

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By Chairman J.D. Lynch, on March 26, 1991, at  
10:00 a.m.

#### ROLL CALL

##### Members Present:

J.D. Lynch, Chairman (D)  
John Jr. Kennedy, Vice Chairman (D)  
Betty Bruski (D)  
Eve Franklin (D)  
Delwyn Gage (R)  
Thomas Hager (R)  
Jerry Noble (R)  
Gene Thayer (R)  
Bob Williams (D)

Members Excused: None

Staff Present: Bart Campbell (Legislative Council).

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

Announcements/Discussion: None

#### HEARING ON HOUSE BILL 651

##### Presentation and Opening Statement by Sponsor:

Representative Dan Harrington, sponsor of the bill, stated that HB 651 is a bill to generally revise the laws relating to fraternal benefit societies. Fraternal benefit societies are non profit organizations with certain characteristics such as representative form of government, membership, and traditional element. Membership in the fraternal is usually based on common religious, ethnic, vocational, moral, or patriotic background. There are thirty eight fraternal licensed by the insurance commissioner to do business in Montana. Twenty six of the fraternal licensed to do business in Montana are members of the national federation of congress of America, a national association of fraternal benefit societies which drafted this bill. This bill comes from the 1983 model fraternal code drafted by the national federation congress. There are two housekeeping amendments needed for the bill to correct minor errors made in drafting. While the bill is forty eight pages long, it might

appear to be complex, but it really is a simple bill to revise and update existing statute regarding the regulation for the fraternal benefit society.

Proponents' Testimony:

Pat Melby, representing the National fraternal congress, stated that he has a list of fraternal benefit societies that are licensed to do business in the state of Montana (See Exhibit 1). There are two minor housekeeping amendments that need to be done to this bill (See Exhibit 2).

Joe Peel, the consulting counsel to the National fraternal congress of America, spoke in favor of the bill (See Exhibit 5 and Exhibit 3).

Bob Walton, a member of the law committee, National fraternal congress of America (NFCA), and general counsel of royal neighbors of America, spoke in favor of the bill (See Exhibit 4).

Susan Witte, chief legal counsel for the state auditor and commissioner of insurance, Andy Bennett, stated that the insurance department supports the bill with Pat Melby's amendments.

Larry Akey, representing the Montana association of life underwriters, stated that they support this piece of legislation with the amendments proposed by the sponsor.

Opponents' Testimony:

None

Questions From Committee Members:

None

Closing by Sponsor:

Representative Harrington closed by saying that this update of the law is very important for the state of Montana.

EXECUTIVE ACTION ON HOUSE BILL 651

Motion:

Senator Kennedy moved to amend HB 651 with the proposed amendments from Pat Melby.

Senator Kennedy moved HB 651 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

The motion of Senator Kennedy to amend HB 651 with the proposed amendments from Pat Melby passed unanimously.

Recommendation and Vote:

The motion of Senator Kennedy that HB 651 be concurred in as amended passed unanimously.

EXECUTIVE ACTION ON HOUSE BILL 261Motion:

Senator Thayer moved HB 261 be amended with the amendments proposed by Steve Browning.

Senator Thayer moved HB 261 be amended with the amendments proposed by Beth Baker to strike section seven of the bill.

Senator Thayer moved HB 261 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

Senator Noble discussed the amendments proposed by Steve Browning to exempt the breweries. Steve Visocan was saying on page two, line six, to put into the same class of trade, so commodities of like grade and qualify for the same class of trade. Bart Campbell said that wasn't needed. If that's the way that they are interpreting it, why would we even put the brewery into the same class of trade.

Bart Campbell stated that Senator Noble was correct. It was the department's testimony that they were going to go by the same class of trade.

The motion by Senator Thayer to amend HB 261 with the amendments proposed by Steve Browning passed unanimously.

The motion by Senator Thayer to amend HB 261 with the amendments proposed by Beth Baker to strike section seven of the bill passed unanimously.

Recommendation and Vote:

The motion by Senator Thayer that HB 261 be concurred in as amended passed unanimously. Senator Bengtson will carry the HB 261 to the floor.

EXECUTIVE ACTION ON HOUSE BILL 538

Motion:

Senator Noble moved to amend HB 538 by inserting a termination date of July 1, 1993.

Senator Noble moved HB 538 be not concurred in as amended.

Discussion:

Senator Gage stated that there seems to be a considerable amount of confusion among the people who are involved with this bill as to what the bill is really doing. He had a couple of retailers visit with him after the hearing, and it was there option that this bill applies to all products that are sold by a person who happens to sell motor fuel products. The response that he got from Representative Bradley when he asked her about the language that says other cases on page two, line nineteen-is that talking about only the cost in regard to motor fuel products, and she said yes. The two retailer's response was she made an error in her response.

Senator Noble stated that it goes back to basics, we want to subsidize an industry, where are we going to stop?

Senator Thayer stated that another point of confusion is he had a call from a station operator in Great Falls, Montana, and he said that they can't operate on six percent. Senator Thayer told him that the bill limits you to six percent. The station operator replied that he didn't think so.

Senator Lynch stated six percent was the minimum.

Steve Visocan, past president of the western petroleum marketer's association, stated that in drafting this bill they used several other state's legislation. (See Exhibit 6).

Senator Kennedy stated that he looks at the bill as keeping the big guy from driving the little guy out of business by selling below cost, and having the financial backing to do that. This bill is for the protection of the little guy.

Senator Kennedy spoke against the motion by Senator Noble that HB 538 be not concurred in as amended. This is clarifying some law that is on the books already.

Amendments, Discussion, and Votes:

The motion by Senator Noble to amend HB 538 by inserting a termination date of July 1, 1993 passed unanimously.

Recommendation and Vote:

The motion by Senator Noble that HB 538 be not concurred in as amended passed 5 to 4 vote.

Senator Kennedy requested a minority report for HB 538.

EXECUTIVE ACTION ON HOUSE BILL 719

Motion:

Senator Thayer moved to amend HB 719 with the amendments proposed by Tom Hopgood.

Senator Noble moved HB 719 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

Tom Hopgood proposed some amendments to the bill (See attached copy).

Bonnie Tippy stated that she is in agreement with the amendments proposed by Tom Hopgood.

The motion by Senator Thayer to amend HB 719 with the amendments proposed by Tom Hopgood passed unanimously.

Recommendation and Vote:

The motion by Senator Noble that HB 719 be concurred in as amended passed 6 to 3 vote.

EXECUTIVE ACTION ON HOUSE BILL 739

Motion:

Senator Gage moved to amend HB 739.

Senator Bruski moved HB 739 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

Bart Campbell stated that this amendment came from a concern of Senator Thayer about mortgage, foreclosures, and trust indentures. On line five, it would now read an act revising the law relating to redemption of real property. When you get back to the code at 25-13, part eight. It pulls in all of the sections and parts in front of it. Those parts are very specific as to what kinds of foreclosure sales you are dealing with. They deal with execution sales. This language would be taken out of the title. The other change was pursuant to Senator Gage on page six, the new language on one and two. Senator Gage felt that wasn't really clear. He deleted that language, and inserted instead any payments made under 25-13-802 sub 2 and 3, which are payments which are to keep up the taxes on the property. Those payments must be subtracted from the credit for rents and

profits.

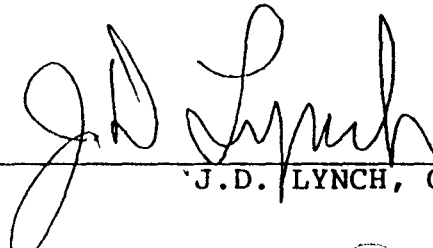
The motion by Senator Gage to amend HB 739 passed unanimously.

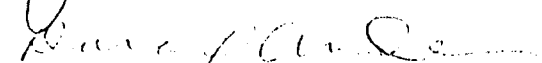
Recommendation and Vote:

The motion by Senator Bruski that HB 739 be concurred in as amended passed unanimously.

ADJOURNMENT

Adjournment At: 11:15 a.m.

  
\_\_\_\_\_  
J.D. LYNCH, Chairman

  
\_\_\_\_\_  
DARA ANDERSON, Secretary

JDL/dia

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

DATE

3/20/91

52ND LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BRUSKI	X		
SENATOR FRANKLIN	X		
SENATOR GAGE	X		
SENATOR HAGER	X		
SENATOR NOBLE	X		
SENATOR THAYER	X		
SENATOR WILLIAMS	X		
SENATOR KENNEDY	X		
SENATOR LYNCH	X		

Each day attach to minutes.

DATE 5/26  
BUSINESS & INDUSTRY

[illegible]

(Please leave prepared statement with Secretary)



MEMBER-SOCIETIES LICENSED TO DO BUSINESS  
IN THE STATE OF MONTANA

SENATE BUSINESS & INDUSTRY

COMMITTEE NO. 1

DATE 3/26/91

BILL NO. 43651

AAL

American Fraternal Union

American Postal Workers Accident Benefit Assoc.

American Slovenian Catholic Union (KSKJ)

Catholic Order of Foresters

Croatian Fraternal Union of America

Degree of Honor Protective Assoc.

Independent Order of Foresters

Knights of Columbus

Loyal Christian Benefit Association

Lutheran Brotherhood

Modern Woodmen

National Catholic Society of Foresters

National Mutual Benefit

Neighbors of Woodcraft

North American Benefit Association

Order of United Commercial Travelers of America

Police and Firemen Insurance Assoc.

Polish National Alliance of U.S. of N.A.

Royal Neighbors of America

Serb National Federation

Slovene National Benefit Society

Sons of Norway

Western Fraternal Life Assoc.

Woodmen of the World (Colorado)

Woodmen of the World Life Insurance Society

Proposed Amendments to House Bill 651  
(SECOND READING COPY)

1. Page 10, line 13.  
Strike: "charter"  
Insert: "articles of incorporation"
2. Page 29, line 2.  
Strike: "12"  
Insert: "13"

NATIONAL  
FRATERNAL  
CONGRESS  
OF AMERICA



JOINING HANDS  
TO TOUCH LIVES

An Introduction  
to the  
National Fraternal  
Congress  
of America  
Model  
Fraternal Code

STATEMENT TO BUSINESS & INDUSTRY COMMITTEE  
MONTANA SENATE - March 26, 1991Re: House Bill 651

My name is Bob Walton. I am a member of the Law Committee, National Fraternal Congress of America (NFCA), and General Counsel of Royal Neighbors of America, one of the NFCA member-societies licensed in Montana.

Fraternal benefit societies currently operate under Chapter 7 of the Montana Insurance Laws. The basic text and format of Chapter 7 derives from the Uniform Fraternal Code of 1955 enacted in the revision of the Montana Insurance Laws in 1959. Since 1959, 11 sections of the Montana Fraternal Code have been amended. However, Chapter 7 is still considerably lacking in certain beneficial features of the NFCA Model Fraternal Code. Therefore, it appears that a new, modern approach to the statutory law for fraternal benefit societies in Montana is in order.

House Bill 651 provides that:

1. All fraternal insurance certificates must be filed for approval with the Insurance Department and comply with the same requirements that apply to commercial insurance contracts. Other existing surveillance protections, and examination and regulatory requirements are maintained and enhanced.
2. The traditional definitions and requirements to be a fraternal benefit society are strengthened.
3. Fraternal members may use irrevocable beneficiary designations and absolute assignments of their insurance certificates, to take advantage of current provisions of law to help fulfill their modern estate planning needs.
4. Fraternals must set out in their laws the rights and benefits of membership.
5. 1980 CSO mortality tables, or newer tables that may be developed, must be used for new certificates.
6. Fraternals may form subsidiaries or nonprofit institutions to carry out their charitable and benevolent purposes.

7. Fraternalists may set up separate accounts and may issue variable insurance plans to members, upon approval of the Commissioner.
8. Fraternalists may issue, upon approval of the Commissioner, new life or health insurance plans that may be developed in the future that are also approved for use by commercial insurers.
9. Outdated provisions of current Montana law are deleted while other provisions have been consolidated and rewritten in "easy to understand" gender neutral language.
10. Current investment and trade practice safeguards are continued.

In summary, the revisions contained in H.B. 651 will be of benefit to the Insurance Department, to fraternalists, and most importantly Montana citizens who are or will become members of a fraternal benefit society. Therefore, you are urged to approve and support its adoption.

Robert W. Walton  
Member, Law Committee  
National Fraternal Congress  
of America

March 22, 1991

NO. 3

3/26/91

H.B. NO. 148651

Statement of  
NATIONAL FRATERNAL CONGRESS OF AMERICA  
In Regard to  
Montana H.B. 651  
Revision of Fraternal Benefit Societies  
Chapter of Montana Insurance Code  
Before the Montana Senate Business  
and Industry Committee  
March 26, 1991

Mr. Chairman and members of the Committee, my name is Joe W. Peel. I am consulting Counsel to the National Fraternal Congress of America, which represents approximately 100 fraternal benefit societies doing business throughout the United States, 26 of whom are licensed to do business in Montana. There are approximately 38 societies licensed to do business in Montana insuring approximately 51,000 members.

With me today is Mr. Robert W. Walton, General Counsel of Royal Neighbors of America, Rock Island, Illinois. Mr. Walton has many years of experience with the fraternal benefit system and in the regulation of the insurance operations of fraternal benefit societies.

As my part of the presentation this morning, I would like to describe briefly what fraternal benefit societies are and summarize the reasons why the NFCA feels that H.B. 651 is important to Montana residents, the Montana Insurance Department, and to the members of fraternal benefit societies who reside in this State.

Fraternal benefit societies are self-help, membership organizations formed by people of common ethnic, religious or vocational backgrounds, or people holding similar patriotic or moral beliefs. It is a concept of organization brought to the United States over 100 years ago by our ancestors. In fact, some of these groups were unable to obtain insurance from regular insurance companies, such as railroad workers, and they banded together for their common interests.

Societies operate today in much the same manner as they have in the past, bringing together through their membership requirements--people of common ethnic, religious or vocational backgrounds or patriotic or moral beliefs. Each society creates, establishes and administers programs and activities to carry out the purposes for which it was established. Each society operates on a lodge or branch system where local members meet regularly to identify the needs of lodge members and their local communities and plan and act to fulfill these needs. They have a representative form of government and provide among other things life, health or disability benefits to and for their members.

The volume and substance of self-help activities, charitable and benevolent programs, local lodge and branch meetings, time of volunteers, disaster relief and other programs is substantial in the State of Montana, involving several hundred thousand dollars, thousands of person hours, meetings and events.

Over 10 years ago, the NFCA recognized that the laws applicable to fraternal benefit societies in the various states were substantially out of date and undertook a project to revise and update them throughout the country in order to allow societies to better serve the financial and estate planning needs of their members. The model fraternal code, as embodied in H.B. 651, was the result of several years of study and was adopted by the NFCA in late 1983.

Since then the Model Code, with some variations based upon local considerations, has been enacted in 22 states, including your close neighboring states of Washington, Oregon, North Dakota, South Dakota and Wyoming. Utah and Wisconsin have laws which contain the essential features of the Model Code.

As part of our standing operating procedure, we always ask the state insurance department for its views on our proposed legislation. This has been done here and we certainly appreciate the assistance and cooperation of the Montana Insurance Department.

Besides Montana, the Model Code has been introduced in Georgia, Nevada and Pennsylvania this year, and we hope to see it introduced shortly in Missouri.



Page 4

As you will see, the Model Fraternal Code is not legislation which is blazing new trails. Much of it is an update of current laws with some new features which enable societies to better meet the modern needs of their members.

Mr. Walton will now give you a brief look at the essential features of the Code.

Amendments to House Bill No. 651  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 26, 1991

1. Page 10, line 13.

Strike: "a charter"

Insert: "articles of incorporation"

2. Page 29, line 2.

Strike: "12"

Insert: "13"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 651 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	Y	
SENATOR THAYER	X	
SENATOR NOBLE	Y	
SENATOR HAGER	Y	
SENATOR GAGE	Y	
SENATOR FRANKLIN	Y	
SENATOR BRUSKI	X	
SENATOR KENNEDY	Y	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

Motion: AMEND

J.D. LYNCH

Chairman

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 651 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE CONCURRED IN AS AMENDED.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 261 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion: BROWNING AMENDMT

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 261 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion: SECTION 7 BE STRICKEN AMENDMENT

Amendments to House Bill No. 261  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 26, 1991

1. Title, lines 10 and 11.

Strike: "FOR" on line 10 through "AND" on line 11

2. Page 3.

Following: line 12

Insert: "(5) This section does not apply to industry members  
regulated by Title 16, chapters 1 through 6."

3. Page 8, lines 17 through 22.

Strike: section 7 in its entirety

Renumber: subsequent sections

4. Page 8, line 24.

Page 9, line 2.

Strike: "7"

Insert: "6"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 261 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE CONCURRED IN AS AMENDED



SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 6

DATE 3/26/91

BILL NO. 141588

(3) **ILLEGALITY OF LOSS LEADERS.** Any sale of any item of merchandise either by a retailer or wholesaler, at less than cost as defined in this section with the intent or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor, impairs and prevents fair competition, injures public welfare and is unfair competition and contrary to public policy and the policy of this section. Such sales are prohibited. Evidence of any sale of any item of merchandise by any retailer or wholesaler at less than cost as defined in this section shall be prima facie evidence of intent or effect to induce the purchase of other merchandise, or to unfairly divert trade from a competitor, or to otherwise injure a competitor.

Amendments to House Bill No. 538  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 26, 1991

1. Title, line 13.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 10, lines 10 and 11.

Following: "date" on line 10

Insert: "-- termination"

Following: "approval" on line 11

Insert: "and terminates July 1, 1993"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. H.B. 538 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion:

AMENDMENTS

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB538 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		X
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN		X
SENATOR BRUSKI		X
SENATOR KENNEDY		X
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE NOT CONCURRED IN. AS  
AMENDED

Amendments to House Bill No. 719  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 22, 1991

1. Page 2, line 10 through page 3, line 1.  
Following: "(1)" on page 2, line 10  
Strike: remainder of line 10 through "week" on line 1  
Insert: "If a patient's attending health care professional is a  
licensed chiropractor, the following provisions govern the  
conduct of a utilization review of the health care services  
rendered to the patient by the chiropractor:  
(a) If an independent physical examination is  
required by the insurer, it must be conducted by a licensed  
chiropractor.  
(b) If a review of the patient's or the chiropractor's  
records is required by the insurer in the course of an  
appeal or a redetermination of an adverse determination of  
medical necessity or appropriateness made pursuant to an  
insurer's review, the review must be conducted by a person  
trained in the field of chiropractic medicine"
2. Page 3, line 4.  
Following: "TREATMENT"  
Insert: "by another chiropractor or medical provider"
3. Page 3, line 5.  
Following: line 4  
Insert: "(3) The provisions of this section do not apply to  
routine claim administration or determination by an  
insurer."  
Renumber: subsequent subsection
4. Page 3, line 14.  
Following: ";"  
Insert: "and"
5. Page 3, lines 15 and 16.  
Strike: subsection (f) in its entirety  
Renumber: subsequent subsection

**PROPOSED AMENDMENT**

**to**

**HOUSE BILL 719**

House Bill 719 is proposed to be amended as follows:

**NEW SECTION.** Section 1. Where a patient's attending health care professional is a licensed chiropractor, the following provisions govern the conduct of a utilization review of the health care services rendered to the patient by the chiropractor:

1) Where an independent physical examination is required by the insurer, the same must be conducted by a licensed chiropractor.

2) Where a review of the patient's or the chiropractor's records is required by the insurer in the course of an appeal or redetermination of an adverse determination of medical necessity or appropriateness made pursuant to an insurer's utilization review, the same must be conducted by a person trained in the field of chiropractic medicine.

3) Nothing in this section etc. etc.

4) Nothing in this section etc. etc.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB719 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

<sup>Thayer</sup>  
Motion:

AMENDMENTS FROM TOM HOPGOOD

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB 717 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE		X
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN		X
SENATOR BRUSKI		X
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE CONCURRED IN AS AMENDED



ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB739 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	✓	
SENATOR THAYER	✓	
SENATOR NOBLE	✓	
SENATOR HAGER	✓	
SENATOR GAGE	✓	
SENATOR FRANKLIN	✓	
SENATOR BRUSKI	✓	
SENATOR KENNEDY	✓	
SENATOR LYNCH	✓	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: To AMEND

Amendments to House Bill No. 739  
Third Reading Copy

Requested by Senator Thayer  
For the Committee on Business and Industry

Prepared by Bart Campbell  
March 21, 1991

1. Title, lines 5 and 6.

Strike: "AFTER" on line 5 through "SALE" on line 6

2. Page 6, lines 1 and 2.

Strike: "The" on line 1 through "(3)" on line 2

Insert: "Any payments made under 25-13-802(2) and (3) must be  
subtracted from the credit for rents and profits"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/26/91 Bill No. HB737 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE CONCURRED IN AS AMENDED

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 719 (third reading copy as amended - blue), respectfully report that House Bill No. 719 be amended and as so amended be concurred in:

1. Page 2, line 10 through page 3, line 1.

Following: "(1)" on page 2, line 10

Strike: remainder of line 10 through "week" on page 3, line 1

Insert: "If a patient's attending health care professional is a licensed chiropractor, the following provisions govern the conduct of a utilization review of the health care services rendered to the patient by the chiropractor:

(a) If an independent physical examination is required by the insurer, it must be conducted by a licensed chiropractor.

(b) If a review of the patient's or the chiropractor's records is required by the insurer in the course of an appeal or a redetermination of an adverse determination of medical necessity or appropriateness made pursuant to an insurer's review, the review must be conducted by a person trained in the field of chiropractic medicine"

2. Page 3, line 4.

Following: "TREATMENT"

Insert: "by another chiropractor or medical provider"

3. Page 3, line 5.

Following: line 4

Insert: "(3) The provisions of this section do not apply to routine claim administration or determination by an insurer."

Renumber: subsequent subsection

4. Page 3, line 14.

Following: ";

Insert: "and"

5. Page 3, lines 15 and 16.

Strike: subsection (f) in its entirety

Renumber: subsequent subsection

Signed: \_\_\_\_\_

John "J.D." Lynch, Chairman

*3-26-91*  
And. Coord.


SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 651 (third reading copy -- blue), respectfully report that House Bill No. 651 be amended and as so amended be concurred in:

1. Page 10, line 13.  
Strike: "a charter"  
Insert: "articles of incorporation"
2. Page 29, line 2.  
Strike: "12"  
Insert: "13"

Signed:   
John "J.D." Lynch, Chairman

101 3-26-91  
And. Coord.

\_\_\_\_\_  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 739 (third reading copy -- blue), respectfully report that House Bill No. 739 be amended and as so amended be concurred in:

1. Title, lines 5 and 6.

Strike: "AFTER" on line 5 through "SALE" on line 6

2. Page 6, lines 1 and 2.

Strike: "The" on line 1 through "(3)" on line 2

Insert: "Any payments made under 25-13-802(2) and (3) must be subtracted from the credit for rents and profits"

Signed: \_\_\_\_\_

John "J.D." Lynch, Chairman

1991 3-26-91  
And. Coord.

\_\_\_\_\_  
Sec. of Senate

651337SC.Sji

# MINORITY REPORT

## SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, the minority of the committee on Business and Industry having had under consideration House Bill No. 538 (third reading copy -- blue), respectfully report that House Bill No. 538 be amended and as so amended be concurred in:

1. Title, line 13.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 10, lines 10 and 11.

Following: "date" on line 10

Insert: "-- termination"

Following: "approval" on line 11

Insert: "and terminates July 1, 1993"

*411 484, 198*  
Signed: *Bob Williams*  
Bob Williams

Signed: *John Ed Kennedy Jr*  
John "Ed" Kennedy, Jr.

Signed: *Eve Franklin*  
Eve Franklin

Signed: *Betty Bruski*  
Betty Bruski

*3-26-91*  
*1991*  
And. Coord.

*CR 2-6-6 250*  
Sec. of Senate

651346SC.SJ1

# MAJORITY REPORT

## SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, the majority of the committee on Business and Industry having had under consideration House Bill No. 538 (third reading copy -- blue), respectfully report that House Bill No. 538 be amended and as so amended not be concurred in:

1. Title, line 13.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 10, lines 10 and 11.

Following: "date" on line 10

Insert: "-- termination"

Following: "approval" on line 11

Insert: "and terminates July 1, 1992"

Signed: \_\_\_\_\_

John "J.D." Lynch, Chairman

Signed: \_\_\_\_\_

Gene Thayer

Signed: \_\_\_\_\_

Jerry Noble

Signed: \_\_\_\_\_

Thomas O. (Tom) Hager

Signed: \_\_\_\_\_

Malwyn Gage

AB 987, 988  
1991 2-26-91  
Amd. Coord.

503 E 26 2:50  
Sec. of Senate



SENATE STANDING COMMITTEE REPORT

, Page 1 of 1  
March 26, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 261 (third reading copy -- blue), respectfully report that House Bill No. 261 be amended and as so amended be concurred in:

1. Title, lines 10 and 11.

Strike: "FOR" on line 10 through "AND" on line 11

2. Page 3.

Following: line 12

Insert: "(5) This section does not apply to industry members regulated by Title 16, chapters 1 through 6."

3. Page 8, lines 17 through 22.

Strike: section 7 in its entirety

Renumber: subsequent sections

4. Page 8, line 24.

Page 9, line 2.

Strike: "7"

Insert: "6"

Signed: \_\_\_\_\_  
John "J.D." Lynch, Chairman

1991 3-26-91  
And. Coord.

\_\_\_\_\_  
Sec. of Senate