

**SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana
April 16, 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 Devlin, Grosfield and Stang, excused. Quorum present.

Senators Devlin, Grosfield and Stang present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/16/1999
Correctly printed: SR 7.
Correctly enrolled: SB 10, SB 20, SB 54, SB 79, SB 113, SB 169, SB 274, SB 424, SB 500, SB 532.
Signed by the Speaker at 7:40 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.
Examined by the sponsor and found to be correct: SB 10, SB 20, SB 54, SB 79, SB 113, SB 169, SB 274, SB 424, SB 500, SB 532.
Delivered to the Secretary of State at 9:30 a.m., April 16, 1999: SJR 7, SJR 9, SJR 10.
Delivered to the Governor for his approval at 9:00 a.m., April 16, 1999: SB 359, SB 472, SB 476, SB 486, SB 490, SB 502, SB 505, SB 533.

JUDICIARY (Grosfield, Chairman): 4/16/1999
HJR 37, be concurred in. Report adopted.
HJR 38, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to Senate Bill 205
Report No. 1, April 16, 1999

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 205** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 205** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 13.

Strike: "EXCLUDING FUEL SOLD TO THE FEDERAL DEFENSE FUEL SUPPLY CENTER;"

2. Title, page 1, line 15.

Following: "RECEIVE;"

Insert: "INCREASING BY 1 CENT THE CREDIT OR REFUND THAT A REFINERY OR DISTRIBUTOR SELLING CERTAIN TYPES OF JET FUEL TO A FEDERAL DEFENSE FUEL SUPPLY CENTER IS ENTITLED TO RECEIVE;"

3. Page 1, line 25 through line 26.

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Strike: "OTHER" on line 25 through "CENTER," on line 26

4. Page 7, line 5 through page 9, line 10.

Strike: section 3 in its entirety

Insert: "**Section 3.** Section 15-70-221, MCA, is amended to read:

"15-70-221. (Temporary) Refund or credit authorized. (1) A person who purchases and uses any gasoline on which the Montana gasoline license tax has been paid for denaturing alcohol to be used in gasohol, for operating or propelling stationary gasoline engines or tractors used off the public highways and streets, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state is allowed a refund of the amount of tax paid directly or indirectly on the gasoline. The refund may not exceed the tax paid or to be paid to the state. Except as provided in subsection (5) or (6), a refund is not allowed for the tax per gallon upon aviation fuel allocated to the department of transportation by 67-1-301.

(2) A distributor who pays the gasoline license tax to this state erroneously is allowed a credit or refund of the amount of tax paid.

(3) (a) A distributor is entitled to a credit for the tax paid to the department on those sales of gasoline with a tax liability of \$200 or greater for which the distributor has not received consideration from or on behalf of the purchaser and for which the distributor has not forgiven any liability. The distributor may not have declared the accounts of the purchaser worthless more than once during a 3-year period, and the distributor must have claimed those accounts as bad debts for federal income tax purposes.

(b) If a credit has been granted under this subsection (3), any amount collected on the accounts that were declared worthless must be reported to the department and the tax due must be prorated on the collected amount and must be paid to the department.

(c) The department may require a distributor to submit periodic reports listing accounts that are delinquent for 90 days or more.

(4) A person who purchases and exports for sale, use, or consumption outside Montana gasoline on which the Montana gasoline tax has been paid is entitled to a credit or refund of the amount of tax paid unless the person is not licensed and is not paying the tax to the state the fuel is destined for. The credit or refund will be made upon completion of the information reports required under 15-70-209 and presentation to the department of proof of delivery outside Montana as it may by rule require.

(5) A scheduled passenger air carrier certified under 14 CFR, part 121 or 135, may claim a refund of 2 cents on each gallon of aviation fuel purchased by the carrier on which the Montana gasoline license tax has been paid.

(6) A Montana refinery or distributor who sells JP-4 or JP-8 jet fuel to the federal defense fuel supply center is entitled to a credit or refund of 2 3 cents a gallon for each gallon that is sold to the supply center and on which the gasoline license tax has been paid. (Terminates on occurrence of contingency--sec. 17, Ch. 642, L. 1993.)

15-70-221. (Effective on occurrence of contingency) Refund or credit authorized. (1) A person who purchases and uses any gasoline on which the Montana gasoline license tax has been paid for denaturing alcohol to be used in gasohol, for operating or propelling stationary gasoline engines or tractors used off the public highways and streets, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state is allowed a refund of the amount of tax paid directly or indirectly on the gasoline. The refund may not exceed the tax paid or to be paid to the state. Except as provided in subsection (5) or (6), a refund is not allowed for the tax per gallon upon aviation fuel allocated to the department of transportation by 67-1-301.

(2) A distributor who pays the gasoline license tax to this state erroneously is allowed a credit or refund of the amount of tax ~~so~~ paid.

(3) (a) A distributor is entitled to a credit for the tax paid to the department on those sales of gasoline with a tax liability of \$200 or greater for which the distributor has not received consideration from or on behalf of the purchaser and for which the distributor has not forgiven any liability. The distributor may not have declared the accounts of the purchaser worthless more than once during a 3-year period, and the distributor must have claimed those accounts as bad debts for federal income tax purposes.

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

(b) If a credit has been granted under this subsection (3), any amount collected on the accounts that were declared worthless must be reported to the department and the tax due must be prorated on the collected amount and must be paid to the department.

(c) The department may require a distributor to submit periodic reports listing accounts that are delinquent for 90 days or more.

(4) A person who purchases and exports for sale, use, or consumption outside Montana gasoline on which the Montana gasoline tax has been paid is entitled to a credit or refund of the amount of tax paid unless the person is not licensed and is not paying the tax to the state the fuel is destined for. The credit or refund will be made upon completion of the information reports required under 15-70-209 and presentation to the department of proof of delivery outside Montana as it may by rule require.

(5) A scheduled passenger air carrier certified under 14 CFR, part 121 or 135, may claim a refund of 1 cent on each gallon of aviation fuel purchased by the carrier on which the Montana gasoline license tax has been paid.

(6) A Montana refinery or distributor who sells JP-4 or JP-8 jet fuel to the federal defense fuel supply center is entitled to a credit or refund of 1 cent a gallon for each gallon that is sold to the supply center and on which the gasoline license tax has been paid."

For the Senate:

McNutt, Chairman
Hertel
Tester

For the House:

Rose, Chairman
Rehbein
Tropila (unsigned)

MESSAGES FROM THE GOVERNOR

April 15, 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 31** sponsored by Senator S. Stang, **Senate Bill 94** sponsored by Senator L. Nelson, **Senate Bill 134** sponsored by Senator D. Mahlum, **Senate Bill 258** sponsored by Senator D. Grimes et al., **Senate Bill 349** sponsored by Senator C. Christiaens et al., and **Senate Bill 367** sponsored by Senator F. Thomas et al. on April 15, 1999.

Sincerely,

MARC RACICOT
Governor

MESSAGES FROM THE OTHER HOUSE

SB 81 - 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 81:

4/15/1999

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Representative L. Soft, Chairman
Representative Noennig
Representative Squires

SB 184 - 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 184:

4/15/1999

Representative Story, Chairman
Representative Harrington
Representative Hibbard

HB 5 - 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 HB 5:

4/15/1999

Representative L. Taylor, Chairman
Representative E. Bergsagel
Representative McCann

HB 11 - 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 HB 11:

4/15/1999

Representative Mood, Chairman
Representative McCann
Representative Sliter

SB 308 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 308:

4/15/1999

Representative P. Bergsagel, Chairman
Representative Guggenheim
Representative Vick

HB 57 - The House acceded to the request of the Senate, **dissolved** the conference committee on Senate amendments to HB 57, and authorized the Speaker to appoint the following **Free** conference committee to confer on HB 57:

4/15/1999

Representative R. Johnson, Chairman
Representative Buzzas
Representative McKenney

MOTIONS

HB 5 - 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 5. Motion carried. The President appointed the following members:

Senator Beck, Chairman
Senator Swysgood
Senator Halligan

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

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Session No. 1

President Crippen excused at this time.

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

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

SB 217 - Free Conference Committee Report No. 1 - Senator K. Miller moved the Free Conference Committee report to SB 217 be adopted. After discussion, Senator Cocchiarella made a substitute motion that the Free Conference Committee Report No. 1 to SB 217, be **not** adopted. Substitute motion carried as follows:

Yeas: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, Devlin, Doherty, Eck, Ellingson, Franklin, Glaser, Halligan, Hargrove, Harp, Hertel, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 28

Nays: Berry, Bohlinger, Cole, Crismore, DePratu, Ekegren, Ellis, Grimes, Grosfield, Holden, Jabs, Keating, Mesaros, Miller, Mohl, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.

Total 21

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

SB 361 - Governor's Amendments - Senator K. Mesaros moved Governor's amendments to SB 361 be concurred in. Motion carried unanimously.

SB 430 - House Amendments - Senator G. Roush moved House amendments to SB 430 be concurred in. Motion carried unanimously.

President Crippen present at this time.

SB 499 - Free Conference Committee Report No. 1 - Senator L. Grosfield moved the Free Conference Committee report to SB 499 be adopted. Motion carried with Senator Swysgood voting nay.

HB 314 - Free Conference Committee Report No. 1 - Senator L. Grosfield moved the Free Conference Committee report to HB 314 be adopted. Motion carried unanimously.

HB 374 - Free Conference Committee Report No. 1 - Senator A. Bishop moved the Free Conference Committee report to HB 374 be adopted. Motion carried unanimously.

HB 478 - Free Conference Committee Report No. 1 - Senator K. Mesaros moved the Free Conference Committee report to HB 478 be adopted. Motion carried as follows:

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

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

Total 42

Nays: Devlin, Keating, Mohl, Nelson, Roush, Swysgood, Toews.

Total 7

Absent or not voting: Glaser.

Total 1

Excused: None.

Total 0

HB 566 - Conference Committee Report No. 1 - Senator R. Holden moved the Conference Committee report to HB 566 be adopted. Motion carried unanimously.

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 Halligan moved the Committee of the Whole report be adopted. Report adopted.

MOTIONS

HB 11 - 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 11. Motion carried. The President appointed the following members:

Senator Beck, Chairman
Senator Swysgood
Senator Lynch

HB 57 - 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 57. Motion carried. The President appointed the following members:

Senator Glaser, Chairman
Senator Thomas
Senator Wilson

SPECIAL ORDERS OF THE DAY

President Crippen and Members of the Majority and Minority Leadership honored members of the Senate staff with Montana Senate plaques and expressed their thanks on behalf of themselves and the entire Senate for their support during the Fifty-sixth Legislature.

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 182

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 182** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 182** (reference copy -- salmon) be amended as follows:

1. Title, line 22.

Strike: "19-20-502,"

2. Page 9, line 30 through page 10, line 2.

Strike: "THE BOARD" on page 9 through "SYSTEM." on page 10, line 2

3. Page 64, line 20 through page 65, line 3.

Strike: "section 96" in its entirety

Renumber: subsequent sections

For the House:

Ahner, Chairman
Dell
Mood

For the Senate:

Hargrove, Chairman
Sprague
Tester

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 528
Report No. 2, April 15, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 528** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 528** (reference copy -- salmon) be amended as follows:

1. Page 2, line 26.

Following: line 25

Insert: "NEW SECTION. Section 1. Recognition of American Indian cultural heritage -- legislative intent.

(1) It is the constitutionally declared policy of this state to recognize the distinct and unique cultural heritage of American Indians and to be committed in its educational goals to the preservation of their cultural heritage.

