

**SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 1999

Senate Chambers  
State Capitol

Senate convened at 7:00 a.m. Acting President Keating presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

Senator Thomas acknowledged the Senate pages, gave a brief overview of their future plans, and thanked them for their work for the Senate through the week.

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 3/27/1999  
Correctly printed: HB 6, HB 185, HB 203, HB 207, HB 212, HB 229, HB 244, HB 257, HB 302, HB 308, HB 321, HB 361, HB 437, HB 455, HJR 32.  
Correctly printed: SB 532, HB 20, HB 277, HB 316, HB 325, HB 337, HB 338, HB 374, HB 382, HB 435, HB 524, HB 555, HB 558, HB 581, HB 584, HB 586, HB 614, HJR 4, HJR 5, HJR 6, HJR 15, HJR 24.  
Correctly engrossed: HB 314, HB 504, HB 528.  
Correctly engrossed: SB 370, SB 460, SB 530, HB 54, HB 57, HB 59, HB 255, HB 339, HB 459, HB 506, HB 560, HB 566, HB 590, HJR 16.  
Correctly enrolled: SB 57, SR 4.  
Signed by the President at 7:48 a.m., March 27, 1999: SB 100.  
Signed by the Secretary of Senate at 8:00 a.m., March 27, 1999: SB 100.  
Signed by the Speaker at 9:47 a.m., March 27, 1999: SB 100.  
Delivered to the Secretary of State at 3:50 p.m., March 26, 1999: SJR 3, SJR 12.

**JUDICIARY** (Grosfield, Chairman): 3/26/1999  
**HB 530**, be amended as follows:

1. Page 1, line 17.

**Following:** "purpose"

**Insert:** "-- findings"

**Following:** "."

**Insert:** "(1)"

2. Page 1, line 24.

**Following:** line 23

**Insert:** "(2) The legislature finds, with respect to 50-20-401, that:

(a) the United States supreme court has determined that states have a legitimate interest in protecting both a woman's health and the potentiality of human life and that each interest grows and reaches a compelling point at various stages of a woman's approach to the full term of a pregnancy;

(b) the court has also determined that subsequent to viability, the state in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe abortion except when necessary, in appropriate medical judgment, for the preservation of the life or health of the woman;

(c) the holdings referred to in subsections (2)(a) and (2)(b) apply to unborn persons in order to extend to unborn persons the inalienable right to defend their lives and liberties;

(d) absent clear proof that an abortion is necessary to save the life of the woman, the abortion of a viable person is an infringement of that person's rights; and

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

(e) the state has a duty to protect innocent life and that duty has grown to a compelling point with respect to partial birth abortion."

3. Page 2, lines 27 and 28.

**Following:** "life" on line 27

**Strike:** "remainder of line 27" through "(4)," on line 28

**Strike:** "OR HEALTH"

4. Page 2, line 29.

**Strike:** "OR HEALTH-ENDANGERING"

5. Page 2, line 30.

**Strike:** "OR PRESERVE THE HEALTH"

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

**LEGISLATIVE ADMINISTRATION** (Beck, Chairman):

3/27/1999

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, March 27, 1999:

TITLE

NAME

Pages:

Rachel Carroll  
Dara Ferron  
Krystal Buckland  
Gail Holdeman  
Rebecca DuBose  
Amy Woodward  
Jacquie Colwell  
Megan Rice

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 29, 1999:

TITLE

NAME

Pages:

Sam Bergman, Bozeman, MT  
Aaron Engebreston, Kalispell, MT  
Scott Holland, Hamilton, MT  
Kassidy Olson, Billings, MT  
Elizabeth Snoddy, Helena, MT  
Robert Shupe, Clancy, MT  
Autum Wittman, Huntley, MT

Report Adopted.

**MESSAGES FROM THE OTHER HOUSE**

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

House bills passed and transmitted to the Senate for concurrence:

3/27/1999

**HB 386**, introduced by R. Jore  
**HB 513**, introduced by J. Witt  
**HB 654**, introduced by T. Schmidt  
**HB 657**, introduced by B. Davies  
**HB 659**, introduced by R. Menahan

**MOTIONS**

**SB 440** - Senator S. Bartlett moved that SB 440 be taken from the committee on Business and Industry, printed and placed on the second reading board as it concerns the livable wage for families, and would have a fiscal impact on the state. Motion **failed** as follows:

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

Nays: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

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

**SJR 19**, introduced by Eck, Bartlett, Bohlinger, P. Clark, Ellingson, Ewer, Grosfield, McNutt, C. Williams, Wyatt, referred to Judiciary.

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

**HB 386**, introduced by R. Jore, referred to Taxation.  
**HB 513**, introduced by J. Witt, E. Bergsagel, E. Clark, J. Ellingson, G. Golie, T. Hagener, D. Haines, D. Hedges, J. Holden, T. Keating, S. Kitzenberg, R. Lenhart, M. McCann, B. McCarthy, J. McKenney, L. Nelson, K. Ohs, R. Peck, S. Rose, G. Roush, B. Story, B. Tash, L. Taylor, J. Tester, J. Tropila, referred to Taxation.  
**HB 654**, introduced by T. Schmidt, referred to Taxation.  
**HB 657**, introduced by B. Davies, referred to Taxation.  
**HB 659**, introduced by R. Menahan, referred to Taxation.

**THIRD READING OF BILLS**

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

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

following manner:

**SB 200, as amended by the Governor**, 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, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Wilson, Mr. President.

Total 44

Nays: Harp, Keenan, Miller, Swysgood, Waterman.

Total 5

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**SB 529, a Constitutional Amendment**, received the following vote:

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

Total 20

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

Total 30

Paired: Doherty, Jergeson, Ayes; Wells, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 15**, 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, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HB 6, 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, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HB 81, 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, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HB 111, 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, Wilson, Mr. President.  
Total 46

Nays: Devlin, Swysgood, Toews.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 3

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 203, 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, Wilson, Mr. President.

Total 48

Nays: Toews.

Total 1

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 207, 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, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 212** concurred in as follows:

Yeas: Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keating, Mahlum, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Taylor, Waterman, Wilson, Mr. President.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 28

Nays: Bartlett, Beck, Berry, Crismore, Devlin, Ekegren, Ellis, Glaser, Grosfield, Harp, Holden, Keenan, Lynch, Mesaros, Mohl, Sprague, Stang, Swysgood, Tester, Thomas, Toews.

Total 21

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 229** 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, Toews, Waterman, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 244** 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, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 45

Nays: Keenan, Miller, Swysgood, Taylor.

Total 4

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**HB 257, as amended by the Senate**, concurred in as follows:

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

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

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: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HB 302, 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, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HB 308** 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, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**MOTIONS**



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**HB 212** - Senator Lynch moved that he be allowed to change his vote on HB 212, third reading this legislative day, from yea to nay. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Session No. 1

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swysgood in the chair.

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

**HB 325** - Senator C. Christiaens moved HB 325 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Ellis, Franklin, Grimes, Grosfield, Hertel, Holden, Jabs, Keenan, Lynch, McCarthy, McNutt, Miller, Nelson, Roush, Shea, Sprague, Taylor, Thomas, Waterman, Mr. President.

Total 28

Nays: Cocchiarella, Crismore, DePratu, Devlin, Ekegren, Glaser, Halligan, Hargrove, Harp, Jergeson, Keating, Mohl, Stang, Swysgood, Tester, Toews, Wilson.

Total 17

Absent or not voting: Beck, Cole, Mahlum, Mesaros.

Total 4

Excused: Wells.

Total 1

**HB 338** - Senator D. Grimes moved HB 338 be concurred in. Motion carried unanimously.

**HB 374** - Senator S. Bartlett moved HB 374 be concurred in. Motion carried unanimously.

**HB 382** - Senator D. Hargrove moved HB 382 be concurred in. Motion carried unanimously.

**HB 524** - Senator G. Jergeson moved HB 524 be concurred in. Motion carried as follows:

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

Total 39

Nays: DePratu, Devlin, Ekegren, Ellis, Glaser, Hertel, Holden, Keenan, Taylor, Toews.

Total 10

Absent or not voting: None.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 0

Excused: Wells.

Total 1

**HB 555** - Senator K. Mesaros moved HB 555 be concurred in. Motion carried unanimously.

**HB 586** - Senator D. Grimes moved HB 586 be concurred in. Motion carried unanimously.

**HB 614** - Senator C. Christiaens moved HB 614 be concurred in. Motion carried unanimously.

**SB 532** - Senator W. McNutt moved SB 532 do pass. Motion carried with Senator Bartlett voting nay.

**HB 20** - Senator W. McNutt moved HB 20 be concurred in. Motion carried as follows:

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

Total 40

Nays: Bartlett, Cocchiarella, Doherty, Keenan, Lynch, McCarthy, Shea, Waterman.

Total 8

Absent or not voting: Beck.

Total 1

Excused: Wells.

Total 1

**HB 277** - Senator B McCarthy moved HB 277 be concurred in. Motion carried unanimously.

**HB 314** - Senator M. Cole moved HB 314, second reading copy, be amended as follows :

1. Page 2, line 7.

**Strike:** "OR"

2. Page 2, line 10.

**Strike:** "OR"

3. Page 2, line 14.

**Following:** "AGENCIES"

**Insert:** "; or (d) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers"

Amendment **adopted** unanimously.

**HB 314** - Senator L. Grosfield moved HB 314, as amended, be concurred in. Motion carried unanimously.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**HB 316** - Senator L. Grosfield moved HB 316 be concurred in. Motion carried unanimously.

**HB 337** - Senator F. Thomas moved HB 337 be concurred in. Motion carried unanimously.

**HB 396** - Senator D. Mahlum moved HB 396 be passed for the day. Motion carried unanimously.

**HB 435** - Senator S. Doherty moved HB 435 be concurred in. Motion carried unanimously.

**HB 504** - Senator F. Thomas moved consideration of HB 504 be placed below HJR 24 on the second reading board this legislative day. Motion carried unanimously.

**HB 528** - Senator D. Eck moved consideration of HB 528 be placed at the bottom of the second reading board. Motion carried unanimously.

**HB 558** - Senator J. Hertel moved HB 558 be concurred in. Motion carried unanimously.

**HB 581** - Senator V. Cocchiarella moved HB 581 be concurred in. Motion carried unanimously.

**HB 584** - Senator D. Shea moved HB 584 be concurred in. Motion carried unanimously.

**HB 629** - Senator K. Mesaros moved HB 629 be concurred in. Motion carried unanimously.

**HB 641** - Senator V. Cocchiarella moved HB 641 be concurred in. Motion carried unanimously.

**HJR 4** - Senator F. Thomas moved HJR 4 be concurred in. Motion carried as follows:

Yeas: Berry, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Mr. President.  
Total 36

Nays: Bartlett, Bishop, Bohlinger, Doherty, Eck, Ellingson, Franklin, Halligan, Shea, Stang, Waterman, Wilson.  
Total 12

Absent or not voting: Beck.  
Total 1

Excused: Wells.  
Total 1

**HJR 5** - Senator R. Holden moved HJR 5 be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Mr. President.  
Total 39

Nays: Bartlett, Bohlinger, Christiaens, Cocchiarella, Eck, Ellingson, McCarthy, Shea, Waterman, Wilson.  
Total 10

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**HJR 6** - Senator J. Tester moved HJR 6 be concurred in. Motion carried unanimously.

**HJR 15** - Senator M. Sprague moved HJR 15 be concurred in. Motion carried unanimously.

**HJR 24** - Senator G. Roush moved HJR 24 be concurred in. Motion carried unanimously.

**HB 504** - Senator F. Thomas moved HB 504, second reading copy, be amended as follows :

1. Page 2, line 2.

**Strike:** "NOT"

Amendment **adopted** unanimously.

**HB 504** - Senator F. Thomas moved HB 504, as amended, be concurred in. Motion carried unanimously.

**HB 528** - Senator D. Eck addressed HB 528 and the committee then reverted to the body of the bill for amendment.

**HB 528** - Senator D. Toews moved HB 528, second reading copy, be amended as follows :

1. Page 2, lines 8 through 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

2. Page 2, lines 27 and 28.

**Following:** "1" on line 27

**Strike:** remainder of line 27 through "3" on line 28

**Insert:** "and 2"

3. Page 3, lines 2 through 13.

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

**Renumber:** subsequent subsection

4. Page 4, line 2.

**Strike:** "must"

**Insert:** "may"

5. Page 4, lines 7 through 9.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

6. Page 4, line 22.

**Strike:** "through 3"

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Insert:** "and 2"

7. Page 4, line 24.

**Strike:** "through 3"

**Insert:** "and 2"

**Senator M. Halligan** moved that amendment number **4** be segregated from amendment numbers 1, 2, 3, 5, 6 and 7. Thereupon, amendments 1, 2, 3, 5, 6, and 7 were **adopted** as follows:

Yeas: Beck, Berry, Bishop, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Roush, Sprague, Swysgood, Taylor, Thomas, Toews.  
Total 25

Nays: Bartlett, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Hargrove, Jabs, Jergeson, Lynch, McCarthy, Mohl, Nelson, Shea, Stang, Tester, Waterman, Wilson, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

Amendment No. 4 **adopted** unanimously.

**HB 528** - Senator D. Eck moved HB 528, as amended, be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 43

Nays: Crismore, Grimes, Holden, Keenan, Swysgood, Taylor.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

Senator Harp moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Acting President Keating in the chair. Chairman Swysgood moved the Committee of the Whole report be adopted. Report adopted.

**MOTIONS**

**Senator Harp** moved that the rules of the Senate be suspended to allow any bill passing second reading this

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

legislative day to be placed on third reading this 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, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells.  
Total 1

**Senator Harp** moved that the Senate stand in recess until the hour of 9:35 a.m.

Senate recessed at 9:20 a.m.

Senate resumed at 9:35 a.m.

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

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

Miller, Chairman

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Swysgood, Chairman):

3/27/1999

**HB 2**, be amended as follows:

1. Page BP-2, line 5.

**Following:** "category"

**Insert:** "except for contract services (expenditure object 2102 or its successor), when the amount of the contract services transferred will be used to directly substitute for use of personal services. Any transfer of funds from personal services to contract services must be reported in writing to the legislative finance committee"

2. Page BP-2, line 6 through line 8.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

3. Page BP-3, line 9 through line 12.

**Strike:** section 14 in its entirety

**Insert:** "NEW SECTION. Section 13. **Interim information technology management study.** To address

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

legislative concerns regarding state agencies' investments in and expenditures for information technology hardware, software, and services, the legislative finance committee shall undertake a study of state information technology that may include a review and assessment of the following:

- (1) management review and approval processes for information technology planning and budgeting;
- (2) governance structures established to provide policy direction for information technology;
- (3) adequacy and appropriateness of existing policy regarding asset replacement cycles;
- (4) current level of interagency coordination of information technology deployment to minimize costs, reduce duplication, maximize efficiencies, and provide the greatest possible services to the citizens of Montana;
- (5) past and current levels and trends with regard to information technology expenditures, with appropriate comparisons to other states and industry sectors;
- (6) methods used to develop rates for proprietary-funded agencies providing information technology services; and
- (7) current information technology statutes, rules, and policies.

The committee shall report its findings and recommendations to the governor and to the 57th legislature."

4. Page A-1.

**Strike:** line 5

**Insert:** "3,666,443" (general fund fiscal year 2000)

**Insert:** "3,735,579" (general fund fiscal year 2001)

**Insert:** "991,817" (state special revenue fiscal year 2000)

**Insert:** "441,236" (state special revenue fiscal year 2001)

5. Page A-1.

**Strike:** line 20 through line 21

6. Page A-1.

**Strike:** line 25

**Insert:** "1,067,191" (state special revenue fiscal year 2000)

**Insert:** "1,080,293" (state special revenue fiscal year 2001)

7. Page A-2, line 8.

**Strike:** "2,443,411"                      2,446,477"                      (general fund)

**Insert:** "2,626,354"                      2,628,601"                      (general fund)

**Insert:** " 75,000"                                      75,000"                      (federal funds)

8. Page A-2, line 17.

**Strike:** "107,834"                                      107,829"                      (federal funds)

**Insert:** "108,725"                                      108,725"

9. Page A-2.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** line 18 through line 19 in their entirety

10. Page A-3, line 5.

**Strike:** "635,462      628,721" (State special funds)  
**Insert:** "639,739      629,998"

11. Page A-3.

**Strike:** line 14 through line 16 in their entirety

12. Page A-4, line 7.

<b>Strike:</b> " <u>1,166,227</u> "	[FY 2000 general fund]
<u>231,747</u>	[FY 2000 state special revenue]
<u>1,121,205</u>	[FY 2001 general fund]
<u>237,928</u> "	[FY 2001 state special revenue]

<b>Insert:</b> "1,172,374	[FY 2000 general fund]
233,352	[FY 2000 state special revenue]
1,127,148	[FY 2001 general fund]
239,542"	[FY 2001 state special revenue]

13. Page A-5.

**Strike:** line 5 through line 6

14. Page A-6, line 1.

<b>Strike:</b> " <u>1,485,213</u> "	[FY 2000 general fund]
<u>916,215</u>	[FY 2000 state special revenue]
<u>1,485,308</u>	[FY 2001 general fund]
<u>891,924</u> "	[FY 2001 state special revenue]

<b>Insert:</b> "1,490,976	[FY 2000 general fund]
919,552	[FY 2000 state special revenue]
1,490,992	[FY 2001 general fund]
895,184"	[FY 2001 state special revenue]

15. Page A-6.

**Strike:** line 22 through line 23

16. Page A-7.

**Strike:** line 2

**Insert:** "13,275,988" (state special revenue fiscal year 2000)  
**Insert:** "13,255,403" (state special revenue fiscal year 2001)  
**Insert:** "462,132" (federal special revenue fiscal year 2000)  
**Insert:** "457,568" (federal special revenue fiscal year 2001)

17. Page A-8, line 5.

**Strike:** "69,704,448 70,520,143" (state special revenue in fiscal year 2000 and fiscal year 2001)  
**Insert:** "59,351,448 60,167,143" (state special revenue in fiscal year 2000 and fiscal year 2001)  
**Insert:** "10,353,000 10,353,000" (federal special revenue in fiscal year 2000 and fiscal year 2001)



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

18. Page A-8, line 11.

**Strike:** "1,092,100" (state special revenue fiscal year 2000 and fiscal year 2001)

**Insert:** "842,100" (state special revenue fiscal year 2000 and fiscal year 2001)

19. Page A-9.

**Strike:** line 15 through line 16

20. Page A-9.

**Strike:** line 17 through line 21 in their entirety

21. Page A-10, line 24.

<b>Strike:</b> " <u>19,697,488</u>	[FY 2000 general fund]
<u>251,328</u>	[FY 2000 state special revenue]
<u>1,856,437</u>	[FY 2000 federal special revenue]
<u>19,140,286</u>	[FY 2001 general fund]
<u>251,065</u>	[FY 2001 state special revenue]
<u>1,853,186</u>	[FY 2001 federal special revenue]

<b>Insert:</b> "19,747,173	[FY 2000 general fund]
251,874	[FY 2000 state special revenue]
1,860,660	[FY 2000 federal special revenue]
19,189,828	[FY 2001 general fund]
251,624	[FY 2001 state special revenue]
1,857,503"	[FY 2001 federal special revenue]

22. Page A-11, line 6.

**Strike:** "April"

**Insert:** "July"

23. Page A-11.

**Strike:** line 7 through line 8

24. Page A-11, line 15.

<b>Strike:</b> " <u>1,071,950</u>	[FY 2000 general fund]
<u>3,846</u>	[FY 2000 state special revenue]
<u>32,057</u>	[FY 2000 federal special revenue]
<u>1,042,949</u>	[FY 2001 general fund]
<u>5,931</u>	[FY 2001 state special revenue]
<u>32,061</u>	[FY 2001 federal special revenue]

<b>Insert:</b> "1,079,899	[FY 2000 general fund]
9,402	[FY 2000 state special revenue]
32,327	[FY 2000 federal special revenue]
1,050,950	[FY 2001 general fund]
11,376	[FY 2001 state special revenue]
32,332"	[FY 2001 federal special revenue]

25. Page A-12, line 8.

**Insert:** "11,000" [FY 2000 state special revenue]

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

26. Page A-12.

**Strike:** line 20 through line 21

27. Page A-12, following line 21.

**Insert:** "If the Helena school district is willing to rent space to the department of administration in the Ray Bjork school, the department may collect up to \$11,000 from agencies based on the number of Helena FTE for the purpose of establishing and supporting a day-care center."

28. Page B-1, line 5.

**Strike:** "17,442,658" [general fund fiscal year 2000]

**Insert:** "17,542,658" [general fund fiscal year 2000]

**Strike:** "17,325,072" [general fund fiscal year 2001]

**Insert:** "17,425,072" [general fund fiscal year 2001]

29. Page B-1.

**Strike:** line 10 through line 11 in their entirety

30. Page B-1, line 14.

**Strike:** "19,142,894" [general fund fiscal year 2000]

**Insert:** "18,892,894" [general fund fiscal year 2000]

**Strike:** "19,645,212" [general fund fiscal year 2001]

**Insert:** "19,395,212" [general fund fiscal year 2001]

31. Page B-2, line 14.

**Strike:** "9,942,477" [General fund fiscal year 2000]

**Insert:** "10,058,262" [General fund fiscal year 2000]

**Strike:** "2,267,710" [State special revenue fiscal year 2000]

**Insert:** "2,300,814" [State special revenue fiscal year 2000]

**Strike:** "13,394,487" [Fed. special revenue fiscal year 2000]

**Insert:** "13,590,365" [Fed. special revenue fiscal year 2000]

**Strike:** "10,038,459" [General fund fiscal year 2001]

**Insert:** "10,153,468" [General fund fiscal year 2001]

**Strike:** "2,278,957" [State special revenue fiscal year 2001]

**Insert:** "2,311,884" [State special revenue fiscal year 2001]

**Strike:** "13,586,386" [Fed. special revenue fiscal year 2001]

**Insert:** "13,781,268" [Fed. special revenue fiscal year 2001]

32. Page B-3, line 9.

**Strike:** "2,659,421"

**Insert:** "2,708,509"

**Strike:** "2,635,857"

**Insert:** "2,684,595"

33. Page B-3, line 21.

**Strike:** line 21 in its entirety

**Insert:** "6,818,655 (general fund fiscal 2000)

1,654,529 (state special revenue)

6,646,924 (federal funds)

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

7,085,943	(general fund fiscal 2001)
1,672,906	(state special revenue)
6,698,042"	(federal funds)

34. Page B-4.

**Strike:** line 10 in its entirety

35. Page B-6.

**Strike:** line 2 through line 8 in their entirety

36. Page B-6, line 11 through line 16.

**Following:** "." on line 11

**Strike:** remainder of line 11 through line 16 in their entirety

37. Page B-7, line 4.

**Strike:** "joint oversight committee on children and families established in 5-22-101"

**Insert:** "appropriate legislative committee"

38. Page B-7.

**Strike:** line 5 through line 11 in their entirety

39. Page B-8.

**Strike:** line 2 through line 7 in their entirety

40. Page B-8.

**Strike:** line 17 through line 24 in their entirety

41. Page B-9, line 6 through page B-10, line 9.

**Strike:** line 6 on page B-9 through line 9 on page B-10 in their entirety

42. Page B-10.

**Strike:** line 15 through line 16 in their entirety

43. Page B-11.

**Strike:** line 23 through line 24 in their entirety

44. Page B-13, line 16.

**Following:** "contract"

**Strike:** remainder of line 16 through "PROGRAM"

45. Page B-13, line 17 through line 19.

**Following:** "]"

**Strike:** remainder of line 17 through "PROGRAM" on line 19

46. Page B-13, following line 19.

**Insert:** "The department shall implement a mental health managed care program by fiscal year 2001. The department shall contract with one or more willing, qualified entities for care in regions established by the department. The contractors must be reimbursed on a capitated, case rate, or fixed payment reimbursement

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

basis to manage mental health care.

The department shall institute copayments for persons served in the mental health managed care program as allowed under 53-6-131(10).

The department shall encourage successful contractors to also serve persons who need mental health services but who are not eligible for services under the state mental health managed care plan. The department shall encourage successful contractors to establish fee schedules at the discretion of the contractor to serve persons ineligible for services under the state mental health managed care plan.

The department shall provide for consumer involvement and input in developing requests for proposals, evaluating proposals, and implementing the mental health managed care contracts.

The department shall establish and include outcome measures in the mental health managed care contracts.

The department shall explicitly identify in its mental health managed care plan how the Montana state hospital will be integrated into the regional mental health managed care contracts, how all services provided by the Montana state hospital will be funded, and how rates and charges for all services at the Montana state hospital will be established. The department shall provide this information to the legislative finance committee and other appropriate legislative committees no later than July 1, 1999.

The department shall establish a process that allows for public input and comment. The process must specify defined times and opportunities for public input when interested persons may comment on the request for proposals for the regional mental health managed care program, related contracts that the department may let, state mental health managed care policies, transition to the regional mental health managed care program, implementation of the new regional program, and oversight of the regional program. The department shall consider public comment and input that it receives.

The department shall provide biweekly reports to interested persons and the public on the transition to the regional system of mental health managed care.

The office of the governor shall provide oversight of the transition to the regional mental health managed care system, development of the request for proposals, implementation of the regional mental health managed care system, and contract compliance.

In accordance with 17-8-103, the department may not spend more for mental health managed care services than was appropriated in [this act]."

47. Page C-2, line 11.

**Strike:** "5,433,803 168,628 5,396,667 168,684" (Fiscal 2000 and 2001; state special revenue and Federal)

**Insert:** "5,699,614 227,230 5,653,314 225,213" (Fiscal 2000 and 2001; state special revenue and Federal)

48. Page C-2.

**Following:** line 12

**Insert:** "a. Game Farm Environmental Assessment/Environmental Impact Statement (Biennial)

**Following:** line 14

**Insert:** "208,000" (Fiscal 2000, state special revenue)

**Renumber:** subsequent subsections

49. Page C-4, line 4.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** "2,600,359 688,349 2,581,438 685,415" (Fiscal 2000 and 2001; state special revenue and Federal)  
**Insert:** "2,605,290 689,124 2,586,369 686,190" (Fiscal 2000 and 2001; state special revenue and Federal)

50. Page C-4, line 19.

**Following:** "LEASED LAND."

**Insert:** "This item is to be funded from the wildlife habitat account."

51. Page C-4.

**Strike:** line 22 in its entirety

52. Page C-5.

**Strike:** line 4 in its entirety

53. Page C-5.

**Following:** line 9

**Insert:** "a. Database Development (Restricted/Biennial/OTO)  
250,000" (Fiscal 2000, General Fund)

54. Page C-6, line 13.

**Strike:** "1,068,575 7,057,233 2,967,987  
1,062,615 7,022,674 2,960,892  
(Fiscal 2000 and 2001; General Fund, State Special Revenue, Federal)

**Insert:** "1,075,905 7,157,701 3,012,973  
1,069,772 7,122,190 3,004,816"  
(Fiscal 2000 and 2001; General Fund, State Special Revenue, Federal)

55. Page C-7.

**Strike:** line 23 in its entirety

56. Page C-8, line 4 through page C-9, line 4.

**Strike:** line 4 on page C-8 through line 4 on C-9 in their entirety

57. Page C-9, line 8.

**Strike:** "31,488 947,552 39,416  
(General fund, state special, federal; Fiscal 2000)

31,216 928,143 40,692"  
(General fund, state special, federal; Fiscal 2000)

**Insert:** "98,256 921,700 46,561  
(General fund, state special, federal; Fiscal 2001)  
97,040 902,793 48,170"  
(General fund, state special, federal; Fiscal 2001)

58. Page C-10.

**Strike:** line 14 through line 15 in their entirety

59. Page C-10.

**Strike:** line 20 through line 21 in their entirety

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

60. Page C-11, line 12.

**Strike:** "1,331,199 1,330,405" (General fund, Fiscal 2000 & 2001)

**Insert:** "1,286,199 1,285,405" (General fund, Fiscal 2000 & 2001)

61. Page C-11.

**Following:** line 18

**Insert:** "d. Grazing District Advisory Committee (Biennial)  
45,000 45,000" [General fund and state special revenue, Fiscal 2000]

62. Page C-11, line 21.

**Strike:** "5,592,024 1,007,952 106,350  
5,577,305 1,017,034 106,363"

(Fiscal 2000 and 2001; General Fund, State Special Revenue, Federal)

**Insert:** "5,625,797 1,042,327 106,954  
5,610,936 1,051,266 106,964"

(Fiscal 2000 and 2001; General Fund, State Special Revenue, Federal)

63. Page C-12, line 14.

**Strike:** "5,338,059 2,588,316 5,341,110 2,572,699"  
(general fund, State Special Revenue; Fiscal Years 2000 and 2001)

**Insert:** "5,556,982 2,653,293 5,559,698 2,637,511"  
(general fund, State Special Revenue; Fiscal Years 2000 and 2001)

64. Page C-12.

**Following:** line 22

**Insert:** "e. Forest Health Monitoring Program (OTO)  
39,000 78,000" [Federal; Fiscal 2000 and 2001]

65. Page C-13.

**Strike:** lines 21 through 23 in their entirety

66. Page C-14, line 8.

**Strike:** "203,975" [General fund fiscal 2000]  
**Insert:** "209,945" [General fund fiscal 2000]  
**Strike:** "281,497" [State special revenue fiscal 2000]  
**Insert:** "313,320" [State special revenue fiscal 2000]  
**Strike:** "87,120" [Federal special revenue fiscal 2000]  
**Insert:** "92,576" [Federal special revenue fiscal 2000]  
**Strike:** "28,133" [Proprietary fiscal 2000]  
**Insert:** "32,044" [Proprietary fiscal 2000]  
**Strike:** "189,829" [General fund fiscal 2001]  
**Insert:** "195,754" [General fund fiscal 2001]  
**Strike:** "276,813" [State special revenue fiscal 2001]  
**Insert:** "308,576" [State special revenue fiscal 2001]  
**Strike:** "86,472" [Federal special revenue fiscal 2001]  
**Insert:** "91,974" [Federal special revenue fiscal 2001]  
**Strike:** "28,696" [Proprietary fiscal 2001]  
**Insert:** "31,787" [Proprietary fiscal 2001]

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

67. Page C-14, line 25 through C-15, line 1.

**Strike:** line 25 through C-15, line 1 in their entirety

68. Page C-15.

**Strike:** line 17

**Insert:** "1,163,941" (general fund fiscal year 2000)

**Insert:** "1,159,932" (general fund fiscal year 2001)

**Insert:** "199,711" (state special revenue fiscal year 2000)

**Insert:** "199,718" (state special revenue fiscal year 2001)

**Insert:** "3,652,716" (federal special revenue fiscal year 2000)

**Insert:** "3,652,804" (federal special revenue fiscal year 2001)

69. Page C-17.

**Strike:** line 17 through line 18 in their entirety

70. Page C-18.

**Strike:** line 2 in its entirety

71. Page D-1, line 5.

**Strike:** "771,436 556,534" (General fund, federal funds FY2000)

**Insert:** "776,282 560,030" (General fund, federal funds FY2001)

**Strike:** "771,075 556,569" (General fund, federal funds FY2000)

**Insert:** "775,917 560,064" (General fund, federal funds FY2001)

72. Page D-1.

**Strike:** line 18 through line 19 in their entirety

73. Page D-1, line 22.

**Strike:** "2,228,902 (general fund fiscal 2000)

121,614 (federal revenue fiscal 2000)

2,224,838 (general fund fiscal 2001)

121,360" (federal revenue fiscal 2001)

**Insert:** "2,486,189 (general fund fiscal 2000)

210,042 (federal revenue fiscal 2000)

2,465,660 (general fund fiscal 2001)

204,279" (federal revenue fiscal 2001)

74. Page D-2, line 18.

**Strike:** "2,385,558 619,687 518,106 10,186"

**Insert:** "2,448,776 697,260 530,654 10,214"

**Strike:** "2,406,333 620,011 353,874 10,188"

**Insert:** "2,468,273 697,238 365,879 10,214"

75. Page D-3.

**Strike:** line 7 through line 8 in their entirety

76. Page D-3, line 16.

**Strike:** "2,425,098 18,563"

**Insert:** "2,436,048 18,647"

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** "2,283,954 19,301"  
**Insert:** "2,294,851 19,393"

77. Page D-3.

**Strike:** line 25 in its entirety

78. Page D-4, line 4.

**Strike:** "13,294,473 103,711 54,997"

**Insert:** "13,357,166 105,019 55,151"

**Strike:** "13,567,674 98,220 50,159"

**Insert:** "13,631,305 99,541 50,308"

79. Page D-4, line 9.

**Strike:** "30,582 31,012"

**Insert:** "31,890 31,673"

80. Page D-4, line 10.

**Following:** "ACCOUNT"

**Insert:** "(Restricted/OTO)"

81. Page D-4, line 11.

**Strike:** "856,561 894,554" (general fund)

**Insert:** "50,000 50,000" (general fund)

82. Page D-4, line 14.

**Strike:** "29,901,328 30,540,076"

**Insert:** "29,898,358 30,536,924"

83. Page D-4, line 21.

**Strike:** "27,824,746 28,017,092"

**Insert:** "27,953,941 28,173,319"

84. Page D-4, line 24.

**Strike:** "12,327,305 15,071,432" (general fund)

**Insert:** "13,077,305 15,821,432" (general fund)

85. Page D-5, line 2.

**Strike:** "1,028,109 1,035,591"

**Insert:** "1,028,003 1,035,485"

86. Page D-5.

**Strike:** line 9 through line 10 in their entirety

87. Page D-5.

**Following:** line 16

**Insert:** "The Montana children's trust fund shall provide a report to the 57th legislature on how the funds appropriated were expended and on the outcomes and results of the 2001 biennium activities."

The department shall procure merchandise and supplies for resale at the Montana state prison canteen from



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Montana taxpaying vendors whenever possible.

88. Page D-5, line 20.

**Strike:** "588,123" (General Fund Fiscal Year 2000)  
**Insert:** "593,105" (General Fund Fiscal Year 2000)  
**Strike:** "587,252" (General Fund Fiscal Year 2001)  
**Insert:** "592,234" (General Fund Fiscal Year 2001)

89. Page D-6, line 1.

**Strike:** "433,610" 431,038"  
**Insert:** "434,383" 431,805"

90. Page D-6, line 6.

**Strike:** "143,490" (General fund fiscal year 2000)  
**Insert:** "153,176" (General fund fiscal year 2000)  
**Strike:** "627,495" (State special revenue fiscal year 2000)  
**Insert:** "658,400" (State special revenue fiscal year 2000)  
**Strike:** "446,828" (Federal special revenue fiscal year 2000)  
**Insert:** "496,726" (Federal special revenue fiscal year 2000)  
**Strike:** "38,261" (Proprietary fiscal year 2000)  
**Insert:** "38,357" (Proprietary fiscal year 2000)  
**Strike:** "142,939" (General fund fiscal year 2001)  
**Insert:** "152,713" (General fund fiscal year 2001)  
**Strike:** "635,752" (State special revenue fiscal year 2001)  
**Insert:** "668,033" (State special revenue fiscal year 2001)  
**Strike:** "445,597" (Federal special revenue fiscal year 2001)  
**Insert:** "495,386" (Federal special revenue fiscal year 2001)  
**Strike:** "38,144" (Proprietary fiscal year 2001)  
**Insert:** "38,252" (Proprietary fiscal year 2001)

91. Page D-7.

**Strike:** line 7 through line 8 in their entirety

92. Page D-8.

**Following:** line 3

**Insert:** "b. Montana Guard Scholarship Program (Restricted/OTO)  
100,000 (FY2000 General Fund)  
150,000" (FY2001 General Fund)

93. Page D-8.

**Strike:** line 6.  
**Insert:** "1,120,858" (general fund fiscal year 2000)  
**Insert:** "1,137,782" (general fund fiscal year 2001)  
**Insert:** "25,000" (state special revenue fiscal year 2000)  
**Insert:** "25,000" (state special revenue fiscal year 2001)  
**Insert:** "3,363,662" (federal special revenue fiscal year 2000)  
**Insert:** "3,381,010" (federal special revenue fiscal year 2001)

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

94. Page D-8, line 16.

**Strike:** "268,011 265,843" (general fund fiscal year 2000 and fiscal year 2001)  
**Insert:** "447,759 502,623" (general fund fiscal year 2000 and fiscal year 2001)

**Strike:** "1,218,861 1,216,104" (federal special revenue fiscal year 2000 and fiscal year 2001)  
**Insert:** "1,039,113 979,324" (federal special revenue fiscal year 2000 and fiscal year 2001)

95. Page D-9.

**Strike:** line 6 through line 7 in their entirety.

96. Page E-1, line 5.

**Strike:** "~~4,036,537~~ ~~4,019,646~~" [General Fund fiscal 2000 and 2001]  
**Insert:** "4,270,516 4,252,881" [General Fund fiscal 2000 and 2001]  
**Strike:** "~~470,163~~ ~~469,615~~" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "472,878 472,325" [State Special Revenue fiscal 2000 and 2001]

97. Page E-1, line 10.

**Strike:** "~~6,162,751~~ ~~6,270,926~~" [Federal Special Revenue fiscal 2000 and 2001]  
**Insert:** "6,230,195 6,336,765" [Federal Special Revenue fiscal 2000 and 2001]

98. Page E-3.

**Strike:** line 2 through line 3 in their entirety

99. Page E-3, line 13.

**Strike:** "~~130,905~~ ~~130,407~~" [general fund fiscal 2000 and 2001]  
**Insert:** "134,023 133,525" [general fund fiscal 2000 and 2001]  
**Strike:** "~~9,136~~ ~~9,102~~" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "11,252 11,216" [State Special Revenue fiscal 2000 and 2001]

100. Page E-4.

**Strike:** line 1 through line 2 in their entirety

101. Page E-4, line 16.

**Strike:** "~~1,623,253~~ ~~1,622,218~~" [general fund fiscal 2000 and 2001]  
**Insert:** "1,630,201 1,629,160" [general fund fiscal 2000 and 2001]  
**Strike:** "~~227,708~~ ~~227,704~~" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "228,068 228,068" [State Special Revenue fiscal 2000 and 2001]

**Strike:** "~~56,625~~ ~~56,624~~" [Federal Special Revenue fiscal 2000 and 2001]  
**Insert:** "56,750 56,750" [Federal Special Revenue fiscal 2000 and 2001]

102. Page E-4, line 25 through page E-5, line 1.

**Strike:** line 25 through E-5, line 1 in their entirety

103. Page E-5, line 5.

**Strike:** "~~256,471~~ ~~260,397~~" [general fund fiscal 2000 and 2001]  
**Insert:** "257,899 261,791" [general fund fiscal 2000 and 2001]

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** "131,758 128,713" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "132,440 129,399" [State Special Revenue fiscal 2000 and 2001]

104. Page E-5, line 10.

**Strike:** "424,073 414,265" [Federal Special Revenue fiscal 2000 and 2001]  
**Insert:** "426,471 416,673" [Federal Special Revenue fiscal 2000 and 2001]

105. Page E-5, line 19.

**Strike:** "1,657,277 1,400,776" [general fund fiscal 2000 and 2001]  
**Insert:** "1,660,096 1,404,012" [general fund fiscal 2000 and 2001]  
**Strike:** "180,239 180,603" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "181,673 182,173" [State Special Revenue fiscal 2000 and 2001]

**Strike:** "1,298,574 749,005" [Federal Special Revenue fiscal 2000 and 2001]  
**Insert:** "1,300,694 750,685" [Federal Special Revenue fiscal 2000 and 2001]

106. Page E-6.

**Strike:** line 9 through line 10 in their entirety

107. Page E-6, line 25.

**Strike:** "725,459 734,015" [general fund fiscal 2000 and 2001]  
**Insert:** "730,041 738,711" [general fund fiscal 2000 and 2001]  
**Strike:** "209,481 207,062" [State Special Revenue fiscal 2000 and 2001]  
**Insert:** "210,408 208,046" [State Special Revenue fiscal 2000 and 2001]  
**Strike:** "53,279 52,859" [Federal Special Revenue fiscal 2000 and 2001]  
**Insert:** "55,900 55,464" [Federal Special Revenue fiscal 2000 and 2001]

108. Page E-7, line 15.

**Strike:** "723,860 715,720" [Proprietary fund fiscal 2000 and 2001]  
**Insert:** "724,691 716,520" [Proprietary fund fiscal 2000 and 2001]

109. Page E-8.

**Strike:** line 3 through line 4 in their entirety

110. Page E-8, line 8.

**Strike:** "0 0" (general fund fiscal 2000 and fiscal 2001)  
"1,126,823 1,120,527" (proprietary funds fiscal 2000 and fiscal 2001)  
**Insert:** "1,126,823 1,120,527" (general fund fiscal 2000 and fiscal 2001)

111. Page E-8, line 11.

**Strike:** "0" (general fund fiscal 2000)  
"24,788" (proprietary fund fiscal 2000)  
**Insert:** "24,788" (general fund fiscal 2000)

112. Page E-9, line 4.

**Strike:** "91,507,518 91,753,073" (general fund fiscal 2000 and fiscal 2001)  
**Insert:** "91,239,751 91,265,210" (general fund fiscal 2000 and general fund fiscal 2001)

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

113. Page E-9, line 7 through line 8.

**Strike:** line 7 through line 8 in their entirety

**Renumber:** subsequent subsections

114. Page E-9, line 12.

**Strike:** "3,689,573 3,689,573" (general fund fiscal 2000 and fiscal 2001)

**Insert:** "3,765,089 3,762,536" (general fund fiscal 2000 and fiscal 2001)

115. Page E-9, line 21.

**Following:** "Restricted"

**Insert:** "/OTO"

116. Page E-9, line 25.

**Strike:** "28,053,936 29,309,052" (federal funds fiscal 2000 and fiscal 2001)

**Insert:** "28,073,718 29,332,010" (federal funds fiscal 2000 and fiscal 2001)

117. Page E-10, line 23.

**Strike:** "\$106,932,075 \$108,824,172"

**Insert:** "\$107,921,502 \$112,194,076"

118. Page E-13, line 5 through line 6.

**Strike:** line 5 through line 6 in their entirety

119. Page E-13, lines 8 and 9.

**Strike:** "\$1,983,889 \$2,043,471 \$974,355 \$971,922"

**Insert:** "\$1,986,061 \$2,045,643 \$975,379 \$972,946"

120. Page E-13, line 10.

**Strike:** "7c"

**Insert:** "7b"

121. Page E-13, line 12.

**Strike:** "\$2,180,937" and "7d"

**Insert:** "\$2,187,516" and "7c"

122. Page E-13, line 13.

**Strike:** "7e"

**Insert:** "7d"

123. Page E-13, line 16.

**Strike:** "7f"

**Insert:** "7e"

124. Page E-13, line 18.

**Strike:** "7g"

**Insert:** "7f"

125. Page E-13, line 20.

**Strike:** "7h"

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Insert:** "7g"

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

**JUDICIARY** (Grosfield, Chairman):  
**HB 109**, be amended as follows:

3/27/1999

1. Title, line 9.

**Following:** "MACHINE;"

**Insert:** "ALLOCATING A PORTION OF THE VIDEO GAMBLING MACHINE GROSS INCOME TAX TO FUND PROBLEM AND PATHOLOGICAL GAMBLING PREVENTION AND TREATMENT;"

2. Page 6, line 25.

**Following:** "forward"

**Strike:** "one-third of"

**Following:** "(5)"

**Insert:** "as follows:

(a) 32.8%"

3. Page 6, line 25 through line 27.

**Following:** "fund" on line 25

**Strike:** remainder of line 25 through "(5)" on line 27

**Insert:** ";

(b) 0.5% to the account established in [section 8]; and

(c) 66.7%"

4. Page 7, line 21 through page 8, line 5.

**Strike:** subsection (2) through subsection (3) in their entirety

**Renumber:** subsequent subsections

5. Page 8, line 25.

**Following:** "forward"

**Strike:** "one-third"

6. Page 8, line 26.

**Following:** line 25

**Strike:** "of"

**Following:** "subsection (~~3~~)"

**Strike:** "(5)"

**Insert:** "(3) as follows:

(a) 32.8%"

7. Page 8, line 26 through line 28.

**Following:** "fund" on line 26

**Strike:** remainder of line 26 through "(5)" on line 28

**Insert:** ";

(b) 0.5% to the account established in [section 8]; and

(c) 66.7%"

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

8. Page 9, line 2.

**Strike:** "(5)"

**Insert:** "(3)"

9. Page 10, line 16.

**Insert:** "NEW SECTION. Section 8. Problem and pathological gambling prevention and treatment program account. There is a pathological gambling prevention and treatment program account in the state special revenue fund. Money received from the video gambling machine gross income tax is deposited in the account as provided in 23-5-610. Money in the account may be used by the department of public health and human services only for problem and pathological gambling prevention and treatment."

**Renumber:** subsequent sections

10. Page 10, line 26.

**Insert:** "NEW SECTION. Section 10. Coordination -- direction to code commissioner. (1) If Senate Bill No. 224 and [this act] are both passed and approved, then the code commissioner is instructed to codify [section 8] in Title 53 as an integral part of Senate Bill No. 224 and the provisions of Title 53 apply to [section 8].

(2) If Senate Bill No. 224 is not passed and approved, [section 8] is intended to be codified as an integral part of Title 53 and the provisions of Title 53 apply to [section 8]."

**Insert:** "NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

11. Page 10, line 27.

**Following:** "+1<sub>2</sub>"

**Strike:** "8, AND 10"

**Insert:** "9 through 11, and 13"

12. Page 10, line 29.

**Following:** "5"

**Insert:** "and 8"

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

**HB 269**, be amended as follows:

1. Title, line 4.

**Strike:** "CREATING"

**Insert:** "REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT RULES ESTABLISHING"

2. Title, line 6.

**Following:** "AFFAIRS" on line 6

**Strike:** remainder of line 6 through "DATE" on line 8

**Insert:** "; AND AMENDING SECTION 41-3-208, MCA"

3. Page 1, line 10 through line 13.

**Strike:** line 10 through line 13 in their entirety

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

4. Page 1, line 17 through page 8, line 30.

**Strike:** everything after the enacting clause

**Insert:** "**Section 1.** Section 41-3-208, MCA, is amended to read:

**"41-3-208. Rulemaking authority.** (1) The department of public health and human services shall adopt rules to govern the procedures used by department personnel in preparing and processing reports and in making investigations authorized by this chapter.

(2) The department may adopt rules to govern the disclosure of case records containing reports of child abuse and neglect.

(3) The department shall adopt rules necessary to establish and implement a family advocacy program for the purpose of providing for procedures, practices, and criteria by which an advocate for the rights of parents' functions in times of intervention by the state."

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

**HB 482**, be amended as follows:

1. Page 1, line 15.

**Following:** line 14

**Insert:** "(a) The juvenile detention officer shall satisfactorily complete the training provided for in this section."

**Renumber:** subsequent subsections

2. Page 1, line 15.

**Following:** "develop"

**Insert:** "and conduct"

3. Page 1, line 17.

**Following:** "budget."

**Insert:** "If more than one juvenile detention center chooses to develop and conduct a training program, those centers shall work cooperatively to develop one curriculum for the purposes of this section."

4. Page 1, line 22.

**Strike:** "(1)(a)"

**Insert:** "(1)(b)"

5. Page 1, line 23.

**Following:** "training council,"

**Strike:** "and"

**Following:** "justice council"

**Insert:** ", and Montana law enforcement academy"

6. Page 1, line 25.

**Following:** "training council,"

**Strike:** "and"

**Following:** "justice council"

**Insert:** ", and Montana law enforcement academy"

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

**NATURAL RESOURCES** (Crismore, Chairman):

3/27/1999

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**SJR 18**, be adopted. Report adopted.

**HB 74**, be amended as follows:

1. Page 2, line 28.

**Following:** "TRANSFER"

**Insert:** "from the water pollution control state revolving fund program capitalization grant"

**Following:** "PROGRAM"

**Insert:** "an amount"

2. Page 2, line 29.

**Following:** "STATE'S"

**Strike:** "WATER POLLUTION CONTROL"

**Insert:** "drinking water"

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

**HB 183**, be amended as follows:

1. Title, page 1, line 12.

**Following:** ". "

**Insert:** "REQUIRING ISSUANCE OF SUMMONS AND SERVICE OF PROCESS WITHIN 60 DAYS AFTER FILING OF LEGAL ACTIONS SEEKING REVIEW OF CERTAIN DEPARTMENT DECISIONS;"

2. Title, line 18.

**Following:** "82-4-341,"

**Insert:** "82-4-349,"

3. Title, line 19.

**Following:** "PROVIDING"

**Insert:** "AN IMMEDIATE EFFECTIVE DATE AND"

4. Page 18.

**Following:** line 8

**Insert:** "**Section 7.** Section 82-4-349, MCA, is amended to read:

"**82-4-349. Limitations of actions.** Legal actions seeking review of a department decision granting or denying an exploration license or operating permit issued under this part must be filed within 90 days after the decision is made. Summons must be issued and process served on all defendants within 60 days after the action is filed."

**Renumber:** subsequent sections

5. Page 30, line 13.

**Strike:** "16"

**Insert:** "17"

6. Page 30.

**Following:** line 22

**Insert:** "NEW SECTION. **Section 22. Effective date.** [This act] is effective on passage and approval."

**Renumber:** subsequent sections



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

7. Page 30, lines 24 and 27.

**Strike:** "~~8(6)~~" in both places

**Insert:** "9(6)" in both places

8. Page 31, line 1.

**Following:** "(3)"

**Insert:** "(a) For purposes of the amendment in [section 7] relating to the time for issuance of summons and service of process in legal actions challenging department decisions granting or denying an exploration license or operating permit issued under Title 82, chapter 4, part 3, the 60-day time limit specified in [section 7] applies to actions that are pending on [the effective date of this act] and the 60-day period must begin on [the effective date of this act]. (b)"

9. Page 31, line 1 through line 2.

**Strike:** "[SECTIONS 8, 10, 11, AND 13 THROUGH 17]"

**Insert:** "[sections 9, 11, 12, and 14 through 18]"

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

**HB 458**, be concurred in. Report adopted.

**HB 596**, be amended as follows:

1. Title, page 1, line 6 and 7.

**Following:** "ACCESS"

**Strike:** "AND" on line 6 through "PURCHASE" on line 7

2. Page 1, line 25 through line 30.

**Strike:** subsection (b) in its entirety

**Insert:** "(b) The department may charge a reasonable fee for purchase of the hard-copy compilation, not to exceed the department's costs for copying, assembly, and distribution of the compilation."

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

**HB 617**, be concurred in. Report adopted.

**MOTIONS**

**SB 200** - Senator Harp moved that the acting President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on SB 200. Motion carried. The President appointed the following members:

Senator Taylor, Chairman

Senator DePratu

Senator Wilson

**SB 460** - Senator A. Ellis moved that consideration of SB 460 be passed for the day so it can be heard after HB 71. SB 460 deals with having one mill levy election. Motion carried.

**HJR 16** - Senator S. Doherty moved that consideration of HJR 16 be passed for the day for purpose of amendment. Motion carried.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Session No. 2

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Swysgood in the chair.

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

**SB 370** - Senator W. Glaser moved SB 370, second reading copy, be amended as follows :

1. Page 1, line 24.

**Following:** "services,"

**Insert:** "automobiles rented as replacement vehicles under insurance contracts or as customer loaners,"

Amendment **adopted** unanimously.

**SB 370** - Senator S. Stang moved SB 370, as amended, do pass. Motion carried as follows:

Yeas: Bartlett, Beck, Bohlinger, Christiaens, Cocchiarella, Crismore, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Harp, Hertel, Holden, Jabs, Jergeson, Mahlum, McNutt, Miller, Mohl, Roush, Sprague, Stang, Taylor, Waterman, Wilson, Mr. President.

Total 30

Nays: Berry, Bishop, Cole, Devlin, Ekegren, Ellis, Grosfield, Hargrove, Keating, Keenan, Lynch, McCarthy, Mesaros, Nelson, Shea, Swysgood, Tester, Thomas, Toews.

Total 19

Absent or not voting: None.

Total 0

Excused: Wells.

Total 1

**Senators Ellingson and Stang excused at this time.**

**SB 530** - Senator A. Bishop moved SB 530 do pass. 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, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Waterman, Wilson, Mr. President.

Total 42

Nays: Doherty, Jergeson, Nelson, Tester, Toews.

Total 5

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Absent or not voting: None.  
Total 0

Excused: Ellingson, Stang, Wells.  
Total 3

**SB 54 - Conference Committee Report No. 1** - Senator M. Halligan moved the Conference Committee report to SB 54 be adopted. Motion carried unanimously.

**SB 424** - Senator Cocchiarella moved SB 424 do pass. Motion carried unanimously.

**HB 8** - Senator T. Beck moved HB 8 be concurred in. Motion carried unanimously.

**HB 54** - Senator R. Holden moved HB 54, second reading copy, be amended as follows :

1. Page 1, line 16.

**Following:** "person of a"

**Insert:** "correctional or"

Amendment **adopted** unanimously.

**HB 54** - Senator R. Holden moved HB 54, as amended, be concurred in. Motion carried unanimously.

**Senator Stang present at this time.**

**Senators Tester and Wilson excused at this time.**

**HB 57** - Senator V. Cocchiarella moved HB 57, second reading copy, be amended as follows :

1. Title, page 1, line 8.

**Strike:** "A DELAYED"

**Insert:** "AN IMMEDIATE"

2. Page 3, line 15 through line 16.

**Following:** "approval" on line 15

**Insert:** "on passage and approval"

**Strike:** "JANUARY 1, 2001" on line 16

Amendment **failed** as follows:

Yeas: Beck, Christiaens, Cocchiarella, Cole, Devlin, Doherty, Franklin, Halligan, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, Miller, Roush, Shea, Stang, Taylor, Toews.

Total 21

Nays: Bartlett, Berry, Bishop, Crismore, DePratu, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Jabs, McNutt, Mohl, Nelson, Sprague, Swysgood, Thomas, Waterman, Mr. President.

Total 23

Absent or not voting: Bohlinger, Mesaros.

Total 2

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Excused: Ellingson, Tester, Wells, Wilson.  
Total 4

**Senators Doherty and Nelson excused at this time.**

**HB 57** - Senator F. Thomas moved HB 57 be concurred in. Motion carried with Senators Bartlett, Devlin, Jabs and Waterman voting nay.

**HB 59** - Senator D. Grimes moved HB 59 be concurred in. Motion carried with Senator Christiaens voting nay.

**HB 185** - Senator W. McNutt moved HB 185 be concurred in. Motion carried unanimously.

**HB 255** - Senator M. Halligan moved HB 255 be concurred in. Motion carried with Senators Mahlum and Stang voting nay.

**Senators Doherty and Tester present at this time.**

**HB 321** - Senator V. Cocchiarella moved HB 321 be concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mesaros, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman.  
Total 29

Nays: Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Keenan, McNutt, Miller, Mohl, Swysgood, Taylor, Toews, Mr. President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Ellingson, Keating, Nelson, Wells, Wilson.  
Total 5

**Senator Keenan excused at this time.**

**Senator Nelson present at this time.**

**HB 339** - Senator A. Ellis moved HB 339 be concurred in. Motion carried unanimously.

**Senator Doherty excused at this time.**

**HB 361** - Senator A. Bishop moved HB 361 be concurred in. Motion carried unanimously.

**HB 437** - Senator W. McNutt requested consideration of HB 437 be moved to the bottom of the second reading board. Request granted.

**HB 455** - Senator M. Halligan moved HB 455 be concurred in. Motion carried unanimously.

**HB 459** - Senator L. Nelson requested consideration of moved HB 459 be moved to the bottom of the second reading

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

board. Request granted.

**HB 560** - Senator J. Tester moved HB 560, second reading copy, be amended as follows :

1. Page 2, line 24.

**Following:** "state" on line 24

**Insert:** "department of transportation"

Amendment **adopted** unanimously.

**HB 560** - Senator L. Grosfield moved HB 560, second reading copy, be further amended as follows :

1. Page 2, line 25.

**Strike:** "public"

**Insert:** "county"

Amendment **adopted** unanimously.

**HB 560** - Senator Glaser moved HB 560, second reading copy, be further amended as follows :

1. Page 2, line 24.

**Following:** "county"

**Insert:** "transportation"

2. Page 2, line 25.

**Strike:** "an existing public"

**Insert:** "a county"

3. Page 3, line 10.

**Strike:** ", and a"

**Insert:** ". A"

4. Page 3, line 11.

**Following:** "determinations" on line 11

**Insert:** "without good cause"

Amendment **adopted** unanimously.

**Senators Doherty, Ellingson and Keenan present at this time.**

**HB 560 - Senator Keating** moved that the Senate reconsider its action in adopting Senator Glaser's amendment No. 690820CW.sjo. Motion carried.

**HB 560 - Senator Keating** moved that the Senate **segregate amendment number 2** from amendment's 1, 3 and 4 of Senator Glaser's amendment 690820CW.sjo, as No. 2 duplicates a previous amendment. Thereupon, amendments 1, 3 and 4 **failed** as follows:

Yeas: Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Jabs, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Shea, Taylor, Toews, Waterman, Mr. President.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 24

Nays: Bartlett, Beck, Berry, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, McCarthy, Nelson, Roush, Sprague, Stang, Swysgood, Tester, Thomas.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 560** - Senator Grimes moved HB 560, as amended, be concurred in. Motion carried with Senator Glaser voting nay.

**HB 566** - Senator R. Holden moved HB 566 be concurred in. Motion carried with Senator Ellingson voting nay.

**HB 590** - Senator DePratu moved HB 590 be concurred in. The committee then reverted to the body of the bill for purpose of amendment.

**HB 590** - Senator M. Sprague moved HB 590, second reading copy, be amended as follows :

1. Title, line 6.

**Strike:** "A NAME BASED CRIMINAL"

**Insert:** "FINGERPRINTING AND A "

2. Title, line 10.

**Following:** "~~AND~~"

**Insert:** "FINGERPRINTING AND "

3. Title, line 11.

**Following:** "~~AND~~"

**Insert:** "FINGERPRINTING AND "

**Strike:** "NAME-BASED"

4. Title, line 12.

**Strike:** "CRIMINAL"

5. Title, line 14.

**Following:** "~~AND~~"

**Insert:** "FINGERPRINTING AND "

6. Title, line 16.

**Strike:** "A NAME-BASED CRIMINAL"

**Insert:** "FINGERPRINTING AND A "

7. Title, line 18.

**Following:** "~~AND~~"

**Insert:** "FINGERPRINTING AND "

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** "NAME-BASED CRIMINAL"

8. Page 1, line 30.

**Strike:** "NAME-BASED CRIMINAL"

**Insert:** "Fingerprinting and"

9. Page 2, line 4.

**Following:** "~~and~~"

**Insert:** "fingerprinting and"

10. Page 2, line 5.

**Strike:** "NAME-BASED CRIMINAL"

11. Page 2, line 9.

**Strike:** "BACKGROUND CHECK"

**Insert:** "fingerprinting"

12. Page 2, line 24.

**Strike:** "\$33"

**Insert:** "\$60"

13. Page 2, line 25.

**Following:** "~~and~~"

**Insert:** "fingerprinting and"

14. Page 2, line 29.

**Following:** "~~AND~~"

**Insert:** "processing fingerprints and"

**Strike:** "NAME-BASED"

15. Page 3, line 1.

**Following:** "~~AND~~"

**Insert:** "fingerprinting and"

16. Page 3, line 4.

**Following:** "~~AND~~"

**Insert:** "process fingerprints and"

17. Page 3, line 9.

**Strike:** "NAME-BASED CRIMINAL"

**Insert:** "Fingerprinting and"

18. Page 3, line 13.

**Following:** "~~and~~"

**Insert:** "fingerprinting and"

**Strike:** "NAME-BASED CRIMINAL"

19. Page 3, line 18.

**Strike:** "\$5"

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Insert:** "\$32"

**Following:** "~~and~~"

**Insert:** "fingerprinting and"

20. Page 3, line 19.

**Following:** "~~51~~"

**Insert:** "and shall deposit the fee in the special revenue account established in [section 5]"

21. Page 3, line 20.

**Following:** "~~and~~"

**Insert:** "fingerprinting and"

22. Page 3, line 23.

**Strike:** "NAME-BASED CRIMINAL"

**Insert:** "fingerprinting and"

23. Page 3, line 27.

**Following:** "~~AND~~"

**Insert:** "fingerprinting and"

**Strike:** "NAME-BASED CRIMINAL"

24. Page 3, line 28.

**Strike:** "~~5~~"

**Insert:** "\$32"

**Following:** "~~AND~~"

**Insert:** "fingerprinting and"

25. Page 3, line 30.

**Following:** "~~51~~"

**Insert:** "The fee must be deposited in the special revenue account established in [section 5]."

26. Page 4, lines 3 and 4.

**Strike:** "NAME-BASED" on line 3 through "REQUESTS" on line 4

**Insert:** "fingerprints"

27. Page 4, line 8.

**Strike:** "REQUESTS"

**Insert:** "fingerprints"

28. Page 4, line 10.

**Following:** "FINGERPRINT"

**Insert:** "fingerprint"

**Strike:** "BACKGROUND CHECK REQUESTS"

29. Page 5, line 1 through line 3.

**Strike:** "THE DEPARTMENT" on line 1 through "INFORMATION TO" on line 3

30. Page 5, line 7.



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**Strike:** "NAME-BASED CRIMINAL BACKGROUND CHECK REQUESTS"

**Insert:** "fingerprints"

31. Page 5, line 11.

**Strike:** "REQUEST"

**Insert:** "fingerprints"

32. Page 5, line 12.

**Strike:** "NAME IS"

**Insert:** "fingerprints are"

33. Page 5, line 22.

**Following:** "AND"

**Insert:** "a set of fingerprints and"

**Following:** "THE"

**Insert:** "additional"

34. Page 5, line 24.

**Following:** "SHALL"

**Insert:** "review state and federal records through the federal bureau of investigation. The department of justice shall"

35. Page 5, lines 29 and 30.

**Strike:** "NAME-BASED" on line 29 through "REQUESTS" on line 30

**Insert:** "fingerprints"

**Strike:** "REGARDING" on line 30

**Insert:** "of"

36. Page 6, line 1.

**Strike:** "REQUEST"

**Insert:** "fingerprints"

37. Page 6, line 2.

**Strike:** "NAME IS"

**Insert:** "fingerprints are"

38. Page 6, line 12.

**Following:** "AND"

**Insert:** "a set of fingerprints and"

**Following:** "ADDITIONAL"

**Insert:** "additional"

39. Page 6, line 14.

**Following:** "SHALL"

**Insert:** "review state and federal records through the federal bureau of investigation. The department of justice shall"

Amendment **failed** as follows:

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Yeas: Beck, Bohlinger, Cole, DePratu, Ekegren, Ellis, Halligan, Hargrove, Hertel, Keenan, Sprague, Stang, Taylor, Tester, Thomas.

Total 15

Nays: Bartlett, Berry, Bishop, Christiaens, Cocchiarella, Crismore, Devlin, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Grosfield, Harp, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Swysgood, Toews, Waterman, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 590** - Senator B. DePratu's motion that HB 590 be concurred in carried unanimously.

**HJR 32** - Senator F. Thomas moved HJR 32 be concurred in. Motion carried as follows:

Yeas: Berry, Bohlinger, Cocchiarella, Cole, DePratu, Devlin, Ellis, Glaser, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Mohl, Sprague, Taylor, Thomas.

Total 25

Nays: Bartlett, Beck, Bishop, Christiaens, Crismore, Doherty, Eck, Ekegren, Ellingson, Franklin, Grimes, Grosfield, McCarthy, Miller, Nelson, Roush, Shea, Stang, Swysgood, Tester, Toews, Waterman, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 437** - Senator W. McNutt moved HB 437 be concurred in. Motion carried unanimously.

**HB 459** - Senator S. Doherty moved HB 459 be concurred in. Motion carried with Senator Bartlett voting nay.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. Acting President Keating in the chair. Senator Devlin moved that **HB 321** be segregated from the committee of the whole report. Motion **failed** as follows:

Yeas: Beck, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Harp, Holden, Jabs, Keating, Keenan, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Toews, Mr. President.

Total 24

Nays: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Hargrove, Hertel, Jergeson, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman.

Total 24

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

Chairman Swysgood moved the Committee of the Whole report be adopted. Report adopted.

**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 532** passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.  
Total 47

Nays: Bartlett.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 20, as amended by the Senate**, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Mr. President.  
Total 41

Nays: Bartlett, Doherty, Keenan, Lynch, McCarthy, Shea, Waterman.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 277** concurred in as follows:

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

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, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 314, as amended by the Senate, concurred in as follows:**

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Toews, Waterman, Mr. President.  
Total 40  
Nays: Beck, Bishop, Devlin, Grimes, Keenan, Mahlum, Swysgood, Tester.  
Total 8

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 316 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, Jergeson, Keating, Lynch, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Waterman, Mr. President.  
Total 42

Nays: Beck, Keenan, Mahlum, Swysgood, Tester, Toews.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 325 concurred in as follows:**

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Harp, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, Mesaros, Miller, Nelson, Roush, Sprague, Thomas, Waterman, Mr. President.

Total 31

Nays: Cocchiarella, Crismore, DePratu, Devlin, Ekegren, Halligan, Hargrove, Hertel, Jergeson, McNutt, Mohl, Shea, Stang, Swysgood, Taylor, Tester, Toews.

Total 17

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 337, 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 338** concurred in as follows:

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

Total 45

Nays: Ekegren, Keenan, Mohl.

Total 3

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

**HB 374, as amended by the Senate**, concurred in as follows:

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

Total 43

Nays: Beck, Devlin, Keenan, Miller, Swysgood.

Total 5

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 382** 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, Mr. President.

Total 47

Nays: Toews.

Total 1

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 435, 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Excused: Wells, Wilson.  
Total 2

**HB 504, 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, Toews, Waterman, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 524** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Mr. President.  
Total 41

Nays: DePratu, Devlin, Ekegren, Ellis, Holden, Keenan, Toews.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 528, 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, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Mr. President.  
Total 42

Nays: Devlin, Grimes, Keenan, Miller, Swysgood, Taylor.  
Total 6

Absent or not voting: None.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 0

Excused: Wells, Wilson.

Total 2

**HB 555** 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 558** 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, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.

Total 46

Nays: Beck, Miller.

Total 2

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 581** 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0



SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 584, 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, Toews, Waterman, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 586, 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, Toews, Waterman, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HB 614, as amended by the Senate**, concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, 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, Taylor, Tester, Thomas, Toews, Waterman, Mr. President.  
Total 44

Nays: Beck, Crismore, Keenan, Swysgood.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Total 4

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 629** 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HB 641, 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, Toews, Waterman, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Wells, Wilson.

Total 2

**HJR 4** concurred in as follows:

Yeas: Beck, Berry, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, 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, Mr. President.

Total 38

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Halligan, Waterman.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HJR 5, as amended by the Senate**, concurred in as follows:

Yeas: Beck, Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Mr. President.  
Total 41

Nays: Bartlett, Bohlinger, Christiaens, Eck, Ellingson, McCarthy, Shea, Waterman.  
Total 8

Paired: Wells, Aye; Ellingson, No.

Absent or not voting: None.  
Total 0

Excused: Wilson.  
Total 1

**HJR 6** 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, Toews, Waterman, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HJR 15** 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,

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

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

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**HJR 24** 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, Toews, Waterman, Mr. President.  
Total 47

Nays: Keenan.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Wells, Wilson.  
Total 2

**MOTIONS**

**SB 200** -Senator Crippen moved that Senator Halligan be named to the Free Conference Committee on SB 200 to replace Senator Wilson. Motion carried.

**HB 20** - Senator Grosfield moved that he be allowed to change his vote on HB 20, third reading, second session, this legislative day, from nay to yea. Motion carried.

**ANNOUNCEMENTS**

**Senator Roush** rose on a point of personal privilege to explain his vote on the segregated amendments to HB 528 this legislative day on second reading, session 2. He stated he was a co-sponsor of the bill, but had pushed the wrong button during voting. He could not change his vote as it would have changed the outcome of the vote, but wanted to express his regret.

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 10:00 a.m., Monday, March 29, 1999. Motion carried.

SENATE JOURNAL  
SIXTY-NINTH LEGISLATIVE DAY - MARCH 27, 1999

Senate adjourned at 12:55 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate