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Economic Affairs Interim Committee

62nd Montana Legislature

SENATE MEMBERS

TOM FACEY--Vice Chair
JOE BALYEAT
EDWARD WALKER
JONATHAN WINDY BOY

HOUSE MEMBERS

TOM BERRY--Chair
CHUCK HUNTER
CAROLYN SQUIRES
GORDON VANCE

COMMITTEE STAFF

PAT MURDO, Lead Staff
BART CAMPBELL, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

January 19, 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. JOE BALYEAT
SEN. EDWARD WALKER
SEN. JONATHAN WINDY BOY

REP. CHUCK HUNTER
REP. CAROLYN SQUIRES
REP. GORDON VANCE

STAFF PRESENT

PAT MURDO, Lead Staff
BART CAMPBELL, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

Visitors/Agenda

Visitors' list, [Attachment #1](#).
Agenda, [Attachment #2](#).

COMMITTEE ACTION

The Economic Affairs interim committee voted on the following:

- Create a subcommittee to study volunteer firefighters' workers' compensation.
- Approved to continue the Board of Public Accountants.
- Approved to continue the Board of Outfitters.
- Approved to continue the Board of Dentistry.
- Approved to continue the Montana Noxious Weed Seed Free Forage Advisory Council, the Montana Noxious Weed Management Advisory Council, and Organic Commodity Advisory Council.
- Approved to continue the Board of Funeral Service.
- Approved to continue the Board of Nursing.
- Approved to continue the Board of Optometry.

CALL TO ORDER AND ROLL CALL

00:06:11 Rep. Berry called the Economic Affairs Interim committee to order at 9:12 a.m.
The secretary called roll. [Attachment #3](#)

AGENDA

Department of Labor and Industry (DLI) - Employment Relations Division (ERD) overview

- Diana Ferriter, ERD acting administrator and Workers' Compensation Claims Bureau Chief
- Tonya McCormack, Labor Standards Bureau Chief
- Bryan Page, Safety Bureau Chief
- Marieke Beck, Human Rights Bureau Attorney
- Bill Wheeler, Workers' Compensation Bureau Chief

00:08:15 Ms. Ferriter gave an overview of the bureaus in the Employment Relations Division (ERD), and distributed a handout that explains the various duties.

[Exhibit 1](#)

Committee comments and questions

The committee talked about the number of employees in the Workers' Compensation Bureau, the Workers' Compensation Claims Bureau, and the Human Right Bureau. There were discussions about independent contractors, exemptions and waivers, professional employer organizations, and the function of employee/employer relations.

00:27:16 Sen. Facey
00:27:51 Bill Wheeler
00:28:11 Bryan Page
00:28:46 Rep. Berry
00:39:47 Sen. Balyeat
00:41:50 Sen. Squires
00:44:00 Marieke Beck

Panel Discussion of Workplace Safety

- **Thom Danenhowe, WorkSafe MT Representative**

- **Bryan Page, ERD Safety Bureau Chief**
 - **Ross Yeager, Occupational and Safety Health Administration (OSHA) representative**
 - **Curt Petty, Mine Safety and Health Administration (MSHA) representative**
- 00:48:37 Mr. Page talked about safety issues the bureau is focusing on in the work place that can help get injury numbers down.
- 00:51:38 Mr. Danenhower talked about the number of workers' compensation cases in Montana compared to the national numbers. He discussed the cost of workers' compensation, and noted that Montana is not the last in the nation any longer for on-the-job injuries. Mr. Danenhower said that WorkSafe Montana and the ERD Safety Bureau work hand-in-hand by holding training seminars together.
- 01:03:30 Mr. Yeager said he is available to answer any questions the committee may have regarding OSHA. He talked about OSHA, its enforcement and responsibilities, data specific to a certain region, and how OSHA uses that information to focus on specific jobs. His office will inspect areas that have not been inspected since the year 2000. The local office will inspect sites that are showing above-average injuries, such as construction sites and grain elevators.
- 01:07:22 Mr. Petty talked about MSHA inspections and how those inspections are handled in Montana mines.

Committee comments and questions

The committee talked about independent contractors and OSHA's interpretation of independent contractors, WorkSafe Montana, a \$100,000 OSHA grant for safety training for private employers, and training funds for the private sector.

- 01:09:57 Rep. Vance
- 01:10:59 Mr. Yeager
- 01:15:02 Sen. Facey
- 01:17:40 Rep. Hunter
- 01:20:07 Rep. Squires
- 01:22:08 Mr. Petty
- 01:23:27 Rep. Berry
- Mr. Danenhower
- Carl Kochman, WorkSafe Montana
- 01:28:42 Break
- 01:45:14 Rep. Berry called the committee back to order.

Panel Discussion of Funding for Volunteer Firefighters' Workers' Compensation

- **Harold Blattie, Montana Association of Counties**
 - **Leonard Lundby, legislative liaison for the Montana Fire Alliance**
 - **Bruce Spencer, representative of the insurance industry (AIA and PCIAA)**
- 01:46:01 Mr. Blattie described a co-operative equipment agreement between the Department of Natural Resources and Conservation (DNRC) and Montana counties under which the counties agree that their operators of DNRC fire equipment will be covered by workers' compensation. He said some stakeholders

such as rural firefighter districts do not provide workers' compensation for volunteers. Mr. Blattie said the funding mechanism is the problem.

01:58:35 Mr. Lundby distributed a "white paper" of the Montana State Fire Chiefs' Association. He explained the voluntary fire services and the risks associated with being a volunteer firefighter in Montana. **Exhibit 2** He talked about high workers' compensation rates in Montana for volunteer firefighters, which is an issue he would like this committee to look at. He said it is important for the fire departments to have workers' compensation. He commented that the exemption for fire departments should be lifted - in other words, they need to be required to have workers' compensation.

02:07:57 Mr. Spencer said that Property Casualty Insurance Association of America (PCIAA) is concerned about the payment mechanism for volunteer firefighters' workers' compensation, and that the burden should not be an increased fire insurance premium tax nor should a statewide tax be imposed for what is a local cost. He asked that the committee look at the local taxing abilities.

Committee comments and questions

The committee discussed increasing taxes statewide for workers' compensation compared with taxing at the local level, discussions by a work group that was requested by Mr. Blattie that included DNRC, MACo, DLI, and members from PERS that oversee volunteer firefighters pensions and disability funds, the cost of covering volunteer firefighters with workers' compensation, and estimates on the number of firefighter entities in Montana.

02:16:09 Sen. Windy Boy
02:19:08 Ms. Murdo
02:20:51 Rep. Hunter
Mr. Blattie
02:26:02 Mary Sexton, DNRC
02:29:42 Sen. Facey
02:39:11 Mr. Spencer
02:40:30 Jacqueline Lenmark
02:43:04 Edward Cleary, current president of the Montana Firefighters Association

Discussion

02:45:00 Sen. Facey offered his assistance to work with the stakeholders and draft a bill to move the issue forward. Rep. Berry confirmed that Sen. Facey will work with the stakeholders and find a solution.

Motion

02:51:50 Sen. Facey made the motion to have a subcommittee research volunteer firefighters workers' compensation and draft a bill. The motion **passed** unanimously by voice vote.

02:55:11 **Lunch**

04:00:19 Rep. Berry called the committee back to order.

Panel Discussion on Workers' Compensation Reforms and Expectations by Plan 1 and Plan 2 Insurers

- **Michael Marsh, president of Midland Claims Service, Inc. Industrial Injury Claims, Billings,**
 - **Rick Clark, Plum Creek (Plan 1) via phone**
 - **Marv Jordan, Executive Director, Montana Contractors Compensation Fund (Plan 1)**
 - **Larry Jones, Liberty Northwest representative (Plan 2)**
 - **Lance Zanto, Department of Administration (DofA), Workers' Compensation Bureau for state employees insured by Plan 3, the Montana State Fund**
- 04:01:37 **Mr. Marsh** gave a presentation through Skype, as a pilot effort for interim committees. Ms. Murdo distributed a handout from Mr. Marsh that summarized the impact of workers' compensation reforms in HB 334, and the expectations of organizations providing workers' compensation coverage in Montana under Plan 1, those who are self-insured. [Exhibit 3](#)
- 04:25:29 Mr. Clark said that Workers' Compensation issues are far from over. He gave an overview of his experience with Workers' Compensation, and that he had not yet seen savings from HB 334. He suggested three ideas to cut injuries down:
- use WorkSafe MT as a training guide for students before they get a job.
 - use an advisory council similar to the Labor Management Advisory Council (LMAC), which was dissolved this past year, and
 - expand utilization and treatment (U&T) guidelines using national models.
- 04:33:32 Mr. Jordan talked about his association's concerns about costs creeping upward with the U&T guidelines as well as non-traditional treatments and treatment for pain. He said not enough time has gone by to determine the outcome of the new guidelines. Mr. Jordan talked about "Course and Scope", a major concern for contractors. He talked about medical settlements, the level playing field among insurers, flat claim costs between 2010 and 2011, and claim costs. Mr. Jordan discussed the Early Return to Work program included in HB 334, and said he hopes there is no increase in cost.
- 04:38:54 Mr. Jones gave an overview of Liberty Northwest's policy on U&T guidelines. He talked about benefits, and the impact from HB 334 that will not be known for two to five years. He talked about physicians and the lack of using U&T guidelines, and the concerns regarding treating physicians acting as adjusters using the U&T guidelines.
- 04:45:56 Mr. Zanto distributed a handout regarding claims, U&T guidelines, and fee schedules. He gave an update of state employees returning to work through the Early Return to Work program and state workers' compensation costs. [Exhibit 4](#)

Committee comments and questions

The committee talked about HB 334, and if there are known changes to the system since HB 334 took affect. There was discussion about impairment awards, clients choosing their own physician, workers' compensation fee schedules, and the early return to work program.

05:03:13 Rick Clark
05:04:02 Mr. Zanto
05:04:28 Rep. Hunter
05:08:01 Mr. Jordan
05:09:50 Rep. Squires
05:12:29 Sen. Facey

Public Comment on Workers' Compensation/Expectations

05:15:50 **Al Smith, Montana Trial Lawyers Association**, gave his view of workers' compensation, and talked about WorkSafe Montana's benefits.

05:18:41 **Jon Bennion, Montana Chamber of Commerce**, invited the committee members to join the Chamber at the Great Northern later in the afternoon for discussions about workers' compensation, WorkSafe MT, and safety plans.

05:22:25 **Nancy Butler, Legal staff, Montana State Fund**, discussed Workers' Compensation rates.

HB 525 Review of the Board of Public Accountants

05:25:45 **Jack Meyer, CPA, Missoula, chairman of the Board of Public Accountants**, gave an overview of the board's duties and its operation. He distributed a handout that answers the committee members' questions. Certified Public Accountants (CPAs) are required to have 120 hours of continuing education every three years. **Exhibit 5** There was discussion about active and inactive status. He said that CPAs can have an inactive status, but can continue being a CPA after receiving 30 credit hours.

05:28:55 **Rick Reisig, CPA and board member**, said he is available to answer any questions the committee may have.

05:35:04 **Jane Egan, Executive Director of the Montana Society of CPAs**, voiced her support for the board, and said that the Board of Public Accountants hold CPAs to a very high standard.

Motion

05:38:01 Sen. Facey made a motion to continue the Board of Public Accountants in its current form. The motion **passed** unanimously by voice vote.

05:38:53 Break

Updates

- **Committee members' report on Montana State Fund and Board of Investment meetings**

05:58:39 Rep. Hunter and Sen. Balyeat reported on the previous Montana State Fund board meeting. Rep. Hunter said there was discussion about policy holder equity and a \$6 million dividend proposal for shareholders approved by the board.

06:03:16 Sen. Balyeat explained how the dividend works. He said it goes to people that

have been paying into Workers' Compensation. If it is \$100 or more than that person will receive a check. If it is less than \$100, it is applied to that person's next bill. If it is \$10 or less they do not receive anything.

06:05:19 Sen. Balyeat reported on the Board of Investments. He said that David Ewer, former budget director of the Governor's Office, is the new president, and commented on the organizational meeting of the board.

HB 525 Review of the Board of Outfitters

Public Comment on the Board of Outfitters

None

06:07:19 **Lee Kinsey, Chair of the Board of Outfitters**, gave a presentation through SKYPE. He discussed why the board should continue. Mr. Kinsey distributed a handout of his talking points. [Exhibit 6](#)

Committee comments and questions

The committee discussed the outfitters board.

06:09:06 Rep. Squires

06:10:29 Rep. Berry

Motion

06:15:05 Rep. Squires made a motion to maintain the Board of Outfitters in its current form. The motion **passed** unanimously by voice vote.

Rule Review

06:16:04 Mr. Campbell said there are no flags at this time. He noted that Sen. Shockley has asked that the committee continuing monitoring the Board of Medical Examiners.

Montana Facility Finance Authority

- **Michelle Barstad, Executive Director**

06:21:29 Ms. Barstad gave an overview of the Montana Facility Finance Authority, and distributed several handouts explaining what the Authority does. She said the Authority was formed to help contain health care costs, and is an enterprise that helps not-for-profit facilities such as hospitals issue of tax exempt bonds. [Exhibit 7](#) Because of a concern from the last EAIC meeting, Ms. Barstad explained how interest rates are established for bonds.

Committee comments and questions

The committee asked questions regarding how bonds are repaid, whether there are other enterprises like the Montana Facility Finance Authority, and whether the authority helps the Indian Health Service clinics on reservations.

06:35:31 Rep. Hunter

06:42:31 Sen. Windy Boy

06:44:26 Rep. Berry

Housekeeping issues

- 06:44:41 Ms. Murdo addressed several housekeeping issues, including HB 525 board reviews, and that the Governor has issued timelines for agencies to deliver budgets and bill drafts to his desk. Ms. Murdo distributed a report by Kris Wilkinson, Fiscal Analyst, LFD, updating the committee of the Workers' Compensation Insurance premiums for state agencies. [Exhibit 8](#)
- 06:46:33 Mr. Campbell and Ms. Murdo discussed how the committee will deal with the Board of Dentistry and the Board of Funeral Service.
- 06:50:57 Ms. Murdo, Rep. Hunter and Rep. Squires discussed handouts regarding agency bill drafts from the agencies.
- 06:54:14 Rep. Berry recessed the committee at 4 p.m.

Economic Affairs Interim Committee January 20, 2012

**Visitors list, [Attachment #1](#).
Agenda, [Attachment #2](#).**

Reconvene

- 00:00:02 Rep. Berry called the committee back to order at 9:00 a.m. The secretary called roll. [Attachment #3](#). Proxies were submitted by Sen. Balyeat, ([Attachment #4](#)), Rep. Squires ([Attachment #5](#)), and Rep. Vance had given Rep. Berry his proxy.

Agenda

HB 142 Review

Montana Noxious Weed Seed Free Forage Advisory Council

- 00:02:42 **Jim Clean, rancher, Livingston**, described the Advisory Council and its duties. He gave a personal account of noxious weeds on his ranch. A handout was distributed showing the Council members and its funding. [Exhibit 1](#)
- 00:04:46 **Michelle Miller, West Feeds**, gave an overview on weed feed. She said the Advisory Council provides a great service.

Montana Noxious Weed Management Advisory Council

- 00:13:41 **Jack Eddie, Advisory Council member**, gave an overview of the Management Advisory Council. A handout was distributed and discussed regarding the Legislative background for the Noxious Weed Management Advisory Council. [Exhibit 2](#)
- 00:15:25 **Margie Edsall, Advisory Council member**, said she supports the noxious weed management program.

Committee comments and questions

The committee talked about the Council's trust fund and how the funds are used for schools, training, and fighting the weed problem, which benefits ranchers. The committee talked about a statewide program associated with Montana State University that is funded through state and federal agencies.

- 00:15:50 Sen. Facey
Mr. Eddie
- 00:19:25 Rep. Squires
- 00:19:44 Dave Burch, state weed coordinator, Department of Agriculture
- 00:23:59 Sen. Windy Boy

Organic Commodity Advisory Council

- 00:27:56 **Greg Ames, Administrator of the Agriculture Sciences Division, Department of Agriculture**, introduced himself and noted that **Greg Thayer, Montana Milling**, an advisory council member is on the phone. Mr. Thayer gave an overview of Montana Milling, the Council and its duties. A handout was distributed showing the background of the Council and its members. [Exhibit 3](#)

Committee comments and questions

The committee talked about an auditor that monitors crops being sprayed, about other organizations and non-profits that use the sprays, how the Department of Agriculture certifies the grain to be sold, and how expenditures are tracked.

- 00:31:13 Rep. Berry
- 00:33:27 Sen. Facey
Mr. Thayer
- 00:34:14 Mr. Ames.
- 00:37:09 Sen. Windy Boy
- 00:39:22 Sen. Walker

Public comment

None

Motion

- 00:43:23 Sen. Facey made a motion to keep the three Councils in their current form. The motion **passed** by voice vote with Sen. Balyeat voting no.

Panel Discussion regarding unlicensed Practice/Restraint of Trade/Fees/Safety Determinations

- 00:46:05 **Gene Allison, Business Standards Division, Department of Labor and Industry (DLI)**, reviewed the overall licensing boards, who they represent, and that the boards are funded by licensees, not taxpayer funds.
- 00:47:10 **Debra Kimmet, private citizen**, said she sits on the Board of Massage Therapy, but has also worked to protect the freedom of those who practice in the field not regulated by a licensing board. She reviewed the overlap between unlicensed practice and unregulated practice along with court cases. Ms. Kimmet distributed a handout that reviews restraint of trade and unlicensed practices. [Exhibit 4](#)

00:58:19 **Susan Good Giese, Augusta**, gave an overview of her experience with the Boards and why Boards exist.

01:15:38 Mr. Allison said that screening panels are subsets of full boards. He said that some of the best board members are the public members. He talked about the credibility and conduct of licensed members. He doesn't see restraint of trade.

Committee comments and questions

The committee talked about SB 165 - a bill that provides that a Board regulating a profession or occupation may not enforce standards and rules in a manner that discriminates against any person licensed by the board with regard to how the standards and rules are applied. The committee talked about the abuse from some boards that affect public health and safety concerns.

01:21:42 Sen. Balyeat

01:23:15 Sen. Facey

01:25:04 Ms. Kimmet distributed a handout explaining her proposals that address unlicensed practices. [Exhibit 5](#)

01:32:23 Mr. Allison discussed anonymous complaints and newspaper clippings regarding unlicensed practice. He said that the word "alternative" cannot be used toward unlicensed boards, because there is now an alternative health care board for alternative medicine.

01:36:26 **Jack Kane, Administrator, Business Standards Division, DLI**, talked about the screening panels that are set up to determine a board's validity. Mr. Kane talked about public health and safety and gave examples.

Public Comment

01:39:45 **Jack Fisher, licensed electrician, and chair of the State Electrical Board**, discussed unlicensed practice complaints and that not all complaints can be treated the same.

01:40:28 **Keith Allen, a master electrician**, gave his views of the Electrical Board's actions and adjudication work regarding unlicensed practice.

01:43:33 **Ron Saunders, multi licensed electrician**, said that skilled trades should not be lumped in with the medical boards.

01:44:53 **Scott Lemert, Licensed Master Plumber**, talked about being a member of the Board of Plumbers screening panel, and gave his views of the boards' treatment of unlicensed practice.

01:46:30 **Olaf Stimac, licensed plumber for the state of Montana**, said he also sits on the Board of Plumbers, and gave his reasons why the boards should not be lumped together.

01:47:35 Rep. Berry said that the committee will visit this issue at its April meeting.

01:48:57 **Break**

02:00:39 Rep. Berry called the committee back to order.

Revisit to Board of Dentistry

02:01:19 Rep. Berry reviewed previous issues and the situation regarding the Board of Dentistry.

02:02:21 **Dale Chamberlain, Lewistown, Chair of the Board of Dentistry**, gave an update of the discussion and issues that have taken place since the EAIC meeting in November 2011. He referred to a survey that the committee had mailed out for comments about the Board and provided verbal answers. [Exhibit 6](#)

02:09:33 **Kim Dunlap, president of the Montana Dental Hygienists' Association**, gave an update of the denturists and hygienists concerns. She said that the dental hygienists' group still proposes separate boards so they can maintain and regulate their own people.

02:11:25 **Colleen Grass, dental hygienist**, provided a handout from the dental hygienists' association. [Exhibit 7](#)

02:17:26 **Dr. Rob Neill, Montana Dental Association**, said that the Board of Dentistry is to protect the entities and the health and safety of the public. He asked that the committee let the boards do their job. He said the boards do work well together.

02:22:44 **Allen Casteel, president of the Denturists Association of Montana**, talked about working together to solve the issues.

02:23:59 **Cliff Christenot, Denturist and on the Board of Dentistry**, gave an observation of his experience on the board. He said the Board of Dentistry has a flawed format, and they will never allow the denturists and hygienists to be their own entity. He asked the committee to divide the Board of Dentistry into separate boards, one for dentists and one for denturists and hygienists.

Discussion

02:27:20 Rep. Berry and Ms. Murdo talked about Sen. Balyeat's suggestion for the committee to discuss a proposal by the board members to make two separate boards.

02:29:24 Sen. Balyeat said that one profession should not be over two other professions. He said the proposal from the Board of Dentistry will not change anything. He said the comparison to the nurses' board is a good example: nurses are under the supervision of a doctor, but have their own board. So why can't hygienists have their own board. He stands by his proposal for separate boards.

02:34:07 Rep. Berry talked about HB 525 and the duties it requires the committee to oversee.

02:34:39 Rep. Squires questioned representatives of the different dental occupations.

02:43:53 Sen. Balyeat talked about the scope of practice and reiterated that the dentist and hygienists could not expand their scope of practice in a separate board. They would still have to come before the legislature to allow them to expand their scope.

02:47:27 Rep. Vance and Mr. Campbell talked about HB 525 and its requirements. Mr. Campbell said the committee can give a thumbs up or a thumbs down.

Motion

02:48:17 Rep. Hunter made a motion that the dentist board continue in its current form.

Discussion

02:50:20 Sen. Balyeat gave his thoughts about the Board of Dentistry.

Substitute Motion

02:51:57 Sen. Balyeat made a substitute motion that a committee bill be drafted for two boards as proposed by the denturists and hygienists.

Discussion

02:52:31 Sen. Windy Boy said he will vote no on the motion, and felt that the issues can be ironed out before the Economic Affairs Committee is done with its work.

02:52:55 Rep. Vance asked for more information about the two boards.

02:53:44 Mr. Campbell said there is no problem with Sen. Balyeat's motion, but the committee has a legislative obligation to vote up or down on the continued existence of the Board of Dentistry. The committee can look at a committee bill, but will still have to come back and address the issue at hand.

02:54:43 Rep. Vance reiterated that the motion is to have two subcommittees on the Board of Dentistry in line with the denturists' and dental hygienists' proposal.

02:54:57 Sen. Balyeat said the subcommittees would regulate those professions unless a supermajority of the Board of Dentists overturned the two subcommittees' proposals.

02:56:14 Rep. Hunter said he will vote no because it is not a solution.

02:56:39 Rep. Squires said she would vote no because the three occupations need to duke it out themselves.

Vote

02:57:01 Sen. Balyeat's motion **failed** 1 - 7 by voice vote with Sen. Balyeat voting aye.

Motion

02:57:16 Rep. Hunter's motion to retain the Board of Dentistry **passed** unanimously by voice vote.

Revisit to Board of Funeral Service

02:58:53 **Richard Brown, chairman of the Board of Funeral Service, Lewistown, said**

the funeral board's existence is to protect the citizens of Montana.

Public Comment

03:00:04 **Steve Yeakel, Montana Funeral Service' Association**, gave an overview of the association's support for the Board of Funeral Service. He referenced a new federal report about funeral services. He noted that he is moving from Montana and introduced Erin McClain as his successor.

03:03:02 **Robert Grymes, Director of the Montana Funeral Board Association**, asked that the committee keep the Board in its current form.

03:04:22 **Joe Stevenson, Miles City and Helena, funeral director and embalmer**, said he is in favor of the board.

03:04:49 **Priscilla Bode** gave her view of keeping the Board of Funeral Service. She distributed a handout of her comments. [Exhibit 8](#)

03:08:35 **Jim Axelson, funeral director**, gave his views on cremation in comparison to the regular funeral processes. He distributed a letter from William A. Spoja Jr., and his thoughts. [Exhibit 9](#)

03:12:46 **Ralph Foster, director of funeral home**, gave his views and reasons to keep the Board of Funeral Service.

Motion

03:16:17 Sen. Facey made the motion to keep the Board of Funeral Service as is.

Discussion

03:16:51 Sen. Walker talked about recommending that the boards move forward.

Vote

03:17:15 The motion **passed** by voice vote with Sen. Balyeat voting no.

Lunch

04:25:47 Rep. Berry called the committee back to order.

HB 525 Review and Comments continued:

Public Comment

None

Board of Nursing

Board Representatives

04:26:20 **Heather O'Hara, chair of the Board of Nursing**, gave an overview of her duties while serving on the Board of Nursing.

04:27:14 **Brenda Schye, a public member of the Board of Nursing**, stated that the

nursing board is a very hard working board. She said they are excellent people to work with.

Committee comments and questions

The committee talked about how the nursing board handles complaints. The board receives between 40 to 50 calls mostly related to alcohol and drugs. There was discussion about the difference in training between two and four year colleges. The committee was informed that Montana has a strong nursing program.

04:28:09 Rep. Berry
Ms. O'Hara
04:31:17 Rep. Berry
04:32:57 Sen. Facey
04:35:21 Rep. Hunter

Motion

04:36:55 Rep. Facey made the motion to keep the Board of Nursing as is. The motion **passed**. Rep. Squires and Rep. Vance voted aye by proxy.

Public Comment

None

Board of Optometry

Board Representatives

- **Rock Svennungsen, Board president**
- **Douglas Kimball**
- **Randall Hoch**
- **Peter Fontana**

04:39:58 Mr. Svennungsen said the Board of Optometry has few complaints. He said they serve the public well.

04:40:47 Mr. Kimball gave an overview of his duties on the board.

Motion

04:41:27 Rep. Facey made the motion to keep the Board of Optometry as is. The motion **passed**. Sen. Balyeat, Rep. Squires and Rep. Vance voted aye by proxy.

Committee comments and questions

04:42:45 Rep. Berry and Mr. Kane talked about the boards and licensing.

Housekeeping

04:44:40 Ms. Murdo talked about a complaint against the Board of Funeral Services that has been provided to committee members at the request of Sen. Balyeat. She also informed the committee that Dr. John Schumpert, who had been the first medical director for the Montana Workers' Compensation system (helping with the U&T guidelines and resolving medical settlement issues) is leaving his post and going back to Missoula for full time practice.

04:46:59 Ms. Murdo discussed the issues that will be on the EAIC April 20th agenda: the

State Auditor's office update on the health care reforms; a review of the Board of Hearing Aid Dispensers, and the commodity/agriculture bonding issue.

Motion

04:47:50

Rep. Hunter made a motion to approve the minutes as written. The motion **passed** unanimously by voice vote. Sen. Balyeat, Rep. Squires, and Rep. Vance voted aye by proxy.

Adjourn

04:48:21

Rep. Berry adjourned the Economic Affairs Interim Committee at 1:55 p.m.

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