

**SENATE JOURNAL  
58TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 7, 2003

Senate Chambers  
State Capitol

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

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

The presiding officer has authenticated the daily journal for the seventy-third legislative day.

**REPORTS OF STANDING COMMITTEES**

**BILL REPORT**

Correctly printed: **SB 489, SJR 31.**

Correctly engrossed: **HB 452, HB 539, HB 713, HB 721.**

Correctly engrossed: **HB 241, HB 404, HB 468, HB 538, HB 558, HB 588, HB 641, HB 689, HB 695.**

Correctly enrolled: **SB 24, SB 135, SB 150, SB 163, SB 166, SB 197, SB 220, SB 241, SB 249, SB 254, SB 262, SB 445, SB 460, SJR 9, SJR 14.**

Examined by the sponsor and found to be correct: **SB 22, SB 66, SB 97, SB 118, SB 133, SB 145, SB 149, SB 162, SB 213, SB 413.**

Signed by the President at 2:30 p.m., April 4, 2003: **SB 22, SB 66, SB 97, SB 118, SB 133, SB 145, SB 149, SB 162, SB 213, SB 413.**

Signed by the Secretary of the Senate at 4:30 p.m., April 4, 2003: **SB 22, SB 66, SB 97, SB 118, SB 133, SB 145, SB 149, SB 162, SB 213, SB 413.**

Signed by the Speaker at 8:45 a.m., April 7, 2003: **SB 22, SB 66, SB 97, SB 118, SB 133, SB 145, SB 149, SB 162, SB 213, SB 413.**

Delivered to the Governor for approval at 10:00 a.m., April 7, 2003: **SB 22, SB 66, SB 97, SB 118, SB 133, SB 145, SB 149, SB 162, SB 213, SB 413.**

**FINANCE AND CLAIMS** (Zook, Chairman):

4/7/2003

**HB 2**, be amended as follows:

1. Page BP-1, line 19.

**Following:** "."

**Insert:** "The designation of "Restricted" is subject to the provisions of [section 7]."

2. Page BP-2.

**Following:** line 3

"NEW SECTION. **Section 7. Approved original operating budget.** In accordance with the provisions of 17-7-138, the approved original operating budget for each fiscal year of the 2005 biennium may include an amount not more than a prorated share by fund type of any across-the-board reductions or any undesignated reductions among all programs, as defined in [section 5], and among all appropriation items, as defined in [section 4], for the entire agency. This exception to legislative restrictions on appropriation items contained in [this act] is authorized only for preparation and approval of the original operating budget, which is due from all agencies by August 1 of each fiscal year, excluding the university system units.

NEW SECTION. **Section 8. Contingent voidness.** Because item 4b on page A-5 appropriates coal severance tax permanent fund principal, Article IX, section 5, of the Montana constitution requires a three-fourths vote of the members of each house of the legislature for approval. If [this act] is not approved by a three-fourths vote of the members of each house of the legislature, then item 4b is void."

**Renumber:** subsequent sections

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3. Page A-1, line 4.

**Strike:** "3,988,490 4,270,415" [general fund FY04 and FY05]

**Insert:** "4,068,920 4,348,882" [general fund FY04 and FY05]

4. Page A-1.

**Following:** line 4

**Insert:** "a. Legislative Startup Costs (Biennial)  
200,000" [general fund FY04]

5. Page A-1.

**Strike:** line 14 through line 16 in their entirety

6. Page A-2, line 4.

**Strike:** "3,020,545 3,040,540" [general fund FY04 and FY05]

**Insert:** "3,278,571 3,297,863" [general fund FY04 and FY05]

7. Page A-2, line 13.

**Strike:** "26,179,042 27,050,501" [general fund FY04 and FY05]

**Insert:** "6,166,116 6,151,807" [general fund FY04 and FY05]

8. Page A-2.

**Following:** line 13

**Insert:** "a. County-Paid Sick and Vacation Leave (Restricted) 307,250 307,250 [state special revenue FY04 and FY05]

b. District Court Assumption (Restricted/Biennial) 37,311,620" [general fund FY04]

9. Page A-2.

**Following:** line 24

**Insert:** "Item 1 includes \$92,978 of general fund money in fiscal year 2004 and \$92,812 of general fund money in fiscal year 2005 to provide funding for administrative support to the supreme court. If legislation revising certain district court expenses is not passed and approved, then item 1 is reduced by \$92,978 of general fund money in fiscal year 2004 and by \$92,812 of general fund money in fiscal year 2005."

10. Page A-3.

**Strike:** line 7 through line 8 in their entirety

11. Page A-3.

**Following:** line 8

**Insert:** "Item 4a includes \$307,250 of state special revenue in fiscal year 2004 and \$307,250 of state special revenue in fiscal year 2005 to be used by the judiciary for payment of the state's share of accumulated vacation and sick leave for county employees who became state employees on July 1, 2002, under state district court assumption. If legislation is not passed and approved to establish this state special revenue account for county payments to the state for accumulated sick and annual leave, then item 4a is reduced by \$307,250 in state special revenue in fiscal year 2004 and by \$307,250 in state special revenue in fiscal year 2005."

12. Page A-3, line 17.

**Strike:** "1,315,975 1,308,634" [general fund FY04 and FY05]

**Insert:** "1,356,891 1,348,915" [general fund FY04 and FY05]

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13. Page A-4.

**Following:** line 6

**Insert:** "b. 17-7-140 Trigger -- Coal Tax Permanent Fund (Biennial)  
25,000,000" [other funds FY04]

14. Page A-4.

**Strike:** line 20 through line 22 in their entirety

15. Page A-4.

**Following:** line 22

**Insert:** "Item 1 includes an unspecified reduction in general fund money of \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005. The office may reallocate this reduction in funding among programs when developing 2005 biennium operating plans."

16. Page A-4, line 25.

**Strike:** line 25 in its entirety

17. Page A-5, line 1 through line 2.

**Strike:** line 1 through line 2 in their entirety

18. Page A-5.

**Following:** line 2

**Insert:** "Item 4b is appropriated from the coal severance tax permanent fund. This appropriation is subject to the provisions of [section 8].

Item 4b is contingent upon certification by the governor that the requirements of 17-7-140 have been met. The office of budget and program planning may reallocate the additional funds among agencies' and programs' general fund budgets."

19. Page A-5, line 10.

**Strike:** "314,426 314,350" [general fund FY04 and FY05]

**Insert:** "317,655 317,525" [general fund FY04 and FY05]

20. Page A-5.

**Strike:** line 16 through line 17 in their entirety

**Insert:** "The commissioner of political practices is encouraged to use the department of justice, agency legal services (ALS), for activities needing legal and investigative assistance. The commissioner of political practices shall provide a report of legal expenditure activity in fiscal year 2004 and through December 31, 2004, in fiscal year 2005 by contracted services and ALS services to the general government and transportation appropriation subcommittee during the 2005 legislative session."

21. Page A-6, line 22.

**Strike:** "286,426,815 340,119,185"

**Insert:** "287,854,080 341,603,530"

[federal special revenue in FY04 and FY05]

22. Page A-6.

**Strike:** line 25 in its entirety

23. Page A-7.

**Strike:** line 1 in its entirety

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24. Page A-7, following line 1.

**Insert:** "b. Federal Earmark Projects (Biennial/OTO)

548,276 11,000,000" [state special revenue and federal special revenue in FY04]

25. Page A-8.

**Strike:** line 2 through line 5 in their entirety

**Insert:** "The department may adjust appropriations in the general operations, construction, maintenance, and transportation planning programs between state special revenue funds and federal special revenue funds if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between state special revenue funds and federal special revenue funds must be fully explained, justified, and reported in accordance with the requirements of 17-7-138 or 17-7-139, as applicable."

26. Page A-8.

**Strike:** line 10 through line 16 in their entirety

27. Page A-8, line 19.

**Strike:** "1,812,503 1,818,150" [general fund FY04 and FY05]

**Insert:** "2,113,151 2,117,096" [general fund FY04 and FY05]

28. Page A-9.

**Strike:** line 10 through line 12 in their entirety

29. Page A-10, line 2.

**Strike:** "1,190,512 1,180,369" [general fund FY04 and FY05]

**Insert:** "1,225,638 1,215,791" [general fund FY04 and FY05]

30. Page A-11.

**Following:** line 12

**Insert:** "There is appropriated from the general fund to the department for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$350,000 for each fiscal year."

31. Page A-11.

**Strike:** line 18 through line 20 in their entirety

**Insert:** "The Montana state lottery shall present a report to the joint appropriations subcommittee on general government and transportation of the 59th legislature that documents the return on investment of each lottery game offered during the 2005 biennium and the anticipated return on investment for each lottery game planned for the 2007 biennium. For each lottery game, the report must itemize direct and indirect costs and revenue."

32. Page A-11, line 23.

**Strike:** "178,370 179,194"

**Insert:** "188,194 189,023"

[general fund in FY04 and FY05]

33. Page A-12.

**Strike:** line 4 through line 5 in their entirety

34. Page B-1, line 4.

**Strike:** "162,721,625 162,122,187" [federal funds FY04 and FY05]

**Insert:** "169,721,625 170,122,187" [federal funds FY04 and FY05]

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35. Page B-1.

**Strike:** lines 7 and 8 in their entirety

36. Page B-1.

**Strike:** lines 14 and 15 in their entirety

37. Page B-1.

**Strike:** line 20 through line 23 in their entirety

38. Page B-2.

**Strike:** lines 11 and 12 in their entirety

**Renumber:** subsequent subsections

39. Page B-2, line 24.

**Strike:** "43,340,339 41,044,375"

**Insert:** "43,425,173 41,129,209"

40. Page B-3.

**Strike:** lines 4 and 5 in their entirety

**Renumber:** subsequent subsections

41. Page B-3, line 13.

**Strike:** "-- Prevention and Stabilization Fund"

42. Page B-3, line 14.

**Strike:** "0 1,176,797 0 1,864,975" [general fund and state special revenue FY04 and FY05]

**Insert:** "1,176,797 0 1,864,975 0" [general fund and state special revenue FY04 and FY05]

43. Page B-3, line 18.

**Strike:** "56,319,712 205,860,470 58,317,710 214,093,023"

**Insert:** "56,921,235 204,056,082 59,553,721 211,989,296"

44. Page B-3, line 23.

**Strike:** "-- Prevention and Stabilization Fund"

45. Page B-3, line 24.

**Strike:** "0 1,314,712 0 2,083,542" [general fund and state special revenue FY04 and FY05]

**Insert:** "1,314,712 0 2,083,542 0" [general fund and state special revenue FY04 and FY05]

**Strike:** "(855,340) (938,989)" [federal special revenue FY04 and FY05]

**Insert:** "3,533,046 5,473,738" [federal special revenue FY04 and FY05]

46. Page B-4, line 2.

**Strike:** "-- Prevention and Stabilization Fund"

47. Page B-4, line 3.

**Strike:** "0 4,483,981 0 7,106,166" [general fund and state special revenue FY04 and FY05]

**Insert:** "4,483,981 0 7,106,166 0]" [general fund and state special revenue FY04 and FY05]

48. Page B-4.

**Strike:** lines 4 through 7 in their entirety

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49. Page B-4, line 9.

**Strike:** "114,972,156" [federal special revenue FY04]

**Insert:** "113,627,340" [federal special revenue FY04]

50. Page B-4, line 11.

**Strike:** "6,077,957 16,317,456 7,089,712 18,832,208"

**Insert:** "5,765,245 15,477,102 6,660,796 17,705,388"

51. Page B-4.

**Strike:** lines 16 and 17 in their entirety

**Renumber:** subsequent subsections

52. Page B-4, line 20.

**Strike:** "Prevention and Stabilization Fund"

**Insert:** "County Nursing Home IGT"

53. Page B-4, line 22.

**Strike:** "Prevention and Stabilization Fund"

**Insert:** "County Nursing Home IGT"

54. Page B-4, line 23.

**Strike:** "261,917 612,484 278,014 641,057"

**Insert:** "224,080 602,173 237,851 624,866"

55. Page B-4, line 24.

**Strike:** "-- Prevention and Stabilization Fund"

56. Page B-4, line 25.

**Strike:** "0 2,793,584 0 4,427,242" [general fund and state special revenue FY04 and FY05]

**Insert:** "2,793,584 0 4,427,242 0" [general fund and state special revenue FY04 and FY05]

**Strike:** "6,162,425" [federal special revenue FY04]

**Insert:** "7,507,214" [federal special revenue FY04]

57. Page B-4.

**Following:** line 25

**Insert:** "h. Cigarette Tax Revenue -- Veterans' Homes (Restricted/Biennial)

250,000 250,000" [state special revenue FY04 and FY05]

58. Page B-5, line 2.

**Strike:** "33,564,796 34,429,491" [federal special revenue FY04 and FY05]

**Insert:** "33,680,598 34,606,007" [federal special revenue FY04 and FY05]

59. Page B-5 line 9.

**Strike:** "-- Prevention and Stabilization Fund"

60. Page B-5, line 10.

**Strike:** "0 433,574 0 687,124" [general fund and state special revenue FY04 and FY05]

**Insert:** "433,574 0 687,124 0" [general fund and state special revenue FY04 and FY05]

61. Page B-5.

**Following:** line 14

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**Insert:** "If budget reductions are enacted by emergency rule in the 2005 biennium, the legislature urges the department to provide a 30-day public notice and to conduct a public hearing prior to adoption of the emergency rules."

62. Page B-5, line 23.

**Following:** "1a,"

**Strike:** "1b,"

**Following:** "2a,"

**Strike:** "2b,"

**Following:** "6a through"

**Strike:** "6d" through "12d"

**Insert:** "6c, 9c, 9d, 10d, 11b through 11d, 12b, and 12c"

63. Page B-5, line 24 and line 25.

**Following:** "least"

**Strike:** "\$32 million of estimated revenue each year of the 2005 biennium"

**Insert:** "\$13.7 million of estimated revenue in FY04 and \$16.5 million of estimated revenue in FY05"

64. Page B-6.

**Strike:** lines 7 and 8 in their entirety

65. Page B-6, line 9.

**Strike:** "6e"

**Insert:** "6d"

66. Page B-6.

**Following:** line 15

**Insert:** "Appropriations in items 9f, 10c, 10e, 11g, and 12d are contingent upon approval and passage of Senate Bill No. 407."

67. Page B-6, line 15.

**Strike:** "9f"

**Insert:** "9e"

68. Page B-6.

**Strike:** lines 19 through 22 in their entirety

69. Page B-6, line 24.

**Following:** received

**Strike:** "\$1"

**Insert:** "\$2"

70. Page B-7, lines 1, 2, & 3

**Strike:** "11f"

**Insert:** "11e"

71. Page B-7.

**Following:** line 3

**Insert:** "Item 11h may be used only to operate Montana veterans' homes at a capacity to maximize collection of federal revenue and private payments."

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72. Page C-1, line 8.

**Strike:** "7,072,979 7,577,046" [state special revenue FY04 and FY05]

**Insert:** "7,042,875 7,516,839" [state special revenue FY04 and FY05]

73. Page C-4, line 4.

**Strike:** "\$490,104"

**Insert:** "\$460,000"

**Strike:** "\$980,207"

**Insert:** "\$920,000"

74. Page C-5, line 7.

**Strike:** "1,769,258 1,751,962" [general fund FY04 and FY05]

**Insert:** "1,800,863 1,783,576" [general fund FY04 and FY05]

75. Page C-5, line 23.

**Strike:** "8,813,997 8,861,398" [state special FY04 and FY05]

**Insert:** "9,067,496 9,119,467" [state special FY04 and FY05]

76. Page C-6.

**Strike:** line 16 through line 17 in their entirety

77. Page C-7, line 5.

**Strike:** "94,244 94,209" [general fund FY04 and FY05]

**Insert:** "99,525 99,525" [general fund FY04 and FY05]

78. Page C-7.

**Strike:** line 21 through line 23 in their entirety

79. Page C-8, line 1.

**Strike:** "1,592,710 1,631,184" [general fund FY04 and FY05]

**Insert:** "1,764,583 1,803,342" [general fund FY04 and FY05]

80. Page C-9.

**Strike:** line 16 through line 17 in their entirety

81. Page C-10, line 13.

**Strike:** "149,491 182,855" [general fund FY04 and FY05]

**Insert:** "155,778 189,134" [general fund FY04 and FY05]

82. Page C-10, line 20.

**Following:** "Program"

**Insert:** "for Lands Other Than Fish, Wildlife, and Parks Lands"

83. Page C-11.

**Strike:** line 2 through line 6 in their entirety

84. Page C-11.

**Strike:** line 8 through line 11 in their entirety

**Renumber:** subsequent subsections



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85. Page C-11, line 13.

**Strike:** "1,353,937 1,354,763" [general fund FY04 and FY05]

**Insert:** "1,370,581 1,371,373" [general fund FY04 and FY05]

86. Page C-12.

**Strike:** line 14 through line 16 in their entirety

**Insert:** "If legislation is not passed in a manner authorizing the payment of administrative costs from the research and commercialization state special revenue account established in 90-3-1002, the department is appropriated general fund money of \$88,804 in fiscal year 2004 and \$88,343 in fiscal year 2005 for administrative costs of the research and commercialization program."

87. Page C-12, line 17.

**Strike:** "4c"

**Insert:** "3c"

88. Page D-1, line 4.

**Strike:** "1,628,608 1,630,658" [general fund FY04 and FY05]

**Insert:** "1,645,059 1,647,129" [general fund FY04 and FY05]

89. Page D-1.

**Strike:** line 13 through line 14 in their entirety

90. Page D-1, line 17.

**Strike:** "3,263,685 3,274,433" [general fund FY04 and FY05]

**Insert:** "3,350,476 3,361,539" [general fund FY04 and FY05]

91. Page D-1, line 23.

**Strike:** "5,228,621 5,386,525" [general fund FY04 & 05]

**Insert:** "5,432,876 5,586,257" [general fund FY04 and FY05]

**Strike:** "3,669,691" [state special revenue FY04]

**Insert:** "3,682,047" [state special revenue FY04]

92. Page D-2, line 8.

**Strike:** "2,407,754 2,491,377" [general fund FY04 and FY05]

**Insert:** "2,200,561 2,205,697" [general fund FY04 and FY05]

**Strike:** "1,538,251 1,542,236" [state special revenue FY04 and FY05]

**Insert:** "1,500,689 1,504,758" [state special revenue FY04 and FY05]

93. Page D-2, line 10.

**Strike:** "1,623,340 1,623,340" [general fund FY04 and FY05]

**Insert:** "1,740,350 1,740,350" [general fund FY04 and FY05]

94. Page D-2.

**Following:** line 21

**Insert:** "There is appropriated from the highway patrol retirement clearing account to the department for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$1,200,000 for each fiscal year."

95. Page D-3.

**Strike:** line 2 through line 4 in their entirety

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**Insert:** "Item 3 contains an increase of \$12,356 of state special revenue in fiscal year 2004. The increase is contingent upon passage and approval of House Bill No. 557."

96. Page D-3.

**Strike:** line 8 through line 12 in their entirety

97. Page D-3, line 17.

**Strike:** "2,589,276 2,592,539" [state special revenue FY04 and FY05]

**Insert:** "2,590,431 2,593,694" [state special revenue FY04 and FY05]

98. Page D-3, line 21.

**Strike:** "54,701 1,155" [state special revenue FY04 and FY05]

**Insert:** "53,546 0" [state special revenue FY04 and FY05]

99. Page D-4, line 8.

**Strike:** "1,124,938 1,124,938" [state special revenue FY04 and FY05]

**Insert:** "1,408,688 1,408,688" [state special revenue FY04 and FY05]

100. Page D-4, line 9.

**Strike:** "54,642,428 56,012,642" [general fund FY04/FY05]

**Insert:** "53,027,943 52,978,625" [general fund FY04 and FY05]

101. Page D-4.

**Following:** line 9

**Insert:** "a. Additional General Fund -- SB 407 Contingency (Biennial)  
4,600,000" [general fund FY04]

102. Page D-4, line 11.

**Strike:** "376,305 377,450" [proprietary funds FY04 and FY05]

**Insert:** "444,411 445,556" [proprietary funds FY04 and FY05]

103. Page D-4.

**Strike:** line 18 through line 25 in their entirety

**Insert:** "The department may reallocate the appropriations in items 1 through 5 among divisions or programs when developing the 2005 biennium operating plans.

Item 3 contains an increase of \$3,500,000 of general fund money in each year of the 2005 biennium. these increases are contingent upon passage and approval of House Bill No. 363. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans.

Item 3a is contingent upon passage and approval of Senate Bill No. 407. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans."

104. Page D-5, line 17.

**Strike:** "647,507 648,473" [general fund FY04 and FY05]

**Insert:** "659,204 660,170" [general fund FY04 and FY05]

105. Page D-6.

**Strike:** line 10 through line 12 in their entirety

**Insert:** "Item 1 includes federal special revenue of \$605,685 in fiscal year 2004 and \$603,539 in fiscal year 2005, from the special Reed Act (a part of the Employment Security Administration Financing Act of 1954)

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distribution, that is appropriated for legitimate Wagner-Peyser employment services activities, unemployment insurance benefits, and unemployment insurance administration."

106. Page D-7, line 1.

**Strike:** "1,140,979 1,144,171" [general fund FY04 and FY05]

**Insert:** "1,182,418 1,185,272" [general fund FY04 and FY05]

107. Page D-7.

**Strike:** line 19 through line 21 in their entirety

108. Page E-1, line 4.

**Strike:** "4,492,769 4,502,763" [general fund FY04 and FY05]

**Insert:** "4,412,069 4,422,063" [general fund FY04 and FY05]

109. Page E-1, line 10.

**Strike:** "382,104,968"

**Insert:** "387,209,970"

110. Page E-1, line 11.

**Strike:** "394,959,998"

**Insert:** "395,010,319"

111. Page E-1, line 14.

**Strike:** "36,612,640 38,512,640" [General Fund FY04 and FY05]

**Insert:** "34,912,640 34,912,640" [General Fund FY04 and FY05]

112. Page E-3.

**Strike:** line 2 through line 8 in their entirety

113. Page E-3.

**Strike:** line 11 through line 13 in their entirety

114. Page E-3, line 16.

**Strike:** "159,722 159,941"

**Insert:** "161,358 161,557"

115. Page E-4.

**Strike:** line 1 through line 2 in their entirety

116. Page E-4, line 13.

**Strike:** "1,810,952 1,812,271"

**Insert:** "1,846,283 1,847,441"

**Strike:** "341,095 341,095" [state special revenue FY04 and FY05]

**Insert:** "284,100 284,100" [state special revenue FY04 and FY05]

117. Page E-4.

**Following:** line 13

**Insert:** "a. Montana Telecommunications Access Program Funding (OTO) 56,995 56,995" [state special revenue FY04 and FY05]

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118. Page E-4.

**Strike:** line 17 through line 19 in their entirety

119. Page E-4, line 22.

**Strike:** "259,396 277,798" [general fund FY04 and FY05]

**Insert:** "284,745 304,313" [general fund FY04 and FY05]

120. Page E-5.

**Strike:** line 3 through line 4 in their entirety

121. Page E-5.

**Following:** line 5

**Insert:** "If legislation is not passed in a manner authorizing the payment of administrative costs from the research and commercialization state special revenue account established in 90-3-1002, the general fund money in item 1 is reduced by \$22,543 in fiscal year 2004 and by \$23,709 in fiscal year 2005."

122. Page E-5, line 8.

**Strike:** "1,566,082 1,581,855"

**Insert:** "1,582,060 1,597,833"

123. Page E-5, line 11 through line 12.

**Strike:** line 11 through line 12 in their entirety

124. Page E-5.

**Strike:** line 16 through line 17 in their entirety

125. Page E-5, line 19

**Strike:** "HB"

**Insert:** "House Bill No."

126. Page E-5, line 21 through line 25.

**Strike:** line 21 through line 25 in their entirety

127. Page E-6, line 1 through line 2.

**Strike:** line 1 through line 2 in their entirety

128. Page E-6.

**Following:** line 2

**Insert:** "The state library commission is to report semiannually on natural resource information system activities and expenditures to the legislative finance committee during the 2003-04 interim. The report is to include the following:

- (1) a listing of current projects with the related project scope and funding amounts;
- (2) a listing of active contracts, each contract's purpose, whom the contract is with, and the funding amounts; and
- (3) categories and types of data collected."

129. Page E-6, line 5.

**Strike:** "834,409 848,129"

**Insert:** "851,923 865,502"

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130. Page E-6.

**Strike:** line 19 through line 21 in their entirety

131. Page E-7, line 7.

**Strike:** "1,308,629" [general fund FY04]

**Insert:** "1,318,093" [general fund FY04]

132. Page E-7, line 9.

**Strike:** "38,381" [general fund FY04]

**Insert:** "28,917" [general fund FY04]

133. Page E-7.

**Strike:** line 12 through line 13 in their entirety

134. Page E-7.

**Strike:** line 20 through line 21 in their entirety

135. Page E-8, line 3.

**Strike:** "102,518,826 102,637,745" [general fund FY04 and FY05]

**Insert:** "99,700,805 99,937,398" [general fund FY04 and FY05]

136. Page E-8, line 8.

**Strike:** "11,030,299 11,030,299" [general fund FY04 and FY05]

**Insert:** "9,980,299 9,980,299" [general fund FY04 and FY05]

137. Page E-8, line 13.

**Strike:** "4,663,100 4,663,100" [general fund FY04 and FY05]

**Insert:** "4,338,100 4,338,100" [general fund FY04 and FY05]

138. Page E-8, line 22.

**Strike:** "556,637" [general fund FY04]

**Insert:** "507,637" [general fund FY04]

139. Page E-8.

**Following:** line 22

**Insert:** "i. Fire Services Training School Moving Expenses (Biennial)  
49,000" [general fund FY04]

**Renumber:** subsequent subsections

140. Page E-8, line 25 through page E-9, line 3.

**Strike:** line 25 on page E-8 through line 3 on page E-9 in their entirety

**Insert:** "k. Additional General Fund -- SB 407 Contingency  
(Biennial)

5,500,000" [general fund FY04]

141. Page E-9.

**Strike:** line 16 through line 21 in their entirety

**Insert:** "General fund money and state and federal special revenue funds appropriated to the board of regents are included in items 1 through 10. All other public funds received by units of the Montana university system (other than plant funds appropriated in House Bill No. 5, relating to long-range building) are appropriated to the board of regents and may be expended under the provisions of 17-7-138(2). The board of regents

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shall allocate the appropriations to individual university system units, as defined in 17-7-102(13), according to board policy."

142. Page E-9, line 22.

**Following:** "7a,"

**Insert:** "7k,"

143. Page E-9, line 23.

**Strike:** "All"

**Insert:** "In addition to the requirements in 17-1-102(4), all"

144. Page E-10.

**Strike:** line 7 through line 8 in their entirety

145. Page E-10.

**Strike:** line 17 through line 21 in their entirety

146. Page E-11.

**Strike:** line 11 through line 16 in their entirety

147. Page E-11.

**Strike:** line 24 through line 25 in their entirety

148. Page E-12.

**Strike:** line 7 through line 8 in their entirety

149. Page E-12.

**Strike:** line 16 through line 19 in their entirety

150. Page E-12.

**Following:** line 19

**Insert:** "Item 7k is contingent upon passage and approval of Senate Bill No. 407."

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

**LEGISLATIVE ADMINISTRATION** (Grimes, Chairman):

4/7/2003

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 5, 2003:

TITLE

NAME

Pages:

Brett McChesney, Bozeman, MT  
Scott Thomas, Stevensville, MT  
Chad Jonart, Butte, MT  
Brett Stetzner, Butte, MT  
Gabe Blomquist, Ryegate, MT  
Ellie Weber, Gt. Falls, MT  
Erin Esp, Fishtail, MT  
Scott Eggensperger, Thompson Falls, MT

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and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 7, 2003:

<u>TITLE</u>	<u>NAME</u>	<u>SENATOR</u>
Pages:	Kacee Tash, Dillon, MT	Senator Tash
	Colin Dow, Billings, MT	Senator Johnson
	Drew Cummings, Lewistown, MT	Senator Butcher
	Matthew Best, Gt. Falls, MT	Senator Schmidt
	Breanna Wilson, Missoula, MT	Senator Ellingson
	Hannah Jacoby, Bozeman, MT	Senator Stonington
	Joshua York, Polson, MT	Senator Taylor
	Chance Depuis, Polson, MT	Senator Keenan

Report Adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bills not concurred in** and returned to the Senate: 4/5/2003

**SB 308**, introduced by Taylor

**SB 393**, introduced by Kitzenberg

**SB 428**, introduced by Esp, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, failed with the following vote:

Yeas -53

Nays - 45

4/5/2003

**Senate bills concurred in** and returned to the Senate:

4/5/2003

**SB 209**, introduced by Tester

**SB 284**, introduced by Wheat

**SB 389**, introduced by McGee

**SB 429**, introduced by Esp

**SB 432**, introduced by Grimes

**SB 450**, introduced by Cocchiarella

**Senate joint resolutions concurred in** and returned to the Senate:

4/5/2003

**SJR 2**, introduced by D. Ryan

**SJR 4**, introduced by Elliott

**SJR 7**, introduced by Laible

**SJR 8**, introduced by Tester

**SJR 15**, introduced by Nelson

**SJR 16**, introduced by Sprague

**SJR 23**, introduced by Barkus

**SJR 26**, introduced by Bohlinger

**SJR 27**, introduced by Johnson

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

4/5/2003

**SB 46**, introduced by Gebhardt  
**SB 62**, introduced by D. Ryan  
**SB 130**, introduced by McGee  
**SB 246**, introduced by Glaser  
**SB 252**, introduced by Squires  
**SB 304**, introduced by Johnson  
**SB 330**, introduced by Mangan  
**SB 337**, introduced by Tropila  
**SB 340**, introduced by Grimes  
**SB 347**, introduced by Keenan  
**SB 360**, introduced by F. Thomas  
**SB 362**, introduced by Grimes  
**SB 364**, introduced by Cooney  
**SB 370**, introduced by Gebhardt  
**SB 381**, introduced by Keenan  
**SB 383**, introduced by Bales  
**SB 386**, introduced by Gebhardt  
**SB 392**, introduced by Bales  
**SB 395**, introduced by Perry  
**SB 402**, introduced by Cocchiarella  
**SB 406**, introduced by McGee  
**SB 442**, introduced by Stonington  
**SB 444**, introduced by Tester

**Senate joint resolution concurred in as amended** and returned to the Senate for concurrence in House amendments:

4/5/2003

**SJR 22**, introduced by McGee

**MOTIONS**

**HB 641**- Senator Johnson moved he be allowed to change his vote on **HB 641**, third reading the seventy-third legislative day, from nay to yea. Motion carried.

**SB 421** - Senator Grimes moved **SB 421** be taken from the Finance and Claims committee, printed and placed on second reading. Motion carried.

Majority Leader Thomas moved the Senate stand in recess until the hour of 1:30 this day for purpose of party caucuses. Motion carried.

**Senate recessed at 1:12 p.m.**  
**Senate reconvened at 1:37 p.m.**

Roll call. All members present except Senator Mahlum, excused. Quorum present.

**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



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second reading. Motion carried. Senator Cromley in the chair.

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

**HB 124** - Senator Wheat moved **HB 124** be concurred in. Motion carried unanimously.

**HB 569** - Senator Bohlinger moved **HB 569** be concurred in. Motion carried as follows:

Yeas: Anderson, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, DePratu, Ellingson, Elliott, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.

Total 31

Nays: Bales, Barkus, Curtiss, Esp, Gebhardt, Laible, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: Mahlum.

Total 1

**HB 602** - Senator Cobb moved **HB 602** be concurred in. Motion carried unanimously.

**Senator McGee assumed the chair.**

**HB 663** - Senator Cromley moved **HB 663** be concurred in. Motion carried unanimously.

**Senator Cromley re-assumed the chair.**

**HB 701** - Senator Esp moved **HB 701**, second reading copy, be amended as follows:

1. Page 1, line 17 through line 18.

**Following:** "~~judge~~," on line 17

**Strike:** remainder of line 17 through "judge," on line 18

Amendment **adopted** unanimously.

**HB 701** - Senator Wheat moved **HB 701**, as amended, be concurred in. Motion carried unanimously.

**SB 13 and SB 115- House Amendments** - Senator Thomas moved consideration of House amendments to **SB 13** and House Amendments to **SB 115** be passed for the day. Motion carried unanimously.

**SB 34 - House Amendments** - Senator Barkus moved House amendments to **SB 34** be concurred in. Motion carried unanimously.

**\*\*\*SB 57 - House Amendments** - Senator Keenan moved House amendments to **SB 57** be **not** concurred in. Motion carried unanimously.

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**SB 65 - House Amendments** - Senator Roush moved House amendments to **SB 65** be concurred in. Motion carried unanimously.

**SB 76 - House Amendments** - Senator Schmidt moved House amendments to **SB 76** be concurred in. Motion carried unanimously.

**SB 80 - House Amendments** - Senator Laible moved House amendments to **SB 80** be concurred in. Motion carried unanimously.

**SB 86 - House Amendments** - Senator Zook moved House amendments to **SB 86** be concurred in. Motion carried unanimously.

**SB 98 - House Amendments** - Senator Mangan moved House amendments to **SB 98** be concurred in. Motion carried unanimously.

**SB 105 - House Amendments** - Senator Johnson moved House amendments to **SB 105** be concurred in. Motion carried unanimously.

**SB 110 - House Amendments** - Senator Toole moved House amendments to **SB 110** be concurred in. Motion carried unanimously.

**SB 113 - House Amendments** - Senator Esp moved House amendments to **SB 113** be concurred in. Motion carried unanimously.

**\*\*\*SB 126 - House Amendments** - Senator Story moved House amendments to **SB 126** be **not** concurred in. Motion carried unanimously.

**SB 137 - House Amendments** - Senator DePratu moved House amendments to **SB 137** be concurred in. Motion carried unanimously.

**SB 143 - House Amendments** - Senator Bohlinger moved House amendments to **SB 143** be concurred in. Motion carried unanimously.

**SB 146 - House Amendments** - Senator Anderson moved House amendments to **SB 146** be concurred in. Motion carried unanimously.

**SB 152 - House Amendments** - Senator Cocchiarella moved House amendments to **SB 152** be concurred in. Motion carried unanimously.

**SB 159 - House Amendments** - Senator Johnson moved House amendments to **SB 159** be concurred in. Motion carried unanimously.

**SB 226 - House Amendments** - Senator DePratu moved House amendments to **SB 226** be concurred in. Motion carried unanimously.

**SJR 24 - House Amendments** - Senator O'Neil moved House amendments to **SJR 24** be concurred in. Motion carried unanimously.

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

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**REPORTS OF STANDING COMMITTEES**

**BUSINESS AND LABOR** (Mahlum, Chairman): 4/7/2003  
**HB 758**, be concurred in. Report adopted.

**JUDICIARY** (Grimes, Chairman): 4/7/2003  
**SB 490**, introduced bill, be amended as follows:

1. Title, line 14.

**Following:** "3-5-902,"

**Strike:** "AND"

**Insert:** "41-5-111,"

**Following:** "46-8-202,"

**Insert:** "53-21-116, AND 53-21-132,"

2. Page 3, line 24.

**Following:** line 23

**Insert:** "(f) in involuntary commitment cases pursuant to 53-21-121, reasonable compensation for services and related expenses for counsel appointed by the court;"

**Renumber:** subsequent sections

3. Page 3, line 28.

**Following:** "1999;"

**Strike:** "and"

4. Page 3, line 30 through page 4, line 1.

**Following:** "contractors," on line 30

**Strike:** remainder of line 30 through "(1)(a)(v)," on page 4, line 1

5. Page 4, line 2.

**Following:** "3-1-125"

**Strike:** "."

**Insert:** "; and

(j) costs of the youth court and youth court division operations pursuant to 41-5-111 and subsection (1)(a) of this section, except for those costs paid by other entities identified in Title 41, chapter 5, and the costs of providing youth court office, courtroom, and other space as provided in 3-1-125."

6. Page 5, line 17.

**Insert:** "**Section 5.** Section 41-5-111, MCA, is amended to read:

"**41-5-111. Court costs and expenses.** The following expenses ~~shall~~ must be a charge upon the funds of the court or other appropriate agency when applicable, upon their certification by the court:

(1) ~~the costs of medical and other examinations and treatment of a youth ordered by the court;~~

(~~2~~)(1) reasonable compensation for services and related expenses for counsel appointed by the court for a party;

(~~3~~)(2) the expenses of service of summons, notices, subpoenas, traveling expenses of witnesses, and other like expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law;

(~~4~~)(3) reasonable compensation of a guardian ad litem appointed by the court; and

(~~5~~)(4) cost of transcripts and printing briefs on appeal.""

**Renumber:** subsequent sections

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7. Page 5, line 25.

**Insert:** "**Section 7.** Section 53-21-116, MCA, is amended to read:

**"53-21-116. Right to be present at hearing or trial -- appointment of counsel.** The person alleged to be suffering from a mental disorder and requiring commitment has the right to be present at any hearing or trial. If the person ~~has no attorney~~ is indigent, the judge shall appoint ~~one~~ counsel to represent the person at either the hearing or the trial, or both, ~~who~~ and the counsel must be compensated ~~from the public funds of the county where the respondent resides~~ pursuant to 3-5-901(1)(f)."

**Insert:** "**Section 8.** Section 53-21-132, MCA, is amended to read:

**"53-21-132. Cost of examination and commitment.** (1) The cost of precommitment examination, detention, treatment, and taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid by the county in which the person resides at the time that the person is committed. The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) The county of residence shall also pay all precommitment expenses, including transportation to a mental health facility, incurred in connection with the detention, examination, and precommitment custody of the respondent and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123. However, the county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

**Renumber:** subsequent sections

8. Page 7, line 7.

**Strike:** "5"

**Insert:** "6"

9. Page 10, line 2.

**Following:** ". These"

**Strike:** "costs"

**Insert:** "expenses"

10. Page 10, line 3.

**Following:** "the"

**Strike:** "expenses for"

**Insert:** "costs of"

11. Page 10, line 7.

**Following:** "6;"

**Strike:** "and"

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12. Page 10, line 8.

**Following:** line 7

**Insert:** "(c) a youth, when counsel is assigned to represent a youth in a proceeding held pursuant to Title 41, chapter 5; and"

**Renumber:** subsequent subsection

13. Page 10, line 10.

**Following:** "These"

**Strike:** "costs"

**Insert:** "expenses"

14. Page 10, line 15.

**Following:** "[Section"

**Strike:** "7"

**Insert:** "10"

And, as amended, do pass. Report adopted.

**SJR 31**, be adopted. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**HB 211** - The House failed to concur in Senate amendments to **HB 211**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 211**:

4/7/2003

Representative Laszloffy, Chair  
Representative Juneau  
Representative Everett

**HB 283** - The House failed to concur in Senate amendments to **HB 283**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 283**:

4/7/2003

Representative Fuchs, Chair  
Representative Balyeat  
Representative Jent

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 8:00 a.m., Tuesday, April 8, 2003. Motion carried.

Senate adjourned at 3:20 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate

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**SENATE AND HOUSE JOINT MEMORIAL SERVICE**

**April 6, 2003**

**FRANCIS BARDANOUE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Francis Bardanoue on March 17, 2002 in Havre, Montana.

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

Francis Bardanoue, the second longest-serving legislator in Montana history, was born in Harlem, Montana on December 10, 1917. He was the son of Blaine County homesteaders, John Bardanoue and Alice Miller. He graduated from Harlem High School in 1937 and both he and his wife, Venus, were awarded Honorary Doctorates of Letters from Montana State University in 1996.

Francis married Venus Potts in Harlem, Montana, 1967, where they lived on the Bardanoue ranch, the third generation of Bardanoue ranchers. Francis deeply loved their three children, Kathleen, Elizabeth, and Dr. Kedric Cecil.

Francis Bardanoue was a man of integrity. He was elected to the Montana House of Representatives in 1959 where he served for 36 years. He held the respect of his colleagues for his honesty, hard work, and integrity. His longevity earned him the title 'Dean of the House'.

He was chairman of the House Appropriations Committee where he helped shape and set policy that balanced the needs of the people of Montana. He inspired people to not only advocate with vigor, but to balance the scales of financial justice. Representative Bardanoue still holds the record for moving an appropriations bill through the legislature in only three days.

Francis Bardanoue was very theatrical. He often sat in his chair, eyes closed, head on his chest. About the time people assumed he was dozing, Francis would sit straight up, slap the table with his ham-like hand, and loudly declare, "Just a minute!" Then, to everyone's amazement, he would recount statements that had been made by witnesses, followed by his usual penetrating questions.

He was a compassionate legislator, leading the effort to redesign Montana's institutions for our most vulnerable citizens. Early in his legislative career, he visited the Montana Development Center in Boulder where a young boy reached up and took his hand. From that bond, Francis returned to the legislature the next day and embarked on a continued effort to improve conditions at the Center.

He supported projects in north central Montana with his own personal funds, although he seldom allowed that fact to be publicized. The story has been told that Francis would arrive unannounced in various Montana communities asking, for example, "show me that new boiler we appropriated funds for last session." Other state-supported institutions also received such requests if Francis happened to be driving through their community. He was especially proud of his service on the farm supervisory board at the state prison, and was responsible for making the state of Montana permanent owners of Charlie Russell's art.

Always a gentleman, Francis will long be remembered in the Montana legislature for his courteous treatment of everyone. His love for Montana was total and his accomplishments profound and remembered. Francis fulfilled his purpose of making Montana a better place for all. He is survived by his wife Venus, and daughters Elizabeth Kuntz and Kathleen Barnes, son Kendric Cecil, eleven grandchildren and ten great-grandchildren.

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**FRED O. BARRETT**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Fred O. Barrett on December 8, 2002 in Moore, Montana.

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

Fred Barrett was born May 31, 1932 in Lewistown, Montana. He attended school in Hobson and graduated from Hobson High School. He then attended the University of Montana where he received a bachelor's degree and later a master's degree in guidance/counseling.

Fred served in the U.S. Army from 1952 to 1954 taking supplies to Alaska in the summer.

Fred was united in marriage to Roberta Miller of Helena in July 1963. They later divorced. There were no children born of the marriage.

Fred was State Representative for Fergus County for three terms in the early 1970s.

Fred taught at Fergus High School and was also an assistant principal for 14 years. Following his school career he was an adjuster for the State Hail Insurance. After retiring, he kept busy painting houses for others, cultivating flowers in his small greenhouse, enjoying his cats and the mountains of Montana.

Fred is survived by a sister, Delores Sharpe of Helena and two brothers, Patrick of Hobson, Montana and Howard of Carson City, Nevada.

**DALE E. BERRY**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Dale E. Berry on July 5, 2002, in Hamilton Montana.

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

Dale E. Berry was born in Sidney on February 6, 1939. Dale passed away unexpectedly on May 17, 2001, in Hamilton, as a result of a pulmonary embolism.

For 62 years, Dale lived a colorful, energetic and highly productive life. He touched many lives as an educator, coach, business person, community supporter and friend to many.

Dale grew up in Fairview and attended the University of Montana on a football scholarship. He earned a degree in education with teaching certifications in physical education, sociology, and driver's education. He was a member of the Montana National Guard and saw active service in 1961 and 1962.

On August 10, 1963, Dale married Dorothy Cecrle in Hobson, Montana. He started his first coaching and teaching job at Denton, Montana, where he coached football, basketball and track, and managed the swimming pool in the summer. From there, the Berry's moved to Roundup where Dale taught and coached. Four years later, they relocated to Hamilton where Dale taught and coached twenty more years.

Dale then became fully involved in a real estate career, which he had pursued on a part-time basis while still

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teaching. In 1989, he started his own firm, the Greater Montana Land Company. This firm developed offices in Lewistown and Fort Benton, in addition to the Hamilton location.

Dale Berry contributed generously of his time, energy, and creative thinking to his community and professions. He was highly respected and recognized in each of his many fields of endeavor. As a coach, he spent eight years as a Class A representative on the Board of Directors for the Montana Coaches Association, then was elected president for four years, and also served as past president for four years. In 1988, he was inducted into the Montana Coaches Hall of Fame.

As a realtor, Dale was president of the Local Board of Realtors. In 1996, he was elected by his peers as 'Realtor of the Year'.

He served as an original member of the Hamilton School Foundation Board, and for several years, president of the Bitterroot Chamber of Commerce. He served as chairman of the Chamber Economic Development Committee and of the Port Authority Ad Hoc Study Committee. He was the Bitterroot Valley 'Business Person of the Year' in 1997.

In 2000, Dale ran for, and was elected to, the Montana House of Representatives. Before the session convened, a vacancy occurred in his Senate District and Dale was appointed to fill it. He was chosen by his colleagues to the position of Majority Whip for the 2001 session. He demonstrated great potential for a career in politics. However, fate intervened, and Dale's untimely passing prevented him from serving the second year of his term.

In addition to his wife Dorothy, Dale leaves behind two sons, Brad of Missoula and Brian of Hamilton, his mother, Gertrude Melby, of Laurel, and his brother, James Berry of Ellensburg, Washington.

**HENRY STUART COX**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Henry S. Cox on March 30, 2001 in Billings, Montana.

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

Henry S. Cox was born Francis Wilkes in Chicago, Illinois, March 24, 1923. He was adopted at 6 weeks old by Henry D. and Kathryn Cox, who named him Henry Stuart Cox. At a young age, he moved with his father to Ohio where he was raised by a loving extended family.

On April 11, 1944, Henry met his future wife Doris Buzard at a county music festival while he was a student at North Lima, Ohio, High School. They had 56 wonderful years of marriage. Doris said of their meeting, their mutual love of music and singing was one of the interests Hank and Doris shared. They raised five children - Karen, David, Jeanne, Mary and Danny.

Hank graduated from High School in 1941 and in the fall entered Kent State University on a baseball and basketball scholarship. He played semi-pro baseball for a time. WWII interrupted his education and he promptly enlisted in the U.S. Navy. He served in the Pacific on the aircraft carrier U.S.S. Wasp until his discharge in August 1945.

After the war, Hank re-entered college under the G.I. Bill, graduating from the University of Wyoming in 1952 with a degree in education. Hank taught several high school subjects and coached all sports including American Legion Baseball.

In 1956, Henry moved his family to Billings where he became a popular government teacher and coach at Billings



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Senior High School. He continued teaching full time and coaching golf until his retirement in 1985. During 32 years in education, he touched the lives of many students, parents and fellow educators. When asked later in life what he had taught, he would always say, "I taught kids!"

Representative Sue Dickenson spoke as also being one of Hank's "kids." She credits Hank with her interest in public affairs and running for the legislature. "Mr. Cox introduced ideas and questions in civics class which truly sparked critical thinking. Mr. Cox stressed the importance of, and the fun, in serving your community through public service. Mr. Cox was truly an inspiration to me; an honest, hard-working man with a great sense of humor and a strong sense of public responsibility."

Hank turned his love of government and politics into action when he was elected to the Billings City Council in the early 1960s. In 1966, he was elected to his first term in the Montana House of Representatives. In 1970, he was re-elected to his former seat in the Legislature where he served two additional terms.

Hank served as the Billings Mustangs' public address announcer for 20 seasons. He was a member of the Lutheran Church of the Good Shepherd. Throughout his life, he was a faithful witness for Christ.

Hank is survived by his wife Doris, and his five children and numerous grandchildren.

**GLEN LYMAN DRAKE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Glen Lyman Drake on December 12, 2001 at the UCLA Medical Center, California.

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

Glen Drake was born September 29, 1927 in Billings, Montana. He was raised on the family's Duck Creek Ranch, a dry-land wheat ranch south of Billings. He attended public school in Laurel and Billings, graduating from the Northwest Nazarene Academy in Nampa, Idaho in 1945. He then entered the U.S. Navy at age 17, serving in Adack, Alaska. He attended Eastern Montana College earning a Bachelor of Arts, and the University of Montana where he received a Law degree, graduating in 1955.

Glen was united in marriage to JoMae Chase September 10, 1954 in Rochester, Minnesota. They lived in Butte, Billings, and Great Falls before settling in Helena where they lived for 35 years and raised their family of five sons - Curtis, Jeffrey, Charles, Joel, Carl and two daughters Leslie and Patty. He had a happy, caring, fun-loving personality and was a championship bowler, avid golfer, loved fishing, writing humorous limericks, singing and spending time with his family.

Glen was a member of the Helena law firm, Keller, Reynolds, Drake and Gillespie. He served as Senator to the Montana Legislature from Lewis & Clark County from 1970 to 1976, serving as a Member of the Legislative Council from 1975 to 1976.

Knowing he was nearing the end of his life, Glen Drake bravely took part in the Abucar Mechanical heart experiment at the UCLA Medical Center and was only the fourth man in the world to receive this type of mechanism. He participated in the experimental surgery to enhance the lives of others. He lived two months and six days at the Medical Center until he passed away due to complications from the surgery. For this, he will be remembered as a hero by his loving family and all who knew him.

Glen is survived by his wife of 48 years, JoMae, their seven children and ten grandchildren.

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**WILLIAM ALBERT "BILL" GROFF**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of William Albert Groff on July 5, 2002, in Hamilton, Montana.

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

Born in Victor, Montana on February 17, 1920 to Houstan and Julia (Vice) Groff, William Albert "Bill" Groff was the son and grandson of early Bitterroot pioneers. Julia Vicc was the first child of settlers to be born on the west side of the Bitterroot River. Houstan Groff was an area rancher, teacher, legislator, and banker. Bill grew up on the family ranch west of Victor and attended the Victor school where his mother and father had been teachers.

He attended Kemper Military Academy in Missouri, the University of Texas, and the University of Montana. Following his graduation from U of M with a Bachelor's Degree in Business Administration, Bill enlisted in the Army in 1941, and served his country in the South Pacific Theater. He received an honorable discharge as First Lieutenant in February, 1946.

In 1946, Bill married Phyllis Ann Wiesener of Tuscola, Illinois. They made their home across from the family ranch in Victor where they raised their two daughters, Ann and Kay.

Following in his father's footsteps, Bill served as president of Farmers State Bank of Victor. He served on the bank's Board of Directors and was active in the bank until the time of his death.

Bill followed his father's example once again when he was elected to the Montana State Senate in 1954. He remained in that position for twenty years, serving as Chairman of the Finance and Claims Committee and Majority Floor Leader.

Retirement from the Senate wasn't the end of Bill's service to the State of Montana. He became Director of the Department of Revenue in 1979, after working in the department for the preceding two years. In addition, Bill served as a member of the Western States Water Rights Commission, the National Association of Tax Administrators, Chairman of the Montana Board of Housing, and a member of the Montana Commission on Practice.

The Masonic Lodge #43, VFW, Elks, the Victor Senior Citizens, the American Legion, the Eagles and the Victor School Foundation, were some of the many civic organizations to which Bill contributed considerable time and resources.

In addition to his wife, Phyllis, Bill is survived by his two daughters, Ann and Kay. The family had asked that friends could make a contribution to the Victor School Foundation where Bill's parents had been early teachers. The Victor School had been an integral part of his life from the time he entered first grade until his death. With those memorials and other resources, the Victor School W.A. Groff Memorial classroom will soon be a reality.

**HOWARD "SWEDE" HAMMOND**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Howard "Swede" Hammond on October 22, 2001, in Malta, Montana.

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

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The Montana Hi-line and Howard W. "Swede" Hammond seem to belong together. He was born in Westby in 1917, grew up in Whitewater, and got the basics for a teaching degree at Northern Montana College. His first teaching job was in Bainville in 1939. He spent most of the remainder of his life as an educator at Big Sandy.

Swede was absent from the Hi-line for only three periods: while in the service of the US Air Force in World War II, while earning bachelors and masters degrees from the University of Montana, and during the six terms he served in Montana's Senate.

Swede earned teaching majors in math, history and physical education. He taught all those subjects and more. He spent 27 years in the Big Sandy school system as teacher, coach, and school principal. Upon retirement, he and his wife Ella settled in Malta.

Swede was more than a devoted educator. He was more than a good coach. He was their mentor and friend. Charlie Klimas, an alumnus of Big Sandy School, recalled his high school principal: "The year I was a senior in high school, there were twelve kids on the Big Sandy basketball team and there was only one that had his original dad...[Swede] was certainly a second father to a lot of kids."

He was just a wonderful person and role model for all of us. He had such a great sense of values, believed in God and family and country."

Upon retiring from his long and distinguished career in teaching, coaching, and school administration, Swede Hammond ran for and was elected to the Montana Senate in 1979, where he served for twelve years.

Many Hi-line organizations and projects benefitted greatly from Swede Hammond's generous contributions of time, counsel, and resources. Those groups include the Boards of Big Sandy Medical Center and Lutheran Home of the Good Shepherd. He helped create the Big Sky Christian Youth Ranch and worked with the Montana American Legion Boys State, Montana State Association of Student Councils, Montana Coaches Association, North Central Montana School Administrators, and North Central Montana High School Principals. He was also a member of VFW, American Legion, Malta Rotary Club, and Shrine Club.

He is survived by his wife, Ella, a daughter Patricia, two sons Michael and Howard, a sister Beverly Haugen of Kremlin, and two brothers R.A. and Milton. There are nine grandchildren and one great-grandchild.

**WARREN WAYNE HARPER, SR.**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Warren Harper, April 3, 2001 in Parkdale, Oregon.

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

Warren Wayne Harper, former Montana State Representative, was born August 4, 1930, in Livingston, Montana to Willard and Emma McKinney Harper.

He grew up and attended school in Livingston. Warren entered the U. S. Army and served during the Korean War as a paratrooper in the 187<sup>th</sup> and 82<sup>nd</sup> Airborne Division.

Warren was awarded two Purple Hearts and a Bronze Star for his distinguished military service. Warren was discharged from the service in 1952 and returned to Livingston where he worked for the Northern Pacific Railroad as a trainmaster. He retired in 1978 after 24 years of service.

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Warren married Annabelle Mercer on August 15, 1954. The couple later divorced. He married Gayle Marchesi Michaels on August 18, 1973, in Coeur d'Alene, Idaho.

Warren Wayne Harper proudly served three terms in 1961-1966 as a Montana State Representative.

He was an active member of the Disabled American Veterans throughout his life in Livingston and Hood River, Oregon. He loved gardening, feeding birds, and all of nature. He is remembered as an enthusiastic brother, and son, who fully enjoyed life.

Warren is survived by his wife Gayle, sons Wayne and Kenneth, four daughters, Desta, Dawn, Karen, and Katherine, brothers Willard, John, and Howard, sister Lucille, 13 grandchildren and three great-grandsons.

**BURT L. HURWITZ**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Burt L. Hurwitz on October 3, 2001 in White Sulphur Springs.

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

Burt Hurwitz was born August 16, 1911 in Butte, Montana. Due to his mother's ill health, the Hurwitz family moved to Olean, New York about 1918 where Burt grew up and completed high school. Burt entered the University of Montana forestry program in September of 1934.

Burt met June Bower at the U of M and they were married September 28, 1935 in Spokane, Washington.

During the next two years, Burt worked every job he could on weekends and Christmas vacations. The young Hurwitz couple's summers were spent at or near various ranger stations where Burt would work as an intern as part of his Ranger training. He worked on Forest Service lookouts and ran CCC crews in the summers.

He completed his forestry degree in 1938. He was hired by the U.S. Forest Service and after several other assignments, he was transferred to White Sulphur Springs in 1944 as the forest ranger.

A 94-year-old rancher made it possible for Burt to purchase the Shannon Ranch. In 1950, their first summer on the ranch, the couple spent their life savings to put up hay using horse-drawn equipment.

They renamed the ranch the Lazy BH and despite dire predictions, fluctuating cow prices, rising interest rates, droughts, floods, and forest fires Burt and his family endured and prospered. Burt was named Outstanding Forestry School Alumni of the Year in 1985.

From a young age, Burt had a conviction that community service was an important part of life. He became involved in the White Sulphur Springs community by serving on the local school board. He was urged to run for county commissioner in 1953, a post he won, and held, for the next 23 years. He felt strongly that county commissions needed to unite to bring the voice of county government to the legislature and was instrumental in the founding of MACO, The Montana Association of Counties, serving as its first president.

Burt was elected to the Montana House of Representatives in 1976 and was re-elected for two additional terms. After serving as chairman of the Human Services Subcommittee on Appropriations in 1981, Burt decided not to seek re-election. He was then appointed by former Governor Ted Schwinden to the Board of Regents, a position he held for seven years. The State of Montana has benefitted from his belief in the importance of community service and his dedication.

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Burt's greatest love was the 50 years he spent ranching in Meagher County.

Burt and June were blessed with four children; sons Dan, Ben, and Michael, and a daughter, Rosana. All four children, including his wife June, survive him, as well as his nine grandchildren.

**PETER VORIOUS JACKSON III**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Peter V. Jackson III on July 9, 2002 at his ranch in Harrison, Montana.

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

Peter Jackson III was born May 18, 1927 in Butte, Montana. At the age of 16, he bought his first piece of land for his 4-H sheep project. He was very proud to have been the first 4-H'er in Madison County at the age of 12. Peter was also the first winner of the Little International Livestock Exposition in Bozeman.

Peter graduated from Harrison High School in 1946 and later enrolled at Montana State College in Bozeman majoring in business, with a dream of becoming a county extension agent.

Peter and Johnneta Peirce were united in marriage in Whitehall on April 29, 1949. To this union three sons were born, Ward, Jon, Mark; and two daughters, Shelly, and Emily.

Peter was very active in supporting his community, county and state. He was president emeritus of the Madison County Fair Board, beginning his service to the board in 1951. He served on both the Norris and Harrison School Boards.

He served one term in the State Legislature from 1971-1973, when all of the bills he sponsored were passed. He was the executive vice president of the Western Environmental Trade Association for nine years and a member of the Montana Extension Advisory Council.

Peter had many accomplishments in his life and received numerous awards. He was a life member of the Society for Range Management. He was the first recipient of the Frederic G. Renner Award in recognition of his distinguished accomplishments in promoting range management. He was state president of both the national and Montana Conservation Districts. He was the national secretary-treasurer of the Grazing Lands Conservation Initiative.

One of his proudest achievements was writing the Montana State Lands Range Conservation Plan; a plan still in use today. In 1959, he built the largest Soil Conservation Service earthen dam in the United States, creating the Norwegian Creek Reservoir.

His most cherished moments were having his home full of grandchildren and great-grandchildren. He is survived by his sons Ward and Jonathan, his daughter Michelle, his sister Bobby Paige, his grandchildren and great-grandchildren.

**OSCAR SEIGEL KVAALLEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Oscar S. Kvaalen on April 11, 2002 in Sidney, Montana.

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

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Oscar Seigel Kvaalen, former House Minority leader and Richland County rancher, was born January 1, 1921 in Lambert, Montana, the oldest of four children. His Father, Ostein, was a Norwegian immigrant and homesteader. Oscar was raised on a farm south of Lambert.

"The dirty thirties," as they were called, were a reality to the farm kids in the Lambert area. Oscar often talked of school activities, playing basketball in the school basement gym, and moonlight outdoor trips.

He graduated from Lambert High School and went on to attend Concordia College in Moorhead, Minnesota, where he graduated with a Bachelor of Arts degree. Later, he took graduate courses in range management at the University of Montana.

Oscar enlisted in the U. S. Navy in 1942 and served as a radar officer aboard the U.S.S. Fon Du Lac in the South Pacific Theater. He returned after the war to the Lambert area where he spent most of his life as a farmer and rancher. Oscar truly enjoyed his two grandchildren, Olivia and Lars.

Following college, Oscar worked for the Soil Conservation Service and the State Land Department before returning to the family homestead in Lambert.

Oscar married his childhood neighbor, Ruth Johnson, March 5, 1960 in Sidney. They lived on their farm south of Lambert where they raised two children.

Oscar was elected to the Montana House of Representatives where he served from 1959 until 1979, except for one legislative session. He was a member of the Ways & Means, Fish & Game, Appropriations, and Rules Committees. Representative Kvaalen also served eight sessions as a member of the House Education Committee.

Oscar was a member of the First Lutheran Church in Lambert. He was a very private man who enjoyed reading, especially history. Although he was very busy as a farmer and Representative, Oscar always had time for company, especially his children. He and Ruth enjoyed horseback rides with their family into the badlands of Burns Creek.

Oscar is survived by his wife Ruth, son Jon, daughter Elizabeth Knotts, brother Arne, two sisters, Gene and Joyce Carlson and two grandchildren.

**JANET LEE MOORE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Janet Lee Moore on April 7, 2001, at her Swan Valley Home.

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

Janet Moore was born in Walter Reed Hospital, Washington, D.C. on February 12, 1935. She and her sister, Kathleen, spent much of their childhood with aunts and uncles on a North Carolina farm and in Washington, D.C.

Janet worked for 17 years for the United States Departments of Treasury, Defense, and Agriculture. Her fondest memory of that early work was helping prepare President Eisenhower's paychecks. She also worked at the national headquarters of the U.S. Forest Service.

Janet married Frank Fitzgerald in 1952. Four children were born to Janet and Frank: Susan, Kevin, Joe, and Nancy. Frank and Janet divorced in 1970. She married Bud Moore in 1971 and moved to Missoula.

Always active in her community, Janet organized efforts to improve treatment of juvenile offenders. She helped

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organize the Montana Trappers Association and served as its first lobbyist to the Montana Legislature.

In 1983, Janet was elected as the first legislator to Montana's newly formed House District 65, and was re-elected to two additional terms.

As a State Representative, Janet's particular interests were related to wildlife, veterans' rights, and labor issues. She is remembered as a popular legislator who worked year-round helping people interpret legislation.

In addition to her tenure in the Montana House of Representatives, Janet devoted much time and support to many other civic interests. The Missoula Lady Lions Club benefitted from Janet's contributions, as well as Swan Valley Community Club in Condon. She also served as president of the Swan Valley - Condon Chapter of AARP.

Janet and her husband, Bud, co-owned Coyote Forest Management, an active business in the Swan Valley.

Janet's unconditional love for Jesus carried her through a thirteen-year struggle with cancer. Janet is survived by her husband, Bud, daughters Susan and Nancy, their sons Kevin and Joe, their step-daughter, Vicki, and stepson William.

**MARCUS V. NICHOLS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Marcus Nichols on April 17, 2000.

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

Marcus V. Nichols was a Veteran of World War II, a Captain in the United States Air Force, a farmer who loved the land, a gifted speaker, and a poet. He was born July 14, 1915 on the family homestead near Square Butte, Montana and graduated from Geraldine High School. In 1938, he received his bachelor of science degree in pre-medicine from the University of Montana.

Marcus married Ruth L. Faucett on November 28, 1945 and they had three children. Ruth passed away in 1982. In 1983, he married Patricia Weatherford of Kalispell. They spent their winters in Mesa, Arizona and summers in Kalispell.

Marcus was very active in the Eastern Star, serving as Grand Worthy Patron of Montana in 1965, and later as Right Worthy Grand Trustee of the International OES for 10 years. He was a member of Adah Chapter #17, OES of Kalispell and Denton Chapter #72 of OES. He was also past master and 60 year member of Pilgrim Lodge 102; belonged to York Rite, Algeria Shrine; the Elks Club; the American Legion; Lakeside Community Methodist Church; and associate member of Our Saviour Lutheran Church in Mesa.

As a gifted speaker, he was sought out for his programs on Americanism and his poetry presentations. He gave freely of his time and resources to aid his church, community, state, and fellow man. Sustained by his faith in God, he worked for the betterment of all.

Marcus proudly served one term in the House of Representatives in 1947.

He is survived by his wife Patricia of Kalispell, son Marcus of Lakeside, and daughters Nila of Billings, and Karol of Great Falls.

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**JERRY LYNN NOBLE**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Jerry L. Noble on December 23, 2001, in Great Falls, Montana.

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

Jerry Lynn Noble, Montana Senator, businessman, and barber shop vocalist, was born on March 11, 1937 to Robert and Madella Noble in Great Falls. He received his early education in Great Falls and attended the College of Great Falls. Following his military discharge from the U.S. Marine Corps, Jerry spent the rest of his life working in the tire business.

Starting at a very early age, Jerry Noble shared his time and many talents with the community of Great Falls. As a child, he was active in the Boy Scouts, achieving the rank of Eagle Scout. As an adult, he was an active member of the Elks Lodge, Great Falls Transportation Club, and the Assembly of God Church and the Great Falls Drum and Bugle Corps.

He was a member of a Great Falls Barbershop group, where he sang baritone.

In 1977, Jerry formed Jerry Noble Tires. Jerry, his son, Chuck, and long-time family friend, Dean Whitmore, later opened the Jerry Noble Tire Factory in 1999.

He demonstrated his commitment to his industry as past director of the Montana Tire Dealers Association and past director of the National Tire Dealers Association.

Jerry was married to Darlene Bolta. The couple later divorced.

Jerry was elected to the Montana Senate in 1986, and served one term, choosing not to seek re-election. Senator Noble was particularly interested in legislation related to the Montana Department of Environmental Quality.

He is survived by his mother, Madella Noble, sons Chuck and Ken, all of Great Falls, and his daughter, Diane, of Portland. Jerry is also survived by his brother, Ed, and sisters Linda Logan and Cheryl Pinsonneault.

**J. DONALD OCHSNER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of J. Donald Ochsner on September 7, 2001, at his home south of Miles City, Montana.

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

J. Donald Ochsner started life in Nebraska on October 25, 1919. He attended schools in Stanton County and graduated from Madison (Nebraska) High School. Soon after, he moved to Montana where he worked for his sister and brother-in-law. He attended Montana State College in Bozeman and earned a diesel engineering degree.

On November 19, 1940, in Madison, Nebraska, Don married Fern Barrett.

His ranch was his life. He farmed one year in Nebraska, and worked for a Miles City rancher before being able to have his own spread. He is credited with helping many Miles City ranchers build reservoirs on farms and ranches.



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He loved the land and his animals. Donald was happiest moving dirt with his Caterpillar to build roads and reservoirs, and when riding his favorite horse "Blue" with his cow dog at his side.

In addition to the time he spent on his farm and ranch, Don led an active civic life. He contributed generously of his time, talent, energy, and knowledge to many civic and professional organizations on a local, regional, and state level.

He was past President of the Montana Farm Bureau, a 4-H leader, and State 4-H Council President. He was a longtime member and past President of the Board of Directors of the Rural Fire Association, and at the time of his death, was on the Board of Directors of the Eagles Manor. He served as Trustee and Elder of the First Presbyterian Church. Don was a member of the local Gideon's, worked with the Northern Plains Council, and served on a local school board.

From 1981 to 1985, Don represented his Senate District in Montana's Legislature.

In later years, Don enjoyed traveling and spending winters in the South.

In addition to his wife Fern, Don is survived by two sons, Jay and Gary, and two daughters, Janet Steinley and Susan Beausoleil. There are ten grandchildren, including two grandsons currently in the military. A host of great-grandchildren also survive.

**ROBERT JAMES RASMUSSEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Dr. Robert James Rasmussen on April 15, 2001 in Des Moines, Iowa.

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

Dr. Robert James Rasmussen, Montana statesman, physician, and public servant, was born August 1, 1926 in Clinton, Iowa to Otto and Helen Rasmussen. He attended grade school and high school in Clinton.

Robert was a graduate of Northwestern College of Chiropractic in St. Paul, Minnesota, and later attended LaSalle University where he was awarded a law degree. Dr. Rasmussen served his country in the army both in World War II and the Korean War.

Dr. Robert Rasmussen and Rita Ann Schaper were united in marriage November 17, 1951 in Beloit, Wisconsin. To this union were born five children. The Rasmussens lived in Glasgow until 1969 when they moved to Des Moines, Iowa.

Dr. Robert Rasmussen was a devoted and well-rounded public servant both in Montana and Iowa. He was an executive director of the Iowa Chiropractic Society and a director of professional affairs for the American Chiropractic Association.

Robert served in the Montana State Senate, District 5 in 1967, and served as an alderman and three-term mayor of the city of Glasgow. He was an officer in the Valley County Democratic Party and chairman of the City-County Planning Board of Valley County.

Robert had a special interest in the field of agriculture and in the areas of city, county, and state planning. He was particularly interested in all aspects of the healing arts and nursing, properly financed public health care, and public education. He was a member of the Elks and the Knights of Columbus, serving as Grand Knight.

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He is survived by his wife, Rita, sons Mark and Stephen, three daughters, Mary, Paula and Ann and six grandchildren.

**WINSTON "GLENN" SAUNDERS**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Winston "Glenn" Saunders on July 25, 2002, in Columbus, Montana.

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

Glenn Saunders was born in Richland, Oregon, on April 24, 1916. He had been a Montanan since the age of two, when the family moved to Stillwater County. From that time, with the exception of three years when the family lived near Luther, Glenn spent his life in Stillwater County.

Glenn married Helen Mason on June 13, 1938. They made their home on Countryman Creek and also in Columbus where he farmed and worked as a high lineman and rewired homes. In 1937, he helped map Stillwater County for the ACP program. In 1956, he became the office manager of the county ASCS and represented Montana at many national conventions.

Following his retirement from a career with government agriculture programs, Glenn was elected to the Montana House of Representatives in 1982 and served for one term.

Glenn was an avid outdoorsman. He loved the time he spent hunting, fishing, trapping, and backpacking with his sons and grandsons. He was a master smallbore competitor, and was one of the main organizers of the Stillwater Rifle and Pistol Club. He was a life member of the Yellowstone Rifle Club, Montana Rifle and Pistol Association, and the National Rifle Association.

Glenn was an accomplished photographer and writer. He wrote a weekly article for the ASCS in the local paper, articles for the Outdoor Life and American Rifleman, and was pictured on the front page of the Outdoor Life following a goat hunting adventure in the 1950s.

Glenn gave generously of his time and talent to his community and church. He was an active member and past treasurer of the Columbus Congregational Church, the Stillwater Masonic Lodge, and Kiwanis. He served on boards of Rainbow Girls and DeMolay.

Glenn fought a long and valiant battle with Parkinson's disease. He is survived by Helen, his wife of 64 years, his two sons Ralph and Bruce, his daughter Glenda, his brother, Tom and sister, Cleora Russell, several grandchildren and great grandchildren.

**PAUL SLITER**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Paul Sliter on August 15, 2001, in Helena, Montana.

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

Paul Sliter, former House of Representatives Majority Leader and rising Montana statesman, was born in Kalispell, May 5, 1969 to Everit and Nikki Sliter. He graduated from Flathead High School in 1987 and received a bachelor's degree in political science from the University of Montana where he was a student lobbyist and a member of the student senate.

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Thus began the extraordinary political life of Paul Sliter, the articulate Montana leader from Somers with a contagious vitality for life, and the gift of political wit and savvy.

The Sliter family has been in the lumber and hardware business for more than 60 years, and Paul worked in the family business. Paul and Elaine Johnston were married in 1997. They are the parents of a daughter, Morgan. Paul continued his political career as an intern for Senator Conrad Burns in 1992 and as a lobbyist and intern for the Montana Petroleum Marketers Association in both 1991 and 1993.

Recognized as an outstanding leader with an intuition for public policy and business, he was elected to the House of Representatives in 1994 and re-elected in 1996, 1998 and 2000. Representative Sliter served as House majority whip in 1999 and House majority leader in 2001.

He was a staunch Republican who knew how to rally his team before and during political debates. A leader in every sense of the word, Paul valued communication with both Republican and Democratic colleagues and was respected for his ability to bridge party differences.

Secretary of State Bob Brown remembers Paul Sliter: "You think of Paul, you see him smiling. He was always upbeat. He was always positive. He had this wonderful zest for life, and the grand competition in politics."

His devoted colleague, former House Speaker Dan McGee remembers Paul's complete devotion to his family, his love of the political arena, and his love for Montana.

Paul is survived by his wife, Elaine, and his daughter, Morgan; his parents, Everit and Nikki Sliter; and his brother and sister-in-law Justin and Jennifer Sliter.

**BENNETT H. STEIN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Bennett Harris Stein on December 14, 2001, in Livingston, Montana.

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

Bennett Stein was born November 15, 1915 in Ravinia, Illinois. His father was a very successful lawyer, with a client list that included the famous entertainers of the time, Amos and Andy. The senior Steins entertained frequently, sometimes hiring Guy Lombardo to provide the music.

After studying English Literature at Dartmouth for a time, Bennett hitchhiked out west, catching a ride on the back of a potato truck. "When he found Montana, it was the right place for him. No one could have loved a land more than he loved Montana, according to his daughter, Linda Stein. Ben married Hildegard Balke in 1939 and they purchased a small dairy farm near Darby, where they lived for two and a half years, learning from the neighbors how to milk and butcher. They had five children and, in Ben's words, "spent wonderful days together in the ordinary routine of six square miles."

Ben worked as a journalist at the Great Falls Tribune and branched out into cattle ranching in the Shields Valley. Ben and Hildegard divorced in 1966.

In 1967, Ben purchased his place at the foot of the Crazy Mountains, married Glenna Hamilton and lived happily with her until Glenna died during heart surgery in 1978.

Ben continued to live a physically active life. He did some logging, had to snowshoe in part of most winters. He thrived on keeping fit and felt fortunate to ski, canoe, dance and hike the hills until he was past 80 years old. Linda

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remembers "at eighty, he could tire me out climbing up a mountain."

Ben edited and compiled the book "Tough Trip Through Paradise," the diaries of mountain man Andrew Garcia. It was first printed in 1967, and has been reprinted many times.

For the last six years of his life, he was limited to a sedentary lifestyle in Livingston on his four acres and with a view of the Absarokas. He then indulged himself in his love of reading.

A simple life in the presence of the Montana mountains defined Ben's existence for most of his life. When he was an English Literature major at Dartmouth, he wrote a paper entitled "Wordsworth and a Future Farmer," which his daughter Linda found and read after his death. It encapsulated the spirit with which he lived. Linda relates, "In it, my father described his experiences spending months at time in the wilderness since the age of seven, and working as a hired hand on farms as a young man." Both he, and Wordsworth, believed that an 'inner richness' could be gleaned from a life lived simply, in the presence of nature.

Ben served in the State Senate representing Park County for 14 years, from 1957 to 1971. His legislative service was distinctive in that he served part of it as a Democrat, and part as a Republican. But family and friends say he was always an independent at heart. At the time of Bennett's passing, former legislator and Supreme Court Justice Jean Turnage characterized him as "probably one of the most intelligent people that ever served in the Montana Legislature."

Bennett Harris Stein is survived by his five children, Karen, Linda, David, Leslie, and Peter and two grandchildren.

**LEONARD E. VAINIO**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Leonard Vainio on April 10, 2001 in Missoula County.

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

Leonard was born February 3, 1939 in Butte, Montana. From the start of his education at St. John's Elementary in Butte, Leonard excelled in scholastics. He graduated from St. John's Elementary and Boys Central. He was valedictorian for the class of 1957 and was a recipient of several scholastic scholarships. After graduating from Boys Central, Leonard attended Seattle University on a baseball and basketball scholarship. He had the privilege to play with Elgin Baylor, who was in the NBA Hall-of-Fame.

Leonard attended the University of Washington Dental School for one year. He had excellent gross motor skills but decided the fine motor skills required for the caring of teeth were not up to par. Therefore, he elected to attend optometry school. He received his Bachelor and Doctor of Optometry degrees from Pacific University in Forest Grove, Oregon, in 1964.

In 1965, after returning to his hometown of Butte, he acquired the existing optometric practice of Dr. R. C. Haser. He later expanded this practice with satellite offices in Sheridan and Whitehall. With his brother, Dr. David Vainio, Leonard co-founded the American Eye Care Centers. Through this organization, the optometric practice was extended to most major Montana cities and Washington state.

Leonard was active in youth activities in Butte, excelling in baseball and basketball. His baseball career included American Legion, Seattle University, and the Copper League. He was one of Butte's premier shortstops. In the 1960s, he taught a 'baseball school' for Butte youths, training them in the fundamentals of the sport.

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Leonard's basketball achievements were highlighted by membership on the 1956 Butte Central "Big 32" state championship team. With the championship game falling on St. Patrick's Day, the team appeared on the floor in green uniforms, to the delight of the crowd. This 1956 champion team was inducted into the Butte Sports Hall of Fame.

Leonard followed his father's political aspirations and was elected as a Montana State Senator from Silver Bow County in 1970 and served its citizens during the 56<sup>th</sup> Legislative session. He was instrumental in securing funding for construction of the existing Mining/Geology building and library at Montana Tech and legislation for Osteopathic Physicians to hold the same status as medical doctors.

Leonard is survived by his sister Patsy, and brothers David, and Kevin, along with many nieces and nephews. All who knew him surely miss his exuberant spirit and personality.

**REINO JOHN "RAY" WAYRYNEN**

**WHEREAS**, it is with deep and sincere sorrow that the members of the Fifty-eighth Legislative Assembly of the State of Montana record the passing of Reino John Wayrynen on January 23, 2003 in Surprise, Arizona.

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

Ray Wayrynen, former Montana House of Representatives Speaker and minority leader, was born September 24, 1922 in Hancock, Michigan.

He moved to Butte as a child, attended Grant School, and graduated from Butte High School in 1941. Ray enlisted in the Navy Seabees during World War II, and served in the South Pacific. After returning home, he attended Worsham College in Chicago, graduating as an embalmer and funeral director.

Ray and Nielsine Lowney began their life together in 1942 and to this union their daughter, Linda, was born.

Ray's political career began in 1957 when he was elected to the Montana House of Representatives, representing Silver Bow County until 1970. He served as House minority leader in 1963 and House speaker in 1965.

In 1971, Governor Forrest Anderson appointed him to the State Board of Equalization which later became the State Tax Appeals Board. He served as chairman of this board until his retirement in 1976. A highlight of Ray's political career was personally meeting Presidents John F. Kennedy and Lyndon B. Johnson.

While residing in Butte, Ray worked for White's Funeral Home, and Sherman and Reed Mortuary, which he later purchased. He and Nielsine built Wayrynen Funeral Home on Florence Avenue.

Ray belonged to several fraternal organizations, and served as Worthy Patron of Butte Chapter No. 39, Order of the Eastern Star, Potentate of Bagdad Temple of the Shrine, and Secretary of Butte Court, Royal Order of Jesters. He was Secretary of Local Council No. 106 and Grand Secretary of Montana, Idaho, and Utah United Commercial Travelers.

Ray is survived by his wife Nielsine, daughter Linda, his grandchildren, and one great grandchild.