

BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

Date: Tuesday, February 10, 2009
Place: Capitol

Time: 9 am
Room: ~~422~~ 303

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 339

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

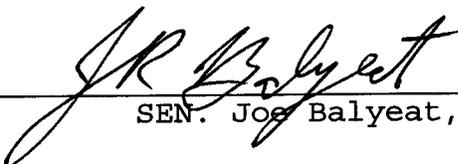
SB 142 DP _____

SB 195 Tabled _____

SB 339 Tabled _____

SB 287 DPAA _____

COMMENTS:



SEN. Joe Balyeat, Chairman

MONTANA STATE SENATE
Roll Call
BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE

DATE: 2-10-09 Tues.

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR JOE BALYEAT, CHAIRMAN	✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓	
SENATOR GREGORY BARKUS		✓
SENATOR ROY BROWN	✓	
SENATOR JIM KEANE	✓	
SENATOR JIM PETERSON		✓
SENATOR CAROLYN SQUIRES	✓	
SENATOR DONALD STEINBEISSER	✓	
SENATOR SHARON STEWART-PEREGOY	✓	
SENATOR JOSEPH TROPILA	✓	
SENATOR JONATHAN WINDY BOY		✓



SENATE STANDING COMMITTEE REPORT

February 10, 2009

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 142** (first reading copy -- white) **do pass**.

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

- END -

Committee Vote:

Yes 6, No 5

Fiscal Note Required

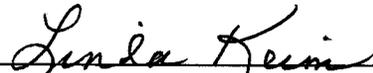
SB0142001SC.smo

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COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED **SB 195, SB 339**,
by motion, on **Tuesday, February 10, 2009**.



(For the Committee)



(Secretary of the Senate)

12:00 / 2/10
(Time) (Date)

February 10, 2009

Linda J. Keim, Secretary

Phone: 444-4772



SENATE STANDING COMMITTEE REPORT

February 10, 2009

Page 1 of 3

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **Senate Bill 287** (first reading copy -- white) **do pass as amended.**

Signed: _____

Joe Balyeat
Senator Joe Balyeat, Chair

And, that such amendments read:

1. Page 1, line 28 through page 2, line 1.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

2. Page 2, line 14.

Following: "acts."

Insert: "(1)"

3. Page 2, line 17.

Strike: "(1)"

Insert: "(a)"

Renumber: subsequent subsections

4. Page 2.

Following: line 21

Insert: "(d) provides a conventional medical disease diagnosis;
(e) directs or instructs a person to discontinue medical care or a medical treatment prescribed by a licensed health care provider;"

Renumber: subsequent subsections

5. Page 2, line 22.

Strike: "a chiropractic adjustment that uses"

Following: "low-amplitude"

Strike: "thrusting force"

Committee Vote:

Yes 9, No 2

Fiscal Note Required ___

SB0287001SC.smo

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Insert: "thrust to a joint"

6. Page 2, line 23 through line 26.

Strike: subsection (5) in its entirety

Insert: "(g) knowingly and purposely diagnoses and treats a physical or mental health condition of a client under circumstances or conditions that cause or create an imminent or discernible risk of significant bodily harm, serious physical or mental illness, or death; or"

Renumber: subsequent subsections

7. Page 2.

Following: line 28

Insert: "(2) For the purposes of subsection (1)(d), the following activities are not a diagnosis:

(a) the use of medical terminology or common words to advise a client to see a licensed, certified, or registered health care provider in order to rule out a diagnosable condition;

(b) a statement by an individual that symptoms may be indicative of or consistent with a specific medical condition; or

(c) a statement by an individual that a client has a probability of significantly less than 100% of having a specific medical condition.

(3) The fact that an individual is providing unlicensed health care services is not evidence of an imminent or discernible risk of harm for the purposes of subsection (1)(g)."

8. Page 2, line 30.

Following: "client"

Insert: "-- exception"

9. Page 3, line 9.

Following: "qualifications"

Strike: ", if any,"

10. Page 3, line 11.

Following: "obtain"

Strike: "written"

Insert: "a signed"

11. Page 3, line 13.

Strike: "written"

Insert: "signed"

12. Page 3, line 14.

Strike: "written"

Insert: "signed"

Following: "years"

Insert: "after the last client contact"

13. Page 3.

Following: line 14

Insert: "(2) The statement required under subsection (1) must include the following language: "The State of Montana has not adopted any educational or training standards for individuals who provide unlicensed health care services. This disclosure is for informational purposes only. Under Montana law, an individual who provides unlicensed health care services may not provide a medical diagnosis or instruct or direct a person to discontinue a medically prescribed treatment. A client may seek at any time a medical diagnosis from a licensed health care provider qualified to make a diagnosis.""

Renumber: subsequent subsections

14. Page 3.

Following: line 20

Insert: "(5) Practitioners who are recognized within their community as traditional and cultural healers are exempt from the disclosure and acknowledgment requirements of this section."

- END -

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-10-09 BILL NO SB142 MOTION NO. _____
 MOTION: _____

SB 142 DP

Carried 6-5

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		<i>pr</i>
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	<i>pr</i>
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALLYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-10-09 BILL NO _____ MOTION NO. _____

MOTION: _____
SB195AA

Filed 5-4

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS		✓	
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE	✓		
SENATOR JIM PETERSON		✓	<i>pr</i>
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA	✓		
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR		✓	
SENATOR JOE BALYEAT, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-10-09 BILL NO _____ MOTION NO. _____
 MOTION: _____

SB 287AA

Carried 9-2

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN	✓		
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		<i>pr</i>
SENATOR CAROLYN SQUIRES	✓		
SENATOR DONALD STEINBEISSER	✓		
SENATOR SHARON STEWART-PEREGOY	✓		
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY	✓		
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN	✓		

MONTANA STATE SENATE
Roll Call Vote
BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE

DATE 2-10-09 BILL NO _____ MOTION NO. _____
 MOTION: _____

SB 339 *Reverse of Table*
Failed 4-7

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREGORY BARKUS	✓		
SENATOR ROY BROWN		✓	
SENATOR JIM KEANE		✓	
SENATOR JIM PETERSON	✓		<i>pr</i>
SENATOR CAROLYN SQUIRES		✓	
SENATOR DONALD STEINBEISSER		✓	
SENATOR SHARON STEWART-PEREGOY		✓	
SENATOR JOSEPH TROPILA		✓	
SENATOR JONATHAN WINDY BOY		✓	
SENATOR VERDELL JACKSON, VICE CHAIR	✓		
SENATOR JOE BALYEAT, CHAIRMAN	✓		

AUTHORIZED SENATE COMMITTEE PROXY

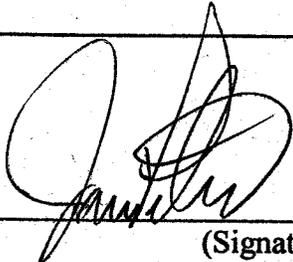
I request to be excused from Business + Labor Committee because of other commitments. I desire to leave my proxy vote with:

Verdell Jackson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 142	X	
SB 287	X	
SB 195		X
SB 339	X	

BILL/AMENDMENT	AYE	NO
SBO 28701.950	X	
Amendment	X	

Sen. 
(Signature)

Date 2/10/09

45 minutes each side

SB-339

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from BUSINESS & LABOR committee because of other commitments. I desire to leave my proxy vote with:

SEN. JOE TROPILA

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 142		✓
SB 287 AMEND	✓	
SB 17		

BILL/AMENDMENT	AYE	NO

Sen. 
(Signature)

Date 2/10/09

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-10-09

Bill No. SB339 Sponsor(s) Hinkle

PLEASE PRINT

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Name and Address	Representing	Support	Oppose	Inf.
Fran Marceau PO BOX 8115 Bigfork	UTU		X	
Don Serba 210 SENTINEL MOLA CRANG Gilchrist	WETA		X	
804 10th Ave No. GLASLOW	BLET		X	
Don Flynn	IBEW		X	
Keith Allen	IBEW 233		X	
Robert Z Berging	SMWIA 103		X	
Mike Blugstad	IBEW 444		X	
Robert W Johnson	MT AFL-CIO		X	
Tom Schneider	MPEA		X	
Jack Fisher	IBEW		X	
J Lynch	MT State Bldg Trades		X	
Charlie Lefu	MT RTW			
JOHN FORKAY	BARBERS + PRETTERS		X	
Terry Munaw	MEA, MET		X	
LARRY BLAKESLEY	SULLIVAN CTY	X		
Jennifer Paul	myself	X		
Jerry Kusky	LUNA Local 1686		X	
Harry Keegan	MT FOR TAX REVENUE	X		
Ny On Oest	Luna 1686		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA STATE SENATE
Visitors Register**

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-10-09

Bill No. SB 339 Sponsor(s) Hinkle

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Name and Address	Representing	Support	Oppose	Inf.
Jim Putnam	LUNA 1686		X	
Mam Munay	PNWRCC		X	
Nick Landros		X		
Ken Champion		X		
Wanda Smeltzer	Luna 1686		X	
Mike Wornacott	Luna 1686		X	
ALEKBLAD	IUCF #2100		X	
J O'Reilly	LABORERS	X	X FOR	
J Desmarais	"		X	
Mike Bousz	MW Carpenters		X	
Rick Pigitt	laborers		X	
Dennis Daneke	Carp. Union		X	
Roy Horsemn	USW 885		X	
Laure Warner			X	
David Warner	Carpenters Union		X	
Rick New Perce	laborers		X	
Jeremy Giles	laborers		X	
Neil Skinner	Laborer		X	
Desh Wells	Laborer		X	

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MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-10-09

Bill No. SB 339 Sponsor(s) Hinkle

PLEASE PRINT PLEASE PRINT PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Keegan Burke	Laborers		X	
Francis Hester	LABORERS		X	
GREGORY GRAY	LABORERS		X	
Eligio Herrera	Laborers		X	
Brand Gates	Laborers		X	
Kim Rickard	Laborers #1686		X	
Royle	Laborers #1686		X	
Gay Jones	Laborers #1686		X	
John O. Bivins	ILWU 400		X	
Steve Gross	IUE Local 400		X	
Dennis McDonald	MDP		X	
CHRIS PERKINS	Montana State Council of Firefighters		X	
GARY WILSON	JOHNSON-WILSON	X		
Mary Soady	Myself	X		
W. W. Wile	self		X	
JOHN ROEBER	BOLLEMAKERS		X	
Dwight Rose	IBEW		X	
Dan Kenney	independent	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

BUSINESS, LABOR & ECONOMIC AFFAIRS

Date 2-10-09

Bill No. SB 339 Sponsor(s) Hinkle

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Name and Address	Representing	Support	Oppose	Inf.
John Johnson Box 1141 E. Helena	100E 400		X	
Randy Sobush	IMOS 460		X	
DOUG NEIL	MT. STATE FIRE		X	
TED DICK	SEIU		X	
Janelle MERT	SEIU		X	
MURT BUSHNELL	IAFF L-613		X	
Jessie Walsh	myself - Right to Work	X		
David Smith	Bozeman Chamber	X		
Edward Soady		X		
Brook Molna			X	
Bob Brock			X	
Jim McShaw	MT AFL-CIO		X	
KEITH KELLY	MT. Dept. of Labor		X	
EVAN BARRETT	GOV OFF ECO DEVO		X	
Gregg TRUOP	SELF	X		
Max Hallmark	Teamsters		X	
Robert Allen	Montana Nurses Assoc		X	
Jerry Driscoll	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