(2) It is the intent of the legislature that in accordance with Article X, section 1(2), of the Montana constitution:

(a) every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and

(b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

groups and governments.

(3) It is also the intent of [sections 1 through 3], predicated on the belief that all school personnel should have an understanding and awareness of Indian tribes to help them relate effectively with Indian students and parents, that educational personnel provide means by which school personnel will gain an understanding of and appreciation for the American Indian people."

Renumber: subsequent sections

2. Page 2, line 28.

Strike: "AND 2"

Insert: "through 3"

3. Page 4, lines 22 and 24.

Strike: "AND 2" on both lines

Insert: "through 3" on both lines

For the House:

Walters, Chairman
Juneau
Rose

For the Senate:

Ekegren, Chairman
Eck
Jabs

FREE CONFERENCE COMMITTEE
on House Bill 648
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered Senate amendments to **House Bill 648** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 648** (reference copy -- salmon) be accepted by the House.

For the House:

R. Clark, Chairman (unsigned)
Anderson
Menahan

For the Senate:

Cole, Chairman
DePratu
Lynch

MOTIONS

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

Senate recessed at 11:55 a.m.

Senate reconvened at 3:00 p.m.

Roll Call. All members present except. Quorum present.

MESSAGES FROM THE GOVERNOR

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

April 16, 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 271, "**AN ACT PROVIDING LIMITS ON LIABILITY FOR EMPLOYERS WHO DISCLOSE INFORMATION ABOUT A FORMER OR CURRENT EMPLOYEE'S EMPLOYMENT-RELATED PERFORMANCE TO A PROSPECTIVE EMPLOYER; REPEALING SECTION 39-2-801, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE,**" for the following reasons.

Senate Bill 271 is intended to protect employers who disclose job-related employee information to a prospective employer, upon the request of the employee or prospective employer. The bill, as amended, is somewhat cumbersome, creating a presumption of good faith on the part of the employer and a variety of standards of proof for employees to overcome the presumption of good faith. The bill also repeals existing law which requires that an employer must, if asked by an employee, furnish the employee with a written statement of reasons for discharge.

In an attempt to simplify the protection intended for an employer who discloses job-related information to a prospective employer, I am proposing what I believe to be a much clearer rule. Employers would not be liable for damages unless they knowingly, purposely, or negligently disclosed false information. The terms "knowingly," "purposely," and "negligently" have established meanings in the law and are clearly defined in Title 45.

With respect to Senate Bill 271's repeal of the section 39-2-801, MCA, the requirement that an employer provide a written statement of reasons for discharge, the intent of this provision was to address the inability of employers to fully defend themselves if an employee brought a wrongful discharge action. In recent court cases, employers have been prohibited from providing any reasons for termination of an employee beyond what was contained in the written statement required by section 39-2-801.

I believe that a fairer method of addressing this problem would be to retain the existing requirement to furnish a statement of reasons for discharge, but to permit an employer to provide additional evidence of job-related performance if the discharge results in litigation against the employer. Under my proposed amendment, the law would protect the rights of both employees and employers.

For these reasons, I am returning Senate Bill 271 with proposed amendments. Senator Taylor, the sponsor of the bill, is aware of the amendments, and it is my understanding that he does not oppose them.

Sincerely,

MARC RACICOT

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Governor

**GOVERNOR'S AMENDMENTS TO
Senate Bill No. 271**

1. Title, line 8.

Following: "EMPLOYER;"

Insert: PROVIDING THAT AN EMPLOYER'S ANSWER TO A REQUEST FROM A DISCHARGED EMPLOYEE FOR THE REASONS FOR DISCHARGE MAY NOT LIMIT THE EMPLOYER'S RIGHT TO PRESENT A FULL DEFENSE IN ANY WRONGFUL DISCHARGE ACTION;"

2. Title, line 11.

Strike: "REPEALING"

Insert: "AMENDING"

3. Page 1, line 17.

Strike: "(1)"

4. Page 1, line 19.

Following: "employee"

Insert: "or former or current employee"

5. Page 1, line 20.

Strike: "PRESUMED TO BE ACTING IN GOOD FAITH AND IS"

6. Page 1, line 21.

Following: "knowingly"

Strike: "or"

Insert: " , "

Following: "purposely"

Insert: " , or negligently"

7. Page 1, line 22.

Following: "."

Insert: "For the purposes of this section, the definitions of knowingly, purposely, and negligently are those contained in 45-2-101."

8. Page 1, line 23.

Strike: "(2)"

9. Page 1, line 27 through page 2, line 5.

Strike: "THE" on page 1, line 27 through "EMPLOYERS." on page 2, line 5

10. Page 2, line 19.

Strike: line 19 in its entirety

Insert: "Section 2. Section 39-2-801, MCA, is amended to read:

"39-2-801. Employee to be furnished on demand reason of discharge. (1) It is the duty of any person after having discharged any employee from his service, upon demand by such the discharged employee, to furnish him the discharged employee in writing a full, succinct, and complete statement of the reason of his reasons for the

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

discharge, ~~and~~ Except as provided in subsection (3), if such the person refuses to do so within a reasonable time after such the demand, it is unlawful thereafter for such the person to furnish any statement of the ~~reason~~ reasons of such for the discharge to any person or in any way to blacklist or to prevent such the discharged person from procuring employment elsewhere, subject to the penalties and damages prescribed in this part.

(2) A written demand under this part must advise the person who discharged the employee of the possibility that the statements may be used in litigation.

(3) A response to the demand may be modified at any time and may not limit a person's ability to present a full defense in any action brought by the discharged employee. Failure to provide a response as required under subsection (1) may not limit a person's ability to present a full defense in any action brought by the discharged employee."

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate: 4/16/1999

SB 333, introduced by C. Swysgood

Senate joint resolution concurred in and returned to the Senate: 4/16/1999

SJR 18, introduced by McCarthy

Senate joint resolutions concurred in as amended and returned to the Senate for concurrence in House amendments: 4/16/1999

SJR 14, introduced by S. Bartlett

SJR 20, introduced by McCarthy

Conference committee report #1 adopted: 4/16/1999

SB 195, introduced by Lynch

SB 334, introduced by K. Mesaros

Conference committee report #1 adopted: 4/16/1999

HB 129, introduced by J. Stovall

HB 302, introduced by B. Krenzler

HB 557, introduced by D. Ewer

Free conference committee report #1 adopted: 4/16/1999

SB 33, introduced by F. Thomas

SB 229, introduced by F. Thomas

SB 458, introduced by F. Thomas

Senate amendments to House bills concurred in: 4/16/1999

HB 79, introduced by M. Brainard

HB 115, introduced by D. McGee

HB 158, introduced by K. Ohs

HB 183, introduced by R. Dale

HB 389, introduced by B. Davies

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

HB 536, introduced by B. Kasten
HB 551, introduced by J. Cobb
HB 560, introduced by M. Hanson
HB 584, introduced by C. Juneau
HB 586, introduced by R. Dale
HB 593, introduced by H. Harper
HB 596, introduced by R. Somerville
HB 607, introduced by L. Soft
HB 614, introduced by D. Wagner
HB 620, introduced by C. Tuss
HB 621, introduced by J. Witt
HB 651, introduced by M. Hanson
HB 658, introduced by E. Clark
HB 660, introduced by R. Menahan
HB 661, introduced by B. Rehbein

Senate amendments to House joint resolutions concurred in:

4/16/1999

HJR 8, introduced by A. Curtiss
HJR 18, introduced by T. Facey
HJR 26, introduced by R. Bitney

HB 13 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to SB 13:

4/16/1999

Representative R. Johnson, Chairman
Representative Menahan
Representative Witt

HB 127 - The House acceded to the request of the Senate and authorized the Speaker to appoint the following conference committee to meet with a like committee from the Senate to confer on House amendments to HB 127:

4/16/1999

Representative Kasten, Chairman
Representative R. Johnson
Representative Mangan

MOTIONS

HB 13 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 13. Motion carried. The President appointed the following members:

Senator Keating, Chairman
Senator Beck
Senator Doherty

SB 406 - Senator S. Doherty moved that SB 406 be taken from the third reading board this legislative day and referred to a **Free** Conference Committee for purpose of amendment. Motion carried.

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

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

Session No. 2

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

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

HB 182 - Conference Committee Report No. 1 - Senator D. Hargrove moved the Conference Committee report to HB 182 be adopted. 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, Bohlinger, Christiaens, Doherty, Ellingson, Franklin, Glaser, Halligan, Hargrove, Holden, Jergeson, Keenan, Lynch, Mahlum, McNutt, Miller, Nelson, Roush, Sprague, Stang, Taylor, Tester, Wells, Wilson, Mr. President.

Total 25

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

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 315 - Senator C. Swysgood moved that HB 315 be indefinitely postponed. Motion carried as follows:

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

Total 27

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

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

HB 528 - Conference Committee Report No. 2 - Senator P. Ekegren moved the Conference Committee report to HB 528 be adopted. Motion carried unanimously.

HB 648 - Free Conference Committee Report No. 1 - Senator M. Cole moved the Free Conference Committee report to HB 648 be adopted. Motion carried unanimously.

HJR 37 - Senator S. Bartlett moved HJR 37 be concurred in. Motion carried as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Mahlum, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 32

Nays: Beck, Cole, Crismore, DePratu, Devlin, Ekegren, Glaser, Keating, Keenan, Lynch, Mesaros, Miller, Mohl, Swysgood, Taylor, Toews, Wells.

Total 17

Absent or not voting: Grimes.

Total 1

Excused: None.

Total 0

HJR 38 - Senator R. Holden moved HJR 38 be concurred in. Motion carried with Senator Swysgood voting nay.

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

THIRD READING OF BILLS

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

SB 59, 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, 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

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Excused: None.
Total 0

SB 164, 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 199, as amended by the House, passed as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, 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, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Beck, Ellingson.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 220, 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

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 243, Conference Committee Report No. 2, adopted as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, 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, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Bartlett, Ellingson.
Total 2

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 265, as amended by the House, passed as follows:

Yeas: Bartlett, Beck, Berry, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, 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, Mr. President.
Total 42

Nays: Bishop, Bohlinger, Doherty, Eck, Ellingson, Franklin, Jergeson, Wilson.
Total 8

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 301, 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, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 50

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 302, 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 338, 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, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Devlin, Grimes, Mohl, Nelson, Toews.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 356, as amended by the Governor, passed 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, Mohl, Nelson, Roush, Shea, Sprague, Stang,

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 46

Nays: Devlin, Mesaros, Miller, Toews.
Total 4

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 441, 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 454, as amended by the House, passed as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, 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, Wilson, Mr. President.
Total 45

Nays: Bartlett, Ellis, Miller, Waterman, Wells.
Total 5

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 482, Free Conference Committee Report No. 1, adopted as follows:

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

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, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 47

Nays: Devlin, Swysgood, Taylor.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SB 487, 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 492, 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, 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: Keating.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

SB 530, as amended by the House, passed as follows:

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

Total 44

Nays: Doherty, Ellingson, Franklin, Jergeson, Nelson, Tester.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SJR 16, as amended by the House, adopted as follows:

Yeas: Beck, Berry, Bohlinger, Christiaens, Cole, Crismore, Doherty, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Thomas, Toews, Wells, Mr. President.

Total 35

Nays: Bartlett, Bishop, Cocchiarella, DePratu, Devlin, Eck, Franklin, Halligan, Jergeson, Stang, Swysgood, Taylor, Tester, Waterman, Wilson.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HB 245, as amended by the Governor, concurred in as follows:

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

Total 39

Nays: Devlin, Doherty, Eck, Franklin, Keenan, Mohl, Nelson, Swysgood, Tester, Toews, Wells.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Total 0

HB 506, 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, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.

Total 48

Nays: Holden, Toews.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

HJR 5, Conference Committee Report No. 1, adopted as follows:

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

Total 41

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

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SPECIAL ORDERS OF THE DAY

The Senate honored those Senators who would be leaving the Senate due to term limits, with a tribute to each, and also presented a special Montana Senate plaque to each.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Cole, Chairman):

4/16/1999

PRELIMINARY REPORT

SR 7, be adopted. Report adopted.

HJR 36, be adopted. Report adopted.

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on Senate Amendments to House Bill 420
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 420** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 420** (reference copy -- salmon) be amended as follows:

1. Title, page 1, line 10.

Strike: "AN"

Insert: "A RETROACTIVE"

2. Page 2, line 12.

Following: "**retroactive**"

Insert: "retroactive"

3. Page 2, line 13.

Following: "~~1-2-109~~,"

Insert: "retroactively, within the meaning of 1-2-109,"

4. Page 2, line 14.

Strike: "1999"

Insert: "1998"

For the House:

Hanson, Chairman
Dale (unsigned)
Gillan

For the Senate:

Keating, Chairman
Crismore
Nelson

FREE CONFERENCE COMMITTEE
on House Bill 337
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 337** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 337** (reference copy -- salmon) be amended as follows:

1. Page 2, lines 15 and 16.

Strike: "and other" on line 15

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Following: "contracts" on line 15

Strike: remainder of line 15 through "contracts" on line 16

For the House:

E. Bergsagel, Chairman
Ewer (unsigned)
R. Johnson

For the Senate:

F. Thomas, Chairman
Cocchiarella
Sprague

FREE CONFERENCE COMMITTEE
on House Bill 470
Report No. 1, April 16, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 470** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 470** (reference copy -- salmon) be amended as follows:

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

Following: "PROVIDERS"

Strike: "the remainder of line 9 through ALLOCATION on line 10.

Insert: "APPROPRIATING UP TO \$1 MILLION IN GENERAL FUND MONEY FOR THE MONTANA STATE HOSPITAL IN THE 2001 BIENNIUM FROM GENERAL FUND APPROPRIATIONS REVERTED IN FISCAL YEAR 1999"

2. Page 2, line 2 through line 10.

Strike: sections 2 and 3 in their entirety

Insert: "NEW SECTION. Section 2. Appropriation for Montana state hospital. The department of public health and human services is appropriated up to \$1 million in general fund money in the 2001 biennium from reversions of general fund money appropriated to the department in fiscal year 1999. The 2001 biennial general fund appropriation authorized by this section may not be greater than the amount of general fund money reverted by the department in fiscal year 1999. The appropriation may be used only for services provided by the Montana state hospital and may not be included in the base budget or present law budget for the 2003 biennium budget."

Renumber: subsequent section

For the House:

Cobb, Chairman
Barnhart
Kasten (unsigned)

For the Senate:

Swysgood, Chairman
Keenan
Waterman

MOTIONS

HB 127 - Senator Harp moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate Amendments to HB 127. Motion carried. The President appointed the following members:

SENATE JOURNAL
EIGHTY-THIRD LEGISLATIVE DAY - APRIL 16, 1999

Senator Keenan, Chairman
Senator Bishop
Senator Halligan

SB 406 - Senator Harp moved that the **Free** Conference Committee on SB 406 be **dissolved** and that the President be authorized to reappoint the **Free** Conference Committee on SB 406 for purpose of a technical amendment. Motion carried. The President appointed the following members:

Senator Thomas, Chairman
Senator Berry
Senator Doherty

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Saturday, April 17, 1999. Motion carried.

Senate adjourned at 4:31 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate