

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS AND INDUSTRY

Call to Order: By Chairman Gene Thayer, on February 2, 1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Thayer, Vice Chairman Meyer, Senator Paul Boylan, Senator Noble, Senator Williams, Senator Hager, Senator McLane, Senator Weeding, Senator Lynch

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council;

Announcements/Discussion: None

HEARING ON SENATE BILL 267

Presentation and Opening Statement by Sponsor: Senator Meyer, Senate District 17, said SB 267 was designed to eliminate two restrictions on activities with state chartered savings and loan associations, that were normally carried out by financial institutions. First, the bill amended statutes providing state chartered savings and loans from making mortgage loans on the security of farm land. He said federally chartered S & L associations were now authorized to use agriculture land for security, as were banks. Secondly, the bill repeals the statute preventing state chartered S & L associations from offering checking accounts. He said federally chartered S & Ls were already authorized, and were offering commercial checking accounts, and various similar Now Accounts.

List of Testifying Proponents and What Group They Represent:

Ken Neil - Attorney, Fidelity Savings & Loan
John Buchanan - Chairman of the Board, Fidelity Savings & Loan
Sheila Buchanan - Vice President, Fidelity Savings & Loan
Brad Walterskerchun, Pres. Fidelity Savings & Loan

List of Testifying Opponents and What Group They Represent:

None

Testimony: Ken Neil stated Fidelity Savings and Loan Association happened to be the only state chartered S & L in Montana. He said SB 267 updated the statutes. The first part related to mortgage loans on agricultural land. For some reason there was a prohibition enacted back in the 30's to prevent S & Ls from mortgaging agricultural land. Subsection 32-2-401 was the statute that needed changing, to bring State Charters up with the federally chartered S & L associations. The second part would enable them to offer checking accounts. He said SB 267 stated, section 32-2-419 should be repealed, so state chartered S & Ls could function in the same manner.

John Buchanan said he and his wife started with Fidelity Savings and Loan nine years ago, and they had appeared before legislature three times, in an offeort to upgrade the laws governing their business. He said their business was sound, and he felt the changes were needed to compete. He expressed their desire to remain a state charter.

Sheila Buchanan said she was experienced with the technicalities of the S & L business and felt qualified to answer questions. She stated there were possible changes coming to federal and state programs that they would be interested in utilizing. The changes in SB 267 were necessary to their ability to participate.

Brad Walterskerchun said they were the only Montana Chartered S & L, as well as the smallest. He said they led the industry in Great Falls for single family home loans. As a result, they had not lost sight of their mandate to provide housing loans. He felt SB 267 was a housekeeping bill, but at the same time allowed them to pursue new areas of business. He said he felt the changes were necessary if they were to be to enabled to continue competing, and remain financially sound.

Questions From Committee Members: Senator Hager questioned Ken Neil if their problems would be solved if they changed their charter to a federal charter? Mr. Neil said they had considered it, and probably would if they had to. They felt comfortable under state regulations over the years, and wished to remain so, providing the changes were made.

Senator Williams wondered if the changes they were asking for were available to them at one time and had been revoked, or if they hadn't felt a need for them until now? Mr. Neil said they hadn't felt the need in the past. John Buchanan said they were concerned over legal action from their competitors, and wished to have the changes in SB 267 in place.

Chairman Thayer asked Mr. Buchanan if their main goals were areas immediately surrounding Great Falls where new homes would be built, or were they interested in larger commercial farm and ranches. Mr. Buchanan said they had seen a potential opportunity in up-coming state and federal laws that with insured aid loans. He said they had the potential to make some of the smaller agriculture loans and operating loans.

In response to Senator Williams, Mr. Buchanan said the reason banks were not opposing the bill was because they considered Fidelity S & L too small to be of concern. He said they could have changed their charter and obtained the authority, but they preferred remaining under the authority of the state. He restated their need to remain competitive.

Closing by Sponsor: Senator Meyer closed the hearing on SB 267.

DISPOSITION OF SENATE BILL 267

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON SENATE BILL 268

Presentation and Opening Statement by Sponsor: Senator Meyer, Senate District 17, said SB 268 was designed to do three things. First, it would permit the state chartered S & L associations to use the term 'savings bank' in their business name. Secondly, the bill amended the statute limiting late charges from \$5.00 to five percent of the total amount overdue. Third, the bill repealed section 32-2-305 which required S & L associations to obtain approval of the Department of Commerce before entering into certain contracts.

List of Testifying Proponents and What Group They Represent:

Ken Neil - Attorney for Fidelity Savings & Loan
John Buchanan - Chairman Fidelity Savings & Loan
Sheila Buchanan - Vice President, Fidelity Savings &
Loan
Brad Walterskerchun - President Fidelity Savings & Loan

List of Testifying Opponents and What Group They Represent:

Bob Stephens - Dutton State Bank, Dutton, Montana

Testimony: Ken Neil said there was a trend to let S & Ls use the term 'bank' in their business name. Several federally chartered S & Ls in their area were doing so at this time.

The five dollar fee allowed for by current law, no longer covered the expenses incurred during collection. They would like it to be 5% of the total amount, of the principal and interest.

The repeal of section 32-2-305 was recommended because they didn't understand why it was there and thought it should be removed.

John Buchanan stated part of the reason for SB 268 was for housekeeping purposes. Because of the authority given to them by legislature four or five years ago, they were the first S & L in the state to become a stock association. Since then, three other associations had switched from a mutual to a stock association. He assumed the rest would make the change if they could. He said, when they changed their structure, they also changed their name to utilize 'bank' in their business name. He stated they would like to have that option also.

He said, the people they dealt with, who were secondary buyers of mortgage loans, required they charge a percentage of the principal plus interest for late penalties. The Board of Housing also insisted they charge a percentage.

He said the third part simply removed the section because they didn't see a reason for it.

Brad Walterskerchun said the idea of including the term 'bank' in their business name was a matter of recognition and identity.

Bob Stephens said he hadn't attended the hearing to testify. He said that as he listened he began to think that, if the S & L people wanted to become banks, they should become banks, and be placed under banking regulations. He said rural Montana banks dealt in farm and operation loans. He said they had termed themselves a small company of \$30,000,000, however a lot of the rural banks were a lot smaller than that. He stated, probably two thirds of them were smaller.

If they want to get into guaranteed loans, why don't they get into the agriculture lending business without the guarantees? He said that if S & Ls started loaning operating loans throughout the state, pretty soon there wouldn't be any small rural banks left. He said, if the committee chose to adopt the changes proposed, the S & Ls should be placed under the state banking laws.

Questions From Committee Members: Senator Lynch, addressing Senator Meyer, expressed amazement that bankers were not present in opposition to SB 268. For years the claim was, savings and loans didn't meet the same requirements as banks. He said, banks have tougher laws regulating them. If the S & Ls want to be banks, why don't they want to be under the same rules and regulations as banks?

Senator Meyer said he would have to refer the question. Mr. Neil said the word 'savings' would remain in their business name. They were examined just as the banks were; by the same federally regulated examiners. He said, the combining of savings institutions and the use of the term 'bank' had been practiced by federal chartered S & Ls, and deemed appropriate. They were asking for that same consideration.

Brad Walterskerchun added, through experience, he felt there was not a lot of difference in the examination procedures for banks and S & Ls.

Senator Lynch questioned the difference in the tax structure of banking institutions and S & Ls? Mr. Buchanan stated there had been differences in the past, but they were the same now.

Senator Williams asked Mr. Stephens of the Dutton State Bank, if he had no opposition to SB 267? Mr. Stephens said he felt the same about SB 267 as SB 268. It took me a while to realize what was happening, but both bills would have a dramatic effect on small rural banks. They may not bother large city banks. The small rural banks were having it tough enough at

present. When the large banking firms discontinued the ag loans, the farmers refinanced with the small rural banks who were still keeping them afloat. He said there were a lot of risky loans, but felt they had done a fairly good job with them. "We don't need competition from these guys." He reiterated, "If they want to be treated as banks, why don't they be a bank? They can get a federal banking charter."

Senator Weeding asked Mr. Stephens if he was correct in saying, under a guaranteed loan, the bank was not required to back the guaranteed portion with reserves? Mr. Stephens said he was not right. The bank serviced the entire loan, although only 80% of the loan was guaranteed. Senator weeding said the bank reserve would be as if the loan were only 20% of the actual amount then. Mr. Stephens agreed, but added that the entire amount was actually loaned.

Senator Weeding then asked Mr. Buchanan if the S & L reserve requirements were the same as banks? He said their reserve requirements were different than any other S & L in Montana.

Closing by Sponsor: Senator Meyer closed the hearing on SB 268.

DISPOSITION OF SENATE BILL 268

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 199

Presentation and Opening Statement by Sponsor:

Representative Brown, house district 46, stated HB 199 was a bill authorizing the Board of Cosmetology to grant a temporary license to a graduate manicurist for a period not to exceed 90 days or until the next examination was held. She said as the bill was introduced in the House, the Board of Cosmetology would have been authorized to levy fines. The committee struck that portion of the bill, so what was being presented was all that was left of the bill.

List of Testifying Proponents and What Group They Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Testimony: None

Questions From Committee Members: Senator Noble expressed his amazement of wasting the committee's time. He thought the Board of Cosmetology would have authority to regulate some of their problems themselves. Representative Brown agreed, and said the Department of Commerce requested an awful lot of similar bills, and wondered why HB 199 couldn't have been included in any of the other cosmetology bills.

Senator McLane stated he thought they were working as apprentices under a licensed manicurist now.

Representative Brown said she thought that also, but thought it was a new change.

Senator Williams wondered if the committee killed the bill, would that get the Department's attention? Maybe they would do it differently the next time.

Representative Brown said they had already killed some of their bills in the House, and had reduced HB 199, so she thought they had their attention already.

Closing by Sponsor: Representative Brown asked for a sponsor to carry HB 199 in the Senate.

DISPOSITION OF HOUSE BILL 199

Discussion: Senator Lynch agreed to carry HB 199 on the Senate floor.

Amendments and Votes: None

Recommendation and Vote: Senator Weeding moved HB 199 Be Concluded In. Senator McLane seconded the motion. The motion Carried Unanimously.

DISCUSSION OF SENATE BILL 245

Announcement: Chairman Thayer told the committee weather conditions had prevented Mr. Lockrum from at the hearing SB 245. He had planned to testify on Senator Keating's bill, and hoped the committee would allow him the opportunity to testify. With your permission, we'll give him the opportunity to testify now.

Testimony: Mr. Lockrum stated he was in opposition to SB 245. From the stand point of the audit, roughly \$80,000 of the \$16,000,000 worth of purchases was affected by the 3% in-state preference. What the audit failed to take into consideration was the impact on the construction industry in Montana. The 3% preference had been passed for the benefit of, and at the request of Montana contractors. He state there was no level playing field with out-of-state contractors. The situation required in-state contractors continue to continue paying their taxes, while out-of- state contractors came in and got the jobs.

He said repealing the 3% preference would harm all small instate contractors, and help only four large multi-state companies.

Questions From Committee Members: Senator Williams asked if there was any way to separate the contractors from the suppliers? Mr. Lockrum said the fiscal note stated the total impact was \$16,000,000 worth of purchases, however only \$70,000 worth was affected.

Senator Boylan asked if most of the people belonging to their association were opposed to the repeal? Mr. Lockrum said they were. He said the only ones in favor of the repeal were Sletton of Great Falls, Swank of Valier, Martel and Edsel of Bozeman.

Closing by Sponsor: The hearing was closed.

DISPOSITION OF SENATE BILL 245

Discussion: None

Amendments and Votes: None

Recommendation and Vote: None

DISPOSITION OF SENATE BILL 202

Discussion: Mary McCue explained the terms in the bill and amendments. (See Exhibit #1)

Amendments and Votes: Senator Lynch made a motion to Adopt the Amendments. The motion was seconded by Senator Noble. The Motion Carried, with Senator Hager, Senator Weeding and Senator Boylan Opposing the motion.

Mary McCue explained that the bill should contain language requiring the employer to advise the employee of the overtime exemption at the time of hiring. She said the law already allowed the employer to contract over 40 hours per week without paying overtime. If the language on Page 7, line 18 was needed, there could be a comma after the word 'year', and add 'if the employer has advised the employee of the exemption at the time of hiring'. That way, the employee would understand the terms of the contract from the beginning.

Senator Lynch moved the Amendment. It was seconded by Senator McLane. The motion Carried Unanimously.

Recommendation and Vote: Senator Boylan made a motion that SB 202 DO PASS AS AMENDED. It was seconded by Senator Noble. The motion Carried, with 8 voting in favor, and Senator Lynch opposing.

ANNOUNCEMENT

Chairman Thayer told the committee members he had been prompted to bring this committee bill before them. The essence of the bill was to allow an employer to withhold monies owed an employee, when that Employee had stolen money or property from the employer.

The money could be placed in a trust pending the outcome of the trial. If the committee were interested, the bill could be prepared for future discussion. (See Exhibit #2)

Senator Lynch made a motion to accept this Committee Bill. The motion was seconded by Senator Williams. The motion Carried Unanimously.

DISCUSSION ON SENATE BILL 277

Addendum to List of Testifying Proponents: Written testimony arrived by mail from those people listed below and was distributed to committee members.

Nancy Marshall - Montana Electrologist Association
(Exhibit #10)

Steven Behlmer, M.D. - (Exhibit #11)

Discussion: Executive Action will be on February 3, 1989.

DISCUSSION ON SENATE BILL 205


Addendum to List of Testifying Opponents: Written testimony arrived by mail from those people listed below and was distributed to committee members.

JoAnn Zimmerman - Lieutenant Governor, Iowa
(Exhibit #12)

Nancy Peterson - Oregon State Representative, House
District 52 (Exhibit #13)

ADJOURNMENT

Adjournment At: 11:36 a.m.


SENATOR GENE THAYER, Chairman

GT/ct

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

DATE 2/2/87

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR DARRYL MEYER	✓		
SENATOR PAUL BOYLAN	✓		
SENATOR JERRY NOBLE	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM HAGER	✓		
SENATOR HARRY MC LANE	✓		
SENATOR CECIL WEEDING	✓		
SENATOR JOHN "J.D." LYNCH	✓		
SENATOR GENE THAYER	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

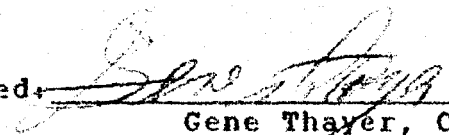
February 2, 1989

MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration HB 199 (third reading copy -- blue), respectfully report that HB 199 be concurred in.

Sponsor: Brown, J. (Lynch)

BE CONCURRED IN

Signed: 

Gene Thayer, Chairman

H. C.
2/2/89
5:01 p.m.

SENATE STANDING COMMITTEE REPORT

February 2, 1989

MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration SB 202 (first reading copy -- white), respectfully report that SB 202 be amended and as so amended do pass:

1. Title, line 5.

Strike: ", "

Insert: "AND"

2. Title, lines 6 and 7.

Following: "CAMPS"

Strike: ", AND RELIGIOUS OR NONPROFIT EDUCATIONAL CONFERENCE CENTERS"

3. Page 7, line 13.

Following: "establishment"

Strike: "L"

Insert: "or"

4. Page 7, lines 13 and 14.

Following: "camp"

Strike: ", or a religious or nonprofit educational conference center"

5. Page 7, line 18.

Following: "year"

Insert: ", if the employer advises the employee of the exemption at the time of hiring"

AND AS AMENDED DO PASS

Signed: 

Gene Thayer, Chairman

J.C. 189
2/2/89
5:01 P.M.

SENATE STANDING COMMITTEE REPORT

February 2, 1989

ON PRESENT:

We, your committee on Business and Industry, having had under consideration SB 202 (first reading copy - white), respectfully report that SB 202 be amended and as so amended do pass:

1. Title, line 5.

Strike: ", "

Insert: "AND"

2. Title, lines 6 and 7.

Following: "CAMPS"

Strike: ", AND RELIGIOUS OR NONPROFIT EDUCATIONAL CONFERENCE CENTERS"

3. Page 3, line 13.

Following: "establishment"

Strike: ", "

Insert: "or"

4. Page 3, lines 13 and 14.

Following: "EMEP"

Strike: "at religious or nonprofit educational conference centers"

5. Page 3, line 13.

Following: "that"

Insert: ", if the employer advises the employee of the exemption at the time of hiring"

AND AS AMENDED DO PASS

Signed: _____

Gene Thayer, Chairman

J.C.
2/2/89
5:01 P.M.

EXHIBIT NO. 2DATE 2/2/89BILL NO. Proposed
Committee Bill

(3.) When an employee is separated for embezzlement or criminal conversion of funds or property of the employer, and criminal charges are filed by the County Attorney, the employer may apply to the District Court for its order temporarily staying the payment of wages or running of penalty (as provided in 39-3-206) pending final resolution of criminal proceedings. If the employee pleads or is found guilty in the criminal action, the District Court may order any wages owing by the employer to the employee to be offset against any amount the employee embezzled or converted from the employer.

worked, or to employers engaged in agriculture or stockraising; provided, however, such employers shall comply with the provisions of 39-3-205.

History: En. Sec. 1, Ch. 11, L. 1919; re-en. Sec. 3084, R.C.M. 1921; re-en. Sec. 3084, R.C.M. 1935; amd. Sec. 1, Ch. 169, L. 1941; amd. Sec. 1, Ch. 64, L. 1975; R.C.M. 1947, 41-1301(1); amd. Sec. 10, Ch. 397, L. 1979.

Cross-References

"Employee" defined, 39-3-201.

"Employer" defined, 39-3-201.

"Wages" defined, 39-3-201.

Ex #2
2/2/89

39-3-204. Payment of wages generally. (1) Every employer of labor in the state of Montana shall pay to each employee the wages earned by such employee in lawful money of the United States or checks on banks convertible into cash on demand at the full face value thereof, and no person for whom labor has been performed may withhold from any employee any wages earned or unpaid for a longer period than 10 business days after the same are due and payable. However, reasonable deductions may be made for board, room, and other incidentals supplied by the employer, whenever such deductions are a part of the conditions of employment, or other deductions provided for by law.

(2) If at such time of payment of wages any employee is absent from the regular place of labor, he is entitled to such payment at any time thereafter.

(3) Provisions of this section do not apply to any professional, supervisory, or technical employee who by custom receives his wages earned at least once monthly.

History: En. Sec. 1, Ch. 11, L. 1919; re-en. Sec. 3084, R.C.M. 1921; re-en. Sec. 3084, R.C.M. 1935; amd. Sec. 1, Ch. 169, L. 1941; amd. Sec. 1, Ch. 64, L. 1975; R.C.M. 1947, 41-1301(2); amd. Sec. 11, Ch. 397, L. 1979.

Cross-References

"Employee" defined, 39-3-201.

"Employer" defined, 39-3-201.

"Wages" defined, 39-3-201.

Wages of minors, 40-6-236.

39-3-205. Payment of wages when employee separated from employment prior to payday. (1) Except as provided in subsection (2), whenever any employee is separated from the employ of any employer, all the unpaid wages of such employee shall become due and payable within 3 days, except for employees of the state of Montana and its political subdivisions who would be paid on the next regular payday for the pay period during which the employee was separated from employment or 15 days from the date of separation from employment, whichever occurs first, either through the regular pay channels or by mail if requested by the employee. However, where an employer's payroll checks originate at an office outside the state, the time provided herein for payment of wages shall be extended for 3 additional days.

(2) When an employee is separated for cause from employment by the employer, all the unpaid wages of the employee shall become due and payable immediately upon such separation.

History: En. Sec. 3, Ch. 11, L. 1919; amd. Sec. 1, Ch. 66, L. 1921; re-en. Sec. 3086, R.C.M. 1921; re-en. Sec. 3086, R.C.M. 1935; amd. Sec. 3, Ch. 169, L. 1941; amd. Sec. 2, Ch. 40, L. 1967; R.C.M. 1947, 41-1303; amd. Sec. 1, Ch. 492, L. 1979.

Cross-References

"Employ" defined, 39-3-201.

"Employee" defined, 39-3-201.

"Employer" defined, 39-3-201.

"Wages" defined, 39-3-201.

Except as provided in subsection (3)

2/2/89

EXHIBITS WERE MISNUMBERED. THERE ARE NO EXHIBITS NOS. 3-9 FOR THIS DAY.



MONTANA ELECTROLOGISTS ASSOCIATION

"Affiliate of the American Electrology Association"

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 10

DATE 2/2/89

FILE NO. SB 277

AS PRESIDENT OF THE MONTANA ELECTROLOGISTS ASSOCIATION, I WOULD ASK YOU TO SERIOUSLY CONSIDER PASSING OF SB277, THUS TRANSFERRING THE LICENSING AUTHORITY OF ELECTROLOGISTS FROM THE BOARD OF COSMETOLOGY TO THE BOARD OF MEDICAL EXAMINERS. MEMBERS OF THE MONTANA ELECTROLOGISTS ASSOCIATION AS WELL AS NON-MEMBER ELECTROLOGISTS FEEL THIS MOVE WILL SAFEGUARD THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE PEOPLE OF MONTANA.

ELECTROLYSIS IS CONSIDERED TO BE AN ALLIED HEALTH PROFESSION. THE EQUIPMENT USED IS CLASSIFIED AS A "MEDICAL DEVICE" BY THE DEPT. OF HEALTH AND HUMAN SERVICES - FDA 6/24/88. THE IRS HAS GRANTED ELECTROLYSIS A "MEDICAL DEDUCTION" BECAUSE ELECTROLYSIS PERMANENTLY ALTERS THE SKIN TISSUE, (RULING 82-111) ELECTROLYSIS IS A VERY DELICATE PROCEDURE INVOLVING DERMAL PAPILLA ROOT DESTRUCTION AND ALTERATION OF TISSUE BENEATH THE SKIN. THERE ARE CONCERNS OF POSSIBLE TRANSMISSION OF BLOODBORNE INFECTIONS, HEPATITIS B, AIDS, CERTAIN TYPES OF DERMATITIS, AND OTHER DISEASES. WITH THIS IN MIND I FEEL IT IS NECESSARY FOR YOU TO KNOW THAT STERILIZATION EQUIPMENT AND PROCEDURE ARE THE SAME AS FOR HOSPITALS AND DOCTORS OFFICES. ON A NATIONAL LEVEL, THE AMERICAN ELECTROLOGY ASSOCIATION, WITH WHOM THE MONTANA ELECTROLOGISTS ASSOCIATION IS AFFILIATED, HAS RECOGNIZED THE NEED FOR STANDARDIZATION FOR THE PROFESSION, AND HAS BEEN A SPEARHEAD TO MOVE REGULATION OF ELECTROLYSIS TO MORE HEALTH RELATED AGENCIES. WE FEEL THAT BEING GOVERNED BY AN AGENCY THAT IS MORE KNOWLEDGEABLE IN HEALTH RELATED ISSUES AND SIMILAR CONCERNS, WOULD BETTER PROTECT THE PUBLIC FROM UNQUALIFIED OR UNAUTHORIZED PERSONS AND SAFEGUARD THE HEALTH, SAFETY AND WELFARE OF THE GENERAL PUBLIC. IT IS OUR FEELING, THAT WITH THE STATE BOARD OF MEDICAL EXAMINERS AS OUR GOVERNING AGENCY, A HIGHER DEGREE OF PROFESSIONAL COMPETENCE AND STANDARDS WILL BE ENSURED.

ALLOW ME TO QUOTE STATEMENTS FROM A FEW DOCTORS OF MEDICINE. DR. BRIAN ROGERS, "MY FINAL CONCERN IS THE APPROPRIATENESS OF THE BOARD OF COSMETOLOGY DETERMINING RULES AND REGULATIONS FOR ELECTROLOGISTS.....I THINK IT IS IMPORTANT THAT ELECTROLOGISTS, LIKE ALL PEOPLE IN THE HEALTH-CARE FIELD, MAINTAIN THE HIGHEST POSSIBLE PROFESSIONAL STANDARDS AND THAT THE PUBLIC SAFETY BE KEPT FOREMOST IN ALL OUR MINDS."

Ex #10
2/2/89
SB 277

DR. DENNIS WEIGAND, "...ELECTROLOGISTS.....SEE CLIENTS WHO ARE PHYSICIAN REFERRED.....I WOULD BE RELUCTANT TO RECOMMEND ELECTROLOGY TO MY PATIENTS IF THE STANDARDS FOR ITS PRACTICE WERE REDUCED TO SOMETHING AKIN TO THAT OF A HAIRDRESSER."

DR. JACK YOUNG, "I HAVE ALWAYS DEPENDED ON WELL TRAINED AND RELIABLE ELECTROLOGISTS TO CARE FOR MY PATIENTS. THIS CANNOT BE ACCOMPLISHED ON AN UNTRAINED, UNSKILLED, UNPROFESSIONAL "BEAUTY SHOP" LEVEL."

A POINT OF INTEREST, CHAPTER 32, ELECTROLOGY, PART 1, 37-32-103.
EXEMPTIONS - NOTHING IN THIS CHAPTER PREVENTS A LICENSED MEDICAL DOCTOR FROM PERFORMING THE WORK OF AN ELECTROLOGIST.

IT IS DIFFICULT FOR ELECTROLOGY CLIENTS/PATIENTS TO OBTAIN MEDICAL INSURANCE PAYMENTS, EVEN WHEN REFERRED BY A MEDICAL DOCTOR FOR A MEDICALLY INDUCED AND/OR RELATED ILLNESS, CONDITION OR DISEASE, AS LONG AS ELECTROLOGY LICENSING ORIGINATES UNDER THE BOARD OF COSMETOLOGY. THIS IS TRULY UNFORTUNATE AS WELL AS UNFAIR FOR MEN AND WOMEN WHO SEEK CLINICAL ELECTROLOGY FOR A MEDICAL CONDITION.

IN A FORMAL WRITTEN SURVEY CONDUCTED BY THE MONTANA ELECTROLOGISTS ASSOCIATION, ADDRESSING THIS SPECIFIC ISSUE, THE MAJORITY OF RESPONDENTS FELT THAT TRANSFERENCE OF AUTHORITY TO THE MEDICAL EXAMINERS WILL BE IN THE BEST INTEREST OF THE GENERAL PUBLIC AS WELL AS THE ELECTROLOGY PROFESSION. ADDITIONALLY, IN A SURVEY OF CLIENTS/PATIENTS REGARDING THEIR OPINION OF THE AUTHORITY TO LICENSE ELECTROLOGISTS, AN OVERWHELMING MAJORITY INDICATED THAT THEY FELT THAT ELECTROLOGY SHOULD, IN FACT, BE LICENSED BY A HEALTH RELATED BODY.

RESPECTFULLY,

Nancy

NANCY MARSHALL, L.E., M.A.
PRESIDENT
MONTANA ELECTROLOGISTS ASSN.
2033 11TH AVENUE
HELENA, MONTANA 59601

STEPHEN D. BEHLMER, M.D.
DERMATOLOGY
2225 11TH AVENUE, SUITE 22
HELENA, MONTANA 59601
TELEPHONE (406) 442-3534

11
DATE 2/2/89
FILE NO SB277

January 26, 1989

To Whom It May Concern

RE: Regulation of Electrologists

I am in support of licensed electrologists being regulated and supervised under the auspices of the Board of Medical Examiners. Thank you for your consideration.

Sincerely,



Stephen D. Behlmer, M.D.

SDB/gb

OFFICE OF



THE LIEUTENANT GOVERNOR

JO ANN ZIMMERMAN
LIEUTENANT GOVERNORSTATE CAPITOL
DES MOINES, IOWA 50319

515 281-3421

January 26, 1989

Senator Gene Thayer, Chair
Senate Business and Industry Committee
State Capitol
Helena, Montana 59620

Dear Senator Thayer:

I am writing in response your current non-gender insurance law. It has come to my attention that this law may be subject to repeal. I encourage your committee, as well as the Montana legislature to reject any repeal measures related to this law.

We here in Iowa have used Montana as a model of progress and success, from the time that Jeannette Rankin was elected to the United States Congress in 1916 to today. We expect that an Iowa version of the non-gender law will pass our House of Representatives during the 1989 session, and that it will come before the Senate with a chance of passage there -- but much will depend on the success of this law in other states, such as Montana.

Repeal of the Montana non-gender insurance law would be a blow to those persons who have worked toward progress and fairness in your state. It would also, quite frankly, make the task more difficult to persuade other legislators of such a law. I hope that your committee, and the Montana legislature will fully examine the potential ramifications of repealing this particular law.

The decision that you have before you is a difficult one, and one that will shape the future for thousands, particularly women. I know that Montana will continue to take the lead in "enlightened" legislation.

Sincerely,

Jo Ann Zimmerman
Lieutenant Governor

:dve

NANCY PETERSON
JACKSON COUNTY
DISTRICT 52

REPLY TO ADDRESS INDICATED:

- House of Representatives
Salem, Oregon 97310-1347
- 367 Maple Street
Ashland, Oregon 97520



HOUSE OF REPRESENTATIVES
SALEM, OREGON
97310-1347

COMMITTEES
Member:
Judiciary
State and Federal Affairs

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 13
DATE 2/2/89
BILL NO. SB 205

January 26, 1989

Senator Gene Thayer
Chair, Senate Business and Industry Committee
State Capitol
Helena, Montana 59620

Dear Senator Thayer:

I understand that on February 1, the Business and Industry Committee will be considering Senate Bill 205, to repeal Montana's Non-Gender Insurance Law. As an Oregon legislator dedicated to establishing a gender-neutral insurance law in my own state, I respectfully urge the committee to vote against this repeal effort.

Oregon's legislature has considered non-gender insurance bills every biennium since 1977. This year I, along with Senators Jim Hill and Joyce Cohen, are again introducing bills to eliminate gender-based discrimination in insurance. Nationwide, the tide seems to be turning in favor of gender-neutral reform. We are confident that Oregon will follow Montana's proud lead. I encourage you to act to ensure that Montana remain the leader on this important civil rights and economic equity issue by rejecting the repeal.

Sincerely,

Nancy Peterson
State Representative
District 52

NP:trs