

**SENATE JOURNAL
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana
April 15, 1999

Senate Chambers
State Capitol

Senate convened at 10:00 a.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Mahlum, Toews and Wilson, excused. Quorum present.

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/15/1999
Correctly printed: HB 350, HB 515, HB 540, HB 670, HB 674, HB 678, HJR 35.
Correctly engrossed: HB 516.
Examined by the sponsor and found to be correct: SB 170, SR 5, SR 6.
Signed by the President at 11:00 a.m., April 15, 1999: SB 359, SB 472, SB 476, SB 486, SB 490, SB 502, SB 505,
SB 533, SJR 7, SJR 9, SJR 10.

MESSAGES FROM THE GOVERNOR

April 14, 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 107** sponsored by Senator D. Mahlum, **Senate Bill 153** sponsored by Senator Halligan, and **Senate Bill 330** sponsored by Senator A. Mohl et al. on April 14, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate: 4/14/1999

SB 424, introduced by V. Cocchiarella
SB 532, introduced by W. McNutt

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

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4/15/1999
SB 454, introduced by T. Beck
SB 487, introduced by G. Roush

Free conference committee report #1 adopted: 4/15/1999

SB 274, introduced by B. Wilson

HB 478 - The House **dissolved** the Conference committee on Senate amendments to HB 478, and authorized the Speaker to appoint the following **free** conference committee to confer on HB 478:
4/15/1999
Representative Anderson, Chairman
Representative Golie
Representative Wagner

Senate amendments to House bills concurred in: 4/15/1999

HB 132, introduced by B. Kasten
HB 150, introduced by R. Menahan
HB 155, introduced by B. Pavlovich
HB 180, introduced by L. Soft
HB 186, introduced by R. Peck
HB 187, introduced by J. Tropila
HB 189, introduced by J. Barnett
HB 192, introduced by J. Andersen
HB 203, introduced by J. Shockley
HB 204, introduced by J. Shockley
HB 207, introduced by R. Johnson
HB 215, introduced by D. Ewer
HB 221, introduced by C. Trexler
HB 255, introduced by S. Anderson
HB 257, introduced by C. Younkin
HB 282, introduced by R. Johnson
HB 301, introduced by M. McCann
HB 321, introduced by D. Fuchs
HB 339, introduced by P. Sliter
HB 366, introduced by B. Kasten
HB 379, introduced by B. Tash
HB 395, introduced by T. Facey
HB 396, introduced by G. Masolo
HB 399, introduced by M. Guggenheim
HB 404, introduced by B. Thomas
HB 405, introduced by D. Fuchs
HB 435, introduced by P. Clark
HB 444, introduced by B. Thomas
HB 461, introduced by B. Simon
HB 486, introduced by S. Anderson
HB 502, introduced by K. Oh

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HB 504, introduced by K. Ohs
HB 526, introduced by J. Mangan

MOTIONS

HB 470 - Senator Harp moved that the Conference Committee on HB 470 be **dissolved** and that a **Free** Conference Committee be appointed. Motion carried. The President appointed the following members:

Senator Swysgood, Chairman
Senator Keenan
Senator Waterman

**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 Berry in the chair.

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

SB 111 - House Amendments - Senator DePratu moved House amendments to SB 111 be **not** concurred in. Motion carried unanimously.

SB 220 and SB 302 - Senator Miller requested that SB 220 and SB 302 be placed at the bottom of the second reading board this day due to Senator Toews' absence. Request granted.

SB 164 - House Amendments - Senator K. Mesaros moved House amendments to SB 164 be concurred in. Motion carried unanimously.

Senator Mahlum present at this time.

SB 492 - House Amendments - Senator L. Grosfield moved House amendments to SB 492 be concurred in. Motion carried unanimously.

Senator Shea excused at this time.

SJR 16 - House Amendments - Senator K. Miller moved House amendments to SJR 16 be concurred in. Motion carried as follows:

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

Total 32

Nays: Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Grosfield, Halligan, Jergeson, Lynch, McCarthy, Roush, Stang, Tester.

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Total 15

Absent or not voting: None.

Total 0

Excused: Shea, Toews, Wilson.

Total 3

Senator Toews present at this time.

SB 59 - Conference Committee Report No. 1 - Senator J. Wells moved the Conference Committee report to SB 59 be adopted. Motion carried unanimously.

SB 195 - Conference Committee Report No. 1 - Senator J. Lynch moved the Conference Committee report to SB 195 be adopted. Motion carried with Senators Swysgood, Grimes and Mohl voting nay.

SB 243 - Conference Committee Report No. 2 - Senator F. Thomas moved the Conference Committee report to SB 243 be adopted. Motion carried unanimously.

SB 301 - Conference Committee Report No. 1 - Senator T. Keating moved the Conference Committee report to SB 301 be adopted. Motion carried unanimously.

SB 338 - Conference Committee Report No. 1 - Senator K. Mesaros moved the Conference Committee report to SB 338 be adopted. Motion carried with Senator Cocchiarella voting nay.

SB 406 - Free Conference Committee Report No. 1 - Senator S. Doherty moved the Free Conference Committee report to SB 406 be adopted. Motion carried unanimously.

SB 482 - Free Conference Committee Report No. 1 - Senator K. Mesaros moved the Free Conference Committee report to SB 482 be adopted. Motion carried unanimously.

HB 57 - Conference Committee Report No. 1 - Senator B. Glaser moved the Conference Committee report to HB 57 be adopted. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Mahlum, McNutt, Mesaros, Mohl, Sprague, Swysgood, Taylor, Waterman, Mr. President.

Total 29

Nays: Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Grimes, Jergeson, Keating, Keenan, Lynch, McCarthy, Miller, Nelson, Roush, Stang, Tester, Thomas, Toews, Wells.

Total 19

Absent or not voting: None.

Total 0

Excused: Shea, Wilson.

Total 2

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HB 129, requiring 2/3 vote of each house - Conference Committee Report No. 1 - Senator R. Holden moved the Conference Committee report to HB 129 be adopted. Motion received the following vote:

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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Sprague, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.
Total 44

Nays: Devlin, Stang, Swysgood.
Total 3

Absent or not voting: Lynch.
Total 1

Excused: Shea, Wilson.
Total 2

HB 302 - Conference Committee Report No. 1 - Senator B. Crismore moved the Conference Committee report to HB 302 be adopted. Motion carried with Senators Mohl and Swysgood voting nay.

Senators DePratu, Taylor and McNutt excused at this time.

HB 315 - Free Conference Committee Report No. 1 - Senator J. Wells moved the Free Conference Committee report to HB 315 be adopted. Motion **failed** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Jergeson, Lynch, Miller, Roush, Sprague, Stang, Thomas, Waterman, Wells, Mr. President.
Total 22

Nays: Christiaens, Cole, Crismore, Devlin, Ekegren, Ellis, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McCarthy, Mesaros, Mohl, Nelson, Swysgood, Tester, Toews.
Total 23

Absent or not voting: None.
Total 0

Excused: DePratu, McNutt, Shea, Taylor, Wilson.
Total 5

HB 315 - Free Conference Committee Report No. 1 - Senator T. Keating moved that the Free Conference Committee report to HB 315 be **not** adopted. After clarification, Senator Keating withdrew his motion.

HB 506 - Free Conference Committee Report No. 1 - Senator J. Hertel moved the Free Conference Committee report to HB 506 be adopted. Motion carried unanimously.

Senators McNutt and DePratu present at this time.

HB 528 - Conference Committee Report No. 1 - Senator P. Ekegren moved the Conference Committee report to

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HB 528 be adopted. Motion **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Jabs, Jergeson, Lynch, McCarthy, Roush, Stang, Tester, Waterman, Mr. President.
Total 23

Nays: Beck, Berry, Bishop, Crismore, DePratu, Devlin, Glaser, Grimes, Harp, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Nelson, Sprague, Swysgood, Thomas, Toews, Wells.
Total 24

Absent or not voting: None.
Total 0

Excused: Shea, Taylor, Wilson.
Total 3

Senator Devlin assumed the chair.
Senators Shea and Taylor present at this time.

HB 557 - Conference Committee Report No. 1 - Senator D. Berry moved the Conference Committee report to HB 557 be adopted. Motion carried unanimously.

Senator Berry resumed the chair.

HJR 5 - Conference Committee Report No. 1 - Senator J. Wells moved the Conference Committee report to HJR 5 be adopted. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Franklin, Glaser, Grimes, 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 38

Nays: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Grosfield, McCarthy, Shea, Waterman.
Total 11

Absent or not voting: None.
Total 0

Excused: Wilson.
Total 1

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

MOTIONS

SB 111 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with

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a like committee from the House to confer on SB 111. Motion carried. The President appointed the following members:

Senator DePratu, Chairman
Senator Devlin
Senator Halligan

HB 315- Free Conference Committee Report No. 1 - Senator J. Wells moved that the Senate reconsider its action in failing to adopt the Free Conference Committee Report on HB 315, on second reading this legislative day. Senator Jergeson stated the motion wasn't needed, that HB 315 would still be on second reading. Senator Keating reminded the body that he wanted to move to reject the committee report. Senator Lynch stated dissolving the conference committee would have merit, but the idea was rejected. Senator Harp said the HB 315 was just as it was after second reading, and that it would remain on the second reading board.

Majority Leader Harp moved that the Senate stand in recess until the hour of 3:00 p.m. this day. Motion carried.

Senate recessed at 11:37 a.m.

Senate resumed at 3:00 p.m.

Roll Call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

Signed by the Secretary of Senate at 2:45 p.m., April 15, 1999: SB 359, SB 472, SB 476, SB 486, SB 490, SB 502, SB 505, SB 533.

Signed by the Speaker at 1:46 p.m., April 15, 1999: SB 117, SB 151, SB 167, SB 178, SB 233, SB 241, SB 251, SB 269, SB 273, SB 292, SB 293, SB 294, SB 331, SB 345.

Delivered to the Governor for his approval at 2:15 p.m., April 15, 1999: SB 117, SB 151, SB 167, SB 178, SB 233, SB 241, SB 251, SB 269, SB 273, SB 292, SB 293, SB 294, SB 331, SB 345.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE
on Senate Bill 499
Report No. 1, April 15, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 499** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 499** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

Strike: "REMOVING CERTAIN EXCLUSIONS FOR SURFACE WATER DISCHARGE PERMITS:"

2. Page 9, line 20.

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Following: "exclusions"

Insert: "-- ground water exclusions"

3. Page 10, line 4.

Following: "parameters."

Insert: "Discharge to surface water of ground water that is not altered from its ambient quality does not constitute a discharge requiring a permit under this part if:

(i) the discharge does not contain industrial waste, sewage, or other wastes;

(ii) the water discharged does not cause the receiving waters to exceed applicable standards for any parameters; and

(iii) to the extent that the receiving waters in their ambient state exceed standards for any parameters, the discharge does not increase the concentration of the parameters."

4. Page 11.

Following: line 19

Insert: "NEW SECTION. Section 8. Saving clause. (1)[This act] does not affect a right to conduct a construction activity in accordance with a short-term exemption granted pursuant to 75-5-308 before [the effective date of this act].

(2) A discharge from a facility or source that discharged to surface water prior to [the effective date of this act] and that was exempt from 75-5-303 pursuant to 75-5-317(2)(e), (2)(k), or (2)(p) or 75-5-401(1)(b) as those sections read prior to [the effective date of this act] continues to be exempt from 75-5-303 as long as the facility or source has not since [the effective date of this act] been expanded in a manner that increases the volume of discharge or the concentration or nature of pollutants in the discharge."

Insert: "NEW SECTION. Section 9. 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 section

For the Senate:

Grosfield, Chairman
Cole
McCarthy

For the House:

Ohs, Chairman
Eggers
Tash

MESSAGES FROM THE OTHER HOUSE

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

4/15/1999

SB 184, introduced by Grosfield
SB 265, introduced by D. Grimes
SB 308, introduced by J. Bohlinger
SB 441, introduced by C. Christiaens
SB 530, introduced by A. Bishop

Governor's amendments to House bill concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/15/1999

HB 245, introduced by B. Simon

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MOTIONS

HB 528, Conference Committee Report - Senator P. Ekegren moved that the Conference Committee Report on HB 528 be taken from the second reading board and rereferred to the Conference Committee on HB 528. President Crippen stated that since HB 528 did not have a positive action during second reading this legislative day, he would rule that the conference committee on HB 528 is still in effect. Motion carried as follows:

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

Total 35

Nays: Bartlett, Bishop, Bohlinger, Cocchiarella, Doherty, Ellingson, Franklin, Halligan, Nelson, Sprague, Stang, Tester, Waterman, Wilson, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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

Session 2

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

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

HB 315 - Free Conference Committee Report No. 1 - Senator J. Wells moved the Free Conference Committee report to HB 315 be adopted. Senator T. Keating made a substitute motion that the Free Conference Committee Report No. 1 be **not** adopted. Motion **failed** as follows:

Yeas: Beck, Berry, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Grosfield, Harp, Hertel, Jabs, Keating, Keenan, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Shea, Swysgood, Thomas, Toews, Waterman.

Total 25

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Hargrove, Holden, Jergeson, Lynch, Miller, Nelson, Roush, Sprague, Stang, Taylor, Tester, Wells, Wilson, Mr. President.

Total 25

Absent or not voting: None.

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Total 0

Excused: None.
Total 0

HB 315 - Free Conference Committee Report No. 1 - Senator J. Wells moved that consideration of HB 315- Free Conference Committee Report No. 1 be moved below SB 81 on the second reading board this legislative day. Motion carried.

SB 220 - House Amendments - Senator D. Toews moved House amendments to SB 220 be concurred in. Motion carried unanimously.

SB 302 - House Amendments - Senator D. Toews moved House amendments to SB 302 be concurred in. Motion carried unanimously.

SB 184 - House Amendments - Senator L. Grosfield moved consideration of House amendments to SB 184 be moved to the bottom of the second reading board. Motion carried unanimously.

SB 265 - House Amendments - Senator D. Grimes moved House amendments to SB 265 be concurred in. Motion carried unanimously.

SB 308 - House Amendments - Senator J. Bohlinger moved House amendments to SB 308 be **not** concurred in. Motion carried as follows:

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

Nays: Crismore, Devlin, Glaser, Grimes, Keating, Keenan, Miller, Taylor, Thomas, Toews, Wells.
Total 11

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 441 - House Amendments - Senator C. Christiaens moved House amendments to SB 441 be concurred in. Motion carried unanimously.

SB 454 - House Amendments - Senator T. Beck moved House amendments to SB 454 be concurred in. Motion carried unanimously.

SB 487 - House Amendments - Senator G. Roush moved House amendments to SB 487 be concurred in. Motion carried unanimously.

SB 530 - House Amendments - Senator A. Bishop moved House amendments to SB 530 be concurred in. Motion

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carried unanimously.

SB 356 - Governor's Amendments - Senator A. Mohl moved Governor's amendments to SB 356 be concurred in. Motion carried unanimously.

HB 245 - Governor's Amendments - Senator M. Sprague moved Governor's amendments to HB 245 be concurred in. Motion carried unanimously.

SB 81 - House Amendments - Senator J. Harp moved House amendments to SB 81 be **not** concurred in. Motion carried unanimously.

HB 315 - Free Conference Committee Report No. 1 - Senator J. Wells moved the Free Conference Committee report to HB 315 be adopted. Motion **failed** as follows:

Yeas: Bartlett, Beck, Bohlinger, Christiaens, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Hargrove, Holden, Jergeson, Keenan, Lynch, Miller, Nelson, Roush, Sprague, Stang, Taylor, Tester, Wells, Wilson, Mr. President.

Total 25

Nays: Berry, Bishop, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Grosfield, Harp, Hertel, Jabs, Keating, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Shea, Swysgood, Thomas, Toews, Waterman.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 184 - House Amendments - Senator L. Grosfield moved House amendments to SB 184 be **not** concurred in. Motion carried as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, 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 44

Nays: Christiaens, Cocchiarella, Franklin, Halligan, Miller, Wilson.

Total 6

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

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Crippen in the chair. Chairman Berry moved the Committee of the Whole report be adopted. Report adopted.

MOTIONS

SB 308 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on House Amendments to SB 308. Motion carried. The President appointed the following members:

Senator Bohlinger, Chairman
Senator Beck
Senator Stang

HB 420 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to HB 420. Motion carried. The President appointed the following members:

Senator Keating, Chairman
Senator Crismore
Senator Nelson

HJR 16 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to HJR 16. Motion carried. The President appointed the following members:

Senator Berry, Chairman
Senator Thomas
Senator Wilson

SB 81 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on SB 81. Motion carried. The President appointed the following members:

Senator Harp, Chairman
Senator Keenan
Senator Christiaens

SB 184 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on SB 184. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator Harp
Senator Eck

HB 648 - Senator Harp moved that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on HB 648. Motion carried. The President appointed the following members:

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Senator Cole, Chairman
Senator DePratu
Senator Lynch

HB 269 - Senator Harp moved that the Conference Committee on HB 269 be **dissolved** and the President be authorized to appoint a **Free** Conference Committee. Motion carried. The President appointed the following members:

Senator Miller, Chairman
Senator Grosfield
Senator Halligan

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 566
Report No. 1, April 15, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 566** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 566** (reference copy -- salmon) be amended as follows:

1. Page 4, line 18.

Strike: "RECENT"

2. Page 7, line 6.

Strike: "IN COMPLETE DETAIL,"

For the House:

Brainard, Chairman
Buzzas
Davies

For the Senate:

R. Holden, Chairman
Doherty
Jabs

FREE CONFERENCE COMMITTEE
on Senate Bill 217
Report No. 1, April 15, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 217** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 217** (reference copy -- salmon) be amended as follows:

1. Title, page 1, lines 5 and 6.

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Strike: "A" on line 5

Strike: "EXAMINATION"

Insert: "EXAMINATIONS"

Following: "EXPIRES;"

Insert: "REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO GRANT A WAIVER FROM ALL REQUIREMENTS FOR AN EMPLOYER WHO IS IN COMPLIANCE WITH ALL REGISTERED APPRENTICESHIP PROGRAM STANDARDS AND WHO REQUESTS TO CHANGE TO A ONE-TO-TWO APPRENTICESHIP RATIO"

2. Page 1, line 13.

Following: "allowed"

Insert: "-- ratio waiver"

3. Page 1, line 18.

Following: "electrical"

Insert: "construction or nonexempt"

4. Page 1, line 24.

Strike: "ONCE"

5. Page 1, line 26.

Following: "~~37-68-201~~"

Insert: ", but shall comply with the time restrictions for examinations adopted by the board by rule pursuant to 37-68-201"

6. Page 1, line 27.

Following: line 26

Insert: "(4) Upon request from an employer who is in compliance with all registered apprenticeship program standards, the department of labor and industry shall grant a waiver from the 1 to 3 apprenticeship ratio to a maximum of 1-to-2 ratio. To receive a 1-to-2 ratio waiver, the employer is not required to provide proof of advertising, bidding, journeyman availability, job service orders, and work availability. To receive an apprenticeship waiver that is greater than 1-to-2, an employer is required to provide proof of need as set out by the department."

For the Senate:

K. Miller, Chairman

Toews

Eck (unsigned)

For the House:

Brown, Chairman

Barnhart

Stovall

FREE CONFERENCE COMMITTEE

on House Bill 314

Report No. 1, April 15, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 314** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

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And, recommend that **House Bill 314** (reference copy -- salmon) be amended as follows:

1. Title, line 9 through line 10.

Following: "DEVELOPMENT" on line 9

Strike: "AND IMPROVEMENT"

2. Title, line 12.

Following: "BY"

Strike: "DISALLOWING"

Insert: "DISCOURAGING"

3. Page 2, line 12.

Following: "PROJECT"

Insert: "or the Clark Fork basin hydropower project"

4. Page 2, line 14.

Following: "AGENCIES;"

Strike: "OR"

5. Page 2, line 16.

Following: "ENGINEERS;"

Insert: "; or (e) partnership projects as designated within the park master plan"

6. Page 2, line 17.

Following: "Any"

Strike: "improvements or"

7. Page 2, line 18.

Following: "be"

Strike: "specifically"

8. Page 3, line 7.

Following: "HISTORICAL."

Insert: "natural,"

9. Page 3, line 12.

Following: "of"

Strike: "rock"

10. Page 3, line 20.

Following: "is"

Strike: "not allowed"

Insert: "discouraged"

11. Page 3, line 23 through line 25.

Following: "EXCEPT" on line 23

Strike: remainder of line 23 through "FISHING" on line 25

Insert: "for administrative"

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For the House:

Fuchs, Chairman
Raney
Shockley

For the Senate:

Grosfield, Chairman
Ellingson
Mesaros

FREE CONFERENCE COMMITTEE
on House Bill 374
Report No. 1, April 15, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 374** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 374** (reference copy -- salmon) be amended as follows:

1. Page 1, line 18.

Following: "discretion"

Insert: "and in accordance with the procedure provided in 46-11-201"

2. Page 2, line 15.

Strike: "in district court"

Strike: "the"

3. Page 2, line 16.

Strike: "DISTRICT" through "hearing,"

Insert: "it appears from the affidavit or other evidence supplied by the county attorney"

4. Page 2, line 17.

Strike: " 1 "

Insert: " . "

Strike: "that"

5. Page 2, line 18.

Following: "protection,"

Insert: "Within 30 days after leave to file the information is granted, the district court shall conduct a hearing to determine whether the matter must be transferred back to the youth court, unless the hearing is waived by the youth or by the youth's counsel in writing or on the record. The hearing may be continued on request of either party for good cause. The district court may not transfer the case back to the youth court if the district court finds, by a preponderance of the evidence, that"

6. Page 2, line 20.

Strike: "be filed"

Insert: "remain"

For the House:

Younkin, Chairman

For the Senate:

Bishop, Chairman

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Hurdle
Noennig

Bartlett
Bohlinger

FREE CONFERENCE COMMITTEE
on House Bill 478
Report No. 1, April 15, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 478** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 478** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "SOLD"

Insert: "IF CERTAIN CONDITIONS ARE MET"

2. Title, line 7.

Strike: "ARE"

Insert: "MAY BE"

Strike: "DIRECTING"

Insert: "ALLOWING"

3. Title, line 8.

Strike: "ALLOWING"

4. Title, line 9.

Strike: "PROVIDING FOR A 3-DAY NONRESIDENT UPLAND GAME BIRD LICENSE;"

5. Title, line 10.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

6. Page 1, line 15.

Strike: "disposition of license revenue"

Insert: "authority to limit licenses"

7. Page 1, line 20 through line 25.

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

Insert: "(2)(a) After providing public notice and holding a public hearing, the commission may set the number of Class B-1 nonresident upland game bird licenses to be sold in any license year and institute a drawing system to award the licenses, provided that the commission has analyzed the impacts on landowners, outfitters, bird populations, local communities, local economies, private property rights, and hunting access opportunities for resident and nonresident upland game bird hunters.

(b) If the commission establishes a limit on the number of Class B-1 nonresident upland game bird licenses to be sold as authorized in subsection (2)(a), the commission shall provide documentation of the analysis required in subsection (2)(a) and shall provide justification for its decision to establish a limit.

(c) The commission may not set aside any number of licenses issued under this section for the clients of

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licensed outfitters.

(3) If the commission establishes a limit on the number of licenses to be sold as authorized in subsection (2)(a), the department shall prepare a report for the 58th legislature that tracks upland game bird populations and numbers of nonresident licenses sold. The report must also include the results of the analysis required under subsection (2)(a)."

8. Page 1, line 26.

Following: "~~(4)~~"

Strike: "THE"

Insert: "If the commission sets limits as authorized in subsection (2), the"

Strike: "SHALL"

Insert: "may"

9. Page 1, line 27.

Strike: "REQUIRE"

Insert: "clarify"

10. Page 1, line 28.

Following: "DRAWING"

Insert: "must still"

Strike: "87-2-402 OR BY [SECTION 2]"

Insert: "this section"

11. Page 1, line 30 through page 2, line 4.

Strike: section 2 in its entirety

Renumber: subsequent section

12. Page 2.

Following: line 6

Insert: "NEW SECTION. Section 3. Termination. [This act] terminates January 1, 2003."

For the House:

Anderson, Chairman (unsigned)

Golie

Wagner

For the Senate:

Mesaros, Chairman

T. Beck

Doherty

MESSAGES FROM THE OTHER HOUSE

SB 111 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **free** conference committee to meet with a like committee from the Senate to confer on SB 111:

4/15/1999

Representative Hibbard, Chairman

Representative Harrington

Representative Somerville

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

4/15/1999

SB 430, introduced by G. Roush

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House joint resolutions passed and transmitted to the Senate for concurrence:

4/15/1999

HJR 37, introduced by Hurdle

HJR 38, introduced by Barnhart

FIRST READING AND COMMITMENT OF BILLS

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

HJR 37, introduced by Hurdle, Barnhart, Berry, Bohlinger, Brown, Buzzas, Christiaens, Cobb, Eggers, Facey, Gillan, Guggenheim, Gutsche, Hibbard, Juneau, Shockley, L. Soft, Squires, Stovall, C. Williams, Younkin, referred to Judiciary.

HJR 38, introduced by Barnhart, Mercer, referred to Judiciary.

MOTIONS

Majority Leader Harp moved that the Senate stand in recess until the hour of 4:39 p.m. this legislative day. Motion carried.

Senate recessed at 4:09 p.m.

Senate reconvened at 4:40 p.m.

Roll Call. All members present. Quorum present.

FIRST READING AND COMMITMENT OF BILLS

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

SR 7, introduced by M. Cole, Hargrove, Tester, J. Wells, Wilson (by request of Senate State Administration Standing Committee), referred to State Administration.

MOTIONS

SB 370 - Senator Harp moved that the rules of the Senate be temporarily suspended to allow the late return of SB 370, as amended by the House, a revenue bill, back into the Senate. 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, Wells, Wilson, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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 33, Free Conference Committee Report No. 1, adopted as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 172, 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

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SB 192, 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 229, Free Conference Committee Report No. 1, adopted as follows:

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

Total 39

Nays: Bartlett, Christiaens, Ellingson, Franklin, Glaser, Halligan, Jergeson, Nelson, Roush, Stang, Wilson.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 334, Conference Committee Report No. 1, adopted as follows:

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

Total 48

Nays: Nelson, Toews.

Total 2

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

SB 342, as amended by the House, passed as follows:

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

Total 45

Nays: Devlin, Grosfield, Miller, Nelson, Toews.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 458, Free Conference Committee Report No. 1, adopted as follows:

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

Total 47

Nays: Devlin, Swysgood, Toews.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 460, 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, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wilson, Mr. President.

Total 46

Nays: Glaser, Keenan, Nelson, Wells.

Total 4

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Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 100, Free Conference Committee Report No. 1, adopted 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Devlin, Keenan, Miller, Mohl, Nelson, Swysgood.
Total 6

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 350, as amended by the Senate, concurred in as follows:

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

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

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 459, Conference Committee Report No. 1, adopted as follows:

Ayes: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Ekegren, 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 46

Nays: Bartlett, Eck, Ellingson, Wilson.

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Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 515, as amended by the Senate, concurred in as follows:

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

Total 28

Nays: Bartlett, Christiaens, Crismore, Doherty, Eck, Ekegren, Ellingson, Franklin, Halligan, Jergeson, Keating, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Stang, Tester, Toews, Waterman, Wilson.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 516, as amended by the Senate, failed as follows:

Yeas: Glaser, Grosfield, Harp, Mesaros, Miller, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.

Total 11

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

Total 39

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 540, as amended by the Senate, concurred in as follows:

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

Total 27

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Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Halligan, Holden, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Stang, Tester, Toews, Waterman, Wilson.
Total 23

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 670, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Devlin, Doherty, Eck, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Jabs, Jergeson, Lynch, McCarthy, Mohl, Nelson, Roush, Shea, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.
Total 32

Nays: Beck, Bishop, Crismore, DePratu, Ekegren, Hertel, Holden, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Sprague, Swysgood, Taylor, Toews, Wells.
Total 18

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 674, 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, McCarthy, McNutt, Mesaros, Miller, Mohl, Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 43

Nays: Beck, Devlin, Keenan, Mahlum, Nelson, Swysgood, Taylor.
Total 7

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HB 678, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague,

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Stang, Swysgood, Taylor, Tester, Thomas, Toews, Wells, Wilson, Mr. President.
Total 47

Nays: Doherty, Ellingson, Waterman.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 35, 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, 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, Wilson, Mr. President.
Total 47

Nays: Glaser, Grimes, Miller.
Total 3

Absent or not voting: None.
Total 0

Excused: None.
Total 0

MESSAGES FROM THE GOVERNOR

April 15, 1999

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

The Honorable John Mercer
Speaker of the House
State Capitol
Helena MT 59620

Dear President Crippen and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 361, "**AN ACT TRANSFERRING CERTAIN REGULATORY**

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AUTHORITY OVER GAME FARMS FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO THE DEPARTMENT OF LIVESTOCK; REVISING DEFINITIONS AND TERMINOLOGY RELATED TO GAME FARMS AND GAME FARM ANIMALS TO MEAN ALTERNATIVE LIVESTOCK RANCHES AND ALTERNATIVE LIVESTOCK; INCREASING ANNUAL LICENSE RENEWAL FEES; REVISING LICENSING REQUIREMENTS, REQUIREMENTS FOR REMOVAL OF GAME ANIMALS FROM ALTERNATIVE LIVESTOCK RANCHES, INSPECTION REQUIREMENTS, PENALTIES, RULEMAKING REQUIREMENTS, AND PROVISIONS REGARDING INGRESS AND EGRESS; RENAMING THE GAME FARM ADVISORY COUNCIL AS THE ALTERNATIVE LIVESTOCK ADVISORY COUNCIL AND REVISING COUNCIL DUTIES WITH REGARD TO REVIEW OF LICENSE APPLICATIONS; REQUIRING ADOPTION OF A PROGRAMMATIC REVIEW PROCESS TO ASSESS ENVIRONMENTAL IMPACTS ASSOCIATED WITH A NEW ALTERNATIVE LIVESTOCK RANCH; AMENDING SECTIONS 81-1-102, 81-2-102, 81-2-702, 81-3-102, 81-9-217, 87-4-406, 87-4-407, 87-4-408, 87-4-409, 87-4-410, 87-4-411, 87-4-412, 87-4-413, 87-4-414, 87-4-415, 87-4-416, 87-4-417, 87-4-418, 87-4-420, 87-4-422, 87-4-423, 87-4-424, 87-4-426, 87-4-427, 87-4-428, AND 87-4-432, MCA; REPEALING SECTION 87-4-419, MCA; AND PROVIDING EFFECTIVE DATES,” for the following reasons.

As introduced, Senate Bill No. 361 proposed to transfer all authority over the alternative livestock industry from the Department of Fish, Wildlife, and Parks (“FWP”) to the Department of Livestock (“DOL”). However, concerns by members of the Senate about increased liability and the financial constraints of DOL resulted in the bill being amended.

While we have concerns about many aspects of the bill, unfortunately, the amended bill creates even more uncertainty in the two departments’ ability to administer this program. It is flawed because it places authority with one agency and responsibility with another, thereby ensuring that neither Department can do the job in a truly satisfactory manner.

A central issue in the environmental review and licensing of game farms is how to construct a game-proof fence as required by statute. Under Senate Bill No. 361, DOL would be responsible for reviewing compliance with the fencing requirements of the environmental documents in order to establish whether there is a basis for granting, denying or issuing a license with stipulations—but FWP makes the final licensing decision. Such a process is not in keeping with my understanding of how an efficient, cost-effective and predictable licensing system should operate.

The same problem exists with the transfer of record keeping. FWP has revoked the licenses of several of those within the industry for stealing public wildlife. The prosecution of these thefts was based upon records and reports. Under Senate Bill No. 361, DOL is responsible for record keeping, but doesn’t have the authority to revoke a license; FWP has the authority to revoke a license, but doesn’t have the record keeping information that in the past has been a basis for license revocations.

During debate on this bill and during discussions with representatives of the alternative livestock industry, legitimate issues were raised regarding the administration of the existing program. The majority of the issues raised, however, are management issues that can be addressed by the Departments without this legislation.

The amendments I am proposing strike portions of the bill referenced above. With these amendments, the bill retains provisions allowing for the completion of a programmatic environmental impact statement and an increased role of the Advisory Council.

For these reasons I am returning Senate Bill No. 361 with proposed amendments.

Sincerely,

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MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO SENATE BILL 361**

1. Title, lines 9 through 11.
Following: the second "ACT" on line 9
Strike: "TRANSFERRING" on line 9 through "LIVESTOCK;" on line 11
2. Title, lines 14 and 15.
Following: "RANCHES," on line 14
Insert: "AND"
Strike: "INSPECTION" on line 14 through "PENALTIES," on line 15
3. Title, lines 15 and 16.
Following: the second "REQUIREMENTS" on line 15
Strike: ", AND" on line 15 through "EGRESS" on line 16
4. Title, line 22.
Following: "87-4-418,"
Insert: "87-4-419,"
5. Title, line 23.
Following: "AND"
Strike: "REPEALING SECTION 87-4-419, MCA;"
6. Page 1, line 30 through page 2, line 3.
Strike: "Transferral" on page 1, line 30 through "." on line page 2, line 3
7. Page 10, line 16.
Following: "has"
Insert: "primary"
8. Page 10, line 17.
Following: "licensing,"
Insert: "reports, recordkeeping, exterior fencing,"
9. Page 10, line 19.
Following: "87-4-410,"
Strike: "AND [SECTION 28(8)]"
10. Page 10, line 22.
Following: "has"
Insert: "primary"
11. Page 10, line 26.
Strike: "REPORTS AND RECORDKEEPING, EXTERIOR FENCING,"

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12. Page 11, line 17.

Following: "agent;"

Strike: "and"

13. Page 11, line 19

Following: "corporation;"

Insert: "; and

(j) information demonstrating that the applicant is responsible"

14. Page 12, lines 4 and 5.

Following: "and" on line 4

Strike: "DEPARTMENT" on line 4 through "LIVESTOCK" on line 5

15. Page 13.

Following: line 9

Insert: "(2) In addition to the fees assessed under subsection (1), the department shall charge applicants a fee of \$4 an acre based on the total number of acres indicated in the application for license. In cases of an application for a license modification, the fee applies only if an acreage expansion is proposed."

Renumber: subsequent subsections

16. Page 13, line 18.

Following: "SUBSECTION (1)"

Insert: "and all of the fees collected pursuant to subsection (2)"

17. Page 13, line 21.

Strike: "(2)"

Insert: "(3)"

18. Page 14, line 12.

Following: "department"

Strike: "AND THE DEPARTMENT OF LIVESTOCK"

19. Page 14, lines 14 and 15.

Following: "department"

Strike: "OF" on line 14 through "LIVESTOCK" on line 15

20. Page 14, lines 18 through 20.

Strike: subsection (3) in its entirety

21. Page 16, line 8.

Following: "(2)"

Insert: "(a)"

22. Page 16.

Following: line 10

Insert: "(b) A copy of the certificate of inspection must be provided by the department of livestock to the department within 10 days of inspection."

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23. Page 17, lines 5 and 6.

Strike: “ ” on line 5 through “LIVESTOCK” on line 6

24. Page 17, line 17.

Page 17, line 21.

Page 17, line 23.

Page 17, line 24.

Page 19, line 6.

Page 19, line 8.

Page 20, line 27.

Strike: “OF LIVESTOCK”

25. Page 17, lines 27 through 30.

Strike: subsection (4) in its entirety

26. Page 18.

Following: line 5

Insert: “Section 20. Section 87-4-419, MCA, is amended to read:” **87-4-419. Escape from game farm -- effect.**

(1) If ~~a game farm~~ an alternative livestock animal escapes from ~~a game farm~~ an alternative livestock ranch, the ~~game farm~~ alternative livestock licensee shall immediately notify the department of its escape and shall make every reasonable effort to recapture it. If the escaped animal cannot be recaptured within a reasonable time, the department may kill the animal. If recapture or killing of the animal is unsuccessful within a reasonable time, the animal becomes the property of the state.

(2) The department shall by rule adopt a definition of "reasonable time", as used in this section, taking into consideration specific seasonal issues related to breeding and disease.”

Renumber: subsequent sections

27. Page 18, line 14.

Page 18, line 18.

Following: “HAS”

Insert: “primary”

28. Page 18, line 14.

Following: “JURISDICTION”

Insert: “and to coordinate regulation of alternative livestock ranches with the department of livestock”

29. Page 18, line 18.

Following: “JURISDICTION”

Insert: “and to coordinate regulation of alternative livestock ranches with the department of fish, wildlife and parks”

30. Page 18, lines 19 through 25.

Strike: subsection (3) in its entirety

31. Page 19, lines 9 and 10.

Strike: “UPON” on line 9 through “LIVESTOCK” on line 10

32. Page 19, line 11.

Following: “(4)”

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Insert: "(a)"

33. Page 19.

Following: line 17

Insert: "(b) The department, when it is determined to be necessary by the state veterinarian appointed pursuant to section 81-1-301, MCA, may require that diseased or potentially diseased alternative livestock be quarantined or destroyed."

34. Page 19, line 28.

Following: "department"

Insert: "of livestock"

35. Page 20, lines 3 and 4.

Strike: "game" on line 3 and "farming" on line 4

Insert: "alternative livestock ranching"

36. Page 20, line 9.

Strike: "IF REQUESTED, COPIES"

Insert: "Copies"

37. Page 20, lines 14 and 15.

Following: "rules"

Strike: "--" on line 14 through "FEES" on line 15

38. Page 21, line 2.

Following: "location;"

Strike: "and"

39. Page 21, line 3.

Following: "(c)"

Insert: "it is demonstrated that the applicant or the applicant's principal manager has the necessary skills to properly care for alternative livestock or intends to employ a person who has those necessary skills; and
(d)"

40. Page 22, lines 12 through 14.

Strike: subsection (6) in its entirety

Renumber: subsequent subsection

41. Page 23, line 7.

Strike: "significantly"

42. Page 23, line 9.

Strike: "substantially"

43. Page 24, lines 6 through 9.

Strike: subsection (5) in its entirety

44. Page 25, line 14 through page 27, line 1.

Strike: section 28 in its entirety

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Renumber: subsequent sections

45. Page 27, line 4.

Following: "July 1"

Strike: "2000"

Insert: "2001"

46. Page 27, line 16.

Following: "July 1"

Strike: "2000"

Insert: "2001"

47. Page 27, lines 19 through 23.

Strike: subsection (5) in its entirety

48. Page 27, line 25.

Strike: section 30 in its entirety

Renumber: subsequent sections

49. Page 28, line 4.

Following: "appropriate"

Strike: "sufficient money"

Insert: "\$134,000 to the department of fish, wildlife and parks and \$67,050 to the department of livestock"

50. Page 28, line 15.

Following: the second "(2)"

Strike: " "

Insert: "and"

Following: "(3)"

Strike: ", AND (5)"

MOTIONS

SB 334 - Senator T. Beck moved he be allowed to change his vote on SB 334, third reading this legislative day, from nay to yea. Motion carried.

HB 515 - Senator B. DePratu moved he be allowed to change his vote on HB 515, third reading this legislative day, from nay to yea. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Senator Thomas acknowledged the Senate pages and noted that two of the pages would be leaving early, and gave a brief overview of their future plans and thanked them for serving in the Senate.

Majority Leader Harp moved that the Senate adjourn until 10:00 a.m., Friday, April 16, 1999. Motion carried.

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Senate adjourned at 5:12 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate