

MINUTES OF THE MEETING OF THE HOUSE STATE ADMINISTRATION COMMITTEE
March 18, 1983

CHAIRMAN JOE BRAND called the meeting to order at 8 a.m., in Room 129, Capitol building, Helena, Montana.

Roll call was taken and all members were present except Representatives Smith and Bardanouve.

SENATE BILL 267

SENATOR MARK ETCHART, sponsor of Senate Bill 267, gave an introduction to this bill. The Department of Institutions asked him to sponsor the bill. It formalizes what has been in progress for the last two years. This is the consolidation of the administration of the Warm Springs State Hospital and the hospital at Galen. Two years ago the subcommittee thought that there could be some economy by the consolidation of these for administrative purposes. The functions have changed so much from what they were originally designed for. This takes a lot of housekeeping language to change the terminology from the Warm Springs State Hospital to the Montana State Hospital. Galen would be for residential treatment and the Montana State Hospital would be for a health unit. He then introduced Curt Chisholm from the Department of Institutions to explain further.

PROPOSERS

CURT CHISHOLM, Deputy Director, Department of Institutions, explained what Senate Bill 267 would do. It recognizes the administrative consolidation of the two previously independent hospitals, at least in terms of statutory definition. We were told to do this and agreed to do it during the last session of the legislature. This was originally decided to make things more efficiently run at both facilities. When we reported back to the 1979 session the goal at that particular time was to consolidate the laundry facilities on those two campuses which was done at the Warm Springs campus. It is now a centralized operation handling the Warm Springs hospital, Galen and the Montana State Prison. We were asked to come back with a full report during the 1981 session, which we did and based upon the report, we were asked to go ahead and administratively consolidate the two institutions. So now, in 1983 we are here with a bill that officially recognizes that consolidation. The advantage of this legislation is that it not only culminates long standing efforts of the legislature but it gives us the opportunity to clarify the legal status and functions of those agencies. As most of you know, Galen has been floating down there with no real sense of purpose. It is known right now as the state's tuberculosis sanitarium and the place for alcoholics. We still care for them there but we are more precisely defining the role of that institution now which gives it more stability. It has two components on its campus, a chemical dependency treatment function and also a hospital and long-term care facility for any patient under the care of the Department of

Institutions. This is a major step in protecting the mission of those two campus facilities, and it gives it a better sense of definition.

THERE WERE NO ADDITIONAL PROPONENTS AND NO OPPONENTS TO SENATE BILL 267. SENATOR ETCHART CLOSED.

COMMITTEE QUESTIONS

REPRESENTATIVE PAUL PISTORIA ask how far apart Galen and Warm Springs are. Curt Chisholm replied that it is approximately 4.6 miles. Representative Pistoria then ask how far it was from the prison. Curt Chisholm replied that it is about 15 miles from Warm Springs to the prison and about 11 miles from Galen.

REPRESENTATIVE WALTER SALES ask where they send the juvenile delinquents now, that use to go up to Galen. Curt Chisholm said that they still operate a lighthouse drug program at Galen which is a 15-bed long-term care program for drug addicts who can range from young juveniles to adults.

Representative Sales ask about the section of the law that is being repealed by this bill. Curt Chisholm explained that this is a housekeeping measure. This was put in the statutes in the late 60's but it was never funded. We are getting some redundant language out of the statute.

CHAIRMAN JOE BRAND asked if that was what all of the three sections that are being repealed by this bill would do. Curt Chisholm replied, "Yes, they all refer to the juvenile admissions and diagnostic center on the Galen campus where it was permissive for us to do this but it was never funded.

Chairman Brand asked what types of children were in the back area of the campus that was connected with the Boulder River School and Hospital. Curt Chisholm replied that years ago this was the children's TB hospital. This does not have anything to do with these sections.

Chairman Brand ask if the sections that cover these types of people are still in effect today. Can they still be kept at Galen? Curt Chisholm replied that they could; one of the missions of the Galen hospital is to serve the tuberculosis patients whether they are young adults or children or whatever. Chairman Brand said that he was not talking about tuberculosis patients. He is talking about the types of people that are at Boulder, who were previously at Galen. Mr. Chisholm replied that they don't have them there any more. We can't serve those kinds of children at Galen by virtue of the DD Commitment Act. They have to go to Boulder, Eastmont or some community based program. We haven't been able to serve them since 1975.

Chairman Brand said that Mr. Chisholm had eluded to the fact that they were going to have better services available. Are you saying that it is an added attraction to have kitchen services available at Warm Springs but not at Galen. Mr. Chisholm replied that that this recommendation came from the appropriations committee, that they could operate out of one major kitchen. They truck the food from one campus to the other. We will be operating a kitchen at Galen to warm food and prepare special diets.

Chairman Brand ask how much money this would save between the two institutions. Curt Chisholm replied that he was not sure on that. Chairman Brand said that at the prison the food is being moved 100 yards and it is cold. How are we to believe that moving it 4.6 miles will keep the food warm? I would rather have the food warm and palatable to those people at Galen than they are at the prison. Curt Chisholm stated that they were having problems with the food at the prison and it was attributed to the use of the type of tray we were using. We are going to start bulk food delivery.

REPRESENTATIVE WALTER SALES asked about one of the repealers having to do with the qualifications for the Superintendent at Warm Springs. Is this covered some other way. Mr. Chisholm said that it was. The definition for the Superintendent at Galen serves our interests better and so we chose to repeal the other since this would be a consolidation.

THERE WERE NO FURTHER QUESTIONS FROM COMMITTEE MEMBERS SO
CHAIRMAN BRAND CLOSED ON THIS BILL.

EXECUTIVE SESSION

SENATE BILL 267

REPRESENTATIVE GLENN MUELLER MOVED Senate Bill 267 BE CONCURRED IN and this was seconded by Representative Joe Hammond. The question being called, motion carried unanimously.

Representative Glenn Mueller will carry the bill on the House floor.

Senate Bill 267 was reported out of the committee this date
BE CONCURRED IN.

SENATE BILL 314

REPRESENTATIVE CLYDE SMITH MOVED Senate Bill 314 BE CONCURRED IN and this was seconded by Representative Duane Compton. The question being called, the motion carried unanimously by voice vote.

Representative Clyde Smith will carry the bill on the House floor.

Senate Bill 314 was reported out of the committee this date
BE CONCURRED IN.

SENATE BILL 309

REPRESENTATIVE JERRY DRISCOLL explained what the subcommittee had decided. We decided to return it to the present law with the exception of all the unconstitutional language. We have taken out all the Senate amendments except page 6, section A 2 and 4, we added in there, "except personal living expenses". On page 9, line 11 the stricken part, travel and personal living expenses we reinserted travel expenses. The committee felt that personal living expenses has nothing to do with lobbying. If you live in any other place you must report it. We decided to leave in travel expenses because people coming from out of the state would not have to report any thing if they didn't have to report their travel since they would probably never break the \$1,000 threshold.

Lois Menzies had amendments prepared based on the recommendation of the subcommittee.

Definitions of lobbying referred to the original law except for the unconstitutional part.

CHAIRMAN JOE BRAND questioned the part on page 2. Representative Driscoll said that they didn't do anything with this because Senate Bill 339 takes care of it.

REPRESENTATIVE JOE HAMMOND stated that we had the concurrence of both sides on these amendments. Everybody seemed to be happy with them.

REPRESENTATIVE WALTER SALES mentioned that he would like to see that occupational, financial and business interests in there. Representative Driscoll said that then we would have to kill Senate Bill 339.

REPRESENTATIVE WALTER SALES MOVED that we insert occupational and financial and add a new section which would be a reference to the 5-7-213 which would be an expansion and this was seconded by Representative Glenn Mueller. The question being called, the motion carried unanimously.

Lois Menzies said that she would like to work with Representative Sales on this amendment because she was not certain what language he wanted in his amendment.

REPRESENTATIVE JERRY DRISCOLL MOVED to accept the amendments by the subcommittee and this was seconded by Representative Joe Hammond. The question being called, the motion carried unanimously.

REPRESENTATIVE CLYDE SMITH MOVED Senate Bill 309 AS AMENDED BE CONCURRED IN and it was seconded by Representative Joe Hammond. The question being called, the motion carried unanimously.

The bill will be carried by Representative Driscoll on the House floor. The bill was reported out of the committee this date AS AMENDED BE CONCURRED IN.

Representative Mueller gave a compliment to the subcommittee for all their hard work.

SENATE BILL 137

REPRESENTATIVE JOE HAMMOND explained why there was no action taken on the repealer. There is a financial audit conducted every two years on these people by the Audit Committee. We are not repealing the whole sunset provision. We are merely repealing the fact that it won't be done every 6 years. If any of your constituents have a problem they can come to you and then you can bring it to the legislature or the Audit Committee to have it considered for sunseting.

REPRESENTATIVE JOE HAMMOND MOVED Senate Bill 137 BE CONCURRED IN and it was seconded by Representative Clyde Smith. The question being called, the motion carried unanimously.

The bill was reported out of the committee this date BE CONCURRED IN.

SENATE BILL 311

REPRESENTATIVE JOE HAMMOND explained what would have to be done if you as a legislator wanted something audited outside of what they had already done. We recommend the deletion of the Office of Political Practice from that list.

REPRESENTATIVE KATHLEEN MCBRIDE said that there was some concern about something like the Office of the Commissioner of Campaign Practices being never given a performance audit and it should have that first before it be considered for a sunset review.

REPRESENTATIVE GLENN MUELLER asked Representative McBride if what she was saying was that she agreed with taking this out because she thought it could be done by a performance audit first. Representative McBride stated that was correct.

REPRESENTATIVE JERRY DRISCOLL MOVED to further amend the bill on page 1, lines 22 and 23. This should be stricken.

REPRESENTATIVE FRANCIS KOEHNKE asked how they worked with OSHA. Representative Driscoll said that they did not work with them at all. They just come on the job as a service to employers

to make things safer. There is no fine connected and it would bring down the insurance rates, etc. It is very effective.

CHAIRMAN JOE BRAND ask why the Senate struck out the Coal Tax fund. Representative McBride said it was stricken in the State Administration Committee in the Senate because the program has not been in existence that long.

REPRESENTATIVE JOHN PHILLIPS mentioned that we had a bill that established an advisory board that should cover things like this that may come up in this area.

REPRESENTATIVE WALTER SALES said he had a hang up with this area and that is the legislative auditor and the legislative council. How can we put a handle on that?

REPRESENTATIVE FRANCIS KOEHNKE said that Senator Stephens has a bill that would combine them.

REPRESENTATIVE KATHLEEN McBRIDE said that she did not think that it will do what you think it will and it will probably not save any money. It is important to realize we in the legislature demand advice, etc. and somebody has to get that information to us. I agree that there is a problem with the way these areas are growing but I don't know how to go about doing it.

REPRESENTATIVE FRANCIS KOEHNKE said that the only way to slow them down is to cut their funds.

REPRESENTATIVE BILL HAND stated that each one of these programs are being looked at and it is up to the appropriations to do this.

REPRESENTATIVE CLYDE SMITH said that perhaps the proper way would be to have someone from the outside look at all three groups, but not with this bill.

REPRESENTATIVE KATHLEEN McBRIDE said that there is concern about what is going on and it is something that the people that serve on the committee need to take a look at and see what could be done to address this. It is hard when the Audit staff is put in the position of auditing the Legislative Council and the Fiscal Analyst. Maybe we need to have someone look at them that is more objective, and this would need to be someone from outside of state government.

The question being called on the previous amendment and it was decided to have seperate motions on the amendments rather than have them voted on together.

REPRESENTATIVE KATHLEEN McBRIDE MOVED on amendments to strike line 4, page 2 and seconded by Representative Joe Hammond. The question being called, the motion carried with Representative

Bill Hand voting "nay".

REPRESENTATIVE JERRY DRISCOLL MOVED to strike lines 21 through 23 on page 1 and this was seconded by Representative Joe Hammond. The question being called, the motion carried with Representative John Phillips voting "nay".

REPRESENTATIVE JOE HAMMOND MOVED Senate Bill 311 AS AMENDED BE CONCURRED IN and this was seconded by Representative Bill Hand. The question being called, the motion carried with unanimous voice vote.

Representative McBride will carry the bill on the House floor. This bill was reported out of committee this date AS AMENDED BE CONCURRED IN.

SENATE BILL 438

LOIS MENZIES explained the amendments prepared for this bill at the request of the committee. She explained the various parts of the grey bill. There was concern where this bill covered elected officials and this was explained by Lois. She covered the suggested amendments made at the subcommittee meeting.

CHAIRMAN JOE BRAND asked about the employee that would come before the committee to testify and would be docked for his time but the department head could come and be paid for it.

REPRESENTATIVE JERRY DRISCOLL said that from the subcommittee decision, they thought that it wasn't going to do anything any way. You are not going to keep them out of here. He is not sure that they should be kept away. Right now an employee below the bureau chief level has to take leave time to be here to testify. What if the person says that he is an employee of state government, can he do that? We need to sift out the testimony and it will not make any difference any way. The public employees have just as much right as anyone else to testify.

REPRESENTATIVE KATHLEEN McBRIDE said that this bill has an effect on how to get the people here. If they are going to travel a long way to get here, they will make sure that they have an invitation. But she does not know all of them and how to get them here. These people might have valuable input that we are missing out on because they can't testify under this law. We need a clear directive from the executive office regarding testimony on a bill.

REPRESENTATIVE JOHN PHILLIPS said that it is true that we have alot of people come up here and talk against a bill when they really don't know anything about what it might do for the people.

But it is important to have all sides expressed. It would be pretty difficult to have the state have to pay all the people that come up here and give us information. So how do you go about making it alright for everyone?

CHAIRMAN JOE BRAND explained that if a person files 15 days in advance they can be here as long as they are here only for informational purposes.

REPRESENTATIVE GLENN MUELLER mentioned that there is a severe problem along these lines. There was a bill up on the House floor the other day and it passed. One department of state government decided on this legislation to try to change things and the other side did not have the chance to rebut that. It is an extremely serious problem. The bureaus have the total advantage.

REPRESENTATIVE KATHLEEN McBRIDE said this bill only applies to people that will testify before the committees. It will not do anything for what Representative Mueller is referring to. It would be like us not being able to sift out what is good and what is bad. To be denied information would be very bad for us.

REPRESENTATIVE JERRY DRISCOLL said this bill is not going to help anything. If this bill passes he will put an ad in the newspaper inviting the people to come and testify because they have a right to be here. Because you work for state government you have no right to be at a legislative hearing? I believe that people often times know more than the people who are running things.

REPRESENTATIVE GLENN MUELLER said he understood what they were saying, but somewhere, somehow we need to get a handle on this to stop some of the top people from being here all the time.

CHAIRMAN JOE BRAND made a statement on the amendment. He said, that he knew alot of state employees who wanted to come here to testify but they were told by their attorneys not to come, and they will be worse off with this bill. The problem with the employees in state government is that they are afraid for their jobs.

REPRESENTATIVE JOHN PHILLIPS said that maybe we should write something in this bill that would allow state employees to come forward without receiving flack about it.

REPRESENTATIVE CLYDE SMITH said, "I believe that any state employee should be allowed to be here but we might have a problem with this."

REPRESENTATIVE JERRY DRISCOLL said the people that are here testifying are getting paid because they are big shots. This

bill will not help the little people. It really doesn't make any difference. You still have the legislative people here. He then suggested that the committee move on the amendments.

REPRESENTATIVE WALTER SALES MOVED a substitute motion to TABLE and this was seconded by Representative Clyde Smith.

CHAIRMAN BRAND said that we should vote on the amendments first and then if they wanted to table the bill, they could move to do so.

REPRESENTATIVE JERRY DRISCOLL MOVED that the amendments be accepted and this was seconded by Representative Clyde Smith. The question being called, the motion carried unanimously.

REPRESENTATIVE WALTER SALES MOVED Senate Bill 438 be TABLED AS AMENDED and this was seconded by Representative Clyde Smith. The question being called, the motion carried.

The bill was reported out of committee this date as TABLED AS AMENDED.

REPRESENTATIVE GLENN MUELLER MOVED for adjournment and this was seconded by Representative Francis Koehnke. Motion carried.

The meeting adjourned at 10:17 a.m.

Respectfully submitted,



REPRESENTATIVE JOE BRAND, CHAIRMAN

Cleo Anderson, Secretary to Committee

STANDING COMMITTEE REPORT

MARCH 18

19 83

MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **267**

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"AN ACT CHANGING THE NAME OF THE INSTITUTIONS AT WARM SPRINGS AND GALEN TO THE MONTANA STATE HOSPITAL; CLARIFYING THE FUNCTIONS OF THE HOSPITAL; AND ELIMINATING THE JUVENILE RECEPTION AND EVALUATION CENTER; AMENDING SECTIONS 7-32-2144, 46-14-202, 46-14-213, 46-14-301 THROUGH 46-14-304, 46-19-202, 50-17-104, 53-1-104, 53-1-202, 53-1-402, 53-6-301 THROUGH 53-6-304, 53-20-214, 53-31-102, 53-21-202, 53-21-203, 53-21-401, 53-21-402, 53-21-411, 53-21-412, AND 53-30-211, MCA; REPEALING SECTIONS 53-31-301, 53-21-302, AND 53-30-201, MCA; AND INSTRUCTING THE CODE COMMISSIONER TO MAKE PROPER CHANGES IN MATERIAL ENACTED BY THE 48TH LEGISLATURE."

Respectfully report as follows: That **SENATE** Bill No. **267**

-DO PASS BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 18

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MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 314

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"AN ACT PROVIDING FOR THE QUALIFICATION OF PUBLIC SERVICE RETIREMENT CREDITS AMONG THE PUBLIC EMPLOYEES', HIGHWAY PATROLMEN'S, SHERIFFS', GAME WARDENS', MUNICIPAL POLICE OFFICERS', AND FIREFIGHTERS' UNIFIED RETIREMENT SYSTEMS FOR PUBLIC SERVICE PERFORMED FOR THE STATE AND THE POLITICAL SUBDIVISIONS OF THE STATE; AMENDING SECTIONS 19-3-509, 19-6-305, 19-7-309, 19-8-306, AND 19-9-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 314

DO PASS BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 18

19 93

MR. **SPEAKER**We, your committee on **STATE ADMINISTRATION**having had under consideration **SENATE** Bill No. **309**

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"AN ACT TO GENERALLY REVISE THE PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND "LOBBYING"; DELETING-THE REQUIREMENT-FOR-THE-REPORTING-OF-EXPENSES-UNRELATED-TO INFLUENCING-LEGISLATION; INCREASING THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES FROM \$10 TO \$25 AND FROM \$100 TO \$250; AND DELETING-THE-DISCLOSURE-OBLIGATION-IMPOSED-ON PUBLIC-OFFICIALS; AMENDING SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA; REPEALING-SECTION-5-7-213-MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That **SENATE** Bill No. **309**

1. Title, line 8.

Strike: "DEFINITIONS"

Insert: "DEFINITION"

Strike: "LOBBYIST" AND"

2. Page 2, line 2.

Following: "BUSINESS"

Insert: ", financial, and occupational"

3. Page 3, line 3.

Strike: "BEFORE"

4. Page 3, lines 10 through 13.

Strike: "OTHER" on line 10 through "PURPOSES" on line 13

Insert: "in the event the person engaged in such practice
 expends \$1,000 per calendar year or more exclusive of
 personal travel and living expenses"

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Continued:

MARCH 18

19 83

5. Page 6, line 4.

Following: "expenses"

Insert: "excluding personal living expenses"

6. Page 6, line 9.

Following: "means"

Insert: ":(a)"

7. Page 6, line 16.

Following: "organizations"

Insert: "; and (b) present or past employment from which benefits, including retirement allowances, are received"

8. Page 9.

Following: line 11

Insert: "(iv) travel expenses;"

ReNUMBER: subsequent subsections

9. Page 11.

Following: line 16.

Insert: NEW SECTION. Section 5. Coordination instruction

(1) If Senate Bill No. 339, including a section of that bill amending 5-7-101, is passed and approved, the following language contained in 5-7-101 as amended in section 1 of this act is stricken: "to require elected officials to make public their business, financial, and occupational interests,".

(2) If Senate Bill No. 339, including a section of that bill amending 5-7-102, is passed and approved, the amendments to 5-7-102(12) contained in section 2 of this act are void.

ReNUMBER: subsequent section

AND AS AMENDED, BE CONCURRED IN

STANDING COMMITTEE REPORT

MARCH 18

19 **83**

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MR. **SPEAKER**

We, your committee on **STATE ADMINISTRATION**

having had under consideration **SENATE** Bill No. **137**

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"AN ACT REVISING THE SUNSET PROVISIONS CONCERNING STATE AGENCIES;
ELIMINATING THE 6-YEAR LIMITATION ON REESTABLISHING AGENCIES OR
PROGRAMS; ESTABLISHING A PROCEDURE FOR SPECIFYING AGENCIES AND
PROGRAMS TO BE REVIEWED; AMENDING SECTIONS 2-8-101, 2-8-102,
2-8-111 THROUGH 2-8-121, AND 2-8-122, MCA; REPEALING SECTIONS
2-8-103 AND 2-8-104, MCA; AND PROVIDING EFFECTIVE DATES."

Respectfully report as follows: That **SENATE** Bill No. **137**

DO PASS BE CONCURRED IN

STANDING COMMITTEE REPORT

March 18

19 83

MR. SPEAKER

We, your committee on STATE ADMINISTRATION

having had under consideration SENATE Bill No. 311

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"AN ACT SPECIFYING AGENCIES AND PROGRAMS TO BE SUBJECT TO A
SUNSET REVIEW AND TO TERMINATE JULY 1, 1985; AND PROVIDING
AN-~~IMMEDIATE~~ A CONTINGENT EFFECTIVE DATE."

Respectfully report as follows: That SENATE Bill No. 311

1. Page 1, line 22 and 23.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections
2. Page 1, line 24.
Following: "; and"
Insert: "and"
3. Page 2, line 1.
Strike: "; and"
Insert: "."
4. Page 2, line 4.
Strike: subsection (7) in its entirety

~~XXXX~~ AND AS AMENDED, BE CONCURRED IN
DO PASS

VISITORS' REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

BILL SENATE BILL 267

Date MARCH 18, 1983

SPONSOR SENATOR ETCHART

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

M E M O R A N D U M

TO: Chairman Joe Brand

FROM: Cleo Anderson, Secretary, State Admin. Comm.

DATE: March 17, 1983

RE: Sub-Committee Recommendations to the Standing Committee

<u>SENATE BILL</u>	<u>COMMITTEE</u>	<u>RECOMMENDATION</u>
378	HAND (C), DRISCOLL & SMITH	AS AMENDED BE CONCURRED IN
166	HAND (C), DRISCOLL & SMITH	AS AMENDED BE CONCURRED IN
✓ 309	DRISCOLL (C), HAMMOND & SMITH	AS AMENDED BE CONCURRED IN
✓ 137	HAMMOND (C), McBRIDE & PHILLIPS	BE CONCURRED IN
✓ 311	HAMMOND (C), McBRIDE & PHILLIPS	AS AMENDED BE CONCURRED IN
438	DRISCOLL (C), McBRIDE & PHILLIPS	AS AMENDED BE NOT CONCURRED
286	HOLLIDAY (C), KOENKE, BLISS, SOLBERG & McCORMICK	
June 22 10:30 40	O'CONNELL (C), McCORMICK & BLISS	
June 22 10:30 429	O'CONNELL (C), DRISCOLL & SALES	
436	DRISCOLL (C), O'CONNELL & SMITH	