

**SENATE JOURNAL
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
March 23, 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 Senators McNutt and Taylor, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/23/1999
Correctly printed: SB 361, SB 534, HB 27, HB 300, HB 301, HB 366, HB 429, HB 539, HJR 28.
Correctly engrossed: SB 322, HB 81, HB 111, HB 153, HJR 8.
Correctly enrolled: SB 64, SB 70, SB 235, SB 288, SB 348, SB 364, SB 369, SB 386, SB 415, SB 438, SB 457, SB 466, SJR 3, SJR 12.
Examined by the sponsor and found to be correct: SB 103.
Signed by the President at 4:00 p.m., March 22, 1999: SB 60, SB 72, SB 165, SB 176, SB 189, SB 214.
Signed by the Secretary of Senate at 9:55 a.m., March 23, 1999: SB 60, SB 72, SB 165, SB 176, SB 189, SB 214.
Signed by the Speaker at 11:25 a.m., March 23, 1999: SB 60, SB 72, SB 165, SB 176, SB 189, SB 214.
Delivered to the Governor for his approval at 3:25 p.m., March 22, 1999: SB 325.

BUSINESS AND INDUSTRY (Hertel, Chairman): 3/22/1999
HB 153, be amended as follows:

1. Title, page 1, line 7.

Following: "OF"

Insert: "'AUTHORIZING AGENT',"

2. Title, page 1, line 7 through line 8.

Strike: ", " on line 7 through "'MORTICIAN'" on line 8

3. Title, page 1, line 10.

Strike: ", 37-19-401,"

4. Page 1, line 15 through page 7, line 7.

Strike: sections 1 and 2 in their entirety

Insert: "**Section 1.** Section 37-19-101, MCA, is amended to read:

"**37-19-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Arrangements" includes:

(a) planning the details of funeral service, including time of service, type of service, and, if requested, acquiring the services of clergy;

(b) obtaining the necessary information for filing death certificates and obtaining burial-transit permits;

(c) comparing or discussing prices, including merchandise prices and financial arrangements; and

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(d) providing for onsite direction and coordination of participants and onsite direction, coordination, and facilitation at funeral, graveside, or memorial services or rites.

(2) "At-need" arrangements means arrangements made by an authorized person on behalf of a deceased.

(1)(3) "Authorizing agent" means a person legally entitled to order the cremation final disposition, including burial, cremation, entombment, donation to medical science, or other means, of human remains. An authorizing agent is, in order of preference:

(a) a spouse;

(b) a majority of adult children;

(c) a parent;

(d) a close relative of the deceased; or

(e) in the absence of a person or persons listed in subsections (1)(a) through (1)(d), a personal representative, a public administrator, the deceased through a preneed authorization, or others as designated by board rule.

(2)(4) "Board" means the board of funeral service provided for in 2-15-1853.

(5) "Branch establishment" means a separate facility that may or may not have a suitable visitation room or preparation room and that is owned by, a subsidiary of, or otherwise financially connected to or controlled by a licensed mortuary.

(3)(6) "Cemetery" means any land or structure in this state dedicated to and used or intended to be used for interment of cremated remains or human remains. It may be any one or a combination of a burial park for earth interments, a mausoleum for crypt or niche interments, or a columbarium.

(4)(7) "Cemetery company" means an individual, partnership, corporation, or association that:

(a) owns or controls cemetery lands or property and conducts the business of a cemetery; or

(b) applies to the board to own or control cemetery lands or property and conduct the business of a cemetery.

(5)(8) "Closed container" means a container in which cremated remains can be placed and enclosed in a manner that prevents leakage or spillage of cremated remains or entrance of foreign material.

(6)(9) "Columbarium" means a room or space in a building or structure used or intended to be used for the interment of cremated remains.

(7)(10) "Cremated remains" means all human remains recovered after the completion of the cremation, including pulverization that leaves only bone fragments reduced to unidentifiable dimensions.

(8)(11) "Cremation" means the technical process, using heat, that reduces human remains to bone fragments. The reduction takes place through heat and evaporation.

(9)(12) "Cremation chamber" means the enclosed space within which the cremation process takes place. Cremation chambers of crematoriums licensed by this chapter must be used exclusively for the cremation of human remains.

(10)(13) "Cremation container" means the container in which the human remains are placed in the cremation chamber for a cremation. A cremation container must meet substantially all of the following standards:

(a) be composed of readily combustible materials suitable for cremation;

(b) be able to be closed in order to provide a complete covering for the human remains;

(c) be resistant to leakage and spillage;

(d) be rigid enough for handling with ease; and

(e) be able to provide protection for the health, safety, and integrity of crematory personnel.

(11)(14) "Crematory" means the building or portion of a building that houses the cremation chamber and the holding facility.

(12)(15) "Crematory operator" means the person in charge of the licensed crematory facility.

(13)(16) "Crematory technician" means an employee of a crematory facility who is trained to perform cremations and is licensed by the board.

(14)(17) "Crypt" means a chamber of sufficient size to inter the remains of a deceased person.

(15)(18) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

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~~(16)~~(19) "Embalming" means: ~~the preservation and disinfection of the dead human body by application of chemicals, externally, internally, or both:~~

(a) obtaining burial or removal permits or assuming other duties incidental to the practice of embalming;
(b) disinfecting and preserving or attempting to preserve dead human bodies in their entirety or in parts by the use of chemical substances, fluids, or gasses ordinarily intended for that use by introducing the chemical substances, fluids, or gasses into the body by vascular or hypodermic injection or by direct introduction into the organs or cavities; and

(c) restorative art.

~~(17)~~(20) "Funeral directing" includes:

~~(a) supervising funerals, including;~~

(b) the making of preneed or at-need contractual arrangements for funerals;

~~(b)~~(c) preparing dead bodies for burial, other than by embalming;

~~(c)~~(d) maintaining a mortuary for the preparation, disposition, or care of dead human bodies; and

~~(d)~~(e) representing to the public that one is a funeral director.

~~(18)~~(21) "Holding facility" means an area within or adjacent to the crematory facility designated for the retention of human remains prior to cremation that must:

(a) comply with any applicable public health law;

(b) preserve the dignity of the human remains;

(c) recognize the health, safety, and integrity of the crematory operator and crematory personnel; and

(d) be secure from access by anyone other than authorized personnel.

~~(19)~~(22) "Human remains" means the body of a deceased person or part of a body or limb that has been removed from a living person, including the body, part of a body, or limb in any stage of decomposition.

~~(20)~~(23) "Interment" means any lawful disposition of cremated remains or human remains.

(24)(a) "Intern" means a person who has met the educational and testing requirements for a license to practice mortuary science in Montana, has been licensed by the board as an intern and is engaged in the practice of mortuary science under the supervision of a licensed mortician.

(b) For the purposes of this subsection (24), "supervision" means the extent of oversight that a mortician believes an intern requires based upon the training, experience, judgment, and professional development of the intern.

~~(21)~~(25) "Lot" or "grave space" means a space in a cemetery used or intended to be used for interment.

~~(22)~~(26) "Mausoleum" means a community-type room or space in a building or structure used or intended to be used for the interment of human remains in crypts or niches.

~~(23)~~(27) "Mortician" means a person licensed under this chapter to practice mortuary science.

~~(24)~~(28)(a) "Mortuary" means a place of business used for the care and preparation for burial or transportation of dead human bodies or a place where a person represents that the person is engaged in the profession of mortuary science or funeral directing licensed by the board, located in a building or portion of a building having a specific street address or location, containing but not limited to a suitable room for viewing or visitation and a preparation room, and devoted exclusively to activities that are related to the preparation and arrangements for funerals, transportation, burial, or other disposition of dead human bodies.

(b) The term includes conducting activities from the place of business referred to in subsection (28)(a) that are incidental, convenient, or related to the preparation of funeral or memorial services or rites or the transportation, burial, cremation, or other disposition of dead human bodies in any area where those activities may be conducted.

~~(25)~~(29) "Mortuary science" means the profession or practice of funeral directing and embalming.

~~(26)~~(30) "Niche" means a space in a columbarium or mausoleum used or intended to be used for the interment of the cremated remains or human remains of one or more deceased persons.

~~(27)~~(31) "Perpetual care and maintenance" means continual and proper maintenance of cemetery buildings, grounds, and lots or grave spaces.

(32) "Preneed arrangements" means arrangements made with a licensed funeral director or licensed mortician by a person on the person's own behalf or by an authorized individual on the person's behalf prior to the

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death of the person.

~~(28)~~(33) "Temporary container" means a receptacle for cremated remains that is usually made of cardboard, plastic film, or similar material designed to hold the cremated remains until an urn or other permanent container is acquired.

~~(29)~~(34) "Urn" means a receptacle designed to permanently encase the cremated remains."

Renumber: subsequent sections

5. Page 7, lines 10, 21, and 22.

Strike: "or deed"

6. Page 7, line 18.

Strike: "and deeds"

7. Page 7, line 19.

Strike: "or deed"

Strike: "filed"

Following: "sale"

Insert: "recorded"

8. Page 7, line 20.

Following: "recorder"

Insert: "and returned to the purchaser"

9. Page 7, line 25.

Following: "."

Insert: "(1) Prearranged funeral or related services may be presented, negotiated, and sold to the public only by a licensed funeral director or licensed mortician."

Renumber: subsequent subsections

Strike: "(3)"

Insert: "(4)"

10. Page 8, line 23.

Strike: "5"

Insert: "4"

11. Page 8, line 29, and page 9, line 1.

Strike: "4"

Insert: "3"

Strike: "6"

Insert: "5"

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

HB 421, be concurred in. Report adopted.

HB 506, be amended as follows:

1. Page 3, line 8.

Following: second "~~lowest~~"

Insert: "lowest"

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2. Page 4, line 6.

Strike: "producers"

Insert: "employees"

3. Page 4, line 8.

Following: "require"

Strike: "that"

Insert: "or encourage"

Following: "policy"

Insert: "to"

4. Page 4, line 12.

Strike: "or"

5. Page 4, line 14.

Following: "suggest"

Strike: "or encourage"

6. Page 4, line 20.

Following: "business"

Strike: "."

Insert: "; or

(d) suggest or direct its appointed producers to suggest, mention, provide the name of, or encourage the use of a particular automobile repair business or location to an insured person or a claimant.

(2)(a) Subsections (1)(a), (1)(b), and (1)(c)(iii) apply to all insurance producers; and

(b) subsections (1)(c)(i) and (1)(c)(ii) apply only to insurance producers that:

(i) write automobile insurance for primarily one insurer; or

(ii) are contractually obligated to use one automobile insurer before using other insurers."

Renumber: subsequent subsections

7. Page 5, line 2.

Strike: "(2)(b)"

Insert: "(3)(b)"

8. Page 5, line 3.

Strike: "prior to providing the list,"

9. Page 5, line 10.

Strike: "at least quarterly during each calendar year,"

10. Page 5, line 13 through line 16.

Strike: "If" on line 13 through "." on line 16

11. Page 5, line 16.

Strike: "The"

Insert: "In the event of any dispute, the"

12. Page 5, line 20 through page 6, line 1.

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Strike: subsections 5 and 6 in their entirety

Insert: "(6) In distributing the list provided for in subsection (3) to an insured or a claimant or in any discussion of the list with an insured or a claimant, an insurer may not express a preference or mention an advantage or inducement for the insured or the claimant to use a particular automobile repair facility or location on the list."

Renumber: subsequent subsections

13. Page 6, line 10.

Strike: "(2)(a) or (2)(b)"

Insert: "(3)(a) or (3)(b)"

14. Page 6, line 16.

Strike: "on behalf"

Insert: "at the direction"

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

HB 523, be concurred in. Report adopted.

HB 607, be amended as follows:

1. Title, page 1, line 10.

Strike: "AN"

Strike: "DATE"

Insert: "PROVISIONS"

2. Page 1, line 14.

Strike: "6"

Insert: "5"

3. Page 2, line 10 through line 14.

Strike: subsection (10) in its entirety

Renumber: subsequent subsection

4. Page 2, line 21 through page 3, line 15.

Strike: section 2 in its entirety

Renumber: subsequent sections

5. Page 3, line 18.

Following: second "entity"

Insert: ", other than a health carrier or other managed care entity providing medicaid-funded services or any other publicly funded health care-related services authorized under Title 50, 52, or 53,"

6. Page 4, line 2.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

7. Page 4, line 12.

Strike: "3"

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Insert: "2"

8. Page 4, line 16.

Strike: "liability -- defense limitation --"

9. Page 4, line 17 through line 19.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

10. Page 4, line 20.

Strike: "6"

Insert: "5"

11. Page 4, line 26 through line 29.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

12. Page 4, line 30.

Following: "A"

Insert: "health care provider, a"

Following: "carrier"

Insert: ", "

13. Page 5, following line 3.

Insert: "(4) The provisions of this section are not applicable to any contracts for health care services entered into by the state."

14. Page 5, line 7, 9, and 10.

Strike: "6"

Insert: "5"

15. Page 5, line 17.

Following: "APPLICABILITY."

Insert: "(1)"

16. Page 5, following line 21.

Insert: "(2) [This act] does not apply to the Montana medicaid program, the children's health insurance program, or other state-funded health care-related programs. Unless specifically provided otherwise, [this act] does apply to a managed care entity that contracts with the state to provide these programs and that makes health care treatment decisions concerning the beneficiaries of the programs."

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

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):
SJR 16, be adopted. Report adopted.

3/22/1999

FINANCE AND CLAIMS (Swysgood, Chairman):
SB 164, introduced bill, be amended as follows:

3/23/1999

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1. Title, lines 5 and 6.

Following: "SOURCES;"

Strike: "ALLOCATING" on line 5 through "TAX" on line 6

Insert: "TRANSFERRING \$1,125,000 ANNUALLY FROM THE HIGHWAY NONRESTRICTED ACCOUNT"

2. Title, line 8.

Following: "DIRECTING"

Strike: "ONE-SIXTH OF"

3. Title, line 8 through line 12.

Following: "PROCEEDS TO" on line 8

Strike: remainder of line 8 through "TO" on line 12

4. Title, line 12 through line 15.

Following: "FUND;" on line 12

Strike: remainder of line 12 through "SUPERVISOR;" on line 15

5. Title, line 18.

Strike: "15-23-215, 60-3-201,"

6. Title, line 19.

Following: "80-7-811,"

Insert: "AND"

Strike: "AND 80-7-816,"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

7. Page 1, line 23 through page 4, line 1.

Strike: section 1 through section 2 in their entirety

Renumber: subsequent sections

8. Page 4, line 24.

Strike: "that does not revert to county weed control funds"

9. Page 4, line 27.

Following: "(2)"

Strike: "(a) One-third of the portion of the gasoline dealers' license tax allocated in 60-3-201(1)(e)"

Insert: "The amounts transferred in [section 5]"

10. Page 4, line 29 through page 5, line 22.

Strike: remainder of subsection (2) and subsection (3) in their entirety

11. Page 6, lines 6 and 7.

Strike: "the gasoline dealers' license tax and the railroad car company property tax"

Insert: "[section 5]"

12. Page 6, line 7.

Following: "80-7-810(2)"

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Strike: "(a) and (3)(a)"

13. Page 6, line 11.

Strike: "(a)"

14. Page 6, line 17 through line 19.

Strike: subsection (b) in its entirety

15. Page 6, line 20.

Strike: "(a)"

16. Page 7, line 15 through page 8, line 1.

Strike: section 7 through section 8 in their entirety

17. Page 8, line 2.

Insert: "NEW SECTION. Section 5. Transfer of funds. There is transferred \$1,125,000 annually from the highway nonrestricted account established in 15-70-125 to the noxious weed management trust fund, provided for in 80-7-810(2), for noxious weed management, with priority on weed control in rest areas and parking areas and stream and wetland road crossings."

Renumber: subsequent section

18. Page 8, line 4.

Insert: "NEW SECTION. Section 7. Termination. [Section 5] terminates July 1, 2001."

And, as amended, do pass. Report adopted.

SB 531, introduced bill, be amended as follows:

1. Title, page 1, line 4.

Strike: "PUBLIC FINANCING OF"

Insert: "ISSUANCE OF BONDS FOR"

2. Title, page 1, line 5 and 6.

Strike: "CONSTRUCTED" on line 5

Insert: "OPERATED"

Following: "FACILITIES;" on line 3

Strike: remainder of line 5 through "FACILITIES;" on line 6

3. Page 1, lines 19 and 20.

Following: "~~or~~"

Strike: "and"

Insert: "or"

Following: "90-7-104"

Strike: remainder of line 19 through "facility" on line 20

4. Page 1, line 26.

Following: "(iii)"

Insert: "nonprofit or other"

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Strike: ", design, or construct"
Insert: "or operate"

5. Page 2, lines 5 through 7.

Strike: "a health" on line 5

Insert: "an"

Following: "or"

Strike: remainder of line 5 through the first "the" on line 6

Insert: "that owns or operates a facility for which the authority provides"

Following: "financing" on line 6

Strike: ", refunding,"

Following: "refinancing"

Strike: remainder of line 6 through "facility" on line 7

6. Page 2, lines 8 and 9.

Following: "5" on line 8

Strike: remainder of line 8 through "corporation" on line 9

7. Page 3, line 15.

Following: "facility"

Strike: remainder of line 15 through "law"

Insert: "for the purpose of detention or incarceration and rehabilitation of criminal offenders"

And, as amended, do pass. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/19/1999

HB 81, be amended as follows:

1. Page 4, line 10.

Insert: "NEW SECTION. Section 2. Coordination instruction. If House Bill No. 115 and [this act] are both passed and approved, then [this act] is void."

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

HB 283, be concurred in. Report adopted.

HB 296, be concurred in. Report adopted.

NATURAL RESOURCES (Crismore, Chairman):

3/23/1999

HB 486, be amended as follows:

1. Title, page 1, line 11 through line 12.

Following: "1995;"

Strike: the remainder of lines 11 and 12 through "dates"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 14 lines 10 through 18.

Strike: sections 8 and 9 in their entirety

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Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval."

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

STATE ADMINISTRATION (Cole, Chairman): 3/23/1999
HJR 7, be concurred in. Report adopted.

TAXATION (Devlin, Chairman): 3/23/1999
SB 533, introduced bill, be amended as follows:

1. Page 2, lines 1 and 2.

Strike: "either through criminal prosecution or"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

March 23, 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 325** sponsored by Senator J. Hertel on March 23, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 3/22/1999

SB 64, introduced by A. Mohl
SB 70, introduced by S. Stang
SB 235, introduced by Wells
SB 288, introduced by L. Nelson
SB 348, introduced by S. Bartlett
SB 364, introduced by D. Eck
SB 369, introduced by K. Miller
SB 386, introduced by D. Mahlum
SB 415, introduced by R. Jabs
SB 438, introduced by C. Christiaens
SB 457, introduced by V. Cocchiarella
SB 466, introduced by M. Halligan

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Senate joint resolutions concurred in and returned to the Senate: 3/22/1999

SJR 3, introduced by L. Grosfield

SJR 12, introduced by M. Cole

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/22/1999

SB 57, introduced by S. Stang

SB 63, introduced by L. Nelson

SB 71, introduced by L. Nelson

SB 124, introduced by T. Beck

SB 207, introduced by Roush

SB 239, introduced by Roush

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments: 3/22/1999

SJR 5, introduced by Tester

Senate amendments to House bill concurred in: 3/22/1999

HB 211, introduced by R. Johnson

House bills passed and transmitted to the Senate for concurrence: 3/22/1999

HB 11, introduced by M. McCann

HB 433, introduced by C. Tuss

HB 629, introduced by D. Mood

HB 645, introduced by J. Cobb

HB 649, introduced by M. McCann

MOTIONS

HB 470 - Senator Swysgood moved that the Senate reconsider its action in concurring with HB 470, as amended by the Senate, on third reading the previous day. Motion carried 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

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HB 470 - Senator Swysgood moved that HB 470 be taken from third reading and rereferred to the committee on Finance and Claims for purpose of amendment. Motion carried 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

FIRST READING AND COMMITMENT OF BILLS

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

SJR 18, introduced by McCarthy, T. Beck, Cocchiarella, Cole, Crismore, Doherty, Harp, Jergeson, Mohl, Ohs, Roush, Stang, Tash, Tester, Wilson, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 11, introduced by M. McCann (by request of the Department of Commerce and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 433, introduced by C. Tuss, M. Brainard, R. Brown, J. Ellingson, E. Franklin, K. Galvin-Halcro, K. Gillan, B. Ryan, M. Sprague, J. Stovall, D. Wyatt, referred to Finance and Claims.

HB 629, introduced by D. Mood, referred to Fish and Game.

HB 645, introduced by J. Cobb, B. Barnhart, B. Kasten, B. Keenan, C. Swysgood, M. Waterman (by request of the House Joint Appropriation Subcommittee on Human Services and Aging), referred to Finance and Claims.

HB 649, introduced by M. McCann (by request of the House Joint Appropriation Subcommittee on Long-Range 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:

SB 113, Conference Committee Report No. 1, 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, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 47

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Nays: Nelson.
Total 1

Absent or not voting: None.
Total 0

Excused: McNutt, Taylor.
Total 2

SB 361 passed as follows:

Yeas: Beck, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Mohl, Nelson, Roush, Swysgood, Taylor, Tester, Toews, Waterman, Wells.
Total 26

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

Paired: McNutt, Taylor, Ayes; Doherty, Jergeson, Noes.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 27 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: McNutt, Taylor.
Total 2

HB 300 concurred in as follows:

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

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McCarthy, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson.

Total 40

Nays: Bishop, Cocchiarella, DePratu, Glaser, Keenan, Mahlum, Stang, Mr. President.

Total 8

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

HB 301, as amended by the Senate, concurred in as follows:

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

Total 34

Nays: Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Halligan, Lynch, McCarthy, Mesaros, Shea, Stang, Waterman, Wilson.

Total 15

Paired: McNutt, Aye; Doherty, No.

Absent or not voting: None.

Total 0

Excused: Taylor.

Total 1

HB 366, 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

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HB 429 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

HB 539 concurred in as follows:

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

Total 45

Nays: Franklin, Miller, Wilson.

Total 3

Absent or not voting: None.

Total 0

Excused: McNutt, Taylor.

Total 2

HJR 8, as amended by the Senate, concurred in as follows:

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

Total 30

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

Total 19

Paired: McNutt, Aye; Jergeson, No.

Absent or not voting: None.

Total 0

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Excused: Taylor.
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 Sprague in the chair.

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

SB 100 - House Amendments - Senator J. Harp moved House amendments to SB 100 be concurred in. Motion carried 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, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.
Total 47

Nays: Wells.
Total 1

Absent or not voting: None.
Total 0

Excused: McNutt, Taylor.
Total 2

HB 578 - Senator D. Hargrove moved HB 578 be concurred in. Motion carried unanimously.

HB 598 - Senator B. McCarthy moved HB 598 be concurred in. Motion carried unanimously.

HB 632 - Senator S. Bartlett moved HB 632 be concurred in. Motion carried unanimously.

HJR 1 - Senator M. Halligan moved HJR 1 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 35

Nays: Beck, Crismore, DePratu, Devlin, Ellis, Grosfield, Holden, Keating, Keenan, Miller, Swysgood, Toews, Wells.
Total 13

Absent or not voting: None.
Total 0

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Excused: McNutt, Taylor.
Total 2

HJR 13 - Senator E. Franklin moved HJR 13 be concurred in. Motion carried unanimously.

Senator Ellingson excused at this time.

HJR 14 - Senator J. Wells moved HJR 14 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, DePratu, Devlin, Glaser, Grimes, Grosfield, Hargrove, Harp, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, Mesaros, Miller, Mohl, Roush, Sprague, Swysgood, Tester, Thomas, Toews, Wells, Mr. President.
Total 29

Nays: Bartlett, Christiaens, Cocchiarella, Crismore, Doherty, Eck, Ekegren, Ellis, Halligan, Hertel, Jabs, McCarthy, Nelson, Shea, Waterman, Wilson.
Total 16

Absent or not voting: Franklin, Stang.
Total 2

Excused: Ellingson, McNutt, Taylor.
Total 3

HJR 17 - Senator T. Keating moved HJR 17 be concurred in. Motion carried as follows:

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

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Shea.
Total 13

Absent or not voting: Waterman, Wilson.
Total 2

Excused: Ellingson, McNutt, Taylor.
Total 3

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

MOTIONS

HB 469 - Senator Harp moved that the Senate reconsider its action in adopting amendment No. 611130CW.srf to HB 469 on second reading the sixty-first legislative day, March 18, 1999. Motion carried.

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ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Wednesday, March 24, 1999. Motion carried.

Senate adjourned at 2:30 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate