

**SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 7, 1999

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 4/7/1999
Correctly printed: HB 7, HB 9, HB 180, HB 645, HJR 2.
Correctly enrolled: SB 107, SB 122, SB 137, SB 154, SB 243, SB 356, SB 367, SB 416.
Examined by the sponsor and found to be correct: SB 107, SB 122, SB 154, SB 356, SB 367, SB 416.
Signed by the Secretary of Senate at 4:30 p.m., April 6, 1999: SB 5, SB 179, SB 257, SB 314, SB 330, SB 346, SB 355, SB 397, SB 398, SB 399, SB 446, SB 473.
Signed by the Speaker at 9:15 a.m., April 7, 1999: SB 5, SB 179, SB 257, SB 314, SB 330, SB 346, SB 355, SB 397, SB 398, SB 399, SB 446, SB 473.
Delivered to the Governor for his approval at 1:25 p.m., April 7, 1999: SB 5, SB 179, SB 257, SB 314, SB 330, SB 346, SB 355, SB 397, SB 398, SB 399, SB 446, SB 473.

TAXATION (Devlin, Chairman): 4/7/1999
HB 128, be concurred in. Report adopted.
HB 630, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

April 6, 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 478** sponsored by Senator C. Christiaens et al. on April 6, 1999.

Sincerely,

MARC RACICOT
Governor

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MOTIONS

SB 499 - 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 499. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman
Senator Cole
Senator McCarthy

SB 96 - Majority Leader 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 96. Motion carried. The President appointed the following members:

Senator Hargrove, Chairman
Senator Grosfield
Senator Stang

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 27, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 82, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 126, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 166, as amended by the Governor, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 183, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 216, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 232, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

SB 326, as amended by the House, passed as follows:

Yeas: Bartlett, 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, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.

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Total 48

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 409, as amended by the House, passed as follows:

Yeas: Bartlett, 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 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 453, as amended by the House, passed as follows:

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

Total 1

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

SB 504, as amended by the House, passed as follows:

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

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Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

HB 180, as amended by the Senate, concurred in as follows:

Yeas: Bartlett, 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 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

HB 645 concurred in as follows:

Yeas: Bartlett, 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, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.
Total 48

Nays: Stang.
Total 1

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

MOTIONS

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SB 326 - Senator D. Mahlum moved that he be allowed to change his vote on SB 326, third reading this legislative day, from nay to yea. Motion carried.

Majority Leader Harp moved that the Senate stand in recess until the hour of 1:45 p.m. for party caucuses. Motion carried.

Senate recessed at 1:18 p.m.

Senate reconvened at 1:54 p.m.

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

**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 Glaser in the chair.

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

SB 33 - House Amendments - Senator F. Thomas moved House amendments to SB 33 be concurred in. Motion carried unanimously.

SB 36 - House Amendments - Senator B. Keenan moved House amendments to SB 36 be concurred in. Motion carried unanimously.

SB 46 - House Amendments - Senator C. Swysgood moved House amendments to SB 46 be concurred in. Motion carried unanimously.

SB 94 - House Amendments - Senator L. Nelson moved House amendments to SB 94 be concurred in. Motion carried unanimously.

SB 97 - House Amendments - Senator S. Stang moved House amendments to SB 97 be **not** concurred in. Motion carried unanimously.

SB 132 - House Amendments - Senator J. Hertel moved House amendments to SB 132 be concurred in. Motion carried unanimously.

SB 134 - House Amendments - Senator D. Mahlum moved House amendments to SB 134 be concurred in. Motion carried unanimously.

SB 153 - House Amendments - Senator M. Halligan moved House amendments to SB 153 be concurred in. Motion carried unanimously.

SB 186 - House Amendments - Senator J. Wells moved House amendments to SB 186 be concurred in. Motion carried unanimously.

SB 195 - House Amendments - Senator J. Lynch moved House amendments to SB 195 be **not** concurred in.

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Motion carried unanimously.

SB 217 - House Amendments - Senator K. Miller moved House amendments to SB 217 be **not** concurred in. Motion carried unanimously.

SB 219 - House Amendments - Senator M. Waterman moved House amendments to SB 219 be concurred in. Motion carried unanimously.

SB 225 - House Amendments - Senator J. Hertel moved House amendments to SB 225 be concurred in. Motion carried unanimously.

SB 229 - House Amendments - Senator F. Thomas moved House amendments to SB 229 be **not** concurred in. Motion carried unanimously.

SB 241 - House Amendments - Senator S. Doherty moved consideration of House amendments to SB 241 be passed for the day. Motion carried unanimously.

SB 258 - House Amendments - Senator D. Grimes moved House amendments to SB 258 be concurred in. Motion carried unanimously.

SB 269 - House Amendments - Senator D. Toews requested the House amendments to SB 269 be placed at the bottom of the second reading board. Request granted.

SB 271 - House Amendments - Senator M. Taylor moved House amendments to SB 271 be concurred in. Senator M. Halligan made a substitute motion that House amendments to SB 271 be **not** concurred in. Motion **failed** as follows:

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

Total 23

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

Total 26

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

Thereupon, Senator M. Taylor's original motion that House amendments to SB 271 be concurred, received the following vote:

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

Total 27

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Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Halligan, Hargrove, Hertel, Jabs, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Toews, Waterman, Wilson.
Total 22

Absent or not voting: None.
Total 0

Excused: Ellingson.
Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Senator Thomas moved that House amendments to **SB 33** be segregated from the Committee of the Whole report. Motion carried. Chairman Glaser moved the Committee of the Whole report be adopted. Report adopted.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

MOTIONS

Majority Leader Harp moved that the Senate proceed to the House of Representatives for the purpose of receiving the address from Montana's U. S. Senator, The Honorable Conrad Burns, and that upon adjournment of the joint session, the Senate will be adjourned until the hour of 1:00 p.m. on Thursday, April 8, 1999. Motion carried.

SPECIAL ORDERS OF THE DAY

Sergeant-at-arms Nancy Meuli escorted the Senate into the House Chamber.

Speaker Mercer introduced President Crippen and yielded the chair to him.

Senate Majority Leader Harp moved that the body resolve itself into a joint session for the purpose of receiving the address from Montana's U.S. Senator, The Honorable Conrad Burns. Motion carried.

The President appointed Senator Lynch, Senator Christiaens, Senator Hertel, Senator Devlin, Representative Johnson and Representative Gillan and discharged them to escort the Honorable Senator Burns to the rostrum of the House.

The committee escorted The Honorable Conrad Burns into the House Chambers.

Reverend Keith Johnson gave the invocation, followed by the joint session joining in the Pledge of Allegiance.

President Crippen introduced Montana U. S. Senator, The Honorable Conrad Burns, who then addressed the joint session.

The escort committee escorted The Honorable Conrad Burns from the House Chambers.

President Crippen recognized and honored House Speaker John Mercer and Majority Leader Hal Grinde, and thanked them for their unprecedented service to the state of Montana, noting that with term limits, their record of holding the office of Speaker and Majority Leader for four consecutive sessions, would probably never be equaled.

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Therefore he said it was only fitting that Speaker Mercer and Majority Leader Grinde should close the final joint session of the 56th Legislature. President Crippen yielded the gavel to Speaker Mercer.

House Majority Leader Grinde moved that the joint session of the 56th Legislature, convened to receive the address from The Honorable Conrad Burns, be adjourned. Motion carried.

House Speaker Mercer announced the joint session adjourned at 3:20 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate