

HOUSE JOINT RESOLUTION 14

Introduced by Wagner, et al.

2/09	Introduced
2/09	Referred to Business & Economic Development
2/09	First Reading
2/12	Hearing
2/13	Committee Report--Bill Passed as Amended
2/15	2nd Reading Passed
2/17	3rd Reading Passed
	Transmitted to Senate
2/20	First Reading
2/20	Referred to Labor & Employment Relations
3/25	Hearing
3/30	Committee Report--Bill Concurred as Amended
3/31	2nd Reading Concurred
4/01	3rd Reading Concurred
	Returned to House with Amendments
4/07	2nd Reading Amendments Concurred
4/13	3rd Reading Amendments Concurred
4/19	Signed by Speaker
4/20	Signed by President
4/21	Filed with Secretary of State

House JOINT RESOLUTION NO. 14

INTRODUCED BY Wagner Knox - Rose Bird

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE STATE FUND AND THE DEPARTMENT OF LABOR AND INDUSTRY TO REDUCE THE WORKERS' COMPENSATION INSURANCE PREMIUMS FOR YEW BARK HARVESTERS TO A LEVEL CONSISTENT WITH ACTIVITIES CARRYING SIMILAR RISKS TO WORKERS; AND REQUIRING A REPORT BY THE STATE FUND AND THE DEPARTMENT OF LABOR AND INDUSTRY TO THE

54TH LEGISLATURE.

WHEREAS, taxol is used by Montana women and other women in the United States who are afflicted with ovarian cancer when other drugs are often not effective; and

WHEREAS, taxol is very scarce in the United States; and

WHEREAS, taxol is produced from the bark of yew brush, and the bark of yew brush can now be harvested in Montana to yield enough taxol to treat annually approximately 3,400 American women with ovarian cancer; and

WHEREAS, yew brush in Montana is a renewable resource; and

WHEREAS, a Montana harvester of yew bark employs approximately 250 people, and the bulk of the employees merely remove the bark from branches with putty knives; and

WHEREAS, the cost of harvesting yew bark in Montana is double the cost in Washington, Oregon, and Idaho; and

WHEREAS, the State Fund is collecting \$48 per \$100 of paid wages in 1992, and the workers' compensation claims were only 12 cents per \$100 of wages paid in 1992; and

WHEREAS, the cost for workers' compensation insurance is passed on to the cancer patients needing taxol, and the insurance cost represents 18% of the \$695 cost per treatment or \$124.06 of the cost of each treatment; and

WHEREAS, some women may be precluded from receiving taxol treatments because of the unnecessarily inflated price of the drug.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the harvest of yew bark is a desirable economic and humanitarian activity.

(2) That the State Fund is collecting unwarranted premiums by charging yew bark harvesters the same rate as a logging and lumbering enterprise.

(3) That the unwarranted rates charged by the State Fund are a hardship on cancer victims and discourage the development of environmentally safe yew bark harvesting in Montana.

(4) That the State Fund and the Department of Labor and

1 Industry be directed to evaluate the premiums charged to yew
2 bark harvesters and to reduce the premiums to a level
3 consistent with activities carrying a similar risk to
4 workers and that the Legislature recognize that similar
5 activities include hand carving and picking pine cones or
6 mushrooms in the forest.

7 BE IT FURTHER RESOLVED, that the State Fund and the
8 Department of Labor and Industry be directed to present a
9 report on their activities consistent with this resolution
10 to the 54th Legislature during its first month of assembly.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE JOINT RESOLUTION NO. 14

INTRODUCED BY WAGNER, KNOX, ROSE, BIRD, BARNHART,
M. HANSON, SCHWINDEN, BRUSKI-MAUS, BARTLETT, RYAN,
KENNEDY, SQUIRES, SWANSON, DAVIS, GERVAIS, REAM,
STANFORD, GALVIN, DOLEZAL, L. NELSON, SAYLES, VAUGHN,
BLAYLOCK, J. RICE, HARP, GROSFIELD, HANSEN, CHRISTIAENS,
PAVLOVICH, COCCHIARELLA, WEEDING, HARRINGTON, ECK,
TUSS, FRANKLIN, WHALEN, BRANDEWIE, WATERMAN, RANEY,
TOOLE, MENAHAN, GILBERT, MCCLERNAN, S. RICE, HARPER,
WINSLOW, SCHYE, DOHERTY, MERCER, HERRON, D. BROWN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE STATE
FUND AND THE DEPARTMENT-OF-LABOR-AND--INDUSTRY COMMISSIONER
OF INSURANCE TO REDUCE THE WORKERS' COMPENSATION INSURANCE
PREMIUMS FOR YEW BARK HARVESTERS TO A LEVEL CONSISTENT WITH
ACTIVITIES CARRYING SIMILAR RISKS TO WORKERS; AND REQUIRING
A REPORT BY THE STATE FUND AND THE DEPARTMENT-OF--LABOR--AND
INDUSTRY COMMISSIONER OF INSURANCE TO THE 54TH LEGISLATURE.

WHEREAS, taxol is used by Montana women and other women
in the United States who are afflicted with ovarian cancer
when other drugs are often not effective; and

WHEREAS, taxol is very scarce in the United States; and

WHEREAS, taxol is produced from the bark of yew brush,

and the bark of yew brush can now be harvested in Montana to
yield enough taxol to treat annually approximately 3,400
American women with ovarian cancer; and

WHEREAS, yew brush in Montana is a renewable resource;
and

WHEREAS, a Montana harvester of yew bark employs
approximately 250 people, and the bulk of the employees
merely remove the bark from branches with putty knives; and

WHEREAS, the cost of harvesting yew bark in Montana is
double the cost in Washington, Oregon, and Idaho; and

WHEREAS, the State Fund is collecting \$48 per \$100 of
paid wages in 1992, and the workers' compensation claims
were only 12 cents per \$100 of wages paid in 1992; and

WHEREAS, the cost for workers' compensation insurance is
passed on to the cancer patients needing taxol, and the
insurance cost represents 18% of the \$695 cost per treatment
or \$124.06 of the cost of each treatment; and

WHEREAS, some women may be precluded from receiving
taxol treatments because of the unnecessarily inflated price
of the drug.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
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(1) That the harvest of yew bark is a desirable
economic and humanitarian activity.

1 (2) That the State Fund is collecting unwarranted
2 premiums by charging yew bark harvesters the same rate as a
3 logging and lumbering enterprise.

4 (3) That the unwarranted rates charged by the State
5 Fund are a hardship on cancer victims and discourage the
6 development of environmentally safe yew bark harvesting in
7 Montana.

8 (4) That the State Fund and the ~~Department-of-Labor-and~~
9 ~~Industry~~ COMMISSIONER OF INSURANCE be directed to evaluate
10 the premiums charged to yew bark harvesters and to reduce
11 the premiums to a level consistent with activities carrying
12 a similar risk to workers and that the Legislature recognize
13 that similar activities include hand carving and picking
14 pine cones or mushrooms in the forest.

15 BE IT FURTHER RESOLVED, that the State Fund and the
16 ~~Department--of--Labor-and-Industry~~ COMMISSIONER OF INSURANCE
17 be directed to present a report on their activities
18 consistent with this resolution to the 54th Legislature
19 during its first month of assembly.

-End-

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WHEREAS, a Montana harvester of yew bark employs approximately 250 people, and the bulk of the employees merely remove the bark from branches with putty knives; and

WHEREAS, the cost of harvesting yew bark in Montana is double the cost in Washington, Oregon, and Idaho; and

WHEREAS, the State Fund is collecting \$48 per \$100 of paid wages in 1992, and the workers' compensation claims were only 12 cents per \$100 of wages paid in 1992; and

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2 premiums by charging yew bark harvesters the same rate as a
3 logging and lumbering enterprise.

4 (3) That the unwarranted rates charged by the State
5 Fund are a hardship on cancer victims and discourage the
6 development of environmentally safe yew bark harvesting in
7 Montana.

8 (4) That the State Fund and the Department-of-labor-and
9 industry COMMISSIONER OF INSURANCE be directed to evaluate
10 the premiums charged to yew bark harvesters and to reduce
11 the premiums to a level consistent with activities carrying
12 a similar risk to workers and that the Legislature recognize
13 that similar activities include hand carving and picking
14 pine cones or mushrooms in the forest.

15 BE IT FURTHER RESOLVED, that the State Fund and the
16 Department--of--Labor-and-Industry COMMISSIONER OF INSURANCE
17 be directed to present a report on their activities
18 consistent with this resolution to the 54th Legislature
19 during its first month of assembly.

-End-

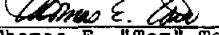
SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 28, 1993

Page 2 of 2
March 28, 1993

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Joint Resolution No. 14 (third reading copy -- blue), respectfully report that House Joint Resolution No. 14 be amended as follows and as so amended be concurred in.

Signed: 
Senator Thomas E. "Tom" Towe, Chair

That such amendments read:

1. Title, lines 14 and 18.
Following: "FUND"
Strike: "AND THE"

2. Title, lines 14 through 15 and 19.
Page 3, lines 9 and 16.
Following: "INDUSTRY" or "industry"
Strike: "COMMISSIONER OF INSURANCE"

3. Title, line 16.
Following: "BARK"
Strike: "HARVESTERS"
Insert: "PEELERS AND TRANSPORTERS"

4. Page 2, line 1.
Following: "be"
Strike: "harvested"
Insert: "peeled"

5. Page 2, line 9.
Following: "of"
Strike: "harvesting"
Insert: "peeling and transporting"

6. Page 2, line 24.
Following: "the"
Strike: "harvest"
Insert: "peeling and transporting"

7. Page 3, lines 2 and 10.
Following: "bark"
Strike: "harvesters"
Insert: "peelers and transporters"

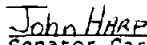
8. Page 3, line 6.
Following: "bark"
Strike: "harvesting"
Insert: "peeling"

9. Page 3, lines 8 and 15.
Following: "Fund"
Strike: "and the"

10. Page 3, line 17.
Strike: "be directed to"
Following: "on"
Strike: "their"
Insert: "its"

-END-

W Amd. Coord.
W Sec. of Senate


Senator Carrying Bill

691703SC.Sma

SENATE

HJR 14

691703SC.Sma

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15 OF INSURANCE TO REDUCE THE WORKERS' COMPENSATION INSURANCE
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17 A LEVEL CONSISTENT WITH ACTIVITIES CARRYING SIMILAR RISKS TO
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22 WHEREAS, taxol is used by Montana women and other women
23 in the United States who are afflicted with ovarian cancer
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10 WHEREAS, the cost of harvesting PEELING AND TRANSPORTING
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12 Oregon, and Idaho; and

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12 ~~Industry~~ COMMISSIONER OF INSURANCE be directed to evaluate
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20 ~~Department of Labor and Industry~~ COMMISSIONER OF INSURANCE
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23 during its first month of assembly.

-End-