

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION
COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on February 17, 1997, at 10:00 A.M., in ROOM 410.

ROLL CALL

Members Present:

Sen. John R. Hertel, Chairman (R)
Sen. Steve Benedict, Vice Chairman (R)
Sen. Debbie Bowman Shea (D)
Sen. William S. Crismore
Sen. Bea McCarthy (D)

Members Excused: None

Members Absent: Sen C. A. Casey Emerson (R)

Staff Present: Bart Campbell, Legislative Services Division
Mary Gay Wells, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: SB 39; SB 118; SB 234
SB 295 TABLED

{Tape: 1; Side: A; Approx. Time Count: 10:10 AM; Comments: N/A.}

EXECUTIVE ACTION ON SB 39

Motion/Vote: SEN. WILLIAM CRISMORE MOVED TO TAKE SB 39 OFF THE TABLE. The motion CARRIED with Sen. Steve Benedict voting NO.

Motion: SEN. BEA MCCARTHY MOVED DO PASS SB 39.

Amendment: SEN. MCCARTHY MOVED to amend SB 39 (EXHIBIT 1), sb003901.abc.

Discussion: SEN. MCCARTHY said the sponsor would like to remove all of Section 3. SEN. CRISMORE asked Mr. Bob Stevens, MT Grain Growers Assoc., what the removal of Section 3 would do to the bill? Mr. Stevens said that the agents do not have to be licensed to sell farm insurance. SEN. BENEDICT asked if they are

not licensed, how can they be regulated? **Mr. Frank Cote, Deputy Insurance Commissioner**, replied that this section only addresses the licensing of the agent. We still have control over the farm mutual. Currently under statute, farm mutual insurers do not have to have licensed agents.

SEN. CRISMORE explained that his reasoning for bringing this bill back to the table is that he had received many calls from grain growers in his area. They explained that this bill was very important to them. The new federal farm programs are looming over them and could cause them problems.

SEN. MCCARTHY wanted to know if the title of the bill should be amended with the removal of Section 3? **Mr. Cote** responded that according to **Mr. Campbell**, the title should be amended and he would work with him on the wording for this change.

SEN. BENEDICT stated again that he would like to keep this bill on the table because it is too complicated. If the Insurance Commissioner doesn't understand the bill, how can the committee understand it and make a good decision?

Vote on Amendment: The motion to amend SB 39 CARRIED UNANIMOUSLY.

Motion/Vote: SEN. CRISMORE MOVED DO PASS AS AMENDED SB 39. The motion CARRIED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 10:21 AM; Comments: N/A.}

EXECUTIVE ACTION ON SB 118

Motion: SEN. WILLIAM CRISMORE MOVED DO PASS SB 118.

Amendment: SEN. CRISMORE MOVED to amend SB 118 (EXHIBIT 2) sb011804.abc.

Discussion: SEN. BEA MCCARTHY asked the reasoning behind the amendments. SEN. CRISMORE explained the amendments. SEN. BENEDICT asked that **Mr. Campbell** be sure that the present bill be ready to be presented with the amendments included. **Mr. Campbell** said that he would be sure that all amendments would be included in the bill before presentation to the Senate floor.

Vote: The motion to AMEND SB 118 CARRIED UNANIMOUSLY.

Motion/Vote: SEN. CRISMORE MOVED DO PASS AS AMENDED SB 118. The motion CARRIED UNANIMOUSLY.

{Tape: 1; Side: A; Approx. Time Count: 10:30 AM; Comments: N/A.}

EXECUTIVE ACTION ON SB 234

Motion: SEN. DEBBIE SHEA MOVED DO PASS SB 234.

Amendment: SEN. BEA MCCARTHY MOVED TO AMEND SB 234 (EXHIBIT 3), sb023401.agp.

Discussion: SEN. MCCARTHY asked if the sb023401.agp amendments were already included in the "gray bill"? Mr. Campbell said yes they are already included in the "gray bill". SEN. MCCARTHY asked Mr. Hopgood, Health Insurance Assoc. of America and Mr. Larry Akey, National Assoc. of Independent Insurers to respond to the bill as it is intended to be amended. Mr. Hopgood replied that they are in complete agreement with the amendments proposed to the "gray bill" with one exception and that is page 2, lines 23 through 27. We would propose that section be stricken from the bill. But we do understand that there will be an amendment proposed to do just that. Mr. Akey replied that our position remains the same as at the hearing. We believe that this is a bill that could wait until 1999 but would go along with the bill with both sets of amendments.

SEN. MCCARTHY asked SEN. VIVIAN BROOKE, the sponsor, to respond. SEN. BROOKE said that there were a lot of wording changes going to the heart of the intent of the bill and also on page 3, it was agreed to put in subsection 8, lines 6 through 8, and also strike the independent cause of action. However, overall the wording changes honed the bill.

Vote on Amendment: The motion to AMEND SB 234 (EXHIBIT 3) CARRIED UNANIMOUSLY.

Further Amendments: SEN. STEVE BENEDICT MOVED TO FURTHER AMEND SB 234 (EXHIBIT 4) sb023407.abc.

Discussion: SEN. BENEDICT said that it was necessary, if this bill was speaking to domestic violence, to contain the bill to the realm of domestic violence. The bill should not get into other areas such as "or a person and a caretaker". If this is opened up to nursing homes or whatever, it is too broad a reach and we have statutes on the books to take care of people on the outside of the family circle. The second part of my amendment reiterates the first part--"domestic". The third part addresses the independent cause of action. This has been stricken in section 2, but in section 1 of the original bill on lines 16 through 20, I would like to remove subsection 5 in its entirety (subsection 6 in the "gray bill"). The independent cause of action is a separate issue. This would prohibit a person from going to the Insurance Commissioner as well as going to the court. The only course of action in my amendment would be to go to the Insurance Commissioner.

SEN. BENEDICT asked SEN. BROOKE to comment on his amendments. SEN. BROOKE was not in agreement with the amendments, but if the bill is going to die, I would be in agreement.

SEN. MCCARTHY asked Mr. Akey his opinion of the committee's actions at this time in view of the national and state laws on this issue. Mr. Akey said the NAIC, National Agency of Insurance Carriers, has not yet promulgated model laws or regulations with respect to the treatment of victims of domestic abuse except in the area of health insurance. Life insurance and property and casualty insurance are still going around in the committee process at NAIC and would not be ready till the next Legislative session.

Segregate Amendment: SEN. MCCARTHY MOVED TO SEGREGATE AMENDMENT #3 OF (EXHIBIT 4) sb023407.abc and DO PASS. The motion CARRIED UNANIMOUSLY.

Discussion: SEN. MCCARTHY now asked SEN. BENEDICT who exactly is being taken out of the bill under his amendments #1 and #2? SEN. BENEDICT again stated that the original bill is too broad and opens up the whole field to others beyond the word "domestic".

Vote on Further Amendment: The motion to further AMEND SB 234 (EXHIBIT 4) sb023407.abc (Amendment #1 and Amendment #2) CARRIED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 10:58 AM; Comments: N/A.}

Motion/Vote: SEN. CRISMORE MOVED DO PASS AS AMENDED SB 234 WITH BOTH SETS OF AMENDMENTS (EXHIBIT 4A), sb023401.agp. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 295

Motion: SEN. DEBBIE SHEA MOVED DO PASS SB 295

Amendment/Vote: SEN. STEVE BENEDICT MOVED TO AMEND SB 295, sb029501.agp. The motion to AMEND SB 295 CARRIED UNANIMOUSLY.

Amendment/Vote: SEN. BENEDICT MOVED TO AMEND SB 295, (EXHIBIT 5), sb029501.abc. The motion to AMEND 295 CARRIED UNANIMOUSLY.

Motion/Vote: SEN. SHEA MOVED TO TABLE SB 295. The motion TO TABLE SB 295 CARRIED UNANIMOUSLY.

{Tape: 1; Side: B; Approx. Time Count: 11:04 AM; Comments: N/A.}

Committee Bill Motion:

CHAIRMAN JOHN HERTEL said that there had been a request for the committee to carry a bill. He asked SEN. SHEA to respond.

SEN. DEBBIE SHEA stated that **SEN. J. D. LYNCH** asked if the Senate Business and Industry would carry a Committee Bill concerning barbers in Montana. He would like to have barbers have a GED rather than an 8th grade education. There are a few other housekeeping things also.

SEN. STEVE BENEDICT said that there may not be enough time to go through all steps that are necessary.

Mr. Bart Campbell said he could draft the bill and then it would be up to the system as to whether it would be done in time for the committee to hear it.

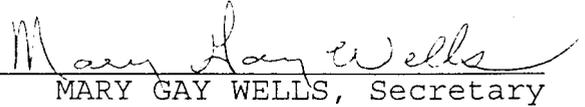
Motion/Vote: SEN. MCCARTHY MOVED THAT THE COMMITTEE BILL ON BARBERS BE ACCEPTED BY THE COMMITTEE. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: 11:05 A.M.



SEN. JOHN R. HERTEL, Chairman



MARY GAY WELLS, Secretary

JH/MGW