

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & LABOR

Call to Order: By **CHAIRMAN BRUCE T. SIMON**, on March 15, 1995, at 8:00 A.M.

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: SB 307, SB 354, SB 408
Executive Action: SB 307, SB 408, SB 350, SB 187

HEARING ON SB 307

Opening Statement by Sponsor:

SEN. ETHEL M. HARDING, SD 37, Lake County, said this bill is an act clarifying the definition of acupuncture and prohibiting unlicensed persons from purporting to practice acupuncture.

Proponents' Testimony:

Donald Beans, Past-President, Montana Association of Acupuncture and Oriental Medicine, said this has been a licensed profession in Montana for over 20 years. The law has been administered by the Board of Medical Examiners. The standards have been elevated with the Board. They have formulated and made many rules relating to ethics, charting and proper sterilization procedures. The Board can change the rules under current law. This bill is the next step in this process. It also clarifies the definition of acupuncture.

Sara Marie, President, Montana Association of Acupuncture and Oriental Medicine, supplied written testimony regarding the course of study for acupuncturists. **EXHIBIT 1**

Steve Yeakel, Montana Association of Acupuncture and Oriental Medicine, provided facts about this bill and the practice of acupuncture. Acupuncture has a long history and solid professional credentials, particularly in Montana; the bill represents another step in a collaborative effort to upgrade the standard of the profession by conforming the acupuncturists' scope of practice with their level of education, training and skill. The bill does not change or limit the practice of any other group and this bill is necessary to distinguish the total practice from potential mis-perceptions that it is only about the insertion of needles. **EXHIBIT 2**

Barbara Bayer said she is a licensed acupuncturist in the state and has practiced in Helena. She also reiterated the educational process.

Monty Garnett said he is an acupuncturist in Whitefish and Arlee. He also works in a medical clinic with doctors.

Marth Lipster, R.M., is also an herbalist. She said she supports the bill with the amendment.

Duane Borgstad said he is a licensed acupuncturist and a chiropractor.

Roger Wick said he supports the bill with the amendment.

Debra Kimmett, Coalition of Massage Therapy Groups, The Montana Association For Body Work and Massage Therapy, American Massage Therapy Association, Montana State Representative of the American Body Therapy Association, said there were concerns about the bill. They do support the bill with the amendment.

Mona Jamison, Montana Diathetic Association, said anything to deal with licensure appears to be turfing and people wanting to protect their license territory. They do support the bill.

REP. ROD MARSHALL, HB 28, Gallatin County, said he supports this bill.

Rorie Hanrahan said she had been a patient of an acupuncturist for a number of years and has found it to be very helpful and cost effective.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. DAVID EWER questioned the use of oriental herbs and foods and questioned if this was regulated by the Board of Medical Examiners. **Mr. Yeakel** said those specific items are not regulated by the Board. With the amendment they would then fall under the Board. **REP. EWER** questioned the use of the word "remains." He also asked if acupuncturists would be allowed to sell food or herbs. **Ms. Marie** said yes.

REP. EWER asked what the Board would do if oriental herbs and food were prescribed. **Pat England, Executive Secretary/Counsel, Board of Medical Examiners,** said there are not any governmental institutions which establish the purity or advocacy of any of these materials. They are classified as foods as opposed to drugs. The quality control over those remedies are ordinarily under the Food and Drug Administration. They are not regulated at this time.

Closing by Sponsor:

The sponsor closed.

HEARING ON SB 354

Opening Statement by Sponsor:

SEN. GARY FORRESTER, SD 8, Yellowstone County, said this bill is an act providing for contractor registration; providing for fees to fund the administration and enforcement of the registration; setting requirements for registration; requiring surety bonds; providing exemptions; providing restrictions on advertising; providing for administrative hearings; providing for volitions and penalties; granting rulemaking authority to the department of labor and industry and requiring independent contractors to obtain an exemption.

Proponents' Testimony:

Mark Lindsay, Montana Building Industry Association, said they had internally decided to table the issue of independent contractors and contractor licensing for this session and

establish a committee to work on this complex issue for two years and possibly come back to the legislature with some proposed legislation at that time. With the amendments to this bill they have now requested to be on record as supporting this bill. This bill is not going to solve all of the problems with contractors and independent contractors, but it is a good first step toward resolving some of those issues. This issue has been argued for years and has never been solved. They are committed to working with the Department of Labor and Industry in the formation of the administrative rules to help ensure that this legislation will work in the real world. The industry is also committed to studying this issue in the interim and to being prepared to make changes or even possibly consider full blown licensing which would be much more comprehensive than the registration bill which is before the committee. **EXHIBIT 3**

Harlee Thompson, Manager, Intermountain Truss, supplied written testimony. **EXHIBIT 4**

Jim Kembel, City of Billings, said they receive numbers of inquiries about poor workmanship and unsatisfactory performance on the part of contractors. Those complaints become much more prevalent during hailstorms. In some instances owners have had major costs because of faulty workmanship. Although this is not the total solution to the problem, it is a good beginning. In the future, some source of licensing board is needed to ensure the performance of these individuals.

Bob Ross, a builder from Kalispell, said the single largest part of time spent in government work is dealing with Workers' Compensation and independent contractor issues.

Dave Cogley said he is an independent contractor who has gone through a very contentious process. This bill does nothing to protect consumers, suppliers, material men or the people dealing with the contractors. He also suggested resisting amendments.

Chris Racicot, Executive Director, Montana Building Industry Association, said this bill would go a long way to ensure that the public, the construction industry and the state are properly protected from unscrupulous business practices in Workers' Compensation coverage obligations and employee wage obligations. **EXHIBIT 5**

David Owen, Montana Chamber of Commerce, said this kind of a bill is precisely why the Chamber is careful not to get caught up in these situations.

REP. VICKI COCCHIARELLA, HB 64, Missoula County, stated her support of this bill.

TAPE 1, SIDE B

Carl Schwietzer, Montana Contractors Association, said many of the provisions in this bill are supported by their association.

Chuck Hunter, Department of Labor and Industry, stated they support the bill with the amendments.

Charles Brooks, Billings Area Chamber of Commerce, said they support this bill.

Doug Abelin said he originally came to the legislature to oppose the bill but now supports it.

Janqueline Lenmark, American Insurance Association, said every session they have struggled and worked with this problem. This bill is a giant step forward in addressing what has been a serious problem for Montana.

Lawrence Hubbard, State Compensation Insurance Fund, said they support this bill.

Opponents' Testimony:

Jim Branning said he opposes this bill because it would put many contractors out of business.

Questions From Committee Members and Responses:

REP. LARSON asked the price of a bond. **SEN. FORRESTER** said if a person had a shaky credit record it would probably be \$50 per \$1000. If a specialty contractor is required, a \$200-per-year outlay is required. If a good credit rating is received, the bond charges would probably be \$25 per \$1000.

REP. EWER questioned assurity. **Mr. Hunter** said the Wage Payment Act have the remedies available.

Closing by Sponsor:

The sponsor closed.

TAPE 2, SIDE A

HEARING ON SB 408

Opening Statement by Sponsor:

SEN. MIKE SPRAGUE, SD 6, Yellowstone County, said this bill is an act providing that the State Lottery Director may enter into contracts for materials, equipment, supplies, and services; exempting the State Lottery from certain laws regulating contracts without he state.

Proponents' Testimony:

Charmaine Murphy, Director, Montana Lottery, Department of Commerce, said they support this bill. Other states can negotiate contracts themselves and the Lottery should do the same. This ability will maximize revenues also. They also support the amendments.

Leo Giacometto, representing the Governor's Office, said they support this bill because it will supply revenue for the state.

Larry Akey said this bill would allow flexibility on the purchase of low cost items and they support the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON SB 307

Motion/Vote: REP. BOB PAVLOVICH MOVED SB 307 BE CONCURRED IN. REP. PAVLOVICH MOVED THE AMENDMENTS. Motion carried to adopt the Pavlovich amendments 18-0.

Motion/Vote: REP. PAVLOVICH MOVED #2 PAVLOVICH AMENDMENT. Motion carried to adopt the #2 Pavlovich amendments 18-0.

Motion/Vote: REP. EWER MOVED THE #1 EWER AMENDMENTS. A roll call vote was taken, and the Ewer amendments passed 12-6 with REPS. SIMON, MILLS, ELLIS, EWER, MCKEE and TUSS voting yes.

Motion/Vote: REP. EWER MOVED THE #2 EWER AMENDMENT. Motion carried to adopt the #2 Ewer amendment 18-0.

Motion/Vote: REP. PAVLOVICH MOVED SB 307 BE CONCURRED IN AS AMENDED. Motion carried 18-0.

EXECUTIVE ACTION ON SB 408

Motion/Vote: REP. PAVLOVICH MOVED SB 408 BE CONCURRED IN. REP. PAVLOVICH MOVED THE AMENDMENTS. Motion carried to adopt the amendments 18-0.

Motion: REP. PAVLOVICH MOVED SB 408 BE CONCURRED IN AS AMENDED.

Discussion:

REP. EWER stated he opposed the amendment.

REP. PAVLOVICH stated he favored the amendment.

Vote: Motion carried 16-2 with REPS. ELLINGSON and EWER voting no.

EXECUTIVE ACTION ON SB 350

Motion: REP. ELLIS MOVED SB 350 BE CONCURRED IN. REP. ELLIS MOVED THE VAN VALKENBURG AMENDMENTS.

Motion/Vote: REP. ELLIS MOVED HIS SUBSTITUTE AMENDMENT.

Discussion:

CHAIRMAN SIMON said the substance of the amendment is understood but may be necessary for form purposes to be reviewed by the Legislative Council.

REP. SLITER asked if the word "theft" should be removed.

Steven Maly said it should.

REP. ROD MARSHALL said he preferred that the parole officer mandatorily inform.

REP. ELLINGSON said he supported the term "mandatory notification" under certain circumstances. He said he would not support mandatory notification to any employer for any offense. It is difficult to handle by way of amendment.

REP. ROD MARSHALL said people who interview potential workers should know no justification can be made.

REP. MILLS said he had hired people out of prison but he was happy to know what their offense was so the area which they worked in was restricted. There is a very great danger of putting offenders in a place where they can offend again. It is time there was a way to inform employers of a applicants background for employment. The public is protected from those people with this bill.

REP. OHS said he agreed. If someone knows they are hiring somebody on parole, the employer must be informed.

CHAIRMAN SIMON suggested the researcher read the amendment again.

Steven Maly said the department shall notify the employer of a probationer or parolee if the probationer or parolee has been

convicted of a offense which would potentially be harmful to the safety or well-being of an employer, a fellow employee or a customer of an employer. The department would be required to notify in every case because if it were ever contested, these words "potential harm" are so wide open the net effect would be a mandatory reporting.

CHAIRMAN SIMON said notification would be required if there is a potential for harm because of the conviction but it would not require notification in all cases.

REP. SLITER said he did not want to give this bill "the kiss of death" but if it is amended, it should be sent to the Judiciary Committee for further consultation.

REP. MARSHALL said the parole officer can't possibly have a scope of knowledge wide enough to entertain all the businesses that these people can come to. The parole officer would not have the experience to know what is inside all companies well enough to know if it is a hazard or not.

CHAIRMAN SIMON said he was taking the prerogative of the chair to divide the question because it appears that most of the members of the committee would support the amendment without the word "may" and this will become a separate amendment.

REP. LARSON said the intent of the bill was to notify the employer about a parolee. What the employer does with that information is to protect the fellow employees or customer. The employer will do what is necessary to protect his customers.

Vote: A roll call vote was taken on a do adopt motion covering the first half of the Ellis amendment. The motion carried 11-7 with REPS. COCCHIARELLA, ELLINGSON, EWER, LARSON, OHS, SLITER and TUSS voting no.

Vote: Motion carried to adopt the second half of the Ellis amendment 13-5 with REPS. TUSS, EWER, COCCHIARELLA, MCKEE and ELLINGSON voting no.

Discussion:

REP. SLITER explained the Sliter amendment.

REP. ELLIS said this amendment was not necessary. Once it is known a person is a parolee, that parolee will be asked the question and the outcome of his employment will then be determined.

REP. TUSS said this is public record.

CHAIRMAN SIMON requested that the committee be clear that the amendment previously adopted does not just notify the person is

on parole and convicted of an offense which might cause potential harm.

Motion/Vote: REP. ELLIS MOVED SB 350 BE CONCURRED IN AS AMENDED. A roll call vote carried 10-8 with REPS. COCCHIARELLA, ELLINGSON, EWER, HERRON, LARSON, MCKEE, OHS AND TUSS voting no.

EXECUTIVE ACTION ON SB 187

Motion: REP. MCKEE MOVED SB 187 BE CONCURRED IN.

Motion: REP. PAVLOVICH MADE A SUBSTITUTE MOTION TO TABLE SB 187.

Discussion:

REP. ELLIS said discussion of the bill should be in order before tabling of a bill.

Motion: REP. PAVLOVICH MOVED TO WITHDRAW HIS MOTION TO TABLE SB 187.

Discussion:

REP. SLITER said he wanted to know what the amendments were so he could vote on the bill.

REP. ELLIS said the biggest argument for this bill is that 40% of all the audits are inconclusive and do not have enough information. There is a possibility that the machines have been doctored and this is no way to run a business that handles this much money. He said most of the opponents to this legislation are doing that.

REP. MCKEE said it is important to know what this bill is really about.

REP. COCCHIARELLA said this is general fund money. She questioned the \$10 million fee for initiating this system.

REP. PAVLOVICH said in all of his years in the business he has never had a report returned to his establishment because of an error.

REP. EWER questioned the fairness of the payouts in the machines.

Vote: A roll call vote was taken to Table SB 187 which failed 9-9 with REPS. SIMON, MILLS, BARNETT, ELLINGSON, ELLIS, EWER, HERRON, MARSHALL and MCKEE voting no.

Motion/Vote: REP. MILLS MOVED THE TECHNICAL AMENDMENTS. Motion carried 18-0.

Motion/Vote: REP. PAVLOVICH MOVED THE #1 PAVLOVICH AMENDMENTS. Motion carried 18-0.

Motion: REP. PAVLOVICH MOVED THE #2 PAVLOVICH AMENDMENT. REP. PAVLOVICH withdrew the #2 Pavlovich amendment.

Motion/Vote: REP. PAVLOVICH MOVED THE #3 PAVLOVICH AMENDMENT. A roll call vote 10-8 with REPS. SIMON, MILLS, BARNETT, ELLINGSON, EWER, HERRON, MARSHALL and MCKEE voting no.

Motion: REP. PAVLOVICH MOVED THE #4 PAVLOVICH AMENDMENT. Motion carried 15-3 with REPS. SIMON, EWER and MCKEE voting no.

Motion/Vote: REP. LARSON MOVED THE #1 LARSON AMENDMENT. Motion carried 16-2 with REPS. SIMON and EWER voting no.

Motion/Vote: REP. LARSON MOVED THE #2 LARSON AMENDMENT. A roll call vote was taken which carried 18-0.

Motion/Vote: REP. LARSON MOVED THE #3 LARSON AMENDMENT. A roll call vote failed 9-9 with REPS. SIMON, BARNETT, ELLINGSON, ELLIS, EWER, HERRON, MARSHALL, MCKEE and OHS voting no.

Motion/Vote: REP. PAVLOVICH MOVED THE #2 PAVLOVICH AMENDMENT WHICH HAD BEEN WITHDRAWN AND WAS BROUGHT BACK BEFORE COMMITTEE. A roll call vote carried 16-2 with REPS. SIMON and HERRON voting no.

Motion/Vote: REP. ELLIS MOVED SB 187 BE CONCURRED IN AS AMENDED. A roll call vote carried 11-7 with REPS. PAVLOVICH, COCCHIARELLA, DEVANEY, FORBES, KEENAN, LARSON and TUSS voting no.

ADJOURNMENT

Adjournment: 12:00 P.M.



BRUCE T. SIMON, Chairman



ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 3-15-95

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	Y		
Rep. Rose Forbes	X		
Rep. Jack Herron	Y		
Rep. Bob Keenan	Y		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss			



HOUSE STANDING COMMITTEE REPORT

March 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 307** (third reading copy -- blue) be concurred in as amended.

Signed: _____


Bruce Simon, Chair

Carried by: Rep. Keenan

And, that such amendments read:

1. Page 1, line 15.

Strike: "therapies"

Insert: "remedies"

Strike: "THERAPIES"

Insert: "remedies"

Strike: "REMAINS"

Insert: "is"

2. Page 2, line 5.

Insert: "(3) This chapter does not affect the practice of an occupation by an individual who does not represent to the public that the individual is licensed under this chapter."

-END-

Committee Vote:
Yes 18, No 0.

611111SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **Senate Bill 408** (third reading copy -- blue) be concurred in as amended.

Signed:


Bruce Simon, Chair

Carried by: Rep. Rehbein

And, that such amendments read:

1. Page 2, line 24.
Strike: "MORE"
Insert: "less"

-END-

Committee Vote:
Yes 16, No 2.

611108SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that Senate Bill 350 (third reading copy -- blue) be concurred in as amended.

Signed:


Bruce Simon, Chair

Carried by: Rep. Ellis

And, that such amendments read:

1.. Title, lines 5 and 6.

Strike: "AN OFFENSE INVOLVING THEFT FROM AN EMPLOYER"

Insert: "A POTENTIALLY HARMFUL OFFENSE"

2. Page 1, line 25.

Strike: "involving theft from"

Insert: "that would potentially be harmful to the safety or well-being of"

Following: "employer"

Insert: ", a fellow employee, or a customer of the employer"

-END-

Committee Vote:

Yes 10, No 8.

61117SC.Hbk



HOUSE STANDING COMMITTEE REPORT

March 16, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Business and Labor report that Senate Bill 187 (third reading copy -- blue) be concurred in as amended.

Signed:


Bruce Simon, Chair

Carried by: Rep. Peck

And, that such amendments read:

1. Title, line 8.

Following: "MACHINES;"

Insert: "REQUIRING THAT THE DEPARTMENT OF JUSTICE CONDUCT A STUDY OF ALTERNATIVE METHODS OF AUTOMATED ACCOUNTING AND REPORTING SYSTEMS;"

2. Page 1, line 28.

Following: "Section 1."

Strike: "Automated"

Insert: "Purpose -- study -- automated"

Following: "system."

Insert: "(1) The legislature intends to ensure a high degree of integrity in the conduct of the gaming industry to prevent fraudulent and deceptive practices by licensed operators, licensed machine owners, and vendors. Prior to implementing an automated accounting and reporting system under this part, the department of justice shall conduct a study to identify and examine alternatives for automated monitoring and regulation of Montana's video gaming industry. The study must involve participation by representatives from the video gaming industry as well as appropriate state regulatory agencies, to be appointed by the attorney general. The study must be completed and submitted to the attorney general by

Committee Vote:
Yes 11, No 7.

611115SC.Hbk

July 1, 1996. (2)"

3. Page 2, line 1.

Following: "machines."

Insert: "The system and replacement or additional items purchased in the future may not be purchased from a supplier who manufactures video gambling machines and does not both sell and lease the machines to licensed operators."

4. Page 3, line 25.

Following: "OWNER"

Insert: "who owns the machine on the date that the machine is connected to the system established under [section 1]"

5. Page 4, line 3.

Following: "i"

Strike: "and"

6. Page 4, line 4.

Strike: "operator"

Insert: "machine owner"

7. Page 4, line 6.

Following: "department"

Insert: "; and (v) the licensed machine owner has paid the total cost of the conversion"

8. Page 5, line 1.

Strike: "operator's"

Insert: "machine owner's"

9. Page 5, line 2.

Strike: "operator's"

Insert: "owner's"

10. Page 6, lines 15 through 17.

Strike: "allow" on line 15 through "system" on line 17

Insert: "provide that a licensed operator may download to a computer on the operator's premises or receive from the

department information produced by machines on the operator's premises"

11. Page 6, line 20.

Insert: "(3) If a previously approved machine is not capable of being made compatible with the automated accounting and reporting system, it may:

(a) be operated for 10 years beyond the date on which the system becomes operational, as determined by the department of justice, without being connected to the system, but it may be operated only on the premises on which it is located when the system becomes operational; or

(b) be possessed, located, operated, sold, or supplied in the manner and under the conditions provided for antique slot machines in 23-5-153."

-END-

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 3-15 BILL NO. ^{SB}307 NUMBER _____

MOTION: Ewer amend #1

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 3-15-95 BILL NO. SB187 NUMBER _____

MOTION: Be concurred as amended

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 3-15-95 BILL NO. SB187 NUMBER _____

MOTION: #2 Pavlovich amendment

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 3-15-95 BILL NO. SB 187 NUMBER _____

MOTION: #4 Larson amendment

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 3-15-95 BILL NO. SB187 NUMBER _____

MOTION: #2 Larson amendment

Carried

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 3-15-95 BILL NO. SB 187 NUMBER _____

MOTION: #3 Pavlovich amend

Carried 10-8

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 3-15-95 BILL NO. SB187 NUMBER _____

MOTION: Table

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 3-15-95 BILL NO. SB 350 NUMBER _____

MOTION: Be concurred as amended

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 3-15-95 BILL NO. SB 350 NUMBER _____

MOTION: Roll call amendment without
"may" amendment

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		✓

Emperor's College

Summary of hours

<u>Oriental theory</u>	<u>110 hours</u>
<u>Oriental diagnosis</u>	<u>220 hours</u>

Oriental theory and diagnosis is the essential foundation for all treatment modalities that are utilized by an acupuncturist.

Treatment modalities

<u>Acupuncture</u>	<u>320 hours</u>
<u>Herbs</u>	<u>320 hours</u>
<u>Food therapy</u>	<u>50 hours</u>
<u>Acupressure</u>	<u>40 hours</u>
<u>Western science & practice</u>	<u>530 hours</u>
<u>Clinical practice</u>	<u>800 hours</u>
<u>Various modalities</u> (lifestyle, counseling, exercise, research, ethics, referral, practice management)	<u>100 hours</u>

Definitions

Oriental medical theory and diagnosis - a well developed system of observing signs and symptoms to evaluate the relative balance and imbalance of the body as a whole. Appropriate treatment is selected from modalities, such as; acupuncture, herbs, food therapy, or acupressure, to reestablish proper balance and good health. Although most patients we see are also concurrently under the care of a western trained physician we are well educated regarding proper referral.

Acupuncture - the insertion of solid needles into acupuncture points, heat or electrical stimulation may be added.

Herbs - naturally occurring medicinal substances which are recommended in tea, tablet or liquid concentrated form.

Food therapy - basic foods and nutrients are recommended as part of the daily diet.

Acupressure - applying mechanical pressure (massage) to the acupuncture point.

EMPEROR'S COLLEGE

FULL TIME (3-YEAR) CURRICULAR MODEL

YEAR ONE

	Units	Hrs.
WINTER QUARTER		
WS200 Chemistry	2	20
WS205 Anatomy/Physiology I	3	30
HB300 Introduction to Herbology	2	20
OM300 Phil. of Oriental Medicine	2	20
AC310 Intro. to Meridians I	3	30
OM315 Intro. to Oriental Medicine	4	40
TOTAL	16	160
SPRING QUARTER		
WS210 Biochemistry	2	20
WS206 Anatomy/Physiology II	3	30
AC311 Intro. to Meridians II	3	30
AC350 Acupuncture Anatomy	4	40
OM320 Zang /Fu Syndromes	5	50
TOTAL	17	170
SUMMER QUARTER		
WS220 Physics	2	20
WS495 Western Pharmacology	2	20
WS207 Anatomy/Physiology III	3	30
AC360 Acupuncture Therapeutics	4	40
HB315 Herb Pharmacopoeia I	3	30
OM330 Oriental Diagnosis	4	40
TOTAL	18	180
FALL QUARTER		
WS208 Anatomy/Physiology IV	3	30
WS230 Biology	3	30
WS319 West. Medical Terminology	2	20
WS290 East/West Medical History	2	20
HB320 Herb Pharmacopoeia II	3	30
OM350 Tai Qi	2	20
WS450 Pathology	2	20
TOTAL	17	170

YEAR TWO

	Units	Hrs.
WINTER QUARTER		
WS240 General Psychology	2	20
WS260 Basic Nutrition	2	20
OM351 Qi Gong	2	20
OM410 Chinese Internal Medicine I	3	30
AC401 Acupuncture Technique I	3	30
HB330 Herb Pharmacopoeia III	3	30
AC370 Acupressure	2	20
TOTAL	17	170
SPRING QUARTER		
WS255 Clinical Psychology	2	20
WS301, WS302 West. Physical Assessment I & II	4	40
HB340 Herb Pharmacopoeia IV	3	30
OM420 Chinese Internal Medicine II	3	30
AC402 Acupuncture Technique II	3	30
AC375 Therapeutic Massage	2	20
CL1 Clinical Observation I [Lab]	2	40
TOTAL	19	190

SUMMER QUARTER		
WS335 Clinical Nutrition	2	20
WS400 Medical Ethics & Jurisprudence	2	20
OM430 Chinese Internal Medicine III	3	30
AC403 Advanced Acu. Techniques	3	30
WS451 Western Clinical Medicine I	3	30
HB450 Herb Pharmacology	2	20
CL2 Clinical Observation II [Lab]	2.5	50
TOTAL	17.5	200
FALL QUARTER		
WS495 Western Pharmacology	2	20
WS499 Clinical Diag. by Lab Data	1	10
OM440 Chinese Internal Medicine IV	3	30
OM550 Principles of Treatment	2	20
HB410 Herb Formulae I	3	30
WS452 Western Clinical Medicine II	3	30
WS500 Practice Management	2	20
CL3 Clinical Observation III [Lab]	3	60
TOTAL	19	220

YEAR THREE

	Units	Hrs.
WINTER QUARTER		
HB570 Shang Han/Wen Bing	4	40
HB420 Herb Formulae II	3	30
AC500 Clinical Point Selection	3	30
WS453 Western Clinical Medicine III	3	30
CL4 Clinical Internship I [Practicum]	3	90
CLA Case Review/Presentation [Lab]	1	20
TOTAL	17	240
SPRING QUARTER		
HB430 Herb Formulae III	3	30
WS454 Western Clinical Medicine IV	3	30
AC590 Secondary Vessels	4	40
CL5 Clinical Internship II [Practicum]	5	150
CLB Case Rev./Presentation II [Lab]	1	20
TOTAL	16	270
SUMMER QUARTER		
AC510 Microsystems	2	20
OM510 Symptomatic Diagnosis	4	40
CL6 Clinical Intern. III [Practicum]	5	150
CLC Case Rev./Presentation III [Lab]	1	20
WS590 Intro. to Medical Imaging Procedures	1	10
HB440 Advanced Formulae	3	30
TOTAL	16	270
FALL QUARTER		
Electives	4	40
HB520 Chinese Nutrition	1	10
CL7 Clinical Intern. IV [Practicum]	6	180
CLD Case Rev./Presentation IV [Lab]	1	20
TOTAL	12	250

GRAND TOTALS: Academic Hours	1690
Clinic Hours	800

Board of Medical Examiners. And, while the board rarely chooses to actively involve itself in "scope of practice" legislation, it made clear its lack of any objection to the language used to draft this bill.

FACT #3 - THIS BILL DOES NOT CHANGE OR LIMIT THE PRACTICE OF ANY OTHER GROUP.

The substantive changes in Section 2 of the bill are specifically intended to remove any notions of "turf battle" from this legislation. It says that any licensed health care professional may continue their current practices. This bill is only intended to address the acupuncturists' scope of practice. One other important point is that this bill does not address any unlicensed activities.

FACT #4 - THIS BILL IS NECESSARY TO DISTINGUISH THE TOTAL PRACTICE OF ACUPUNCTURE FROM POTENTIAL MISPERCEPTIONS THAT ACUPUNCTURE IS ONLY ABOUT THE INSERTION OF NEEDLES.

Acupuncture is not a technique which, in and of itself, provides complete and lasting cures or remedies. It is but a portion of the science of oriental medicine, which is a comprehensive philosophy of medicine that utilizes acupuncture, acupressure, oriental food therapy and herbs. These differences can be seen in the comparison below, where traditional acupuncture is contrasted with the perception and use of acupuncture as a stand-alone treatment restricted to the insertion of needles ("cookbook" acupuncture).

TRADITIONAL ACUPUNCTURE

"COOKBOOK" ACUPUNCTURE

Uses traditional diagnosis to treat symptoms and cause of symptoms.

Uses a "recipe" for treating symptoms.

Treats each "complaint" differently according to each person's diagnosis.

Treats each "complaint" the same on every person.

Produces no side effects if proper traditional diagnosis is followed.

Can potentially worsen a condition due to lack of traditional diagnosis and improper direction of treatment principals.

Addresses underlying causes as well as symptoms so symptoms can be eliminated.

Addresses symptoms only, leading to re-occurrence.

PLEASE SUPPORT SB 307 (as amended).

KEY FACTS ABOUT SB 307 AND THE PRACTICE OF ACUPUNCTURE

FACT #1 - ACUPUNCTURE HAS A LONG HISTORY AND SOLID PROFESSIONAL CREDENTIALS, PARTICULARLY IN MONTANA.

Acupuncture has 2,500 years of recorded history. It is based on a complex, rational working theory for accurate diagnosis and safe treatment.

In 1984, the National Commission for the Certification of Acupuncturists (NCCA) was incorporated to develop and implement nationally recognized standards of competence in the practice of acupuncture.

The NCCA requires a minimum of 3 years of education at an accredited school as an entry level standard for the practice of acupuncture. The average graduating requirements for most of these schools include 2416 hours in the theory and practice of Oriental Medicine, and 460 hours in Western Medicine.

At present, Montana law requires applicants for licensure to pass a comprehensive written examination administered by the NCCA. In addition, a practical examination in "clean needle technique" and anatomically accurate point location is also required. This conforms our state to nationally set standards of competence in the practice of acupuncture.

Montana was the second state in the nation to establish a licensing law for acupuncturists. Since 1974, the state has licensed acupuncturists under the Board of Medical Examiners. The law insures public safety, establishes a clear level of competence and has set a precedent for other states to follow.

FACT #2 - THIS BILL REPRESENTS ANOTHER STEP IN A COLLABORATIVE EFFORT TO UPGRADE THE STANDARDS OF THE PROFESSION, BY CONFORMING THE ACUPUNCTURISTS' SCOPE OF PRACTICE WITH THEIR LEVEL OF EDUCATION, TRAINING AND SKILL.

For the past two years, acupuncturists have been working with the Board of Medical Examiners to upgrade the standards of the profession.

Changes have been made with regard to rules for ethical practice, guidelines for appropriate charting, and sterilization guidelines for acupuncture needles and other supplies.

This legislation is another step forward in that relationship with the board. Its language is the product of several months' work, and several discussions before the

EXHIBIT 3
DATE 3-15-95
HB SB354

Testimony
Senate Bill No. 354
March 15, 1995

Mr. Chairman, Members of the Committee,

I am Mark Lindsay, and I am here representing the Montana Building Industry Association. I am also a general contractor here in Helena specializing in custom homes and light commercial projects.

As some of you probably know the Montana Building Industry Association came out in opposition to this bill when it was introduced in the Senate. This opposition, however, was certainly not based on the content or the intent of the bill.

The Montana Building Industry Association had internally decided to table the issue of independent contractors and contractor licensing for this session and establish a committee to work on this complex issue for two years and possibly come back to the legislature with some proposed legislation at that time.

This bill caught us by surprise and we weren't prepared to deal with it when it was introduced in the Senate. With the amendments to this bill that you now have before you the Montana Building Industry Association is now going on record as supporting this legislation. I want to personally thank Senator Forrester for his willingness to let us amend his bill.

Going back to the '93 session we have had some fairly heated debates with the Senator concerning independent contractors and I think this bill is a compromise on both sides that we are willing to accept.

This bill is not going to solve all of the problems with contractors and independent contractors but it is a good first step toward resolving some of those issues. We have been arguing this issue for years and have never been able to put forth a solution.

The Building Industry is committed to working with the Department of Labor and Industry in the formation of the administrative rules to help ensure that this legislation will work in the real world. The industry is also committed to studying this issue in the interim and to be prepared to make changes or, even possibly consider full blown licensing which would be much more comprehensive than the registration bill you have before you.

Once again I would like to thank Senator Forrester for his work on this issue and I would strongly ask that you vote for Senate Bill No. 354

EXHIBIT 4
DATE 3-15-98
SB 354

Truss Division
406/449-5553

INTERMOUNTAIN

Lumber Truss

SB 354
REGISTRATION OF CONSTRUCTION CONTRACTORS BY
THE DEPARTMENT OF LABOR

Recommend
Do Pass

Mr. Chairman members of the committee:

I am Harlee Thompson manager of Intermountain Truss located here in Helena. I serve on the State and local board of directors for the Montana Building Industry Association (MBIA). I am also Treasurer of the Coalition for Work Comp System Improvement (CWCSI).

I have appeared in two previous Legislative sessions supporting legislation to eliminate the independent contractor (IC) exemption currently allowed by law. During the last session the bill designed to accomplish this passed the house by a vote of 99 to 1. This same bill died on the Senate floor due to the efforts of Senator Forrester. Since that time several groups affected have been working with the Senator to find some sort of compromise to this issue. SB bill 354 is a result of this effort.

The problem with the independent contractor exemption is lack of clarity as to who is an IC or is actually an employee. Under the current system there are contractors out there that even require IC status as a condition of employment. This practice is illegal under current law but is very hard if not impossible to enforce. We also have the problem of the IC getting injured then claiming to be an employee.

SB 354 will require every contractor in the construction industry to register. At the time of registration they will be required to declare if they have employees or if they work alone. Whether they have employees or not they will be required to provide proof of compliance to work comp law. SB 354 will tighten up the requirements to obtain IC status. SB 354 also includes a definition of an IC. If the IC is not registered he IS your employee. Very simple. If the IC is registered and the contractor has confirmed this with the Department of Labor the contractor is not liable as an employer.

There are a few pages of amendments that are required to make this bill do what all of the interested parties required. These amendments are the result of working jointly with the major parties that will be effected by this legislation. This bill is the result of a lot of compromises within the building industry and with Senator Forrester. This bill is not a cure all but goes a long way to close gaps and address an area of serious abuse in the current system. This is a bill that we can all live with and will make our responsibilities in this very gray area much clearer.

I cannot stress enough the efforts that have gone into SB 354 to insure that it is a good piece of legislation.

The MBIA and the CWCSI and I encourage you to pass SB 354 as amended. I will be available for questions if required.

Thank You.

Amendments to Senate Bill No. 354
Third Reading Copy

Requested by Senator Gary Forrester
For the Committee on Business and Labor

Prepared by Susan B. Fox
March 14, 1995

1. Title, line 5.
Following: "REGISTRATION;"
Insert: "PROVIDING THAT A PERCENTAGE OF THE FEES BE USED FOR AN
EDUCATION PROGRAM;"
2. Title, line 10.
Following: "39-3-705,"
Insert: "39-3-706,"
3. Page 5, line 3.
Following: "Fees"
Insert: "-- education program"
4. Page 5, line 9.
Strike: "\$70"
Insert: "\$80"
5. Page 5, line 12.
Insert: "(5) The department shall establish, cooperatively with
representatives of the building industry, an industry and
consumer information program, funded with 15% of the fees,
to educate the building industry about the registration
program and to educate the public regarding the hiring of
building contractors.
(6) The fee for a joint application for a certificate of
registration and an independent contractor exemption may not
exceed the fee charged for a certificate of registration."
6. Page 5, lines 19 and 23.
Strike: "substantial"
7. Page 5, line 28.
Strike: "PERSON"
Insert: "contractor"
Following: "OF"
Strike: "A"
Insert: "another"
8. Page 5, line 29.
Following: "COVERAGE"
Insert: "for the other contractor or for any employee of the
other contractor"
Strike: "PERSON"
Insert: "contractor"
9. Page 5, line 30.

Following: "THAT THE"

Insert: "other"

Strike: "PERSON"

Insert: "contractor"

10. Page 7, line 12.

Following: "(15)"

Insert: "to a contract security company, licensed under Title 37,
chapter 60, operating within the scope of the license; or
(16)"

11. Page 10, line 5.

Strike: "and whether a contractor is bonded"

12. Page 11, lines 1 and 2.

Following: "investigations --" on line 1

Strike: the remainder of line 1 through "injunctions" on line 2

Insert: "citations"

13. Page 12, lines 4 and 5.

Following: "shall" on line 4

Strike: the remainder of line 4 through "to" on line 5

14. Page 13, line 9.

Strike: "-- appeal"

Following: "determination --"

Strike: "failure"

Insert: "appeal -- duty"

15. Page 16, line 24.

Strike: "another"

Insert: "any person or entity"

16. Page 16, line 25.

Strike: "other"

Insert: "person or entity"

17. Page 16, line 26.

Strike: "to the other"

18. Page 17, lines 1 through 5.

Strike: lines 1 through 5 in their entirety

Insert: "(i) of \$6,000 for a general contractor or \$4,000 for a
specialty contractor if the contractor is a sole proprietor,
an independent contractor, or a corporate officer working as
an individual without employees; or

(ii) equal to a contractor's average monthly employee
payroll, based on 12 consecutive months' payroll, as estimated by
the commissioner. However, the amount may not be less than
\$6,000 for a general contractor or \$4,000 for a specialty
contractor and may not exceed \$25,000 for any contractor."

19. Page 17, line 7.

Strike: "insuring"

Insert: "guaranteeing"

20. Page 17, lines 11 and 12.
Following: "labor" on line 11
Strike: the remainder of line 11 through "contractor" on line 12

21. Page 18, line 5.
Following: "due,"
Strike: "the" through "furnished,"

22. Page 18, line 13.
Strike: "transmit"
Insert: "mail"

23. Page 18, line 14.
Following: "registrant"
Insert: "at the address"
Following: "the"
Insert: "registrant's"

24. Page 18, line 25.
Strike: line 25 in its entirety
Renumber: subsequent subsections

25. Page 19, line 11.
Insert: "

Section 29. Section 39-3-706, MCA, is amended to read:
"39-3-706. Liability of person contractor contracting with another contractor ~~for failure to require bond~~. Any person A contractor contracting with a another contractor who fails to require the other contractor to ~~acquire the surety bond provided for in 39-3-703(1)~~ be registered pursuant to [sections 1 through 25] is liable to the employees of ~~that~~ the other contractor for their wages and fringe benefits on that particular job."

Renumber: subsequent sections



Montana
Building
Industry
Association

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1994-1995 Officers
President
Stan Helgeson, Billings
First Vice President
Bob Ross, Jr., Kalispell
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Sam Gates, Missoula
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Builder Director
Mark Lindsay, Helena
National Representative
Tim Dean, Bozeman
Associate Director
Frank Armknecht, Bozeman
Build PAC Director
Jim Caras, Missoula

EXHIBIT 5
DATE 3-15-95
HB SB 354

March 15, 1995

House Business and Industry Committee
Montana State Legislature
Helena, Montana

Re: Senate Bill 354

Dear Representative Bruce Simon and Committee Members:

The Montana Building Industry Association is an organization comprising nearly 1,000 building trade businesses from the around the state of Montana. The MBIA is a industry leader in encouraging professional and responsible business and building principles.

It is for these reasons that the MBIA stands in support to SB 354 in its amended form. SB 354 will go a long way to ensure that all concerned:

- the public,
- the construction industry and
- the State of Montana

are properly protected from unscrupulous business practices in workers' compensation coverage obligations and employee wage obligations.

When SB 354 first surfaced a number of weeks ago, the MBIA stood in opposition to the bill. However, since then the MBIA, Senator Forrester, the Department of Labor and Industry, the Montana Contractors Association and the Legislative Council have thoroughly examined each and every aspect of the bill to ensure it is both firm in enforcement yet fair to all effected.

Please give your favorable consideration to Senate Bill 354 with the proposed amendments.

Sincerely,

Christopher J Racicot
Executive Director, MBIA

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor

DATE 3-15-95

BILL NO. 307

SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bridgette Mazurek 311 Jackson Helene	MAAOM	✓	
Dwight Borglund	self	✓	
Barbara Bayer	MAAOM	✓	
Rorie Harrahan ^{800 S. Helene} Rodney	self	✓	
Mama Jamison	mt dietetic Assoc	✓ as	amended
Martha Hibster RN	self	✓	
Doc Abelman	SELF	✓	
Carl Schweitzer	MT Cat Assoc	self	

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 3-15-95

BILL NO. SB 307 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Linda Kremer P.O. Box 1541 Bozeman 59711	Bozeman Acupuncture Wellness Center	✓	
DICK CARSON 3 Lincoln Hill Drive Missoula 59802	Acupuncture Clinic of Missoula	✓	
DON BRANS 245 Commercial St, Bigfork	MAAOM	✓	
STEVE MARTINEZ 1125 7 th Ave E. Keel, MT. 59801	MAAOM	✓	
Ann Waltz 322 2 nd Ave W. Kalispell	Flathead Valley Acupuncture & Naturopathic Clinic	✓	
Deborah A. Kimmet PO Box 8394 Missoula, MT 59845	MABMT, AOBTA, AMTA	✓	
Roger Wicke PO Box 579, Hot Springs MT			✓
Jo Rigby 1715 Kelly Rd, Helena			✓
Steve Yeakel	MAAOM	✓	
Monte Garnett Whitefish MT, 547 Spaulding Ave 59937	Whitefish Acupuncture	✓	
SARA MARIE 245 Commerce Bigfork, MT	MAAOM	✓	
Benjamin J. Holman	Nelson, MD	✓	
T.R. B...	Acupuncture Health Care	✓	

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor

DATE 7-15-95

BILL NO. SB 354 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Mark Lindsay	MT Building Ind.	✓	
Charles R. Brooks	Billings Chamber	✓	
Bob Fox	MBIA - Ross Court	✓	
Bill Pierce	Pierce & Associates - Builders - Helena		✓
HARLee Thompson Helena	CWCSE + MBIA	✓	
Reguiline Denmark	Am. Ins. Assoc.	✓	
Dave Logby	Wildwood Log Homes MBIA	✓	
W. James Kembel	City of Billings	✓	
Don Allen	CWCSE	✓	
CHUCK HUNTER	D.O.L.I.	✓	
George Wood	Montana Self Insur Assoc	✓	
Jim Brayning	Self Employed		✓
Douglas Seore	Self Employed		✓

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business + Labor

DATE 3-15-95

BILL NO. SB 408 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Charmaine Murphy	Montana Lottery	✓	
William R. DeWitt	my self		✓
David Owen	mt chamber	X	
LARRY AKEY	VIDEO LOTTERY / AWI	✓	

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

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 3-15-95

BILL NO. SB 354 SPONSOR(S) Sen Ferrer

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Prof Northington</u>	<u>MIIA</u>	<u>—</u>	
<u>Laurence Hubbard</u>	<u>State Fund</u>	<u>✓ as amended</u>	

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