

**SENATE JOURNAL
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana
March 24, 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 Grimes and Roush, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 3/24/1999

Correctly printed: SJR 16, SJR 18, HB 283, HB 296, HB 421, HB 523, HB 578, HB 598, HB 632, HJR 1, HJR 7, HJR 13, HJR 14, HJR 17.

Correctly engrossed: SB 164, SB 531, SB 533, HB 486, HB 506, HB 607.

Examined by the sponsor and found to be correct: 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.

Signed by the President at 3:15 p.m., March 23, 1999: SB 103, SB 108, SB 222, SB 260.

Signed by the Secretary of Senate at 3:55 p.m., March 23, 1999: SB 260.

Signed by the Speaker at 3:59 p.m., March 23, 1999: SB 260.

Signed by the Secretary of Senate at 10:00 a.m., March 24, 1999: SB 103, SB 108, SB 222.

Signed by the Speaker at 1:19 p.m., March 24, 1999: SB 103, SB 108, SB 222.

Delivered to the Governor for his approval at 2:35 p.m., March 23, 1999: SB 60, SB 72, SB 165, SB 176, SB 189, SB 214.

Delivered to the Governor for his approval at 9:10 a.m., March 24, 1999: SB 260.

Delivered to the Governor for his approval at 1:40 p.m., March 24, 1999: SB 103, SB 108, SB 222.

Senator Grimes present at this time.

EDUCATION AND CULTURAL RESOURCES (Toews, Chairman):

3/24/1999

HB 71, be amended as follows:

1. Title, page 1, line 7.

Strike: "96"

Insert: "94"

2. Title, page 1, lines 8 and 9.

Following: "GREATER;"

Insert: "ALLOWING ADOPTION OF A GENERAL FUND BUDGET THAT EXCEEDS THE MAXIMUM GENERAL FUND BUDGET FOR A MAXIMUM OF 5 CONSECUTIVE YEARS; PROVIDING AN EXCEPTION REQUIRING A SCHOOL DISTRICT WHOSE BUDGET EXCEEDS THE MAXIMUM GENERAL FUND BUDGET BECAUSE THE AVERAGE NUMBER BELONGING DECLINES 30 PERCENT OR MORE TO REDUCE ITS GENERAL FUND BUDGET PROPORTIONATELY OVER 5 CONSECUTIVE YEARS; ELIMINATING THE PROVISION FOR TRUSTEES TO ADOPT A BUDGET BASED ON THE PREVIOUS YEAR'S GENERAL FUND BUDGET PER-ANB;"

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Strike: "SECTIONS" on line 8
Insert: "SECTION"
Strike: "AND 20-9-353"
Strike: "PROVIDING" on line 8 through ";" on line 9

3. Page 2, lines 13 and 14.
Following: the second "amount" on line 13
Strike: remainder of line 13 through "purposes" on line 14

4. Page 2, line 26.
Following: "(a)"
Strike: "The"
Insert: "(i) Except as provided in subsections (3)(a)(ii) and (3)(a)(iii), the"

5. Page 2, line 28.
Strike: "96%"
Insert: "94%"

6. Page 2, line 29.
Following: "greater."
Insert: "A school district may adopt a budget under the criteria of this subsection (3) for a maximum of 5 consecutive years.

(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 30, Special Laws of November 1993, may continue to adopt a general fund budget in each ensuing school fiscal year that exceeds the district's maximum general fund budget but does not exceed the district's general fund budget for the current school fiscal year.

(iii) A school district whose current budget exceeds the ensuing year's maximum budget and whose current year ANB exceeds the ensuing year's ANB by 30% or more shall reduce its adopted budget by:

(A) in the first year, 20% of the range between the district's adopted general fund budget for the current fiscal year and the maximum general fund for the ensuing school fiscal year;

(B) in the second year, 25% of the range between the district's adopted general fund budget for the current school fiscal year and the maximum general fund budget for the ensuing school fiscal year;

(C) in the third year, 33.3% of the range between the district's adopted general fund budget for the current fiscal year and the maximum general fund budget for the ensuing school fiscal year;

(D) in the fourth year, 50% of the range between the district's adopted general fund budget for the current fiscal year and the maximum general fund budget for the ensuing school fiscal year; and

(E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the current fiscal year and the maximum general fund budget for the ensuing school fiscal year."

7. Page 3, line 18 through page 5, line 16.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent section

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

FINANCE AND CLAIMS (Swysgood, Chairman):
HB 6, be amended as follows:

3/23/1999

1. Page 5.

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Following: line 15

Insert: "LaCasa Grande Estates Water and Sewer District 100,000 (New Water Supply System)"

2. Page 7, line 10.

Strike: "\$500,000"

Insert: "\$400,000"

Following: "biennium"

Insert: "and \$100,000 to the Flathead Lake biological station for water quality monitoring"

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

HB 207, be amended as follows:

1. Title, page 1, lines 9 and 10.

Following: "GRANTS;" on line 9

Strike: "SUPERSEDING THE UNFUNDED MANDATE LAWS;"

2. Page 3, line 13.

Strike: "(3)(a)"

Insert: "(4)(a)"

3. Page 3.

Strike: line 27 through line 28 in their entirety

Renumber: subsequent section

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

HB 302, be amended as follows:

1. Title, page 1, line 5.

Following: "INTO"

Insert: "DEVELOPMENT LOANS TO MICROBUSINESS DEVELOPMENT CORPORATIONS TO BE DEPOSITED INTO"

2. Title, page 1, lines 6 and 7.

Following: "ACCOUNT"

Strike: "AND" on line 6 through "ACCOUNTS" on line 7

3. Page 1, line 19.

Following: "and"

Insert: "and"

4. Page 1, line 20.

Following: "loans"

Strike: ", AND FUNDS RECEIVED FROM THE INTEREST INCOME OF THE FUND"

5. Page 1, line 22.

Following: "loan"

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Insert: "in amounts not to exceed \$500,000 a loan"

6. Page 1, line 30.

Strike: line 30 in its entirety

Renumber: subsequent subsections

7. Page 2, line 6 through line 7.

Following: "program." on line 6

Strike: "INTEREST" on line 6 through "ACCOUNT." on line 7

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

HB 524, be concurred in. Report adopted.

HB 555, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

3/23/1999

HB 115, be amended as follows:

1. Title, line 11 through line 13.

Following: "ARREST;" on line 11

Strike: remainder of line 11 through "OFFICER;" on line 13

2. Title, line 16 through line 17.

Following: "PROGRAM;" on line 16

Strike: remainder of line 16 through "PAROLEE;" on line 17

3. Title, line 20.

Following: "SUSPENDED"

Strike: "OR DEFERRED"

4. Title, line 22 through line 24.

Following: "PROGRAM;" on line 21

Strike: line 22 in its entirety through "SENTENCE;" on line 24

5. Title, line 27.

Strike: "46-23-1021,"

6. Title, line 28.

Strike: "53-30-402,"

7. Page 3, line 10.

Following: "a"

Strike: "i"

8. Page 3, line 11.

Strike: "(i)"

9. Page 3, line 13.

Strike: "(ii)"

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Insert: "(f)"
Strike: "commitment OF A PERSON"
Insert: "commit: (i) an offender"
Strike: "(1)(E)(III)"
Insert: "(1)(f)(ii)"

10. Page 3, line 17.
Strike: "(III) COMMITMENT OF"
Insert: "(ii)"

11. Page 3, line 20.
Strike: "(f)"
Insert: "(g)"
Renumber: subsequent subsections

12. Page 3, line 25.
Strike: "(1)(g)"
Insert: "(1)(h)"

13. Page 6, line 3 through line 7.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

14. Page 6, line 10 through line 11.
Following: "supervision." on line 10
Strike: remainder of line 10 through "discharged." on line 11

15. Page 8, line 9 through page 9, line 15.
Strike: section 5 in its entirety
Renumber: subsequent sections

16. Page 11, line 16.
Following: "suspended sentence"
Strike: "or a deferred imposition of sentence"

17. Page 11, line 18 through line 24.
Strike: section 10 in its entirety
Renumber: subsequent sections

18. Page 13, line 12.
Strike: "[Sections 2 and 5] apply"
Insert: "[Section 2] applies"

19. Page 13, line 14.
Following: "Sections"
Strike: "9 through 11"
Insert: "8 and 9"

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

HB 203, be amended as follows:

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1. Title, line 5.

Following: "DRUGS;"

Insert: "CREATING THE OFFENSE OF ASSAULT ON A MINOR; RENAMING "FELONY ASSAULT" TO "ASSAULT WITH A WEAPON" AND INCREASING THE PENALTY FOR THE OFFENSE;"

Following: "SECTIONS"

Insert: "40-15-102,"

2. Title, line 6.

Following: "41-5-206,"

Insert: "45-5-102,"

Following: "45-5-202,"

Insert: "45-5-206, 45-5-627, 45-8-405,"

Following: "46-18-201,"

Insert: "46-18-219,"

3. Title, line 7.

Following: "46-18-231,"

Insert: "46-23-502,"

4. Page 1, line 10.

Insert: "**Section 1.** Section 40-15-102, MCA, is amended to read:

"40-15-102. Eligibility for order of protection. (1) A person may file a petition for an order of protection if:

(a) the petitioner is in reasonable apprehension of bodily injury by the petitioner's partner or family member as defined in 45-5-206; or

(b) the petitioner is a victim of one of the following offenses committed by a partner or family member:

(i) assault as defined in 45-5-201;

(ii) aggravated assault as defined in 45-5-202;

(iii) intimidation as defined in 45-5-203;

(iv) partner or family member assault as defined in 45-5-206;

(v) criminal endangerment as defined in 45-5-207;

(vi) negligent endangerment as defined in 45-5-208;

(vii) assault on a minor as defined in [section 5];

(viii) assault with a weapon as defined in [section 7];

~~(vii)~~(ix) unlawful restraint as defined in 45-5-301;

~~(viii)~~(x) kidnapping as defined in 45-5-302;

~~(ix)~~(xi) aggravated kidnapping as defined in 45-5-303; or

~~(x)~~(xii) arson as defined in 45-6-103.

(2) A victim of stalking as defined in 45-5-220, incest as defined in 45-5-507, sexual assault as defined in 45-5-502, or sexual intercourse without consent as defined in 45-5-503 is eligible for an order of protection against the offender regardless of the petitioner's relationship to the offender.

(3) A parent, guardian ad litem, or other representative of the petitioner may file a petition for an order of protection on behalf of a minor petitioner against the petitioner's abuser. At its discretion, a court may appoint a guardian ad litem for a minor petitioner.

(4) A guardian must be appointed for a minor respondent when required by Rule 17(c), Montana Rules of Civil Procedure, or by 25-31-602. An order of protection is effective against a respondent regardless of the respondent's age.

(5) A petitioner is eligible for an order of protection whether or not:

(a) the petitioner reports the abuse to law enforcement;

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- (b) charges are filed; or
- (c) the petitioner participates in a criminal prosecution.

(6) If a petitioner is otherwise entitled to an order of protection, the length of time between the abusive incident and the petitioner's application for an order of protection is irrelevant."

Renumber: subsequent sections

5. Page 1, line 26.

Following: "aggravated"

Strike: "or felony"

6. Page 1, line 27.

Following: "line 26"

Insert: "(iv) assault with a weapon as defined in [section 7];"

Renumber: subsequent subsections

7. Page 3, line 6.

Insert: "**Section 3.** Section 45-5-102, MCA, is amended to read:

"45-5-102. Deliberate homicide. (1) A person commits the offense of deliberate homicide if:

(a) the person purposely or knowingly causes the death of another human being; or

(b) the person attempts to commit, commits, or is legally accountable for the attempt or commission of robbery, sexual intercourse without consent, arson, burglary, kidnapping, aggravated kidnapping, felonious escape, ~~felony assault~~ assault with a weapon, aggravated assault, or any other forcible felony and in the course of the forcible felony or flight thereafter, the person or any person legally accountable for the crime causes the death of another human being.

(2) A person convicted of the offense of deliberate homicide shall be punished by death as provided in 46-18-301 through 46-18-310, by life imprisonment, or by imprisonment in the state prison for a term of not less than 10 years or more than 100 years, except as provided in 46-18-219 and 46-18-222."

Renumber: subsequent sections

8. Page 3, line 19.

Insert: "**NEW SECTION.** **Section 5. Assault on minor.** (1) A person commits the offense of assault on a minor if the person commits an offense under 45-5-201, and at the time of the offense, the victim is under 14 years of age and the offender is 18 years of age or older.

(2) A person convicted of assault on a minor shall be imprisoned in a state prison for a term not to exceed 5 years or be fined not more than \$50,000, or both."

Renumber: subsequent sections

9. Page 3, line 21.

Strike: "-- felony assault"

10. Page 3, line 23 through page 4, line 4.

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

Renumber: subsequent subsection

11. Page 4, line 5.

Strike: "(a)"

12. Page 4, line 7.

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Following: "46-18-222." on line 7

Strike: remainder of line 7 through "45-5-206(4)." on line 14

13. Page 4, line 15.

Insert: "NEW SECTION. Section 7. Assault with weapon. (1) A person commits the offense of assault with a weapon if the person purposely or knowingly causes:

(a) bodily injury to another with a weapon; or

(b) reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon.

(2)(a) Subject to the provisions of subsection (2)(b), a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than \$50,000, or both.

(b) In addition to any sentence imposed under subsection (2)(a), if the person convicted of assault with a weapon is a partner or family member of the victim, as defined in 45-5-206, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4)."

Insert: "**Section 8.** Section 45-5-206, MCA, is amended to read:

"45-5-206. Partner or family member assault -- penalty. (1) A person commits the offense of partner or family member assault if the person:

(a) purposely or knowingly causes bodily injury to a partner or family member;

(b) negligently causes bodily injury to a partner or family member with a weapon; or

(c) purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

(2) For the purposes of Title 40, chapter 15, 46-6-311, and this section, the following definitions apply:

(a) "Family member" means mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

(b) "Partners" means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex.

(3) (a) An offender convicted of partner or family member assault shall be fined an amount not less than \$100 or more than \$1,000 and be imprisoned in the county jail for a term not to exceed 1 year or not less than 24 hours for a first offense. An offender convicted of a second offense under this section shall be fined not less than \$300 or more than \$1,000 and be imprisoned in the county jail not less than 72 hours or more than 1 year. Upon a first or second conviction, the offender may be ordered into misdemeanor probation as provided in 46-23-1005. On a third or subsequent conviction for partner or family member assault, the offender shall be fined not less than \$500 and not more than \$50,000 and be imprisoned for a term not less than 30 days and not more than 5 years. If the term of imprisonment does not exceed 1 year, the person shall be imprisoned in the county jail. If the term of imprisonment exceeds 1 year, the person shall be imprisoned in the state prison.

(b) (i) For the purpose of determining the number of convictions under this section, a conviction means a conviction, as defined in 45-2-101, in this state, conviction for a violation of a similar statute in another state, or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state or in another state for a violation of a similar statute, which forfeiture has not been vacated. A prior conviction for domestic abuse under this section is a prior conviction for purposes of subsection (3)(a).

(ii) A conviction for ~~felony~~ assault with a weapon under ~~45-5-202~~ [section 7], if the offender was a partner or family member of the victim, constitutes a conviction for the purpose of calculating prior convictions under this section.

(4) (a) An offender convicted of partner or family member assault is required to pay for and complete a counseling assessment with a focus on violence, dangerousness, and chemical dependency. The offender shall follow through on all recommendations made by the counseling provider. The counseling provider must be approved by the court. The counseling must include a counseling assessment and a minimum of 25 hours of counseling, in addition to the assessment. The assessment and the counseling must be:

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- (i) with a person licensed under Title 37, chapter 17, 22, or 23;
- (ii) with a professional person as defined in 53-21-102; or
- (iii) in a specialized domestic violence intervention program.

(b) The counseling provided in subsection (4)(a) must be directed to the violent conduct of the offender.

Other issues indicated by the assessment may be addressed in additional counseling beyond the minimum 25 hours. Subsection (4)(a) does not prohibit the placement of the offender in other appropriate treatment if the court determines that there is no available treatment program directed to the violent conduct of the offender.

(5) In addition to any sentence imposed under subsections (3) and (4), after determining the financial resources and future ability of the offender to pay restitution as provided for in 46-18-242, the court shall require the offender, if able, to pay the victim's reasonable actual medical, housing, wage loss, and counseling costs.

(6) In addition to the requirements of subsection (5), if financially able, the offender must be ordered to pay for the costs of the offender's probation, if probation is ordered by the court.

(7) The court may prohibit an offender convicted under this section from possession or use of the firearm used in the assault. The court may enforce 45-8-323 if a firearm was used in the assault.

(8) At the time of sentencing, the court shall provide an offender a written copy of the offender's sentence."

Insert: "Section 9. Section 45-5-627, MCA, is amended to read:

"45-5-627. Ritual abuse of minor -- exceptions -- penalty. (1) A person commits the offense of ritual abuse of a minor if the person purposely or knowingly and as part of any ceremony, rite, or ritual or of any training or practice for any ceremony, rite, or ritual:

(a) has sexual intercourse without consent with a person less than 16 years of age; commits assault, aggravated assault, assault on a minor, or ~~felony~~ assault with a weapon against a victim less than 16 years of age; or kills a person less than 16 years of age;

(b) actually or by simulation tortures, mutilates, or sacrifices an animal or person in the presence of the minor;

(c) dissects, mutilates, or incinerates a human corpse or remains in the presence of the minor;

(d) forces upon the minor or upon another person in the presence of a minor the ingestion or the external bodily application of human or animal urine, feces, flesh, blood, bone, or bodily secretions or drugs or chemical compounds;

(e) places a living minor or another living person in the presence of a minor in a coffin or open grave that is empty or that contains a human corpse or remains; or

(f) threatens the minor or, in the presence of the minor, threatens any person or animal with death or serious bodily harm and the minor reasonably believes that the threat will or may be carried out.

(2) This section does not apply to activities, practices, and procedures otherwise allowed by law.

(3) Except as provided in 46-18-219, a person convicted of ritual abuse of a minor shall:

(a) for the first offense, be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than \$50,000, or both; and

(b) for a second or subsequent offense, be imprisoned in the state prison for any term of not less than 2 years or more than 40 years and may be fined not more than \$50,000, or both.

(4) In addition to any sentence imposed under subsection (3), after determining pursuant to 46-18-242 the financial resources and future ability of the offender to pay restitution, the court shall require the offender, if able, to pay the victim's reasonable costs of counseling that result from the offense. The amount, method, and time of payment must be determined in the same manner as provided for in 46-18-244."

Insert: "Section 10. Section 45-8-405, MCA, is amended to read:

"45-8-405. Pattern of criminal street gang activity. (1) For purposes of this part, "pattern of criminal street gang activity" means the commission, solicitation, conspiracy, attempt; adjudication as a delinquent youth for the commission, attempt, or solicitation; or conviction of two or more of the offenses listed in subsection (2) within a 3-year period, and that the offenses were committed on separate occasions.

(2) The offenses that form a pattern of criminal street gang activity include:

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- (a) deliberate homicide, as defined in 45-5-102;
- (b) ~~felony~~ assault with a weapon, as defined in ~~45-5-202~~ [section 7];
- (c) intimidation, as defined in 45-5-203;
- (d) kidnapping, as defined in 45-5-302;
- (e) aggravated kidnapping, as defined in 45-5-303;
- (f) robbery, as defined in 45-5-401;
- (g) sexual intercourse without consent, as defined in 45-5-503;
- (h) aggravated promotion of prostitution, as defined in 45-5-603;
- (i) criminal mischief, as defined in 45-6-101;
- (j) arson, as defined in 45-6-103;
- (k) burglary, as defined in 45-6-204;
- (l) theft, as defined in 45-6-301;
- (m) forgery, as defined in 45-6-325;
- (n) tampering with witnesses and informants, as defined in 45-7-206;
- (o) bringing armed men into the state, as defined in 45-8-106;
- (p) unlawful possession of a firearm by a convicted person, as defined in 45-8-313;
- (q) carrying a concealed weapon, as defined in 45-8-316;
- (r) possession of a deadly weapon by a prisoner, as defined in 45-8-318;
- (s) possession of a destructive device, as defined in 45-8-334;
- (t) possession of explosives, as defined in 45-8-335;
- (u) possession of a sawed-off firearm, as defined in 45-8-340;
- (v) the sale, possession for sale, transportation, manufacture, offer for sale, offer to manufacture, or other offense involving a dangerous drug as prohibited by Title 45, chapter 9;
- (w) use of threat to coerce criminal street gang membership or use of violence to coerce criminal street gang membership provided in 45-8-403."

Renumber: subsequent sections

14. Page 9, line 11.

Following: "45-5-202(3)"

Strike: "(4) relating to aggravated assault"

15. Page 10, line 12.

Insert: "Section 17. Section 46-18-219, MCA, is amended to read:

"46-18-219. Life sentence without possibility of release. (1) (a) Except as provided in subsection (3), if a person convicted of one of the following offenses was previously convicted of one of the following offenses or of an offense under the laws of another state or of the United States that, if committed in this state, would be one of the following offenses, the person must be sentenced to life in prison, unless the death penalty is applicable and imposed:

- (i) 45-5-102, deliberate homicide;
- (ii) 45-5-303, aggravated kidnapping;
- (iii) 45-5-503, sexual intercourse without consent;
- (iv) 45-5-625, sexual abuse of children; or
- (v) 45-5-627, except subsection (1)(b), ritual abuse of a minor.

(b) Except as provided in subsection (3), if a person convicted of one of the following offenses was previously convicted of two of the following offenses, two of any combination of the offenses listed in subsection (1)(a) or the following offenses, or two of any offenses under the laws of another state or of the United States that, if committed in this state, would be one of the offenses listed in subsection (1)(a) or this subsection, the person must be sentenced to life in prison, unless the death penalty is applicable and imposed:

- (i) 45-5-103, mitigated deliberate homicide;

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(ii) 45-5-202(~~+~~), aggravated assault;

(iii) 45-5-302, kidnapping;

(iv) 45-5-401, robbery.

(2) Except as provided in 46-23-210 and subsection (3) of this section, a person sentenced under subsection

(1):

(a) shall serve the entire sentence;

(b) shall serve the sentence in prison;

(c) may not for any reason, except medical reasons, be transferred for any length of time to another type of institution, facility, or program;

(d) may not be paroled; and

(e) may not be given time off for good behavior or otherwise be given an early release for any reason.

(3) If the person was previously sentenced for either of two or three offenses listed in subsection (1), as applicable, pursuant to any of the exceptions listed in 46-18-222, then the provisions of subsections (1) and (2) of this section do not apply to the person's present sentence.

(4) (a) For purposes of this section, "prison" means a secure detention facility in which inmates are locked up 24 hours a day and that is operated by this state, another state, the federal government, or a private contractor.

(b) Prison does not include a work release center, prerelease center, boot camp, or any other type of facility that does not provide secure detention."

Renumber: subsequent sections

16. Page 10, line 18.

Following: "45-5-202(~~3~~)"

Strike: "~~(4)~~"

Insert: ", [section 7]"

17. Page 10, line 30.

Insert: "**Section 19.** Section 46-23-502, MCA, is amended to read:

"46-23-502. Definitions. As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(3) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(4) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(5) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct sexual offender and sexually violent predator evaluations.

(6) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-502(3), 45-5-503, 45-5-504(2)(c), 45-5-507 (unless the act occurred between two consenting persons 16 years of age or older), or 45-5-625; or

(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (6)(a).

(7) "Sexual or violent offender" means a person who has been convicted of a sexual or violent offense.

(8) "Sexually violent predator" means a person who has been convicted of a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses.

(9) "Violent offense" means:

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(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense), [section 5], [section 7], 45-5-301 (when the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302, 45-5-303, 45-5-401, 45-5-603(1)(b), or 45-6-103; or

(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (9)(a)."

Renumber: subsequent section

18. Page 11, line 8.

Insert: "NEW SECTION. Section 21. Codification instruction. [Sections 5 and 7] are intended to be codified as an integral part of Title 45, chapter 5, part 2, and the provisions of Title 45, chapter 5, part 2, apply to [sections 5 and 7]."

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

HB 244, be concurred in. Report adopted.

HB 257, be amended as follows:

1. Page 1, line 15.

Strike: "SUBSECTIONS (1)(C) AND"

Insert: "subsection"

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

HB 308, be concurred in. Report adopted.

HB 374, be amended as follows:

1. Title, line 10.

Following: "+8"

Strike: "16"

Insert: "18"

2. Title, line 11.

Following: "AGE"

Insert: "AT THE TIME OF THE COMMISSION OF A CAPITAL OFFENSE"

3. Page 4, line 30.

Following: "+8"

Strike: "16"

Insert: "18"

Following: "age"

Insert: "at the time of the commission of the offense"

4. Page 5, line 28.

Following: "+8"

Strike: "16"

Insert: "18"

Following: "age"

Insert: "at the time of the commission of the offense"

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

HB 382, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Keating, Chairman):
SJR 15, introduced joint resolution, be amended as follows:

3/24/1999

1. Page 1, line 20.

Following: "maximum"

Insert: "permanent partial"

And, as amended, be adopted. Report adopted.

HB 229, be concurred in. Report adopted.

LOCAL GOVERNMENT (Sprague, Chairman):

3/24/1999

HB 212, be concurred in. Report adopted.

HB 325, be concurred in. Report adopted.

HB 338, be concurred in. Report adopted.

HB 586, be amended as follows:

1. Title, line 4.

Strike: "COUNTIES₂"

Strike: the second "₂"

2. Title, line 5 through line 6.

Following: "PARK" on line 5

Insert: "MAINTENANCE"

Strike: "WITHOUT" on line 5 through "DISTRICT" on line 6

3. Title, line 7.

Strike: "THE"

Insert: "A PARK"

4. Title, line 8.

Strike: "7-16-2413,"

5. Page 1, line 22.

Following: "or the"

Insert: "proposed maximum"

6. Page 2, line 13.

Strike: "if authorized as provided by law,"

7. Page 2, line 16 through line 17.

Strike: "except" on line 16 through "district," on line 17

8. Page 3, line 6 through line 15.

Strike: section 3 in its entirety

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Renumber: subsequent sections

9. Page 4, line 22.

Strike: "if the fee is authorized as provided by law."

10. Page 4, line 24.

Following: "commission."

Insert: "The fee assessed may not exceed the maximum amount approved by the electorate."

11. Page 5, line 17 through line 18.

Strike: "AN" on line 17 through "DISTRICT." on line 18

12. Page 5, line 22.

Following: "STATE THE"

Insert: "maximum"

Following: the second "OR THE"

Insert: "maximum"

13. Page 5, line 23.

Following: "DISTRICT."

Insert: "The fee assessed or the tax levied may not exceed the maximum amount approved by the electorate."

14. Page 5, line 27.

Strike: "7"

Insert: "6"

15. Page 5, line 28.

Strike: the third "7"

Insert: "6"

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

HB 614, be amended as follows:

1. Page 2, line 29 through page 3, line 1.

Strike: "1" on page 2, line 29 through "LOCATED" on page 3, line 1

2. Page 3, line 3.

Strike: "SHALL"

Insert: "may"

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

STATE ADMINISTRATION (Cole, Chairman):

3/24/1999

SR 4, be adopted. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 54
Report No.1, March 22, 1999

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Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 54** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 54** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

Following: "41-5-1302,"

Insert: "41-5-1302,"

2. Page 9, line 1.

Strike: "18"

Insert: "19"

3. Page 13, line 9.

Insert: "**Section 8.** Section 41-5-1302, MCA, is amended to read:

"41-5-1302. Consent adjustment without petition. (1) Before referring the matter to the county attorney and subject to the limitations in subsection (3), the probation officer or assessment officer may enter into a consent adjustment and give counsel and advice to the youth, the youth's family, and other interested parties if it appears that:

(a) the admitted facts bring the case within the jurisdiction of the court;

(b) counsel and advice without filing a petition would be in the best interests of the child, the family, and the public; and

(c) the youth may be a youth in need of intervention and the probation officer or assessment officer believes that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(2) Any probation or other disposition imposed under this section against a youth must conform to the following procedures:

(a) Every consent adjustment must be reduced to writing and signed by the youth and the youth's parents or the person having legal custody of the youth.

(b) If the probation officer or assessment officer believes that the youth is a youth in need of intervention, the probation officer or assessment officer shall determine that the parents, foster parents, physical custodian, or guardian exerted all reasonable efforts to mediate, resolve, or control the youth's behavior and that the youth continues to exhibit behavior beyond the control of the parents, foster parents, physical custodian, or guardian.

(c) Approval by the youth court judge is required if the complaint alleges commission of a felony or if the youth has been or will be in any way detained.

(3) A consent adjustment without petition under this section may not be used to dispose of a youth's alleged second or subsequent offense if ~~that~~:

(a) the youth has admitted commission of or has been adjudicated or sentenced for a prior offense that would be a felony if committed by an adult or third or subsequent offense if;

(b) the second or subsequent offense would be a felony if committed by an adult and was committed within 3 years of a prior offense; or

(c) that the second or subsequent offense would be a misdemeanor if committed by an adult and was committed within 3 years of a prior offense, other than a felony, unless the probation officer notifies the youth court and obtains written approval from the county attorney and the youth court judge.

(4) For purposes of subsection (3), related offenses committed by a youth during the same 24-hour period must be considered a single offense."

Renumber: subsequent sections

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4. Page 17, line 23.

Page 17, line 26.

Strike: "16"

Insert: "17"

Strike: "19"

Insert: "20"

5. Page 20, line 12.

Strike: "16"

Insert: "17"

Strike: "19"

Insert: "20"

6. Page 21, line 5.

Page 21, line 6.

Strike: "19"

Insert: "20"

7. Page 21, line 16.

Strike: "18"

Insert: "19"

8. Page 22, line 11.

Strike: "15"

Insert: "16"

Strike: "19"

Insert: "20"

9. Page 22, line 12.

Strike: "15"

Insert: "16"

10. Page 22, line 13.

Strike: "19"

Insert: "20"

For the Senate:

Grimes, Chairman

Halligan

McNutt

For the House:

L. Soft, Chairman

Ahner

Hurdle

MESSAGES FROM THE GOVERNOR

March 23, 1999

The Honorable Bruce Crippen

President of the Senate

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SENATE JOURNAL
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State Capitol
Helena, Montana 59620

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 49** sponsored by Senator C. Swysgood, **Senate Bill 87** sponsored by Senator D. Hargrove, **Senate Bill 101** sponsored by Senator E. Franklin, **Senate Bill 112** sponsored by Senator E. Franklin, **Senate Bill 127** sponsored by Senator M. Waterman, **Senate Bill 128** sponsored by Senator C. Christiaens, **Senate Bill 131** sponsored by Senator C. Swysgood, **Senate Bill 140** sponsored by Senator L. Nelson, **Senate Bill 187** sponsored by Senator Tester et al., **Senate Bill 196** sponsored by Senator Mesaros et al., **Senate Bill 227** sponsored by Senator J. Hertel, **Senate Bill 289** sponsored by Senator S. Doherty et al., **Senate Bill 290** sponsored by Senator J. Lynch et al., **Senate Bill 299** sponsored by Senator J. Hertel, and **Senate Bill 317** sponsored by Senator T. Beck on March 23, 1999.

Sincerely,

MARC RACICOT
Governor

March 23, 1999

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

Dear Bruce:

I would like to notify you of the following judicial nomination that needs to be confirmed by the Senate:

Mr. Richard Simonton, 3 Winchester Place, Glendive MT 59330
District Judge in Montana's Seventh Judicial District
Appointed April 27, 1998

I am attaching a copy of the press release which contains biographical information on Judge Simonton. If we can be of assistance by supplying more information for you, please feel free to contact Susan Ames at 444-5551.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

3/24/1999

SB 15, introduced by M. Cole
SB 40, introduced by D. Grimes
SB 240, introduced by Grimes

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SB 374, introduced by J. Lynch

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/24/1999

SB 169, introduced by M. Taylor

SB 210, introduced by Lynch

SB 439, introduced by J. Hertel

House bills passed and transmitted to the Senate for concurrence: 3/24/1999

HB 4, introduced by L. Taylor

HB 5, introduced by M. McCann

HB 7, introduced by M. McCann

HB 15, introduced by T. Zook

HB 79, introduced by M. Brainard

HB 92, introduced by R. Somerville

HB 135, introduced by J. Stovall

HB 532, introduced by S. Anderson

HB 608, introduced by R. Somerville

HB 622, introduced by J. Witt

HB 630, introduced by S. Rose

HB 638, introduced by R. Somerville

HB 644, introduced by L. Taylor

HB 676, introduced by J. Witt

House joint resolution passed and transmitted to the Senate for concurrence: 3/24/1999

HJR 18, introduced by T. Facey

MOTIONS

HB 607 - Senator Swysgood moved that HB 607 be taken from the second reading board and rereferred to the committee on Finance and Claims as HB 607 regulates health care and has a general fund impact. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.

Total 38

Nays: Cocchiarella, Doherty, Eck, Ellingson, Franklin, Jergeson, Lynch, Shea, Stang, Wilson.

Total 10

Absent or not voting: None.

Total 0

Excused: Grimes, Roush.

Total 2

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Senator B. McCarthy moved that the rules be suspended for the late introduction of a joint resolution supporting stocks of anadromous fish and opposing flow augmentation and the removal of dams on the Snake River and its tributaries. 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, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

FIRST READING AND COMMITMENT OF BILLS

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

HB 4, introduced by L. Taylor (by request of the Office of Budget and Program Planning), referred to Finance and Claims.

HB 5, introduced by M. McCann (by request of the Department of Administration, and the Governor), referred to Finance and Claims.

HB 7, introduced by M. McCann (by request of the Department of Natural Resources and Conservation and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 15, introduced by T. Zook (by request of the Director of Revenue and the Office of Budget and Program Planning), referred to Finance and Claims.

HB 79, introduced by M. Brainard (by request of the Committee on Public Employee Retirement Systems), referred to Finance and Claims.

HB 92, introduced by R. Somerville (by request of the Department of Justice and the Governor), referred to Finance and Claims.

HB 135, introduced by J. Stovall (by request of the Department of Justice), referred to Finance and Claims.

HB 532, introduced by S. Anderson, referred to Finance and Claims.

HB 608, introduced by R. Somerville, J. Bohlinger, R. Buzzas, P. Clark, E. Franklin, H. Harper, G. Jergeson, G. Masolo, R. Peck, S. Rose, D. Shea, L. Soft, referred to Finance and Claims.

HB 622, introduced by J. Witt, referred to Finance and Claims.

HB 630, introduced by S. Rose, referred to Taxation.

HB 638, introduced by R. Somerville, referred to Taxation.

HB 644, introduced by L. Taylor, M. Cole, referred to Finance and Claims.

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

HJR 18, introduced by T. Facey, J. Andersen, R. Buzzas, P. Clark, J. Cobb, T. Dell, B. Eggers, J. Ellingson, E. Franklin, S. Gallus, K. Galvin-Halcro, G. Golie, G. Gutsche, J. Hurdle, S. Kitzenberg, M. Lindeen, J. Mangan,

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R. Menahan, B. Ryan, J. Tester, C. Younkin, referred to State Administration.

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 100, as amended by the House, passed as follows:

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

Nays: Wells.
Total 1

Paired: Roush, Aye; Wells, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 578, 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HB 598 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

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Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HB 632 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, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HJR 1 concurred in as follows:

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

Nays: Crismore, Devlin, Ellis, Keating, Keenan, Miller, Swysgood, Taylor, Toews, Wells.
Total 10

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HJR 13 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,

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Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HJR 14 concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Mr. President.
Total 33

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

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

HJR 17 concurred in as follows:

Yeas: Beck, Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Thomas, Toews, Wells, Mr. President.
Total 31

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Shea, Taylor, Tester, Waterman, Wilson.
Total 18

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

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MOTIONS

Senator F. Thomas moved that the Senate stand in recess until the hour of 1:50 p.m. for party caucuses. Motion carried.

Senate recessed at 1:25 p.m.

Senate reconvened at 2:00 p.m.

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

**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 DePratu in the chair.

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

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"

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

4. Page 2, line 28.

Following: "(1)"

Insert: "(a)"

Strike: "An"

Insert: "Subject to subsection (1)(b), an"

5. Page 2, line 30.

Following: line 29

Insert: "(b) Unless precluded in the rental agreement, permission for the placement of a campaign sign may be given by the tenant of the private property."

6. Page 2, line 30 through 3, line 2.

Following: "highway" on line 30

Strike: remainder of line 30 through "right-of-way" on page 3, line 2

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7. Page 3, line 5.

Following: "(2)"

Strike: "MAY"

Insert: "must"

Following: "AND"

Insert: "may be"

Senator V. Cocchiarella moved that amendments 1, 2 and 3 be segregated. Thereupon, amendments 1, 2 and 3 were **adopted** as follows:

Yeas: Berry, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Wells.
Total 25

Nays: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Shea, Stang, Tester, Toews, Waterman, Wilson, Mr. President.
Total 24

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

Senator C. Christiaens moved that amendments 4 and 5 be further segregated. Thereupon, amendments 4 and 5 were **adopted** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Mohl, Nelson, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 37

Nays: Bartlett, Christiaens, Cocchiarella, Eck, Halligan, Jergeson, McCarthy, Miller, Stang, Tester, Waterman, Wilson.
Total 12

Absent or not voting: None.
Total 0

Excused: Roush.
Total 1

Senator J. Wells moved that amendments 6 and 7 be adopted. Amendments 6 and 7 were **adopted** unanimously.

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

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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, Beck, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Hargrove, Hertel, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Shea, Stang, Tester, Waterman, Wilson, Mr. President.

Total 24

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

Total 25

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

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

1. Page 2, line 28 through line 29.

Strike: "(1)" on line 28 through "property." on line 29

Renumber: subsequent subsections

2. Page 3, line 5.

Strike: "or (2)"

Amendment **failed** as follows:

Yeas: Bartlett, Beck, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Hargrove, Hertel, Jabs, Jergeson, Mahlum, McCarthy, McNutt, Miller, Nelson, Shea, Tester, Toews, Waterman, Wilson, Mr. President.

Total 24

Nays: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Harp, Holden, Keating, Keenan, Lynch, Mesaros, Mohl, Sprague, Stang, Swysgood, Taylor, Thomas, Wells.

Total 25

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

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SIXTY-SIXTH LEGISLATIVE DAY - MARCH 24, 1999

HB 469 - Senator J. Wells moved HB 469, as amended, be concurred in. Motion **failed** as follows:

Yeas: Berry, Bishop, Bohlinger, Cole, Crismore, Devlin, Ekegren, Ellis, Grosfield, Harp, Holden, Jabs, Keating, Keenan, Mahlum, Mesaros, Miller, Sprague, Taylor, Thomas, Toews, Wells.

Total 22

Nays: Bartlett, Beck, Christiaens, Cocchiarella, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Hertel, Jergeson, Lynch, McCarthy, McNutt, Mohl, Nelson, Shea, Stang, Swysgood, Tester, Waterman, Wilson, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

HB 469 -Senator J. Lynch moved that HB 469 be indefinitely postponed. Motion carried as follows:

Yeas: Bartlett, Beck, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Hargrove, Jergeson, Lynch, McCarthy, McNutt, Mohl, Nelson, Shea, Stang, Swysgood, Tester, Waterman, Wilson, Mr. President.

Total 25

Nays: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grosfield, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, Mesaros, Miller, Sprague, Taylor, Thomas, Toews, Wells.

Total 24

Absent or not voting: None.

Total 0

Excused: Roush.

Total 1

HJR 28 and SB 57, House Amendments - Senator Crippen moved that HJR 28 and SB 57, House Amendments, be moved to the top of the second reading board. Motion carried.

HJR 28 - Senator Keenan moved HJR 28 be concurred in. Motion carried unanimously.

SB 57 - House Amendments - Senator B. Stang moved House amendments to SB 57 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 DePratu moved the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Thursday, March 25, 1999. Motion carried.

Senate adjourned at 2:56 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate