

**SENATE JOURNAL
57TH LEGISLATURE
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana
April 9, 2001

Senate Chambers
State Capitol

Senate convened at 11:00 a.m. President Beck presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senators Harrington, Holden, Kitzenberg, Stapleton and Stonington, excused. Quorum present.

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

Miller, Chairman

Senator Stonington present at this time.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman):

4/9/2001

Correctly printed: SJR 20, SJR 21, HB 577, HB 610.

Correctly engrossed: HB 5, HB 273, HB 395, HB 516, HB 600, HB 619, HB 623, HB 625, HB 637, HB 642, HB 643, HB 644, HB 645, HB 646, HJR 2.

Correctly enrolled: SB 396, SB 466, SB 469, SB 473, SB 474, SB 476, SB 477, SB 491, SJR 2, SJR 10, SJR 12.

Correctly enrolled: SB 187, SB 190, SB 248, SB 325, SB 329, SB 333, SB 338, SB 355, SB 379, SB 408, SB 451, SB 454, SB 493, SB 511, SR 22.

Examined by the sponsor and found to be correct: SB 169, SB 171, SB 181, SB 218, SB 236, SB 237, SB 253, SB 261, SB 265, SB 286, SB 288, SB 293, SB 298, SB 304, SB 309, SB 310, SB 311, SB 318, SB 319, SB 328, SB 330, SB 354, SB 356, SB 359, SB 375, SB 377, SB 378, SB 397, SB 405, SB 420, SB 426, SB 431, SB 433, SB 436, SB 438, SB 442, SB 443, SB 448, SB 449, SB 450, SB 455, SB 459, SB 465, SB 480, SJR 6, SJR 8, SJR 10.

Signed by the Speaker at 3:30 p.m., April 9, 2001: SB 3, SB 50, SB 51, SB 60, SB 77, SB 82, SB 96, SB 104, SB 130, SB 132, SB 138, SB 152, SB 167, SB 170, SB 197, SB 203, SB 204, SB 210, SB 221, SB 229, SB 241, SB 289, SB 305, SB 313, SB 340, SB 358, SB 360, SB 373, SJR 13.

LEGISLATIVE ADMINISTRATION (Grimes, Chairman):

4/9/2001

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12 noon , Saturday, April 7, 2001:

TITLE

NAME

Pages:

Andrea Jones, Lincoln, MT
John Malia, Hysham, MT
Erin Andersen, Deer Lodge, MT
Patti Anderson, Deer Lodge
Katie Tiskus, Polson, MT
Nik Grosfield, Big Timber, MT
Loren Burmeister, Big Timber, MT

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Kristin Robinson, Helena, MT

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 9, 2001:

<u>TITLE</u>	<u>NAME</u>
Pages:	Andrea Drinkwalter, Huntley, MT Briann Koterba, Westby, MT Catherine Woods, Miles City, MT Tannis Hargrove, Three Forks, MT Jonathan Clark, Anaconda, MT Max Weber, Great Falls, MT Sam Kulla, Missoula, MT Daniel Mazurek, Helena, MT

Report Adopted.

STATE ADMINISTRATION (Hargrove, Chairman): 4/9/2001
SR 22, be adopted. Report adopted.

TAXATION (DePratu, Chairman): 4/9/2001
HB 124, be amended as follows:

1. Title, page 1, line 23.

Strike: "AND"

Following: the second "GRANTS"

Insert: ", AND DISTRICT COURT EXPENSES"

2. Title, page 1, line 28.

Strike: "7-12-1132,"

3. Title, page 2, line 11.

Following: "22-1-304,"

Insert: "23-2-508, 23-2-510,"

Following: "23-2-518,"

Insert: "23-2-611, 23-2-612, 23-2-615,"

4. Title, page 2, line 12.

Following: "23-2-804,"

Insert: "23-2-811, 23-2-812,"

5. Title, page 2, lines 24 and 25.

Following: "MCA," on line 24

Strike: remainder of line 24 through "1995" on line 25

Insert: "AND SECTION 5, CHAPTER 95, LAWS OF 2001"

6. Title, page 3, line 2.

Strike: "TERMINATION DATES"

Insert: "A RETROACTIVE APPLICABILITY DATE"

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7. Page 5, line 2.

Following: "FROM THE"

Insert: "county government the"

Following: "(1)"

Strike: "₂"

8. Page 5, line 3.

Following: line 2

Insert: "fiscal year 2001"

9. Page 5, line 5.

Strike: "JULY 1 OF EACH YEAR"

Insert: "October 1 preceding a regularly scheduled legislative session"

10. Page 5, line 26.

Following: "₂"

Insert: "For fiscal years 2006 and 2007, the department shall include any excess revenue received from the sources listed in subsection (1) in calculating the growth in the entitlement share pool. For purposes of this subsection (3), "excess revenue" means an amount by which collections exceed entitlement share payments plus the growth factor provided for in this subsection (3)."

11. Page 6, lines 1 and 2.

Following: "₂" on line 1

Strike: remainder of line 1 through "₂" on line 2

Insert: "For purposes of calculating the entitlement share for a local government, the department shall include all special districts within the local government. The local government is responsible for allocating entitlement share proceeds to the special districts within the local government."

12. Page 6, line 3.

Following: "section"

Insert: "and the block grants provided for in subsection (6)"

13. Page 6, lines 5 through 8.

Following: "₂" on line 5

Strike: remainder of line 5 through line 8 in their entirety

14. Page 6, line 17.

Following: "SHARE"

Insert: "in the base year"

15. Page 6, line 20.

Strike: "THE LATEST OFFICIAL DECENNIAL CENSUS OR"

16. Page 6, line 26.

Following: "SHARE"

Insert: "in the base year"

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17. Page 7, lines 5 and 6.

Following: the first "the" on line 5

Strike: remainder of line 5 through "located" on line 6

Insert: "block grant provided for in subsection (6)(b) terminates"

18. Page 7, line 29.

Strike: "1,195,188"

Insert: "597,594"

19. Page 8, line 2.

Strike: "597,594"

Insert: "298,797"

20. Page 8, line 4.

Following: line 3

Insert: "(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.

(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year."

21. Page 8, line 16.

Insert: "(10) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(11) The department shall adopt rules implementing this section. The rules must provide for a procedure for a local government to appeal the department's determination of the amount of base component, the entitlement share pool growth rate, and a local government's allocation of the entitlement share. The rules must provide for appeals to the state tax appeal board pursuant to 15-2-302(1)(d). The judicial review provisions of 15-2-303 apply to the state tax appeal board's decision.

22. Page 8, line 21.

Following: "resolution"

Insert: "or amend its self-governing charter"

23. Page 8, line 23.

Following: "resolution"

Insert: "or charter amendment"

24. Page 8, line 29.

Following: "resolution"

Insert: "or charter amendment"

25. Page 9, line 1.

Following: "resolution"

Insert: "or charter amendment"

26. Page 10, line 7.

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Strike: "(2)(D)"

Insert: "(2)(c)"

27. Page 10, line 13.

Strike: "\$1.50"

Insert: "\$2"

28. Page 10, line 14.

Strike: ", AS PROVIDED FOR IN 61-3-508"

Insert: "for which a fee is paid pursuant to 61-3-203"

29. Page 10, lines 15 and 16.

Following: "LICENSING" on line 15

Strike: remainder of line 15 through "61-3-508" on line 16

Insert: "pursuant to Title 61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532"

30. Page 10, line 20.

Strike: "MOTOR VEHICLE"

Insert: "light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home"

Strike: "61-3-510"

Insert: "61-3-321"

31. Page 10, line 23.

Following: "23-2-512"

Insert: ", with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities"

32. Page 10, line 24.

Following: "23-2-616"

Insert: ", with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities"

33. Page 10, line 27.

Following: "23-2-809"

Insert: ", with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreation use"

Strike: "AND"

34. Page 10, line 28.

Following: "(V)"

Insert: "to the state special revenue fund established in 23-1-105,"

35. Page 10, line 29.

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Strike: "61-3-512"

Insert: "61-3-321 or 61-3-524"

Following: "¿"

Insert: "and"

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;"

36. Page 11, line 1.

Following: "61-3-332"

Insert: "(10)(a)(ii), (10)(f), and (10)(h)"

37. Page 11, line 3.

Following: "VEHICLE"

Insert: "registered"

38. Page 11.

Following: line 4

Insert: "[f] 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1 of Senate Bill No. 448].]"

39. Page 12.

Following: line 23

Insert: "NEW SECTION. Section 5. District court and public assistance levies. A county shall continue to levy the number of mills levied for the support of district courts and public assistance that were levied for the fiscal year ending June 30, 2001, plus the adjustments allowed by 15-10-420. All revenue from the levies that is not necessary for funding the operations of the clerk of the district court, providing current space for district courts, juvenile probation functions, and other costs not assumed by the state must be distributed to county funds and special districts in the same manner that entitlement share payments are allocated pursuant to [section 1]. A county or consolidated local government may not be required to provide additional space for a district court, juvenile probation office, or public assistance office unless the state provides funds to pay for the additional space."

40. Page 12, line 19.

Following: "mill"

Strike: "or less"

Following: "unit"

Insert: "or \$10,000, whichever is less,"

41. Page 13, line 13.

Strike: "25-1-201(3)(A) AND (6)"

Insert: "25-1-201(3) and (5)"

42. Page 18, line 25.

Following: "ordinance"

Insert: "adopted"

43. Page 24, line 28.

Following: "all"

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Insert: "county"

44. Page 32, line 17 through line 30.

Strike: section 40 in its entirety

Renumber: subsequent sections

45. Page 76, line 12 through page 78, line 11.

Strike: section 95 in its entirety

Renumber: subsequent sections

46. Page 79, line 7.

Following: "and"

Insert: "and"

47. Page 79, line 9.

Strike: "; and"

48. Page 79, lines 10 and 11.

Following: "improvements" on line 10

Strike: remainder of line 10 through "DISTRICT" on line 11

49. Page 79, line 12.

Following: "(4)"

Insert: "(a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

(i) a change in the boundary of a tax increment financing district;

(ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or

(iii) the termination of a tax increment financing district."

50. Page 79, line 14.

Following: "(b)"

Insert: "(b)"

51. Page 79, line 18 through line 21.

Following: "imposed" on line 18

Strike: remainder of line 18 through "(b)" on line 21

52. Page 101, line 12.

Strike: "243"

Insert: "245"

53. Page 102, line 11 through page 104, line 6.

Strike: section 120 in its entirety

Renumber: subsequent sections

54. Page 107, line 18.

Strike: "244"

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Insert: "246"

55. Page 108, line 29 through page 111, line 3.

Strike: section 125 in its entirety

Renumber: subsequent sections

56. Page 113, line 2.

Strike: "243"

Insert: "245"

57. Page 113, line 21 through page 116, line 4.

Strike: section 127 in its entirety

Renumber: subsequent sections

58. Page 117, line 4.

Strike: "245"

Insert: "247"

59. Page 117, line 20 through page 119, line 1.

Strike: section 129 in its entirety

Renumber: subsequent sections

60. Page 122, line 11.

Insert: "**Section 130.** Section 23-2-508, MCA, is amended to read:

"**23-2-508. Certificate of ownership -- filing of security interests.** (1) Except as provided in subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town or county;
- (c) business or home address of the owner;
- (d) name and address of any lienholder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number;
- (i) name and address of the dealer or other person from whom acquired, if known; and
- (j) other information ~~as~~ that the department of justice may require.

(3) The application is to be accompanied by documentation of ownership, such as an invoice, a bill of sale, a foreign title, an official certificate of boat number, a fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired, if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated

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when the provisions of this part were not in force and effect.

(5) A motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number on the motorboat or sailboat must be assigned an identification number by the department of fish, wildlife, and parks. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, ~~\$3.50 of~~ which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless the person transfers a part of the person's interest in the motorboat or sailboat or renews the certificate of number for the motorboat or sailboat.

(10) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the boat encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.

(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This boat is subject to additional security interest on file with the Department of Justice." No other information regarding the additional security interests need be endorsed on the certificate.

(13) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(14) Except as provided in subsection (15), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(15) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers,

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from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(16) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(17) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the person fails to file the satisfaction.

(18) Upon receipt of notice of any involuntary liens or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(19) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(20) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

Insert: "Section 131. Section 23-2-510, MCA, is amended to read:

"23-2-510. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 30 calendar days after endorsement, the transferee shall make application for transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also make application for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, of which ~~\$3.50~~ must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 30 calendar days from the date of purchase to register the motorboat or sailboat, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and decal during the 30-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for ~~his~~ the dealer's records and shall send a copy of the sticker to the department of justice.

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(5) A purchaser of a new or used motorboat or sailboat who is unable to record a transfer of ownership with the county treasurer at the time ~~he makes~~ of making an application for registration of the motorboat or sailboat because the certificate of ownership is lost, in the possession of third parties, or in the process of reissuance in this state or elsewhere may, upon making affidavit to that effect upon a form prescribed by the department of justice and upon the payment of the applicable fee in lieu of tax plus a fee of \$2 to be collected by the county treasurer and remitted to the department of justice for deposit in the general fund, obtain from the county treasurer of the county in which the boat is to be registered a temporary boat sticker of a size, color, and design as the department of justice may prescribe, to be validated by the county treasurer for a period of 60 days from the date of issuance. The purchaser, upon displaying the sticker conspicuously on the motorboat or sailboat, may operate the motorboat or sailboat during the period for which the boat sticker has been validated without displaying the numbers and license decal for the current year. The county treasurer may not sell, and a person may not purchase, more than one 60-day temporary boat sticker for any motorboat or sailboat, the ownership of which has not changed since the issuance of the previous 60-day boat sticker.

(6) The provisions of subsection (2) do not apply in the event of the transfer of a motorboat or sailboat 12 feet in length or longer to a ~~duly~~ licensed dealer intending to resell the motorboat or sailboat and who operates it only for demonstration purposes, but ~~every~~ a dealer, upon transferring ~~his~~ the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(7) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(8) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to any certificate of ownership transferred under this section.""

Renumber: subsequent sections

61. Page 122, line 17.

Strike: "\$2.50"

Insert: "\$3.50"

62. Page 125, line 11.

Insert: "**Section 134.** Section 23-2-611, MCA, is amended to read:

"23-2-611. Certificate of ownership -- filing of security interests. (1) A snowmobile may not be operated upon any private or public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state. A certificate of ownership is not required for a snowmobile purchased prior to April 16, 1993, if use of the snowmobile is restricted to private land.

(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the following information:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and

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- (i) the name and address of the dealer or other person from whom acquired.
- (3) The application must be accompanied by documentation of ownership, such as an invoice, notarized bill of sale from the immediately previous owner, foreign title, official certificate of snowmobile number, or fee in lieu of tax receipt.
- (4) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.
- (5) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.
- (6) Upon completion of the application, on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant with a certificate of ownership, which must contain that information in the application considered necessary by the department of justice, and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.
- (7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.
- (8) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, ~~\$3.50 of~~ which must be forwarded by the county treasurer to the department of justice and deposited in the general fund.
- (9) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the snowmobile encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate and possess the snowmobile.
- (10) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.
- (11) Whenever a security interest or lien is filed against a snowmobile that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the Department of Justice". Other information regarding the additional security interests need not be endorsed on the certificate.
- (12) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.
- (13) Except as provided in subsection (14), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.
- (14) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the

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department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(15) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a snowmobile, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the satisfaction is not filed.

(17) Upon receipt of notice of any involuntary liens or attachments against the record of any snowmobile registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(18) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

"

Insert: "Section 135. Section 23-2-612, MCA, is amended to read:

"23-2-612. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of any certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred shall ~~write his signature with pen and ink upon~~ sign the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and the signature ~~shall~~ must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall make application for transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also make application for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss is established to it's the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, ~~of which \$3.50~~ must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, make application for a certificate of ownership, and obtain a decal indicating that the fee in lieu of property tax has been paid on the snowmobile for the current year. It is not a violation of 23-2-601 through 23-2-644 or any other law for the purchaser to operate a newly acquired snowmobile without a certificate of ownership, a certificate of registration, and a decal during the 20-day period. During this period, the sticker provided for in subsection (4) ~~shall~~ must remain affixed to the snowmobile.

(4) Prior to the delivery of the snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a sticker (in a form to be prescribed by the department of justice). The sticker shall contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the snowmobile, including its

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serial number. The dealer shall keep a copy of the sticker for ~~his~~ the dealer's records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) do not apply in the event of the transfer of a snowmobile to a ~~duly~~ licensed snowmobile dealer who is intending to resell the snowmobile and who operates it only for demonstration purposes, but ~~every~~ a dealer, upon transferring ~~his~~ the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of 23-2-601 through 23-2-644. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(6) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(7) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to any certificate of ownership transferred under this section.""

Insert: "Section 136. Section 23-2-615, MCA, is amended to read:

"23-2-615. Nonresident temporary-use permits -- use of fees. (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

- (i) the applicant's name and permanent address;
- (ii) the make, model, year, and serial number of the snowmobile; and
- (iii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of \$6, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be displayed in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid for a consecutive 30-day period as designated by the permit.

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(5) All money collected by payment of fees under this section must be ~~turned over~~ transferred to the state treasurer and ~~placed deposited~~ in the state special revenue general fund ~~to the credit of the department of fish, wildlife, and parks, with one-half to be used in administering this section and one-half to be used in the development, maintenance, and operation of snowmobile facilities.~~

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100.""

Renumber: subsequent sections

63. Page 125, line 29.

Strike: "decal"

Insert: "decal-registration"

64. Page 125, line 30.

Strike: "\$5. A REGISTRATION FEE OF 50 CENTS,"

Insert: "\$6.50"

65. Page 126, line 10.

Strike: "decal"

Insert: "decal-registration"

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66. Page 126, line 12.

Strike: "decal"

Insert: "decal-registration"

67. Page 127, line 12.

Strike: "-- fee -- disposition"

68. Page 127, line 17.

Strike: "23-2-817"

Insert: "61-3-321"

69. Page 127, lines 20 and 21.

Following: "receipt" on line 20

Strike: remainder of line 20 through "section" on line 21

70. Page 127, lines 24 through 26.

Strike: subsection (3) in its entirety

71. Page 128, line 3.

Insert: "**Section 140.** Section 23-2-811, MCA, is amended to read:

"23-2-811. Certificate of ownership -- procedure -- fee -- filing security interest. (1) An off-highway vehicle may not be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a certificate of ownership has first been obtained from the department of justice.

(2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The form must include:

- (a) the name of the owner;
 - (b) the residence of the owner, by town and county;
 - (c) the business address or home mailing address of the owner;
 - (d) the name and address of any lienholder;
 - (e) the amount due under any contract, mortgage, or lien;
 - (f) the name of the manufacturer;
 - (g) the model number or name;
 - (h) the identification number; and
 - (i) the name and address of the dealer or other person from whom the off-highway vehicle was acquired.
- (3) The application must be signed by at least one owner or by a properly authorized agent of the owner.

(4) The application for a new certificate of ownership must be accompanied by the immediately previous certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused machines or that were operated before January 1, 1990.

(5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant two copies of the completed application, with one marked "file copy", and shall forward one copy and the original application to the department of justice. The department of justice shall enter the information contained in the application upon the corresponding records of its office and shall send the applicant a certificate of ownership containing a permanent ownership number and information from the application considered necessary by the department of justice.

(b) The certificate of ownership is not required to be renewed annually and is valid as long as the person holding it owns the off-highway vehicle.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being

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transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of \$5 must be paid to the county treasurer, of which:

~~(a) \$3.50 must be forwarded to the department of justice for deposit in the general fund; and~~

~~(b) \$1.50 must be retained by the county treasurer for the cost of administering this section.~~

(8) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the off-highway vehicle encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person entitled to operate and possess the vehicle.

(9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9.

(10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or more security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "Notice. This off-highway vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this section must be retained for a period of 8 years from the date of receipt, after which they may be destroyed.

(12) Except as provided in subsection (13), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(14) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(15) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the department of justice the sum of \$1 for each day after the expiration of the 15-day period that the person fails to file the satisfaction.

(16) Upon receipt of notice of any involuntary liens or attachments against the record of an off-highway vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

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(17) It is not necessary to refile with the department of justice instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(18) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

Insert: "Section 141. Section 23-2-812, MCA, is amended to read:

"23-2-812. Transfer of interest. (1) To transfer a certificate of ownership for an off-highway vehicle registered under 23-2-817, the person whose title or interest is to be transferred shall endorse the certificate of ownership in the appropriate space on the reverse side of the certificate and must have the signature acknowledged before a notary public.

(2) (a) Within 20 calendar days after the date of notarization, the transferee shall apply to the county treasurer of the county in which the transferee resides for:

- (i) transfer of the endorsed certificate of ownership;
- (ii) registration of the off-highway vehicle; and
- (iii) issuance of a decal as required by 23-2-804.

(b) The county treasurer shall forward the application and the original certificate of ownership to the department of justice, which shall file the application upon receipt.

(c) A certificate of ownership may not be issued by the department until the outstanding certificates are surrendered to that office or their loss is established.

(d) The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, of which:

~~(i) \$3.50 must be forwarded to the department of justice for deposit in the general fund; and~~

~~(ii) \$1.50 must be retained by the county treasurer for the cost of administering this section.~~

(3) To effect by operation of law a transfer of interest in an off-highway vehicle, the provisions of 61-3-201(3) are applicable.

(4) (a) A person who purchases a new or used off-highway vehicle from an off-highway vehicle dealer licensed under 23-2-818 shall, within 20 calendar days after the purchase date, apply to the county treasurer of the county in which the person resides for:

- (i) a certificate of ownership;
- (ii) registration of the off-highway vehicle; and
- (iii) a decal as required by 23-2-804.

(b) During this period, the sticker provided for in subsection (6) must remain affixed to the off-highway vehicle.

(5) It is not a violation of this part for a purchaser to operate a newly acquired off-highway vehicle without a certificate of ownership, a certificate of registration, and a decal during the first 20 days of ownership.

(6) Prior to the delivery of the off-highway vehicle to the purchaser, the dealer shall issue and affix to the off-highway vehicle a sticker, in a form to be prescribed by the department of justice, containing the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the off-highway vehicle, including its identification number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(7) The provisions of subsection (2) do not apply to the transfer of an off-highway vehicle to an off-highway vehicle dealer licensed under 23-2-818 who intends to resell the vehicle and who operates it only for demonstration purposes. Every dealer, upon a transfer of interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice,

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upon receipt of the certificate of ownership and application for a new certificate, together with the conditional sales contract or other lien, if any, shall issue a new certificate of ownership showing the name of the lienholder and the amount due under the contract, mortgage, or lien as required by 23-2-811(2)(d) and (2)(e)."

Renumber: subsequent sections

72. Page 137, line 1.

Strike: "AND (5) THROUGH (7)"

Insert: ", (5), and (6)"

73. Page 138, lines 28 through line 29.

Strike: "(A)" on line 28

Following: "MARRIAGE," on line 28

Strike: remainder of line 28 through "41-2-702," on line 29

74. Page 138, line 30 through page 139, line 4.

Following: "3-2-714" on line 30

Strike: remainder of line 30 through "40-15-110" on line 4

75. (Deleted as per clerical received from amendments)

76. Page 139, lines 9 and 10.

Strike: subsection (5) in its entirety

Renumber: subsequent subsections

77. Page 144, lines 7 and 8.

Following: "(c)" on line 7

Strike: remainder of line 7 through "25-1-201(5)" on line 8

78. Page 157, line 14.

Strike: "\$5"

Insert: "\$7"

79. Page 157, line 16.

Following: "."

Insert: "An additional fee of \$1.50 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks."

80. Page 158, line 3.

Strike: "\$13.25"

Insert: "\$13.75"

81. Page 158, line 23.

Strike: "\$18.25"

Insert: "\$18.75"

82. Page 158, line 25.

Strike: "\$21.75"

Insert: "\$22.25"

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83. Page 158, line 27.

Following: ":"

Strike: "AND"

84. Page 158, line 28.

Following: "\$16.25"

Insert: ";

(k) travel trailers, \$11.75; and

(l) recreational vehicles, \$3.50"

85. Page 159.

Following: line 19

Insert: "[(6)(a) Except as provided in subsection (6)(b) and 61-3-562, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in [section 1 of Senate Bill No. 448].

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.]"

Renumber: subsequent subsections

86. Page 173, line 6.

Strike: "\$1"

Insert: "\$4.50"

87. Page 190, line 17.

Strike: "will receive"

Insert: "receives"

88. Page 211, line 20.

Following: "2003"

Insert: "and in subsequent fiscal years"

89. Page 212, line 1.

Strike: "248(1)"

Insert: "249(1)"

90. Page 212, line 12.

Insert: "(4) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 1.5% in fiscal year 2004 and 1.5% in fiscal year 2005 and must be increased in each succeeding fiscal year by the amount of the growth factor in the entitlement share as provided in [section 1]."

91. Page 212, line 13.

Following: "GRANTS."

Insert: "(1)"

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92. Page 216, line 13.

Insert: "(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 1.5% in fiscal year 2004 and 1.5% in fiscal year 2005 and must be increased in each succeeding fiscal year by the amount of the growth factor in the entitlement share as provided in [section 1]."

93. Page 216, line 15.

Following: line 14

Insert: "(1)"

94. Page 219, line 18.

Insert: "(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 1.5% in fiscal year 2004 and 1.5% in fiscal year 2005 and must be increased in each succeeding fiscal year by the amount of the growth factor in the entitlement share as provided in [section 1]."

95. Page 219, lines 19 through 24.

Strike: sections 246 and 247 in their entirety

Insert: "Section 248. Section 5, Chapter 95, Laws of 2001, is amended to read:

Section 5. Coordination instruction. If both House Bill No. 124 and [this act] are passed and approved:

(1) ~~and House Bill No. 124 includes a revision of county funding of the motorboat account, then the allocation to the~~

~~department of fish, wildlife, and parks in [section 3(4)] of House Bill No. 124 is increased by \$337,500;~~

~~—(2) then [section 1 of this act] must read as follows:~~

~~"23-2-533. (Temporary) Use of percentage of boat fees allocated funds for boat boating facilities -- designation of fees for regional use. (1) At the time the fee in lieu of tax imposed under 23-2-516 is collected, the payor shall designate the fish, wildlife, and parks administrative region in which the majority of the payor's boating activities take place. Upon receipt of the fee in the motorboat account in the state special revenue fund, the department shall earmark the fee for use in the designated region.~~

~~—(2) All fees designated Funds allocated to the motorboat account by 23-2-518(2) must be used by the department to:~~

~~(a) improve, operate, or maintain regional boating facilities under the control of the department and, in conjunction with other funds in the motorboat account, to; and~~

~~(b) cover costs associated with the boating advisory council created in 23-2-536.~~

~~(2) The department may use the fees funds to match available federal funds to the extent possible. Expenditure of fees funds must be made after consideration of recommendations by the boating advisory council. (Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)"~~

~~(3)(2) then 23-2-534, MCA, is amended to read:~~

~~"23-2-534. (Temporary) Funding of state recreational boating safety program -- certification of county programs -- administration by counties. (1) The department may in its discretion use available state funds and federal matching funds to contract with counties to implement designated parts of the state recreational boating safety program. If a county accepts a grant, the county shall agree to implement a program that is certified by the department as fulfilling the requirements of the state recreational boating safety program.~~

~~(2) A county may designate any amount of boat fees in lieu of tax, unless otherwise allocated by 23-2-518(2), or other allocate funds for collection by to the department for the recreational boating safety program. This money must be used by the department for contracts with counties for the recreational boating safety program. (Terminates June 30, 2002--sec. 10, Ch. 476, L. 1995.)"~~

Renumber: subsequent sections

96. Page 219, line 29.

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Strike: "243"
Insert: "245"

97. Page 220, line 2.
Strike: "244"
Insert: "246"

98. Page 220, line 5.
Strike: "245"
Insert: "247"

99. Page 220, line 6.
Insert: "(4) If Senate Bill No. 176 is passed and approved, then there is appropriated from the general fund to the supreme court the amount deducted from the entitlement share payment in [section 1] plus 3% for fiscal year 2002 and an additional 3% for fiscal year 2003. The amount appropriated is up to \$25 million a year to be used for the purpose of implementing Senate Bill No. 176."

100. Page 220, line 8.
Strike: "248(1)"
Insert: "249(1)"

101. Page 220, line 15.
Insert: "NEW SECTION. Section 252. Policy and purpose. (1) The purpose of [House Bill No. 124] is to establish a financial partnership between state and local governments.
(2) This partnership is founded on trust and is committed to protecting and promoting the financial interests of cities, towns, counties, local schools, special districts, and state government.
(3) Local governments agree to relinquish dedicated revenue in exchange for an entitlement share of the state general fund based on a formula that responds to the performance of the Montana economy.
(4) The legislature agrees to fund the entitlement share in accordance with the provisions of [section 1]."

Insert: "NEW SECTION. Section 253. Coordination with school funding study. If an interim study of school funding is conducted during the interim commencing July 1, 2001, the study must include recommendations for retaining or repealing the block grants provided for in [sections 245 through 247]."

Renumber: subsequent sections

102. Page 220, line 25.
Following: "1"
Insert: ","
Strike: "and"
Following: "3"
Insert: ", 5, and 252"

103. Page 220, line 27.
Following: "1"
Insert: ","
Strike: "and"
Following: "3"

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Insert: ", 5, and 252"

104. Page 220, line 30.

"NEW SECTION. Section 256. Coordination instructions. (1) If House Bill No. 179 and [this act] are both passed and approved:

(a) [section 1 of House Bill No. 179] and [section 2 of this act] are intended to be codified as the same section; and

(b) [section 9 of House Bill No. 179] amending 7-6-2541 is void.

(2) If Senate Bill No. 176 is not passed and approved:

(a) [section 1(1)(d) of this act] is void;

(b) the phrase "the fiscal year 2001 increased costs for the state assumption of district court expenses provided for in 3-5-901 and" in [section 1(2) of this act] is void; and

(c) the amendments to 3-2-714, 3-5-901, 25-1-201, 40-4-215, 40-4-226, 42-2-105, and 52-6-105 in [this act] are void.

(3) If Senate Bill No. 176 and [this act] are both passed and approved, then the amendments to 3-2-714, 3-5-901, 25-1-201, 40-4-215, and 40-4-226, in [this act] are void and the amendments to 42-2-105 and 61-3-509 in Senate Bill No. 176 are void.

(4) If Senate Bill No. 73 and [this act] are both passed and approved, then the amendments to 23-2-518, 23-2-618, 23-2-803, 61-3-509, and 67-3-205 in Senate Bill No. 73 are void.

(5) If Senate Bill No. 144 and [this act] are both passed and approved, then the amendment to 72-16-912 in Senate Bill No. 144 is void.

(6) If Senate Bill No. 175 and [this act] are both passed and approved then the amendments to 23-2-616, 61-3-321, and 61-3-509 in Senate Bill No. 175 are void;

(7) If Senate Bill No. 317 and [this act] are passed and approved, then section 16-1-406 must read as follows:

Insert: Section 106. Section 16-1-406, MCA, is amended to read:

"16-1-406. Taxes on beer. (1) A tax of \$4.30 per is imposed on each barrel of 31 gallons is imposed on each barrel of beer sold in Montana by a wholesaler. A barrel of beer equals 31 gallons. The tax is based upon the total number of barrels of beer produced by a brewer in a year. A brewer who produces less than 20,000 barrels of beer a year is taxed on the following increments of production:

(i) up to 5,000 barrels, \$1.30;

(ii) 5,001 barrels to 10,000 barrels, \$2.30; and

(iii) 10,001 barrels to 20,000 barrels, \$3.30.

(b) The tax on beer sold for a brewer who produces over 20,000 barrels is \$4.30.

(2) The tax imposed pursuant to subsection (1) is due at the end of each month from the wholesaler upon beer sold by the wholesaler during that month. The department shall compute the tax due on beer sold in containers other than barrels or in barrels of more or less capacity than 31 gallons.

~~(2)~~(3) Each quarter, in accordance with the provisions of 15-1-501, of the tax collected pursuant to subsection (1), an amount equal to:

(a) ~~\$1~~ 23.26% must be deposited in the state treasury to the credit of the department of public health and human services for the treatment, rehabilitation, and prevention of alcoholism; and

(b) ~~50 cents~~ the balance must be deposited in the state general fund; ~~and~~

~~————~~ (c) ~~\$2.80~~ must be deposited with the state treasurer to the credit of the incorporated cities and towns beer tax account in the state special revenue fund.

~~(3)~~ (a) ~~The money in the incorporated cities and towns beer tax account is statutorily appropriated, as provided in 17-7-502, to the department, which shall, monthly, distribute this amount of money to the incorporated cities and towns in the direct proportion that the population of each city and town bears to the total population of all incorporated cities and towns as shown in the latest official federal census as adjusted by the most recent population estimates published by the U.S. bureau of the census. For cities and towns incorporated after the latest official federal~~

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~~census, the census must be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials of that city or town. If a city or town disincorporates, it may not receive any funds under this section and the amount previously distributed to the city or town must be distributed to the remaining incorporated cities and towns. All funds received by cities and towns under this section must be expended for state purposes, such as law enforcement, maintenance of the transportation system, and public health.~~

~~———— (b) The department may adjust population estimates only on the July 1 following the date of publication of the estimates by the U.S. bureau of the census. The adjusted distribution formula must remain in effect for the entire fiscal year."~~

{Internal References to 16-1-406:

16-1-306 16-1-409 16-1-411 16-1-411
17-7-502 53-24-108 53-24-108 53-24-108 }"

(8) If Senate Bill No. 339 and [this act] are both passed and approved, then the amendments to 41-3-1122, 53-2-207, and 53-2-304 in [this act] are void;

(9) If Senate Bill No. 389 and [this act] are both passed and approved, then section 80-2-232 must read as follows:

Insert: Section 218. Section 80-2-232, MCA, is amended to read:

"80-2-232. State treasurer's Department of revenue's duty -- warrants -- transfers to county and state general fund. (1) ~~The state treasurer~~ department of revenue shall ~~must~~ receive all money paid under this part and shall place the money in trust for the hail insurance program to the credit of the enterprise fund. All money collected by the board must be deposited in the enterprise fund, and all losses must be paid from that fund. All other costs are administrative expenses and must be paid from the board's enterprise fund. If registered warrants are presented and there is no money to pay the warrants, the warrants must be registered and bear interest at the rate of 4% ~~per annum~~ a year until called for payment by the state treasurer.

(2) ~~Upon warrants drawn by order of the board, the state treasurer shall pay out of the board's enterprise fund to the county treasurer of each county where state hail insurance coverage is in force 2% of the gross annual levies made and collected in that county under this part for the use of the county as the board of county commissioners may determine. The department of revenue may retain 2% of the gross annual fees imposed and collected under this part for administrative costs associated with billing and collection of hail and fire insurance premiums.~~

(3) Upon authorization from the board of hail insurance, the state treasurer shall transfer out of the board's enterprise fund to the general fund of the state of Montana 1.5% of the gross annual ~~levies made~~ fees imposed and collected in the state of Montana."

{Internal References to 80-2-232: None.}";

(10) (a) If Senate Bill No. 448 and [this act] are both passed and approved then [section 2 of Senate Bill No. 448], amending 61-3-321, is void.

(b) If Senate Bill No. 448 is not passed and approved then:

(i) in [section 3 of this act], the bracketed subsection (3)(f) relating to a fee for transportation for senior citizens and persons with disabilities is void; and

(ii) in [section 164 of this act], the bracketed subsection (6) of 61-3-321, relating to a fee for transportation for senior citizens and persons with disabilities is void;

(11) If Senate Bill No. 501 and [this act] are both passed and approved, then 15-10-420, must read as follows:

Insert: "Section 95. Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) (a) ~~Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year, even if that levy is greater than the levy established by law plus one-half of the average rate of inflation for the prior 3 years.~~ The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

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(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1) plus any additional levies authorized by the voters as provided in [section 2 of House Bill No. 124] to all property in the governmental unit, including newly taxable property.

(3) (a) For purposes of this section, newly taxable property includes:

~~(a)~~(i) annexation of real property and improvements into a taxing unit;

~~(b)~~(ii) construction, expansion, or remodeling of improvements;

~~(c)~~(iii) transfer of property into a taxing unit;

~~(d)~~(iv) subdivision of real property;

~~(e)~~ reclassification of property;

~~(f)~~(v) except as provided in subsection (3)(b), transfer of property from tax-exempt to taxable status; ~~and~~

~~(g)~~ revaluations caused by expansion, addition, replacement, or remodeling of improvements; and

(vi) the dissolution or termination of a tax increment financing district.

(b) For the purposes of this section, newly taxable property does not include:

(i) reclassification of property; or

(ii) an increase in appraised value of land that was previously valued at 75% of the value of improvements on the land as provided in 15-7-111(4) and (5), as those subsections applied on December 31, 2001.

(4) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property or as nonagricultural land as described in 15-6-133(1)(c).

~~(4)~~(5) Subsection (1) does not apply to school district general fund levies and the school district levy for tuition obligations established in 20-5-324(5) or 20-6-413.

~~(5)~~(6) For purposes of subsection (1), taxes imposed:

(a) include registration fees imposed on light vehicles under 61-3-561 and distributed under 61-3-509(2); and

(b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

~~(6)~~ In determining the maximum number of mills in subsection (1), the governmental entity shall take into account any change from the prior year in the amount of statutory reimbursements for changes in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read on December 31, 2000, is an increased statutory reimbursement. It may increase the number of mills to account for a decrease in reimbursements and shall decrease the number of mills to fully account for any increase in reimbursements.

(7) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439, ~~and 53-2-813~~. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of mills, then the calculation must be rounded up to the nearest whole mill.

(8) (a) The provisions of subsection (1) do not prevent or restrict:

(i) a judgment levy under 2-9-316, 7-6-4209, or 7-7-2202;

(ii) a levy to repay taxes paid under protest as provided in 15-1-402; or

(iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326.

(b) A levy authorized under subsection (8)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

~~(8)~~(9) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new

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improvements, or newly taxable property in a governmental unit."

105. Page 221, lines 1 and 2.

Strike: "through (4)" on line 2. (To reflect #106)(per clerical dated 4/9/2001)

Strike: "subsections"

Insert: "subsection"

106. Page 221, line 4 and 5.

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

Renumber: subsequent subsections

107. Page 221, line 6.

Strike: "251(2)"

Insert: "254(2)"

108. Page 221, line 7.

Insert: "NEW SECTION. Section 258. Retroactive applicability. [Section 254(2)] applies retroactively, within the meaning of 1-2-109, to July 1, 2000."

Renumber: subsequent section

109. Page 221, lines 8 through 10.

Strike: section 254 in its entirety

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

REPORTS OF SELECT COMMITTEES

CONFERENCE COMMITTEE
on House Amendments to **Senate Bill 135**
Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 135** (reference copy – salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 135** (reference copy – salmon) be accepted by the Senate.

For the Senate:

R. Johnson, Chairman (Unsigned)
O'Neil
Waterman

For the House:

Lewis, Vice Chairman
Esp
Schmidt

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

4/7/2001

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SB 338, introduced by Berry

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

4/9/2001

SB 131, introduced by Taylor

SB 325, introduced by Mahlum

SB 326, introduced by Taylor

SB 489, introduced by Grosfield

SB 495, introduced by F. Thomas

SB 151 - 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 151**:

4/7/2001

Representative R. Brown, Vice Chairman

Representative Barrett

Representative Gallus

Senate amendments to House bill concurred in:

4/7/2001

HB 377, introduced by Somerville

Senate amendments to House joint resolution concurred in:

4/7/2001

HJR 27, introduced by Bales

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

4/9/2001

HJR 36, introduced by Bookout-Reinicke

MOTIONS

HB 214 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 214**. Motion carried. The President appointed the following members:

Senator Berry, Chairman

Senator Thomas

Senator Doherty

HB 290 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 290**. Motion carried. The President appointed the following members:

Senator Grosfield, Chairman

Senator McNutt

Senator Halligan

HB 543 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to

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meet with a like committee from the House on Senate amendments to **HB 543**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Tash
Senator McCarthy

HB 559 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 559**. Motion carried. The President appointed the following members:

Senator Miller, Chairman
Senator Grimes
Senator Christiaens

HB 573 - Majority Leader Thomas moved that the President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 573**. Motion carried. The President appointed the following members:

Senator Cole, Chairman
Senator Crismore
Senator Roush

HB 603 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 603**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman
Senator O'Neil
Senator Stonington

HB 612 - Majority Leader Thomas moved that the President be authorized to appoint a **Conference Committee** to meet with a like committee from the House on Senate amendments to **HB 612**. Motion carried. The President appointed the following members:

Senator Ellis, Chairman
Senator Glaser
Senator Shea

FIRST READING AND COMMITMENT OF BILLS

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

HJR 36, introduced by Bookout-Reinicke (by request of the House Transportation Standing Committee), referred to Highways and Transportation.

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

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

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

HB 639 - Senator F. Thomas moved consideration of **HB 639** be placed at the bottom of the second reading board as Senator Stapleton is not present at this time. Motion carried.

HB 5 - Senator Beck moved **HB 5** be concurred in. Motion carried unanimously.

HB 13 - Senator Jergeson moved **HB 13**, second reading copy, be amended as follows :

1. Page 19, line 22.

Strike: "3,491,176 3,051,506 8,759,051 7,655,963"

Insert: "4,121,890 2,420,792 10,341,459 6,073,555"

Amendment **failed** as follows:

Yeas: Butcher, Christiaens, Cocchiarella, Doherty, Ellingson, Elliott, Franklin, Halligan, Jergeson, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tester, Toole, Waterman.

Total 20

Nays: Berry, Bishop, Bohlinger, Cobb, Cole, Crismore, DePratu, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Johnson, Keenan, McNutt, Miller, Mohl, O'Neil, Sprague, Tash, Taylor, Thomas, Wells, Zook, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg, Stapleton.

Total 4

Senator Stapleton present at this time.

HB 13 - Senator R. Johnson moved **HB 13** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Toole, Waterman, Wells, Zook, Mr. President.

Total 44

Nays: Keenan, O'Neil.

Total 2

Absent or not voting: Thomas.

Total 1

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Excused: Harrington, Holden, Kitzenberg.
Total 3

HB 273 - Senator R. Johnson moved **HB 273** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Franklin, Glaser, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 39

Nays: Butcher, Ellis, Grimes, Keenan, Miller, Mohl, O'Neil, Wells.
Total 8

Absent or not voting: None.
Total 0

Excused: Harrington, Holden, Kitzenberg.
Total 3

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

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 28, Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 47

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Harrington, Holden, Kitzenberg.
Total 3

SB 48, Conference Committee Report No. 1, adopted as follows:

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Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Mohl, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 41

Nays: Bishop, Grimes, Keenan, Miller, Nelson, Tester.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

SJR 20 adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Glaser, Grimes, Grosfield, Halligan, Jergeson, Johnson, Mahlum, McCarthy, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Mr. President.

Total 34

Nays: Butcher, Cole, Ekegren, Ellis, Hargrove, Holden, Keenan, McNutt, Miller, Mohl, O'Neil, Stapleton, Wells, Zook.

Total 14

Paired: Doherty, Aye; Holden, No.

Absent or not voting: None.

Total 0

Excused: Harrington, Kitzenberg.

Total 2

HB 154, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

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Total 3

HB 172, Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Ekegren, Ellingson, Ellis, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.

Total 42

Nays: Doherty, Elliott, Franklin, Stonington, Toole.

Total 5

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

HB 293, Free Conference Committee Report No. 1, adopted as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Cocchiarella, Cole, Doherty, Ekegren, Ellingson, Elliott, Franklin, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Mahlum, McCarthy, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Mr. President.

Total 36

Nays: Butcher, Crismore, DePratu, Ellis, Glaser, Grimes, Holden, McNutt, Miller, Mohl, Stapleton, Wells, Zook.

Total 13

Paired: Doherty, Harrington, Ayes; Holden, Miller, Noes.

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

HB 395, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Bishop.

Total 1

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Absent or not voting: None.
Total 0

Excused: Harrington, Holden, Kitzenberg.
Total 3

HB 600, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Zook, Mr. President.
Total 43

Nays: Bishop, Ellingson, Keenan, Toole.
Total 4

Absent or not voting: None.
Total 0

Excused: Harrington, Holden, Kitzenberg.
Total 3

HB 619, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.
Total 42

Nays: Bishop, Elliott, Keenan, Kitzenberg, Miller, O'Neil.
Total 6

Paired: Berry, Aye; Kitzenberg, No.

Absent or not voting: None.
Total 0

Excused: Harrington, Holden.
Total 2

HB 623, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

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Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

HB 642 concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

HB 643, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

HB 644, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren,

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Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Keenan, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Bishop.

Total 1

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

HB 646, as amended by the Senate, concurred in as follows:

Yeas: Berry, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Waterman, Wells, Mr. President.

Total 41

Nays: Bishop, Elliott, Johnson, Keenan, Toole, Zook.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Holden, Kitzenberg.

Total 3

SPECIAL ORDERS OF THE DAY

SR 22 - Senator Hargrove moved that **SR 22**, concurring in, confirming, and consenting to the nominations and appointments made by the Governor and submitted to the Senate, be adopted and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Jergeson, Johnson, Mahlum, McCarthy, McNutt, Miller, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 46

Nays: Keenan.

Total 1

Absent or not voting: None.

Total 0

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Excused: Harrington, Holden, Kitzenberg.
Total 3

MOTIONS

SB 441 - Majority Leader Thomas moved that the Conference Committee on **SB 441** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee** on **SB 441**. Motion carried. The President appointed the following members:

Senator Grimes, Chairman
Senator Mohl
Senator Christiaens

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

Senate recessed at 12:12 p.m.

Senate reconvened at 3:00 p.m.

Roll Call. All members present except Senators Butcher, Harrington, Holden, Mahlum, Miller and Toole, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

FINANCE (Keenan, Chairman):
HB 226, be amended as follows:

4/9/2001

1. Title, page 1, line 8.

Strike: "AN ECONOMIC DEVELOPMENT"

Following: "TRUST"

Insert: "A MINERAL"

Strike: "FUND"

Insert: "ACCOUNT"

2. Title, page 1, line 9 through line 10.

Strike: "CREATING" on line 9 through "APPLICATIONS;" on line 10

3. Page 2, line 20.

Strike: "25%"

Insert: "75%"

4. Page 2, line 22.

Strike: "25%"

Insert: "75%"

5. Page 2, line 24.

Strike: "25%"

Insert: "75%"

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6. Page 2, line 27.

Strike: "ONE-HALF OF"

Strike: "ELIGIBLE COUNTIES AND ONE-HALF TO THE ECONOMIC"

7. Page 2, line 28.

Strike: "DEVELOPMENT"

Insert: "the mineral"

Strike: "FUND"

Insert: "account"

8. Page 2, line 28 through page 3, line 3.

Strike: "THE DISTRIBUTION" on page 2, line 28 through "17-7-502." on page 3, line 3

9. Page 3, line 5.

Strike: "Economic development"

Following: "trust"

Insert: "Mineral"

Strike: "fund"

Insert: "account"

10. Page 3, line 5 through line 6.

Strike: "an economic" on line 5 through "development" on line 6

Following: "trust"

Insert: "a mineral"

Strike: the first "fund"

Insert: "account"

11. Page 3, line 6.

Strike: the second "fund"

Insert: "account"

12. Page 3, line 7.

Strike: "fund"

Insert: "account"

Strike: "used for grants"

Insert: "distributed"

13. Page 3, line 9 through line 11.

Strike: "fund" on line 9 through "grants" on line 11

Insert: "account"

14. Page 3, line 11.

Strike: "fund"

Insert: "account"

15. Page 3, line 12.

Strike: ", to the board for making the grants"

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16. Page 3, line 14 through page 4, line 2.

Strike: section 3 in its entirety

Renumber: subsequent sections

17. Page 4, line 16.

Strike: "[section 1]:"

18. Page 5, line 6.

Strike: "(1)"

19. Page 5, line 9 through line 10.

Strike: line 9 and line 10 in their entirety

20. Page 5, line 12.

Strike: "[Sections 3 and 5"

Insert: "[Section 4"

21. Page 5, line 14.

Strike: ", 2, and 4]"

Insert: "through 3]"

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

TAXATION (DePratu, Chairman):

4/6/2001

HJR 2, be amended as follows:

1. Page 1, line 8.

Strike: "PRELIMINARY"

2. Page 2.

Strike: line 7 through line 8 in their entirety

3. Page 2, line 16.

Strike: "\$1,190,955,000"

Insert: "\$1,200,186,000"

Strike: "\$1,196,156,000"

Insert: "\$1,198,729,000"

Strike: "\$1,211,299,000"

Insert: "\$1,210,972,000"

4. Page 2, line 17.

Strike: "preliminary"

5. Page 2, line 18.

Strike: "\$170,326,000"

Insert: "\$176,000,000"

6. Page 2, line 21 through page 3, line 17.

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Following: "DIVISION"

Strike: the remainder of line 21 through page 3, line 17

Insert: "with reports at least quarterly concerning aggregate audit collections for the individual income tax, corporation license tax, coal severance tax, telecommunications tax, and oil and natural gas production tax, beginning with the quarter ending September 2001. The reports must include for each tax type the amount of tax, penalty, and interest. The Department shall also on a quarterly basis notify the Legislative Fiscal Division by tax type of aggregate audit settlements greater than \$250,000."

BE IT FURTHER RESOLVED, that the Legislature recognize the competing priorities of implementing POINTS and encourage the Department to recognize the importance of providing audit collections in SABHRS on a monthly basis."

7. Page 3, lines 19 and 20.

Following: "PENALTIES,"

Insert: "and"

Following: "INTEREST"

Strike: remainder of line 19 through "RETURN" on line 20

8. Page 4, line 13.

Strike: "\$539.980 \$571.493"

Insert: "\$545.356 \$575.077"

9. Page 4, line 20.

Strike: "21.807 26.756"

Insert: "27.845 21.756"

10. Page 5, line 2.

Strike: "31.200 10.400"

Insert: "28.878 14.570"

11. Page 5, line 5.

Strike: "19.745 17.566 17.919"

Insert: "21.523 18.756 19.113"

12. Page 6, line 4.

Strike: "3.526 3.812 3.999"

Insert: "1.887 2.441 2.478"

13. Page 6, line 14.

Strike: "\$1,190.955 \$1,196.156 \$1,211.299"

Insert: "\$1,200.186 \$1,198.729 \$1,210.972"

14. Page 11, following line 8.

Insert: "FY One-Time Settlement (Millions) \$0.000 \$6.038 \$0.000 \$0.000"

15. Page 16, line 2.

Strike: "\$5.593 \$6.067 \$6.388"

Insert: "\$5.003 \$5.265 \$5.359"

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16. Page 16, line 3.

Strike: "\$2.067 \$2.256 \$2.389"

Insert: "\$3.116 \$2.824 \$2.881"

17. Page 17, line 16.

Strike: "\$520.609 \$526.753 \$531.177"

Insert: "\$552.000 \$558.507 \$563.013"

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

Senators Butcher, Harrington, Mahlum, Miller and Toole present at this time.

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on House Bill 142

Report No. 1, April 6, 2001

Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 142**, met April 6, 2001 and considered:

1. Senate Committee on Fish and Game amendments to the third reading copy, dated March 9, 2001.

We recommend that **House Bill 142** (reference copy – salmon) be amended as follows:

1. Page 2, line 26.

Following: "PURPOSE OF"

Insert: "improving the hunting experience, considering fair chase principles, and"

Following: "PROVIDING FOR"

Strike: "ETHICAL AND"

2. Page 4, line 14.

Following: "PURPOSE OF"

Insert: "improving the hunting experience, considering fair chase principles, and"

Following: "PROVIDING FOR"

Strike: "ETHICAL AND"

For the House:

Somerville, Vice Chairman

P. Clark

Laszloffy (Unsigned)

For the Senate:

Berry, Chairman

Wells

Doherty

FREE CONFERENCE COMMITTEE

on House Bill 473

Report No. 1, April 6, 2001

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Mr. Speaker and Mr. President:

We, your Free Conference Committee on **House Bill 473**, met April 6, 2001, and considered:

1. Senate Committee on Natural Resources amendments to the third reading copy, dated March 17, 2001; and
2. Senate Committee of the Whole amendment to the second house, second reading copy, dated March 20, 2001.

And, recommend that **House Bill 473** (reference copy – salmon) be amended as follows:

1. Title, line 6.

Following: "THAT"

Insert: "CERTAIN"

2. Page 3, line 23 through line 25.

Following: "on"

Strike: remainder of line 23 through line 25

Insert: "this chapter."

3. Page 3, line 30 through page 4, line 2.

Following: "MEASURES"

Strike: remainder of line 30 through "MEASURES" on page 4, line 2

Insert: "that"

4. Page 4.

Strike: line 4

Insert: "(c) Proposed actions for which the agency is the project sponsor may be modified by the agency only to comply with a statute or regulation based on the information resulting from an environmental review of the action."

For the House:

C. Younkin, Vice Chairman
Mood
Gutsche (Unsigned)

For the Senate:

Crismore, Chairman
Roush
Thomas

MOTIONS

SB 327 - Majority Leader Thomas moved that the Conference Committee on **SB 327** be **dissolved** and that the President be authorized to appoint a **Free Conference Committee**, and request the House to appoint a like committee to meet on **SB 327**. Motion carried. The President appointed the following members:

Senator Taylor, Chairman
Senator Stapleton
Senator Doherty

HB 543 - Majority Leader Thomas moved that the Conference Committee on **HB 543** be **dissolved** and that the

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President be authorized to appoint a **Free Conference Committee** to meet with a like committee from the House on **HB 543**. Motion carried. The President appointed the following members:

Senator Crismore, Chairman
Senator Tash
Senator McCarthy

HB 544 - Majority Leader Thomas moved that **HB 544** be taken from the committee on Business and Labor, printed and placed on second reading on the eighty-first legislative day. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cobb, Cole, Crismore, DePratu, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Harrington, Johnson, Keenan, Mahlum, McCarthy, McNutt, Mohl, Pease, Shea, Stapleton, Taylor, Tester, Thomas, Toole, Waterman, Wells, Zook, Mr. President.

Total 34

Nays: Butcher, Christiaens, Cocchiarella, Doherty, Glaser, Jergeson, Kitzenberg, Miller, Nelson, O'Neil, Roush, Ryan, Sprague, Stonington, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: Holden.

Total 1

HB 617 - Senator Stapleton moved that **HB 617** be taken from the table in the committee on Taxation, printed and placed on second reading on the eighty-first legislative day. Motion **failed** as follows:

Yeas: Berry, Butcher, Cocchiarella, Crismore, Glaser, Hargrove, Johnson, Keenan, Mahlum, Miller, Mohl, O'Neil, Sprague, Stapleton, Taylor, Wells.

Total 16

Nays: Bishop, Bohlinger, Christiaens, Cobb, Cole, DePratu, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Harrington, Jergeson, Kitzenberg, McCarthy, McNutt, Nelson, Pease, Roush, Ryan, Shea, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: Holden.

Total 1

HB 617 - Senator Doherty moved that **HB 617** be taken from the table in Taxation, brought to the floor and tabled. Motion carried as follows:

Yeas: Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ellingson, Elliott, Franklin, Halligan, Harrington, Jergeson, Johnson, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, Pease, Roush, Ryan,

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Shea, Stonington, Tester, Toole, Waterman, Mr. President.
Total 30

Nays: Butcher, Cobb, Ekegren, Ellis, Glaser, Grimes, Grosfield, Hargrove, Keenan, Miller, O'Neil, Sprague, Stapleton, Tash, Taylor, Thomas, Wells, Zook.
Total 18

Absent or not voting: Bishop.
Total 1

Excused: Holden.
Total 1

HB 625 - Majority Leader Thomas moved that consideration of HB 625 be passed for the day for purpose of amendment. Motion carried.

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

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

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

HB 516 - Senator Tash moved **HB 516** be concurred in. Motion carried unanimously.

HB 526 - Senator Cocchiarella moved **HB 526** be concurred in. Motion carried with Senators Butcher and O'Neil voting nay.

HB 577 - Senator Tester moved **HB 577** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellingson, Ellis, Franklin, Glaser, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stonington, Tash, Tester, Thomas, Toole, Waterman, Zook, Mr. President.
Total 38

Nays: Butcher, Christiaens, Cobb, Elliott, Grimes, Johnson, Miller, Mohl, Stapleton, Taylor, Wells.
Total 11

Absent or not voting: None.
Total 0

Excused: Holden.
Total 1

HB 610 - Senator Jergeson moved **HB 610** be concurred in. Motion carried with Senators Butcher and K. Miller

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voting nay.

HB 615 - Senator Cobb moved **HB 615** be concurred in. Motion carried unanimously.

HB 645 - Senator Doherty moved **HB 645** be concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Butcher, Christiaens, Cobb, Cocchiarella, Cole, Crismore, DePratu, Doherty, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Harrington, Jergeson, Johnson, Keenan, Kitzenberg, Mahlum, McCarthy, McNutt, Mohl, Nelson, O'Neil, Pease, Roush, Ryan, Shea, Sprague, Stapleton, Stonington, Tash, Taylor, Thomas, Waterman, Wells, Zook, Mr. President.

Total 44

Nays: Ellingson, Elliott, Miller, Toole.

Total 4

Absent or not voting: Tester.

Total 1

Excused: Holden.

Total 1

SB 57 - House Amendments - Senator R. Johnson moved House amendments to **SB 57** be **not** concurred in. Motion carried as follows:

Yeas: Berry, Bishop, Bohlinger, Christiaens, Cobb, Crismore, Doherty, Ekegren, Ellingson, Elliott, Ellis, Franklin, Grimes, Grosfield, Halligan, Hargrove, Johnson, Keenan, McCarthy, Pease, Roush, Ryan, Shea, Stapleton, Stonington, Tash, Taylor, Thomas, Toole, Waterman, Mr. President.

Total 31

Nays: Butcher, Cocchiarella, Cole, DePratu, Glaser, Harrington, Jergeson, Kitzenberg, Mahlum, McNutt, Miller, Mohl, Nelson, O'Neil, Sprague, Tester, Wells, Zook.

Total 18

Absent or not voting: None.

Total 0

Excused: Holden.

Total 1

SB 514 - House Amendments - Senator Grosfield moved House amendments to **SB 514** be **not** concurred in. Motion carried unanimously.

HB 639 - Senator Stapleton moved **HB 639** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Beck in the chair. Chairman McCarthy moved the Committee of the Whole report be adopted. Report adopted unanimously.

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REPORTS OF STANDING COMMITTEES

ENERGY AND TELECOMMUNICATIONS (Cole, Chairman):

4/9/2001

HB 474, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "CREATING" on line 5 through "ASSISTANCE;"

2. Title, page 1, line 13 through line 15.

Strike: "AUTHORIZING" on line 13 through ";" on line 15

3. Title, page 1, line 21.

Following: "SUPPLIER;"

Insert: "MODIFYING THE DEFAULT SUPPLIER LICENSING RULES;"

Strike: "SECTION"

Insert: "SECTIONS"

4. Title, page 1, line 22.

Following: "69-8-201"

Insert: "AND 69-8-416"

5. Title, page 1, line 23 through line 24.

Strike: the first "; AND" on line 23 through "DATE" on line 24

6. Page 4, line 17 through page 5, line 8.

Strike: sections 1 and 2 in their entirety

ReNUMBER: subsequent sections

7. Page 5, line 10.

Strike: "3 THROUGH 7"

Insert: "1 through 5"

8. Page 5, line 17.

Strike: "3 THROUGH 7"

Insert: "1 through 5"

9. Page 5, line 24.

Strike: "3 THROUGH 7"

Insert: "1 through 5"

10. Page 5, line 27.

Strike: "[SECTION 7]"

Insert: "[section 5]"

11. Page 6, line 11.

Strike: "[SECTION 7]"

Insert: "[section 5]"

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12. Page 6, line 20.

Strike: "[SECTION 6]"

Insert: "[section 4]"

13. Page 7, line 15.

Strike: "small"

Following: "customers"

Insert: "described in subsections (1)(a) and (1)(b)"

14. Page 8.

Following: line 6

Insert: Section 7. Section 69-8-416, MCA, is amended to read:

"**69-8-416. Default supplier license.** (1) In developing licensing rules for default suppliers, the commission shall promote and facilitate the development of a competitive market for electricity supply.

(2) Default supplier licensing rules must ensure that:

~~(a) a default supplier may not purchase electricity for or sell electricity to commercial or industrial electric consumers having individual accounts with an average monthly demand in the previous calendar year of 100 kilowatts or more or to new commercial or industrial electric consumers having individual accounts with an estimated monthly demand of 100 kilowatts or more;~~

~~(b)(a)~~ a default supplier may not discount its commission- approved rates to retain or gain customers;

~~(c)(b)~~ a default supplier may not obligate customers to a contractual term or service;

~~(d)(c)~~ federal power marketing administration power or benefits acquired by a default supplier are distributed as widely and equitably as possible among small customers and in a manner that encourages competition;

~~(e)(d)~~ a default supplier, except when the default supplier is the distribution services provider, may not construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric generating plants or transmission or distribution lines or systems, except that a default supplier may enter into transmission or distribution agreements for the lease or use of capacity on transmission and distribution systems owned by others to supply electricity to its customers in the state;

~~(f)(e)~~ a default supplier may not offer for sale any products other than electricity supply or provide electricity supply to members or customers other than those residing in the state or sell electricity or otherwise engage in the marketing of electricity on the wholesale market, but may dispose of excess electricity associated with temporary load-energy imbalances.

(3) Except as provided in subsection ~~(2)(c)~~ (2)(d), a default supplier may provide only a single electricity supply service to all of its small customers. A default supplier may also offer an additional electricity supply service that includes a component of renewable energy.

(4) A default supplier may not offer other supply services unless the default supplier forms a separate entity."

{Internal References to 69-8-416:

69-8-403X }"

Renumber: subsequent sections

15. Page 12, line 18 through line 23.

Strike: "1" on line 18 through "7" on line 23

Insert: "[Sections 1 through 5]"

16. Page 12, line 24.

Strike: "[SECTIONS 3 THROUGH 7]"

Insert: "[sections 1 through 5]"

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

NATURAL RESOURCES (Crismore, Chairman):
HB 69, be amended as follows:

4/9/2001

1. Page 13, line 8.

Following: "~~82-4-360~~"

Insert: ", unless that person meets the conditions described in 82-4-360"

2. Page 17, line 1.

Following: "~~82-4-360~~"

Insert: ", unless that person meets the conditions described in 82-4-360"

3. Page 17, line 30.

Following: "with"

Insert: "Title 75, chapters 2 and 5,"

4. Page 18, line 9.

Following: "(2)"

Insert: "(a)"

5. Page 18, line 10.

Following: "MORE"

Strike: "OBJECTIVE"

Insert: "third-party"

6. Page 18, line 11.

Following: "AND THE"

Strike: "MINE OPERATOR"

Insert: "applicant"

Following: "BY THE"

Strike: "MINE OPERATOR"

Insert: "applicant"

7. Page 18, line 14.

Following: "ADJUSTMENT."

Insert: "The mine owner is responsible for the first \$5,000 in contractor services provided under this subsection. The mine owner and the department are each responsible for 50% of any amount over \$5,000."

8. Page 18.

Following: line 14

Insert: "(b) To select a third-party contractor as authorized in subsection (2)(a), the department shall prepare a list of no fewer than four contractors acceptable to the department and shall provide the applicant with a copy of the list. The applicant shall provide the department with a list of at least 50% of the contractors from the department's list. The department shall select its contractor from the list provided by the applicant."

9. Page 18, line 15.

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Following: "(3)"

Insert: "(a)"

10. Page 18, line 23.

Following: "60 days to"

Strike: "discuss"

Insert: "negotiate"

11. Page 18, line 28.

Following: "located."

Strike: "After a 30-day public comment period on the proposed bond determination, the"

Insert: "The"

12. Page 18, line 29.

Following: "determination"

Insert: "in 30 days"

Following: "."

Strike: "The"

Insert: "Unless the licensee or permittee requests a hearing under subsection (3)(b), the "

13. Page 19, line 1.

Following: "DEMONSTRATES"

Insert: "that"

14. Page 19, line 2.

Following: "DILIGENCE,"

Strike: "THAT"

15. Page 19, line 3.

Strike: "REASONABLE"

Insert: "30-day"

Following: "DEADLINE."

Insert: "(b)"

16. Page 19, line 7.

Following: "hearing."

Insert: "The request for hearing must specify the amount of bond increase, if any, that the licensee or permittee

considers appropriate and state the reasons that the licensee or permittee considers the department's final bond determination to be excessive."

17. Page 19, line 8 through line 10.

Following: "of the"

Strike: remainder of line 8 through line 10

Insert: "bond increase that the licensee or permittee has stated is appropriate in the request for hearing or the amount that is one-half of the increase contained in the department's final bond determination, whichever amount is greater. If the board determines that additional bond is necessary, the licensee or permittee shall post bond in the amount determined by the board within 30 days of receipt of the board's decision. If the licensee or

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permittee demonstrates that, through the exercise of reasonable diligence, the licensee or permittee will not be able to post the bond within 30 days, the department shall grant a reasonable extension of the deadline.
(c) If a licensee or permittee fails to post bond in accordance with subsection (3)(a) or (3)(b) in the required amounts by the required deadlines, the license or permit is suspended by operation of law and the licensee or permittee shall immediately cease mining and exploration operations until the required bond is posted with and approved by the department."

18. Page 19, line 24.

Following: "bonded."

Insert: "Bond calculations, including calculations for the initial bond or for subsequent bond reviews and adjustments, may not include amounts for any occurrence or contingency that is not a reasonably foreseeable result of any activity conducted by the applicant."

19. Page 20, line 17.

Following: "SUBSECTION (8)"

Insert: "and for the actual cost of the surety's expenses in responding to the department's forfeiture demand"

20. Page 20.

Following: line 24

Insert: "(d) Any interest accrued on bond proceeds that is not required to abate the imminent danger determined in subsection (8)(a) must be returned to the surety, unless otherwise agreed to in writing by the surety.

(9) If a bond is terminated as a result of the action or inaction of a licensee or permittee or is canceled or otherwise terminated by the surety issuing the bond and the licensee or permittee fails to post a new bond for the entire amount of the terminated bond within 30 days following the notice of termination provided to the department, then the license or permit must be immediately suspended without further action by the department."

21. Page 22, line 27.

Following: "~~order~~"

Strike: "as provided in 82-4-338(7)"

Insert: "by certified mail"

22. Page 23, line 9.

Following: "return"

Insert: "to the surety"

Following: "expended"

Insert: ", including any unexpended interest accrued on bond proceeds, unless otherwise agreed to in writing by the surety"

23. Page 24, line 4.

Following: "~~exception~~"

Insert: "-- exception"

24. Page 24, line 5.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

25. Page 24.

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Following: line 15

Insert: "(2) A person described in subsection (1) may apply for an operating permit or an exploration license or may conclude a written agreement under 82-4-305 if:

(a) that person pays to the department:

(i) the full amount of the necessary expenses incurred by the department under 82-4-341(6) for reclamation of the area for which the bond was forfeited;

(ii) the full amount of any penalties assessed under this part; and

(iii) interest on the expenses incurred and penalties assessed at the rate of 6% a year; and

(b) the person demonstrates and the department determines that the person has remedied the conditions that led to the bond forfeiture or receipt of the bond proceeds and that those conditions no longer exist."

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

TAXATION (DePratu, Chairman):
HB 121, be amended as follows:

4/9/2001

1. Title, page 1, line 11.

Strike: "\$18,966"

Insert: "\$18,889"

2. Title, page 1, line 12.

Strike: "\$210,738"

Insert: "\$209,873"

3. Title, page 1, line 13.

Strike: "\$3,850"

Insert: "\$3,834"

4. Title, page 1, line 15.

Strike: "\$5,130"

Insert: "\$5,109"

5. Title, page 1, line 17.

Strike: "\$19,819"

Insert: "\$19,244"

6. Title, page 1, line 19.

Strike: "\$220,221"

Insert: "\$213,819"

7. Title, page 1, line 20.

Strike: "\$4,023"

Insert: "\$3,906"

8. Title, page 1, lines 22 through 25.

Strike: "\$5,361"

Insert: "\$5,205"

Following: ";

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Strike: remainder of line 22 through "119;" on line 25

Insert: "PROVIDING FOR CONTINGENCIES BASING INCREASES FOR SCHOOL FISCAL YEARS BEGINNING ON OR AFTER JULY 1, 2002, ON PASSAGE AND APPROVAL OF SENATE BILL NO. 495, SENATE BILL NO. 390, AND REVERSIONS CAUSED BY DECLINING ENROLLMENT;"

9. Title, page 1, line 26.

Following: "~~AN~~"

Insert: "AN"

Strike: "DATES,"

Insert: "DATE AND"

10. Title, page 1, line 27.

Following: "DATES"

Strike: "1" through "DATE"

11. Page 2, line 23.

Strike: "\$210,738"

Insert: "\$209,873"

12. Page 2, line 24.

Strike: "\$18,966"

Insert: "\$18,889"

13. Page 2, line 28.

Strike: "\$18,966"

Insert: "\$18,889"

14. Page 2, line 30.

Strike: "\$210,738"

Insert: "\$209,873"

15. Page 3, line 12.

Strike: "\$5,130"

Insert: "\$5,109"

16. Page 3, line 17.

Strike: "\$3,850"

Insert: "\$3,834"

17. Page 3, line 22.

Strike: "\$3,850"

Insert: "\$3,834"

18. Page 3, line 26.

Strike: "\$5,130"

Insert: "\$5,109"

19. Page 7, line 29 through page 10, line 13.

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Strike: section 2 through section 4 in their entirety

Insert: "NEW SECTION. Section 2. Coordination instruction. (1) If Senate Bill No. 495 is passed and approved and is not enjoined or determined to be unconstitutional by July 1, 2002, if Senate Bill No. 390 is passed and approved, and if reversions caused by declining enrollments occur, then section 20-9-306, MCA, must read as follows:

Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "BASE" means base amount for school equity.
- (2) "BASE aid" means:
 - (a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and
 - (b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.
- (3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.
- (4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.
- (5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.
- (6) "Basic entitlement" means:
 - (a) ~~\$206,000~~ \$213,819 for each high school district;
 - (b) ~~\$18,540~~ \$19,244 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and
 - (c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:
 - (i) ~~\$18,540~~ \$19,244 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus
 - (ii) ~~\$206,000~~ \$213,819 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.
- (7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.
- (8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.
- (9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.
- (10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:
 - (a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,205 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;
 - (b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,906 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and
 - (c) for an elementary school district or a K-12 district elementary program with an approved and accredited

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junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,906 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,205 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

(2) If Senate Bill No. 495 and Senate Bill No. 390 are not passed and approved, if reversions do not occur based on declining enrollments, or if Senate Bill No. 495 is enjoined or determined to be unconstitutional before July 1, 2002, then section 20-9-306, MCA, must read as follows:"

Section 1. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$209,090 for each high school district;

(b) ~~\$18,540~~ \$18,818 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$18,818 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$209,090 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB,

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with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,819 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,090 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$212,180 for each high school district;

(b) ~~\$18,540~~ \$19,096 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,096 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$212,180 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

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(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,876 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,165 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

(3) If Senate Bill No. 390 is not passed and approved and if the contingency in subsection (2) does not occur, then section 20-9-306, must read as follows:

"**Section 1.** Section 20-9-306, MCA, is amended to read:

"**20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$209,111 for each high school district;

(b) ~~\$18,540~~ \$18,820 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$18,820 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$209,111 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

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(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,091 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,820 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,820 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,091 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "Section 2. Section 20-9-306, MCA, is amended to read:

"20-9-306. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district; and

(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and up to 40% of the special education allowable cost payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$206,000~~ \$212,269 for each high school district;

(b) ~~\$18,540~~ \$19,104 for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school; and

(c) the prorated entitlement for each elementary school district or K-12 district elementary program with an approved and accredited junior high school or middle school, calculated as follows:

(i) ~~\$18,540~~ \$19,104 times the ratio of the ANB for kindergarten through grade 6 to the total ANB of kindergarten through grade 8; plus

(ii) ~~\$206,000~~ \$212,269 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through

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grade 8.

(7) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(8) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, and up to 153% of special education allowable cost payments.

(9) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

(10) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,015~~ \$5,168 for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$3,763~~ \$3,878 for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school or middle school, the sum of:

(i) a maximum rate of ~~\$3,763~~ \$3,878 for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,015~~ \$5,168 for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB."

Insert: "NEW SECTION. Section 3. Effective date -- applicability. (1) [This act] is effective on passage and approval, and [section 1] applies to school fiscal years beginning July 1, 2001.

(2) If the contingency in [section 2(1)] occurs, [section 2(1)] applies to school fiscal years beginning on or after July 1, 2002.

(3) If the contingency in [section 2(2)] occurs, the first version of 20-9-306 in [section 2(2)] applies to the school fiscal year beginning July 1, 2001, and the second version of 20-9-306 in [section 2(2)] applies to school fiscal years beginning on or after July 1, 2002.

(4) If the contingency in [section 2(3)] occurs, the first version of 20-9-306 in [section 2(3)] applies to the school fiscal year beginning July 1, 2001, and the second version of 20-9-306 in [section 2(3)] applies to school fiscal years beginning on or after July 1, 2002. "

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

REPORTS OF SELECT COMMITTEES

FREE CONFERENCE COMMITTEE

on Senate Bill 185

Report No. 1, April 9, 2001

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 185** (reference copy – salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 185** (reference copy – salmon) be amended as follows:

1. Title, page 1, line 8 through line 9.

Strike: the second "CLARIFYING" on line 8 through "EMPLOYERS;" on line 9

2. Page 5, line 6.

Strike: "the entrances"

Insert: "any entrance"

Strike: "polling place or"

Following: "building"

Insert: "in which the polling place is located"

3. Page 5, line 17.

Strike: "-- definitions"

4. Page 6, line 1.

Strike: line 1 in its entirety

Re-number: subsequent subsections

5. Page 6, line 4.

Strike: "An" through "."

6. Page 6, line 5.

Strike: "public officer or"

7. Page 6, line 13 through line 22.

Strike: line 13 through line 22 in their entirety

8. Page 7, line 26.

Following: "37"

Insert: "35"

9. Page 7, line 30.

Following: "or"

Strike: "37"

10. Page 10, line 1.

Strike: "The"

Insert: "After a complaint is filed with the commissioner pursuant to 13-37-111, the"

For the Senate:

Bohlinger, Chairman

Cobb

Ellingson

For the House:

Walters, Vice Chairman

Ripley

Raser

MOTIONS

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SB 48, Conference Committee - Senator Tester moved that he be allowed to change his vote SB 48, Conference Committee, third reading this day, from yea to nay. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Thomas moved that the Senate adjourn until 10:00 a.m., Tuesday, April 10, 2001. Motion carried.

Senate adjourned at 5:11 p.m.

ROSANA SKELTON
Secretary of Senate

TOM BECK
President of the Senate

2001 MEMORIALS
April 8, 2001

MANSON HARVEY BAILEY, JR.

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Manson Bailey, Jr. on July 5, 2000, in Glasgow, Montana.

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

Manson Bailey, passionate historian and three-term Representative, was born March 3, 1920, in Glasgow, a third generation Montanan. He was a 1938 graduate of Glasgow High School and later served the WW II effort as staff sergeant.

Manson and Betty Hansen Rushton began their life together August 7, 1946, in Great Falls and then moved to the three-room home they built on the Bailey family farm south of Glasgow. There they raised a son, Manson Bailey III, and three daughters, Mari, Tana Jean and Kim.

Manson Bailey was devoted to his community. He received the Silver Beaver Award in Boy Scouts and was a safety engineer during the construction of the second powerhouse at Fort Peck Dam. He was the recipient of an honorary Future Farmer Award and a Distinguished Jaycees Service Award. He was honored when he received the President's Award from the Montana Wildlife Federation.

Manson's perspective and passion for history served both his state and his community. He was proud to be Curator of the Valley County Pioneer Museum in Glasgow constructing dioramas and guiding visitors through a history of people and places. He was a trustee of the Montana Historical Society for ten years and former president of the Museum Association of Montana in 1975 and 1976.

Manson was regarded as a walking encyclopedia of history and is remembered for his tireless devotion as a museum volunteer and storyteller.

In addition to farm and ranch activities, Manson worked for the Montana Highway Department as a construction engineer and was an inspector for the B-52 Nose Dock construction at Glasgow Air Force Base. He was director of

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the Valley County Development Council for 20 years.

Manson Bailey was elected to the Montana House of Representatives in 1962 and served until 1970. He was the youngest individual ever appointed to the Montana Fish and Game Commission and served as chairman in 1955. He was also a member of the soil conservation district for many years.

Manson was an active member of the Church of Jesus Christ of Latter Day Saints serving twice as local branch president and former counselor to the district president.

FRED O. BROEDER

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Fred O. Broeder on February 22, 2001.

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

Fred O. Broeder, timber specialist and Flathead County legislator, was born in St. Paul, Minnesota, January 2, 1918, to Fred and Alma Broeder. The Broeder family homesteaded in eastern Montana; then settled in the Flathead Valley in 1935.

Recognized for his knowledge of timber and sawmill operations, Fred began his career as a logger following graduation from Flathead County High School in 1936. He formed Broeder Lumber Company in Creston. When his brother Gordon joined the company in 1953, the name became Broeder Brothers Lumber Company which Fred managed until his retirement in 1972.

Fred married Hilda Yurman of Chester in 1941. Hilda preceded him in death. They are the parents of three daughters. In 1952, Fred married Ruth Crail. They are the parents of a daughter and a son.

An active member of many timber organizations, Fred was a partner in the Selkirk Spruce Lumber Mill in Golden, B.C. and after retirement, traveled to South America as a timber and sawmill consultant representing the Service Corp of Retired Executives.

Fred became a political legend in northwestern Montana for never campaigning for office. He represented Flathead County in the Montana House of Representatives for 14 years and was elected Speaker *pro tempore* by his legislative colleagues. He then served in the Senate for six years.

Fred was a 28-year member of the board of directors of Conrad National Bank and charter member of the Eastside Grange in Creston. He was instrumental in establishing the Creston Volunteer Fire Department.

Fred loved and cared for his family and was a proud supporter of his community and the wonderful state of Montana. He was widely regarded as a smart businessman and a fair employer, well known for his common roots and common sense. He was truly in touch with the people he represented.

He is survived by his wife, Ruth, daughters Debi, Joyce, Linda and Judith, son, Fred, seven grandchildren, five great-grandchildren and his brother Gordon and sister Fern Metcalf.

JAMES H. BURNETT

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WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of James H. Burnett on August 14, 2000, in Salt Lake City, Utah.

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

James H. Burnett, rancher, accomplished pilot and Air Force Academy major, was born at the Burnett Ranch in Luther, July 1, 1917, to James M. and Eda Burnett.

He attended schools near Luther and then studied at Billings Polytechnic. In 1935, Jim started aviation training in Nebraska and began his life-long love of flying. He joined the Army Air Corps in 1942 and served in WWII until 1945. He remained in the Air Force Reserve as an air intelligence staff officer and continued flying until late in his life.

Jim married the former Alice "Betty" Boggio in Billings, December 12, 1941. They are the parents of three children, James Dwight, Joy Gunnells and Diane Jones.

Of his many contributions to the community and ranching, Jim's most unique accomplishment was the successful cross-breeding of buffalo with Hereford cattle. Genetic scholars said he had accomplished the impossible that summer in 1965 when male buffalo 903 was born. This new breed, first known as cattalo and later called beefalo, introduced a new hybrid of cattle.

Jim served in the Montana House of Representatives from 1969 to 1982, non-consecutively, and in the Montana Senate from 1991 to 1998. He was particularly interested in human services legislation.

He was a member of the State and National Bison Association, Montana Stockgrowers, Farm Bureau, Eastern Star, VFW and Masons. Jim served on the board of Carbon County Memorial Hospital, Red Lodge High School and Luther Grade School. He was a director of the U.S. National Bank in Red Lodge for 40 years.

Jim Burnett was a leader in his community, his church and his state. He never relinquished his care and concern for the people of the Big Sky.

EDWARD WILLIAM CHRISTIANSEN II

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Edward William Christiansen II on March 28, 2000, in Helena, Montana.

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

Edward William (Bill) Christiansen II, distinguished public servant, statesman and former Lieutenant Governor of Montana, was born in Fargo, North Dakota to Edward William Christiansen I and Mabel Cork, February 24, 1914.

He was a graduate of Fargo High School and North Dakota State University where he was an avid tennis and basketball player winning numerous tennis tournaments. He taught youth tennis and became a mentor to many children.

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Bill married Hattie James, December 27, 1947, in Hardin. They are the parents of three children, Linda, Deborah and Edward William Christiansen III, Billy, who preceded his father in death.

He continued his devotion and many contributions to Montana youth when elected finance chairman of the Boy Scouts of America, president of Big Horn County Campfire Girls of America and president of the Hardin Youth Council. Bill also served as a chairman of the Big Horn County Senior Citizen's Association.

Bill Christiansen thus began his remarkable life of leadership in Montana.

He was elected to the House of Representatives in 1965 and was Democratic floor leader in 1971. He was a committeeman for Appropriations, Education, and Fish and Game and was elected to a term as Lieutenant Governor of Montana.

Representative Christiansen is remembered as the father of Montana's Coal Severance Tax and served on the Montana Coal Resources Research Council. During his tenure as a Representative, he introduced legislation establishing four-year certification for elementary teachers and protection for Native American handwork in Montana.

His wise political bi-partisanship was recognized by his many national and local government appointments. He was selected to the White House Conference on Aging in 1971 and was selected Honorary State Chairman, Kennedy for President, in 1980. He served on the Environmental Quality Council and the Montana Crime Control Commission.

Western Broadcasting Company recognized Bill Christiansen as their Citizen of the Year in 1973. He received the JCC Outstanding Citizen Award and numerous distinguished service awards including the Federal Executive Board of Distinguished Service in Government and the Toastmasters International Leadership Award.

Bill enjoyed hunting and fishing and was a member of the Elks Club. He continued playing golf until late in his life.

Edward William Christiansen II is well-remembered today by his fellow legislators as a revered Lieutenant Governor, statesman and Montana political leader.

DOROTHY ANN CODY

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Dorothy Ann Cody on May 28, 1999, in Wolf Point, Montana.

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

Dorothy Ann Cody was born November 22, 1935, in Springfield, Illinois, to Patrick and Martha McClernon.

She was recognized scholastically at Sacred Heart Academy for Girls in Springfield before moving with her family to San Diego. There she met her husband, Leo Cody, who was stationed in the Navy.

Leo Cody and Dorothy McClernon were married in the cathedral in Springfield, Illinois, on October 23, 1954, and later moved to Wolf Point where Leo was elected Sheriff of Roosevelt County. Dorothy and Leo are the parents of

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11 children. One child died in infancy.

Dorothy held numerous jobs over the years. She mastered real estate school and became a licensed realtor with her own business in Roosevelt County.

In 1984, she ran as a Democrat for the Montana House of Representatives serving until 1993. Dorothy was fondly known as the "Mother of the House" because she would stand and lecture the body on lessons she had instilled in her ten children. Fellow Representative, John Cobb of Augusta, referred to her affectionately as the "boss" cow of the House.

She loved life with a hearty laugh that could be heard across the floor. If she considered you a friend (and most people were) she would greet you with a big hug. She taught us that a hug is a good thing not just reserved for family.

As a House member, Dorothy was privileged to serve on the powerful Appropriations Committee as well as the Agriculture and Highway Committees.

After retiring from the legislature, she served as Roosevelt County Assessor and County Commissioner.

Dorothy was a member of Immaculate Conception Church where her faith was an important aspect of her life. She was a member of the Elks Club, Montana Bar Association and Board of Realtors.

BEN COHEN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Ben Cohen on February 3, 2000, in Whitefish, Montana.

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

Ben Cohen, Peace Corps worker, environmentalist, community leader and Representative, was born October 13, 1942, in Philadelphia, Pennsylvania. Ben was devoted to his parents, Diz & Jeanne Cohen, and his brothers, Martin, George and Howard.

As a child, he loved to walk in the woods, skate on the local pond and camp with his fellow Boy Scouts. He graduated from Central High School in Philadelphia and Penn State University, and later attended Sloan School at MIT. Ben applied his math skills in service to the Peace Corps in Nigeria and as a community organizer in Venezuela.

He married the former Connie Gregory in the spring of 1968 in an azalea garden in Philadelphia. While teaching at West Philadelphia High School, he earned a Master's Degree in Groups and Social Processes from Temple University and later taught this course at the University of Montana.

The Cohen family resided in Missoula and then, Whitefish, where Ben worked for the US Forest Service as a wilderness guard and construction survey leader.

Ben entered politics out of regard for Montana water quality. An active Democratic precinct man for several years, he was the first representative ever elected in Whitefish when HD 80 was created. He served as Vice-Chairman of

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the House Taxation Committee and was respected for his ability to empower fellow legislators regardless of party affiliation. He worked hard to change the organization of the caucus, encouraging party members to foster cooperation and study.

Ben is remembered for his spirited service to the communities of Whitefish and Missoula. He initiated recycling and curbside recycling in the Flathead area as the owner of North Valley Refuse. He and his business partner and friend, Rich Hoffman, helped form a youth hockey league, and coached youth and adult soccer in the Flathead area. Ben volunteered to establish and coach the Flathead Moose Rugby Team. He was a frequent actor in Whitefish Community theater productions.

Ben loved to ski and play rugby. He was an instructor for the Whitefish area Learn to Ski program and a former rugby coach at the University of Montana. He also helped organize and coach the Missoula rugby team, the Maggots.

Ben is remembered today for his political fair-mindedness and devotion to his community.

Ben and Connie are the parents of two children, Rachel and Isaac.

MAX ROBERT CONOVER

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Max R. Conover on April 14, 2000, in Broadview, Montana.

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

Max R. Conover, Broadview farmer, rancher and Montana Senator, was the eldest of five children born to Robert and Carrie Conover, November 2, 1912, in Diamond, Washington.

The Conover family moved to Comanche where Max attended grade school. During his teenage years, the family moved to the Conover Ranch in Broadview where Max graduated from high school and began farming with his father.

Although he was employed at Occident Elevator in Billings and later managed General Mills elevator in Broadview, Max was happiest on the farm. He loved the land and was proud of the Conover farm.

Max and the former Luverne Sandbak, "Lovey," were married September 20, 1936, in Broadview. Max and Lovey moved to the Conover Ranch in 1947 where they raised their three daughters, Kay, Ann and Susan.

Max was elected as a Constitutional Convention delegate and helped craft the new Constitution in 1972.

He was elected to the Montana Senate in 1975 and during his tenure, served on Fish & Game and Agriculture Committees.

He was the chief sponsor of significant legislation including the first Family Farm Preservation Act, Montana Centennial License Plates and organ donor legislation.

Max was truly one of the friendliest people ever to serve in the legislature. You always knew where he was

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because he had a huge laugh that boomed through the hallways and chambers.

He liked to play a practical joke or two. More than once, I plunked down in my Senator's chair only to sit in a chair full of water.

He was a 50-year member of both the Order of Eastern Star and Rapelje Lodge No. 122. He was a charter member of the Broadview Lions Club, past president of the Montana Grain Growers Association and served on the county library board for 14 years. He was often a timekeeper at track meets and refereed ball games for 30 years.

I recall once he was walking awfully funny through the Senate hallway. I said, "Max, what on earth is wrong?" He said that he was itchin' to get home to get on his tractor so he was just practicing up.

Max enjoyed playing cards, shooting pool and bowling but his greatest love was the land and driving combines with his grandsons during harvest.

It's about springtime in heaven. My guess is Max is up there walking kinda bow-legged, getting ready to ride his tractor.

He was a true friend, a statesman, and we all miss his smile and kind heart.

DANIEL DYKSTRA

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Daniel Dykstra on March 25, 1999, in Orange, California.

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

Daniel Dykstra, Helena native and Lewis & Clark County Representative, was born to Daniel and Pearl Dykstra, August 30, 1920, in Helena.

Dan attended Emerson and Central Grade Schools in Helena and was a 1938 graduate of Helena High School. He studied law for one year and received a B.S. degree from Montana State University and later graduated from Rutgers' University School of Banking.

Daniel and Lillian Neville were married May 5, 1944, in Helena and are the parents of a daughter, Kathryn and a son, Douglas. The Dykstras were married one month short of 55 years.

Dan was awarded a Purple Heart while serving in the U.S. Marine Corps and attained the rank of captain.

While serving in the South Pacific, he continued his love of sports as catcher for the Quantico Marines baseball team. He was offered a contract to play with the Yankees during this time but had to decline the offer because of the war injury to his arm.

Dan celebrated an extensive and successful 35-year career in Helena banking beginning as a messenger for the former Union Bank & Trust Company and then as Vice President and Trust Officer of Norwest Bank.

He served two terms in the Montana House of Representatives in 1961 and 1963 as Vice-Chairman of the Senate

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Business & Industry and Judiciary Committees. He was particularly interested in bank and trust legislation.

He pursued many civic activities in Helena as a member of the State Cancer Board, Deaconess School for Children, Florence Crittenton Home, Marine Toys for Tots, Lions Club, Montana Club and Green Meadow Country Club.

For nearly 50 years, Dan was the official Santa at Norwest Bank and even after his retirement, he faithfully worked one day a year as Santa. He was a devoted Grizzly booster and Alum President organizing bus trips to football games that included opportunities for wagering and festivities.

Dan was a member of the First Baptist Church of Montana in Helena.

Dan retired from public service in 1980 to spend more time with his grandchildren Anna Marie, Krista, Theresa, Mary, Julianne, Alyssa, Stephanie and Daniel and great-grandchildren Nathan, Michael and Talon.

MILLS FOLSOM

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Irvin Mills Folsom on March 29, 2000 in Missoula, Montana.

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

Mills Folsom, Missoula businessman, former state Senator and East Rattlesnake rancher, was born January 28, 1919 in Helena to Roy and Ethel Vachierry Folsom of Wolf Creek. Mills was a student at Helena and Great Falls elementary schools.

He was a state champion wrestler and played on the state championship football team at Great Falls High School where he was an Eagle Scout and member of DeMolay.

He studied at Kinman Business College in Spokane, Washington where he met his wife, Helen Percy Cox. They were married April 2, 1938 in Coeur d'Alene, Idaho and later resided in Missoula where they raised their children Zama, Roy, Helen and Cindy.

Mills was a Marine in the 1st Marine Division in the South Pacific during WWII. Following his return to Missoula, he re-entered business with his father, later owning and managing the Folsom Co., specialists in field irrigation systems. Mills Folsom and his family owned and operated the M/F ranch in the upper East Rattlesnake.

Mills made many contributions for the betterment of the Missoula community. He was a trustee of the Missoula County High School from 1964 to 1967 and served as chairman in 1966. He was a former director of the Missoula County Civil Defense and served on the Job Corps Community Relations Council.

Mills was active in the Navy league and belonged to the American Legion. He was a past president of both Hellgate Lions Club and the Missoula Chamber of Commerce. Mills was a former Boy Scout troop leader and a member of the Missoula area Chamber of Commerce.

Mills Folsom was elected to the Montana Senate in 1967 and served until 1972. He chaired the Senate Fish & Game Committee and was a member of the Education Committee. He was particularly interested in small business and fish and game legislation.

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In addition to his tenure as a Montana Senator, Mills was a State Republican Central Committeeman, and former chairman, and was appointed to the State Convention to Select National Delegates in 1976.

He enjoyed making rustic furniture prized by his family and friends and was an avid outdoorsman who hunted and fished throughout Montana.

Mills and Helen celebrated their post retirement years in the San Juan Islands and Spokane. Mills was beloved by his family and known by his many friends. He was a member of Church of the Holy Spirit in Missoula.

DONALD RAY FOSTER

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Donald Ray Foster on January 22, 2000, in Billings, Montana.

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

Donald Ray Foster, Senator, pastoral minister and successful beekeeper, was born in Idaho on April 18, 1937, to Eva and Howard Foster. He attended elementary school in Montana and then, California, and graduated from Colusa High School in 1954.

Don continued his education at Stanford University where he pledged Alpha Sigma Phi and was a musician in the university marching band. He was President of the Methodist Wesley Foundation at Stanford and a member of the Class of 1958 Executive Committee.

Following two years of study at Stanford Medical School, he accepted a commission as an aviation physiologist in the U.S. Navy Medical Service Corps where he was a member of the Gemini and Apollo space research team.

Don married Rosalie Levitte of Lewistown on July 6, 1963. They resided in Lewistown for 22 years where they raised their five children and operated Foster's Honey Ranch, once one of Montana's largest honey-producing businesses. He was a past-vice president of the Mid-U.S. Honey Producers Association.

Donald Ray Foster represented Fergus County in the Montana Senate from 1975 to 1976 and was Chairman of the State Institutions Finance Subcommittee. He was a past-delegate to both the Democratic National Convention and the Montana Constitutional Convention.

Don served as a legislative assistant to former Congressman Pat Williams in Arlington, Virginia. After returning to Montana in 1989, he became an advisor and counselor for the St. Vincent De Paul Society. As pastoral minister of St. Pius X Catholic Church in 1997, he coordinated preparation for marriages and baptisms. He studied clinical pastoral education at this time and was devoted in his ministry to hospital patients and the homebound.

Don loved beekeeping, the San Francisco 49ers, and author, Henri Nouwen. He was a past-president of the Lewistown Rotary Club and also supported the Billings Clergy Association and Habitat for Humanity.

He is survived by his wife, Rosalie and his children Laura Gilsky of Hilger, Michael of Richmond, Virginia, Bryan

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of Louisville, Kentucky, MaeLynn of Evansville, Indiana, and Elisa Foster of Denver, Colorado.

HELEN CHAFFIN JOHNSON

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Helen Chaffin Johnson on November 30, 2000, in Bozeman, Montana

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

Helen Chaffin Johnson, Bozeman's "grande dame" of real estate and Republican politics, was born June 7, 1905, in Hamilton. She was raised by her sister and aunt following the death of her parents, Cerilla Wall and Baylum Siegel.

She graduated from Stevensville High School and received a degree in home economics from the University of Montana in Missoula.

Influential, generous, formidable and classic are words friends and colleagues use to describe Helen Johnson. She was a high school teacher, social worker and small business owner best known as one of Bozeman's highly regarded real estate agents selling property until her retirement at 90 years old. The Montana Board of Real Estate recognized her with their highest award for professionalism.

Helen Johnson served in the Montana House of Representatives in 1970 representing Park and Gallatin Counties. She was a staunch Republican dedicated to helping other Republicans who sought her political advice and savvy. She served as precinct committeewoman, Central Committee Chairwoman and President of the Gallatin County Republican Women. She was a voting delegate to three Republican National Conventions and an Elector for the state of Montana.

Helen was a devout Christian who generously supported Eglemount and the Salvation Army.

I first met Helen when we moved to Bozeman in early 1991. At that time, she was deeply involved as one of the founders of the Gallatin Valley Presbyterian Church. The church has continued to grow due, in large part, to Helen's active support and participation.

Helen was a warm and friendly lady who is sincerely missed by all her friends, associates, and fellow church members.

GEORGE ROBERT JOHNSTON

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of George Robert Johnston on May 16, 2000, in Cut Bank, Montana.

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

George Robert Johnston, engineer, farmer and six-term Montana Representative, was born July 16, 1912, to Dean and Bertha Johnson in Lansford, North Dakota. George worked on the family sheep ranch and assisted in management of their family-owned hotel in Cut Bank.

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George graduated from Cut Bank High School in 1931 and was easily recognized by his ready smile and congenial nature. He worked his way through the Montana School of Mines, graduating as a civil engineer in 1939. He volunteered to serve the WWII effort but was placed at Boeing in Seattle instead because of his education. While at Boeing, George worked on B-17's and B-29's.

Later in his career, George was a geologist in the oilfield for A. B. Cobb and an engineer for Phillips Petroleum.

George and the former Mary Murphy were united in marriage in 1941 in Anaconda. They raised three children, Patricia, Judy and George Johnston, Jr. The Johnstons farmed for 30 years until George's retirement in 1978.

As a member of the House of Representatives, George was known for his sharp wit in floor debate. His thorough understanding of scientific and natural resource issues drew respect from fellow legislators. George was a partisan Democrat who was not afraid to speak his mind. He was most interested in Fish & Game and Smith River legislation.

George was a Glacier County surveyor and served one term as county commissioner. Whenever time allowed, George loved to fly fish and hunt. He was a member of the Moose Lodge.

He is survived by his two brothers Lloyd Johnston of Tucson, Arizona, and Harold Johnston of Wenatchee, Washington, his grandchildren Jan, Greg, David, Nathan, Meghan, Shauna and Steve.

LADA JAMES KAFKA

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Lada James Kafka on September 13, 2000, in Havre, Montana.

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

Lada James Kafka, Hill County legislator and farmer, was born August 23, 1922, on the family homestead near Fort Assiniboine to Czechoslovakian immigrants George and Josefa Kafka.

He attended a country school walking three miles uphill each day. He graduated from Havre High School in 1939 and continued to study at Northern Montana College until his father's death urged his return farming.

Lada married Hinsdale elementary teacher, Sylvia Sara Schafer on June 7, 1944, in Chester. They are the parents of three children, a son, Kim, and daughters Ladene, Deitra and Dorcie.

For a brief period of time, Lada was employed with the Agricultural Stabilization and Conservation Services but spent most of his life as a grain and livestock rancher.

Lada Kafka, Hill County Democratic Senator, served in the Montana legislature in 1965 as Vice-chairman of the Journal Committee and was a member of the Agriculture, Commerce, Labor and Taxation Committees. The following session, he chaired the Public Lands and Journal Committees and was committeeman of Taxation, Agriculture, Commerce and Labor Committees.

The Kafkas enjoyed international travel to New Zealand, Australia and the Czech Republic for nearly 20 years. Lada sponsored several visits to Montana for his relatives from Czechoslovakia. During winter months, the Kafkas

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resided in Sun City, Arizona, where they visited Lada's brother, George.

Lada and Sylvia Kafka have 11 grandchildren, one great-grandson, several nieces and nephews and a sister, May.

The ashes of Lada and his brother, George, his mother and uncle, were recently scattered in the sanctuary where Lada often meditated...on eagle's wings, Senator Lada James Kafka.

WALTER LAAS

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Walter Laas on August 22, 2000, in Chester, Montana.

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

Walter Laas, construction businessman who was best known for introducing the \$5 speeding ticket, was born on the family homestead northwest of Chester to Nickolas Laas and Lisa Kerbes, emigrants from Estonia.

He attended Trommer Country School and was a 1935 graduate of Chester High School. Walt received his teaching certificate from Northern Montana College in Havre although he chose to return to farming with his father instead.

During the Depression, Walt began his business career buying animal hides from local ranchers and selling used tires to area farmers. With his profits, he purchased land in 1942 near the family farm. He later managed both the Laas Bar in Chester and his business, Laas Construction.

As a contractor and road builder, Walt was involved in numerous state construction projects including road work at Swan Lake, Thompson Falls, Yaak River and Lake Elwell. He had a natural ability to accurately assess a construction project without the aid of a pencil, paper or calculator. Engineers often marveled at this special gift.

While campaigning door-to-door, Walt met his wife, Lila. They were married June 17, 1939, in Great Falls and are the parents of three children, Jim, Darlene and Trudy.

He served eight terms in the Montana House of Representatives beginning in 1949 and rose to speaker *pro tempore*. In response to federal government demand to conserve energy, Representative Walter Laas introduced legislation that imposed a \$5 state fuel-consumption fee on speeders. He is remembered as one of the committee who welcomed President Harry Truman to Montana in 1950.

After leaving state office, Walt was elected mayor of Chester in 1975.

Walt was always community-minded. He was a charter member of the Chester Lions Club and past chairman of the Chester School Board. His other memberships included the Shelby Elks, Moose and Eagles Lodges. He was a parishioner at Our Savior's Lutheran Church in Chester.

Walt enjoyed stamp and coin collecting and playing pinochle. He was a devoted fan of the Denver Broncos.

GLENN H. LARSON

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WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Glenn H. Larson on November 17, 1999.

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

Glenn H. Larson, Senator and former chairman of "Montana's Little Hoover Commission," was born in Sprague, Washington, April 27, 1911, and raised in Heron.

He received an economics degree from UCLA in 1933 and one year later, he became the Sanders County Deputy Clerk and Recorder and bookkeeper for First State Bank in Thompson Falls. He rose to president of the bank and remained president until his retirement in 1976.

Sixty-two years ago, Glen met his wife, Marie. They were married September 17, 1938, in Spokane, Washington.

His distinguished life of service is recognized in his numerous chairman positions. Elected to the Montana Senate in 1943, Glenn began his political career at the young age of 27. He served as chairman of the first legislative interim committee known as "Montana's Little Hoover Commission," established by President Herbert Hoover to check government efficiency at state levels.

Glenn was the Senate Majority Leader during five of his Senate terms. He led Montana's delegation to the Republican National Convention held in San Francisco in 1956. He served as chairman of the seven-state commission from 1958 to 1961.

In 1962, he served as chairman of the Columbia Interstate Compact Commission and from 1965 to 1970, Glenn was elected chairman of the Federal Reserve Board of the Western States.

Throughout his career and distinguished service to Montana, Glenn never forgot his roots. He was always charitable to the Heron Community Center and was very active in educational programs including scholarships foundations.

He and Marie loved to travel and enjoyed golf. Glenn was the beloved husband of Marie, father of Glenda and grandfather of Stacy.

CONRAD FREDERICK LUNDGREN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Conrad Lundgren on May 22, 2000 ,in Kalispell, Montana.

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

Conrad "Con" Lundgren was born to Dan and Marie Lundgren on August 31, 1915, in Bottineau, North Dakota.

Con graduated from Sweetgrass High School and worked his way through Montana School of Mines in Butte where he received a B.S. degree in geological engineering. Prior to serving in WW II, Con was employed in geology positions in the mining industry.

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He served in the Army Air Corps in WW II achieving the rank of captain. Following service in the war, Con returned to the geology profession.

He married Betty Gibb in West Glacier in 1946. She preceded him in death in 1951.

During this time, Con became a partner with his brothers in the West Glacier Tourism Business, which also had facilities in Kalispell.

Con married Jean M. McConochie in May 1955 and became the father of her two children, Gail and Robert. Jean preceded Con in death in 1982.

Conrad Lundgren was first a director, and later chairman, of Flathead Electric Cooperative. He was the only Montana board member to serve on the Pacific Power and Light Board in Washington state from 1964 to 1986.

Con was an achiever and natural leader. He was elected to the House of Representatives in 1961 and served until 1964, then re-elected in 1966 serving through 1974 when he was elected speaker *pro tempore* by his colleagues. He was interested in taxation legislation throughout his legislative sessions and was named a Paul Harris Fellow three times for his work in the legislature.

Con was an avid outdoors man who especially enjoyed hiking, goose hunting and skiing. It is fitting that he was assigned as the first chairman of the House Committee on Natural Resources.

Con was a longtime member of the Elks, Shriners, Masons and Lions Clubs. He was a member of Bethlehem Lutheran Church in Kalispell.

Con was characterized by his industrious nature, hearty goodwill and ability to bring out the very best in everyone. He rose steadily in life always supported by his family and many friends. He was an uncommon, common man.

WILLIAM RAYNOR MACKAY, SR.

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of William Raynor Mackay on December 6, 1999, in Columbus, Montana.

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

William Raynor Mackay, Sr., rancher, senator, musician and arts patron, was born November 12, 1911, in Tenafly, New Jersey. The Mackay family moved west to Montana in 1901. They homesteaded on Morris Creek near Roscoe where they began their ranching legacy at the Lazy E-L Ranch.

Bill took over family ranch operations from his father, Malcolm Mackay, in 1935. Several years later on January 8, 1937, he married Joyce Childs in Englewood, New Jersey. Bill and Joyce returned to the Lazy E-L where they lived for over 60 years and raised their three children, Julie, Helen and Bill, Jr. Father and son became ranch partners in 1972; a partnership that lasted 20 years.

His love of agriculture and ranching started his life-long community and political service to Montana. Bill served as two-term president and board member of the Montana Stockgrowers Association and volunteered on many boards of directors including the Roscoe School Board, Rocky Mountain College, and Carbon County Memorial

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Hospital Board. He was a former board member of the National Cowboy Hall of Fame.

During his terms as both a Montana Representative, 1951 to 1953, and Senator, 1953 to 1972, Bill was a member of the Commission on the Reorganization of State Government and the Legislative Audit Committee.

Make no mistake about it; Bill Mackay, Sr. was a Republican. A partisan he was not. In the days before reapportionment, he was the Senator from Carbon County. He was a member, and former chairman, of the Legislative Council and a Republican National Committeeman as well as State Chairman of the Republican Party.

William Raynor Mackay, Sr. loved music and the arts. He was a versatile and accomplished pianist who performed both classical and Dixieland Jazz, his greatest love. He played often at the Lazy E-L or a community party surrounded by family and friends.

Bill Mackay, Sr. was an honored trustee of the Montana Historical Society. His parents, Joyce and Malcolm Mackay, amassed the Mackay Collection of C. M. Russell art which comprises the bulk of the Montana Historical Society's permanent collection. Bill and his brother, Bud, continued the preservation of Russell's prominence in Montana. Bill's wife, Joyce, is a renowned artist in her own right, continuing the family tradition of devotion to the arts.

He is remembered by the Montana Historical Society as a thoughtful, devoted patron of the arts. He supported the Billings Symphony and the Red Lodge Music Festival.

Bill Mackay, Sr. and his ranch were one and the same. He was a cowboy's cowboy as well as a Senator's Senator and his fierce devotion to the clean air, sparkling waters and unparalleled vistas of the E-L on the flanks of the Beartooth mountains are noteworthy.

Bill Mackay, Sr. embodied the finest traditions of the Senate. A true gentleman and a gentle man, his word was his bond. His membership in the Early Times Club was probably more related to serious senatorial socializing than a passing, simple academic interest in pioneers.

One of the last times I was on the E-L for fall cattle gathering, I was staying in one of the cabins on the ranch and noticed a familiar C. M. Russell brand on the mantel of the fireplace. When I asked if that was the Charlie Russell, Bill said, "Why, yes." Charlie had stayed in the cabin when he came to the E-L.

The past was as alive to him as that day's work on horseback. That's why he and his family's deep commitment to Montana, its history and its arts, was as natural to him as riding a good saddle horse. Think of the value we now enjoy as a result of that commitment. And celebrate his many contributions to our state and the Montana Senate.

CHARLES REX MANUEL

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Charles Rex Manuel on June 5, 2000, in Great Falls, Montana.

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

Charles Rex Manuel, farmer, eight-term Representative and Fairfield mayor, was born June 11, 1930, in

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Lewistown, Montana, to Archie and Minnie Manuel.

Rex attended school in Fairfield and married Jeannine DePratu, October 3, 1948. The Manuels are the parents of five children, Vickie, Barbara, Jane, Michael and Robert who preceded his father in death. Rex and Jeannine have 12 grandchildren and six great-grandchildren.

Early in his life as a Fairfield farmer, Rex was recognized as Outstanding Farmer of the Year. Throughout his life, he worked closely as a volunteer for the Agriculture Museum in Fort Benton.

Rex Manuel was elected to the House of Representatives in 1973, his first bid for public office, and was known for his dedication to his constituents over party affiliation. Rex voted his conscience and what he believed was right, Republican or Democrat.

He chaired the House Fish & Game Committee throughout his legislative tenure and was a longstanding member of the House Appropriations Committee. In 1981, he was elected speaker *pro tempore* by his colleagues and served as Chairman of the Legislative Council in 1983. Rex was a lobbyist during the past several sessions.

Rex was an outstanding and varied Montana public servant. He was appointed to the Montana Board of Crime Control and selected by then-Gov. Stan Stephens to the Public Service Commission serving a six-month term. Rex was past-chairman of the Agriculture and Stabilization Commission for Teton County.

He was active in St. Paul's Lutheran Church serving many years on the church council and teaching Sunday School. He was a Lions Club member for 39 years and served as District Governor in 1990.

Rex Manuel is remembered by his fellow Representative Francis Bardanouve of Harlem as a good person, an honest man and a devoted family man.

CHARLES GORDON MCGOWAN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Charles Gordon McGowan on May 26, 1999, in *Great Falls, Montana*.

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

Charles Gordon McGowan, conservation steward, rancher and Senator, was born September 5, 1911, on a Highwood-area ranch to Frank and Theresa McGowan. He graduated from high school in 1930 and married Lila K. Ahrendes in Fort Benton in 1934.

Charles is recognized today for his lifetime of devotion to developing, and supporting, programs for the protection of Montana's greatest resource; its surface and ground waters.

His distinguished life of stewardship began with an appointment to the Montana Soil Conservation Committee in 1943. Charles organized a Choteau County soil district and was a past-president of the Montana Association of Soil Conservation Districts. He was a member of the board of directors of the National Soil and Water District Association.

Charles was elected to the Montana Senate in 1954 representing Choteau, Judith, Basin, Liberty and Hill counties.

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Senator McGowan was Chairman of the Water and Irrigation and Natural Resources Committees and was considered one of the state's most knowledgeable water law experts. He was a member of Senate taxation, judiciary, highway and business and industry committees and served on the legislative council.

Charles was considered one of Montana's most knowledgeable water law experts. The Upper Missouri Waters Users Association recognized his 35 years of service promoting wise use of Montana's land and water. He was named to Who's Who of American Association of Conservation Districts and received the Arrowhead Award for outstanding service to Extension Service programs.

Charles was appointed to the advisory council for Montana State College and served for 35 years assisting students with post-graduation jobs and sponsoring pages at the legislature. He was active in the Highwood Commercial Club, Montana Stockgrowers Association, Cattleman's Association, and 4-H.

Charles and Lila are the parents of three children, Duane, Sharon and Kathleen, eight grandchildren and nine great-grandchildren.

JOHN R. (JACK) MCNAMARA

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of John R. (Jack) McNamara on April 19, 1999, in Helena, Montana.

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

John R. (Jack) McNamara, Helena postmaster and two-term Representative, was born in Helena, September 30, 1913, to John McNamara and Katherine Flavin McNamara. Jack was raised in the Helena area where he attended grade school and high school and subsequently graduated from Helena Business College.

Jack was proud to be Irish and proud to be a Democrat. His lifetime of service to the Helena community was diversified and extensive.

He was an accountant for 18 years at the Asarco Smelter before becoming an instructor in the Army Tank Destroyer Corps. He achieved the rank of major in the army reserve and retired in 1966. Jack returned to his accounting position at Asarco following the war and later opened his insurance agency, McNamara Agency. Under the Johnson administration, Jack was appointed postmaster of the Helena Post Office and served for 17 years.

Jack and Mary Ann Cooney of Harlowton were married March 22, 1943, in Helena where they made their home for 58 years. They are the parents of two daughters, Susan and Betsey.

Representative Jack McNamara was very proud of the two terms he served in the legislature as a Representative of Lewis and Clark County. He was particularly interested in legislation regarding education, tax reduction, the Coal Tax Trust

Fund and pay increases for public employees. He was president of the Helena Federal Community Credit Union for 20 years during this time.

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Jack was a devout Notre Dame supporter since his childhood. Wearing his Notre Dame hat, he would watch every football game from his living room chair if he couldn't attend in person. If the Fighting Irish were losing, he would put on his Notre Dame jacket to lend additional support.

Jack was a life member of the Knights of Columbus and Eagles, the Montana Club and Green Meadow Country Club. He was a member of the Parish Council and worshiped at the Catholic Church.

Jack was devoted to his two daughters, six grandchildren and nine great-grandchildren.

AMBROSE G. MEASURE

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Ambrose G. Measure on December 8, 2000, in Kalispell, Montana.

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

Ambrose G. Measure, attorney and Representative is remembered for establishing the Flathead Electric Cooperative. He was born to John and Kathryn Measure on December 6, 1908, in the town of Little Falls, Minnesota.

He graduated from Flathead County High School and attended Carroll College and the University of Minnesota. He received his law degree from the University of Montana in June 1935. Ambrose was 92 years old at the time of his death; Montana's oldest practicing attorney.

He married Laura Jo Forhan on August 12, 1940, in Kalispell where they raised their four children, Loraine, Susanne, Edward, and Bruce who is his law partner and who was also a Montana State Representative.

Ambrose Measure is recognized today for his foresight and efforts in making electricity and communications available throughout the Flathead Valley.

During the Roosevelt administration, Ambrose traveled to Washington D.C. to develop administrative rules for implementing the Rural Electrification Act. He returned to Kalispell where he continued these efforts and started his law practice of 65 years. Ambrose was also a lobbyist for Hungry Horse Dam, Bureau of Reclamation, and was affiliated with Mission Valley Power.

He served as in-house counsel for Flathead and Lincoln County Electric Cooperative established in 1938. A memorial service held in Kalispell in April 2001 recognized his many diverse contributions to communications and electricity in the Flathead Valley.

Ambrose was elected as the Flathead County Attorney in 1948 and served in that capacity until 1952. This was during the construction of the Hungry Horse Dam.

Ambrose served in the Montana House of Representatives from 1937 to 1938 as a member of the Appropriations, Judiciary, Health, Railroad and Transportation Committees. Ambrose was a strong proponent of a unicameral legislature and smaller state government. During the session, he stayed in quarters at the Montana Club in Helena and walked daily to the capitol.

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Out of his love for the outdoors, especially the Flathead region, Ambrose organized the Glacier National Park's Over-the-Hill-Gang Hiking Club in the 1950's and they are still going strong today. The Gang meets every Thursday to climb the peaks of Glacier or ski the slopes of Big Mountain. Most of the members are over 60 years young and leaders of the community.

Ambrose was a former Lt. Gov. of Kiwanis and Exalted Ruler for the Elks Club, and was a member of St. Matthew's Catholic Church in Kalispell.

He is remembered for his depth of character both intimidating and inquisitive and his gentle nature and conviction regarding the common person.

O. GEORGE OMMUNDSEN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of O. George Ommundsen on April 28, 2000, in Livingston, Montana.

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

George Ommundsen, former mayor of Livingston, farmer and State Representative, was born in Livingston, September 7, 1913, to Ommund and Melene Ommundsen. He grew up on the family homestead near Shorthill Cemetery. He was a student at Mill Creek Flat School, the Jardine Grade School in Park County, and finished high school in Great Falls.

George married the former Hilma L. Webster, June 1, 1939, in Park County where they raised their four daughters, Norma Busby, Janet Habenicht, Gail McCormick and Susan Bidwell.

George worked for Northern Pacific Railroad as an electrician beginning in 1941, and helped establish the Montana chapter of the International Brotherhood of Electrical Workers before retiring from Burlington Northern Railroad. He was also a gold assayer in Jardine (near Yellowstone National Park).

George was a devoted public servant to both local and state government for 35 years. He was a Livingston city councilman, and city mayor for three terms. He was elected to the House of Representatives 40th Legislative Session in 1967 as a Representative from Park County and was most interested in city and county Republican affairs.

Representative Ommundsen was a member of the Towns and Cities Committee, Research and Resources Committee and Townships and Counties Committees and was the sponsor of legislation requiring city councils to purchase surety bonds for city officers and employees. He successfully increased the gas tax with monies directed to city and county road work projects.

George was a member, and volunteer, of many organizations in Park County including the Grace United Methodist Church, Park County Pioneers Society, Park County Museum and the Park County Senior Citizens Association. He was a Mason, belonged to the Sons of Norway, and also volunteered at the Park County Historical Society.

He was especially proud to have been selected as an extra in the Robert Redford movie, "A River Runs Through It," playing the part of a county fair judge.

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George is survived by his wife, Hilma, his four daughters, Norma, Janet, Susan and Gail, his sister, Jane Williams of Livingston, five grandchildren and three great-grandchildren.

PATRICK L. RYAN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Patrick L. Ryan on January 24, 2000, in Great Falls, Montana.

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

Patrick L. Ryan, former legislator and Cascade County Commissioner, was born May 15, 1928, in Great Falls. He is remembered as a feisty, Irish-American known for his honest and diligent work in both the Montana House of Representatives and Montana Senate.

An ace basketball player at St. Mary's Catholic High School in Great Falls, Pat attended college at Montana State University, Bozeman, and later received a degree in technology and personnel management from the National University of San Diego in 1972.

He married Shirley Mabel Smith, August 18, 1951, at St. Ann's Cathedral in Great Falls. The Ryans are the parents of Patricia, Kelly, Barbara, Brennan, Bridget and a daughter, Bernadette, who preceded Pat in death.

Pat was a U.S. Navy chief warrant officer and served in WW II, Korea and Viet Nam until his retirement in 1974. He returned to Great Falls following the war and worked briefly as a city firefighter before becoming a state probation and parole officer.

He was elected to the Montana House of Representatives in 1976 and then served in the Senate in 1978. Senator Ryan worked tirelessly on legislation to construct new facilities at the Montana School for the Deaf and Blind.

Pat sought to overcome inefficiencies in government and often referred to himself as "very businesslike." As a Cascade County Commissioner from 1983 to 1989, he initiated extensive renovation of the historic Cascade County Courthouse.

He was a member of the Disabled American Veterans and the American Legion and is remembered by his many friends for his keen sense of humor. He was an avid fisherman.

Patrick Ryan was dedicated to his family, his faith, and his country.

ELMER "BUD" SEVERSON

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Elmer "Bud" Severson July 19, 1999 in Stevensville, Montana.

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

Elmer "Bud" Severson, legislator, stockman and Bitterroot Valley rancher, was born in 1922 in Minnesota to Sam and Lena Severson of Anoka.

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The Severson family moved west to Billings when Bud was six months old. He attended schools in Worden and raised sheep, beef and dairy cattle and registered pigs on the Severson ranch. His love of agriculture earned him the prestigious FFA award, the American Farm Degree. Later, on The Flying E Ranch, he raised polled Herefords, Angus, Charolais and Maine Anjou cattle.

A true patriot devoted to his country, he enlisted in the Army Air Corps in 1943 and was a trained bombardier stationed in England where he flew the "flying fortresses," B-17's. While he was a prisoner in the German camp, Stalag Luft 3, he designed his brand, "The Flying E," as he watched the night skies light up from bombing.

In 1946, Elmer married Emma Logan. They lived at their Burnt Fork-area ranch east of Stevensville where they raised their children Dan, Gen, Ross David, Marcia and Michael. They later divorced, and Elmer remarried Bearnice Prather.

He was a founding member and first president of the Montana Dairy Association and helped establish the Bitterroot Grade A Dairy Association. In addition to ranching, Bud sold Allis Chalmers tractors and equipment throughout the Bitterroot Valley for 20 years.

Elmer believed individuals could make a difference. He was elected to the Montana House of Representatives in 1977 and then served in the Senate from 1979 through 1990. He was known for his expertise in taxation, agricultural issues and water rights adjudication. He received praise for his efforts to secure the historic Marcus Daly Mansion and adjoining estate.

Elmer was well-known for his harmonica tunes. He played often at family gatherings or on pack trips riding into the mountains he so loved. If he didn't know the words to a song, he could fill in the bars with a bit of humming or a riff on his harmonica. The Montana Legislature has often closed its sessions with a few bars of "Elmer's Tune."

Elmer was a volunteer for the Stevensville Rural Fire Department and instrumental in developing the Burnt Fork Water Commission. He was a founder of the Stevensville Boxing Club and a member of the American Legion and Masons.

Elmer was a skilled horseman devoted to the care of his horses. He often said, "If you can't ride a horse there, why would you want to go?"

Elmer was a member of the St. Mary's Saddle Club and supported FFA and 4-H throughout his life.

He was my good friend and mentor, Elmer Severson.

WESLEY FRANCIS TEAGUE

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Wesley F. Teague on December 10, 1999, in Great Falls, Montana.

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

Wesley "Wes" Teague, school counselor, coach, psychologist and businessman, was born the first day of January,

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1940, to Bruce and Margaret Teague of Great Falls.

Enterprising and earnest in his devotion to young people, Wes embarked on a life of service and achievement. He was educated at both the College of Great Falls where he received a Bachelor's Degree in Business Administration and Education and Eastern Montana College where he received a Master's Degree in Guidance and Counseling.

Wes is remembered for his many contributions to young people in schools in Billings, Troy and Redfield, South Dakota, as a school counselor, instructor, coach and assistant administrator. He was also a counselor and instructor at Boys' State and guest lecturer and substitute teacher at Eastern and Rocky Mountain Colleges in Billings.

Wes was a Billings businessman and owner of the Coco Club and Silver Dollar Lounge. Following the sale of his tavern, he returned to Great Falls where he cared for his large family in various ways including home care.

Wes represented Billings HD 69 in the House of Representatives from 1975 to 1982 and was recognized during this time in Who's Who Among Young Men in Politics. He was a Boys' State instructor and counselor as well as a state seminar lecturer for McGraw-Hill Publishing Company.

Wes gave fully of himself to his community. He was a Great Falls community counselor, Cascade County Restitution Officer and volunteer at the Billings Crisis Center. He enjoyed, and participated fully, in activities of the Knights of Columbus and Elks Club.

Wes constantly had a smile on his face and a twinkle in his eye. He had a unique sense of humor and loved playing pranks on people. This enterprising individual washed dishes in a local establishment part-time while serving in the legislature and often referred to his need to supplement his legislative salary.

He loved 50's music, the Green Bay Packers and the University of Montana football teams.

I do not say goodbye today but wish him farewell.

ELEANOR L. VAUGHN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh legislative Assembly of the State of Montana record the passing of Eleanor Vaughn on April 6, 2000, in Spokane, Washington.

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

Eleanor L. Vaughn, former Lincoln County Clerk and Recorder and state legislator, was born in Troy, Idaho, on November 12, 1922, to Carl and Annie Sanderson Grandlund. She graduated from Troy High School in 1940.

Eleanor attended Kinman School of Business in Spokane before marrying Ben Vaughn in 1942. The Vaughns moved to Libby where they raised their three children Jan, Ben and Jerry.

It seemed as though Eleanor knew everyone in Libby and Lincoln County. She served as Clerk and Recorder for 17 years and was so well-liked that when she decided to run for the Senate in 1986, it was an easy victory. She was the kind of person who could talk to anyone as if she had known them forever.

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Eleanor was a true public servant, conscientious in her approach to her duties as a Senator. She was always meticulously prepared for presentation of the bills she carried on the Senate floor.

She was gentle in her demeanor and gracious to fellow legislators, staff and every citizen who came to testify before the State Administration Committee which she so capably chaired.

Eleanor's focus was always Libby and its people. She led local government efforts regarding forestry issues and was presented an award from the U.S. Department of Agriculture in recognition of her many efforts.

She was active in Libby's civic life and served on many boards including the Libby Women's Club, the Democratic Central Committee, the Libby Senior Citizens Center and the Veterans of Foreign Wars Auxiliary where she was a life member. She was named Libby Senior Citizen of the Year in 1995 and was president of the state Clerk and Recorders' Association.

Eleanor was elected to the Senate twice in 1986 and again in 1990. As a Senator, she was instrumental in the development and completion of the National Guard Armory building project in Libby.

She was a long-time member of the United Methodist Church where services were conducted before an overflow gathering.

Eleanor was truly one of Libby's finest citizens. Libby is a better place for her presence in the community.

NORMAN E. WALLIN

WHEREAS, it is with deep and sincere sorrow that the members of the Fifty-seventh Legislative Assembly of the State of Montana record the passing of Norman E. Wallin on March 5, 2001, in Chandler, Arizona.

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

Norman E. Wallin, owner of Bozeman Ford for three decades, is remembered today as a gracious gentleman and seven-term Montana Representative.

He was born on a farm north of Walum, North Dakota, October 4, 1914, to Eric and Cora Wallin. The family later moved to the small farming community of Steele, North Dakota where Norm attended school and was a clarinetist in the band.

He attended the Lutheran liberal arts school, Concordia College, in Moorhead, Minnesota, and continued his love of music as a member of the concert band woodwind section. Their concert tour of Scandinavian countries sparked his love of travel. Norm and his wife, Clarice, later enjoyed traveling to over 42 countries visiting several locations more than once.

He graduated from Concordia College in 1936 and although it had been his intent to pursue a teaching career, he decided instead to hone his business skills and work for Commercial Credit.

At the onset of WWII, Norm joined the Navy Officers Training Program and served on an amphibious assault boat in the South Pacific Theater.

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Following the war, he and his college friend, Sterling Rygg, began searching for a car dealership and soon purchased the Ford Agency, Glacier Motors, in Whitefish. Later, in 1954, Norm purchased Lundgren Ford in Bozeman which his son David bought in 1986. Norm was nationally recognized by Time Magazine as the recipient of their Dealer Award in 1973; the best in Montana.

He registered for the legislative race ten minutes before deadline at the urging of fellow Republicans and served seven terms in the Montana House of Representatives as a member of the Local Government and Business and Industry Committees. He consistently supported Montana State University and funding for higher education.

He was a member of the 1988 National Republican Platform Committee in New Orleans.

Norm is remembered for his honesty, integrity, and loyalty in all endeavors. He and Clarice are the parents of David and Eileen. He thoroughly enjoyed his grandchildren giving them a special place of prominence at all times.

Norm was an active and faithful member and Sunday School Superintendent of Hope Lutheran Church in Bozeman. He was a loyal Kiwanian, Red Cross board member and avid spectator sports fan.

THE END