

**SENATE JOURNAL
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
March 22, 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 Toews, excused. Quorum present.

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

Miller, Chairman

SPECIAL ORDERS OF THE DAY

Senator Hertel introduced Kevin Grove, a junior at Hobson High School, who will represent Montana at the National American Legion Oratorical contest in Indianapolis, Indiana. Kevin has won local, district, zone and state competitions. Kevin presented his speech, which is entitled, "The Living Constitution - Legacy of A Great People", to the Senate.

REPORTS OF STANDING COMMITTEES

Correctly printed: SB 533, HB 91, HB 186, HB 196, HB 201, HB 205, HB 250, HB 264, HB 336, HB 348, HB 353, HB 390, HB 395, HB 412, HB 443, HB 461, HB 470, HB 485, HB 509, HB 598, HB 625, HB 632, HJR 1, HJR 11, HJR 13, HJR 14, HJR 20, HJR 21, HJR 29.

Correctly engrossed: HB 301, HB 404, HB 578, HB 593.

Correctly enrolled: SB 103, SB 108, SB 222, SB 260, SB 325.

Examined by the sponsor and found to be correct: SB 60, SB 108, SB 222, SB 260, SB 325.

Signed by the Speaker at 1:04 p.m., March 20, 1999: SB 112, SB 128.

Signed by the Secretary of Senate at 1:25 p.m., March 22, 1999: SB 325.

Signed by the President at 1:00 p.m., March 22, 1999: SB 325.

Signed by the Speaker at 1:20 p.m., March 22, 1999: SB 325.

Delivered to the Governor for his approval at 9:50 a.m., March 22, 1999: SB 112, SB 128, SB 187, SB 289.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman): 3/22/1999
HJR 28, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman): 3/22/1999
SB 322, introduced bill, be amended as follows:

1. Title, line 6.

Following: "ELEMENTS;"

Strike: "PROVIDING" through "AUTHORITY;"

2. Title, line 7.

Following: "ENTITY TO"

Strike: "CONTRACT"

Insert: "REIMBURSE COSTS OF CONTRACTING"

3. Title, line 8.

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Strike: "PENALTIES;"
Insert: "REMEDIES; PROVIDING FOR JUDICIAL REVIEW;"

4. Title, line 9.
Strike: "IMMEDIATE"

5. Page 1, line 13.
Page 1, line 16.
Page 8, line 23.
Page 10, line 4.
Page 10, line 11.
Page 10, line 13.
Strike: "11" or "11"
Insert: "10"

6. Page 1, line 18.
Following: line 17
Insert: "(1)(a) "Healthcare insurer" means an entity that provides disability insurance, as defined in 33-1-207, including insurance against medical expenses incurred because of bodily injury or disablement caused by sickness or accidental injury.
(b) The term does not include those insurers who provide only wage loss or income protection benefits for persons with disabilities."
Renumber: subsequent subsections

7. Page 1, line 21.
Following: line 20
Insert: "(5) "Material amount" means a 40% or greater interest in the assets or operations of a nonprofit healthcare entity. For purposes of [sections 1 through 10], the value of an interest in the assets of a nonprofit healthcare entity is calculated with reference to the fair market value of the assets at the time of disposition."
Renumber: subsequent subsections

8. Page 1, line 21.
Following: "religious corporation"
Insert: ", "

9. Page 1, line 22.
Following: "35-2-114"
Insert: ", and includes a mutual benefit corporation to the extent that the corporation holds assets in a charitable trust"

10. Page 1, line 23.
Following: "(5)"
Insert: "(a)"

11. Page 1, line 24.
Strike: "(a)"
Insert: "(i)"

12. Page 1, lines 25 and 26.

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Strike: the second "a" on line 25 through "charity" on line 26
Insert: "another nonprofit"

13. Page 1, line 27.

Strike: "(b)"

Insert: "(ii)"

14. Page 1, line 28.

Strike: "a charity"

Insert: "another nonprofit"

15. Page 1, line 29.

Following: line 28

Insert: "(b) The term does not include the investment of funds or other disposition of financial assets of a nonprofit healthcare entity in the ordinary course of its business."

16. Page 2, line 4 through line 7.

Strike: line 4 through line 7 in their entirety

Renumber: subsequent subsection

17. Page 2, line 11 and line 12.

Strike: "-- exception" on line 11 through "disapproval" on line 12

Strike: "(1)" on line 12

18. Page 2, line 14 through line 30.

Following: "transaction." on line 14

Strike: remainder of line 14 through line 30 in their entirety

19. Page 3, line 3.

Following: "of"

Insert: "filing"

Following: "a"

Strike: "complete"

20. Page 3, line 5.

Strike: "60"

Insert: "15"

Following: "days"

Insert: "if the extension is necessary to obtain information pursuant to [section 3 or 7]"

21. Page 3, line 8.

Strike: "meetings"

Insert: "hearings"

22. Page 3, line 9 and line 10.

Following: "general" on line 9

Insert: "may, or if demanded by the applicant,"

Strike: "meetings," on line 9 through "must" on line 10

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Insert: "hearings that may"

23. Page 3, line 11.

Strike: "meeting"

Insert: "hearing"

24. Page 3, line 12.

Strike: "meeting"

Insert: "hearing"

25. Page 3, line 16.

Strike: "meeting"

Insert: "hearing"

26. Page 3, line 22 and line 23.

Following: "review"

Strike: remainder of line 22 through "consideration" on line 23

27. Page 3, line 23.

Following: "consideration."

Insert: "(1)"

28. Page 3, line 25.

Strike: "(1)"

Insert: "(a)"

Following: "for"

Strike: remainder of line 25

29. Page 3, line 26.

Strike: "or social welfare"

Insert: "the"

Following: "assets"

Insert: "or operation that is the subject of the transaction"

30. Page 3, line 27 through page 4, line 2.

Strike: subsections (2) and (3) in their entirety

Renumber: subsequent subsection

31. Page 4, line 3.

Strike: "(4)"

Insert: "(b)"

32. Page 4, line 6.

Following: "parties;"

Insert: "and"

33. Page 4, line 7 through line 9.

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Strike: subsection (5) in its entirety

34. Page 4, line 10.

Strike: "(6)"

Insert: "(c)"

35. Page 4, line 11.

Following: "person"

Strike: ";"

Insert: "."

36. Page 4, line 12 through page 5, line 2.

Strike: subsections (7) through (12) in their entirety

Insert: "(2) In evaluating the nonprofit healthcare conversion transaction, the attorney general is bound by any findings of fact made by the insurance commissioner or the department of public health and human services in administrative proceedings within their jurisdiction to review any action constituting a part of the nonprofit healthcare conversion transaction."

37. Page 5, line 4 through page 6, line 6.

Strike: sections 7 and 8 in their entirety

Renumber: subsequent sections

38. Page 6, line 8 through line 9.

Strike: "Contracted" on line 8 through "prohibition" on line 9

Insert: "Retention of experts -- access to records"

Strike: "(1)"

39. Page 6, line 9 through line 23.

Strike: "require" on line 9 through line 23 in its entirety

Insert: "retain, at the expense of the nonprofit healthcare entity, actuaries, accountants, attorneys, or other experts that may be reasonably necessary to assist the attorney general in reviewing the proposed nonprofit healthcare conversion transaction. The nonprofit healthcare entity shall provide the attorney general and any experts retained under this section access to documents and records reasonably necessary to evaluate and review the proposed nonprofit healthcare conversion transaction."

40. Page 6, line 25.

Following: "documents"

Insert: "and records, excluding any proprietary or confidential information,"

41. Page 6, line 28 and line 29.

Strike: "subject"

Following: "to"

Insert: "the extent required by"

Strike: "outlined" on line 28 through "8]" on line 29

Following: "and the" on line 29

Insert: "final"

Following: "general"

Insert: "by any experts"

42. Page 6, line 30.

Strike: "9"

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Insert: "7"

Following: "]"

Insert: ", excluding any proprietary or confidential information,"

43. Page 7, line 2.

Strike: "Penalties -- remedies"

Insert: "Remedies"

44. Page 7, line 4 through line 6.

Strike: "11"

Insert: "10"

Strike: "void" on line 4 through "11]." on line 6

Insert: "voidable.

(2)"

45. Page 7, line 8 through line 15.

Following: "located" on line 8

Insert: "to secure a declaration that the nonprofit healthcare conversion transaction is void and to recover any assets transferred in violation of [sections 1 through 10]"

Following: ". "

Strike: remainder of line 8 through line 15 in its entirety

Insert: "(3) Proceedings to declare a nonprofit healthcare conversion transaction void may be brought against any entity that was a party to the transaction or a successor in interest to a party to the transaction that received any charitable assets as a result of the transaction. "

Renumber: subsequent subsection

46. Page 7, line 17.

Strike: "penalties and"

47. Page 7, line 21.

Insert: "NEW SECTION. **Section 10. Judicial review.** (1) A party to a nonprofit healthcare conversion transaction aggrieved by any act, determination, or order or any other action of the attorney general pursuant to [sections 1 through 10] may appeal to the district court for the first judicial district, Lewis and Clark County. The court shall conduct its review by trial de novo, except when all parties, including the attorney general, stipulate that the review may be confined to the record. Portions of the record may be introduced by stipulation into evidence in a trial de novo by the parties.

(2) The filing of an appeal pursuant to this section stays the application of any order or other action of the attorney general to the appealing party."

48. Page 10, line 19.

Strike: "on passage and approval"

Insert: "July 1, 1999"

And, as amended, do pass. Report adopted.

HB 111, be amended as follows:

1. Title, page 1, line 13.

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Strike: ", 33-18-206,"

2. Page 2, line 7.

Page 3, line 27.

Strike: "4" in both places

Insert: "3" in both places

3. Page 2, line 7.

Page 3, line 27.

Page 4, line 2.

Page 7, line 7.

Page 7, line 9

Strike: "7"

Insert: "6"

4. Page 2, line 10 through page 3, line 1.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 4, line 2.

Page 7, line 7.

Page 7, line 9.

Strike: "4"

Insert: "3"

6. Page 4, line 4 through line 6.

Following: "evaluation" on line 4

Strike: remainder of line 4 through "family" on line 6

Insert: "to determine the presence or absence of variations or mutations, including carrier status, in an individual's genetic material or genes that are scientifically or medically believed to cause a disease, disorder, or syndrome or are associated with a statistically increased risk of developing a disease, disorder, or syndrome that is asymptomatic at the time of testing"

7. Page 4, line 7.

Following: "(2)"

Strike: "(a)"

Following: "diagnose a"

Insert: "presymptomatic"

Strike: "trait"

Insert: "factor"

8. Page 4, line 8.

Strike: "but not limited to"

Following: "proteins"

Insert: ", "

9. Page 4, line 9.

Following: "metabolites"

Insert: ". The term does not include a routine physical examination or a chemical, blood, or urine analysis, unless

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conducted or analyzed purposefully or knowingly to obtain genetic information, or a family history"

10. Page 4, line 10 through line 18.

Strike: line 10 through line 18 in their entirety

11. Page 4, line 19.

Following: "known"

Insert: "or presumed"

12. Page 4, line 29.

Following: "limitations."

Insert: "(1)"

13. Page 5, line 3.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

14. Page 5, line 8.

Following: line 7

Insert: "(2) This section does not apply to transactions of life, disability income, or long-term care insurance."

15. Page 5, line 27.

Following: line 26

Insert: "(4) This section does not apply to transactions of life, disability income, or long-term care insurance.

(5) This section does not prohibit an insurer, health service corporation, health maintenance organization, fraternal benefit society, or other issuer of an individual or group policy or certificate of insurance from discriminating as otherwise allowed by law on the basis of other factors unrelated to genetic traits."

16. Page 5, line 28.

Following: "prohibited."

Insert: "(1)"

17. Page 6, line 2.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsection

Following: "health;"

Strike: "or"

18. Page 6, line 3.

Following: "individual"

Insert: "; or

(c) unrelated to research in which a subject is not personally identifiable.

(2) This section does not apply to transactions of life, disability income, or long-term care insurance"

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

MESSAGES FROM THE GOVERNOR

March 19, 1999

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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 29** sponsored by Senator J. Hertel, **Senate Bill 44** sponsored by Senator A. Ellis, **Senate Bill 48** sponsored by Senator C. Swysgood, **Senate Bill 98** sponsored by Senator K. Mesaros et al., **Senate Bill 114** sponsored by Senator F. Thomas, **Senate Bill 136** sponsored by Senator G. Jergeson, **Senate Bill 188** sponsored by Senator Beck, **Senate Bill 197** sponsored by Senator Christiaens et al., **Senate Bill 230** sponsored by Senator Grimes, **Senate Bill 291** sponsored by Senator B. Crismore, **Senate Bill 296** sponsored by Senator L. Nelson et al., and **Senate Bill 396** sponsored by Senator S. Bartlett on March 19, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

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

3/22/1999

SB 100, introduced by J. Harp

Free conference committee report #1 adopted:

3/22/1999

SB 260, introduced by B. Glaser

SB 325, introduced by J. Hertel

House bill passed and transmitted to the Senate for concurrence:

3/22/1999

HB 2, introduced by T. Zook

MOTIONS

HB 469 - Senator Wells moved consideration of HB 469 on second reading this legislative day, be moved to the bottom of the second reading board for purpose of amendment. Motion carried.

HB 180 - Senator Swysgood moved HB 180 on third reading this legislative day, be rereferred to the committee on Finance and Claims. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

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

SB 534, introduced by B. Keenan (by request of the House Joint Appropriation Subcommittee on Human Services

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and Aging), referred to Finance and Claims.

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

HB 2, introduced by T. Zook (by request of the Office of Budget and Program Planning), 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:

SJR 10 adopted as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 91, as amended by the Senate, concurred in as follows:

Yeas: Beck, Berry, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Taylor, Thomas, Wells, Mr. President.
Total 32

Nays: Bartlett, Bishop, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Shea, Stang, Tester, Waterman, Wilson.
Total 17

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 186, as amended by the Senate, 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 196 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 201 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 205 concurred in 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, Jabs, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 250 concurred in as follows:

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

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 264 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

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HB 336 concurred in as follows:

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

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 348, 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 353 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.

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Total 1

HB 390 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Bartlett.

Total 1

Absent or not voting: None.

Total 0

Excused: Toews.

Total 1

HB 395, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Devlin, Swysgood.

Total 2

Absent or not voting: None.

Total 0

Excused: Toews.

Total 1

HB 404, as amended by the Senate, concurred in 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, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Beck, Jergeson.

Total 2

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Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 412, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 47

Nays: Keenan, Wells.
Total 2

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 443 concurred in as follows:

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

Nays: Miller.
Total 1

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 461, as amended by the Senate, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Bartlett, Keenan, Miller, Nelson, Taylor.

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Total 5

Absent or not voting: None.

Total 0

Excused: Toews.

Total 1

HB 470, as amended by the Senate, 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.

Total 46

Nays: Bartlett, Nelson, Waterman.

Total 3

Absent or not voting: None.

Total 0

Excused: Toews.

Total 1

HB 485 concurred in as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Toews.

Total 1

HB 509 concurred in as follows:

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

Total 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 593, 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, 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, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Glaser.
Total 1

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 625, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cole, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 35

Nays: Bishop, Cocchiarella, Crismore, Doherty, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, McNutt, Nelson, Shea, Stang.
Total 14

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HJR 11 concurred in as follows:

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

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Total 39

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Nelson, Wilson.
Total 10

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HJR 20 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HJR 21 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HJR 29 concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson,

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Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 43

Nays: Bishop, Devlin, Keenan, Miller, Swysgood, Wells.
Total 6

Absent or not voting: None.
Total 0

Excused: Toews.
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 McCarthy in the chair.

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

HB 539 - Senator M. Taylor moved HB 539 be concurred in. Motion carried unanimously.

HJR 8 - Senator M. Cole moved HJR 8, second reading copy, be amended as follows :

1. Title, page 1, line 5.

Following: "OPPOSING" on line 5

Strike: "FURTHER FEDERALIZATION OF LAND IN MONTANA, NOTABLY THE"

2. Page 1, line 20 through line 21.

Strike: "That" through "Montana."

3. Page 1, line 22.

Strike: "BE IT FURTHER RESOLVED that"

Insert: "That"

Amendment **adopted** with Senator Franklin voting nay.

HJR 8 - Senator Jergeson moved HJR 8, second reading copy, be further amended as follows :

1. Page 1, line 23.

Following: "initiative" on line 23

Insert: ", unless it provides meaningful protection of state or private property along designated rivers"

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin,

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Halligan, Hertel, Jergeson, Lynch, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 24

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Glaser, Grosfield, Hargrove, Harp, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Sprague, Swysgood, Taylor, Thomas, Wells, Mr. President.
Total 24

Absent or not voting: Grimes.
Total 1

Excused: Toews.
Total 1

HJR 8 - Senator M. Cole moved HJR 8, as amended, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, 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 29

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 20

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 300 - Senator J. Tester moved HB 300 be concurred in. Motion carried unanimously.

HB 366 - Senator M. Halligan moved HB 366 be concurred in. Motion carried unanimously.

SB 113 - Conference Committee Report No. 1 - Senator D. Mahlum moved the Conference Committee report to SB 113 be adopted. Motion carried as follows:

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

Nays: Doherty, Ellingson, Nelson, Stang.
Total 4

Absent or not voting: None.
Total 0

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Excused: Toews.
Total 1

SB 361 - Senator K. Mesaros moved SB 361 do pass. Motion carried as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Mohl, Nelson, Roush, Swysgood, Tester, Waterman, Wells.
Total 25

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Grosfield, Halligan, Jergeson, Lynch, Mahlum, McCarthy, Miller, Shea, Sprague, Stang, Taylor, Thomas, Wilson, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 27 - Senator A. Bishop moved HB 27 be concurred in. Motion carried unanimously.

HB 301 - Senator J. Hertel moved HB 301 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Ellis, Glaser, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Mahlum, McNutt, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Wells, Mr. President.
Total 33

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Grimes, Harp, Lynch, McCarthy, Mesaros, Shea, Stang, Waterman, Wilson.
Total 16
Absent or not voting: None.
Total 0

Excused: Toews.
Total 1

HB 429 - Senator F. Thomas moved HB 429 be concurred in. Motion carried unanimously.

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

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas introduced the Senate pages for the week of March 22 - 27, 1999.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Tuesday, March 23, 1999. Motion carried.

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Senate adjourned at 3:02 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate