:"

Insert: ":"

4. Page 5, line 11.

Following: "(a)"

Insert: "(a)"

5. Page 5, line 20.

Following: "examined"

Insert: "; and

(b) in its discretion, enter any other order that it determines to be in the best interests of the child that does not require an expenditure of money by the department unless the department is notified and a court hearing is set in a timely manner on the proposed expenditure. The department is the payor of last resort after all family, insurance, and other resources have been examined"

6. Page 6, line 14.

Strike: "Department approved guardianship"

Insert: "Abuse and neglect proceedings -- appointment of guardian"

7. Page 6, line 15.

Following: "department"

Insert: "or guardian ad litem"

8. Page 6, line 17.

Following: "41-3-607."

Insert: "The guardianship may be subsidized by the department under subsection (8) if the guardianship meets the department's criteria, or the guardianship may be nonsubsidized."

9. Page 6, line 20.

Following: line 19

Insert: "(a) the department has given its written consent to the appointment of the guardian, whether the guardianship is to be subsidized or not;"

Renumber: subsequent subsections

10. Page 6, line 20.

Following: "(a)"

Insert: "if the guardianship is to be subsidized, the department has given its"

Following: "consent"

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Strike: "of the department has been given"

11. Page 6, line 26.

Following: "old"

Insert: "or the child is in a group of siblings, at least one of whom is at least 12 years old, and the guardianship is in the best interests of the siblings"

12. Page 7, line 1.

Following: "interests;"

Insert: "and"

13. Page 7, line 2.

Strike: subsection (h) in its entirety

Renumber: subsequent subsections

14. Page 7, line 5 through line 7.

Following: "proceedings" on line 5

Strike: remainder of line 5 through "PART" on line 7

15. Page 7, line 10.

Following: "subsidy"

Insert: ", if any,"

16. Page 7, line 25.

Following: "if"

Insert: "the guardianship meets the department's criteria and if"

17. Page 7, line 30.

Following: "~~no~~"

Insert: "no"

18. Page 8, line 19.

Strike: "A"

Insert: "no"

19. Page 8, line 20 through line 21.

Following: "relationship." on line 20

Strike: remainder of line 20 through "CONSTRUED." on line 21

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

HB 204, be amended as follows:

1. Title, line 10.

Following: "APPEAL;"

Insert: "REVISING CRIMINAL JURISDICTION OF JUSTICES' COURTS;"

2. Title, line 11.

Following: "3-10-101"

Strike: "AND"

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Insert: ", "

Following: "3-10-301,"

Insert: "AND 3-10-303,"

3. Page 3, line 10.

Insert: "**Section 5.** Section 3-10-303, MCA, is amended to read:

"3-10-303. Criminal jurisdiction. (1) The justices' courts have jurisdiction of public offenses committed within the respective counties in which the courts are established as follows:

(1)(a) except as provided in subsection (2), jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months, or both;

(2)(b) jurisdiction of all misdemeanor violations of fish and game statutes punishable by a fine of not more than \$1,000 or imprisonment for not more than 6 months, or both;

(3)(c) concurrent jurisdiction with district courts of all misdemeanors punishable by a fine exceeding \$500 or imprisonment exceeding 6 months, or both;

(4)(d) concurrent jurisdiction with district courts of all misdemeanor violations of fish and game statutes punishable by a fine exceeding \$1,000 or imprisonment exceeding 6 months, or both;

(5)(e) jurisdiction to act as examining and committing courts and for that purpose to conduct preliminary hearings;

(6)(f) jurisdiction of all violations of Title 61, chapter 10; and

(7)(g) all misdemeanor violations of Title 81, chapter 8, part 2.

(2) In any county that has established a drug court, the district court, with the consent of all judges of the courts of limited jurisdiction in the county, has concurrent jurisdiction of all misdemeanors punishable by a fine not exceeding \$500 or imprisonment not exceeding 6 months, or both."

Renumber: subsequent section

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

HB 209, be amended as follows:

1. Page 20, line 11.

Following: "COURT"

Insert: "and the prosecutor"

2. Page 20, line 21.

Insert: "(4) The court may not accept a plea of nolo contendere in a case involving a sexual offense, as defined in 46-23-502."

3. Page 22, line 27.

Following: "or"

Insert: "may, with the consent of the court and the prosecutor, enter a plea of"

4. Page 22, line 29.

Following: "plea"

Insert: "and the court determines that there is a factual basis for the plea"

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

HB 366, be amended as follows:

1. Title, line 8.

Following: "TERMINATED;"

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Insert: "AND"

2. Title, line 10 through line 11.

Following: "MCA" on line 10

Strike: remainder of line 10 through "DATE" on line 11

3. Page 6, line 25.

Following: "commissioners."

Insert: "guardian ad litem,"

4. Page 7, line 29.

Following: "child."

Strike: "WITH THE CHILD'S CONSENT, THE"

Insert: "The"

5. Page 12, line 30.

Following: "ANY"

Strike: "INTERESTED PERSON"

Insert: "party"

6. Page 15, line 7 through line 8.

Following: "cause" on line 7

Strike: remainder of line 7 through the first "PLACEMENT" on line 8

Insert: "a show cause"

7. Page 15, line 8.

Following: "cause"

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

8. Page 15, line 11.

Page 15, line 19.

Page 15, line 21.

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

9. Page 15, line 25.

Following: "cause"

Strike: "AN EMERGENCY PLACEMENT"

Insert: "a show cause"

10. Page 17, line 24.

Strike: "EMERGENCY PLACEMENT"

Insert: "show cause"

11. Page 24, line 5.

Following: "UPON THE"

Strike: "DECLARATION"

Insert: "stipulation of the parties or upon a judicial finding"

12. Page 25, line 5.

Following: "GUARDIAN"

Strike: ", AFTER A HEARING, IN THE ABSENCE OF A COURT"

Insert: "pursuant to a stipulation and"

Following: "ORDER"

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Insert: "or order of the court"

13. Page 28, line 24 through line 25.

Strike: subsection (4) in its entirety

Insert: "(4) The department may provide a subsidy for a guardianship of a child who is in the department's legal custody if the guardianship has been approved by the department in accordance with eligibility criteria established by department rule."

14. Page 31, line 3.

Strike: section 22 in its entirety

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

HB 593, be amended as follows:

1. Page 1, line 18.

Strike: "Mediation"

Insert: "Except upon written agreement of the parties and the mediator, mediation"

2. Page 1, line 21.

Following: "private"

Strike: ", except upon written agreement of the parties and the mediator"

3. Page 1, line 23.

Strike: "executed"

Insert: "signed, written"

4. Page 1, line 28.

Strike: "an executed"

Insert: "a signed, written"

5. Page 2, line 18.

Following: "to"

Insert: "in writing"

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

NATURAL RESOURCES (Crismore, Chairman):

3/18/1999

HB 96, be concurred in. Report adopted.

HB 429, be concurred in. Report adopted.

HB 485, be concurred in. Report adopted.

HB 539, be concurred in. Report adopted.

HJR 8, be concurred in. Report adopted.

HJR 11, be concurred in. Report adopted.

HJR 17, be concurred in. Report adopted.

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

3/18/1999

HB 266, be amended as follows:

1. Title, line 8.

Following: "APPLY TO"

Insert: "COVERAGE BY HEALTH MAINTENANCE ORGANIZATIONS,"

Following: "EMPLOYEES"

Insert: ", "

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2. Title, line 10.

Following: "33-22-131,"

Insert: "33-31-102, 33-31-111,"

3. Page 4, line 21.

Following: line 20

Insert: "Section 3. Section 33-31-102, MCA, is amended to read:

"**33-31-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Affiliation period" means a period that, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective.

(2) "Basic health care services" means:

(a) consultative, diagnostic, therapeutic, and referral services by a provider;

(b) inpatient hospital and provider care;

(c) outpatient medical services;

(d) medical treatment and referral services;

(e) accident and sickness services by a provider to each newborn infant of an enrollee pursuant to 33-31-301(3)(e);

(f) care and treatment of mental illness, alcoholism, and drug addiction;

(g) diagnostic laboratory and diagnostic and therapeutic radiologic services;

(h) preventive health services, including:

(i) immunizations;

(ii) well-child care from birth;

(iii) periodic health evaluations for adults;

(iv) voluntary family planning services;

(v) infertility services; and

(vi) children's eye and ear examinations conducted to determine the need for vision and hearing correction;

(i) minimum mammography examination, as defined in 33-22-132; and

(j) treatment and medical foods for phenylketonuria inborn errors of metabolism. "Treatment" means licensed professional medical services under the supervision of a physician and a dietary formula product to achieve and maintain normalized blood levels of phenylalanine and adequate nutritional status. "Medical foods" and "treatment" have the meanings provided for in 33-22-131.

(3) "Commissioner" means the commissioner of insurance of the state of Montana.

(4) "Enrollee" means a person:

(a) who enrolls in or contracts with a health maintenance organization;

(b) on whose behalf a contract is made with a health maintenance organization to receive health care services; or

(c) on whose behalf the health maintenance organization contracts to receive health care services.

(5) "Evidence of coverage" means a certificate, agreement, policy, or contract issued to an enrollee setting forth the coverage to which the enrollee is entitled.

(6) "Health care services" means:

(a) the services included in furnishing medical or dental care to a person;

(b) the services included in hospitalizing a person;

(c) the services incident to furnishing medical or dental care or hospitalization; or

(d) the services included in furnishing to a person other services for the purpose of preventing, alleviating, curing, or healing illness, injury, or physical disability.

(7) "Health care services agreement" means an agreement for health care services between a health maintenance organization and an enrollee.

(8) "Health maintenance organization" means a person who provides or arranges for basic health care services to enrollees on a prepaid basis, either directly through provider employees or through contractual or other arrangements with a provider or a group of providers. This subsection does not limit methods of provider payments made by health maintenance organizations.

(9) "Insurance producer" means an individual, partnership, or corporation appointed or authorized by a health maintenance organization to solicit applications for health care services agreements on its behalf.

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- (10) "Person" means:
- (a) an individual;
 - (b) a group of individuals;
 - (c) an insurer, as defined in 33-1-201;
 - (d) a health service corporation, as defined in 33-30-101;
 - (e) a corporation, partnership, facility, association, or trust; or
 - (f) an institution of a governmental unit of any state licensed by that state to provide health care, including but not limited to a physician, hospital, hospital-related facility, or long-term care facility.
- (11) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary.
- (12) "Point-of-service option" means a delivery system that permits an enrollee of a health maintenance organization to receive health care services from a provider who is, under the terms of the enrollee's contract for health care services with the health maintenance organization, not on the provider panel of the health maintenance organization.
- (13) "Provider" means a physician, hospital, hospital-related facility, long-term care facility, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, registered pharmacist, or advanced practice registered nurse, as specifically listed in 37-8-202, who treats any illness or injury within the scope and limitations of the provider's practice or any other person who is licensed or otherwise authorized in this state to furnish health care services.
- (14) "Provider panel" means those providers with whom a health maintenance organization contracts to provide health care services to the health maintenance organization's enrollees.
- (15) "Purchaser" means the individual, employer, or other entity, but not the individual certificate holder in the case of group insurance, that enters into a health care services agreement.
- (16) "Uncovered expenditures" mean the costs of health care services that are covered by a health maintenance organization and for which an enrollee is liable if the health maintenance organization becomes insolvent."

Insert: "Section 4. Section 33-31-111, MCA, is amended to read:

"33-31-111. Statutory construction and relationship to other laws. (1) Except as otherwise provided in this chapter, the insurance or health service corporation laws do not apply to any health maintenance organization authorized to transact business under this chapter. This provision does not apply to an insurer or health service corporation licensed and regulated pursuant to the insurance or health service corporation laws of this state except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

(2) Solicitation of enrollees by a health maintenance organization granted a certificate of authority or its representatives is not a violation of any law relating to solicitation or advertising by health professionals.

(3) A health maintenance organization authorized under this chapter is not practicing medicine and is exempt from Title 37, chapter 3, relating to the practice of medicine.

(4) This chapter does not exempt a health maintenance organization from the applicable certificate of need requirements under Title 50, chapter 5, parts 1 and 3.

(5) This section does not exempt a health maintenance organization from the prohibition of pecuniary interest under 33-3-308 or the material transaction disclosure requirements under 33-3-701 through 33-3-704. A health maintenance organization must be considered an insurer for the purposes of 33-3-308 and 33-3-701 through 33-3-704.

(6) This section does not exempt a health maintenance organization from:

(a) prohibitions against interference with certain communications as provided under chapter 1, part 8;

(b) the provisions of Title 33, chapter 22, part 19;

(c) the requirements of 33-22-134 and 33-22-135; or

(d) network adequacy and quality assurance requirements provided under chapter 36.

(7) Sections 33-22-131, 33-22-141, 33-22-142, 33-22-246, 33-22-247, 33-22-514, 33-22-523, 33-22-524, and 33-22-526 apply to health maintenance organizations."

Renumber: subsequent sections

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

STATE ADMINISTRATION (Cole, Chairman):

3/17/1999

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HB 182, be amended as follows:

1. Title, lines 8 and 9.

Strike: "PROVIDING" on line 8 through "ACCOUNT;" on line 9

2. Title, line 22.

Strike: "70-9-803"

Insert: "19-20-502"

3. Page 9, line 30.

Following: "board."

Insert: "The board may enter into agreements with federal agencies, political subdivisions, or state agencies for the purpose of administering the retirement system.

(3) Retirement benefits not claimed within 5 years after the member's death are forfeited and revert to the retirement system trust fund."

4. Page 13, line 18.

Strike: "Uniform Unclaimed Property Act and probate"

Insert: "Probate"

5. Page 13, lines 19 through 22.

Strike: "(1)" on line 19 through "(2)" on line 22

6. Page 61, line 22 through page 64, line 14.

Strike: section 96 in its entirety

Insert: "Section 96. Section 19-20-502, MCA, is amended to read:

"**19-20-502. Restrictions on use of moneys money.** (1) No member of the retirement board or any of its employees may:

(a) have an interest, direct or indirect, in the gains or profits of any investment of ~~moneys~~ money of the retirement system, except as ~~herein~~ provided in this section;

(b) directly or indirectly, for ~~himself~~ the member or as an agent, in any manner use the ~~moneys~~ money or deposits of the retirement system except to make ~~such~~ current and necessary expenditures as are authorized by the retirement board;

(c) become an endorser or surety or in any manner an obligor for ~~moneys~~ money loaned by or borrowed from the retirement system.

(2) The assets of the retirement system may not be used for or diverted to any purpose other than for the exclusive benefit of the members and their beneficiaries and for paying the reasonable expenses of administering the retirement system. The board may enter into agreements with federal agencies, political subdivisions, or state agencies for the purpose of administering the retirement system."

7. Page 67.

Following: line 30

Insert: "(2) [Section 19] is intended to be codified as an integral part of Title 19, chapter 20, part 5, and the provisions of Title 19, chapter 20, part 5, apply to [section 19]."

Renumber: subsequent subsections

8. Page 70, line 25.

Strike: "Sections"

Insert: "Section"

Strike: "and 96"

Strike: "apply"

Insert: "applies"

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

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HB 412, be amended as follows:

1. Page 1, line 27.
Strike: "FINDINGS"
Insert: "identification of features or places containing that word"
2. Page 2, line 3.
Following: "state"
Insert: "or for public use"
3. Page 2, line 6.
Strike: "geological survey"
Insert: "board on geographic names"
4. Page 2, line 7.
Strike: "geological survey"
Insert: "board on geographic names"

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

HB 625, be amended as follows:

1. Title, line 9.
Following: "DATE"
Insert: "AND A TERMINATION DATE"
2. Page 5.
Following: line 11
Insert: "NEW SECTION. **Section 8. Termination.** [This act] terminates October 1, 2003."

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

Senator Toews excused at this time.

MESSAGES FROM THE GOVERNOR

March 17, 1999

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

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 8** sponsored by Senator D. Hargrove, **Senate Bill 116** sponsored by Senator B. Glaser, **Senate Bill 155** sponsored by Senator Berry, **Senate Bill 162** sponsored by Senator Crismore et al., **Senate Bill 191** sponsored by Senator Jabs et al., **Senate Bill 246** sponsored by Senator Mahlum et al., and **Senate Bill 347** sponsored by Senator S. Stang on March 17, 1999.

Sincerely,

MARC RACICOT

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Governor

MESSAGES FROM THE OTHER HOUSE

SB 54 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 54:
3/17/1999

Representative Soft, Chairman
Representative Ahner
Representative Hurdle

SB 113 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 113:
3/18/1999

Representative Anderson, Chairman
Representative Lawson
Representative Matthews

SB 325 - 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 325:
3/18/1999

Representative Story, Chairman
Representative Golie
Representative Rehbein

FIRST READING AND COMMITMENT OF BILLS

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

SB 531, introduced by T. Beck, J. Lynch, D. Shea, C. Swysgood, 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 60, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 72, as amended by the House, passed as follows:

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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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 165, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 176, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 189, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush,

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Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 214, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 47

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SB 260, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 45

Nays: Doherty, Eck, Ellingson, Jergeson, Waterman.
Total 5

Paired: Jabs, Toews, Ayes; Ellingson, Jergeson, Noes.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 521 passed as follows:

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

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Total 44

Nays: Devlin, Franklin, Keenan, Swysgood.

Total 4

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 65 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 275, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 304, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 362 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 399, as amended by the Senate, concurred in as follows:

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

Total 38

Nays: Bishop, Christiaens, Devlin, Franklin, Keenan, Miller, Nelson, Swysgood, Taylor, Wells.

Total 10

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 414 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Jabs, Toews.

Total 2

HB 419 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 551, 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 47

Nays: Wells.

Total 1

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 583 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Jabs, Toews.
Total 2

**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 Taylor in the chair.

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

SB 222 - House Amendments - Senator S. Doherty moved House amendments to SB 222 be concurred in. Motion carried unanimously.

SB 103 - House Amendments - Senator E. Franklin moved House amendments to SB 103 be concurred in. Motion carried unanimously.

SB 108 - House Amendments - Senator D. Berry moved House amendments to SB 108 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Taylor, Thomas, Waterman, Wells, Mr. President.
Total 33

Nays: Cocchiarella, DePratu, Doherty, Ellingson, Franklin, Halligan, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Shea, Stang, Tester, Wilson.
Total 15

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

SJR 10 - Senator M. Cole moved SJR 10 be adopted. Motion carried unanimously.

HB 430 - Senator V. Cocchiarella moved HB 430 be concurred in. Motion carried unanimously.

HB 469 - Senator J. Wells moved HB 469, second reading copy, be amended as follows :

1. Title, lines 5 and 6.

Following: "THAT" on line 5

Strike: remainder of line 5 through "STATE" on line 6

Insert: "EACH EMPLOYEE MAY SELECT ONE-HALF OF 1 REGULAR WORK DAY EACH YEAR AS A"

2. Page 1, line 28.

Strike: "the day before"

Strike: "24"

Insert: "25"

3. Page 1, line 29.

Strike: "Christmas Day, December 25"

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Insert: "one-half of 1 regular work day of the employee's choice, consisting of 4 contiguous hours"

Amendment **adopted** as follows:

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

Total 25

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

Total 23

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 469 - Senator J. Tester moved HB 469, second reading copy, be further amended as follows :

1. Title, page 1, lines 5 and 6.

Strike: "DELETING" on line 5 through "HOLIDAY;" on line 6

2. Title, page 1, line 11.

Strike: "SECTIONS 1-1-216 AND"

Insert: "SECTION"

3. Page 1, line 15 through page 2, line 1.

Strike: Section 1 in its entirety

Renumber: subsequent sections

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 22

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

Total 26

Absent or not voting: None.

Total 0

Excused: Jabs, Toews.

Total 2

HB 469 - Senator J. Wells moved HB 469, as amended, be concurred in. After discussion, Senator Wells made a substitute motion that consideration of HB 469 be placed below HB 53 on the second reading board for purpose of further amendment. Motion carried with Senators Cocchiarella and Tester voting nay.

HB 508 - Senator J. Lynch moved HB 508 be concurred in. Motion carried unanimously.

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HB 580 - Senator E. Franklin moved HB 580 be concurred in. Motion carried unanimously.

HB 616 - Senator B. Wilson moved HB 616 be concurred in. Motion carried unanimously.

HB 620 - Senator J. Tester moved HB 620 be concurred in. Motion carried unanimously.

HJR 26 - Senator K. Miller moved HJR 26, second reading copy, be amended as follows :

1. Title, page 1, line 7.

Following: "~~AND~~"

Insert: "CLOSURES AND "

2. Page 2, line 13.

Following: "ROAD"

Insert: "closure and"

3. Page 2, line 14.

Following: "ROAD"

Insert: "closure and"

Amendment **adopted** unanimously.

HJR 26 - Senator G. Jergeson moved HJR 26, as amended, be concurred in. Motion carried unanimously.

HJR 27 - Senator G. Jergeson moved HJR 27, second reading copy, be amended as follows :

1. Page 1, line 16 through line 18.

Strike: "PROMPTED" on line 16 through "advocating" on line 18

Insert: "responding to external pressures, are poised to implement"

2. Page 1, line 20 through line 21.

Strike: "PROMPTED" on line 20 through "advocating that" on line 21

Insert: "responding to external pressures, are preparing to transfer"

3. Page 1, line 22.

Strike: "be transferred"

Amendment **adopted** unanimously.

HJR 27 - Senator G. Jergeson moved HJR 27, as amended, be concurred in. Motion carried unanimously.

SB 308 - Senator J. Bohlinger moved SB 308 do pass. Motion carried unanimously.

SB 522 - Senator M. Cole moved SB 522 do pass. Motion carried unanimously.

HB 53 - Senator S. Doherty moved HB 53 be concurred in. Motion carried with Senator Ellingson voting nay.

HB 469 - Senator J. Wells moved consideration of HB 469, as amended, be passed for the day for purpose of further amendment. Motion carried.

HB 76 - Senator D. Grimes moved HB 76 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Harp, Hertel, Holden, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller,

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Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson.
Total 38

Nays: Bartlett, Christiaens, Cocchiarella, Ellingson, Grosfield, Halligan, Hargrove, Jergeson, Waterman, Mr. President.
Total 10

Absent or not voting: None.
Total 0

Excused: Jabs, Toews.
Total 2

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 325
Report No. 1, March 18, 1999

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 325** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 325** (reference copy -- salmon) be amended as follows:

1. Title, line 5.

Following: "ACCLAMATION"

Insert: "WHEN THE NUMBER OF CANDIDATES FILING FOR A POSITION OR FILING A DECLARATION OF INTENT AS A WRITE-IN CANDIDATE IS EQUAL TO THE NUMBER OF POSITIONS TO BE ELECTED AND"

2. Page 1, line 11.

Following: "candidates"

Strike: "nominated"

Insert: "filing for a position or filing a declaration of intent to be a write-in candidate under 13-10-211"

3. Page 1, line 12.

Strike: "or less than"

4. Page 1, line 13.

Following: "held."

Insert: "Notice must be given no later than 14 days before the election."

5. Page 1, line 15.

Strike: "a nomination petition"

Following: "position"

Insert: "or who filed a declaration of intent to be a write-in candidate"

For the Senate:

For the House:

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Hertel, Chairman
Wells
Waterman (unsigned)

Story, Chairman
Golie
Rehbein

SPECIAL ORDERS OF THE DAY

**A PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MONTANA**

WHEREAS, on Saturday, March 13, 1999, the Kremlin-Gildford KouGars basketball team won the State Class C basketball championship; and

WHEREAS, Charlie Robinson, the victorious coach of the KouGars has led this team to back-to-back championships, a feat that has been duplicated just two times since 1955; and

WHEREAS, the KouGars ended up first out of 108 teams that opened the season; and

WHEREAS, the team from this tiny Hi-Line consolidated school, with just 59 students in grades 9 through 12, has set a fine example for young people from small communities all over Montana; and

WHEREAS, the Kremlin-Gildford KouGars have brought continued pride in self, District 9C, and the communities of the area.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the congratulations of all Montanans be extended to the Kremlin-Gildford KouGars for their achievement.

BRUCE CRIPPEN
Senate President

JOHN HARP
Senate Majority Leader

JOHN A. MERCER
Speaker of the House of Representatives

JON TESTER
Senate District 45

STEVE DOHERTY
Senate Minority Leader

TONI HAGENER
Representative, District 90

Senator Tester moved that the Kremlin-Gildford KouGars Proclamation be adopted. Motion carried.

MOTIONS

HB 583 - Senator Beck moved he be allowed to change his vote on HB 583, third reading this legislative day, from nay to yea. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Friday, March 19, 1999. Motion carried.

Senate adjourned at 3:12 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate