



Lynda Brannon, Exec. Dir.  
208 North Montana Ave Suite 102  
Helena, MT 59601  
[www.masbo.com](http://www.masbo.com)

Phone: (406) 442-5599  
Fax: (406) 442-1356  
[lbrannon@masbo.com](mailto:lbrannon@masbo.com)

December 2006

**New IRS Mileage Reimbursement beginning January 1, 2007 is 0.485 per mile.**



**Calendar of Events**

**2006**

**December 13 - 15** – New Clerk’s Workshop (Helena - Jorgenson’s)

**2007**

**January 30-31** -MASBO Board Meeting – Helena

**February 8-9** - ASBO Leadership Conference - Toronto

**March 29-30** - MASBO Board Meeting - Helena

**June 20-22** – Annual Summer Conference (Butte-Copper King Inn)

**October 12 -16** ASBO Conference – Toronto

**October 17-19** MCEL – Great Falls



**Membership News**

Change your directory :  
e-mail address for Kathy Preeshl to:  
[kpreeshl@northstar.k12.mt.us](mailto:kpreeshl@northstar.k12.mt.us)

**Welcome New Clerks**

- Anna Stene-Bouley**, District Clerk for West Glacier
- Lonnie Morin**, District Clerk for Arlee
- Lisa Morgan**, District Clerk for Alder
- Sandi Fitzpatrick**, District Clerk for Valley View
- Suzanne Neville**, Asst Dist. Clerk for Victor
- Nick Marshall**, District Clerk for Creston
- Pam Harris**, Payroll Clerk for Ronan
- Julie Janssen**, Deputy Business Mgr for Ronan
- Tina Hill**, District Clerk for St. Regis
- Kay Trebesch**, Soon to be District Clerk for Vaughn
- Arlene Hartman**, District Clerk for Highwood
- Ginger Martello**, Clerk in training, Ennis Schools
- Cindy Cowen**, District Clerk in Turner

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“MASBO IS DEDICATED TO TRAINING AND SUPPORTING THE PEOPLE RESPONSIBLE FOR BUSINESS OPERATIONS OF MONTANA SCHOOLS. THE GOAL IS TO ENABLE MEMBERS TO MANAGE THE BUSINESS IN ORDER TO SUPPORT EDUCATION FOR MONTANA CHILDREN”

## MAY 8, 2007

### SCHOOL ELECTION CALENDAR

December 25, 2006 through March 28, 2007	Trustee candidates file for election. Nomination petitions must be filed with election administrator. No person signing a petition may sign more nomination petitions than there are trustee positions open. <b>NO CANDIDATE MAY APPEAR ON THE BALLOT UNLESS HE OR SHE MEETS THIS DEADLINE.</b> (13-10-201(6), 20-3305 and 20-3-344, MCA) [no earlier than 135 days, or no later than 40 days before election.]
End of January	Contact the Montana Commissioner of Political Practices (MCP) office at (406) 444-2942 if you are in (1) a first-class district located in a county with populations of 15,000 or more, <i>OR</i> (2) a county high school district with an enrollment of 2,000 or more and did NOT receive a notice and a packet of information from the MCP. (13-37-206, MCA)
February 22	Mail an address confirmation form to voters who previously requested an absentee ballot for all elections. Contact your county election administrator for the permanent absentee ballot list. If the form is not completed and returned, remove the elector from the list. (13-13-212, MCA) [At least 75 days before election]
February 22	First day elector can request an absentee ballot. Voters who wish to vote absentee may request an absentee ballot in writing or in person starting at this date until noon the day before the election. Clerks: remember to enclose three things with the absentee ballots: <ul style="list-style-type: none"> <li>● a form allowing the voter to request absentee ballots for subsequent elections</li> <li>● a secrecy envelope</li> <li>● a self-addressed envelope for the return of the ballots.</li> </ul> Sample forms are available in the School Election Manual. (13-13-211 & 13-13-214, MCA) [75 days before election]
March 28	Trustees call for an election. At least 40 days before the election, the trustees must pass a resolution stating: 1) the date of the election; 2) the purpose of the election; 3) the polling site(s) (if changed from previous school election); and 4) the time the polls will open, if before noon. The trustees do NOT have to set levy amounts at this time; however, they must be set in time for the clerk to certify the ballot. Sample resolutions are available in the School Election Handbook. The resolution must be delivered to the county election administrator at least 35 days before the election, but it need NOT be posted. The trustees must also appoint three election judges per precinct. The resolution may appear in the board minutes. An election may also be called by the county superintendent, county commissioners, board of public education or the trustees of a community college. 20-20-401, 20-20-201, and 20-20-203, MCA
April 3	Last day to file resolutions for school election with county election administrator. (20-20-201(2)MCA) [no later than 35 days before election]
April 9	Voter registration closes. A voter must register by this deadline to vote in the school election. Election administrator prepares registration list. It is not necessary to publish any notice of closing of voter registration. (20-20-311 and 20-20-312, MCA) [30 days before election]

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April 8 – April 20	Notice of election is posted. The election notice must be published in a newspaper of general circulation in the district AND posted in at least three public places in the district, provided that in incorporated cities and towns at least one notice must be posted in each ward or precinct. Radio or television notice may supplement the notice. The notice must include 1) the date and polling places of the election, 2) polling place hours, 3) each proposition to be considered by the electorate, 4) the number of trustee positions, if any, subject to election and the length of the terms for those positions and 5) where and how absentee ballots may be obtained. (20-20-204, MCA) [not less than 20 days or more than 30 days before election]
April 12 (By 5 p.m.)	Deadline for write-in candidate for a trustee position on a school board to file declaration of intent. (13-10-211(3), MCA) [not less than 26 days before the election]
April 12 (After 5 p.m.)	Election by Acclamation and Cancellation of Election - Notice. If the number of candidates filing for a position and filing a declaration of intent to be a write-in candidate is equal to the number of positions to be elected, the trustees cancel the trustee election. They must then give notice that an election will not be held. Sample forms are available in the School Election Handbook.
By April 13	Election administrator certifies ballot. The election administrator prepares the final ballot form, listing all candidates and propositions to be voted upon. The ballot must then be delivered to the election administrator, if other than the clerk. See School Election Handbook for more information. Trustees must pass a resolution stating exact levy amounts by this date in order for the clerk to certify the ballot. This resolution must include: <ul style="list-style-type: none"> <li>● Specific purpose for additional funds</li> <li>● Specific amount to be raised</li> <li>● Approximate number of mills</li> <li>● Durational limit, if any, on the levy</li> </ul> [not less than 25 days before election] 13-12-201, 20-20-401, and 15-10-425, MCA
April 18	Absentee ballots available. The election administrator prepares ballots for absentee voters. (20-20-401, MCA) [at least 20 days prior to election]
April 27	Last day to notify election judges of appointment (20-20-203, MCA) [not less than 10 days before election]
May 7 (by 5 p.m.)	Absolute last day for write in candidates to file a declaration of intent (13-10-211, MCA) A declaration of intent may be filed after the deadline and until 5 pm the day before the election only if a candidate for the office that the write in candidate is seeking: dies, withdraws from the election or is charged with a felony offense.
May 8	Notify election judges of the names of write-in candidates
February 22 until noon May 7	Deadline for absentee requests. Absentee ballots may be requested 75 days before the election but no later than noon the day before the election. If the voter has a health emergency between 5 p.m. the Friday before the election (May 4) and noon on the election day (May 8), an emergency request for an absentee ballot may be made by noon on May 2. (13-13-211, MCA)
May 7	Deliver certified copy of the lists of registered electors for each polling place to the district by election administrator before the election day. District then delivers list(s) to election judges prior to opening of polls. (20-20-313, MCA)

May 8	<b>ELECTION DAY.</b> (20-20-105, MCA) The election administrator must prepare polling places, print ballots, ensure election judges are present and conduct a fair and unbiased election. (Title 13, Chapter 13, and 20-20-203, 20-20-401, and 20-20-411, MCA)
Following receipt of the tally sheets from all polls <b>AND</b> By May 23 (Next regular or special board meeting following the election)	Trustees canvass votes, issue certificates of election and publish results. The canvassed results shall be published immediately in a newspaper that will give notice to the largest number of people in the district. (20-20-415 and 416, MCA) [within 15 days after the election]
Within 15 days after receipt of certificates of election. (20-20-416 MCA)	Candidate completes and files oath of office with the County Superintendent. Newly elected trustees may not be seated until the oath is filed. (20-3-307, 20-1-202, 1-6-101, MCA)
May 19	Deadline for trustees to hold organizational meeting (20-3-321, MCA)[not later than third Saturday in May]
June 1	Deadline for trustees to request county election administrator to conduct school election for next year. (20-20-417, MCA)
<p><b>Additional References:</b></p> <p>1-1-307. Postponement of day appointed for an action when it falls on a holiday or Saturday. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday or a Saturday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.</p> <p>20-3-205. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts: (2) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307.</p> <p>1-6-101. Every court, judge, clerk of any court, justice, notary public, and officer or person authorized to take testimony in any action or proceeding or to decide upon evidence has power to administer oaths or affirmations.</p> <p>( MASBO takes special care in preparation of the annual election calendar however, if you find a mistake or oversight, please notify the MASBO office so corrections can be noted in future newsletters and in future calendars. Thank You.)</p>	



## Coming soon 2 dues 1 invoice

MASBO and ASBO International are teaming up and MASBO members can join ASBO at the time they pay their MASBO dues and only have one check. The Montana ASBO will get \$5.00 for each person that joins ASBO International in this manner. More details will be coming out this spring!

“The most important thing in communication is hearing what isn't said.” --Peter F. Drucker

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## 2006-07 MASBO Board

President	<b>Evelyn Mull</b>	(406) 683-2361	emull@bchsmt.com
President Elect	<b>Teresa Cornell</b>	(406) 353-2289	Teresac@harlem-hs.k12.mt.us
Vice-President	<b>Suzie Zentz</b>	(406) 656-4471	suziez@canyoncreek.k12.mt.us
Past President	<b>Kathy Preeshl</b>	(406) 355-4481	kpreeshl@northstar.k12.mt.us
Executive Director	<b>Lynda Brannon</b>	(406) 442-5599	lbrannon@masbo.com
Region 1	<b>Pam Owen</b>	(406) 883-6355	powen@polson.k12.mt.us
(Flathead, Sanders, Lake, Mineral, Missoula, Granite, and Ravalli Counties)			
Region 2	<b>Zella Witter</b>	(406) 265-4356 ext. 348	witterz@havre.k12.mt.us
(Glacier, Toole, Pondera, Teton, Chouteau, Cascade, Judith Basin, Liberty, Hill, and Blaine Counties)			
Region 3	<b>Jacki Young</b>	(406) 742-5265	jyoung@fschool.org
(Valley, Daniels, Sheridan, Roosevelt, and Richland Counties)			
Region 4	<b>Sandra Lane</b>	(406) 682-4258	slane@ennisschools.org
(Lewis & Clark, Deer Lodge, Powell, Silver Bow, Jefferson, Meagher, Gallatin, Beaverhead, Madison, Broadwater, and Park Counties)			
Region 5	<b>Diane Brook</b>	(406) 252-6002	brookd@lockwood.k12.mt.us
(Petroleum, Wheatland, Golden Valley, Musselshell, Sweet Grass, Stillwater, Yellowstone, Carbon, and Big Horn Counties)			
Region 6	<b>Elaine Stanhope</b>	(406) 778-2577	elaines@baker.k12.mt.us
(McCone, Dawson, Prairie, Wibaux, Treasure, Rosebud, Custer, Fallon, Powder River, and Carter Counties)			
ExOfficio - OPI	<b>Denise Ulberg</b>	444-1960	DUlberg@mt.gov
ExOfficio – MSUIP	<b>Roger Heimburger</b>	628-3354	rbinger@laurel.k12.mt.us



### Are you Prepared for a Disaster?

As 2006 winds down, it is time to stop and take stock of our offices. Are you prepared for a disaster? The disaster could be a fire taking the building or a melt down of your hard drive. Both are disasters.

Here are a few questions you can think about.

1. **Has the Administration conducted a disaster impact assessment?**  
When a disaster strikes, what critical priorities are needed to get you up and running within a few hours? 24 hours? 48 hours? Do you have this impact (disaster) plan written down?
2. **Have you identified and appointed a disaster preparedness team?** Who is on the team? Does everyone on the team know what their role is? Is the team a cross section of various departments within the

district? Do you have a call chain to inform employees quickly if something should happen during the night at your school? If so, is that list in "The Disaster Plan Booklet" in your desk drawer at school or your phone book drawer at home?

3. **Have you taken steps to protect vital data?** Aside from people, information is a school's single most critical asset. You should back up data frequently and on more than one medium. If you have a backup, where is it? Is the backup zip drive in the school safe, or do you also have a copy kept off campus? Such as the local bank or your own file cabinet at home. Do you have adequate backup power supplies? If the lights go out right now, will your computers die and everything you just worked on be gone? Or do you have a battery backup that will give you a few minutes to close programs down and

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prepare your files? What about your phones? If the electricity goes out, do your phones go also? If so, a battery backup is needed. Are cell phones available as an alternate phone source?

- 4. **Finally -- Test your plan.** Your disaster plan is only as good as realistic testing proves it to be. Test each individual on the team on his or her actual role during a crisis. The team needs to meet and update the plan regularly.

I don't think it's ever been said "we were too prepared for that disaster!"



## Fighting Unemployment Claims

### The Process

When an employee is terminated, he or she is eligible to apply for unemployment benefits. An individual from the Department of Labor & Industry (DOLI) will review the claim and determine whether the employee is eligible for benefits. You'll then receive a Notice of Determination stating whether the former employee is allowed or denied unemployment benefits. If you do not agree with the decision, you must request a redetermination within 10 days of the date of the notice.

If the redetermination upholds the eligibility of the claimant and you would like to request an appeal, you are entitled to that option at no charge. Unemployment hearings can be conducted in person or by telephone conference call, if the parties agree.

### The Hearing

You must prepare for the hearing because you, as the employer, have the burden of proof in showing the former employee should not be allowed benefits. You must prove your case by

"substantial evidence," which must be firsthand from people who have actual knowledge of the events they are describing. That means the people who actually witnessed the events must be available to testify to the events they are describing. The hearing officer will consider the evidence as hearsay if this criteria is not met.

Prior to the hearing any documents that are relevant should be sent to all parties listed on the Notice of Hearing. Such documents may include warnings or performance reviews given to the employee prior to their termination. When submitting such documentation, be sure to have the person who issued the documentation available to provide testimony during the hearing. During the hearing, cross-examination of the claimant and any of their witnesses is allowed. The claimant also holds the same right to cross-examine you and any of your witnesses. If you aren't comfortable doing that, you may have either your Montana Schools Unemployment Insurance (MSUIP) representative or your attorney participate.

The hearing is tape recorded by DOLI. Copies of the tapes or transcriptions of the hearings are available upon request at your expense. If further litigation outside the unemployment claim is expected you should request copies as soon as possible.

When the hearing is completed a written decision is issued which affirms, modifies, or reverses the previous information. That decision becomes final unless an appeal is filed within 10 days of the date of the decision. This appeal request proceeds to Board of Labor Appeals (BOLA) which is an independent board appointed by the Governor.

### Tips

The decision from the hearing office can't be used in any other lawsuit. Sworn testimony, however, can be used, so if the possibility exists that a wrongful discharge or

discrimination suit may be filed, it is recommended to have your attorney involved with the unemployment claim. The most important item to remember is be prepared for your hearing. Everyone who has firsthand knowledge of the events should be available during the hearing. Being successful is heavily dependent on these two things.

*The information contained herein is offered on an informational basis, always seek competent professional advice/ council regarding specific questions. Mention of a product or service is not an endorsement.*



## Summer Conference

The MASBO Board would like to invite you to assist with the planning of the summer conference. If there is a workshop that you would like to see offered, please let us know before January 15. Your involvement would be welcome. The planning of this conference is not an easy feat and suggestions would be helpful. Get involved today.



**AND DON'T FORGET – GET WORKING ON YOUR PROJECTS NOW!**

MASBO members, over the years get to be really good friends. This is why we started having the Silent Auction at the summer conference. For those of you that are not aware of what we do, we ask our members to donate some item. We have many talented members out there who even share their needlework or woodwork with us. 100% of the money collected from this goes to someone within our ranks that have had medical or other problems and could use some help. Please consider getting something special ready. This is a great fun way to not only show our colleagues that we care about them but also to show off some really great handmade items. Of course, your donation does not have to be homemade but with the items that have been donated, it is amazing what a diverse group we are. This is a great place to start your Christmas shopping or just finally get something really special for yourself!

## MASBO helping MASBO



## Silent Auction at Summer Conference

*Please contact your regional director or any MASBO Board member if you are aware of one or more of our members that have had health problems and resulting excessive out of pocket expenses and could use our help. Remember 100% of all funds made on the silent auction go to recipients.*

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## **New Legislation for a Strong TRS**

Like many other retirement systems, the funding of TRS has not yet recovered from the bear investment markets at the beginning of this decade. As you may remember, a special legislative session was called in 2005 to in part address the issue of a large unfunded liability in the TRS. At that time, the legislature appropriated \$100 million from the general fund to help reduce this liability. Unfortunately, although this had a very positive impact on the funding of TRS, it wasn't nearly enough to solve the entire problem.

For the upcoming session, the Montana Teachers' Retirement System Board is supporting new legislation as part of the Governor's budget that includes another infusion from the State general fund, increased contributions paid by the State general fund, and some minor plan changes to help keep the unfunded liability from growing unnecessarily.

### ***Additional Contributions from State Needed***

The Montana constitution requires all public retirement systems to be actuarially funded. In other words we must be able to forecast (based on reasonable assumptions) that the money coming into the system from contributions and investment earnings will be enough to pay the benefits and expenses we predict will be paid out over the next 30 years. Right now, the data shows we'll have more going out than coming in.

The TRS Board is supporting legislation that would inject another \$100 million into the TRS from the State general fund to help reduce this unfunded liability. However, contribution rate increases will be required as well.

The following rate increases are recommended:

- Raise the current employer contribution rate of 7.47% to 9.47% effective July 1, 2007 and to 9.85% effective July 1, 2009. This rate increase will be totally paid by the State general fund, thus no increase in property taxes will be required.
- Increase Montana University System Optional Retirement Program supplemental contributions from 4.04% to 4.72% effective July 1, 2007.

### ***Making Post-Retirement Employment Work for Everyone***

Attitudes about working in retirement are changing. Many people are finding that they want or need to continue to work at least part-time once they reach the traditional retirement age. And, as fewer new workers come up behind the baby boomers, employers find they don't want to lose those experienced workers. More and more retirees continue to work at some level.

However, when the TRS Plan was designed (and funded), it had a more traditional view of retirement and was intended to primarily provide retirement income for those who chose to retire or could no longer work. It allows for part-time employment without a reduction in benefits, but only up to certain limits.

The language describing how Plan benefits are affected for those who work in retirement is not clear enough. As retirees and employers attempt to navigate this new territory, they

find the current provisions don't provide much guidance. Currently, there are loopholes that allow some retirees to continue to receive their full TRS benefit while working essentially full time or while receiving a total compensation package that's significantly higher than the maximum of one third of pre-retirement pay allowed under the Plan. These are employees that under a plain understanding of the intent of the Plan would be considered active employees – employees for whom employer and employee contributions into TRS would normally be made. Instead, not only are they not paying into the system – they're receiving full benefits. In the end, this means higher liabilities for the Plan than necessary.

While these retirees are acting within the letter of the law, they're pushing the limits of what the Plan was designed to handle. As more people take advantage of this loophole, the system is left with the task of coming up with additional funding. If everyone took advantage of these loopholes, the employer contribution rate would need to be increased significantly. Clarifying these provisions will allow everyone equal access to benefits and provide consistency between intent and practice.

The legislation proposes:

- **Clarifying part-time and full-time employment** — Currently, the Plan simply defines full-time employment as “service that is full time and extends over a normal academic year of at least 9 months.” Part-time service is defined as “service that is less than full time.” That leaves a significant grey area for those who want to continue to work in retirement. This legislation would clearly define full-time service as 180 days a year or 140 hours per month and part-time service as less than 180 days a year or 140 hours a month.
- **Defining compensation, not just pay** — Because of the way the Plan defines post-retirement income, some retirees are able to continue to receive their full retirement benefit while earning more than the maximum  $\frac{1}{3}$  of their final pre-retirement compensation allowed under the Plan. They receive additional compensation in the form of employer-paid benefits. This legislation would include all remuneration paid to retired members including benefits such as allowances for cars and housing, professional membership dues, annuities and reimbursement of nonwork-related expenses.

### ***Changes That Add up to a Healthy Future***

None of the changes the Board is recommending can solve the Retirement System's funding dilemma by themselves. Taken together, however, they move the TRS forward in meeting our constitutional obligation to fully fund the Plan. The impacts are spread among the State, employers and retirees. This is a difficult challenge, but it is one we can solve together.

**Associated Business Systems**

Mike & Tom Agamenoni  
PO Box 1166  
1100 7<sup>th</sup> St. South  
Great Falls, MT 59403  
(P) 454-2981  
(F) 727-7616  
mike@scripteasepaper.com

**Black Mountain Software**

Shawn Duthie  
830 Shoreline Drive  
Polson, MT 59860  
(P) 883-4819  
(F) 883-1029  
shawn@blkmountain.com

**CHMS**

Doris Leader, Auditor  
Drawer 751  
Glasgow MT 59230  
(P) 228-9391  
(F) 228-2063  
doris@chmspc.com

**Computer Software Associates**

Jeff Melugin, Vice President  
17 N 26<sup>th</sup> St.  
Billings, MT 59101  
(P) 252-4357  
(F) 252-7705  
jeffm@csa.wtp.net

**Dahlem Law Firm**

Michael Dahlem, Attorney at Law  
215 Eddy Ave.  
Missoula, MT 59801  
(P) 721-1940 or 1-888-490-8744  
(F) 721-1942  
mwdahlem@qwest.net

**Rick D'Hooge**

PO Box 1143  
Helena, MT 59624  
(P) 442-9372  
(F) 442-9372  
rrdhooge@aol.com

**Foltz, Ronald, CPA**

PO Box 4605  
Missoula, MT 59806  
(P) 728-8130  
(F) 728-0957

**Foxie Lady Computers Inc.**

David Bardwell, President  
PO Box 8930  
Kalispell, MT 59904-1930  
(P) 858-2457  
(F) 858-2460  
Foxieladyc@aol.com

**Headmaster**

Paul Dorrance, General Partner  
150 Horseshoe Bend Rd  
Helena, MT 59602  
(P) 442-8656  
(F) 442-3357  
hdmaster@hemaster.com

**Insurance Management Services**

John R. Boyer, President  
PO Box 7366  
Missoula, MT 59807  
(P) 728-5488  
(F) 728-5531  
John.boyer@brecek.com

**Lane and Associates Inc.**

T.R. Lane, President  
25 Haypress Lake Trail  
Ennis, Mt 59729  
(P) 682-7718  
(F) 682-7712  
trlane@3rivers.net  
lanedts.com

**SG Long- Capitol Markets Div.**

Paul Anderson, President  
283 W Front St. Ste. 302  
Missoula, MT 59802  
(P) 721-0999  
(F) 523-2432  
panderson@sglong.com