

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By VICE CHAIRMAN JOHN HERTEL , on March 3, 1995,
at 3:28 p.m.

ROLL CALL

Members Present:

Sen. John R. Hertel, Vice Chairman (R)
Sen. C.A. Casey Emerson (R)
Sen. Loren Jenkins (R)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Steve Doherty (D)
Sen. Gary Forrester (D)
Sen. Barry "Spook" Stang (D)

Members Excused: Sen. Daryl Toews, Chairman (R), Sen. Delwyn
Gage (R), Sen. Mignon Waterman (D)

Members Absent: N/A

Staff Present: Eddy McClure, Legislative Council
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 409, HB 352, HB 329
Executive Action: None

VICE CHAIRMAN JOHN HERTEL CHAIRED THE MEETING IN THE ABSENCE OF
CHAIRMAN DARYL TOEWS.

HEARING ON SB 409

Opening Statement by Sponsor:

SEN. DON HARGROVE, SD 16, Belgrade, said SB 409 gives a break in diesel fuel purchase to non-public schools which fit certain criteria. These schools must be accredited by OPI and meet all Montana state standards in order to qualify for the diesel fuel tax exemption status. SEN. HARGROVE referred to Amendment SB040901.AEM (EXHIBIT 1) which changes "refund" to "exemption". He said OPI will be neither a proponent nor an opponent, though

OPI said **SB 409** could be an incentive for non-public schools to meet accreditation standards. Schools affected by **SB 409** are Manhattan Christian, Butte Central, Billings Central, Valley Christian High School and possibly Lustre Christian High School. **SEN. HARGROVE** said a lot of money was not involved; no individual school would be exempt much more than \$800.

Proponents' Testimony:

Garry DenBesten, Administrator, Manhattan Christian School & President, Association of Non-Public Schools of Montana, said non-public schools are exempt from state gasoline tax and federal taxes but not diesel fuel taxes. He said Manhattan Christian School uses six diesel fueled buses to transport both private and public school students, so it seems especially unfair to not be exempt from diesel fuel taxes. **Mr. DenBesten** informed the committee Manhattan Christian School's exempt tax was about \$897 for last year. He ended his testimony by challenging the committee to address the inequity of being exempt from gasoline but not diesel fuel taxes.

Sharon Hoff, Montana Catholic Conference & Montana's Catholic Schools, concurred with **Mr. DenBesten's** testimony and added the Catholic school in the Hayes area also transported both private and public students. **Ms. Hoff** urged the committee to give **SB 409** DO PASS.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. LOREN JENKINS asked how gas tax exemption could be constitutional while diesel fuel tax exemption was not. **Bill Salsbury, Administration Division, Department of Transportation**, said no one was exempt from state gasoline tax -- the exemption is at the federal level.

SEN. JENKINS asked if there was something constitutionally wrong with being federally exempt for gas tax and not diesel fuel. **SEN. HARGROVE** said federal law is less restrictive than state law; in fact, a non-profit organization can make application for refunds, according to federal standards. **Mr. Salsbury** commented even the Department of Transportation is not exempt from state gasoline taxes, but is from federal taxes.

SEN. CASEY EMERSON asked if there was a federal diesel tax. **Mr. Salsbury** said there was and public entities were exempt from the federal diesel tax.

SEN. JENKINS asked for affirmation of his understanding of schools being exempt from state diesel fuel but not state gasoline taxes. **Mr. Salsbury** affirmed.

Closing by Sponsor:

SEN. HARGROVE said Eric Feaver, Montana Education Association, called his attention to the fact that some of the wording in **SB 409** may be unconstitutional and that was the reason for Amendments SB040901.AEM. He stated he had talked with staff and had the amendments prepared so money would not be refunded in violation of the Constitution. He also reminded the committee the issue of **SB 409** is diesel fuel only. **SEN. HARGROVE** also said schools could use the red fuel which makes for easy access. He thanked the committee for a good hearing and asked for positive action on **SB 409**.

HEARING ON HB 352Opening Statement by Sponsor:

REP. RAY PECK, HD 91, Havre, said **HB 352** is about the transfer of resources between the university units and their foundations. He said he asked the legislative auditor to go back 20 years to research past difficulties regarding transfers. **REP. PECK** said evidence showed the problems becoming progressively fewer. He said past practice was for universities to run federal grants through their foundations; now that custom was restricted. He drew the committee's attention to Section 1, Line 12-13, and cited Article VIII, Section 12, which says the legislature shall by law ensure strict accountability of all revenue received and monies spent by the state, counties, cities and towns and all other local governmental entities. He commented **HB 352** says ownership may not be transferred to a nonprofit corporation or foundation established for the benefit of a unit of the university system unless full market value is received for the transfer. **REP. PECK** distributed copies of an amendment (**EXHIBIT 2**) and explained it further clarified **HB 352**. He said he and the Commissioner had an understanding regarding **HB 352** so he (**REP. PECK**) wanted all to understand the amendments were not his, but were recommended by the office of the Attorney General. However, **REP. PECK** and the Commissioner were in agreement regarding the amendments.

REP. PECK cited Section 1, Line 16, and said **17-2-102** is the fund structure in the law. He also referred to Section 1, Line 17, and explained **20-25-402** gives the Board of Regents authority to borrow or bond for their needs. He said Section 1, Subsection 3 further tightens the restrictions on the transfers to the foundation.

REP. PECK reiterated **HB 352** created a strict accountability situation by retaining money in the budget accounts. He said when monies were transferred to the foundation (private corporation) legislative auditors had no authority to examine foundation funds. He said **HB 352** also will keep units from

overassessing for revenue bonds, because if there are excess revenues, they cannot be used for other purposes.

VICE CHAIRMAN JOHN HERTEL HAD TO LEAVE SO HE RELINQUISHED THE CHAIR TO SEN. GARY FORRESTER.

Proponents' Testimony:

LeRoy Schramm, Legal Counsel for the University System, said the university system had no objection to **HB 352** or the proposed A.6 amendment because he was not aware of the university system practicing anything prohibited by the bill; besides, **HB 352** and its amendment did not address anything not already covered by other statutes. He explained it was an unnecessary contribution to the 12 volumes of statutes. He summed his testimony by saying **HB 352** would do no harm; therefore, the university system had no objection to it.

Gerard Berens, Save the Fort, Missoula, expressed support for **HB 352**, though they liked the original bill better because it strictly prohibited any transfers from a university to a foundation. He said the amendment allows transfers with full market value, which has nebulous definitions. He explained that in the past, the university transferred land with the future promise of scholarships upon sale of the land which was considered full market value.

Mr. Berens also expressed concern that transfers through the private, non-profit foundation result in a strict iron curtain to prevent any oversight in review by the legislative audit office, i.e. once land is transferred to the foundation, the audit office is stopped and cannot review how the transfer took place nor the results of the transfer.

Mr. Berens said **Save the Fort** felt no land or property should be transferred to the Foundation; however, if there is transfer, it should be subject to legislative audit. He said they noticed in the Foundation's record a strong objection to legislative audit. He said if the Foundation was to be dealing in state assets and state monies, there should be state review and oversight. He recommended approval for **HB 352** if the above-mentioned change were part of the bill.

Ross Best, Missoula, said a year ago, land was sold for the UM Foundation to developers which caused him to realize there were constitutional problems connected with the sale. **Mr. Best** said he spent the past year researching the issue. He agreed with **Mr. Berens'** remarks alluding to the Constitution's stating there be a strict accounting of all revenue received and monies spent. **Mr. Best** said since **Mr. Schramm** didn't mention the philosophy of the foundations, he would inform the committee it was that some people in the university system believe more money would be raised if private foundations weren't subject to public scrutiny. **Mr. Best** opined the philosophy was inconsistent with the

Constitutional charge and duty to the people. He applauded **REP. PECK** for **HB 352** and the legislature's theme of accountability, but felt **HB 352** didn't go quite far enough. **Mr. Best** suggested the university system be told they could not entrust assets to private foundations without requiring a legislative audit.

Mr. Best said the U of M has had annual contracts with the UM Foundation since 1981 to provide office space, parking space, computer use and other services to the Foundation. Payments were made to the Foundation on a semi-annual or annual basis, with the last few years' payments being \$141,000/year. The contract lists the general services the Foundation would provide; basically, fund-raising and sending thanks to donors. He opined the University owns the money which the Foundation raises but the University does not agree, which means the University has delegated its main function (fundraising) to the Foundation which in turn chooses the information to be made available.

Mr. Best urged the committee to ask themselves why the University of Montana should pay a private foundation to use its (the University's) name to raise money for the Foundation, send thank-you notes for contributions and then allow the Foundation to keep the money. He offered his help to make amendments to **HB 352** to address those issues and challenged the committee to take accountability seriously by knowing what is being done in the name of the people and what information is being hidden from them.

George Schunk, Attorney General's Office, said it was the AG's amendment which **REP. PECK** presented in his opening. He explained the initial introduction of **HB 352** prohibited transfers from the university system to their foundation auxiliaries for both public funds and real property. An amendment was added in the House which authorized the transfer of real property where full market value is received for the transfer. **Mr. Schunk** said their amendment finishes what the House amendment started; it ensures a dovetailing with **HB 351** which says in the future, when universities sell real property, they offer it to the public for fair market value. **Mr. Schunk** offered support for **HB 352** with the proposed amendment.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. EMERSON asked for verification of an amendment that the land should be sold at public auction. **George Schunk** said when the Land Board sells public land, it must be sold at a public auction; **HB 351** says it must be put out for bid at a public sale.

SEN. JENKINS asked if **HB 352** would be clean if the House amendment on line 15 were removed. **Mr. Schunk** said it would.

SEN. JENKINS asked if the amendment were added in the House committee. **REP. PECK** said it was added at the request of the Commissioner's legal counsel. He explained if the amendment was deleted, "ownership of" in line 13, and "unless full market value is received for the transfer" in line 15 would also have to be removed. He further explained it would not be necessary to consider the proposed amendment; however, if it was desirable to leave the House language, the additional proposed AG amendment should also remain because compliance must be with all laws dealing with public sale.

SEN. JENKINS asked if the Fort was given or bought with the above proceeds. **Mr. Schunk** said the Fort was on land originally owned by the federal government which granted the State of Montana university use of the land for 20 years. In the end, the University of Montana did not use any public money to acquire the land; thus, **HB 352** did not apply. **HB 352** would cover situations where campuses were purchasing and selling lands close to their campuses.

Closing by Sponsor:

REP. PECK said the **HB 352** does not deal with land grants, but with money and land transferred from the university units to their foundations. He stated the purpose of **HB 352** was to keep the two relationships at arms length.

HEARING ON HB 329

Opening Statement by Sponsor:

REP. GEORGE HEAVY RUNNER, HD 85, Browning, said **HB 329** allows the tribally controlled colleges or state-funded two-year postsecondary institutions to participate in the legislative intern program. He stressed each institution had a choice whether to participate and each participating institution was required to pay the costs, so there was no expense to the state. He distributed copies of a fact sheet entitled, "Montana's Tribal Colleges", (**EXHIBIT 3**) and Montana law (**EXHIBIT 4**) regarding the legislative intern program.

Proponents' Testimony:

Wayne Buchanan, Board of Public Education, said he was pleased to be asked by **REP. HEAVY RUNNER** to be a proponent of **HB 329** when it was in the House. **Mr. Buchanan** said he was an avid proponent of tribal colleges because they fill a necessary niche in the higher education picture. He shared the fact his son considered his experience as a legislative intern while a student at the University of Montana to be one of the best things he had done. He said bringing the tribal colleges as members into the

community of scholars was very worthwhile and he urged support for HB 329.

LeRoy Schramm, Legal Counsel, University System, said Montana college and university students have been benefiting from the legislative intern experience for about 20 years. He commented the addition of the tribal colleges would pose more competition for the intern slots but expressed support for HB 329 on behalf of the university system.

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. EMERSON asked who was paying for the program. REP. HEAVY RUNNER said each institution paid for its own interns. He said the tribal colleges had a foundation called the American Indian College Fund which annually provided scholarships from the interest earned. REP. HEAVY RUNNER said the Fund had about \$12 million.


Closing by Sponsor:

REP. HEAVY RUNNER said there was no competition among the institutions because each would be allowed to send qualifying students. He urged support for HB 329 because historically students from the reservations have not participated in governmental issues and the ability for them to do so would be beneficial to all.

REP. HEAVY RUNNER said he would ask SEN. BARRY "SPOOK" STANG to carry HB 329.

ADJOURNMENT

Adjournment: The meeting adjourned at 4:20 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/jes

MONTANA SENATE
1995 LEGISLATURE
EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE

3/3/95

NAME	PRESENT	ABSENT	EXCUSED
SEN. JOHN HERTEL, VICE CHAIRMAN	✓		
SEN. DELWYN GAGE			✓
SEN. KEN MASAROS	✓		
SEN. STEVE DOHERTY	✓		
SEN. MIGNON WATERMAN			✓
SEN. BARRY "SPOOK" STANG			
SEN. LOREN JENKINS	✓		
SEN. GARY FORRESTER	✓		
SEN. C.A. CASEY EMERSON	✓		
SEN. DARYL TOEWS, CHAIRMAN			✓

SEN:1995
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CS-09

Amendments to Senate Bill No. 409
First Reading Copy

Requested by Senator Hargrove
For the Senate Committee on Education and Cultural Resources

Prepared by Eddy McClure
March 3, 1995

1. Title, line 4.
Strike: "A REFUND"

2. Title, line 5.
Strike: "OF"
Insert: "AN EXEMPTION FROM"

3. Page 1, line 20.
Strike: "a refund of"
Insert: "an exemption from"

SENATE EDUCATION

EXHIBIT NO. 2

DATE 3/3/95

BILL NO. HB 352

Amendment to HB 352

P. 1, line 15

Following: "transfer"

Insert: "and laws applicable to the disposition of property are followed"

MONTANA'S TRIBAL COLLEGES
Fact Sheet

SENATE EDUCATION

EXHIBIT NO. 3

DATE 3/3/95

BILL NO. HB 329

- * There is a Tribal College on each on Montana's seven Indian reservations.

Blackfeet Indian Reservation	Blackfeet Community College
Northern Cheyenne Indian Reservation	Dull Knife Memorial College
Fort Belknap Indian Reservation	Fort Belknap College
Fort Peck Indian Reservation	Fort Peck Community College
Crow Indian Reservation	Little Big Horn College
Flathead Indian Reservation	Salish Kootenai College
Rocky Boy Indian Reservation	Stone Child College

- * All of the Tribal Colleges in Montana are accredited except Dull Knife Memorial College which is in candidacy status.
- * Each Tribal College is established by its respective federally recognized tribe; is governed by a board in which the majority are enrolled tribal members; serves a student body in which a majority of the students are members of federally recognized tribes.
- * The Tribal Colleges are not private colleges. They are independent colleges.
- * In general the Tribal Colleges offer courses of study resulting in certificates and associate degrees. Salish Kootenai College has two baccalaureate degrees.
- * Students planning to complete baccalaureate degrees usually transfer to a unit of the Montana University System.
- * The Tribal Colleges receive federal funding for each Indian student attending, which is usually around \$3000 per student. In addition the college receives tuition and fees from each student.
- * Tuition and fees are the only income sources for the non-beneficiary students attending Tribal Colleges.
- * Non-beneficiary students are those that are not members of federally recognized tribes.
- * There are approximately 450 non-beneficiary students attending the Tribal Colleges.
- * The cost per student at a Tribal College is \$4500.
- * An appropriation of \$1.4 million to support non-beneficiary students attending the Tribal Colleges will result in about \$1500 per student.

History: En. Sec. 1513, Pen. C. 1895; re-en. Sec. 8985, Rev. C. 1907; re-en. Sec. 11681, L. 1921; Cal. Pen. C. Sec. 748; re-en. Sec. 11681, R.C.M. 1935; Sec. 94-5414, R.C.M. redes. 95-2814 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 95-2814.

5-424 through 5-5-430 reserved.

5-431. Nature of the judgment. The judgment may be that the defendant be suspended or that he be removed from office and disqualified to any office of honor, trust, or profit under the state.

History: En. Sec. 1514, Pen. C. 1895; re-en. Sec. 8986, Rev. C. 1907; re-en. Sec. 11682, L. 1921; Cal. Pen. C. Sec. 749; re-en. Sec. 11682, R.C.M. 1935; Sec. 94-5415, R.C.M. redes. 95-2815 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 95-2815.

5-432. Effect of judgment of suspension. If judgment of suspension is given, the defendant, during the continuance thereof, is disqualified from receiving the salary, fees, or emoluments of the office.

History: En. Sec. 1515, Pen. C. 1895; re-en. Sec. 8987, Rev. C. 1907; re-en. Sec. 11683, L. 1921; Cal. Pen. C. Sec. 750; re-en. Sec. 11683, R.C.M. 1935; Sec. 94-5416, R.C.M. redes. 95-2816 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 95-2816.

5-433. Criminal prosecution not barred. If the offense for which the defendant is convicted on impeachment is also the subject of an indictment or information, the indictment or information is not barred thereby.

History: En. Sec. 1518, Pen. C. 1895; re-en. Sec. 8990, Rev. C. 1907; re-en. Sec. 11686, L. 1921; Cal. Pen. C. Sec. 753; re-en. Sec. 11686, R.C.M. 1935; Sec. 94-5419, R.C.M. redes. 95-2819 by Sec. 29, Ch. 513, L. 1973; R.C.M. 1947, 95-2819.

5-References
Crimes, Title 45.

Bribery and corrupt influence, Title 45, ch. 7, part 2.

Obstructing governmental operations, Title 45, ch. 7, part 3.

Official misconduct, 45-7-401.

CHAPTER 6

LEGISLATIVE INTERNS

Part 1 — Legislative Intern Program

- 101. Short title.
- 102. Establishment of program.
- 103. Term of service.
- 104. Number of interns — where from.
- 105. Selection by schools.
- 106. Intern qualifications.
- 107. Assignment of interns.
- 108. Legislative council to establish guidelines.
- 109. Interns responsible to sponsor.
- 110. Program not mandatory.
- 111. Funding not obligatory.

5-6-101. Short title. This chapter shall be known as the "Legislative Intern Act of 1974".

History: En. 43-720 by Sec. 1, Ch. 305, L. 1974; R.C.M. 1947, 43-720.

5-6-102. Establishment of program. It is the public policy of this state that there be a legislative intern program open to students attending the university of Montana, Montana state university, eastern Montana college, northern Montana college, western Montana college of the university of Montana, and the Montana college of mineral science and technology. Any private college of higher education in the state may also establish an intern program for the purposes of this chapter.

History: En. 43-721 by Sec. 2, Ch. 305, L. 1974; amd. Sec. 17, Ch. 309, L. 1977; R.C.M. 1947, 43-721; amd. Sec. 5, Ch. 224, L. 1989.

5-6-103. Term of service. Each legislative intern shall serve for 10 weeks during the regular session of the legislature.

History: En. 43-722 by Sec. 3, Ch. 305, L. 1974; R.C.M. 1947, 43-722.

Cross-References

Regular session — time and place of meeting, 5-2-103.

5-6-104. Number of interns — where from. All institutions referred to in 5-6-102 may have at least one intern. An additional five positions may be chosen from applications submitted to the legislative council.

History: En. 43-723 by Sec. 4, Ch. 305, L. 1974; R.C.M. 1947, 43-723.

5-6-105. Selection by schools. The legislative interns shall be named by the presidents of the several colleges and universities. The students so selected may be enrolled in any program offered by the college or university.

History: En. 43-724 by Sec. 5, Ch. 305, L. 1974; R.C.M. 1947, 43-724.

5-6-106. Intern qualifications. (1) The legislative interns must have the following qualifications:

- (a) at least one course of "government" or its equivalent as a course of study at an institution of higher learning;
- (b) attainment of at least the level of a junior at an institution of higher learning; and
- (c) the necessary degree of scholastic achievement, leadership, and involvement in community affairs.

(2) Preference must be given to Montana high school graduates.

History: En. 43-725 by Sec. 6, Ch. 305, L. 1974; amd. Sec. 18, Ch. 309, L. 1977; R.C.M. 1947, 43-725; amd. Sec. 1, Ch. 72, L. 1993.

Compiler's Comments

1993 Amendment: Chapter 72 in (1)(a) minor changes in style; substituted "course of "government" for "quarter of "state government"; and made

5-6-107. Assignment of interns. Each legislative intern is assigned to a legislator by the legislative council.

History: En. 43-726 by Sec. 7, Ch. 305, L. 1974; R.C.M. 1947, 43-726.

5-6-108. Legislative council to establish guidelines. Each legislative intern is subject to guidelines established by the legislative council.

History: En. 43-727 by Sec. 8, Ch. 305, L. 1974; R.C.M. 1947, 43-727.

History: En. 43-728 by Sec. 9, Ch. 305, L. 1974; R.C.M. 1947, 43-728.

5-6-110. Program not mandatory. An institution of higher learning

may choose not to participate in the legislative intern program.
History: En. 43-729 by Sec. 10, Ch. 305, L. 1974; R.C.M. 1947, 43-729.

5-6-111. Funding not obligatory. The legislature shall not, under any condition, because of this chapter be obligated to fund this internship program.

History: En. 43-730 by Sec. 12, Ch. 305, L. 1974; R.C.M. 1947, 43-730.

CHAPTER 7

LOBBYING

Part 1 — General Provisions—Licenses

- 5-7-101. Purposes of chapter — applicability.
- 5-7-102. Definitions.
- 5-7-103. Licenses — fees — eligibility.
- 5-7-104. Repealed.
- 5-7-105. Suspension of lobbying privileges.
- 5-7-106 and 5-7-107 reserved.
- 5-7-108. Inspection of applications and reports — issuance of orders of noncompliance.
- 5-7-109 and 5-7-110 reserved.
- 5-7-111. Commissioner to make rules.

Part 2 — Registration and Reports

- 5-7-201. Docket — contents.
 - 5-7-202. Docket — public record.
 - 5-7-203. Principal — name of lobbyist on docket.
 - 5-7-204. Updating docket.
 - 5-7-205. Repealed.
 - 5-7-206. Repealed.
 - 5-7-207. Report to legislature.
 - 5-7-208. Principals to file report.
 - 5-7-209. Payments prohibited unless reported — penalty for failure to report or for false statement.
 - 5-7-210. Reimbursement.
 - 5-7-211. Governmental responses not lobbying payments.
 - 5-7-212. Audit of lobbying reports.
 - 5-7-213. Disclosure by elected officials.
- Part 3 — Prohibitions—Enforcement**
- 5-7-301. Prohibition of practice without license and registration.
 - 5-7-302. Unprofessional conduct.
 - 5-7-303. Repealed.
 - 5-7-304. Repealed.
 - 5-7-305. Penalties and enforcement.

Chapter Cross-References

Agency, Title 28, ch. 10.
Offenses against public administration,
Title 45, ch. 7.

Offenses against public order, Title 45, ch.
8, part 1.

Part 1

General Provisions — Licenses

5-7-101. Purposes of chapter — applicability. (1) The purpose of this chapter is to promote a high standard of ethics in the practice of lobbying to prevent unfair and unethical lobbying practices, to provide for the regulation of lobbyists and the suspension or revocation of the licenses, to require officials to make public their business, financial, and occupational information, and to require disclosure of the amounts of money spent for lobbying. (2) Nothing in this chapter subjects an individual lobbying on behalf of any reporting requirements nor deprives an individual of the constitutional right to communicate with public officials.

History: En. Sec. 1, Ch. 157, L. 1959; amd. Sec. 19, Ch. 309, L. 1977; R.C.M. 1947, 43-801; amd. Sec. 1, L.M. No. 85, approved Nov. 4, 1980; amd. Sec. 1, Ch. 568, L. 1991.

Cross-References
Freedom of speech and expression, Art. II, Const.
Right of participation, Art. II, Const.

5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Business" means:
(a) a holding or interest whose fair market value is greater than that of a corporation, partnership, sole proprietorship, firm, enterprise, association, self-employed person, holding company, joint stock company, receivership, trust, or other entity or property held in anticipation of sale but does not include nonprofit organizations; and
(b) present or past employment from which benefits, including allowances, are received.

(2) "Commissioner" means the commissioner of political practices.
(3) "Docket" means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) "Elected official" means a public official holding a state office or a statewide vote of all the electors of Montana or a state district including but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" also applies to the o-

(5) "Individual" means a human being.

(6) "Lobbying" means:
(a) the practice of promoting or opposing the introduction or amendment of legislation before the legislature or the members of the legislature other than a member of the legislature or a public official;
(b) the practice of promoting or opposing official action by a public official.

(7) "Lobbying for hire" includes activities of the officers, agents, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is hired only for his personal living and travel expenses, which together amount to \$1,000 per calendar year, that individual is not considered to be hired for hire.

(8) (a) "Lobbyist" means a person who engages in the practice of lobbying for hire.

NAME Garry Dew Besten

ADDRESS 8000 Churchill Manhattan

HOME PHONE 982-7319 WORK PHONE 982-7261

REPRESENTING Man. Chr. Sch + ANSM

APPEARING ON WHICH PROPOSAL? SB 409

DO YOU: SUPPORT X OPPOSE _____ AMEND _____

COMMENTS:

This bill will help to fix a situation that has long been overlooked. Private accredited schools are exempt of the State gas tax & also all Federal taxes, yet this tax on diesel fuel we are NOT. This is not right. I thank you for your consideration of this bill.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-3-95

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: SB 409, HB 329
HB 352

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
GRILLY DEN BESTEN	MEN Chr. Sch + ANSM	SB409	✓	
SHARON HOFF	MT CATHOLIC CONF	SB409	✓	
WAYNE BUCHANAN	BRO PUB. SD	HB329	✓	
Gerald Berewes	SAVE THE FONT	HB352	✓	
George Schunk	A Hy Gen	HB352	✓	
Ross Best		HB352	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY