

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

HOUSE COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Rep. Bob Pavlovich, on February 28, 1989, at
8:30 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

HEARING ON SENATE BILL 151

Presentation and Opening Statement by Sponsor:

Sen. Jacobson, Senate District 36. This bill changes some of the laws relating to the practice of cosmetology; expands the membership of the board of cosmetologists; regulates the practice of booth rental; and provides that licensing examinations be administered by the board of cosmetologists.

Testifying Proponents and Who They Represent:

Darlene Battaiola, Butte
Rick Tucker, Helena
Vickie Johnson, Missoula

Proponent Testimony:

See exhibit 1 for Ms. Battaiola's written testimony.

See exhibit 2 for Mr. Tucker's written testimony.

Ms. Johnson stated that she supports this bill. Our board needs to be improved to better serve the individual licensee cosmetologist as well as manicurists, and electrologists.

Testifying Opponents and Who They Represent:

Mary Brown, State Board of Cosmetology, Helena

Opponent Testimony:

Ms. Brown stated that the board at present has four members and I think an increase would be excellent but I think seven members is too many. We have two licensed cosmetologists representing the board and a school owner. There are 15 schools in Montana and I think one school owner on the board is sufficient. We do not have representation by the manicurists or electrologists on the board. We have a vacant position on the board for a public member. I think an increase to five would be excellent but seven is too many.

Questions From Committee Members: Rep. Simon asked Mr. Tucker the bill says on page 1 it says the 7 members may include, it seems to me that if they really want people from the various categories, and that adds up to 7, I don't understand the may, should it not be shall? Mr. Tucker said no, the reason for this is, the governor may not want to appoint any schools, he may want to appoint all of them except the public member as cosmetologists, he may want to appoint a manicurist and electrologist. It needs to remain permissive because if it says shall he would be tied to these categories exactly. It says in the text that only 2 school owners may be appointed to the board.

Rep. Kilpatrick asked Mr. Tucker what his feeling is regarding fewer than 7 board members? Ms. Brown said 7 would be cumbersome. Mr. Tucker said he would rather personally work with a 7-member board than 5-member board. Especially, if one is going to be an electrologist and another is a manicurist. The present board of 4 isn't workable because there are many tie votes. I prefer going along with the association. The legislation was passed by the 600 member association and I agree with it.

Closing by Sponsor: Rep. Jacobson said there is really nothing more to say. I think the way it is set up in the bill is a good workable board. If manicurists and electrologists are going to be represented, the size of the board will have to be increased. The association is behind the bill.

HEARING ON SENATE BILL 179

Presentation and Opening Statement by Sponsor:

Sen. Walker said this bill is related to the cosmetology field and has to do with education. This bill will revise the qualifications required for licensure as a cosmetologist; requires a high school diploma or its equivalent for licensure; and amends Section 37-31-304, MCA. Currently the only requirement is an eighth grade education. Secondly, on page 2, lines 3 and 4, something no one really

had ever noticed before till this session, the office of public education said they did not know they were supposed to oversee this. They never have and they want out of this bill, that is why that language is stricken.

Testifying Proponents and Who They Represent:

Rick Tucker, Helena
Darlene Battaiola, Butte

Proponent Testimony:

See exhibit 1 for Mr. Tucker's written testimony.

See exhibit 2 for Ms. Battaiola's written testimony.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Sen. Walker about the high school diploma having to do with learning about the chemicals, don't they learn that in cosmetology school? What about the people we have practicing now and do not have the diploma or GED, are they grandfathered in? Sen. Walker said this has to do with future licensees, a person already licensed has a license. Second question, as long as you are showing and teaching like they do in the schools, you may not have to read the box, you are okay. The minute you are out of school and have your own business, the salesmen come in selling their products, this is not off the shelf like in school, it is a different ball game. Rep. Bachini asked if they did not have to pass a test from the cosmetology school and wouldn't that say they are or are not qualified and knowledgeable of these chemicals? Sen. Walker said the students have to complete 2,000 hours of training, once they are out in the field the technology is changing all the time. There are a lot of products and a lot of things can happen if a person is not staying on top of the new products.

Rep. Glaser asked Sen. Walker if he was aware that 20 percent of all the girls in the state of Montana never get a high school diploma? Sen. Walker said that 95 percent of the girls in these schools receive loans or grants under the Title IV program. The girls have 2 qualifications to get the loan: a high school diploma or pass the ability to benefit test. Those who have high school diplomas have not presented any problems, those with the ability to benefit tests, just passing that test, 85 percent of those people drop out at some time or other. Of those that drop out

there is a tremendously high rate of default on their loans. They jeopardize the very program that was designed to help unwed mothers and people having difficult times and getting them through the program so they can be self-sufficient.

Rep. Hansen asked Sen. Walker if there wasn't a way these girls could go to VoTech and get their GED or high school diploma? Sen. Walker referred that to Ms. Battaiola. She said they could go to VoTech and receive their GED. Sen. Walker said the GED is a battery of 5 examinations of 20-30 questions each, it costs \$9 to take, the tutoring is provided by the public school system for free in the different communities. It isn't going to cost them hundreds of dollars to get the education. If you are going to go into business for yourself, it would not hurt to be able to read and write a little bit better.

Closing by Sponsor: Sen. Walker said he thinks there is something to be learned from persevering, going through school and getting your diploma. There are a lot of things you don't learn in high school. But there are a lot of things you learn from suffering through all the classes and going. The same goes for college and post secondary education. I can't believe that we are sitting in this committee today and saying we think people should only have 8th grade educations. It rubs me wrong. They are required by law to attend school until they are 16 years old. I think what we ought to do is at least get this part of law to coincide with the state law that says you have to go to school till you are 16. We are not asking tremendous things.

HEARING ON SENATE BILL 251

Presentation and Opening Statement by Sponsor:

Sen. Harding, Senate District 25, Bozeman. This bill will revise the law relating to the conduct of raffles; increases the value of a raffle prize; exempting nonprofit veterans' groups from paying a license fee or an investigative fee to conduct a raffle; and amends Section 23-5-413, MCA.

Testifying Proponents and Who They Represent:

Lyle Nagel, MT State Volunteer Firefighters Association
George Poston, United Veterans Committee
John Denherder, East Helena

Proponent Testimony:

See exhibit 1 for Mr. Nagel's written testimony.

Mr. Poston stated that raffles are one of the ways we raise

money for our veteran organizations throughout the state. Last year we were offered a boat to raffle off, but because of the value of the boat, we could not accept the offer to use it as a raffle. We would like to see this bill passed with the \$5,000 limit and also see if it would be possible for U.S. Savings bonds to be used as a prize.

Mr. Denherder stated that Sen. Harding and Mr. Poston gave a good overview of the problems. We would like to see the prize amount/value raised.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Thomas asked Sen. Harding if we would need to amend in the savings bonds? She said the same question was brought up in the senate committee, the attorney general's office stated that adding bonds, they would have to be very specific. What I say on this is if you did this, make sure it would be all right in a manner that pleased the attorney general's office. Rep. Thomas asked in the language if we are exempting the veterans' organization that holds a nonprofit status for the fee, should we expand it to any nonprofit organization? Sen. Harding said she did not oppose nonveteran groups, this was brought to me by the disabled veterans and I would personally, at this time, just have it for the American veterans. I think they need to be treated very specially and that is why I carried this bill.

Rep. Bachini said, to follow up, I think the problem of opening to all nonprofits is it just opens a can of worms and anyone just about can go in and get this status. The federal law allows us to give this status to veteran organizations, is that correct? Sen. Harding said yes, that is why it is in the federal bill.

Closing by Sponsor: Sen. Harding appreciated the good hearing and would hope the committee would give the bill a do pass.

HEARING ON SENATE BILL 4

Presentation and Opening Statement by Sponsor:

Sen. Hager, Senate District 48, Billings Heights. This bill will define "bulk storage" of special fuel; and amends Section 15-70-301, MCA.

Testifying Proponents and Who They Represent:

Norris Nichols, Department of Revenue

Proponent Testimony:

Mr. Nichols stated that the department supports this bill.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Simon asked Sen. Hager if the common drum is not 55 gallons and it is fairly common for people to have a 55 gallon drum with diesel fuel in it, are we going to require everyone who has this 55 gallon drum of fuel to have a bulk storage permit? These drums are more than the 50 gallons mentioned in the bill. Sen. Hager said this was put in by the senate. What I want is the man with the 10 or 15 gallon jerry can, they would not be required to have a permit. I know several farmers who have 55 gallon drums with pumps, are we going to require the people with these to have this permit? Fifty gallons is less than 55 gallons. Mr. Nichols said he would have no problem with an amendment to 55 gallons in the bill. The purpose of this bill is to bond bulk storage of diesel fuel, not the small 10-15 gallon jerry cans.

Rep. Glaser assumes that a motor vehicle is a car or pickup truck, couldn't it be a tractor? Mr. Nichols said they have never defined motor vehicle, but you are correct. The legislature doesn't want to take on the farmer who drives his tractor up the road a little ways to the north 40, or east 20 acres to work in the field. Rep. Glaser said there were all sorts of vehicles that run on special fuel such as combines, patrols, tractors, all sorts of vehicles. The minute he crosses the highway he has to put a bond up on every one of his 50 gallon special fuel tanks? First of all, Mr. Nichols said, he had to have a license to move that vehicle upon public highways, to my recollection there has never been a farmer today that has licensed his tractor for the purpose of driving his tractor up and down the highways.

Rep. Bachini asked Mr. Nichols if they had the prerogative of exempting farm tractors, are we at the mercy of the department about what they want to interpret by the administrative ruling? Mr. Nichols said possibly could be more by the statute than the administrative ruling. As I understand it the special fuel act was passed in 1955, since that time I can't recall when they went out and specifically required a license of a farmer. If he was in commercial

along with farming that is different. Rep. Bachini said but you could. Mr. Nichols said yes.

Closing by Sponsor: Sen. Hager said it defines public roads, what bond means, etc. I have no object to amending the 50 gallons to 55 gallons.

HEARING ON SENATE BILL 5

Presentation and Opening Statement by Sponsor:

Sen. Devlin stated that this bill was at the request of the motor fuel division. The bill will provide for a continuous license for any person other than a licensed gasoline distributor; eliminates the license fee; and amends Section 15-70-203, MCA; and provides an effective date.

Testifying Proponents and Who They Represent:

Ronna Alexander, Director, MT. Petroleum Marketer's Assoc.

Proponent Testimony:

Ms. Alexander said their problem is that any one can call Mr. Nichols's department and obtain our records on total gallonage sales, the tax we collect and pay, it is a headache for him too. We would like to fit in somewhere the allowing of confidentiality of our records to the general public.

Mr. Nichols said this bill is a housecleaning bill.

Testifying Opponents and Who They Represent:

None

Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Ms. Alexander how many requests have been made for this confidentiality you speak of, how many people want to find out what is going on. She referred the question to Mr. Nichols, who said it goes on all the time. We are the only division in the department of revenue that does not have the confidentiality law. This is a benefit for the distributors.

Rep. Hansen asked Mr. Nichols what the \$3 fee was used for. He said it ends up in the general fund

Closing by Sponsor: Sen. Devlin said that he would have no objection to making the amendment Ms. Alexander wants.

DISPOSITION OF SENATE BILL 4

Motion: Rep. Simon moved DO PASS.

Amendments, Discussion, and Votes: Rep. Simon moved to amend the 50 gallon to 60 gallon. Rep. Kilpatrick said he would like Clyde to be here when we talk about the bill. Rep. Hansen asked if you have a pickup with a 50 gallon tank and go down the road to fuel equipment, you have to have this bond? The committee agreed that this was right. The committee all agreed to wait until Rep. Smith returned to the committee to discuss this bill. Rep. Simon withdrew his motion for the amendment and DO PASS.

Recommendation and Vote: None

DISPOSITION OF SENATE BILL 251

Motion: Rep. Bachini moved DO PASS.

Amendments, Discussion, and Votes: Rep. Pavlovich asked if they wanted to give a US bond what difference that would make? Paul said the law specifically prohibits giving bonds as prizes. Rep. Simon said as he read the bill the organizations were exempt from this if they have a license. Rep. Bachini said the intent of this bill is to allow the veteran organization to hold a statewide raffle, whereas, now they can hold a statewide raffle, but they have to pay a fee in each county where they want to sell raffle tickets. The counties can waive this but they don't. This act will definitely exempt the veteran organizations from the investigative fee. There will be no amendments, the US bonds will be left out.

Recommendation and Vote: SB 251 BE CONCURRED IN unanimously.

DISPOSITION OF SENATE BILL 4

Motion: Rep. Smith moved BE NOT CONCURRED IN.

Discussion: Rep. Stepler asked what the problem was with these pickups and cars. Rep. Glaser said that a lot of folks have bulk storage and don't pay taxes on the fuel. The department of revenue think some of these people with diesel cars are not paying the fuel tax on them.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 4 BE NOT CONCURRED IN 11-4 vote.

DISPOSITION OF SENATE BILL 151

Motion: Rep. Glaser moved BE CONCURRED IN.

Discussion: Rep. Stepler asked how many schools were in the state. Paul said there were about 15 of them.

Rep. Simon said he was still troubled with page 1, line 17, the term "may include".

Rep. Pavlovich said Mr. Tucker answered your question, they wanted it permissive. Rep. Pavlovich said sometimes we stick our nose in where it does not belong. I think we should let them run their own board, maybe they would have better luck with it. Sometimes government gets involved too much in telling them how to run their business. They came in with 600 people wanting "may", I don't think we should tell them no, you will have "shall". We are going to tell you how to run your own board. I don't think everybody should tell everybody else how to run their own business, really.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 151 BE CONCURRED IN unanimously.

DISPOSITION OF SENATE BILL 179

Motion: Rep. Kilpatrick moved BE CONCURRED IN.

Amendments, Discussion, and Votes: Rep. Wallin would like to amend it down to 2 years of high school.

Rep. Hansen appreciated what Sen. Walker was talking about. I work with a group in Missoula, Options Unlimited, and they try to get these women on AFDC on some kind of program where they can become self-sufficient. That money is not available to them unless they do have a diploma or GED. As long as the federal government is going to tie this on to the money they use to go to school, it might as well be required.

Rep. Kilpatrick said when you get into high school grades the learning is more on your own and that is the way it is in college and probably cosmetology school. They don't ride herd on them like elementary school. I see nothing wrong with the 2 years. I think high school should be left in.

Rep. Glaser said 4 years ago we sat in the room next door and I asked the question of the girls in the audience how many of you don't have high school diplomas or GEDs? About one-third of those girls stood up. They were supporting the bill that would have prevented them from getting involved in

the practice of cosmetology. Right now girls that don't have high school diplomas, men for that matter, if they want to get involved in this particular business, they relegate themselves to being farmhands, working as a laborer, waitress, maid. Why not make these people have high school educations? Then these people have one more hurdle before they can get off AFDC, hold their heads up proud. I think this is a particular area that these young people have to go to.

Rep. Simon is against the be concurred in motion.

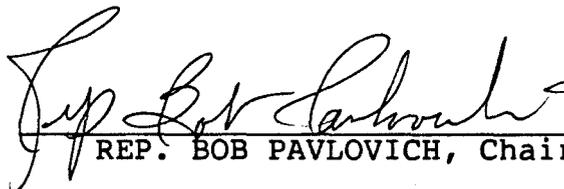
Rep. Glaser said this school may be some people's last hope.

Recommendation and Vote: SB 179 BE CONCURRED IN failed 7-9 vote.

Rep. Pavlovich put HB 627 in a sub committee consisting of Reps. Bachini, Johnson, and Simon. Rep. Bachini will chair the committee.

ADJOURNMENT

Adjournment At: 10:30 a.m.


REP. BOB PAVLOVICH, Chairman

BP/sp

5003.min

DAILY ROLL CALL

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 2 28 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
McCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON	✓		
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓		
WALLIN, NORM	✓		
PAUL VERDON	✓		

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/28/89 BILL NO. SB 151 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin		

TALLY

15

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Glaser moved do be concurred in.

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/28/89 BILL NO. SB 4 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich	X	
Bob Bachini	X	
Rob Blotkamp		X
Gene DeMars	X	
Bill Glaser	X	
Stella Hansen	X	
John Johnson	X	
Vernon Keller	X	
Tom Kilpatrick	X	
Lloyd McCormick	X	
Thomas Nelson		X
Bruce Simon		X
Clyde Smith	X	
Don Stepler	X	
Fred Thomas		
Norm Wallin		X

TALLY

11 4

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Smith moved do not be
concurrent in

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/28/89 BILL NO. SB 179 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich	X	
Bob Bachini	X	
Rob Blotkamp	X	
Gene DeMars		X
Bill Glaser		X
Stella Hansen	X	
John Johnson	X	
Vernon Keller		X
Tom Kilpatrick	X	
Lloyd McCormick	X	
Thomas Nelson		X
Bruce Simon		X
Clyde Smith		X
Don Stepler		X
Fred Thomas		X
Norm Wallin		X

TALLY

7 9

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Kilpatrick moved do be concurred
in. Rep. Pavlovich reversed the vote
9-7 do not be concurred in.

ROLL CALL VOTE

BUSINESS AND ECONOMIC DEVELOPMENT

COMMITTEE

DATE 2/28/89 BILL NO. SB 251 NUMBER _____

NAME	AYE	NAY
Bob Pavlovich		
Bob Bachini		
Rob Blotkamp		
Gene DeMars		
Bill Glaser		
Stella Hansen		
John Johnson		
Vernon Keller		
Tom Kilpatrick		
Lloyd McCormick		
Thomas Nelson		
Bruce Simon		
Clyde Smith		
Don Stepler		
Fred Thomas		
Norm Wallin	✓	

TALLY

16 _____

Sue Pennington
Secretary

Bob Pavlovich
Chairman

MOTION: Bachini moved ~~to pass~~ be concurred
in.

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that SENATE BILL 151 be concurred in .

Signed: _____
Robert Pavlovich, Chairman

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic
Development report that SENATE BILL 4 be NOT concurred in .

Signed: _____
Robert Pavlovich, Chairman

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic
Development report that SENATE BILL 179 be NOT concurred in .

Signed: _____
Robert Pavlovich, Chairman

STANDING COMMITTEE REPORT

February 28, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic
Development report that SENATE BILL 251 be concurred in .

Signed: _____
Robert Pavlovich, Chairman

74
2/28/80
SUB 13

SENATE BILL - 151

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS DARLENE BATTAIOLA. I APPEAR HERE TODAY IN SUPPORT OF SENATE BILL 151. I AM HERE REPRESENTING THE 600+ MEMBERS OF THE MONTANA STATE COSMETOLOGY ASSOCIATION AS ITS LEGISLATIVE PROJECT DIRECTOR AND IMMEDIATE PAST PRESIDENT. WE HAVE WORKED ON THIS LEGISLATION FOR WELL OVER A YEAR AND A HALF. IT HAS BEEN PRESENTED TO OUR MEMBERS FOR INPUT AT 3 AFFILIATE MEETINGS, WAS PUBLISHED IN A CALL FOR COMMENT IN OUR "COSMO NOTES" WHICH IS MAILED TO EACH AND EVERY MEMBER, AND WAS APPROVED BY A MAJORITY VOTE OF THE DELEGATES PRESENT AT OUR ANNUAL CONVENTION LAST MAY IN BILLINGS. I AM A SALON OWNER AND A COSMETOLOGY SCHOOL OWNER FROM BUTTE.

SENATE BILL - 151 DARLENE BATTAIOLA

The Montana State Board of Cosmetology, which consists of four members (three Cosmetologist and one Public member), currently licenses, establishes exam procedures, and administers not only the Cosmetology Profession but also Manicurists and Electrologists. By law, neither a licensed Manicurist nor Electrologist may serve on the Board unless they have a Cosmetology License.

This Bill would increase the size of the Board to allow Manicurists and Electrologists to be appointed to the Board. This Bill will allow for a more democratic administration of Manicurists and Electrologists and allow these professionals to add their expertise in areas which concern them and the public which they serve.

This Bill would allow two people who are affiliated with Cosmetology Schools to be appointed to the Board. It is the Cosmetology students and the schools they are attending who are more often and most directly affected by the actions of the Board. Most Board Rules, Regulations, and examining procedures apply directly to them.

This Bill states that only individuals who are currently licensed in an area can serve as Examiners for that specific licensing examination. This means that an Electrologist could never examine a Cosmetologist or a Manicurist, a Cosmetologist could not act as Examiner for an Instructor's exam. This Bill does not allow a school affiliated person to serve as an Examiner (rules and

regulations have eliminated this), nor does it even suggest that the Board members should act as Examiners. They would be the Administrators.

This Bill will establish a license to regulate Booth Rental, a widespread practice in the Cosmetology Profession throughout Montana.

Basically Booth Rental means that one person owns a salon and/or the major large equipment in it, and Rents Space or Booths to other licensed Cosmetologist who run their own business. Each of these Booth Renters is self-employed and the currently licensed Salon Owner is simply a Landlord.

We would like to establish a licensing procedure that will acknowledge the Booth Renter as an independent business person who is solely responsible for complying with and meeting all Federal and State Laws, Rules, Regulations, Sanitary and Work Place requirements.

This Bill will better serve and ensure the well being of the public who are the clients of Booth Renters.

This Bill will remove responsibility from the present salon owner. In a Rental situation, the Landlord has no control (nor should she) as to how the Renters run their own businesses. The Landlord will no longer be the SOLE Salon License owner. This will ensure that all individuals who Rent Booths will be individually licensed and accountable.

This Bill establishes inspection of Booth Rental. These inspections would be incorporated into the regular salon inspections. This would not require any additional inspections, as individual Cosmetologists' work areas are already checked during a regular inspection. But it would place the sanitation requirements on the Booth Renter, not the Salon Owner. The cost involved in the Booth Rental inspection should be minimal, involved primarily with documentation of individual Booth Renter deficiencies. I hope that the fee charged for the license would more than cover this expense.

This Bill returns the administration of State Licensing Exams to the members of the Board of Cosmetology. These are the people who are involved in the profession and have the required knowledge and expertise in this practice.

Who better to select an appropriate and adequate exam site? Who better to set up work areas and ensure that all physical requirements are met to offer the best testing environment for the examinee? Who better to select knowledgeable, reputable and qualified licensed professionals to act as examiners? Who better to oversee and be available to make any minor or major decisions concerning problems or situations that might arise at an exam?

A prime responsibility of the Board of Cosmetology is the examining and subsequent licensing of our profession and they are the individuals who can best administer our exams!

SENATE BILL 151

#2
SB151
2/28/09

My name is Rick Tucker. I represent the Montana State Cosmetologists Association, and I appear here on their behalf in support of Senate Bill 151.

This bill has only five specific changes.

1. Increase the number of members on the board from four to seven. An even number of members is unworkable in the event of a tie vote. In addition, at present there is no representation on the board by either licensed Electrologists or Manicurists and they presently have no voice in the promulgation of rules or policy.

2. To create and require a person who operates a booth to be licensed separately from that of the shop from which the booth is leased or rented. This change is necessary to separate responsibility between the shop owners license and the booth operator.

The 1987 Legislature enacted into law provisions permitting booth rental. as such, amendments were also made in the Workers' Compensation Act and Unemployment Insurance Laws. Under these laws Cosmetologists need not obtain an independent contractor's exemption if they meet certain requirements. One of the main requirements was that the Cosmetologists be free from all control and direction of the owner of the establishment in contract and in fact. A booth license should establish this independence.

3. To make clear that the board is the proper entity to supervise the examination of applicants for a license.
(note 2-15-121 and 37-1-104 MCA)

4. To provide applicants for licenses with qualified examiners.

5. To provide for the inspection of booth in conjunction with the inspection of shops

5
SJB 151
2/28/89



Burrington Insurance Agency

P.O. Box 798 • 600 N. Park Ave.
Helena, Montana 59624 • Phone 406-442-1118
Fax 406-449-4662

January 26, 1989

ATTN: RICK TUCKER

In regards to an inquiry to a hypothetical situation concerning beauticians who lease their station from the owner of the building and the availability of liability for these beauticians is the question posed.

Liability is available to these individual beauticians through various insurance companies. We are not at liberty to specifically name the insurance companies since as is the case for any type of insurance, underwriting information has to be submitted to insurance companies and based on the information submitted, the insurance company in turn makes the decision if that particular applicant qualifies for their product.

Under normal circumstances this type of insurance is not difficult to obtain.



JOAN C. BURRINGTON
BURRINGTON INSURANCE AGENCY, INC.

FY
SB151
2/28/89

2-15-89
Date

Dear Legislator:

During the 51st Legislative session the Montana State Cosmetology Association will be presenting two Bills for your consideration. They are Senate Bill 179 and Senate Bill 151.

I highly support these measures and feel that they will allow our Cosmetology Profession to best serve and protect the students and the public.

Please take all actions that you can to ensure the passage of this Legislation.

I sincerely thank you for your support with these Bills.

Debbi Overby
Name
Debbi Overby
Signature

Student
Business Name
Position

1032 Nola, Butte Mt
Address, City and State

406-782-1723
Phone

Feb 16, 1989
Date

Dear Legislator:

During the 51st Legislative session the Montana State Cosmetology Association will be presenting two Bills for your consideration. They are Senate Bill 179 and Senate Bill 151.

I highly support these measures and feel that they will allow our Cosmetology Profession to best serve and protect the students and the public.

Please take all actions that you can to ensure the passage of this Legislation.

I sincerely thank you for your support with these Bills.

Julie Faulkner
Name

Julie Faulkner
Signature

Visible Changes Hairstyling
Business Name

owner/operator
Position

2216 Amhurst Butte, mt
Address, City and State

494-7070
Phone

1
2/28/89
SUB 179

SENATE BILL 151 and SENATE BILL 179.

Rick Tucker Lobbyist, Montana State Cosmetologists Association.

Mr. Chairman, members of the committee, Dorothy Turner, Great Falls, Montana wished for me to make a statement as an addendum to her testimony which is being forwarded from Great Falls, by bus. She apologizes for not being here in person, but the weather would not permit it.

Dorothy Turner, past President and present Executive Secretary of The Montana State Cosmetologists Association, and current President of the National Interstate Council of State Boards of Cosmetologists, stated that at their most recent regional meeting in Denver, February 19, 1989, Marlene Sorum, Board Member, Montana State Board of Cosmetologists, announced to the members of the National Council the substance of the cosmetologists legislation being presented to the Montana Legislature. She concluded by stating that this type of legislation would be very beneficial and she hoped it would pass. This enthusiasm displayed by Marlene Sorum prompted Mrs. Turner to prepare testimony as a proponent to this legislation.

2/28/89
SB179

SENATE BILL - 179

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, MY NAME IS DARLENE BATTAIOLA. I APPEAR HERE TODAY IN SUPPORT OF SENATE BILL 179. I AM HERE REPRESENTING THE 600+ MEMBERS OF THE MONTANA STATE COSMETOLOGY ASSOCIATION AS ITS LEGISLATIVE PROJECT DIRECTOR AND IMMEDIATE PAST PRESIDENT. WE HAVE WORKED ON THIS LEGISLATION FOR WELL OVER A YEAR AND A HALF. IT HAS BEEN PRESENTED TO OUR MEMBERS FOR INPUT AT 3 AFFILIATE MEETINGS, WAS PUBLISHED IN A CALL FOR COMMENT IN OUR "COSMO NOTES" WHICH IS MAILED TO EACH AND EVERY MEMBER, AND WAS APPROVED BY A MAJORITY VOTE OF THE DELEGATES PRESENT AT OUR ANNUAL CONVENTION LAST MAY IN BILLINGS. I AM A SALON OWNER AND A COSMETOLOGY SCHOOL OWNER FROM BUTTE.

SENATE BILL - 179 DARLENE BATTAIOLA

AN ACT REVISING THE QUALIFICATIONS REQUIRED FOR LICENSURE AS A COSMETOLOGIST REQUIRING A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT FOR LICENSURE AND AMENDING SECTIONS 37-31-304 MCA.

Back in 1929 when current Montana Statutes were first enacted, we required an eighth grade education to become a licensed Cosmetologist. This eighth grade education is not adequate to meet the changing technology of Cosmetology and to provide for public safety with respect to the use of the chemicals which are part of our every day services.

Today the Cosmetology profession includes a wide and expanding variety of services and products to offer the public. It utilizes a vast variety of chemicals and chemical compounds, which if used improperly are potentially dangerous to the public.

Since technology continually advances and many new products are introduced almost daily, a licensed Cosmetologist must be informed and knowledgeable requiring on-going self-education. This is beyond what they receive in Cosmetology School.

On becoming a licensed Cosmetologist, a person receives a Manager Operator's License. This allows them to work without the direct supervision of another licensed professional and to manage a Salon on their own. An eighth grade education is not sufficient to

prepare an individual to handle and understand all current state and federal laws and regulations regarding the work place.

Current Montana Statutes even require that a licensed Manicurist possess a high school diploma or a GED. A Manicuring course only lasts 350 hours. The licensed Cosmetologist will attend school for 2,000 hours and will perform, as part of his or her job duties, the same services, utilizing the same chemicals and techniques as a licensed Manicurist.

It has been suggested that requiring a high school diploma or a GED simply places another obstacle in the way of an individual becoming self-sufficient. Without either of these documents, prospective Cosmetology students, who are to receive any Federal Title IV Student Aid, will be required to show their "ability to benefit". They must do this by passing an extensive examination. It would seem more appropriate for an individual to take a GED test, which has tutorial programs readily available, and is nationally accepted, rather than take an Ability to Benefit Test.

Please know that this Bill does not exclude a person without a high school diploma or a GED from attending Cosmetology School, but it does require that he or she possess one of them prior to becoming a licensed Cosmetologist. In fact, the student is given this additional year to meet this educational requirement.

Please allow us to catch up with the times, with respect to the degree of education one needs to be a Cosmetologist and provide for the welfare and safety of the student and the public.

WITNESS STATEMENT

NAME Vickie Johnson BILL NO. 151

ADDRESS 1930 14th St

WHOM DO YOU REPRESENT? _____

SUPPORT OPPOSE _____ AMEND _____

COMMENTS:

I feel this bill will allow our State Board of Cosmetologists to better serve each individual ~~cosmetologist~~ licensee of the Cosmetology profession including manicurists and electrologists.

I believe also that, if ^{the} booth rental practice is to be continued, it needs to be licensed and regulated.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Darlene Battaglia BILL NO. 151 + 179

ADDRESS 129 Oak Lane Butte, Mt 59701

WHOM DO YOU REPRESENT? Mt. State Cosmetology ass.

SUPPORT OPPOSE AMEND

COMMENTS: Testimony handed out!

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Rick Tucker BILL NO. SB-151

ADDRESS 156 FAIRWAY Dr. Selma, AL.

WHOM DO YOU REPRESENT? Mont Cosmetologists Assoc

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: See attached

Lined area for additional text or comments.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Vickie Johnson BILL NO. 179

ADDRESS 1930 14th St

WHOM DO YOU REPRESENT? _____

SUPPORT OPPOSE _____ AMEND _____

COMMENTS: _____

I feel that this is self-explanatory and I wholeheartedly am in favor of it.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

#1
2/28k
SB 25

WITNESS STATEMENT

NAME Lyle Nagel BILL NO. SB 251

ADDRESS P.O. Box 93, Simms Mt. 59477

WHOM DO YOU REPRESENT? Mt. St. Vol. Firefighters Assn Inc.

SUPPORT OPPOSE AMEND

COMMENTS: Many rural fire companies in Montana do not have a definite source of income. The members raise money to operate by soliciting donations or other fundraising events. Bingo and raffles provide a large portion of the income for many of these fire companies. Our association would like to be put on record as supporting SB 251 and hope that this committee will also support it.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

SB's 45 151 Business

COMMITTEE

BILL NO. 251 179
 SPONSOR Hager & Davlin Jacobsen
Harding Walker

DATE 2/28/89

Please put the bill number. Thanks

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Paul Bantam	125 Oak Ln Butte MT	X151 X179	
Wendell A. Petersen	8323 Inceeland Rd. Missoula, MT 59702	X151 X179	
Nichelle Johnson-Ryan	1005 California Butte, MT 59701	X151 X179	
Lyle Nagel	Mt. St. Vol. Firefighters Assn	#251	
Vickie Johnson	1930 14th St Missoula, MT	#151 & 179	
Darlene Battarala	129 Oak Ln Butte, MT	151 + 179	
Kirk Tucker	Helena	151 + 179	
Rosna Alexander	Mt. Petroleum Marketers	513.5	
Mary L Bowen	St Board of Cos.		0 179 0 151
John Deubler	3333 Canyon Ferry Rd. East Helena	✓	
George O. Post	United Veterans Committee	✓ 251	
Bob Durfee	VFW	251 X	
Dick Baumberger	DAV	251 X	
Tom Furlow	News	S.B.# - 5	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.