

**SENATE JOURNAL  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 12, 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.

**MOTIONS**

**Majority Leader Harp** moved that the Senate stand in recess until the hour of 1:30 p.m.

Senate recessed at 1:05 p.m.

Senate resumed at 1:33 p.m.

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

**REPORTS OF STANDING COMMITTEES**

Correctly printed: SJR 21, HB 15, HB 72, HB 92, HB 135, HB 341, HB 389, HB 513, HB 532, HB 621, HB 630, HB 648, HB 652, HJR 33, HJR 34.

Correctly engrossed: SB 534, HB 11, HB 13, HB 79, HB 127, HB 622, HB 660.

Correctly enrolled: SB 153.

Examined by the sponsor and found to be correct: SB 153.

Signed by the Speaker at 8:48 a.m., April 12, 1999: SB 22, SB 27, SB 68, SB 69, SB 82, SB 89, SB 126, SB 137, SB 183, SB 190, SB 215, SB 216, SB 221, SB 232, SB 236, SB 326, SB 384, SB 409, SB 423, SB 453, SB 463, SB 470, SB 477, SB 481, SB 504, SJR 4, SJR 11.

Delivered to the Secretary of State at 10:38 a.m., April 12, 1999: SJR 4, SJR 11.

Delivered to the Governor for his approval at 10:15 a.m., April 12, 1999: SB 22, SB 27, SB 68, SB 69, SB 82, SB 89, SB 126, SB 137, SB 183, SB 190, SB 215, SB 216, SB 221, SB 232, SB 236, SB 326, SB 384, SB 409, SB 423, SB 453, SB 463, SB 470, SB 477, SB 481, SB 504.

**JUDICIARY** (Grosfield, Chairman): 4/12/1999  
**SR 6**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Cole, Chairman): 4/12/1999  
**SR 5**, be adopted. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 9, 1999

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

Dear Senator Crippen:

**STATE INTERNET/BBS COPY**

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Please be informed that I have signed **Senate Bill 5** sponsored by Senator J. Tester, **Senate Bill 179** sponsored by Senator R. Holden,, **Senate Bill 257** sponsored by Senator D. Grimes et al., **Senate Bill 365** sponsored by Senator A. Mohl, and **Senate Bill 473** sponsored by Senator S. Doherty on April 9, 1999. I have signed **Senate Bill 200** sponsored by Senator M. Taylor et al. on April 11, 1999.

Sincerely,

MARC RACICOT  
Governor

**MESSAGES FROM THE OTHER HOUSE**

Free conference committee report #1 adopted: 4/10/1999

**SB 79**, introduced by C. Swysgood

**SB 33** - 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 33:

4/10/1999

Representative Vick, Chairman  
Representative E. Clark  
Representative Menahan

**SB 458** - 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 458:

4/10/1999

Representative Rehbein, Chairman  
Representative Shockley  
Representative G. Beck

**SB 482** - 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 482:

4/10/1999

Representative Barnett, Chairman  
Representative Krenzler  
Representative Trexler

**SB 334** - 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 334:

4/10/1999

Representative Anderson, Chairman  
Representative Hanson  
Representative Swanson

**SB 338** - 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 338:

4/10/1999

Representative Fuchs, Chairman

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Representative Golie  
Representative Wagner

**HB 100** - The House failed to concur in Senate amendments to HB 100, authorized the Speaker to appoint the following **Free** conference committee, and requested that the Senate appoint a like committee to confer on HB 100:  
4/10/1999

Representative Simon, Chairman  
Representative Ewer  
Representative L. Taylor

**HB 506** - The House failed to concur in Senate amendments to HB 506, authorized the Speaker to appoint the following **Free** conference committee, and requested that the Senate appoint a like committee to confer on HB 506:  
4/10/1999

Representative Sliter, Chairman  
Representative Matthews  
Representative McKenney

**HB 269** - The House failed to concur in Senate amendments to HB 269, 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 269:  
4/10/1999

Representative Molnar, Chairman  
Representative Mangan  
Representative D. McGee

Senate amendments to House bills concurred in: 4/10/1999

**HB 6**, introduced by M. McCann  
**HB 20**, introduced by S. Kitzenberg  
**HB 47**, introduced by S. Anderson  
**HB 53**, introduced by R. Clark  
**HB 54**, introduced by R. Menahan  
**HB 58**, introduced by C. Younkin  
**HB 64**, introduced by M. McCann  
**HB 74**, introduced by D. Mood  
**HB 81**, introduced by R. Menahan  
**HB 91**, introduced by B. Simon  
**HB 95**, introduced by B. Story  
**HB 99**, introduced by T. Hagener  
**HB 111**, introduced by M. Guggenheim  
**HB 116**, introduced by D. McGee  
**HB 130**, introduced by B. Story  
**HB 153**, introduced by D. Hedges  
**HB 266**, introduced by M. Guggenheim

**MOTIONS**

**HB 108** - Senator S. Doherty moved that HB 108 be taken from the table in the committee on Taxation, printed and

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placed on second reading this legislative day. Motion **failed** as follows:

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

Total 19

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

Total 30

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 506** - 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 506. Motion carried. The President appointed the following members:

Senator Hertel, Chairman

Senator Beck

Senator Roush

**HB 100** - 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 100. Motion carried. The President appointed the following members:

Senator Berry, Chairman

Senator Sprague

Senator Cocchiarella

**HJR 2** - Senator Harp moved that consideration of HJR 2 on second reading this legislative day be placed at the bottom of the second reading board, behind SJR 19. Motion carried.

**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 Grimes in the chair.

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

**HB 5** - Senator M. Halligan moved HB 5, second reading copy, be amended as follows :

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1. Page 3, line 26.

**Following:** line 25

**Insert:** "Life Sciences Building, UM-Missoula 23,000,000 Federal, State, Donations, Grants, Plant Funds"

Amendment **adopted** as follows:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Franklin, Grosfield, Halligan, Hargrove, Hertel, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Nelson, Roush, Shea, Sprague, Stang, Taylor, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 33

Nays: Crismore, Devlin, Ekegren, Ellis, Glaser, Grimes, Holden, Jabs, Keating, Keenan, Miller, Mohl, Swysgood, Toews, Wells.

Total 15

Absent or not voting: Harp.

Total 1

Excused: Ellingson.

Total 1

**HB 5** - Senator A. Mohl moved HB 5, second reading copy, be further amended as follows :

1. Page 1, line 11.

**Strike:** "9"

**Insert:** "10"

2. Page 1, line 14.

**Strike:** "9"

**Insert:** "10"

3. Page 2.

**Following:** line 7

**Insert:** "Install Fire Sprinklers, Conrad Mansion, Montana Historical Society 40,000 General Fund"

4. Page 8, line 4.

**Insert:** "NEW SECTION. Section 6. Fund transfers for Conrad mansion project and project administration.

(1) The department of administration shall transfer the cash balance of the social and rehabilitation services building debt service account (accounting entity 04005) to the state general fund, and the department of public health and human services shall transfer the cash balance of the social services block grant account (accounting entity 03203) to the state general fund. The sum of these transfers is intended to fund the Conrad mansion fire sprinkler installation project appropriation contained in [section 2]. The appropriation may not be used until these transfers, totaling at least \$40,000, have been completed.

(2) The Montana historical society shall administer the appropriation for this project."

**Renumber:** subsequent sections

5. Page 8, line 30.

**Strike:** the first "8"

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**Insert:** "9"

**Strike:** the second "8"

**Insert:** "9"

Amendment **failed** as follows:

Yeas: Beck, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Franklin, Grosfield, Halligan, Hargrove, Keenan, Lynch, Mahlum, McNutt, Mohl, Roush, Taylor, Thomas, Wilson, Mr. President.

Total 21

Nays: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Devlin, Eck, Ellis, Glaser, Grimes, Hertel, Holden, Jabs, Jergeson, Keating, McCarthy, Mesaros, Miller, Nelson, Shea, Sprague, Stang, Swysgood, Tester, Toews, Waterman, Wells.

Total 27

Absent or not voting: None.

Total 0

Excused: Ellingson, Harp.

Total 2

**HB 5** - Senator T. Beck moved HB 5, as amended, be concurred in. Motion carried unanimously.

**HB 260** - Senator J. Harp moved consideration of HB 260 be placed below HJR2 on the second reading board. Motion carried unanimously.

**HB 626** - Senator S. Doherty moved consideration of HB 626 be passed for the day. Motion carried unanimously.

**HB 653** - Senator M. Taylor moved HB 653, second reading copy, be amended as follows :

1. Page 1, line 28.

**Insert:** "(3) Subsection (1) does not apply to taxes, fees, or surcharges pledged to the payment of bonds or other indebtedness authorized in accordance with applicable law prior to January 1, 2001."

Amendment **adopted** unanimously.

**HB 653** - Senator M. Taylor moved HB 653, second reading copy, be further amended as follows :

1. Title, line 6.

**Following:** "FEES;"

**Insert:** "PROVIDING A DEFINITION;"

2. Page 1, line 28.

**Insert:** "(4) For the purposes of this section, a "governmental entity" does not include an insurance guaranty association."

Amendment **adopted** unanimously.

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**HB 653, Constitutional Amendment** - Senator M. Taylor moved HB 653, as amended, be concurred in. Motion received the following vote:

Yeas: Beck, Berry, DePratu, Grimes, Keating, Keenan, Mesaros, Miller, Swysgood, Taylor, Thomas, Toews, Wells.

Total 13

Nays: Bartlett, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Lynch, Mahlum, McCarthy, McNutt, Mohl, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson, Mr. President.

Total 36

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 11** - Senator J. Lynch moved HB 11, be concurred in. 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 Grimes moved the Committee of the Whole report be adopted. Report adopted.

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman):

4/12/1999

Signed by the President at 2:00 p.m., April 12, 1999: SB 153.

Signed by the Secretary of Senate at 2:55 p.m., April 12, 1999: SB 153.

Signed by the President at 3:30 p.m., April 12, 1999: SB 14, SB 31, SB 36, SB 46, SB 94, SB 132, SB 134, SB 186, SB 219, SB 225, SB 226, SB 258, SB 270, SB 271, SB 349, SB 380, SJR 15.

**TAXATION** (Devlin, Chairman):

4/12/1999

**HB 174**, be amended as follows:

1. Page 4, line 14.

**Strike:** "1997"

**Insert:** "1999"

2. Page 9, line 16.

**Strike:** "current"

**Insert:** "previous"

3. Page 9, line 17.

**Strike:** "facilities"

**Insert:** "the"

**Strike:** "rates"

**Insert:** "rate"

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4. Page 9, line 20.

**Strike:** "current"

**Insert:** "previous"

5. Page 9, line 22.

**Following:** "27]"

**Insert:** "in tax year 1999"

6. Page 9, line 23.

**Strike:** "current"

**Insert:** "previous"

7. Page 9, line 24.

**Following:** "27]"

**Insert:** "in the current tax year"

8. Page 9, line 25.

**Strike:** "current"

**Insert:** "previous"

9. Page 9, lines 26 and 27.

**Strike:** "as" on line 26 through "revenue," on line 27

10. Page 27.

**Following:** line 25

**Insert:** "NEW SECTION. Section 34. Coordination instruction. If House Bill No. 128 and [this act] are both passed and approved, then:

(1) [section 35] of House Bill No. 128, relating to the creation of class thirteen property, is void; and

(2) [section 27 of this act] must read as follows:

NEW SECTION. Section 27. Class thirteen property -- description -- taxable percentage. (1) Except as provided in subsections (2)(a) through (2)(f), class thirteen property includes:

(a) electrical generation facilities of a centrally assessed electric power company;

(b) electrical generation facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed electrical generation facilities owned or operated by any electrical energy producer; and

(d) allocations of centrally assessed telecommunications services companies.

(2) Class thirteen property does not include:

(a) property owned by cooperative rural electric cooperative associations classified under 15-6-135;

(b) property owned by cooperative rural electric cooperative associations classified under 15-6-137;

(c) allocations of electric power company property under 15-6-141;

(d) electrical generation facilities included in another class of property;

(e) property owned by cooperative rural telephone associations and classified in class five; and

(f) property owned by organizations providing telecommunications services and classified in class five.

(3) (a) For the purposes of this section, "electrical generation facilities" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power. The term includes but is not limited to generating facilities that produce electricity from coal-fired steam



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turbines, oil or gas turbines, or turbine generators that are driven by falling water.

(b) The term does not include electrical generation facilities used for noncommercial purposes or exclusively for agricultural purposes.

(c) The term also does not include a qualifying small power production facility, as that term is defined in 16 U.S.C. 796(17), that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than electric power from a small power production facility and classified under 15-6-134 and 15-6-138.

(4) Class thirteen property is taxed at 6% of its market value."

**Insert:** "NEW SECTION. Section 35. Coordination instruction. If House Bill No. 128 and [this act] are both passed and approved, then:

(1) [section 44] of House Bill No. 128 is void; and

(2) [section 42] of House Bill No. 128 must read as follows:

NEW SECTION. Section 42. Effective dates. (1) Except as provided in subsection (2), [this act] is effective January 1, 2000.

(2) For the purposes of promulgating administrative rules under [section 17], [section 17] and this section are effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**HB 658**, be amended as follows:

1. Title, line 7.

**Strike:** "\$16"

**Insert:** "\$30"

2. Page 4, line 18.

**Following:** "less"

**Insert:** "["

3. Page 4, line 19.

**Strike:** "\$16"

**Insert:** "\$30"

4. Page 4, line 20.

**Strike:** "\$16"

**Insert:** "\$30"

5. Page 4, line 24.

**Following:** "quarter"

**Insert:** "]"

6. Page 6, line 28.

**Following:** "production"

**Insert:** "0.5% 14.8%"

7. Page 6, line 29 through line 30.

**Strike:** subsections (A) and (B) in their entirety

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8. Page 14, line 4.

**Insert:** "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 661 is passed and approved, then the bracketed material in [this act] in the definition of "stripper well exemption" in 15-36-303(24) is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 661**, be amended as follows:

1. Title, line 7 through line 8.

**Strike:** ", PROVIDED" on line 7 through "QUARTER" on line 8

2. Page 4, line 9 through line 15.

**Strike:** subsection (21) in its entirety

**Renumber:** subsequent subsections

3. Page 4, line 22.

**Following:** the second "year"

**Insert:** "if the average price for a barrel of oil as reported in the Wall Street Journal for west Texas intermediate crude oil during a calendar quarter is less than \$30 a barrel. If the price of oil is equal to or greater than \$30 a barrel in a calendar quarter, there is no stripper tax rate[, including stripper well exemption tax rate,] in that quarter. The average price for a barrel is computed by dividing the sum of the daily price for west Texas intermediate crude oil as reported in the Wall Street Journal for the calendar quarter by the number of days on which the price was reported in the quarter."

4. Page 6.

**Following:** line 23

<b>Insert:</b> "(i) first 1 through 10 barrels per day production	5.5%	14.8%
(ii) more than 10 barrels per day production	9.0%	14.8%"

5. Page 6, line 29 through line 30.

**Strike:** subsections (i) and (ii) in their entirety

6. Page 7, line 21 through line 28.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

7. Page 8, line 10.

**Strike:** "(5)(e)"

**Insert:** "(5)(d)"

8. Page 8, line 13.

**Strike:** "subsections (5)(b) and (5)(d)"

**Insert:** "subsection (5)(c)"

9. Page 10, lines 21 and 22.

**Following:** "on" on line 21

**Insert:** "the first 10 barrels of "

**Strike:** "EXEMPTION" on line 21

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**Insert:** "oil"

**Strike:** ", INCLUDING" on line 21 through "15-36-304(5)(B)."

10. Page 15, line 3.

**Insert:** "NEW SECTION. Section 5. Coordination instruction. If House Bill No. 658 is not passed and approved, then the bracketed material in [this act] in the definition of "stripper oil" in 15-36-303 is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MOTIONS**

**Majority Leader Harp** moved that the Senate stand in recess until the hour of 4:30 p.m. this day. Motion carried.

Senate recessed at 3:15 p.m.

Senate resumed at 4:32 p.m.

Roll Call. All members present except Senators DePratu, Ellingson, Glaser and Stang, excused. Quorum present.

**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 Grimes in the chair.

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

**HB 15** - Senator D. Mahlum moved HB 15, second reading copy, be amended as follows :

1. Title, page 1, line 9.

**Following:** "GENERAL FUND;"

**Insert:** "APPROPRIATING GENERAL FUND MONEY FOR AN INFORMATION TECHNOLOGY PROJECT FOR THE BIENNIUM ENDING JUNE 30, 2001;"

2. Page 1, line 14.

**Strike:** "5"

**Insert:** "6"

3. Page 1, line 17.

**Insert:** "NEW SECTION. Section 2. Information technology project appropriation -- contingency. (1) Pursuant to subsection (2), there is appropriated \$9,900,000 from the general fund to the department of revenue for the biennium ending June 30, 2001, for the information technology project known as project META.

(2) The appropriation contained in subsection (1) is contingent upon certification by the legislative auditor that the net general fund revenue impact of House Bill No. 645 has been realized."

**Renumber:** subsequent sections

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4. Page 1, line 23.

**Strike:** "\$18,000,000"

**Insert:** "\$8,100,000"

5. Page 1, line 27.

**Strike:** "\$18,000,000"

**Insert:** "\$8,100,000"

**Strike:** "2"

**Insert:** "3"

6. Page 2, line 12.

**Following:** "of"

**Insert:** "the general fund appropriation and the"

7. Page 2, line 13.

**Strike:** "4"

**Insert:** "5"

8. Page 2, line 15.

**Following:** "USING"

**Insert:** "the general fund appropriation and"

9. Page 2, line 16.

**Strike:** "5"

**Insert:** "6"

10. Page 2, line 18.

**Strike:** "3"

**Insert:** "4"

Amendment **adopted** as follows:

Yeas: Beck, Berry, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Grimes, Grosfield, Halligan, Hargrove, Harp, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Shea, Sprague, Swysgood, Tester, Thomas, Mr. President.

Total 27

Nays: Bartlett, Bishop, Bohlinger, Devlin, Eck, Ellis, Glaser, Hertel, Holden, Jabs, Keenan, Miller, Mohl, Nelson, Roush, Stang, Taylor, Toews, Waterman, Wells, Wilson.

Total 21

Absent or not voting: Franklin.

Total 1

Excused: Ellingson.

Total 1

**HB 15** - Senator G. Jergeson moved HB 15, second reading copy, be further amended as follows :

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1. Title, page 1, line 9.

**Following:** "GENERAL FUND;"

**Insert:** "APPROPRIATING GENERAL FUND MONEY FOR AN INFORMATION TECHNOLOGY PROJECT FOR THE BIENNIUM ENDING JUNE 30, 2001;"

2. Page 1, line 14.

**Strike:** "5"

**Insert:** "6"

3. Page 1, line 17.

**Insert:** "NEW SECTION. **Section 2. Information technology project appropriation -- contingency.** (1) Pursuant to subsection (2), there is appropriated \$9,900,000 from the general fund to the department of revenue for the biennium ending June 30, 2001, for the information technology project known as project META.

(2) The appropriation contained in subsection (1) is contingent upon certification by the legislative auditor that the net general fund revenue impact of House Bill No. 645 has been realized."

**Renumber:** subsequent sections

4. Page 1, line 23.

**Strike:** "\$18,000,000"

**Insert:** "\$8,100,000"

5. Page 1, line 27.

**Strike:** "\$18,000,000"

**Insert:** "\$8,100,000"

**Strike:** "2"

**Insert:** "3"

6. Page 2, line 12.

**Following:** "of"

**Insert:** "the general fund appropriation and the"

7. Page 2, line 13.

**Strike:** "4"

**Insert:** "5"

8. Page 2, line 15.

**Following:** "USING"

**Insert:** "the general fund appropriation and"

9. Page 2, line 16.

**Strike:** "5"

**Insert:** "6"

10. Page 2, line 18.

**Strike:** "3"

**Insert:** "4"

Amendment **failed** as follows:

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

Total 15

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

Total 34

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 15, requiring 2/3 of each house** - Senator C. Swysgood moved HB 15, as amended, be concurred in. Motion received the following vote:

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

Total 29

Nays: Bartlett, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Halligan, Holden, Jergeson, Lynch, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wells, Wilson.

Total 20

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 79** - Senator M. Taylor moved HB 79, second reading copy, be amended as follows :

1. Page 43, line 14.

**Strike:** "5"

**Insert:** "4"

Amendment **failed** as follows:

Yeas: Cocchiarella, DePratu, Hargrove, Keenan, Mahlum, Mesaros, Miller, Mohl, Taylor, Thomas, Wells, Mr. President.

Total 12

Nays: Bartlett, Beck, Berry, Bishop, Bohlinger, Christiaens, Cole, Crismore, Devlin, Doherty, Eck, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, McCarthy, McNutt, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Tester, Toews, Waterman, Wilson.

Total 37

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Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**HB 79** - Senator S. Bartlett moved HB 79, second reading copy, be amended as follows :

1. Page 50, line 4.

**Following:** "costs"

**Insert:** "and disability provisions"

2. Page 50, line 9.

**Following:** "examine"

**Insert:** ": (a)"

3. Page 50, line 10.

**Following:** "retirees"

**Insert:** "; and

(b) options for providing disability benefits for public retirees"

Amendment **adopted** as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Doherty, Eck, Franklin, Glaser, Grimes, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wells, Wilson.

Total 31

Nays: Beck, Crismore, Devlin, Ekegren, Ellis, Grosfield, Harp, Holden, Keating, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 18

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**HB 79** - Senator T. Beck moved HB 79, second reading copy, be further amended as follows :

1. Title, page 1, line 24.

**Following:** ";

**Insert:** "EXPANDING CERTAIN RETIREMENT BENEFITS TO COVER LEGISLATORS TERMINATED FROM SERVICE BECAUSE OF TERM LIMITS;"

2. Title, page 1, line 29.

**Following:** "19-2-603,"

**Insert:** "19-2-706,"

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3. Page 54.

**Following:** line 17

**Insert:** "Section 72. Section 19-2-706, MCA, is amended to read:

"19-2-706. **Additional service for member involuntarily terminated from membership service.** (1) An employee of the state or university system is entitled to the involuntary termination provision provided in subsection (3) if:

(a) the employee is a member of the public employees', game wardens' and peace officers', sheriffs', or highway patrol officers' retirement system;

(b) the employee's active service is involuntarily terminated because of elimination of the employee's position as a result of privatization, reorganization of an agency, closure of or a reduction in force at an agency, or other actions by the legislature or, in the case of a legislator, because of term limits terminating the service of the legislator in either one of the houses of the legislature on or after July 1, 1997, but before July 1, 1999;

(c) the employee is eligible for a normal service retirement or early retirement under the applicable provisions of the retirement system to which the member belongs; and

(d) the employee waives termination benefits for which the employee would otherwise be eligible under the State Employee Protection Act.

(2) The cost of each year of service purchased under this section is the total actuarial cost of purchasing the service based on the most recent actuarial valuation of the retirement system.

(3) The employer of an eligible member under subsection (1) shall pay a portion of the total cost of purchasing up to 3 years of additional service that the member was qualified to purchase under 19-3-513, 19-6-804, 19-7-804, or 19-8-904. The employer-paid portion applied toward the service purchase must be calculated using the formula  $A \times B \times C$  when:

(a) A is equal to a maximum of 3 additional years of service that the member is eligible to purchase;

(b) B is equal to the sum of the employer and employee contribution rates in the member's retirement system; and

(c) C is equal to the member's gross compensation paid during the immediate preceding 12 months of membership service. The employer may not be charged more than the total actuarial cost of the service purchased by the terminated employee.

(4) The member shall pay the difference, if any, between the full actuarial cost of the service to be purchased and the amount contributed by the employer under subsection (3). A member is entitled to a refund for that portion of previously purchased additional service that would otherwise cause the member to be unqualified to receive all or part of the additional service provided in this section. A member may elect to purchase less than the full amount of service for which the member is eligible under this section, but the election may not reduce the amount of the employer's contribution as calculated under subsection (3).

(5) The board may allow an employer to pay the contributions required under subsection (3) in installments for up to 10 years and may charge interest at a rate set by the board pursuant to 19-2-403.

(6) A member who has received additional service under this section and who returns to employment for the same jurisdiction for 600 or more hours in a calendar year forfeits the additional service. The employer's contribution to purchase that member's additional service, minus any retirement benefits already paid, must be refunded to the employer. As used in this subsection, the same jurisdiction means all agencies of the state, including the university system."

**Renumber:** subsequent sections

4. Page 55, line 29.

**Strike:** "73"

**Insert:** "74"

5. Page 55, line 30.

**Strike:** "73"



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**Insert:** "74"

6. Page 56, line 6.

**Strike:** "78(2)"

**Insert:** "79(2)"

7. Page 56, line 16.

**Strike:** "74 through 77, 79, and 80"

**Insert:** "72, 75 through 78, 80, and 81"

8. Page 56, line 19.

**Strike:** "73"

**Insert:** "71, 73, and 74"

Amendment **adopted** as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Franklin, Grosfield, Halligan, Hargrove, Harp, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Stang, Swysgood, Tester, Thomas, Wilson, Mr. President.  
Total 36

Nays: Bartlett, Ellis, Glaser, Grimes, Holden, Keating, Miller, Nelson, Sprague, Taylor, Toews, Waterman, Wells.  
Total 13

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 79** - Senator M. Taylor moved HB 79, as amended, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keating, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Sprague, Stang, Swysgood, Taylor, Thomas, Wells, Wilson, Mr. President.  
Total 35

Nays: Bartlett, Doherty, Eck, Franklin, Halligan, Jergeson, Lynch, McCarthy, Nelson, Roush, Shea, Tester, Toews, Waterman.  
Total 14

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 127** - Senator T. Beck moved HB 127 be concurred in. Motion carried unanimously.

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**HB 532** - Senator A. Mohl moved HB 532 be concurred in. Motion carried unanimously.

**HB 660** - Senator T. Beck moved HB 660 be concurred in. Motion carried unanimously.

**HB 13** - Senator T. Beck moved HB 13, second reading copy, be amended as follows :

1. Page 25, line 10.

**Following:** " \_ "

**Insert:** "The provisions of this section are in addition to the rights and benefits provided under 2-18-704 and do not affect the right of a legislator to remain on the group health insurance plan after 3 years if the legislator is otherwise eligible under 2-18-704 to remain covered."

Amendment **adopted** unanimously.

**HB 13** - Senator K. Miller moved HB 13, second reading copy, be further amended as follows :

1. Title, line 15.

**Following:** " ; "

**Insert:** "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

2. Page 25, following line 30.

**Insert:** "NEW SECTION. Section 14. Contingent voidness. If the estimated increase in Montana's wages and salaries as officially adopted by the revenue and taxation interim committee for the 2003 biennium does not total at least 18 %, then [section 10] is void."

**Renumber:** subsequent sections

3. Page 26, line 3.

**Strike:** " 13 "

**Insert:** " 14 "

Amendment **failed** as follows:

Yeas: Bartlett, Glaser, Jabs, Keating, Keenan, Miller, Sprague, Wells.

Total 8

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

Total 41

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 13** - Senator D. Mahlum moved HB 13, as amended, be concurred in. Motion carried as follows:

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

Total 40

Nays: Bartlett, Crismore, Ekegren, Keating, Keenan, Miller, Sprague, Taylor, Wells.

Total 9

Absent or not voting: None.

Total 0

Excused: Ellingson.

Total 1

**HB 622** - Senator T. Keating moved HB 622 be concurred in. Motion carried unanimously.

**HB 638** - Senator B. DePratu moved HB 638 be concurred in. Motion carried unanimously.

**HB 647** - Senator J. Harp moved that consideration of HB 647 be passed for the day. Motion carried.

**HB 651** - Senator B. DePratu moved HB 651 be concurred in. Motion carried unanimously.

**HB 656** - Senator B. Stang moved HB 656 be concurred in. Motion carried unanimously.

**HB 657** - Senator A. Ellis moved HB 657 be concurred in. Motion carried with Senator Stang voting nay.

**HB 659** - Senator J. Bohlinger moved HB 659 be concurred in. Motion carried unanimously.

**HB 669** - Senator B. DePratu moved HB 669 be concurred in. Motion carried with Senator Swysgood voting nay.

**SB 170 - House Amendments** - Senator M. Taylor moved House amendments to SB 170 be concurred in. Motion carried unanimously.

**SB 301 - House Amendments** - Senator T. Keating moved House amendments to SB 301 be **not** concurred in. Motion carried unanimously.

**SB 406 - House Amendments** - Senator S. Doherty moved House amendments to SB 406 be **not** concurred in. Motion carried unanimously.

**SB 500 - House Amendments** - Senator D. Berry moved consideration of House amendments to SB 500 be passed for the day. Motion carried unanimously.

**SJR 19** - Senator D. Eck moved SJR 19 be adopted. Motion **failed** as follows:

Yeas: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Grosfield, Halligan, Hargrove, Harp, Jergeson, Keenan, Mahlum, McCarthy, McNutt, Nelson, Roush, Stang, Tester, Thomas, Waterman, Wilson, Mr. President.

Total 24

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Nays: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hertel, Holden, Jabs, Keating, Lynch, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Taylor, Toews, Wells.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**SJR 19** - Senator C. Swysgood moved that SJR 19 be indefinitely postponed. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Hertel, Holden, Jabs, Keating, Keenan, Lynch, Mahlum, Mesaros, Miller, Mohl, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells.  
Total 28

Nays: Bartlett, Bohlinger, Christiaens, Cocchiarella, Doherty, Eck, Franklin, Grosfield, Halligan, Hargrove, Harp, Jergeson, McCarthy, McNutt, Nelson, Roush, Stang, Tester, Waterman, Wilson, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**HJR 2** - Senator B. DePratu moved consideration of HJR 2 be passed for the day. Motion carried unanimously.

**HB 260** - Senator G. Jergeson moved HB 260, second reading copy, be amended as follows :

1. Title, line 5.

**Following:** "FUNDS;"

**Insert:** "REVISING THE USE OF COAL SEVERANCE TAX FUNDS;"

2. Title, line 8.

**Strike:** "EXPENDABLE"

3. Title, lines 10 through 12.

**Strike:** the first "COAL" on line 10 through "PAID" on line 12

**Insert:** "VISION 2005 JOBS AND INCOME TRUST FUND"

4. Title, line 15.

**Strike:** "PRODUCER'S LICENSE TAXES"

**Insert:** "TAX EARNINGS"

5. Title, line 16.

**Following:** "FUNDS;"

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**Insert:** "APPROPRIATING THE INTEREST AND EARNINGS FROM THE VISION 2005 JOBS AND INCOME TRUST FUND TO SUPPORT THE VISION 2005 JOBS AND INCOME PROGRAM;"

6. Title, line 17.

**Strike:** ", 17-5-709,"

7. Page 2, line 4.

**Strike:** "EXPENDABLE"

**Following:** "account"

**Insert:** "and a special revenue account"

8. Page 2, line 20.

**Strike:** "EXPENDABLE"

9. Page 2, lines 21 and 22.

**Strike:** "EXPENDABLE" on line 21

**Following:** "fund" on line 21

**Strike:** remainder of line 21 through "TREASURY" on line 22

**Insert:** "coal severance tax trust fund"

10. Page 2, line 24.

**Strike:** "EXPENDABLE"

11. Page 2, line 25.

**Strike:** "EXPENDABLE"

12. Page 2, line 26.

**Strike:** "FUND"

**Insert:** "special revenue account provided for in [section 3]"

13. Page 2, lines 28 and 29.

**Following:** "COMMERCIALIZATION" on line 28

**Strike:** remainder of line 28 through "TRUST" on line 29

**Insert:** "special revenue account"

14. Page 2, line 30 through page 3, line 1.

**Following:** "are" on line 30

**Insert:** "There is a research and commercialization account within the state special revenue fund."

**Following:** "COMMERCIALIZATION" on line 30

**Strike:** remainder of line 30 through "IS" on line 1

**Insert:** "account and earnings on the account are"

15. Page 3, line 3.

**Strike:** "9"

**Insert:** "7"

16. Page 3, line 5.

**Strike:** "EXPENDABLE"

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**Following:** "]"

**Insert:** "and the special revenue account in this section"

17. Page 3, line 7.

**Strike:** "EXPENDABLE TRUST FUND"

**Insert:** "special revenue account"

18. Page 4, line 1.

**Strike:** "EXPENDABLE TRUST FUND"

**Insert:** "special revenue account"

**Strike:** "FUND"

**Insert:** "account"

19. Page 4, line 5.

**Strike:** "FUND"

**Insert:** "account"

20. Page 4, line 23.

**Strike:** "AND"

21. Page 4, line 25.

**Following:** "fund"

**Insert:** "; (f) a research and commercialization trust fund; and (g) a vision 2005 jobs and income trust fund"

22. Page 4, line 30.

**Strike:** "(5)"

**Insert:** "(7)"

23. Page 5, line 29.

**Following:** line 28

**Insert:** " (5)(a) On July 1, 1999, the state treasurer shall transfer to the research and commercialization trust fund \$60 million of the amount in the coal severance tax permanent fund.

(b) The state treasurer shall monthly transfer from the research and commercialization trust fund to the special revenue account provided for in [section 3] the earnings on the fund necessary for funding approved projects or approved payments.

Earnings not transferred to the special revenue account must be retained in the research and commercialization trust fund.

(6)(a) On July 1, 1999, the state treasurer shall transfer to the vision 2005 jobs and income trust fund \$40 million of the amount in the coal severance tax permanent fund.

(b) The state treasurer shall monthly transfer from the vision 2005 jobs and income trust fund to the special revenue account provided for in [section 5] the earnings on the fund necessary for funding approved projects or approved payments. Earnings not transferred to the special revenue account must be retained in the vision 2005 jobs and income trust fund."

**Renumber:** subsequent subsection

24. Page 9, line 18 through page 10, line 10.

**Strike:** section 5 in its entirety

**Insert:** "NEW SECTION. Section 5. Vision 2005 jobs and income special revenue account. (1) There is an account within the state special revenue fund. The interest income and earnings on the account must be retained in

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the account for appropriation by the legislature.

(2) The establishment of the special revenue account in this section and the vision 2005 jobs and income trust fund in 17-5-703 is intended to enhance the economic growth opportunities for Montana and constitute a public purpose."

25. Page 12, line 14 through page 16, line 30.

**Strike:** sections 7 through 17 in its entirety

**Renumber:** subsequent sections

26. Page 18, line 17.

**Insert:** "NEW SECTION. Section 10. Marketing development -- appropriation. (1) There is appropriated to the department of commerce \$65,000 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsections (2) and (3).

(2) The department of commerce shall use the funds appropriated in subsection (1) to provide Montana companies with:

(a) assistance in identifying national and international trade shows that offer new business opportunities and assistance to small Montana companies in participating in trade shows; and

(b) direct technical marketing, market research, and marketing training.

(3) The department shall generate a database of marketing specialists located inside and outside of Montana and use the database to assist Montana businesses seeking specific marketing experience."

**Insert:** "NEW SECTION. Section 11. Access to markets -- appropriation. (1) There is appropriated to the department of commerce \$130,000 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsections (2) and (3).

(2) The department of commerce shall use the funds appropriated in subsection (1) to encourage and promote activities that increase foreign and domestic trade efforts for Montana agricultural, manufactured, and other products. The strategies for increasing Montana product presence in foreign markets must focus on maximizing Canadian trade opportunities and an expansion of Asian trade efforts, including efforts to expand the presence of Montana products in China. Domestic market access must include efforts to identify areas within the United States where Montana products could meet specific consumer demands.

(3) The department of commerce may use the funds for personnel costs and administrative expenses."

**Insert:** "NEW SECTION. Section 12. Manufacturing extension services -- appropriation. (1) There is appropriated to the department of commerce \$130,000 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsection (2).

(2) The department of commerce shall use the funds appropriated in subsection (1) as a partial match for federal funds to provide experienced manufacturing engineering expertise to small Montana manufacturers at an economically reasonable cost. The appropriation must be used to assist the five regional Montana manufacturing extension service engineers located in Billings, Bozeman, Helena, Kalispell, and Missoula to increase:

(a) the efficiency of Montana manufacturers;

(b) the amount of revenue realized from the sale of manufactured products; and

(c) the level of net new jobs in Montana manufacturing firms."

**Insert:** "NEW SECTION. Section 13. Small business development centers -- appropriation. (1) There is appropriated to the department of commerce \$81,250 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purpose described in subsection (2).

(2) The department of commerce shall use the funds appropriated in subsection (1) to match federal and local funds to enhance the training opportunities and technical assistance that small business development centers in the state provide to small businesses. The existing small business development centers located in Billings, Bozeman, Butte, Colstrip, Great Falls, Havre, Helena, Kalispell, Missoula, and Wolf Point offer training and assistance designed to increase the number of jobs and revenue generated by small businesses and to foster conditions that result in business retention."

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**Insert: "NEW SECTION. Section 14. Business startup and expansion training -- appropriation.** (1) There is appropriated to the department of commerce \$55,250 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purpose described in subsection (2).

(2) The department of commerce shall use the funds appropriated in subsection (1) to expand the nxlevel small business entrepreneurial training program for startup businesses and high school students that was initiated through a partnership between the department and US west. The training program is designed to enhance the technical and managerial skills of current and future business owners to improve the profitability and stability of businesses."

**Insert: "NEW SECTION. Section 15. Microloan technical training -- appropriation.** (1) There is appropriated to the department of commerce \$16,250 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purpose described in subsection (2).

(2) The department of commerce shall use the funds appropriated in subsection (1) to supplement existing small business counseling and assistance services provided by the statewide network of small business development centers and microbusiness finance programs by implementing distance learning technology to allow the delivery of business management training and peer networking services directly to rural areas and Indian reservations."

**Insert: "NEW SECTION. Section 16. Growth through agriculture -- appropriation.** (1) There is appropriated to the department of agriculture \$650,000 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsection (2).

(2) The department of agriculture shall use the funds appropriated in subsection (1) to strengthen and diversify the state's agricultural industry by establishing public-private sector partnerships to assist the development of innovative agricultural business organizational improvements and the commercialization and marketing of new agricultural products in order to keep pace with a transforming agricultural industry and to create new jobs and expand small business opportunities, including:

(a) grant programs to agricultural businesses for feasibility studies, marketing studies, and business plan development;

(b) low-interest and guaranteed loan programs for agricultural businesses through the growth through agriculture council; and

(c) the development and establishment of new markets for Montana agricultural products."

**Insert: "NEW SECTION. Section 17. Agricultural product promotion -- appropriation.** (1) There is appropriated to the department of agriculture \$121,550 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsections (2) and (3).

(2) The department of agriculture shall use the funds appropriated in subsection (1) to:

(a) identify the opportunities and resources available for the state's agricultural products;

(b) develop and improve communications between Montana agricultural producers and companies;

(c) receive, develop, and implement trade leads from domestic and international sources;

(d) assist agricultural businesses with response development and in delivering responses to the appropriate market; and

(e) provide timely and efficient followup of distribution, financing, marketing, feedback, and cultural exchanges.

(3) The department of agriculture may use the funds appropriated for personnel costs associated with administering subsection (2)."

**Insert: "NEW SECTION. Section 18. Agricultural business assistance -- appropriation.** (1) There is appropriated to the department of agriculture \$111,150 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purposes described in subsections (2) and (3).

(2) The department of agriculture shall use the funds appropriated in subsection (1) to:

(a) assist new or expanding agricultural businesses on an individual basis to develop their business, locate financial support, improve transportation efficiency, assist with business regulatory compliance, and facilitate and support increased value of agricultural commodities through more efficient production methods; and

(b) develop hard copy and electronic information for business assistance and irrigation services that identifies the



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infrastructure for agribusiness development assistance. The project must link the information to Montana techlink, Montana state university extension services, and the Montana manufacturing extension center.

(3) The department of agriculture may use the funds appropriated in subsection (1) for personnel costs associated with administering subsection (2)."

**Insert:** "NEW SECTION. **Section 19. Agricultural extension research -- appropriation.** (1) There is appropriated to Montana state university-Bozeman \$111,150 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purpose described in subsection (2).

(2) The appropriation in subsection (1) must be used to support research at the agricultural experiment stations."

**Insert:** "NEW SECTION. **Section 20. Cooperative development centers -- appropriation.** (1) There is appropriated to the department of agriculture \$81,250 from the vision 2005 jobs and income special revenue account for each year of the biennium ending July 1, 2001, for the purpose described in subsection (2).

(2) The department shall use the appropriation in subsection (1) to support research at cooperative development centers."

**Renumber:** subsequent sections

27. Page 18, line 26 through page 20, line 3.

**Strike:** section 22 in its entirety

**Renumber:** subsequent sections

28. Page 20, line 6.

**Strike:** "17."

**Strike:** "19."

**Insert:** "5, 8,"

**Strike:** "20"

**Insert:** "9"

29. Page 20, line 7.

**Strike:** "17."

**Strike:** "19."

**Insert:** "5, 8,"

**Strike:** "20"

**Insert:** "9"

30. Page 20, lines 8 and 9.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

31. Page 20, line 10.

**Strike:** "18"

**Insert:** "7"

32. Page 20, line 11.

**Strike:** "18"

**Insert:** "7"

Amendment **failed** as follows:

Yeas: Bartlett, Christiaens, Cocchiarella, Cole, Doherty, Eck, Franklin, Halligan, Jergeson, Keating, Lynch,

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McCarthy, Nelson, Roush, Shea, Sprague, Stang, Tester, Waterman, Wilson.  
Total 20

Nays: Beck, Berry, Bishop, Bohlinger, Crismore, DePratu, Devlin, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keenan, Mahlum, McNutt, Mesaros, Miller, Mohl, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

Excused: Ellingson.  
Total 1

**HB 260** - Senator M. Waterman moved HB 260, second reading copy, be amended as follows :

1. Page 17, line 12.

**Strike:** "AND TWO PROGRAM SPECIALISTS"

2. Page 17, line 13.

**Strike:** "AND PROGRAM SPECIALISTS' SALARIES"

**Insert:** "salary"

Amendment **adopted** with Senator Lynch voting nay.

**Senator Ellingson present at this time.**

**HB 260** - Senator J. Harp moved HB 260, as amended, be concurred in. Motion carried as follows:

Yeas: Beck, Berry, Bohlinger, Crismore, DePratu, Devlin, Eck, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Shea, Sprague, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.  
Total 32

Nays: Bartlett, Bishop, Christiaens, Cocchiarella, Cole, Doherty, Ellingson, Franklin, Halligan, Jabs, Jergeson, Keating, Miller, Roush, Stang, Tester, Waterman, Wilson.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman Grimes moved the Committee of the Whole report be adopted. Senator Doherty made a substitute motion that **HB 647 be segregated** from the Committee of the Whole report. Motion carried. Thereupon, Senator Grimes' motion that the report be adopted passed unanimously.

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

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

Nays: Bartlett.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 534** 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, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 49

Nays: Lynch.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 21** adopted as follows:

Yeas: Bartlett, Berry, Bishop, Bohlinger, Christiaens, Cole, DePratu, Doherty, Eck, Ekegren, Ellingson, 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, Tester, Thomas, Waterman, Wells, Wilson, Mr. President.  
Total 42

Nays: Beck, Cocchiarella, Crismore, Devlin, Keenan, Swysgood, Taylor, Toews.  
Total 8

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 14, requiring 2/3 of each house,** received the following vote:

Yeas: Bartlett, Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Mr. President.  
Total 44

Nays: Christiaens, Doherty, Eck, Miller, Nelson, Wilson.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 109, as amended by the Senate,** concurred in as follows:

Yeas: Bartlett, Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Toews, Waterman, Wells, Wilson.  
Total 47

Nays: Bishop, Miller, Mr. President.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 72** concurred in as follows:

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

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 92, requiring 3/4 of each house,** 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, Tester, Thomas, Toews, Wells, Wilson, Mr. President.  
Total 49

Nays: Waterman.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 135** concurred in 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

**HB 341, 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, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson,

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Roush, Shea, Sprague, Stang, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 48

Nays: Swysgood, Taylor.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 389, as amended by the Senate**, concurred in as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Christiaens, Cocchiarella, Cole, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harp, Hertel, Holden, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Nelson, Roush, Shea, Sprague, Stang, Swysgood, Taylor, Tester, Thomas, Wells, Wilson, Mr. President.  
Total 44

Nays: Bartlett, Crismore, Jabs, Miller, Toews, Waterman.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 513** concurred in 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

**HB 621, as amended by the Senate**, concurred in as follows:

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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

**HB 630** concurred in 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, Tester, Thomas, Toews, Waterman, Wells, Wilson, Mr. President.  
Total 47

Nays: Stang, Swysgood, Taylor.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 648, 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, Glaser, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Stang, Swysgood, Thomas, Toews, Wilson, Mr. President.  
Total 41

Nays: Grosfield, Keenan, Miller, Nelson, Sprague, Taylor, Tester, Waterman, Wells.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 652, 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, 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

**HJR 33** concurred in as follows:

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

Total 38

Nays: Cocchiarella, Crismore, Ellis, Hertel, Jabs, Keenan, Miller, Mohl, Nelson, Taylor, Toews, Wells.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 34** concurred in as follows:

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

Total 41

Nays: Beck, Cocchiarella, Crismore, Keating, Keenan, Mohl, Swysgood, Taylor, Toews.

Total 9

Absent or not voting: None.

Total 0



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Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BILLS AND JOURNAL** (Miller, Chairman): 4/12/1999  
Correctly engrossed: HB 5, HB 79, HB 174, HB 658, HB 661.  
Correctly enrolled: SB 273, SB 294, SB 359, SB 426, SB 502, SB 522, SJR 9.  
Signed by the Secretary of Senate at 5:00 p.m., April 12, 1999: SB 14, SB 31, SB 36, SB 46, SB 94, SB 132, SB 134, SB 186, SB 219, SB 225, SB 226, SB 258, SB 270, SB 271, SB 349, SB 380, SJR 15.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on Senate Bill 96

Report No. 1, April 12, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 96** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Page 1, line 16.

**Strike:** "ALL"

**Following:** "VOTING"

**Insert:** "present and voting"

2. Page 1, line 18.

**Strike:** "20%"

**Insert:** "25%"

For the Senate:

Hargrove, Chairman  
Grosfield  
Stang

For the House:

Bitney, Chairman  
R. Erickson  
Noennig

**FREE CONFERENCE COMMITTEE**  
on Senate Bill 97

Report No. 1, April 12, 1999

Mr. President and Mr. Speaker:

We, your **Free** Conference Committee met and considered **Senate Bill 97** (reference copy -- salmon) and recommend this **Free** Conference Committee report be adopted.

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And, recommend that **Senate Bill 97** (reference copy -- salmon) be amended as follows:

1. Page 11, line 22.

**Strike:** "SHALL"

**Insert:** "may, in their discretion,"

For the Senate:

Hargrove, Chairman  
Grosfield  
Stang

For the House:

Bitney, Chairman  
Noennig  
Squires (unsigned)

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 1:00 p.m., Tuesday, April 13, 1999. Motion carried.

Senate adjourned at 8:20 p.m.

ROSANA SKELTON  
Secretary of Senate

BRUCE CRIPPEN  
President of the Senate

**JOINT MEMORIAL SERVICE  
SENATE AND HOUSE OF REPRESENTATIVES**

**April 11, 1999**

**RALPH JAMES BECK**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Ralph James Beck on July 12, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Beck be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Ralph James Beck, Montana Senator and Representative, was born February 13, 1918 and resided in the Deer Lodge area most of his lifetime.

He graduated from Powell County High School in Deer Lodge and Worsham College in Chicago. He married Marjorie Ross on January 3, 1941. Ralph and Marjorie celebrated 57 years of marriage.

Ralph enlisted in the Air Force in 1942 and served in Australia, New Caledonia and New Guinea. Following his return from an assignment with the Air Force Intelligence Branch, he began working with his father-in-law, R.W. Ross.

He provided funeral services in Deer Lodge for 31 years including four years as a mortician in Anaconda and is a past-president of the Montana Funeral Directors Association.

Ralph James Beck represented Powell County House District 38 in the 1963 Legislative Session and Senate District 39 in the 1965 session and was a member of the Senate Public Health, Welfare and Safety and State Administration

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Committees.

He served on the Deer Lodge City Council airport, cemetery and weed boards. Ralph was a member of the Masonic Temple Board, Past-Potentate of Bagdad Temple and former president of the Powell County Civic Association. He was also a member of the American Legion and VFW and supported the Deer Lodge Shrine Band.

Mr. Beck was a member of St. James Episcopal Church where he served on the vestry and church building committee.

Ralph Beck is survived by his wife, Marjorie, a brother and sister, cousins, nieces and nephews including Senate President Pro Tempore, Senator Tom Beck.

**PAUL BOYLAN**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Paul Boylan on April 14, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Boylan be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Paul Boylan, rancher, senator and regent, was born on June 26, 1919 in Bozeman. He was raised on a farm outside of Bozeman and was a member of the local 4-H Club. He graduated from Gallatin County High School.

A 1942 agriculture graduate of the University of Montana at Bozeman, Paul served as a Marine Corps Captain in World War II. Later that same year, he worked on the Burma Road in the China-Burma-India Theater and learned to speak Hindu.

He married the former Mildred Schaplow, August 1, 1941 in Seattle, WA. Paul and Mildred are the parents of three children. Mildred resides on their farm in Bozeman.

Senator Boylan was elected to the Senate in 1968 and served the Montana legislature for 22 years as a member of eight Senate committees. As a Bozeman area rancher, he was particularly interested in agriculture and milk control legislation and was appointed Chairman of the Senate Livestock, Irrigation and Agriculture Committee in 1987. He was also a member of the Senate Judiciary and Education Committees and served as Vice Chairman of both committees in 1975.

In 1991, he was appointed by then-Governor Stan Stephens to serve the university system Board of Regents. Praised by both Democrats and Republicans for his appointment, Senator Boylan is remembered for his wit and good humor particularly when dealing with the intensity of higher education issues.

Paul was committed to education, political independence and community involvement. He was a member of the Elks and Rotary Clubs, the Farm Bureau, Stockgrower's Association, Angus Association and the Riverside Country Club.

**DAVE BROWN**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Dave Brown on October 23, 1998.

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WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Brown be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Dave Brown, six-term Butte legislator known for his political savvy, was born and raised in Pompey's Pillar where his parents farmed and ranched. He received his early education in a two-room schoolhouse and was the valedictorian of his high school class.

He graduated from Princeton University in 1971 with a bachelor's degree in religion and political science. Dave learned and honed his legislative skills while working in Washington D.C. for Senate Majority Leader Mike Mansfield and U.S. Rep. John Melcher in the 1970's. He also served as Staff Director of the Public Lands Subcommittee for the U.S. House of Representatives. Mr. Brown subsequently received his master's degree in legislative affairs from George Washington University.

He married the former Marcia McCormick, August 25, 1973 in Billings.

Mr. Brown was elected to the Montana House of Representatives in 1980. He served as Chairman of the House Judiciary Committee in 1985 and 1989. Dave was also a member of the Natural Resources, Local Government, Transportation and Rules Committees.

Well known for his abilities as an orator and strategist, Dave was elected to the position of speaker *pro tempore* in 1991. Representative Brown supported legislation for a mandatory kindergarten class, the Hard Rock Mining Reclamation Act and protection of individual rights and freedoms.

He made the mining town his home in 1977 when he was hired as deputy director for corporate development for Montana Energy Institute. Two years later, he formed Brown & Company, a legislative consulting firm.

Dave served dual political roles as a Washington lobbyist and Montana legislator until his political resignation in 1993. Later, he became a lobbyist for the gambling industry. He was a member of the YMCA Youth in Government Program and the Montana Veteran's Council.

Dave is survived by his wife, Marcia, a son, David, and a daughter, Meredith.

**GEORGE W. BROWNLEE**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of George W. Brownlee on March 12, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Brownlee be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

George W. Brownlee, Montana Representative and former Judith Basin County Assessor, was born June 28, 1902 in Bowden, North Dakota to Harve and Mary Brownlee. The Brownlee family moved to Montana in 1909 and resided in the communities of Hobson, Moccasin and Stanford.

George was a capable athlete and talented musician at Stanford High School and was a member of the school basketball team and band. Good-natured and friendly, George was better known as "Red" with his colorful, curly hair.

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He attended the University of Montana at Missoula and married the former Alice Marie Eveland, November 23, 1923 in Lewistown. During these post-college years, George performed with a local dance band and joined the Stanford baseball team. He was a consistent winner at horseshoe contests and enjoyed pool and billiards as well.

George and Alice Brownlee are the parents of seven children. Alice preceded him in death on July 17, 1993 in Great Falls.

George had a most distinguished career in public office serving Judith Basin County as Deputy County Assessor and, subsequently, County Assessor for 21 years. He was president of the Montana County Assessors Association and a District 17 State Assemblyman. George faithfully served as Clerk for the Board of Trustees in the Stanford School District for 25 years and was secretary for the Stanford Volunteer Firemen. He was employed with F.W. Woolworth Company prior to his work as an Assessor.

He was elected to the Montana legislature in 1966, a Representative of Chouteau and Judith Basin Counties. He served on the House Labor and Compensation, Townships and Counties, Ways and Means Committees during each of his two terms and was Vice-Chairman of the House Bills Committee in 1969.

His knowledge of taxation issues led to a Senate appointment to the Montana State Platform Committee on Taxation in June, 1968. He was later selected as a delegate to the 1976 State Republican Convention.

George W. Brownlee was a Mason and a member of Palestine Lodge #88, AF & AM.

**THOMAS MORTIMER CLEMOW**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Thomas Mortimer Clemow on April 7, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Clemow be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Thomas Mortimer Clemow, Beaverhead County rancher, commissioner and legislator, was born April 30, 1908 on the Clemow family ranch at Jackson, Montana, to George and Elizabeth Clemow, emigrants from England to the United States in 1895.

Tom attended Kearney Military Academy in Nebraska for one year and graduated from Beaverhead County High School in 1926. He attended the University of Montana for three years and then returned home to manage his family's ranch.

He married the former Rose Neidt on June 17, 1932. They resided on the family ranch near Jackson where they maintained a large herd of commercial Herefords. Rose preceded her husband in death in 1991. Tom and Rose are the parents of six children.

Tom Clemow began his political career as a Beaverhead County Commissioner in 1954 and was then elected to the Montana House of Representatives in 1969. As county commissioner, Tom was instrumental in having the road from Jackson to Dillon oiled to improve transportation.

He served on the District 24 school board for 25 years, many of those years as board chairman. A lifetime member of the Montana Stockgrower's Association, Tom and his brother, Mark, were awarded Stockmen of the Year in 1955 in recognition of their abilities as cattlemen at their Bar B Ranch. Tom was a life member of the Mason, Shriner and Elk organizations.

**WARREN H. DAVIS**

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WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Warren H. Davis on April 18, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Davis be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Warren H. Davis, former Montana Senator and Representative, was born in Cameron, MT on November 10, 1920 to Nathaniel and Catherine Davis, pioneer residents of Madison County. The Davis family moved to Anaconda when Warren was two years old.

Following graduation from Anaconda High School in 1938, Warren enlisted in the Civilian Conservation Corps in Montana. He was employed at the Anaconda Company Smelter for 28 years. During this time, he served three years in the U.S. Navy.

Warren married the former Frances A. Reber, January 8, 1944 in Corpus Christi, TX. They are the parents of seven children.

Warren H. Davis is recognized for his service to Montana as both a Representative in 1963 and a Senator in 1965 when he chaired the Senate Journal Committee. He served on the House Education, State Administration and Ways and Means Committees and was also a member of the Senate Bills, Education and Local Government Committees.

Warren was particularly interested in health care and education issues and worked closely with the Montana State Hospital at Warm Springs, the Galen Campus, and Montana Developmental Center at Boulder.

He was appointed Anaconda Postmaster in 1966 and served until his retirement in 1982. He and Fran enjoyed their retirement traveling throughout the states and Europe.

Warren was a lifetime member of the Anaconda Elks Lodge and V.F.W. Post #1876. He was a member of the Sons and Daughters of Montana Pioneers and the Holy Family Catholic Church in Anaconda.

**ROBERT AMMI DURKEE**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of the Montana record the passing of Robert Ammi Durkee on May 24, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Durkee be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Robert Ammi Durkee, distinguished veteran and Havre businessman, was born October 25, 1915 on the Minnesota Iron Range at Hibbing.

He was a graduate of Duluth Central High School in Duluth, Minnesota. He entered the U.S. Army Quartermaster Corps at Cheyenne in 1942 and was accepted into the first Special Service Force elite combat unit where he began his extensive military service to Montana and the country.

Bob served in the Asiatic-Pacific Theater, American and European Theater and North Atlantic Theater and was awarded two bronze stars for distinguished combat service. His exemplary performances in the Allied effort in Norway earned him the prestigious British Empire Medal. He was presented the Distinguished VFW Service Medal for 32 years of dedicated service.

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Mr. Durkee married the former Kathryn Gibson Bailey of Havre in 1949. Kathryn preceded him in death, October 26, 1986. They are the parents of two daughters, Marilyn and Marjie. He married the former Marie Elizabeth Maras, November 27, 1965. Bob has six grandchildren, nine great-grandchildren and two great-great-grandchildren.

Mr. Durkee began his legislative career in 1953 as a Representative from Hill County and then, in 1957, he began serving four-terms as a senator.

Bob was interested in educational programs and legislation for the advancement of young adults. He was committed to wildlife management and preservation, Native American and business causes.

He was co-owner of Bing 'n Bob's Sporting Goods Store in Havre and worked diligently on community youth programs there including the Fresno Lake Project. Bob was devoted to his country and to all veteran causes. He is a life member of the Eagles and Elks Lodges in Havre as well as the VFW.

**ORVAL S. ELLISON**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Orval S. Ellison on October 18, 1998 in Billings, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Ellison be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Orval S. Ellison, Paradise Valley rancher, musician and Representative, was born July 6, 1921 in Forsyth. He received his early education in Colstrip and was the valedictorian of his graduating class in Burlington, Wyoming.

An accomplished banjo player and member of the Montana Fiddlers Association, Orval and his brothers formed an orchestra as teenagers and performed for local dances and social functions in eastern Montana.

He entered the U.S. Army in 1942 and served with the 15th Army Air Corps in Africa and Italy during World War II.

Orval married the former Emma M. Elges, October 12, 1947 in Livingston. Orval and Emma ranched on the Yellowstone River near Pray until 1969 when they moved to a ranch on the West Boulder River near McLeod. The Ellisons have a daughter, Kathi, of Livingston.

Orval S. Ellison was elected to a seat in the House of Representatives in 1974 where he served nine consecutive terms in public office. He was particularly interested in Hard Rock Mining Impact legislation and is remembered as the sponsor of HB 81 that named the duck-billed dinosaur the official state fossil. Livingston school children collected 8,000 signatures of support for Representative Ellison.

He was never intimidated by controversy and was so well known for his keen sense of humor that colleagues dubbed him the "Will Rogers of the Montana House of Representatives."

Representative Ellison was appointed chairman of the Fish and Game Committee in 1981 and also served as Vice-Chairman of the Taxation Committee. During his final term in 1991, Representative Ellison earned the title, "Dean of the Republican Party" as their legislator with the most seniority.

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He served as trustee of the Rosedale School Board, chairman and director of the Park Branch Canal and a member of the West Boulder Planning Commission. He was a member of American Legion Sweet Grass Post #19 and served as past commander of District #7.

Orval was a voracious reader, woodworker, hunter and fisherman who was dedicated to his constituents.

**RALPH S. EUDAILY**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Ralph S. Eudaily on June 18, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Eudaily be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Ralph S. Eudaily, educator, outdoorsman and legislator, was born on September 28, 1913 in Avant, Oklahoma and journeyed to Montana with his family as a child.

He was educated at Montana State Normal College at Dillon and the University of Montana at Missoula where he received a master's degree in education. He loved to hunt and fish with his father in his early years and took many round trips from Montana to Kansas in a Model T. On one stretch of a trip, Ralph had 36 flat tires!

He met the former Doris Winifred Binder while they were attending college in Dillon and they were married at St. Joseph Church in Butte on December 27, 1936. Ralph and Doris celebrated 60 years of marriage and have a son, Gary, and a daughter, Gloria.

Ralph began his education career as an elementary teacher and high school coach in Bridger. From 1941 until 1943, he was Superintendent of Schools at Elliston and then principal in the Philipsburg school district until he joined the teaching staff of District 1 in Missoula where he served as principal at both Whittier and Russell Schools.

Mr. Eudaily was recognized for his outstanding contributions to education and received numerous awards from national and statewide educational organizations including Northwest Montana Elementary and Middle School Principals, University of Montana College of Technology, University of Montana at Dillon, State Retired Teachers Association, University of Montana Foundation, Montana Association of Elementary School Principals, Missoula PTA Council and AARP National Retired Teachers Association.

Elected to the first of seven consecutive terms in the House of Representatives in 1976, Representative Eudaily served on the Education, Judiciary and Fish and Game Committees and was elected Majority Whip in 1987. He was an eight-year-member and one-time chairman of the Legislative Council and also represented Montana at the Western Legislative Conference.

Ralph was an avid outdoorsman and participant in Montana's first recognized pheasant season. He fished the Upper Rock Creek salmon fly hatch and was devoted to preserving Rock Creek as a blue-ribbon trout stream. He was a loyal member of the Western Montana Fish and Game Association and Ducks Unlimited and a life-long member of the Montana Officials Association officiating at both football and basketball games.

Characterized as an education advocate and tireless public servant, Ralph was known to read completely, and understand thoroughly, every paragraph of each education bill. He is remembered by his colleague's as a kind and thoughtful gentleman who never retreated from his beliefs.



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**GEORGE EDWARD GLEED**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of George Edward Gleed on November 16, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Gleed be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

George Edward Gleed, Beaverhead County rancher, businessman and former state controller, was born in 1920 in Lima, MT and raised on the Gleed Ranch homestead. He received a degree in animal husbandry from Montana State University at Bozeman where he was a member of Alpha Gamma Rho fraternity.

A decorated World War II veteran, George served with the 69th Infantry Battalion in the Battle of the Bulge and was awarded a Bronze Medal for valor. Following his military service, he returned to Montana and, in 1953, married the former Marjorie Kitcher of Western Australia. They are the parents of three daughters.

Representative Gleed served four terms in the Montana legislature from 1953 to 1959 as a member of the Public Health, Appropriations, Fish and Game, Liquor Control and Mines and Mining Committees. He was appointed state controller in the early 1960's by then-Governor, Don Nutter.

He served as president of the Montana Farm Bureau, the Montana Beer Wholesalers and the Montana Tobacco Dealers Association.

George diversified his life as a rancher by co-owning and operating the Beaverhead Bar Supply in Dillon with his brother-in-law until 1962 when George and his family moved to Nevada.

He owned the Western Cigar Company in Reno and Las Vegas until 1985 when he and his daughter, Candace, assumed management of the Gleed Industrial Warehouses in Las Vegas.

**R. BUDD GOULD**

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of R. Budd Gould on June 2, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Gould be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

R. Budd Gould, elected to the House of Representatives in 1974, is remembered today for his insightful and dedicated support of the democratic process.

Budd represented, and supported, the common man. He was known for his personal touch of walking House District 61 in Missoula when campaigning during each of his eight terms.

Representative Gould ran undefeated until his retirement from the legislature in 1990. He was a member of the House Human Services, Local Government and Judiciary Committees and was known to work diligently for causes he and his constituents supported including a Montana sales tax and state lottery.

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His tenure as a legislator was only one reflection of Representative Gould's dedication to his community. He was a well-rounded participant on numerous Montana advisory councils including Visual and Rehabilitative Services, Friends to Youth and the Montana State Library.

Mr. Gould was the first blind person appointed to the National Council for the Handicapped in 1983 by President Reagan. In recognition of this appointment, he was invited to the Republic of China in 1986 as a guest of the Premier. Budd served on Governor Schwinden's Committee on Employment of the Handicapped and the Governor's Task Force on Disaster.

Budd was an auto racing fan who never missed an opportunity to listen to a race and was known to have encouraged a local Missoula radio station to continue to broadcast the Indy 500.

Mr. Gould is survived by his daughter, Sheri, and a grandchild.

**ALVIN W. HAGEMAN**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Alvin W. Hageman on December 29, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Hageman be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Alvin W. Hageman, Montana statesman and rancher, was born February 6, 1914 near Wheatland Township, Illinois, the son of William and Amanda Dannenberg Hageman. The Hageman family traveled west to Montana in 1915 and settled at the present Hageman homestead southwest of Broadview.

Alvin graduated from Billings High School in 1935 and was a lifelong Stillwater County farmer, rancher and political and community leader.

He married the former Evelyn M. Conover, July 28, 1939 in Billings, Montana. Alvin and Evelyn have three children.

Mr. Hageman was elected to the Montana House of Representatives in 1968 and served two terms as a member of the House Agriculture Committee. He was especially interested in legislation regarding Stillwater County, school issues and agriculture programs. Alvin was a member of the Montana Grain Growers Association.

He served as Chairman of the Stillwater County School Board and was a Stillwater County Commissioner for a six-year term.

Mr. Hageman was a member of the famous Shriner's Black Horse Patrol in Billings during their years of international championships. He was a Master Mason, member of the Scottish Rite, Al Bedoo Shrine and Elks Club and was a member of the American Lutheran Church.

Alvin loved gardening, golfing, fishing, boating, camping, and traveling and spent the past 18 winters in Mesa, Arizona with his wife, Evelyn.

**THOMAS FREDERICK CHRISTIAN HAINES**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Thomas Frederick Christian Haines on March 21, 1997.

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WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Haines be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Thomas Frederick Christian Haines, distinguished Dean of the House of Representatives, was born March 4, 1903 to Charles and Susan Haines in Rockport, Illinois. Tom and his family moved to Clinton, Montana in 1918 where his father served as postmaster and manager of the Clinton General Store. Tom returned to Illinois to graduate from New Canton High School and later attended the University of Montana at Missoula.

Tom was a passionate reader of Shakespeare, poetry, English, Greek and Roman history. He nurtured an interest in Civil War literature and amassed a Civil War library later bequeathed to the University of Montana. A staunch supporter of the university, Tom organized the Friends of the Library and served the library as the first board chairman and one-time director.

Mr. Haines married the former Edna May Bolin on November 17, 1926 in Quincy, Illinois. Edna preceded Tom in death in 1980. They were married 56 years. Tom later married the former Margaret Doyle Pilcher who preceded him in death in 1987.

Tom and Edna Haines were owners of the OK Trading Company grocery in Missoula for 24 years. He became an active Republican during these years and served as precinct committeeman, delegate to state conventions and delegate to the 1948 national convention in Philadelphia.

Representative Haines served 11 consecutive terms in the Montana House of Representatives and was known affectionately as "The Man with Whiskers." From 1950 until his retirement from politics, he was a member of the House Appropriations Committee. Tom served as Speaker Pro Tem during two legislative sessions and lost only one election in 1974 following a change in the Montana Constitution. He was appointed by Governor Tim Babcock to the Montana Territorial Centennial Commission in 1963 and served on the advisory council for the State Technical Services Act in 1966.

Granddaughter Dale Raoul fondly recalls trips to the Capitol when she and some of her friends would sit on the floor near her grandfather, Representative Haines. The high school students were lovingly introduced by him as "Tom's Harem."

Following his political career, Mr. Haines became editor and publisher of the Montana Food Distributor Association Magazine. An avid historian, he also authored books during this time on Mississippi river boat operations in Illinois and early flour mill operations in territorial Montana.

Thomas Frederick Christian Haines is a member of the Episcopal Church of the Holy Spirit in Missoula. He is a member of Bagdad Temple Shrine in Butte and a Master Mason in Rockport.

**HERBERT J. KLINDT**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Herbert J. Klindt on November 13, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Klindt be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Herbert J. Klindt, former athletic director and coach, was born in Sheridan, Wyoming in 1901 and graduated from

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high school in that community. Following graduation from the University of Illinois in 1931, he continued his studies at Wittenberg University in Springfield, Ohio.

He married the former Clara Gore February 6, 1932 in Billings, MT and soon thereafter began his teaching career at Clearwater High School in Clearwater, Florida. Later, he and Clara moved to Billings where Herb served as distinguished athletic director and coach for Billings Polytechnic presently Rocky Mountain College.

Senator Klindt was elected to two terms in the Montana State Senate beginning in 1968 and served as assistant minority leader for the Republican Party in 1974. He was instrumental in drafting and passing Montana strip mining legislation, later incorporated into federal mining legislation, and introduced a bill to remove the mining of coal from Eminent Domain Law.

An avid hunter and fisherman, Senator Klindt introduced bills to eliminate a grizzly bear season and require a license to hunt black bear.

Mr. Klindt was elected to the Montana Coaches Hall of Fame, the Alumni Hall of Fame and was granted both an honorary doctorate and a Doctors Public Service degree by Rocky Mountain College. The college subsequently honored him by naming their campus athletic field after him.

Mr. Klindt was a past district governor of Lions International, former president of the Billings Lions and a district governor of the Montana and Alberta Lions Clubs.

Herb was the oldest member of the Hilands' Golf Club. He enjoyed spending time at the cabin he built on the Little Big Horn River. He is survived by his wife Clara, of Billings. Mr. and Mrs. Klindt celebrated 65 years of marriage.

**RICHARD JOSEPH KNOX**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Richard Joseph Knox on May 7, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Knox be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Richard Joseph "Dick" Knox, Montana rancher and four-term Representative, was born August 18, 1934 in Denton. The Knox family later moved to Kalispell where Dick attended high school and Flathead Community College.

He married the former Doris Tutvedt, February 3, 1952 in Kalispell. They made their home in the Flathead area until 1972 and then moved to a ranch near Winifred on the Missouri Breaks. Dick and Doris have two daughters and four sons. There were 18 grandchildren and three great-grandchildren at the time of Dick's death.

Representative Dick Knox was elected to the House of Representatives in 1990 and served three sessions as chairman of the House Natural Resources Committee. Throughout his legislative term, Dick was recognized for his fairness and respected for his thoughtfulness in dealing with those on both sides of environmental issues.

Dick was a member of the Environmental Quality Council and a past president of the Missouri Breaks Multiple Use Association. An active member and councilman for the American Lutheran Church in Winifred, he also served as a Winifred School Board member and a trustee for Flathead Community College.

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Mr. Knox served on the board of United Heritage Life Insurance Company for 25 years with ten years served as chairman of the company.

Dick was an enthusiastic hunter and fisherman who enjoyed American and European history and visiting historic sites. His greatest joy was being surrounded by his family and friends.

**ALBERT E. KOSENA**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Albert E. Kosena on December 17, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Kosena be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Albert E. Kosena, four-term Representative, businessman, and renowned vocalist, was born in Anaconda in 1912 to Michael and Mary Kosena. He was a graduate of Anaconda High School and attended the University of Idaho on a football scholarship. Mr. Kosena served the World War II effort at a naval training center in Colorado.

Music was an integral part of Al's life. Following his discharge from the Navy, he pursued his musical interests as a vocalist with the Phil Sheridan Orchestra and performed throughout the northwest.

He married the former Marion Greenfield in Anaconda in 1938. Mrs. Kosena preceded her husband in death in 1992. They are the parents of two children, Jim and Tom of Missoula.

Mr. Kosena purchased the Anaconda Brewing Company in 1958 and subsequently opened Al's Distributing, a beer wholesale business with locations in Butte and Anaconda. Al served several terms as president of both the Montana Beer Wholesalers organization and the State Liquor Control Board.

In 1966, Mr. Kosena was elected to the first of four terms in the House of Representatives where he served as a member of the Ways and Means Committee and Chairman of the House Local Government Committee. He was a co-sponsor of Montana's 1973 urban renewal policy.

Community involvement was an important aspect of Al's life. He was a member of the Chamber of Commerce, Kiwanis and Elks Clubs, and the Knights of Columbus. He was an avid golfer and board member of the Anaconda Country Club and received numerous golf championships. He attended St. Paul's Catholic Church in Anaconda.

Al was well known for his warm personality, his sense of humor and an ever present song on his lips.

He is survived by his sons Jim and Tom Kosena of Missoula.

**JERRY V. LOMBARDI**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Jerry Lombardi on August 18, 1998 in Butte, Montana.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Lombardi be filed on the

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official records of this Assembly and the following facts relative to his career are hereby noted:

Jerry V. Lombardi was born July 20, 1913 in Silver Bow County to Umberto and Adele (Cassini) Lombardi. He attended Franklin Grade School and Butte High School.

He married the former Dorothy Kane, August 9, 1950 in Helena, Montana.

Representative Lombardi served in the Montana legislature from 1963 to 1974 as a member of the Labor and Compensation and Labor and Employment Relations Committees during each of his seven consecutive sessions. Mr. Lombardi was Chairman of the Constitution, Elections and Federal Relations Committee for two consecutive terms.

Mr. Lombardi worked on the Anaconda Company dynamite truck for 30 years and then began working for the Butte Water Company. He retired in August, 1978.

Jerry was a dedicated sports fan who traveled to many Notre Dame football games. He was a member of Christopher Columbo Lodge, the ARCO Retirees Club, Butte Elks Club, and Butte Eagles Club.

**GARY RAYMOND MARBUT**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Gary Raymond Marbut on August 26, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Marbut be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Gary Raymond Marbut, rancher, legislator and spokesman for the disadvantaged, was born in Denver, Colorado on February 28, 1927. Gary, and his mother, brother and sister, moved to the Akekani Ranch in Lolo Creek Valley in Montana in 1951.

He married the former Edith True the following year. They purchased the Grant Creek Ranch north of Missoula in 1955 where they raised prized Aberdeen Angus for 24 years until the ranch was sold in 1979. In conjunction with the Grant Creek Ranch sale, the Marbut family donated 700 acres of land to the National Wildlife Foundation for winter elk range.

Representative Marbut was elected to three terms in the Montana House of Representatives and is especially remembered for drafting and sponsoring bills that mandated special education and developmental disabilities programs in Montana.

Governor Ted Schwinden appointed him to serve on an advisory panel to study and plan services for the handicapped. He was also selected by Jimmy Carter to attend the Pan American Children's Conference in 1976.

Gary Marbut was a humanitarian and advocate for the underprivileged and handicapped who served in many advisory capacities throughout his life. He chaired the Governor's Blue Ribbon Commission on Mental Health and served as a one-time president of both the Montana Advocacy Program and the Montana State Association for Retarded Citizens. He was a speaker and panelist for the American Association on Mental Deficiency and a founding member of the Missoula County Association for Retarded Children.

Gary was an also an outdoorsman and horseman who enjoyed the back country and wilderness of western Montana.

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**JOY IRENE NASH**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Joy Irene Nash on July 27, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mrs. Nash be filed on the official record of this Assembly and the following facts relative to her career are hereby noted:

Joy Irene Nash, Representative, compassionate counselor and first woman of the Gallatin County Commission, was born February 13, 1918 in Salina, Kansas to James and Ida Samuelson McKie.

She was a graduate of Fort Hays Teachers College in Kansas and taught at Oberlin Elementary School prior to serving in the Coast Guard during World War II. Joy moved to Montana in the 1950's and later worked as a secretary for former Montana Governor Hugo Aronson.

Joy Irene Nash married William Frank Nash in Townsend, Montana in 1954. Following Frank's death, she moved to Bozeman and was appointed to the Gallatin County Commission in 1978 by the late District Judge W.W. Lessley. Joy was subsequently elected to a six-year commission term.

She was elected to the Montana House of Representatives in November 1962 as a Broadwater County Republican. She served as Vice-Chairman of the Bills Committee and was also a member of the Public Health, Welfare and Safety Committee.

Known as a good will ambassador, Joy was an active member of Alcoholics Anonymous for 43 years and initiated alcohol recovery programs at Warm Springs State Hospital, White Sulphur Springs and Townsend where she served as counselor and friend.

In addition to her political and counseling roles, Joy was also committed to the county's grizzly project in West Yellowstone where bears and unprotected trash cans had become a nuisance in town. She successfully raised funds and received grant monies to purchase bear-proof trash cans for the entire area. Outside of her public roles, Joy was a pianist and often mailed jokes to her friends. She was elegant and stylish and known for her wide array of hats that she modeled at various women's clubs.

**MARGARET HELEN GALVIN O'CONNELL**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Margaret Helen Galvin O'Connell on June 29, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mrs. O'Connell be filed on the official record of this Assembly and the following facts relative to her career are hereby noted:

Margaret Helen Galvin O'Connell, Great Falls representative and first woman elected to the Great Falls City Council, is remembered as a political powerhouse who strived continually for the betterment of the Great Falls West Side.

She was born July 15, 1917 in Butte, Montana to John Francis and Margaret Ellen Dwyer Galvin. She attended Franklin Elementary and St. Mary's High School in Great Falls.

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Helen married Clarence O'Connell at St. Joseph's Church in Great Falls in 1935. Clarence preceded her in death in 1981. They are the parents of five children.

She entered the Montana legislature in 1974 and served eight terms as a member of the House of Representatives Labor and Industry Committee, State Administration and Highway and Transportation Committees. She was vice-chairman of the House State Administration Committee from 1983 through 1987.

Margaret Helen was particularly interested in right-to-life legislation, unisex insurance, child safety, issues benefitting highway patrolman, police officers, firefighters, veterans and the McLaughlin Research Institute. She fought continually for the betterment of the Great Falls West Side and supported economic development and pension improvements for labor.

Mrs. O'Connell was the first woman elected to the Great Falls City Council in 1949 and served two terms as president. After an unsuccessful bid for mayor in 1950, she returned as city councilwoman for five additional terms. She strove to improve retirement benefits for the Great Falls Police and Fire Departments and was instrumental in having West Junior High and St. Joseph's Schools built.

She was known by her constituents as a responsible, loyal legislator who displayed vigor in championing or opposing causes.

Margaret Helen O'Connell is an Honorary member of the Montana Highway Patrol, Peace Officers and Firefighters Associations and the Knights of Columbus. She was a member of St. Joseph's Catholic Church.

**ARTHUR S. OSBURNSEN**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Arthur Osburnsen on June 29, 1996.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Osburnsen be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Arthur Osburnsen, rancher, legislator, and Montana native, was born in Everson, Montana on November 18, 1915 on the Osburnsen family homestead to Hagan and Alvina Osburnsen.

He attended school in Denton and later worked in the timber industry of western Montana in the communities of Libby and Troy from 1937 until 1945.

Art married the former Lucille Mossey in Lewistown, October 13, 1937. The family moved north of Winifred where they farmed until Arthur's retirement in 1980. The Osburnsens then moved to Lewistown.

Representative Osburnsen served in the 1963 Montana Legislature and was one of the 15 members of the Townships and Counties Committee, Highways Committee, and Fish and Game Committee.

Mr. Osburnsen was an outdoorsman who enjoyed hunting, fishing and snowmobiling. He belonged to the Rod and Gun Club, Soil Conservation Service, Angus Breeder's Association, Flying Farmers and Good Sam Club.

The Osburnsens have two sons, Jerry and Leo.

**GEORGE ROSKIE**



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WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of George Roskie on November 24, 1998.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Roskie be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

George Roskie, Montana Senator and retired U.S. Forest Service Supervisor, was born August 28, 1912 in Brookings, South Dakota. A graduate of Billings High School and the University of Montana, George was the recipient of the Montana Forest Conservationist of the Year award.

Mr. Roskie married the former Norma Hammer of Stanford in 1937. She preceded her husband in death in 1991. They are the parents of a son, Richard, and a daughter, Lynn Baker.

George worked with government agencies in the west and Washington D.C. for over 30 years. He was the supervisor for Lewis and Clark National Forest from 1960 until 1967 and was then promoted to Assistant Regional Forester for Alaska where he was responsible for managing sixteen million acres of national forest land.

Senator George Roskie was a member of the Montana Senate from 1975 to 1980 and served as Chairman of the Senate Natural Resources Committee. Well known for his expertise on natural resource issues, he supported multiple use in the development of natural resources. He was nominated in 1991 by Governor Stan Stephens to serve on the state Board of Natural Resources and Conservation.

Mr. Roskie headed a 13-state surface mine reclamation task force and served as vice chairman of the energy and resources committee of the Western Conference of the Council of State Governments. He also served on the Northwest Energy Legislative Task Force and the Montana Bureau of Mines and Geology Advisory Council.

He was a former director and vice president of chambers of commerce in Great Falls and Juneau, Alaska. The Southeast Alaska Council of Boy Scouts honored him as the recipient of the Silver Beaver Award for outstanding service.

He helped found the state's first Pachyderm Club and was chairman of the Cascade County Republican Party in 1992.

George Roskie is remembered as a hard working legislator who understood the need for balance between business and environmental interests and worked continually toward that goal.

**RICHARD G. SMITH**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Richard G. Smith on June 13, 1997.

WHEREAS, it is fitting and proper that the record and accomplishments of the late Mr. Smith be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Richard G. Smith, three-term Montana Senator, was born December 20, 1937 in Park Grove, MT. He graduated from Columbia Falls High School and attended the University of Montana at Missoula.

In 1957, he married the former Roberta Sanderson. Mr. Smith was employed as a mechanic for Columbia Falls Aluminum Company for 30 years and was a member of the Aero Space Machinist Union in Columbia Falls.

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Senator Smith was Vice-Chairman of Labor and Employment Relations in the 1975 Legislative Session and a member of the Senate Highways and Transportation, Education and Fish and Game Committees.

An active member of numerous civic organizations, Richard served as president of the Columbia Falls Jaycees and secretary of the state Jaycees. He was a member of the Order of Eastern Star, Adah Kalispell Chapter, Fraternal Order of A.F. & A.M. of Columbia Falls, Butte Shriners Baghdad Temple, the Eagles Lodge of Columbia Falls and the Moose Lodge of Kalispell.

Richard was an enthusiastic pool player who participated in tournaments. He enjoyed hunting, fishing and square dancing.

**CECIL FRANKLIN WEEDING**

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-sixth Legislative Assembly of the State of Montana record the passing of Cecil Franklin Weeding, on April 6, 1998.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Mr. Weeding be filed on the official record of this Assembly and the following facts relative to his career are hereby noted:

Cecil Franklin Weeding, lawmaker, farmer, and rancher, was born in Miles City, February 16, 1934 to Ishmael and Cora Trotter Weeding.

He received a degree in Agricultural Business from Montana State College and operated the Weeding family farm in Jordan. In his early ranching years, Cecil was recognized by the Garfield County Jaycees as their Outstanding Young Farmer.

Cecil and Ada B. Clark were married in Jordan, June 1, 1952. They are the parents of four sons.

Cecil Franklin Weeding was a lifelong Montana resident known for his passion about natural resources issues. He recognized the importance of these resources in the lives of both rural and urban Montanans and had the insight to fairly represent constituents from both parties.

Following a two-year term in the House of Representatives, Cecil received a Senate appointment in 1985 and was subsequently elected to serve there until his last session in 1993. He was the sponsor of Right of First Refusal and Medical Assistance Facility and Physician-Assistant legislation, the Hazardous Waste Siting Act, numerous highway bills, and the Montana Anti-Trust Act.

Senator Weeding served on the Natural Resources and Highways and Transportation Committees throughout his entire legislative career and was a member of the Environmental Quality Council, Water Law Review Committee, Saline Seep Council, and Northern Plains Resource Council. He is a former Soil & Water Conservation District director of the Natural Resources Board of Conservation, the Montana Association of Conservation Districts, and the Montana Grain Growers Association.

Cecil was Vice President of the Jaycees and a Presbyterian Church Board member.

He is survived by his wife, Ada, their four sons, a brother, sisters, nieces and nephews.

**NOW THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES**

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**OF THE STATE OF MONTANA:**

That we hereby express our esteem and respect to the memory of the honorable Senators and Representatives and extend to the members of their families our sincere sympathy in their great and irreparable loss;

**BE IT FURTHER RESOLVED**, that a copy of these memorials be entered upon the journals of the Senate and the House of Representatives of the Fifty-sixth Legislature and that original copies of these memorials, signed by the President of the Senate and Speaker of the House of Representatives, the members of the appointed Memorial Committee, and the Secretary of both houses of the Fifty-sixth Legislature, be transmitted to the surviving families, and that an original copy of these memorials be filed with the Montana Historical Society.

SENATOR TOM KEATING  
SENATOR CHRIS CHRISTIAENS  
SENATOR JOHN HERTEL

REPRESENTATIVE RAY PECK  
REPRESENTATIVE TOM FACEY  
REPRESENTATIVE EDITH CLARK