

**SENATE JOURNAL  
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 31, 1999

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

**REPORTS OF STANDING COMMITTEES**

Correctly printed: SJR 20, SR 6, HB 180, HB 315, HB 470, HB 478, HB 533, HB 536, HB 596, HB 645, HB 649, HJR 18.

Correctly enrolled: SB 321, SB 352, SB 362, SB 365, SB 412, SB 435, SB 468, SB 471, SB 501, SB 521.

Correctly enrolled: SB 5, SB 179, SB 257, SB 314, SB 330, SB 346, SB 355, SB 397, SB 398, SB 399, SB 446, SB 473.

Examined by the sponsor and found to be correct: SB 5, SB 179, SB 257, SB 314, SB 321, SB 330, SB 346, SB 352, SB 355, SB 362, SB 365, SB 397, SB 398, SB 399, SB 412, SB 435, SB 446, SB 468, SB 471, SB 473, SB 501, SB 521.

Signed by the President at 3:30 p.m., March 30, 1999: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

Signed by the Secretary of Senate at 10:50 a.m., March 31, 1999: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

Signed by the Speaker at 1:34 p.m., March 31, 1999: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

Signed by the President at 4:00 p.m., March 31, 1999: SB 321, SB 352, SB 362, SB 365, SB 412, SB 435, SB 468, SB 471, SB 501, SB 521.

Signed by the Secretary of Senate at 4:30 p.m., March 31, 1999: SB 321, SB 352, SB 362, SB 365, SB 412, SB 435, SB 468, SB 471, SB 501, SB 521.

Signed by the President at 5:00 p.m., March 31, 1999: SB 5, SB 179, SB 257, SB 314, SB 330, SB 346, SB 355, SB 397, SB 398, SB 399, SB 446, SB 473.

Delivered to the Governor for his approval at 1:50 p.m., March 31, 1999: SB 13, SB 276, SB 371, SB 404, SB 419, SB 452, SB 478, SB 488.

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

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan and Senator Devlin to share the chair this day.

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

**Senator Devlin in the chair.**

**Senator Grosfield present at this time.**

**SB 200 - Free Conference Committee Report No. 1** - Senator M. Taylor moved the Free Conference Committee report to SB 200 be adopted. Motion carried as follows:

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

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Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.

Total 39

Nays: Bartlett, Doherty, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Shea, Stang, Waterman.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**Senator Halligan assumed the chair.**

Minority Leader Doherty and Majority Leader Harp commented on HB 2, and explained the importance of the budget bill.

**HB 2** - Senator C. Swysgood moved HB 2 be concurred in. Senator Swysgood thanked the members of the Finance and Claims Committee, the Legislative Fiscal Analysts' staff, the Senate staff and the Budget Office for their dedicated work during the session. He then explained the procedure for presentation of HB 2, and gave a brief overview of HB 2 and the actions of the Finance and Claims committee and the subcommittees. Senator Swysgood moved Section A of HB 2 be opened. Motion carried.

**SECTION A - GENERAL GOVERNMENT AND HIGHWAYS.**

Senator M. Taylor explained Section A of HB 2.

1. Senator G. Jergeson moved that Section A of HB 2 be amended as follows:

1. Page A-4, line 17.

**Strike:** "1,172,374     1,127,148"

**Insert:** "1,192,374     1,147,148"

Amendment **failed** as follows:

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

Total 19

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

Total 31

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

Senator Swysgood moved that Section A of HB 2 be closed. Motion carried unanimously.

**Senator Devlin resumed the chair.**

Senator T. Keating moved that Section B of HB 2 be opened. Motion carried.

**SECTION B - HUMAN SERVICES**

Senator C. Swysgood explained Section B of HB 2.

1. Senator M. Waterman moved that Section B of HB 2 be amended as follows:

1. Page B-1, line 19.

<b>Strike:</b> "98,961"	[general fund fiscal year 2000]
<b>Insert:</b> "198,912"	[general fund fiscal year 2000]
<b>Strike:</b> "13,548"	[state special revenue fiscal year 2000]
<b>Insert:</b> "27,232"	[state special revenue fiscal year 2000]
<b>Strike:</b> "57,866"	[federal revenue fiscal year 2000]
<b>Insert:</b> "116,310"	[federal revenue fiscal year 2000]
<b>Strike:</b> "204,926"	[general fund fiscal year 2001]
<b>Insert:</b> "411,901"	[general fund fiscal year 2001]
<b>Strike:</b> "27,639"	[state special revenue fiscal year 2001]
<b>Insert:</b> "55,554"	[state special revenue fiscal year 2001]
<b>Strike:</b> "119,794"	[federal revenue fiscal year 2001]
<b>Insert:</b> "240,786"	[federal revenue fiscal year 2001]

2. Page B-2, line 6.

<b>Strike:</b> "168,810"	[general fund fiscal year 2000]
<b>Insert:</b> "339,308"	[general fund fiscal year 2000]
<b>Strike:</b> "437,548"	[federal revenue fiscal year 2000]
<b>Insert:</b> "879,471"	[federal revenue fiscal year 2000]
<b>Strike:</b> "333,373"	[general fund fiscal year 2001]
<b>Insert:</b> "670,080"	[general fund fiscal year 2001]
<b>Strike:</b> "891,361"	[federal revenue fiscal year 2001]
<b>Insert:</b> "1,791,636"	[federal revenue fiscal year 2001]

3. Page B-3, line 1.

<b>Strike:</b> "303,934"	[general fund fiscal year 2000]
<b>Insert:</b> "610,907"	[general fund fiscal year 2000]
<b>Strike:</b> "245,048"	[federal revenue fiscal year 2000]
<b>Insert:</b> "492,546"	[federal revenue fiscal year 2000]
<b>Strike:</b> "611,225"	[general fund fiscal year 2001]
<b>Insert:</b> "1,228,562"	[general fund fiscal year 2001]
<b>Strike:</b> "497,718"	[federal revenue fiscal year 2001]
<b>Insert:</b> "1,000,413"	[federal revenue fiscal year 2001]

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4. Page B-3, line 18.

**Strike:** "265,226" [general fund fiscal year 2000]  
**Insert:** "533,104" [general fund fiscal year 2000]  
**Strike:** "687,451" [federal revenue fiscal year 2000]  
**Insert:** "1,381,777" [federal revenue fiscal year 2000]  
**Strike:** "523,848" [general fund fiscal year 2001]  
**Insert:** "1,052,934" [general fund fiscal year 2001]  
**Strike:** "1,400,647" [federal revenue fiscal year 2001]  
**Insert:** "2,815,300" [federal revenue fiscal year 2001]

5. Page B-3, line 20.

**Strike:** "40,528" [general fund fiscal year 2000]  
**Insert:** "81,461" [general fund fiscal year 2000]  
**Strike:** "105,048" [federal revenue fiscal year 2000]  
**Insert:** "211,146" [federal revenue fiscal year 2000]  
**Strike:** "79,648" [general fund fiscal year 2001]  
**Insert:** "160,092" [general fund fiscal year 2001]  
**Strike:** "212,961" [federal revenue fiscal year 2001]  
**Insert:** "428,052" [federal revenue fiscal year 2001]

6. Page B-3, line 22.

**Strike:** "54,178" [general fund fiscal year 2000]  
**Insert:** "108,898" [general fund fiscal year 2000]  
**Strike:** "108,897" [general fund fiscal year 2001]  
**Insert:** "218,883" [general fund fiscal year 2001]

7. Page B-3, line 24.

**Strike:** "56,542" [general fund fiscal year 2000]  
**Insert:** "113,649" [general fund fiscal year 2000]  
**Strike:** "146,555" [federal revenue fiscal year 2000]  
**Insert:** "294,576" [federal revenue fiscal year 2000]  
**Strike:** "120,819" [general fund fiscal year 2001]  
**Insert:** "242,846" [general fund fiscal year 2001]  
**Strike:** "323,043" [federal revenue fiscal year 2001]  
**Insert:** "649,316" [federal revenue fiscal year 2001]

8. Page B-4, line 6.

**Strike:** "1,808" [general fund fiscal year 2000]  
**Insert:** "3,634" [general fund fiscal year 2000]  
**Strike:** "1,342" [state special revenue fiscal year 2000]  
**Insert:** "2,697" [state special revenue fiscal year 2000]  
**Strike:** "4,074" [federal revenue fiscal year 2000]  
**Insert:** "8,189" [federal revenue fiscal year 2000]  
**Strike:** "3,634" [general fund fiscal year 2001]  
**Insert:** "7,304" [general fund fiscal year 2001]  
**Strike:** "1,376" [state special revenue fiscal year 2001]  
**Insert:** "2,766" [state special revenue fiscal year 2001]  
**Strike:** "4,873" [federal revenue fiscal year 2001]

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**Insert:** "9,794" [federal revenue fiscal year 2001]

LFD will adjust totals

This amendment adds \$3.0 million general fund and \$8.2 million total funds for the biennium. These funds will provide an additional 1% provider rate increase.

Amendment **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grimes, Halligan, Jergeson, Keenan, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.  
Total 22

Nays: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.  
Total 28

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

2. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-3, line 13.

**Strike:** "39,364,384"

**Insert:** "39,424,384"

**Strike:** "39,530,761"

**Insert:** "39,590,761"

2. Page B-13, following line 14.

**Insert:** "Item 9 includes \$60,000 in general fund money in fiscal year 2000 and \$60,000 in general fund money in fiscal year 2001 for a long-term care ombudsman. The long-term care ombudsman shall designate and maintain one full-time equivalent ombudsman whose sole duties are to serve as a long-term care ombudsman, coordinate and recruit local ombudsman volunteers, and develop resources, which include contributions, to support activities related to the ombudsman program."

Amendment **failed** as follows:

Yeas: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.  
Total 18

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

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

3. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-4, following line 10.

**Insert:** "e. Outpatient Chemical Dependency Medicaid Pilot Programs (Biennial)  
1,000,000 (federal funds fiscal 2000)  
1,000,000" (federal funds fiscal 2001)

2. Page B-14, following line 1.

**Insert:** "Funds in item 10e must be used for pilot outpatient chemical dependency medicaid programs in local communities. The department shall ensure that medicaid-eligible DUI offenders receive services in these programs."

Amendment **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.  
Total 19

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, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

4. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-1, line 15.

**Strike:** "17,059,834"  
**Insert:** "17,233,967"  
**Strike:** "17,557,732"  
**Insert:** "17,919,777"

2. Page B-1, line 17.

**Strike:** "18,892,894"  
**Insert:** "19,112,821"  
**Strike:** "19,395,212"  
**Insert:** "19,850,321"

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Amendment **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

5. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-1, following line 13.

**Insert:** "c. Psychological Evaluations (Biennial)

100,000 [general fund fiscal 2000]

100,000" [general fund fiscal 2001]

Amendment **failed** as follows:

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

Total 22

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

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

6. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-9, following line 6.

**Insert:** "The department shall use \$300,000 from the TANF "rainy-day reserve" in fiscal year 2000 and fiscal year 2001 for providing chemical dependency services to long-term FAIM recipients."

Amendment **failed** as follows:

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

Total 17

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

Total 33

Absent or not voting: None.

Total 0

Excused: None.

Total 0

7. Senator C. Christiaens moved that Section B of HB 2 be amended as follows:

1. Page B-8, following line 14.

**Insert:** "The department shall provide semiannual reports, beginning July 1, 1999, to the appropriate legislative committee and the legislative finance committee and shall make the reports available on the department's internet virtual pavilion site. The report must include:

- (1) the number of sanctions administered;
- (2) the number of repeat sanctions;
- (3) the progress that the department is making in determining the cause of repeat sanctions; and
- (4) the department's progress in working with FAIM recipients to eliminate repeat sanctions."

Amendment **failed** as follows:

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

Total 21

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

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

8. Senator M. Halligan moved that Section B of HB 2 be amended as follows:

1. Page B-1, line 17.

**Strike:** "18,892,894" (general fund fiscal 2000)

**Insert:** "19,142,894"

**Strike:** "19,395,212" (general fund fiscal 2001)



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**Insert:** "19,645,212"

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Halligan, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.  
Total 24

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

9. Senator M. Waterman moved that Section B of HB 2 be amended as follows:

1. Page B-1, line 25.

**Strike:** "242,367"  
**Insert:** "655,367"  
**Strike:** "2,762,586"  
**Insert:** "2,349,586"  
**Strike:** "254,379"  
**Insert:** "667,379"  
**Strike:** "2,714,580"  
**Insert:** "2,301,580"

2. Page B-10, line 18.

**Following:** "of"  
**Strike:** "\$242,367"  
**Insert:** "\$655,367"  
**Following:** "and"  
**Strike:** "\$254,379"  
**Insert:** "\$667,379"

3. Page B-10, following line 23.

**Insert:** "The child support enforcement division (CSED) may not charge enforcement and handling fees or recover costs related to enforcement or handling of cases from clients not on FAIM who receive CSED services."

Amendment **adopted** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ekegren, Ellingson, Franklin, Grimes, Grosfield, Halligan, Hargrove, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.  
Total 30

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Nays: Cole, Crismore, DePratu, Devlin, Ellis, Glaser, Harp, Hertel, Holden, Keating, Keenan, McNutt, Mesaros, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

10. Senator M. Halligan moved that Section B of HB 2 be further amended as follows:

1. Page B-1, following line 13.

**Insert:** "c. Montana Food Bank Processing (Restricted/OTO)  
74,500 [general fund fiscal 2000]  
74,500" [general fund fiscal 2001]

2. Page B-8, following line 8.

**Insert:** "Item 1c must be used for the canning and processing of meat donated to the Montana food bank. The processing will be done at the processing plant at the Montana state prison."

Amendment **failed** as follows:

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

Nays: Beck, Berry, Bohlinger, 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, Wells, Mr. President.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

11. Senator M. Waterman moved that Section B of HB 2 be further amended as follows:

1. Page B-14, line 22.

**Strike:** line 22 in its entirety

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, McCarthy, Roush, Shea, Tester, Waterman, Wilson.  
Total 16

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

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

12. Senator R. Holden moved that Section B of HB 2 be further amended as follows:

1. Page B-13.

**Strike:** line 6 through line 12 in their entirety

Amendment **failed** as follows:

Yeas: Beck, Berry, Cocchiarella, Cole, Devlin, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Hertel, Holden, Jabs, Jergeson, Lynch, McCarthy, McNutt, Mohl, Roush, Shea, Stang, Toews, Wells.

Total 23

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Crismore, DePratu, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Harp, Keating, Keenan, Mahlum, Mesaros, Miller, Nelson, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

13. Senator R. Holden moved that Section B of HB 2 be further amended as follows:

1. Page B-13, line 13.

**Following:** line 12

**Insert:** "The 32 individuals in the Montana developmental center and Eastmont human services center shall not be automatically transferred to community services."

Amendment **failed** as follows:

Yeas: Beck, Cocchiarella, Cole, Devlin, Grimes, Hargrove, Holden, Jabs, Jergeson, Lynch, McNutt, Shea, Stang, Toews.

Total 14

Nays: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Harp, Hertel, Keating, Keenan, Mahlum, McCarthy, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

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Total 36

Absent or not voting: None.

Total 0

Excused: None.

Total 0

14. Senator M. Waterman moved that Section B of HB 2 be further amended as follows:

1. Page B-1, line 19.

<b>Strike:</b> "98,961"	[general fund fiscal year 2000]
<b>Insert:</b> "148,936"	[general fund fiscal year 2000]
<b>Strike:</b> "13,548"	[state special revenue fiscal year 2000]
<b>Insert:</b> "20,390"	[state special revenue fiscal year 2000]
<b>Strike:</b> "57,866"	[federal revenue fiscal year 2000]
<b>Insert:</b> "87,088"	[federal revenue fiscal year 2000]
<b>Strike:</b> "204,926"	[general fund fiscal year 2001]
<b>Insert:</b> "308,413"	[general fund fiscal year 2001]
<b>Strike:</b> "27,639"	[state special revenue fiscal year 2001]
<b>Insert:</b> "41,596"	[state special revenue fiscal year 2001]
<b>Strike:</b> "119,794"	[federal revenue fiscal year 2001]
<b>Insert:</b> "180,290"	[federal revenue fiscal year 2001]

2. Page B-2, line 6.

<b>Strike:</b> "168,810"	[general fund fiscal year 2000]
<b>Insert:</b> "253,215"	[general fund fiscal year 2000]
<b>Strike:</b> "437,548"	[federal revenue fiscal year 2000]
<b>Insert:</b> "656,322"	[federal revenue fiscal year 2000]
<b>Strike:</b> "333,373"	[general fund fiscal year 2001]
<b>Insert:</b> "500,595"	[general fund fiscal year 2001]
<b>Strike:</b> "891,361"	[federal revenue fiscal year 2001]
<b>Insert:</b> "1,337,041"	[federal revenue fiscal year 2001]

3. Page B-3, line 1.

<b>Strike:</b> "303,934"	[general fund fiscal year 2000]
<b>Insert:</b> "457,421"	[general fund fiscal year 2000]
<b>Strike:</b> "245,048"	[federal revenue fiscal year 2000]
<b>Insert:</b> "368,797"	[federal revenue fiscal year 2000]
<b>Strike:</b> "611,225"	[general fund fiscal year 2001]
<b>Insert:</b> "919,894"	[general fund fiscal year 2001]
<b>Strike:</b> "497,718"	[federal revenue fiscal year 2001]
<b>Insert:</b> "749,066"	[federal revenue fiscal year 2001]

4. Page B-3, line 18.

<b>Strike:</b> "265,226"	[general fund fiscal year 2000]
<b>Insert:</b> "399,165"	[general fund fiscal year 2000]
<b>Strike:</b> "687,451"	[federal revenue fiscal year 2000]

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**Insert:** "1,034,614" [federal revenue fiscal year 2000]  
**Strike:** "523,848" [general fund fiscal year 2001]  
**Insert:** "788,391" [general fund fiscal year 2001]  
**Strike:** "1,400,647" [federal revenue fiscal year 2001]  
**Insert:** "2,107,974" [federal revenue fiscal year 2001]

5. Page B-3, line 20.

**Strike:** "40,528" [general fund fiscal year 2000]  
**Insert:** "60,792" [general fund fiscal year 2000]  
**Strike:** "105,048" [federal revenue fiscal year 2000]  
**Insert:** "157,572" [federal revenue fiscal year 2000]  
**Strike:** "79,648" [general fund fiscal year 2001]  
**Insert:** "119,472" [general fund fiscal year 2001]  
**Strike:** "212,961" [federal revenue fiscal year 2001]  
**Insert:** "319,442" [federal revenue fiscal year 2001]

6. Page B-3, line 22.

**Strike:** "54,178" [general fund fiscal year 2000]  
**Insert:** "81,267" [general fund fiscal year 2000]  
**Strike:** "108,897" [general fund fiscal year 2001]  
**Insert:** "163,346" [general fund fiscal year 2001]

7. Page B-3, line 24.

**Strike:** "56,542" [general fund fiscal year 2000]  
**Insert:** "84,813" [general fund fiscal year 2000]  
**Strike:** "146,555" [federal revenue fiscal year 2000]  
**Insert:** "219,833" [federal revenue fiscal year 2000]  
**Strike:** "120,819" [general fund fiscal year 2001]  
**Insert:** "181,229" [general fund fiscal year 2001]  
**Strike:** "323,043" [federal revenue fiscal year 2001]  
**Insert:** "484,565" [federal revenue fiscal year 2001]

