

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on February 14, 1995,
at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Robert J. "Bob" Pavlovich, Vice Chairman (Minority) (D)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: None.

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

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

Committee Business Summary:

Hearing: HB 477, HB 510, HB 502, HB 498 & HB 499
(combined), HB 536, HB 475, HB 537
(continuation of hearing),
Executive Action: HB 498, HB 499, HB 502, HB 477, HB 536,
HB 475, HB 526

HEARING ON HB 477Opening Statement by Sponsor:

REP. DORE SCHWINDEN, HD 98, Roosevelt County, stated this bill was an act authorizing the state to negotiate a compact under the federal Indian Gaming Regulatory Act granting authority to a tribe to operate slot machines and roulette and to conduct the game of craps and the live card game of blackjack or twenty-one within the boundaries of its reservation; providing for payment of 8% of net revenue to the state to fund local government operations located in reservation counties and requiring gaming operations to be regulated by tribal law pursuant to the Federal Indian Gaming Regulatory Act and providing an immediate effective date.

Proponents' Testimony:

SEN. LINDA NELSON, SD 49, Medicine Lake, stated that half of her Senate district consists of the Fort Peck Indian Reservation with the Assiniboine and Sioux tribes. Life is not easy on the reservation. Non-Indians are either looking in on them or down on them. Indians would like to get a job if there were jobs to be had. Until recently, the Fort Peck Reservation had the industries to provide economic stability. This is a manufacturing plant that mostly does defense contracts and has employed up to 400 people. With the down-sizing of the military, AMS Industries is less than a skeleton of what it once was. Now it employs six people. Unemployment on this reservation exceeds 70%. A casino while maybe not the most desirous of industries, could bring that number down dramatically. When the AMS Industries was at its peak, the economy was booming. The stores and cafes were doing a steady business. The morale of the community was good. There is a downside to expanded gambling. These people are well aware of that too. There is a positive side also that deals with economic development and that deserves a look also. Employed people are occupied. They have less time to get into trouble. Employed people feel better about themselves. With improved self-esteem, there would be fewer social problems. Employed people can pay their bills. State-funded welfare programs could be reduced as former welfare recipients earn wages. Economic development could provide good jobs and needed revenue for the tribes and the local governments.

Gene Culbertson, Assiniboine/Sioux Tribes of Fort Peck Indian Reservation, said the tribe was again approaching the legislature for expanded gaming on the Fort Peck Reservation. In a effort to compete with the surrounding state and provincial neighbors for tourism and gaming profits created by the most powerful financial generator available to Indian people, each of the economic development projects will provide their people with self-sufficiency, employment and human dignity that accompanies self-determination. The purpose of this bill is to provide the

competitive edge the Fort Peck Tribes need to begin to generate dollars for the economic development programs. **EXHIBIT 1**

Christine Kaufman, Director, Montana Human Rights Network, said their board takes a position on tribal sovereignty.

REP. CHARLES DEVANEY offered his support of the bill.

Rob Don Horn, Fort Belknap Tribe, supported the bill. He also said the tribe had been negotiating with the state for five years but can't come to an agreement. One million dollars was lost because of the closure of the local facilities. The big stumbling block in the negotiations is scope of games, number of machines and the pay-outs. The state limits the machines in some cases, limits the location of the casinos, limits the number of machines. Harlem is a remote area which is 200 miles from a large town. They need different kinds of games to attract different types of people.

REP. GEORGE HEAVY RUNNER, HD 85, Browning, said in the past few years Indian gaming has been the "new kid on the block" in terms of recent news releases. If tribes were to develop and expand, the threat of crime, not only to the tribes themselves, but to the surrounding communities, would not be a concern. He said he had not seen any indication of organized crime on the reservation because it would "glaringly" stand out. Today, there is the new cry of unfair competition. Indian gaming is primarily a revenue for government and not the profit for private enterprise that holds gambling operations off the reservations as their main goal. It is important to understand that they have a different goal in respect to the profits. Tribal leaders would be remiss in not taking advantage of the laws which are under the Indian Gaming Act. Any government entity has the responsibility to provide government services and community programs for their people rather than corporate profits. That is the bottom line. This kind of tribal enterprise cannot be compared with commercial gaming interests. Tribal leaders are desperate to find avenues of economic development that can provide employment so they can depend less on welfare and other social services. If the tribes are never given the chance to use the assistance this would give, even if in a small measure, they will be going down the same road, fighting the same battles and passing on to another generation the continual pulverization and discontentment of the tribal and state relationships. If this committee wants to do anything positive, legislation such as this should be brought before the floor for discussion.

Opponents' Testimony:

Sharon Hoff, Montana Catholic Conference, said they were opposed to this bill. The church has not condemned gambling as intrinsically evil. They are aware of the many negative consequences of expanded gambling. With the massive expansion of gambling, proposed in this bill, it may be expected more crime,

more devastated families, more displacement and more compulsive gambling and alcoholism will occur. **EXHIBIT 2**

Ellen Engstedt, Don't Gamble With The Future, said if full gambling, as envisioned in this bill, is ever allowed on reservations it will be assured that the same gambling opportunities will be afforded the non-Indian communities of this state. The gambling industry will use its usual cry of "level the playing field" and the legislature will not turn a deaf ear to that cry. Gambling is not the answer for either the non-Indian population or the Indian population. We all need to examine other alternatives and our hearts and decide what kind of life and example tribal and non-tribal people wish to set for young people. Gambling is not the answer. **EXHIBIT 3**

Questions From Committee Members and Responses:

REP. BOB PAVLOVICH asked if this would include all of the reservations in the state. **REP. SCHWINDEN** said it would. If the reservation so chose to renegotiate their compact. **REP. PAVLOVICH** said he lived in a reservation area in Butte and wondered if they were also a part of this bill. **REP. SCHWINDEN** said currently tribes are able to operate up to 100 machines in their casinos. The non-tribal operators can only operate 20 machines and have not sought to change that.

REP. KARL OHS asked for an explanation of the compact and its negotiation. **REP. SCHWINDEN** said the compact is the avoiding of litigation so that both sides tend to win rather than spend money and become confrontational. The gaming compacts are negotiated with the Department of Justice and specified the types of gaming which would be allowed on reservations.

CHAIRMAN SIMON said when net revenue was discussed, it referred to the amounts paid out in prizes and total operating expenses associated with the slot machines. If there were other operations like food or liquor operation involved, those revenues would be separated. He asked what the other expenses associated with the gaming operation are because they seem to be so tied together. **REP. SCHWINDEN** said the concessions which would go along with the casinos would be a separate operational type of expense and would not be considered in the calculation of growth. The other specifics would be negotiated into each tribe's specific compact. It would be an agreed upon system.

CHAIRMAN SIMON said he was interested in the 8% revenue figure. How did the percentage get established? **REP. SCHWINDEN** said the offer of contributing the 8% is a unprecedented type of thing. Under the Indian Gaming Regulatory Act, there is no tax which is levied on a sovereign nation. It can't be done. In the interest of alleviating some of the potential social costs and infrastructure costs from operating this type of gaming, the tribes have offered to contribute that. It was a good faith offer.

CHAIRMAN SIMON said it indicates the 8% is going to be paid to the state and the payments received by the state would go back to the governmental units within those counties. There is no direction for the state as to how the money would be divided up.

REP. SCHWINDEN said in previous drafting of this bill, the 8% had been extended to the state to use however they saw fit to defray the cost of potential impacts of expanded gaming. That would be more appropriate to direct that money still in a general way so it could address specific concerns, but more to the reservation local government. By design it was intended to be left rather open.

REP. DON LARSON asked what the status of the Act is on the national level and is it being re-authorized? **Mr. Culbertson** said Congress is currently drafting amendments to the Act. But, they do not significantly change the relationship with the state.

REP. LARSON said Montana is waiting to see what the effect of those amendments are before they continue negotiations for the tribes in their compacts. He then asked for a description of those amendments. **Mr. Culbertson** said some of the amendments deal with the good faith clauses where the state is required to negotiate in good faith. In some instances it takes the state out of the negotiating process but it does not change the scope of gaming. This is not the first bill which was drafted. Michigan accepted a bill that provided 8% of the net revenue to the state and 2% to the local counties.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 510

Opening Statement by Sponsor:

REP. VICKI COCCHIARELLA, HD 64, Missoula County, said this bill is an act prohibiting unlicensed persons from conducting real estate appraisals for the purposes of obtaining loans from federally- insured lending institutions.

Proponents' Testimony:

William Diehl, Western Appraisal & Consulting, said they supported this legislation and supplied **EXHIBIT 4**.

Janet Davis, Chairman, Montana Board of Real Estate Appraisers, said they supported this bill. **EXHIBIT 5**

Kim Colvin, President, Montana Chapter American Society of Farm Managers and Rural Appraisers, said her organization has pursued the requirements set forth by the law because they want to

maintain their integrity as a profession. The unlicensed people doing appraisals, valuations or evaluations are not bound by the Uniform Standards of Professional Appraisal Practice. This bill will help to maintain the integrity of their profession and help to protect the general public, the taxpayers, from another banking bail-out. While this bill does not cover all transactions it does help by requiring that a licensed or certified appraiser does the appraisals for all transactions with institutions that are federally-insured. **EXHIBIT 6**

Jeannie Flechsenhar, State Board of Real Estate Appraisers, said the Board is constantly answering complaints from consumers against appraisers who are not certified or licensed and therefore, not under licensed jurisdiction. The Board cannot discipline appraisers who are not licensed or certified which negates many of the duties and responsibilities of the board. **EXHIBIT 7**

Hugh McNamera said he supported this bill and supplied **EXHIBIT 8**.

Kathleen A. Fleckenstein, Certified Real Estate Appraisers, said this bill is about consumer and taxpayer safety. **EXHIBIT 9**

Matthew Dalton said this legislation will not create a condition that would require an evaluation of collateral that does not already exist. The lender determines what documentation is required. He also supplied some questions and answers regarding this bill. **EXHIBIT 10**

TAPE 1, SIDE B

Mike Joki, Montana Chapter of Appraisal Institute, said this bill is a sure way to protect Montana consumers by requiring a licensed appraiser to perform real estate appraisals for transactions involving federally-insured loans. **EXHIBIT 11**

Opponents' Testimony:

John Cadby, Montana Bankers Association, said this bill will cause delays in getting appraisers and it is going to cause higher costs. They tried to put a majority of public members on the board which proved unsuccessful. Delays in appraisals did run 30-90 days and the fee was approximately \$150 and four years later it will be twice to three times as much. If this bill is passed consumers will pay more for unnecessary appraisals. Contrary to what has been said by the proponents, this bill requires any loan made by a bank pertaining to real estate to have an appraisal. It also prevents a lender from doing a market evaluation if it is in connection with a loan from a bank to finance or refinance real estate.

Ernie Dutton, Billings Association of Realtors, said he opposed this bill. This would unnecessarily increase the cost of doing business. Licensed appraisers are well qualified to do the job

they do, there is respect for their work, yet their services are not warranted in many situations. This bill is comparable to requiring property owners to use a realtor when selling their property.

Bob Pyfer, Senior Vice-President, Montana Credit Unions League, said there is one-third of the ninety credit unions making real estate loans to members. Any loan of under \$100,000 that is not sold on the secondary market is not required a certified appraisal. The credit unions generally require this anyway. This bill would clearly increase the costs to the credit union member for that smaller real estate loan. It would also discourage financial institutions from retaining loans locally and not selling them on the secondary market. Both of these results are bad for credit union members and bad for the consumer. This bill, as written, does apply to home equity loans. This bill also changes the licensing statute from a holding out statute to a practice statute.

Ward Shanahan, Montana League of Savings Institutions, said they are in opposition to the bill.

Tom Hopgood, Montana Independent Bankers Association, said they opposed this bill.

John Shontz, Montana Association of Realtors, said he wanted to clarify two things. He also said there were a number of realtors who were fee appraisers who questioned federally-insured loans. They were informed this was not the case. The distinction is the federally insured loan is a loan guaranteed by FHA, VA, SBA. This bill governs every loan made by federally insured institutions where the deposits are insured and not the loan. That is very troublesome.

George Bennett, Attorney, Montana Bankers Association, said the experts have determined that appraisals in certain areas are not necessary. Appraisers look at cost, comparable sales, income and then make an educated guess as to what buyers will do. They are somewhat like the legal profession. The legal profession makes an educated guess as to what courts will do. Appraisals are not necessary in three circumstances. He then presented a copy of documentation presented by the Federal Reserve Bank which listed the interagency appraisal and evaluation guidelines. This included the purpose, background, supervisory policy, appraisal and evaluation program, and selection of individuals who may perform appraisals and evaluations, independent of the appraisal and evaluation function, transactions which require appraisals, minimum appraisal standards, appraisal options, transactions which require evaluations, evaluation content, qualifications of individuals who perform evaluations, valid appraisals and evaluations, renewals, refinancing, and other subsequent transactions, program compliance, portfolio monitoring and referrals.

Jan Martin, Real Estate Loan Officer, Valley Bank, said the real estate loan officers of Montana are opposed to this bill. They use appraisers all of the time and this bill would be opposed to the needs of the state and hamper the ability to serve them.

Roz Duncan, Senior Vice President, Norwest Bank Montana, said the substantial part of their business is not purchasing transactions on real estate, it is second mortgage, home equity, transactions that deal with the consumer. People all read the same document and they do not agree what the bill says. The routine consumer transaction that occurs in their institution does not require appraisals. Properties have obvious equities in them and there are many situations where customers come to borrow money. It is not an issue of profit for the bank despite what comments have been made earlier. Appraisal fees and costs associated with home equity loans are passed directly on to the consumer. Since institutions are federally insured, appraisals from state certified licensed appraisers are in the range of \$450. That cost is going directly to the consumer who is borrowing the money. Many of those customers are receiving loans to put their children through school, to take advantage of tax breaks and to pass those costs on to them is really not appropriate. She also said she supports professional licensing and when people hold themselves out to be appraisers they should have the credentials, ethics, and regulations to back that. This bill seems to go a step further. There may be a good intention, but things get tagged which have implications that bankers do not realize up front. This has some very negative implications for the routine consumer.

Informational Testimony:

Ron Johnson, EXHIBIT 12; John Blotkamp, EXHIBIT 13; J.H. Ellison, EXHIBIT 14

Questions From Committee Members and Responses:

REP. DON LARSON said **Mr. Diehl** testified that a considerable number of appraisals are done by unlicensed, uncertified real estate sales people who go for licensees. How many residential appraisals are conducted in Montana by these 375 appraisers? **Ms. Davis** said she did not know. **REP. LARSON** then asked how she knew these appraisals, which were conducted by these real estate professionals are not adequate appraisals. **Ms. Davis** said they were very brief evaluations. Licensed and certified people can also do a summary or restricted report on the appraisal. That would be done at less cost than a normal appraisal. Consumer loans are being done by real estate agents. **REP. LARSON** asked if banks and financial institutions keep a person on their staff who does summary appraisals for the purpose of lending. **Ms. Davis** said most of the banks do not keep people on staff who do appraisals. By federal law the officer may not evaluate the property. Some banks do have a licensed appraiser on staff but most do not. **REP. LARSON** asked how an appraisal is solicited of

a lower property value. **Ms. Davis** said the value of the home and the collateral being offered for the amount of the home is the basis for the amount of the appraisal. Most of the time a licensed appraiser is hired. On a first mortgage an appraisal is required.

REP. OHS questioned the amount which is charged. **Ms. Colvin** said she did not recall a recent history but the figure would probably be \$150. Most appraisals are between \$350-\$450. That has been a fairly stable amount.

REP. ELLIS asked why a lender thinks an appraiser is required when one is not really necessary. **REP. COCCHIARELLA** said this bill does not require banks to have an appraisal beyond what they require. **REP. ELLIS** asked why there is so much divergence of opinion on whether this is required. **REP. COCCHIARELLA** said banks have issued their concern about banks' liability. **SEN. BECK** felt banks needed to be protected from liability questions and issues. **REP. ELLIS** asked for an evaluation of the bill. **Mr. Shontz** said lending institutions can ask realtors for a market analysis which is not an appraisal.

REP. MILLS asked if the bill could be amended to say only loans which require federal insurance will be considered. **Mr. Cadby** said current law is more than adequate for handling non-federally related transactions. The bill already indicates a non-federal transaction is covered.

CHAIRMAN SIMON asked what constitutes an appraisal. **Ms. Davis** said appraisers give an opinion of value. They need to be guided by certain rules and regulations. Everyone who gives an opinion should probably be operating under the same rules.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 502

Opening Statement by Sponsor:

REP. COCCHIARELLA stated this bill was an act clarifying the Montana Radon Control Act and clarifying when a radon disclosure statement must be provided to the buyer.

Proponents' Testimony:

Ernie Dutton, Montana Association of Realtors said this bill would exclude out-buildings and any other uninhabitable buildings.

Adrian Howe, Chief, Occupational and Radiological Health Care, Department of Health said the Department does support the bill as an enhancement to the public health in terms of radon.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 498 and 499

Opening Statement by Sponsor:

REP. COCCHIARELLA said HB 498 was an act creating a lead-based paint hazard control program; creating a lead-based paint hazard control account; and authorizing the Board of Health and Environmental Sciences to promulgate rules governing lead-based paint activities. HB 499 is an act directing the Department of Health and Environmental Sciences to establish a lead poisoning reduction program; requiring reporting of lead poisoning; authorizing the Department to implement a case management system requiring a health care provider or a health care facility employee who makes a diagnosis of lead poisoning to provide to the victim information concerning treatment and follow-up and providing effective dates.

Proponents' Testimony:

Dale Taliaferro, Administrator of Health Services Division, Department of Health & Environmental Sciences, said the Department has received reports of lead poisoning of children and questions about lead exposure and its prevention for a number of years. Studies in Butte and other communities have documented that problems do exist in Montana. Recent research has resulted in a better understanding of the effects of lead poisoning and the control for environmental lead exposure. In response to the recognition of the existence of the problem in Montana, the department sought a means to assess the extent of the problem and provide public health assistance in its control. The Department has been able to take advantage of knowledge and experience of the Butte Health Department to develop a statewide program. Services of testing, environmental assessment and lead poisoning prevention education have been expanded to Missoula County and Cascade County. Yellowstone County is also developing a lead poisoning prevention program. Because most sources of environmental lead exposure are already in place and new ones are being prevented, there is a foreseeable end to this problem if necessary actions are taken. This comprehensive lead poisoning prevention act provides the components necessary to detect

poisoning, assess environmental exposure and reduce or eliminate lead poisoning. **EXHIBIT 15**

Lisa Cain, Manager, Montana Lead Program, said their program provides lead inspections for families of lead-exposed children in Great Falls, Missoula, Billings and rural counties adjacent to Butte. This bill will prevent hazardous lead exposure for children. Blood lead tests on children under age six have been confirmed at a level which intervention is recommended. Improperly performed lead based paint abatement projects have been linked to some of Montana's most serious cases of childhood lead poisoning to date. Lead poisoning is preventable. This bill will protect children from future lead abatement exposures by requiring that workers be trained and certified and their training programs accredited before they participate in abatement projects. She also provided a list of the state advisory committee members. **EXHIBIT 16**

Dorothy Hockaday said she was the mother of two lead poisoned children. There were lead paint hazards on the trim of the house and garage where they reside. Soil lead levels were very high near their front porch and in the children's sandbox. They had poisoned the soil when they scraped the garage and trim years earlier. **EXHIBIT 17**

TAPE 2, SIDE A

Adrian Howe, Bureau Chief, Occupational and Radiological Health Bureau, Department of Health & Environmental Sciences, provided a summary of the nature of the problem; legislative history, effect on state programs; public information requirements and a conclusion to the problem of lead poisoning. **EXHIBIT 18**

Thomas B. Danenhower, Lead Poisoning Prevention Specialist, Cascade City/County Health Department, said data from blood lead level screening and follow-up environmental assessments show improper home lead-based paint removal to be a major source of lead poisoning in Great Falls. Testing from downtown Great Falls shows a 14% lead poisoning rate for 2 year olds, and an 11% rate for children ages 1-5. It is projected from data collected that 75-125 children each generation may be lead poisoned and may suffer from permanent central nervous system damage as a result if business continues as usual. These children may have trouble in school and a few may require institutional help. Childhood lead poisoning is the leading preventable disease among young children; safe lead-based paint removal through use of certified contractors and public education could help. **EXHIBIT 19**

Pete Frazier, Director of Environmental Health, City/County Health Department of Cascade County, said his department educates people to increase the public's awareness of the consequences of lead poisoning and how to prevent it. **EXHIBIT 20**

Ed Scott, Stone Container Corporation of Missoula, said it had been his responsibility to communicate with various industry representatives regarding the proposed bill and to communicate to the other committee members the industry's concerns and comments on this problem. **EXHIBIT 21**

Don Allen, Montana Wood Products Association/Western Environmental Trade Association, said they endorse these bills. He wanted to go on record to thank **REP. COCCHIARELLA** for her very hard work in trying to work with industry in reaching a bill which is good and can move forward.

Rite Bradley, Butte/Silver Bow County Board of Health; Chairperson, Butte/Silver Bow Lead Level Advisory Committee; Montana Lead Programs State Advisory Committee; Advocates for Montana's Children, said lead poisoning is a problem that crosses all boundaries; socio-economic, geographic, racial and ethnic. Children from homes with low economic resources are at higher risk. These children may live in old homes that their families cannot afford to properly maintain. Old, deteriorating lead-based paint is one of the major pathways of childhood lead poisoning. She also supplied a summary of recommendations to implement a long-term lead poisoning prevention and abatement program. **EXHIBIT 22**

Mary Alice Cook, Advocates for Montana's Children, said they strongly support both bills.

Lance Clark, Montana Association of Realtors, said they were one of eighteen participants on the Montana Lead Advisory Council. There should be greater information for the public and greater preventative health for youth.

Lou Archambault, Bison Engineering, said his experience with lead was gained in Massachusetts which was the first state in the nation to pass lead laws and supports these bills.

Steve Yeakel, Montana Council for Maternal and Child Health, said they support these bills. Their group is an organization of physicians, hospitals and community organizations which study issues that impact the health of mothers and children.

Christina Medina, Executive Director, Montana Low Income Coalition, said they were strongly in support of these bills because it will help low-income constituents.

Dave Parker, Department of Commerce, said when issues of lead-based paint occur two programs are represented. They are the Home Investment Partnerships Program and the Community Block Rent Program and they serve low-income citizens in Montana with their housing dollars. Both of these programs have as an eligible activity, housing rehabilitation. Many of the dwelling units were built prior to 1978 and many of the citizens live in these

structures which poses the greatest threat of danger of lead-based paint poisoning.

Opponents' Testimony:

None.

Informational Testimony:

Marc Racicot, Governor of Montana, EXHIBIT 23; Bernard Harrington, EXHIBIT 24; Dennis McCarthy, Butte Pediatric and Teen Clinic, EXHIBIT 25; Siobhan M. McNally, Berkshire Physicians & Surgeons, EXHIBIT 26; Diann Vaughan, EXHIBIT 27

Questions From Committee Members and Responses:

REP. PAVLOVICH indicated most of the testimony was from Butte and questioned if there was a major problem with lead poisoning in Butte. Ms. Cain said for some reason there seems to be a larger problem in Butte than in other places and the reason the program is headquartered there is because ARCO conducted the study to find out if there was lead poisoning. They said there was enough of a problem that there should be a program. The trouble was coming from the lead-based paint and not from the soil itself. There have been pockets of problems in Missoula and Great Falls. Other areas are going to be tested in future months.

REP. LARSON said the testimony had indicated the EPA lowered the level of what's acceptable. Ms. Cain said several years ago a child would not have been considered lead poisoned unless the level was 60 mg. It was subsequently decreased to 45 mg and was 25 mg for several years prior to 1991. Documented problems occurred in 1991.

REP. ELLIS questioned the fact of lead in solder. Ms. Cain said lead in lead pipes, solder and water, are all issues. Lead-based paint has been linked to cases of elevated lead levels in children all of the time.

REP. EWER asked if the intention of this bill was primarily to educate the public. Mr. Teliferro said the approach will be to focus on houses with children living there.

Closing by Sponsor:

The sponsor closed.

CHAIRMAN SIMON relinquished the chair to VICE CHAIRMAN PAVLOVICH.

HEARING ON HB 536

Opening Statement by Sponsor:

REP. NORM MILLS, HD 19, Yellowstone County, stated this bill was an act revising the laws relating to out-of-state mail service pharmacies specifying the requirement for sale of prescription drugs by out-of-state mail service pharmacies to members of a group health insurance contract or plan for a unit of state or local government; removing licensing of and requiring registration of out-of-state mail service pharmacies; specifying registration requirements; granting rulemaking authority to the Board of Pharmacy regarding out-of-state mail service pharmacies.

Proponents' Testimony:

Dennis Iverson, American Managed Care Pharmacy Association, said in previous legislation rulemaking authority was applied to the wrong section of the law and stated they were proponents of this bill.

Ward Shanahan, Attorney, Medco Containment Services, Inc., said they supported this bill and presented written testimony which contained information regarding the burden of this bill on the state plans; the registration of licensed pharmacies; the use of technicians; the basic information and legal jurisdiction and the service rendered from their toll-free telephone. **EXHIBIT 28**

TAPE 2, SIDE B

Jim Smith, Montana State Pharmacy Association, said they were supporting this bill and proposed some amendments.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. ELLINGSON asked for more information on Medco Containment Services? **Mr. Shanahan** said it was located in Ohio. It operates by contracting pharmacies throughout the U.S. to provide services to fulfill these contracts. It operates on a gross basis which offers volume discounts. The employees are properly certified and supervised. **REP. ELLINGSON** asked if the firm had been purchased for \$5 million. **Mr. Shanahan** said yes. **REP. ELLINGSON** said they were one of the biggest manufacturer of drugs in the U.S. **Mr. Shanahan** said it was the largest. **REP. ELLINGSON** asked if there was any conflict of interest involved between Merk being the manufacturer and Medco being a provider. **Mr. Shanahan** said they were very aware there might be a problem.

REP. ROD MARSHALL asked what this bill would do for the local pharmacy. **Mr. Smith** said there were institutional purchasers.

The other class was community retail pharmacies. The price differentials between these two classes of trade is substantial.

Closing by Sponsor:

The sponsor closed.

VICE CHAIRMAN PAVLOVICH relinquished the chair back to CHAIRMAN SIMON.

HEARING ON HB 475

Opening Statement by Sponsor:

REP. ROSE FORBES, HD 42, Cascade County, stated this bill was an act establishing an interest on trust accounts program for nominal or short-term deposits of customer funds by title insurers or title insurance producers; providing that the program be administered by the Montana Land Title Associating Foundation. She also proposed amendments.

Proponents' Testimony:

Ted Lovick, President Elect, Montana Land Title Association/President, American Title Industrial, further explained the amendments which were proposed. They have no significant impact on the bill but are structural changes to clarify the relationship between the legislation and the proposed foundation. Title insurance agents routinely receive funds to be placed in trust accounts for future use associated with real estate closing transactions. These transactions tend to be very short in duration. Typically, these funds are held temporarily on behalf of the clients and must be readily available for use. If these funds are sufficiently large or long term in nature the agent customarily deposits these monies in an interest-bearing account for the credit to the client. Those deposits which are nominal in amount often make it impractical to establish separate interest-bearing accounts. In many instances the accounting and administrative costs plus any bank charges would more than offset the potential interest gained to the client. Because of the impracticalities of establishing separate accounts, all client funds are co-mingled in a title agent's trust account. The trust accounts are left uninvested. This has been the accepted practice in Montana and most other states for title/agent trust accounts.

Ward Shanahan, Former President, State Bar of Montana, said he supports this bill.

Denny Moreen, Past President, Montana Law Foundation, said they supported this bill.

Frank Coty, Deputy Insurance Commissioner, said it is the opinion of the State Auditor's Office this money does belong to the consumer and does not belong to the bank. If money can be returned to the consumer through this program the bill would be supported.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. LARSON asked how many dollars this would entail. **Mr. Lovick** said there had been no analysis of the various accounts done. It is relative to the strength of the real estate economy because most of the funds are associated with real estate transactions. The best projections would be several hundred thousand dollars. **REP. LARSON** asked if there would be any audit function to insure the interest from these funds are flowing to the consumer. **Mr. Lovick** said it was patterned after the interest off of lawyer trust accounts and is a management agreement entered into between the title agent participant and the financial institution that would direct them to provide an accounting on a quarterly basis to the foundation.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 498

Motion: **REP. COCCHIARELLA** MOVED HB 490 DO PASS. **REP. COCCHIARELLA** MOVED THE AMENDMENTS.

Discussion:

REP. COCCHIARELLA explained the amendments.

Vote: Motion carried to adopt the amendments 16-2 with REPS. **LARSON** and **MARSHALL** voting no.

Motion/Vote: **REP. COCCHIARELLA** MOVED HB 498 DO PASS AS AMENDED.

Discussion:

REP. EWER said the purpose of the bill is through education.

Vote: Motion carried 13-5 with REPS. **BARNETT, LARSON, KEENAN, HERRON** and **MARSHALL** voting no.

EXECUTIVE ACTION ON HB 499

Motion: REP. COCCHIARELLA MOVED HB 499 DO PASS.

Vote: Motion carried 13-5 with REPS. MARSHALL, BARNETT, LARSON, KEENAN and HERRON voting no.

EXECUTIVE ACTION ON HB 502

Motion: REP. COCCHIARELLA MOVED HB 502 DO PASS.

Vote: Motion carried 15-3 with REPS. BARNETT, KEENAN and LARSON voting no.

EXECUTIVE ACTION ON HB 477

Motion: REP. ELLINGSON MOVED HB 477 DO PASS.

Discussion:

REP. BARNETT said he spoke in opposition of the bill. Gambling is being expanded and he realizes the reservation does have an economic problem but he still opposed the bill.

REP. ELLIS said he also opposed the bill because when the dispute was going on between the state and the Crow Indian Reservation about the concern of the casino which had been installed, there were too many machines and the people occupying the scene were mostly Native Americans.

REP. MARSHALL said he was very familiar with the problems on the Indian reservations in Minnesota which were granted this license and there are many problems in Minnesota because of this.

CHAIRMAN SIMON said he was concerned about the effect it will have on the off-reservation operations. They need to start competing against the reservations which have significant expansion beyond what other people are allowed. It will create a situation which may be very difficult.

REP. PAVLOVICH supported the bill.

Vote: A roll call vote was taken which failed 6-12 with REPS. SIMON, MILLS, BARNETT, ELLIS, EWER, FORBES, HERRON, KEENAN, MARSHALL, MCKEE, OHS and SLITER voting no.

Motion/Vote: REP. ELLIS MOVED TO TABLE HB 477. Motion carried 12-6 with REPS. PAVLOVICH, COCCHIARELLA, DEVANEY, ELLINGSON, LARSON and TUSS voting no.

EXECUTIVE ACTION ON HB 536

Motion: REP. MILLS MOVED HB 536 DO PASS ON HB 536.

Discussion:

CHAIRMAN SIMON stated if this bill does not pass, the Board will not have the rulemaking authority that they need to adopt rules which they found out they did not have as a result of the bill which passed two years ago.

REP. EWER said he was not going to support the bill without the amendments. There is a real distinction here as far as the pharmacists requiring schooling which is supposed to be available and is not.

REP. ELLIS said he opposed the bill without the amendments.

REP. MCKEE stated her opposition to the bill.

CHAIRMAN SIMON said most of the drugs coming from the out-of-state pharmacies are termed a maintenance type of drug. Antibiotics are not the kind of drugs received by a mail-order-pharmacy.

Motion: REP. PAVLOVICH MOVED THE SMITH AMENDMENTS. REP. PAVLOVICH WITHDREW THE AMENDMENT.

CHAIRMAN SIMON stated further action on this bill would be suspended until a later date.

EXECUTIVE ACTION ON HB 475

Motion: REP. FORBES MOVED HB 475 DO PASS. REP. FORBES MOVED THE AMENDMENTS.

Discussion:

REP. EWER stated he did not have a problem with the intention of the bill. He said he desired the industry to spend more time trying to get the float back to the customers who had paid for it. They do have a monopoly. He had some bias against the title insurance business.

Vote: Motion carried to adopt the amendments 18-0.

Motion/Vote: REP. FORBES MOVED HB 475 DO PASS AS AMENDED. Motion carried 16-2 with REPS. EWER and TUSS voting no.

EXECUTIVE ACTION ON HB 526

Motion/Vote: REP. SLITER MOVED TO TABLE HB 526. Motion carried 13-5 with REPS. ELLINGSON, TUSS, COCCHIARELLA, LARSON and PAVLOVICH.

HEARING ON HB 537

Continued from February 13, 1995

Proponents' Testimony: (continued)

Jerry Driscoll, Lucky Strike Casino of Missoula said on the grandfather portion of the casinos that were stacking prior to the 1991 session, the exception was inserted for those casinos who would like to be treated the same and this new bill will allow this. He also supplied testimony from William Schrup, CNJ Distributing Corporation, EXHIBIT 29; and Darinda Williams, Mike Williams and Richard Williams, EXHIBIT 30

EXECUTIVE ACTION ON HB 537

Motion: REP. LARSON MOVED HB 537 DO PASS. REP. LARSON MOVED THE CONSENSUS AMENDMENTS.

Discussion:

REP. PAVLOVICH said he would oppose the Driscoll amendment because of the fact this issue was taken up at the Tavern Association convention in September in Red Lodge and it was indicated at that time they did not want to grandfather any more establishments.

Vote: Motion carried to adopt the consensus amendments 18-0.

Motion: REP. LARSON MOVED HB 537 DO PASS AS AMENDED.

Discussion:

REP. COCCHIARELLA discussed the amendments. In the bill people are given ten years to do stacking. When ten years is granted to one group of 30 people and 3 are left with a total of five years this is not fair.

REP. PAVLOVICH said he had drafted the bill to make this process legal. In 1987 the state indicated they were not collecting any revenue from the keno machines. In 1989 other legislation was enacted. Tavern owners have had five years to rectify their problems and he opposed this.

Motion: REP. EWER MOVED TO ADOPT HIS AMENDMENT.

Discussion:

REP. LARSON said he opposed the Ewer amendment.

REP. ELLIS said there was considerable discussion for the small operator and this amendment is for the small operator.


REP. COCCHIARELLA said she was going to vote against the amendment but the people who were only given five years deserve five more years.

Vote: Motion to adopt the Ewer amendment failed 6-12 with REPS. BARNETT, ELLIS, EWER, HERRON, MARSHALL and TUSS voting yes.

Vote: Motion carried 17-1 with REP. EWER voting no.

ADJOURNMENT

Adjournment: 12:15 PM.


BRUCE T. SIMON, Chairman


ALBERTA STRACHAN, Secretary

BTS/ajs

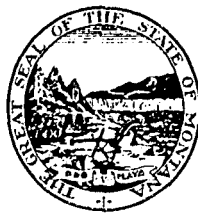
HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-14-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority	X		
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



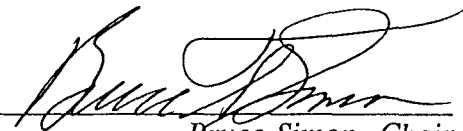
HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 498** (first reading copy -- white) **do pass as amended.**

Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Page 1, lines 20 through 23.

Strike: "should" on line 20 through "program" on line 23

Insert: "not impose additional burdens on the regulated community beyond federal requirements, while recognizing that the state program need not be identical to or administered and enforced in an identical manner to the federal program"

2. Page 2, line 15.

Strike: "form"

Insert: "from"

3. Page 2, lines 24 and 25.

Strike: "may" on line 24 through "requirements" on line 25

Insert: "not more stringent than federal law"

4. Page 2, line 26.

Following: "rules"

Strike: "must"

Insert: "may"

5. Page 3, line 14.

Following: "interior"

Strike: "building"

Insert: "and exterior"


2/15

Committee Vote:

Yes 13, No 5.

381600SC.Hdh

6. Page 4, line 10.
Strike: "prior to July 1, 1996,"

7. Page 4, line 14.
Following: "department"
Insert: "and based on rules adopted by the U.S. environmental
protection agency"

8. Page 4, line 19.
Strike: "After June 30, 1996, a"
Insert: "A"

9. Page 4, line 21.
Following: "rule"
Insert: "and in conformance with rules adopted by the U.S.
environmental protection agency"

-END-

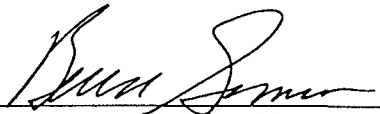


HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 499** (first reading copy -- white) **do pass**.

Signed: 
Bruce Simon, Chair

mm
2/15
Committee Vote:
Yes 13, No 5.

381604SC.Hdh



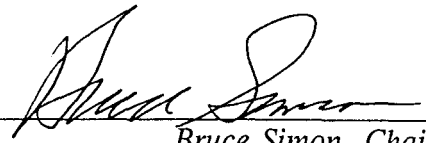
HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 502** (first reading copy -- white) **do pass**.

Signed: _____


Bruce Simon, Chair

mm
2/15
Committee Vote:
Yes 15, No 3.

381606SC.Hdh



HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 536** (first reading copy -- white) **do pass as amended.**

Signed: _____

Bruce Simon, Chair

And, that such amendments read:

1. Page 3, line 11.

Following: "same"

Strike: "administrative, financial, and"

2. Page 4, line 22.

Following: ";

Strike: "and"

3. Page 4, line 24.

Following: "board"

Strike: "."

Insert: "; and (6) shall provide oral pharmaceutical consultation, as provided in 37-7-706, to the person to whom the prescription is being sent and shall document and maintain for a reasonable length of time a record of the pharmaceutical consultation."

-END-

mm
2/15
Committee Vote:

Yes 12, No 1.

381607SC.Hdh




HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 475** (first reading copy -- white) **do pass as amended.**

Signed: 
Bruce Simon, Chair

And, that such amendments read:

1. Page 1, line 16.
Following: "through"
Strike: "(8)"
Insert: "(9)"

2. Page 1, line 26.
Following: "through"
Strike: "(6)"
Insert: "(7)"

3. Page 2, following line 19.
Insert: "(5)(a) The Montana land title association shall establish the Montana land title foundation for the administration of the funds generated by the interest on trust accounts program for the following purposes:
 (i) to support Montana nonprofit charitable organizations;
 (ii) provide continuing education programs for licensed title insurance agents; and
 (iii) promote knowledge and awareness of the real estate and title insurance industries.
 (b) The foundation shall establish bylaws for the administration of the foundation in accordance with subsections (5)(a)(i) through (5)(a)(iii)."

Renumber: subsequent subsections

Committee Vote:
Yes 16, No 2.

381611SC.Hdh

4. Page 3, lines 3 and 4.

Following: "for the" on line 3

Strike: "following"

Following: "purposes"

Insert: "set forth in subsections (5)(a)(i) through (5)(a)(iii)"

Following: "appropriate"

Strike: ":",

Insert: "."

5. Page 3, lines 5 through 8.

Strike: subsections (a) through (d) in their entirety

-END-



HOUSE STANDING COMMITTEE REPORT

February 14, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 537** (first reading copy -- white) **do pass as amended.**

Signed: _____

Bruce Simon
Bruce Simon, Chair

And, that such amendments read:

1. Title, line 5.

Strike: "THE MAXIMUM ALLOWABLE NUMBER OF"

2. Page 1, lines 11 and 14.

Strike: "the maximum number of"

3. Page 1, line 18.

Strike: "a gambling"

Insert: "an on-premises alcoholic beverages"

Following: "was"

Insert: "granted or"

Strike: "September 1, 1994"

Insert: "January 1, 1995"

4. Page 2, lines 11 and 12.

Strike: subsection (i) in its entirety

Re-number: subsequent subsections

5. Page 2, line 15.

Following: "businesses;"

Insert: "or"

Wm

Committee Vote:

Yes 17, No 1.

381613SC.Hdh

6. Page 2, line 16.

Strike: subsection (iii) in its entirety

Renumber: subsequent subsections

-END-

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 2-14-95 BILL NO. 537 NUMBER _____

MOTION: Amend.

NAME	AYE	NO
Rep. Bruce Simon, Chairman		✓
Rep. Norm Mills, Vice Chair, Maj.		✓
Rep. Bob Pavlovich, Vice Chair, Min.		✓
Rep. Joe Barnett	✓	
Rep. Vicki Cocchiarella		✓
Rep. Charles Devaney		✓
Rep. Jon Ellingson		✓
Rep. Alvin Ellis, Jr.	✓	
Rep. David Ewer	✓	
Rep. Rose Forbes		✓
Rep. Jack Herron	✓	
Rep. Bob Keenan		✓
Rep. Don Larson		✓
Rep. Rod Marshall	✓	
Rep. Jeanette McKee		✓
Rep. Karl Ohs		✓
Rep. Paul Sliter		✓
Rep. Carley Tuss		

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 2-14-95 BILL NO. HB477 NUMBER _____

MOTION: Do Pass

NAME	AYE	NO
Rep. Bruce Simon, Chairman		✓
Rep. Norm Mills, Vice Chair, Maj.		✓
Rep. Bob Pavlovich, Vice Chair, Min.	✓	
Rep. Joe Barnett		✓
Rep. Vicki Cocchiarella	✓	
Rep. Charles Devaney	✓	
Rep. Jon Ellingson	✓	
Rep. Alvin Ellis, Jr.		✓
Rep. David Ewer		✓
Rep. Rose Forbes		✓
Rep. Jack Herron		✓
Rep. Bob Keenan		✓
Rep. Don Larson	✓	
Rep. Rod Marshall		✓
Rep. Jeanette McKee		✓
Rep. Karl Ohs		✓
Rep. Paul Sliter		✓
Rep. Carley Tuss	✓	

FORT PECK TRIBES
HB-477 Legislative Testimony
February 14, 1995

Chairman Simon, Members of the Committee:

For the record, my name is Gene C. [Signature]
representing the Assiniboine/Sioux Tribes of Fort Peck Montana.

We are a most ardent supporter of HB-477. I am providing the committee with a copy of our testimony and an outline of some of the major economic development projects the Fort Peck Tribes are presently involved in.

For the sake of time with the Committee, and if it please the Chairman, I would like to introduce members of our Tribes who have traveled the long distance from Poplar, Montana to provide support for HB-477. (Permission generally granted).

Thank you Mr. Chairman. My testimony here will be brief. As you may note, this bill centers on one facet of economic development: Gaming on Indian Reservation. The Fort Peck Tribes are again approaching the Montana State Legislature for expanded gaming on our Fort Peck Reservation. In an effort to compete with our surrounding state and Provincial neighbors for tourism and gaming profits created by the most powerful financial generator available to Indian people today, so that, for example, each of the attached economic development projects (and others) will provide our people with self-sufficiency, employment and, most importantly, the human dignity that accompanies self-determination.

We view Montana's State unemployment figures and doubt if the these rates include Montana's Indian Reservations. If they are inclusive, Montana Government successes in job generation for our Montana people are indeed remarkable and record-setting accomplishments. If Reservation unemployment figures are not included in the above record-setting accomplishment, please be advised that on the Fort Peck Reservation unemployment is estimated to be in excess of 50%--with all of the social ills associated with an unemployed populous. Can you imagine the furor created in the political spectrum if Lewis & Clark County registered a 15% unemployment rate? The answer to the above? Economic development, of course.

With respect to this economic development issue, being accused of "selling our people to the devil", shoving a "minor", Northeastern Montana problem under the political opinion rug, Montana gaming "policy" (whatever that may be and wherever that has come from), and completely ignoring a major economic development opportunity; does nothing to solve the problem. Counting revenues from present Montana State-wide gaming and the number of machines Montana presently collects from, including the lottery, you simply have to admit that Montana State Government is in the Casino business big time.

The Fort Peck Tribes know that gambling revenues are not the "instant cure" to our social and economic problems. We do,

however, view gaming realistically as a powerful catalyst for increased economic, social and cultural development over the long term. All of Northeastern Montana needs the "economic boost" which can be provided by expanded, fully-regulated, reservation-based gaming.

HB-477 is brief, simple, well written, and understandable. The Indian Gaming Regulatory Act requires Reservation/State compacts. Therefore, the purpose of this bill is to provide that competitive edge the Fort Peck Tribes need to begin dollar generation for the economic development programs you have listed before you.

Incidentally, speaking of the listed economic development projects we are presently considering, we would most certainly like to inform Montana State Government that the items on this list provide a better in-house investment opportunity than industrial revenue bonds in Orange County, California.

Thank you. We urge the Committee to support HB-477, an excellent economic development opportunity for Northeastern Montana. Thank you.

FORT PECK TRIBES DEVELOPMENT MAP

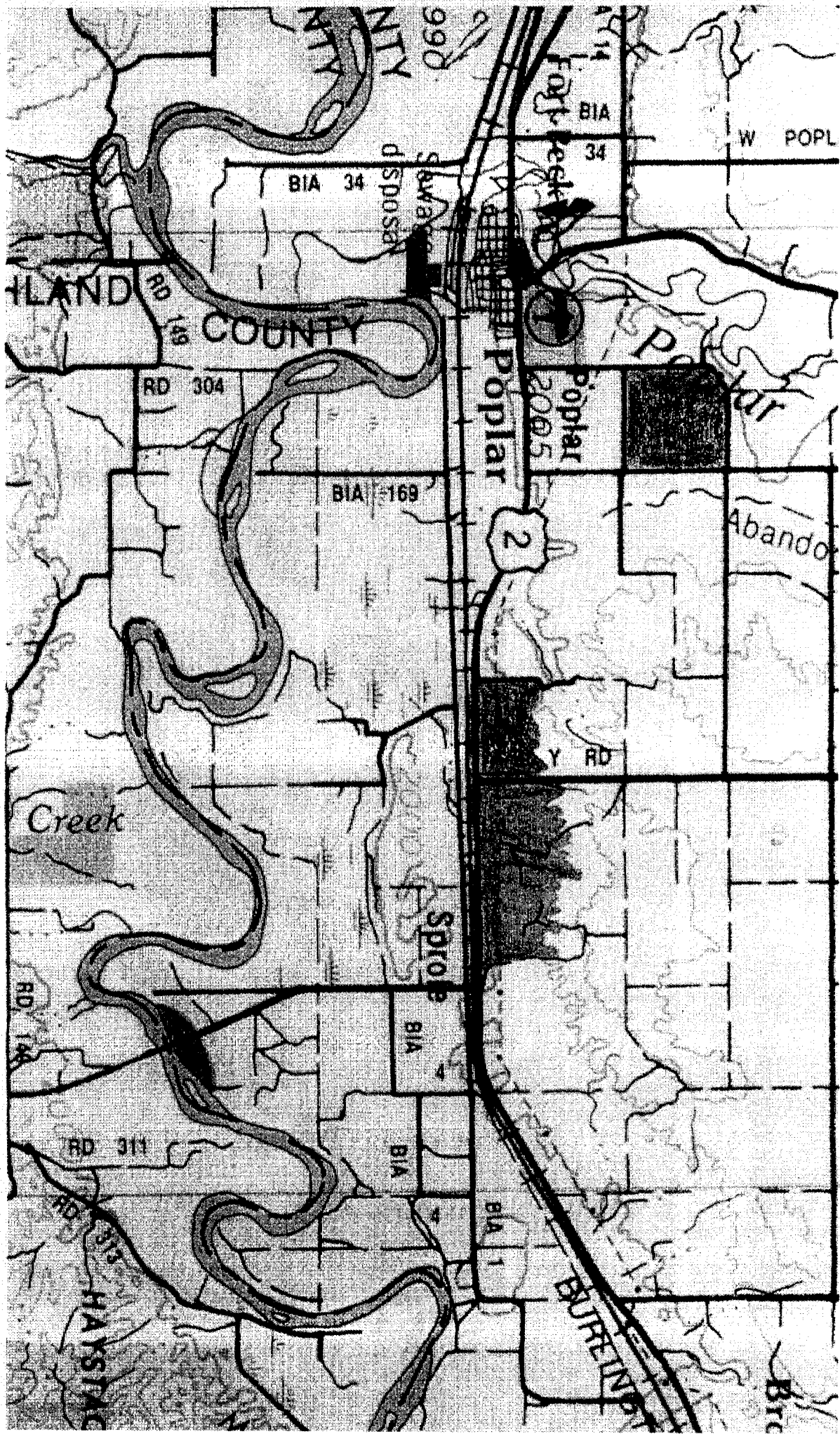
POPLAR AREA

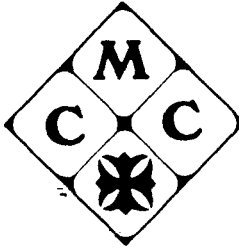
COLOR CODED KEY

1. Aquaculture/Hydroponics Facility Development Area-Tribal Industrial Park.
2. Five Year Tourism Plan-Historical & Cultural Preservation Development Area-Cultural Preservation Complex Area.
3. Five Year Tourism Plan-Resort Development Area.
4. Five Year Tourism Plan-Riverboat Recreation Development Area.
5. Poplar Airport Relocation and Expansion Development Area.
6. Tribal Government Complex-School-Business Development Area.
7. Fort Peck Community College Renovation/New Construction-Campus Development Area.
8. Geothermal Energy Development Areas-All the above have geothermal energy potential.

ESTIMATED CONSTRUCTION/DEVELOPMENT COSTS

1. Aquaculture/Hydroponics Facility Development	----\$15,000,000.00
2. Five Year Tourism Plan-Historical & Cultural Preservation Development Area-Cultural Preservation Complex	-----\$10,000,000.00
3. Five Year Tourism Plan-Resort Development Area	--\$10,000,000.00
4. Five Year Tourism Plan-Riverboat Recreation Development Area	-----\$ 2,000,000.00
5. Poplar Airport Relocation and Expansion Area	---\$ 4,000,000.00
6. Tribal Government Complex Development Area	-----\$ 7,000,000.00
7. Fort Peck Community College Renovation/New Construction-Campus Development Area	-----\$ 3,000,000.00
8. Geothermal Energy Development	-----\$ 5,000,000.00
Total	~~~~~\$56,000,000.00





Montana Catholic Conference

FEBRUARY 14, 1995

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD, MY NAME IS SHARON HOFF, REPRESENTING THE MONTANA CATHOLIC CONFERENCE. IN THIS CAPACITY, I ACT AS LIAISON FOR MONTANA'S TWO ROMAN CATHOLIC BISHOPS. BECAUSE THE MONTANA CATHOLIC CONFERENCE OPPOSES ANY INCREASE IN GAMBLING IN MONTANA, WE ARE OPPOSED TO HOUSE BILL 477.

WHILE THE CHURCH HISTORICALLY HAS NOT CONDEMNED GAMBLING AS INTRINSICALLY EVIL, WE ARE AWARE OF THE MANY NEGATIVE CONSEQUENCES OF EXPANDED GAMBLING. WITH THE MASSIVE EXPANSION OF GAMBLING PROPOSED IN HB477, WE CAN EXPECT MORE CRIME, MORE DEVASTATED FAMILIES, MORE DISPLACEMENT AND MORE COMPULSIVE GAMBLING AND ALCOHOLISM.

WHILE THE INTENT OF HB477 IS TO "PROVIDE TRIBES WITH A MEANS OF PROMOTING TRIBAL ECONOMIC DEVELOPMENT, SELF-SUFFICIENCY, AND STRONG TRIBAL GOVERNMENTS," THE BENEFITS PROMISED ARE BASED ON ASSUMPTIONS OPEN TO DISPUTE. INCREASED GAMBLING IS NO PANACEA AND CANNOT SUBSTITUTE FOR AUTHENTIC ECONOMIC DEVELOPMENT. AT BEST IT IS A DIVERSION

**FROM MORE FUNDAMENTAL SOCIAL IMPROVEMENTS, AT WORST, IT
WILL CONTRIBUTE TO THE VERY PROBLEMS IT PURPORTS TO
ALLEVIATE. WE URGE DO NOT PASS ON HB477.**

TESTIMONY - HOUSE BUSINESS AND LABOR - HB 477

Mr. Chairman and Members of the Committee:

For the record, my name is Ellen Engstedt and I represent Don't Gamble With The Future, a statewide organization opposed to the expansion of gambling and in favor of stronger regulation of the gambling currently legal in Montana. Our organization is comprised mostly of small business folks and their families.

Please bear with me while I give you philosophical reasons to oppose HB 477 rather than to address the points of the bill. I tried to be able, at least, to agree with a couple of the Whereas, but every one of them used gambling as a means for the tribe to develop economically.

If full gambling as envisioned in HB 477 is EVER allowed on reservations in the State of Montana, you can be assured that the same gambling opportunities will be afforded the non-Indian communities of this state. The gambling industry will use its usual cry of "level playing field" and I cannot see a Legislature turning a deaf ear to that cry.

The hope that gambling on Indian reservations in Montana will produce the same monetary results enjoyed by the gambling some Indian reservations around the United States have experienced is yet another cruel trick played on the Native American population -- this time by themselves. Montana simply does not have the population base some of those other reservations have in being located near metropolitan areas.

The explosion of gambling in this country has produced a nation of people feeding off their neighbors. There is no product produced by gambling. Many of those interested in promoting gambling tout it as economic development. Economic development occurs when there is a pride in a product produced or when life is improved for the citizens. This does not mean low paying service jobs with high profits for those who prey on the weakness of fellow citizens, whether they be red or white. We as a culture seem to be blind to a growing dependence upon the attempt to acquire something for nothing.

I used to be proud to say that Montanans have traditionally been willing to work hard to support their families and themselves and not rely on a something for nothing attitude. Legalized gambling has changed this attitude.

I wish I could give the tribes of the State of Montana another alternative to gambling for the economic stability they seek. The tribes need to explore other alternatives, as does the white population of this state that also thinks gambling is the answer to its economic problems. Gambling is not the answer for either the non-Indian population or the Indian population. We all need to examine other alternatives...and our hearts...and decide what kind of life and example we as Montanans, tribal and non-tribal, wish to set for our young people. Gambling is not the answer.

Thank you for your time and consideration.

WESTERN APPRAISAL & CONSULTING PC

400 NORTH PARK AVENUE
P. O. BOX 453
Helena, Montana 59601-0453

EXHIBIT 4
DATE 2-14-95
HB 510

406-442-8174

406-442-8124

**Montana House of Representatives
Business and Labor Committee
Representative Bruce Simon, Chairman**

Mr. Chairman and members of the Committee:

My name is William Diehl

I am a Montana General Certified Appraiser

A Senior Member of NAIFA a National Appraisal Organization

I am the NAIFA National Education Committee Chairman and have been the Helena Chapter Appraiser Education Coordinator for the past 15 years. I am the Author of Farm Ranch and Rural Appraising for NAIFA as well. Our Organization has provided over 25,000 student contact hours of appraiser education to Montana Appraisers in the past 5 years.

I am also a licensed real estate Broker and a 20 year member of the Montana Association of Realtors.

Passage of HB 510 is an important bill for both taxpayers and consumers in Montana.

Montana Licensed and Certified Appraisers are obligated by and must comply with the Uniform Standards of Professional Practice through Section 37-54-201, MCA known as the Montana Appraiser Licensing Law.

These Standards of Appraisal Practice

- Establish minimum Standards for performing the work of an appraiser
- Serve client needs professionally
- Serve the needs of the public and society
- Establish a basis for judging and evaluating the credibility and supportability of real estate appraisals and reports
- Protect the public, users of appraisal and appraisers from inappropriate activity and or claims

The Standards identify what an appraiser should or must consider, should or must do, and how that activity should or must be conducted and documented while carrying out appraisal practice.

Page 2.
House Business and Labor Committee
February 14, 1995

The Standards establish a basis for judging or evaluating whether a particular appraisal has been conducted appropriately, supportably and professionally.

Consumers and Taxpayers have a shared interest in the requirements imposed by these Standards.

However, the existing regulations allow real estate loans under \$250,000 to be appraised by un-licensed and un-certified appraisers who are not subject to the Uniform Standards of Appraisal Practice. A considerable amount of this appraisal work is now done by un-licensed and un-certified real estate sales and broker licensees who are not subject to these Standards.

My experience as both a broker and appraiser tells me that there is symbiotic relationship between the real estate agents and the real estate loan officers whereby the consumer is left out of proper representation in the transaction. Such real estate agent and loan officer relationship is not healthy for the consumer because the main interests represented in the transaction are the collection of loan officer commissions and real estate agent commissions.

Of course there is pressure for valuations supporting high values and thus high real estate agent commissions and loan officer commissions. Buyers may suffer from this aspect of the transaction. On the other hand, appraisals by bank officials may and often do reflect low values disqualifying persons or property for loans and thus, the old red-lining abuse is present even though illegal.

An independent third party appraiser subject to the USPAP Standards goes a long way to prevent these abuses and that's why we need this legislation.

The taxpayers have an interest in this legislation as well. The whole reason for the Federal laws which resulted in the Montana Appraiser Licensing Law was the abuse of real estate lending by the banking industry. Legally sanctioned real estate appraiser independence was the main thrust of the federal legislation to avoid future abuse. That abuse has cost the taxpayers billions and some precaution is thus warranted for the future.

The Uniform Standards of Professional Appraisal Practice are no less important for transactions of less than \$250,000 than those governing conduct of real estate brokerage. Can you imagine having no real estate sale and brokerage requirements for transactions below \$250,000?

Thank you for hearing my testimony

W. O. O'Neil, ASA, IFAA

HB 510

54TH LEGISLATURE

COMMITTEE

WITNESS STATEMENT

Please Print

NAME Janet Davis BILL NO. 510

ADDRESS P.O. Box 1821 Billings MT DATE 2-14-95

WHOM DO YOU REPRESENT? Mt Board of Real Estate Appraisers

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: _____

W:\DATA\WP\WITNESS.95

EXHIBIT 6
DATE 2-14-95
HB 510

KIM C. COLVIN
P.O. BOX 471
CANYON CREEK, MT 59633
(406) 368-2242

MT. CERTIFIED GENERAL R.E. APPRAISER #174

2/14/95

To: Members of the House Business and Labor Committee

From: Kim C. Colvin, President
Montana Chapter American Society of Farm Managers and
Rural Appraisers

Mr. Chairman and Committee Members I am Kim Colvin, current President of the Montana Chapter of the American Society of Farm Managers and Rural Appraisers. In the past I have worked for Security Pacific National Bank, a large commercial bank, as both an agriculture appraiser and a commercial loan officer. I have seen both sides of the appraisal issue. I have been an independent fee appraiser for the past six years. I am here on behalf of our 80 member state chapter to speak in favor of House Bill 510.

Our organization is nationwide. We are non-profit with a mission of promoting professionalism in farm management and rural appraisal by holding educational opportunities, meetings for idea exchange, disseminating information and administering an accrediting program for the recognition of the professional advancement of individual members, by building and maintaining a code of business and professional ethics, by adopting and enforcing a set of Standards of Professional Practice.

Page 2

Professional Practice--This book is the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board under the Appraisal Foundation. The Appraisal Foundation is authorized by the U.S. Congress as the Source of Appraisal Standards and Qualifications. We as appraisers, Certified or Licensed, in the State of Montana are bound by law to uphold these standards.

Up until last year any appraisal over \$100,000 in value had to be performed by a Certified or Licensed appraiser. This diminimus was raised by the Federal Government to \$250,000 last year, despite two negative national comment periods. At this point it should be noted that the very people who lobbied to have this diminimus raised are Affiliate Sponsors of the Appraisal Foundation and the Uniform Standards of Professional Appraisal Practice that we are bound by. The organizations are the American Bankers Association, American Real Estate & Urban Economics Association, Mortgage Bankers Association, Savings & Community Bankers of America, Mortgage Insurance Companies of America to name a few. These organizations have supported the professionalism and integrity of the appraisal community in the past. What changed? Interest rates went down, their volume went up. They said they were not getting fast enough turn around time and the appraisal cost was too much for the consumer. From my experience, I know, that for the banks, the diminimus issue was profit driven. That's a fact. It still is.

Now we have plumbers in Kalispell doing drive-by evaluations for banks and realtors. If a plumber in Kalispell is doing appraisals what other unqualified people are doing appraisals around the state.

After the Savings and Loan disaster in the early eighties, after the taxpaying public of this country had to bail out the S & L s, the appraisal community was forced by Federal and State law to conform to the standards and become either Certified or Licensed. Raising the diminimus has diluted the importance of our efforts, the many years of experience in appraisal, the thousands of dollars we have spent and are still spending for required continuing education, fees for certification and licensing with this state. To be Certified in Montana we had to have 2,000 hours of appraisal experience, 165 hours of appraisal education, and pass a rigorous test. Do you think Joe plumber has done this? Does he even know what the three approaches to value are? Most likely not and does not care.


We as appraisers have pursued the requirements set forth by the law because we want to maintain our integrity as a profession. The unlicensed people doing appraisals or "valuations" or "evaluations" are not bound by the Uniform Standards of Professional Appraisal Practice. Yet we are. We cannot do an appraisal without meeting the standards because we are obligated

Page 4

by state and federal law and the bylaws of our professional organizations.

HB 510 will help to maintain the integrity of our profession and will help to protect the general public, the taxpayers, from another banking bail out. While this bill does not cover all transactions it does help by requiring that a licensed or certified appraiser do the appraisals for all transactions with institutions that are Federally insured. Thirty three other states have felt this is an important enough issue to pass legislation requiring certification and licensing. Many other states are on the same track as Montana. Please send HB 510 to the House for a vote so that all appraisals done for Federally related institutions will be performed by a Certified or Licensed appraiser.

Thank you,

A handwritten signature in cursive script, reading "Kim C. Colvin". The signature is written in dark ink and is positioned above a horizontal line.

Kim C. Colvin, President
MT Chapter American Society of Farm
and Rural Appraisers

Statement in support of HB 510
February 14, 1995

My name is Jeannie Flechsenhar and I am a public member of the State Board of Real Estate Appraisers.

The Board recently discussed this bill via a conference call and voted to support HB 510.

We believe this bill will be in the best interest of the Montana consumers by requiring real estate appraisals by certified and licensed individuals for the purposes of obtaining a loan from an lending institution where publicly insured monies are involved.

Presently 33 other states and 5 U.S. territories require all persons conducting real estate appraisals to be licensed and certified by the State Licensing Board.

We as a Board are constantly answering complaints from consumers against appraisers who are not certified or licensed and therefore, not under our jurisdiction. We as a Board cannot discipline appraisers who are not licensed or certified, which negates many of the duties and responsibilities of this board. Although this bill does not require all real estate appraisals to be done by ^{licensed} certified appraisers, it is the first step in that direction to protect the consumers against incompetence.

We urge you to support this bill.

Signed Jeannie Flechsenhar

Jeannie Flechsenhar
Box 385
Cascade, Mt. 59421
468-2792

Mister Chairman - Members of the Committee - for the record my name is Hugh McNamer. I am a real estate appraiser located here in Helena.

I have been an appraiser and a real estate broker for 17 years in Oregon and in Montana. Prior to that I was a rancher and businessman in Oregon and in Montana. I was a Glacier County Representative in the 1971 session of the Montana Legislature. I was on the Board of Directors of the Bank of Glacier County for 10 years.

I cite the forgoing to illustrate that I understand the pressures that bank loan officers and real estate agents are under to approve loans and to close the sale of property.

In the late 1980's, following the collapse of many Savings and Loans, with input from some 15 different Appraisal organizations - some of which are represented in this room - the Appraisal Foundation was formed. This organization developed the *Uniform Standards of Professional Appraisal Practice* - USPAP. Congress passed the *Financial Institutions Reform, Recovery and Enforcement Act* - known by the acronym of FIRREA, which adopted these standards. At that time only two states had licensing and certification requirements. The Federal Government leaned on the States to pass Licensing and Certification laws to conform with FIRREA.

These laws are strict and demanding. They require a considerable level of appraisal education and experience prior to taking the state examination - and continuing education thereafter.

Federal Regulators have diluted the intent of Congress by raising the minimum requirement level for professional appraisals. At first it was for all loans over \$15,000 - now its up to \$250,000. This essentially means - no requirement for an objective, qualified, professional appraisal for the protection of the lender's depositors, on any loan less than \$250,000.

The bank loan officer must decide:

1. Can the borrower repay?
2. Will the borrower repay?
3. Will the security protect the bank if the borrower does not repay?

With the expansion of branch banking, it is rare that the person who approves the loan knows the borrower - so more dependence is placed on the security. An unbiased estimate of the value of that security is imperative!

I urge that this committee DO PASS house bill 510

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

Business & Labor

COMMITTEE

WITNESS STATEMENT

Please Print

NAME Kathlene A. Fleckenstein BILL NO. 510

ADDRESS P.O. Box Corvallis, MT DATE 2/14/95

WHOM DO YOU REPRESENT? 59828 Certified Real Estate Appraisers

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: I addressed the Bitterroot Valley Board of Realtors at their January Business meeting ^{regarding this bill.} Afterward, I had many positive comments and zero negative comments from local real estate agents. Mostly they were shocked that they had to be licensed and that not all appraisers had to be. ~~I guess the Realtor Executive Committee didn't discuss this with~~

This bill is about consumer and taxpayer safety. I doubt that the Realtor lobby opposed to this bill would allow a "deminimus" level of \$250,000 to become effective to let unlicensed agents sell property under that amount. Yet this is what opponents of this bill are asking appraisers to accept. Ladies & gentlemen we license barbers in this State. I think that the same level of protection offered the public for their haircuts should also apply to their property valuation.

Thank you.

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

Business & Labor COMMITTEE

WITNESS STATEMENT

Please Print

NAME Matthew Dalton BILL NO. 510

ADDRESS 213 Meadow Drive DATE 2/17/95

WHOM DO YOU REPRESENT? Appraisers

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: _____

* This legislation will not create a condition that would require an evaluation of collateral that doesn't already exist. The lender determines what documentation is required.

* There is an adequate supply of appraisers to avoid a bottleneck.

* Rural areas have an adequate supply of appraisers.

HOUSE BILL 510

THE FEDERAL REQUIREMENT FOR LICENSING OF REAL ESTATE APPRAISERS TOOK EFFECT IN 1991. AT THE SAME TIME AN INCREASE IN REFINANCING DUE TO LOWER INTEREST RATES AND A SHARP INCREASE IN REAL ESTATE SALES CREATED A HIGH DEMAND FOR REAL ESTATE APPRAISALS.

THE SITUATION HAS STABILIZED AND THE DEMAND FOR APPRAISALS ACTUALLY WENT DOWN IN 1994 AS THE SUPPLY OF APPRAISERS CONTINUED TO INCREASE.

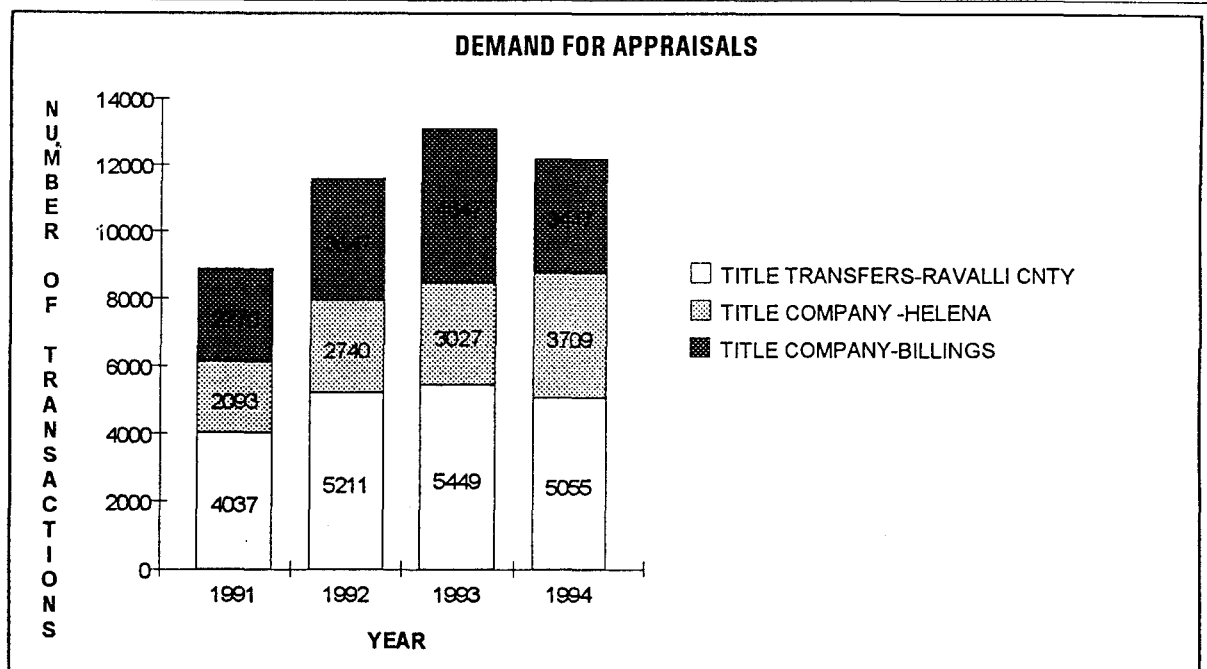
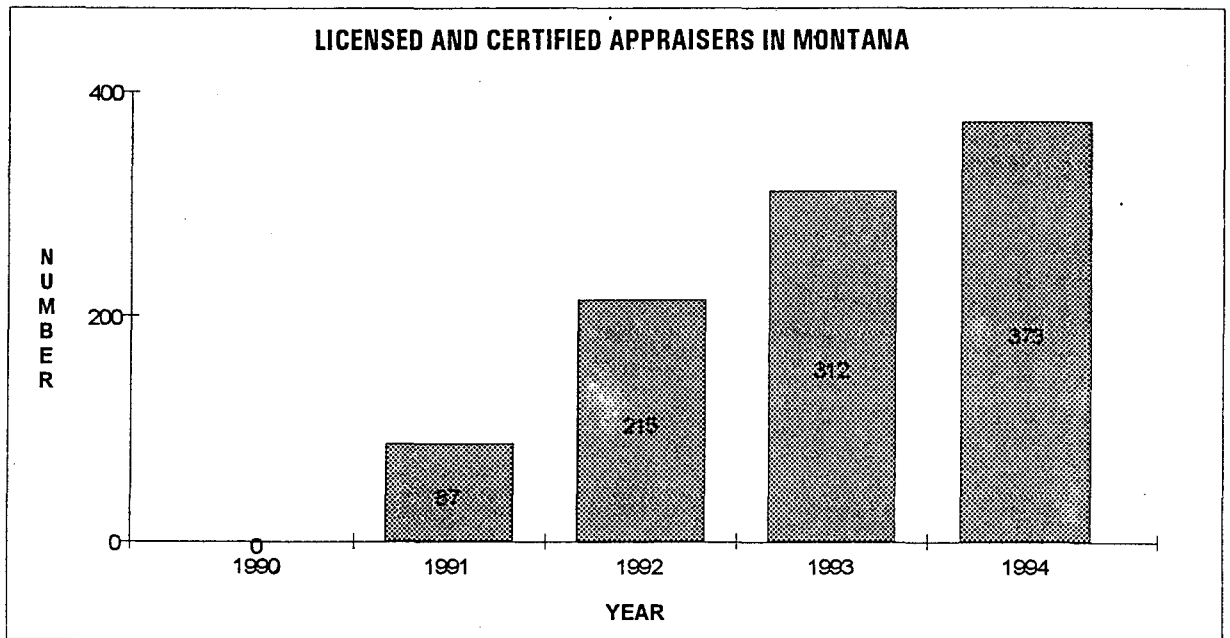
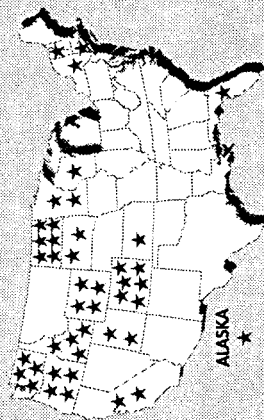


EXHIBIT 10
DATE 2-14-95
FILE # HB 510



HELENA CHAPTER



368 LICENSED & CERTIFIED APPRAISERS

and Computer Graphics • Holoma

Questions and Answers About HB 510

Q. Will this create a bottleneck in the loan process?

A. NO - not today. When the current licensing law took effect in 1991 no one was grandfathered, because of this, the number of licensed and certified appraisers was not sufficient to handle the subsequent increase in demand for real estate appraisals. The condition temporarily worsened when interest rates dropped and real estate sales increased. But today, the market has stabilized in regard to the number of licensed and certified appraisers. This supply and demand equilibrium, along with the competitive pressures that exist within the profession, will serve to improve the loan process, providing improved quality, service, and competitive fees.

Q. If a person wants a small home equity loan, would this legislation require that he get an appraisal from a certified appraiser?

A. NO. The institution providing the loan determines what documentation is required to support the collateral for the loan. Federally insured lending institutions currently have guidelines that address appraisal and evaluation policies. Lenders will often use an existing appraisal to support a subsequent transaction, or they may use the current county tax assessment.

Q. Can a federally regulated lending institution have a certified appraiser on its staff or under contract to do its appraisals?

A. YES, if it meets certain conditions. Because the appraisal and evaluation process is an integral component of the credit underwriting process, it should be isolated from influences by the institution's loan production process. An appraiser should be independent of the loan and collection functions, and have no interest, financial or otherwise, in the property or transaction.

Support HB-510

"An act prohibiting unlicensed persons from conducting real estate appraisals for the purposes of obtaining a loan from a federally insured lending institution."

Background:

- For most Montanans owning a home is the largest investment they will ever make.
- Loophole under current law: For real estate loans less than \$250,000, the person who determines the value of the investment (by conducting a real estate appraisal) is not required to meet the minimum state certification requirements, and is not bound to a code of professional standards and conduct. (USPAP)
- 33 other states and 5 U.S. territories already require that all persons conducting a real estate appraisal be licensed and certified by a state licensing board.
- HB-510 is the only proposal before the 1995 Montana Legislature that would protect Montana consumers by requiring that certified third party appraisers conduct the real estate appraisals whenever publicly-insured loans are involved.

What HB-510 Does:

- Applies **only** to real estate transactions involving federally (publicly) insured loans.
- Requires that any real estate appraisal performed for the purposes of obtaining a loan from a federally insured lending institution be performed by a **licensed** and **certified** real estate appraiser.
- Provides **essential protection to all Montana consumers** by ensuring they will get an unbiased objective appraisal, and that appraisers will have undergone a thorough course of training and are certified and fully accountable for the quality of their work.
- Eliminates any chance for a conflict of interest regarding property appraisals - - by requiring that a third party conduct appraisals and **not** the banking institution that holds the mortgage or is providing the loan.
- Complements and reinforces existing Montana law that already establishes a state licensing board for real estate appraisers.

What HB-510 Doesn't Do:

- Doesn't prevent any person from conducting real-estate valuations, or comparative market analyses, for a fee, so long as federally-insured dollars are not involved.
- Does not raise taxes.

For Additional Information:

Contact: Larry Akey, Tom Daubert, or George Bonini (Lobbyists for NAIFA) at 443-4772

EXHIBIT 11
DATE 2-14-95
HB 510

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

Business / Labor COMMITTEE

WITNESS STATEMENT

Please Print

NAME Mike Toki BILL NO. 510

ADDRESS PO Box 9116 Helena, MT DATE 2-14-95

WHOM DO YOU REPRESENT? Appraisal Institute - Montana Chapter

SUPPORT X OPPOSE _____ AMEND _____

COMMENTS: AS A Representative for the Appraisal
^{Montana Chptr} Institute, we ARE IN support of HB - 510.

HB - 510 is A sure way to protect Montana
consumers by Requiring A licensed Appraiser
to perform REAL Estate Appraisals for transactions
Involving Federally insured Loans.

APPRAISAL SERVICES

310 East Sebree, P.O. Box 791, Dillon, MT 59725-0791

OFFICE (406) 683-6113 FAX (406) 683-6747
RESIDENCE (406) 683-2882EXHIBIT 12DATE 2-14-95HB 510

FAX TRANSMITTAL

TO: House Business & Labor Committee FAX NO. 1-900-225-1600FROM: Ron Johnson FAX NO. 406-683-6747DATE: February 13, 1995Number of pages, including transmittal page: 2

If you do not receive all pages, please call (406) 683-6113.

Dear Committee Members:

Re: HOUSE BILL NO. 510 (COMMITTEE HEARING 8 A.M., 2/14/95)

My name is Ronald W. Johnson. I am a licensed Real Estate Broker and Certified General Appraiser in the State of Montana. I previously spent 16 years as an employee of Northwest Bank Corporation in the capacity of Vice president of the Norwest Bank in Dillon, Butte, and Anaconda.

As an ex-banker, realtor, and appraiser, I feel that it is my duty to express my overall support for House Bill No. 510. I can tell you from experience that the easiest way to redline an area or shut out a community is to have a banker do a windshield appraisal and appraise the real estate in an unreasonably low manner, therefore, shutting out that individual or property from being able to secure adequate credit.

In the years that I was employed as a banker, I personally could not tell you how many windshield appraisals I made on rural and city residential property. I know there were many and I can tell you from experience that outside influences other than appraisal value, many times, made the difference on whether the loan was made or not. The outside influences were never listed as the reason the loan was not made. The reason listed in the loan file was that the property did not have an adequate appraisal value to make the loan. I do not believe bankers should be making appraisals.

As a Real Estate Broker, I do not believe that it is justifiable for real estate agents to be making appraisals of real estate, when they are either the buying or the selling broker. I do not believe that they have the experience nor the qualifications to do an adequate appraisal when it comes to satisfying the Federal requirements. I personally have over 4,500 hours of appraisal experience and have spent many hours in the classroom perfecting my skill as an appraiser.

FEB 13 20 13:27 JOHNSON REALTY
HBLC

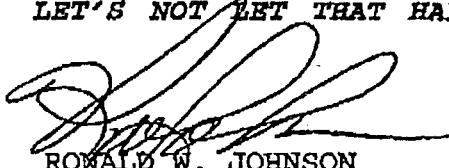
February 13, 1995

Page 2

I strictly conform to the Uniform Standards of Professional Appraisal Practice and do not become involved in an appraisal when I have anything to do with the subject property involved.

I wholeheartedly support House Bill No. 510 and ask that you pass this legislation on to the full body of the House. I am sure that everyone knows the problems that were involved in appraisals prior to the implementation of the Federal guidelines for Federally insured banks. I am sure that we do not want to go back to the time when outside influences, whether they be the need for more loans or the need for fewer loans become the norm for valuing real estate.

UNLICENSED APPRAISERS COST THE AMERICAN TAXPAYER BILLIONS IN THE SAVINGS AND LOAN BAILOUT. LET'S NOT LET THAT HAPPEN AGAIN.



RONALD W. JOHNSON
Appraiser

HOUSE OF REPRESENTATIVES
54TH LEGISLATURE

Business & Labor COMMITTEE

WITNESS STATEMENT

Please Print

NAME JOHN BLOTKAMP BILL NO. HB 510

ADDRESS 2031-OROFINO CULCH, HELENA DATE 2/14/95

WHOM DO YOU REPRESENT? BLOTKAMP Appraisals / INDEPENDENT FEE Appraisers Assoc

SUPPORT ✓ OPPOSE _____ AMEND _____


COMMENTS: As an active CERTIFIED R.E. Appraiser, I FEEL the
BENEFITS OF THIS PROPOSED BILL FAR OUTWEIGHT the opposition.
1ST, I'm HERE TO PRESERVE my job & jobs of many
ASSOCIATES & FRIENDS. The R.E. APPRAISAL PROFESSION HAS GROWN
in RECENT YEARS IN RESPONSE TO THE NEEDS OF LENDING INSTITUTIONS,
TO OBTAIN professional, UNBIASED OPINIONS OF VALUE, BASED ON
FACTS, AND TO PROTECT the consumer when obtaining
A MORTGAGE, the largest financial commitment most
people even make. IT Takes many years of training & schooling
to obtain an Appraisal certification, Required to develop a
minimal level of professionalism AND Responsibility.

Business Committee

---Due to bank failures and subsequent bailouts, Congress required states to license or certify appraisers. These appraisers had to meet education, experience and professional standards and conduct requirements. Each state established Appraisal Boards to see that these requirements were maintained. And, to hear and rule on appraisal complaints.

----Congress then came back and set the required monetary level requiring an appraisal by a state licensed or certified appraiser, for lending purposes, at \$250,000. In Montana, this would mean that a vast number of federally insured lending institutions would be at risk of obtaining appraisals from individuals who are unable to meet standards already established by the Montana Board of Appraisers. Also, the Montana Board of Appraisers has jurisdiction on only licensed or certified appraisers. Most of the complaints registered with the Montana Board of Appraisers are those against unlicensed and uncertified appraisers.

----HB 510 would rectify this problem and protect both the consumer and lending institutions. It would prohibit unlicensed persons from conducting real estate appraisals, for the purpose of obtaining a loan, from a federally insured lending institution. Please vote a "Do pass" recommendation. Thank you.


J. H. Ellison, Appraiser
IFA, SC#110

Comments on House Bill 499
Submitted to the Business & Labor Committee
Montana House of Representatives

by
Montana Department of Health & Environmental Sciences
Dale Taliaferro, Administrator of Health Services Division
February 14, 1995

The Montana Department of Health & Environmental Sciences has received reports of lead poisoning of children and questions about lead exposure and it's prevention for a number of years. Studies in Butte and other communities have documented that we do have problems in Montana. Recent research has resulted in a better understanding of the effects of lead poisoning and the control of environmental lead exposure. In response to the recognition of the existence of the problem in Montana the Department sought a means to assess the extent of the problem and provide public health assistance in it's control.

The Department has been able to take advantage of knowledge and experience of the Butte/Silver Bow Health Department to develop a statewide program. Services of testing, environmental assesment and lead poisoning prevention education have been expanded to Missoula and Cascade Counties. Yellowstone County is also developing a lead poisoning prevention program. The State Program has the objective of eventually making services available wherever they are needed in Montana.

Because most sources of environmental lead exposure are already in place and new ones are being prevented, there is a foreseeable end to this problem if necessary actions are taken. This comprehensive lead poisoning prevention act provides the components necessary to detect posioning, assess environmental exposure and reduce or eliminate lead poisoning. Lisa Cain of the Butte/Silver Bow Health Department who is Manager of the Montana Lead Program, will provide additional information about the program and the bill.

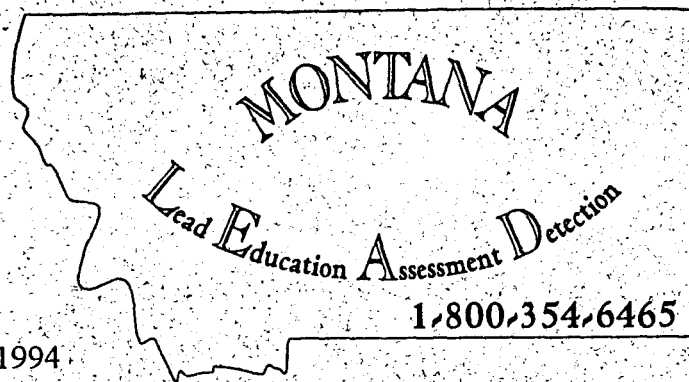


EXHIBIT 16
DATE 2-14-95
HB 499

February 14, 1994

Mr. Chairman and Members of the Committee:

My name is Lisa Cain, and I manage the Montana LEAD Program in Butte. Among the services the LEAD Program provides are in-home lead inspections for families of lead-exposed children in Great Falls, Missoula, Billings and rural counties adjacent to Butte.

I am here at Representative Vicki Cocchiarella's request to provide information about lead poisoning and House Bill 498 which creates a Lead-Based Paint Hazard Control Program. This bill, like HB 499, will prevent hazardous lead exposure for Montana children.

HB 498 has been endorsed by the Environmental Quality Council, and the Montana Lead State Advisory Committee participated in its preparation. The advisory committee is composed of individuals representing industry, lead abatement and general contractors, low-income individuals, the real estate industry, local governments and housing. Other members include Representative Vicki Cocchiarella, a Republican State Senator, a pediatrician, the State Epidemiologist, a parent of lead-poisoned children and a Professor from the MSU College of Nursing.

So far in Montana, 257 blood lead tests on children under age six have been confirmed at $\geq 10 \mu\text{g/dL}$, the level at which intervention is recommended. In other words we have 257 solid reasons to pursue protective lead legislation to preserve children's health.

Improperly performed lead-based paint abatement projects have been linked to some of Montana's most serious cases of childhood lead poisoning to date. Children like Hank and Kaci Hockaday in Butte have been victims.

Childhood lead poisoning is **preventable**. By passing HB 498, you will help to protect children from future lead abatement exposures by requiring that workers be trained and certified and their training programs accredited before they participate in abatement projects.

Butte Silver-Bow
Health Department
25 W. Front
Butte, MT 59701
(406) 723-0041

Cascade County
Health Department
1130 17th Ave. South
Great Falls, MT 59405
(406) 454-6950

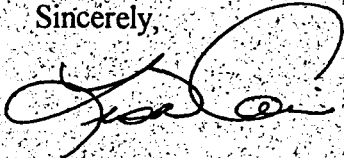
Missoula City-County
Health Department
301 W. Alder
Missoula, MT 59802
(406) 523-4750

Yellowstone City-County
Health Department
P.O. Box 35033
Billings, MT 59107

Simply reducing a child's exposure to lead will protect him/her from potentially irreversible health effects. Please remember that each reduction of 1 $\mu\text{g}/\text{dL}$ in a child's blood lead level would result in a net savings to society of \$2000.00 per child.**

Thank you for your support for Montana's children.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Cain', with a large, stylized loop at the end.

Lisa Cain

*According to Montana's Comprehensive Housing Affordability Strategy: Five Year Plan, by the Montana Department of Commerce, December 29, 1993, 51-52.

**Baghurst PA, McMichael AJ, Wigg NR, et al. "Environmental Exposure to Lead and Children's Intelligence at the age of Seven Years." N Engl. J Med., 1992; 327: 1279-1284.

February 14, 1995

Chairman Simon and Members of the Committee:

My name is Dorothy Hockaday. I live in Butte, and I am the mother of two lead-poisoned children. I am a member of the Montana LEAD State Advisory Committee. I am here to ask for your support for both House Bill 498 and 499, the Lead-Based Paint Hazard Control Program and the Lead Poisoning Reduction Program.

My children's lead poisoning was a total surprise to my husband and me. I brought the children to the Butte Lead Program for testing after seeing a TV commercial which told about the dangers of lead poisoning, its effects on children and the free blood testing in our area. I didn't think we had a problem. I just wanted to be sure.

We did not seem to be a high-risk family. We lived in a nice neighborhood; our house was sided and had been remodeled and re-plumbed. Our yard was grass-covered with little bare soil.

We were shocked when we got the phone call from the Butte Lead Program. My son Hank who was 6 1/2 at the time, had a blood lead level of 38, which was the highest level they'd seen in the area. My daughter, Kaci, had a high blood lead level too. John Downey came to our home and tested for lead. He found lead paint hazards on the trim on our house and on the garage. Soil lead levels were very high near our front porch and in the children's sandbox, which was next to the garage.

We learned that we poisoned the soil when we scraped our garage and trim years earlier. We thought we were improving our living conditions, but we ended up hurting our kids. We just didn't know.

My children were first tested for lead poisoning in February, 1994. Since then we have followed the Lead Program's suggestions by cleaning thoroughly with Spic-N-Span (which has phosphates in it to remove lead), getting rid of the old lead-painted boards on our front porch, using the HEPA Vac to pick up lead dust, and painting over the trim and the garage. We removed the old sand and brought in new. We wash the children's hands more frequently. And its paying off. Hank's and Kaci's blood lead levels are coming down.

Lead poisoning can cause serious health effects, among them behavior and learning problems. We hope our lead clean-up will prevent any permanent damage. My son Hank has always been very active and hard to settle down. His teachers have noted his lack of concentration and say he is easily distracted. While he still has these traits, his schoolwork is good and his attitude is improved. He is not as easily discouraged by mistakes.

TESTIMONY ON HB 498

Presented to the House Business and Labor Committee

by

Adrian Howe, Bureau Chief
Occupational and Radiological Health Bureau
Montana Department of Health and Environmental Sciences

Nature of the Problem

As many of you are aware, the national ban on leaded gasoline resulted in a remarkable decline in blood-lead levels in the U. S. population. That ban has been one of the great environmental success stories. Nevertheless, in spite of the leaded gasoline ban, and other national actions to control lead emissions and exposures through air, drinking water, and food containers, there continue to be nearly two million children under the age of six whose blood lead levels exceed 10 µg/dl, and over half a million children exceed 15 µg/dl. It is estimated that 220,000 housing units in Montana have the potential for lead-based paint problems.

Exposure to lead can cause health problems ranging from delays in neurological and physical development, to nervous and reproductive system disorders. The loss of the full physical and intellectual capacity of so many children in this country is a terrible tragedy, all the more so because **lead poisoning is a preventable disease - a disease that can be virtually eliminated through information, community involvement, and responsible maintenance and work practices.**

Legislative History

The ***Residential Lead-Based Paint Hazard Reduction Act of 1992***, Title X of the Housing and Community Development Act, was enacted into law on October 28, 1992. Title X redirects the federal government's approach to lead poisoning by focusing on lead-based paint, soils and dust in residences, public and commercial buildings, and steel structures. It imposed specific requirements on federally owned, insured, and assisted housing; authorizes lead abatement grants to state and local governments for use in target housing; mandates requirements for training and certifying contractors and workers, protecting workers, certifying laboratories, and accrediting training programs; and provides methods to raise the public awareness of the lead poisoning issue.

Effect on State Programs

Title X requires states receiving federal housing and community development funds to address lead-based paint hazards in their Comprehensive Housing Affordability Strategies (CHAS). The states must outline proposed or implemented actions to evaluate and reduce lead-based paint and describe how lead-based paint hazard reduction will be integrated into the state's housing

policies and programs. This means that some of the federal housing and community development funds must be utilized to address lead-based paint hazard reduction in the absence of other lead-based paint hazard reduction funds, resulting in less efficient use of these funds. Title X does provide for lead-based paint abatement grants to address this situation, however, **states that have not implemented a lead-based paint training and certification program are not eligible for these grants.**

Title X also requires EPA to develop a model state program for states seeking to adopt a training and certification program. States without a program will be subject to an EPA-imposed program and not eligible for lead-based paint abatement grants.

Public Information Requirements

Title X amended the *Toxic Substances Control Act (TSCA)* by adding Title IV, entitled ***Lead Exposure Reduction***. To provide for public information to families that might be unaware that their domiciles may contain a lead-based paint hazard, section 406(a) of TSCA directs EPA to publish a lead hazard information pamphlet providing comprehensive information on lead-based paint in housing, the risks of exposure, and hygiene precautions for avoiding exposure. Section 406(b) of TSCA directs EPA to issue regulations requiring that renovators distribute the pamphlet to owners and occupants of most pre-1978 residential housing prior to beginning renovations.

Title X, Section 1018, directed HUD and EPA to require the disclosure of information on lead-based paint hazards **before the sale or lease** of most pre-1978 housing. Nineteen hundred and seventy-eight was identified as the cutoff date for identifying target housing in light of the Consumer Product Safety Commission's 1978 ban on lead in residential paint.

It is estimated that these provisions will result in the distribution of 28 million informational pamphlets annually.

Remember, these actions will occur in Montana despite the status of a state training and certification program and will result in numerous inquiries to state and local officials requesting information regarding the lead abatement industry qualifications procedures and the lead-based paint hazard.

HB 498

HB 498 is intended to provide the statutory authority for the Department of Health and Environmental Sciences (DHES) to develop and establish a program which will meet the requirements for EPA approval of the state program leading to granting of authority to administer the provisions of TSCA, Section 402. The proposed legislation also provides the statutory authority for DHES to maintain minimum standards necessary to maintain primacy under the provisions of TSCA, Section 404.

There is a misconception that OSHA already covers the lead-based paint industry. In reality,

OSHA does not require training of all related occupations, does not address environmental contamination, addresses only the workers occupational exposure, does not address contamination that may be transported to the worker's family, and does not address what may be left behind as contamination in the structure after a lead-based paint activity. The federal requirements also include training and certification for superstructures and commercial buildings to preclude environmental contamination and take home exposure by workers.

Conclusion

I have attempted to outline just a few of the provisions of federal law dealing with lead-based paint hazards that will have significant impacts on Montana. Clearly these provisions will initially generate a lead-based paint industry in Montana. The establishment of a Montana program will support that industry by keeping logistics and costs reasonable (currently training must be obtained by the Montana industry at out-of-state facilities from out-of-state training providers), will assist in the generation of a Montana based training provider industry, will provide access to federal lead-based paint abatement grants, and will result in reduced costs to the Montana consumer of properly conducted lead-based paint abatement services.

Conversely, the lack of a state program would preclude access to federal abatement grants, would require the Montana lead-based paint industry and some state agencies to seek training and certification from programs of other states or the EPA, would add to the industry's costs, would add to the Montana consumer's costs, may force some Montana companies out of business or keep them from entering the business, may force Montana consumers to seek services from out-of-state companies, and may create a situation that makes it very difficult for Montana consumers to access the information necessary to make informed decisions regarding the health of their families. The DHES believes that there is a strong role for interim controls and basic maintenance practices in responding to lead-based paint and dust hazards, however the consumer not properly armed with accurate information can be at the mercy of the unscrupulous contractor regulated by individuals located in Denver or Washington, D.C..

The question the DHES asked in determining the need for HB498 was "Do we want Montana citizens and business to seek their needs at a higher cost outside of the state's borders?"

EXHIBIT 19
DATE 2-14-95
HB 499

MR. CHAIRMAN AND COMMITTEE MEMBERS:

MY NAME IS THOMAS B. DANENHOWER, LEAD POISONING PREVENTION SPECIALIST WITH THE CASCADE CITY-COUNTY HEALTH DEPARTMENT.

TESTIMONY FOR HOUSE BILL #498

LEAD POISONING AND LEAD BASED PAINT(LBP) RENOVATION: WHY WE NEED CONTRACTORS CERTIFIED IN LEAD BASED PAINT REMOVAL

DATA FROM BLOOD LEAD LEVEL SCREENING AND FOLLOW-UP ENVIRONMENTAL ASSESSMENTS SHOWS IMPROPER HOME LEAD BASED PAINT REMOVAL TO BE A MAJOR SOURCE OF LEAD POISONING IN GREAT FALLS. TESTING FROM DOWNTOWN GREAT FALLS SHOWS A 14% LEAD POISONING RATE FOR 2 YEAR OLDS, AND AN 11% RATE FOR CHILDREN AGES 1-5.

THE SOURCES OF LEAD POISONING IN OVER 90% OF GREAT FALLS HIGH TESTS ARE CONTAMINATED SOIL AND LEAD DUST CREATED DURING HOME RENOVATION. THE SOIL CONTAINS LEAD BASED PAINT CHIPS AND DUST, AND EXTERIOR, BATHROOM, AND KITCHEN PAINT FROM HOUSING BUILT BEFORE 1960 OFTEN CONTAINS LEAD.

IN GREAT FALLS, IT IS PROJECTED FROM DATA COLLECTED THAT 75-125 CHILDREN EACH GENERATION MAY BE LEAD POISONED AND MAY SUFFER FROM PERMANENT CENTRAL NERVOUS SYSTEM DAMAGE AS A RESULT IF BUSINESS CONTINUES "AS USUAL." THESE CHILDREN MAY HAVE TROUBLE IN SCHOOL, AND A FEW MAY REQUIRE INSTITUTIONAL HELP. THIS IS COSTLY.

CHILDHOOD LEAD POISONING IS THE LEADING PREVENTABLE DISEASE AMONG YOUNG CHILDREN; SAFE LEAD BASED PAINT REMOVAL THROUGH USE OF CERTIFIED CONTRACTORS AND PUBLIC EDUCATION COULD HELP. PLEASE GIVE HB498 A DO PASS RECOMMENDATION; THANK YOU.

CITY-COUNTY HEALTH DEPARTMENT

EXHIBIT 20
DATE 2-14-95
HB 499



1130 17TH AVENUE SOUTH
GREAT FALLS, MONTANA 59405-4597
(406) 454-6950 FAX: (406) 454-6959

WIC PROGRAM: (406) 454-6953

BETTER BEGINNINGS: (406) 454-6954



TESTIMONY ON HB 499

MR CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS PETE FRAZIER. I AM THE DIRECTOR OF ENVIRONMENTAL HEALTH WITH THE CITY-COUNTY HEALTH DEPARTMENT IN CASCADE COUNTY. OUR DEPARTMENT HAS HAD A LEAD POISONING PREVENTION PROGRAM FOR THE PAST 18 MONTHS THROUGH A CDC GRANT ADMINISTERED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

OUR PROGRAM DOES MUCH OF WHAT HB 499 PROPOSES TO DO--EDUCATE TO INCREASE THE PUBLIC'S AWARENESS OF THE CONSEQUENCES OF LEAD POISONING AND HOW TO PREVENT IT, SCREEN HIGH RISK INDIVIDUALS AND WORK WITH THE FAMILIES AND PHYSICIANS OF THOSE FOUND TO BE AFFECTED, PROVIDE ENVIRONMENTAL FOLLOWUP, AND DEVELOP A CASE MANAGEMENT PROGRAM. HOWEVER, OUR PROGRAM IS ONLY TEMPORARY FOR CASCADE AND SURROUNDING COUNTIES. BECAUSE OF THE PILOT PROGRAMS IN AND AROUND MISSOULA, CASCADE AND BUTTE SILVERBOW COUNTIES FOR THE PAST 18 MONTHS, WE NOW KNOW THERE ARE CASES OF LEAD POISONED CHILDREN IN THE STATE. ALTHOUGH THE PROBLEM IS NOT AS SEVERE AS IN SOME OTHER STATES, ONE CASE OF A YOUNG CHILD HAVING HIS ENTIRE LIFE BEING ADVERSELY AFFECTED BY LEAD POISONING IS ONE TOO MANY. THEREFORE, MONTANA NEEDS A PERMANENT, COMPREHENSIVE LEAD REDUCTION PROGRAM IN PLACE IN ORDER TO MAKE LEAD POISONING A RECOGNIZED, REPORTED, HEALTH CONDITION THAT RECEIVES THE NECESSARY ATTENTION IT DESERVES WHEN IT IS FOUND IN A CHILD ANYWHERE IN MONTANA. IN ADDITION TO PROVIDING A MECHANISM FOR IDENTIFYING AND ASSESSING TARGET GROUPS AFFECTED BY LEAD POISONING AND PROVIDING FOR ENVIRONMENTAL AND MEDICAL FOLLOWUP FOR THE VICTIMS, THE PASSAGE OF THIS BILL INTO LAW WILL PROVIDE THE PEOPLE OF MONTANA A MUCH BETTER OPPORTUNITY TO OBTAIN FEDERAL GRANTS FOR LEAD RELATED ACTIVITIES, ESPECIALLY HUD AND EPA GRANTS FOR LEAD ABATE PROGRAMS.

HB 499 ASKS FOR NO STATE MONEY. IT WILL BE FUNDED FROM FEDERAL GRANTS.

IT DOES ASK FOR THE CHANCE TO GIVE ALL THE KIDS OF MONTANA A CHANCE FOR A NORMAL LIFE SAFE FROM THE HAZARDS OF LEAD. HB 499 WON'T GUARANTEE THAT SAFETY BUT IT WILL INCREASE THE CHANCES CONSIDERABLY FROM WHAT IS AVAILABLE CURRENTLY. PLEASE GIVE HB 499 A **DO PASS RECOMMENDATION**. THANK YOU.

BEFORE THE BUSINESS AND LABOR COMMITTEE
FEBRUARY 14, 1995

In the matter of House Bill 498 entitled "An act creating)
a lead-based paint hazard control program; creating a) Comments on Proposed
lead-based paint hazard control account; and authorizing) House Bill 498
the Board of Health and Environmental Sciences to)
promulgate rules governing lead-based paint activities.")

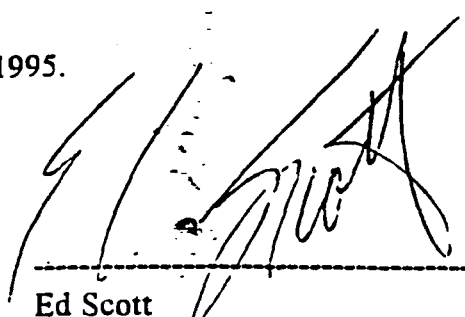
On September 1, 1994, the State Lead Advisory Committee considered and approved my request to sit on their committee as a representative of industry. As an industry representative, it has been my responsibility to communicate with various industry representatives regarding the proposed bill and to communicate to the other committee members industry's concerns and comments.

Over the past few months I have worked with a number of industry groups interested in the passage of lead legislation that protects human health and the environment while being manageable enough for industry to comply with. We have had numerous discussions with Representative Cocchiarella who has made a genuine effort to address our most important concerns. These include assuring that:

1. Unnecessary permit requirements are not imposed on industrial facilities; and
2. That the state's program not be more burdensome or stringent than the federal program.

The following industry groups (Stone Container Corporation, Louisiana Pacific Corporation, Western Environmental Trade Association (WETA), and the Montana Wood Products Association) believe that this bill with the amendments which have been proposed by Representative Cocchiarella, meets these objectives. Therefore, these industry groups are supportive of the bill with the important condition that these previously mentioned amendments be made part of this legislation.

Respectfully submitted this 14th day of February, 1995.



Ed Scott
Stone Container Corporation
P.O. Box 4707
Missoula, Montana 59802

Rita J. Bradley
1923 Argyle St., Butte, MT 59701

EXHIBIT 22
DATE 2-14-95
HB 4-99

February 14, 1995

Testimony: presented in favor of H.B. 498, The Lead Based Paint Hazard Control Program

I come today to testify as a proponent of House Bill 499. I come in many capacities: as a member of the Butte-Silver Bow Board of Health; as chairperson for the Butte-Silver Bow Lead Levels Advisory Committee; as a member of the Montana Lead Program's State Advisory Committee; as a member of the Butte Citizens Technical Environmental Committee; as a member of the group Advocates for Montana's Children; as a nutritionist. I also have a long standing association with WIC, the Women, Infant, Children Supplemental Health and Nutrition Program (WIC). Because of these roles I have gained an understanding and appreciation for the many ramifications of lead poisoning. For these reasons, I am here today to speak in favor of The Lead Based Paint Hazard Control Program.

Lead poisoning is one of the most common pediatric health problems--and it is one that can be avoidable. Lead poisoning is sometimes referred to as "silent poisoning" because its effects take its toll when no physical symptoms of exposure have been exhibited. Therefore, children must be identified. However, this will not occur without vehicles for data collection, education and screening.

The elimination of childhood lead poisoning as a public health problem can be achieved. But, it will take time and resources and will require a commitment to primary prevention and to increased data collection, screening and follow-up. The multiple pathways for which lead exposure can occur need to be analyzed. Pathways include, soil, paint, drinking water and dust. It requires an effort in both the public and private sectors. Governmental legislation needs to be in place to help this process.

The cost-benefits of prevention are significant. Lead poisoned children may be affected with developmental problems, behavior problems or decreased intelligence, and impaired hearing. These affected children place a burden on our limited resources in our communities, in our schools. Money would be better spent helping children to reach their full potential--instead of having to provide remedial learning programs for those children that cannot, because of the often silent poisoning that occurs from lead exposure.

Lead poisoning is a problem that crosses all boundaries--socioeconomic, geographic, racial and ethnic. However, children from homes with low economic resources are at higher risk. These children may live in old homes that their families cannot afford to properly maintain. Old, deteriorating lead-based paint is one of the major pathways of childhood lead poisoning. The housing stock across Montana is old and therefore, the paint is probably lead-based and has the potential to deteriorate. However, any child

living in a home where the paint needs to be fixed is at risk for lead poisoning. Without proper training and proper equipment, paint may be removed improperly. This is currently happening; the tragedy is that it can lead to even more serious problems.

Another risk factor is poor nutritional status, which is more likely to occur in children whose family have fewer financial resources. These children are at increased risk for poor diets which results in lower intakes of key nutrients that help to provide protection against lead poisoning. Also, children with empty stomachs take in more lead.

Lead poisoning prevention should also cross all boundaries. Yet, some children are from families that do not have the resources for testing and/or treatment. All Montana children are equally deserving of protection from this easily preventable problem. Yet, only easily preventable, if resources are allocated, so that data can be collected and communities with lead problems can be determined and once identified can be targeted. Education must be provided for victims of lead poisoning. Otherwise, neither prevention, nor treatment can be done in an effective manner.

In April, 1991, the Butte-Silver Bow Health Board appointed a Lead Level Advisory Committee that I chaired to investigate the problems associated with exposure to lead. These volunteer group of citizens and scientists, engineers, and medical personnel worked:

"To provide an independent, community-based forum to review and evaluate the available data on the effects of lead on public health, particularly children, and based on this analysis, formulate ... recommendations on the appropriate actions for the abatement and management of lead in the Butte environment."

After almost a two year period of learning and deliberation, the Committee developed *Recommendations to Implement a Long-term Lead Poisoning Prevention and Abatement Program in Butte-Silver Bow County.* (Summary attached.)

During this period of study, as experts presented information, and issues were debated, several definite convictions emerged that are reflected in these recommendations, including: a need for not only prevention, but protection of human health, also for education and legislation. All of these need to be based on practical, common sense solutions--including a comprehensive multi-pathway approach that addresses all sources of lead.

Even though our immediate priority was our own community, because of the nature of the problem, we were concerned that other children across the state may also be affected. We addressed this concern by including in the recommendations the need to take action at the local or state level to enact lead poisoning prevention legislation. (Refer to recommendation 5. B. attached.)

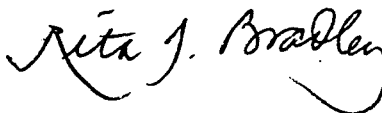
I find much wisdom in the African proverb that "it takes a whole village to raise a child." However, in this case it takes statewide legislation to protect the children of our Montana! Because of the knowledge I gained regarding this serious childhood problem, it was apparent that the concerns addresses in the recommendations for my community needed to be addressed across the state. To try to achieve this objective, I have continued my work on this issue by serving on the State Lead Advisory Committee.

A statewide program, that has the resources to collect data, and identify and target areas of need, is necessary in order to continue to work to ameliorate the serious problem of lead. Some problem areas have yet to be identified across the state.

During the long period of work on both lead committees, I served on, there were periods of frustration or a lack of focus. However, during these times, we always came back to the importance of protecting our most important resource--our children--at this point our mission became clear, our focus was regained.

Because the problem is preventable, I believe the time for action is now, not later. As a citizen, as a health care professional, as a parent, and as a representative of many groups, I urge you as lawmakers to pass this legislation concerning lead, in order to protect the public health and welfare. Lead poisoning may be silent at low levels but our voices must be loud in making sure that the children of Montana are protected from its effects. I ask you to raise your voices by endorsing this legislation. Thank you.

Sincerely,



Rita J. Bradley, R.D.

EXHIBIT 22
DATE 2-14-95
HB 499

**SUMMARY OF RECOMMENDATIONS:
TO IMPLEMENT A LONG-TERM LEAD POISONING PREVENTION
AND ABATEMENT PROGRAM IN BUTTE-SILVER BOW COUNTY**

1. **Long-term blood lead surveillance:** Obtain the necessary resources to establish the permanent capability to offer screening for all children less than 72 months of age, at least once per year or as directed by the medical care provider, with particular attention given to children between the ages of nine months to 36 months.
2. Comprehensive lead education/awareness.
3. **Identification/monitoring of specific sources of lead,** particularly as related to known or potential cases of high blood lead in Butte-Silver Bow residents.
4. **Abate/mitigate the identified sources,** no matter which pathway (soil, drinking water, paint, dust, other) is present, with particular emphasis on residential neighborhoods and common use areas where children are present (e.g., playgrounds and day care centers);

-- In the implementation of the abatement activities, utilize the *Plan for the Phased Reduction of Lead Exposure in Butte-Silver Bow County*.
5. Establish a permanent Lead Advisory subCommittee appointed by the Butte-Silver Bow Chief Executive and the Health Board. The principal responsibilities shall include (but not be limited to):
 - A. Conducting ongoing evaluations of the Lead Poisoning Prevention and Abatement Program to assess effectiveness over time and modify the program/policies in response to changing environmental conditions and new scientific data and information.
 - B. Taking action to enact lead poisoning prevention legislation at the state or local level.

8
OFFICE OF THE GOVERNOR
STATE OF MONTANA

EXHIBIT 23
DATE 2-14-95
HB 499

MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

June 22, 1994

Ellis G. Goldman, Director
Program Management Division
Office of Lead-Based Paint Abatement
and Poisoning Prevention
451 Seventh Street, SW, Room B-133
Washington D.C. 20410

Dear Mr. Goldman:

This letter is written in support of Montana's application for a conditional grant from the Lead-Based Paint Hazard Control Program.

As your Request for Grant Assistance (RFGA) requests, I am writing this letter of intent to establish and implement a certification program for lead contractors and abatement workers in Montana. Montana will make every effort to enact, within 12 months of the Category 1 application deadline date, enabling legislation that will establish and designate the Montana LEAD Program; put an operating staff in place; and promulgate appropriate regulations and complete initial training sessions within 18 months of the Category 1 application date. Legislation will be submitted in the January, 1995 legislative session to meet these goals.

As you know, the Montana Department of Health and Environmental Sciences operates a childhood lead poisoning prevention program (Montana LEAD Program) which is funded by grants from the Centers for Disease Control and the Environmental Protection Agency. With funding from HUD, we will demonstrate effective means of abating lead-based paint and providing a lead-safe environment for children of low-income families.

Thank you for your consideration of this grant request. Please contact me if I can provide further information.

Sincerely,

A handwritten signature in cursive script that reads "Marc Racicot".

MARC RACICOT
Governor

Bernard Harrington
1512 First Street
P.O. Box 7712
Walkerville, Montana 59701-7712

EXHIBIT 24
DATE 2-14-95
HB 499

I ask for your support for House Bill H499 "The Lead Poison Reduction Program". What is the health of a child worth ?

In the December 1993 State of Montana Comprehensive Housing Affordability Strategy (CHAS) page 51 states that "Homes built prior to 1980 have some chance of containing lead-based paint on interior or exterior surfaces. Housing units built before 1940, which make up nearly 22 percent of the housing units in Montana, are much more likely to contain lead-based paint than newer homes." The reports state that there 220,351 structures at risk for lead-based paint hazards. There is evidence that lead dust is a more serious hazard than ingestion of paint chips. Lead dust is poisonous when inhaled or ingested. With the large number of structures at risk it is absolutely necessary that a program be established to reduce the incidence of lead poisoning in children and other high risk individuals. Young children are at the greatest risk of lead poisoning. Ask yourself what would you do to protect your children or grandchildren from lead poisoning. Look at what this bill will do then you will vote to send it to the full House with a recommendation to pass the bill and protect those in danger of lead poisoning.



Bernard Harrington
Mayor of Walkerville
Butte Silver Bow Lead Level Advisory Committee.

Butte Pediatric and Teen Clinic
diseases of children & adolescents

630 west mercury

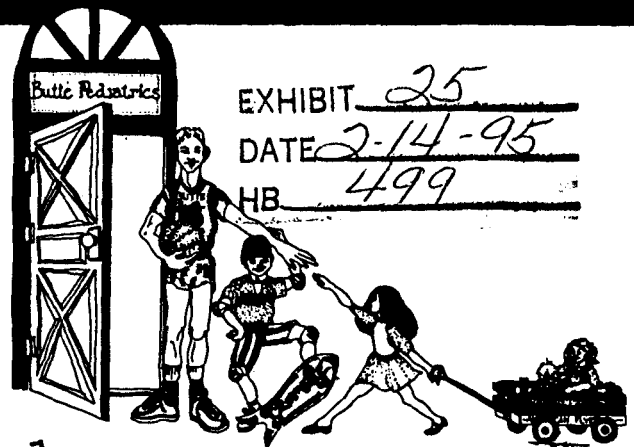
butte, montana 59701

dennis j. mcCarthy m.d.

siobhan mcNally m.d.

cynthia edstrom m.d.

elaine stasny m.d.



phone - 406-723-4337

December 20, 1994

My name is Dennis McCarthy I am a pediatrician who practices in Butte.

I am also the medical advisor for the Montana Lead Program. I am here to support the proposed legislation introduced by the Montana Department of Health and Environmental Science - that being the forementioned "Comprehensive Environmental Lead Reduction Act" and the "Lead Certification and Accreditations" bill.

In my pediatric training in the late 60's and early 70's victims of lead poisoning were disadvantaged inner city children who presented with convulsions or coma in the summer months. This is now a rarity in medical centers but has been replaced by the more ubiquitous concern of lead poisoning at blood levels much lower than those associated with these neurologic complications.

Over the past thirty years the Center for Disease Control (CDC) has progressively decreased the threshold used to define an elevated blood lead level. This decline has been from a level of 60 considered toxic when I started training to 10 in 1991 when it was concluded that for each 10ug increment in blood lead there was a 1-3 point decline in IQ; thus the present standard of lead prevention activities at a blood lead level of 10 and a call for universal screening.

As this is chiefly a pediatric disease CDC guidelines recommended all children between six months to six years be screened for their risk status

for lead poisoning by a questionnaire, and thereafter have blood lead tests performed at one and two years of age if low risk and yearly till six years if categorized as high risk. Follow-up blood testing is then scheduled dependant upon the initial blood testing result.

How do Montana children fare compared to those in other parts of the country? In Massachusetts where some of the highest rates have been reported 20 per cent of children have elevated levels, compared to 9 per cent nationwide versus 6 per cent of Montana's children, after nearly 4000 screenings in this state. Most of these were in the 10 to 20 range where the guidelines are one of rescreening and environmental investigation for impossible lead abatement if the levels persist. One half per cent of Montana's children by this screening had levels over 20. Present guidelines are that these children receive complete medical evaluations and have elimination of environmental lead sources.

It is thus, with these guidelines, that we seek your consideration for support of two bills. One, the Comprehensive Lead Reduction Act which recommends further screening would enable us to determine the extent of this problem state wide. Special efforts should be directed for the Northeastern and Southeastern parts of the state, especially the reservations. Secondly, the Accreditation Bill provides for appropriate instruction for workers who will be providing the lead abatement. **This** second piece of legislation is in concert with the first proposed bill.

Controversies do surround the 1991 CDC guidelines, however as some are unconvinced of the adverse neurocognitive affects of low level lead poisoning and even if there is an affect, that these are insignificant. Also some have recommended targeted lead screening based on the perception that some areas of the country, especially the western United States may have significantly lower proportions of children with elevated lead levels than the rest of the country.

It would appear that we do not have a significant problem in this state, however, until further testing is performed one could not recommend implementation of a targeted strategy at the present time. Also, unfortunately, the CDC questionnaire is not able to identify all children with elevated lead levels. Therefore, universal screening is likely to continue to be recommended until more prevalence information is known and more sensitive risk determination questionnaire is developed.

It is with these facts in mind that I recommend your support of these two pieces of legislation.

EXHIBIT 25
DATE 2-14-95
HB 499

format

February 13, 1995

EXHIBIT 26
DATE 2-14-95
HB 499



**Berkshire
Physicians
&
Surgeons
P.C.**

Pediatric Division

**Infant &
Adolescent Medicine**

777 North Street
Pittsfield, MA 01201
413/499-8531
if no answer 499-3651

Inel D. Curran, M.D.
Richard S. Rosenfeld, M.D.
Alan G. Kulberg, M.D.
Matthew D. Sadof, M.D.
Siobhan M. McNally, M.D.

Dear Senators & Representatives:

My name is Siobhan McNally, M.D. I am a pediatrician, formerly of Montana, and practiced in Butte from 1987 to 1994. I am writing in support of legislation under consideration by this committee: LC0340.01-which sets up a comprehensive Lead Poisoning Reduction Program and LC0333.01-Lead Based Paint Hazard Control Program which requires that lead abatement workers be certified and the training programs be accredited.

While practicing in Butte, I was a member of the Butte-Silverbow Health Department, and served on the Lead Advisory Counsel. During that time, I became increasingly aware that lead was truly an ubiquitous poison. Children in Butte, Montana who lived in older housing, drank water from lead lined pipes, played in lead-contaminated soils were just as susceptible to lead poisoning and all its deleterious effects as those children living in the inner city. Yet, children in the inner city had one advantage-when a child with a high lead level was detected, a coordinated effort by the Health Department, Lead Abatement Team, and primary care physician was immediately implemented-assuring that the child's lead exposure was minimized in a safe and efficient manner. Unfortunately, in Montana, such a system is not in place. Environmental evaluations and lead abatement services are not available state wide-subjecting the lead-exposed child to unconscionable delays, mishaps, and bureaucratic oversights.

Opponents to these bills will argue that the percentage of children in Montana who are lead exposed is only 6% compared to 9% nationwide and that funds should be appropriated elsewhere. But, does this 3% difference give us license to ignore the problem? As a pediatrician and long-time child advocate, I say no.

Please support the proposed legislation for comprehensive lead poisoning reduction and lead based paint hazard control programs and assure Montana families that their children will be protected from lead exposures.

Thank you.

Sincerely yours,

Siobhan McNally MD
Siobhan M. McNally, M.D.

SMM/dj

EXHIBIT 27
DATE 2-14-95
HB 499

TESTIMONY ON HB 498 & 499

MR CHAIRMAN AND COMMITTEE MEMBERS, MY NAME IS THOM DANENHOWER. I AM A LEAD POISONING PREVENTION SPECIALIST WITH THE CASCADE CITY-COUNTY HEALTH DEPARTMENT. THE FOLLOWING TESTIMONY IS FROM DIANN VAUGHAN, OF GREAT FALLS, WHO COULD NOT MAKE IT IN PERSON TODAY.

TESTIMONY FROM:

MRS. DIANN VAUGHAN
924 3RD AVENUE NORTH
GREAT FALLS, MONTANA 59401
(406) 727 8065

WE MOVED TO GREAT FALLS AND BOUGHT A HOUSE IN THE OLD NEIGHBORHOOD; IT WAS THREE STORIES, PAINTED ON THREE SIDES, AND 98 YEARS OLD. THE PROPERTY CAME WITH ANOTHER 5 BEDROOM HOUSE ON THE BACK OF THE LOT; IT WAS 85 YEARS OLD.

OUR SONS AGREED TO HELP WITH THE RENOVATION AND RE-PAINTING. OUR MARRIED SON DAVID MOVED IN THE BACK HOUSE WITH HIS THREE YOUNG CHILDREN. WE ALL STARTED PREPARING WOOD FOR NEW PAINT, SCRAPING, SANDING, USING 2 NEW HEAT GUNS, AND A PORTER CABLE SANDER. WE BLASTED THE HOUSE WITH HIGH PRESSURE WATER EQUIPMENT - CHIPS FLEW EVERYWHERE.

RENOVATION WENT ON AND WE ALL HAD AILMENTS SINCE WE REMOVED PAINT WITH LITTLE OR NO PROTECTION. OUR YOUNGEST SON CHRIS HAD TROUBLE CONCENTRATING IN SCHOOL AND HAD STOMACH PROBLEMS. DIANN WAS SICK WITH STOMACH AND OTHER PROBLEMS. THE CHILDREN STARTED SCHOOL BUT WERE JUMPY AND HYPERACTIVE; LEARNING SEEMED SLOW WITH MEMORIES AFFECTED BY SOMETHING; SOMETHING WAS WRONG BUT WHAT?

THE CHILDREN HAD ALL PLAYED IN THE WORK AREA, AND NOW THERE WAS A NEWBORN TOO; THEY PLAYED NEAR THE PROJECT IN DIANN'S FENCED IN FRONT YARD, AWAY FROM THE STREET. ALL THREE OLDER KIDS WERE BOUNCING OFF THE WALLS AT HOME.

DIANN HEARD ABOUT FREE LEAD TESTS, AND SAID IF THE KIDS WOULD GO, I WOULD GO GET TESTED TOO. ALL OF THE CHILDREN ARE LEAD POISONED. ENVIRONMENTAL ASSESSMENT SHOWED LEAD BASED PAINT PRESENT, WITH MANY TESTS SHOWING THE MACHINE'S MAXIMUM READING OF 10.

I HAVE BECOME VERY AWARE OF THE DANGERS OF LEAD, AND AM VERY UPSET ABOUT THE LACK OF INFORMATION AVAILABLE FOR THE AVERAGE HOMEOWNER. THERE SHOULD BE SOME PROTECTION FOR NEW HOMEOWNERS.

I WOULD DO THINGS DIFFERENTLY NOW; I WOULD NOT HAVE PUT MY GRANDCHILDREN'S BONES, BRAINS, AND TISSUES ON THE LINE BECAUSE I DID NOT KNOW BETTER; I WOULD HAVE NEVER RISKED THAT IF I HAD KNOWN. THERE HAS BEEN A LOT OF GRIEF, AND MY DOCTOR SAID WE SHOULD HAVE TESTED FOR LEAD IN THE FIRST PLACE.

EVERYONE'S LEAD LEVELS ARE DOWN; WE HAVE HAD A YEAR OF HIGH CALCIUM, HIGH IRON, LOW FAT DIETS. THE KIDS EAT TUMS. A PAMPHLET, A BLOOD TEST, AND A FEW MINUTES WITH A LEAD DETECTOR MACHINE ARE VITAL TO A FAMILY IN AN OLD HOME. HOUSE BILLS 498 AND 499 ARE IMPORTANT BILLS; THEY NEED TO BE PASSED FOR THE PROTECTION OF THE PUBLIC.

STATEMENT OF MEDCO CONTAINMENT SERVICES

IN SUPPORT OF HOUSE BILL 536

HOUSE BUSINESS & LABOR COMMITTEE Tuesday February 14, 1995
Room 104 State Capitol Building-Helena, Montana

Mr. Chairman, Ladies & Gentlemen of the Committee:

For the record, my name is Ward Shanahan, I'm an attorney and lobbyist for Medco Containment Services Inc. (MEDCO). MEDCO is an out-of state mail order prescription service. We appear here in support of House Bill 536. This bill will provide some much needed amendments to several Montana Code Sections.

Medco has been providing safe cost effective prescription drug programs for thousands of Montana patients, all of which could be adversely affected if some of the restrictive , constitutionally objectionable provisions aren't removed from Montana law. These provisions haven't gone into effect because the previous law was drafted without proper rule-making authority and the Administrative Code Committee struck down rules which attempted to implement them. House Bill 536 does contain proper rule making authority, but it also contains some necessary amendments to remove the restrictive and constitutionally suspect provisions added in 1993 which Representative Mills mentioned. Let me explain:

Burden on State Plans: Beginning on Page 3 of the Introduced bill is an amendment to Section 2-18-704 MCA which deals with Group Insurance plans for State Employees. The 1993 amendments to the law governing Mail order services contains a provision allowing a local pharmacy to "match the price" offered under a group plan. HB 536

adds a qualification to this "to meet all terms and conditions ...that are met" by the mail service pharmacy. This is necessary because the insurance plan or Health Maintenance Organization (HMO) is the contracting party and not the patient. To allow a competitor of a mail service pharmacy to "match the price", in effect interferes with the contract made between the mail service pharmacy and the HMO. If enough service is drained off by this device, the HMO may not be able to fulfill its commitments to the other members of the plan. This "preference" jeopardizes the other medical cost containment elements of the HMO or plan and could jeopardize the plan itself. Montana has literally said that a competitor can interfere with a price negotiated between contracting parties under special conditions without any penalty. The legal requirement should be included, that if you want to offer that price you should have to offer the same kind of HMO or insurance plan, with all of the same obligations. That's what the first amendment in HB 536 at page three would require.

Registration of Licensed Pharmacies: (37-7-703) MEDCOS pharmacies and pharmacists are already fully licensed and qualified in the states where they reside and have their businesses. The original law required the Montana Board of Pharmacy to recognize that. But the Montana Board in its proposed regulations chose to go further than that and require re-licensing, examination and qualification in Montana pursuant to rules adopted by the Board. This is why it's necessary to amend the law now to make it crystal-

clear that licensing in the state where these businesses and people are located is all that's required.

There are two provisions of the Constitution of the United States that require this:

Article IV, Section 1: "Full faith and credit shall be given in each state to the public acts, Records, and judicial proceedings of every other state..."

Article I Section 8: "Congress shall have power to regulate commerce with foreign Nations and among the several states..."

The "Full Faith and Credit" clause simply means that licensing pharmacies in Ohio, if it meets all the requirements of Montana law is sufficient and should be accepted by Montana.

The "Commerce Clause" puts the exclusive regulation of interstate commerce in the hands of Congress, unless there is some "special or compelling state interest" that requires different handling. None can be shown in the case of mail service pharmacies since they've been demonstrated to be safe and effective means to deliver prescription drugs while providing a good way to reduce the cost of the service. (See Pike v Bruce Church Inc. 397 U.S. 137,142 U.S. Supreme Court 1970).

Use of Technicians: The third major amendment in HB 536 is the rule with respect to the use of technicians supervised by a registered pharmacist (Page 4 lines 13-17). This amendment forbids the out-of-state pharmacy to use more than one technician per pharmacist unless the Montana Board establishes a different ratio by rule. This "use of technicians" is one of the major cost saving

benefits of the mail order service, but we have left it up to the Montana Board to control this method of delivery. Therefore, if the Montana Board wants to initiate "across the board" cost savings for all Montana pharmacists all it has to do is approve a plan allowing more technicians per pharmacist. That will reduce the cost to all Montana consumers.

Basic Information and Legal Jurisdiction: Page 4 lines 6,7 and 8 of HB 536 require the mail service pharmacy to provide basic identification of its officers, supervisors and business location. This again is a reasonable requirement. Montana law also provides that anybody who contracts to sell anything to a Montana resident can be required to come here and defend itself in a Montana court (Rule 4 (B) (1) Montana rules of Civil Procedure).

Toll Free Telephone Service: Page 4 lines 21-22 of the bill requires the mail service pharmacy to provide a toll free telephone service for patients. This is a reasonable requirement and one in general use by most mail order and credit card services these days.

WE URGE YOUR SUPPORT OF HB 536 -IT DESERVES A "DO PASS".

Ward A. Shanahan

33 South Last Chance Gulch

P.O. Box 1715, Helena, MT. 59624

Tel: 406-442-8560

CNJ DISTRIBUTING CORP.
P.O. Box 20878
Billings, Montana 59104
406-248-8728

EXHIBIT 29
DATE 2-14-95
HB 537

TO: House Committee

RE: House Bill 537

It is beyond my realm of understanding why anyone would introduce or support legislation in the Montana Legislature to take away an investment that a businessman has built through his own sweat and blood.

I would submit that the Legislature knew of, and took provision for, the eventuality of just what this Bill seeks to outlaw when they passed 23-5-117.

We have listened to the argument that gaming in Montana was intended to save "little bars" and never a thought was given to the fact that gaming would become successful for the "big bars". This is said with the idea that the success experienced by the "big bars" is somehow wrong. This is like saying that a grocery store in Rygate is limited on the amount of business they can do, so a grocery store in Billings would be limited to that amount also. The truth is the both the large and small bars should be adhering to the same laws and treated equally by the law.

If this is such a good Bill for the industry, why wasn't the Bill scheduled for committee so as to allow all, proponents and opponents, to participate? I understand opposition to our success by other bar owners, just as I understand petty jealousy, but I fail to understand how an elected member of the Legislature can take the attitude that success is to be, not only discouraged, but outlawed.

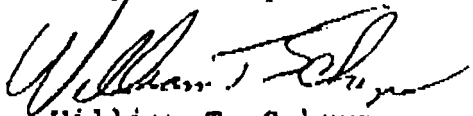
CNJ Dist. Corp. and HDE Inc. established the Buffalo Palace and Maverick Casinos in Billings following the law as written. Each step of the way the State was kept informed, indeed was consulted, and the State licensed these establishments. Now a Bill comes forth to say; "Forget the fact that you made this investment under the law. We've decided that you've made as much out of the investment as you should and the State now feels you should sell your business." Again I fail to see the logic in this position.

Further, I don't understand why it is possible to own two gaming establishments, or more, if they are in separate towns, or indeed opposite sides of town, yet if you dare to own side by side, even though legally established, you must sell these establishments at some time in the future. Support for this Bill has come from establishment owners in this category. Changes were made to the Bill in order that specific operators would not be affected, and certain others would. Why not just name the offending parties and tell them that they must now follow a new set of rules?

A good Bill for Montana? I think not. Rather it is a hastily written, vindictive Bill.

I cannot support any Bill which interferes with the free enterprisic system.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William T. Schrup', written in a cursive style.

William T. Schrup
Director of Operations
CNO Distributing Corp.
Billings, Mt 59104



JOKER'S WILD
4829 N. RESERVE
MISSOULA, MT 59802

EXHIBIT 30
DATE 2-14-95
HB 537

0 • RESTAURANT • LOUNGE
Phone (406) 549-4403

FEBRUARY 9, 1995

RE: LUCKY STRIKE
CASINO & RESTAURANT

TO WHOM IT MAY CONCERN:

WE WOULD LIKE TO LET YOU KNOW, THAT WE FEEL "THE
LUCKY STRIKE" IS AN ASSET TO THE COMMUNITY, AND THEY SHOULD
BE ABLE TO CONTINUE THEIR OPERATION AS IS. "THE LUCKY STRIKE
IS A CLEAN, ORDERLY, AND WELL-MANAGED BUSINESS WHICH EMPLOYS
MANY MISSOULIANS. THANK YOU FOR YOUR CONSIDERATION.

DARINDA J. WILLIAMS

MIKE WILLIAMS

RICHARD H. WILLIAMS

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-14-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Adrian Howe Helms	MDHES	✓	
Ernie Dutton	MT ASBOL REACTORS	✓	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
COLLEEN A. GRAHAM	DOC/ Bd of RE App	Info Only	
Allen A. Jmos	SELF	✓	
W. D. Diehl	APPRAISERS	✓	
GEORGE BENNETT	MONT. BANKERS ASSN		✓
Christian Nugdala	Appraisers	✓	
Stan Nugdala	Appraisers	✓	
G. J. Walter	APPRAISERS	✓	
Bob Burkhardt	Self	✓	
Hugh McTanner	Appraisers	✓	
MORAL JOHNSON	APPRAISERS	✓	
Linn Culbertson	477	✓	
SHARON HOFF	MT CATHOLIC CONFERENCE		477 X
Lisa Cai	Montana Lead	✓ 498 & 499	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

J. Shoptz
Ward Mancha
Bob Pyfer
Tom Caddy

MT PRESS EDITORS
MT LEAGUE OF SAVINGS
INSTITUTIONS
MT Credit Unions
MT Bankers

X
X
X
X

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-14-95

BILL NO. 510

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Ernie Dutton

PLEASE PRINT

Blgs Assoc of Realtors

PLEASE PRINT

X

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ross Paulson J. H. ELLISON 4731 Helen	NORWEST BKS A PRIMAVER	X	X
Mike Jaki 400 N. Park Mike Jaki 1000 N. Park	Helen Chapt NATL	X	
Pam Bragg	Dept of Commerce Board of Real Estate App		
Janet Davis	Board of Real Est. Appr		
Terry Zimmerman	Appraiser	X	
Mike Wetherell	Appraiser	X	
Joseph J. Zimin	RE Appraiser	X	
Rita Bradley	Associates for Montana		
Samuel Ross A. FARRELL ROSS	Dept of Commerce: Self Board of R/E Appraiser	X	
Al Fuzette	RE Appraisers	X	
LARRY AREY	NATL ASSOC OF INDEPENDENT RE APPRAISERS	✓	
Mike Jaki	Appraisal Institute	✓	
JOHN BLOTKAMP	IFA - Real Estate Appraisers	✓	

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Kara Winterburn

R.E. Appraisers ✓

Kathlene A. Fleckenstein

IFA Real Estate Appraisers ✓

Jack R. Roubik

RE Appraiser ✓

Jennie Heckman

State Appraisal Board ✓

Kim Colvin

ASIM RA ✓

Tam Martin

Montana Bankers Assoc ✓

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-14-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Dorothy Hockaday	Montana LEAD	498+499	
Karen Byrnes	Silver Bow Health Dept	✓ 498+499	
Pam Bragg			
Pam Bragg	Dept of Comm, Board of Real Estate App.		
Janet Davis	Board of Real Estate Appraiser	✓	
B. H. Olson	AARP	✓	
WENDY SHANAHAN	MEDCO	✓	
DENNIS IVERSON	AMCPA	✓	
Jim Smith	Mt. R Assoc	✓	

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Business & Labor

DATE 2-14-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Linda Nelson</u>	<u>AD 49</u>	<u>498</u>	
<u>Christine Kaufman</u>	<u>MT Human Rights Netw</u>	<u>X</u>	
<u>ELLEN ENGSTEDT</u>	<u>Don't Gamble w/ the Future</u>		<u>X</u>

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

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DATE 2-14-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
George Warr 1424 9th	MT Dept. of Commerce	✓	
Pave Parker 1424 9th	Dept of commerce	✓	
Rita Bradley	Advocates for Montana's Children BUTTE-SPOKES BOARD OF HEALTH	✓	
Adrian Howe Helms	MDHES	✓	
Linne Clark	MT ASSN. REALTORS	✓	
Lon Archambault	BISON ENGINEERING	✓	
Ed Scott	Steve Lofgren	✓	
Pete Frazier	CITY- & COUNTY HEALTH GT FORK	✓	
Thom Damerhomer	Cascade City County Health	✓	
Don Allen	MT. Wood Products Assn	✓	
MT. A Bill Allen	MT. Audubon	✓	
Peggy Trenk	WETA	✓	
STEVE YEAKEL	MT COUNCIL FOR MATERNAL & CHILD HEALTH	✓	

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Greg Van Horssen
Cristini Medina
Polly Walker

Montana Housing Providers
MLIC
MT Low-Income
Coalition
MSCA - Potson

✓

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor

DATE 2-14-95

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Rita Bradley	Advocates for MT Children B-SBOW Board of Health	✓	
Armine Clark	MT ASSN REALTOR	✓	
Pete Frozier	City - Co. Health Dept GT Falls	✓	
Thom Amenehower	cascade city - county Health Dept	✓	
Bill Allen	MT. Audubon	✓	
DALE TALIAFERRO	MDH&ES	✓	
Steve Yeakel	MT Council for Maternal & Child Health	✓	
Mary Alice Cook	Adv. for MT's Children	✓	
Greg Van Housen	Montana Housing Partners		
Cristina Medina	MT Low-Income Coalition	✓	

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