

MINUTES OF THE MEETING  
BUSINESS & INDUSTRY COMMITTEE  
MONTANA STATE SENATE

January 27, 1979

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 10:00 a.m.

ROLL CALL: Upon roll call all members were present.

CONSIDERATION OF SB 9: An act to amend section 33-2-111, MCA, relating to deposit requirements of insurers, by increasing deposit requirements of title insurers.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 9 to the Committee and state why it was requested. Ms. Driscoll summarized SB 9 for the Committee after which Chairman Hazelbaker asked for any further proponents. Hearing none, Chairman Hazelbaker asked for any opponents. Hearing none, Chairman Hazelbaker opened the hearing to questions from the Committee and a brief discussion of SB 9 followed.

Chairman Hazelbaker stated that if the Committee had no objection, he would like to take executive action on any bills the Committee had no real questions about. The Committee agreed with Chairman Hazelbaker's suggestions.

DISPOSITION OF SB 9: Senator Lowe moved that SB 9 receive a DO PASS recommendation. Senator Kolstad seconded the motion. SB 9 was unanimously passed and was unanimously placed on the Consent Calendar.

CONSIDERATION OF SB 10: An act to repeal sections 33-2-1001 through 33-2-1007, MCA, relating to regulation of insurance holding companies.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 10 to the Committee and state why it was requested. Ms. Driscoll summarized SB 10 for the Committee. There were no other proponents or opponents to SB 10 and the Committee had no questions.

DISPOSITION OF SB 10: Senator Lowe moved that SB 10 receive a DO PASS recommendation and be put on the consent calendar. Senator Dover seconded the motion. SB 10 was unanimously passed and was unanimously placed on the Consent Calendar.

CONSIDERATION OF SB 64: An act to amend section 33-16-203, MCA, relating to filing of insurance rates.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 64 to the Committee and state why it was requested. Ms. Driscoll summarized SB 64 for the Committee after which Chairman Hazelbaker asked for any further proponents to SB 64. Thomas Napton, Glacier General Assurance Company, stated they were generally in favor of SB 64 but asked that it be amended by striking the word actuarial from lines 13 and 21. Ms. Driscoll stated that they would have no objection to SB 64 being amended as requested by Mr. Napton. Senator Goodover moved that SB 64 be amended by striking the word actuarial from lines 13 and 21. Senator Dover seconded the motion. Chairman Hazelbaker asked the Committee if they had any questions on the amendment and, hearing none, called for the vote on the amendment. The amendment passed unanimously.

Chairman Hazelbaker asked if there were any further questions or comments to be made on SB 64. There were none.

DISPOSITION OF SB 64: Senator Dover moved that SB 64 receive a DO PASS as Amended recommendation and be put on the Consent Calendar. Senator Kolstad seconded the motion. SB 64 was unanimously passed and was unanimously placed on the Consent Calendar.

CONSIDERATION OF SB 80: An act to provide for the supervision, rehabilitation, and liquidation of insurers; repealing sections 33-2-901 through 33-2-948, MCA.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 80 to the Committee and state why it was requested. Ms. Driscoll deferred response to Terry Meagher and he explained the purpose of SB 80 to the Committee. Chairman Hazelbaker asked for any other proponents for SB 80. Mr. Les Loble II, American Council of Life Insurance, stated that they supported the bill. Chairman Hazelbaker recognized Rita Theisen, Attorney for the office of the Commissioner of Insurance, and she stated there were two typographical errors in SB 80 that were overlooked and should be amended for clarity. On page 29, line 4, "business of located" should read "business is located" and on page 30, line 18, "an order or liquidation" should read "an order of liquidation". Senator Kolstad moved the substantive changes be accepted. The motion carried unanimously.

Chairman Hazelbaker called for any further proponents to SB 80. Tom Harrison, MPS and Blue Shield, questioned Ms. Driscoll about section 3 as to whether it would apply to the companies he represents. She stated she did not feel it would. Mr. Harrison stated then that he supported SB 80. Glen Drake, Attorney for the American Insurance Association, stated he also supported SB 80.

Chairman Hazelbaker opened the hearing to questions from the

Committee. There were none.

DISPOSITION OF SB 80: Senator Hager moved that SB 80 receive a DO PASS as Amended recommendation and Senator Dover Seconded the motion. The motion carried unanimously.

Chairman Hazelbaker drew the Committee's attention to the fiscal note accompanying SB 80 which states SB 80 has no fiscal impact.

CONSIDERATION OF SB 81: An act to provide for a 10-day rescission period on disability insurance policies issued by insurance companies and membership contracts issued by health service corporations; amending section 33-22-201, MCA.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 81 to the Committee and state why it was requested. Ms. Driscoll summarized SB 81 for the Committee.

Chairman Hazelbaker asked for any more proponents or opponents. Tom Harrison, MPS and Blue Shield, said he was concerned about this bill where group policyholders are concerned since no policy is ever delivered to a group policyholder. Ms. Driscoll responded by stating that it was the intent of the bill to apply only to individual policyholders, not group policyholders, and had no objection to additional wording being added to make that clear if the Committee felt it was necessary.

Senator Dover moved that SB 81 receive a DO PASS recommendation. Mr. Harrison suggested SB 81 be amended to distinguish that it does not apply to group policyholders. Senator Dover withdrew his motion in view of the suggested amendment by Mr. Harrison.

Mr. Harrison was not prepared to propose an amendment to the Committee which would address the area he was concerned about, so the Committee decided to wait to take action on SB 81 until they received the recommendation from Mr. Harrison.

CONSIDERATION OF SB 83: An act to provide for the regulation and registration of persons who collect charges or premiums or adjust or settle claims on life or health insurance policies or annuities of residents of Montana.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 83 to the Committee and state why it was requested. Ms. Driscoll asked Rita Theisen, Attorney for the office of the Commissioner

of Insurance, to give a few examples to the Committee of where this bill would apply. Terry Meagher, office of the Commissioner of Insurance, elaborated on what Ms. Theisen told the Committee by giving additional examples of when this bill would apply. The Committee asked Ms. Theisen and Mr. Meagher several questions about the examples they gave.

Chairman Hazelbaker asked for any other proponents to SB 83. Mr. Les Loble II, American Council of Life Insurance, stated that he supported SB 83.

Chairman Hazelbaker asked for any opponents to SB 83. Mr. John Cadby, Montana Bankers Association, expressed concern about the further expense required to do what is asked in SB 83. Ms. Driscoll and Mr. Meagher responded to Mr. Cadby and further discussion occurred on SB 83.

DISPOSITION OF SB 83: Senator Blaylock moved that SB 83 receive a DO PASS recommendation. The motion carried unanimously.

CONSIDERATION OF SB 85: An act to amend section 33-5-401, MCA, increasing the surplus fund requirements of reciprocal insurers. Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 85 to the Committee and state why it was requested. Ms. Driscoll summarized SB 85 for the Committee.

Chairman Hazelbaker asked for any other proponents or opponents. He then opened the hearing to questions from the Committee on SB 85 and there were none.

DISPOSITION OF SB 85: Senator Kolstad moved that SB 85 receive a DO PASS recommendation and be put on the Consent Calendar. Senator Dover seconded the motion. SB 85 was unanimously passed and was unanimously placed on the Consent Calendar.

CONSIDERATION OF SB 86: An act to repeal section 33-23-311, MCA, relating to information required of professional liability insurers.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 86 to the Committee and state why it was requested. Ms. Driscoll summarized SB 86 for the Committee as well as the law it would repeal. Ms. Driscoll then called on Mr. John Fechter, office of the Commissioner of Insurance, to further explain SB 86. He supported SB 86 and stated that the section of law this bill would repeal just requires a lot of figures that mean

absolutely nothing. Terry Meagher, office of the Commissioner of Insurance, also spoke in support of SB 86. Douglas Hayden, Glacier General Assurance, also spoke in support of SB 86. Glen Drake, Attorney for the American Insurance Association was also in support of SB 86.

Chairman Hazelbaker asked if there were any opponents to SB 86. Mr. Jerome Loendorf, representing the Montana Medical Association, was opposed to SB 86 to repeal section 33-23-311 at this time. Mr. Mike Meloy, Montana Trial Lawyers Association, spoke in opposition to SB 86. Mr. Hayden responded to Mr. Meloy and stated that the information required by this law is already being put together and should not be done again. Ms. Driscoll also responded to the opposition raised by Mr. Meloy.

Chairman Hazelbaker asked for any further opponents to SB 86 and, hearing none, opened the hearing to questions from the Committee and a brief discussion followed. Tom Napton, Glacier General Assurance Company, also stated he was in favor of SB 86.

Senator Regan moved that the Committee defer action on SB 86 until Mr. Loendorf is able to find out if the information required by this law is already available. Senator Dover seconded the motion. The motion carried unanimously.

CONSIDERATION OF SB 92: An act to revise the license fee schedule relating to the insurance industry and to revise the terminology for renewal licenses; amending section 33-2-708, 33-17-218, and 33-17-231, MCA.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 92 to the Committee and state why it was requested. Ms. Driscoll summarized SB 92 for the Committee. Chairman Hazelbaker asked for any further proponents. Mr. Les Loble II, American Council of Life Insurance, spoke in support of SB 92. Chairman Hazelbaker then called for any opponents to SB 92 and, hearing none, opened the hearing to questions from the Committee. The Committee had no questions.

DISPOSITION OF SB 92: Senator Lowe moved that SB 92 receive a DO PASS recommendation. Senator Dover seconded the motion. The motion carried unanimously.

CONSIDERATION OF SB 93: An act to generally revise the law relating to insurance agents, solicitors, adjusters, and consultants; amending sections 33-17-204, 33-17-211, 33-17-212, 33-17-214, 33-17-216, 33-17-218, 33-17-231, 33-17-401, 33-17-404, 33-17-1101,

33-17-1103, 33-17-1111, and 33-22-813, MCA; and repealing section 33-17-215, MCA.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 93 to the Committee and state why it was requested. Ms. Driscoll summarized SB 93 for the Committee.

Chairman Hazelbaker asked for any more proponents to SB 93. Mr. Les Loble II, American Council of Life Insurance, spoke in support of SB 93.

Chairman Hazelbaker then asked for any opponents to SB 93 and, hearing none, opened the hearing to questions from the Committee. The Committee had no questions.

DISPOSITION OF SB 93: Senator Lowe moved that SB 93 receive a DO PASS recommendation. Senator Dover seconded the motion. The motion carried unanimously.

CONSIDERATION OF SB 94: An act to revise the law relating to standard valuation and standard nonforfeiture in life insurance; providing for adoption of annuity mortality tables and permissible interest rates in valuation of annuity and insurance contracts; adding provisions relating to nonforfeiture in individual deferred annuities; and amending sections 33-2-523 through 33-2-526, 33-20-201, 33-20-206 and 33-20-207, MCA.

Chairman Hazelbaker called on Josephine M. Driscoll from the office of the Commissioner of Insurance to explain SB 94 to the Committee and state why it was requested. Ms. Driscoll summarized SB 94 for the Committee after which Chairman Hazelbaker asked for any further proponents. Mr. Les Loble II, American Council of Life Insurance, spoke in support of SB 94.

Chairman Hazelbaker asked the Committee if they had had time to read the narrative provided for SB 94. He stated SB 94 was quite detailed so he gave a copy to Senator Robert Anderson, who sells life insurance, for his opinion. Chairman Hazelbaker stated that Senator Anderson favored SB 94 and would be happy to come answer any questions the Committee might have if they so desired.

Chairman Hazelbaker then called for any opponents to SB 94 and, hearing none, opened the hearing to questions from the Committee. There were no questions.

DISPOSITION OF SB 94: Senator Dover moved that SB 94 receive a DO PASS recommendation. Senator Peterson seconded the motion. The motion carried unanimously.

At this point Senator Regan left the meeting.

CONSIDERATION OF SB 101: An act to generally revise and clarify the laws relating to insurance and insurance companies; and repealing section 40-1723, RMC 1947.

Chairman Hazelbaker called on Mr. Jim Lear, representing the Code Commissioner, to explain SB 101 to the Committee. Mr. Lear highlighted the changes proposed by SB 101 and then gave a list of proposed amendments to each member of the Committee for their consideration. Rita Theisen, Attorney for the office of the Commissioner of Insurance, stated they had no objections to the amendments being proposed. Senator Dover moved the amendments be accepted. Senator Lowe seconded the motion. The motion carried unanimously.

DISPOSITION OF SB 101: Senator Dover moved SB 101 receive a DO PASS as Amended recommendation. Senator Peterson seconded the motion. The motion carried unanimously.

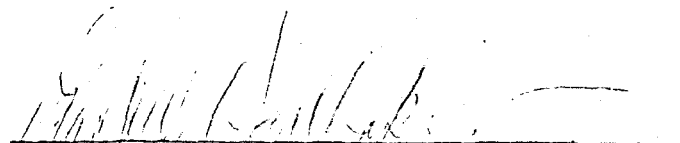
CONSIDERATION OF SB 139: An act to clarify what constitutes the Montana Insurance Code; amending section 33-1-101, MCA.

Chairman Hazelbaker called on Bob Pyfer, representing the Code Commissioner, to explain SB 139 to the Committee. Mr. Pyfer summarized the changes proposed by SB 139 for the Committee.

Chairman Hazelbaker asked for any more proponents to SB 139 and, hearing none, asked for any opponents to SB 139. Mr. Thomas Harrison, MPS and Blue Shield, spoke in opposition to SB 139. There was some discussion over the area of Mr. Harrison's concern. Ms. Driscoll also responded to the opposition expressed by Mr. Harrison. Chairman Hazelbaker suggested that Mr. Harrison, Mr. Pyfer, and the Attorney for the office of the Commissioner of Insurance get together and propose an amendment to SB 139 that would address the area of Mr. Harrison's concern and be agreeable to all parties.

Senator Dover moved that the Committee defer action on SB 139 until they receive the proposed amendment. The motion carried unanimously.

ADJOURNMENT: There being no further business, Senator Hazelbaker adjourned the meeting at 12:20 P.M.

  
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Senator Frank Hazelbaker, Chairman





# STANDING COMMITTEE REPORT

January 27, ..... 19 79

MR. President:.....

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

having had under consideration ..... Senate ..... Bill No. 9.....

Respectfully report as follows: That..... Senate ..... Bill No. 9.....  
was unanimously passed and was unanimously placed on the  
Consent Calendar.

*G.A.*

DO PASS

.....  
Senator Frank Hazelbaker Chairman.

# STANDING COMMITTEE REPORT

January 27, 1979

MR. President:

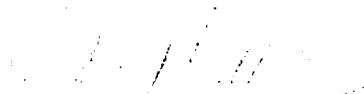
We, your committee on Business and Industry

having had under consideration Senate Bill No. 10

Respectfully report as follows: That Senate Bill No. 10 was unanimously passed and was unanimously placed on the Consent Calendar.

PA

DO PASS



Senator Frank Hazelbaker Chairman.

# STANDING COMMITTEE REPORT

..... January 27, ..... 19 79 .....

MR. .... President: .....

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

having had under consideration ..... Senate ..... Bill No. 64 .....

Respectfully report as follows: That ..... Senate ..... Bill No. 64  
introduced bill, was unanimously passed as amended, and was  
unanimously placed on the Consent Calendar.

1. Page 1, line 13.  
Strike: "actuarial"
2. Page 2, line 21.  
Strike: "actuarial"

*FR*  
And, as so amended,  
DO PASS

.....  
Senator Frank Hazelbaker Chairman.

# STANDING COMMITTEE REPORT

January 27,

19 79

MR. ....President:.....

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

having had under consideration .....Senate.....

Bill No. 80.....

Respectfully report as follows: That.....Senate.....  
introduced bill, be amended as follows:

Bill No. 80.....

1. Page 29, line 4.  
Following: "business"  
Strike: "of"  
Insert: "is"

2. Page 30, line 18.  
Following: "order"  
Strike: "or"  
Insert: "of"

And, as so amended,  
DO PASS

*BA*

# STANDING COMMITTEE REPORT

January 27,

19 79

MR. President:

We, your committee on Business and Industry

having had under consideration Senate Bill No. 83

Respectfully report as follows: That Senate Bill No. 83

DO PASS

*90.*

# STANDING COMMITTEE REPORT

January 27,

19 79

MR. ....President:.....

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

having had under consideration .....Senate..... Bill No. 85

Respectfully report as follows: That.....Senate..... Bill No. 85  
was unanimously passed and was unanimously placed on the  
Consent Calendar.

DO PASS

# STANDING COMMITTEE REPORT

January 27, 19 79

MR. .... President: .....

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

having had under consideration ..... Senate ..... Bill No. 92 .....

Respectfully report as follows: That ..... Senate ..... Bill No. 92 .....

DO PASS *G.A.*

*[Signature]*  
.....  
Senator Frank Hazelbaker Chairman.

# STANDING COMMITTEE REPORT

January 27,

19 79

MR. President:.....

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

having had under consideration Senate.....

Bill No. 93.....

Respectfully report as follows: That Senate.....

Bill No. 93.....

DO PASS

*ga.*



# STANDING COMMITTEE REPORT

January 27, 19 79

MR. .... President:.....

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

having had under consideration ..... Senate ..... Bill No. 94 .....

Respectfully report as follows: That ..... Senate ..... Bill No. 94 .....

DO PASS

*P.O.*

# STANDING COMMITTEE REPORT

*Marge Nichols  
404*

..... January 27, ..... 19 79 .....

MR. President: .....

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

having had under consideration ..... Senate ..... Bill No. 101 .....

Respectfully report as follows: That ..... Senate ..... Bill No. 101 .....  
Introduced bill be amended as follows:

1. Page 7, line 24 through line 2, page 8.  
Strike: "and, in addition to or in lieu of any other penalty, upon conviction, shall be fined not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both"

2. Page 8, line 7.  
Following: "to"  
Strike: "94-7-232"  
Insert: "45-7-201"

3. Page 8, line 11.  
Following: "who"  
Insert: "for the purpose of hindering any examination conducted pursuant to this part"

4. Page 8, lines 12 through 14.  
Strike: "for the purpose of hindering any examination in violation of the requirements of"

~~DO PASS~~

.....  
continued

5. Page 8. Line 14.

Strike: "33-1-412"

6. Page 8, line 15.

Following: "After"

Strike: "a"

Insert: "notice and "

7. Page 8, lines 15 and 16.

Following: "hearing"

Strike: "thereon for that purpose"

Insert: "inaaccordance with Title 33, chapter 1, part 7"

G.A.

and as so amended,

DO PASS

HR.

HAZELBAKER.....

Chairman.









NAME: Mike Meloy DATE: \_\_\_\_\_

ADDRESS: Securities Bldg Hecwa

PHONE: 442-2442

REPRESENTING WHOM? Mont. Trial Lawyers

APPEARING ON WHICH PROPOSAL: Hb 86

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



NAME: John FECHTER DATE: 1-27-79

ADDRESS: 3474 Rimini Rd Helena

PHONE: 442-1643

REPRESENTING WHOM? Ins Dept, State Auditor

APPEARING ON WHICH PROPOSAL: HB442

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Terry Meagher DATE: 1-27-79

ADDRESS: 423 So. Fee St., Helena, Mt. 59601

PHONE: 442-0682

REPRESENTING WHOM? Montana Dept. of Insurance

APPEARING ON WHICH PROPOSAL: SB 9, 10, 69, 80, 81, 83, 85, 86, 92, 93, 94, 101, 139

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James I. Lambert DATE: 1-11-71

ADDRESS: 140400, pt.

PHONE: 2-6390

REPRESENTING WHOM? M.M.O.

APPEARING ON WHICH PROPOSAL: S 86

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: either amend art profession rather than physician or do not pass

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rita Thurman DATE: 1-27-79

ADDRESS: Aus. Dept Mitchell Bldg

PHONE: 449-2996

REPRESENTING WHOM? Aus. Dept

APPEARING ON WHICH PROPOSAL: All ins. bills heard today

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Josephine D. Driscoll DATE: 1-27-79

ADDRESS: Ins. Dept. Mitchell Bldg. House

PHONE: 449-2996

REPRESENTING WHOM? Insurance Dept., State Auditor's Office

APPEARING ON WHICH PROPOSAL: SB 9, 63, 64, 80, 81, 83, 85, 86, 92, 93, 94, (Possibly 101-139)

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: THOMAS R NAPTON DATE: 1/27/79

ADDRESS: 111 N Higgins, PO Box 4626, Missoula, MT.

PHONE: 543-7161

REPRESENTING WHOM? GLACIER GENERAL ASSURANCE CO.

APPEARING ON WHICH PROPOSAL: SB 64, SB 86

DO YOU: SUPPORT? 86 AMEND? ✓64 OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Les Loble II DATE: 1/27/79

ADDRESS: 716 Power Helena

PHONE: 442 0070

REPRESENTING WHOM? American Council of Life Insurance

APPEARING ON WHICH PROPOSAL: SB 10, 64, 80, 83, 92, 93, 94, ~~95, 96~~

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DOUGLAS C. HAYDEN DATE: 1/27/79

ADDRESS: 4013 LINCOLN ROAD - MISSOULA 59801

PHONE: 549-4754

REPRESENTING WHOM? GLACIER GENERAL ASSURANCE

APPEARING ON WHICH PROPOSAL: SB 64 & SB 86

DO YOU: SUPPORT? 86 AMEND? 64 OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.