

January 8, 1977
11:00 a.m.

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

The meeting of the Business and Industry Committee was called to order by Chairman Frank Hazelbaker on the above date in Room 404 of the State Capitol Building at 11:00 a.m.

ROLL CALL: All members were present with the exception of Senator Kolstad who was excused.

Chairman Hazelbaker introduced Dave Cogley, representing the Code Commissioner, who drafted Senate Bills 4, 5, and 6. Mr. Cogley stated that he has been working on the recodification project ever since the last session. The purpose of recodification is to make it simpler for a person looking for a particular law or particular area of law. If they can find the general area of law then it is easier to find the law they are looking for. When laws are introduced and go through a session there is always a possibility of duplication. Also, laws tend to become obsolete after a number of years. One of his major responsibilities is to rearrange the laws in a more logical fashion.

Mr. Cogley stated that they have contacted all of those concerned, legal offices and persons who are interested in this area of the law, and Government offices that would be affected and they think they have their full concurrence on the things that they have done, such as cleaned up garbled language, etc.

Chairman Hazelbaker stated that before we started looking at the bills, in the back of each bill attached is a green sheet of paper with all of the explanations and changes that have been done. He stated this is helpful if they would like to follow it.

SENATE BILL 4, "An Act For The General Revision and Clarification of Laws Relating to Trade and Commerce." Mr. Cogley pointed out changes in wording and substitutions which he had made, such as substituting the words "auction sales" for other wording on page 8, line 15. After some discussion of the bill, Senator Lowe moved that Senate Bill 4 Do Pass. All were in favor.

SENATE BILL 5, "An Act to Generally Revise and Clarify the Laws Relating to Credit Transactions and Relationships." Mr. Cogley stated that he had made some changes in this bill too. Section 3, page 3, lines 15 and 16 were changed because it did not make sense the way it was written in the codes. After some discussion, Senator Devine moved that Senate Bill 5 Do Pass. All were in favor.

Senate Bill 6, "An Act to Generally Revise and Clarify the Laws Relating to Banks, Building and Loan Associations, Credit Unions, Development Credit Corporations, and Consumer Loan Businesses." Mr. Cogley stated that there are four types of banks: Commercial banks; savings banks; trust companies; and investment companies. These come under the banking codes. Senator Lowe suggested they should change page 1, section 1, line 17, and insert the following after the word business "as defined in this title." Senator Good-over moved that this be done. All were in favor.

Mr. Cogley stated that on page 9, section 6, line 19, there was an error in the bill and he wanted to change the word "check" to "checks." Senator Regan moved that this be done. All were in favor.

Mr. Cogley stated that on page 35, section 32, line 6, following (b) the following should be inserted "in the case of articles of incorporation." Senator Lowe moved that this be done. All were in favor.

On page 46, section 37, line 2, the following was suggested. After the stricken "if" insert "only if" and on line 4, change "notice shall" to "shall notice." Senator Lowe moved that this be done. All were in favor.

Senator Devine moved that Senate Bill 6, As Amended, Do Pass. All were in favor.

ADJOURN: There being no further business, Chairman Hazelbaker adjourned the meeting at 11:55 a.m.



FRANK W. HAZELBAKER, Chairman

DATE _____

January 8, 1977

COMMITTEE ON Business & Industry

BILL NO. SB 4, 5, &

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppos
James H. Wood	Code Commission		
Dr. Denny	Dept of Business Regulation		
Michael J. Mulrooney	Dept of Business Reg		
John W. H. H. H.	—		
C. Bruck Lobb	Hide - Gen. Goodover		
	Lobb, Pottle & Pauly P.C.		

(Please leave prepared statement with Secretary)

Business & Industry COMMITTEE

Date 1-8-77

[illegible]

STANDING COMMITTEE REPORT

January 8

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19.....

MR. **President**.....

We, your committee on **Business and Industry**.....

having had under consideration **SENATE**..... Bill No. **4**.....

Respectfully report as follows: That **SENATE**..... Bill No. **4**.....

DO PASS

STANDING COMMITTEE REPORT

January 8

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MR. **President**

We, your committee on **Business and Industry**

having had under consideration **SENATE** Bill No. **5**

Respectfully report as follows: That **SENATE** Bill No. **5**

DO PASS

STANDING COMMITTEE REPORT

January 8

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MR. **President**

We, your committee on **Business and Industry**

having had under consideration **SENATE** Bill No. **6**

Respectfully report as follows: That **SENATE** Bill No. **6**,
introduced bill, be amended as follows:

1. Amend page 1, section 1, line 17.
Following: "defined."
Insert: ", as defined in this title"

2. Amend page 9, section 6, line 19.
Following: "on"
Strike: "check"
Insert: "checks"

3. Amend page 35, section 32, line 6.
Following: "(b)"
Insert: "in the case of articles of incorporation,"

XXXXX

Page 2
Senate Bill 6

January 8, 1977

4. Amend page 46, section 37, line 2.

Following: "~~if~~"

Strike: "If"

Insert: "only if"

5. Amend page 46, section 37, line 4.

Following: "security,"

Strike: "notice shall"

Insert: "shall notice"

AND AS SO AMENDED, DO PASS


FRANK W. HAZLEBAUGH, Chairman

PA

HOUSE MEMBERS

ROBERT L. MARKS
CHAIRMAN

FRANCIS BARDANOUVE

OSCAR KVAALEN

PAT MC KITTRICK

ROSE WEBER
EXECUTIVE DIRECTOR

ELEANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

January 6, 1977

SENATE MEMBERS

CARROLL GRAHAM
VICE CHAIRMAN

CHET BLAYLOCK

GLEN DRAKE

FRANK HAZELBAKER

DIANA DOWLING
DIRECTOR, LEGAL SERVICES,
CODE COMMISSIONER

ROBERT PERSON
DIRECTOR, RESEARCH

- I. Codification - assembly of laws by subject matter into a code
 - (1) 99 Titles - chapters - sections
 - (2) Purpose - so people can readily find law in given area
- II. When new laws are introduced in each legislative session (1) opportunity for duplication, overlap, or outright conflict [example - unfair trade practices act and child labor law]
 - (2) Also problems of different style and laws becoming obsolete.
 - (3) Primary problem is the illogical arrangement of present code -- administrators and lawyers can't even find applicable laws, let alone laymen; [example - consumer protection now under trademarks --- gambling under parks.]
- III. 1975 legislature established code commissioner and responsibilities. (R.C.M. Chapter 5, Title 12)
 - (1) Rearrangement in more logical fashion. Present in 1979 to legislature for approval.
 - (2) Grammatical and style changes for purpose of uniformity.
 - (3) Recommend legislation to:
 - (a) eliminate archaic or outdated laws
 - (b) eliminate obsolete or redundant wording of laws
 - (c) eliminate any duplications in law and any laws repealed directly or by implication [ex. 78-12]
 - (d) clarify existing law
 - (e) correct errors and inconsistencies in the law
 - (f) correct inaccurate references to titles of officers or agencies or to other statutes as may be necessary to obtain consistency with current law.