

SENATE JOURNAL  
SIXTIETH LEGISLATIVE DAY - MARCH 18, 2005

SENATE JOURNAL  
59TH LEGISLATURE  
SIXTIETH LEGISLATIVE DAY

Helena, Montana  
March 18, 2005

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Fr. Jerry Lowney. Pledge of Allegiance to the Flag.

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

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Wheat.  
Total 1

REPORTS OF STANDING COMMITTEES

**BILLS AND JOURNAL:**

3/18/2005

Correctly printed: **SB 509, SB 516, SB 517, SB 518, SJR 5, SR 14, HB 17, HB 32, HB 44, HB 46, HB 53, HB 100, HB 113, HB 119, HB 174, HB 201, HB 225, HB 269, HB 275, HB 281, HB 283, HB 306, HB 321, HB 371, HB 409, HB 420, HB 427, HB 452, HB 473, HB 478, HB 520, HB 567, HB 607, HB 702, HJR 16, HJR 30.**

Correctly engrossed: **SB 146, SB 219, SB 504, HB 192, HB 301, HB 363, HB 367, HB 425, HB 726.**

**FINANCE AND CLAIMS** (Cooney, Chairman):  
**SB 146**, introduced bill, be amended as follows:

3/18/2005

1. Title, page 1, line 28.

**Following:** line 27

**Strike:** "26-2-505,"

2. Title, page 1, line 29.

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

**Strike:** "41-5-112,"

3. Page 3, line 17.

**Following:** "commission"

**Strike:** "may"

**Insert:** "shall"

4. Page 3, line 18.

**Following:** line 17

**Strike:** "provide that public defenders work with a court to establish assignment rosters or other methodologies to"

5. Page 8, line 19.

**Following:** "defender."

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**Insert:** "The office must be located in Butte, Montana."

6. Page 9, line 30.

**Following:** "(4)"

**Insert:** "establish processes and procedures to"

7. Page 12, line 12.

**Following:** "(b)"

**Strike:** "consult with the courts within the region and"

**Following:** "establish"

**Strike:** "agreed-upon"

8. Page 14, line 1.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

9. Page 14, line 8.

**Following:** "Eligibility --"

**Strike:** "processing fee --"

10. Page 14, line 9.

**Following:** "indigence --"

**Strike:** "contributions toward costs --"

11. Page 14, line 30.

**Following:** "application"

**Strike:** "or pay the processing fee"

**Following:** "in"

**Insert:** "civil"

12. Page 15, line 8.

**Strike:** "and"

**Insert:** "or"

13. Page 16, line 11.

**Following:** "screening"

**Strike:** "and collect processing fees and contribution amounts payable"

14. Page 16, line 18.

**Following:** "screening"

**Strike:** "or collection activities"

15. Page 21, line 20.

**Following:** "all"

**Insert:** "all"

16. Page 21, line 21 through line 22.

**Following:** "These costs" on line 21

**Strike:** remainder of line 21 through "3-1-1601 and" on line 22

17. Page 21, line 22.

**Following:** "to"

**Insert:** "but are not limited to"

18. Page 21, line 30.

**Following:** "(b)"

**Strike:** "except as provided in [section 7(5)], the following expenses"

19. Page 22, line 5.

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**Following:** "examination"  
**Strike:** "only"  
**Insert:** "and other associated expenses"

20. Page 22, line 6.  
**Following:** "46-14-202(4)"  
**Insert:** "(a)(i) and (4)(a)(iii)"

21. Page 22, line 7.  
**Following:** "46-14-221,"  
**Insert:** "the"

22. Page 24, line 27.  
**Following:** "paid"  
**Strike:** "by the"  
**Following:** "corrections"  
**Strike:** "office of state public defender"

23. Page 26, line 29.  
**Following:** "(i)"  
**Strike:** "(A)"

24. Page 27, line 9.  
**Following:** line 8  
**Insert:** "Cascade" \$157,151"

25. Page 27, line 15.  
**Following:** line 14  
**Insert:** "Flathead" \$33,655  
"Gallatin" \$222,029"

26. Page 27, line 23.  
**Following:** line 22  
**Insert:** "Lewis and Clark" \$247,886"

27. Page 27, line 29.  
**Following:** line 28  
**Insert:** "Missoula" \$310,195"

28. Page 28, line 21.  
**Following:** line 20  
**Insert:** "Yellowstone" \$266,644"

29. Page 28, line 21.  
**Strike:** "\$30,735"  
**Insert:** "\$20,707"

30. Page 28, line 22.  
**Strike:** "\$113,999"  
**Insert:** "\$53,057"

31. Page 28, line 23.  
**Strike:** "\$614"  
**Insert:** "\$675"

32. Page 28, line 24.  
**Strike:** "\$234"  
**Insert:** "\$258"

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33. Page 28, line 25.

**Strike:** "\$2,573"

**Insert:** "\$2,828"

34. Page 28, line 26.

**Strike:** "\$130"

**Insert:** "\$143"

35. Page 28, line 27.

**Strike:** "\$10,649"

**Insert:** "\$11,704"

36. Page 28, line 28.

**Strike:** "\$961"

**Insert:** "\$1,056"

37. Page 28, line 29.

**Strike:** "\$1,028"

**Insert:** "\$1,130"

38. Page 28, line 30.

**Strike:** "\$2,648"

**Insert:** "\$2,910"

39. Page 29, line 1.

**Strike:** "\$148,763"

**Insert:** "\$163,499"

40. Page 29, line 2.

**Strike:** "\$2,129"

**Insert:** "\$2,340"

41. Page 29, line 3.

**Strike:** "\$48,046"

**Insert:** "\$52,805"

42. Page 29, line 4.

**Strike:** "\$1,186"

**Insert:** "\$1,303"

43. Page 29, line 5.

**Strike:** "\$697"

**Insert:** "\$766"

44. Page 29, line 6.

**Strike:** "\$234"

**Insert:** "\$258"

45. Page 29, line 7.

**Strike:** "\$377"

**Insert:** "\$414"

46. Page 29, line 8.

**Strike:** "\$1,665"

**Insert:** "\$1,830"

47. Page 29, line 9.

**Strike:** "\$1,250"

**Insert:** "\$1,374"

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48. Page 29, line 10.

**Strike:** "\$1,301"

**Insert:** "\$1,430"

49. Page 29, line 11.

**Strike:** "\$2,070"

**Insert:** "\$2,275"

50. Page 29, line 12.

**Strike:** "\$2,775"

**Insert:** "\$3,050"

51. Page 29, line 13.

**Strike:** "\$926"

**Insert:** "\$1,018"

52. Page 29, line 14.

**Strike:** "\$520"

**Insert:** "\$572"

53. Page 29, line 15.

**Strike:** "\$3,721"

**Insert:** "\$4,090"

54. Page 29, line 16.

**Strike:** "\$6,191"

**Insert:** "\$6,805"

55. Page 29, line 17.

**Strike:** "\$2,953"

**Insert:** "\$3,245"

56. Page 29, line 18.

**Strike:** "\$4,151"

**Insert:** "\$4,562"

57. Page 29, line 19.

**Strike:** "\$1,106"

**Insert:** "\$1,216"

58. Page 29, line 20.

**Strike:** "\$4,837"

**Insert:** "\$5,316"

59. Page 29, line 21.

**Strike:** "\$1,226"

**Insert:** "\$1,348"

60. Page 29, line 22.

**Strike:** "\$5,193"

**Insert:** "\$5,708"

61. Page 29, line 23.

**Strike:** "\$458"

**Insert:** "\$503"

62. Page 29, line 24.

**Strike:** "\$6,304"

**Insert:** "\$6,928"

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63. Page 29, line 25.

**Strike:** "\$177"

**Insert:** "\$194"

64. Page 29, line 26.

**Strike:** "\$511"

**Insert:** "\$561"

65. Page 29, line 27.

**Strike:** "\$601"

**Insert:** "\$661"

66. Page 29, line 28.

**Strike:** "\$2,628"

**Insert:** "\$2,888"

67. Page 29, line 29.

**Strike:** "\$626"

**Insert:** "\$689"

68. Page 29, line 30.

**Strike:** "\$1,381"

**Insert:** "\$1,518"

69. Page 30, line 1.

**Strike:** "\$1,576"

**Insert:** "\$1,733"

70. Page 30, line 2.

**Strike:** "\$1,019"

**Insert:** "\$1,120"

71. Page 30, line 3.

**Strike:** "\$1,048"

**Insert:** "\$1,152"

72. Page 30, line 4.

**Strike:** "\$130"

**Insert:** "\$143"

73. Page 30, line 5.

**Strike:** "\$2,990"

**Insert:** "\$3,286"

74. Page 30, line 6.

**Strike:** "\$2,347"

**Insert:** "\$2,579"

75. Page 30, line 7.

**Strike:** "\$358"

**Insert:** "\$393"

76. Page 30, line 8.

**Strike:** "\$298"

**Insert:** "\$328"

77. Page 30, line 9.

**Strike:** "\$778"

**Insert:** "\$855"

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78. Page 30, line 10.

**Strike:** "\$416"

**Insert:** "\$457"

79. Page 30, line 11.

**Strike:** "\$4,878"

**Insert:** "\$5,361"

80. Page 30, line 12.

**Strike:** "\$7,369"

**Insert:** "\$8,099"

81. Page 30, line 13.

**Strike:** "\$231"

**Insert:** "\$254"

82. Page 30, line 14.

**Strike:** "\$87,731"

**Insert:** "\$96,422"

83. Page 30, line 15.

**Strike:** "\$6,504"

**Insert:** "\$7,148"

84. Page 30, line 16.

**Strike:** "\$5,387"

**Insert:** "\$5,920"

85. Page 30, line 17.

**Strike:** "\$1,294"

**Insert:** "\$1,422"

86. Page 30, line 18.

**Strike:** "\$1,526"

**Insert:** "\$1,678"

87. Page 30, line 19.

**Strike:** "\$14,761"

**Insert:** "\$16,223"

88. Page 30, line 20.

**Strike:** "\$41,742"

**Insert:** "\$45,877"

89. Page 30, line 21.

**Strike:** "\$239"

**Insert:** "\$263"

90. Page 30, line 22.

**Strike:** "\$361"

**Insert:** "\$397"

91. Page 30, line 23.

**Strike:** "\$830"

**Insert:** "\$912"

92. Page 30, line 24.

**Strike:** "\$439"

**Insert:** "\$482"

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93. Page 30, line 25.

**Strike:** "\$39"

**Insert:** "\$43"

94. Page 30, line 26.

**Strike:** "\$916"

**Insert:** "\$1,006"

95. Page 30, line 27.

**Strike:** "\$551"

**Insert:** "\$606"

96. Page 30, line 28.

**Strike:** "\$239"

**Insert:** "\$263"

97. Page 30, line 29.

**Strike:** "\$25,608"

**Insert:** "\$28,144"

98. Page 30, line 30.

**Strike:** "\$277"

**Insert:** "\$304"

99. Page 31, line 1.

**Strike:** "\$9,830"

**Insert:** "\$10,804"

100. Page 31, line 2.

**Strike:** "\$328"

**Insert:** "\$361"

101. Page 31, line 3.

**Strike:** "\$9,254"

**Insert:** "\$10,170"

102. Page 31, line 4.

**Strike:** "\$4,071"

**Insert:** "\$4,475"

103. Page 31, line 5.

**Strike:** "\$361"

**Insert:** "\$397"

104. Page 31, line 6.

**Strike:** "\$11,050"

**Insert:** "\$12,145"

105. Page 31, line 7.

**Strike:** "\$809"

**Insert:** "\$889"

106. Page 31, line 8.

**Strike:** "\$3,084"

**Insert:** "\$3,389"

107. Page 31, line 9.

**Strike:** "\$2,261"

**Insert:** "\$2,485"



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108. Page 31, line 10.

**Strike:** "~~\$373~~"

**Insert:** "\$410"

109. Page 31, line 11.

**Strike:** "~~\$212~~"

**Insert:** "\$234"

110. Page 31, line 12.

**Strike:** "~~\$12,877~~"

**Insert:** "\$14,152"

111. Page 31, line 13.

**Strike:** "~~\$94,866~~"

**Insert:** "\$104,264"

112. Page 31, line 14.

**Strike:** "~~\$291~~"

**Insert:** "\$319"

113. Page 31, line 15.

**Strike:** "~~\$487~~"

**Insert:** "\$536"

114. Page 31, line 16.

**Strike:** "~~\$136~~"

**Insert:** "\$149"

115. Page 31, line 17.

**Strike:** "~~\$164~~"

**Insert:** "\$180"

116. Page 31, line 18.

**Strike:** "~~\$114~~"

**Insert:** "\$125"

117. Page 31, line 19.

**Strike:** "~~\$1,467~~"

**Insert:** "\$1,612"

118. Page 31, line 20.

**Strike:** "~~\$1,286~~"

**Insert:** "\$1,413"

119. Page 31, line 21.

**Strike:** "~~\$1,826~~"

**Insert:** "\$2,007"

120. Page 31, line 22.

**Strike:** "~~\$2,898~~"

**Insert:** "\$3,185"

121. Page 31, line 23.

**Strike:** "~~\$205~~"

**Insert:** "\$225"

122. Page 31, line 24.

**Strike:** "~~\$7,026~~"

**Insert:** "\$7,722"

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123. Page 31, line 25.

**Strike:** "\$1,405"

**Insert:** "\$1,544"

124. Page 31, line 26.

**Strike:** "\$3,551"

**Insert:** "\$3,903"

125. Page 31, line 27.

**Strike:** "\$239"

**Insert:** "\$263"

126. Page 31, line 28.

**Strike:** "\$281"

**Insert:** "\$309"

127. Page 31, line 29.

**Strike:** "\$2,968"

**Insert:** "\$3,262"

128. Page 31, line 30.

**Strike:** "\$2,984"

**Insert:** "\$3,280"

129. Page 32, line 1.

**Strike:** "\$423"

**Insert:** "\$465"

130. Page 32, line 2.

**Strike:** "\$322"

**Insert:** "\$354"

131. Page 32, line 3.

**Strike:** "\$1,636"

**Insert:** "\$1,798"

132. Page 32, line 4.

**Strike:** "\$5,165"

**Insert:** "\$5,677"

133. Page 32, line 5.

**Strike:** "\$1,047"

**Insert:** "\$1,150"

134. Page 32, line 6.

**Strike:** "\$7,049"

**Insert:** "\$7,747"

135. Page 32, line 7.

**Strike:** "\$670"

**Insert:** "\$737"

136. Page 32, line 8.

**Strike:** "\$2,787"

**Insert:** "\$3,063"

137. Page 32, line 9.

**Strike:** "\$1,244"

**Insert:** "\$1,367"

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138. Page 32, line 10.

**Strike:** "\$645"

**Insert:** "\$709"

139. Page 32, line 11.

**Strike:** "\$1,384"

**Insert:** "\$1,521"

140. Page 32, line 12.

**Strike:** "\$920"

**Insert:** "\$1,011"

141. Page 32, line 13.

**Strike:** "\$2,067"

**Insert:** "\$2,272"

142. Page 32, line 14.

**Strike:** "\$2,848"

**Insert:** "\$3,130"

143. Page 32, line 15.

**Strike:** "\$2,990"

**Insert:** "\$3,286"

144. Page 32, line 16.

**Strike:** "\$1,505"

**Insert:** "\$1,654"

145. Page 32, line 17.

**Strike:** "\$633"

**Insert:** "\$695"

146. Page 32, line 18.

**Strike:** "\$744"

**Insert:** "\$817"

147. Page 32, line 19.

**Strike:** "\$203"

**Insert:** "\$223"

148. Page 32, line 20.

**Strike:** "\$1,076"

**Insert:** "\$1,183"

149. Page 32, line 21.

**Strike:** "\$1,895"

**Insert:** "\$2,083"

150. Page 32, line 22.

**Strike:** "\$239"

**Insert:** "\$263"

151. Page 32, line 23.

**Strike:** "\$1,578"

**Insert:** "\$1,734"

152. Page 32, line 24.

**Strike:** "\$9,036"

**Insert:** "\$9,932"

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153. Page 32, line 25.

**Strike:** "\$1,719"

**Insert:** "\$1,889"

154. Page 32, line 26.

**Strike:** "\$812"

**Insert:** "\$893"

155. Page 32, line 27.

**Strike:** "\$236"

**Insert:** "\$259"

156. Page 32, line 28.

**Strike:** "\$286"

**Insert:** "\$314"

157. Page 32, line 29.

**Strike:** "\$4,092"

**Insert:** "\$4,497"

158. Page 32, line 30 through page 33, line 3.

**Strike:** subsection (b) in its entirety

159. Page 39, line 7 through line 11.

**Strike:** section 24 in its entirety

**Renumber:** subsequent sections

160. Page 56, line 2 through line 10.

**Strike:** section 38 in its entirety

**Renumber:** subsequent sections

161. Page 60, line 29 through line 30.

**Following:** "nurse or" on line 29

**Strike:** ", if" on line 29 through "community," on line 30

162. Page 61, line 3.

**Following:** "~~The~~"

**Strike:** "If the examination cannot be done without a commitment, the"

**Insert:** "The"

163. Page 61, line 10 through line 14.

**Strike:** subsection (4) in its entirety

**Insert:** "(4) (a) The costs incurred for an examination ordered under subsection (2) must be paid as follows:

(i) if the issue of the defendant's fitness to proceed was raised by the district court or the examination was requested by the prosecution, the cost of the examination and other associated expenses must be paid by the office of court administrator, as provided in 3-5-901;

(ii) if the defendant was represented by an attorney assigned pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 14], and the examination was requested by the defendant or the defendant's counsel, the cost of the examination and other associated expenses must be paid by the office of state public defender;

(iii) if the defendant was represented by an attorney assigned pursuant to the Montana Public Defender Act, [sections 1 through 4 and 6 through 14], and the examination was jointly requested by the prosecution and defense counsel or the need for the examination was jointly agreed to by the prosecution and defense, the cost of the examination and other associated expenses must be divided and paid equally by the office of court administrator and the office of state public defender.

(b) For purposes of this subsection (4), "other associated expenses" means the following costs incurred in association with the commitment to a hospital or other suitable facility for the purpose of examination, regardless of whether the examination is done at the Montana state hospital or any other facility:

(i) the expenses of transporting the defendant from the place of detention to the place where the examination is performed and returning the defendant to detention, including personnel costs of the law enforcement agency by

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whom the defendant is detained;

- (ii) housing expenses of the facility where the examination is performed; and
- (iii) medical costs, including medical and dental care, including costs of medication."

164. Page 79, line 5 through line 15.

**Strike:** section 63 in its entirety

**Insert:** "**Section 61.** Section 53-30-110, MCA, is amended to read:

**"53-30-110. Expense of trial for offenses committed in prison.** (1) Whenever a trial of any person takes place under any of the provisions of 45-7-306 ~~and or~~ whenever a prisoner in the state prison is tried for any crime committed in prison, the county clerk of the county where the trial is held shall make out a statement of all the costs incurred by the county for the trial of the case and of guarding and keeping the prisoner, ~~property.~~ The statement must be certified by a district judge of the county.

(2) The statement must be sent to the department of corrections for its approval. After ~~such the~~ approval, the department shall pay the costs out of the money appropriated for the support of the state prison to the county treasurer of the county where the trial was held.

(3) Public defender costs, if any, must be paid pursuant to the Montana Public Defender Act provided for in [sections 1 through 4 and 6 through 14]."

165. Page 86, line 21.

**Strike:** "70(5)"

**Insert:** "68(5)"

166. Page 87, line 16.

**Following:** "(1)"

**Insert:** "for Cascade County, Gallatin County, Lewis and Clark County, Missoula County, and Yellowstone County"

167. Page 87, line 17 through line 26.

**Following:** "CONDUCTED" on line 17

**Strike:** remainder of line 17 through "PROCEEDINGS." on line 26

**Insert:** "on all actual costs for public defender services in district court and justice's court proceedings incurred from July 1, 1998, through June 30, 2004, for which records exist. The audit must separate the costs by expenditure category and distinguish between costs paid by a county and costs paid or reimbursed by the state."

168. Page 87, line 28.

**Following:** "AUDIT"

**Insert:** "for that county"

169. Page 87, line 29.

**Following:** "(4)"

**Strike:** "THE"

**Insert:** "By April 30, 2006, the"

170. Page 88, line 1 through line 9.

**Strike:** subsection (5) in its entirety

**Insert:** "(5) The law and justice interim committee shall prepare legislation to be introduced in the 2007 legislative session that will amend 15-1-121 to provide that the base entitlement share for Cascade County, Gallatin County, Lewis and Clark County, Missoula County, and Yellowstone County is adjusted by an appropriate amount arrived at based on the audit and in consultation with the legislative finance committee, the legislative audit committee, representatives of the counties, the governor's office, the American civil liberties union, the attorney general's office, and all other interested and participating parties.

(6)(a) For the fiscal year beginning July 1, 2011, and every 5 years thereafter, the legislative fiscal analyst shall compare the percentage change in general fund revenue for the previous 5 years to the percentage change in the amounts allocated to local governments under the provisions of 15-1-121, as amended in 2005, and the actual costs for public defender services in [this act] for the same time period.

(b) The results of the comparison must be presented to the governor, legislative finance committee, law and justice interim committee, and supreme court by September 1 of the following fiscal year."

**Renumber:** subsequent subsection

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171. Page 88, line 24.

**Strike:** the second "AND"

172. Page 88, line 25.

**Following:** line 24

**Insert:** "(vii) costs of psychiatric evaluations under 46-14-202 and 46-14-221, including the cost of examinations and other associated expenses; and"

**Renumber:** subsequent subsection

173. Page 89, line 18.

**Following:** line 17

**Insert:** "COORDINATION SECTION. Section 77. Coordination instruction. If [this act] is passed and approved and it includes a section that amends 15-1-121(3)(a)(i) and:

(1) if House Bill No. 223 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 223 is void;

(2) if House Bill No. 334 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 334 is void;

(3) if House Bill No. 671 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in House Bill No. 671 is void; and

(4) if Senate Bill No. 67 is passed and approved and it includes a section that amends 15-1-121(3)(a)(i), then the amendment to 15-1-121(3)(a)(i) in Senate Bill No. 67 is void."

174. Page 89, line 29.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) [Sections 17 through 19, 24 through 29, 34 through 67, and 74] are effective July 1, 2006."

And, as amended, do pass. Report adopted.

**HB 44**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

3/18/2005

**HB 225**, be concurred in. Report adopted.

**HB 269**, be concurred in. Report adopted.

**HB 281**, be concurred in. Report adopted.

**HB 702**, be concurred in. Report adopted.

**HJR 30**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

3/18/2005

**HB 192**, be amended as follows:

1. Page 19, line 29.

**Following:** "fee"

**Insert:** ", 11.41% of each commercial driver's license fee,"

2. Page 20, line 13.

**Following:** "fee"

**Insert:** ", 10.59% of each commercial driver's license fee,"

3. Page 20, line 16.

**Following:** "fee"

**Insert:** ", 78% of each commercial driver's license fee,"

4. Page 21, line 8 through line 9.

**Strike:** "Any" on line 8 through the first "the" on line 9

**Insert:** "The"

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5. Page 21, line 10.  
**Strike:** "of revenue"

6. Page 31.  
**Following:** line 20

**Insert:** "COORDINATION SECTION. Section 36. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then the code commissioner shall include the revisions to the definitions of "commercial motor vehicle" and "cancellation" in [this act] in the definition of those terms in Senate Bill No. 285, and the code commissioner shall change the reference to 61-1-137 in the definition of "commercial motor vehicle" to "61-8-801"."

**Insert:** "COORDINATION SECTION. Section 37. Coordination instruction. If Senate Bill No. 285 and [this act] are both passed and approved, then [section 2(1)] of House Bill No. 192 must be amended as follows:

"(1) If the transportation security administration of the department of homeland security informs the department that a person does not meet the standards for the security threat assessment provided in 49 CFR, part 1572, the department shall revoke the person's hazardous materials endorsement to a commercial driver's license. Revocation of the hazardous materials endorsement results in immediate withdrawal of the person's authority to transport hazardous materials, as defined in 61-8-801, in commerce, but does not otherwise affect the person's commercial driver's license or any unrelated endorsements."

**Insert:** "COORDINATION SECTION. Section 38. Coordination instruction. If Senate Bill No. 459 and [this act] are both passed and approved, then [section 8(7)] of Senate Bill No. 459 must be amended as follows:

"(7) A violation of the standards adopted pursuant to this section is punishable as provided in 61-9-512, and the court, upon conviction, ~~or forfeiture of bail that is not vacated as defined in 61-5-213~~, shall forward a record of conviction ~~or forfeiture~~ to the department within 5 days in accordance with 61-11-101."

**Renumber:** subsequent sections

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

**HB 478**, be concurred in. Report adopted.

**JUDICIARY** (Wheat, Chairman):

3/18/2005

**SJR 5**, be adopted. Report adopted.

**HB 46**, be concurred in. Report adopted.

**HB 100**, be concurred in. Report adopted.

**HB 113**, be concurred in. Report adopted.

**HB 201**, be concurred in. Report adopted.

**HB 363**, be amended as follows:

1. Title, line 5.

**Following:** "ASSAULT ON"

**Insert:** "AN EMERGENCY RESPONDER OR"

2. Page 1, line 14.

**Following:** ";"

**Insert:** ";

3. Page 1, line 15.

**Following:** "(a)"

**Insert:** "(a)"

4. Page 1, line 19.

**Following:** "(i)"

**Strike:** "(A)"

**Insert:** "(i)"

5. Page 1, line 20.

**Following:** "(ii)"

**Strike:** "(B)"

**Insert:** "(ii)"

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6. Page 1, line 22.

**Following:** "(iii)"

**Strike:** "(C)"

**Insert:** "(iii)"

7. Page 1, line 28.

**Following:** "occupation"

**Insert:** "; or  
(b) an emergency responder"

8. Page 2, line 3.

**Following:** "section,"

**Strike:** ""bodily"

**Insert:** "the following definitions apply:  
(a) "Bodily"

9. Page 2, line 5.

**Following:** line 4

**Insert:** "(b) "Emergency responder" means a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter or officer of a nonprofit volunteer fire company, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other person who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident."

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

**HB 409**, be concurred in. Report adopted.

**HB 420**, be concurred in. Report adopted.

**HB 425**, be amended as follows:

1. Title, page 1, lines 10 through 11.

**Strike:** "COUNTY" on line 10 through "BRINGING" on line 11

**Insert:** "THE PREVAILING PARTY IN"

2. Page 2, line 24.

**Strike:** "the department or a county attorney"

**Following:** "fees"

**Insert:** "to the prevailing party"

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

**HB 473**, be concurred in. Report adopted.

**HB 520**, be concurred in. Report adopted.

**HB 726**, be amended as follows:

1. Title, line 5.

**Following:** "WITH"

**Strike:** "PRERELEASE PROGRAMS"

**Insert:** "MONTANA CORPORATIONS"

2. Page 8, line 9.

**Following:** "with"

**Strike:** "private, nonprofit"



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3. Page 8, line 10.

**Following:** "program"

**Strike:** "in conjunction with a prerelease program"

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

**TAXATION** (Elliott, Chairman):

3/18/2005

**SB 219**, introduced bill, be amended as follows:

1. Page 1, line 24 through line 25.

**Following:** "associate" on line 24

**Strike:** "or"

**Insert:** ", "

**Following:** "baccalaureate" on line 24

**Insert:** ", master's, or law"

**Strike:** "and" on line 24 through "degree" on line 25

2. Page 1, line 26.

**Strike:** "next 9 successive tax"

3. Page 1, line 27.

**Following:** line 26

**Insert:** "number of"

**Following:** "years"

**Insert:** "allowed in subsection (2)"

4. Page 1, line 30 through page 2, line 5.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) (a) The credit authorized in subsection (1) may be used for the following number of years:

(i) 2 years for student loans taken out while a student at a Montana institution of higher learning that does not offer a baccalaureate degree;

(ii) 4 years for student loans taken out while pursuing a baccalaureate degree, including any authorized in subsection (2)(a)(i);

(iii) 2 years for student loans taken out while pursuing a master's degree;

(iv) 3 years for student loans taken out while pursuing a law degree.

(b) The credit authorized in subsection (1) may be used for a maximum of 7 years, irrespective of the total number of years authorized in subsection (2)(a)."

5. Page 2, line 14 through line 15.

**Strike:** subsection (6) in its entirety

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**SB 504**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "INCREASING"

**Insert:** "SPECIFYING THE USE OF"

2. Title, line 8.

**Strike:** "AN"

**Insert:** "A DELAYED"

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3. Page 1, line 15.

**Strike:** "\$69"

**Insert:** "\$25"

4. Page 1, line 19.

**Following:** line 18

**Insert:** "(3) (a) The tax collections must be allocated to the supreme court for operations of the following commissions or other entities:

- (i) commission on code of judicial conduct;
- (ii) commission on courts of limited jurisdiction;
- (iii) commission on practice;
- (iv) commission on technology;
- (v) district court council;
- (vi) judicial nomination commission;
- (vii) judicial standards commission;
- (viii) sentence review division; and
- (ix) uniform district court rules commission.

(b) The court administrator shall, as provided in 3-1-702(2), report annually on expenditures authorized in subsection (3)(a) of this section at the first meeting of the law and justice interim committee after the end of each fiscal ~~year~~**number:** subsequent section

5. Page 1, line 22.

**Strike:** "July 1, 2005"

**Insert:** "January 1, 2006"

And, as amended, do pass. Report adopted.

**SB 509**, do pass. Report adopted.

**HB 17**, be concurred in. Report adopted.

**HB 607**, be concurred in. Report adopted.

#### MESSAGES FROM THE GOVERNOR

Board of Aeronautics 2-15-2506

The board is designated as a quasi-judicial board and consists of nine members as follows: One member of the Montana pilots' association; one member of the Montana chamber of commerce; one representative of the Montana airport management association; one member of the Montana county commissioners association or the Montana league of cities and towns; one person actively engaged in aviation education in this state; one person representative of interstate commercial airline operators; one person representing the general public; one member of the association of Montana aerial applicators; and one person who must at the time of appointment be an active fixed base operator in this state, or an official of a fixed base operator in this state, of flying services or flying schools. Holdover members fulfill the requirements of a member of the public, aviation education, fixed-based operator, and commercial airlines representative.

Tricia McKenna, 1925 East Baseline, Belgrade MT 59714, Chair

Work phone: 406-587-5166; Home phone: 406-388-6300

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: representative, Montana Chamber of Commerce

McKenna was born and raised in Butte, and attended Eastern Montana College and Montana State University. McKenna is a registered life and health insurance agent and is a partner with her husband in John McKenna and Associates. McKenna is a member of the Bozeman Chamber of Commerce. She's active in state, regional and national branches of the Special Olympics, including current service as Chair of the North American Leadership Council for Special Olympics. McKenna has also been involved with Big Brothers and Sisters, the Rocky Mountain Elk Foundation and local school organizations. McKenna will serve on the Board as a member of the Chamber of Commerce.

Bill Hunt Jr., PO Box 731, Shelby MT 59474

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Work phone: 406-434-3900; Home phone:

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: attorney and member, Montana League of Cities and Towns

Hunt is the city attorney for Shelby, Montana, and also has a private law practice there. He served for a time as city attorney for Chester, Montana, his hometown. Hunt received his bachelor's in English literature from the University of Montana in 1990 and his law degree from the UM Law School in 1998. Hunt is a member of the Montana Army National Guard and currently holds the rank of captain and commander of the 3669<sup>th</sup> General Support Maintenance Company in Helena, Missoula, Dillon and Culbertson. He's a volunteer emergency medical technician and a board member for the Toole County Golden Triangle Mental Health center. He's a past board member for the Toole County Crime Stoppers. Hunt will serve as the local government representative and the attorney-member.

Fred Leistiko, 132 Buffalo Stage Road, Kalispell MT 59901

Work phone: 406-250-3065; Home phone: 406-756-9071

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: representative, Montana Airport Managers Association

Leistiko is the manager of the Kalispell City Airport and chair of the Flathead County 911 administrative board and member of the state 911 advisory council. Leistiko was raised in rural Montana and graduated from Simms High School, received a bachelor's degree from Capital University, Columbus Ohio, and participated in international business graduate studies at the University of Akron, Ohio. He began a military career in 1966 as a helicopter pilot, serving two combat tours in Viet Nam, where he received the Purple Heart and numerous other commendations. Leistiko was an air traffic controller before transferring to the Army National Guard, where he achieved the rank of Lieutenant Colonel before retiring from the military. A former business owner, he now manages his own consulting business. He's served on the Kalispell City Council, was on the board of the Montana League of Cities and Towns and is currently a member of the Hockaday Museum of Arts board of directors. Leistiko will serve as the airport manager representative on the board.

Roger Lincoln, 15176 Hingham Rd N, Gildford MT 59525

Work phone: 406-355-4943; Home phone: 406-355-4943

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: member, Montana Aerial Applicators Association

Lincoln has been in the crop spraying business since he graduated from high school in 1957 - the same year he took up farming. He and his wife own the crop spraying business, as well as farms in Hill and Toole Counties. Lincoln soloed on his 16<sup>th</sup> birthday and has logged 10,000 pilot hours, 6,000 of those as an aerial applicator. He served 10 years as a board member of First Bank in Havre, and currently serves on the Farm Service Agency county committee for Hill County. Lincoln is a past member of the Havre City/County Airport Board, and holds membership in the Montana Pilot's Association, the Montana Aerial Applicators Association, and the National Aerial Applicators Association. He's on the board of directors for the Calvary Evangelical Church in Rudyard. Lincoln will serve as the aerial applicator representative on the board.

Ted Schye, PO Box 184, Fort Peck MT 59233

Work phone: 406-228-4686; Home phone: 406-526-3217

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: member, Montana Pilots Association

Schye obtained his pilot's license in 1966 when he was a senior in high school. A fixed wing air ambulance pilot in Glasgow, he is the chief pilot and director of operations for the Frances Mahon Deaconess Hospital air ambulance -the smallest hospital in the country to have air ambulance service. Schye graduated from the University of Montana, and taught school before beginning a 25-year career in farming. Schye is also an aviation educator and a long-time member of the Montana Pilots Association and the Aircraft Owners and Pilots Association. Schye served in the Montana Legislature in the 1980s and 1990s. Schye will serve on the board as a representative of the Montana Pilots Association.

Coal Board 2-15-1821

The board is designated as a quasi-judicial board and consists of seven members. Statute requires two members from impact areas, two members with expertise in education, and a balance between two geographic areas as defined in statute. The statute encourages members from business, engineering, public administration and planning. Holdover members include one representative from business and two from education. Two holdover members are from District 1 and one is from District 2.

John Williams, PO Box 1902, Colstrip MT 59323, Chair

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Work phone: 406-748-2300; Home phone: 406-748-2247

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: public administration, resident of an impact area/District 2

Williams has been mayor of Colstrip since April 1999, following the Community's vote to incorporate as a town. He is currently vice chair of the Colstrip Parks and Recreation District and vice president of the Southeastern Montana Development Corporation, and was a member of the Governor's Local Coal Impact Review Council (1999-2000). Williams is active in youth sports, including basketball and Little League, and the Victory Alliance Church in Colstrip. He's a member of the Rocky Mountain Elk Foundation and the Montana Bow Hunters Association, and has been an officer of the American Cancer Society and Rosebud County Public Safety Commission.

Dan Dutton, P.O. Box 181, Belfry MT 59008

Home phone: 406-664-3000

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: business, resident of District 1

Dutton owns and operates a farm/ranch operation south of Belfry, Montana. From 1973 to 1996 he directed various corporate research operations, including vice president for corporate research at LONZA with a \$20 million budget and a staff of 120 researchers. He earned a bachelor's degree from Rocky Mountain College and a master's and doctorate in organic chemistry from the University of North Dakota.

Chad Fenner, 203 N Terry Ave, Hardin MT 59034

Work phone: 406-665-9700; Home phone: 406-665-1174

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: public administration, resident of an impact area/District 2

Big Horn County Commissioner Chad Fenner owns the Yellowtail Market in Fort Smith. Fenner attended Rocky Mountain College in Billings and graduated from Augusta High School. Fenner was a production superintendent for the Absaloka Mine in Hardin from 1995-2000, and a coal quality/production consultant in Germany from 1994-1998. Fenner has a mine foreman certificate and is a certified blaster.

Gerald Navratil, Route 1 Box 3337, Sidney MT 59270

Work phone: 406-377-5273; Home phone: 406-482-8236

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: resident of District 2 and an attorney

A former county attorney from Dawson County, Navratil now practices law in Sidney. He earned a BA in philosophy from St. John's University in Collegeville, Minnesota, an MA in political science from Marquette University in Milwaukee, an MS in sociology from Montana State University and a JD from the University of Montana. Navratil taught both high school and college classes before becoming an attorney.

Crime Control Board 2-15-2006

The board is designated as a quasi-judicial board and consists of 18 members. Statute calls for representatives of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and representatives of citizens and professional and community organizations, including organizations directly related to delinquency prevention. Holdover members include three public members, a representative of local government, and a member of the Youth Justice Council. Three members were given two-year terms to bring the membership back to staggered terms by 2007.

Janet Stevens-Donahue, 901 Valley Wind Lane, Missoula MT 59804, Chair

Work phone: 406-258-4602; Home phone: 406-543-6990

Appointment date: 2/11/2005; Term ends: January 1, 2009 [Reappointment]

Qualification: local government

Stevens-Donahue currently serves as the City of Missoula's Chief Administrative Officer. Stevens-Donahue has a master's in business administration from the University of Montana and also received her bachelor's degree from UM. She's taken several courses at the National Judicial College, including classes in jurisdiction, alcohol and drugs, search and seizure, evidence, court management and victim rights. Prior to her work with the city of Missoula, Stevens-Donahue was a Missoula County Commissioner, Justice of the Peace, the county's community development director, and a computer programmer.

Mike Anderson, 2 Beaver Creek Blvd, Havre MT 59501

Work phone: 406-265-5481; Home phone: 406-265-9594

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Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: local government

Anderson was elected to the Hill County Commission in 2004 following a 23-year career with the Havre Fire Department. While a firefighter, he was president of the Montana State Fireman's Association. He spent three years on the Havre school board and is active in the Muscular Dystrophy Association. His involvement with MDA led Anderson to create a wheelchair accessible summer camp in Beaver Creek Park for children suffering from muscular dystrophy. He teamed with Bear Paw Development Corp. to obtain grants for ramps and sidewalks to complete the project.

Shannon Augare, PO Box 2031, Browning MT 59417

Work phone: 877-275-2227; Home phone: 406-727-2419

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: citizen member representing a community organization

Augare, a member of the Blackfeet Nation, is currently director of rural outreach for Consumer Credit Counseling Services of Montana. He served as policy advisor on American Indian issues to U.S. Senator Max Baucus and as chief administrator for the Office of Governmental Affairs of the Blackfeet Tribal Indian Nation. Augare is chair of the Glacier County Study Commission and is working toward a bachelor's degree in psychology and paralegal studies at the University of Great Falls.

Mikie Baker-Hajek, PO Box 2628, Great Falls MT 59403

Work phone: 406-771-1180; Home phone:

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: citizen member representing a community organization

Baker-Hajek is the executive director of Victim-Witness Assistance Services for Great Falls and Cascade County. She's been involved with the Great Falls Pre-Release Victim Impact Panel, Department of Corrections Crime Victim Advisory Council and the Montana Coalition Against Domestic and Sexual Violence.

James R. Cashell, Gallatin County Sheriff Dept. 615 S 16th, Bozeman MT 59715

Work phone: 406-582-2125; Home phone:

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: local law enforcement

Cashell has been Gallatin County Sheriff since 2001. A Butte native, he earned both a bachelor's and master's degree in public administration from Montana State University. He began his law enforcement career in 1974 as an intern in the Silver Bow County juvenile probation office. After that, he worked as a dispatcher for the Montana Highway Patrol in Butte before joining the Gallatin County sheriff's office. Cashell has attended the FBI academy, the Montana Law Enforcement Academy and the National Institute of Corrections, and is involved with the Montana Sheriff's and Peace Officers Association.

Lyndon Erickson, 55 Kampf Dr, Glasgow MT 59230

Work phone: 406-228-4333; Home phone: 406-228-9421

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: local law enforcement

Erickson is Glasgow's Chief of Police and has been involved in law enforcement since 1981, first serving with the Williston, North Dakota police department. He served for a short period of time with the Polson Police Department and transferred to the Montana Highway Patrol in 1989. He was appointed Glasgow's chief of police in 1998. Erickson is active in the Montana Chiefs of Police Association and provides training to law enforcement professionals in his region.

Harold F. Hanser, 624 Avenue C, Billings MT 59102

Work phone: 406-255-7163; Home phone: 406-259-9655

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: citizen member

Hanser served 20 years as Yellowstone County's attorney. In the 1970s and 1980s, he served on the Youth Justice Council as well as the Board of Crime Control. Former Governor Tom Judge appointed Hanser to a commission that rewrote the juvenile justice code, now known as the Youth Justice Act. He was a founder of the Yellowstone County DUI Task Force and is involved in many other community activities, as well as the private practice of law.

Mike McGrath, Attorney General State of Montana, Helena MT 59620

Work phone: 406-444-2026; Home phone:

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Appointment date: 2/11/2005; Term ends: January 1, 2009 [Reappointment]

Qualification: state law enforcement

McGrath was first elected Montana's attorney general in November 2000 and was reelected in 2004. In his dual role as the state's chief law enforcement officer and legal official, McGrath oversees a staff of more than 700, including attorneys, forensic scientists, investigators, Montana Highway Patrol officers, and other staff. Prior to being elected Attorney General, McGrath served five terms as Lewis and Clark County Attorney. As a prosecutor, McGrath focused on family violence issues, including domestic abuse and sexual assault of children. McGrath earned a degree in business administration from the University of Montana and graduated from the Gonzaga University Law School in 1975. He's a veteran of the United States Air Force.

Brad Newman, 514 North Henry, Butte MT 59701

Work phone: 406-497-6237; Home phone: 406-728-5268

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: local law enforcement

Newman is the chief deputy county attorney from Butte Silver Bow. He served two terms in the Montana House of Representatives, and did not seek reelection in 2004. Newman graduated from the University of Montana law school, ranking first in his class, in 1984. The chief prosecutor since 1988, Newman is intimately familiar with the adult and juvenile justice system in Montana. Newman serves on the board of directors of Safe Space, a victims' shelter and support facility in Butte, and was a board member for Butte's Drug Abuse Resistance Education (DARE) program.

Jim Oppedahl, Montana Supreme Court, Helena MT 59620

Work phone: 406-841-2957; Home phone:

Appointment date: 2/11/2005; Term ends: January 1, 2007 [Reappointment]

Qualification: state law enforcement

Oppedahl is the Montana Supreme Court administrator, responsible for court operations including planning, budgeting, personnel, judicial education, and training. From April 2000-May 2003, Oppedahl was the executive director of the Montana Board of Crime Control. Oppedahl has also held other positions in the Department of Justice and Supreme Court, as well as other state agencies. He earned a bachelor's degree in history from the University of Washington and a master's degree in history from the University of Montana. He worked with both Volunteers in Service to America (VISTA) and the Peace Corps, and also served in the U.S. Army from 1968-1971.

Godfrey Saunders, Bozeman High School 205 N 11th, Bozeman MT 59715

Work phone: 406-522-6202; Home phone: 406-586-4804

Appointment date: 2/11/2005; Term ends: January 1, 2007 [Reappointment]

Qualification: education community

Saunders is the principal for Bozeman High School. Born in Fort Pierce, Florida, Saunders received a bachelor's degree in science education and a master's degree in counseling from the University of Montana-Western, and is working toward his doctorate in education at Montana State University-Bozeman. In 2000, Saunders received a National Educator Award from the Milken Family Foundation, and has served on the National Merit Scholarship Board for the last five years. Saunders has a deep interest in criminal justice and safe schools, especially in the area of crime prevention.

Bill Slaughter, Director Department of Corrections, Helena MT 59620

Work phone: 406-444-3930; Home phone:

Appointment date: 2/11/2005; Term ends: January 1, 2007 [Reappointment]

Qualification: state law enforcement

Slaughter is director of the Department of Corrections, and also had the position in the previous administration. Prior to his appointment, Slaughter served three terms as Gallatin County sheriff. He also worked as patrol division supervisor/shift commander, senior lieutenant/shift commander, detective and deputy for the Gallatin County sheriff's office. Slaughter graduated from Helena High. He earned a bachelor's degree in social justice from Montana State University, and attended both the F.B.I National Academy and Montana Law Enforcement Academy.

Bonnie Wallem, 206 Rosewood Dr, Kalispell MT 59901

Work phone: 406-756-1709; Home phone: 406-261-3607

Appointment date: 2/11/2005; Term ends: January 1, 2009

Qualification: citizen member representing community organizations dealing with juvenile crime prevention and justice.

Wallem serves on the Kalispell Police Advisory Council, Youth Service Network, Balanced and Restorative Justice Advisory Council and as Secretary of the Flathead C.A.R.E. Board of Directors. A former small business owner, she

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also has worked for U.S. Senator Max Baucus, the Montana legislature, and the Montana Secretary of State. Previous community experience includes the Family Violence Prevention Council, Flathead County Sheriff's Academy, Montana Criminal Justice Coalition, the Montana Community Foundation regional committee, Kalispell Chamber of Commerce, YMCA, and Rocky Mountain Development Council.

Board of Environmental Review 2-15-3502

The board is designated as a quasi-judicial board and consists of seven members appointed by the governor. The members must be balanced by geography and have these qualifications: One member must have expertise or background in hydrology; one member must have expertise or background in local government planning; one member must have expertise or background in one of the environmental sciences; one member must have expertise or background as a county health officer or as a medical doctor. Holdover members include two public members and a county health officer and are residents of Kalispell, Bozeman, and Glasgow.

Don Marble, PO Box 725, Chester MT 59522

Work phone: 406-759-5365; Home phone: 406-759-5211

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: background or expertise in local government planning

Marble is a county commissioner from Liberty County, and an attorney. He's taken an active role in promoting and utilizing alternative energy with one of first wind generation systems in state. Community involvement includes the Montana Wind Energy group, and the Island Mountain Protectors at Fort Belknap reservation, dealing with the Zortman-Landusky Mine.

Bill Rossbach, 2500 Sycamore, Missoula MT 59802

Work phone: 406-543-5156; Home phone: 406-549-7997

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: public member and an attorney

Rossbach, a Missoula attorney, earned a JD from the University of Montana in 1978. He's served on the Missoula City County Consolidated Board of Health since 1995 - including chair, and local water and air pollution control boards. Rossbach is active in his community, with service on the Missoula Medical Aid and the University of Montana Biological Research Station Advisory Council. He also spends time as a youth sports coach and classroom aid. Rossbach has received several honors and awards for legal professional work and is a former adjunct instructor with the University of Montana School of Law.

Robin Shropshire, 18 N Benton, Helena MT 59601

Work phone: 406-444-0875; Home phone: 406-449-2524

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: background or expertise in hydrology

Robin has an MS in containment hydrology from the University of Waterloo and is on the academic faculty of University of Montana, Helena, where she teaches environmental science. She is a former DEQ employee. She is a member of the Prickly Pear Land Trust and the Montana Environmental Center and a board member for the Myrna Loy Center for the Performing Arts.

Gayle Skunk Cap, PO Box 850, Browning MT 59417

Work phone: 406-338-7207; Home phone: 406-450-8860

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: background or expertise in environmental science

Skunkcap received an associate degree in natural resources from Blackfeet Community College. He's the director of the Blackfeet Fish and Wildlife Department and has worked in natural resources for the Tribe for several years. Those recommending Skunkcap emphasize his ability to work well with others and in bringing diverse groups together to achieve positive goals. He has received national awards for his work.

Facility Finance Authority 2-15-1815

The authority is designated as a quasi-judicial board and consists of seven members who must be broadly representative of the state, balancing professional expertise and public accountability. Holdover members include two public members and an attorney.

Jon Marchi, 7783 Valley View Rd, Polson MT 59860, Chair

Work phone: 406-883-5478; Home phone: 406-883-5470

Appointment date: 2/22/2005; Term ends: January 1, 2009

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Qualification: background in investments or finances

Marchi has a bachelor's degree in business and a master's degree in finance from the University of Montana and was a combat engineer officer in the US Army. Marchi worked for DA Davidson until 1985 when he left to run Marchi Angus Ranches in the Mission Valley. Marchi is chairman of the Development Corporation of Montana and cofounder of the Montana Private Capital Network, the state's first angel investment network. He's chairman of Glacier Venture Fund, board chair of Big Sky Airlines and serves on the boards of Montana-based LigoCyte Pharmaceuticals and Phillips Environmental Products. Marchi is also involved in community and university activities and is a member of the Montana Ambassadors.

James W. (Bill) Kearns, 400 Broadway, Townsend MT 59644

Work phone: 406-266-3030; Home phone: 406-266-3831

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: background in investments or finances

Kearns is board chairman of the State Bank of Townsend and is an owner/agent of Centennial Insurance Company. He received a bachelor's degree in business administration from the University of Montana and has completed course work towards a master's degree in finance. Kearns is a 40-year member of both the Townsend Area Chamber of Commerce and the Broadwater County Development Corporation. He has been on the board of the Montana Banking Association, the Montana Board of Investments, the Rocky Mountain Development Council, the Montana Community Foundation, as well as service with other state and community groups.

Richard King, 406 W Artemos, Missoula MT 59803

Work phone: 406-532-3200; Home phone: 406-728-7784

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: background in investments or finances

King is the president and CEO of the Missoula Area Economic Development Corporation, having started as that organization's executive director in 2000. From 1979-2000, King worked for Bear Paw Development in Havre. King was a volunteer in the U.S. Peace Corps for four years, and served in the U.S. Army Reserves from 1970-1979. He received a master's degree from the University of Montana. King is currently a board member for the Missoula Children's Theater, the Missoula Art Museum, the Missoula Urban Transit District and Immanuel Lutheran Church, as well as being the current president of the Montana Economic Developers Association.

Larry Putnam, PO Box 1398, Malta MT 59538

Work phone: 406-654-1100; Home phone: 406-654-2462

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: public member

Putnam is the CEO of Phillips County Hospital and Family Health Clinic. The facility just completed a \$4.4 million new hospital and clinic remodel and construction project, the first completely new hospital in Montana in 47 years. He's a member of the Montana Hospital Association board and serves as chair of the Montana Health Network. He represents rural Montana hospitals as a member of the Montana Emergency Medical System & Trauma Task Force and serves as treasurer of the Phillips County Health Care Foundation. Putnam served in the US Air Force and received a master's degree in business administration from the University of Montana.

Fish, Wildlife and Parks Commission 2-15-3402

The commission is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. At least one member must be experienced in the breeding and management of domestic livestock. Members come from one of five geographic districts, and appointments must be made without regard to political affiliation and must be made solely for the wise management of the fish, wildlife, and state parks and other outdoor recreational resources of this state. Appointees must be informed or interested and experienced in the subject of wildlife, fish, parks, and outdoor recreation and the requirements for the conservation and protection of wildlife, fish, parks, and outdoor recreational resources. Holdover members are from District 2 and District 4.

Steve Doherty, 410 Central Avenue Suite 522, Great Falls MT 59401, Chair

Work phone: 406-452-9791; Home phone: 406-453-7484

Appointment date: 1/6/2005; Term ends: January 1, 2009

Qualification: resident of District 3

Doherty has been a practicing attorney since 1984. He is currently a partner at Smith, Doherty & Belcourt, PC, in Great Falls. Doherty represents individuals, tribal entities and governments in Tribal, Federal and State courts. He served 4 terms in the Montana Senate and was the Minority Leader in 1999 and 2001. As a Senator he served on the



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Fish and Game Committee. Doherty received his bachelor's degree at the University of Pennsylvania and his Juris Doctorate from Lewis and Clark Law School in Portland, Oregon.

Shane Colton, 304 Yellowstone, Billings MT 59101

Work phone: 406-259-9986; Home phone: 406-670-2374

Appointment date: 1/6/2005; Term ends: January 1, 2009

Qualification: resident of District 5, experience in breeding and management of domestic livestock

Colton is a partner at Edmiston, Schermerhorn & Colton Law Firm in Billings. He has been a practicing attorney since 1996. Colton grew up working on farm and ranch operations in the Denton, Montana area. He is a member of the Spotted Ass Sporting Clays Club and the Billings Rod and Gun Club. Colton graduated from Denton High School in 1987. He received his bachelor's degree from Montana State University and his Juris Doctorate from the University of Montana School of Law.

Vic Workman, PO Box 1726, Whitefish MT 59937

Work phone: 406-862-6825; Home phone: 406-250-5944

Appointment date: 1/6/2006; Term ends: January 1, 2009

Qualification: resident of District 1

Workman owns Montana Land Office in Whitefish. He has been selling real estate in the Flathead Valley since 1989. Workman served as Whitefish City Councilman from 1995-1998 and he ran as a republican for the legislature in the 1980's. He is an avid outdoorsman and a lifelong hunter and fisherman. He graduated from Lincoln County High School in Eureka. Workman attended both Montana State University and the University of Montana.

Board of Housing 2-15-1814

The board is designated as a quasi-judicial board and consists of seven members. The members shall be informed and experienced in housing, economics, or finance. Holdover members are members of the public.

Audrey Black Eagle, PO Box 234, Lodge Grass MT 59050

Work phone: 406-638-7131; Home phone: 406-639-2381

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: informed and experienced in housing, economics, or finance

Black Eagle of the Apsaalooke' National Housing Authority has a background in housing programs and has served as liaison between the Crow Tribe, HUD and Crow Tribe Housing Authority. She has successfully met all requirements for designation as HUD-certified financial specialist/Indian Housing, National American Indian Housing Council. She has worked in various capacities for the Crow Tribal Housing Authority; including technical assistance, grants writing, finance officer and acting executive Director. She's a former member of the Montana Association of School Business Officials and served on the Lodge Grass Board of Trustees, with two years as board chair. She's a member of the Community Housing Resource Board, representing the Crow Reservation in an effort to prevent discrimination in housing needs.

J.P. Crowley, 703 Broadway, Helena MT 59601

Work phone: Home phone: 406-449-9645

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: informed and experienced in housing, economics, or finance

Crowley owns and manages residential rental properties in Helena. He maintains, makes repairs to and upgrades the apartments located throughout the Capitol city. A stay-at-home Dad, Crowley graduated from Montana State University with a bachelor's degree in political science. Crowley's work experience includes time as a financial and real estate analyst in San Francisco, art program director for Stanford University Hospital, benefits system analyst for various firms and field representative for U.S. Senator Max Baucus.

Jeff Rupp, 1542 S Grand Avenue, Bozeman MT 59715

Work phone: 406-587-4486; Home phone: 406-586-1380

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: informed and experienced in housing, economics, or finance

Rupp is the chief executive officer of the Human Resources Development Council in Bozeman, and has developed innovative housing programs for the area's low-income residents - including Montana's first land trust and using Board of Housing loans for the HRDC to purchase several hundred housing units. He has a Bachelor of Arts degree in political science and history, and attended both Montana State University and Roosevelt University. Rupp is active in community affairs. He's a member of the Governor's Workforce Investment Board, the Montana Community

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Foundation, the Midwest Assistance Program, Inc. (president), Capital Opportunities, Bozeman's Historic Preservation board, Parking Commission and Downtown Improvements.

Elizabeth Scanlin, PO Box 65, Red Lodge MT 59068

Work phone: 406-446-1016; Home phone: 406-446-1599

Appointment date: 1/24/2005; Term ends: January 1, 2009

Qualification: Attorney; informed and experienced in housing, economics, or finance

Scanlin is an attorney and a member of the city council. As a city council member, Scanlin is knowledgeable about affordable housing issues that effect working families living in or near resort areas. She has an English degree and a law degree from the University of Montana, and has also worked as a reporter for the Billings Gazette and Carbon County News. Scanlin clerked at the Supreme Court in 1977-78. She worked for New York City's environmental agency before becoming an attorney in the city's counsel office. Upon returning to Red Lodge, she set up a private practice there. She was the Red Lodge Chamber of Commerce's Citizen of the Year in 2000 and is involved in the Festival of Nations, Carbon County Historical Society, and the Tamburitza Slavic Orchestra.

Human Rights Commission 2-15-1706

The commission is designated as a quasi-judicial commission and consists of five members. One holdover member fulfills the requirement of being an attorney.

Franke Wilmer, 7205 Lorelei Drive, Bozeman MT 59715, Chair

Work phone: 406-522-3939; Home phone: 406-994-5246

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: resident of Montana

Wilmer is the chair of the department of Political Science at Montana State University-Bozeman. She's a member of the Gallatin Human Rights Task Force and has served on the Montana Committee for the Humanities. Wilmer earned her Ph.D. in government and politics from the University of Maryland, and has been a professor at MSU since 1991. She's taught international human rights, international relations theory, international law, Native American politics and governments, feminism and political theory, women and world politics among other courses. She's had two books published along with several articles and book chapters on human rights and other topics.

Janine Pease, 1222 Ponderosa Dr, Billings MT 59102

Work phone: 406-657-1133; Home phone: 406-256-0410

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: resident of Montana

Pease is the vice president for American Indian Affairs with Rocky Mountain College. She is an enrolled member of the Crow Tribe, and is also part Hidatsa Indian, English and German. Pease earned a doctorate in higher education from Montana State University-Bozeman, and was named one of MSU's Centennial Graduates -- one hundred distinguished graduates from the first one hundred years of the University history. Prior to joining Rocky's staff, she owned a consulting firm and served as President of the Little Big Horn College (1982-2000). Pease has been awarded the National Indian Educator of the Year (1990), received a MacArthur Genius Award (1994) and served on the White House Initiative on Tribal Colleges and Universities Advisory Council, the National Advisory Council on Indian Education, and the Indian Nations At-Risk Task Force. In 1999, the Montana Supreme Court unanimously appointed Dr. Pease to a four-year term as Presiding Officer of the Montana Districting and Apportionment Commission.

Rabbi Allen Secher, 955 Northwoods Dr, Whitefish MT 59937

Home phone: 406-863-2333

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: resident of Montana

Secher was ordained as a Reform Rabbi by Hebrew Union College in 1961 and received his doctorate in Humane Letters in 1987. As a Freedom Rider and participant in Dr. Martin Luther King's nonviolent civil rights movement during the 1960s, Secher was jailed in Albany, Georgia, after leading a prayer service to integrate the town library. Secher founded the Jewish Catholic Dialogue Group in Chicago and has been involved in the National Conference of Christians and Jews and other interfaith groups. Secher was the communications director for the Jewish Federation of Chicago and has been a television producer and radio commentator. He's received awards for producing television documentaries. Secher is currently the only resident Rabbi in Montana.

Board of Investments 2-15-1808

The board is designated as a quasi-judicial board and consists of nine members. The members are: one member from the public employees' retirement board, one member from the teachers' retirement board and seven members who will

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provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representative of: the financial community; small business; agriculture; and labor. Holdover members include representatives from labor, agriculture, the financial community, and business, and one is also an attorney.

Elouise Cobell, PO Box 3029, Browning MT 59417

Work phone: 406-338-2992; Home phone:

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: informed and experienced in the subject of investments, and is a representative of the agriculture community

Cobell was a founder of the Blackfeet National Bank, the first National bank owned by an Indian Tribe. She serves on the board of directors of the Native American Bank Corporation and the board of directors for First Interstate BankCorp. Cobell is on the board of directors for the Northwest Area Foundation and was the treasurer of the Montana Community Foundation. She received a MacArthur Genius Award and an honorary doctorate from Montana State University. Cobell organized and manages the Native American Community Development Corporation and she and her husband operate and own a ranch on the Blackfeet Indian Nation. Cobell fulfills the qualifications of being informed and experienced in the subject of investments, and is a representative of the agricultural community.

Teresa Olcott Cohea, 213 Spencer, Helena MT 59601

Work phone: 406-442-9600; Home phone: 406-442-5289

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: informed and experienced in the subject of investments, and is a representative of the financial community

Cohea has been the Helena branch manager for D.A. Davidson & Co. since 2001 (she joined the firm in 1993) and serves on the company's board of directors. Cohea spent 18 years in state government, including positions as legislative fiscal analyst and a bureau chief in the Department of Revenue. Cohea was Montana's first female chief of staff to a governor, Governor Ted Schwinden. She has a master's degree and a bachelor's degree in history, both from the University of Montana. She was the state's first recipient of the Marshall Scholar Award. Cohea is also active in the community, with service on the investment committee for St. Paul's United Methodist Church, and board member for the Myrna Loy Center, Archie Bray Foundation, Montana Shares, Friendship Center and St. Peter's Hospital Foundation.

Jack Prothero, 619 3rd Ave SW, Great Falls MT 59404

Home phone: 406-761-3683

Appointment date: 2/8/2005; Term ends: January 1, 2009

Qualification: informed and experienced in the subject of investments, and is a representative of the small business community

Prothero currently is the treasurer of the Neighborhood Housing Service and board member for the Montana Homeowners' Network. He is a past board member of the University of Montana Business School. He graduated from the University of Washington in Seattle with a Masters of Business Administration degree and received a bachelor's degree in business administration from the University of Montana. He's been employed at various banks as a branch manager, loan officer, collection supervisor, appraisal review officer and real estate loan officer.

James Turcott, 1376 Beaverhead Rd, Helena MT 59602

Work phone: 406-442-5012; Home phone: 406-442-0113

Appointment date: 2/8/2005; Term ends: July 1, 2005

Qualification: teachers' retirement board representative

Turcotte is a financial consultant with Raymond James Financial Services, providing financial planning, investment advice and brokerage services. He attended Carroll College and received a bachelor's degree in accounting from Montana State University-Billings. He pursued a career as a charter pilot, and then went to work for the state's retirement division until 1981, when he left his position as assistant administrator to begin a career in financial service. Turcotte served eight years on the Helena Regional Airport Board and was appointed to the Teachers' Retirement Board in 1997.

Oil and Gas Conservation Board 2-15-3303

The board is designated as a quasi-judicial board and consists of seven members. Three members shall be from the oil and gas industry and have had at least 3 years' experience in the production of oil and gas. Two members whom shall be landowners residing in oil or gas producing counties but not actively associated with the oil and gas industry, and one of those shall be one who owns the mineral rights with the surface and the other shall be one who does not

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own the mineral rights. Holdover members include a landowner without mineral rights, a representative of the oil and gas industry and a public member, and one is also an attorney.

Linda Nelson, 469 Griffin Rd, Medicine Lake MT 59247, Chair

Home phone: 406-286-5611

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: landowner who owns the mineral rights with the surface

Nelson served in the legislature for 16 years. Nelson and her husband Roger own and operate a family farm northeast of Medicine Lake. She was the first woman to chair the House Agriculture Committee and has been a member of the Montana Grain Growers, Montana Farmers Union and the American Agricultural Movement. She's a member of the Northeast Montana Land and Mineral Owners Association, and a director of the Nemont Telephone Cooperative. Nelson is active in the Nathaniel Lutheran Church and the Dagmar centennial celebration committee. She's been the chair of the Medicine Lake School Board and was instrumental in starting a Women Involved in Farm Economics chapter in the area.

Donald D. Bradshaw, 2110 Main, Fort Benton MT 59442

Home phone: 406-622-3374

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: oil and gas industry representative

Bradshaw has over 20 years experience in the oil and gas industry. Bradshaw earned a master's degree in geology from the University of Oklahoma, and served in the U.S. Army from 1963-1965. He's worked for various oil companies as a development and exploration geologist and consulted on exploration of oil and gas reserves in the Powder River Basin and other areas. Bradshaw currently works for the Montana Department of Agriculture and Montana State University's certified seed potato lab. He's been a member of the Association of Petroleum Geologists and the Rocky Mountain Association of Petroleum Geologists, Pheasants Forever and the National Rifle Association. In 2002, Bradshaw traveled to Kazakhstan with the U.S. Agency for International Development's farmer-to-farmer program to help that country develop a seed potato program.

Wayne Smith, 983 Cut Bank Hwy, Valier MT 59486

Work phone: 406-873-3349; Home phone: 406-450-1663

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: oil and gas industry representative

Smith, an enrolled member of the Blackfeet Tribe, is a petroleum geologist with K2 America in Cut Bank. He has a geology degree from the University of Montana. Smith has 20 years experience in the oil and gas industry, including work as a rig manager, pit watcher and rig welder. Smith has worked in the South Cut Bank Sand Unit, Sarpy Creek Mine and on the Blackfeet Reservation, as well as in Alaska, Oklahoma and Colorado. He's served as the Blackfeet Reservation's tribal geologist and has directed the Blackfeet environmental office, as well as working in the Denver EPA office in the water quality department. In 1995, Smith received the EPA's Frank DeCoteau Award for exceptional environmental work on Indian lands in air, water and solid waste concerns.

Joan Stahl, PO Box 664, Forsyth MT 59327

Work phone: 406-346-2251; Home phone: 406-356-3407

Appointment date: 1/28/2005; Term ends: January 1, 2009

Qualification: public member

Stahl is a Rosebud County Commissioner. She chairs the Southeastern Montana Development Corporation, comprised of the Northern Cheyenne reservation and the four-county area of Custer, Treasure, Rosebud and Powder River. Stahl is also the secretary-treasurer of the Montana Association of Oil, Gas and Coal Counties and president of the Eastern Montana Mental Health Board. Governor Marc Racicot appointed Stahl to a local coal impact review council, which studied ways to maintain the importance of coal mining in Montana. Stahl is active in the Immaculate Conception parish, the booster club and the parent-teacher-student association. Previous work experience includes time as a district court clerk and deputy county assessor. She attended the University of Montana for two years.

Board of Public Education 2-15-1508

The board consists of seven members, each of whom have seven-year terms. Statute requires a geographic and political party balance. There are four Republican holdover members, one Democrat and one Independent. Three holdover members are from District 1, and four holdover members are from District 2.

Diane Fladmo, c/o UM International Programs, 2925 N Reserve St, Missoula MT 59803

Work phone: 406-541-3130; Home phone: 406-546-1735

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Appointment date: 1/19/2005; Term ends: February 1, 2012 [Reappointment]

Qualification: District 2; Political Party: Independent

Fladmo was born in Lewistown and raised and educated in Poplar. A Glendive resident, she is currently a Research Associate at the University of Montana, involved in projects for the development and dissemination of quality science and math instructional materials, and on the Gates Educational Leadership Project. She received her degree in Special Education from Montana State University-Billings, and most of her professional life has been devoted to special education as a teacher and administrator, as well as serving as an elected school board trustee.

Board of Regents of Higher Education 2-15-1508

The Board of Regents requires political and geographic balance. Each member serves a 7-year term, except for the student regent. A Regent may not be a member of the Board of Public Education. The student regent must be a registered, full-time student at a unit of higher education under the jurisdiction of the Regents. The term of the student regent is from one to four years (July 1-June 30). The student regent appointment is not subject to geographic and political balance and is to be chosen from a list of 3 students submitted by a student organization designated by the Board of Regents. (The governor may ask for a new list.) The list must be forwarded in March (preceding the end of the student regent's regular term) and the appointment must be made by the end of June. Four holdover members live in District 2; one lives in District 1 (not including the student regent). Three holdovers are identified as Republicans, one is identified as a Democrat, and one is identified as an Independent (not including the student regent).

Stephen M. Barrett, 4343 Sourdough Road, Bozeman MT 59715

Work phone: 406-522-4529; Home phone: 406-586-4110

Appointment date: 3/4/2005; Term ends: February 1, 2012

Qualification: District 1; Political Party: Democrat

Barrett is a senior attorney and businessperson with extensive experience in complex litigation, land use planning, real estate development, managing software development, and service on nonprofit boards. He's a member of the Crowley, Haughey, Hansen, Toole & Dietrich law firm (of counsel), emphasizing business issues, real estate development, and land use planning. He has been an associate professor at Montana State University-Bozeman where he lectured on contracts and commercial law, generally for architects and engineers. Barrett is a member of the State Bars of Montana and California, the U.S. District Court, Districts of Montana and California, U.S. Court of Appeals, 9th Circuit and U.S. Tax Court. Barrett has served as board member and president of Eaglemount in Bozeman and is currently chair of the Big Sky Owners Association. Barrett graduated from MSU in 1967 and received his law degree from Pepperdine University School of Law in 1975.

Transportation Commission 2-15-2502

The commission is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. One member must be a resident of and appointed from each of five districts as defined by statute. Of the members appointed from districts 1, 3, 4, and 5, at least one must have specific knowledge of Indian culture and tribal transportation needs. Two members may not be residents of the same district at the time of appointment or during their respective terms of office. Not more than three members may at the time of appointment or during their respective terms be members of the same political party. An elective state official or state officer, during the term of office to which elected or appointed, or a state employee may not be a member of the commission. Holdover members are from District 1 and District 4, and are identified as an Independent and a Republican. One holdover member has been identified as having knowledge of Indian culture and tribal transportation needs.

William T. Kennedy, 902 Parkhill Drive, Billings MT 59101, Chair

Work phone: 406-256-2701; Home phone: 406-245-6051

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: District 5; Democrat

Kennedy, a Yellowstone County Commissioner since 1993, currently serves as president of the Montana Association of Counties. He received an undergraduate degree in secondary education at Montana State University-Bozeman and a master's degree in personnel and guidance at Eastern Montana College in Billings. Kennedy taught at Colstrip, Billings Catholic Schools and was parish administrator at St. Thomas Church in Billings before becoming director of Even Start Family Literacy Program for Billings School District 2. Since becoming a Commissioner, Kennedy serves on a variety of related local, state and national associations and committees. Kennedy will serve as the District 5 member of the Commission, as well as chair.

Rick Griffith, 135 Rye, Butte MT 59701

Work phone: 406-490-1643; Home phone: 406-494-3836

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Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: District 2; Democrat

Griffith is the airport manager for Bert Mooney Airport, a post he's held since 1991. Griffith was the reclamation coordinator and construction manager for Butte Silver Bow, and served as a Butte Silver Bow Commissioner and city councilman. He was an estimator/office manager for Dugdale Construction from 1975-1984. Griffith earned a certificate from Butte VoTech as a civil engineer technician, and studied metallurgy at Montana Tech in Butte. He's an officer of the Montana Airport Managers Association (past president) and the Butte Local Development Association (president), and past chair of the Port of Montana and the Urban Revitalization Agency. Griffith will serve as the District 2 member of the Commission

Deb Kottel, 6301 43rd Street SW, Great Falls MT 59404

Work phone: 406-791-5339; Home phone: 406-727-0542

Appointment date: 2/22/2005; Term ends: January 1, 2009

Qualification: District 3; Democrat

Kottel is dean of the College of Graduate Studies for the University of Great Falls. She received a bachelor's degree from Loyola College, Chicago, Illinois and a J.D. degree from DePaul University School of Law. She serves as chair of the Great Falls International Airport Authority Board and on the executive committee for the Great Falls Development Authority. Past board service includes the Indian Family Health Clinic, Montana Community Shares, United Way of Great Falls, Child and Family Alliance, and the Montana Deaconess Medical Center's Institutional Review Board. Kottel served two terms in the legislature (1995-1999) and has published works on welfare reform and children of inmates. Kottel will serve as the District 3 member of the Commission.

**MESSAGES FROM THE OTHER HOUSE**

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

3/18/2005

**SB 117**, introduced by Cocchiarella

**SB 152**, introduced by D. Ryan

**HB 367** - The House acceded to the request of the Senate and herewith transmits **HB 367** for reconsideration:

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**MOTIONS**

Senator Barkus moved **HB 660** be passed for the day for the purpose of amendment. Motion carried.

Senator Cooney moved **HB 332** be taken from 3rd Reading and referred to Senate Finance and Claims. Motion carried.

Senator Keenan moved his vote on **HB 493** be changed from "aye" to "nay". Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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

**SB 516**, introduced by Gillan, referred to Taxation.

**SB 517**, introduced by Essmann, referred to Taxation.

**SB 518**, introduced by Elliott, referred to Taxation.

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

**SR 14**, introduced by Squires, referred to State Administration.

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

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

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

**SB 57 - House Amendments** - Senator Laible moved House amendments to **SB 57** be concurred in. Motion carried unanimously.

**SB 64 - House Amendments** - Senator Brueggeman moved House amendments to **SB 64** be concurred in. Motion carried unanimously.

**SB 243 - House Amendments** - Senator Cocchiarella moved House amendments to **SB 243** be concurred in. Motion carried unanimously.

**SB 278 - House Amendments** - Senator Black moved House amendments to **SB 278** be concurred in.

**SB 278 - House Amendments** - Senator Esp made a **substitute motion** that House amendments to **SB 278** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Keenan, Laible, Lewis, Lind, McGee, O'Neil, Pease, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Toole, Weinberg, Wheat.  
Total 27

Nays: Barkus, Black, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Kitzenberg, Larson, Laslovich, Mangan, Moss, Perry, Roush, Ryan, Schmidt, Squires, Tropila, Williams, Mr. President.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Grimes.  
Total 1

**HB 275** - Senator Black moved **HB 275** be concurred in. Motion carried unanimously.

**HB 283** - Senator Weinberg moved **HB 283** be concurred in. Motion carried unanimously.

**HB 306** - Senator Roush moved **HB 306** be concurred in. Motion carried unanimously.

**HB 321** - Senator Gillan moved **HB 321** be concurred in. Motion carried unanimously.

**HB 371** - Senator Gebhardt moved **HB 371** be concurred in. Motion carried unanimously.

**HB 427** - Senator Smith moved **HB 427** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 452** - Senator Cobb moved **HB 452** be concurred in. Motion carried unanimously.

**HB 567** - Senator Grimes moved **HB 567** be concurred in. Motion carried unanimously.

**HJR 16** - Senator Mangan moved **HJR 16** be concurred in. Motion carried unanimously.

**HB 32** - Senator Williams moved **HB 32** be concurred in. Motion carried unanimously.

**HB 53** - Senator Esp moved **HB 53** be concurred in. Motion carried unanimously.

**HB 119** - Senator Barkus moved **HB 119** be concurred in. Motion carried unanimously.

**HB 174** - Senator Gebhardt moved **HB 174** be concurred in. Motion carried unanimously.

**HB 301** - Senator Schmidt moved **HB 301** be concurred in.

**HB 301** - Senator Cooney moved **HB 301**, second reading copy, be amended as follows:

1. Page 4, line 14 through line 15.

**Strike:** line 14 through line 15 in their entirety

Amendment adopted with Senators Barkus, Esp, and Laible voting nay.

**HB 301** - Senator Schmidt moved **HB 301**, as amended, be concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 38

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Keenan, Laible, McGee, Shockley, Smith, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Brueggeman.  
Total 1

**HB 332** - Senator Williams moved **HB 332** be concurred in. Motion carried with Senators Bales, Balyeat, Black, Lewis, McGee, and O'Neil voting nay.

**HB 367** - Senator Mangan moved **HB 367** be concurred in.

**HB 367** - Senator Mangan moved **HB 367**, second reading copy, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Strike:** "PROVIDING" on line 6 through "RECORD;" on line 7

2. Title, page 1, line 11.

**Strike:** "25-31-601,"

3. Page 5, line 2 through line 5.



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**Strike:** section 10 in its entirety  
**Renumber:** subsequent sections

Amendment adopted with Senator Laslovich voting nay.

**HB 367** - Senator Mangan moved **HB 367**, second reading copy, be further amended as follows:

1. Title, page 1, line 7.

**Following:** "RECORD;"

**Insert:** "PROVIDING THAT AN APPEAL FROM A JUSTICE'S COURT OF RECORD TO THE DISTRICT COURT IS ON THE RECORD AND NOT DE NOVO ONLY IF ALL THE PARTIES WERE REPRESENTED BY AN ATTORNEY IN THE JUSTICE'S COURT OF RECORD;"

2. Page 5, line 17.

**Following:** "3-10-115"

**Insert:** "if all parties were represented by an attorney in the justice's court of record"

Amendment adopted with Senator Laslovich voting nay.

**HB 367** - Senator Mangan moved **HB 367**, as amended, be concurred in. Motion carried with Senators Barkus and Stapleton voting nay.

**HB 377** - Senator Cocchiarella moved consideration of **HB 377** be passed for the day. Motion carried.

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

**THIRD READING OF BILLS**

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

**HB 103** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 191** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan,

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Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 42

Nays: Bales, Curtiss, Esp, Keenan, Laible, McGee, Stapleton, Steinbeisser.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 196** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 223** concurred in as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Squires, Story, Tash, Toole, Weinberg, Wheat, Williams, Mr. President.  
Total 36

Nays: Balyeat, Black, Curtiss, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Mangan, McGee, Smith, Stapleton, Steinbeisser, Tropila.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 234** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.

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Total 0

Excused: None.  
Total 0

**HB 262** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 318** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Keenan, Laible, Laslovich, Lind, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Tropila, Williams, Mr. President.  
Total 40

Nays: Black, Gillan, Hawks, Kitzenberg, Larson, Lewis, Moss, Toole, Weinberg, Wheat.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 493** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 33

Nays: Bales, Barkus, Black, Curtiss, Esp, Essmann, Grimes, Keenan, Lewis, McGee, O'Neil, Perry, Shockley, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 502** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 631** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 638** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 48

Nays: Curtiss, Esp.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 61, as amended by the House**, passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 166** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 49

Nays: Grimes.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 207** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 345** passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.  
Total 47

Nays: Bales, Balyeat, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

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Spencer Driscoll read his award-winning Voice of Democracy essay.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 8:00 a.m., Saturday, March 19, 2005. Motion carried.

Senate adjourned at 3:14 p.m.

BILL LOMBARDI  
Secretary of Senate

JON TESTER  
President of the Senate