8. Page B-4, line 6.

**Strike:** "1,808" [general fund fiscal year 2000]  
**Insert:** "2,721" [general fund fiscal year 2000]  
**Strike:** "1,342" [state special revenue fiscal year 2000]  
**Insert:** "2,019" [state special revenue fiscal year 2000]  
**Strike:** "4,074" [federal revenue fiscal year 2000]  
**Insert:** "6,132" [federal revenue fiscal year 2000]  
**Strike:** "3,634" [general fund fiscal year 2001]  
**Insert:** "5,469" [general fund fiscal year 2001]  
**Strike:** "1,376" [state special revenue fiscal year 2001]  
**Insert:** "2,071" [state special revenue fiscal year 2001]  
**Strike:** "4,873" [federal revenue fiscal year 2001]  
**Insert:** "7,334" [federal revenue fiscal year 2001]

LFD will adjust totals.

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This amendment adds approximately \$1.5 million general fund and \$4.1 million total funds for the biennium. These funds will provide an additional 0.5% provider rate increase.

Amendment **adopted** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Grimes, Halligan, Hertel, Holden, Jergeson, Keating, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson, Mr. President.

Total 26

Nays: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grosfield, Hargrove, Harp, Jabs, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

15. Senator D. Grimes moved that Section B of HB 2 be further amended as follows:

1. Page B-13, line 6.

**Strike:** "THE DISABILITY SERVICES DIVISION IS DIRECTED"

**Insert:** "The children, families, health, and human services committee is requested to undertake a study"

Amendment **adopted** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Mr. President.

Total 35

Nays: Bartlett, Christiaens, DePratu, Devlin, Doherty, Eck, Ellingson, Miller, Mohl, Nelson, Roush, Sprague, Toews, Waterman, Wilson.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Keating moved that Section B of HB 2 be closed. Motion carried unanimously.

Senator Harp moved the committee rise. Motion carried.

**MOTIONS**

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**Majority Leader Harp** moved that the Senate stand in recess until the hour of 2:15 p.m. Motion carried.

**Senator Halligan resumed the chair.**

Senate recessed at 12:57 p.m.

Senate reconvened at 2:15 p.m.

Roll Call. All members present. Quorum present.

Senator C. Swysgood moved that Section C of HB 2 be opened. Motion carried.

**SECTION C - NATURAL RESOURCES**

Senator T. Keating explained Section C of HB 2.

**Senator Harp excused at this time.**

1. Senator J. Bohlinger moved that Section C of HB 2 be amended as follows:

1. Page C-9.

**Following:** line 14

**Insert:** "When the first 1.00 FTE position becomes vacant in the air compliance section within the permitting and compliance division, it is the intent of the legislature that the department assign the position to the Billings field office."

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Doherty, Eck, Ellis, Franklin, Glaser, Grimes, Jabs, Jergeson, McCarthy, McNutt, Nelson, Sprague, Waterman, Wilson, Mr. President.

Total 19

Nays: Beck, Berry, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Grosfield, Halligan, Hargrove, Hertel, Holden, Keating, Keenan, Lynch, Mahlum, Mesaros, Miller, Mohl, Roush, Shea, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells.

Total 30

Absent or not voting: None.

Total 0

Excused: Harp.

Total 1

**Senator Harp present at this time.**

2. Senator S. Stang moved that section C of HB 2 be amended as follows:

1. Page C-17, line 2.

**Strike:** "1,798,904" (state special revenue fiscal year 2000)

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**Strike:** "1,495,771" (state special revenue fiscal year 2001)

**Insert:** "1,851,904" (state special revenue fiscal year 2000)

**Insert:** "1,712,771" (state special revenue fiscal year 2001)

Amendment **failed** as follows:

Yeas: Bartlett, Beck, Christiaens, Cocchiarella, Crismore, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.  
Total 24

Nays: Berry, Bishop, Bohlinger, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

3. Senator L. Grosfield moved that section C of HB 2 be amended as follows:

1. Page C-19, line 2.

**Following:** "USE"

**Insert:** "at least"

Amendment **adopted** as follows:

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

Nays: DePratu, Devlin, Glaser, Harp, Keenan, Sprague, Taylor.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator C. Swysgood moved that Section C of HB 2 be closed. Motion carried.

Senator C. Swysgood moved that Section D of HB 2 be opened. Motion carried.

**Senator Devlin resumed the chair.**



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**SECTION D - INSTITUTIONS AND CULTURAL RESOURCES**

Senator A. Mohl explained Section D of HB 2.

1. Senator D. Shea moved that Section D of HB 2 be amended as follows:

1. Page D-4, line 25.

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

**Insert:** 30,697,122         31,908,411"

Restore the general fund for new probation and parole staff of 14.00 FTE and \$605,251 in FY 2000 and 28.00 FTE and \$1,182,750 in FY 2001 in order to return to the Executive Budget level of funding.

Probation and parole present law general fund of \$193,513 in FY 2000 and \$188,737 in FY 2001 is requested to be restored at the Executive Budget level of funding.

The total of this amendment is \$798,764 in FY 2000 and \$1,371,487 in FY 2001.

Amendment **failed** as follows:

Yeas: Bartlett, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Halligan, Jergeson, Lynch, McCarthy, Roush, Shea, Tester, Waterman, Wilson.

Total 15

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

Total 34

Absent or not voting: Stang.

Total 1

Excused: None.

Total 0

**Senator Harp excused at this time.**

2. Senator V. Cocchiarella (for Senator Halligan) moved that Section D of HB 2 be amended as follows:

1. Page D-4, line 12.

**Strike:** "13,357,166 (GENERAL FUND FY2000)

105,019 (STATE SPECIAL FY2000)

13,631,305 (GENERAL FUND FY2001)

99,541 (STATE SPECIAL FY2001)

**Insert:** "13,458,306 (GENERAL FUND FY 2000)

3,879 (STATE SPECIAL FY2001)

13,729,478 (GENERAL FUND FY2001)

1,368 (STATE SPECIAL FY2001)

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The House Appropriations Committee approved an increase in the number of MLEA basic Training classes for local and state corrections/detention personnel but required these expenses be paid by local and state agencies sending officers to the training. Basic law enforcement and corrections/detention training has been historically funded from the general fund due to the importance and need to ensure at least a minimum level of training for criminal justice personnel. This amendment merely continues the state's support of basic training.

The general fund cost is \$101,140 in FY 2000 and \$98,173 in FY 2001.

Amendment **failed** as follows:

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

Total 17

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

Total 32

Absent or not voting: None.

Total 0

Excused: Harp.

Total 1

3. Senator C. Christiaens moved that Section D of HB 2 be amended as follows:

1. Page D-4, line 23.

**Strike:** "279,539 260,761" (Federal Funds)

**Insert:** "71,453 71,453"

2. Page D-4, line 25.

**Strike:** "29,898,358 30,536,924" (General Funds)

**Insert:** "21,970,191 22,912,063"

3. Page D-5.

**Following:** Line 4

**Insert:** "c. Juvenile Placement (Biennial/Restricted) 7,928,167 7,624,861" (general fund fiscal 2000 and fiscal 2001) "208,086 189,308" (federal funds fiscal 2000 and fiscal 2001)

4. Page D-5, line 9.

**Strike:** "(Biennial)"

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

**Senator Harp present at this time.**

Amendment **adopted** as follows:

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

Total 46

Nays: Beck, DePratu, Lynch, Sprague.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator C. Swysgood moved that Section D of HB 2 be closed. Motion carried.

Senator D. Toews moved that Section E of HB 2 be opened. Motion carried.

**Senator Halligan resumed the chair.**

**SECTION E - EDUCATION**

Senator D. Toews explained Section E of HB 2.

1. Senator K. Miller (for Senator Toews) moved that Section E of HB 2 be amended as follows:

1. Page E-11, line 14.

**Following:** line 13

**Insert:** "The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 2,180 resident FTE students each year. If total annual resident FTE student enrollment in the community colleges is greater than 2,180, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than 2,180 in either year, the commissioner of higher education shall revert \$2,550 in general fund money from the appropriation in item 4 to the state for each estimated FTE student who did not enroll."

2. Page E-11, line 19.

**Following:** line 18

**Insert:** "The general fund and millage appropriation in item 7 is calculated to fund education in the 4-year units and the colleges of technology for an estimated 24,622 resident FTE students in fiscal year 2000 and 24,871 resident FTE students in fiscal year 2001. If actual resident student enrollment is greater than the estimated number for the biennium, the university system shall serve the additional students without a state general fund contribution. If actual resident student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$1,837 in general fund money to the state for each estimated FTE student who did not enroll."

Amendment **failed** as follows:

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Yeas: Berry, Bishop, Bohlinger, Crismore, Eck, Glaser, Grosfield, Hargrove, Hertel, Keating, Keenan, McNutt, Mesaros, Miller, Sprague, Stang, Swysgood, Tester, Thomas, Toews, Waterman, Wells, Wilson.  
Total 23

Nays: Bartlett, Beck, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Ekegren, Ellingson, Ellis, Franklin, Grimes, Halligan, Harp, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, Mohl, Nelson, Roush, Shea, Taylor, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

2. Senator R. Holden moved that Section E of HB 2 be amended as follows:

1. Page E-10, line 5.

**Following:** line 4

**Insert:** "c. Cold Stress Survivability Program (Restricted/OTO)  
45,000 45,000" (general fund fiscal 2000 and fiscal 2001)

Renumber: subsequent subsections

2. Page E-14, line 10.

**Strike:** "7C"

**Insert:** "7d"

3. Page E-14, line 11.

**Strike:** "7D"

**Insert:** "7e"

4. Page E-14, line 14.

**Strike:** "7E"

**Insert:** "7f"

5. Page E-14, line 16.

**Strike:** "7F"

**Insert:** "7g"

6. Page E-14, line 18.

**Strike:** "7G"

**Insert:** "7h"

Amendment **failed** as follows:

Yeas: Bishop, Cocchiarella, Cole, Devlin, Eck, Ellingson, Franklin, Glaser, Grosfield, Hertel, Holden, Jabs, Keating, Lynch, Mesaros, Shea, Stang, Wilson, Mr. President.

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Total 19

Nays: Bartlett, Beck, Berry, Bohlinger, Christiaens, Crismore, DePratu, Doherty, Ekegren, Ellis, Grimes, Halligan, Hargrove, Harp, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Roush, Sprague, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

3. Senator J. Lynch moved that Section E of HB 2 be amended as follows:

1. Page E-10, line 25.

**Strike:** "43,825 43,825" (general fund fiscal 2000 and fiscal 2001)

**Insert:** "93,825 93,825" (general fund fiscal 2000 and fiscal 2001)

Amendment **failed** as follows:

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

Total 23

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

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

4. Senator G. Jergeson moved that Section E of HB 2 be amended as follows:

1. Page E-9, line 22.

**Strike:** "91,239,751 91,265,210" (general fund fiscal 2000 and fiscal 2001)

**Insert:** "92,739,751 92,765,210" (general fund fiscal 2000 and fiscal 2001)

Amendment **failed** as follows:

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

Total 20

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

Total 29

Absent or not voting: Beck.

Total 1

Excused: None.

Total 0

5. Senator G. Jergeson moved that Section E of HB 2 be amended as follows:

1. Page E-10, line 3

**Following:** line 2

**Insert:** "b. Economic Development Research (OTO) 3,000,000  
3,000,000" (general fund fiscal 2000 and fiscal 2001)

**Renumber:** subsequent subsections

2. Page E-14, line 8

**Strike:** "7B"

**Insert:** "7c"

3. Page E-14, line 10.

**Strike:** "7C"

**Insert:** "7d"

4. Page E-14, line 11.

**Strike:** "7D"

**Insert:** "7e"

5. Page E-14, line 14.

**Strike:** "7E"

**Insert:** "7f"

6. Page E-14, line 16.

**Strike:** "7F"

**Insert:** "7g"

7. Page E-14, line 18.

**Strike:** "7G"

**Insert:** "7h"

Amendment **failed** as follows:

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

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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, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

6. Senator E. Franklin moved that Section E of HB 2 be amended as follows:

1. Page E-1, line 19.

**Following:** line 18

**Insert:** "f. Montana Advisory Council on Indian Education Activities (Restricted) 4,000  
4,000" (general fund fiscal 2000 and fiscal 2001)

Amendment **failed** as follows:

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

Total 21

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

Total 28

Absent or not voting: Mesaros.

Total 1

Excused: None.

Total 0

7. Senator S. Stang moved that Section E of HB 2 be amended as follows:

1. Page E-2, line 8.

**Strike:** "407,429,061 401,495,784" (general fund fiscal 2000 and fiscal 2001)

**Insert:** "407,488,000 401,742,000" (general fund fiscal 2000 and fiscal 2001)

2. Page E-2, line 24.

**Strike:** "32,974,268 33,468,883" (general fund fiscal 2000 and fiscal 2001)

**Insert:** "33,280,000 34,740,000" (general fund fiscal 2000 and fiscal 2001)

Amendment **failed** as follows:

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

Total 20

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

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

8. Senator L. Grosfield moved that Section E of HB 2 be amended as follows:

1. Page E-5, following line 25.

**Insert:** "It is the intent of the legislature that the department of commerce transfer lodging facilities use tax revenue from the Montana promotion program to the general fund each year in an amount equal to the appropriation of cultural and aesthetics trust interest earnings to the Montana arts council in [this act]."

Amendment **failed** as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Crismore, Doherty, Ellingson, Franklin, Grosfield, Taylor, Toews, Waterman, Wilson, Mr. President.

Total 15

Nays: Beck, Berry, Cole, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Thomas, Wells.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

9. Senator L. Grosfield moved that Section E of HB 2 be amended as follows:

1. Page E-8.

**Following:** line 19

**Insert:** "It is the intent of the legislature that the Department of Commerce allocate \$60,000 each fiscal year of lodging facility use tax revenue to the Historical Society to be used for repair, maintenance, and renovation of the Daly Mansion, Moss Mansion, and Old Governor's Mansion."

Amendment **failed** as follows:



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Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Crismore, Doherty, Eck, Ellingson, Franklin, Grimes, Grosfield, Halligan, Jabs, Jergeson, Lynch, McCarthy, Miller, Shea, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 25

Nays: Beck, Cocchiarella, Cole, DePratu, Devlin, Ekegren, Ellis, Glaser, Hargrove, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Mohl, Nelson, Roush, Sprague, Stang, Swysgood, Taylor, Wells.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator C. Swysgood moved that Section E be closed. Motion carried.

**BOILERPLATE**

Senator C. Swysgood moved that the Boilerplate Section of HB 2 be opened. Motion carried.

Senator C. Swysgood explained the Boilerplate to the committee and then moved that the Boilerplate section be closed. Motion carried.

HB 2 - Senator C. Swysgood moved that HB 2, as amended, be concurred in. Motion carried as follows:

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

Total 47

Nays: Miller, Toews, Wells.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Co-Chairman Halligan moved the Committee of the Whole report be adopted. Senator Jergeson made a substitute motion that **SB 200, Free Conference Committee**, be segregated from the Committee of the Whole Report. Motion **failed** as follows:

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

Total 18

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

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Thereupon, Senator Halligan's motion to adopt the Committee of the Whole report passed.

**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 107, as amended by the House**, passed as follows:

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

Nays: Swysgood.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 122, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Wells, Wilson, Mr. President.  
Total 49

Nays: Bishop.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 137, as amended by the House**, passed as follows:

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

Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 154, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, 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, Wells, Mr. President.

Total 47

Nays: Bishop, Miller, Wilson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 243, Conference Committee Report No. 1**, adopted 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, Wells, Mr. President.

Total 48

Nays: Bartlett, Wilson.  
Total 2

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 356, as amended by the House**, passed as follows:

Yeas: Beck, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harp, Jabs, Jergeson, Keating, Mahlum, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Mr. President.  
Total 32

Nays: Bartlett, Berry, Bishop, Devlin, Glaser, Grimes, Hertel, Holden, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Toews, Waterman, Wells, Wilson.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 367, as amended by the House**, passed as follows:

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

Nays: Wilson.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 416, as amended by the House**, passed as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 20** adopted as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Mr. President.  
Total 38

Nays: Bartlett, Bishop, Cocchiarella, Doherty, Ellingson, Franklin, Grimes, Halligan, Nelson, Stang, Tester, Wilson.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MESSAGES FROM THE GOVERNOR**

March 30, 1999

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

Dear Senator Crippen:

Please be informed that I have signed **Senate Bill 40** sponsored by Senator D. Grimes, **Senate Bill 70** sponsored by Senator S. Stang, **Senate Bill 100** sponsored by Senator J. Harp, **Senate Bill 103** sponsored by Senator E. Franklin, **Senate Bill 235** sponsored by Senator Wells et al., **Senate Bill 288** sponsored by Senator L. Nelson, **Senate Bill 364** sponsored by Senator D. Eck et al., **Senate Bill 374** sponsored by Senator J. Lynch et al., **Senate Bill 457** sponsored by Senator V. Cocchiarella, and **Senate Bill 466** sponsored by Senator M. Halligan on March 30, 1999.

Sincerely,

MARC RACICOT  
Governor

**MESSAGES FROM THE OTHER HOUSE**

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Senate bills concurred in and returned to the Senate: 3/31/1999

**SB 190**, introduced by Halligan  
**SB 423**, introduced by D. Mahlum  
**SB 463**, introduced by J. Wells  
**SB 470**, introduced by D. Eck  
**SB 477**, introduced by D. Mahlum  
**SB 481**, introduced by F. Thomas

Senate joint resolution concurred in and returned to the Senate: 3/31/1999

**SJR 4**, introduced by T. Beck

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/31/1999

**SB 33**, introduced by F. Thomas  
**SB 94**, introduced by L. Nelson  
**SB 134**, introduced by D. Mahlum  
**SB 195**, introduced by Lynch  
**SB 217**, introduced by Miller  
**SB 219**, introduced by Waterman  
**SB 229**, introduced by F. Thomas  
**SB 241**, introduced by Doherty  
**SB 258**, introduced by D. Grimes  
**SB 269**, introduced by Toews  
**SB 292**, introduced by A. Bishop  
**SB 305**, introduced by F. Thomas  
**SB 331**, introduced by D. Shea  
**SB 401**, introduced by R. Holden  
**SB 434**, introduced by M. Waterman  
**SB 505**, introduced by D. Grimes

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments: 3/31/1999

**SJR 10**, introduced by M. Cole

Senate bills **not** concurred in and returned to the Senate: 4/1/1999

**SB 272**, introduced by V. Cocchiarella  
**SB 503**, introduced by J. Ellingson

House bills passed and transmitted to the Senate for concurrence: 3/31/1999

**HB 240**, introduced by E. Swanson  
**HB 260**, introduced by D. Mood  
**HB 350**, introduced by M. Brainard  
**HB 678**, introduced by Story

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**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 8:00 a.m., Thursday, April 1, 1999. Motion carried.

Senate adjourned at 5:48 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate