

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on January 12, 1995, at
8:00 a.m.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. William S. Crismore (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Terry Klampe (D)

Members Excused: Sen. Casey Emerson (R) & Sen. Bill Wilson (D)

Members Absent: N/A

Staff Present: Bart Campbell, Legislative Council
Lynette Lavin, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None
Executive Action: SB 12 Tabled, SB 11 Do Pass As Amended,
SB 38 Postpone Action

EXECUTIVE ACTION ON SB 12

Motion: SEN. TERRY KLAMPE MOVED THAT SB 12 DO PASS.

Discussion: SEN. KLAMPE stated that he understands people's concern about boards imposing fines. However, there is a bill coming up from Congress that will inhibit some of the "inquisition like" manner that boards have been acting in. With the passage of the bill from Congress, SEN. KLAMPE said he believes there would be little room for abuse of SB 12 by the boards. He explained that, to the best of his knowledge, the new bill coming up from Congress would provide for 4 members of a board to do the prosecution part of the hearing and 5 board members not to have any knowledge of what has taken place so that they can act as a judge. This is to keep a board from being a prosecutor, judge and jury all at the same time.

SEN. KEN MILLER stated that he had discussed the bill with several realtors and had received several letters. He stated that according to what he has been told the board already operates in this manner. If they have a complaint, they have someone else look into it, form an opinion on it, and refer judgement. The board then takes action on it.

SEN. KLAMPE stated that he felt that before action was taken on SB 12, the committee should hear testimony regarding the bill in Congress.

SENATOR STEVE BENEDICT said that SB 12 should not be allowed to go through based on a belief that a bill in Congress will go through. He pointed out that there have not been a lot of complaints on the Board of Realty's practices. The board has the ability to suspend and revoke licenses for periods extending to as long as they feel is necessary to get the person's attention. Putting any more power in their hands did not seem necessary. He stated that he would be inclined to offer a table motion.

SEN. MIKE SPRAGUE commented that he had been in support of the bill based on the alleged fact that both realtors and the board were in support of SB 12. However, since he had spoken to several realtors, he found that this illusion was not true. Realtors in the Billings area felt that it was important to keep disciplinary action relative to their community because they know the people and their tactics. Rather than expand another bureaucracy, things should be handled on the local level. **SEN. SPRAGUE** concluded that since the people were not unified as the testimony heard implied, SB 12 would only create animosity and friction. Therefore the bill should be allowed to die.

SEN. MILLER inquired if SB 12 could be brought back if it was tabled at this time. **CHAIRMAN HERTEL** explained that the bill could be brought back anytime before it is moved off the table or it misses the transmittal deadline.

Motion/Vote: **SEN. KLAMPE WITHDREW HIS MOTION OF DO PASS AND OFFERED A MOTION TO TABLE SB 12.**

Vote: Motion to **TABLE SB 12 CARRIED UNANIMOUSLY** on oral vote.

EXECUTIVE ACTION ON SB 11

Motion: **SEN. BENEDICT MADE THE MOTION TO MOVE THE AMENDMENT PROPOSED BY THE MONTANA VETERINARY MEDICAL ASSOCIATION.**

Vote: The **AMENDMENT WAS PASSED UNANIMOUSLY** on oral vote.

Motion: **SEN. KLAMPE MOVED THAT SB 11 DO PASS AS AMENDED.**

Discussion: **SEN. MILLER** expressed concern for outlying areas

where veterinarians are hard to come by. He stated that he would support the bill provided that it allowed for neighbors to still trade with each other for veterinary services as long as they did not receive monetary compensation for it.

Vote: Motion that SB 11 DO PASS AS AMENDED CARRIED UNANIMOUSLY on oral vote.

EXECUTIVE ACTION ON SB 38

Motion: SEN. BENEDICT MOVED THAT ACTION BE POSTPONED TO ALLOW TIME FOR AMENDMENTS TO BE COMPLETED.

Vote: The motion to POSTPONE ACTION CARRIED with no objection.

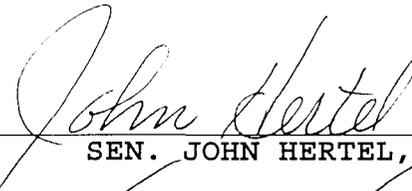
SEN. HERTEL reminded members of the committee that SB 100 would be heard tomorrow and requested that SEN. BENEDICT give a general overview of the bill.

SEN. BENEDICT stated that SB 100, the Micron Bill allows \$16 million to be loaned to the Butte area economic development for infrastructure improvements to lure 3500 jobs to the central and western Montana area. He further explained that if Micron does not come, the bill is mute. But if Micron comes, it is a loan to the economic development area which would be paid back by the tax proceeds from the development of the new jobs.

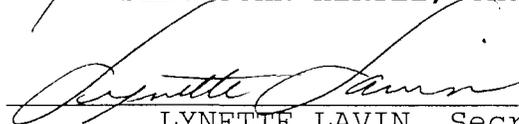
SEN. SPRAGUE asked SEN. BENEDICT to clarify if SB 100 provided for a grant or a loan. SEN. BENEDICT replied that this is definitely a loan.

ADJOURNMENT

Adjournment: The meeting adjourned at 8:20 a.m.



SEN. JOHN HERTEL, Chairman



LYNETTE LAVIN, Secretary

SENATE STANDING COMMITTEE REPORT

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January 12, 1995

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration SB11 (first reading copy -- white), respectfully report that SB11 be amended as follows and as so amended do pass.

Signed: John R. Hertel
Senator John R. Hertel, Chair

That such amendments read:

1. Title, line 9.

Following: "SUPERVISION OF"

Strike: "AND IN THE PHYSICAL PRESENCE OF"

2. Page 2, line 16.

Strike: "the administration of"

3. Page 2, line 24.

at beginning of line before "employees" Insert: "full-time"

Following: "employees"

Strike: "regularly employed"

4. Page 3, line 5.

Following: "followup"

Insert: "or arrangements have been made for a licensed
veterinarian to follow up"

5. Page 3, line 29.

Strike: "and in the physical presence"

-END-

JA Amd. Coord.
EA Sec. of Senate

101042SC.SRF

