

**SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana
April 17, 1999

Senate Chambers
State Capitol

Senate convened at 9:00 a.m. President Crippen presiding. Invocation by Pastor Ken Moore. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

Correctly printed: SR 7, HJR 36, HJR 37, HJR 38.

Correctly enrolled: SB 172, SB 192, SB 342.

Examined by the sponsor and found to be correct: SB 172, SB 192, SB342

LEGISLATIVE ADMINISTRATION (Beck, Chairman)

4/17/1999

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Saturday, April 17, 1999:

TITLE

NAME

Pages:

Larry Fox
Stephanie Cotton
Adele Deveny
Mindi Kimp
Luke Koterba
Jennifer Martin
Laura Quintrell

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 19, 1999:

TITLE

NAME

Pages:

Michael Burchett, Clancy, MT
Neil Collins, Stevensville, MT
Megan Devenny, Big Timber, MT
Amber Hanson, Musselshell, MT
Jennifer Jackson, Frenchtown, MT
Tyson Roth, Helena, MT
Amanda Williams, Drummond, MT

Report Adopted.

MESSAGES FROM THE GOVERNOR

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

April 16, 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 14** sponsored by Senator A. Ellis, **Senate Bill 22** sponsored by Senator A. Mohl, **Senate Bill 132** sponsored by Senator J. Hertel, **Senate Bill 154** sponsored by Senator Mohl, **Senate Bill 221** sponsored by Senator Doherty et al., **Senate Bill 225** sponsored by Senator J. Hertel, **Senate Bill 226** sponsored by Senator J. Hertel, **Senate Bill 380** sponsored by Senator J. Lynch et al., **Senate Bill 384** sponsored by Senator K. Mesaros et al., **Senate Bill 409** sponsored by Senator J. Ellingson et al., **Senate Bill 446** sponsored by Senator M. Taylor et al., **Senate Bill 453** sponsored by Senator T. Beck, and **Senate Bill 481** sponsored by Senator F. Thomas et al. on April 16, 1999.

Sincerely,

MARC RACICOT
Governor

April 16, 1999

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

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

Dear Speaker Mercer and President Crippen:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment House Bill 310, "**AN ACT ESTABLISHING DRUG-FREE AND CRIME-FREE SCHOOLS; REQUIRING THE YOUTH COURT TO NOTIFY A SCHOOL WHEN A JUVENILE PROBATION OFFICER HAS REASON TO BELIEVE THAT A YOUTH IS CURRENTLY INVOLVED IN DRUG USE OR OTHER CRIMINAL ACTIVITY BEARING ON THE SAFETY OF CHILDREN; AUTHORIZING A SCHOOL TO PROVIDE TO YOUTH COURT AND LAW ENFORCEMENT AUTHORITIES EDUCATION RECORDS THAT PERTAIN TO VIOLATIONS OF THE MONTANA YOUTH COURT ACT OR CRIMINAL LAWS BY PUPILS; AND AMENDING SECTIONS 41-5-215 AND 52-2-211, MCA,**" for the following reason.

House Bill 310 provides, in part, that Youth Courts have a duty under certain circumstances to report to school districts suspected drug use or criminal activity. A codification problem has arisen in the bill, due to the passage

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

of a companion bill that also addresses Youth Court records, House Bill 176.

House Bill 310 includes a change to a part of section 41-5-215(1), MCA, that no longer exists due to passage and approval of House Bill No. 176. The amendment that House Bill 310 makes in this regard is not substantive and can be removed without altering the substance of the bill. Left unchanged, the amendment poses a difficult codification problem.

It is my understanding that Representative Molnar, the sponsor of the bill, has been notified of the proposed amendment that would correct the codification problem I have described.

Sincerely,

MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO HB 310**

1. Page 1, lines 18 through 20.
Following: "(1)" on line 18
Strike: remainder of line 18 through "reports" on line 20
Insert: "Reports"

April 16, 1999

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

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

Dear Speaker Mercer and President Crippen:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with an amendment House Bill 366, "**AN ACT REVISING THE LAWS GOVERNING CHILD PROTECTIVE SERVICES; IMPLEMENTING THE FEDERAL ADOPTION AND SAFE FAMILIES ACT; CLARIFYING WHEN EFFORTS MUST BE MADE TO REUNIFY CHILDREN WITH ABUSIVE PARENTS; CLARIFYING WHEN PARENTAL RIGHTS MAY BE JUDICIALLY TERMINATED; AND AMENDING SECTIONS 41-3-101, 41-3-102, 41-3-108, 41-3-202, 41-3-203, 41-3-205, 41-3-303, 41-3-401, 41-3-403, 41-3-404, 41-3-406, 41-3-412, 41-3-607, 41-3-609, 41-3-1103, AND 42-2-608, MCA,**" for the following reasons.

House Bill 366 contains numerous revisions to the laws on child protective services. One of its amendments reduces the time within which a "show cause" hearing must be held on emergency placements. Existing law provides for

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

a 20-day period, and House Bill 366 reduces that to 10 days.

I have received communications from individuals who work in this area of the law that it is not possible to comply within a 10- day time frame. Many district courts hear these types of petitions for temporary investigative authority and protective services on emergency placement on only one day a week. Parents (who are often not living together) must be located and served notice of the hearing. The time frame is also in conflict with the Indian Child Welfare Act. Finally, a possible unintended consequence of the shortened time frame will likely be that there will not be enough time in appropriate cases to amicably work out arrangements for family reunification before the process becomes too adversarial.

If this one-word change could be made in House Bill 366 it would prevent significant difficulty for judges, county attorneys and others who work in this area of the law.

It is my understanding that Representative Kasten, the sponsor of the bill, is in agreement with the proposed amendment.

Sincerely,

MARC RACICOT
Governor

**GOVERNOR'S AMENDMENTS
TO HB 366**

1. Page 15, line 9.
Strike: "10"
Insert: "20"

MESSAGES FROM THE OTHER HOUSE

Senate bill **not** concurred in the Committee of the Whole, and returned to the Senate: 4/16/1999

SB 370, introduced by B. Stang

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

HB 652, introduced by M. Guggenheim

Governor's amendments to House bills concurred in and transmitted to the Senate for concurrence in the Governor's amendments: 4/17/1999

HB 185, introduced by R. Menahan

HB 512, introduced by L. Soft

HB 616, introduced by M. Lindeen

HB 488 - The House failed to concur in Senate amendments to HB 488, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 488: 4/16/1999

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Representative Wagner, Chairman
Representative Fuchs
Representative Golie

HB 626 - The House failed to concur in Senate amendments to HB 626, authorized the Speaker to appoint the following conference committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 626:

4/16/1999

Representative Trexler, Chairman
Representative Harper
Representative Simon

SB 406 - 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 406:

4/16/1999

Representative E. Bergsagel, Chairman
Representative Ewer
Representative R. Johnson

HB 533 - The House failed to concur in Senate amendments to HB 533, authorized the Speaker to appoint the following **free** conference committee, and requested that the Senate appoint a like committee to confer on HB 533:

4/16/1999

Representative Walters, Chairman
Representative Gallus
Representative Shockley

HB 540 - The House failed to concur in Senate amendments to HB 540, authorized the Speaker to appoint the following **free** conference committee, and requested that the Senate appoint a like committee to confer on HB 540:

4/16/1999

Representative Rose, Chairman
Representative Grinde
Representative Raney

MOTIONS

HB 488 - 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 488. Motion carried. The President appointed the following members:

Senator Bishop, Chairman
Senator Swysgood
Senator Franklin

HB 626 - 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 626. Motion carried. The President appointed the following members:

Senator Bishop, Chairman

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Senator Ekegren
Senator Ellingson

HB 533 - 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 533. Motion carried. The President appointed the following members:

Senator Mesaros, Chairman
Senator Taylor
Senator McCarthy

HB 540 - 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 540. Motion carried. The President appointed the following members:

Senator Devlin, Chairman
Senator Swysgood
Senator Stang

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

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

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

SB 205 - Conference Committee Report No. 1 - Senator W. McNutt moved the Conference Committee report to SB 205 be adopted. Motion carried unanimously.

SB 271 - Governor's Amendments - Senator M. Taylor moved Governor's amendments to SB 271 be concurred in. Motion carried unanimously.

SJR 14 - House Amendments - Senator S. Bartlett moved House amendments to SJR 14 be concurred in. Motion carried unanimously.

SJR 20 - House Amendments - Senator B. McCarthy moved House amendments to SJR 20 be concurred in. Motion carried unanimously.

HB 337 - Free Conference Committee Report No. 1 - Senator F. Thomas moved the Free Conference Committee report to HB 337 be adopted. Motion carried unanimously.

HB 420 - Conference Committee Report No. 1 - Senator T. Keating moved the Conference Committee report to HB 420 be adopted. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl,

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Nelson, Roush, Sprague, Swysgood, Taylor, Thomas, Toews, Waterman, Wells, Mr. President.
Total 37

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Ellingson, Franklin, Jergeson, Lynch, McCarthy, Shea, Stang, Wilson.
Total 12

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

HB 470 - Free Conference Committee Report No. 1 - Senator C. Swysgood moved the Free Conference Committee report to HB 470 be adopted. Motion carried unanimously.

HJR 36 - Senator J. Lynch moved HJR 36 be concurred in. Motion carried unanimously.

HB 185 - Governor's Amendments - Senator W. McNutt moved Governor's amendments to HB 185 be concurred in. Motion carried unanimously.

HB 512 - Governor's Amendments - Senator C. Christiaens moved Governor's amendments to HB 512 be concurred in. Motion carried unanimously.

HB 616 - Governor's Amendments - Senator B. Wilson moved Governor's amendments to HB 616 be concurred in. Motion carried unanimously.

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman D. Eck 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 195, 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, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Excused: Tester.
Total 1

SB 361, as amended by the Governor, passed as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, 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, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Bishop, Doherty, Ellingson, Franklin.
Total 4

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

SB 430, 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, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

SB 499, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, 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, Thomas, Waterman, Wells, Wilson, Mr. President.
Total 45

Nays: Bishop, Doherty, Swysgood, Toews.
Total 4

Absent or not voting: None.

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Total 0

Excused: Tester.

Total 1

HB 129, requiring 2/3 of each House, Conference Committee Report No. 1, received the following vote::

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

HB 182, 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, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

HB 314, Free Conference Committee Report No. 1, adopted as follows:

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

Total 40

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Nays: Bishop, Crismore, Devlin, Grimes, Keating, Mahlum, Mohl, Swysgood, Toews.
Total 9

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

HB 374, Free Conference Committee Report No. 1, adopted 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, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mohl, Nelson, Roush, Shea, Sprague, Stang, Taylor, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 44

Nays: Beck, Devlin, Mesaros, Miller, Swysgood.
Total 5

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

HB 478, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Halligan, Hargrove, Harp, Holden, Jabs, Keenan, Lynch, McCarthy, McNutt, Mesaros, Miller, Shea, Sprague, Stang, Waterman, Wells, Wilson, Mr. President.
Total 31

Nays: Beck, Berry, Crismore, DePratu, Devlin, Grimes, Grosfield, Hertel, Jergeson, Keating, Mahlum, Mohl, Nelson, Roush, Swysgood, Taylor, Thomas, Toews.
Total 18

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

HB 528, Conference Committee Report No. 2, adopted as follows:

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

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

Total 41

Nays: Beck, Bishop, Crismore, Devlin, Hertel, Keating, Swysgood, Wells.

Total 8

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

HB 557, Conference Committee Report No. 1, adopted as follows:

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

Total 42

Nays: Beck, Devlin, Grimes, Harp, Swysgood, Taylor, Thomas.

Total 7

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

HB 566, Conference Committee Report No. 1, adopted as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cole, Crismore, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Sprague, Stang, Thomas, Wells, Mr. President.

Total 36

Nays: Bartlett, Christiaens, Cocchiarella, DePratu, Devlin, Ellingson, Harp, Mohl, Swysgood, Taylor, Toews, Waterman, Wilson.

Total 13

Absent or not voting: None.

Total 0

Excused: Tester.

Total 1

HB 648, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Ekegren, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, Mahlum,

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Stang, Thomas, Wells, Wilson, Mr. President.
Total 35

Nays: Bartlett, Crismore, Devlin, Ellingson, Glaser, Jabs, Keenan, Miller, Nelson, Sprague, Swysgood, Taylor, Tester, Toews, Waterman.
Total 15

Paired: Lynch, Aye; Tester, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

HJR 37 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Ellingson, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Holden, Jabs, Jergeson, Keating, McNutt, Nelson, Roush, Sprague, Stang, Toews, Waterman, Wilson, Mr. President.
Total 28

Nays: Beck, Cole, Crismore, DePratu, Devlin, Ekegren, Glaser, Harp, Hertel, Keenan, Lynch, Mahlum, McCarthy, Mesaros, Miller, Mohl, Shea, Swysgood, Taylor, Thomas, Wells.
Total 21

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

HJR 38 concurred in as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Lynch, McCarthy, McNutt, Roush, Shea, Sprague, Stang, Thomas, Waterman, Wilson, Mr. President.
Total 35

Nays: Beck, DePratu, Devlin, Jabs, Keenan, Mahlum, Mesaros, Miller, Mohl, Nelson, Swysgood, Taylor, Toews, Wells.
Total 14

Absent or not voting: None.
Total 0

Excused: Tester.
Total 1

REPORTS OF STANDING COMMITTEES

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

BILLS AND JOURNAL (Miller, Chairman):

4/17/1999

Signed by the President at 9:30 a.m., April 17, 1999: SB 170, SR 5, SR 6.

Signed by the President at 9:45 a.m., April 17, 1999: SB 305, SB 306, SB 353, SB 372, SB 381, SB 388, SB 393,
SB 401, SB 411, SB 417, SB 421, SB 426, SB 429, SB 434, SB 462.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 5

Report No. 1 April 17, 1999

Mr. Speaker and Mr. President:

We, your **Free** Conference Committee met and considered **House Bill 5** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **House Bill 5** (reference copy -- salmon) be amended as follows:

1. Page 1, line 19.

Following: "(1)"

Strike: "The"

Insert: "Except as provided in subsection (4)(c), the"

2. Page 5, line 6.

Strike: "\$6,050,000"

Insert: "\$5,670,000"

3. Page 5, line 7.

Strike: "\$550,000"

Insert: "\$170,000"

Following: "GENERAL"

Strike: "OBLIGATION BOND PROCEEDS AUTHORIZED IN HOUSE BILL NO. 14"

Insert: "fund money"

4. Page 5.

Following: line 24

Insert: "(c) (i) It is the intent of the legislature that the department of corrections may not accept federal funds for capital construction unless all conditions necessary to receive the federal dollars have been irrevocably met in advance of the expenditure of the federal funds.

(ii) It is further the intent of the legislature that federal spending authority for a capital construction project may be used only for the project identified in the law authorizing the project and may not be used for any other project."

5. Page 7, line 26.

Strike: "\$100,000"

Insert: "\$50,000"

For the House:

For the Senate:

SENATE JOURNAL
EIGHTY-FOURTH LEGISLATIVE DAY - APRIL 17, 1999

L. Taylor, Chairman
E. Bergsagel
McCann

T. Beck, Chairman
Halligan
Swysgood

MOTIONS

SB 217, Free Conference Committee Report No. 1 - Senator K. Miller moved that the Senate reconsider its action in rejecting the Free Conference Committee Report to SB 217 on second reading the previous legislative day. Motion **failed** as follows:

Yeas: Berry, Bohlinger, Cole, Crismore, DePratu, Ellis, Holden, Jabs, Keating, Miller, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.
Total 17

Nays: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.
Total 33

Paired: Toews, Aye; Tester, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

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

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Monday, April 19, 1999. Motion carried.

Senate adjourned at 10:13 a.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate