

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

January 30, 1987

The meeting of the State Administration Committee was called to order by Chairman Sales on January 30, 1987 at 9:00 a.m. in Room 437 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL NO. 321: Rep. Bulger, House District #97 and sponsor of the bill, stated the bill is relatively simple and is brought to the committee at the request of the Department of Justice. The Division of Motor Vehicles would like to make a couple of changes to their recordkeeping system: 1) to allow driver records to be reproduced on film or microfilm, and 2) to allow that reproductions of these records to be considered originals and admissible in court as evidence. This is allowable and in practice in many other jurisdictions and is a money-saving device.

PROPOSERS: Larry Majerus, Department of Justice, Administrator of Motor Vehicle Division, stated support for HB 321. He indicated that frequently his office is called on by the courts to testify and certify that the records submitted as evidence are, in fact, original documents. This is costly. This bill will help them in their daily workload.

OPPOSERS: None

DISCUSSION OF HOUSE BILL NO. 321: Rep. Roth asked Mr. Majerus if there were any built-in protections in this bill regarding use by unauthorized people. He responded that they have an excellent security system with very strict standards. Their computer is on the same system as the criminal justice information network.

Discussion was closed by Rep. Bulger on HB 321.

CONSIDERATION OF HOUSE BILL NO. 355: Rep. Hansen, House District #57 and sponsor of the bill, stated the bill was being introduced to allow the denturists to maintain their own licensing board. The board would consist of one lay person, one consumer, one senior citizen and one representative of low income citizens. Denturists primarily make dentures. They do not extract teeth or surgically treat any abnormalities. She stated the legislature has a real responsibility to regulate the profession of dentistry according to the intent of Initiative 97 enacted in 1984, which is to make, fit, repair, and furnish dentures for the public.

PROPOSERS: Tom Ryan, representing senior citizens, stated the 1985 legislation concerning the denturists created some problems that HB 355

attempts to eliminate. The senior citizens support this legislation and feel the last session created a "no-win" situation. He stated the senior citizens are alarmed at what has happened to applicants who want to come into the state and practice denturistry in some of the rural areas of Montana where dental services are needed. Many older citizens cannot afford the dentist fees for dentures on their limited incomes. He stated the many seniors present today have similar points of view.

Elsie Fox from Miles City said she was the low income representative on the Board of Denturistry and testified in support of the proposed legislation. She submitted written testimony (Exhibit #1). She stated denturists provide dentures for about half the price dentists charge. Senior citizens are the major beneficiaries of lower cost dentures. Legislation has been introduced that will ensure freedom of choice in buying dentures. This is a no money item for the legislature. She urged passage of HB 355 to maintain peoples' freedom of choice.

Brent Kandarian from Kalispell and a member of the Board of Denturistry, submitted a brochure outlining the minimum licensing requirements for denturists and dentists in the State of Montana (Exhibit #2). He requested the committee members to make the comparisons.

Lee Wiser from Livingston and a member of the Board of Denturistry spoke in support of the legislation and submitted a handout (Exhibit #3) to all committee members.

Robert Vavas spoke in support of HB 355 and submitted written testimony (Exhibit #4). He also submitted a letter of support from Gary Vollan who had to leave the state in order to find employment as a denturist (Exhibit #5).

Maribelle Krebs, Montana Senior Citizens Association member from Great Falls, stated everyone has the right to purchase dentures at a more reasonable price. HB 355 is one method of achieving the goal of health care cost containment. The seniors want that choice and do not want to return to the monopoly that dentists have had in Montana. She submitted written testimony (Exhibit #6).

Ronald Olsen, denturist from Lewistown, stated he was told by dentists in the area that he would have no business. He was also told that if he had any patients needing treatment for abnormalities, he would not treat them. He supports HB 355.

John Mateskoa, a practicing denturist from Bozeman, stated when he began his practice, he worked for 28 dentists. He had a dental laboratory in Bozeman for 10 years. He lost all his dental lab accounts and now works for 3 dentists.

Ron Brown submitted a copy of an editorial written in the Senior Citizens

News in Great Falls (Exhibit #7). He also talked about the emotional distress his young daughter experienced after four sets of improperly fitting dentures obtained from a dentist. She was 21 years old and had lost her teeth as the result of an automobile accident. Finally, she was properly fitted with dentures from a denturist which was the beginning of a new lease on life for her. He strongly supports HB 355.

Rep. Pistoria expressed support for HB 355 as well as his concern for the financial plight of the senior citizens. He feels the denturists should be allowed to continue performing their services.

Dave Comer from Great Falls testified. He has been a dental laboratory technician for 28 years. He is also licensed to practice dentistry. He was boycotted by the dentists in Great Falls and was forced to shut down. His testimony is included as Exhibit #8. He also submitted copies of a letter from Larry Michaelson, President of the Dental Laboratory Association of Montana (Exhibit #9).

OPPONENTS: Dr. Robert Cotner from Columbia Falls testified in opposition to HB 355. He submitted testimony (Exhibit #10). He is a member of the Board of Dentistry. He said that denturists practiced dentistry before a statute existed. Their board is not fiscally responsible and five unqualified denturists have been licensed resulting in law suits. He stated HB 355 risks the health of the people of Montana by the unscrupulous treatment of unqualified dental technicians. He hopes the committee does not pass this legislation.

Gayle Roset, a dentist and a member of the Board of Dentistry, said his duty as a board member is to protect the health and safety of the public through a lawful regulation of dentistry. He submitted written testimony (Exhibit #11).

Jeannette Buchanan-Tawney, a dental hygienist and a member of the Montana Board of Dentistry spoke in strong opposition. Her testimony is included as Exhibit #12.

Roger Tippy, lobbyist for the Montana Dental Association, spoke in opposition to HB 355. He stated the fiscal implication is that medicaid coverage of dentures provided by a denturist is 100% state money; a federal match is not available. The requirement to reimburse at the provider's normal rate would also be new to medicaid, which generally reimburses dentists at considerably less than their normal rates. He submitted a handout to committee members (Exhibit #13).

Charles Martin, Great Falls, stated opposition and indicated there were several items in the bill that needed a good hard look.

Ted Beck, Helena dentist, spoke in strong opposition to HB 355 and submitted written testimony (Exhibit #14). Many fiscal implications were outlined. He strongly urged the committee not to favorably consider HB 355.

DISCUSSION OF HOUSE BILL NO. 355: Rep. Cody asked Rep. Hansen to clarify the educational requirements for a denturist. Rep. Hansen referred the question to Brent Kandarian for reply and he, in turn, referred Rep. Cody to the educational requirements outlined in his hand-out (Exhibit #2). Rep. Cody expressed her concern about the financial blackmail that some denturists have experienced. Dr. John Lohrman, a dentist from Butte, interjected that the dentists are not trying to put the denturists out of business; they are merely trying to protect the health and welfare of the people. Rep. Nelson asked Rep. Hansen how many denturists have been licensed in the last two years in Montana, and she replied 18. Rep. Roth noted on page 15, line 18 that denturists may not surgically treat any abnormalities, yet Dr. Cotner stated in his testimony that denturists would be allowed to diagnose and treat TMJ. Dr. Cotner acknowledged that denturists under this bill could, in fact, diagnose and treat TMJ without specific training. Rep. Jenkins referred Rep. Hansen to page 2, lines 19-21 which states that x-ray examinations relating to the practice of dentistry is allowable if that person is certified by his "respective board". He expressed concern regarding the expertise of a board comprised of a lay person, a senior citizen, a consumer representative and a low income citizen representative. She replied "yes, if they have taken the same training the dentist has for x-rays". She referred Rep. Jenkins to the handouts distributed to the committee members on denturist educational requirements. Rep. Pistoria expressed his feeling to Dr. Lohrman that this whole issue revolves around the cost of dentures and couldn't the senior citizens receive a lower cost rate from the dentists. Dr. Lohrman replied that cost was the "pathetic issue" of this whole situation but there are dentists making lower cost dentures for the senior citizens.

Discussion on HB 355 was closed by Rep. Hansen who stated she does not see the problem between dentists and denturists as being any different than the conflicts between an optometrist and an ophthalmologist.

CONSIDERATION OF HOUSE BILL NO. 306: Rep. Harper, House District #44 and sponsor of the bill, stated the bill deals with sheriffs' retirement. The sheriffs' job gets tougher everyday, and the burnout factor is real. Encouraging sheriffs to stay in the field until they can retire is of benefit to the people of Montana. HB 306 lowers the eligibility requirement from 25 to 20 years of service and lowers the age requirement from 55 to 50 years. For partial retirement, the requirement would be lowered from 20 to 15 years with the same age requirement of 50 years. He stated the fiscal note points out there will be no immediate added cost to the employers or the employees.

PROPOSERS: Rick Later, representing the Montana Sheriffs' and Peace Officers' Association, and Sheriff of Beaverhead County in Dillon, stated the Montana Sheriffs' Retirement System began in 1974. It is a very sound system and HB 306 is proposing an additional benefit at

this time. He asked the committee to refer to the fiscal notes furnished on HB 100 and pointed out that the unfunded liability for the sheriffs' retirement system is zero (Exhibit #15). They are not requesting any funding from any source but would like the earlier retirement benefit because of the high burnout factor relating to the sheriffs' profession.

Curt Petty, Deputy Sheriff of Lewis & Clark County and representing the Montana Sheriffs' and Peace Officers' Association, submitted an actuarial handout to all committee members (Exhibit #16). The firefighters, police officers, and game wardens currently have a 20-year program, and the sheriffs would like the same.

Jim DuPont, Deputy Sheriff in Flathead County and President of the Flathead County Employees Association, expressed support for HB 306.

Tony Harbaugh, Custer County Sheriff in Miles City and Secretary-Treasurer of the Montana Sheriffs' and Peace Officers' Association, urged the committee to support HB 306. As the eligibility requirements for retirement currently stand at 55 years of age, he would have to work 37 years in the Sheriffs' Department, which equates to a minimum of ten terms as sheriff which often is a political impossibility.

Gordon Morris, Montana Association of Counties, supports HB 306 if it is determined that there are no fiscal impacts by way of increased employer/employee contributions (Exhibit #17).

OPPONENTS: Linda King, Assistant Administrator, Public Employees' Retirement Division, spoke in strong opposition to HB 306 and submitted written testimony (Exhibit #18).

DISCUSSION OF HOUSE BILL NO. 306: Rep. Cody asked how long it had been since the sheriffs received an increase in retirement benefits, and Rick Later replied that a 5% increase for retirees was given in 1985. Rep. Cody noted the current contribution rate into the system is 14.67% of salaries. The 1986 actuarial valuation recommends a contribution rate of 11.13%. She asked Ms. King if this difference would take care of the benefit being requested. Ms. King stated that before the board would recommend either an increase or decrease in the contribution rate, it would have to see a continuing trend of at least two valuation periods. The board's policy is to oppose any benefit that is not funded, and the board does not feel there is funding in the system to pay for that benefit at this time. Rep. Cody asked Linda King if the sheriffs were the only ones asking for a decrease in age for retirement eligibility and she replied "yes, at this time".

Rep. Harper closed discussion on HB 306 urging the committee to recognize that the Sheriffs' Retirement System needs adjusting and thanking the committee members for considering the bill.

CONSIDERATION OF HOUSE BILL NO. 296: Rep. Pistoria, House District #36 and sponsor of the bill, stated the bill would require newspapers published in Montana to indicate the author of any editorial comment and to refuse publication of letters to the editor unless the authorship and content are verified. He stated many of his supporters have asked that this bill be introduced because many letters to the editors cause confusion in the communities. He submitted a copy of an editorial from The Billings Gazette (Exhibit #19). Another editorial from the same paper was also submitted (Exhibit #20). He expressed hope that he will be given the chance to debate this issue on the floor so the people of Montana and in his community can know more about what the press is doing.

PROPOSERS: Tom Ryan, representing senior citizens, supported the bill and stated Rep. Pistoria is on the right track.

OPPOSERS: George Moore, Montana Press Association, spoke in opposition to the bill and submitted written testimony (Exhibit #21). He stated the bill is nothing less than an attempt to impose state control over the editorial section of the papers.

Dan Black, Managing Editor of the Kalispell Daily Inter Lake, spoke in opposition to HB 296 and submitted written testimony for the committee's review (Exhibit #22). He stated each year his paper publishes between 800-1000 letters to the editor. They must be signed and include the writer's address and phone number. They reject only letters that are slanderous or racist.

Gary Svec from The Billings Gazette opposed HB 296 and submitted written testimony (Exhibit #23). The bill violates the constitutional rights of Montanans, and it is capricious. Signing editorials has no significance as many editorials are joint efforts of several editors. HB 296 serves no purpose.

Jim Moore, Editor and Co-publisher of the Carbon County News in Red Lodge, Montana also spoke in opposition to HB 296. He stated the need to verify facts and figures would be an overwhelming task. The editorial page is a public forum for citizens to express their opinions. Opinions of people cannot be controlled.

Brad Hurd, Editor from The Missoulian, spoke in opposition also. He stated The Missoulian publishes about 3,500 letters to the editor each year. The readers express a wide variety of opinions. He urged the committee to vote against the bill.

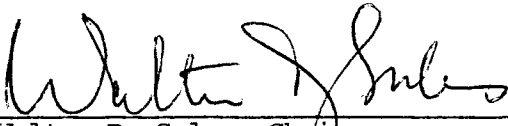
Keith Klingenberg, Publisher of High Country Independent Press, rose in opposition to HB 296. He stated the bill was obviously in violation of the First Amendment to the Constitution as well as to the Montana Constitution (Exhibit #24).

Bob Gilluly, Great Falls Tribune, opposed the legislation and submitted a handout to committee members (Exhibit #25). He pointed out the names of their editorial board in the upper right corner. He stated that letters to the editor serve to say "your opinions are as good as ours".

DISCUSSION OF HOUSE BILL NO. 296: Rep. Cody asked Mr. Svec if the vast majority of letters to the editor were published. He replied that about 98% are unless they are libelous or racist. Rep. Jenkins asked Mr. Svec if he had a policy that the letters to the editor had to be signed but the name could be withheld from print if the writer so desired. Mr. Svec replied that their policy was that the letters had to be signed and contain an address and phone number so they could be verified.

Discussion on HB 296 was closed by Rep. Pistoria.

ADJOURNMENT: There being no further business to come before the committee, the hearing adjourned at 12:00 noon.


Walter R. Sales, Chairman

DAILY ROLL CALL

State Administration

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 30, 1987

NAME	PRESENT	ABSENT	EXCUSED
Walt Sales	✓		
John Phillips	✓		
Bud Campbell	✓		
Dorothy Cody	✓		
Duane Compton	✓		
Gene DeMars			
Harry Fritz			
Harriet Hayne	✓		
Gay Holliday	✓		
Loren Jenkins	✓		
Janet Moore	✓		
Richard Nelson	✓		
Helen O'Connell	✓		
Mary Lou Peterson	✓		
Paul Pistoria	✓		
Rande Roth	✓		
Tonia Stratford	✓		
Timothy Whalen	✓		

DATE _____

1/30/87

HB

355

ALTERNATIVE FOR DENTURISTS. Freedom of choice in purchasing dentures in Montana is in danger. Initiative 17 which senior citizens worked so hard to pass in 1984 continues to receive the wrath of dentists. The basic reason is the denturists provide dentures at about half the price dentists charge. In the bitter 1984 campaign dentists made exaggerated claims of danger if denturists were licensed. None of these claims has materialized, and senior citizens are still beneficiaries of lower cost, guaranteed satisfactory dentures. Through the dentists' insistence the '85 Legislature provided that there must be 30 denturists licensed in the state by October 1, 1986. Largely due to threats against dental technicians, this number has not been achieved. Proof of this allegation was presented at the Legislative Audit Committee hearing on December 8 in Helena, where Robert Javaz, a dental technician from Great Falls, said that threats by dentists prevented more members of his profession from applying for denturist licenses. He said dentists threatened to withhold business from any dental laboratory that supported or cooperated with denturists. In addition, our economic climate in Montana has undoubtedly held back denturists from applying for licenses and opening up business.

There will ^{be} a recommendation from the Legislative Audit Committee made necessary by the provisions of the law that the Denturist Board be merged with the Board of Dentistry because there were not 25 licensees. At the December 8 hearing, it was pointed out by senior citizens and low-income representatives that the Denturists would be greatly outnumbered on the Dentists Board, and they would be completely at the mercy of the dentists who have been trying to prevent denturists from practicing. The dentists have been continuing attacks against individual denturists, licensing action of the Board of Dentistry, and the application of various phases of the law and rules of the Board of Dentistry. The seriousness of the situation is clear.

Legislation has been introduced, AB 355 (Hanson, ~~Great Falls~~ ^{Great Falls}) that will ensure freedom of choice in buying dentures which is what Montanans voted for. This is principally a non-money item for the legislature, but one of GREAT HARM TO SENIOR CITIZENS. Putting denturists under the control of the Board of Dentists would mean the end of freedom of choice for purchasers of dentures, mainly senior citizens *who have fixed incomes.*

I know thereof I ^{sign} ~~wrote~~ on this as I am a member of the Board of
Century representing low income and ~~minor~~ citizens.

I AGREE WITH THE PROVISION TO HAVE A LAY PERSON ON THE BOARD INSTEAD OF A DENTIST. THE DENTIST ON THE BD - DR ROSSETT. HAS NOT PLAYED A CONSTRUCTIVE ROLE. HE HAS TRIED TO DISRUPT & DESTROY THE BD. HE HAS ~~TRIED TO~~ HARASSED INDIV. DENTURISTS. HE HAS TRIED TO EXHAUST THE BOARD'S BUDGET BY UNDULY CALLING FOR LEGAL CONSULTATION.

BY UNDULY CALLING FOR LEGAL
I URGE YOU TO RECOMMEND PASSAGE OF H.R. 355
TO MAINTAIN FREEDOM OF CHOICE IN PURCHASING
VENTURES.

Elsie Fox

Elsie Fox
Miss Fox

1 KNOW FIRST HAND WHAT DEW TO
TIPS TAKE VALUE A DEW TO

WITNESS STATEMENT

EXHIBIT #2
DATE 1/30/87
HB 355

NAME BRENT KANDARIAN BILL NO. 355
ADDRESS 220 E. CENTER ST. KALISPELL DATE 1-30-87
WHOM DO YOU REPRESENT? SELF - DENTURIST ASSN. MONTANA
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

COMPARE MINIMUM LICENSING REQUIREMENTS
FOR DENTURISTS TO DENTISTS

EXHIBIT #2
DATE 1/30/87
HB 355

Dental Education in the United States 1976

37-4-302. Recognition of dental schools. In determining what shall constitute a recognized dental college or school and/or a recognized school of dental hygiene, the board shall be guided by the standards, canons, and practices required for such recognition by the council on dental education of the American dental association.

Council on Dental Education of the American Dental Association
in cooperation with the American Association of Dental Schools

TABLE 6-39

**Teaching Area: Prosthodontics: Removable
Clock Hours of Instruction**

Type of Instruction	Number of Schools Responding	Range	Mean	Median
Required Instruction (Total)	58	77-1138	402.0	382.0
Lecture	45	22-142	86.6	69.0
Seminar and Clinical Conference	31	2-104	23.9	17.5
Self-instruction	18	2-93	22.6	12.0
Laboratory	55	7-270	130.0	128.0
Clinical	57	8-908	205.4	196.0
Elective	23	1-360	76.4	48.0
Selective	16	10-800	88.8	30.0

TABLE 6-40

Total Clock Hours of Instruction in Removable Prosthodontics

Clock Hour Range	Frequency Distribution (Number of Schools Reporting)
1138	□
700-799	□
600-699	□□□□□
500-599	□□□□□□□
400-499	□□□□□□□□
300-399	□□□□□□□□□
200-299	□□□□□□□□
100-199	□□□□□
77-99	□

TABLE 6-24

Teaching Area: Radiology
Clock Hours of Instruction

Type of Instruction	Number of Schools Responding	Range	Mean	Median
Required Instruction (Total)	59	19 89-278	88.0	70.0
Lecture	58	8-53	22.5	28.0
Seminar and Clinical Conference	25	1-84	11.6	7.5
Self-Instruction	10	1-32	11.9	6.0
Laboratory	35	1-63	14.1	11.5
Clinical	46	2-165	45.3	35.0
Elective	13	8-56	20.5	13.5
Selective	10	4-40	15.6	17.0

TABLE 6-25

Total Clock Hours of Surgical Instruction

Clock Hour Range	Frequency Distribution (Number of Schools Reporting)
1095	□
350-399	□
300-349	□□□
250-299	□□□
200-249	□□□□□□□
150-199	□□□□□□□□□□□□□□
100-149	□□□□□□□□□□□□
50-99	□□□□□□□
6-49	□□□□□

Note. Anesthesiology and Oral Surgery



WESTERN REGIONAL EXAMINING BOARD

10040 NORTH 25th AVENUE, SUITE 116, PHOENIX, ARIZONA 85021
(602) 944-3315

UTAH
ARIZONA
MONTANA
IDAHO

Clinical Examinations in Dentistry

ATTENTION APPLICANTS

The application for our dental examination is enclosed pursuant to your request.

If within the last year you have taken the exam or applied to take the exam, it is not necessary to send a copy of your diploma (if your diploma is on file in our office). Please indicate where and when you last took the exam, or when you applied.

The address on the top of the application should be the address where you wish all exam materials sent before the exam (will be sent out around 30 days before the exam).

The exact criteria for the examination will be sent to you approximately 30 days before the exam. Procedures will include a Class II amalgam, and a cast gold restoration, which may be an onlay, 3/4 crown, 7/8 crown, or a full crown. An inlay will not be acceptable. There will be a perio section on the exam which will involve diagnosis and treatment. The endodontic portion will consist of performing endodontic therapy on one canal, on a mounted tooth. Any tooth is acceptable, but you will only be required to treat one canal of a multicaual tooth. The prosthetics portion of the exam will be an evaluation exam. You will examine various cases of full upper and lower dentures set in clear acrylic on Hanau semi-adjustable articulators using anatomical teeth and answer questions concerning them. You will be given an oral pathology exam which consists of slides and 50 multiple choice questions. For the amalgam, cast gold and perio exams, you will provide your own patient(s). For the endodontic treatment you will supply an extracted tooth, mounted in plastic as per instructions to be received with your examination materials.

The Board requires that you provide proof of malpractice insurance. You may send the application without the proof, but we must receive proof of malpractice 14 days prior to the exam. You may consult Poe & Associates at 813/228-7361. This can take time so apply early to avoid problems.

You will note in Section II on the application that you are required to have completed all requirements for graduation before you will be allowed to take the exam. The Board has ruled that a graduating senior may take the exam with certification from the Dean. Exam results will be held until the candidate graduates and provides us with proof. If for some reason, you do not graduate when anticipated, the exam will be invalid.

If you are unable to attend the examination, you may receive one-half of your fee in refund, if you notify this office in writing, within two weeks after the date of the examination. To reapply, you must submit a new application and pay the full fee. NO EXCEPTIONS.

The various member states have a time limit on how long after taking the exam your certificate will be accepted for licensure. Please check with the state where you wish licensure for their requirements.

THE MEMBER STATES OF THE W.R.E.B. ARE: Arizona, Utah, Montana and Idaho.

DATE 1/30/87

PAGE 355

 *
 * REALIZING THAT THE LEGISLATURE HAS HEARD MANY UNTRUTHS ABOUT *
 * DENTURIST EDUCATION, AND INITIATIVES FOREMOST HAS PREPARED THIS *
 * PAMPHLET TO CLARIFY THESE MISCONCEPTIONS, USING DENTISTRY'S OWN *
 * RESEARCH MATERIAL. DOCUMENTATION WILL BE PRESENTED DURING COM- *
 * MITTEE HEARINGS TO SUBSTANTIATE ALL STATEMENTS MADE HEREIN. *
 *
 * *****

REMOVABLE DENTURE PROSTHETICS (FORMAL TRAINING - CLOCK HOURS)

MINIMUM

DENTURIST

DENTIST

0	400	800	1200	1600
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HOURS OF INSTRUCTION

MINIMUM

DENTURIST (A) 1280

DENTIST (B) 77

(A) Denturist licensees after April 1, 1985 completing dental related educational programs of not less than two years in the United States Armed Forces and additional denturist training at Idaho State University or the American Institute of Pathological Sciences, or both. The military dental health schools are accredited as educational institutions by the Southern Conference of Colleges and Schools, which is an accrediting agency recognized by the Montana State Board of Regents meeting the requirements of 37-29-303 (2) MCA.

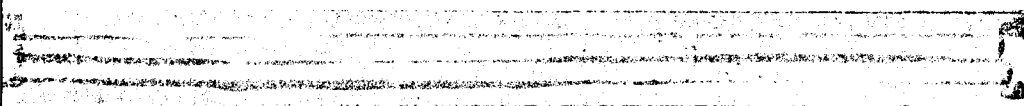

(B) Figures compiled from "Dental Education in the United States 1976". This study was done by the Council on Dental Education of the American Dental Association in cooperation with the American Association of Dental Schools. Of the 60 dental schools these groups accredit, 58 responded. Graduates of these schools are allowed to be examined for licensure in every state. Dental educators report that training in removable prosthetics has declined further since this report was first published. (See last page)

"37-4-302. RECOGNITION OF DENTAL SCHOOLS. In determining what shall constitute a recognized dental college or school and/or recognized school of dental hygiene, the board shall be guided by the standards, canons, and practices required for such recognition by the council on dental education of the American dental association."

NOTE: A dentist can be licensed in Montana with as little as 77 hours formal training in dentures and without a clinical examination for dentures (Documented by the Western Regional Examining Board who administer the clinical examinations for Dentistry). This condition could appear as negligence in court, leaving Montana's general fund vulnerable as the "deep pocket" in litigation.

REMOVABLE PARTIAL DENTURES (FORMAL TRAINING - CLOCK HOURS)

MINIMUM

					DENTURIST
					DENTIST
0	75	150	225	300	

| <u>HOURS OF INSTRUCTION</u> | <u>MINIMUM</u> | |-----------------------------|----------------| |-----------------------------|----------------|

DENTURIST (A)	245
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DENTIST (B)	8
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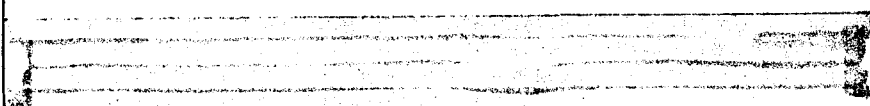
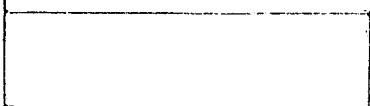
(A) Explanation is the same as (A) under REMOVABLE DENTURE PROSTHETICS (front page).

(B) compiled from a study by the University of Iowa, College of Dentistry appearing in the November 1984, Journal of Prosthetic Dentistry, with 51 out of 60 dental schools in the United States participating.

NOTE: A dentist can be licensed in Montana with as little as 8 hours formal training in partial dentures and without a clinical practical examination. (Documented by the Western Regional Examining Board who administer the clinical practical examinations for Dentistry.)

CLINICAL ORAL PATHOLOGY (FORMAL TRAINING - CLOCK HOURS)

MINIMUM

					DENTURIST
					DENTIST
0	25	50	75	100	

| <u>HOURS OF INSTRUCTION</u> | <u>MINIMUM</u> | |-----------------------------|----------------| |-----------------------------|----------------|

DENTURIST (A)	72
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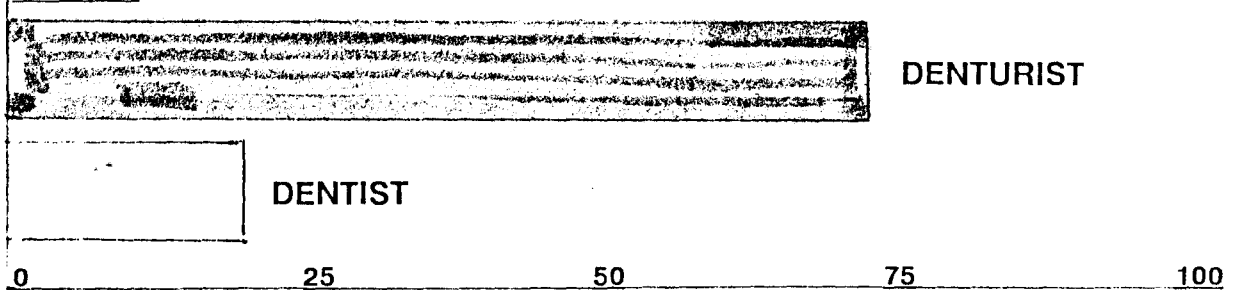
DENTIST (B)	30
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(A) Explanation is the same as (A) under REMOVABLE DENTURE PROSTHETICS (front page).

(B) Explanation is the same as (B) under REMOVABLE DENTURE PROSTHETICS (front page).

RADIOLOGY (FORMAL TRAINING - CLOCK HOURS)

MINIMUM



HOURS OF INSTRUCTION

MINIMUM

DENTURIST (A)

72

DENTIST (B)

19

- (A) Explanation is the same as (A) under REMOVABLE DENTURE PROSTHETICS (front page).
 (B) Explanation is the same as (B) under REMOVABLE DENTURE PROSTHETICS (front page).

NOTE: A dentist can be licensed in Montana with as little as 19 hours training and no practical examination for licensure for x-rays. That Dentist could then supervise a dental assistant with zero hours of formal training taking x-rays on Montanans. The Montana Dental Board claims acceptance of the National Dental Boards as an x-ray examination. The National Boards are used to evaluate training received in dental school and are examinations in theory and are not practical examinations. Scenario: A Dental Hygienist takes the National Dental Hygiene Boards, including questions on x-rays, but is also required to take a practical examination for x-rays to be licensed in Montana and then be supervised by a dentist who has not taken a practical examination for x-rays.

MALPRACTICE

OPINION DIFFERS BETWEEN OPPONENTS AND PROPONENTS REGARDING THE QUALITY OF CARE DELIVERED BY DENTURISTS. FORTUNATELY, AN INDEPENDENT THIRD PARTY EXISTS. THESE INDIVIDUALS ARE EXPERTS IN THE AREAS CONCERNING SAFETY. THAT UNBIASED GROUP IS THE PROFESSIONAL LIABILITY INSURANCE ACTUARIES AS THEY DEAL WITH FACTUAL STATISTICS NOT RHETORIC.

AT THE SAME TIME IN MONTANA, THE STATE WITH THE BROADEST SCOPE OF PRACTICE FOR DENTURISTS, MALPRACTICE INSURANCE DROPPED 39%. THE COST OF MALPRACTICE INSURANCE IN MONTANA FELL FROM \$165.00 LAST YEAR TO \$100.00 THIS YEAR FOR \$1,000,000 COVERAGE. ACCORDING TO INSURANCE COSTS, THERE IS MORE RISK IN DRIVING TO YOUR APPOINTMENT THAN HAVING THE DENTURE-RELATED PROCEDURES PERFORMED BY A QUALIFIED LICENSED.

DENTAL EDUCATORS SPEAK OUT
ON
THE QUALITY OF DENTURE EDUCATION IN DENTAL SCHOOLS

1. "Although graduates would be licensed to provide prosthodontic treatment, they would lack clinical experience in this discipline." Journal of Prosthetic Dentistry, January 1984, David N. Firtell, D.D.S., et al, authors.

2. "It is a sad state of affairs when dental educators tacitly admit that technicians are more skilled and can produce better results than those that dental students can be trained to perform. If this is the case, than why not let technicians perform intraoral procedures, too? No wonder denturists are gaining credibility in the eyes of the public." Reprinted in Dental Lab Review, September 1984, from an original article from The Academy of General Dentistry's publication AGD Impact, William W. Howard, D.M.D., author.

3. "The trend at many dental schools has been to decrease the emphasis on prosthodontic curriculum and allow increased exposure to preventive dentistry.However, educators in prosthodontics have expressed concern about the recent dental school graduate's ability to provide adequate prosthodontic care for patients." The Journal of Prosthetic Dentistry, October 1984, Thomas D. Taylor D.D.S., et al authors.

4."it appears that the typical dental school may be failing to prepare future dentists adequately to diagnose and devise a treatment plan for removable prostheses...As a dental educator, I can personally attest to the perceived decrease in emphasis that removable prosthodontics is receiving in the dental school curriculum during the past decade. Ultimately, if these trends are not reversed, we will witness a marked decline in the quality of treatment rendered to our patients who require removable prosthesis." Quintessence of Dental Technology, April 1985, Robert P. Renner, D.D.S., Editor.

5. "Nevertheless, the more removable prosthodontic treatment dental students complete while in dental school, the better able they will be to treat these types of patients in practice. It appears to the authors that in some regions this experience is too low." The Journal of Prosthetic Dentistry, August 1982, H. W. Herring, D.M.D., et al authors.

6. "All dental educators stated that partial denture design is the dentist's responsibility, while 77.9% of dental technicians reported that they design most or all of the removable partial dentures fabricated in their laboratories.If it is assumed that partial denture design is the dentist's responsibility, it appears that prosthodontic education is failing to prepare dentists adequately for the task." The Journal of Prosthetic Dentistry, November 1984, Thomas D. Taylor, D.D.S., et al, authors.

7. "The overall decrease in curriculum emphasis on removable prosthodontics during the past 15 years at 33 of the 50 responding dental schools can only serve to compound the problems alluded to in parts I and II of this study. It appears that educators are loosing ground in the task of providing adequate preparation for dental graduates in the field of removable prosthodontics." The Journal of Prosthetic Dentistry, November 1984, Thomas D. Taylor, D.D.S., M.S.D., et al, authors.

WITNESS STATEMENT

EXHIBIT 4
DATE 1/30/87
HB 355

NAME Robert A. VAVAS BILL NO. 355
ADDRESS 922 6th Ave. S. DATE 1-30-87
WHOM DO YOU REPRESENT? self
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I will cover in testimony why montana techs. cannot and will not apply for license now, because of the direct link between the dentist on the board of dentistry and the montana dental assoc.

threats made by dentists to montana techs, and they still exist.

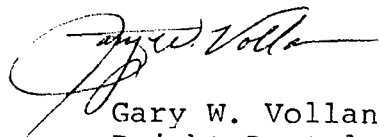
EXHIBIT 45
DATE 1/30/87
HB 355

January 29, 1987

To Whom It May Concern:

During the time of processing Montana's Initiative 97, I was working in my commercial dental laboratory. I decided to take the two week continued education courses for denturist at Idaho State University. After completing the two week course I returned to business at my dental laboratory. After a period of time I noticed a decrease in my case load. I made several attempts to acquire new accounts but this proved to be unsuccessful. I was unable to continue on with plans on becoming a licensed denturist because of my financial situation. I found it necessary to leave the area and seek employment outside the state.

Sincerely,



Gary W. Vollen
Bright Dental Arts Laboratory

Montana Senior Citizens Assn., Inc.

WITH AFFILIATED CHAPTERS THROUGHOUT THE STATE

P.O. BOX 423 - HELENA, MONTANA 59624



(406) 443-5341

EXHIBIT #6
DATE 1/30/87
HB 355

Testimony for the State Administration

Re: H.B. 355 hearing (1/30/87)

Mr. Chairman

Members of the Committee:

Good Morning, I am ~~Maribelle Krebs~~ ^{Maribelle Krebs}, MSCA member from Great Falls. I would like to go on record in support of H.B. 355.

Members of MSCA worked hard in 1984 to get this initiative on the ballot because we believe that everyone has the right to purchase dentures at a more reasonable price. We are for health care cost containment and this is one method of achieving our goals. We want to keep our choice and not return to the monopoly that dentists have had in Montana. The majority of the dentists do not construct or repair dentures, they act as the middle-man, therefore cause inflated costs to the consumer. MSCA believes that all consumers should have access to affordable dentures and specifically that Medicaid recipients can go to denturists not the dentists as they are required to do now. Let's keep business in the state, not force people to go out of Montana. Furthermore, we at MSCA support the Board of Denturity to remain an independent board and not to be forced to operate under the Dentists who have made their opposition public.

Dorothy Comer
1219 2nd Avenue South
Great Falls, MT 59405
(406) 761-8033

#7
DATE 1/30/87
355

Editorial for Senior Citizen's News

The Seniors remember Initiative 97. That was the grass-roots movement regulating the profession of Denturistry giving the public the choice of going to a dentist for denture work actually done by a trained laboratory technician, or eliminating the dentist middle-man and going directly to the professional denturist, thereby lowering the cost of denture work.

The Seniors worked hard to get Initiative 97 on the ballot. They worked hard to get Initiative 97 passed at the polls. They succeeded, despite a massive, expensive campaign by the dentists designed to frighten people into voting against the initiative.

But no sooner had Initiative 97 become law than the dentists confronted the legislature complaining the public "didn't know what it voted for". They demanded changes to "protect the public health". The only way to safeguard the voters, the dentists insisted, was to place the denturists under the control of the Board of Dentistry, a circumstance the Seniors had carefully guarded against in the original initiative to eliminate the dentist's monopoly.

The legislature, despite pressure from the dental community, decided against "letting the fox guard the hen house", but the bill was amended to add a dentist to the Board of Denturistry and to provide for a legislative audit at the end of two years. In

addition, at the insistence of the dentists, a requirement was added to require the licensing of at least 30 denturists within the two years to ensure the taxpayers the Board of Denturistry would be self-supporting through licensing fees.

With this requirement on the books, the majority of dentists in the state immediately launched an intimidating campaign designed to discourage laboratory technicians with the proper educational requirements to apply for a license, did everything in their power to discredit the licensed denturists in the state and force them out of business, and the dentist's representative on the Board of Denturistry refused to vote for the licensing of a single new qualified applicant, going so far as to publically accuse his fellow board members of issuing illegal licenses.

Moreover, during this two-year interim period, most dentists deliberately circumvented the law by refusing to cooperate with the denturists in the state in the construction of immediate dentures and partials, and, in many cases, rudely and unprofessionally refused to even see patients referred to them by a denturist. Most dentists adamantly refused to comply with Federal regulations requiring them to sign a prescription for Medicaid recipients who wish to use the services of a denturist.

The required legislative audit established the Board of Denturistry is self-supporting. The new applicants licensed are qualified, despite the protests of the dentist's representative on the board. There is no compelling reason to merge the Board of Denturistry with the Board of Dentistry.

In fact, there is little doubt that if the boards are merged, the

profession of denturistry will cease to exist in the state. This has already happened in Maine. Maine has denturist legislation, regulated by the Board of Dentistry. Not a single denturist has been granted a license in that state.

When the people of Montana voted for Initiative 97 they knew what they were voting for. Now it's up to those same people to let the state legislators know they still know what they voted for--and they still want it.

MY NAME IS DAVE COMER. I HAVE BEEN A DENTAL LABORATORY TECHNICIAN--
A DENTURE MAN--FOR 28 YEARS. I AM ALSO LICENSED BY THE STATE OF
MONTANA TO PRACTICE DENTURITRY.

EXHIBIT # 8
DATE 1/30/87
HP 355

PRIOR TO THE ELECTION IN 1984 I WAS BOYCOTTED BY THE DENTISTS IN
GREAT FALLS BECAUSE I SPENT MY TWO WEEK'S VACATION AT THE ISU WORKSHOP
IN IDAHO. MOST OF THE DENTIST'S I WORKED FOR HELD HIGH POSITIONS
IN THE STATE DENTAL SOCIETY; ONE IS A MEMBER OF THE STATE DENTAL
BOARD, ~~AND THE BOARD OF DENTAL EXAMINERS.~~ MY LAB WAS ONE OF FOUR
LABS IN THE STATE THAT WAS SHUT DOWN BY THE DENTIST'S BOYCOTT.

1-30-87

Dave L Comer

1219 2nd ave SO
Great Falls MT

PHONE 1-406-761-8033

ROLL CALL VOTE

State Administration

COMMITTEE

DATE 1/22/87 BILL NO. 229 NUMBER _____

NAME	AYE	NAY
Walt Sales		
John Phillips		
Bud Campbell		✓
Dorothy Cody		
Duane Compton		
Gene DeMars		
Harry Fritz		
Harriet Hayne		
Gay Holliday		✓
Loren Jenkins		
Janet Moore		
Richard Nelson		
Helen O'Connell		
Mary Lou Peterson		
Paul Pistoria		
Rande Roth		✓
Tonia Stratford		
Timothy Whalen		

TALLY

13

3

Secretary

Chairman

MOTION: _____

STATE ADMINISTRATION

BILL NO.

201

DATE _____

1/22/87

SPONSOR

Campbell

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR'

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 224DATE 1/22/87SPONSOR Spaeth

NAME (please <u>print</u>)	REPRESENTING	SUPPORT	OPPOSE
Kim Wilson	Common Cause		X
Jeanne-Marie Souwigney	League of Women Voters		X
Sandy Merdinger	League of Women Voters		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO. 229

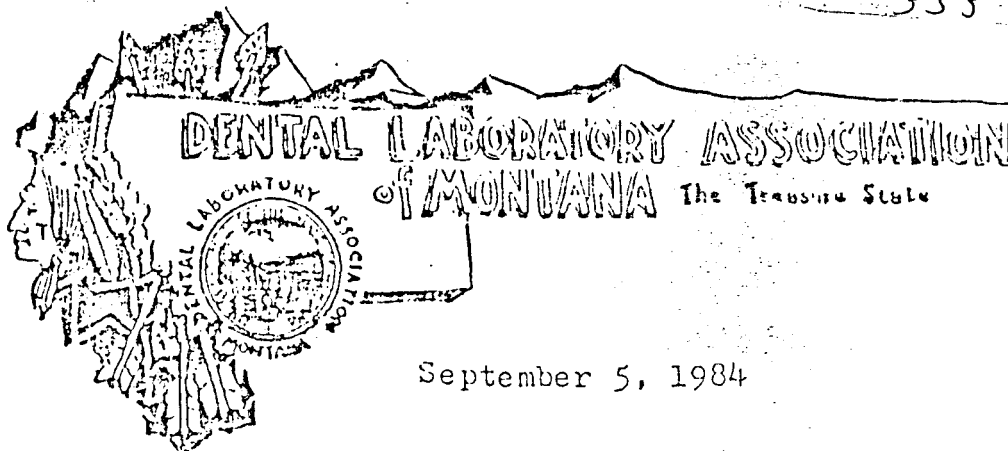
DATE 1/22/87

SPONSOR Spaeth

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



September 5, 1984

Dear Members,

For those of you that attended our annual business meeting, I'd like to personally thank you for supporting our much needed association. For those of you who were unable to attend, we missed you and believe me you missed an exciting meeting! A real eye opener!

The heat is on!! We are in an intense situation, no doubt about it. However, we must remain true to our purpose and each other. Denturism seems to be a wide and pleasant road. But, not all things are as they appear. It could end in your destruction. We've already seen examples of this.

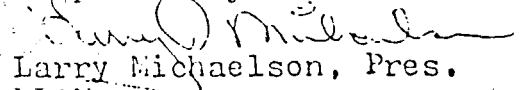
We need to move forward with our plans. Plans go wrong when there are few, but many active members can make our plans a success.

So far we have experienced strong tactics against us. But, our association would be a poor sort if we do not withstand the pressure of adversity. All we can do is keep on keeping on and taking advantage of our opportunities to have our own separate identity and protect our jobs.

Please send in your \$100.00 contributions as soon as possible for our September ad. Send them to Ed Kralicek, Capital Dental Lab 734 Helena Avenue, Helena, Montana 59601. Thanks!

By the way, just for the record, Dave Comer was waiting for us at the Park Plaza when our meeting returned. He attended our luncheon. He sat at our head table. He refused to leave. It is all too bad that it had to be a Montana dental technician.

Respectfully Yours,


Larry Michaelson, Pres.
DLAM



DENTAL LABORATORY ASSOCIATION of MONTANA

The Treasure State

November 10, 1984

Dear Fellow Technicians,

Congratulations on a job well done! The denturists know they've been to Montana. And, they sure as the devil know that they've been in a fight.

Almost half of the state voted 'No' on I-97 and you can bet that half of those that voted yes were either misinformed or not informed at all. Of course the 'fiscal note' on the ballot probably persuaded a few. Nothing like helping the uninformed along!

All is not lost! We will head them off at the pass. Although you must decide for yourselves what direction you choose to go, please consider the fact that the denturists need a board and they need lots of dental technicians to take their test so they can finance their board.

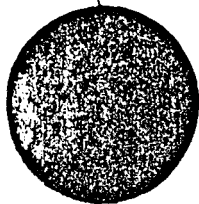
I have no doubt that Lee Wiser hasn't started trying to make amends already with the technicians of Montana, just for this reason.

However, you have until April 1, 1985. You might want to consider this. Also consider that Legislature will be addressing the flaws in I-97 Jan 1, 1985. We have good reason to believe we haven't lost yet!

You're a heck of a bunch of technicians. We sure gave the outside interests a run for their money, and not in vain. For, the closeness of the battle is in our favor. Denturists walked away with their Initiatives in all the other states, but not Montana! We have much to be proud of! We lost the battle, but we may win the war.

Sincerely Yours,

The Pres. *Sam*

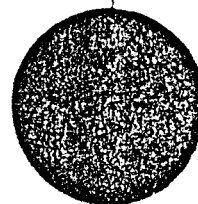


**A WOLF IN
SHEEP'S CLOTHING
IS STALKING YOU...**

**INITIATIVE 97:
—WHAT THEY DON'T
KNOW CAN
HURT YOU!**

**—VOTE—
NO ON 97**

1997



LOOK AT THE FACTS

**INITIATIVE 97 HAS TO DO
WITH MORE THAN
JUST FALSE TEETH!**

NO EDUCATION????

A two week extension course does not educate anyone to medically treat people. Don't let unskilled, untrained, and uneducated people work in your body.

VOTE NO 97

NO EDUCATION FOR RADIATION...

Denturists want to be allowed to inject radioactive material into your body. They want to be excluded from state and national standards. Don't change radiation standards.

VOTE NO 97

VOTE NO TO ANOTHER BUREACRACY...

Initiative 97 proposes another state board. When has bureaucracy not cost you tax dollars?

VOTE NO 97

VOTE AGAINST THE LOSS OF MONTANA JOBS...

The president of Montana Dental Laboratory Association says that over 70 Montana dental technicians will lose their jobs and their businesses will be destroyed.

VOTE NO 97

AN EDITORIAL IN THE MISSOULJAN WRITTEN BY SAM REYNOLDS DESCRIBES THE INITIATIVE: "INITIATIVE 97, A REAL WOLF IN SHEEP'S CLOTHING. INITIATIVE 97 SHOULD BE REJECTED BY MONTANA VOTERS ON NOVEMBER 6." INITIATIVE 97 IS A BAD INITIATIVE.

USE YOUR CHOICE!

VOTE AGAINST INITIATIVE 97

*Subject
Content*

#10
1/30/87
355

STATEMENT OF POLICY RELATIVE TO THE DEVELOPMENT OF
EDUCATIONAL REQUIREMENTS AND GUIDELINES

The Commission on Dental Accreditation has Bylaw authority to formulate and adopt educational requirements and guidelines for the accreditation of dental educational programs within its purview. These include the predoctoral program, as well as advanced and auxiliary educational programs.

In formulating educational requirements and guidelines used in the accreditation process, the communities of interest are intimately involved in all states of development. During the initial step, representatives from the discipline involved are invited to participate in the development of the preliminary document. These representatives are selected in cooperation with the organization(s) nationally recognized in the discipline whose membership is reflective of the discipline. The communities of interest may include, but not limited to, the following: American Association of Dental Schools, American Association of Dental Examiners, American Dental Assistants Association, American Dental Hygienists' Association, National Association of Dental Laboratories, the certifying boards and the sponsoring organizations of the recognized dental specialties, program directors, dental school deans, administrators of non-dental school institutions offering dental programs, constituent societies of the American Dental Association.

The steps taken by the Commission in the development of educational requirements and guidelines are shown by the following diagram. The Commission may repeat any of the steps as needed during the process.

Adopted, April 1983
Commission on Dental Accreditation

The State Administration Committee
of the Montana Legislature:

January 30, 1987
EXHIBIT # 11
DATE 1-30-87
HB 355

I'm Gayle Roset - the dentist that this bill would kick off the board of denturistry.

This bill has inclusions and exclusions that make the current statutes more vague, obscure and undefined - resulting in the board of denturistry having the ability to do what it wants at the expense of public safety.

As a member of the board of denturistry, I believe the current definition of DENTURE is more than adequate. I am concerned that on page 4 of this bill, it attempts to redefine what Webster defines as "a set of false teeth". This bill does not redefine the term DENTURE, but undefines it.

I am also concerned over the inclusion of the vague term of CORRECTING to the definition of practice of denturistry, on line 25 of page 4 and onto page 5 of this bill. Could the term CORRECTING indicate the ability to correct the occlusion or bite of teeth or correct tempero-mandibular dysfunction. The inclusion of this vague term could and would endanger public safety.

The public passed our denturism statutes through the initiative process, as they were satisfied that the present minimum educational requirements for licensure protected their health and safety.

I am alarmed that this bill would abolish any education or experience requirements. This section of this bill from line 22 of page 8 through line 5 of page 10, is filled with inconsistencies and effectively gives the board of denturistry the ability to sell licenses to whom it wishes.

So what is a denturist? A denturist is not a graduate of a 14 week military dental laboratory technician school of which only a fraction of the training deals with dentures and gives no clinical experience or training. A denturist is not a graduate of a two week denturist appreciation workshop in Idaho. Just as a medical laboratory technician is not a therapist, or a registered nurse, or a physician. I have enclosed course outlines for the 2 week denturist appreciation workshop in Idaho and the 14 week military dental laboratory technician school.

Please note that in the military program, a dental lab. tech. receives 52 hours of typing to 28 hours in denture procedures, with no clinical training. By present Montana statute, a denturist is a graduate of a two year school of denturitry, with the additional requirement to become licensed in Montana, of either two years of internship or three years of licensed experience.

Starting on line 12 of page 3 of this bill, it states: A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed denturist. Is this why denturists want to take x-rays in Montana? I hope not! I say this for two reasons:

- 1) The definition of Radiology is: that branch of medical science which deals with the use of radiant energy (x-rays and radium) in the diagnosis and treatment of disease.
- 2) Two year curriculum denturitry schools give no training in x-rays or in diagnosis. The 13 denturists who obtained their Montana license through the grandfather clause, received 13 hours of training in the Principles and techniques of radiology at their two week workshop in Idaho, but received no diagnostic training. No other state or province permits denturists to take x-rays, because denturists are untrained and clinically unexperienced in exposing x-rays and legally and educationally unable to diagnose abnormality or normality. Denturists have been licensed in Montana for two years without utilizing x-rays. x-rays are obviously not a necessity to them. If you can't read them and don't need them - why take them?

Additionally, in all other states or provinces of Canada with legalized denturitry, unsupervised partial denture service is prohibited. Two year curriculum denturitry schools do not teach any aspect of partial dentures, primarily because of the need for diagnosing the condition of the remaining teeth and associated hard and soft tissues of the mouth to support a partial denture. The 13 denturists licensed through grandfathering did not receive any partial denture instruction at their 2 week workshop they attended for licensure.

Should the public be exposed to a health hazard? Then how can we imperil the public's health and safety by licensing individuals who have

graduated from a two year accredited school of denturistry, when these programs do not intend, so they do not instruct their graduates to diagnose, to take x-rays or to make partial dentures. Additionally, since no other state or province of Canada permit their licensed denturists to diagnose, take x-rays or make unsupervised partial dentures; how can we protect the health and safety of the citizens of Montana by granting a license through reciprocity and permit these individuals to perform these functions in Montana when they were not permitted to do so in another state and are unexperienced and untrained in these services. Our current statutes states: the board may enter into reciprocal relations with those states or territories whose laws are compatible with ours. But none are.

This bill on line 18, 22, and 24 of page 15; would now allow denturists to diagnose, surgically treat normal hard and soft tissues (such as drilling on healthy teeth to facilitate partial denture construction), and repeal the procedure for making and fitting partial dentures.

As a board of denturistry member - I do not represent dentists or denturists, as I am obligated to represent the citizens of Montana.

In the public's interest, my recommendation to this committee is to:

- 1) Reject this bill in its entirety.
- 2) Amend HB 364 (next Tuesday) to prohibit partial denture construction as an allowable function by denturists.
- 3) Amend HB 364 to prohibit x-rays as an allowable function by denturists.

These recommendations would bring our denturistry laws in line with other states and in line with denturistry school training. Please keep Montana a safe place to receive denture services.

Respectfully submitted,

Gayle A. Roset D.D.S.

Gayle A. Roset, D.D.S.

Board of Denturistry - member

DENTURITRY WORKSHOP
July 27 - August 10, 1985

The Denturistry Workshop offered at Idaho State University through The Office of Continuing Education is an intensive fifteen day instructional workshop for inservice denturists. The curriculum includes 125 hours of classroom instruction plus additional out-of-class assigned work that requires an average committment of 45 hours. Sixteen Continuing Education Units (CEU's) are awarded for completion of the course.

The curriculum covers the following areas:

- Area I: General Gross Anatomy and Principles of Physiology, Principles of Embryology and Human Development, Anatomy of the Head and Neck, Dental Anatomy. 32 hours.
- Area II: Microscopic Anatomy and General Cell Biology, Oral Histology. 18 hours.
- Area III: General Pathology, including contemporary Views of Disease, Host Responses to Injury, Principles of Immunopathology, Infectious Disease Agents and Processes, Genetic Mechanisms of Disease, Neoplasia. 32 hours.
- Area IV: Oral Clinical Pathology, including Caries Formation, Periodontal Diseases, Classifications of Oral Soft Tissue Lesions. 20 hours.
- Area V: Jurisprudence. This segment includes ethics; denturistry acts and licensure; the elements of contract and torts law, with an emphasis on malpractice; consent to treatment and defenses to recovery. 4 hours.
- Area VI: Principles and Techniques of Radiology. 13 hours.
- Area VII: Principles and Practice of Asepsis. 6 hours.

Additionally, some workshops include instruction in clinical dental techniques as they apply to the profession of denturistry.

Idaho State University
Continuing Education
Summer Session
Box 8062
Idaho 83209-0009
-313
-3680

EXHIBIT 12
DATE 1/30/87
HB 355

Mr. Walter Sales, Chairman
STATE ADMINISTRATION COMMITTEE

AGAINST
HB355
in favor of
HB364

Dear Mr. Sales;

I am Jeannette S Buchanan-Tawney, R.D.H., a dental hygienist and a member of Montana Board of Dentistry. I am president of the Western Conference of Dental School Deans and Dental Examiners, the membership of which is the 14 Western States. I have served as a Director for the Western Regional Examining Board for Dentistry.

I speak in opposition to HB 355. in favor of HB 364.

The people of Montana have indicated they wish to have the option of obtaining their false teeth outside the dental office. However, evidence has presented itself that the administration by the board regulating denture-makers has not met the statutory requirements. Conditions are stipulated under the legislation passed by the 49th legislature. Some of these conditions have been ignored while others have not been met. House Bill 355 does not answer the concerns.

House Bill 364, with some modification, will be a better alternative.

Thank you for your consideration.

Sincerely,

Jeannette S Buchanan-Tawney, R.D.H.
Jeannette S Buchanan-Tawney, R.D.H.

BEHIND THE HEADLINES

Rosen
Tappes

THE DENTURITRY SCANDALS

EXHIBIT #
DATE 1/30/8
HB 355

ROUND MONTANA Denturists resist audit report on licensures

The Independent Record, Helena, Mont., Wednesday, December 17, 1986—29

ANEZ
ed Press Writer

state Board of Dentistry plans to
a legislative auditor's report that
ends the board broke the law in
filing five apparently unqualified
denturists.
Board chairman Brent Kandarian, a
Kalispell dentist, said Tuesday no ac-
tion will be taken to revoke the license.
A majority of the five-member board
believes the licenses were properly
issued and the applicants met the mini-
mum qualifications required, he said.
But John Norton, attorney in the
Legislative Auditor's Office, said he will

hand over the matter to the attorney
general for possible prosecution. Ulti-
mately, court action could be needed to
invalidate the licenses, he said.

The Legislature, meanwhile, will con-
sider a bill that would merge the denti-
trity board with the Board of Dentistry
because the quota of 30 licensed denti-
trists was not reached.

Montana has 18 licensed denturists, in-
cluding 13 who were practicing for at
least five years before the new denti-
trity board was created in 1984.

New applicants have to show at least
two years education in dentistry and ei-
ther a two-year internship under a
licensed dentist or three year's experi-

ence as a licensed dentist in another
state or Canada.
The audit found that three of the five
disputed applicants failed to meet both
the education and experience standards,
and two did not comply with one crite-
ria.

The dispute between the board and the
audit report appears to center on educa-
tional backgrounds. Kandarian contends
the law, enacted by initiative in Novem-
ber 1984, allows his board to consider
military training equal to the two-year
education requirement, even though the
law makes no men-

tioning.
Kandarian said

carries more weight because it involves
an extensive program of refresher
courses that usual schooling does not.
However, only one of the five appli-
cants appears to come close to the mini-
mum educational requirement, accord-
ing to board files. Only one file indicates
an internship under a licensed dentist,
and only one applicant already held a li-
cense elsewhere.

All five applicants were opposed by
Dr. Gayle Roset, a Billings dentist on the
Board of Dentistry, and none is practic-
ing in Montana yet.
The five applications cited in the audit
are those of: Charles Conlan, 45, Cash-
mere, Wash.; Kenneth MacPherson, 38,

Redmond, Wash.; Sam Matousek Jr., 50,
Eatonville, Wash.; Mark Rittenhouse,
28, Whitehorse, Yukon Territory and Wil-
liam Spencer, 56, Richton, Miss.
Roset, the chief critic of the licensings,
said he doubted the board will respond to
the audit report. He said the board is
controlled by Kandarian and Wiser, with
support from the low-income and senior
citizen representatives, Elsie Fox of
Miles City and Henry Siderius of Kalis-
pell.

"I don't think they want to revoke the
licenses because it would show they
shouldn't have done it in the first place,"
Roset said. Kandarian and Wiser "will
hold fast to their convictions," he said.

Dentistry head accused of practicing dentistry

HELENA (AP) — The head of the
state Board of Dentistry has been ac-
cused of practicing dentistry without
a license and may face prosecution,
state officials acknowledged Tues-
day.

The state Board of Dentistry has
asked Flathead County Attorney Ted
Lymus to take legal action against
Brent Kandarian, who operates Glas-
ier Denture Center in Kalispell.

Kandarian has denied any wrong-
doing.

Lymus said Monday he had not
yet reviewed the complaint. Geoffrey
Brazier, staff attorney with the Com-
merce Department, said Tuesday he
will seek an injunction against Kan-
darian if Lymus decides not to act.

Earlier this year, the board was
notified by Kalispell dentist Kenneth
Madsen that Kandarian's advertising
offered temporomandibular joint evalua-
tions, or diagnosis of jawbone hinge
malfunctions.

At a Nov. 12 meeting the Board of
Dentistry concluded that Kandarian's
actions violated laws governing the
practices of dentistry and denturistry.
Specifically, denturists are prohibited
from diagnosing or treating "any ab-
normalities."

The board also filed a complaint
against Kandarian with his own
board, which decided Monday to take
no action until Lymus makes a deci-
sion.

Board of Dentistry files show

Kandarian was twice notified of the
complaint against him, on Sept. 22
and Oct. 31.

In a Nov. 6 letter to Brazier, Kan-
darian explained why he took so long
to reply. "I didn't think it necessary
to answer a complaint of the dental
board when, in fact, it has nothing to
do with me — nor me with it. If I
have committed a crime, I will an-
swer to the Board of Dentistry."

He denied having ever practiced
dentistry, saying his evaluations
"certainly fall within my scope of
practice regardless of what the
Board of Dentistry thinks and I will
continue to practice accordingly."

"If the Board of Dentistry would
tend to its own complaints instead of
going on witch-hunts, it would proba-
bly accomplish a whole lot more for
the protection of the people of the
state of Montana," Kandarian wrote.

Brazier said Tuesday the letter
"threw down the gauntlet" to the
Board of Dentistry and it had no
choice but to pursue legal action.

Kandarian defended his evalua-
tions Tuesday, saying that anything a
denturist does could be considered
treating an abnormality. He said the
law was meant to prohibit only surgi-
cal treatment by denturists.

"Dentists want you to think they
are the only ones who can do this
work," he said, adding that tempo-
romandibular malfunctions are not ab-
normalities, for denture wearers.

Denturist licensing called illegal

The state Board of Dentistry committed misdemeanors in
licensing five applicants who did not meet minimum legal qual-
ifications, says Attorney General Mike Greely.
In an opinion issued to Legislative Auditor Scott Seneat, Greely
also said the board broke the law by failing to conduct examina-
tions on the required date.
However, Greely noted the violations appear to be moot since
Dentistry by the 1987 Legislature.

PAST CRIMES WOULD BE LEGALIZED

The Audit Committee concluded, and the Attorney General agreed, that the Denturist Board violated its own laws by giving exams to and licensing a number of individuals who did not come remotely close to meeting the high academic standards set out in the law. The denturists' response is HB355's provisions to strip those high standards out of the law and replace them with a loose set of qualifications like military training in denture casting or five years' work in a dental lab and some sort of academic equivalency test this suspect board would administer. The effort is to avoid prosecution by legalizing the violations.

RAID ON MEDICAID: WATCH THE FISCAL NOTE

Federal officials in Denver recently told SRS that if Montana's Medicaid program covers dentures, the dentures must be prescribed by a dentist to be eligible for federal money. HB355 would force SRS to cover dentures made by a denturist, which means 100% of the reimbursement to the denturist would be state money. The expanded definition of dentures in section 3 could also force Medicaid to cover braces and other appliances at normal provider rates.

The fiscal note on HB355 should indicate the dollars which the bill will take away from other senior citizens' programs.

DIAGNOSIS AND TREATMENT OF COMPLEX PROBLEMS: FAR BEYOND DENTURIST SKILLS

Kalispell denturist Brent Kandarian, a board member, has been charged by the Commerce Department with offering to treat TMJ disorders. The TMJ or temporomandibular joint at the hinge of the jaw, can become very painful and its treatment is a complex procedure involving dentists, physicians, physical therapists, and other skilled disciplines.

Rather than cease and desist, Kandarian and his board want the legislature to pass HB355 and allow them to treat TMJ disorders. On one hand they seek to lower the qualifications for a denturist license, down to high school graduation and a little Army training in casting dentures from prescriptions. On the other they seek to expand the scope of practice into a complex field only a few dentists have ventured to master.

AUDIT COMMITTEE BILL: THE PRUDENT APPROACH

The Legislative Audit Committee conducted a mini-sunset review of the Denturistry Board last fall and voted to introduce legislation to merge this Board into the Board of Dentistry. The Board of Dentistry licenses dentists (over 400 in Montana) and dental hygienists (about 200), and prescribes some of the functions and duties of other allied callings: dental assistants and dental laboratories.

DENTIST-REGULATED DENTURISTRY: THE ARIZONA EXPERIENCE

Montana's dentists believe that if denturistry is desired by the people, the laws of Arizona provide a model for its regulation and licensing. Arizona's denturists are licensed by the Board of Dental Examiners, and about 30 denturists have qualified and practice there, mainly in the Phoenix and Tucson areas.

There are no denturists on the Arizona Board, but the Board does have consumer representation and a duty to consult the denturists. The system has worked well, as to similar approaches with other licensing boards in Montana. Acupuncturists, for instance, are licensed by our Board of Medical Examiners although they have no members on that Board.

Montana Dental Association

P. O. Box 513 Butte, Montana 59703 Phone (406) 782-9333

6A

Great Falls Tribune
Friday, December 12, 1986

Opin

Potpourri

*Audit shows denturist board
is slipshod in enforcing rules*

MONTANANS WHO RECALL the bitter struggle between dentists and denturists in the 1984 election probably were not surprised to see a renewal of that battle this week in Helena.

Voters approved an initiative two years ago allowing denturists to make and fit false teeth. Its effect has been to take some business away from dentists, who previously had the exclusive franchise for dentures in this state.

On Monday, a legislative audit concluded that the Montana Board of Dentistry had violated several rules in the dentistry law passed by the 1985 Legislature. The audit claimed that the board licensed five denturists who did not meet minimum qualifications for education and training; that it increased license fees before its rules allowed, and that it failed to enforce a requirement that all patients for partial dentures be referred to dentists for preliminary services.

The upshot was a recommendation that the denturist board be merged with the State Board of Dentistry.

Denturists oppose such a move, claiming the dentistry profession wants to drive them out of business. They plan to lobby the 1987 Legislature to retain their own board and to make some changes in the law.

Aside from the political squabble, we feel the denturist law still poses some concerns. The Legislature oversees the activities of all professional boards in Montana and its audit confirms that there are problems.

The Board of Dentistry cannot arbitrarily change some rules and ignore others. If it wants to survive as a separate entity it must exert a stronger influence for professionalism and responsibility. Performance under the law, not lobby-

ing, is the way to achieve that goal.

THE GREAT FALLS CITY COMMISSION has passed a revised junked vehicle ordinance that puts more teeth into neighborhood cleanup efforts, according to Neighborhood Housing Services in its monthly bulletin.

Abandoned vehicles, those that have expired licenses and/or are inoperable, may not be kept outdoors for more than 72 hours unless they are being repaired by the owner of the vehicle and the premises. Repairs may last no longer than 20 days. Storage or repair of such vehicles is permitted indoors, provided the vehicle is owned by the person who owns or rents the premises.

There have been instances of abandoned cars in full outside view for weeks and even months in Great Falls. We applaud the commission's action in helping rid the city of numerous eyesores.

MONTANA-BORN ECONOMIST Lester Thurow of the Massachusetts Institute of Technology came up with an intriguing idea during a state business seminar several months ago that we'd like to see happen.

Thurow said he'd like to see one of the state universities sponsor a contest for the best idea for a new Montana business or product. He also wants state lending institutions to get involved — because first prize in the contest would be a loan to put the concept into action.

Thurow thinks the contest, and the publicity it would engender, would not be just a symbolic gesture. It would put enterprising business people and lending agencies in closer touch with each other. We agree — it's a good idea.

The Independent Record, Helena, Mont. Tuesday, December 9, 1986

Audit report claims denturist board broke the law; charges trade

By BOB ANEZ
Associated Press Writer

The war between dentists and denturists surfaced again before a legislative committee Monday, as an audit report concluded that the board regulating denture-makers broke several laws.

Both sides in the battle traded charges, with dentists saying the 2-year-old Board of Dentistry should be abolished and denturists claiming dentists have sabotaged efforts to create a competing profession in the state.

The report reviewed by the Legislative Audit Committee said the denturist board violated state law by licensing five denturists who did not meet the minimum qualifications. Those illegally licensed failed to have either the required two years of internship under a licensed denturist or the mandated two years of formal education. Three applicants did not meet either requirement, the audit said.

Also, the report said the board administered the denturist exam at various times and locations, contrary to state

law. In addition, it said the board increased license fees before its rules allowed and failed to enforce a requirement that all patients for partial dentures be referred to dentists for preliminary services.

The audit concluded the committee must recommend the 1987 Legislature merge the board with the Board of Dentistry because it licensed only 18 denturists over the past two years, 12 short of the number needed to continue the board's operation.

Denturist supporters, including low-

income and senior citizen groups that say denturists provide a less expensive product, warned the merger would bring denturists under the regulatory thumb of dentists who control the Dentistry Board. The result will be no more licensed denturists and eventual elimination of the profession, they said.

Robert Vavas, a dental technician from Great Falls, said threats by dentists prevented more members of his profession from applying for denturist licenses. He claimed dentists threatened to withhold business from any dental

labs that supported or cooperated with denturists and their campaign to legalize the profession.

Brent Kandarian, a Kaibab dentist and president of the Montana Dental Association, said he was not licensing any unqualified people and practicing denturists met the requirements.

Licenses were also granted to denturists whose only reported training experience was a two-week "denture appreciation workshop" in Idaho.

Respectfully submitted to the House State Administration Committee.

HB 355 - Revising Denturist Licensing Law

Submitted by Theodore P. Beck, DMD.

227 West Lyndale

Helena, Montana (443-6464)

EXHIBIT 14/4
DATE 1/30/87
HB 355

If you seriously consider the passage of this bill you should be aware of the following:

- (1) During the two years this board has operated there has been 19 or more complaints against 13 licensed denturists for a complaint/denturist ratio of 1.46. (During the same period there has been 28 complaints against 1175+ people licensed under the Board of Dentistry- - a ratio of .024 complaints per person). (821 dentists and 355 hygienists).
- (2) The board will consist of two denturists and 3 lay people. The board will not have the benefit of a dentist. Ref: pp 1 - Lines 14-24.
- (3) The requirement of x-ray examinations will have a significant fiscal impact (1800+ people at a cost of over \$65,000). Ref: pp 2 - Lines 19-24.
- (4) The board will be given authority to literally determine all qualifications of licensure. If that isn't enough, they will have the right to administer an equivalency examination to those who can not be qualified in any other way. Ref: pp 6 - Line 12 and pp 12 - Lines 19-21.
- (5) You will be placing SRS in an extremely difficult position by requiring them to pay 100% on medical assistance as concerns denturists. Even though we the people of Montana have granted equality to denturists, it

seems the federal government hasn't. Currently, the federal government pays 64% of our medical assistance program. They will not fund the fabrication of dentures that are not made by or with the prescription of a dentist. This bill would require SRS to fund this. If each denturist made 50 denture units each year (25 people with an upper and lower denture), it would cost in medical assistance 50 units x \$369.60 per unit x 13 denturists = \$240,240.00. With no federal assistance that would be an additional medical assistance cost of \$153,753.00 to the State of Montana. This would be a significant fiscal impact on medical assistance in Montana. Ref: pp 5 - Line 16-19.

- (6) Partials would be made by a denturist without proper consultation with a dentist. This to me, in terms that you might better understand, would be similiar to allowing a person newly trained as a beautician to act as a neurosurgeon. Ref: pp 15 - Lines 22-23.
- (7) The continuation of this board would be in effect a statement to the citizens of this state that this legislative body condones the willful violations of the statues this board has mischievously played with over the past 2 years. Ref: Legislative Audit Report, Attorney General Opinion.

In summation, this whole affair reminds me of a young person who gets caught with his mouth full of cookies and both hands in the cookie jar. His Mom (the statues and the citizens of this state want him to take one cookie at a time). His grandparents (some of the senior citizens of this state) want Little Johnny to have as many cookies as he wants. What Johnny really needs is some guidance - a set of rules that he must follow - and finally time to grow up and become responsible.

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB100, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act requiring certain district judges, supreme court justices, highway patrol officers, sheriffs, game wardens, police officers, and firefighters to become members of the Public Employees' Retirement System.

ASSUMPTIONS:

- Salaries for current members of the Judges', Highway Patrol, Sheriffs', Game Wardens', Municipal Police, and Firefighters' Unified Retirement Systems and new hires becoming members of the Public Employees' Retirement System after July 1, 1987, are expected to remain at their June 30, 1986, average levels throughout the next biennium.

System	Total Members	Total Payroll	Average Salary
Judges'	42	\$ 2,069,519	\$ 49,274
Highway Patrol	201	5,274,317	26,240
Sheriffs'	541	11,509,790	21,275
Game Wardens'	85	2,153,565	25,336
Municipal Police	436	10,240,213	23,487
Firefighters' Unified	403	8,918,528	22,130

(Source: 1986 Actuarial Valuations)

- The difference between the currently required contribution rates on the salaries of effected employees after June 30, 1987, and the contribution rates employers will be required to contribute under the Public Employees Retirement System are expected to accrue to those effected government entities.

System	State	Local Government	Other	Employee	Total	Soc. Sec.
Judges'	6.0%	-0-	32.0%*	6%/7%	44.00/45.00%	Yes
Highway Patrol	26.75%	-0-	2.16%**	7.59%	36.50%	No
Sheriffs'	-0-	7.6%	-0-	7.00%	14.60%	Yes
Game Wardens'	7.15%	-0-	10.20%***	7.90%	25.25%	Yes
Municipal Police	-0-	13.02%	15.06%****	6%/7.5%	35.27/35.58%	No
Firefighters' Unified	-0-	13.02%	22.98%****	6.00%	42.00%	No
Public Employees'	6.417%	(6.417%)		6.00%	12.417%	Yes

(Source: Montana Codes and 1986 Actuarial Valuations)

David L. Hunter 1/14/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Walter Sales 1/15/87
WALTER SALES, PRIMARY SPONSOR

Fiscal Note for HB100, as introduced.

HB 100

NOTES: *31.0% of salaries are paid from district court fees and are assumed to accrue to the general fund if not used for the purpose of paying retirement contributions for judges. 1% of salaries are paid from supreme court fees and are also assumed to accrue to the general fund to the extent they are not used to pay retirement contributions for. (Note, an additional \$31,000 is currently due to the Judges Retirement System from this fund and has been subtracted from savings anticipated for FY88 and FY89.)

**The state also contributes a portion of fees from driver's licenses as provided in 61-5-121 MCA and this amount varies from year-to-year. In 1986, it represented 2.16% of salaries and is assumed for the purpose of calculation of this fiscal note to remain constant and accrue to the general fund in the future to the extent it is not used to pay for retirement benefits for highway patrolmen.

***The state contributes funds available from fines and forfeitures into the Game Wardens' Retirement System. There will be no savings in this category since this total amount is statutorily deposited to the fund in total, not tied to salaries of members.

***The state contributes 15.06% of municipal police officers' salaries from the premium tax fund on motor vehicle property and casualty insurance policies and 22.98% of firefighters' salaries from the premium taxes on the insurance risks enumerated in 19-11-512 MCA. These amounts will be assumed to accrue to the general fund in the future to the extent they are not required for contributions for retirement benefits for firefighters.

3. Turnover in affected positions in next biennium is expected to remain at same rates as for previous two fiscal years:

	<u>New hires for FY85 and FY86</u>
System	
Judges'	4 (2 added statutorily are not included)
Highway Patrol	37
Sheriffs'	264
Game Wardens'	19
Municipal Police	105
Firefighters' Unified	68

(Source: Public Employees' Retirement Division files)

4. Half the turnover will occur on December 31, 1987, and half will occur on December 31, 1988. Therefore, 25% of the savings will be realized during FY88 and 75% of the savings will be realized during FY89.

5. Current members of the Highway Patrol, Municipal Police and Firefighters' Unified Retirement Systems are not currently covered by Social Security. While Highway Patrol and Police may elect to be covered by Social Security, it is assumed in this fiscal note that this will not occur during the next biennium. However, with reduced retirement coverage, it is assumed that those new Highway Patrol and Police joining the PERS will eventually elect Social Security coverage, thereby increasing employer contribution rates by at least 7.15% in the future. The future net savings/(costs) to employers if this is the case has not been calculated.

6. The current unfunded liabilities of the resulting "closed" retirement systems will not decrease and will require additional employer and/or state contributions to amortize any current unfunded liabilities of the systems.

System	1986 Unfunded Liability	Contribution Rate Required in next biennium	Amortization	
			Period*	
Judges'	\$ 5,061,998	.07640%	50 years	
Highway Patrol	20,900,452	.15212%	38 years	
Sheriffs'	-0-	-0-	none	
Game Wardens'	3,560,029	.09561%	19 years	
Municipal Police	34,759,407	.14110%	34 years	
Firefighters' Unified	49,126,785	.19981%	41 years	

*Based on current membership, salary and interest rate projections

7. This fiscal note assumes that state and local government employers will make additional payments in order to amortize the current unfunded liabilities of the closed systems during the next biennium. If not actually paid during the next biennium, these will accrue to future taxpayers, with interest; there will be a decrease in FY88 and FY89 expenditures over those shown in this fiscal note and future liabilities will increase.

8. Because membership of (and therefore, contributions to) the closed systems will diminish while vested benefits continue to increase, the contribution rate required to amortize the unfunded liability of each of the closed systems will also increase. Therefore, the unfunded liability costs to employers may be understated in this fiscal note. Ongoing biennial actuarial valuations of these closed systems will be able to determine the exact contribution rate increases; this has not been attempted for the purposes of this fiscal note.

Carl Petty

EXHIBIT 16
DATE 1/30/87
HB 306

SHERIFFS'
RETIREMENT SYSTEM

ACTUARIAL VALUATION

AS OF

JULY 1, 1986

MONTANA
ASSOCIATION OF
COUNTIES

EXHIBIT # 17
DATE 1/30/87
HB 355

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Representative Sales, Chairman House State Administration
Committee members

FROM: Gordon Morris, ^{DM}MACo Executive Director

RE: HB 306

DATE: January 29, 1987

I would submit that "early retirement under the sheriff's retirement system "would, at the very least, require an increase in Employer Contributions an possibly Employee Contributions.

I, therefore, recommend that a fiscal note be requested. If it is determined that there are no impacts by way of increased Employer/ Employee Contributions I would happily support HB 306 on behalf of the Montana Association of Counties.

MACo

Presented by:

Linda King, Assistant Administrator
Public Employees' Retirement Division

On behalf of the Public Employees' Retirement Board, which administers the Sheriffs' Retirement System, I am appearing today in opposition to HB 306. The Board opposes this bill because it does not assure adequate funding for the proposed benefit increase.

Current law states that sheriffs may retire with full retirement benefits after both completing 25 years of service and reaching age 55. The bill before you today proposes to change the regular retirement provisions of this act so that anyone initially elected or appointed prior to July 1, 1987 can retire with unreduced benefits after 20 years of service, regardless of age. For those who's initial service begins after July 1, they must complete at least 20 years of service and have reached the age of 50.

In addition, this bill proposes to change the early retirement requirements from 20 years of creditable service as a sheriff and having reached age 55, to 15 years of creditable service and attaining the age of 50.

The substantial increase in retirement benefits proposed by this bill has a present value of \$3,389,000, or 2.82% of total salaries each year paid for 40 years. The cost of this proposal during the next biennium is expected to exceed \$650,000.

The Board opposes this bill because it provides no mechanism to assure adequate funding to pay for these increased costs. It might be assumed that since the 1986 actuarial valuation has shown the contribution rate needed to fund this system is below that rate which is currently being made to the system, the system should simply absorb this large liability.

While it is true that the current contribution rate is calculated to be 3.54% more than the required contribution rate, it is the Board's policy not to recommend increases or decreases to the required contribution rates on the basis of the experience of only one valuation period. This is to ensure that a rise or fall in the required contribution rate is a continuing trend that can be relied upon. Otherwise, seven or eight bills would be presented to each Legislature asking for an adjustment of the contribution rates for each of the retirement systems. If the 1988 actuarial valuation of the Sheriffs' Retirement System shows a continued positive funding situation for the system, the Board will consider a specific recommendation to the next Legislature to reduce the employer contribution rate.

The Board is also concerned about the effect of so drastically reducing the service requirements for retirement in this system. If this bill passes, it will cause this retirement system to have substantially earlier retirement provisions than other public retirement systems in Montana, increasing the pressure to pass similar legislation for other state retirement systems. Past experience shows that members of the state's other retirement systems will make equally valid arguments for reducing the service requirements in their systems. While the Sheriffs' Retirement System is currently actuarially sound, other systems do not enjoy the same percentage of funding. The cost of providing the same increased benefits in other systems would be truly prohibitive.

For these reasons, the Public Employees' Retirement Board asks that you do not pass this bill.

Pistoria bill bites the dust and editors win by a nose

Great Falls legislator Paul Pistoria is a wonder.

A perennial publicity-seeker, Pistoria picked a fight with folks who buy ink by the barrel: the state's newspaper publishers.

The Cascade County Democrat introduced a bill that would have required newspaper editorials to be signed.

It would have also required papers to check the truthfulness of letters to the editor.

The bill died in committee but deserves a proper eulogy before burial.

Publishers and editors are still in a huff.

They say Pistoria tried to revoke the First Amendment.

I find the charge hard to accept.

Why would Pistoria try to destroy that freedom of speech and press that saved his pants when he was found guilty of libeling a police officer in 1978.

During a Great Falls City Commission meeting, Pistoria accused the cop of mishandling drug funds. An investigation found no basis for Pistoria's charge, and the cop sued. A jury awarded the policeman \$26,000.

The state Supreme Court took Pistoria off the hook.

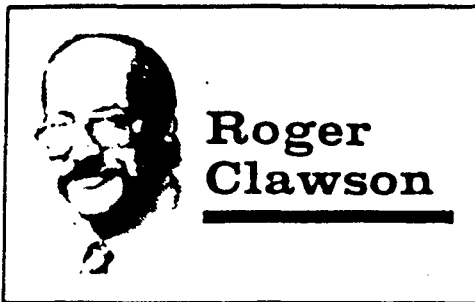
The court did not say Pistoria was telling the truth.

The court said he had the right to

say anything that popped into his head at a public meeting.

No, I suspect Pistoria's motive was not an intent to suspend the

At Large



Constitution but simple Montana macho.

I suspect he wants to punch someone in the nose.

Pistoria has been criticized by Great Falls Tribune editorials.

The criticism probably fired Pistoria's wrath. What's a man to do? He can't walk down Great Falls' River Drive and punch the Tribune in the puss.

A name at the bottom of the nasty editorial would simplify matters. For every name there is a face, and most faces have noses.

I hate to take issue with Montana publishers (men who have signed my paychecks for most of the past 20 years), but I have mixed emotions about signed editorials.

On those rare occasions when I

write editorials, I would prefer that they be unsigned.

X I'm rather fond of my nose. I've had it since I was a little kid.

X On the other hand, it wouldn't bother me to see our editorial page editor, Gary Svec, sign his work.

X When a Gazette editorial riles Pistoria, I would gladly hold his coat while he punches Svec.

X Pistoria would need someone to hold his coat. His hands would be full. Svec stands 6-foot-4 and is as big as a young mountain.

X The other portion of Pistoria's bill — requiring newspapers to check on the veracity of letter writers — was also understandable.

Pistoria must have a deep and abiding concern for the truth.

He has certainly had his share of problems with it.

In 1980, he admitted lying under oath in a deposition taken the summer before.

He said lying under oath did not bother him. He said he felt the proper time to tell the truth would be later — when he went to trial on charges of libel and slander.

I'm sure that when the "proper time" comes, Pistoria will tell us the truth about his urge to regulate newspapers through the Legislature.

Clawson At Large is published, Sunday, Tuesday, Thursday and in Friday's ENJOY!

EXHIBIT 20
DATE 1/30/87
HB 296

GAZETTE OPINION

NOTE: This time they didn't mention my name Paul Hester. Because of a hassle with as they did in 1985.

House bill abominable

Freedom of speech in peril

A bill before the Montana Legislature flies in the face of constitutional guarantees of free press in America.

H.B. 296 requires state newspapers to list the author of any editorial comment and to refuse publication of letters to the editor unless the authorship and content are verified.

The bill goes on to say that no newspaper published in the state may include:

- An editorial comment unless the name of the author of the comment is indicated, except for an out-of-state editorial, which must be labeled by the source and, if known, by the author.

- A letter to the editor unless the authorship is verified and any facts or figures contained in the article are verified.

Any newspaper publisher who violates this section is guilty of a misdemeanor. Similar bills have been raised in the past. The Legislature has had the good sense to consign them to the wastepaper basket. We can only hope that is the fate of this misguided bill.

Objections to the bill are legion.

First is the question of constitutionality. **WE MUST TEST IT.**

In 1734, John Peter Zenger, one of America's first "journalists," printed a series of letters dealing with the inanities of the government of the crown.

Zenger was told to reveal the authors of these "seditious" and "libelous" articles, but he refused.

Zenger was imprisoned for 10 months for refusing. But when brought to trial, a jury of his peers found Zenger innocent of libel. The people then, you see, understood what it was like to live in a society where the press was kept under the thumb of government.

The case was a keystone in the freedom of the press guarantees of the U.S. Constitution. **YOU HAVEN'T PROVED TO ME.**

But now, some legislators would impose the same restrictions on the Montana press as did the royalists of the colonial days. That reasoning is not only bizarre, it is an abomination.

There are other reasons for unsigned editorials, too.

Newspaper editorials rarely reflect the opinion of only one person.

The liberation of an editorial board made up of employees of the paper.

The person writing editorials is merely reflecting the collective opinion of the group. The writer may not even agree with the position he is espousing.

The intent of this bill is difficult to discern. It offers nothing but an infringement of our freedom to speak out.

It would put a pall of government control over the newspaper columns of this state. It would infringe on the rights of each of us, and it takes valuable time from the Legislature needed to deal with more reasonable issues.

This bill must be killed. Our 200 years of freedom under the Constitution demand nothing less.

As long as I am around, I will always bring it up. So they will not kill it.

Testimony of George W. Moore, executive director of the Montana Press Association, on House Bill 296. January 30, 1987.

EXHIBIT #21
DATE 1/30/87
HB 296

MISTER CHAIRMAN, MEMBERS OF THE COMMITTEE.

MY NAME IS GEORGE MOORE, AND I'M EXECUTIVE DIRECTOR OF THE MONTANA PRESS ASSOCIATION, WHICH REPRESENTS 68 WEEKLY AND ALL 11 DAILY NEWSPAPERS IN THE STATE OF MONTANA.

YOU HAVE BEFORE YOU TODAY HOUSE BILL 296, WHICH REPRESENTS NOTHING LESS THAN A BALD ATTEMPT TO IMPOSE STATE CONTROL OVER THE EDITORIAL PAGES OF THE NEWSPAPERS IN MONTANA.

WE IN THE PRESS ARGUE THAT THIS BILL IS A BAD ONE ... FOR A NUMBER OF REASONS.

IN THE FIRST PLACE, IT RAISES SERIOUS CONSTITUTIONAL QUESTIONS. MIKE MELOY, AN ACKNOWLEDGED EXPERT ON PRESS LAW IN MONTANA, DOESN'T THINK THE BILL WOULD WITHSTAND A CONSTITUTIONAL TEST, AND HE IS JOINED IN THAT OPINION BY ATTORNEYS FOR THE AMERICAN NEWSPAPER PUBLISHERS ASSOCIATION AND THE NATIONAL NEWSPAPER ASSOCIATION. (I HAVE COPIES OF CORRESPONDENCE FROM BOTH ORGANIZATIONS, AND I'LL SHARE THIS MATERIAL WITH YOU WHEN WE CONCLUDE OUR TESTIMONY.)

BUT IT DOESN'T TAKE AN ATTORNEY TO RECOGNIZE THE FLAWS IN THIS BILL. WE CAN READ FOR OURSELVES THE WORDS OF OUR OWN STATE CONSTITUTION AND RECOGNIZE THE PROBLEMS INHERENT IN THIS BILL. ARTICLE ²~~A~~, SECTION 7 OF THE CONSTITUTION STATES: "NO LAW SHALL BE PASSED IMPAIRING THE FREEDOM OF SPEECH OR EXPRESSION. EVERY PERSON SHALL BE FREE TO SPEAK OR PUBLISH WHATEVER HE WILL ON ANY SUBJECT, BEING RESPONSIBLE FOR ALL ABUSE OF THAT LIBERTY."

THAT STATEMENT IS CLEAR, AND IT'S EQUALLY CLEAR THAT HOUSE BILL 296 REPRESENTS AN ATTEMPT TO VIOLATE THAT SECTION.

BUT ASIDE FROM THE SIGNIFICANT CONSTITUTIONAL QUESTION, WE ALSO HAVE SOME PRACTICAL CONSIDERATIONS, WHICH SOME OF MY COLLEAGUES WILL EXPAND UPON IN A MOMENT.

CONCERNING EDITORIALS, IT IS SOMETIMES IMPOSSIBLE TO PIN DOWN AUTHORSHIP TO ANY ONE OR EVEN TWO PEOPLE. GENERALLY, AN EDITORIAL ... PARTICULARLY ON A LARGE DAILY NEWSPAPER ... IS THE PRODUCT OF SEVERAL PEOPLE ... SOMETIMES MEMBERS OF AN EDITORIAL BOARD ... WHO ENGAGE IN VIGOROUS DEBATE. THE END PRODUCT CAN BEST BE DESCRIBED AS THE NEWSPAPER'S VIEWPOINT.

LET'S TURN, NOW, TO HOW THIS BILL WOULD TREAT LETTERS TO THE EDITOR. THE BILL PURPORTS TO IMPOSE CONTROLS ON NEWSPAPERS, BUT, IN REALITY, IT WOULD IMPOSE CONTROLS ON THE THOUSANDS OF PEOPLE WHO EACH YEAR SHARE THEIR OPINIONS WITH ALL OF US VIA THE EDITORIAL PAGE.

IF A NEWSPAPER WERE TO ATTEMPT WHAT THIS BILL PROPOSES, I PREDICT TWO THINGS WOULD HAPPEN.

FIRST, THE NEWSPAPER WOULD BE ACCUSED OF "FILTERING" OR CENSORING LETTERS TO THE EDITOR, AND THE WRITERS WOULD GET MAD AT US.

SECOND, THE FLOW OF LETTERS TO THE EDITOR WOULD SLOW TO A TRICKLE, IF NOT STOP ENTIRELY, AND WE WOULD BE DEPRIVED OF THE POINTS OF VIEW THE LETTERS BRING TO LIGHT.

IS THIS WHAT THE PROPONENTS OF THIS BILL SEEK? I WOULD HOPE NOT.

WHAT, THEN, IS THE REAL OBJECTIVE OF THIS BILL?

SOME LIGHT WAS SHED ON THAT QUESTION BACK IN 1985 BY REP. PISTORIA¹ WHEN HE SPONSORED AN ALMOST IDENTICAL BILL THAT FAILED. HE SAID, AND I QUOTE: I THINK IT'S ABOUT TIME WE CHASTISE THEM (NEWSPAPERS) A LITTLE BIT. LET'S PASS THIS BILL AND LET THEM SPEND A LITTLE MONEY TO PROVE WHETHER IT'S CONSTITUTIONAL. CLOSE QUOTE.

NOW I ASK YOU, IS THAT A GOOD REASON FOR EVEN CONSIDERING A BILL OF THIS NATURE? I THINK NOT.

FINALLY, SOME WOULD SUGGEST THAT THE NEWSPAPERS ARE SOMEHOW BEYOND ACCOUNTABILITY. THAT PERCEPTION IS FALSE.

WE ARE SUBJECT TO THE FORCES OF THE MARKETPLACE, WHERE PEOPLE CAN CHOOSE NOT SUBSCRIBE OR ADVERTISE IF WE FAIL TO LIVE UP TO THEIR STANDARDS. AND WE HAVE LAWS THAT MAKE US RESPONSIBLE FOR OUR CONDUCT.

ALSO, I DON'T THINK WE SHOULD OVERLOOK A SENSE OF PROFESSIONALISM THAT EXISTS IN THE NEWSPAPER INDUSTRY. OUR INSTITUTIONS OF HIGHER LEARNING TEACH PROFESSIONALISM, OUR PEERS TEND TO FOSTER IT AND MY ORGANIZATION, ALONG WITH OTHER PRESS ORGANIZATIONS, PROMOTE IT, AS YOU WILL NOTE IN SOME MORE INFORMATION I'LL DISTRIBUTE.

IN CONCLUSION, I ASK EACH OF YOU WHETHER THIS BILL ... THIS STARK ATTEMPT AT STATE CONTROL OF OUR NEWSPAPER EDITORIAL PAGES ... IS WHAT YOU REALLY WANT.

IF YOU GIVE THE MATTER SERIOUS THOUGHT, YOU WILL REALIZE THAT THIS PROPOSAL IS NEITHER CONSTITUTIONAL NOR PRACTICAL ... AND YOU WILL REJECT IT.

THANK YOU.

AND NOW, MISTER CHAIRMAN, I'D LIKE TO NOTE THAT SOME OF MY COLLEAGUES ARE HERE, AND WITH THE COMMITTEE'S APPROVAL, THEY WOULD LIKE TO STATE THEIR POSITIONS ON THIS BILL. WE HAVE:

DAN BLACK, MANAGING EDITOR OF THE DAILY INTER-LAKE IN KALISPELL.

GARY SVEE (SVAY), OPINION EDITOR OF THE BILLINGS GAZETTE.

JIM MOORE, PUBLISHER OF THE CARBON COUNTY NEWS IN RED LODGE.

BRAD HURD, EDITOR OF THE MISSOULIAN.

KEITH KLINGENBERG, PUBLISHER OF THE HIGH COUNTRY INDEPENDENT PRESS IN BELGRADE.

AND BOB GILLULY, EDITORIAL EDITOR OF THE GREAT FALLS TRIBUNE.

WE ALL WILL BE AVAILABLE, OF COURSE, TO ANSWER QUESTIONS LATER.

AGAIN, THANK YOU.

George W. Moore

January 30, 1987

WITNESS STATEMENT

EXHIBIT #22
DATE 1/30/87
HB 296

NAME DAN BLACK BILL NO. HB 296
ADDRESS Box 73, Kila DATE 1/30/87
WHOM DO YOU REPRESENT? KALISPELL DAILY INTER LAKE
SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1 .
Last year our newspaper published 800 to 1,000 letters from our readers. Our policy is simple; letters must be signed; writers must include a telephone number so we can confirm that the signature is valid; letters must be free of libel and slander.

We reject very few letters. All the letters we publish are printed on a page clearly labeled "Opinion." Some of them I agree with; others I do not. Some of them are as repugnant to me as HB 296. Yet we run them, and most of the time, we run them without comment.

Letter writers do not own newspapers or broadcast stations. They are not apt to be quoted in news reports. Most of them have no other forum for their opinions than on the editorial pages of their local newspapers, and newspapers willingly allocate space for those reader comments.

In the 200 year history of this nation, no public body has silenced that free exchange of ideas and information.

Now, HB 296 would appoint me public censor. And while I appreciate the confidence the sponsors of the bill must have in my ability to verify facts and figures, I decline the job.

Yes, HB 296 would be a nuisance to me, and I believe that is the bill's intent. But the real losers would be the thousands of Montanans who use that forum to express their opinions and have their say.

HB 296 asks editors to substitute their judgments for those of the letter writers. It REQUIRES us to sit in judgment of letter writers' facts and figures, and it would make criminals of us if we fail to do so.

What a bizarre assignment for newspaper editors, who rank freedom of expression next to life and liberty.

If a letter says legislators should enact a sales tax because the state faces a \$400 million debt in two years, should we "correct" that figure to \$200 million? Or should we reject the letter because the writer's facts are in dispute?

Suppose a letter writer says - as one did in Wednesday's Independent Record - that lawmakers "are spending hours upon hours of the taxpayers' time introducing and discussing bills of such obvious idiocy and triviality as to stagger the mind." Who do we call for verification?

If a letter writer quotes an editorial opinion that I write and says it proved I am an idiot, should I counter with an IQ score?

Article II, Section 7 of the Montana Constitution says, "No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on any subject...." It makes the speaker or publisher responsible for abuses of that liberty, and it says that "the jury ... shall determine the law and the facts" when disputed "facts" lead to a libel or slander suit.

That language is clear enough+ "Every person shall be free to speak or publish whatever he will on any subject" Well, it is the will of our newspaper to give our readers that same chance to cite the facts as they see them and to express their opinions as freely as the Constitution allows.

And I will not substitute my judgment or my facts for theirs.

EXHIBIT #23
DATE 1/30/87
HB 296

Mister Chairman and members of the committee.

H.B. 296 is frightening. It is frightening in the callous disregard in which it holds our constitutionally guaranteed freedom to speak our opinion. It is frightening in the implications that it holds for all Montanans, whether they be members of the press or not. And it is frightening that it would occupy the time of the Montana Legislature. But what purpose does it serve?

How will it make the state of Montana a better place to live? Those are some questions that the members of this committee might be asking themselves as they consider this matter.

The bill would require the press of this state to sign all editorials, but we do sign our editorials. We sign them every day in the opinion page's mast. Listed there are the permanent members of the paper's editorial board. Editorials are the consensus of those members. One person may propose an idea, but that idea will be refined by debate. The person who writes the editorial is charged with presenting the board's opinion as accurately as possible.

Who's individual name then should appear as signatore.

This bill is capricious. It would require Montana newspapers to sign editorials. But what of out-of-state newspapers like the New York Times and Wall Street Journal and USA Today? Will the Legislature discriminate against the papers of this state.

This bill is vague. It would prohibit publishing "editorial comment," but nowhere does it define what editorial comment is. Is the disclosure of wrongdoing an "editorial comment?" Is anything that upsets the state's decision makers "editorial comment?"

There is little question that this bill strikes at the freedoms guaranteed by our Constitution. Will the press and the voice of the people be stilled because each time we comment on something "objectionable" we wind up in court to determine whether it is an editorial comment or not?

There is an old story about a national newspaper that signed its editorials with the initials TRB. Those initials stand for Brooklyn Rapid Transit, backwards. Who was served by using those initials?

In short, this bill would serve no purpose other than restrict the constitutionally given rights of the press and the public. It should be struck down.

Gary Snee
opinion editor
Billings Gazette

EXHIBIT #24
DATE 1/30/87
HB 296

January 30, 1987

Members of the State Administration Committee, House of Representatives
Montana's 50th Legislature:

My name is Keith Klingenberg. I own and publish The High Country Independent Press in Belgrade, Montana's largest circulation weekly newspaper. I also represent Montana's 67 other weekly newspapers and the smaller daily newspapers as the 1986-87 elected president of the Montana Advertising Service, an arm of the Montana Press Association.

I'm appearing today in opposition to HB 296. As a working publisher I feel compelled to point out several of the bills' major weaknesses.

1. As written, this bill is obviously in violation of the First Amendment to the United States Constitution which guarantees freedom of the press. The bill's wording is also in violation of Article II, Section 7 of the Montana Constitution, which clearly states, "No law shall be passed impairing the freedom of speech or expression."

2. It's apparent the bill's author does not understand that newspapers are private enterprise businesses. We are private industry; not some government agency. This bill makes as much sense as would a bill requiring retailers to put the names of the owners on their street sign.

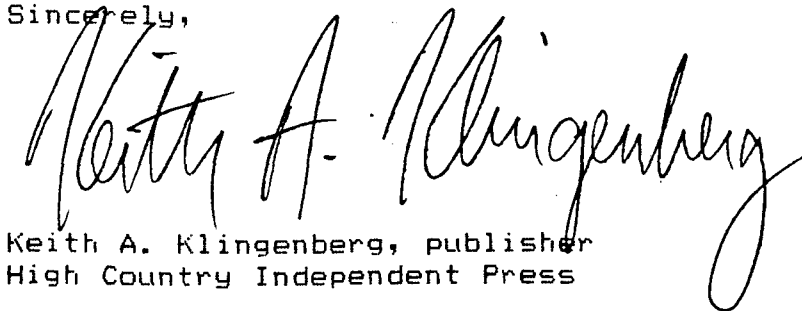
3. It's apparent the bill's author does not understand that editorials and letters to the editor are OPINION pieces. Often the "facts and figures" in a letter to the editor are opinions of how tax monies should be spent. For example, under the wording of this bill, I would be required to "independently verify" a letter to the editor from ~~the esteemed chairman of this committee~~ who happens to be my local House representative.

Now if ~~Wait-Sales~~ ^{a legislator} writes me a letter saying the state legislature has to pass a sales tax to replace the property tax structure currently in place and that a three percent sales tax will actually result in the state increasing revenues \$10 million per year over the current property tax structure, how in the world am I going to be able to "verify" his "facts and figures?"

Hopefully this example will clearly illustrate that this is an unworkable bill unworthy of the expenditure of further valuable time by this committee. I'd urge you to kill this bill in committee.

Thank you for the opportunity to address you today.

Sincerely,



Keith A. Klingenberg, publisher
High Country Independent Press

Other editors say

Less student aid drives up tuition

Washington Post

No one disputes that college prices are going up. Every fall the cost of college attracts widespread media attention.

Moreover, a 1985 poll by Opinion Research Corp. found that 77 percent of those surveyed believe tuitions are climbing so rapidly that a college education will soon be financially prohibitive.

It is not clear why college prices have risen so dramatically, but Education Secretary William Bennett believes that one important factor is federal student aid.

In Bennett's words, "Colleges are more or less assured that where students cannot meet their costs, the federal government will help out...Colleges raise costs, there is pressure on the federal government to meet those costs, student aid increases to meet them and up costs go up all over again." Federal college aid "only encourages the problem — extends it, deepens it."

To address the problem, Bennett wants to limit the growth in student-aid awards to the annual growth in inflation plus 1 percent.

What Bennett has done is identify an issue that many Americans believe affects their, or their children's future. In the absence of a better explanation by the colleges, suggesting that federal student aid pushes up costs sounds plausible.

Federal student aid plays a major role in helping students meet college costs. This year \$15 billion will come from federal programs (one-third or less of the amount students will spend on college costs), most of it in the form of subsidized loans. According to Bennett's theory, college prices should rise fastest when student aid grows the most.

It has not worked that way. Between 1970 and 1980, tuition at colleges and universities grew by roughly 90 percent, and consumer prices jumped by 114 percent. Federal student aid, including Social Security and GI Bill benefits, shot up 313 percent.

Since 1980, college tuitions have grown by 77 percent while consumer prices have increased 31 percent. Federal student aid, however, has grown just 17 percent.

Excluding Social Security and veterans' benefits changes the numbers but not the story: the rate of growth in student aid is well below the growth in tuition.



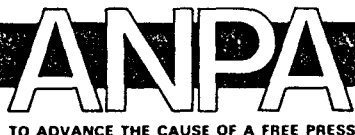
Space pro

By STEVE BLAKELY
Congressional Quarterly

WASHINGTON — The stated goal of the 1958 law launching the U.S. space effort was that space should be used for peaceful purposes. But today, both the National Aeronautics and Space Administration and the space program as a whole are increasingly being put to military purposes.

Ten months after the Challenger shuttle disaster, NASA's scientific missions are gutted, its commercial launch role is targeted for extinction by President Reagan and the government's civilian projects, such as NASA's own space tracking and relay satellites, are suffering from long delays.

The pentagon's space budget



American Newspaper Publishers Association

Mailing Address: Box 17407 Dulles Airport, Washington, D.C. 20041
Offices: The Newspaper Center, 11600 Sunrise Valley Dr., Reston, Va. 22091

(703) 648-1000
Direct Dial: (703) 648-1054
Telex: 292-810 (INPA)

Martin Casey
Manager
Government and International Affairs

January 28, 1987

George Moore
Executive Director
Montana Press Association
1900 N. Main, Suite C
Helena, Montana 59601

Dear George:

The American Newspaper Publishers Association understands that H.R. 296 will be introduced in your state legislature on January 30. The bill would require Montana newspapers to refuse publication of letters to the editor and editorial comments unless authorship and content is verified.

As you know, ANPA, a trade association representing about 1,400 newspapers throughout the United States and Canada, opposes prior restraints on freedom of speech. It is often the policy of newspapers not to publish anonymous letters to the editor unless the newspaper has identified the source. Government should not make decisions about newspaper policy. ANPA believes that the proposed bill would impose a serious infringement on First Amendment rights. Government action to require or prohibit published comment is censorship.

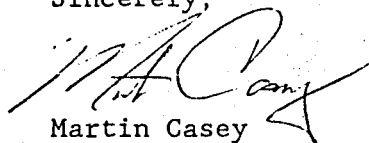
The U.S. Supreme Court has made clear that any system of prior restraints of expression bears a heavy presumption against its constitutional validity and that a heavy burden rests upon those seeking the imposition of the restraint. Pittsburgh Press Company v. Pittsburgh Commission on Human Relations, 413 U.S. 376 (1976); Bantam Books v. Sullivan, 372 U.S. 58 (1963). Speculative allegations of potential harm are inadequate to justify such drastic measures. Any parties who believe they may have been harmed by materials published in a newspaper may choose to seek legal redress through the judicial process.

Further, the First Amendment guarantees newspapers the right to accept or reject any editorial material it chooses. No government agency -- local, state or federal -- can tell a newspaper in advance what it can print and what it cannot. See Miami Herald Publishing Company v. Tornillo, 418 U.S. 241 (1974). The choice of material to go into a newspaper including treatment of public issues, constitute protected exercise of editorial control and judgment. Government regulation of any part of this crucial process cannot be exercised consistent with First Amendment guarantees of a free press.

--more

ANPA, therefore, supports the efforts of the Montana Press Association in opposing H.R. 296.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Casey', with a stylized flourish at the end.

Martin Casey



**NATIONAL NEWSPAPER
ASSOCIATION**

January 28, 1987

Mr. George W. Moore
Montana Press Association
1900 North Main, Suite C
Helena, MT 59601

Dear Mr. Moore:

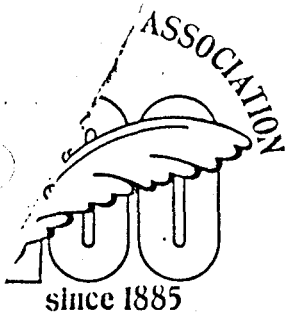
This letter is in reference to the recently proposed House bill 296 "An Act to require newspapers published in Montana to indicate the authorship of any editorial comment and to refuse publication of letters to the editor unless the authorship and content are verified."

The National Newspaper Association contends that this bill, if passed into law, would be unconstitutional; and strongly supports you in opposition to its enactment.

Sincerely,

Robert J. Brinkmann
General Counsel

RJB/kp



CONFIDENTIAL BULLETIN

MONTANA PRESS ASSOCIATION

1900 No. Main, Suite C, Helena, MT 59601
(406) 443-2850

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Page 1

Editorial

September 12, 1986

CAUTION FLAG: As election time draws nearer, you can expect the volume of letters to the editor to increase. Also, the danger of libel and fraudulent letters increases, so you might want to be especially careful. If you're not regularly verifying authorship of letters, now might be a good time to start. Furthermore, bear in mind that some letter writers don't have the slightest idea of what constitutes libel, and so you're going to have to protect them, as well as yourself, on that score.

FREEBIES: TO ACCEPT OR NOT TO ACCEPT: Robert H. Wills, editor of the Milwaukee Sentinel and president-elect of the Society of Professional Journalists/Sigma Delta Chi, says don't accept. "No free tickets, books, records or favors should be taken by reporters in order to avoid conflicts of interest," he advised during an SPJ/SDX Regional conference recently.

Wills was a guest speaker on the panel, "Press Freedom and Press Responsibility: New Challenges, New Pressures." Wills said editors and publishers in local communities tell him that it is difficult to avoid community political involvement, because they are "expected to run for Kiwanis, the school board, and assist local businesses." Wills responds that it may be good for business, but not for journalism.

"Is the attitude of community press responsibility wrong, while the big city is right?" Wills asked. He responded that back in the days of the defunct National News Council, a news situation would be examined for credibility. If a daily or weekly newspaper or television program presented a situation in questionable fashion, the council would review it for fairness and accuracy. Whether one was found to be favorable or negligible, the paper or station was required to report how the ruling was decided.

"I don't think that the press was more responsible when the council existed, just that the system of checks was better," Wills said.

Along that same line, Ernie Shultz, executive vice president of the Radio and Television News Directors Association, said, "The press is doing the same thing to itself that the press has done to everybody else all these years. The public is beginning to find out what we're up to, and it's a healthy role for the media and press because it's good for us," Shultz said.

He believes that self-criticism and commentary from others are important for the news industry.

RECIPIES FOR PUBLICATION: INFRINGING ON ANY COPYRIGHTS? Recipes often add much of that "down-home flavor" to community newspapers, but take care that you are not infringing on any copyrights by reprinting them. According to several court decisions, a "mere listing of ingredients or contents, such as a list of recipe ingredients, is not subject to copyright, but a particular manner in which they are expressed or described in writing" may well be.

If the language used to describe the method of a recipe's preparation has literary value of its own, e. g., is creatively written as opposed to merely directing one to "mix together, pour into pan, and bake," then it is copyrightable.

Since the ingredients are not subject to copyright, a newspaper need not change the ingredients of a recipe in an effort to comply with copyright law. If the accompanying method of preparation has significant literary value, the journalist could either change the text significantly or acknowledge the source by stating that recipe is "from" or "adapted" from a given source.

If the text is changed, but you still do not plan to credit the source, then the title should also be changed, unless it is a generic one, such as "sugar cookies."

Compilations of recipes are copyrightable so you should request permission when using more than two recipes from one source.

REMINDER: The NNA (National Newspaper Association) Better Newspaper Contest deadline is April 15.

NOT THROW BULLETINS AWAY: We receive calls from publishers who want to know about such-and-such, and it just so happens that the subjects were covered in recent Bulletins. When the callers were reminded of that, they said they knew, but that they had thrown the Bulletins away. File under MPA BULLETINS.

USPS URGES POSTMASTERS TO VERIFY CIRCULATION: Publishers may soon find an auditor at their doors if the Postal Service takes heed of a notice from Washington. According to nationwide reports, postmasters have not been verifying circulation records regularly, and are strongly being urged to do so.

Verifications must be performed annually with the exception of offices which serve as original entries for large numbers of publications that carry general advertising. Those offices with 100 or more publications are audited every two years and offices with 200 or more publications are done every three years. Lastly, the report says that the postmasters may not rely on circulation verification provided by private auditors until the Postal Service notifies them.

TIPS TO IMPROVE YOUR EDITORIAL PAGE: The heart of every newspaper is the editorial page, according to the National Conference of Editorial Writers. At the group's recent annual convention, these suggestions were presented for a better editorial page, including letters to the editor.

* Confirm the name of each letter writer. A telephone call may settle the matter quickly. If there's no answer, some newspapers send a form letter with a return postcard for quick confirmation.

* Don't publish the street addresses of letter writers.

* Getting very few letters from readers? That may be a sign your editorials are bland and fail to generate strong reactions.

* In terms of letters from readers, you get what you print. If you print provocative and informative letters, you'll get more of the same. If you print "thank you" notes and crank mail, you'll encourage that sort of communications...and discourage the serious letter writers.

* The managing editor and other top editors should read editorials in advance to avoid surprise. The editorial is the most important writing in the paper and it should be carefully proofread and copy edited by an editor who has time to do a professional job.

* If you publish canned editorials—including editorials from your newspaper group—the source of the editorial should be clearly identified. Otherwise, you aren't leveling with your readers.

* Mix the content of editorials. Generally, there's too much concentration on government and economics, too little on other aspects of life.

REMINDER OF OUR TOLL-FREE NUMBER:

1 - 800 - 325 - 8276

The evaluation was made by Publisher Norman McMullin, myself and local news editor Ken Amundson. The results were presented by a chart, comparing the 1982 with the 1981 evaluations, with an accompanying editorial.

The performance of the council fell short of expectations. The composite evaluation of the council was 51½ points out of a possible 100. As candidates a year ago, the present council members had a composite average of 65 points.

When we presented the pre-election evaluations a year ago, we said it was meant as a tool for the voters to use in making their decisions at the polls. This year's evaluation is similar; a device for citizens to use in forming their own conclusions.

We successfully attempted during the year to keep direct our editorial criticism focused on the performance of the position rather than of a person.

The year-end appraisal was meant to identify gaps between present performance and desired performance and to encourage improvement to overcome the gaps.

Three council seats will be up for election in 1985. We intend to continue to use our system for that election.

While no evaluation system can totally escape subjectivity, we feel we now have a tool to see through the political smoke and arrive at a fair and uniform method of assessment.

----From The Masthead, a quarterly journal of The National Conference of Editorial Writers, Spring 1983.

EDITORIAL PRINCIPLES: The National Conference of Editorial Writers has a "Basic Statement of Principles," and the principles are so good that we thought they're worth reproducing here today.

Editorial writing is more than another way of making money. It is a profession devoted to the public welfare and to public service. The chief duty of its practitioners is to provide the information and guidance toward sound judgments that are essential to the healthy functioning of a democracy. Therefore, editorial writers owe it to their integrity and that of their profession to observe the following injunctions:

1. The editorial writer should present facts honestly and fully. It is dishonest to base an editorial on half-truth. The writer should never knowingly mislead the reader, misrepresent a situation, or place any person in a false light. No consequential errors should go uncorrected.
2. The editorial writer should draw fair conclusions from the stated facts basing them upon the weight of evidence and upon the writer's considered concept of the public good.
3. The editorial writer should never use his or her influence to seek personal favors of any kind. Gifts of value, free travel and other favors that can compromise integrity, or appear to do so, should not be accepted.

The writer should be constantly alert to conflicts of interest, real or apparent, including those that may arise from financial holdings, secondary employment, holding public office or involvement in political, civic or other organizations. Timely public disclosure can minimize suspicion.

Editors should seek to hold syndicates to these standards.

The writer, further to enhance editorial page credibility, also should encourage the institution he or she represents to avoid conflicts of interest, real or apparent.

4. The editorial writer should realize that the public will appreciate more the value of the First Amendment if others are accorded an opportunity for expression. Therefore, voice should be given to diverse opinions, edited faithfully to reflect stated views. Targets of criticism - whether in a letter, editorial, cartoon or signed column - especially deserve an opportunity to respond; editors should insist that syndicates adhere to this standard.
5. The editorial writer should regularly review his or her conclusions. The writer should not hesitate to consider new information and to revise conclusions. When changes of viewpoint are substantial, readers should be informed.
6. The editorial writer should have the courage of well-founded convictions and should never write anything that goes against his or her conscience. Many editorial pages are products of more than one mind, and sound collective judgment can be achieved only through sound individual judgments. Thoughtful individual opinions should be respected.
7. The editorial writer always should honor pledges of confidentiality. Such pledges should be made only to serve the public's need for information.
8. The editorial writer should discourage publication of editorials prepared by an outside writing service and presented as the newspaper's own. Failure to disclose the source of such editorials is unethical, and particularly reprehensible when the service is in the employ of a special interest.
9. The editorial writer should encourage thoughtful criticism of the press especially within the profession, and promote adherence to the standards set forth in this statement of principles.

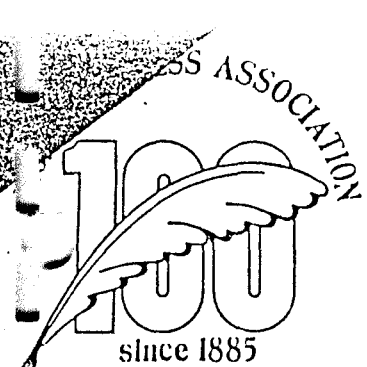
"OR" vs. "OR": Sometimes, we run into difficulty on when to use the proper word, and Carol Verdun of the Elmira (Ont.) Independent helps us out this week. Her advice appears in The Publisher, from the Canadian Community Newspapers Association.

or is used most often as the second half of a correlative conjunction (either . . . nor): 'Vets neither need nor want perks' would have been a correct usage of nor.

or is, in some cases, correctly used with the words no and not--but it must be in an instance where the sentence embraces two or more ideas.

When the sentence conveys only one thought (as in the headline), then the word should be or.

Other examples: 'He has no money or fame'; 'He has not a dime or a pocket to put one in'; 'He contributed nothing useful or sensible.'



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Page 1

Editorial

October 24, 1986

DON'T TOUCH WITH 10-FOOT POLE: That's our advice on letters to the editor from prisoners. Many of you receive such letters from time to time, and although they reek of sincerity, they can turn into scams on your readers. In most instances, the writers ask for pen pals. No harm there, you might think. But if you run the letters, and some of your readers respond, the prisoners may start asking for more than letters. Money, for example. And then the newspaper becomes the unwitting partner in a scam that hurts readers. Like we said, our advice is to not touch the letters with a 10-foot pole. It's the safest policy.

FREE BOOK: The Arthritis Foundation has prepared a book, "The Arthritis Fact Book for the Media," and it's being offered free to papers. If you want a copy, write or call your local Arthritis Foundation chapter, or contact The Arthritis Foundation, National Office, Public Relations Department 1314 Spring St., N. W., Atlanta, GA 30309, (404)872-7100. It contains some good information that might be useful in news stories.

FOI USE RISES: Government agencies received more than 309,700 requests under the Freedom of Information Act in 1985, according to estimates from the speaker of the House of Representatives.

News Media Update also reports that the agencies spent about \$64 million processing the requests. The agencies collected \$3.3 million in fees. The number of requests, the cost and the fees were all up from 1984.

Once again, the Department of Health and Human Services received the most requests, 105,687. The Defense Department was next with 83,173; the Justice Department received 24,013, followed closely by the Treasury Department with 23,217.

In terms of costs, the highest estimate of agency processing costs per request was reported by the Panama Canal Commission, which received only 67 requests. Average costs per request for the commission were \$1,398.92. The CIA, which in years past has had the highest estimates, this year spent an average of \$1,025.64 per request, down about \$900 from last year.

The statistics showed that requesters stood the best chance of getting what they asked for at the National Archives, which denied only .4 percent of its requests. The Department of Health and Human Services and the Veterans Administration denied less than 2 percent of their requests. In contrast, the National Security Council estimated that it denied 21.8 percent of the

Letter

DEPARTMENT OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT DIVISION



TED SCHWINDEN, GOVERNOR

(406) 444-3111

STATE OF MONTANA

1712 9TH AVENUE
HELENA, MONTANA 59620-0131

February 4, 1987

Honorable Walter Sales
Chairman State Administration Committee
House of Representatives
Capitol Building
Helena, MT 59620

RE: HB306

Dear Representative Sales:

As requested the Legislative Committee of the Public Employees' Retirement Board reviewed HB306 and the 2.82% of salaries required to fund its provisions.

It was their understanding that an amendment is under consideration to provide an increase in employee contributions of 1.5%, increasing the member contributions in 19-7-403, MCA, from 7.0% to 8.5% of monthly salary.

The members of the Board raised major concern as to the early retirement provision found in Section 2, HB306, which would permit a member of the sheriffs' system to retire at age 50 after 15 years of service.

They recommend that an early retirement provision similar to that found in the Highway Patrolmen's Act, 19-6-503, MCA, be included in the amended bill to replace the current 19-7-502, MCA.

This will reduce the cost of this bill by about .3% of salary to 2.52% and bring the provisions of the highway patrolmen's and sheriffs' systems into agreement rather than creating another level of benefits.

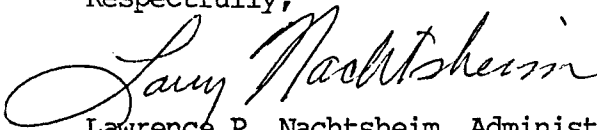
The Federal Tax Reform Act of 1986, in addition to a change in the taxing method, has a number of changes concerning coverage and participation in qualified plans. One of these is a vesting standard at 5 years of service or graded vesting at 7 years of service. There is a technical corrections bill currently being compiled by congressional staffers which will amend some of the current provisions that are scheduled for implementation in 1989.

Page Two
Representative Sales
February 4, 1987

The Public Employees' Retirement Division has reviewed the effects of the 1986 Act and will monitor the technical corrections bill. All the provisions should be finalized during 1987 and the Public Employees' Retirement Division will present a comprehensive bill(s) to the 1989 Legislature bringing the Montana systems into conformity with the federal requirements.

While the Board does not support the retirement enhancements in this bill it will not oppose the bill if the suggested change is made in the early retirement provision and the bill includes the employee contributions rate increase of 1.5% of salary.

Respectfully,

A handwritten signature in cursive script that reads "Larry Nachtsheim". The signature is written in dark ink and is positioned above the printed name and title.

Lawrence P. Nachtsheim, Administrator
Public Employees' Retirement Division

LPN/ap

Cross-References

PERS — eligibility for service retirement, 19-3-901.

Teachers' retirement — eligibility for super-annuation retirement, 19-4-801.

Judges' retirement — eligibility for service retirement, 19-5-501.

Highway patrol retirement — eligibility and application for service retirement allowance, 19-6-501.

Game wardens' retirement — time of retirement, 19-8-601.

Police retirement — statewide plan — eligibility for service retirement, 19-9-801.

Police retirement — local funds — eligibility for service retirement, 19-10-401.

Firefighters' retirement — procedure — applying for and collecting benefits, 19-11-611.

Volunteer Firefighters' Compensation Act — eligibility for pension benefits, 19-12-401.

Volunteer Firefighters' Compensation Act — procedure for claiming pension benefits, 19-12-403.

Firefighters' unified retirement — eligibility for service retirement, 19-13-701.

19-7-502. Early retirement option. If a member has served 20 years of creditable service as a sheriff and has reached the age of 55 years, he is granted the option and privilege of retiring, and in such case his retirement allowance shall be the actuarial equivalent of his retirement allowance as otherwise accrued, based upon payment commencing when he would have completed 25 years of creditable service or reached age 65, whichever is less.

History: En. 68-2611 by Sec. 11, Ch. 178, L. 1974; R.C.M. 1947, 68-2611; amd. Sec. 9, Ch. 114, L. 1979; amd. Sec. 1, Ch. 105, L. 1981.

Compiler's Comments

1981 Amendment: Deleted "had he not retired" and added "or reached age 65, whichever is less" at the end of the section.

Cross-References

PERS — eligibility for early retirement, 19-3-902.

Teachers' retirement — early retirement, 19-4-802.

19-7-503. Service retirement allowance. (1) The amount of any service retirement allowance granted to a member with 25 years or less of creditable service shall be 2% of his final salary for each year of creditable service, up to a maximum of 50% of final salary.

(2) The member's retirement allowance shall be increased for any member who contributes after 25 years of service by 1.35% of his final salary for each year of creditable service in excess of 25 years of service, up to a maximum of 60% of his final salary.

(3) If a member dies after retirement and had not elected an optional retirement allowance provided for in 19-7-701, his beneficiary must be paid the excess, if any, of the member's accumulated contributions at the time of retirement less payments made to the retired member.

History: En. 68-2608, 68-2612 by Secs. 8, 12, Ch. 178, L. 1974; R.C.M. 1947, 68-2608(part), 68-2612; amd. Sec. 10, Ch. 114, L. 1979; amd. Sec. 3, Ch. 401, L. 1985.

Compiler's Comments

1985 Amendment: In (1) near beginning after "of any", deleted "member's", and after "allowance" inserted "granted to a member with 25 years or less of creditable service"; in (2), after "years of service by", substituted remainder of sentence for "an annuity calculated as twice the actuarial equivalent of the portion of the member's accumulated deductions arising from contributions after the completion of 25 years of service"; and inserted (3).

Cost-of-Living Increase: Section 1, Ch. 393, L. 1985, provided: "Effective July 1, 1985, a member of the sheriffs' retirement system

retired on or before July 1, 1985, or his beneficiary is entitled to receive a 5% increase in his service or disability retirement allowance or survivorship allowance."

Cross-References

PERS — amount of retirement allowance, 19-3-904.

Teachers' retirement — allowance for super-annuation retirement, 19-4-804.

Judges' retirement — service retirement allowance, 19-5-502.

Highway patrol retirement — service retirement allowance, 19-6-502.

Game wardens' retirement — service retirement allowance, 19-8-603.

355

WITNESS STATEMENT

NAME _____ BILL NO. 355

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Name

Marie Loubner

Mary Lou Garrett

Jim Kembel

~~Jeffrey Brown~~

Ron Brown

Maribelle Krebs

Eric Day

Jeannette S Buchanan-Tawney

Robert B Cotner

Rogn Tigg

TED BECK

John Lehman

Robert W. Altman

Frank Besich

Charles Martin

Representing
Dentists MSCAHelena
Business Regulation Div
DOC~~Dentists~~
MSCAMSCA C.F.
Dentists Bd.Missoula, Board of Dentistry
Columbia Falls " "

Helena, MDA

HELENA, SELF

Butte
Columbia Falls

Helena

Great Falls

Support appoa

X

X

Information

~~support~~
forX for
Support

X

X

X

X

X

X

X

X

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

321

DATE _____

1/30/87

SPONSOR

Bulger

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

355

DATE

1/30/87

SPONSOR

Hansen

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
ADELINE KISS	DENTURISTS	YES	
Warren Kiss	✓	✓	
Melinda Kelly	✓	✓	
Chet Kuning	✓ MSCA	✓	
Edith Lane	✓	✓	
Sam Bryan	M.S.C.A.	✓	
V. V. Vanaker	W.F.E.A.	✓	
Violet Vukasin	✓		
TOM RYAN	SENIORS	✓	
Alvin Clowes	✓	✓	
Altha Vay Eken	Denturist	✓	
Ed Sheehy	Retired	✓	
Carl G Wooten	Denturists	✓	
Margaret Summers	Denturists	✓	
Olive B. Rice	Self	✓	
L. H. Rice	Self	✓	
R. T. DUNDAS	SELF	✓	
E. K. Dundas	Self	✓	
Thomas L. Connor	Great Falls	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

(OVER)

Approved

x

X

X

X

X

X

X

X

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X

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355

WITNESS STATEMENT

NAME _____ BILL NO. 355

ADDRESS _____ DATE _____

WHOM DO YOU REPRESENT? _____

SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NameRepresenting
Dentists MSCA

Support oppose

Marie Loubner

Helena
Business Regulation Div
DOC

X

Mary Lou Garrett

Jim Kembel

Information

~~Debra Brown~~~~Dentists~~~~support~~
for

Ron Brown

MSCA

Maribelle Krebs

MSCA C.F.

X for

Erie Day

Dentists Bd.

Support

Jeannette S Buchanan-Tawney

Missoula, Board of Dentistry

X

Robert B Cotner

Columbia Falls "

X

Rogn Tippy

Helena, MDA

X

TED BECK

HELENA, SELF

X

John Lohman

Butte

X

Robert Walther

Columbia Falls

X

Leah Bessie

Helena

X

Charles Mart

Great Falls

X

VISITORS' REGISTER

STATE ADMINISTRATION

COMMITTEE

BILL NO.

321

DATE _____

1/30/87

SPONSOR

Bulger

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROGER TIPPY

Attorney At Law

BOX 543
CAPITOL 1 CENTER
208 N. MONTANA
HELENA, MONTANA 59624

January 23, 1987

(406) 442-4451

Honorable Robert Marks, Speaker
Montana House of Representatives
Helena, MT 59620

Re: House Bill 355 by S.J. Hansen-Denturist revisions

Dear Mr. Speaker:

Has a fiscal note been requested on this bill? If not, the Montana Dental Association submits that one should be.

The principal aspect of the bill with fiscal impact is section 4, which would amend an MCA section as follows:

37-29-104. Health insurance policies and medical services to include denturist services.

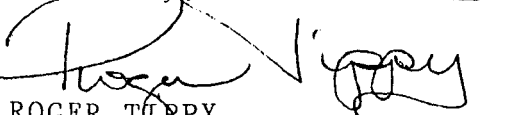
(1) Notwithstanding any provision of any provision of any policy of insurance covering health, whenever such policy provides for reimbursement for any scope of practice of a denturist, the insured under such policy is entitled to reimbursement for such service, at the normal rate charged by the provider, whether the service is performed by a licensed denturist.

(2) If medical assistance provided under Title 53, chapter 6, includes dentures as defined in 37-29-102, payments must be based on the normal rate charged by the provider.

The fiscal implication is that medicaid coverage of dentures provided by a denturist is 100% state money; federal match is not available. The requirement to reimburse at the provider's normal rate would also be new to medicaid, which generally reimburses dentists at considerably less than their normal rates.

It would seem necessary that a fiscal note be prepared before the State Administration Committee can assess the merits of HB355.

Sincerely,



ROGER TIPPY
Lobbyist, Montana Dental Association

cc: Rep. Walt Sales, David Hunter, Lowell Uda