



Economic Affairs Interim Committee

62nd Montana Legislature

SENATE MEMBERS

TOM FACEY--Vice Chair
TERRY MURPHY
EDWARD WALKER
JONATHAN WINDY BOY

HOUSE MEMBERS

TOM BERRY--Chair
CHUCK HUNTER
CAROLYN SQUIRES
GORDON VANCE

COMMITTEE STAFF

PATRICIA MURDO, Lead Staff
BART CAMPBELL, Staff Attorney
CJ JOHNSON, Secretary

MINUTES

September 11, 2012
Room 137

Capitol Bldg.
Helena, MT

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

REP. TOM BERRY, Chair
SEN. TOM FACEY, Vice Chair
SEN. TERRY MURPHY
SEN. EDWARD WALKER
REP. CHUCK HUNTER
REP. CAROLYN SQUIRES
REP. GORDON VANCE

COMMITTEE MEMBER ABSENT

SEN. JONATHAN WINDY BOY

STAFF PRESENT

PATRICIA MURDO, Lead Staff
BART CAMPBELL, Staff Attorney
CJ JOHNSON, Secretary

Visitors

Visitors' list, [Attachment #1](#).

Agenda, [Attachment #2](#).

COMMITTEE ACTION

The Economic Affairs Interim Committee:

- approved the June 11 & 12, 2012, EAI committee minutes. Attachment #5
- approved the Department of Agriculture's bill drafting request to rename one of its funds the Ag Literacy Fund.
- approved the Montana Board of Livestock's request for four proposed bill drafts.
- approved the Department of Labor and Industry's bill draft requests.
- approved the State Auditor's Office 12 bill draft requests.
- approved two Department of Commerce bill draft requests: 1) Big Sky Trust Fund eligibility, and 2) new worker training program.
- approved draft legislation for DLI and the Department of Justice to go forward with a bill draft for the Board of Hearing Aid Dispensers.
- requested that the EAI committee report highlight its recommendations more clearly.
- approved a motion recommending that the Executive branch and the Legislative branch take the necessary steps to preserve and exercise Montana's ability to make choices and decisions regarding the development and implementation of the health insurance exchange.
- approved a recommendation that the EAI committee retain agencies' reporting requirements.
- approved draft committee bill LCvlfir-Workers' Compensation for Volunteer Firefighters (Exhibit 24)
- approved draft committee bill LCmalp-removing statutory requirement for an advisory council appointed by the insurance commissioner. (Exhibit 25)
- approved draft committee bill LCbrds-terminating the required review of professional and occupational licensing boards in 2016 and later. (Exhibit 26)
- approved draft committee bill LCbnfi-revising the interim committee monitoring structure. (Exhibit 27)

CALL TO ORDER AND ROLL CALL

00:00:01 Rep. Berry called the committee to order at 8:30 a.m. The secretary called roll. [Attachment #3](#). Rep. Vance provided a written proxy. [Attachment #4](#)

00:01:17 Sen. Facey made a motion to approve the EAIC minutes from June 11 and 12, 2012. The motion **passed** by voice vote. [Attachment #5](#)

AGENDA

Public Comment on any issue under the Committee's purview - **None**

Legislation Review

00:02:19 Ms. Murdo gave an overview of the Legislative Services Division and Office of Budget and Program Planning procedures for interim committee review of agency bill draft requests. [Exhibit 1](#)

00:03:27 Rep. Berry informed the committee that a motion will be taken after each department's requests have been heard.

Committee discussion

00:03:54 Rep. Hunter raised a concern about the Executive planning process between the Governor's Office and the agencies because not all agency ideas forwarded to the Governor's Office get heard by interim committees. He said, "We are being denied access on ideas that agency people are working on." He said it is probably too late to formally work on this issue but said it is "food for thought", and that he may take the issue before the Legislative Council.

Legislation Review - Pat Murdo

0:02:46 Ms. Murdo distributed a handout showing what the committee was required to review under HB 525 and HB 142. [Exhibit 2](#) She also explained why the committee was hearing draft legislation from agencies and that the departments only need approval from the committee to move forward in the drafting process.

Department of Agriculture

00:04:09 Ron deYong, Director of the Department of Agriculture, described a proposal to

change the name of one of the department's funds that currently has the same name as another fund. He said the fund they want to rename uses funds for a program that teaches students about agriculture. The proposal is to rename the fund the "Ag Literacy Fund" so the department can differentiate between the funds from another organization regarding "Ag" in Montana schools.

Motion

00:07:26 Sen. Facey made a motion to move forward with the legislative request from Director deYong to rename the one fund "Ag Literacy Fund". The motion **passed** by voice vote.

Department of Livestock

00:08:13 Christian Mackay, Executive Officer of the Montana Board of Livestock, said he has three and possibly four pieces of legislation to bring forward:

- 1) change definition of "garbage" so that putrefiable products, such as meats and fats, are properly cooked to prevent the spread of foot and mouth disease.
- 00:09:56 2) change meat inspection statutes so that a separate licensed facility is not needed to butcher wild game, meaning all meat can be butchered in the same facility.
- 00:11:05 3) revise agister lien law to make it possible for a horse boarding facility owner to attach a lien to a horse that has been abandoned at the facility so when the horse is sold the facility owner will be compensated for taking care of the horse.
- 00:12:57 4) revise livestock sales laws to address internet sales in ways similar to live sales where dealers are bonded.

Committee comments and questions

The committee discussed specific language regarding the lien on horses.

00:14:05 Rep. Vance

00:14:50 Sen. Facey

Motion

00:16:10 Sen. Facey made the motion to move the four pieces of legislation forward from the Board of Livestock for bill drafting purposes. The motion **passed** by voice vote.

Department of Labor and Industry (DLI)

00:16:58 George Parisot, DLI chief information officer, standing in for Commissioner Keith Kelly, said the department has 13 pieces of legislation. He distributed a handout listing the 13 pieces of legislation. **Exhibit 3** Mr. Parisot explained each item.

A. Unemployment Insurance Division (UID)

Ms. Judy Bovington, legal staff for DLI, explained the legislation will improve the integrity of the UI system for employers; revise UI laws to recognize licensed naturopaths as health care providers so they can claim UI benefits; revise definition of "total" UI by deleting the words "two times" and replacing with 150%.

Committee comments and questions

The committee discussed UI benefits, who qualifies for UI, and, how UI works.

00:20:07 Rep. Squires

00:23:56 Rep. Hunter

00:24"30 Judy Bovington

00:26:30 Sen. Facey

B. Employment Relations Division (ERD)

00:27:00 Mr. Parisot explained the six legislation requests for ERD.

Committee comments and questions

The committee and Diana Ferriter, ERD, discussed proposals regarding contractors, the Wage Payment Act; mine safety training, safety and health consultation, and intrastate agreements on workers' compensation, particularly as related to North Dakota.

00:29:48 Rep. Vance

00:31:51 Rep. Hunter

00:32:58 Rep. Berry

00:34:58 Rep. Squires
00:38:05 Sen. Facey

C. Business Standard Division (BSD)

00:38:46 Mr. Parisot explained new language for unlicensed practice for the Board of Plumbing, the Electrical Board, and the Board of Realty Regulation.

D. Workforce Services Division (WSD)

00:39:42 Mr. Parisot said this issue is to comply with federal regulations on apprentices. They are requesting that the word "trade" be replaced with "occupation" in Title 39, Chapter 6, part 1, where appropriate, so that Montana's apprenticeship program will continue to be recognized for federal purposes.

Committee comments and questions

The committee talked about regulation of hearing aid dispensers under the auspices of the Department of Justice; reducing requirements and qualifications for crane operators and electricians; and UI benefits determined on earned income.

00:40:01 Rep. Hunter
00:40:58 Sen. Facey
00:41:51 Rep. Squires
00:42:57 Sen. Facey
00:43:28 Rep. Squires

Motion

00:48:01 Sen. Facey made the motion to move the DLI proposed legislation requests forward.

Substitute Motion

00:49:44 Rep. Squires made a substitute motion to **not** move #3 of Part A (Exhibit 3) forward, dealing with the total definition of unemployment.

Discussion

00:50:26 Ms. Murdo explained how this will affect the department and said these requests

are from the departments to go forward so they can draft bills.

00:51:59 Rep. Hunter said that agency staff work on a balance and it makes sense to move the requests forward to the drafting stage.

Vote

00:52:49 The motion is **NOT** to move #3 Part A (Exhibit 3) forward. The motion **failed** with Rep. Squires and Rep. Vance voting aye.

Motion

00:53:10 Sen. Facey reversed the motion to move #3 of Part A forward. The motion **passed** with Rep. Vance and Rep. Squires voting no.

Montana State Fund

00:53:58 Nancy Butler, legal staff, Montana State Fund, said there is no request from State Fund to go forward with any bill draft proposals at this time.

State Auditors Office - Commissioner of Securities and Insurance

00:54:20 Commissioner Monica Lindeen distributed and explained a handout showing the 12 issues she would like moved forward in the bill drafting process. [Exhibit 4](#)

Committee comments and questions

The committee discussed the fiscal impact of the 12 CSI bill draft requests.

01:09:47 Rep. Vance
01:11:12 Sen. Murphy
01:12:43 Adam Schafer, deputy state auditor
01:13:43 Rep. Squires
01:16:42 Sen. Facey

Motion

01:17:15 Sen. Facey made a motion to move all 12 items forward in the bill drafting process. The motion **passed** 4-2. Sen. Walker and Sen. Murphy voted no.

Department of Commerce

01:17:56 Dore Schwinden, Director, said he has two bill drafts and explained each one:

- 1) revising Big Sky Trust Fund eligibility, and
- 2) revising laws related to a new worker training program regarding reimbursement for part-time jobs training, among other issues.

01:20:12 Director Schwinden talked about counties not able to access the Big Sky Trust fund to create good paying jobs.

Motion

01:21:15 Sen. Facey made the motion to move department legislation forward to the bill drafting process. The motion **passed** 5-1 with Sen. Walker voting no.

Break

Committee comments and questions

01:35:58 Rep. Berry and the committee discussed the concerns raised by Rep. Hunter regarding the process in which the Governor's Office and state agencies move only certain ideas forward for legislative consideration, thus denying access to other creative ideas in the agencies.

01:38:29 Rep. Berry

01:38:50 Sen. Murphy

01:39:14 Sen. Facey

01:40:26 Rep. Berry asked that a motion be made regarding Rep. Hunter's concerns about the legislative process in terms of the OBPP process. Rep. Hunter said it is too late to do anything formally. He will take it before the Legislative Council.

HB 142 - Reviews of reports for Department of Commerce Programs

01:42:19 Ms. Murdo gave an overview of HB 142 - expanding the addendum. She said there needs to be a vote for each statutorily required report. [Exhibit 5](#)

Department of Commerce

01:46:05 Dore Schwinden, Director, started with an overview of federal land management

proposals, [Exhibit 6](#), and said the department has no proposals at this time. He introduced his senior staff:

- Kelly Casillas - Quality Schools Facility Grant program
- Andy Poole - Deputy Director, Dept. of Commerce
- Bruce Brensdal - Board of Housing Veterans' Home Loan Mortgage Program
- Carolyn Jones, Business Research Division (BRD)
- Marilyn Ross - maintains historic commission on Virginia and Nevada cities.

Quality School Facilities Grant Program

01:54:20 Ms. Casillas talked about grants that have been awarded to facilities, stating that the bulk of the money will go to school projects. Legislation for grants of \$38,000 for each school district will be brought forward to the legislative appropriations subcommittee to request these funds.

Committee comments and questions

The committee discussed dedicated river bed leases; forest service leases; oil and gas fields of the Bakken; and, grant programs for school districts.

01:57:42 Sen. Facey

01:59:59 Rep. Hunter

02:03:07 Rep. Berry

Distressed Wood Products Industry Revolving Loan Program Report

02:04:02 Deputy Director Poole distributed and explained a PowerPoint about the Wood Products Revolving Loan Fund. [Exhibit 7](#)

Committee comments and questions

The committee talked about: timber harvest decline; employment decline in the timber industry; wood recovery operations; chipping logs to wood mills; and the impact of the wood decline on Montana.

02:19:06 Rep. Hunter

02:21:11 Carolyn Jones

02:22:10 Sen. Facey
02:23:09 Rep. Berry
02:25:18 Sen. Facey
02:25:45 Rep. Squires
02:26:19 Mr. Poole

Board of Housing Veterans' Home Loan Mortgage Program

02:27:45 Bruce Brensdal gave an overview of the Montana Veterans loan program and explained how veterans home loans work in Montana.

Montana Heritage Preservation and Development Commission Report

02:32:07 Marilyn Ross, Chair of the Montana Heritage Commission, said the commission is attached to the Department of Commerce. She gave an overview of the Montana Heritage Commission Biennial Report. [Exhibit 8](#)

02:38:06 Elijah Allen, business manager of the heritage operations, distributed a handout that explains three business models that need to be changed to bring in more revenue for the Heritage Commission. [Exhibit 9](#)

Committee comments and questions

The committee talked about Virginia and Nevada cities, and Reeders Alley, and how they need to be supported; clean coal research; and EPSCoR - an experimental program of the National Science Foundation to stimulate competitive college research.

02:43:16 Sen. Murphy
02:45:07 Ms. Ross
02:45:52 Rep. Squires
02:47:52 Sen. Facey
02:48:15 Rep. Berry
02:48:30 Ms. Ross
02:49:06 Rep. Hunter
02:53:30 Sen. Facey
02:54:20 Mr. Poole

Review of Elevator Mechanic Concerns, Department of Labor & Industry

- 02:55:00 Dave Cook, Bureau Chief, Business Standards Division, gave an update of the elevator issues that have been addressed through meetings regarding elevator contracts and contractors.
- 03:01:59 Mr. Mark Maki, Elevator Apprenticeship program, DLI, gave an overview of the program and how it operates, its wages, ratios, education, and terms of the apprenticeship established by the local apprenticeship program. He talked about MACE, a national program on education and costs.
- 03:08:47 Rep. Squires thanked Mr. Maki and Mr. Cook for working together, and said she would like to see a bill go forward from the two entities for draft legislation.
- 03:12:32 Mr. Cook said he handles licensing compliance, checks on apprenticeships, and oversees the apprenticeship paperwork.
- 03:15:18 Mr. Maki talked about how the various construction apprenticeship programs work together.

Public comment

- 03:18:27 Rod Driver, representing the International Union of Elevator Constructors, testified that the union was concerned about the standards operating issue.
- 03:19:43 Dave Ungerman, Kone Elevator, reiterated Mr. Driver's comments, and also gave his views of the issues.

Livestock Loss Production Board

- 03:20:52 George Edwards, Executive Secretary, Livestock Loss Board program, distributed and explained a handout of the Board's 2012 annual report. **Exhibit 10** He also distributed and explained a handout dated 2012 Sept 7 showing the loss of livestock payments that have been made to farmers and ranchers in various counties due to wolf kill. **Exhibit 11**

Committee comments and questions

The committee discussed the members who make up the Livestock Loss Board and the amount of money paid out due to loss of livestock.

03:25:22 Rep. Vance

03:26:53 Rep. Hunter

Review of HB 142 - votes to recommend retaining or removing report requirements

03:29:21 Ms. Murdo gave an update of HB 142, which required a review of advisory councils attached to departments monitored by the committee. She said the recommendation is "do we want these reports to continue to come before this committee or do we not want these reports to come before the committee?"

Committee comments and questions

The committee discussed agencies reporting only if there is an issue of substance that the committee should know; whether the committee wants agencies to continue to submit reports or review each entity one-time.

03:32:13 Rep. Squires

03:33:15 Sen. Facey

03:34:58 Ms. Murdo

03:36:00 Rep. Hunter

03:36:22 Rep. Vance

03:36:57 Rep. Berry

Motion

03:37:53 Rep. Hunter made a motion to retain agencies' reporting requirement to the committee. The motion **passed** by voice vote.

Lunch

04:38:58 Rep. Berry called the committee back to order.

Montana State Fund

04:39:21 Laurence Hubbard, CEO and President of Montana State Fund, distributed and

explained a PowerPoint on the State of the State Fund. [Exhibit 12](#)

Committee comments and questions

The committee discussed the increase in the "Old" Fund liability. Old Fund claims remain open but will eventually go away as claimants die. The committee also discussed HB 334 approved in the 2011 session and that savings projected to be achieved by the bill will be noticed approximately between 2016 and 2017.

05:18:59 Rep. Hunter

05:22:09 Sen. Facey

05:24:02 Rep. Squires

05:27:52 Mr. Hubbard

05:28:54 Rep. Berry

05:32:57 Sen. Walker

Update on firefighter presumptive disease information

05:34:21 Rep. Hunter gave an update on the impact of firefighters presumptive disease on workers' compensation rates.

05:36:21 Mike Taylor with the National Council on Compensation Insurance (NCCI), distributed a handout of the analysis of HB 505-Presumption of Compensability for Career Firefighters (from the 2011 Montana Legislature). [Exhibit 13](#) Mr. Taylor said that NCCI does not take any position on the bill. He talked about coverage issues: two options on how to price; and, the type of premiums.

05:40:06 Rep. Hunter talked about HB 505 and asked if Mr. Taylor had looked at this, and how does HB 505 compare to other states regarding presumptive illnesses.

State Fund meetings

05:42:31 Rep. Hunter gave an overview of the last State Fund Board meeting he attended. He talked about an actuarial review done by the Commissioner of Securities and Insurance (State Auditor), and that State Fund got it money's worth.

Review of HB 525 report

05:45:11 Ms. Murdo distributed information of the boards under the committee's purview, and explained handouts changing the work plan to adjust to the committee's schedule. **Exhibit 14** She asked the members if they have any recommendations for her to include in the report.

Public comment

05:57:36 Jack Kane, DLI, clarified that the Business Standards department has worked with Ms. Murdo in changing the way its minutes will be handled on the DLI website.

06:00:13 John Wilkinson, representing over 50 social workers throughout Montana, said that between 2009 and 2011 there were four new laws, and the social workers are concerned regarding some of the experiences that some members have had due to the new laws.

06:03:44 Kathleen Collin, licensed clinical counselor and an attorney for social workers, gave an overview of the Board of Social Workers and Professional Counselors. She discussed the complaint pre-screening process, which is the main issue from the social workers. She gave an example of a social worker whose complaint took about 3 years to go through the pre-screening process and who lost a big government contract and had a loss of wages during that time.

Committee comments and questions

The committee discussed the complaint pre-screening process and how the adjudication process works and noted that the Board of Social Workers and Professional Counselors would be reviewed during the next interim.

06:09:09 Sen. Facey

06:11:06 Rep. Squires questions of John Wilkinson and Jack Kane

06:12:33 Jack Kane

06:15:34 Rep. Squires question of Pat Murdo

06:17:43 Rep. Facey

06:18:05 **Rep. Hunter recommended that Ms. Murdo write a letter to the Board of Social Workers and Professional Counselors and to Vivian Hammill in the Governor's**

office recognizing concerns about the information presented to the committee..

06:19:51 Rep. Squires

06:21:29 Ms. Murdo

Report on Board of Dentistry

06:21:41 Dr. Dale Chamberlain, Chair of the Board of Dentistry, gave an overview of Board meetings that had taken place regarding denturists and dental hygienists. He said at the beginning of this interim the EAI committee directed the board to work on a solution between the dentists, denturists, and dental hygienists. The board voted to establish a dental hygienist committee that will include two dental hygienist board members and one board member dentist who employs a dental hygienist. He distributed handouts and explained the listed recommendations. A motion also was made to have a standing denturist committee. No denturist had responded to a letter to fill out the denturist committee, and the board asked for a second solicitation of denturist members. [Exhibit 15](#)

Committee comments and questions

The committee discussed the Board of Dentistry and thanked Dr. Chamberlain for resolving the issues and taking the right steps to solve the situation.

06:25:06 Sen. Facey

06:26:44 Rep. Hunter

06:27:15 Rep. Squires

06:27:54 Rep. Berry

Update on Board of Hearing Aid Dispensers: Dept. of Labor and Industry/Dept. of Justice

06:28:09 Kevin Maki, Attorney, DLI, said that DLI had met with the Department of Justice on concerns about the Board of Hearing Aid Dispensers. He serves as counsel to the Board of Hearing Aid Dispensers, and distributed a handout that summarizes the issues and possible solutions. [Exhibit 16](#)

06:31:58 Ali Bovingdon, Department of Justice, gave an overview of the DOJ, and said that the licensing and some enforcement should stay with DLI. She noted that a cost-sharing agreement might be possible with DOJ's office of consumer

protection regarding enforcement. DOJ already has authority to take complaints and pursue restitution.

Committee comments and questions

The committee discussed whether DLI and DOJ need legislative authority to make changes for the Board of Hearing Aid Dispensers.

06:36:13 Sen. Facey
06:37:12 Mr. Maki
06:37:29 Rep. Hunter
06:38:53 Rep. Berry
06:39:20 Ms. Bovington

Public comment

06:40:28 Susan Good Geise, representing hearing aid dispensers, urged the committee to go forward with legislation for hearing aid dispensers in the 2013 session.

[Exhibit 17](#)

Committee comments and questions

The committee talked about moving draft legislation forward to give the board flexibility.

06:43:07 Rep. Berry
06:43:47 Rep. Squires question of Ms. Bovington
06:44:59 Rep. Hunter recommended approving drafting of a bill, if departments choose.
06:45:40 Ms. Murdo
06:47:16 Bart Campbell.
06:48:16 Rep. Berry

Motion

06:48:28 Rep. Hunter made a motion that will give the Department of Labor and Industry the authority to draft legislation regarding the Hearing Aid Dispensers issues for collaborative prosecution with the Department of Justice. The motion **passed** by voice vote.

Public Comment on potential bill draft LCbrds

- 06:49:49 Tonette Hollingsworth, representing the Montana Dental Hygiene Association, requested that the LCbrd bill draft be delayed.
- 06:51:26 Alan Casteel, President of the Denturist Association of Montana, distributed a handout of his comments and urged regulatory equality for denturists. [Exhibit 18](#)
- 06:55:36 David Hemion, Executive Director of the Montana Dental Association, noted that some changes regarding the Board of Dentistry should be made legislatively.

Committee comments and questions

The committee talked about the various procedures performed by dentists, dental hygienist, and denturists, and, who is responsible.

- 06:57:30 Rep. Squires to Mr. Hemion.
- 06:59:36 Rep. Squires to Dr. Chamberlain

Committee action on HB 525 Report and Committee's Final Report

- 07:01:59 Ms. Murdo talked about the committee's final report on HB 525 and whether to make it an internal report or a report to the Legislature.

Motion

- 07:03:23 Sen. Murphy made the motion recommending the final report "as improved".

Committee Discussion

- 07:03:41 Ms. Murdo regarding LCbrds.
- 07:04:15 Rep. Hunter said he had a problem identifying recommendations and said he found them hard to find in the report. He asked that staff find a way to highlight the recommendations that come from this committee.
- 07:05:58 Ms. Murdo

Vote

- 07:06:36 The motion **passed** by voice vote.

Public comment

- 07:07:16 Margaret Morgan, representing dental hygienists, questioned if the draft

legislation will have public comment before it goes to the legislature or does it go "as is". Ms. Morgan was informed there will be public comment.

Committee comments and questions

The committee discussed the continued concerns of denturists and dental hygienists.

- 07:08:29 Rep. Berry
- 07:09:13 Dr. Chamberlain
- 07:10:06 Rep. Squires
- 07:11:24 Dr. Chamberlain

Update on Medical Licensing Issues

- 07:12:13 Anna Earl, president of the Board of Medical Examiners, distributed a handout of her talking points and gave an update of the board's issues regarding the licensure process. [Exhibit 19](#)

- 07:20:30 Ian Marquand, DLI, informed the committee that at the board's last meeting in July, that the Board of Medical Examiners did pass the concept of collecting work force data information, but did not endorse any particular method, time, or set of questions. The board accepted the concept of the process and will be working with the Business Standards Division (DLI), to move forward in an appropriate timeframe.

- 07:20:42 Jean Branscum, Montana Medical Association Executive Vice President, distributed a handout and reported on the MMA process of following North Carolina's licensing process. She said the hope is to get a physician's license to practice approved within two weeks. [Exhibit 20](#)

Public comment

- 07:30:12 Dick Brown, Administrator of the Montana Hospital Association, said the process that was discussed by the MMA will satisfy his members.

- 07:31:04 Jack Kane talked about a workforce meeting that had previously taken place regarding the licensure and renewal process. He said that most physicians do

not fill out the renewal on their own. Hospital administrators will assist as do others. He said these other entities might be the best place to collect the data.

07:32:56 Rep. Hunter asked Mr. Kane if the department has put any legislative proposals forward. Mr. Kane said at this time they will not have any legislation.

Affordable Care Act (ACA)

07:34:43 Ms. Murdo gave an overview of the HJR 33 report. [Exhibit 21](#)

Committee comments and questions

The committee discussed the Affordable Care Act and that Montana is too late to meet the federal demands; the state's role in the ACA; and, that Montana should be able to retain its ability to make a choice and not give way to the federal government

07:44:14 Rep. Berry

07:45:24 Sen. Facey

07:47:13 Rep. Hunter

Motion

07:50:35 Rep. Hunter made a motion that states "We (the committee) recommend that the Executive branch and the Legislative branch take all necessary steps to preserve and exercise Montana's ability to make choices and decisions regarding the development and implementation of the health insurance exchange." [Exhibit 22](#)

Discussion

07:51:28 Sen. Walker commented that it is all about choices, "do you want government or do you want bigger government." He said Rep. Hunter is right on except for the specific exchanges, and said that government should not be involved in the development or the implementation of the exchange.

07:52:05 Roll call vote was taken. [Exhibit 22](#) The motion **passed** 4-3 with Rep. Vance, Sen. Murphy, and Sen. Walker voting no. [Exhibit 23](#)

LCvlftr - Volunteer Firefighters' Workers' Compensation bill draft

07:53:44 Sen. Facey gave an overview of the Volunteer Firefighters draft legislation LCvlfr [Exhibit 24](#), and the issues of who is covered by workers' compensation. He said the stakeholders involved are still working through issues. He asked that the committee approve the bill draft so they can move forward.

Public comment

07:57:26 DeDe Rhodes said she is from the rural area of Basin with 200-plus residents, is a member of the Basin volunteer fire department, and is also a member of the Quick Response Medical unit. She talked about this bill draft being mandatory, and said that the medical part must be included in the bill draft, but prefers the draft not be mandatory on the individual quick response units to provide work comp for their employees. She said nontransporting satellite units that are not connected to an ambulance or a firefighting agency have extremely limited budgets but she noted an umbrella pool might work for satellite unit inclusion. She asked that a separate existence still ought to be allowed.

08:03:51 Nancy Butler, chief legal counsel, Montana State Fund (MSF), discussed two concerns regarding workers' comp coverage for volunteer firefighters in LCvlfr. Her concerns were: 1) the bill allows two methods of premium collection and MSF prefers one way of assessing premium; and 2) that benefits may exceed premiums paid, which is related to how many hours count toward premium assessment.

08:05:44 Leonard Lundby, representing the Montana Fire Chiefs and the Firefighters Associations, said this bill isn't perfect, but it is an excellent bill to start with. Both associations support this bill and will support it at the Legislature.

Committee comments and questions

The committee discussed creating regulation, providing charity, how the premium is to be paid, the culture of volunteering, county commissioners setting permissive levies, and whether volunteer firefighters could purchase their own insurance.

08:07:51 Sen. Walker

08:08:58 Rep. Hunter

08:10:38 Sen. Facey
08:13:02 Sen. Walker
08:14:41 Rep. Berry

Motion

08:14:49 Sen. Facey made a motion to move LCvlfrr-Workers' Compensation for volunteer firefighters (Exhibit 24), forward as a committee bill.
08:16:41 Rep. Berry

Vote

08:17:06 The motion **passed** by voice vote. Sen. Walker and Rep. Vance voted no.

Rule Review

08:17:48 Bart Campbell noted the summary and said there is nothing else to report on rule reviews.

08:18:50 Ms. Murdo explained the remaining bills :

- LCmalp - to make optional the malpractice insurance/risk management advisory council in 33-23-520, MCA.
- LCbnfi - to move interim committee oversight of the Commissioner of Banking and Financial Institutions to the EAIC from the State Administration and Veterans' Affairs Committee.
- LCbrds - to shorten the review of licensing boards under HB 525.

Public comment

08:21:32 Tonette Hollingsworth, Montana Dental Hygienists Association, asked the committee to give the dental hygiene committee more time to work out the issues with Dr. Chamberlain and the Board of Dentistry.

08:23:40 Rep. Squires question of Ms. Hollingsworth.

08:24:16 Jacqueline Lenmark, representing the American Insurance Association, explained LCmalp and the compromises that involved passage of associated legislation in 2005. She urged the bill draft not be moved forward.

08:27:14 Sen. Facey question of Ms. Lenmark.

08:32:06 Bob Biskupiak, representing Independent Insurance Agents Association, talked about LCmalp and that malpractice insurance has fewer insurers writing the product, which makes for a hard market and pricier insurance.

Motion

08:33:30 LCmalp **Exhibit 25** - Sen. Facey made the motion to leave the statute as is. The motion **passed** by voice vote.

Motion

08:34:04 LCbrds **Exhibit 26** - Rep. Hunter made the motion to go forward with the bill as a committee bill draft. The motion **passed** by voice vote. Rep. Berry will carry the bill if he wins the Nov. 6 election.

08:35:54 Sen. Walker

Motion

08:36:09 LCbnfi **Exhibit 27** - Rep. Berry made the motion to go forward with the bill as a committee bill draft. The motion **passed** by voice vote. Rep. Squires will carry the bill.

08:37:41 LCVlfr. Already voted on and Sen. Facey to carry.

08:38:31 Rep. Berry.

08:38:39 Rep. Hunter

Adjournment

08:38:41 Rep. Berry adjourned the last EAIC 2012 meeting at 5:05 p.m.