

# HOUSE BUSINESS AND INDUSTRY COMMITTEE

March 30, 1977

The meeting was called to order at 10:15 a.m. with all members present with the exception of Reps. Bradley and Aageson, who were excused.

Senate Bill No. 306 was discussed. Sen. Lee, chief sponsor, gave a brief explanation of the bill. There were no proponents or opponents. The committee had no questions.

Senate Bill No. 442 was discussed. Sen. Lynn was unable to attend, therefore, Sen. Manley carried the bill for him. Sen. Manley said the bill would simply amend the existing law regarding the small mining exemption.

## Proponents:

Mr. Neil Lynch, Montana Mining Association, stated that the bill would be a great help to the mining operation. When the men cannot get to the mine, it cuts down their annual production for months at a time. He also said there are over 900 small miner exclusions in Montana. Nationwide the small miners receive 82% of the gold.

Mr. Curtis Reber stated his support in the matter. He said the small mining operations do not have access to a large amount of capital. This bill would allow the miner to make up for the lost time.

Rep. Hand concurred with the preceding proponents. Mr. Bill Olson expressed his support of the bill. He said the bill will allow the contractor to utilize 2 truck loads a day whereas under the 30-day contract there was no way in which they could mine this amount.

Mr. G. T. Smith said he was interested in getting on the job without having to take time off in going to the forest service, etc. With all of the meetings there are 37 different little jobs in which we have to contend with before we can even get the wheels turning. Mr. Anton Taborsky also testified (testimony attached).

In closing, Sen. Manley stated that everyone who testified had covered the subject well. He said he would answer any questions.

Mr. Leo Berry, State Lands, stated that in order to be excluded from the act they would have to stay under 5 acres. They would still be under the 5-day limitation.

Senate Bill No. 307 was discussed. Sen. Story, chief sponsor, said it was simply a housekeeping bill. He introduced Mr. Ed Carney to further explain the bill.

Mr. Ed Carney stated the bill would effect the Board of Cosmetologists. It would reduce the cost of government if the bill were passed, as it would only have a 3-member board (testimony attached).

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Senate Bill No. 382 was discussed. Sen. Towe, chief sponsor, stated the bill would relate to a possible duplication in which he felt has always existed in the governmental system. Sen. Towe stated it would be a tragedy if both the Public Service Commission and the Consumer Counsel hired very expensive people to come here to prepare a case. We should eliminate this duplication. The Consumer Counsel has finally agreed that there is an existing problem that needs to be worked out. It would leave them the right to add further witnesses or further inquiry. Sen. Towe then introduced Mr. Jeff Brazier.

Mr. Jeff Brazier, Consumer Counsel, expressed his support in the bill.

Mr. Les Loble said he had a simplistic view of the psychology of individuals. When they come down in the arena to take one side or the other, you cannot condemn them for this. People are only human. Mr. Bill Sternhagen expressed his support of the bill.

Mr. Brazier added that there was an objection of the inherent ability when the judge rules on the advocate. He stated that the Consumer Counsel had paid three times than what they had anticipated. It was mainly on the inclination of the PSC to plea the advocate. He stated that making objections and motions for the record for appeal are advisory functions. Also, the credibility of the consumers. He said he did not know of any other agency in the nation which played the advocacy role.

Mr. Jim Hughes, Mountain Bell, said that when the bill was first introduced, amendments were made in the Senate which got closer to the point of making the effort of the prospective roles.

In closing, Sen. Towe said that when the bill first went into being he was surprised the PSC and the Consumer Counsel agreed. It has worked out for both parties.

Mr. Rob Smith, Public Service Commission, stated that one should not draw an ironclad analogy between the judge and the PSC. It is a technical area. It is a different format and there is a high degree of investigation. It is not a matter of impeaching. He said he thought the Commission should have the right to introduce evidence, also, the Commission is moving toward the Consumer Counsel taking the advocate role. Most of the staff would agree that Mr. Brazier should support the consumer.

Senate Bill No. 433 was discussed. Sen. R. Smith, chief sponsor, said the bill is an existing statute of the law which is awaiting a law suit. He said this bill would correct some of those statutes. He said that recreational vehicles should be omitted.

#### Proponents:

Mr. Barry Hjort said his position of the bill should be as it is. The language contained in the bill now should be enacted. This particular bill would establish standards for individuals doing repair work.

Mr. Bob Patterson said it would allow everyone to receive a license and a bond. Mr. Jack McLeash said it would make the people do the work in a proper fashion for the safety of the public. The people in the sheet metal profession and propane business have dreamed of a bill such as this to protect the public.

Mr. Gorham Swanberg expressed his support of the bill. He proposed an amendment on page 12, line 1, and stated if the committee did not accept his amendment he would recommend it do not pass.

Opponents:

Mr. Don Fullerton said he was strongly opposed to this piece of legislation for it is designed for big towns and large shops. He also said he had a meeting with Governor Judge and the Governor stated that this bill would be taken to the federal court because it was so bad. He had applied for his license for the journeyman and masters. This bill is nothing but a drain on the public's taxes and a drain on the people in the business.

Mr. Val Ketchan stated he had been in court cases dealing with faulty equipment and that he would probably be in another hearing in a few weeks. He has also been called in by the State to check the situations out. He said that when a law is made in the country and you delete one person or a group of people then it is unconstitutional. He is against the bill due to poor control.

Mr. Vincent Mariano said there are so many groups of people doing service that there is no possible way in which everyone can be under this bill. It is impossible to license everyone under this bill.

Mr. Leo Frye talked about the licenses in which many people have not received anything except a canceled check. Also, the bill has been amended to death.

Mr. Don Beaver gave the reason why the bill came into being. It was due to the author of the original bill (Mr. Mateucci) is in court facing the same thing as this bill contains. He said he needed two licenses to perform one job and the tax payers will be paying for it. Someday we will have a situation where 8 people will control 800 people.

Mr. Elroy Letcher and Mr. Russ Livergood also expressed their opposition towards the bill (testimonies attached).

In closing, Sen. R. Smith that if the original bill does get out of court, the court could take the whole existing statute and repeat or strike the problems occurring in it. This bill is simply trying to correct the problems with the original bill. Mr. Jerome Anderson added to Sen. Smith's testimony stating that the bill was initially set forth to clean up the existing act so everyone could live with it. If there is to be regulation, those people that work should be covered by the act equally. The people in the trailer business should be covered just as much as the people who he represents. He also stated that if the committee is going to amend the bill, then kill it and go back to the law suit.

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Rep. Scully asked all people concerned with the bill if they would agree to amending the bill by striking subsections (b), (c), and (d) on pages 11 and 12. No one was interested in that amendment.

The committee then went into executive session.

Rep. Scully moved to amend Senate Bill No. 306 (amendments attached). The amendments were adopted unanimously. Rep. Scully then made a motion that Senate Bill No. 306 BE CONCURRED IN AS AMENDED. That motion was carried unanimously.

Rep. Ellison moved that Senate Bill No. 307 BE CONCURRED IN. The motion carried unanimously.

Rep. Quilici moved that Senate Bill No. 442 BE CONCURRED IN. The motion was passed unanimously.

Rep. Quilici made a motion to adopt the amendments on Senate Bill No. 382. There was a brief discussion on the amendments and voted unanimously to adopt the amendments (attached). Rep. Quilici moved that Senate Bill No. 382 BE CONCURRED IN AS AMENDED which was carried unanimously.

Rep. Scully moved to amend Senate Bill No. 433 by striking subsections (b), (c), and (d) on pages 11 and 12. All members present voted yes, with the exception of Rep. Quilici who voted no. Rep. Ellison then moved that Senate Bill No. 433 BE CONCURRED IN AS AMENDED. All members present voted yes, with the exception of Reps. Quilici, Metcalf, Harper, and Vincent. The motion carried.

Rep. Tropila moved to adopt amendments to Senate Bill No. 206 which were adopted with all members present voting yes, with the exception of Rep. Harper who voted no (amendments attached). Rep. Tropila then made a motion that Senate Bill No. 206 AS AMENDED BE INDEFINITELY POSTPONED. That motion passed with all members present voting yes, except Reps. Harper and Metcalf who voted no.

There being no further business, the meeting adjourned at 12:00 noon.

  
JOHN C. VINCENT, Chairman

PROPOSED AMENDMENTS TO SB 306  
SUBMITTED BY REP. SCULLY

1. Amend title, line 7.

Following: "3"

Strike: "YEAR"

Insert: "YEARS"

2. Amend page 3, section 2, line 1.

Following: "insurer"

Strike: "in an"

Following: "state"

Strike: ",or"

Insert: "and"

3. Amend page 3, section 2, line 3.

Following: "time"

Insert: "within such 3-year period"

4. Amend page 3, section 2, line 4.

Following: "notice"

Strike: ", or both"

PROPOSED AMENDMENTS TO SB 382  
Submitted by Rep. Quilici

1. Amend page 1, line 12.

Following: "regulated"

Strike: "utility"

Insert: "entity to the public service commission"

2. Amend page 1, lines 14 and 15.

Following: "shall"

Strike: "avoid duplication of effort by leaving"

Insert: "leave"

3. Amend page 1, line 19.

Following: "investigating"

Strike: ", "

Insert: "and"

Following: "interrogating"

Strike: ", and introducing evidence"

4. Amend page 1, line 20.

Following: "clarify"

Strike: "or develop"

PROPOSED AMENDMENTS TO SB 206  
Submitted by Rep. Tropila

1. Amend page 7, line 20.

Following: "license"

Strike: "between July 1, 1975, and"

Insert: "before"