

**SENATE JOURNAL
62ND LEGISLATURE
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana
April 4, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag. Roll Call. All members present, except Senator Olson, excused. Quorum present.

The Legislative Choir sang "Bound for Jubilee."

BILLS AND JOURNALS:

4/4/2011

Correctly printed: **SJR 25, HB 196, HB 602.**

Correctly enrolled: **SB 3, SB 5, SB 55, SB 159, SB 208, SB 210, SB 305, SB 356, SJR 10, SR 3.**

Examined by the sponsor and found to be correct: **SB 3, SB 5, SB 55, SB 159, SB 208, SB 210, SB 305, SB 356, SJR 10, SR 3.**

LEGISLATIVE ADMINISTRATION (Brown, Chairman):

4/5/2011

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, April 2, 2011:

TITLE

NAME

Pages:

Saxon Johnson, Fairfield
Shawna McConnell, Whitefish
Rachel McKinney, Billings
Brittnee Richardson, Frenchtown
Jack Shultz, Raynesford
Joseph Swain, Helena

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 4, 2011:

TITLE

NAME

Pages:

Brittany Bernhart, Three Forks
Ariana Lipkind, Missoula
Jonathan Reimer, Whitefish
Samantha Robinson, Helena
Katie Stocker, Billings
Kelsey Strom, Billings

Report Adopted.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Shockley, Chairman):
SR 6, introduced resolution, be amended as follows:

4/1/2011

1. Page 1, line 18 through line 19.
Strike: ";" on line 18 through "2014" on line 19

And, as amended, be adopted. **Preliminary** report adopted.

MESSAGES FROM THE GOVERNOR

April 4, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, MT 59620

Dear President Peterson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill No. 294 (SB 294), **"AN ACT PROVIDING FOR FUNDING OF ENTRY-LEVEL EMPLOYEES UNDER THE PRIMARY SECTOR BUSINESS WORKFORCE TRAINING ACT BY ELIMINATING THE REQUIREMENT THAT NEW JOBS CREATED MUST PROVIDE AN AVERAGE WEEKLY WAGE THAT MEETS OR EXCEEDS THE LESSER OF MONTANA'S CURRENT AVERAGE WEEKLY WAGE OR THE CURRENT AVERAGE WEEKLY WAGE OF THE COUNTY IN WHICH THE EMPLOYEES ARE TO BE PRINCIPALLY EMPLOYED; PROVIDING ALTERNATE CRITERIA FOR WAGES FOR NEW JOBS; AND AMENDING SECTIONS 39-11-103 AND 39-11-202, MCA."**

I am returning SB 294 with amendments to ensure that the primary sector workforce training program, the subject of the bill, can be fully functional to the benefit of economic and job growth for the state of Montana. The specific amendments: 1) modify the level of salary required to participate in the workforce training program; 2) allow limited participation in the workforce training program for good part-time jobs; 3) make the workforce training grant review process more efficient; and 4) require coordination between this and other Montana workforce training programs.

The bill, as passed, bases workforce eligibility for employment in the manufacturing sector on jobs that pay the lesser of 150% of the state's minimum wage or 75% of the current average weekly wage in the county in which the employee is employed. While it may be necessary to provide workforce training for entry-level positions in manufacturing, I believe that these thresholds are too low. After consultation with the bill sponsor, and a review of the positions available and the corresponding wages associated with them, I propose eligibility based on jobs that pay the lesser of 170% of the state's minimum wage or the average weekly wage in the county.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Additionally, part-time positions make sense for workforce training grants under certain business models. My proposed amendments authorize eligibility for workforce training grants for part time jobs, defined as jobs for which an employee works 25 to 35 hours per week. The maximum workforce training grant amount for a part-time job would be \$2,500 per job rather than the \$5,000 per job maximum available for full-time positions.

Current administration of the program requires a statutory grant review committee to review and approve the training grant recommendations made by the Department of Commerce. Experience has shown that the grant review committee has always agreed with the Commerce Department's staff recommendations and the participation of the grant review committee has served only to make the process more cumbersome and time consuming. In order to make this program operate more efficiently, my proposed amendments eliminate the statutory grant review committee and allow the Department of Commerce to operate with an internal administrative grant review committee. This amendment is consistent with my efforts to streamline Montana state government.

Finally, my amendments require the Department of Commerce to coordinate with other departments in state government regarding any workforce training funds that might be available outside the scope of this particular program and to do so in such a way as to protect the requirements of this program, while also serving the training needs of individuals and the companies for which they are being trained.

In total, these amendments help make the workforce training program, which is the subject of SB 294, more efficient and more effective in training targeted workers for companies that impact jobs and the economy in a positive manner.

I appreciate the efforts of Senator Buttrey, the primary sponsor of SB 294, in working with my Administration to produce workable legislation in this important area. Senator Buttrey has indicated to my office his support for these amendments. I ask for your favorable consideration of them, as well.

Sincerely,

BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

Report No. 1, April 4, 2011

Governor's recommendations for amendments to **Senate Bill 294** (reference copy -- salmon) are as follows:

1. Title, page 1, line 5 through line 6.

Strike: "ELIMINATING THE REQUIREMENT THAT"

Insert: "REQUIRING THAT TO BE ELIGIBLE FOR FUNDING,"

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

2. Title, page 1, line 7.

Following: "OF"

Insert: "170% OF"

Strike: "AVERAGE WEEKLY"

Insert: "MINIMUM"

3. Title, page 1, line 9.

Strike: "AND"

4. Title, page 1, line 10.

Following: "MCA"

Insert: "; REPEALING SECTION 39-11-201, MCA; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1.

Following: line 16

Insert: "(1) "Average weekly wage" has the meaning provided in 39-71-116."

Renumber: subsequent subsections

6. Page 2.

Following: line 10

Insert: "(9) "Part-time job" means a predominantly year-round position requiring an average of 25 to 34 hours of work each week."

Renumber: subsequent subsections

7. Page 2, line 17 through line 18.

Strike: "committee" on line 17 through "39-11-201"

Insert: "department"

8. Page 3, line 9.

Strike: "grant review committee provided for in 39-11-201"

Insert: "department"

9. Page 3, line 24.

Strike: "committee"

Insert: "department"

10. Page 3, line 27.

Strike: "committee"

Insert: "department"

11. Page 3, line 29.

Following: "position"

Insert: "and \$2,500 for each part-time position"

12. Page 4, line 2 through line 4.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Strike: "A GRANT" on line 2 through "MET." on line 4

Insert: "A grant may be provided only for a new job that has an average weekly wage that meets or exceeds the lesser of 170% of Montana's current minimum wage or the current average weekly wage of the county in which the employees are to be principally employed, provided minimum wage requirements are met."

13. Page 4, line 7.

Strike: "committee"

Insert: "department"

14. Page 4, line 16.

Strike: "committee"

Insert: "department"

15. Page 4, line 19.

Strike: "committee"

Insert: "department"

16. Page 5, line 7.

Strike: "committee"

Insert: "department"

17. Page 5, line 8.

Strike: "committee, the committee"

Insert: "department, the department"

18. Page 5.

Following: line 10

Insert: "(8) The department shall provide employers assistance in accessing workforce and education services outside the scope of this chapter for which employees may be eligible. These additional services may not be used to replace a grant provided under this section once the contract has been finalized."

Renumber: subsequent subsection

19. Page 5, line 22.

Insert: "NEW SECTION. Section 3. Repealer. The following section of the Montana Code Annotated is repealed:

39-11-201. Grant review committee -- appointment -- powers and duties -- rulemaking authority."

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2011."

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

April 1, 2011

The Honorable Jim Peterson
President of the Senate
State Capitol
Helena, Montana 59620

Dear Senator Peterson:

Please be informed that I have signed **Senate Bill 7** sponsored by Senator Keane, **Senate Bill 12** sponsored by Senator Erickson, **Senate Bill 49** sponsored by Senator Branae, **Senate Bill 92** sponsored by Senator Jent, **Senate Bill 189** sponsored by Senator Keane, **Senate Bill 205** sponsored by Senator Olson, and **Senate Bill 361** sponsored by Senator Ripley on April 1, 2011.

Sincerely,

BRIAN SCHWEITZER
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

4/1/2011

SB 183, introduced by Brown
SB 184, introduced by Van Dyk
SB 194, introduced by Brenden
SB 285, introduced by Olson
SB 287, introduced by Keane
SB 290, introduced by Zinke
SB 304, introduced by Shockley
SB 320, introduced by Jones
SB 324, introduced by Balyeat
SB 355, introduced by Hamlett
SB 366, introduced by Vincent
SB 370, introduced by Priest
SB 374, introduced by Olson

Senate joint resolutions concurred in and returned to the Senate:

4/1/2011

SJR 6, introduced by Olson
SJR 7, introduced by Brenden
SJR 12, introduced by Walker
SJR 14, introduced by Hawks

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Senate amendments to House bills concurred in: 4/2/2011

HB 352, introduced by Osmundson

HB 542, introduced by Esp

HB 575, introduced by Hansen

Senate bill not concurred in and returned to the Senate: 4/2/2011

SB 247, introduced by Moss

MOTIONS

Senator Priest moved to pass consideration of **SJR 22** for the day. Without objection, so ordered.

Senator Williams acknowledged the Anniversary of Jeanette Rankin beginning her first term in the United States Congress.

FIRST READING AND COMMITMENT OF BILLS

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

SJR 27, introduced by Caferro, Lewis referred to Public Health, Welfare and Safety.

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 26, introduced by Facey, referred to Business, Labor, and Economic Affairs.

SR 27, introduced by Steinbeisser, referred to Agriculture, Livestock and Irrigation.

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

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

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

SJR 18 - Senator Gillan moved **SJR 18** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 41

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: Balyeat, Essmann, Hinkle, Moore, Ripley, Walker, Wittich, Zinke.

Total 8

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SJR 19 - Senator Caferro moved **SJR 19** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Mr. President.

Total 37

Nays: Balyeat, Barrett, Essmann, Hinkle, Jackson, Priest, Ripley, Sonju, Vincent, Walker, Wittich, Zinke.

Total 12

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SJR 20 - Senator Wittich moved **SJR 20** do pass. Motion carried as follows:

Yeas: Arthun, Balyeat, Barrett, Blewett, Brenden, Brown, Buttrey, Essmann, Facey, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moss, Mowbray, Murphy, Priest, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tutvedt, Van Dyk, Vincent, Walker, Wanzenried, Williams, Wittich, Mr. President.

Total 33

Nays: Augare, Branae, Caferro, Erickson, Gallus, Gillan, Hamlett, Kaufmann, Keane, Larsen, Moore, Ripley, Tropila, Vuckovich, Windy Boy, Zinke.

Total 16

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

HB 106 - Senator Jent moved **HB 106** be concurred in. Motion carried as follows:

Yeas: Augare, Balyeat, Blewett, Branae, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus,

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Mr. President.
Total 40

Nays: Arthun, Barrett, Brenden, Brown, Jones, Priest, Windy Boy, Wittich, Zinke.
Total 9

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Buttrey moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Wittich, Zinke, Mr. President.
Total 48

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Olson.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 28, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 36, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 43, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Blewett, Branae, Brenden, Buttrey, Caferro, Facey, Gallus, Gillan, Hamlett, Hawks, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 34

Nays: Balyeat, Barrett, Brown, Erickson, Essmann, Hinkle, Hutton, Kaufmann, Murphy, Priest, Ripley, Van Dyk, Vincent, Walker, Wittich.

Total 15

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 52, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro,

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 47

Nays: Steinbeisser, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 120, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 146, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 47

Nays: Larsen, Van Dyk.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: Olson.

Total 1

SB 222, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 307, as amended by the House, passed as follows:

Yeas: Arthun, Balyeat, Barrett, Brenden, Brown, Buttrey, Caferro, Essmann, Gallus, Hinkle, Hutton, Jackson, Jones, Keane, Lake, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Vincent, Walker, Wittich, Zinke, Mr. President.

Total 30

Nays: Augare, Blewett, Branae, Erickson, Facey, Gillan, Hamlett, Hawks, Jent, Kaufmann, Larsen, Moss, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy.

Total 19

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 337, as amended by the House, passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 48

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: Wittich.

Total 1

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

SB 352, as amended by the House, passed as follows:

Yeas: Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Keane, Lake, Larsen, Lewis, Moore, Mowbray, Murphy, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Zinke, Mr. President.

Total 45

Nays: Arthun, Kaufmann, Moss, Wittich.

Total 4

Absent or not voting: None.

Total 0

Excused: Olson.

Total 1

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Lewis, Chairman):

4/4/2011

HB 3, be concurred in. Report adopted.

HB 4, be amended as follows:

1. Page 2.

Following: line 3

Insert: "Help America vote grant part II FY 2011 \$350,000 Federal"

2. Page 3.

Following: line 24

Insert: "2011 high intensity drug trafficking areas grant FY 2011 \$6,189 Federal"

3. Page 3, line 25.

Following: "the"

Insert: "2010"

4. Page 3.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Following: line 26

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the 2011 high intensity drug trafficking areas grant is authorized to continue into state fiscal year 2013."

5. Page 4.

Following: line 17

Insert: "Multistate demonstration project for preservation of state government digital information FY 2011 \$94,899 Federal"

6. Page 4, line 19.

Following: "THE"

Insert: "multistate demonstration project for preservation of state government digital information, the"

7. Page 4.

Following: line 25

Insert: "Montana labor leaders oral history project FY 2011 \$6,500 Federal"

8. Page 4, line 26.

Following: "for"

Insert: "the Montana labor leaders oral history project,"

9. Page 4, line 27.

Following: "grant"

Insert: ", "

10. Page 4.

Following: line 29

Insert: "Montana's last best barns FY 2011 \$4,000 Federal"

11. Page 4, line 30.

Following: "for"

Insert: "Montana's last best barns and"

12. Page 5.

Following: line 2

Insert: "No ordinary time: war, resistance, and the Montana experience FY 2011 \$1,500 Federal

Teaching with a primary impact grant FY 2011 \$15,000 Federal"

13. Page 5, line 3.

Following: "for"

Insert: "no ordinary time: war, resistance, and the Montana experience, the teaching with a primary impact grant, and"

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

14. Page 6.

Following: line 26

Insert: "Pilster wetland restoration and enhancement FY 2011 \$75,000 Federal"

15. Page 7, line 2.

Following: "FOR"

Insert: "the Pilster wetland restoration and enhancement and"

16. Page 7, line 6.

Following: "watershed,"

Insert: "and"

17. Page 7, line 6 through page 7, line 7.

Following: "Creek" on line 6

Strike: remainder of line 6 through "Creek" on line 7

18. Page 11.

Following: line 16

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the Montana locally grown portion of the specialty crop block grant is authorized to continue into state fiscal year 2012."

19. Page 12, line 26.

Following: "workers grant,"

Strike: "the reemployment and eligibility assessment initiative grant,"

20. Page 12.

Following: line 30

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the reemployment and eligibility assessment initiative grant is authorized to continue into state fiscal year 2013."

21. Page 13.

Following: line 1

Insert: "FY 2011 emergency unemployment compensation FY 2011 \$429,353 Federal
FY 2010 emergency unemployment compensation FY 2011 \$419,397 Federal"

22. Page 13, line 6.

Following: "grant"

Strike: ", "

Insert: "and"

23. Page 13, line 7.

Strike: "grant, and the reemployment and eligibility assistance initiative"

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

24. Page 13, line 9.

Following: "the"

Insert: "reemployment and eligibility assessment initiative grant, the FY 2010"

25. Page 13, line 10.

Following: the first "grant"

Insert: ", "

26. Page 13.

Following: line 11

Insert: "All remaining fiscal year 2011 federal budget amendment authority for the FY 2011 emergency unemployment compensation grant is authorized to continue into federal fiscal year 2013."

27. Page 13.

Following: line 12

Insert: "AmeriCorps planning grant program FY 2011 \$27,445 Federal
All remaining fiscal year 2011 federal budget amendment authority for the AmeriCorps planning grant program is authorized to continue into state fiscal year 2012."

28. Page 13.

Following: line 24

Insert: "Management and Disability Services
Sustaining the work of the medicaid infrastructure grant FY 2011 \$750,000 Federal
All remaining fiscal year 2011 federal budget amendment authority for sustaining the work of the medicaid infrastructure grant is authorized to continue into state fiscal year 2012.
All remaining fiscal year 2011 federal budget authority authorized by the 61st legislature in section 85, Chapter 489, Laws of 2009, for the vocational rehabilitation grants to states is authorized to continue into state fiscal year 2012."

29. Page 13.

Following: line 25

Insert: "Low-income home energy assistance program FY 2011 \$16,311,720 Federal
Supplemental nutrition assistance program FY 2011 \$8,843,143 Federal"

30. Page 14, line 2.

Following: "for"

Insert: "the low-income home energy assistance program,"

31. Page 14, line 11.

Following: "for"

Insert: "the supplemental nutrition assistance program,"

32. Page 14.

Following: line 30

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Insert: "Preventative health grant for state and community programs on aging FY 2011 \$26,220 Federal`
Federal congregate and home-delivered meals grant for state and community programs on aging FY 2011 \$812,888 Federal
Ombudsman allotments for vulnerable elder rights protection activities FY 2011 \$20,774 Federal
Nutrition services incentive program FY 2011 \$194,293 Federal"

33. Page 15, line 1.

Following: "FOR"

Insert: "the preventative health grant for state and community programs on aging, the federal congregate and home-delivered meals grant for state and community programs on aging, the ombudsman allotments for vulnerable elder rights protection activities, the nutrition services incentive program,"

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

HB 7, be amended as follows:

1. Page 4, line 8.

Strike: "\$300,000"

Insert: "\$400,000"

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

HB 15, be concurred in. Report adopted.

HB 230, be amended as follows:

1. Page 1, line 19.

Following: "2-15-121"

Insert: ", except that the provisions of 2-15-121(1)(b), (2)(a), (2)(b), (2)(c), and (2)(d) do not apply"

2. Page 1, line 20.

Strike: "HOWEVER, THE"

Insert: "The"

Strike: "HIRE ITS OWN PERSONNEL, AND 2-15-121(2)(D) DOES NOT APPLY"

Insert: ":

(a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical functions of the board;

(b) prepare and present its own budgetary requests to the legislature and the governor in accordance with 17-7-111;

(c) collect all revenue for the board and deposit it in the proper fund or account. The board may not use or divert the revenue from the fund or account for purposes other than provided by law.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

(d) provide staff for the board"

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

FINANCE AND CLAIMS (Lewis, Chairman):
HB 262, be amended as follows:

5/2/2011

1. Page 1, line 15.

Following: "5."

Insert: "This is a one-time-only appropriation for the biennium beginning July 1, 2011."

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

SPECIAL ORDERS OF THE DAY

Senator Brown introduced the Senate pages for the week of April 4-9, 2011.

MOTIONS

Senator Jent moved to change his vote on **SB 307** from Yes to No. Without objection, so ordered.

Senator Hamlett moved to change his vote on **SB 307** from Yes to No. Without objection, so ordered.

Senator Priest moved to change his vote on **SB 43** from Yes to No. Without objection, so ordered.

SPECIAL ORDERS OF THE DAY

The following memorials were read at the Legislative Memorial Service held on Sunday, April 3, 2011. They are noted here in remembrance of past legislators who have served in the Montana Senate and House of Representatives:

PAUL BANKHEAD

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Paul Bankhead on November 12, 2010 in Heron, Montana.

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

Paul was born July 19, 1950 to Armand and Evelyn Bankhead in Livermore, California and was

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

raised on a family ranch. In 1966 the family moved to Riverbank, California. He graduated from Riverbank High School in 1967. He was active in Future Farmers of America (FFA). The most famous motion Paul made during his FFA career was to allow girls to be members.

In 1971, Paul moved to Sandpoint, Idaho, where he started a sheep ranch. He returned to Riverbank, California, and married Joyce Morisoli. In 1982 the family moved to Heron, Montana, where they began their hog ranch. He won the National Park All-American award in 1989 for the state of Montana.

Paul served on the Heron School Board, Sanders County Fair Board, Pork Producers Board, Board of Housing and the Sanders County Republican Party. He decided to run for public office, saying "In order to make a difference you have to get involved." He was elected to the Montana House of Representatives in 1996. Paul loved serving the people of Montana and spending time with his family. He was an author, inventor, wildland firefighter and trucker.

He is survived by his wife, five children and two grandchildren.

JOSEPH BRYANT REBER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Joseph Bryant Reber on July 23, 2010 in Missoula, Montana.

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

Joe was born on February 17, 1919 in Butte to Edward and Mary (Rooney) Reber. He attended schools in Butte, leaving school at 15 to take his father's job at the Works Progress Administration. He held several jobs around Butte, and in 1942 he moved his family to San Francisco where he worked in the shipyards. Anxious to serve his country, he joined the US Maritime Service, ending his service time in the U.S. Coast Guard in 1945.

Joe had four passions in his life: his family, his work as a plumber, politics and public service. In 1968 he was appointed to the State Senate from Helena. His proudest achievement was carrying the bill that created the Montana vo-tech system.

Joe, who served as a national Democrat committeeman, was instrumental in gaining the needed votes to nominate John F. Kennedy for the presidency. During his political career he met Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, Carter, Reagan, Bush and Clinton.

He is survived by his family: Joseph of Marina Del Ray, California, Bobbie Corette of Bigfork, Dianna Riley of Missoula, Bryant of Boulder, Colorado, Susie of Missoula; fourteen grandchildren and twelve great-grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

JOHN LEE DELANO

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John Lee Delano on November 24, 2010 in Helena, Montana.

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

John Delano was born to Jack Henry and Helen Delano on November 20, 1921 in Billings, Montana. He graduated from Billings High School in 1939 and enrolled in the University of Montana and received a degree in business in 1947. John enlisted as a Private in the U.S. Army at the outbreak of WW II and served five years. He resigned as a Captain.

In 1949 he married Katy Lou Shallenberger. In 1956 they moved to Helena and he became state sales manager and public relations director for Blue Shield, beginning his long career as a lobbyist and legislator. He served four terms as a State Representative from Helena during the 1960's.

John was hired as director of the Montana Railroad Association in 1971 and was with them until 1986. He formed his own lobbying and consulting firm in 1987. As a lobbyist, John helped lobby for the passage of Montana's seat belt law.

He was a member of Jaycees, Helena Kiwanis and was a Mason. John also served on St. Peter's Hospital Board, Western Montana Boy Scout Council, and was a state champion trapshooter.

John is survived by his daughters, Marcia Barfknecht of Helena, Joni Hantz of Colstrip and four grandsons.

JOHN H. ANDERSON JR.

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John H. Anderson Jr. on August 24, 2009, in Sheridan, Montana.

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

John was born July 9, 1916 in Dillon to John and Egidia Anderson, both immigrants from Denmark. He was the oldest of four children. John graduated from Virginia City High School in 1934 and attended two years at Montana State College before becoming associated with his

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

father on the family ranch. In 1943 he leased the ranch and livestock from his father. In 1948 John married Estella Hansen and they built their home on the lower Larabie Ranch in Alder, which became the headquarters for the family ranching operation.

John served two terms in the House of Representatives and two terms in the Senate. He represented Madison and Beaverhead counties at the Constitutional Convention of 1972.

He was a member of the Elks, the Masons, Shriners, and Danish Brotherhood. He served as a member of the Alder and Sheridan High School Boards. He also served on the Montana Woolgrowers, Montana Stockgrowers, National Cattlemen's Association, Montana Public Lands Council, Advisory Board for Grazing on BLM lands, Committee of Montana Citizens for Court Improvement.

He is survived by his children; John, Jim and Jean Bluett of Alder and Joan Eliel of Townsend and numerous grandchildren and great-grandchildren.

JOHN H. JOHNSON

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John H. Johnson on January 21, 2010 in Glendive, Montana.

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

John was born on December 20, 1922 in Fargo, N.D. to John J. and Olga (Herberg) Johnson. He was raised and educated in Halstad, Minnesota, graduating from Halstad High School in 1940. He attended Interstate Business College in Fargo.

An opportunity arose to work for the Federal Bureau of Investigation as a fingerprint classifier so John moved to Washington, D.C. He entered the United States Air Corp in 1943 and while he was serving he became a member of the post orchestra. The orchestra opened for Glenn Miller in Belfast, Ireland. Following his discharge, John enrolled at Moorhead State Teachers College. It was while he was here that he met and married his wife, Donna Harris. In 1953 they moved to Glendive where they taught in the school system until 1960, when he became the principal of Dawson County High School.

In 1988 John was elected to the House of Representatives and served 12 years.

John is survived by his children, Michael of Federal Way, Washington, Steven of Missoula, Randi Mayer of Ada, Oklahoma and Glynis Johnson of Sheridan, Wyoming; two grandchildren and seven great-grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

JOHN PATRICK "SANDY" MEHRENS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of John Patrick Mehrens on June 9, 2010 in Helena, Montana.

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

Sandy Mehrens was born in Anaconda on September 22, 1926 to Flossie and Amos Mehrens. He attended St. Peter's Grade and High Schools. In high school he was a stellar athlete, excelling in football and basketball.

He wanted to join the paratroopers when World War II broke out, but he was turned down due to impaired feet. Sandy joined the Army and marched all over Europe. His final Army experience was in the Battle of the Bulge.

Sandy attended Carroll College for a time after the war and then went to work for the City of Anaconda. He married Helen Torgerson in Anaconda and many years later married Elaine Tescher. He became a fireman for the City of Anaconda, retiring as an assistant fire chief after 20 years of service.

In 1961 Sandy began serving four terms in the Montana House of Representatives, and then two terms in the Senate. As a politician, he was always upfront and working for the common people. After his political career, he was appointed by Governor Tom Judge as Head of Security for the Capitol Complex in Helena.

Sandy is survived by his children, Pat, Bob, Judie, Kim and Tim, twelve grandchildren and six great-grandchildren.

LAWRENCE DEAN SWITZER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Lawrence Dean Switzer on May 20, 2009 in Circle, Montana.

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

Dean was born in 1918 in Bloomfield, Nebraska to Esther Waugh Switzer and Wayne Joseph Switzer. He grew up in Sheridan, Wyoming on a dairy farm, and graduated from Sheridan High School.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

He worked on the home ranch and in 1947 he and his brother, Bob, bought the Switzer Brothers Ranch between Circle and Richey. He married Patricia Wickens in 1949 and at the time of his death they had been married 59 years.

Dean served on state boards for the Montana Beef Council, Montana Farm Bureau and the Montana Stockgrowers. He served four terms in the Montana House of Representatives (1981 to 1989). He was also the director of Mid-Rivers Telephone Co-op for several years.

He loved ranching and all that went with it: rodeos, calf roping, cattle and horses and was a 4-H leader.

Dean is survived by his wife, Pat, of the family ranch; children, Deanna Brost of Brockway, Eileen Solberg of Billings and Larry of the family ranch; nine grandchildren and one great grandchild.

LORAN CASEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Loran Casey on April 29, 2009, in Sidney, Montana.

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

Loran was one of five children born to Harry and Lily (Torgerson) Casey and lived his early years in Bainville, moving to Wolf Point while he was in high school. He played both football and basketball in high school and for Montana State University.

In 1950 Loran married Bernette (Stiff) and they adopted four children. Loran joined his father in Casey Livestock Inc. In 1969 he and his brother, Denny, purchased Sidney Livestock Market Center and the family moved to Sidney.

Loran was active in the Chamber of Commerce, Junior Chamber of Commerce, Knights of Columbus, Elks Lodge, American Legion, Montana Auction Markets Association and Livestock Marketing Association. He also served on the Wolf Point City Council, and in 1962 was elected to represent Roosevelt County in the Montana State House of Representatives. He was elected three times, serving his last term in early 1969.

He is survived by his wife Bernette, son Marty of Sidney, daughters, Debbie Vine of Wolf Point and DeeAnn Johnson of Sidney, six grandchildren and six great-grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

MELVIN UNDERDAL

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Melvin Underdal on October 17, 2010 in Shelby, Montana.

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

Melvin was born in 1912 in Conrad to Peder and Ingeborg (Tuftte) Underdal. He grew up on the family homestead in the Prospect community. He worked on the farm at an early age, driving horses, riding horses and herding cattle. In 1928 his father bought a John Deere tractor, introducing Melvin to a progression of more efficient farming methods.

He graduated from Lutheran Bible School in Grand Forks, N. D., graduating as salutatorian in 1931. He attended MSU and the Dunwoody Institute in Minneapolis. He married Clara Vettrus in 1941 and they lived on the family farm in Wisconsin. In 1947 they bought a ranch southeast of Shelby where they ranched the next 45 years.

In 1974 Melvin was asked to run for the State Legislature as a Republican. He served five terms, finishing in 1984.

After Clara's death, Melvin returned to Montana where he met and married Sigrid Barnes. They were married 11 years.

Melvin is survived by his wife; children, Carol Folden of Fergus Falls, Minnesota, Paul of Yakima, Washington, and Allan of Shelby; and 10 grandchildren.

MARVIN KERMIT DANIELS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Marvin Kermit Daniels on August 5, 2009 in Bigfork, Montana.

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

Kermit was born November 28, 1915 in Deer Lodge to Joseph and Myrtle Daniels. He attended public school in Great Falls and completed his undergraduate work at Montana State University and then law school at the University of Montana.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

He was a U. S. Navy veteran of World War II and the Korean conflict. Kermit met and married Judy Wilson. He started a law practice in Deer Lodge and was Powell County Attorney, then City Attorney for Deer Lodge for many years.

Kermit served as a Representative in the Montana State Legislature from 1955 until 1961 and then as a Senator in 1983. He represented Powell County.

He is survived by his son Robert of Parker, Colorado; daughters Margaret Altenbrun of Missoula and Nancy Kelley of Deer Lodge; and eight grandchildren.

PAUL BANKHEAD

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Paul Bankhead on November 12, 2010 in Heron, Montana.

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

Paul was born July 19, 1950 to Armand and Evelyn Bankhead in Livermore, California and was raised on a family ranch. In 1966 the family moved to Riverbank, California. He graduated from Riverbank High School in 1967. He was active in Future Farmers of America (FFA). The most famous motion Paul made during his FFA career was to allow girls to be members.

In 1971, Paul moved to Sandpoint, Idaho, where he started a sheep ranch. He returned to Riverbank, California, and married Joyce Morisoli. In 1982 the family moved to Heron, Montana, where they began their hog ranch. He won the National Park All-American award in 1989 for the state of Montana.

Paul served on the Heron School Board, Sanders County Fair Board, Pork Producers Board, Board of Housing and the Sanders County Republican Party. He decided to run for public office, saying "In order to make a difference you have to get involved." He was elected to the Montana House of Representatives in 1996. Paul loved serving the people of Montana and spending time with his family. He was an author, inventor, wildland firefighter and trucker.

He is survived by his wife, five children and two grandchildren.

RAY LYBECK

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Ray Lybeck on December 4, 2009 in Columbia Falls, Montana.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

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

Ray was born to Karen (Koll) and Hans Lybeck on August 12, 1926 on the family homestead east of the Sweet Grass Hills. He attended school at Laird School near Chester and also spent a year at Mount Ellis Academy in Bozeman.

He joined the U.S. Army in 1943 as a paratrooper. When the war ended, he attended welding school in Oregon. In addition to farming, he worked on the construction of Hungry Horse Dam. In 1951 he married Cleona McClelland and they started a dairy in 1952. He retired from dairy farming in 1999.

Ray served on the Helena Flats School Board for fourteen years, was a trustee for the Yellowstone Boys and Girls Ranch, a member of the State of Montana Prison Board and served on the board of the Montana Veterans Home, United Way, Red Cross and Kalispell City-County Planning Board. He was also a member of the Montana Dairymen's Association and past president of the Western Dairy Conference. In 1981 Ray was elected to serve as a Representative in the State Legislature, where he served for a term that was followed by two terms as a State Senator.

He is survived by his wife Cleona (Tommy), sons Dan and Duane and daughter Monica, and eleven grandchildren.

ROBERT E. LEE

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert E. Lee on April 29, 2010 in Waldorf, Maryland.

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

Bob Lee was born September 27, 1927 in Butte to Mary and Jerry Lee. He graduated from Boys Central in 1945 and immediately joined the U. S. Navy, serving three years. Bob worked for Butte Transfer and Storage and then became an apprentice electrician with the Mountain Bell Telephone Co., where he worked for 37 years. He married Jewell Ann Gronley in 1951.

He was a proud member of the International Brotherhood of Electrical Workers, Local 65. For 10 years, Bob served in the Montana Legislature as a representative and senator from Butte. He helped secure significant funding for the infrastructure growth of Montana Tech. He was a member of the Ancient Order of the Hibernians.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

He is survived by his loving wife of 58 years; children, Sandra Lee Owen of Polson, Jack Lee of San Dimas, California, Terry Lee of Kalispell, Robin Lee Bovard of Waldorf, Maryland and Bobby Lee of Spokane, Washington; fifteen grandchildren and one great-granddaughter.

WALLACE O. FORSGREN

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Wallace O. Forsgren on November 15, 1999 in Bozeman, Montana.

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

Wallace was born in 1907 in White Earth, North Dakota to John W. and Clara (Amundson) Forsgren. The family moved to Dillon in 1912, where he attended elementary, high school and college.

He was a teacher and public school administrator in Twin Bridges, Livingston, Shelby and Bozeman. Wallace was the director of instruction and elementary coordinator for the Bozeman school system for six years. He was also an active member of the Montana Education Association, and was president from 1964 to 1966. Wallace was a member of the American Association of School Administrators study group in 1965 and did an evaluation and comparison of schools in Czechoslovakia, the Soviet Union and Poland. From 1967 to 1970 Wallace served as a director of the National Education Association.

Wallace served in the Montana House of Representatives from 1973 to 1974 and was a lifetime member of Gallatin Lodge No. 6. His favorite community interests were the Worthy Student Scholarship Fund, Community Concert Board, Friends of Music and the Bozeman Public Schools.

He is survived by his daughters; Kathleen Castric of Pittsburgh, Pennsylvania, Karen Larsen of San Antonio, Texas, six grandchildren and eleven great-grandchildren.

WARD "JIM" H. BELEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Ward "Jim" Beley on September 10, 2009 in Harlowton, Montana.

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

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Jim was born October of 1921 to Ward and Jenney Beley. He was one of six children. He attended school in Harlowton.

He was a proud veteran of World War II, the Pacific Theater. Returning to the states, he continued service in the Montana National Guard until he retired as a Major.

Jim opened Beley's Motor Service where he sold Allis Chalmers Tractors until 1969, when he opened Beley & Johnson Ford and later Beley Ford.

During Jim's lifetime in Harlowton, he belonged to the American Legion, serving as commander; commander of Veterans of Foreign Wars; member of the Harlowton Chamber of Commerce and the Wheatland County Planning Board. He also served on the Harlowton Kiwanis, was a member of the Federated Church and was Fire Chief of Wheatland County Fire Department for 27 years. Jim was instrumental in bringing the Emergency Medical Service and the first ambulance to Wheatland County. He served in the State Senate from 1957 to 1965.

Jim is survived by his wife, Theo, of 52 years; his children, Susan, Rochelle and Ward, three grandchildren, and three great-grandchildren.

HUBERT ABRAMS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Hubert Abrams in 2009, in Billings, Montana.

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

Hubert was born May 8, 1925, in Carlyle/Ollie, Montana to Charles and Olive Abrams. He graduated from Ollie High School and later entered the United States Navy, serving honorably during World War II.

Hubert married Viola Hout in November of 1947 and they remained on the family farm where they raised their four children. His passions were the farm and his children.

Hubert represented the people of Eastern Montana as a Representative and Senator until he was forced to retire due to illness. He served on various school, agriculture and bank boards. Because of his health, Hubert and Vi moved to Billings to "retire" but he spent the next 15 years as a handyman/manager of apartments.

He is survived by his wife of 62 years, Viola; two sons, Alan of Littleton, Colorado, and Scott of Wibaux; two daughters, Pat Emerson and Annette Efta of Billings; seven grandchildren and three great-grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Hubert was a true gentleman and was well respected and loved by everyone whose lives he touched. He made a difference in many people's lives and will be truly missed.

A.L. AINSWORTH

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of A. L. "Bud" Ainsworth on March 29, 2000 in Missoula, Montana.

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

Bud was born November 20, 1904 in Webster City, Iowa to A. S. and Mabel Ainsworth. They relocated to Thompson Falls where his father established a new law practice. Bud attended schools in Thompson Falls and then studied at Stanford University for two years, transferring to the University of Montana where he graduated with a degree in history in 1927. He married Alice Katherine Spence in 1928.

Bud and Alice owned the Hotel Thompson, renaming it the Black Bear Hotel which they operated for several years. During the Depression, they helped set up an area Federal Transient Service which was a hostel to provide temporary housing and meals for itinerant men. This led to establishing a larger FTS camp in Helena. They moved to Missoula in 1937 and established the A & C Drug Store and operated it until 1962.

He served eight years in the Montana House of Representatives, was a member of the Missoula City-County Library Board, enjoyed fly fishing and carpentry work.

Bud is survived by a daughter, Ann Behan of Lopez Island, Washington, son Dick Ainsworth of Missoula, five grandchildren, and seven great grandchildren.

ARTHUR E. LUND

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Arthur E. Lund on July 5, 2009, in Scobey, Montana.

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

Art was born July 28, 1920, at the homestead of Eddie Nicoli and Anna Grimson Lund in the Silver Star community south of Scobey, Montana. He attended Lekvold Country School and High School in 1938. He attended the University of North Dakota, Grand Forks, and then Concordia College, graduating with a degree in education in 1942. He began his

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

teaching/coaching career in Flaxville and received a master's degree from the University of Montana, Missoula.

In 1944 Art joined the Navy, and was in Tokyo Bay when the Japanese emperor signed the surrender treaty. He married Cleo Fladager in 1946 and taught in Medicine Lake and Bainville. In 1953 he returned to Scobey to teach and ranch. He was an active member of the Sons of Norway.

Art was an active member of the Republican Party, and served in the Montana State House of Representatives from 1963 to 1980. Art was appointed as the Montana State Director for the Farm Home Administration in Bozeman.

He is survived by his wife of 63 years, daughter Barbee Lund of Bozeman; two sons, Mikel of Scobey and John of Columbia Falls. He is also survived by three grandsons and two great-granddaughters.

ROBERT G. HOCKETT

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert G. Hockett on May 7, 2009 in Havre, Montana.

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

Bob was born to George Albert Hockett and Sophia Heglund Hockett on the family homestead, on September 12, 1925. He attended a one-room school near the farm until high school, graduating from Havre High School in 1943.

He worked for the Great Northern Railroad for one year before being drafted into the Army. When he returned, he attended college at MSU in Bozeman, graduating with a degree in agriculture education. He then worked for the Soil Conservation Service, as a surveyor for Hill County, and a long teaching career at Northern Montana College. Bob taught mathematics, auto and diesel mechanics and welding. In 1967 he earned his master's degree in industrial arts at Oregon State University. During all of these years, he still continued farming full time.

He was a State Senator from 1991 to 1994. Bob was also active in many organizations and boards, including Farmers Grain Exchange, Soil and Water Conservation and Northern Montana Hospital and was named Ag Leader of the Year in 2003.

Bob is survived by his wife, Jessie Hockett; his children, Melanie Ruby of Helena, Lorrie Hockett of Havre, Jeffry Hockett of Havre, Kathie Kadri of Billings and Sherrie Hockett of Sunnyside, Washington; and five grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

BARBARA BENNETTS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Barbara Bennetts on September 30, 2010 in Elmo, Montana.

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

Barbara was born in Glendive in 1942 to Catherine and Clarence Hay. She spent most of her life in Missoula, Helena and the Flathead Valley. She graduated from Missoula schools, including the University of Montana.

She was successful in five different careers, including secretary, state legislator in 1973, fire lookout, real estate broker, federal employee and Mom. She lobbied for women's rights, the environment, Montana's wild places and animals, and the underserved. Barbara also worked for newsman Chet Huntley as executive secretary in the formative years of Big Sky.

Barbara enjoyed the outdoors and enjoyed skiing, backpacking, canoeing, camping, bears and wolves. She also nurtured her organic garden in Elmo. She embarked on a five-day hike a few weeks before her death.

She is survived by her daughters, Donnie Bennetts-Moul of Santa Monica, California, and Stacey Bennetts of Seattle; her mother Catherine Hay, and four grandchildren.

CARL A. SEIFERT

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Carl A. Seifert on October in Polson, Montana.

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

Carl was born to Albert H. and Betty Seifert on July 2, 1938. He was raised on a combination farm and cattle ranch in Eli Gap and Reservoir Valley. He attended grade school in Reservoir Valley and graduated from Polson High School. In 1955 he married Peggy Long. They ran a Union Oil service station and later purchased a farm/ranch northwest of Polson. Carl raised hay, grain and cattle, had the Polson Ready Mix and later became a realtor.

In 1972, Carl was elected to the Montana State Representative from Lake County and served until 1984. He sponsored a house resolution to fund a study of the Flathead Lake region, resulting in the creation of the Flathead Basin Commission. He had a wonderful baritone

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

singing voice and was asked to sing at the service held at the State Capitol honoring legislators who had passed away.

Carl was active in the Masons, Elks and served seven years in the Montana National Guard.

He is survived by his wife Peggy; children Ilene Hamilton of Bothell, Washington, Keith of Glendive, Noreen Jackson of Polson and Scott Seifert of Missoula; thirteen grandchildren, and six great-grandchildren.

CHARLES RICHARD DEVANEY

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Charles Richard Devaney on November 15, 2010 in Great Falls, Montana.

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

Charles was born in Glenss Ferry, Idaho on November 16, 1939 to Helen Devaney. He graduated from high school in Glenss Ferry and graduated from the University of Idaho in Moscow with a degree in business and economics.

He served as a captain in the U.S. Army and after he left the Army he moved to Kalispell, where he married Beverly Johnson. In 1974 they moved to Plentywood where he worked in the oilfield and in banking.

In 1995, Charles was elected to the House of Representatives and served two terms. He was also a member of the Plentywood City Council, serving as Mayor from 1992 to 1995. He was employed at the Bank of Harlem at the time of his death.

Charles is survived by his wife of Harlem, his sons, Charles of Honolulu, Hawaii, Kris of Laurel, daughter, Denise of Harlem, his mother, Helen Farris of Boise, Idaho and four grandchildren.

HOWARD L. ELLIS

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Howard L. Ellis on December 12, 2009 in Helena, Montana.

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

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Howard was born November 26, 1921 to Etta (Bowman) and Hollie Ellis in Kalispell. They moved to Great Falls where Howard graduated from Great Falls High School and worked in the family store, Ellis Meats and Groceries.

He served as a turret gunner during WWII with the Army Air Force. After the war, he returned to Helena, where he met and married Helen Robbins Disbrow in 1946. They spent 63 years together. Howard joined his in-laws in the family grocery business in Milltown.

Howard was very involved in the community. He belonged to the Hellgate Lions Club and the Piltzville Fire Station. In 1980 they moved to Helena where he was involved in the Helena Kiwanis.

He was chairman of the Missoula County Republican Central Committee and served three terms in the Montana House of Representatives, where he was an influential member of the House Appropriations Committee. In 1980 he became a state Public Service Commissioner and served 12 years, including a term as chairman.

He is survived by his wife, Helen; and children, Kathryn Ellis, Margaret Hult, Herbert Ellis, Kris Ellis and Rosalie Sladek, ten grandchildren and two great-grandchildren.

HUGH F. McNAMER

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Hugh F. McNamer on March 13, 2011, in Missoula, Montana.

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

Hugh was born on November 9, 1918 in Cut Bank to Bruce and Lucie McNamer. He attended schools in Shelby, enrolled at the University of Montana, and studied at the University of Mexico before serving in the Army Air Force during World War II. As a B29 pilot, he flew 33 missions to Japan from the U. S. Base in Saipan.

After being discharged, Hugh flew for Western Airlines and completed his degree in economics in 1946. In 1949 he married Patricia Owen of Great Falls. The family lived in Conrad and Cut Bank and Hugh operated E-Line Acid Company. He also owned and operated cattle ranches in Montana and Oregon as well as the Marico Real Estate Company in La Grande, Oregon until 1990. The McNamers returned to Montana and Hugh was an independent real estate appraiser in Bozeman and Helena.

Hugh served in the Montana State House of Representatives in 1971.

He is survived by his wife of 61 years; daughters, Deirdre McNamer, Kate Gadbow, Megan McNamer of Missoula; son, Hugh of Spokane, Washington and four grandchildren.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

JAMES "JIM" SHAW

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of James "Jim" Shaw on November 12, 2010 in Miles City, Montana.

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

Jim was born to Paul and Alta Shaw on July 14, 1925 in Cody, Wyoming.

He was drafted into the United States Army in 1944 and served in the Army Infantry in World War II and fought in the Battle of the Bulge where he earned the Purple Heart.

Jim was a rancher at Hodges, in Eastern Montana. He was an accomplished pilot and loved flying.

He served in the Montana State Senate in 1963, 1965, 1983 and 1985 two terms in the Legislature as a Republican. Jim was also with the Farm Bureau Organization and was on the Board of Farm Bureau Insurance. He was also a member of the Masons and the Shriners.

He is survived by two sons, John of Rye, Colorado and Theodore of Roundup, two stepsons, Andrew Spurlock of Baldwin City, Kansas and Joel Spurlock of Conifer, Colorado and five grandchildren.

ROBERT F. PAYNE

WHEREAS, it is with deep and sincere sorrow that the members of the Sixty-second Legislative Assembly of the State of Montana record the passing of Robert F. Payne on April 4, 2009 in Missoula, Montana.

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

Bob was born on July 21, 1928 in Bozeman to Edith and Forrest Payne. He was raised in Clyde Park and attended high school in Wilsall. He worked on cattle ranches in that area; and, at 17, he enlisted in the Marine Corps. When he returned home in 1947 he married Irene Swandal.

He worked at numerous lumber companies around Montana before going into real estate in Western Montana. He and Irene managed Payne and Associates, a real estate appraisal business, until he retired at age 72.

SENATE JOURNAL
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

In 1969 Bob was elected to the Montana State Legislature where he served until 1972. He was a longtime member of the Elks Club.

Bob was widely known throughout Missoula for his kind, gentle, and loving heart. He loved a lot of things in life, but he loved nothing more than to make people smile.

He is survived by his wife of 61 years; sons Larry of Spokane, Washington, Jim of Spokane, daughter, Janis Thompson of Coeur D'Alene, Idaho, seven grandchildren and seven great-grandchildren.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 1:00 p.m., Tuesday, April 5, 2011. Motion carried.

Senate adjourned at 2:27 p.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate