

MINUTES OF THE MEETING  
BUSINESS & INDUSTRY COMMITTEE  
MONTANA STATE SENATE

February 20, 1987

The twenty-fifth meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 9:34 a.m. on Friday, February 20, 1987 in Room 410 of the Capitol.

ROLL CALL: All committee members were present with Sen. Hager excused and Sen. McLane, also excused.

FURTHER DISCUSSION OF SENATE BILL NO. 205: Chairman Kolstad announced that SB 205 would be taken first on the agenda as Sen. Halligan was present, as was Mr. Likewise. He also noted that additional information had been received from the Department of Health and Human Services in Denver. He asked Mary McCue, Committee researcher, to explain that information. (EXH. 1)

Ms. McCue explained that there is a federal regulation in the federal law which she had briefly reviewed and said that it appears there has to be some kind of a prepayment review of every single claim which is not in the bill now. However, with Sen. Halligan's amendment that would probably be taken care of if they have to hold on to the voucher until the department has an opportunity to review it. The review would be there but she said she saw a problem if the department rejects the claim but the pharmacist, in a few instances, would go ahead and negotiate that voucher.

Sen. Halligan said there could be a criminal penalty added to the bill if that should happen - negotiation of a voucher following rejection by the department - it would be theft of government services.

Sen. Williams asked if this review would require another complete handling of the claims. Ms. McCue said she assumed they would only have to review them for eligibility one time and this wouldn't be creating another review. The same information would be reviewed as what they are doing now.

Sen. Weeding asked if this voucher would be out in circulation forever - would they get paid by SRS and still have this negotiable voucher. Sen. Halligan said they would not be paid by SRS. The pharmacist would wait the 30 days for word from the department and then negotiate it at the bank and it would go into their bank account. A copy would be sent to SRS for review, wait the 30 days, at the end of 30 days it could be negotiated at the bank if it was not rejected by SRS.

Sen. Williams asked Mr. Likewise if he had any figures as to the percentage of accounts delinquent over 30 and 60 days. Mr. Likewise replied that most stores don't have charge accounts and it is mostly cash. The ones that did have charge accounts had a

high nursing home business. These are carried as a private charge account until such time as they become eligible for medicaid and they encourage the people not to pay that bill until they become eligible and then they can go back and do a re-bill. This inflates that figure tremendously. It came out to be 18-20%. He said 88% were paid within a month; the other 12% were pending and a lot of those could run another week or two and some another month or two. Most of those are eligibility problems which they hope to have corrected with the computerization at state level and hope that will speed up. He saw the eligibility as being the major problem at the present time. Sen. Williams expressed concern that this bill could foul up something that is on the verge of working, however, Mr. Likewise said it is not working that well; they are still having a tremendous amount of problems. There are key punch errors, errors from pharmacists, etc.

DISPOSITION OF SENATE BILL NO. 205: Sen. Boylan MOVED ADOPTION OF SEN. HALLIGAN'S AMENDMENTS, seconded by Sen. Thayer. Ms. McCue asked if that would include adding the criminal penalty for negotiation of the voucher after it has been rejected. Chairman Kolstad said that was correct. The MOTION CARRIED UNANIMOUSLY. (EXHIBIT 2)

Sen. Boylan MOVED SB 205 AS AMENDED, DO PASS, seconded by Sen. Meyer. Sen. Boylan felt the bill was worth sending to the House to help some small business people, as this would do, and stated that was the reason for the do pass recommendation. The MOTION FAILED 5-4, with Sen. McLane leaving a written vote.

Sen. Neuman MOVED RECONSIDERATION OF SB 205, seconded by Sen. Thayer. The MOTION CARRIED UNANIMOUSLY.

Sen. Neuman then MOVED SB 205 BE TABLED, seconded by Sen. Williams. The secretary was instructed to reverse the vote on the original motion. The MOTION CARRIED 5-4.

CONSIDERATION OF SENATE BILL NO. 374: Sen. Ted Neuman, Senate District 21, Vaughn, chief sponsor, stated that the bill would allow the state banking board to charter a bank (issue a certificate of authorization) without notice and a hearing if the deposit liability of any bank is being transferred to or assumed by a state bank being organized specifically to take over the liability of the closing bank. The hearing would still have to be held after the charter was issued.

PROPOSERS: Steve Huntington, Department of Commerce, said the bill puts them on the same footing as the federal regulatory agencies. The purpose is to get that bank operating as quickly as possible and this bill would allow them to do that.

OPPOSERS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 374: Chairman Kolstad called for questions from members of the committee. Sen. Thayer made the comment that he would liked to have seen the emergency branching provision in the bill and asked if it was essentially the same language as Sen. Boylan's bill. Sen. Neuman said it was essentially the same - emergency branching would be a lot more controversial.

DISPOSITION OF SENATE BILL NO. 374: Sen. Boylan MOVED SB 374 DO PASS, seconded by Sen. Weeding. The MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF SENATE BILL NO. 385: Sen. Cecil Weeding, Senate District 14, Jordan, chief sponsor, said this was the bill for which he had asked authorization for introduction by the committee the previous week. It consists of two definitions and rulemaking authority. The definition is found on page 8 that defines "medical assistance facility" and suggested an amendment also, on page 8, line 21 striking the language and insert "is located in a county that has five or less persons per square mile". He said that better fits the rural areas than the 50 mile rule. The same language appears on page 16, lines 20 through line 1 on page 17 and propose the same amendment on line 15, page 16.

PROPOSERS: Kenneth Coulter, Garfield County Commissioner since 1971, said they have battled with this for a number of years; trying to balance the needs of the community with the cost. The private sector has not been able to supply all the costs that are necessary to maintain health care facilities so the county has had to help out. He said they felt this was something they could use and have discussed it with other commissioners, the department of health, the governor - the governor appointed a study committee and that was the basis for this recommendation. Presently, the licensing procedure goes from a hospital to a doctor's clinic with nothing in between. He said other counties that are struggling to maintain a small hospital are looking to this as an alternative because of economics

Bill Leary, Montana Hospital Association, appeared in support of SB 385, with the suggested amendment of Sen. Weeding. This bill would allow approximately twelve small hospitals in isolated small counties to opt to become a medical assistance facility rather than a full-fledged hospital, he stated. He stated they really need this bill at this time to set up a definition of what would be an adequate health care facility delivery system in the isolated areas. This would enable them to still be eligible for medicare and medicaid funding. He urged passage of SB 385.

Todd Hansen, Montana Rural Hospitals Task Force, Shelby, supported SB 385 with the proposed amendment. He said the Task Force felt the bill necessary for the survival of many small Montana rural hospitals. These small hospitals are having more and more problems meeting the state and federal requirements and standards.

The alternative for failing to meet those requirements is to close the doors of those small hospitals. Closure of these hospitals can almost destroy a small community and it also takes away any ability to provide medical care, he stated. The bill would provide a new category which they felt was a step below what is considered a traditional hospital. This would be an appropriate first step and said with the amendment, he strongly urged the committee's support.

George Hagerman, Jordan businessman, said he was an ex-ambulance driver and a former member of the Garfield County Hospital Board when it was in existence. He said they have to legalize something that they are presently doing; they have no choice. He pointed out that they have to protect the people that live in these communities and this is the way they see to do that.

Gene Buxell, Executive Vice President of the Garfield County Bank in Jordan, stated that he was on a recruiting committee for the community to get a physician and one of the requirements to be able to get a doctor in that community is to have some type of facility where they can perform emergency services and care. He said they need this bill in order to get medical personnel to come to their community.

OPPONENTS: There were none.

DISCUSSION OF SENATE BILL NO. 374: Chairman Kolstad called for questions from the committee members. Sen. Thayer asked Mr. Hansen what triage means. Mr. Hansen responded that it was an emergency type of care that is done to stabilize persons for further medical care that would be given at a later time, as soon as possible. Sen. Thayer referred to page 9, lines 5 and 6 and commented that seemed to be pretty broad. Mr. Hansen said medical protocols are established by law for certain categories such as physicians assistants and that would be something that would have to be worked out further during the rulemaking.

Sen. Weeding pointed out that Jackie McKnight of the Department of Health was present and questions could be directed to her.

Chairman Kolstad questioned Sen. Weeding about the proposed amendment concerning the 5 people per square mile. Sen. Weeding said it was suggested to him that the 50 mile rule might leave out a lot of areas in the state.

Mr. Hansen said their concerns for that amendment were twofold; one, they didn't want to exclude those facilities such as Terry and others that are 47 miles apart but still need this type of protection, two, they did not want this category of facility to be created in the urban areas. This is a protection for the rural hospitals and has no business with the urban centers and that was the reason for that particular wording.

DISPOSITION OF SENATE BILL NO. 385: Sen. Williams MOVED ADOPTION OF THE AMENDMENT, seconded by Sen. Boylan. The MOTION CARRIED UNANIMOUSLY.

Sen. Williams MOVED SB 385 DO PASS AS AMENDED, seconded by Sen. Boylan. The MOTION PASSED UNANIMOUSLY.

CONSIDERATION OF SENATE BILL NO. 372: Sen. R.J. Pinsoneault, Senate District 27, St. Ignatius, sponsor, said the bill deals with new car warranties and the remedies a buyer has with regard to enforcing a warranty. Presently, the law provides that a new car buyer must notify the manufacturer if the vehicle does not conform to the warranty. This bill would provide that the dealer is the manufacturer's agent for the purpose of notifying the manufacturer. A dealer must record new vehicle warranty repairs and provide a copy of the work order to the consumer. A warranty work issued by the dealer is considered written notice to the manufacturer of any nonconformity with the warranty. The bill also requires that each of the parties to a dispute over a warranty deal in good faith with one another. The law presently provides that a manufacturer have a dispute settlement procedure. This bill provides for a limited review of the decision under the procedure.

PROPONENTS: Brinton Markle, Department of Commerce Counsel, said that the "element of good faith" was added to the bill, which is implied in most contract law or warranty negotiations.

Jonathan Motl, attorney in private practice, said the act does improve the relationship between the local car dealer and the consumer. It will define the way they have to fill out the warranties and it specifically says they are the agent of the manufacturer and will make it easier for the party with the complaint.

OPPONENTS: There were none.

DISCUSSION OF SENATE BILL NO. 372: Chairman Kolstad asked for questions from the committee.

Sen. Williams asked if it would have to be a resident of the state in order to receive this protection. Mr. Markel said he thought the car would have to be purchased in Montana but there was no residency requirement, however, that might be something they should look at.

Sen. Boylan asked about foreign manufacturers and would that still apply or was it just dealers. Mr. Markel replied that the law, with the amendments, requires the dealer to give the manufacturer notice and deal with the consumer in good faith. A good number of foreign manufacturers, 8-10 of them, are using the arbitration procedure established by the Better Business Bureau.

Mr. Markel explained the procedure Ford uses, said they came to the state and talked to them and the department certified their procedure for arbitration.

Sen. Williams asked if the Montana Automobile Dealers Association was aware of the bill. Mr. Markel replied that he did not know and he had not heard from them.

Sen. Boylan asked if this would create more workload in the department of commerce and if it would require more FTE's to cover it. Mr. Markel responded that the last session gave the department one-half FTE and \$7,000 to initiate some of the rulemaking procedures and statistic gathering that the bill required, however, that position and that money were given back to the state when some of the budget cuts were proposed. The budget, he said, did not call for additional FTE's or money, but it might increase their workload.

Sen. Thayer asked Mr. Motl if the dealers in Helena were aware of the bill and said he was surprised there were no dealers present at the hearing. The dealers would like to solve the problems if one of their customers gets a lemon car in order to keep that customer.

There being no further questions, Sen. Pinsoneault closed, saying it was a tough area and the bill would simply use the dealer as a vehicle to provide written notice that is required in the statute that must be made by the consumer. He said he was involved in a case of this type at the present time where the consumer did not make written notice to the manufacturer. If that vehicle is taken back to the dealer a dozen times for nonconformity to the warranty, how much more notice is required. He urged the committee's favorable consideration of SB 372.

DISPOSITION OF SENATE BILL NO. 372: Sen. Williams MOVED SB 372 DO PASS, seconded by Sen. Thayer. Sen. Williams felt if there would be any opposition to the bill they would have ample time to show up at the hearing in the House.

Sen. Thayer showed his concern over the arbitration process where the two principles can't be involved. He did not think that was the proper procedure for arbitration. Mr. Motl said he had the same concern and had talked to Mr. Markel. They had some proposed amendments for the bill. He said people need a way to resolve these things quickly because they are so frustrating. If the arbitration procedure helps them achieve settlement quickly, he said, that is all well and good but this doesn't conform to the normal arbitration procedure. It is alright as long as the panel remains unbiased, if not there is a problem.

Sen. Thayer asked Mr. Motl for his amendments. He replied on page 6, line 10, following "of", insert "arbitration". Also, page 6, line 10, following "decision", insert ". The arbitration procedures of"; page 6, line 11, strike "is" and insert "are".

Also, page 6, line 11, following "provide", insert "an opportunity for".

Chairman Kolstad stated that the language on page 4, line 13 through line 16 and leave the rest of it. Sen. Thayer asked Sen. Pinsoneault if he would have any objection to that. Sen. Pinsoneault replied that would be fine.

Sen. Thayer MOVED TO STRIKE LANGUAGE ON PAGE 4, line 13-16, and renumber, seconded by Sen. Meyer. The MOTION CARRIED.

Sen. Thayer MOVED SB 372, DO PASS AS AMENDED, seconded by Sen. Meyer. The MOTION CARRIED with Sen. Boylan voting "no".

CONSIDERATION OF SENATE BILL NO. 364: Sen. Dick Manning, Senate District 18, Great Falls, sponsor, said the bill allows a holder of a special permit or catering endorsement to sell beer in the grandstand and bleacher area at a county fairgrounds or public sports arena.

PROPONENTS: Bill Chiesa, General Manager, MetraPark, Billings, said the purpose of the bill was simple and submitted his written testimony as a letter to Senator Kolstad. (EXHIBIT 3)

OPPONENTS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 364: Chairman Kolstad called for questions. Sen. Meyer said they had served him beer in Great Falls. Mr. Chiesa said they had done it illegally.

Sen. Neuman pointed out at the Great Falls horseraces they have beer in the grandstand and also on the fairgrounds; then you get into the situation where there are two concessionaires. Mr. Chiesa said beer is not sold outside of the grandstand area. He also said the license they have to apply for is very specific to the domicile; they would have to stay within those confines. This bill doesn't say it has to be done; they would just like the opportunity to do it if they wish.

Sen. Williams asked about the age limit. Mr. Chiesa said the person who holds the license must maintain the liability of selling to minors. The same responsibility would apply if they carried the beer into the grandstand. The carriers would have to be of age. It is being done every where, with the exception of Montana. The fairboard has the discretion of what type of functions are going to have beer on the premises.

There being no further questions, Sen. Manning closed his presentation on SB 364.

DISPOSITION OF SENATE BILL NO. 364: Sen. Boylan MOVED SB 364 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED with Sens. McLane, Thayer and Neuman voting "no". (Sen. McLane left written vote.)

CONSIDERATION OF HOUSE BILL NO. 257: Rep. Ray Brandewie, House District 49, Bigfork, chief sponsor, said the bill revises the licensure requirements for professional land surveyors or surveyors in training. It returns the law to its pre-1985 condition. It amends the qualifications section to provide that an applicant may qualify with a bachelor of science degree in an approved curriculum and at least 6 years of combined office and field experience in land surveying with a minimum of 4 years progressive experience on projects under the direct supervision of a professional land surveyor and also pass the examination.

PROPOSERS: Robert S. Custer, Montana Association of Surveyors, said they were the instigators of the bill and wanted to return to the pre-1985 conditions. He pointed out some other changes in the bill and said they do support the legislation.

David Tyler, a member of the Civil Engineering faculty at Montana State University, Bozeman, said he was in charge of teaching the courses involving surveying and mapping. He submitted written testimony which is an explanation of the proposed amendments to the land surveyor requirements. (EXHIBIT 4)

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 257: Chairman Kolstad asked Mr. Custer how this would affect a person that was half way through his college course in this particular area of study. Mr. Custer said it would affect certain individuals; there was a change in the law for a two year period, but prior to that it required 40 credit hours. This would not go into effect until October 1st. He didn't think it would be an undue burden on third year students as that is what they expected when they entered college. He said the engineering community didn't have any problem with the bill.

Sen. Thayer asked about the changes in 1985. Mr. Custer said he couldn't say who sponsored the legislation in 1985. Chairman Kolstad asked Mr. Tyler how many people were involved in this type of study at MSU. Mr. Tyler said about 50 people graduate each year in civil engineering; of that group there would be two or three who would elect to take courses in surveying.

Sonny Hanson said that Rep. Kitselman had made the amendment on the floor of the House during 2nd Reading and after talking to Rep. Kitselman he had no objection to it going back as he did not have a full understanding of what would happen, at the time.

There being no further questions, Rep. Brandewie closed his presentation on HB 257.

DISPOSITION OF HOUSE BILL NO. 257: Sen. Meyer MOVED HB 257 BE CONCURRED IN, seconded by Sen. Williams. The MOTION CARRIED.



CONSIDERATION OF HOUSE BILL NO. 386: Rep. Dorothy Cody, House District 20, Wolf Point, sponsor, said the bill clarifies the rulemaking authority of the board of chiropractors, stating what subjects the board must address in its rules (subsection (3)(d) of section (1)). The bill also directs the board to establish rules that deal with inactive status and fees for inactive status.

PROPOSERS: Dr. Pat Pardis, Chiropractor from Shelby, also serving as Secretary-Treasurer of the Board of Chiropractors, said the basic thrust of the bill is to strengthen the rule-making authority of the board of chiropractors. The department of commerce legal staff has recommended that their authority be strengthened so they would be able to write a few rules to keep up with the changes in procedures and business practices. There were also a few minor things in the bill, he said, and one would be to allow them to have more than four meetings per year; they would like that restriction lifted.

Bonnie Tippy, representing the Montana Chiropractic Association, said they wished to go on record as being very much in favor of the bill. She urged a do pass recommendation for the bill. Ms. Tippy also submitted EXHIBITS 5 and 6, letters from two chiropractors in the state in support of the bill also.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 386: Chairman Kolstad called for questions from the committee.

In answer to a question from Sen. Thayer, Rep. Cody stated, in the bill there is a provision for inactive status for licensees who are not actively practicing. There would be 36 inactive licenses at a fee of \$50. That would be the fiscal impact. Some of the older doctors, right now, rather than going inactive, are not keeping up their license. This would establish an inactive license.

Dr. Pardis interjected that there are approximately 100 licenses to practitioners not actively living in Montana. When the fee was raised to \$100 many of them dropped their licenses but said if there was an inactive status at a lower fee, they would consider keeping their license. So, this would also be a positive fiscal impact.

In closing, Rep. Cody asked the committee to concur in this legislation.

DISPOSITION OF HOUSE BILL NO. 386: Sen. Williams MOVED HB 386 BE CONCURRED IN, seconded by Sen. Boylan. The MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF HOUSE BILL NO. 133: Sen. Chet Blaylock, in the absence of the sponsor, Rep. Mel Williams, stated that the bill would amend numerous sections of the alcoholic beverage code to make certain terms consistent throughout the code. He said it changes the term liquor to alcoholic beverages, defines table wines and the people who can sell it - this is done all the way through the bill. It also included a coordination instruction if HB 313 should pass. The bill was requested by the department of revenue.

PROPOSERS: Tom Mulholland, Department of Revenue, said the bill was a clean up measure and asked for a favorable recommendation of the bill.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 133: Chairman Kolstad called for questions from the committee members. There were no questions.

DISPOSITION OF HOUSE BILL NO. 133: Sen. Thayer MOVED HB 133 BE CONCURRED IN, seconded by Sen. Boylan. The MOTION CARRIED UNANIMOUSLY.

CONSIDERATION OF HOUSE BILL NO. 334: Rep. Nancy Keenan, House District 66, Anaconda, chief sponsor, said the bill revises the licensing requirements for social workers and professional counselors. It requires that a social worker do postgraduate work and recognizes national exams for professional counselors. It also provides for annual licensing of social workers and was requested by the Board of Social Workers. She said it was basically a housecleaning measure. She also asked that Judy Carlson, representing the National Association of Social Workers, be entered into the record as being present.

Patrick J. Kelly, Chairman of the Board of Social Work Examiners and Professional Counselors, submitted his written testimony (EXHIBIT 7) and said that the Board had requested the bill. He pointed out because of the self-sufficiency of this board they must obtain annual licensing. He urged support of HB 334.

Joan Rebisch, representing the Montana Mental Health Counselors Association, said they had met with the Board and were aware of the changes in the legislation and, as a group, were in support of HB 334.

Joy McGrath, representing the Mental Health Association of Montana, appeared in support of HB 334, as written.

OPPOSERS: There were no opposers.

DISCUSSION OF HOUSE BILL NO. 334: Chairman Kolstad called for questions from the members. Sen. Thayer asked about Ms. McGrath's opposition to SB 210. She replied she wasn't sure where the board would stand on that but felt their concerns could probably

be addressed through the rulemaking process and that would be the appropriate avenue for them to take.

DISPOSITION OF HOUSE BILL NO. 334: Sen. Weeding MOVED HB 334 BE CONCURRED IN, seconded by Sen. Meyer. The MOTION CARRIED UNANIMOUSLY.

The following bill, SB 308, was rereferred to the committee after having been defeated on the Senate floor.

FURTHER CONSIDERATION OF SENATE BILL NO. 308: Ms. McCue stated that there were amendments dated February 19, 1987 (EXHIBIT 8) which Sen. Tveit would explain to the committee. Sen. Tveit then went through the proposed amendments. He referred to amendment #6, page 2, line 25 through line 1 of page 3 and said this was changed to read "all-beverage license" because otherwise it would have opened it up to convenience stores, grocery stores, etc.; the same would apply to amendment #7. Amendment #8 says the governing body may charge an annual fee of not less than \$1500 for each table. Amendment #9 is simply an immediate effective date. The first amendments, 1-5, refers to the action by the local governing body.

DISPOSITION OF SENATE BILL NO. 308: Chairman Kolstad asked if the \$1500 was acceptable to the trade to which Sen. Tveit replied it was and that a lot of people over the state said it was agreeable to them.

Sen. Boylan assumed if the governing body didn't want it they could raise the fee so high they wouldn't have it, however, Sen. Neuman said it would have to be voted in first. Sen. Tveit said at the beginning of the bill has been changed to read "the governing body or a vote of the people". Chairman Kolstad pointed out that the amendment giving the decision to the governing body had not been adopted. The decision has to be made by the people until that amendment is adopted. Nothing had been done with the bill and the amendments are just proposed amendments.

Phil Strobe, at the request of Chairman Kolstad, said the governing body may, if it wants to, make the decision itself, or it can be referred to the people and the authorization for this would not be effective until the vote of the people, if that was the decision of the governing body. The reason for that is that there are elections only every two years and if some governing body should vote it in or adopt it by ordinance, they felt it would expose those around it to extremely unfair competition. Chairman Kolstad asked if a governing body did put this into place and a majority of the people were opposed to it, would there be any way they could vote it out. Mr. Strobe said they could vote it out the same way but that was not spelled out in the bill. Mr. Tveit said he would have no objection to that being added to the bill.

Chairman Kolstad felt there should be some way the electorate could overrun the governing body and it should be included in the bill. Sen. Tveit said that would certainly be acceptable.

Sen. Neuman asked if any place that didn't serve liquor could have a "21" table. Sen. Tveit said that was correct; they would have to have an all-beverage license. Ms. McCue said the law, as now written, the other card games can be played at other places, and asked if this bill would affect that. She said the way she interpreted the law they could have card games in an establishment licensed just to sell food. By striking that language it says that not only can "21" not be played in such an establishment, but the other card games could not either.

Mr. Strobe believed Ms. McCue's observation to be correct. He said that, to the best of his knowledge, there was no city that had adopted an ordinance authorizing the existing card game that has not made some provision that those be played in places which are only adult places. Therefore, he felt, in the market place today, this would not affect anyone.

Ms. McCue was to draft an amendment stating that the electorate could overrule the governing body if they didn't want "21" to be played in their area. Chairman Kolstad received the approval of Sen. Tveit to include that amendment. Sen. Neuman MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Boylan.

Sen. Williams said he assumed the \$1500 fee would just go to one place - it would not be shared.

The question being called, the motion to adopt the amendments CARRIED UNANIMOUSLY. (Exhibit 8 and an amendment concerning the overrule by the electorate.)

Sen. Neuman asked if the licensing of the dealers was strictly to get \$50 or to insure that the dealers are honest - how to you insure that. Mr. Strobe responded that there is a consistency among the cities that have adopted ordinances authorizing the card games, that they want to license the dealer. Sen. Neuman asked if the local governing body would do some background checks, etc., before they license the dealers. Mr. Strobe said that was correct and they were doing that now.

Sen. Neuman proposed a further amendment on page 3, line 13, following "\$1500 for each table", insert "and 30% of the license fee shall be remitted to the state of Montana for deposit in the general fund". He said the reason for the amendment was that it was actually a bill for the whole state. All the areas that have a lot of tourists would have the tables within a very short time. He felt the state should have a say in the control of the games. He said he had no doubt that the state would eventually be asked to regulate these games.

Chairman Kolstad pointed out that that amendment might have the effect of delaying the bill because it would require a new fiscal note. Sen. Neuman said his amendment would add revenue and this would be a revenue measure, therefore, it would not have to meet the 45 day deadline.

Sen. Thayer said Sen. Neuman could make the motion on the floor of the Senate and that would not delay the bill because of asking for a fiscal note. Chairman Kolstad said it was a technical question and asked Ms. McCue to research that.

Sen. Boylan spoke against Sen. Neuman's motion and said this was to be a bill to help the local governments. Sen. Meyer agreed with Sen. Boylan and said this would be a way to pump some money back into the counties.

Sen. Thayer said every session a couple more gambling bills pass and they are just one step away from wide open gambling. If that is the will of the people it should be done right and make it a revenue generator.

Chairman Kolstad announced that Ms. McCue had talked with the Rules Committee and apparently a fiscal note was not necessary, it is optional and if it was amended it would be a revenue measure and the deadline for revenue measures is the 50th day. He then asked Sen. Neuman if he wanted to make a motion.

Sen. Neuman then MOVED SB 308 BE AMENDED and stated the amendment that he wished included in the bill. Following "\$1500" insert "30% of the license fee shall be remitted to the state of Montana for deposit in the general fund". That was the intent of his amendment; he asked Ms. McCue to put it into the proper language. The Motion was seconded by Sen. Weeding.

The question being called for, the MOTION CARRIED TO ADOPT SEN. NEUMAN'S AMENDMENT.

Sen. Williams moved SB 308 DO PASS AS AMENDED, seconded by Sen. Meyer. The MOTION CARRIED 7-3 with Sens. Boylan, Weeding and Thayer voting "no".

DISPOSITION OF SENATE BILL NO. 291: There being no amendments proposed for SB 291, Sen. Weeding MOVED SB 291 DO NOT PASS, seconded by Sen. Boylan. Sen. Thayer asked Sen. Weeding why he opposed the bill. Sen. Weeding replied that it was a branch banking bill in disguise.

Ms. McCue commented that there is a significant difference and that was that a bank that would be under this system - a new bank acquired - would have to be independently capitalized; it would be a unit bank.

Sen. Boylan asked if Sen. Thayer's bill should pass, would this bill be necessary. Sen. Thayer commented that he didn't think

this bill had anything to do with the same thing.

Mr. Robert Woods said they are still fully capitalized banks, they are not branches. He replied to a question from Sen. Boylan saying that many banks are owned by essentially out-of-state interests and this would clarify that haziness and simply say that among those reciprocal states, if they want to buy a bank, just do it and keep the bank intact.

Sen. Thayer referred to a remark from Roger Tippy at the hearing that the Minnesota banks would not be able to buy any banks in Montana and Sen. Thayer had replied that if they weren't interested in branching why weren't they here to protest the bill; they know about the bill and they don't care. Chairman Kostad commented that the holding companies didn't protest it. Mr. Woods said it would not affect them because they aren't one of the reciprocal states.

Sen. Weeding said the independent banks did not support this bill; they felt the same threat as they did with Sen. Thayer's bill.

The question being called on the MOTION DO NOT PASS. The MOTION FAILED, 4-6.

Sen. Thayer then MOVED SB 291 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED 6-4 with the secretary being instructed to reverse the vote.

DISPOSITION OF SENATE BILL NO. 222: Chairman Kolstad said they were waiting on the bill because of a revised Fiscal Note.

Sen. Neuman said he had missed the hearing which Sen. Thayer had conducted. Sen. Thayer said Sen. Farrell's intent was to force the department of administration to try to have the product hauled by Montana carriers when purchased for the state. He proposed to have this in the department of commerce because that is where they already have a transportation division. Sen. Farrell felt this could result in \$1-1.5 million in extra revenue that Montana truckers could receive if they could haul the greater portion of this. Sen. Thayer stated that Ellen Feaver had testified as a proponent, however, he had moved her to an opponent because she was basically against it because of the coordination problems.

However, Sen. Thayer said out-of-state trucking firms can set up in-state brokerage companies so it could be less than the \$1-1.5 million. Sen. Thayer said he agreed with Ellen Feaver in that it seems a cumbersome way to take care of this and he would rather see it take the transportation person out of commerce and put him in administration.

Sen. Meyer said right now when they purchase those goods, they

also purchase the cost of shipping it to Montana and that is not necessarily the cheapest way and we could use Montana trucks to bring that merchandise into Montana and it could be done for possibly less money.

Sen. Neuman commented that the two FTE's that would be transferred from revenue, they are also the people who order the liquor - if they are taken out of that department then they would have to have somebody replace them to order the liquor. They order all the liquor, plus arrange the freight. Chairman Kolstad remarked that the liquor question did come up at the hearing; Sen. Thayer said the liquor department didn't have any problems with it because the bulk of the liquor is already being hauled by Montana carriers.

Sen. Thayer asked Ms. McCue if, because of the title, could the bill be amended to require the department of administration to set up a brokerage firm within that department. She replied that the purpose they were trying to get at was to promote the transportation by Montana truckers.

Sen. Boylan felt that the expertise on transportation was presently in the department of commerce.

Sen. Meyer MOVED SB 222 DO PASS, seconded by Sen. Boylan. The MOTION CARRIED. Chairman Kolstad asked that Sen. Thayer sign the committee report as he had chaired the hearing on the bill. Sens. Weeding, Neuman and Walker voted "no".

Ms. McCue pointed out to the committee that the amendments had been adopted earlier. Therefore, the bill will go out of the committee as a DO PASS AS AMENDED.

DISPOSITION OF SENATE BILL NO. 341: Sen. Meyer MOVED SB 341 DO PASS, seconded by Sen. Boylan. Chairman Kolstad asked Ms. McCue if there were any proposed amendments to the bill. She replied that Peg Hartman from Labor and Industry had said this could not be done because federal law precludes it and cited the statute. She said she could not tell from reading the statute if that was correct or not without having the opportunity to research the rules, which she did not have time to do.

Sen. Weeding said there had been an amendment suggested on page 3, referring to the fee. (See Committee Report attached.) This defines the placement fee. Sen. Weeding MOVED ADOPTION OF THE AMENDMENT, seconded by Sen. Boylan. The MOTION CARRIED UNANIMOUSLY.

Sen. Thayer said if it proved to be true that this violates federal statutes, Sen. Keating would approve removing that language. That could be done on the floor as well. Ms. McCue said she wasn't sure what that would leave, but the other part of the bill is moving it from the department of labor to commerce.

Sen. Meyer MOVED TO STRIKE lines 11-16 on page 4, seconded by Sen. Boylan. It could be added later if necessary and if it is found not to violate federal regulations. The MOTION CARRIED UNANIMOUSLY.

Sen. Thayer then MOVED SB 341 DO PASS AS AMENDED, seconded by Sen. Meyer. The MOTION CARRIED 8-2 with Sens. Neuman and Weeding voting "no".

Sen. Neuman stated his opposition to the bill and said a lot of departments have been moved to commerce and pretty soon there would be two departments in state government - the executive and the department of commerce. He did not see a demonstrated need to make this move.

DISPOSITION OF SENATE BILL NO. 293: Sen. Boylan said he would like to see no action taken on the bill, therefore, as sponsor of the bill, he asked that it die in committee.

DISPOSITION OF HOUSE BILL NO. 374: Chairman Kolstad pointed out that this bill generally amends the Lottery Act of 1985, and it has been requested that action be taken on the bill as soon as possible.

Sen. Neuman said he would be opposed to passing the bill and then trying to get his amendment adopted on the floor. Sen. Boylan pointed out that the referendum said this had to be operational by July 1st, so timing is of the essence. Sen. Thayer said he felt it would be a mistake to open it up to allow employees of the lottery to purchase tickets, at least in the beginning. He said he did not understand why they have to exempt the assistant director out of the state pay plan. Sen. Weeding said he could see where it could cause dissention in other departments when they keep exempting these people out.

Sen. Thayer MOVED TO STRIKE line 22, page 16 through line 24 on page 17 and renumber subsequent sections, seconded by Sen. Meyer. Ms. McCue stated that there would be numerous places where this is referred to that would have to be deleted, however, Chairman Kolstad said that Ms. McCue would draft the correct language for the amendments. The question being called, the MOTION TO ADOPT THE AMENDMENTS CARRIED, with Sen. Boylan voting "no".

Sen. Thayer MOVED HB 374 BE CONCURRED IN AS AMENDED, seconded by Sen. Meyer. The MOTION CARRIED with Sens. Boylan and Neuman voting "no".

RECONSIDERATION OF SENATE BILL NO. 341: Sen. Thayer MOVED TO RECONSIDER HB 341, seconded by Sen. Meyer, to discuss further amendments. The MOTION CARRIED UNANIMOUSLY.

Ms. McCue asked if it was her understanding that the only fee



they could charge would be this kind. Presently, it says they cannot charge any kind of fee without a written contract and then only after the agency has referred the person to a job and the job applicant has been employed so, if you put in "placement fee" limiting it, that would mean they could charge another kind of fee if the person didn't get the job. Sen. Weeding understood that some of them charge an enrollment fee. Sen. Thayer said that was the union in Missoula. Sen. Thayer said they had mentioned that they would like to be able to do some hourly work.

Ms. McCue said it was her understanding that right now they couldn't charge any kind of fee unless the person gets the job. This amendment would say they could charge a placement fee but there could be other fees.

Sen. Meyer MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Boylan. The MOTION CARRIED UNANIMOUSLY.

Sen. Thayer MOVED SB 341, DO PASS AS AMENDED, seconded by Sen. Meyer. The MOTION CARRIED with Sen. Neuman voting "no".

There being no further business to be carried out, the meeting was adjourned at 12:36 p.m.

  
\_\_\_\_\_  
SEN. ALLEN C. KOLSTAD, CHAIRMAN

cl/lis

ROLL CALL

B + J

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/20/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER			✓
HARRY H. McLANE			✓
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER			
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

2/20/87

Business & Industry

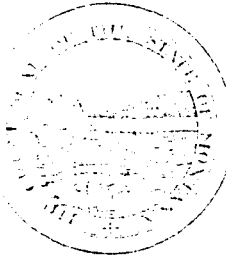
## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with \_\_\_\_\_)

*Jack*

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES



TED SCHWANDEN, GOVERNOR

PO BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

February 9, 1987

TO: Lee Tickell, Administrator  
Economic Assistance Division

Jack Nielson, Chief,  
Medicaid Bureau

FROM: Lowell Uda, Supervisor  
Medicaid Services Section

RE: SB 205, Voucher Payment System for Prescribed Medication

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2-20-87

BILL NO. SB 205

This morning I received a call from Joe Medina, HCFA regional office, regarding SB 205, the proposed voucher payment system for prescribed medication. Joe had just been contacted by Ben Winslow, BPO, central office, Baltimore, who said that central office's position was that "Montana can not do a voucher program." A voucher program, of the kind contemplated by SB 205, would violate 42 CFR 447.45(f), which mandates that the state's claims processing system provide for prepayment review of all claims (see attached). The proposed voucher system would not allow us to verify, prior to the voucher being cashed or deposited in the pharmacist's commercial account:

1. Recipient eligibility. The regulations seem to mandate that the recipient eligibility information be in the Medicaid computer before a claim can be paid. If the county office asserts that the client is eligible, but information has not reached the state office, not to mention Consultec (the Medicaid computer), we may not pay the client's claim and still meet this requirement. In other words, if we have eligibility processing problems, then we've got to fix those eligibility processing problems: we can't fix them by by-passing the Medicaid computer.
2. Provider eligibility. Provider enrollment, including provider licensure, must be in effect on the date of service.
3. "that the number of visits and services delivered are logically consistent with the recipient's characteristics and circumstances, such as type of illness, age, sex, service location." Currently, this is not so critical in the prescribed medications area, because we currently place no restrictions on the number of prescriptions a recipient may receive, save that each prescription be medically necessary. Should the state limit a recipient to a specified number per month, this requirement

would be practically impossible to meet under a voucher system.

4. "that the claim does not duplicate or conflict with one reviewed previously or currently being reviewed." Under a voucher system of the kind being proposed, it would be impossible to meet this requirement. In fact, the intent of the proposed program is to require the Department to resolve overpayments after they have been made.
5. "that a payment does not exceed any reimbursement rates or limits in the State Plan." Under the proposed program, we would have to trust to the pharmacists to bill their usual and customary charge if that charge is less than the allowed ingredient cost plus the pharmacist's authorized dispensing fee, or to bill no more than the allowed ingredient cost plus the pharmacist's authorized dispensing fee if their usual and customary charge is less than the aforesaid amount. "To bill" here means "to enter the amount payable on the voucher." It would be impossible to meet this prepayment review requirement under the voucher program. In addition, the State Plan prohibits payment for experimental drugs and drugs designated less than effective by FDA. Again, we would fail to use prepayment review to exclude these drugs from payment.
6. that no payment is made until all liable third parties have been exhausted. Currently, the Department is able to waive this requirement for the prescribed medications program because few insurance companies pay for drugs. However, a few insurance companies now do pay for drugs. As more do the same the Department may have to relinquish the waiver, and require pharmacists to pursue third party liability before billing Medicaid. Under the proposed voucher program, it would not be possible to meet this requirement.

In earlier contacts with the HCFA Denver regional office, I was told that there was nothing in the federal regulations that prohibited a voucher program, though the regional office wanted to review a state plan amendment to see how we would ensure that we were not paying more than was allowable under the State Plan and how we would ensure that we were meeting utilization control requirements. This morning's contact reverses the position expressed in the earlier contacts, and this reversal is at central office's bidding. To restate the new position, a voucher program of the kind proposed in SB 205 would violate 42 CFR 447.45(f). We are getting a clear signal that a state plan amendment to cover a voucher program would not be accepted. We stand to lose federal participation in the drug program, for which SFY 86 expenditures were \$6.6 million. To continue the drug program without federal participation, we would have to increase our draw on the general

DATE 2-20-87BILL NO. S.B. 205

fund by \$4.48 million. Also, as I've indicated in earlier memos, the voucher program would jeopardize MMIS funding, precisely because we would not be able to meet the requirements of 42 CFR 447.45(f). The feds would reduce participation in the MMIS from 75 percent to 50 percent, thus increasing the general fund draw for the system by \$250,000. The operational cost for the system is \$1 million per year.

I am drafting a letter for Dave Lewis' signature to obtain this morning interpretation in writing from the Denver regional office. Meanwhile, I am recommending that you inform Senator Mike Halligan, sponsor of SB 205, of this recent interpretation of 42 CFR 447.45(f). Earlier, and through the fiscal note for SB 205, the senator has been told that the voucher program was compatible with the federal regulations, as the Denver regional office earlier held.

L

DEPARTMENT OF  
SOCIAL AND REHABILITATION SERVICES



TED SCHWINDEN, GOVERNOR

P.O. BOX 4210

STATE OF MONTANA

HELENA, MONTANA 59604

February 17, 1987

Candido Salazar, Jr.  
Associate Regional Administrator  
Division of Financial Operation  
1961 Stout Street, 5th Floor  
Denver, CO 80294

Dear Mr. Salazar:

RE: SB 205, Voucher Payment System for Prescribed Medication

Our Legislature is currently considering SB 205, which would establish a Medicaid Voucher Payment System for Prescribed Medications. Before coming to a decision on this bill, members of the Business and Industry Committee would like to have certain information we have shared with them confirmed in writing by the Denver Regional Office.

On February 9, Lowell Uda of my staff received a call from Joe Medina, HCFA regional office, regarding SB 205, the proposed voucher payment system for prescribed medication. Joe had just been contacted by Ben Winslow, BPO, central office, Baltimore, who said that central officer's position was that "Montana can not do a voucher program." A voucher program, of the kind contemplated by SB 205, would violate Section 1902(A)(37)(b) of the Social Security Act, 42 USC 139687, and 42 CFR 447.45(f), which mandate that the state's claims processing system provide for prepayment review of all claims. The proposed voucher system would not allow us to verify, prior to the voucher being cashed or deposited in the pharmacist's commercial account, the following requirements as established in 42 CFR 447.45(f):

1. Recipient eligibility. The regulations seem to mandate that the recipient eligibility information be in the Medicaid computer before a claim can be paid. If the county office asserts that the client is eligible, but information has not reached the state office, not to mention Consultec (the Medicaid computer), we may not pay the client's claim and still meet this requirement.
2. Provider eligibility. Provider enrollment, including provider licensure, must be in effect on the date of service. Under the proposed voucher system, it would be impossible to verify this "before payment is made".

SENATE BUSINESS & INDUSTRY,

EXHIBIT NO. 1

DATE 2-20-87

3. "That the number of visits and services delivered are logically consistent with the recipient's characteristics and circumstances, such as type of illness, age, sex, service location." Currently, this is not so critical in the prescribed medications area, because we currently place no restrictions on the number of prescriptions a recipient may receive, save that each prescription be medically necessary.
4. "That the claim does not duplicate or conflict with one reviewed previously or currently being reviewed." Under a voucher system of the kind being proposed, it would be impossible to meet this requirement. In fact, the intent of the proposed program is to require the Department to resolve overpayments after they have been made.
5. "That a payment does not exceed any reimbursement rates or limits in the State Plan." Under the proposed program, we would have to trust to the pharmacists to bill their usual and customary charge if that charge is less than the allowed ingredient cost plus the pharmacist's authorized dispensing fee, or to bill no more than the allowed ingredient cost plus the pharmacist's authorized dispensing fee if their usual and customary charge is less than the aforesaid amount. "To bill" here means "to enter the amount payable on the voucher." It would be impossible to meet this prepayment review requirement under the proposed voucher program. In addition, the State Plan prohibits payment for experimental drugs and drugs designated less than effective by FDA. Again, we would fail to use prepayment review to exclude these drugs from payment.
6. That no payment is made until all liable third parties have been exhausted. Currently, the Department is able to waive this requirement for the prescribed medications program because few insurance companies pay for drugs. However, a few insurance companies now do pay for drugs. As more do the same, the Department may have to relinquish the waiver and require pharmacists to pursue third party liability before billing Medicaid. Under the proposed voucher program, it would not be possible to meet this requirement.

In earlier contacts with the HCFA Denver Regional Office, we were told that there was nothing in the federal regulations that prohibited a voucher program, though the regional office wanted to review a state plan amendment to see how we would ensure that we were not paying more than was allowable under the State Plan and how we would ensure that we were meeting utilization control requirements. The February 9 contact reverses the position expressed in the earlier contacts and this reversal is at central office's bidding. To restate the new position, a voucher program of the kind proposed in SB 205 would violate 42 CFR 447.45(f). We believe that we are getting a clear signal that a state plan amendment to cover a voucher program would not be accepted and that we stand to lose federal financial participation in the drug program. We could continue the drug program, but without federal financial participation. Also, the voucher program would jeopardize MMIS funding, precisely because we would not be able to meet the requirements of 42 CFR 447.45(f). The feds could reduce participation in the MMIS from 75 percent to 50 percent.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2-20-87

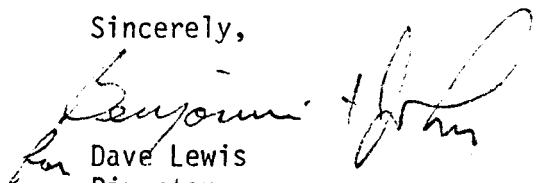
CR 205



Please confirm our understanding of Lowell Uda's February 9 conversation with Joe Medina of your staff. An immediate response would be greatly appreciated, as the Business and Labor Committee of the State Legislature has postponed its decision on the voucher program until we can receive written confirmation of the interpretations contained in this letter.

If you have any questions on this request, please contact me or Lowell Uda (406) 444-4540.

Sincerely,

  
for Dave Lewis  
Director

LMU/008

Attachment

cc Darrel Muhr, Associate Regional Administrator  
Division of Program Operations

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 1  
DATE 2-20-87  
BILL NO. S.B. 205



February 19, 1987

Region VIII  
Federal Office Building  
1961 Stout Street  
Denver CO 80294Dave Lewis, Director  
Department of Social and  
Rehabilitation Services  
P.O. Box 4210  
Helena, Montana 59601**SENATE BUSINESS & INDUSTRY**EXHIBIT NO. 1DATE 2-20-87BILL NO. SB 205

Dear Mr. Lewis:

This is in response to your letter dated February 17, 1987, concerning SB205, Voucher Payment System for Prescribed Medication. This bill as proposed violates Section 1902(a) 37(B) of the Social Security Act which states that the State plan must:

- (B) Provide for procedures of prepayment and postpayment claims review, including review of appropriate data with respect to the recipient and provider of a service and the nature of the service for which payment is claimed, to ensure the proper and efficient payment of claims and management of the program:

We also concur that the voucher system as proposed by SB205 would be contrary to items 1-6 of your letter. In order to qualify for Federal Financial Participation (FFP), States must adhere to the following:

Sec. 1901.(42 U.S.C. 1396) For the purpose of enabling each State, as far as practicable under the conditions in such State, to furnish

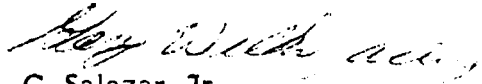
- (1) Medical assistance on behalf of families with dependent children and of aged, blind, or disabled individuals, whose income and resources are insufficient to meet the costs of necessary medical services, and
- (2) Rehabilitation and other services to help such families and individuals attain or retain capability for independence or self-care, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for making payments to States which have submitted, and had approved by the Secretary of Health, Education, and Welfare, State plans for medical assistance.

SB205 as proposed would make it very difficult for the Federal Government to approve an amendment to the State plan submitted as a result of this bill without the safeguards as provided in Sec. 1902(a) 37(B) and 42 CFR 447.45(f).

We appreciate you sharing your letter with us and hope that we have been of assistance to you.

Please contact Gary Wilkes, Joseph Medina, or myself at (303) 844-2641 if you have any questions.

Sincerely yours,



C. Salazar, Jr.  
Associate Regional Administrator  
Division of Financial Operations

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 1  
DATE 2-20-87  
BILL NO. S.B. 205

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 2  
DATE 2-20-87  
BILL NO. SB 205

Amendments SB 205

1. Page 2, following line 21.

Insert: "(4) After the pharmacist completes the voucher he shall submit a copy of it to the department for review and validation. Within 30 days of receipt of the voucher the department shall validate it or notify the pharmacist of any errors or irregularities in the voucher. If the department does not reject the voucher or respond to it within the 30-day period the pharmacist may deposit it in a commercial bank account as provided in this section."

Renumber: subsequent subsections

2. Page 3, line 20.

Following: "provided"

Insert: "or with the purpose of receiving payment after the voucher has been rejected by the department"

# METRAPARK

FAIRTIME ARENA HORSE RACING

SENATE BUSINESS & INDUSTRY

ST NO. 3

DATE 2/20/87

BILL NO. SB 364

February 20, 1987

Senator Allen Kolstad, Chairman  
Senate Business and Industry Committee  
Capitol Building  
Helena, MT 59601

Dear Senator Kolstad:

I am appearing here today as the Legislative Committee Chairman for all of the 38 Fairs in Montana.

The purpose of Senate Bill 364 is simple. It is to generate more revenue that results in less tax support for local Fairs of our State.

The current Liquor Control Board regulation allows for a patron to purchase a beer and carry it to his seat. It prohibits us from carrying it to him. We would like to save him the walk. Montana has the distinction of being one of the last states in the Nation to prohibit vending at public facilities such as coliseums and grandstands.

Statistics show that vending in large facilities reduces congestion around concession areas and increases sales. This Amendment is in the best interest of the public and does not infringe on any current regulations, nor does it grant any extension to any existing regulations. We, therefore, urge you to consider a "do pass" on this matter.

Sincerely yours,



Bill Chiesa, CFM  
General Manager  
MetraPark

BC/cg

Explanation of Proposed Amendments to the  
Requirements for Registration as a Professional Land Surveyor  
and Land Surveyor in Training 37-67-308, 309, & 310 MCA

SENATE BUSINESS &amp; INDUST

EXHIBIT NO. 4

DATE 2-20-87

BILL NO. HB 257

A. Separation of Engineering & Land Surveying

The professions of engineering and land surveying while appearing to be similar because they use the same tools are in fact quite separate and distinct. An engineer is directed by the laws of physics, chemistry and mathematics in his design. A surveyor is directed by statutes, case law, and title history when determining property ownership.

B. Changes to the Requirements to become a Professional Land Surveyor

37-67-309 (1) Removes the civil engineering language and inserts the 40 credit hours of survey with a bachelor of science degree along with 4 years of experience.

This language is a return to the pre-1985 conditions.

37-67-309 (2) The specific addition of the 40 credit hours with the 2 year associate degree along with 6 years of experience.

This was necessary because the 40 credit hour requirement was removed from 37-67-308 (2).

37-67-309 (3) New section - for a person with a bachelor of science degree and 6 years of experience.

This method does not require the 40 credit hours of survey.

37-67-309 (4) Same as previous Section (3); 10 years of experience

C. Changes in Requirements to become a Land Surveyor in Training.

Those individuals who pursue a career in land surveying by successfully completing a 2 or 4 year degree program containing the 40 credit hours of surveying would be allowed to take the LSIT test upon graduation. This would allow them to take the test while their schooling is fresh in the mind and further direct them in pursuit of their goals.

The total experience required to become a registered professional land surveyor would not be changed. The only change would be at which point in the experience process the LSIT test could be taken.

A new section to correspond to the new section in 37-67-309 (3) was added. This section requires 2 years of experience before taking the test.

D. These proposed changes were developed through a cooperative effort with those who brought about the changes in the 40 credit hour requirements in the 49th Legislature.

Submitted by: Robert S. Custer on behalf of the Montana Association of Registered Land Surveyors



Montana State University  
Bozeman, Montana 59717-0007

**Department of Civil and Agricultural Engineering**  
College of Engineering

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4

DATE 2-20-87

BILL NO. H.B. 257

Telephone (406) 994-2111

TO: Members, Business and Commerce Committee

FROM: Dr. David A. Tyler *DAT*  
Assistant Professor  
Department of Civil and Agricultural Engineering  
Montana State University

DATE: January 14, 1987

SUBJECT: Proposed amendments to the Requirements for Registration as a Professional Land Surveyor and Land Surveyor in Training, 37-67-308,309, and 310, MCA

Prior to 1985, an individual with a B.S. degree in Civil Engineering who wished to become a registered Land Surveyor was required to have 40 credit hours of education in surveying in addition to the B.S. degree in order to use education to reduce the experience requirement from ten to four years. The current law allows an individual with a B.S. in Civil Engineering and no courses in surveying to take the L.S. exam and become registered after four years of experience. The currently proposed amendments will return the requirement for 40 credit hours of surveying courses and a B.S. degree for an applicant to become registered with only four years of experience, but will allow the civil engineer or graduate of other approved curriculum to take the exam and become registered after six years of experience.

In my opinion, the proposed amendments is logical and should be passed. The education and practice of civil engineering is quite separate and distinct from that in land surveying. While the two professions were once very close together and a graduate civil engineer knew a considerable amount about surveying, they have grown apart and it is not uncommon for accredited civil engineering programs to not require any courses in surveying. At Montana State University, only one four credit course is required. Civil engineering students may elect to take more courses in surveying and those who plan to become registered surveyors are advised to do so.

A four year program in civil engineering, or in any technical or scientific curriculum, should develop an analytical ability and approach to solving problems that will certainly be useful in the practice of land surveying. Thus the amendment calls for requiring six years of experience instead of ten years experience for those graduates.

CIVIL ENGINEERING DESIGN  
CONSTRUCTION MANAGEMENT  
MAINTENANCE CONSULTANT

## HAFFERMAN ENGINEERING

ROBERT HAFFERMAN, P. E.

December 18, 1986

Robert S. Custer  
P.O.Box 5741,  
Helena, MT 59604

Dear Bob;

Reference is made to your December 10 memo regarding the P.L.S. and L.S.I.T. qualifications. I enthusiastically support the efforts of MARLS to try to get some changes made to the present law.

The following suggestions are offered for your consideration:

1. In 37-67-309(1) I would like to see added a statement that 40 quarter credit hours in surveying is required in the BS degree. You have noted such a requirement in 37-67-308(3), which is good. But, I'm certain a lawyer will say that 37-67-309(1) stands by itself. If there is a conflict in the law, or a possible conflict, it has been experienced that the least restrictive requirement governs.

Most legislators and John Q. Public consider civil engineers as surveyors, which you and I know is not the case. No engineering curriculum at MSU has enough survey courses required if the student intends to follow the land surveying profession. But courses are available and the engineering student can take sufficient surveying electives to meet the 40 quarter credit hour requirement.

I recommend something like -- "(1) having a bachelor of science degree in a board-approved curriculum, which curriculum must contain a minimum of 40 quarter credit hours in surveying techniques, principles and practices, and present \*\*\*\*\*".

2. With regard to 37-67-310, I have reservations about deleting the experience requirement from those L.S.I.T. applicants who want to use education as a basis. Engineering and land surveying are markedly different in this respect. Scientific laws and mathematical theorems are paramount in engineering, and many field solutions must be derived from laboratory analysis. In my opinion, surveying education cannot be attained solely from text books and the sterile atmosphere of the classroom, but



page 2  
letter to Robert Custer

must be obtained through direct interaction with people and their varied situations and problems.

The number used for qualifications for L.S.I.T.'s has been six -- (1) 4 years formal education plus 2 years field experience, (2) 2 years formal education plus 4 years field experience or (3) 6 years field experience. In other words, 6 years in the education process before being eligible to take the L.S.I.T. exam. Maybe this number should be four, but, at the present time, there are just not enough colleges that have 4 year land surveying programs.

Good luck on your efforts to change the law and if I can be of any assistance, don't hesitate to ask. A big obstacle will be trying to convince a legislator that an engineering curriculum is not the same as a surveying curriculum.

Sincerely,



Robert T. Hafferman

cc: Board files

SENATE BUSINESS & INDUSTRY

from the desk of

EXHIBIT NO. 5

DR. S. J. SCORE

DATE

2-20-87

BILL NO.

H/B 386

February 17, 1987

To Whom it May Concern:

House Bill 386 is a bill that is needed and  
I'm in **complete** support of it.

Thank You,

  
S. J. Score, DC

# Bitterroot Chiropractic Clinic

---

Telephone  
(406) 443-0311

324 Fuller Avenue  
Helena, Montana 59601

February 19, 1987

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 6

DATE 2-20-87

BILL NO. House Bill 386

Senate Business Committee

Gentlemen:

I would like to let you know of my support for House Bill 386. Chiropractors are currently licensed by the state of Montana and more than one such license seems redundant.

Thank you for this consideration.

*Julie Cougill, D.C.*  
Julie Cougill, D.C.

# BOARD OF SOCIAL WORK EXAMINERS

DEPARTMENT OF COMMERCE



TED SCHWINDEN, GOVERNOR

1424 9TH AVENUE

STATE OF MONTANA

(406) 444-3737

HELENA, MONTANA 59620-0407

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 7

DATE 2/20/87

BILL NO. HB 334

February 20, 1987

To: The SENATE COMMITTEE ON BUSINESS AND INDUSTRY

Submitted by: Patrick J. Kelly, Chairman of the Board of Social Work Examiners and Professional Counselors

Re: HOUSE BILL 334

This legislation was requested by the Board as a "housekeeping" proposal to correct deficiencies in Title 37, Chapters 22 and 23, MCA, which pertain to the administration of the licensing of social workers and professional counselors.

The provisions of the proposed legislation are:

1. PROFESSIONAL EXPERIENCE IN SOCIAL WORK. To require that the 3,000 hours of psychotherapeutic experience required by the existing law, be accumulated after one obtains the required professional degree. The problem noted by the Board in the past was that applicants were using student practicum experience which was not considered by the Board to be the experience contemplated by the original law. Under the old law the Board has no authority to disapprove the use of student experience in licensing. This is one of those proposals generally designed to advance the expertise of the profession.
2. ANNUAL RENEWAL OF LICENSE FOR SOCIAL WORKERS. Under the old law a license in social work was effective for a period of two years. The entire cost of licensing by the Board and Department of Commerce is supported by the profession through license fees. Biannual renewal has failed to generate sufficient funds to meet the budget requirements of the Board. A proposal was drafted to correct this matter in 1985; however, the proposal failed to get into the final draft of the bill as presented by the Department.
3. YEARLY RENEWAL DATE FOR SOCIAL WORKERS. Under the current law, a social work license expires on the anniversary date of its issuance. Because of the scattered nature of the initial applications, license application renewals must be processed

over an extended period of time. This results in poor administrative management of licensing and an inability to budget effectively. The proposed bill sets a common renewal date of December 31.

4. NATIONAL EXAMINATION FOR PROFESSIONAL COUNSELORS.

There is a certain vagueness in the current law which, although it allows the Board to refer to a national examination for professional counselors, it may not allow the Board to give credit for national examinations given to professional counselors by certain national organizations. The proposed law recognizes the rigorous examinations administered to members of NBCC and NACCMHC. By regulation, the Board recognizes those examinations currently; however, legal opinion suggests that this practice should be codified. The examinations referred to are effective in promoting the competence of the profession.

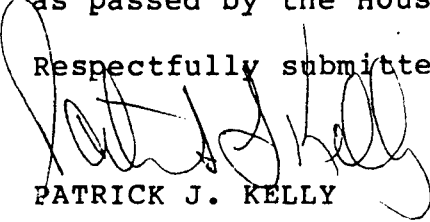
These examinations are referred to twice in the proposed legislation because of the fact that professional counselors licensed prior to December 31, 1987, are subject to different practice requirements than those licensed at a later date.

5. PRO RATA LICENSE FEES. A new section is added to the current law to provide transition from a two-year social work license on a scattered date basis to the one-year license with a common date of expiration. The licensee will receive a license for the balance of the calendar year and a reduction of fee on a pro rata basis.

6. EXTENSION OF AUTHORITY, APPLICABILITY DATE, AND EFFECTIVE DATE. New sections on the authority of the Board to issue rules to administer the new material in the proposed statute has been included, as well as new references to applicability and effective dates.

I trust that the above explains the matters addressed in the proposed legislation. The Board is not attempting to alter the basic structure of licensure as originally established by the legislature. The Board asks the Committee to approve this Bill, as passed by the House of Representatives.

Respectfully submitted,

  
PATRICK J. KELLY

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 7  
DATE 2-20-87  
BILL NO. H.B. 334

Amend Senate Bill No. 308 (Introduced Copy)  
Version of Feb 19, 1987 with all-beverage license

1. Title, line 7.

Following: "IF THE"

Insert: "GOVERNING BODY OR"

2. Title, line 8.

Strike: "AND"

3. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 21.

Strike: "blackjack or"

Strike: "if,"

Following: "upon"

Insert: "approval:

(i) by the governing body of the licensing city, town,  
or county; or

(ii)"

5. Page 1, line 22.

Following: "electorate,"

Insert: "and"

6. Page 2, line 25 through line 1 of page 3.

Strike: "been" on line 25 of page 2 through "products" on line 1  
of page 3

Insert: "an all-beverage license issued by the liquor division of  
the department of revenue"

7. Page 3, lines 8 through 11.

Strike: "have" on line 8 through "obtained" on line 11

Insert: "does not have an all-beverage license issued by the  
liquor division of the department of revenue"

8. Page 3, line 13.

Following: "fee"

Insert: "of not less than \$1,500 for each table"

9. Page 4.

Following: line 5

Insert: "NEW SECTION. Section 4. Effective date. This act is  
effective on passage and approval."

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2/20/87 SB205 Bill No. \_\_\_\_\_ Time 10:05

NAME	YES	NO
ALLEN C. KOLSTAD, CHAIRMAN	✓	
PAUL BOYLAN	✓	
TOM HAGER		
HARRY H. McLANE	✓	
DARRYL MEYER		✓
TED NEUMAN, VICE CHAIRMAN		✓
GENE THAYER	✓	
MIKE WALKER		✓
CECIL WEEDING		✓
BOB WILLIAMS		✓

Carolyn A. Linden  
Secretary

ALLEN C. KOLSTAD  
Chairman

Motion: Do Pass As Amended - Boylan  
Second - Meyer

# STANDING COMMITTEE REPORT

February 20

19. 87

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration SENATE BILL No. 222

First reading copy ( white )  
color

## ESTABLISH MOTOR CARRIER TRAFFIC BUREAU WITHIN DEPT OF COMMERCE

Respectfully report as follows: That SENATE BILL No. 222

be amended as follows:

1. Page 1, line 3.

Strike: "BY REQUEST OF THE DEPARTMENT OF COMMERCE"

2. Title, lines 5 and 6.

Following: "AN ACT TO"

Strike: "ESTABLISH A MOTOR CARRIER TRAFFIC BUREAU WITHIN THE  
TRANSPORTATION DIVISION OF"

Insert: "PROVIDE SEPARATE PROCUREMENT PROCEDURES FOR THE  
TRANSPORTATION OF COMMODITIES; TO PROVIDE THE AUTHORITY  
TO IMPLEMENT THESE PROCEDURES TO"

Following: "COMMERCE," on line 7

Strike: "AMENDING SECTION 17-7-502, MCA:"

3. Page 1, lines 11 through 13.

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 1, line 15.

Strike: "4"

Insert: "3"

5. Page 1, line 22.

Strike: "4"

Insert: "3"

5a. Strike: "NEW SECTION." in the following locations:

Page 1, lines 14 and 21.

Page 2, line 9.

Page 7, line 17.

DEPASS

DENOTPASS

CONTINUED

Chairman.



Committee on Business & Industry

February 20

1987

6. Page 1, line 24.

Strike: subsection (1) in its entirety

Renumber: subsequent subsection

7. Page 2, lines 1 and 2.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

8. Page 2, line 5 through 7.

Following: "include" on line 5

Insert: "the commodity services program,"

Following: "rehabilitation services" on line 6

Strike: "the commodity services program,"

9. Page 2, line 11.

Strike: "4"

Insert: "3"

10. Page 2, line 14.

Strike: "3"

Insert: "2"

11. Page 3, line 1.

Following: "(LTL)"

Strike: "by territory"

12. Page 3, line 2.

Following: "shipments"

Strike: "by territory"

13. Page 3, line 10.

Following: "adopt"

Insert: ", in conjunction with the department of administration,"

14. Page 3, line 11.

Following: "agencies for the"

Strike: "invitation of bids and bid awards"

Insert: "purchase of commodity transportation"

15. Page 3, line 12.

Following: "provide staff"

Strike: "for the bureau, including a transportation planner,  
traffic technician, billing clerk, and clerical assistant"

16. Page 3, line 15 through line 16 on page 7.

Strike: sections 5 through 8 in their entirety

Renumber: subsequent section

AND AS AMENDED.  
DO PASS

STATEMENT OF INTENT ADOPTED AND  
ATTACHED

SENATOR GENE TRAYER

February 20, 1987

MR. PRESIDENT:

WE, YOUR COMMITTEE ON BUSINESS AND INDUSTRY HAVING  
HAD UNDER CONSIDERATION SENATE BILL NO. 222, ATTACH THE  
FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

5 Bill No. 222

A statement of intent is required for this bill because section 4 grants the department of commerce general rulemaking authority governing the selection and purchase of motor carrier transportation services for all state agencies, except intergovernmental human services, social and rehabilitation services, commodity services programs, and the school lunch program of the office of public instruction.

# STANDING COMMITTEE REPORT

February 20

19 67

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 133

Third reading copy ( blue )  
color

WILLIAMS ( BLAYLOCK )

MAKE CONSISTENT CERTAIN TERMS IN MONTANA ALCOHOLIC BEVERAGE CODE

Respectfully report as follows: That HOUSE BILL No. 133

BE CONCURRED IN

XXXXXXXX

XXXXXXXXXX

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 20, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 257

3rd reading copy ( blue color )

BRANDWIE ( KOLSTAD )

REVISE LICENSING REQUIREMENTS FOR LAND SURVEYORS

Respectfully report as follows: That HOUSE BILL No. 257

BE CONCURRED IN

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

February 20 19 87

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration SENATE BILL No. 291

First reading copy ( White color )

ALLOW OUT-OF-STATE BANK TO ACQUIRE OR BE ACQUIRED BY  
IN-STATE BANK

Respectfully report as follows: That SENATE BILL No. 291

DO PASS

~~DO NOT PASS~~

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

February 20 1937

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 308

First reading copy ( White )  
color

## ALLOW BLACKJACK IF AUTHORIZED BY VOTERS OF LICENSING JURISDICTION

Respectfully report as follows: That SENATE BILL No. 308

be amended as follows:

1. Title, line 6.

Strike: "BLACKJACK OR"

2. Title, line 7.

Following: "IF THE"

Insert: "GOVERNING BODY OR"

3. Title, line 8.

Strike: "AND"

4. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 21.

Strike: "blackjack or"

Strike: "if,"

Following: "upon"

Insert: "approval:

(i) by the governing body of the licensing city, town,  
or county subject to the electorate's right of referendum  
under 7-5-131 through 7-5-137; or

(ii)"

6. Page 1, line 22.

Following: "electorate,"

Insert: "and"

~~XXXXXX~~  
~~DO PASS~~

~~XXXXXXXXXX~~  
~~DO NOT PASS~~

CONTINUED

Chairman.

February 20, 1987

7. Page 2, line 25 through line 1 of page 3.  
Strike: "been" on line 25 of page 2 through "products" on line 1 of page 3  
Insert: "an all-beverage license issued by the liquor division of the department of revenue"
  8. Page 3, lines 8 through 11.  
Strike: "have" on line 8 through "obtained" on line 11  
Insert: "does not have an all-beverage license issued by the liquor division of the department of revenue"
  9. Page 3, line 13.  
Following: "fee"  
Insert: "of not less than \$1,500 for each table"
  10. Page 3, line 16.  
Following: "prorated."  
Insert: "Thirty percent of the fees paid pursuant to this subsection must be transmitted by the licensing city, town, or county to the state treasurer for deposit in the state general fund."
  11. Page 4.  
Following: line 5  
Insert: "NEW SECTION. Section 4. Effective date. This act is effective on passage and approval."
- 7051e/L:JZA/MP:jj

AND AS AMENDED

DO PASS

SENATOR KOLSTAD, Chairman

# STANDING COMMITTEE REPORT

FEBRUARY 20, 19 87

MR. PRESIDENT

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOUSE BILL** No. **334**

**3rd** reading copy ( **blue** )  
color

**KEENAN (WEEDING)**

**GENERALLY REVISE LICENSING OF SOCIAL WORKERS, PROFESSIONAL COUNSELORS**

Respectfully report as follows: That **HOUSE BILL** No. **334**

**BE CONCURRED IN**

~~XXXXXX~~  
DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

**SENATOR ALLEN C. KOLSTAD,** Chairman.



# STANDING COMMITTEE REPORT

February 20 1987

MR. PRESIDENT

## BUSINESS AND INDUSTRY

We, your committee on

having had under consideration..... SENATE BILL No. 341

first reading copy ( white color )

REVISES THE EMPLOYMENT AGENCY ACT AND TRANSFERS FUNCTIONS TO COMMERCE DEPT.

Respectfully report as follows: That..... SENATE BILL No. 341

be amended as follows:

1. Page 3, following line 4.

Insert: "(6) "Fee" means a placement fee. A placement fee is a fee charged by an agency for placement that is the service of referring an applicant to an employer for employment and which results in employment of the applicant. A placement fee does not include a fee charged for a service offered in addition to a placement service."

Renumber: subsequent subsections

2. Page 4, line 7.

Strike: "Except as provided in subsection (3), no"

Insert: "No"

3. Page 4, lines 11 through 16.

Strike: subsection (3) in its entirety

AND AS AMENDED,

DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

SEN. ALLEN C. KOLSTAD

Chairman.

# STANDING COMMITTEE REPORT

February 20 19 87

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration SENATE BILL No. 364

First reading copy ( White )  
color

**ALLOW SALE OF BEER IN GRANDSTAND OF FAIRGROUND OR  
PUBLIC SPORTS ARENA**

Respectfully report as follows: That SENATE BILL No. 364

DO PASS

~~DO NOT PASS~~

SENATOR ALLEN C. KOLSTAD Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 20, 19 37

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 372

First reading copy ( White color )

## REVISE LEMON LAW PROCEDURES

Respectfully report as follows: That SENATE BILL No. 372

be amended as follows:

1. Page 4, lines 13 through 16.  
Strike: subsection (3) in its entirety

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

SENATOR KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

February 20 19 87

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration SENATE BILL No. 374

First reading copy ( white )  
color

**BANKING BD. TO ISSUE CERT. WITHOUT HEARING WHEN BANK  
CLOSED, ASSETS MOVED**

Respectfully report as follows: That SENATE BILL No. 374

DO PASS

~~DO NOT PASS~~

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 20, 1987

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 374

3rd reading copy ( blue color )

PAVLOVICH (STIMATZ)

GENERALLY AMEND MONTANA STATE LOTTERY ACT OF 1985

Respectfully report as follows: That HOUSE BILL No. 374

be amended as follows:

1. Title, lines 10 and 11.  
Strike: "TO PROVIDE FOR THE ASSISTANT DIRECTOR'S SALARY;"
2. Title, line 16.  
Strike: "SECTIONS 2-18-103 AND"  
Insert: "SECTION"
3. Title, line 15.  
Strike: "9,"
4. Page 5, line 12 through line 16 on page 6.  
Strike: section 3 in its entirety  
Renumber: subsequent sections
5. Page 16, line 22 through line 24 on page 17.  
Strike: section 10 in its entirety  
Renumber: subsequent sections

AND AS AMENDED,  
BE CONCURRED IN

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 20, 1987

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY  
having had under consideration HOUSE BILL No. 374  
3rd reading copy ( blue )  
color

PAVLOVICH (STIMATZ)

GENERALLY AMEND MONTANA STATE LOTTERY ACT OF 1995

Respectfully report as follows: That HOUSE BILL No. 374

be amended as follows:

1. Title, lines 10 and 11.

Strike: "TO PROVIDE FOR THE ASSISTANT DIRECTOR'S SALARY;"

2. Title, line 16.

Strike: "SECTIONS 2-18-103 AND"

Insert: "SECTION"

3. Title, line 15.

Strike: "9,"

4. Page 5, line 12 through line 16 on page 6.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 16, line 22 through line 24 on page 17.

Strike: section 10 in its entirety

Renumber: subsequent sections

AND AS AMENDED,  
BE CONCURRED IN

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

FEBRUARY 20, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 385

1st reading copy ( white )  
color

## DEFINING MEDICAL ASSISTANCE FACILITY

Respectfully report as follows: That SENATE BILL No. 385

be amended as follows:

1. Page 8, lines 21 and 22.

Strike: "more than 50 miles from the nearest hospital"

Insert: "in a county with five or fewer persons per square mile"

2. Page 16, lines 15 and 16.

Strike: "more than 50 miles from the nearest hospital"

Insert: "in a county with five or fewer persons per square mile"

AND AS AMENDED,

DO PASS

~~XXXXXXXXXX~~  
~~DO NOT PASS~~

SENATOR ALLEN C. KOLSTAD,  
Chairman.

# STANDING COMMITTEE REPORT

February 20, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 386

3rd reading copy ( blue )  
color

CODY ( VAUGHN )

CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS

Respectfully report as follows: That HOUSE BILL No. 386

BE CONCURRED IN

XXXXXX  
DO PASS

XXXXXXXXXX  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.