

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

January 31, 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: All members were present except Senator Kolstad who was excused.

SENATE BILL 62: This bill is an act amending section 50-60-605, MCA, to authorize temporary electrical connections by power suppliers without inspection.

DISPOSITION OF SENATE BILL 62: Senator Regan moved SB 62 DO PASS. Senator Dover seconded the motion. The Committee voted unanimously that Senate Bill 62 DO PASS.

SENATE BILL 70: This bill is an act to exempt house movers and house moving from regulation by the Public Service Commission: amending 69-12-102, MCA.

Chairman Hazelbaker stated that it had been pointed out by the Staff Attorney there was a defect in the title which should be amended.

There was general discussion by the Committee on house moving regulations.

Senator Hager read a proposed resolution written by Rosemary Zion. This resolution is attached to the minutes.

Senator Regan suggested we poll the Committee on support of SB 70.

Senator Lowe stated he believed house movers were regulated to a great extent by the Highway Department as it now stands.

Senator Regan moved that Senate Bill 70 Do Pass as amended. The motion was seconded by Senator Blaylock. A Roll Call Vote was taken. Senate Bill 70 was given a DO PASS, as amended by a vote of 5-4.

SENATE BILL 84: This bill is an act establishing procedures for issuance of orders and removal of board members or officers of financial institutions in the event of violation of a law or unsafe practices; providing for informal disposition; and providing penalties.

Senator Blaylock moved the bill Do Pass as amended.

Minutes of the Meeting
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There was general discussion of the bill.

A Roll Call Vote was taken on SB 84. The Committee voted the bill DO PASS, as amended by a vote of 5-4.

SENATE BILL 191: This bill is an act to provide public utilities from discontinuing power during the winter months.

Chairman Hazelbaker appointed Senator Regan, Senator Hager, and Senator Dover to study this bill further and bring their report back to the Committee.

SENATE BILL 108: This bill is an act permitting the Department of Revenue to license the catering of alcoholic beverages off the premises of a tavern; amending section 16-4-204, MCA.

Senator Lowe went over the amendments with the Committee. The Committee took a Roll Call Vote on the first two amendments. The Committee passed the amendments by a vote of 6-3.

Senator Lowe moved the bill DO PASS as amended.

ADJOURN: There being no further business, the meeting was adjourned at 11:15 a.m.



Sen. Frank Hazelbaker, Chairman

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

46TH LEGISLATIVE SESSION - - 1979

Date Jan. 31, 1911

STANDING COMMITTEE REPORT

January 31,

1979

MR. President:

We, your committee on Business and Industry,

having had under consideration Senate Bill No. 62,

Respectfully report as follows: That Senate Bill No. 62,

DO PASS

STANDING COMMITTEE REPORT

January 31, 1979

MR. President:

We, your committee on Business and Industry

Senate

70
Bill No.

having had under consideration

Respectfully report as follows: That Senate Bill No. 70

introduced bill, be amended as follows:

1. Title, line 4.

Following: "EXEMPT"

Strike: "HOUSE"

Insert: "BUILDING"

2. Title, line 5.

Following: "AND"

Strike: "HOUSE"

Insert: "BUILDING"

And, as so amended,

DO PASS

SENATE COMMITTEE BUSINESS & INDUSTRY

Date Jan. 31, 1979 Bill No. 70 Time 10:45

NAME	YES	NO
Pat M. Goodover, Vice Chairman		✓
Chet Blaylock	✓	
Harold Dover		✓
Tom Hager		✓
Allen Kolstad		
Bill Lowe	✓	
John Mehrens	✓	
Bob Peterson	✓	
Pat Regan	✓	
Frank Hazelbaker, Chairman		✓

Marjorie L. Nichols

Secretary

F. H. Miller

Chairman

Motion: Roll Call Vote on passage of HB 70.The bill was given a Do Pass as amended
by a vote of 5-4.

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

January 31

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President
MR.

We, your committee on
Business & Industry

having had under consideration
Senate Bill No. 84

Respectfully report as follows: That
Senate Bill No. 84

introduced bill, be amended as follows:

1. Page 2, lines 10 and 11.

Strike: "in the opinion of the director any institution is engaging
or has engaged or"

2. Page 2, line 12.

Followigg: "that"

Strike: "the"

Insert: "any"

3. Page 2, line 13.

Followig: "is"

Insert: "engaging or has engaged or is"

4. Page 2, lines 15 and 16.

Strike: "the director has reasonable cause to believe that the
institution"

REMARKS

continued

5. Page 3, line 8.

Following: "established"

Insert: "by the preponderance of the evidence"

6. Page 3, line 17.

Following: "expiration of"

Strike: "30"

Insert: "45"

7. Page 4, line 19.

Following: "practice."

Insert: "Such order shall contain a statement of the facts constituting the alleged violation or unsafe or unsound practice."

8. Page 5, line 17.

Following: "office"

Strike: ". whenever in the opinion of"

Insert: "whenever"

Following: "director"

Insert: "has reasonable cause to believe"

9. Page 5, line 19.

Following: "law"

Insert: "involving dishonesty or breach of trust"

10. Page 6, line 6.

Following: "duty"

Insert: "involving personal dishonesty on the part of such board member or officer"

11. Page 6, line 14.

Strike: "in the opinion of"

Following: "director"

Insert: "has reasonable cause to believe that"

12. Page 7, line 19.

Following: "established"

Insert: "by the preponderance of the evidence"

13. Page 9, line 1.

Following: "institution."

Insert: "The notice shall contain a statement of the facts constituting grounds for the order and shall fix a time, not later than 10 days from the date of the service of the notice, at which a hearing will be held to afford the board member or officer the opportunity to respond."

14. Page 9, line 13.

Following: "after"

Strike: "any board member, officer, or other person has been suspended from office or prohibited from participation in the conduct of the affairs of an institution under"

Insert: "the hearing provided for in"

continued

Chairman.

January 31

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15. Page 10, line 6.

Following: "involving"

Strike: "embezzlement,"

Insert: "dishonesty or"

16. Page 10, line 7.

Strike: "or similar crime,"

17. Page 10, line 12.

Following: "individual."

Insert: "The notice shall contain a statement of the facts constituting grounds for the order and shall fix a place and time, not later than 10 days from the date of the notice, at which a hearing will be held to afford the board member or officer the opportunity to respond."

18. Page 10, line 17.

Following: "after"

Strike: "any board member, officer, or other person has been suspended from office or prohibited from participation in the conduct of the affairs of an institution under"

Insert: "the hearing provided for in"

19. Page 13, line 35.

Following: "sections"

Strike: "6"

Insert: "5"

20. Page 14, line 13.

Following: "[sections 1 through 13]"

Insert: "shall be made upon individual board members and officers by personal service and"

Following: "made"

Insert: "upon institutions"

And, as so amended,

DO PASS

SENATE COMMITTEE BUSINESS & INDUSTRYDate Jan 31, 1979Bill No. 84Time 10:50

NAME	YES	NO
Pat M. Goodover, Vice Chairman	✓	
Chet Blaylock	✓	
Harold Dover		✓
Tom Hager		✓
Allen Kolstad		
Bill Lowe		✓
John Mehrens	✓	
Bob Peterson		✓
Pat Regan	✓	
Frank Hazelbaker, Chairman	✓	

Marjorie Nichols

Secretary

Frank Hazelbaker

Chairman

Motion: Vote on the following amended on HB 84.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE BUSINESS & INDUSTRY

Date Jan. 31, 1979Bill No. 108Time 11:10

NAME	YES	NO
Pat M. Goodover, Vice Chairman	✓	
Chet Blaylock	✓	
Harold Dover	✓	
Tom Hager		✓
Allen Kolstad		
Bill Lowe	✓	
John Mehrens		✓
Bob Peterson		✓
Pat Regan	✓	
Frank Hazelbaker, Chairman	✓	

Marjorie Nichols

Secretary

Frank Hazelbaker

Chairman

Motion: This was a vote on the first two amendments of AB 108. Passed amendments 1 & 2 by a 6-3 vote.

(include enough information on motion--put with yellow copy of committee report.)

Rosemary Blanchard Zion
Attorney at Law

P.O. Box 314
Helena, Montana 59601

201 Power Block
Phone (406) 442-3261

January 29, 1979

Senator Tom Hager
State Capitol
Helena, Montana 59601

Dear Senator Hager,

I am enclosing a proposal for a Senate Joint Resolution which would require the Public Service Commission to promulgate regulations loosening up their interpretation of "public convenience and necessity" as it applies to building movers and providing for decisions on license applications within a reasonable time after the application process is complete. Section 2-4-412, M.C.A. of the Montana Administrative Procedure Act provides that the legislature may by joint resolution direct a change in any rule of the Administrative Rules of Montana or direct the adoption of a rule.

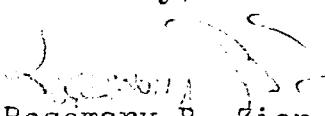
I believe that such a joint resolution would be a preferable alternative to S.B. 70. It would require the PSC to remove any unreasonable restrictions on the availability and territories of building movers without removing the control which the PSC now exercises over the building moving industry in Montana. It will also avoid placing Montana building movers at a competitive disadvantage by making Montana the only unregulated state in the region.

During the next couple of years, I suspect that the subject of deregulation will receive extensive debate on a state and national level. Hopefully this will result in some consistent policies being developed on the subject which will address the issues of safety and competence and will not give the motor carriers of any one state an unfair competitive advantage. In the meantime, while this debate goes on, I believe that implementation of this proposed joint resolution will remove any barriers to adequate building moving service which may be attributable to PSC regulatory policies.

I have gone over this proposal with Mr. F.L. Zion and he is in complete accord with it.

Thank you for your careful consideration of this matter.

Sincerely,


Rosemary B. Zion

c.c. F.L. Zion

RBZ/rbz

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES
5 OF THE STATE OF MONTANA DIRECTING THE ADOPTION OF NEW RULES IN
6 THE MONTANA ADMINISTRATIVE CODE GOVERNING THE LICENSING OF
7 BUILDING MOVERS BY THE PUBLIC SERVICE COMMISSION TO ASSURE AN
8 ADEQUATE LEVEL OF COMPETITION AMONG LICENSED BUILDING MOVERS AND
9 TO STREAMLINE THE PROCEDURES FOR RULING ON BUILDING MOVERS'
10 APPLICATIONS FOR CLASS C MOTOR CARRIER LICENSES.

11

12 WHEREAS, building movers provide an important service to
13 the people of Montana, and

14

WHEREAS, the people of Montana will be better served if
15 a reasonable level of competition is maintained among building
16 movers operating in Montana, and

17

WHEREAS, the licensing of building movers as motor carriers
18 by the Public Service Commission helps to assure the competence,
19 safety and financial soundness of building movers operating in
20 Montana, and

21

WHEREAS, questions have been raised before this Legislature
22 concerning the effect of present practices of the Public
23 Service Commission on the availability of building movers to the
24 public, the competitiveness of the building moving industry and
25 the time involved in obtaining a ruling on a petition for a
Motor Carrier license authorizing the moving of buildings,
most generally a Class C Motor Carrier license,

26

NOW THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
29 REPRESENTATIVES OF THE STATE OF MONTANA,

30

31 That within 90 days of the effective date of this joint
32 resolution, the Public Service Commission is directed to initiate

proceedings to promulgate a rule or series of rules for the purpose of assuring that hearings on petitions for Motor Carrier licenses authorizing the moving of buildings are conducted and decisions rendered in a reasonable period of time, and assuring that the requirements of public convenience and necessity are given a broad enough interpretation to permit and encourage a reasonable level of competition in the building moving industry and to make available to the public a choice of building movers throughout the state, and reciting in the rule or in supporting documents the rationale behind the rule.

-End-

N.B. Committee bills and joint resolutions may be introduced up until the 40th Legislative day.

STANDING COMMITTEE REPORT

February 5

19 79

MR. President:

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

having had under consideration **Senate** Bill No. **108**

Respectfully report as follows: That **Senate** Bill No. **108**
second reading bill, be amended as follows:

1. Page 5, line 16.

Following: "of"

Strike: "\$50"

Insert: "\$250"

2. Page 5, line 19.

Following: "services"

Strike: "AND FEE OF \$20"

Insert: ", the written approval of the catering application by
the sponsor of the special event, and a fee of \$40"

3. Page 5, line 23.

Following: "HELD."

Insert: "An all-beverage licensee who holds an endorsement granted
under this subsection (7) may not receive approval to cater an
event of which he is the sponsor. The catered event must be
within 100 miles of the licensee's regular place of business."

And, as so amended

DO PASS

..... Senator Frank Hazelbaker Chairman.