

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on February 13, 1995, at
8:00 a.m.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. William S. Crismore (R)
Sen. C.A. Casey Emerson (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Terry Klampe (D)
Sen. Bill Wilson (D)

Members Excused: Sen. Steve Benedict, Vice Chairman (R)

Members Absent: None

Staff Present: Bart Campbell, Legislative Council
Lynette Lavin, Committee Secretary

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

Committee Business Summary:

Hearing: SB 287, SB 311, SB 317
Executive Action: SB 287 DO PASS AS AMENDED
SB 317 DO PASS
SB 246 DO PASS AS AMENDED
SB 253 DO PASS AS AMENDED
SB 298 DO PASS AS AMENDED

CHAIRMAN HERTEL RELINQUISHED THE CHAIR TO SEN. MILLER IN THE
ABSENCE OF VICE CHAIRMAN BENEDICT IN ORDER TO PRESENT SB 287.

HEARING ON SB 287

Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, Moore, said SB 287 was a Safety Culture
Act bill allowing the Department of Labor and Industry to adopt
rules which would authorize a Workers' Compensation insurer to

waive the requirement that an employer have a safety committee. He stated the 1993 Legislature passed and the Governor signed into law the Montana Safety Culture Act which contained the following major provisions: (1) employers were to establish safety programs; (2) if there were more than five employees, a safety committee was to be operative; and (3) Workers' Compensation insurers were required to provide consultation services. **SEN. HERTEL** informed the committee the Act also allowed the State Fund to place a surcharge on high-loss employers.

SEN. HERTEL said during 1994, an advisory committee drafted recommendations which were received by the Department of Labor and Industry and together they adopted new Administrative Rules to implement this Safety Act. He informed the committee the adopted Rules seemed to assume all Montana employees lacked knowledge of the safety committees and were operating at a level below the standard of the Montana Safety Culture Act. **SEN. HERTEL** contended this was not always correct, and that was the reason for **SB 287**.

SEN. HERTEL explained **SB 287**: (1) recognized and encouraged Montana employers who already had achieved safety records to continue their safety programs without the burden of unnecessary regulations; (2) left in force the detailed rules which governed the makeup and function of safety committees of those employers who did not have an effective written safety plan; (3) left reporting and investigating procedures intact for the purpose of reporting all work-related incidents; and (4) produced policies and procedures which assigned specific safety responsibilities and performance accountability.

SEN. HERTEL said **SB 287** recognized employers who had demonstrated effective on-going safety practices and encouraged and assisted those who required some improvement.

Proponents' Testimony:

James Tutwiler, Montana Chamber of Commerce, read his written testimony, **EXHIBIT #1**, and distributed copies of "Component Listing of Montana Safety Committee Administrative Rules", **EXHIBIT #2**.

Russ Ritter, Washington Corporation, Missoula, expressed support for **SB 287**. He said the purpose of the bill was to add a practical and realistic dimension to the Safety Culture Act. **Mr. Ritter** said **SEN. JOHN HARP**, one of the sponsors of **SB 287**, agreed with the changes. He stated his company believed safety was a major component of all operations and believed the changes addressed in **SB 287** were positive.

Rick Nash, Human Resource Manager, Washington Construction Co., read his written testimony, **EXHIBIT #3**.

Jim Brouelette, Personnel Manager, Washington Corporations, read his written testimony, **EXHIBIT #4.**

Riley Johnson, National Federation of Independent Businesses, said his group were small employers, employing 6-10 employees, and rose in support of **SB 287.** He related the four-to-five page report from the Administrative Rules Committee was an overkill; however, his organization supported the 1993 Safety Culture Act. **Mr. Johnson** stated the Rules would help those employers who had demonstrated they had no safety record, but the majority of Montana's small businesses found the Rules "overkill". He asked the committee's support for **SB 287.**

Chuck Hunter, Department of Labor and Industry, said his agency was responsible for drafting the Rules, explaining there was an original form which was much more friendly than the final one. He reported during the Rules hearing, people expressed concern about the interaction between the proposed Rules and the International Labor Relations Act. **Mr. Hunter** said the Committee took the advice and produced more detail to give employers more protection from the concerns which arose from the National Labor Relations Act. He claimed the result provided protection; yet, many believed the rules were too lengthy and bureaucratic. He reported the Committee was reviewing the Rules and attempting to make them more user-friendly.

Mr. Hunter said he had spoken around the state since the enactment of the Rules and had found substantial compliance among the employers; however, they either already had safety programs which utilized safety committees or small employers with six to eight employees found it impractical to have safety committees.

Mr. Hunter said the purpose of the Safety Culture Act was twofold: (1) to reduce injury in the workplace; and (2) reduce cost of Workers' Compensation by saving on downstream costs. He maintained he believed businesses could do things differently from the way the committee drafted the Rules and still achieve the results of the Act. He reported **SB 287** followed the Safety Culture Act by stating insurers were the regulatory body rhythm, i.e. the Department of Labor crafted the Rules under which employers set up their committees, but had no regulatory responsibility. He explained insurance companies could raise rates of businesses who did not comply with the Act, or they could waive the requirements of safety committees.

Mr. Hunter informed the B & I Committee an amendment was being drafted which could deal with the various classes of insurers, i.e. self-insured, insured through private insurance carrier or insured through the State Fund. He encouraged the committee to consider the amendment before taking action on **SB 287,** but he urged DO PASS for **SB 287.**

George Wood, Montana Self-Insurers Association, said class differences in **SB 287** did not affect self-insurers, but the

amendment addressed the differences, i.e. the proposed bill would allow self-insurers to waive their programs since self-insurers were considered both employer and employee. Therefore, the proposed amendment said the department shall develop rules with which both the Department and Montana Self-Insurers Guaranty Fund would be able to waive the requirements of a safety committee.

Mr. Wood said safety requirements for self-insured employers were not new; in fact, he couldn't recall a time when they were not required. He said both the Guaranty Fund and the Department looked at a safety program before a self-insurer was approved.

Mr. Wood related how a safety program was addressed in Administrative Rule 24-29-702f, Subparagraph h, and 24-29-702g, Subparagraph p; self-insurers must comply with the regulations before they became self-insured.

Mr. Wood said his organization strongly supported safety programs, but programs varied according to company size. He said many of his clients were multi-national corporations who were required to have safety engineers on site, safety committees and safety responsibility at site locations. He stated their safety programs were adapted to their particular industry and occupation. **Mr. Wood** related self-insurers were proud of the strong and effective safety programs of their members. **Mr. Wood** urged DO PASS for SB 287 as amended.

Don Allen, Coalition for the Comp System Improvement, said SB 287 was not unanimously supported by the Coalition; however, safety was one aspect the Coalition constantly promoted as a team effort between employers and employees. He stated a member of the Coalition's board chaired the Committee and the Coalition had representation at each of the six Committee meetings. **Mr. Allen** said the results of the Committee meetings seemed to be user-friendly; however, there was disagreement in the Safety Committee. He remarked the Coalition was concerned this could be the first step in people being allowed to drop coverage or have effective safety programs; however, the Coalition agreed the concerns expressed should be addressed through the balanced make-up of the Committee and its' rulemaking authority. **Mr. Allen** maintained safety should be the central issue with all employers, both those who would be required to follow the present rules and those who had programs which were handled through the insurer. He contended they should not be saddled with unnecessary paperwork and unnecessary regulations which did not apply. **Mr. Allen** expressed support for SB 287.

Chip McKenna, Safety Specialist, Montana Municipal Insurance Authority, said his organization provided Workers' Compensation insurance to cities and towns across Montana. He maintained one of his responsibilities this past year was to travel to those municipalities to inform them of the Safety Culture Act and to provide assistance to help them comply with the Act. **Mr. McKenna** said one of their concerns was to have more creativity in the

rules because of the size of the clients. He expressed support for SB 287 because it addressed this concern.

Aidan Myhre, State Fund, said they would like to go on record as supporting SB 287, which allowed the Department of Labor, rules to waive the safety committee requirements. She conveyed this allowed the Department of Labor the flexibility to work with individual safety programs in Montana businesses. **Ms. Myhre** remarked a good safety program was not driven by a safety committee; rather, strong management commitment and a good safety record. She claimed employers should not be required to take a "cookie cutter" approach to a safety committee and SB 287 would allow this flexibility.

Steve Turkiewicz, Montana Auto Dealers Association, expressed support for SB 287.

Steve Kniffen, Safety Instructor, Montana Electric Cooperative Association, expressed support for the spirit of the Montana Safety Culture Act; for too long too many Montana employers neglected to properly emphasize safety issues. He said many years ago the electric industry recognized the hazardous nature of jobs dealing with electricity, so placed heavy emphasis on safety. He stated this safety program was taught at all 26 locations in the state and distributed copies of the "Safety/Loss Control Program", **EXHIBIT #5**. **Mr. Kniffen** said everyone in the workplace was educated in safety needs and requirements, which resulted in a loss rate of less than half the industry standard.

Mr. Kniffen said this state-wide program met or exceeded all the safety requirements, with the exception of safety committees. He stated the requirement that employers establish two parallel programs, in-house and existing state-wide, was a "shotgun" approach. He urged support for SB 287.

Carl Schweitzer, Montana Contractors Association, expressed support for SB 287. He related many of their members hired safety personnel and experienced the rewards of doing so. He said they supported the idea that employers who had established a good safety record needed to continue on the path they had set; therefore, they supported SB 287.

Charles Brooks, Billings Area Chamber of Commerce, supported the passage of SB 287.

Opponents' Testimony:

Don Judge, AFL/CIO, said testimony of representatives of employers and insurers had been heard, but none by employees. He said SB 287 called for employers and insurers to determine whether there was an effective safety program in the workplace. He proclaimed, though SB 287 did not provide for employee input, workplaces which had union involvement had employee input. On the other hand, employees of most Montana employers were not

organized. **Mr. Judge** stated AFL/CIO would like to see **SB 287** provide for employee input to decide whether employers should be allowed to waive the rules for a safety committee on the job.

Mr. Judge maintained Montana did not have a good history of workplace health and safety. He said Montana's incidence of death and injury on the job was higher than the national average. He stated there was concern that **SB 287** would weaken employee input regarding safety on the job. He admitted employers' financial cost would be greater, but related employees were not permitted to sue for recovery monies for injuries on the job.

Mr. Judge claimed the best way to cut employer costs was to reduce the number of incidents on the job which would be best accomplished through employee input. **Mr. Judge** declared the outcome of **SB 287** would be employers taking the regulatory burden and employees taking the heat of the legislation introduced during this session. He suggested the committee consider a way to provide employees with an opportunity for input into the decision of waiving the Safety Committee requirement.

Questions From Committee Members and Responses:

SEN. GARY FORRESTER asked about the modification factor and what constituted a low incident record of injuries. **Jim Tutwiler** said the Department of Labor would have to discuss both the range of mod factors and incident record in order to adopt rules which would define the level with which employers would be working. He stated it would have to be a committee consensus and process; also, the reason for the requirement of a written safety plan and low incident record would have to be adopted by Rule. **Mr. Tutwiler** explained small businesses don't have mod factors, and summed up his answer by saying the answer to **SEN. FORRESTER'S** question was it would have to be addressed by the rules process.

SEN. FORRESTER asked how the Rules would be written and how would the bill look. **Chuck Hunter** said the process would include: (1) input from the Safety Committee and Advisory Committee before drafting; (2) publishing the draft in the administrative register; (3) hearing public testimony; (4) involving insurers and other organizations, i.e. there would be a full airing of views before getting to the draft; and (5) then the public testimony would be based on the draft. He related how work had already begun because employers were being required to complete an OSHA 200 Form at the time of an accident; that information would be valuable regarding setting appropriate incident levels, etc.

SEN. TERRY KLAMPE asked if there was overlapping of OSHA rules and rules of the Safety Culture Act. **Chuck Hunter** said there was none.

SEN. CASEY EMERSON asked if there wasn't overlapping regarding the hazardous materials. Chuck Hunter stated some of the issues overlap, but the legislation does not.

Closing by Sponsor:

SEN. HERTEL reminded the committee, a great deal of work had been done during the interim; administrative rules were created. He said SB 287 did not weaken the Safety Culture Act, it didn't stop the fact of safety programs, nor did it eliminate the employees. SEN HERTEL said SB 287 encouraged safe workplaces and positive situations for all.

{Tape: 1; Side: B}

HEARING ON SB 317

Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, Moore, said SEN. STEVE BENEDICT, SD 30, Hamilton, sponsored SB 317 but was unable to be present so he (SEN. HERTEL) agreed to be his substitute. SEN. HERTEL said SB 317 clarified the definition of investment advisor to exclude attorneys and accountants if they didn't actually handle client funds, make specific recommendations, etc. He illustrated by saying a recommendation to buy U.S. bonds as part of a comprehensive estate plan, for the purpose of allowing the estate sufficient liquidity to handle the business affairs after death, would not require registration of such an individual as an investment advisor.

Proponents' Testimony:

Dave Johnson, Montana Society of CPA's, said SB 317 provided better definition of situations where CPA's would have to register with the State Auditor's office, i.e. changed existing law to remove the ambiguity from situations which would require registration. He stated registration was a significant process whereby firms identified individuals and provided firm financial statements to the auditor's office if they were financial advisors. Mr. Johnson explained CPA's were governed by the Board of Accountants, who had their own rules and regulations to govern their behavior.

Tom Harrison, Montana Society of CPA's, said SB 317 was an attempt to bring Montana's definitions into a more limited scope, which was part of a national trend to make the definition of who was and who was not an investment advisor more uniform. Mr. Harrison expressed appreciation to Mr. Bart Campbell who helped in the drafting of SB 317. He asked the committee to look favorably on SB 317.

Melissa Brock, State Auditor's Office, expressed support for SB 317 because it provided needed clarification of the law which regulated investment advisors as related to attorneys and accountants.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. EMERSON asked who would be most helped by SB 317; clients, investment advisors, attorneys, or CPA's. **Dave Johnson** said the criteria would be better defined for the CPA who was investing funds or making specific security recommendations for a client, and who was required to register with the auditor's office as a financial advisor, i.e. the current language was "incidental", which was a broad item.

SEN. EMERSON asked again who SB 317 would help the most. **Mr. Johnson** said it would help accountants and attorneys identify situations in which they would need or not need to register.

SEN. MIKE SPRAGUE asked if an attorney or accountant would be considered a financial advisor if his client asked him or her for financial advice, which would be based on their familiarity with the client's estate. **Melissa Brock** answered that SB 317 stated if the attorney or accountant was giving general advice (not recommending specific securities nor receiving a fee), there was consumer protection; in addition, the Securities Act protected anyone giving investment advice, whether registered or not.

SEN. SPRAGUE commented he couldn't remember the last time he wasn't charged a fee to get their advice. **Ms. Brock** said the fee was charged for their professional advice, not for the sale of securities.

SEN. SPRAGUE asked if the attorney or accountant gave advice to buy or sell, based on the client's portfolio, would SB 317 protect them from "financial advisor." **Melissa Brock** said it was her opinion the Securities Act would protect them.

SEN. SPRAGUE asked if, through SB 317, the consumer would be adequately protected and the accountant or attorney would not be relieved of the responsibility as a professional. **Ms. Brock** said the current language was very vague and SB 317 would clarify it.

Closing by Sponsor:

SEN. HERTEL said SB 317 brought Montana into line with other states and attempted to help in the clarification of an investment advisor. He asked the committee's favorable consideration.

CHAIRMAN JOHN HERTEL REASSUMED THE CHAIR FROM SEN. MILLER.

HEARING ON SB 311Opening Statement by Sponsor:

SEN. JEFF WELDON, SD 35, Missoula, said SB 311 could be subtitled, "Helping to Take the Hassle Out of Business Licensing", or sub-subtitled, "What Would a Legislative Session Be Without a Discussion of One-Stop Business Licenses?" SEN. WELDON stated SB 311 was a business-licensing system modeled after the one used in Washington state, i.e. a simplified-stop licensing system accomplished through one application with one agency.

SEN. WELDON gave an example of the complexity of Montana's system -- if one were to open a grocery store, one would require about 12 permits, licenses or registrations and contact with seven agencies with nine different divisions. However, in the State of Washington, a person would complete one application and go through one state agency, which distributed the information to the various agencies within government, i.e. coordinated 78 different licenses within 11 state agencies.

SEN. WELDON gave a brief history of one-stop business license shopping in Montana by saying in 1981, REP. VINCENT from Bozeman introduced legislation known as the Montana Small Business and Licensing Coordinating Act. In conjunction with his introduced legislation, a Small Business Licensing Coordination Center was opened which currently existed within the Department of Commerce and acted as a clearing house for information. In 1989, REP. VINCENT again introduced related legislation which was opposed by the Department of Commerce.

SEN. WELDON stated in 1991, the same legislation was brought up and again, it was opposed by the Department of Commerce; however, this time the bill was amended into a study and the results brought to the 1993 Legislature. The essence of the study outcome was the Department of Commerce recommended Montana not go to a single one-stop because bureaucracy and cost would be increased. SEN. WELDON admitted initially, there could be an increased cost because of the required changes, but ultimately the savings would be substantial to both the business community and state government.

It was SEN. WELDON'S opinion the intent of the 1991 Business Licensing Coordination Act was to eliminate unnecessary licensing requirements, streamline licensing procedure and provide a convenient system for business licensing. He recommended either enhancing the Business Licensing Center through larger financial resources, or adopting a master license system or a phased-in approach, which seemed to be the most popular.

SEN. WELDON stated his primary purpose for sponsoring **SB 311** was to keep the legislative dialogue alive on unified business licensing, explaining if it was a goal to make business and government more compatible and to make government easier for business, Montana could pattern after the model in Washington State. He distributed **EXHIBITS #6, #7, #8, & #9**.

Proponents' Testimony:

Jon Noel, Director, Department of Commerce, said **SB 311** has the potential of becoming an unfunded mandate. He proclaimed he heartily endorsed the concept of **SB 311**, explaining studies indicated more than 40% of the cost of running a major corporation dealt with compliance regarding regulations and licensing procedures. He stated while Montana did not have a major corporation within its boundaries, 63,000 Montana businesses file tax returns with the IRS each year, the majority of which were sole proprietorships; more than 23,000 businesses, of which more than 90% have fewer than ten employees, file unemployment with the Department of Labor. He said people who started a business today did not know what licenses were required; they called the Department of Commerce for information.

SEN. WELDON said he would like to see **SB 311** amended, explaining the fiscal note said the first phase should truly develop a plan, i.e. design it up to the cost phase so it would be ready to go forward. He said he figured the cost estimate on the basis of funding beginning in July; if there was no funding, his department would not have the people to implement the plan. He said **SB 311** required a plan be developed by January, 1996, and informed the committee it would be necessary to hire a consultant for about \$100,000 to accomplish this because his department did not have enough staff. He stated in the six-month period, the Department should be able to determine how much was feasible to accomplish and how much it might cost. He asked the committee to support the first stage, not with a study, but with hard deliverable evidence of how the proposed system would look and how it would work.

REP. BOB RANEY, HD 26, Livingston, said he was a co-signer of **SB 311**. **REP. RANEY** said he had a retail store in the Livingston expansion area, which included many kinds of businesses. He claimed frustrations with the regulations of Montana and its unfriendly business climate ran high. He related the whole idea of **SB 311** was to improve Montana's business climate and he urged the committee's support.

Jim Tutwiler, Montana Chamber of Commerce, expressed support for **SB 311**, saying a better way was needed to reduce the costs of doing business in Montana.

Riley Johnson, National Federation of Independent Businesses, expressed support for **SB 311**, but said NFIB wanted to see the

bureaucracy required before SB 311 was actually launched and would like to see Workers' Comp included in the cycle.

Doug Mitchell, Chief of Staff, Office of Secretary of State, expressed strong support for the centralized concept of business licensing. He said his office worked closely with the Department of Commerce in providing information to the public and both agree that government needed to do a better job of getting out of the way of businesses. He urged realization there may be problems when stepping toward centralized filing; however, the fact that there were problems now should not be ignored.

Ralph Peck, Montana Department of Agriculture, stated MDA agreed with the goal of simplifying licensing procedures. He informed the committee the Department of Agriculture's function in regard to licensing and registration was omitted from SB 311 because the agriculture industry was concerned as they looked at centralized licensing; they were worried adding another layer of bureaucracy because of the things agriculture dealt with, i.e. pesticides, fertilizers, feeds, elevator licensing and registration, etc. **Mr. Peck** stressed the Department wanted to be a part of the program but certainly did not want to add more bureaucracy.

Pam Langley, Montana Agricultural Business Association, Montana Seed Trade Association and the Montana Grain Elevator Association, read her written testimony, EXHIBIT #10.

Opponents' Testimony:

Jeff Miller, Montana Department of Revenue, said he really was a "nonponent". He said the Department of Revenue took no position on SB 311 but wanted to inform the committee of another bill by **REP. BETTY LOU KASTEN** which was entering the process that day, i.e. a culmination of the Governor's Task Force formed between the Department of Labor and the Department of Revenue. **Mr. Miller** said the charge of the Task Force was to critically review the operations and identify the areas of duplicated services where additional requirements were being created for employers, i.e. consolidate functions wherever possible.

Mr. Miller said the final recommendation was published in November, 1994, and it suggested employer registration, employer wage-based reporting, employer enforcement efforts, audits and appeals and disputed resolutions be integrated into a single agency. He maintained the size of the project dictated it be accomplished through a phased-in system, i.e. certain things must be accomplished before the delivery of the final integration. He suggested PHASE ONE: (A) start immediately to implement a single point of registration, which would include a single form and toll-free telephone number; (B) standardize collection laws and procedures by urging the collating of audit staff and records to share results; and (C) consolidate independent contractors' dispute resolutions.

Mr. Miller explained PHASE TWO: In the interim between now and the 1997 session, phase two would contemplate a cost benefit analysis, to be conducted by an independent consulting perspective to help decide whether it would be more cost-effective to retrofit existing systems of revenue and labor, or start over. He said an appropriation would be requested for the purpose of conducting this analysis. The two Departments would come before the 1997 Legislature with a recommendation of how to proceed with phase three, which would include employer wage-based reporting, cashiering document processing and editing in the office. **Mr. Miller** announced he wanted to be sure the committee knew about **REP. KASTEN's** which would consolidate registration as early as fall, 1995.

Questions From Committee Members and Responses:

SEN. HERTEL commented **SB 311** may have a contingent voidness clause and wondered what the financial plan was. **SEN. WELDON** said a fiscal note had been prepared, but he had not seen it; however, he thought it might be fairly expensive. **SEN. HERTEL** said before the committee could act on **SB 311**, it would be necessary to see a fiscal note.

SEN. EMERSON asked how many calls were received concerning business licenses. **Jon Noel** said last month 300 informational packets were sent out, and his office estimated there may have been about 150 missed calls due to busy signals, no answer, etc.

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SEN. EMERSON asked if someone else could comment on his question. **Rebecca Bowman, Department of Commerce**, said she annually sent over 5,000 licensing packets. She said when people called, she explained specifically what their licensing obligation was in Montana. **Ms. Bowman** said she talked to about 10,000 callers annually who were inquiring about licensing information or licensing-related issues. She related the 800 phone number gave callers general information about going into business and other offices they could contact. She stated she averaged about 250 calls per quarter which were not business licensing related, but were for general information.

SEN. EMERSON asked if eliminating some of the required licenses had been considered. **Jeff Miller** said it had not, because the scope of his project was not broad-based licensing; rather, it focused on the 34,000 employers who did business with the Departments on an annual basis.

SEN. TERRY KLAMPE asked what was the difference between **SB 311** and the one by **REP. KASTEN**. **SEN. WELDON** said **REP. KASTEN's** bill was not from the Task Force to Renew State Government.

SEN. KLAMPE asked how **SB 311** would improve, worsen or mesh with **REP. KASTEN's** bill. **SEN. WELDON** said they were similar in that

they both talked about reducing client contact with government; however, REP. KASTEN's bill specifically addressed Department of Revenue (taxing, registration) and Department of Labor (unemployment insurance). Mr. Miller added if it was shown to be workable, other agencies could join the centralized, consolidated registration process.

SEN. KEN MILLER commented he understood REP. KASTEN's bill dealt with "one-stop paying" rather than "one-stop licensing." SEN. WELDON answered it was "one-stop-registration for new businesses.

Closing by Sponsor:

SEN. WELDON related someone had asked about the cost and he could not answer accurately. In order to modify the potential cost, he suggested several changes which were: (1) direct the executive branch to devise a concrete plan to be ready for the next legislature; (2) have a window which would be staffed for the purpose of answering questions relating to business licenses, the procedure and to procure the needed forms for the applicant who could complete them "on-the-spot", i.e. user-friendly approach to government; (3) gubernatorial support; and (4) support from the business community.

SEN. WELDON said he would like to find a way to let SB 311 be an endorsement of what the Governor directed his Department of Revenue to do and to assist in the process; more importantly, SB 311 should require direct movement in the direction of the master license system, i.e. formulating a plan for a "minimal stop shop".

EXECUTIVE ACTION ON SENATE BILL 287

Motion: SEN. TERRY KLAMPE MOVED TO ADOPT AMENDMENTS SB028701.AEM, EXHIBIT #11.

Discussion: Bart Campbell said the amendments added a mechanism for self-insurers to waive the committee requirements. In addition, there was a question on the mod factor, so amendment #5 should be added: Page 2, Line 1. Following: "factor"
Following: "factor"
Insert: "if applicable"

SEN. FORRESTER suggested "and" on Page 2, Line 1, be changed to "or."

SEN. MILLER explained a high mod factor could mean no incidences; the factor could be based on slow payment.

Bart Campbell referred to Page 1, Subsection 3, Line 30, and suggested "and" be inserted after "plan", so as to clarify a

business must have an effective written safety plan and either a satisfactory mod factor or low incident record.

Vote: The motion TO ADOPT AMENDMENTS SBO2871.AEM CARRIED by UNANIMOUS voice vote.

Motion: SEN. KEN MILLER MOVED SB 287 AS AMENDED DO PASS.

Discussion: SEN. EMERSON commented when SB 287 was put into practice, there was an overlap with OSHA. He also commented safety in the workplace was dependent upon individual judgment; the basic idea in a safety program was to encourage employees to think safety.

Vote: The motion SB 287 DO PASS AS AMENDED CARRIED UNANIMOUSLY by voice vote.

EXECUTIVE ACTION ON SENATE BILL 317

Motion: SEN. WILLIAM CRISMORE MOVED SB 317 DO PASS.

Discussion: SEN. EMERSON commented he saw no reason to either pass or not pass SB 317. He said it was his interpretation it defined the paperwork for state bureaucracy.

SEN CRISMORE commented if accountants were to be involved as financial advisors, they should be listed and shown as having that responsibility.

Vote: Motion TO PASS SB 317 PASSED 7-1 on a voice vote, with SEN. EMERSON voting "NO".

EXECUTIVE ACTION ON SENATE BILL 246

Discussion Continued: Discussion on SB 246 was continued from February 10, 1995, when the motion TO TABLE SB 246 failed 5-4 on voice vote.

Bart Campbell explained the amendments which had been distributed previously.

SEN. KLAMPE wondered if "city court" as well as "county court" had been included in the amendments. Mr. Campbell said it was #7. SEN. KLAMPE referred to Page 1, Line 24, eliminate "pawnbrokers" because it was redundant. Mr. Campbell said it was #9.

SEN. FORRESTER asked if an administrative warrant was issued, could a pawnbroker sue if he contested the validity of an effect claim. Mr. Campbell said if a pawnbroker did not like the

procedure, he or she could challenge the legality of the whole process the first time the warrant was served.

SEN. SPRAGUE said he had stated he would not vote; however, he checked with leadership and the law basically read if a person would personally benefit from the action, the legislator must abstain from voting. **SEN. SPRAGUE** further explained if a person belonged to an organization which mutually advantaged one way or the other, the voter should not abstain. Therefore, he opined he should not abstain.

Motion/Vote: **SEN. KEN MILLER** MOVED TO ADOPT THE AMENDMENTS ON SB 246. The motion PASSED UNANIMOUSLY by voice vote.

Motion/Vote: **SEN. TERRY KLAMPE** MOVED DO PASS SB 246 AS AMENDED. The motion PASSED 7-1 on roll call vote (#1).

EXECUTIVE ACTION ON SENATE BILL 253

Bart Campbell distributed three sets of amendments (sb025301.agp, sb025302.agp, sb025303.agp) and explained they all worked together.

Motion/Vote: **SEN. WILLIAM CRISMORE** MOVED TO ADOPT AMENDMENTS sb025301.agp, EXHIBIT #12. The motion CARRIED UNANIMOUSLY by voice vote.

Motion/Vote: **SEN. MIKE SPRAGUE** MOVED TO ADOPT AMENDMENTS sb025302.agp and sb025303.agp, EXHIBITS #13 & #14. The motion CARRIED UNANIMOUSLY by voice vote

Motion: **SEN. WILLIAM CRISMORE** MOVED DO PASS SB 253 AS AMENDED.

Discussion: **SEN. KLAMPE** said SB 253 would be a nice perk for an insurance company, but would not reduce premiums. He opined insurance companies should participate in savings they garnered if SB 253 passed.

Vote: Motion DO PASS SB 253 AS AMENDED CARRIED 6-2 by voice vote, with **SEN. KLAMPE** and **SEN. WILSON** voting "NO".

EXECUTIVE ACTION ON SENATE BILL 298

Motion: **SEN. GARY FORRESTER** MOVED TO ADOPT AMENDMENTS sb029801.agp, EXHIBIT #15.

Discussion: **Bart Campbell** explained the amendments increased the amount from \$15 to \$30.

SEN. SPRAGUE asked for an explanation of Page 1, Line 28, saying "the service charge" was a generic term but Page 1, Line 21, kept the amount specific. **Charles Brooks** said a reasonable fee was to be one of the criteria because for the first time, the specific fee would be in code for the recovery of the check, i.e. the industry was being regulated. Therefore, "not to exceed \$30" was used in order to give flexibility.

SEN. SPRAGUE asked if the fee could ever exceed \$30, regardless of the size of the check. **Mr. Brooks** said it could not.

{Tape: 2; Side: B;}

SEN. SPRAGUE commented if the fee was \$30, the whole industry would be encouraged to raise their fees. He asked if the industry would have a problem with keeping it at the current fee. **Charles Brooks** said the people he represented would like to see it remain "reasonable fee" with no numbers, explaining the above-mentioned fees was a highly competitive field; the marketplace would force the rates to be at a certain level.

Vote: Motion TO ADOPT AMENDMENTS sb029801.agp PASSED UNANIMOUSLY by voice vote.

Motion: SEN. BILL WILSON MOVED DO PASS SB 298 AS AMENDED.

Discussion: SEN. SPRAGUE commented he supported SB 298 AS AMENDED because the damages were punitive.

Vote: Motion DO PASS SB 298 AS AMENDED PASSED UNANIMOUSLY by voice vote.

ADJOURNMENT

Adjournment: The meeting adjourned at 10:45 a.m.


SEN. JOHN HERTEL, Chairman


LYNETTE LAVIN, Secretary

JH/11

MONTANA SENATE
1995 LEGISLATURE
BUSINESS AND INDUSTRY COMMITTEE

ROLL CALL

DATE _____

2-13-95

[illegible]

SEN:1995

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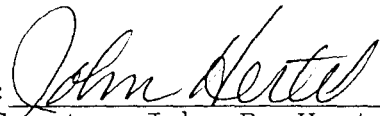
CS-09

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 13, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 287 (first reading copy -- white), respectfully report that SB 287 be amended as follows and as so amended do pass.

Signed: 
Senator John R. Hertel, Chair

That such amendments read:

1. Title, line 5.

Following: "INSURER"

Insert: "OR THE DEPARTMENT"

2. Page 1, line 29.

Following: "authorizing"

Strike: "an"

Insert: ": (a) a plan No. 2 or plan No. 3"

3. Page 1, line 30.

Following: "(2)"

Insert: "(a)"

Following: "plan"

Strike: ", "

Insert: "and"

4. Page 2, line 1.

Following: "factor,"

Strike: "and"

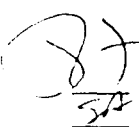
Insert: "if applicable, or"

Following: "injuries"

Insert: "; or

(b) the department to waive the requirement in subsection (2)(a) for a safety committee if a plan No. 1 insurer approved by the department presents sufficient evidence of an effective safety program, including a written safety plan. A waiver granted under this subsection (3)(b) to a member of the self-insurers guarantee fund must be made with the concurrence of the fund"

-END-

 Amd. Coord.

Sec. of Senate

371330SC.SRF

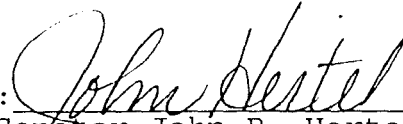
SENATE STANDING COMMITTEE REPORT


Page 1 of 1
February 13, 1995


MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 317 (first reading copy -- white), respectfully report that SB 317 do pass.

Signed:


Senator John R. Hertel, Chair

 Amd. Coord.

 Sec. of Senate

371325SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 13, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 246 (first reading copy -- white), respectfully report that SB 246 be amended as follows and as so amended do pass.

Signed: John Hertel
Senator John R. Hertel, Chair

That such amendments read:

1. Title, line 6.
Strike: "PAWNBROKER"
Insert: "PERSON SUFFERING ECONOMIC LOSS AS A RESULT OF THE CRIME"
2. Page 1, line 12.
Following: "warrant."
Insert: "(1)"
3. Page 1, line 16.
Following: "~~demand~~,"
Strike: "The"
Insert: "Following expiration of the 30-day period, the"
4. Page 1, line 17.
Following: "officer"
Insert: "upon demand"
5. Page 1, lines 17 and 18.
Strike: "if" on line 17 through "warrant" on line 18
6. Page 1, line 19.
Strike: "The"
Insert: "During the 30-day period, the"
7. Page 1, line 20.
Following: "court"
Insert: "or municipal court"
8. Page 1.

Q7 Amd. Coord.

22 Sec. of Senate

371339SC.SRF

Following: line 20

Insert: "(2) As used in this section, "administrative warrant" means a warrant:

(a) issued by the chief law enforcement officer of the jurisdiction;

(b) that describes the property to be held; and

(c) that states that the pawnbroker shall hold the property for 30 days from the date of receipt."

9. Page 1, line 24.

Strike: "pawnbroker"

Insert: "a person suffering an economic loss as a result of the crime"

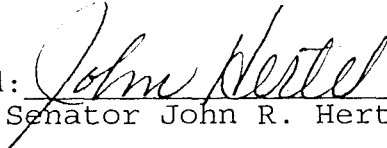
-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
February 13, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 253 (first reading copy -- white), respectfully report that SB 253 be amended as follows and as so amended do pass.

Signed: 
Senator John R. Hertel, Chair

That such amendments read:

1. Page 1, line 23.

Strike: "broker,"

Strike: "agent"

2. Page 2, line 6.

Strike: "have"

Insert: "be, has"

Following: "been"

Insert: ", "

3. Page 2, line 22.

Insert: "(3) The commissioner shall notify the person who or the entity that has given notice of an alleged insurance fraud pursuant to [section 5(2)] of receipt of the notice by the commissioner and of the disposition of the notice and any resulting investigation."

4. Page 3, line 5.

Following: "investigators"

Insert: ", "

Strike: "and with insurance commissioners and"

Following: "states"

Insert: ", and insurance commissioners of other states"

5. Page 3, line 14.

Following: "insurer,"

Insert: "an officer, employee, or producer of the insurer, an"

Following: "adjuster,"

Insert: "an"

Following: "administrator,"


Insert: "an"


Following: "or"

Insert: "an"

6. Page 3, line 16 and 17.

Following: "days" on line 16

 Amd. Coord.

 Sec. of Senate

371405SC.SRF

Strike: remainder of line 16 through "commissioner" on line 17

7. Page 4, line 5.

Following: "insurer,"

Insert: "an independent adjuster, an administrator, a
consultant,"

8. Page 4, line 6.

Following: "examination"

Insert: "of insurance fraud"

9. Page 4, line 10.

Following: "commissioners,"

Strike: "or"

10. Page 4, line 11.

Following: "fraud"

Insert: ", or other insurer or producer"

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 13, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB 298 (first reading copy -- white), respectfully report that SB 298 be amended as follows and as so amended do pass.

Signed: John Hertel
Senator John R. Hertel, Chair

That such amendments read:

1. Page 1, line 20.

Strike: "Except" through "the"

Insert: "The"

2. Page 1, line 21.

Strike: "an"

Insert: "a reasonable"

Following: "amount"

Insert: ", "

Strike: "\$15"

Insert: "\$30"

3. Page 1, lines 24 and 25.

Following: "issuer" on line 24

Strike: remainder of line 24 through "demand" on line 25

Insert: "is required"

Following: "order"

Insert: "and service charge"

4. Page 1, line 28.

Strike: "sum of \$15"

Insert: "the service charge"

5. Page 2, lines 17 through 19.

Strike: subsection (7) in its entirety

-END-

37 Amd. Coord.

321 Sec. of Senate

371428SC.SRF

BUSINESS AND INDUSTRY COMMITTEE
ROLL CALL VOTE

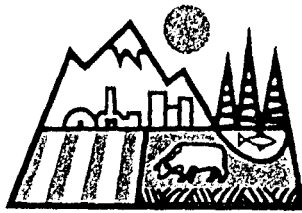
DATE 2-13-95 BILL NO. SB 246 NUMBER 1

MOTION:

SB 246 DPAA

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SEN:1995
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SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2-13-95

BILL NO. SB 287

MONTANA CHAMBER OF COMMERCE

P O. BOX 1730

• HELENA, MONTANA 59624

• PHONE 442-2405

Testimony by James Tutwiler, Montana Chamber of Commerce, on February 13, 1995 before the Senate Business & Industry Committee on SB 287, "An act allowing the Department of Labor and Industry to adopt rules authorizing a workers' compensation insurer, under certain conditions, to waive the requirement that an employer have a safety committee; amending section 39-71-1505, MCA; and providing an immediate effective date."

MR CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM JAMES TUTWILER AND I SPEAK FOR THE MONTANA CHAMBER OF COMMERCE WHICH REPRESENTS HUNDREDS OF BUSINESSES, MOST OF THEM SMALL BUSINESSES, ACROSS MONTANA. WE SUPPORT SB 287.

I WOULD LIKE TO PRESENT A BRIEF BACKGROUND OF THIS BILL FROM THE CHAMBER'S PERSPECTIVE. THE CHAMBER WAS ONE OF THE LEADING PROPONENTS OF THE 1993 MONTANA SAFETY CULTURE ACT. WE ALSO PARTICIPATED THROUGHOUT 1994 IN THE NUMEROUS MEETINGS AND HEARINGS LEADING TO THE ADOPTION OF IMPLEMENTING RULES.

OUR PRESENT ASSESSMENT OF THE ACT AND IMPLEMENTING RULES IS AS FOLLOWS.

- THE SAFETY CULTURE ACT IS WELL FOUNDED AND ITS INFLUENCE TOWARDS MAKING MONTANA A SAFER PLACE TO DO BUSINESS WILL GROW.

- THE WORK OF THE SAFE EMPLOYMENT EDUCATION AND TRAINING ADVISORY COMMITTEE IN DEVELOPING DRAFT IMPLEMENTING RULES WAS EXEMPLARY.

- THE ADMINISTRATIVE RULES PERTAINING TO SAFETY PROGRAMS IN THE WORK PLACE ARE WELL CONCEIVED AND WE BELIEVE GENERALLY ACCEPTED BY THE BUSINESS COMMUNITY; FOLLOW UP AND IMPLEMENTATION BY THE BUSINESS COMMUNITY WILL REQUIRE CONTINUOUS EDUCATION.

- THE ADMINISTRATIVE RULES PERTAINING TO SAFETY COMMITTEES IN THE WORK PLACE ARE NOT WELL DRAWN, NOR ARE THEY WELL RECEIVED BY MANY MONTANA BUSINESSES, PARTICULARLY SMALL BUSINESSES.

WHO SAYS THE COMMITTEE RULES ARE FLAWED, OVERKILL, AND IN MOST INSTANCES RESISTED? EMPLOYERS, MOSTLY SMALL EMPLOYERS. IN 1994 THE CHAMBER VISITED WITH HUNDREDS OF BUSINESS PEOPLE AND IN EVERY CORNER OF THE STATE. CONSISTENTLY, EMPLOYERS SAID TO US (1) THE SAFETY COMMITTEE RULES ARE BUREAUCRATIC OVERKILL (2) THESE RULES ASSUME THAT EMPLOYERS DON'T COMPREHEND AND PRACTICE SAFETY IN THE WORK PLACE (3) THE COMMITTEE RULES IMPEDE RATHER THAN FURTHER

UNDERSTANDING AND IMPLEMENTATION OF SAFETY PRACTICES BECAUSE THEY ARE PERCEIVED AS YET ANOTHER GOVERNMENT MANDATE.

THE CHAMBER SUBMITS THESE ADDITIONAL OBSERVATIONS FOR THE COMMITTEE'S CONSIDERATION.

-MANY MONTANA BUSINESSES CONSISTENTLY OPERATE SAFELY. IF THEY HAVE A WRITTEN AND PERFORMANCE DEMONSTRATED SAFETY PROGRAM THAT MEETS THE APPROVAL OF THEIR INSURER, A CONDITION THIS BILL IMPOSES, THEN SUCH BUSINESSES SHOULD BE ALLOWED TO CONTINUE WHAT HAS PROVED EFFECTIVE WITHOUT THE BURDEN OF ADDITIONAL RULES AND REGULATIONS IMPOSED BY GOVERNMENT.

-BUSINESSES WHO QUALIFY FOR A WAIVER FROM COMMITTEE RULES UNDER THIS BILL ARE STILL ENCOURAGED, INDEED REQUIRED, BY OTHER STANDING SAFETY RULES TO COMMUNICATE AND INTERACT WITH THEIR EMPLOYEES. IN SUM, WE DON'T SEE THIS BILL CAUSING ANY DEGRADATION OF THE BONDING BETWEEN EMPLOYERS AND EMPLOYEES THAT MUST EXIST TO CONSISTENTLY ACHIEVE HIGH SAFETY PERFORMANCE.

-THERE ARE AND UNFORTUNATELY THERE LIKELY WILL CONTINUE TO BE A FEW EMPLOYERS WHO DON'T KNOW OR REFUSED TO LEARN MANAGEMENT'S RESPONSIBILITIES IN A SAFE WORK PLACE. THIS BILL DOES NOTHING TO EXACERBATE SUCH A SITUATION. IN FACT, THE BILL DOES JUST THE OPPOSITE. IT EMPOWERS THE INSURER TO REQUIRE THE CONSTRUCTING OF SAFETY COMMITTEE PROCEDURES IN SUFFICIENT DETAIL TO SATISFY THE MOST DEMANDING OVER WATCH AUTHORITY.

-THE DETAIL AND MINUTIAE OF THE SAFETY COMMITTEE RULES ARE AN ASTOUNDING ACCUMULATION OF "SHALLS" AND "MUSTS". CONSIDER, IF YOU WILL, THAT YOU ARE A SMALL BUSINESS OWNER WITH SIX OR EIGHT EMPLOYEES. WITHOUT THIS BILL, YOU ARE REQUIRED TO, READ, UNDERSTAND, AND IMPLEMENT WITH THE COOPERATION OF YOUR EMPLOYEES A BODY OF RULES THAT CONTAINS 64 COMPONENTS, 64 "SHALLS, SHOULD, MUSTS", ETC..TO PROTECT YOURSELF IN A SITUATION WHERE ICE ON THE SIDEWALK AND THE OPERATION OF A COMPUTER ARE YOUR MAJOR THREATS TO HEALTH. (SEE COMPONENT LISTING OF MONTANA SAFETY COMMITTEE RULES IN SEPARATE HANDOUTS.

MR CHAIRMAN, MEMBERS OF THE COMMITTEE, WE RESPECTIVELY ASK YOU TO GIVE THIS BILL A FAVORABLE DO PASS. SB 287 WILL CERTAINLY DO MORE, NOT LESS, TO FURTHER THE DEVELOPMENT OF AN IMPROVED SAFETY CULTURE IN MONTANA BY NOT ENCUMBERING EMPLOYERS WHO UNDERSTAND AND PRACTICE SAFETY AND BY EMPOWERING INSURERS TO DO MORE IF THE SAFETY PERFORMANCE OF ANY CLIENT EMPLOYER REQUIRES IMPROVEMENT.

COMPONENT LISTING OF MONTANA SAFETY COMMITTEE ADMIN RULES

Requirement and Composition of Committee
(24.30.2542 and 24.30.2543)

1. Must have safety committee if more than five employees
2. Terms of collective bargaining prevail
3. Must include employee and employer representatives
4. Committee should not be dominated by employer
5. Must have at least one employer and employee representative
6. Employer representatives may not exceed employee reps
7. Employer may have fewer representatives
8. Recommends one employee rep if fewer than 16 employees
9. Recommends two employee rep if fewer than 50 employees
10. Recommends three employee reps with more than 50 employees
11. Employee representative(s) can volunteer
12. Employee reps chosen by non managerial employees
13. Alternate employee representative ok
14. Collective bargaining, no safety committee, bargainer decides
15. Employer can designate alternates rep
16. Employer may provide support staff
17. Employer may have separate safety com for each work site

Scheduling of Safety Committee Meetings
(24.30.2544)

1. Safety committee must meet periodically
2. encourage safety committee meetings as appropriate
3. Safety committee must meet once every six months
4. Employer must make available meeting space
5. Meeting space on premise, or
6. Meeting space at another location
7. Employer should provide resources, e.g. photocopies..
8. Committee meetings held during the workday
9. Committee meetings outside normal work hours
10. Committee members must be compensated for time in meetings
11. Meetings outside work site, travel expenses allowed
12. Meeting may not be conducted without a quorum
13. Quorum exists with half employee representative present
14. Quorum exists with half employer representatives present
15. Joint committee meeting allowed under certain circumstances
16. Joint meeting, quorum of employer reps must attend

Role of the Safety Committee
(24.30.2545)

1. Advise employer on ways to implement a safety culture
2. Goal of improving safety in work place
3. Safety committee is advisory
4. Employer makes decision to implement safety suggestions
5. Employer may not delegate decision making

Scope of Duties of Safety Committee
(24.30.2546)

1. Employers encouraged to make scope of duties broad
2. Committee should assess and communicate hazards
3. Com communicate with employees regarding committee activities
4. Com educate employees on safety
5. Com motivate employee to create a safety culture
6. Assist employer through info on safety rules
7. Assist employer through info on safety policies .
8. Assist employer through info on safety procedures
9. Assist employer through info on control of hazards
10. Assist employer through info on safety program eval
11. Assist employer through info on work place inspections
12. Assist employer through info on safety training
14. Assist employer through info on safety awareness topics
15. Assist employer through info keeping specific tng current
16. Safety committee may other duties consistent with the Act
17. May review reports of work related accidents
18. May review reports of work related incidents
19. May review reports of work related injuries
20. May review reports of work related illnesses
21. Committee must document its meetings
22. Meeting documentation must be retained by employer 3 years
23. Documentation should include date, time and location
24. Documentation should include list of participants
25. Documentation should include topics, issues discussed
26. Documentation should include recommendations, suggestions

(Compiled by Montana Chamber of Commerce 2/11/95)

Mr. Chairman, members of the Senate Business and Industry Committee:

My name is Dick Nash. I am the Human Resource Manager for Washington Construction Co. and in that capacity I am responsible for its Occupational Safety and Health Program.

Washington Construction Co. for years has advocated the necessity and importance of a safe and healthful work-place for all our employees. Not only have we been advocates of these concepts, we have been practitioners. Our results have demonstrated that an emphasis upon safe operating practices, in addition to being the legal and responsible way to function, also makes good economic sense.

We support the intent of Montana Safety Culture Act. We do, however, take exception to the requirement that all employers, regardless of current practices, be required to comply with the adopted rules pertaining to safety committees, including detailed requirements concerning their size, composition and frequency of meetings. For employers, such as Washington Construction Co., who have already made a firm commitment to work place safety these rules appear unnecessary as we are already accomplishing the desired goals of the Act. Through the combined actions of our employees and managers we have earned an experience modification rate from the Montana State Fund which is less than two thirds of the national average. In our case, imposition of the safety committee rules would truly be a case of "if it ain't broke, don't fix it."

Some speakers may contend that this limited exemption from the Safety Committee rules

will weaken the Act. This will not be the case. Only those employers who are already performing in an exemplary fashion, as established by past and current performance, will be eligible to receive this exemption.

We agree that for employers who are just beginning to realize the true importance of this issue, or for those who choose to disregard the safety and health of their employees, the Safety Committee rules may have very salutary effects. But to take a one-size-fits-all approach to this complex subject does not recognize and give credit to those individuals, workers and managers, who have already successfully come to grips with the safety problems inherent in the work place.

For these reasons we urge you to report SB287 out of this committee with a DO PASS recommendation.

Mr. Chairman, members of the Senate Business and Industry Committee:

My name is Jim Brouelette and I appear before you today in my capacity as a Personnel Manager for Washington Corporations and as a member of the Board of Directors of the State Fund. However, I am only speaking on behalf of my company.

In the 1993 legislative session, the affected Washington Corporations strongly supported the passage of SB 164, the Safety Culture Act. It brought safety to the forefront and encourages the development of comprehensive safety programs by all employers. We agree that active safety programs are imperative if employers are to protect their employees and control the costs of workers' compensation. The one concern we have with the act are the administrative rules that have been adopted concerning the safety committee requirement.

This exceptionally detailed regulation may work for an employer who is developing a safety program and/or has a substandard safety record, but for those employers who have made safety a priority it is an unnecessary, costly, administrative mandate. The employers who have developed a

safety program and demonstrated, as evidenced by their exp. mod factor and incident rate, that their method works should not have to shoulder this burden. Employee involvement is apparent as their program does work. That is why we strongly support the passage of SB 287 which will allow employers with *successful* safety programs, which is demonstrated by their record, to forgo the safety committee requirement. We do not believe this will weaken the intent of the act or the regulations. It will simply recognize the fact that the employers that are granted an exemption to the committee rule have a successful working safety program and in essence rewards them for their efforts by removing this unnecessary regulatory burden.

We urge you to move SB 287 through the committee process with a do pass recommendation.

Thank you for considering our position on this bill.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 5

DATE 2-13-95

BILL NO. SB287

LIST OF SERVICES

SAFETY/LOSS CONTROL PROGRAM

MONTANA ELECTRIC COOPERATIVES'
ASSOCIATION

February 13, 1995

SERVICES OF THE
SAFETY/LOSS CONTROL PROGRAM

MONTANA ELECTRIC COOPERATIVES' ASSOCIATION

I. Nature and Scope of Services

A. Nature

- 1) Reliance on accountability to a safety expert outside the cooperative.
- 2) Serving 26 rural electric cooperatives in Montana.

A. Scope

- 1) Regular On-Site Visits and Safety Meetings
 - a) 8 to 10 visits and/or meetings per year
- 2) Accident Prevention
- 3) Regulatory Compliance (By Request)
 - a) Information Updates
 - b) Workshops
 - c) Employee Training Certifications
 - d) Audits
- 4) Equipment Inspections
- 5) Workplace/Field Inspections
- 6) Job Enhancement and Training
- 7) Statewide and Regional Schools and Workshops
- 8) Safety Meetings
- 9) Related Documentation of Training/Inspections, etc.
- 10) Accident Investigation

II. Services Overview

A. Typical Subjects Covered by Program

- 1) Substation Safety
 - a) Hazards associated with substations
 - b) Precautions for working in substations
- 2) Electrical Safety
 - a) General Safety
 - b) Training in inspection of line hoses and blankets
 - c) Training in testing of hot sticks, personal grounds and truck grounds.
- 3) Additional Electrical Safety
 - a) Transformer Connections
 - b) Grounding
- 4) CPR/Bloodborne Pathogens Training
- 5) First Aid (Every other year)
- 6) Personal Ground Testing
- 7) Defensive Driving -- Certified Course
- 8) Proper Lifting Techniques -- Back Injury Prevention
- 9) Equipment inspections -- trucks/hard-hats/safety glasses/hooks/belts/hand tools/winches/slings/chains.
- 10) Excavation/Trenching/Shoring
- 11) Fiber Optics Safety
- 12) Office Safety -- Ergonomics, etc.
- 13) Fire Safety and Inspection
 - * Includes Proper Use of Portable Fire Extinguisher
- 14) Wellness (As Requested)
 - * Personal Health and Safety on the Job and at Home.
- 15) Energy Control/Confined Space Entry
- 16) Pole-Top/Bucket-Truck Rescue and Lower Control Operations.
- 17) Working in the Proximity of Power
- 18) Lead Awareness
- 19) Ladder Safety
- 20) Hazardous Materials Recognition and Handling
- 21) Occupational Noise Exposure
- 22) Round Table on Accidents and "Close Calls" -- Sharing of anonymous reports from around the state, conducted as part of regular safety meetings.
- 23) Proper Use of Personal Protective Equipment
- 24) Inspection of fire extinguisher, first aid kits.
- 25) Hantavirus Prevention Training
- 26) Home Safety
- 27) Hunting Safety

- 28) Emergency Evacuation Training
- 29) "Close-Calls" -- Roundtable discussion of near accidents or accidents averted.
- 30) Man-Hole Rescue
- 31) Slips and Falls -- Prevention
- 32) Wheel Inspections -- Safety of Tires/Rims
- 33) Air Brake Training (if applicable) -- Brake Adjustment Techniques.

B. Program Qualifications and Oversight

- 1) Qualifies as certified safety program under state mandates and requirements of METSPool (Montana Electric and Telephone Systems Self-Insured Workers' Compensation Pool) requirements.
- 2) Oversight by Safety/Loss Control Committee comprised of supervisory employees and directors.
(Meets quarterly.)

C. Safety Personnel

- 1) Two professional safety instructors
- 2) Ongoing intra-state and statewide training by industry specialists.

TABLE 1

REGISTRATIONS AND LICENSES REQUIRED OF
A GROCERY STORE IN MONTANA

License	State Agency	Agency Division
Beer Retail	Department of Revenue	Liquor Division
Cigarette Dealer	Department of Revenue	Income & Misc. Tax Division
Egg Dealer	Department of Livestock	State Veterinarian
Food Purveyor	Department of Health & Environmental Sciences	Food & Consumer Safety Bureau
Certificate of Limited Partnership	Secretary of State	Business Services Bureau
Meat & Poultry Depot	Department of Livestock	State Veterinarian
Montana Tax Identification Number	Department of Revenue	Income & Misc. Tax Division
Petroleum Dealer	Department of Commerce	Weights & Measures Bureau
Unemployment Insurance Employer Registration	Department of Labor & Industry	Unemployment Insurance Division
Weighing Device	Department of Commerce	Weights & Measures Bureau
Wine Retail	Department of Revenue	Liquor Division
Workers' Compensation Insurance Application	State Compensation Mutual Insurance Fund	Policy Services Division

Source: Rebecca R. Baumann, Business Licensing Specialist. Montana Business Licensing Handbook (Helena, MT: Montana Department of Commerce, Business Development Division, Small Business Development Center, January 1992).

TABLE 4

MONTANA STATE AGENCY LICENSING SUMMARY

Agency	Number of Licenses & Registrations	Range of Permits:	
		From	To
Agriculture	12	Pesticide Applicator	Bees & Honey
Commerce	88	Consumer Loan	Scales
Corrections & Human Services	3	Chemical Dependency	
Family Services	12	Adult Foster Care	Youth Home
Fish, Wildlife, & Parks	10	Bird Farm	Zoo
Health & Environ. Sciences	26	Open Burning	Food Purveyor
Justice	22	Card Dealer	Used Car Dealer
Labor & Industry	5	Boiler Engineer	Hoisting Engineer
Livestock	24	Animal Importation	Egg Graders
Nat. Resources & Conservation	15	Gas Drilling	Lakeshore Work
Public Service Commission	1	Public Convenience & Necessity	
Revenue	25	Cigarette Dealer	Beer Brewer
Secretary of State	12	Reservation of Name	Incorporation
State Lands	7	Land Use	Sawmills
Transportation	11	Alcohol	Gasoline

Source: Rebecca R. Baumann, Business Licensing Specialist. Montana Business Licensing Handbook (Helena, MT: Montana Department of Commerce, Business Development Division, Small Business Development Center, January 1992).

TABLE 2

REGISTRATIONS AND LICENSES AVAILABLE THROUGH THE MASTER
LICENSE SERVICE BY WAY OF THE MASTER BUSINESS APPLICATION

Registrations or Licenses	Agency	Frequency
Tax Registration	Revenue	One Time
Industrial Insurance	Labor & Industries	One Time
Unemployment Insurance	Employment Security	One Time
Trade Name	Licensing	One Time
Bulk Fertilizer	Agriculture	Annual
Egg Dealer	Agriculture	Annual
Nursery Dealer ^a	Agriculture	Annual
Pesticide Dealer ^a	Agriculture ^b	Annual
Refrigerated Locker ^a	Agriculture ^b	Annual
Seed Dealer	Agriculture	Annual
Waste Tire Carrier	Ecology ^b	Annual
Waste Tire Storage	Ecology ^b	Annual
Used Battery Collection	Ecology	Annual
Minor Work Permit	Labor & Industries	Annual
Telephone Solicitor ^a	Licensing ^b	Annual
For Hire ^a (Cabs)	Licensing ^b	Annual
Whitewater Craft ^a	Licensing ^b	Annual
Liquor ^a	Liquor Control Board ^b	Annual
Lottery Retail ^a	Lottery Authority ^b	Annual
Shopkeeper	Pharmacy	Annual
Cigarette Retail	Revenue	Annual
Cigarette Vendor	Revenue	Annual
Cigarette Wholesale	Revenue	Annual

Source: Master License Service, Department of Licensing, State of Washington, Registration and License Description Sheet (Olympia, WA: Master License Service, October 1993), 1 - 3.

^a An additional form, usually an addenda to the MBA, is required.

^b Agency approval of the license is required.

EXHIBIT NO. 9DATE 2-13-95BILL NO. SB 311

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BUSINESS LICENSE SERVICES
DEPARTMENT OF LICENSING
P.O. BOX 9034
OLYMPIA, WA 98507-9034

UBI NUMBER

OWNER NAME (Please print clearly)

FOR VALIDATION - OFFICE USE ONLY

MASTER BUSINESS APPLICATION

Please type or print clearly in dark ink.

BEFORE COMPLETING THIS FORM,
PLEASE SEE THE INSTRUCTIONS ON PAGE 2.

DTP-400-731-0003

1. LIST REGISTRATIONS, LICENSES, TRADE NAMES AND ANY REQUIRED FEES BELOW

See enclosed "Registration and License Description Sheet" for the information needed to complete this list.

REGISTRATION OR LICENSE TYPE	FEE
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	CUSTOMIZED PACKET \$5.40
Enclose check for total amount of all fees.	APPLICATION FEE \$ 15.00
Make check payable to the WASHINGTON STATE TREASURER.	TOTAL AMOUNT DUE \$

A PURPOSE OF APPLICATION (You may check more than one box, see the instructions on page 2.)

- ☐ Open New Business ☐ Register Trade Name ☐ Change Ownership ☐ Merger ☐ Hire Employees ☐ Hire Domestic Employees
☐ Add License/Registration ☐ Change Trade Name ☐ Open New Location ☐ Obtain Minor Work Permit ☐ Other _____

B COMPLETE THE INFORMATION WHICH APPLIES TO YOUR BUSINESS OWNERSHIP

SOLE PROPRIETOR	Owner's Name (Last, First, Middle)		Birthdate	Social Security Number
	Home Address (Street or Route, P.O. Box, City, State, Zip)			Home Telephone Number ()
	Spouse (Last, First, Middle)	Is the name of the spouse to appear on this license? <input type="checkbox"/> YES <input type="checkbox"/> NO	Social Security Number	COMPLETE ONLY Birthdate FOR LIQUOR OR LOTTERY LICENSE
PARTNERSHIP List Partners in Section C	Partnership Name (If any) <input type="checkbox"/> Limited (If limited write name exactly as registered with Secretary of State)			Number of Partners
	Partnership Mailing Address (Street or Route, P.O. Box, City, State, Zip)			
CORPORATION List Corporate Officers in Section C	Corporation Name (Exactly as registered with Secretary of State)			Date of Incorporation
	Number of Corporate Officers	Are any Corporate Officers in Washington also Directors and Shareholders? <input type="checkbox"/> YES <input type="checkbox"/> NO		State of Incorporation
OTHER List Principals in Section C	Name of the Organization	Type of Organization	Business Mailing Address (Street or Route, P.O. Box, City, State, Zip)	



UBI #

C COMPLETE THIS SECTION FOR ALL PARTNERS OR CORPORATE OFFICERS (Attach additional sheets if necessary.)

Name (Last, First, Middle)	Birthdate	Social Security Number	% Owned
Home Address (Street or Route, P.O. Box, City, State, Zip)		Home Telephone Number ()	Title
Spouse (Last, First, Middle)	Social Security Number	COMPLETE ONLY FOR LIQUOR OR LOTTERY LICENSE	Birthdate
Name (Last, First, Middle)	Birthdate	Social Security Number	% Owned
Home Address (Street or Route, P.O. Box, City, State, Zip)		Home Telephone Number ()	Title
Spouse (Last, First, Middle)	Social Security Number	COMPLETE ONLY FOR LIQUOR OR LOTTERY LICENSE	Birthdate
Name (Last, First, Middle)	Birthdate	Social Security Number	% Owned
Home Address (Street or Route, P.O. Box, City, State, Zip)		Home Telephone Number ()	Title
Spouse (Last, First, Middle)	Social Security Number	COMPLETE ONLY FOR LIQUOR OR LOTTERY LICENSE	Birthdate

D BUSINESS INFORMATION (Complete for actual location where business will be conducted.)

Date business first will be (was) conducted, under this owner, at this WA location: Mo Day Yr 	Firm/Trade Name		
	Business Mailing Address (Street or Route, P.O. Box — Do not use building name)		Suite #
	City	State	Zip
Business Location (Street or Route, City, State, Zip — Physical location only)			FAX Number
Is this location within city limits? <input type="checkbox"/> YES <input type="checkbox"/> NO	If yes, which city?	County	Total number of business locations you have in Washington
Is this business <input type="checkbox"/> Part Time <input type="checkbox"/> Full Time	Estimated Gross Annual Income		
Describe in detail the principal products or services you provide in Washington: (product manufactured or sold, type of construction, etc.)			
Name and Address of Personal or Business Reference (Street or Route, P.O. Box, City, State, Zip)			Telephone Number ()
Bank Name (business or personal account)	Bank Branch Name	Your Federal Employer I.D. Number (FEIN)	
Is this business owned by, controlled by, or affiliated with any other business entity? <input type="checkbox"/> YES <input type="checkbox"/> NO	If YES, list other business entity: <input type="checkbox"/> YES <input type="checkbox"/> NO		
Is this a Nonprofit Organization established for educational, religious, or charitable purposes?			<input type="checkbox"/> YES <input type="checkbox"/> NO

E COMPLETE IF YOU OPERATED OR ARE OPERATING ANY OTHER BUSINESS IN WASHINGTON STATE

Owner Name or Firm Name	Last year in business
Firm Address (Street or Route, P.O. Box, City, State and Zip)	UBI/State Tax Registration Number

F COMPLETE IF THE BUSINESS YOU ARE REGISTERING HAD A PRIOR OWNER

Did you buy, lease or acquire all or part of an existing business?	If yes, check one box <input type="checkbox"/> ALL <input type="checkbox"/> PART	Previous Business Name	Previous Owner's Telephone No. ()	Still in Business? <input type="checkbox"/> YES <input type="checkbox"/> NO
<input type="checkbox"/> YES <input type="checkbox"/> NO	Date Bought/Leased/Acquired Mo Day Yr 	Previous Owner's Name and Address		

EXHIBIT 9
DATE 2-13-95
1 SB 311

[70]

G COMPLETE IF YOU PURCHASED OR LEASED FURNITURE, FIXTURES, OR EQUIPMENT FOR THIS BUSINESS

Did you purchase any fixtures or equipment on which you have not paid sales or use tax?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If Yes, purchase price \$ _____	Are you leasing furniture, fixtures or equipment for use in Washington?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If Yes, from whom?
---	---	---------------------------------	---	---	--------------------

H COMPLETE IF YOU ARE AN OUT OF STATE BUSINESS

Are sales solicited on your behalf in Washington?	<input type="checkbox"/> YES <input type="checkbox"/> NO	If Yes, by: <input type="checkbox"/> Resident employees <input type="checkbox"/> Non-resident employees <input type="checkbox"/> Traveling representatives	<input type="checkbox"/> Local independent agents <input type="checkbox"/> Other		
Do you maintain stocks of merchandise, including consigned stock, in Washington?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Do you lease articles of personal property to others for use in Washington?	<input type="checkbox"/> YES <input type="checkbox"/> NO	Do you perform services in Washington for customers, clients, or franchisees?	<input type="checkbox"/> YES <input type="checkbox"/> NO

I COMPLETE IF YOU EMPLOY OR PLAN TO EMPLOY ONE OR MORE PERSONS IN WASHINGTON

Date of first employment or planned employment at this location Mo _____ Day _____ Yr _____	Number of persons you employ or plan to employ at this location (Do not include owners)	Of these, how many are or will be minors (under age 18)?	Are any of these minors under age 18? <input type="checkbox"/> YES <input type="checkbox"/> NO	
List the specific duties performed by minors at this location			Are the minors working in an agricultural business? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If you operate at more than one location, how do you wish to report for Unemployment Insurance and Industrial Insurance? <input type="checkbox"/> COMBINED <input type="checkbox"/> SEPARATE				
Do you wish Unemployment Insurance coverage for corporate officers? <input type="checkbox"/> Yes — Completed Form 5203 is required. This form will be sent to you by Employment Security Department. <input type="checkbox"/> No — Officers must be informed in writing by the corporation.				
COMPLETE THIS SECTION FOR INDUSTRIAL INSURANCE				
The following categories of employment ARE NOT INCLUDED under the mandatory coverage laws of Washington for Industrial Insurance. If you would like Industrial Insurance coverage for any of these categories, you must request coverage forms below. Sole proprietor/partner or corporate officers who are directors and shareholders; domestic servants; gardening/maintenance/remodeling in or about the employer's home; services in return for aid; minors under 18 years employed on a family farm; jockey-racing; entertainers; volunteer law enforcement; volunteer workers (medical only); Indian tribal members; community service workers; cosmetologists; barbers, and manicurists who rent booths; newspaper carriers; insurance agents, brokers, and solicitors; other employment as defined in Title 51 of the Revised Code of Washington.				
Indicate if you wish coverage forms for: Sole proprietor/partner or corporate officers who are directors and shareholders. (Form F213-042-000*) <input type="checkbox"/> YES <input type="checkbox"/> NO And/or application for optional coverage. (Form F213-112-000*) <input type="checkbox"/> YES <input type="checkbox"/> NO				
* These forms will be sent to you by Labor & Industries and are required before Industrial Insurance coverage becomes effective.				
You must check the ONE box which best describes the major operation of your business:				
(01) <input type="checkbox"/> Construction — Wood Frame Bldg. (02) <input type="checkbox"/> Construction — All Other (03) <input type="checkbox"/> Logging / Forestry (04) <input type="checkbox"/> Temporary Help or Trucking	(05) <input type="checkbox"/> Shipbuilding (06) <input type="checkbox"/> Mining / Quarrying / Sand & Gravel (07) <input type="checkbox"/> Mfg. — Wood / Metal / Stone Products (08) <input type="checkbox"/> Mfg. — Chemicals	(09) <input type="checkbox"/> Mfg. — Food Products (10) <input type="checkbox"/> Miscellaneous Mfg. (11) <input type="checkbox"/> Machine Shops / Auto Repair (12) <input type="checkbox"/> Agricultural / Farming	(13) <input type="checkbox"/> Retail / Wholesale Trade (14) <input type="checkbox"/> Services or Operations or Maintenance (15) <input type="checkbox"/> Communications (16) <input type="checkbox"/> Clerical / Professional Occup.	
DESCRIBE IN DETAIL THE ACTIVITIES OF YOUR EMPLOYEES			3 MONTH ESTIMATE	
			Number of Employees	Workers hours (include minors)

J SIGNATURE OF SOLE PROPRIETOR OR SPOUSE, PARTNER(S), OR CORPORATE OFFICER(S)

I (we), the undersigned, declare under the penalties of perjury and/or the revocation of any license granted, that I (we) am (are) the applicant(s) or authorized representative(s) of the firm making this application and that the answers contained, including any accompanying information have been examined by me (us) and that the matters and things set forth are true, correct and complete.				
Signature(s) required (If a corporation, corporate officer must sign)	Title	Date		
X				
X				
X				
Application prepared by (Please print)	Title	Telephone number	Date	
Agency representative assisting with application (Please print)	<input type="checkbox"/> Mail <input type="checkbox"/> Counter	Agency Office	Telephone number	Date

**Senate Bill 311**

Hearing in Senate Business and Industry Committee
February 13, 1995

Mr. Chairman, members of the committee, for the record my name is Pam Langley and I represent the Montana Agricultural Business Association, the Montana Seed Trade Association and the Montana Grain Elevator Association. All three associations are opposed to Senate Bill 311 as introduced as we were to House Bill 46 when it was introduced in the 1991 session.

Our associations represent every area of business in agricultural and are impacted by this proposed legislation. We must be licensed for seed, fertilizer, commodity handling, crop protection chemicals, feed, commodity warehousing, and in some cases, scales. All licenses and fees, except for the scales, are currently handled by the Department of Agriculture.

Our contact with state government, however, does not end with paying fees. We order manuals for pesticide licensing and work with the Department of Agriculture in obtaining points for continuing to qualify for the pesticide dealer and applicator licenses. Some licenses have bonding requirements which are handled by the Department of Agriculture, some don't.

As one of my members from Richey said, "I can call in to the Department of Agriculture and get some one on the other end who knows me, knows if I paid each of my licenses, knows what points I need and I can order manuals when I want--all at the same time." He also expressed real frustration in trying to deal with the Department of Commerce in obtaining building permits and suggested that instead of this legislation, building permits for agriculture should perhaps be transferred to the Department of Agriculture.

As we understand it, this legislation proposes that all fees be paid to the Department of Commerce which would in turn credit the fees to the proper Department of Agriculture account. For us, this adds another layer of bureaucracy to deal with--paying the fees in one department and doing the rest of our business with another.

This legislation intends to create a "one-stop shop" and make life easier for business--streamlining the process. On page 1, beginning on line 28 of the state BBS copy of Senate Bill 311, it states that a purpose is "providing a convenient, accessible, and timely system for the business community to acquire and maintain the necessary state registrations and licenses to conduct business. The system must be operated in a cost-efficient manner for the business community..."

Members of the committee, in the agricultural business community, we already have a convenient, accessible and timely system. This proposal would accomplish the opposite for us--it would create more hassle, might have to cost us more and mean more bureaucracy.

Not having seen the fiscal note, I'm not sure how this project is to be funded. It obviously would either have to come from the general fund or a fee increase on us. We have, session after session, agreed to fee increases on our businesses to save the programs in the Department of Agriculture when the Legislature pulled general fund to balance the budget. However, we cannot agree with a fee increase in this case because we think we are better served by the current licensing system in the Department of Agriculture.

The old adage "If it ain't broke, don't fix it" applies here. Two similar effort to change our licensing have been made in the past. In the 1980's, Keith Kelly, director of the Department of Agriculture under Gov. Ted Schwinden, opposed an effort and it died. I already mentioned that very similar legislation was introduced in 1991 as House Bill 46 which we opposed and it died. For agribusiness, it wasn't broke then and it isn't broke now.

We had no quarrel with House Bill 46 in 1991 and have no quarrel with Senate Bill 311 concerning other small business in Montana. With all due respect to Sen. Weldon whose intent seems to be to create a more efficient system and to this committee, we request the Senate Bill 311 be amended to continue to exclude agriculture and have drafted a proposed amendment for your consideration.

Thank you for your time and attention.

Amendments to Senate Bill 311
(State BBS Version)

1. Page 2, Line 30
Following: "Title 75,"
Insert: "and Title 80."
2. Page 4, Line 12
Following: "of"
Delete: "agriculture,"
3. Page 4, Line 28
Following: "of"
Delete: "agriculture,"

Amendments to Senate Bill No. 287
First Reading Copy

Requested by Senator Hertel
For the Senate Committee on Business and Industry

Prepared by Eddye McClure
February 8, 1995

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 11
DATE 2-13-95
BILL NO. SB 287

1. Title, line 5.
Following: "INSURER"
Insert: "OR THE DEPARTMENT"

2. Page 1, line 29.
Following: "authorizing"
Strike: "an"
Insert: ": (a) a plan No. 2 or plan No. 3"

3. Page 1, line 30.
Following: "(2)"
Insert: "(a)"

4. Page 2, line 1.
Following: "injuries"
Insert: "; or

(b) the department to waive the requirement in subsection (2)(a) for a safety committee if a plan No. 1 insurer approved by the department presents sufficient evidence of an effective safety program, including a written safety plan. A waiver granted under this subsection (3)(b) to a member of the self-insurers guarantee fund must be made with the concurrence of the fund"

Amendments to Senate Bill No. 253
First Reading Copy

For the Committee on Business and Industry

Prepared by Greg Petesch
February 10, 1995

1. Page 1, line 23.
Strike: "broker,"
Strike: "agent"
Insert: "producer"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 12
DATE 2-13-95
BILL NO. SB 253

Amendments to Senate Bill No. 253
First Reading Copy

For the Committee on Business and Industry

Prepared by Greg Petesch
February 10, 1995

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 13

DATE 2-13-95

BILL NO. SB 253

1. Page 2, line 6.

Strike: "have"

Insert: "be, has"

Following: "been"

Insert: ", "

2. Page 2, line 22.

Insert: "(3) The commissioner shall notify the person who or the entity that has given notice of an alleged insurance fraud pursuant to [section 5(2)] of receipt of the notice by the commissioner and of the disposition of the notice and any resulting investigation."

3. Page 3, line 5.

Following: "investigators"

Insert: ", "

Strike: "and with insurance commissioners and"

Following: "states"

Insert: ", and insurance commissioners of other states"

4. Page 3, line 16 and 17.

Following: "days" on line 16

Strike: remainder of line 16 through "commissioner" on line 17

5. Page 4, line 6.

Following: "examination"

Insert: "of insurance fraud"

6. Page 4, line 10.

Following: "commissioners,"

Strike: "or"

7. Page 4, line 11.

Following: "fraud"

Insert: ", or other insurer or producer"

Amendments to Senate Bill No. 253
First Reading Copy

For the Committee on Business and Industry

Prepared by Greg Petesch
February 10, 1995

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 14
DATE 2-13-95
BILL NO. SB 253

1. Page 3, line 14.

Following: "insurer,"

Insert: "an officer, employee, or producer of the insurer, an"

Following: "adjuster,"

Insert: "an"

Following: "administrator,"

Insert: "an"

Following: "or"

Insert: "an"

2. Page 4, line 5.

Following: "insurer,"

Insert: "an independent adjuster, an administrator, a
consultant,"

Amendments to Senate Bill No. 298
First Reading Copy

Requested by Senator Forrester
For the Committee on Business and Industry

Prepared by Greg Petesch
February 10, 1995

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 15

DATE 2-13-95

BILL NO. 298

1. Page 1, line 20.

Strike: "Except" through "the"

Insert: "The"

2. Page 1, line 21.

Strike: "an"

Insert: "a reasonable"

Following: "amount"

Insert: ", "

Strike: "\$15"

Insert: "\$30"

3. Page 1, lines 24 and 25.

Following: "issuer" on line 24

Strike: remainder of line 24 through "demand" on line 25

Insert: "is required"

Following: "order"

Insert: "and service charge"

4. Page 1, line 28.

Strike: "sum of \$15"

Insert: "the service charge"

5. Page 2, lines 17 through 19.

Strike: subsection (7) in its entirety

DATE February 13, 1995

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: SB 287 Senator Hertel

SB 311 Senator Weldon SB 317 Senator Benedict

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Melissa Brochu	State Auditor's Office	317	X	
Jim Tutwiler	MT Chambers	SB 287	L	
Gary Wray	MT Elec. Co-ops ^{Assn}	SB 287	✓	
STEVE KNIFFEN	MT Elec Co-ops' Assn	287	✓	
Jim Bronellette	Washington Corp	287	✓	
Dick Nash	Washington Const.	287	✓	
Russ Rether	Wash Corp	287	✓	
Dave Johnson	MT Society of CPAs	317	✓	
George Wood	MT Self Storage Assoc.	287	✓	
Jon Noel	Commerce	311	✓	
Ralph Peck	Department of Ag.	311		
Adam Myler	State Fund	287	✓	
Steve Turkiewicz	MT Auto Dealers Assn	287	✓	
Carl Schweitzer	MT Contractors Assn	287	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE February 13, 1995

SENATE COMMITTEE ON Business & Industry

BILLS BEING HEARD TODAY: SB 287 SB 311 SB 317

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Charles R. Brooks	Billings Chamber	287	✓	
Bill Dahlgren	#DOL COMMITTEE Sun Mountain Sports	287	✓	
Don Allen	CWCST	287	✓	
Don Judge	MT STATE AFL-CIO	SB 287		✓ amend X
Chip McKenna	MT Municipal Insurance Authority	SB 287	✓	
CHUCK HUNTER	DEPT. OF LABOR	SB 287	✓	
Jim Tutwiler	MT CHAMBER	SB 311	✓	
Pete Johnson	NFIB	SB 287 SB 311	✓ ✓	
Robert Johnson	LCC	SB 311	✓	
Doug Mitchell	SDS	SB 311	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY