

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 7, 1981

An executive meeting was called to order at 11 a.m. in room 404 of the Capitol Building on Saturday, March 7, by Chairman Frank Hazelbaker.

All members were present with the exception of Senator Dover, who was excused.

HOUSE BILL NO. 238:

There was general discussion about the amendments presented.

Senator Regan said she felt there should be a termination date. Senator Goodover said they could sunset two years from the session. Senator Lee felt they should make it 1985 to allow more time. "I don't think two years will be enough." Senator Kolstad commented that they would certainly take a look at it in two years.

SENATOR BLAYLOCK: I move the amendments.

The motion carried with a roll call vote, Senators Goodover and Lee voting no. Senator Dover was excused.

SENATOR BLAYLOCK moved the bill be concurred in as amended. The motion carried with Senators Boylan and Regan voting no. Senator Dover was excused and did not vote.

SENATOR GOODOVER WILL CARRY ON THE SENATE FLOOR.

HOUSE BILL NO. 239:

Greg Petesch, attorney for the committee, explained the amendments. Discussion followed about the usury and who was covered. Discussion about the discount rate. Discussion whether doctors and dentists would be covered. Several questions were asked of Mr. Kirk, a proponent of the bill. In answer to one question he said that 1 1/2 % was now being charged by the merchants and that that was illegal. He then stated that HB 625 would make this legal for merchants to do this.

SENATOR REGAN moved the amendments. The motion carried with the vote unanimous. Senator Dover was excused.

SENATOR GOODOVER moved the bill as amended be concurred in. The motion carried with Senator Boylan voting no. Senator Dover was excused.

SENATOR GOODOVER WILL CARRY ON THE SENATE FLOOR.

HOUSE BILL NO. 286:

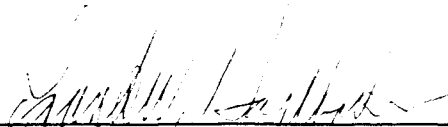
Greg Petesch, attorney for the committee, explained the amendments. Senator Regan questioned him, if they could not buy insurance established by the Department. There was general discussion about this. There was some discussion about line 13 in the statement of intent. There was discussion if this made the state liable.

SENATOR REGAN moved to amend the statement of intent. The motion carried with the vote unanimous. Senator Dover was excused.

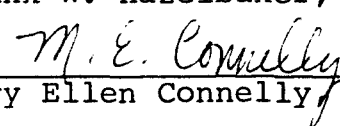
SENATOR KOLSTAD moved the amendments to the bill. The motion carried with the vote unanimous. Senator Dover was excused.

SENATOR GOODOVER moved the bill as amended be concurred in. The motion carried with the vote unanimous. Senator Goodover will carry.

The executive meeting adjourned at 11:40 a.m.



Frank W. Hazelbaker, Chairman



Mary Ellen Connelly, Secretary

ROLL CALL

BUSINESS and INDUSTRY

COMMITTEE

47th LEGISLATIVE SESSION -- 1981

Date 3/7/81

NAME	PRESENT	ABSENT	EXCUSED
Goodover, Pat - Vice Chairman	✓		
Hazelbaker, Frank - Chairman			
Blaylock, Chet	✓		
Boylan, Paul	✓		
Dover, Harold			✓
Kolstad, Allen	✓		
Lee, Gary	✓		
Regan, Pat	✓		

Each day attach to minutes.

Amendments

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date March 7 Bill No. 238 Time 11:25

NAME	YES	NO
Hazelbaker	✓	
Goodover		✓
Dover		
Kolstad	✓	
Lee		✓
Blaylock		
Boylan		
Regan		

Secretary _____

Chairman _____

Motion: _____

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

amendments

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date March 7 Bill No. 239 Time 11:30 a.m.

NAME	YES	NO
Hazelbaker	✓	
Goodover	✓	
Dover		
Kolstad	✓	
Lee	✓	
Blaylock	✓	
Boylan	✓	
Regan	✓	

Secretary _____

Chairman _____

Motion: _____

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

STANDING COMMITTEE REPORT

March 7,

1981

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration

HOUSE

Bill No. **238**

Fabrega (Senator Goodover)

Respectfully report as follows: That

HOUSE

Bill No. **238**

third reading (blue), be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND TERMINATION DATE"

2. Page 5, line 9.

Following: "date"

Insert: " -- termination"

3. Page 5, line 10.

Following: "approval"

Insert: "and terminates on July 1, 1983"

~~XXXXXX~~

**And, as so amended,
BE CONCURRED IN**

STANDING COMMITTEE REPORT

March 7, 1921

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOUSE** Bill No. **239**

Fabrega (Senator Goodover)

Respectfully report as follows: That **HOUSE** Bill No. **239**

third reading (blue), be amended as follows:

1. Title, line 8.

Following: **"DATE"**

Insert: **"AND TERMINATION DATE"**

2. Page 4, lines 6 through 10.

Following: **"LAW"**

Strike: remainder of line 6 through **"THEREUNDER"** on line 10.

Insert: **"the finance charge included in a retail charge account agreement shall be at a rate agreed upon by the retail seller and the buyer"**

3. Page 4, line 10.

Following: **"CHARGE"**

Strike: **"MAY"**

Insert: **"shall"**

XXXXXX
DO NOT

(Continued)

G. A.

HOUSE BILL 239

Page 2

4. Page 4, lines 12 through 18.

Following: "BY"Strike: remainder of line 12 through "(B)" on line 18.

Insert: "using"

5. Page 4, line 20 through line 3 on page 5.

Following: "CYCLE"

Strike: remainder of line 20 through line 3 on page 5.

Insert: ". (a) A seller may change the terms of a revolving charge account whether or not the change is authorized by prior agreement. The seller shall give the buyer written notice of any change in the two billing cycles prior to the effective date of the change.

(b) If the retail seller increases his finance charge on a retail charge account agreement, then such increased rate may only be applied to the balance consisting of purchases on other charges incurred on or after the effective date of the increase.

(c) For purposes of determining the balance to which the increased rate applies, all payments may be considered to be applied to the balance existing prior to the change in rate until that balance is paid in full."

6. Page 6, line 11.

Following: line 10.

Insert: "Section 3. Merchant finance. A finance operation that finances transactions between merchants, as defined in 30-2-104, is also exempt from usury limits."

Renumber: subsequent sections

7. Page 6, line 11.

Following: "DATE"

Insert: "-- Termination"

8. Page 6, line 12.

Following: "APPROVAL"

Insert: "and terminates on July 1, 1983"

And, as so amended,

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 7, 19 81

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **HOUSE** Bill No. **286**

Fabrega (Senator Goodover)

Respectfully report as follows: That **HOUSE** Bill No. **286**

third reading (blue) be amended as follows:

1. Title, line 7.

Following: "ASSOCIATION"

Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE:

2. Page 2, lines 4 through 6.

Following: "ACCOUNTS"

Strike: remainder of line 4 through "ET SEQ" on line 6.

Insert: "acceptable to the department

3. Page 2, line 11.

Following: line 10

Insert: "Section 3. Effective date. This act is effective on passage and approval."

~~XXXXXX~~

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

March 7,

19 81

MR. **PRESIDENT:**

We, your committee on **BUSINESS AND INDUSTRY**

having had under consideration **Statement of Intent, HOUSE**

Bill No. **286**

Fabrega (Senator Goodover)

Respectfully report as follows: That **Statement of Intent** **HOUSE** Bill No. **286,**

third reading copy, be amended as follows:

1. Statement of Intent, line 13.

Following: "covered by"

Strike: remainder of line 13.

Insert: "insurance on accounts acceptable to the department"

And, as so amended,

BE CONCURRED IN

XXXXXXX

DO PASS