

MINUTES OF THE MEETING
BUSINESS AND LABOR COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 11, 1985

The meeting of the Business and Labor Committee was called to order by Chairman Bob Pavlovich on January 11, 1985 at 9:00 a.m. in Room 312-2 of the State Capitol building.

ROLL CALL: All members were present with the exception of Representative Glaser, Howe, Schultz and Simon, all who were excused by the Chairman.

HOUSE BILL NO. 28: Hearing commenced on House Bill No. 28. Representative Mel Williams, District #85, sponsor of the bill, stated that the reason for HB 28 is to revise the definition of wine and to provide for an immediate effective date. With the introduction of wine coolers, the need for this clarification is necessary.

Proponent Howard Heffelfinger with the Department of Revenue, Liquor Division, explained that in most states, their stipulation for alcoholic content is much lower. Only 1 state has a higher percentage minimum. Mr. Heffelfinger added that there have been more than 30 brands of wine coolers introduced and each carry an alcoholic content of 4 to 6%. The definition that wines contain "not less than 7%" of alcohol would be replaced by a minimum of 0.5%, by passage of HB 28, said Mr. Heffelfinger.

Proponent Roger Tippy, Executive Secretary of the Montana Beer and Wine Wholesalers Association, stated that 75% of the licensed wholesalers also carry a wine cooler. The association has no objection to the proposal to clarify the status of wine coolers. Mr. Tippy then distributed his written testimony, which further outlines the association's position on HB 28, see Exhibit 1. Mr. Tippy then passed around a bottle of Dry Creek wine which shows the alcohol content of 14.4% and a label from another bottle of Dry Creek wine showing an alcohol content of 16.5%. Mr. Tippy is proposing the amendment that the alcohol content for a table wine be raised to 16% from the 14% as provided for in HB 28.

Representative Kadas questioned Mr. Heffelfinger as to his thoughts on Mr. Tippy's amendments. Mr. Heffelfinger answered that the intent of HB 28 is to clarify the definition of table wine. The federal definition of table wine says the alcohol content will be no more than 14%. Mr. Heffelfinger's conclusion was that Mr. Tippy's amendment is unnecessary.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on House Bill 28 was closed.

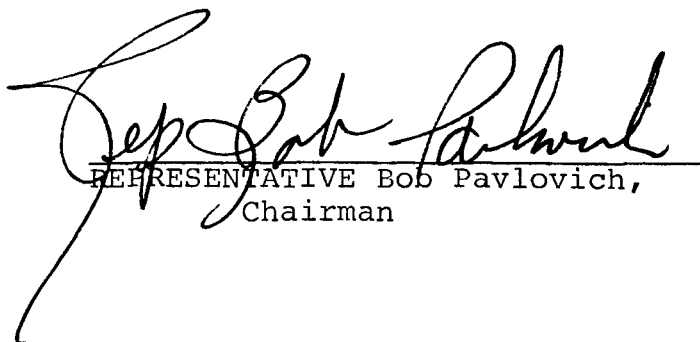
HOUSE BILL NO. 107: Hearing commenced on House Bill No. 107. Representative Ron Miller, District #34, sponsor of the bill, stated the purpose of this bill is to create a higher set of regulations that govern the practice of electrology. This bill would amend the current law on electrology, requiring electrology schools and teachers to be licensed; granting the Board of Cosmetologists authority to adopt rules regulating schools and licenses and to adopt sanitary standards. Rep. Miller passed out the proposed amendments as shown on Exhibit 3.

Proponent Helen Arthur, President of the Montana Electrologists Association, explained that the association feels that certain high standards must be set and enforced in regard to the practice and teaching of electrology in order to protect the public. They believe the state board needs the authority to set standards for curriculum and sanitary standards. Exhibit 4 further describes Ms. Arthur's testimony.

Proponent Shirley Miller, Bureau Chief of the Professional and Occupational Licensing Bureau proposed that an inspection fee be charged only upon application for issuance of a license, and not for renewal, as currently cited in the law.

There being no further discussion by proponents or opponents, all were excused by the chairman and the hearing on House Bill No. 107 was closed.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 9:35 a.m.


REPRESENTATIVE Bob Pavlovich,
Chairman

DAILY ROLL CALL
BUSINESS AND LABOR COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date January 11th

NAME	PRESENT	ABSENT	EXCUSED
Bob Pavlovich	✓		
Les Kitselman	✓		
Bob Bachini	✓		
Ray Brandewie	✓		
Jan Brown	✓		
Jerry Driscoll	✓		
Robert Ellerd	✓		
William Glaser			✓
Stella Jean Hansen	✓		ccc
Marjorie Hart	✓		
Ramona Howe			✓
Tom Jones	✓		
Mike Kadas	✓		
Vernon Keller	✓		
Lloyd McCormich	✓		
Jerry Nisbet	✓		
James Schultz			✓
Bruce Simon			✓
Fred Thomas	✓		
Norm Wallin	✓		

BEFORE THE COMMITTEE ON BUSINESS & LABOR
MONTANA HOUSE OF REPRESENTATIVES

Exhibit 1
January 11, 1985
House Bill 28

House Bill 28)
by Williams (request of)
Department of Revenue))
relating to Definition of)
Wine)

TESTIMONY OF MONTANA
BEER & WINE WHOLESALERS ASSN.
IN SUPPORT -- WITH AMENDMENT

I am Roger Tippy, Executive Secretary of the Montana Beer & Wine Wholesalers Association. About three-fourths of the licensed wholesalers in Montana carry wine as well as beer and most of them carry some brand of wine cooler since this product appeared in 1983.


We have no objection to the Department proposal before you to clarify the status of wine coolers. Wholesalers have been remitting the monthly tax on this product as if it were wine, although its status is ambiguous.

When this proposal was presented to the Revenue Oversight Committee last fall, we saw the bill as an appropriate vehicle to clear up another problem in the definitions of wine -- the cutoff of table wine or still wine at 14% alcohol by weight. When the wine initiative was written and voted on in 1978, 14% was seen as a ceiling on natural fermentation processes and any wine with more alcohol was thought to be a fortified wine -- sherries, ports, muscatels, etc.-- which the initiative left in the state's monopoly. Fortified wines are typically 18% to 24% alcohol by weight.

The problem with that analysis is that some winemaking techniques can produce a table wine through natural fermentation techniques which ends up containing slightly over 14% alcohol by weight. A Late Harvest Zinfandel is the best known example. Such wines are typically produced by small wineries in California and marketed to the specialty trade rather than through high-volume channels.

The amendment attached to my statement would nudge the maximum percentage on the table wine definition up two percentage points, from 14 to 16, so that wines such as a Late Harvest Zinfandel could be legally distributed by Montana wholesalers to the retail outlets which would hope to carry such lines.

Dated: January 11, 1985.



ROGER TIPPY, Executive Secretary
Montana Beer & Wine Wholesalers
Association

House Bill 28

Amendment Proposed by Beer & Wine Wholesalers

1. Title, line 7

Following: "WINE"

Insert: "AND TABLE WINE"

2. Page 3, line 20

Following: "than"

Strike: "14%"

Insert: "16%"



Exhibit 2
January 11, 1985
House Bill 28
Submitted by: Roger Tippy

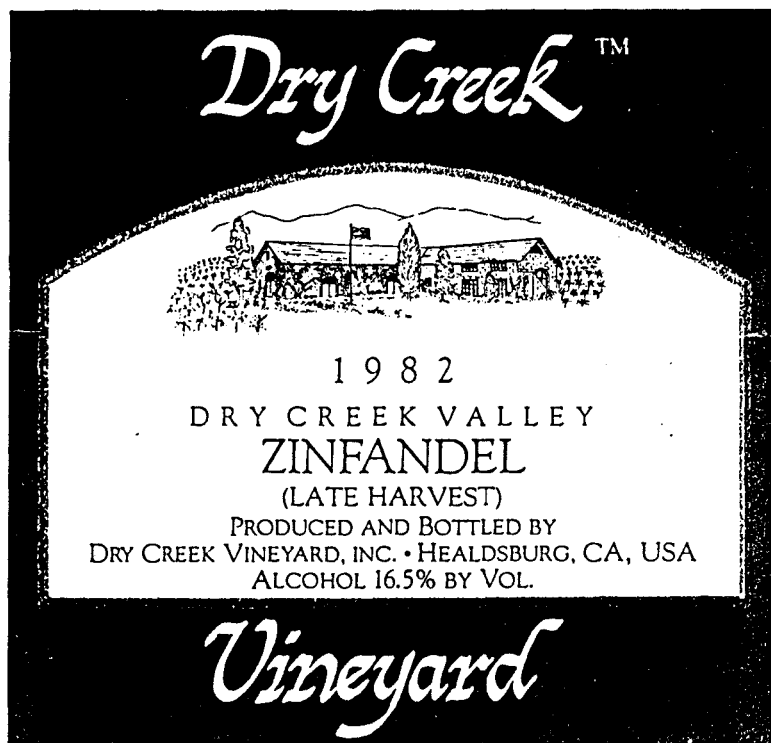
DRY CREEK VINEYARD, INC.

P.O. Box T

Healdsburg, California 95448

(707) 433-1000 or 433-9438

David Stare, Winemaker

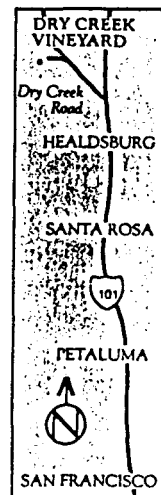


ZINFANDEL

In 1982 I decided to make another late harvest style Zinfandel wine from our Zinfandel grapes. I'm very pleased with the results. This wine is made 100% from Zinfandel grapes grown on the benchland of the Dry Creek Valley of Sonoma County. Harvest occurred on Oct. 16 & 17 at an average sugar content of 25.6° Brix (% by wt.), and a total acidity of 0.92 (% by vol.). After pressing, the primary fermentation stopped, with a residual sugar of 1% by wt. The wine then underwent a malolactic fermentation, and was aged in small American oak barrels. Bottling occurred in the spring of 1984.

I invite you to enjoy this and our other Dry Creek Vineyard wines, and to visit us at the winery.

David S. Stare
David S. Stare
Winemaker



1982 DRY CREEK VINEYARD SONOMA COUNTY ZINFANDEL (LATE-HARVEST STYLE)

Production: 979 cases

Grapes: 100% Sonoma County (Dry Creek Valley) Zinfandel

Harvest: October 16 & 17, 1984

Fermentation: 12 days on skins in temperature controlled stainless steel tanks. The wine underwent complete malolactic fermentation.

Barrel Aging: 13 months in American oak barrels

Alcohol: 16.5% by volume

Acidity: 0.75% Residual sugar: 1.0% pH: 3.46

Winemaker Comments: A robust late-harvest style Zinfandel with lots of guts and power. Raspberries abound in the nose with hints of black pepper. A fleshy wine in the mouth, with a strong finish. Great with full-flavored cheeses or for sipping in front of a fireplace on a cold rainy night.

January 11, 1985

Exhibit 3
January 11, 1985
House Bill 107
Submitted by:
Representative
Miller

EXPLANATION FOR THE PROPOSED AMENDMENTS TO THE
LAWS RELATING TO THE PRACTICE OF ELECTROLOGY:

HOUSE BILL 107

By

Kathryn M. Tucker, Administrative Assistant
State Board of Cosmetologists
Department of Commerce

The following changes are intended to clean up and further clarify the present laws relating to the practice of electrology.

1. Page 1, Section 37-32-201 would be amended to provide requirements for
 Lines 18 - 25 teaching electrology, curriculum and conduct of schools and
 Page 2 sanitary standards for salons and schools. At the present time,
 Lines 1 - 7 the board does not have authority to inspect schools of el-
 ectrology or to establish a curriculum of training for schools
 of electrology as they presently have for the practice of
 cosmetology.
2. Page 2, Section 37-32-301 would be amended to provide for licensing of
 Lines 9 - 16 teachers of electrology. At the present time, the board does not
 have authority to license teachers of electrology, as they
 presently have for the teaching of cosmetology.
3. Page 2 Section 37-32-304 would be amended to provide for licensing of
 Lines 17 - 25 schools of electrology, equipment standards, and sanitary rules
 Page 3 and for an inspection fee as presently required for the practice
 Lines 1 - 7 and teaching of cosmetology.
4. Page 3 NEW SECTION. Section 4 is proposed to provide for an inspector -
 Lines 8 - 25 or inspections of electrology establishments and authorization
 to impose an initial inspection fee and issue a temporary permit
 as presently authorized for the practice and teaching of cos-
 metology.
5. Page 4 NEW SECTION. Section 5 is proposed to provide grounds for the board
 Lines 4 - 25 to refuse, deny, revoke, suspend or take other disciplinary action
 Page 5 against a licensee, as presently provided for in the practice and
 Lines 1 - 3 teaching of cosmetology.

ON H.B. 107
TO WHOM IT MAY CONCERN:

Electrolysis is the practice of permanently removing hair by introducing high frequency or galvanic current, or a blend of both into the hair follicle by means of a tiny metal filament or probe, which cauterizes the hair root and prevents another hair from growing in that follicle.

Electrolysis was first practiced by an opthamologist who had a patient with an ingrown eyelash. The procedure was successful, and has been used by the medical profession, including dermatologists for over 100 years. It is the only method of hair removal that is recognized by the American Medical Association as being permanent, and also by the F.D.A.

Because of the growing interest in permanent hair removal, and because there is controversy over what method constitutes permanent hair removal, we electrologists feel that in order to protect the public, certain high standards must be set and enforced in regard to the practice and teaching of electrolysis in Montana.

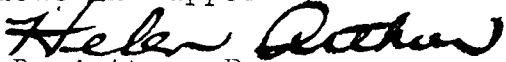
The technique of electrolysis requires skin to skin contact between patient and electrologist and the insertion of a filament into the pore of the skin and the introduction of heat into the hair follicle.

Because of these factors, we feel that high standards of sanitation must be practiced in order to prevent the spread of contagious diseases such as AIDS, Hepatitis, Herpes, etc. Also the proper technique must be learned in order to prevent burning or scarring, infection or in some cases simply a lack of success in achieving permanency.

For these reasons, we feel that the State Board of Cosmetology which we are under needs the authority to set standards for curriculum, sanitary standards and other requirements set forth in H.B. 107 which will help to ensure the high standards in our profession that we feel will protect the public and also raise the standards of our profession that we are working towards on a national scale.

We would like to see this bill become law before someone decides to start a school in Montana which may not measure up to the standards we feel are important.

Our Montana Electrologists Association has worked very hard for the past four years along with the State Board of Cosmetology on these standards and our members are unanimous in support of this bill.


Helen D. Arthur, Pres.
Montana Electrologists Association

VISITORS' REGISTER

HOUSE BUSINESS AND LABOR COMMITTEE

BILL House Bill 28

Date January 11, 1985

SPONSOR Representative Williams

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

COMMITTEE

BILL

107

Date _____

1-11-84

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.