

**SENATE JOURNAL
TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana
February 5, 1999

Senate Chambers
State Capitol

Senate convened at 1:30 p.m. President Crippen presiding. Invocation by Reverend Keith Johnson. Pledge of Allegiance to the Flag.

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

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

Miller, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Miller, Chairman): 2/5/1999
Correctly printed: SB 36, SB 75, SB 108, SB 203, SB 216, SB 221, SB 246, SB 269, SB 288, SB 291, SB 381, SB 382, SB 383, SB 384, SJR 7, HB 254, HB 284.
Correctly engrossed: SB 81, SB 233, SJR 5.
Correctly enrolled: SB 7, SB 26.
Examined by the sponsor and found to be correct: SB 7, SB 26.

BUSINESS AND INDUSTRY (Hertel, Chairman): 2/5/1999
SB 107, introduced bill, be amended as follows:

1. Page 4, line 13.

Following: "."

Insert: "Presumption of control is pursuant to [section 8]."

2. Page 4, line 15.

Following: "instrument"

Insert: ", pursuant to [section 9],"

3. Page 15, line 1.

Following: "33-2-1113"

Insert: ", other than those investments made by or on behalf of domestic insurers,"

4. Page 17, line 29.

Strike: "shall"

Insert: "may"

5. Page 18, line 1.

Strike: "must"

Insert: "may"

6. Page 42, line 21.

Strike: "23"

Insert: "26"

7. Page 60, line 12.

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Following: "guaranty"
Insert: ", "

8. Page 61, lines 22 and 29.
Following: "mortgage guaranty"
Insert: ", "

9. Page 65, line 24.
Following: "mortgages"
Strike: "made in accordance with"

10. Page 65, line 25.
Strike: "[section 19 or 31]"

And, as amended, do pass. Report adopted.

SB 289, introduced bill, be amended as follows:

1. Title, page 1, line 9.
Following: "ACTION;"
Insert: "AND"
Following: "BILLS"
Strike: "; AND"

2. Page 1, line 10 and 11.
Strike: "MANDATING" on line 1 through "TWICE" on line 11

3. Page 1, line 15.
Strike: "7"
Insert: "6"

4. Page 1, line 22.
Strike: "7"
Insert: "6"

5. Page 2, line 4.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

6. Page 2, line 14.
Strike: "7"
Insert: "6"

7. Page 3, lines 15 through 24.
Strike: section 6 in its entirety
Renumber: subsequent sections

8. Page 3, line 29.

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Following: "plainly"

Strike: ", "

Insert: "and"

Strike: ", and in boldface type"

9. Page 4, line 2.

Strike: "and by mail"

10. Page 4, line 3.

Following: ". "

Insert: "Upon request of the customer, the local service provider shall provide mailing address information about the operator service provider."

11. Page 4, line 5.

Strike: "7"

Insert: "6"

12. Page 4, line 7.

Strike: "7"

Insert: "6"

And, as amended, do pass. Report adopted.

SB 304, introduced bill, be amended as follows:

1. Page 1, line 20.

Strike: "may"

Insert: "shall"

2. Page 1, line 21.

Strike: "(4)(a)"

Insert: "(3)(a)"

And, as amended, do pass. Report adopted.

SB 326, do pass. Report adopted.

FISH AND GAME (Mesaros, Chairman):

2/5/1999

HB 93, be concurred in. Report adopted.

JUDICIARY (Grosfield, Chairman):

2/4/1999

SB 186, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "person"

Insert: ", who is in a room or establishment in which alcoholic beverages are sold,"

2. Page 1, line 18.

Strike: "intoxicating substance"

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Insert: "alcoholic beverage"

3. Page 1, line 28.

Following: line 27

Insert: "(3) If a person who has a concealed weapon permit refuses the breath test requested under subsection (2), the sheriff shall revoke the person's concealed weapon permit for a period of time not to exceed 1 year or the remainder of the permit period, whichever is less."

Renumber: subsequent subsection

4. Page 2, line 2.

Strike: "financial institution"

Insert: "prohibited place"

5. Page 2, line 3.

Strike: "financial institution"

Insert: "prohibited place"

6. Page 2, line 4.

Following: "in:"

Insert: ":

(a) portions of a building used for state or local government offices and related areas in the building that have been restricted; or

(b)"

7. Page 2, line 10.

Strike: "(a)"

Insert: "(i)"

8. Page 2, line 12.

Strike: "(b)"

Insert: "(ii)"

And, as amended, do pass. Report adopted.

SB 258, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

Strike: "AND" on line 6 through "RESPONDENTS" on line 7

2. Page 1, line 17.

Strike: "respondent is served with"

Insert: "court issues"

3. Page 2, line 22.

Following: "marriage"

Insert: "or files a parenting action"

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And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Bishop, Chairman):
SB 103, introduced bill, be amended as follows:

2/5/1999

1. Title, line 9.

Following: "RESTRICTING"

Strike: "UNAUTHORIZED"

Insert: "DISCLOSURE OF MEDICAL RECORD INFORMATION; ALLOWING"

Strike: "PERSONAL OR PRIVILEGED"

2. Title, line 10.

Following: "INFORMATION"

Insert: "THAT IS NOT MEDICAL RECORD INFORMATION"

3. Title, line 11.

Following: "ORGANIZATION"

Insert: "TO ANY AFFILIATE FOR MARKETING OF INSURANCE OR FINANCIAL PRODUCTS"

4. Title, line 13.

Strike: "AND"

5. Title, line 14.

Following: "MCA"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

6. Page 2, line 10.

Following: "directly"

Insert: ", "

7. Page 2, line 11.

Following: "intermediaries"

Insert: ", "

8. Page 4, line 26.

Following: "history,"

Insert: "medical claims history,"

9. Page 5, line 26.

Following: line 25

Insert: "(25) (a) "Separate, written authorization" means an individual's written authorization that is:

(i) given to the recipient of personal or privileged information that has been disclosed pursuant to 33-19-306(3) through (17); and

(ii) separate from any written authorization obtained by the disclosing insurance institution, insurance producer, or insurance-support organization pursuant to 33-19-204.

(b) The term does not include the insurance institution, insurance producer, or insurance-support organization that discloses personal or privileged information pursuant to 33-19-306(3) through (17)."

Renumber: subsequent subsections

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10. Page 8, line 15.

Following: "that"

Insert: ", subject to the exception provided in subsection (9),"

11. Page 8, line 17.

Following: "and"

Strike: "the"

Insert: ", upon request, a"

Following: "information"

Insert: "pursuant to 33-19-306(2) through (17)"

12. Page 8, line 22.

Following: line 21

Insert: "(9) The provisions of subsection (8) do not require disclosure to the individual or person authorized to act on behalf of the individual when the disclosure has been made to a person whose identity could not be discovered under the applicable rules of civil procedure."

13. Page 10, line 11 through line 12.

Following: "authority" on line 11

Strike: the remainder of line 11 through "authorization" on line 12

14. Page 11, line 18.

Following: "(12)"

Insert: "(a)"

Strike: "an"

Insert: "any"

15. Page 11, line 22.

Following: line 21

Insert: "(b) Disclosure of information that is not medical record information and that is limited to that which is reasonably necessary may be made to any affiliate whose only use of the information is in connection with the marketing of insurance or financial products if the affiliate agrees not to disclose the information for any other purpose or to unaffiliated persons."

16. Page 12, line 4 through line 5.

Following: "authority" on line 4

Strike: remainder of line 4 through "authorization" on line 5

Insert: "as required by federal or state law or"

17. Page 12, line 12.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "through (17)"

Following: "define"

Strike: "᠎"

18. Page 12, line 13.

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Strike: "(a)"

19. Page 12, line 14 through line 17.

Following: "information" on line 14

Strike: the remainder of line 14 through "(17)" on line 17

20. Page 12, line 18.

Following: line 17

Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2000."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

February 3, 1999

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

Dear Senator Crippen:

Attached is our second list of board appointments not yet confirmed by the Montana Legislature. We have supplied the following information for each member:

Board Name
Member Name
Member Address and Phone Numbers
Brief Member Biography
Position Requirement

If I or my staff can be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

MARC RACICOT
Governor

Board of Aeronautics

MCA 2-15-2506

Mr. Craig Denney
294 S. Park City Road
Park City, MT 59063
HPH: 633-2743
BPH: 245-9449

Appt: 01/19/99
Term: 01/01/03
Qual: Commercial airline representative

Craig received his A.A. degree in Aviation from Anoka, MN. in 1974. He began his career with Northwest Airlines as a ticket agent and became the Big Sky Airlines office manager in Butte in 1978.

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Craig has been the Billings Vice President of Big Sky Airlines since 1980. In their spare time, he and his family own and operate a small bison ranch.

Mr. John Rabenberg	Appt: 01/19/99
South Route	Term: 01/01/03
Fort Peck, MT 59105	Qual: Public member
HPH: 525-3318	
BPH: same	

John has been actively involved in aviation in the state of Montana for close to thirty years. He is a past member of the National Transportation Research Board, Aviation Committee. He serves on the Essential Air Service Task Force, and his extensive experience and expertise in aviation issues will be a great asset to the board.

Mr. Bob Palmersheim	Appt: 01/19/99
Rt 1 Box 1138	Term: 01/01/03
Fromberg MT 59029	Qual: Fixed base operator
HPH: 668-7404	
BPH: 252-0508	

Bob began flying in 1951. He has accumulated over 17,000 hours of flight time as a charter pilot and flight instructor. In 1964 he began working for Lynch Flying Service in Billings as general manager and became co-owner of the service in 1972. He has been involved in Search and Rescue for the Aeronautics Division in the Billings area for over 25 years. He is the former director of the Montana Aviation Trades Association and has served on the board of directors of the National Association of Fix Based Operators.

Board of Chiropractors

MCA 2-15-1847

Dr. Patrick Montgomer	Appt: 01/01/99
1200 S. Reserve, Suite H3	Term: 01/01/02
Missoula, MT 59801	Qual: Practicing chiropractor
HPH: 721-4243	
BPH: 721-4588	

Dr. Montgomery has been in practice in Missoula for nearly thirteen years. He is very active in the local community with various civic organizations, boy scouts, and politics. He is a member of the American Chiropractic Association and the Foundation for Chiropractic Education and Research. He has kept informed on the latest research affecting chiropractic and the ever changing world of health care.

Coal Board

MCA 2-15-1821

Mr. John Sutton	Appt: 01/01/99
2046 Wall Street	Term: 01/01/03
Butte, MT 59701	Qual: Engineer
HPH: 723-4477	
BPH: 496-5172	

John graduated with a degree in Mining Engineering from Montana School of Mines in Butte in 1976. He has spent the better part of twenty years working in and with the coal industry. Through his employment

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with the Montana Power Company, he has gained extensive knowledge in the areas of marketing and transportation of coal.

Ms. Janice Riebhoff	Appt: 01/01/99
Belgrade Intermediate School	Term: 01/01/03
P.O. Box 166	Qual: Education
Belgrade, MT 59714	
HPH: 587-8628	
BPH: 388-3311	

Janice has earned a Bachelors degree from Western Montana College and a Masters and Doctorate from Montana State University. She has taught twenty-four years at Belgrade Elementary School and is currently the Principal of the Belgrade Intermediate School. Janice has been a recipient of the Montana Middle School Administrator of the Year Award.

Ms. Linda Jo Price	Appt: 01/01/99
311 Maple Street	Term: 01/01/03
Lewistown, MT 59457	Qual: Education
HPH: 538-9310	
BPH: 538-2555	

Linda has taught elementary school for over twenty years in Lewistown. She earned her Bachelors degree in Education from Eastern Montana College and a Masters degree from Northern Montana College.

Board of Environmental Review

MCA 2-15-3502

Ms. Kim Lacey	Appt: 01/12/99
P. O. Box 534	Term: 12/31/03
Glasgow, MT 59230	Qual: Public member
HPH: 228-8128	
BPH: 228-2222	

Kim and her husband currently own and operate a hay and sheep operation west of Glasgow. She also has a part-time position as Executive Director of the Glasgow Area Chamber of Commerce and Agriculture, Inc. Kim was previously an agricultural field representative for Senator Conrad Burns, the Natural Resources Coordinator for the Montana Stockgrowers Assn., and the Executive Secretary for the Montana Assn. of State Grazing Districts. She is also a member of the Lewistown District BLM Resource Advisory Council and was the "Outstanding Young Woman of America" in 1987.

Fish, Wildlife & Parks Commission

MCA 2-15-3402

Mr. Tim Mulligan	Appt: 01/08/99
P.O. Box 694	Term: 01/01/03
Whitehall, MT 59759	Qual: District 2 representative
HPH: 287-3787	
BPH: 287-3746	

Tim grew up on a ranch in the Cardwell area and has a family background in agriculture. He graduated from MSU with a B.S. in Zoology and also received a B.S. in Safety and Health from Montana Tech. Tim

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is an avid hunter and fisherman and owns and operates a business in Whitehall.

Ms. Darlyne Dascher	Appt: 01/08/99
HC 65, Box 25	Term: 01/01/03
Fort Peck, MT 59759	Qual: Rancher / District 4 representative
HPH: 485-2522	
BPH: same	

Darlyne has been involved in farming and ranching all of her life. She holds a B.S. degree from Eastern Montana College with a minor in Science. She was instrumental in saving wildlife habitat through conservation easements and establishing a statewide deer management plan, which is a unique concept in all western states.

Health Facility Authority

MCA 2-15-1815

Ms. Sheryl Hayden	Appt: 01/01/99
1517 Eagle Drive	Term: 01/01/03
Kalispell, MT 59901	Qual: Public member
HPH: 752-0720	
BPH: 752-9622	

Sheryl received her B.A. from the University of Minnesota and her M.B.A. from the University of Montana. She is currently the Chief Financial Officer and Director of Administrative Services for the Immanuel Lutheran Corporation which is a long-term care and elderly assisted living facility in Kalispell. She was also Vice President of Fiscal Services for the Northwest Healthcare Corporation in Kalispell whose corporate assets were over \$75 million dollars.

Mr. Sidney "Kent" Brubaker	Appt: 01/01/99
P.O. Box 6	Term: 01/01/03
Terry, MT 59349	Qual: Public member
HPH: 635-5827	
BPH: 635-5591	

Kent has worked for the State Bank of Terry for twenty-nine years. His experience as a commercial lender and his locally controlled perspective on lending policies versus the metropolitan banking perspectives has positively influenced the development and administration of Health Facility Authority loans.

Mr. Greg Hanson	Appt: 01/01/99
199 West Pine	Term: 01/01/03
Missoula, MT 59802	Qual: Attorney
HPH: 549-5633	
BPH: 523-2500	

Greg received his B.S. in Business Administration from the University of Montana and went on to earn a J.D. in 1971 from the University. Greg's professional perspective as a partner in a large Missoula law firm has provided invaluable legal insight to the Health Facility Authority as it relates to the dynamic changes in Montana's health care industry.

Board of Horseracing

MCA 2-15-1881

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Dr. Skip Score	Appt: 01/20/99
700 Iowa	Term: 01/20/02
Helena, MT 59601	Qual: District 4 representative
HPH: 443-3662	
BPH: 442-8210	

Dr. Score has been in the Chiropractic business in Helena for the last forty-six years. He has been the Rodeo Coordinator in which he coordinated medical coverage for all PRCA rodeo participants in Montana. Dr. Score was one of the original founders of Queen City Horseracing in Helena. He served as a Board Director for the local racing organization from 1966 to 1987.

Board of Housing

MCA 2-15-1814

Ms. Teresa Lightbody	Appt: 01/01/99
704 N. Rodney	Term: 01/01/03
Helena, MT 59601	Qual: Public member
HPH: 442-7039	
BPH: 442-3111	

Teresa has been involved in residential sales and management for the past nineteen years in the Helena area. She has been the office manager of Ahmann Brothers, Inc. REALTORS since 1984 and has earned various prestigious awards in the real estate field. She has been the director for the National Association of REALTORS for the past three years and was appointed to serve on the Federal Housing Policy Committee.

Ms. Waneeta Farris	Appt: 01/01/99
P.O. Box 634	Term: 01/01/03
Forsyth, MT 59327	Qual: Public member
HPH: 356-7956	
BPH: 356-2961	

Waneeta has a career in banking that has spanned the last 15 years. Currently she is the Branch President of Norwest Bank in Forsyth. She is active in the Forsyth Chamber of Commerce, the National and Montana Cattlewomen's Association, and the Lion's Club.

Mr. Bob Thomas	Appt: 01/01/99
780 N. Burnt Fork Road	Term: 01/01/03
Stevensville, MT 59870	Qual: Public member
HPH: 777-5010	
BPH: 777-5005	

Bob has served on the Board of Housing since 1991 and is currently the chairman. Under his leadership many innovative programs have been instituted such as holding board meetings in various cities and towns around the state to inform people of their services. The Reverse Annuity Program, a program designed for elderly home owners, has been a great success.

Commission for Human Rights

MCA 2-15-1706

Mr. Jack Copps	Appt: 01/01/99
P.O. Box 161	Term: 01/01/03
Seeley Lake, MT 5986	Qual: Public member
HPH: 677-2883	

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BPH: Same

Jack received his B.S. degree in 1960 and his Masters degree in 1970 from Black Hills State College in Spearfish, South Dakota. He has served in various top level administrative posts in the Montana educational arena from 1960 through 1996. His community involvement includes Kiwanis, Lions and past-president of the Jaycees, Elks, Rotary and the Helena Chamber of Commerce. Jack has also served on the hospital board in Poplar, Helena, and most currently, Seeley Swan.

Ms. Kathy Ogren	Appt: 01/01/99
P.O. Box 3353	Term: 01/01/03
Missoula, MT 59806	Qual: Public member
HPH: 251-6037	
BPH: 251-2525	

Kathy is a graduate of the University of Montana with a Bachelors of Arts degree in Microbiology. She is the owner of Bitterroot Motors, a car dealership in Missoula. She has been appointed as a member of the board of directors for the Federal Reserve Bank and is very active in her community.

Board of Investments

MCA 2-15-1808

Dr. Maureen Fleming	Appt: 01/12/99
106 Ironwood	Term: 01/01/03
Missoula, MT 59803	Qual: Labor representative
HPH: 549-7901	
BPH: 243-6681	

Dr. Fleming has been a professor with the School of Business Administration at the University of Montana in Missoula for 28 years. Dr. Fleming is very involved in the Missoula community.

Mr. Douglas Bardwell	Appt: 01/12/99
P.O. Box 460136	Term: 01/01/03
Huson, MT 59846	Qual: Financial community representative
HPH: 626-5252	
BPH: 543-1317	

Douglas holds a B.S. degree in Finance and Business Administration from the University of Montana. He is the Executive Vice President of Western Security Bank in Missoula and has been affiliated with the bank for 26 years. He has served in various leadership positions in the Montana State Savings League and the Montana Independent Bankers Association.

Mr. Calvin Wilson	Appt: 01/12/99
Box 10	Term: 01/01/03
Busby, MT 59016	Qual: Attorney
HPH: 592-3582	
BPH: 477-8340	

Calvin is a rancher in the Busby area and graduated with a law degree from the University of Montana in 1977. He has served as a Northern Cheyenne tribal attorney from 1977 through 1996. He was appointed and subsequently elected to his current job as a Northern Cheyenne Tribal Judge.

Mr. F. Lee Robinson	Appt: 01/12/99
HC65, Box 5600	Term: 01/01/03

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Malta, MT 59538
HPH: 654-1044
BPH: 654-1222

Qual: Business representative

Lee received his B.A. degree in Business Administration from the University of Montana. He has been involved in agriculture for 50 years and owns and operates a cattle ranch and wheat farm in the Malta area. Lee has worked as an auto and farm equipment dealer, has been a bank board member for 30 years, and has served on various community organizations in Phillips County.

Board of Labor Appeals

MCA 2-15-1704

Ms. Carol Donaldson
P.O. Box 460
Polson, MT 59860
HPH: 883-1041
BPH: 883-5363

Appt: 01/01/99
Term: 01/01/03
Qual: Attorney

Carol graduated in 1990 from the U of M Law School. She has worked as an assistant county attorney in the Yellowstone County Attorney's Office and has been the chairperson of the Board since 1997.

Board of Milk Control

MCA 2-15-3105

Dr. Robert Clyde Greer
1412 S. Bozeman Ave.
Bozeman, MT 59715
HPH: 586-5121
BPH: 994-5623

Appt: 01/08/99
Term: 01/01/03
Qual: Independent

Dr. Greer received his B.S. degree in Agricultural Business from Colorado State University in 1964. He earned his M.S. degree in Agricultural Economics in 1968 and his Doctorate in Agricultural Economics in 1970 from the University of Minnesota. Dr. Greer has held a teaching position at Montana State University since 1980 in the Department of Agricultural Economics in Bozeman. His areas of teaching include Micro Economic Theory, Managerial Economics, and Agricultural Marketing.

Mr. Michael Kleese
4341 Lone Rock School Road
Stevensville, MT 59870
HPH: 777-3619
BPH: 728-4443

Appt: 01/08/99
Term: 01/01/03
Qual: Democrat / Attorney

Michael is Legal Counsel and Underwriter for First American Title Insurance Company based in Missoula. He is co-chairman of the Legislative Committee of the Montana Land Title Association and a member of the State Bar of Montana.

Montana Arts Council

MCA 22-2-102

Ms. Jennifer Earle Seifert
P.O. Box 328
Troy, MT 59935
HPH: 295-4724
BPH: 295-4063

Appt: 01/12/99
Term: 02/01/00
Qual: Public member

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Jennifer earned her Bachelor's degree in Liberal Arts from the State of Idaho. She was involved in the creation of a Fine Arts Council in Troy. Currently, she and her husband own and operate Kootenai Drug and True Value Hardware store in Troy. Jennifer is also a substitute teacher in the Troy school system. The classes she teaches are art, Spanish, English and French.

Board of Oil and Gas Conservation

MCA 2-15-3303

Mr. Jack King
Hancock Enterprises
P.O. Box 2527
Billings, MT 59103
HPH: 656-0868
BPH: 252-0576

Appt: 01/20/99
Term: 01/01/03
Qual: Rep. Of the oil and gas industry

Jack received his B.A. degree in Economics from the University of Montana in 1974. His work experience in the oil and gas field started in 1978 with the Montana Power Company as an exploration land manager based in the Billings office. During the last twenty years, he has worked in all geographic areas of the Montana oil and gas industry. Jack is president of the Billings Petroleum Club and the Montana Association of Petroleum Landmen (MAPL) and a recipient of MAPL's National Community Affairs Award.

Ms. Elaine Mitchell
Utterback Accounting
P.O. Box 607
Cut Bank, MT 59427
HPH: 873-2755
BPH: 873-2672

Appt: 01/20/99
Term: 01/01/03
Qual: Public member

Elaine attended Dawson County Junior College and the University of Montana. She has an extensive accounting background and is well versed in the preparation of financial statements of proprietorships, corporations and trusts. Her husband owns Comanche Drilling Company, a gas and oil well contracting company.

Mr. Denzil Young
P.O. Box 620
Baker, MT 59313
HPH: 778-2542
BPH: 778-2406

Appt: 01/20/99
Term: 01/01/03
Qual: Attorney / landowner with no mineral rights

Denzil attended the University of Montana in Missoula and earned his B.A. in Business Administration in 1951 and his J.D. in 1970. He has served as the Fallon County Attorney, Plevna Town Attorney, Ekalaka City Attorney and is currently in private practice in Baker. He has had a good deal of experience in oil and gas law. Denzil is a charter member of the Baker Jaycees and has been a member of the American Legion for over 45 years.

Board of Pardons and Parole

MCA 2-15-2302

Mr. Patrick Fleming
40 E. Broadway
Butte, MT 59701
HPH: 494-8114
BPH: 497-2831

Appt: 01/01/99
Term: 01/01/03
Qual: Attorney

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Patrick is the current chairman of this board. He was a federal law clerk and Chief Deputy Prosecutor in the Butte-Silver Bow County Attorney's office until moving to his current job in the legal department of the Montana Power Company.

Board of Personnel Appeals

MCA 2-15-1705

Ms. Mary Vagner
123 Meadowlark Court
Missoula, MT 59803
HPH: 251-3353
BPH: 728-2400

Appt: 01/05/99
Term: 01/01/03
Qual: Rep. of management in collective bargaining

Mary received her B.A. degree in Social Studies/Teacher Education from Fontbonne College in St. Louis, Missouri in 1970. She earned her Masters degree in Curriculum and Instruction in 1975 from the University of Kansas. She has been a school administrator for the past eighteen years of which fifteen have directly involved responsibility for labor management relations. She has served as a Middle School Principal, school district Personnel Director, Assistant Superintendent responsible for labor management relations, and Superintendent responsible for labor management relations.

Mr. Joe Dwyer
c/o Teamsters Local 190
P.O. Box 1017
Billings, MT 59101
HPH: 245-5456
BPH: 248-2658

Appt: 01/05/99
Term: 01/01/03
Qual: Substitute labor representative

Joe is a principal officer of Teamsters Local 190 in Billings and was nominated by the AFL-CIO. He is primarily responsible for coordinating the staff who represent 1700 teamsters throughout eastern Montana. He also negotiates labor agreements on behalf employees.

Mr. Lloyd Doney
ASARCO
P.O. Box 1230
East Helena, MT 59635
HPH: 227-8535
BPH: 227-7100

Appt: 01/05/99
Term: 01/01/03
Qual: Substitute management representative

Lloyd attended North Idaho Junior College in Coeur d' Alene, Idaho, where he majored in Business Administration. He started his employment with ASARCO in 1976 in the personnel area of the plant. In 1993 he was named Administration Manager at ASARCO's East Helena plant. Lloyd has extensive knowledge of personnel issues and problem resolution skills learned over his twenty plus years with ASARCO.

Commissioner of Political Practices

MCA 13-37-102

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Ms. Linda Vaughey
P.O. Box 9188
Helena, MT 59604
HPH: 457-9171
BPH: 444-2942

Appt: 01/01/99
Term: 01/01/05
Qual: None required by statute

Linda was a member of the State Tax Appeal Board before accepting appointment as the Commissioner of Political Practices. She came to Helena from Havre where she and her late husband, Bill, owned and operated an oil and gas exploration business.

Board of Public Assistance

MCA 2-15-2203

Mr. John Larson
#7 Hanging Tree Gulch
Clancy, MT 59634
HPH: 933-9120
BPH: 447-8680

Appt: 02/01/99
Term: 01/01/03
Qual: Public member

John received his B.A. in Business Administration from Carroll College in Helena in 1975. He started his professional career with the Department of Social and Rehabilitative Services as a Field Auditor/Audit Supervisor then moved up to Chief of the Medicaid Financing Bureau. In 1986 he was Chief of the Medicaid Bureau before moving to Tacoma, WA where he was Corporate Vice President for Reimbursement at The Hillhaven Corp. His current job of Senior Director of Health Care Services at Blue Cross & Blue Shield of Montana is a culmination of over twenty years experience in program management with an emphasis on health care.

Board of Realty Regulation

MCA 2-15-1867

Ms. Vicky Hammond
Gillespie Realty Company
1020 South Ave. West
Missoula, MT 59801
HPH: 721-0509
BPH: 721-4141

Appt: 01/05/99
Term: 05/09/01
Qual: Real estate broker / Democrat

Vicky has worked for Gillespie Realty Company in Missoula since she first obtained her real estate license in March of 1985. She has over thirteen years of actively listing and selling real estate, and her involvement as leadership of the Montana Association of Realtors and National Association of Realtors gives her the experience and the qualities to serve all real estate licensees in Montana.

Board of Regents of Higher Education

MCA 2-15-1508

Ms. Lynn Morrison-Hamilton
P.O. Box 1941
Havre, MT 59501
HPH: 265-2724
BPH: same

Appt: 02/01/99
Term: 02/01/06
Qual: Rep. of District 3 / Democrat

Lynn received her Bachelor of Arts degree in Journalism and Speech Communications in 1974 from the University of Montana. She has observed the Board of Regents deliberations for the past sixteen years

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as a member of the MSU-Northern staff. She has first-hand knowledge of University System restructuring and the challenges and opportunities created for the campuses. She is particularly interested in the educational application of telecommunications and the concept of the "virtual university."

Hard Rock Mining Impact Board

MCA 2-15-1822

Ms. Mary Taylor
9 Prospect Loop Road
Thompson Falls, MT 59873
HPH: 827-4909
BPH: 827-3323

Appt: 01/21/99
Term: 01/01/03
Qual: School district trustee residing in Dist. 1

Mary and her husband own and operate an excavation and tank removal business in Thompson Falls. She is a school board trustee and chairwoman for school district 2 which encompasses both elementary and high school districts. Mary holds various part time jobs and is an integral part of the Thompson Falls community.

Ms. Betty Aye
Route 89
Broadus, MT 59317
HPH: 436-2441
BPH: same

Appt: 01/21/99
Term: 01/01/03
Qual: Public member residing in District 4

Betty is a native of Powder River County. She operates the family ranch with her husband and is also extensively involved in the community. She has been a member of the school board for many years. In addition, she is involved in 4-H, county extension office and other organizations.

Board of Science and Technology Development

MCA 2-15-1818

Ms. Susan Riplett
947 Neptune
Billings, MT 59105
HPH: 256-1320
BPH: 255-5127

Appt: 01/01/99
Term: 06/30/99
Qual: Rep. of private business and finance

Susan earned her B.S. degree in Education from MSU-Billings. She has served on the Pre-Release Center board and has donated her time for fund raising efforts for Rocky and Eastern Montana College, YMCA, Youth Support camp and the Billings Arts Center. She has held her current job of Vice-President of Commercial Loans at First Interstate Bank in Billings for fourteen years.

Mr. Dolph Harris
P.O. Box 1125
Sidney, MT 59270
HPH: 482-3622
BPH: 482-2810

Appt: 01/01/99
Term: 06/30/99
Qual: Private sector

Dolph has been the President of the Sidney Millwork Company since 1979. He is a member of the Micro Business Advisory Council and the Small Business Administration Board. He is very active in economic development as he was the first president of the Economic Development Association of Eastern

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Montana.

State Tax Appeal Board

MCA 15-2-101

Ms. Jan Brown
906 Madison Ave.
Helena, MT 59601
HPH: 443-3824
BPH: 442-6880

Appt: 01/14/99
Term: 01/01/01
Qual: Public member

Jan earned her B.A. in Sociology/Social Work with a minor in Political Science in 1976 from Carroll College in Helena. She served in the Montana House of Representative from 1983 through 1992, which public service tenure familiarized her with the tax system in Montana.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

2/4/1999

HB 168, introduced by B. Kasten

FIRST READING AND COMMITMENT OF BILLS

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

SB 385, introduced by D. Grimes, referred to Public Health, Welfare and Safety.

SB 386, introduced by D. Mahlum, K. Ohs, referred to Business and Industry.

SB 387, introduced by B. Wilson, G. Jergeson, referred to Labor and Employment Relations.

SB 388, introduced by C. Christiaens, C. Ahner, referred to Public Health, Welfare and Safety.

SB 389, introduced by J. Ellingson, S. Bartlett, R. Buzzas, C. Christiaens, T. Dell, D. Ewer, T. Facey, E. Franklin, S. Gallus, D. Harrington, B. Krenzler, G. Matthews, B. Raney, D. Shea, B. Wilson, referred to Business and Industry.

SB 390, introduced by A. Bishop, S. Bartlett, S. Doherty, D. Ewer, H. Harper, C. Squires, referred to Judiciary.

SB 391, introduced by F. Thomas, S. Anderson, T. Beck, E. Bergsagel, D. Berry, J. Bohlinger, C. Christiaens, E. Clark, V. Cocchiarella, M. Cole, B. Crippen, W. Crismore, A. Curtiss, B. DePratu, G. Devlin, S. Doherty, P. Ekegren, D. Ewer, E. Franklin, K. Galvin-Halcro, B. Glaser, D. Grimes, L. Grosfield, M. Halligan, D. Hargrove, J. Hertel, R. Jabs, G. Jergeson, T. Keating, B. Keenan, S. Kitzenberg, M. Lindeen, J. Lynch, D. Mahlum, J. Mangan, W. McNutt, K. Mesaros, L. Nelson, B. Raney, B. Rehbein, S. Rose, G. Roush, B. Ryan, D. Shea, S. Stang, J. Stovall, B. Tash, M. Taylor, J. Tester, J. Tropila, A. Walters, J. Wells, B. Wilson, referred to Business and Industry.

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

HB 168, introduced by B. Kasten (by request of the Department of Revenue), referred to Taxation.

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:

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SB 36 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SB 75 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SB 108 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.

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Total 0

Excused: Sprague.

Total 1

SB 203 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

SB 221 passed as follows:

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

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

SB 246 passed as follows:

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

Total 49

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Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SB 288 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

SB 291 passed as follows:

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

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Sprague.
Total 1

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

Senator Harp moved the Senate resolve itself into a Committee of the Whole for consideration of business on

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

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

SB 163 - Senator D. Mahlum requested SB 163 be placed below SB 234 on the second reading board. Request granted.

SB 227 - Senator J. Hertel moved SB 227 do pass. Motion carried unanimously.

Senator Hargrove assumed the chair.

SB 232 - Senator B. DePratu moved SB 232 do pass. Motion carried unanimously.

Senator DePratu resumed the chair.

SB 234 - Senator F. Thomas moved SB 234 do pass. Motion carried as follows:

Yeas: Berry, Bohlinger, Cole, DePratu, Ekegren, Ellis, Franklin, Glaser, Grimes, Grosfield, Hargrove, Harp, Hertel, Holden, Jabs, Keenan, McNutt, Mesaros, Mohl, Swysgood, Taylor, Thomas, Toews, Wells, Mr. President.

Total 25

Nays: Bartlett, Beck, Bishop, Christiaens, Cocchiarella, Crismore, Devlin, Doherty, Eck, Ellingson, Halligan, Jergeson, Keating, Lynch, Mahlum, McCarthy, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wilson.

Total 24

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

SB 163 - Senator G. Devlin moved SB 163, second reading copy, (which was amended in Committee of the Whole on the previous day) be further amended as follows:

1. Page 2, lines 2 and 3.

Following: "(i)"

Strike: remainder of line 2 through "truck" on line 3

Insert: "vandalism or other unlawful activity"

2. Page 2, line 4.

Strike: "recreational activity, including but not limited to"

Amendment **adopted** unanimously.

SB 163 - Senator Cole moved SB 163, second reading copy, be further amended as follows:

1. Page 4, line 25.

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Strike: "or"

2. Page 4, line 28.

Following: "CAPACITY"

Insert: "; or

(9) a person in the performance of normal agricultural operations"

Amendment **adopted** unanimously.

SB 163 - Senator Mahlum moved SB 163, as amended, do pass. Motion carried as follows:

Yeas: Beck, Berry, Bishop, Bohlinger, Cocchiarella, Cole, Crismore, DePratu, Devlin, Ekegren, Ellis, Grimes, Halligan, Hargrove, Harp, Hertel, Holden, Jabs, Jergeson, Keating, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Mohl, Roush, Shea, Stang, Swysgood, Tester, Thomas, Wilson, Mr. President.

Total 34

Nays: Bartlett, Christiaens, Doherty, Eck, Ellingson, Glaser, Grosfield, Keenan, Miller, Nelson, Taylor, Toews, Waterman, Wells.

Total 14

Absent or not voting: Franklin.

Total 1

Excused: Sprague.

Total 1

SB 236 - Senator S. Doherty moved SB 236 do pass. Motion carried as follows:

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

Total 39

Nays: Crismore, DePratu, Glaser, Holden, Keating, Keenan, Miller, Taylor, Toews, Wells.

Total 10

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

SB 257 - Senator D. Grimes moved SB 257 do pass. Motion carried unanimously.

SB 272 - Senator V. Cocchiarella moved SB 272 do pass. Senator Christiaens expressed a conflict of interest to SB 272 because he is associated with a company that sells and distributes video and gaming machines. Senator Cocchiarella's do pass motion carried as follows:

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Yeas: Beck, Berry, Bohlinger, Christiaens, Cocchiarella, Cole, Crismore, DePratu, Devlin, Doherty, Eck, Ekegren, Ellingson, Franklin, Glaser, Halligan, Hertel, Holden, Jabs, Jergeson, Keating, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Mohl, Nelson, Roush, Shea, Stang, Swysgood, Taylor, Tester, Toews, Wells, Wilson.

Total 39

Nays: Bartlett, Bishop, Ellis, Grimes, Grosfield, Hargrove, Harp, Thomas, Waterman, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

SB 276 - Senator D. Berry moved SB 276 do pass. Motion carried unanimously.

SB 290 - Senator J. Lynch moved SB 290 do pass. Motion carried unanimously.

SB 154 - Senator A. Mohl moved SB 154 do pass. Motion carried with Senator Bishop voting nay.

SB 296 - Senator L. Nelson moved SB 296 do pass. Motion carried unanimously.

SB 215 - Senator S. Bartlett moved SB 215 do pass. Motion carried as follows:

Yeas: Bartlett, Bishop, Bohlinger, Cocchiarella, Cole, Doherty, Ellingson, Ellis, Franklin, Glaser, Grimes, Grosfield, Halligan, Hargrove, Hertel, Jabs, Jergeson, Keenan, Lynch, Mahlum, McCarthy, McNutt, Mesaros, Miller, Nelson, Roush, Shea, Stang, Tester, Waterman, Wells, Wilson.

Total 32

Nays: Beck, Berry, Christiaens, Crismore, DePratu, Devlin, Eck, Ekegren, Harp, Holden, Keating, Mohl, Swysgood, Taylor, Thomas, Toews, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Sprague.

Total 1

Senator Harp moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Crippen in the chair. Chairman DePratu moved the Committee of the Whole report be adopted. Report adopted.

MOTIONS

SB 233 - Senator Swysgood moved that SB 233 be taken from the second reading board and rereferred to the Committee on Finance and Claims for purpose of amendment. Motion carried.

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SB 349 - Senator Christiaens moved that SB 349 be taken from the Committee on Business and Industry and rereferred to the Committee on Local Government. Motion carried.

ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Majority Leader Harp moved that the Senate adjourn until 9:00 a.m., Saturday, February 6, 1999. Motion carried.

Senate adjourned at 3:13 p.m.

ROSANA SKELTON
Secretary of Senate

BRUCE CRIPPEN
President of the Senate