

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 14, 1981

An executive meeting was held on Saturday, March 14, in room 404 of the Capitol Building at 12:20 p.m. The meeting was called to order by Chairman Hazelbaker with all members present.

HOUSE BILLS 238, 239, 321, 409, and 510 were scheduled for action.

SENATOR DOVER moved House Bill 238 "do pass as amended". The motion carried with Senators Regan and Boylan voting no. Senator Goodover will carry.

SENATOR DOVER moved House Bill No. 239 "do pass as amended". The motion carried with the vote unanimous. Senator Goodover will carry.

HOUSE BILL NO. 409: Proposed amendments were offered and explained by Senator Lee. Senator Regan commented that it should be either rental or percentage, but not both. Discussion followed.

SENATOR DOVER moved the proposed amendment No. 1.

Page 4, lines 21 through 24
Strike: Section 8 in its entirety.

The motion failed on a tie vote of 4 to 4.

SENATOR LEE moved to amend.

Page 3, lines 7 through 12.
Strike: All of section 5
Insert: "Section 5. A distributor may not require that a motion picture license agreement contain both a payment based on attendance or the box office receipts and a guarantee of a minimum payment to the distributor. However, an exhibitor may offer to license a film on a basis including both a minimum payment guarantee and a percentage of the box office receipts and, in such cases, the license agreement may contain such terms."

The motion failed on a tie vote of 4 to 4.

SENATOR LEE moved the second page of proposed amendments. Attached. The motion failed on a tie vote of 4 to 4. Senator Boylan moved House Bill No. 409 be concurred in. The motion carried with Senator Lee voting no. Senator Regan will carry.

HOUSE BILL NO. 510: Senator Lee presented proposed amendments to the committee and moved to amend.

Page 1, line 22.
Following: "bond"
Insert: "with 2 or more sureties acceptable to the governmental body letting the contract, or"

Discussion followed about what is covered by a surety bond. The motion failed on a tie vote of 4 to 4.

SENATOR DOVER moved be concurred in. The motion carried with the vote unanimous. Senator Dover will carry.

HOUSE BILL NO. 321: SENATOR GOODOVER moved the proposed Statement of Intent.

STATEMENT OF INTENT: A statement of intent is required for this bill because it requires the department of business regulation to adopt a rule by April 30 of each even numbered year, reflecting adjustment of designated dollar amounts according to fluctuations in the consumer price index.

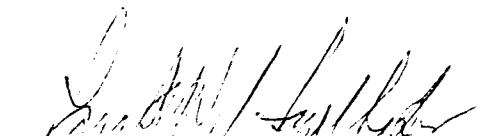
The legislature intends that the amounts be computed as required in [section 9]. The department may adopt a rule for revision of the reference base index in the event that the consumer price index is revised as provided in subsection (3) of [section 9].

The motion carried with the vote unanimous. Senator Goodover moved that House Bill No. 321 be concurred in. Senator Regan offered two amendments on page 6, subsection 4, lines 12 through 19 and on page 10, line 16 to strike "90". After some discussion the motion to amend failed on a tie vote of 4 to 4.

SENATOR REGAN moved to amend page 9 by reinserting the language on lines 5 to 7, which is now existing law. Discussion about the law as it now exists. The amendments failed on a tie vote of 4 to 4.

The motion "be concurred in" carried with Senators Regan and Blaylock voting no. Senator Goodover will carry.

The meeting adjourned at 1:40 p.m.



Frank W. Hazelbaker, Chairman



Mary Ellen Connelly, Secretary

Senator Regan

Pursuant to your request I have had the following dollar per 100 per year changes converted to a percentage rate

\$ 20. per 100 per year = 39.07 apr

\$ 16. " " " " = 28.40 apr

\$ 12. " " " " = 21.39. apr

Jerome Landolf

CC Committee

Amend HB 409

1. Page 2, line 17.

Following: line 16

Insert: "(4) "Feature motion picture" means a motion picture exceeding 60 minutes in duration."

(5) "First run" means the first continuous exhibition of a feature motion picture in a defined geographic area for a specified period of time."

Renumber: subsequent subsections.

2. Page 2, line 25.

Following: "of a"

Insert: "first run, feature"

3. Page 3, lines 2 and 3.

Following: "exhibitor"

Strike: remainder of line 2 through "picture" on line 3.

4. Page 3, line 5.

Following: "prohibited"

Insert: "(1)"

5. Page 3, line 7.

Following: line 6

Insert: "(2) Notwithstanding subsection (1), a distributor may blind bid up to 3 motion pictures per year."

6. Page 4, lines 21 through 25.

Strike: section 8 in its entirety.

Renumber: subsequent section.

SENATE COMMITTEE BUSINESS AND INDUSTRY

Sat - Mond 14th

Date _____ Bill No. 409 Time _____

amendments
#1 *still 8*
YES **1** *Section 8*
NO

NAME			
Hazelbaker			✓ ✓
Goodover		✓	
Dover		✓	✓
Kolstad		✓	✓
Lee		✓ ✓	
Blaylock			✓ ✓
Boylan			✓ ✓
Regan			✓ ✓

Secretary _____

Chairman _____

Motion: _____

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

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date Sat, March 14 Bill No. 409 Time 1:00 P.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.)

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date _____ Bill No. 510 Time _____

NAME	<i>amend</i>	
	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.)

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date Sat March Bill No. 321 Time

amendment

NAME	YES	NO
Hazelbaker	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Goodover		<input checked="" type="checkbox"/>
Dover		<input checked="" type="checkbox"/>
Kolstad		<input checked="" type="checkbox"/>
Lee		<input checked="" type="checkbox"/>
Blaylock	<input checked="" type="checkbox"/>	
Boylan		<input checked="" type="checkbox"/>
Regan	<input checked="" type="checkbox"/>	

Secretary _____

Chairman _____

Motion: _____

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

STANDING COMMITTEE REPORT

..... March 14, 19 81

PRESIDENT:

MR.

BUSINESS AND INDUSTRY

We, your committee on

HOUSE

238

having had under consideration Bill No.

Fabrega (Goodover)

HOUSE

238

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

third reading copy, be amended as follows:

1. Title, lines

Following: "MCA?"

Strike: "REPEALING"

Insert: "SUSPENDING THE OPERATION OF"

2. Page 5, lines 7 and 8.

Following: "Section 7."

Strike: remainder of lines 7 and 8.

**Insert: "Suspension. The operation of section 32-1-436, MCA, is
suspended from the effective date of this act until July 1, 1983."**

And, as so amended,

BE CONCURRED IN

**~~XXXXX~~
DO PASS**


.....
Frank W. Hazelbaker,


.....
Chairman.

STANDING COMMITTEE REPORT

March 14,

81

19.....

MR. **PRESIDENT:**.....

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

having had under consideration **HOUSE** Bill No. **409**.....

KEYSER (Senator Regan)

Respectfully report as follows: That **HOUSE** Bill No. **409**.....

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

STANDING COMMITTEE REPORT

March 12, 1921

MR. **PRESIDENT:**

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

having had under consideration **HOUSE** Bill No. **321**

Fabrega (Senator Goodover)

Respectfully report as follows: That **HOUSE** Bill No. **321**

BE CONCURRED IN

~~XIXBAXX~~

HOUSE BILL NO. 321

STATEMENT OF INTENT

A statement of intent is required for this bill because it requires the department of business regulation to adopt a rule by April 30 of each even numbered year, reflecting adjustment of designated dollar amounts according to fluctuations in the consumer price index.

The legislature intends that the amounts be computed as required in [section 9]. The department may adopt a rule for revision of the reference base index in the event that the consumer price index is revised as provided in subsection (3) of [section 9].

BE CONCURRED IN


Frank W. Hazelbaker,

Pa
Chairman.

STANDING COMMITTEE REPORT

March 14,

1931

MR. **PRESIDENT:**

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

having had under consideration **HOUSE** Bill No. **510**

Lory (Senator Dover)

Respectfully report as follows: That **HOUSE** Bill No. **510**

BE CONCURRED IN

~~DO PASS~~
~~XXXXX~~

Frank W. Hazellaker,

Chairman.

STANDING COMMITTEE REPORT

March 14, 19 81

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 copy, be amended as follows:

1. Page 5, line 4.

Following: line 3

Insert: "Section 2. Section 31-1-241, MCA, is amended to read:

" 31-1-241. Finance charge limitation. (1) Notwithstanding the provisions of any other law, the finance charge included in a retail installment contract shall not exceed the following schedule:

(a) as to motor vehicles:

(i) class 1--any new motor vehicle designated by the manufacturer by a year model not earlier than the year in which the sale is made, \$7 per \$100 per year;

(ii) class 2--any new motor vehicle not in class 1 and any used motor vehicle designated by the manufacturer by a year model of the same or not more than 2 years prior to the year in which the sale is made, \$9 per \$100 per year;

DOXPASS

(Continued)

(iii) class 3--any used motor vehicle not in class 2 and designated by the manufacturer by a year model more than 2 years prior to the year in which the sale is made, \$11 per \$100 per year;

(b) as to any industrial or construction equipment primarily designed for or used in construction, logging, mining, or other industrial business, the price of which is over \$5,000, \$9 per \$100 per year. This subsection shall not apply to agricultural equipment.

(c) as to any manufactured structure or recreational vehicle, \$9 per \$100 per year;

(d) as to services and goods other than as provided under subsections (1)(a), (1)(b), and (1)(c) above:

(i) on so much of the principal balance as does not exceed \$300, \$11 per \$100 per year;

(ii) if the principal balance exceeds \$300 but is less than \$1,000, \$9 per \$100 per year on that portion over \$300;

(iii) if the principal balance exceeds \$1,000, \$7 per \$100 per year on that portion over \$1,000.

(2) Such finance charge shall be computed on the principal balance as determined under 31-1-231(5) on contracts payable in successive monthly payments substantially equal in amount from the date of the contract until the maturity of the final installment, notwithstanding that the total time balance thereof is required to be paid in installments. A minimum finance charge of \$20 may be charged on any retail installment contract.

(3) When a retail installment contract provides for payment other than in equal successive monthly installments, the finance charge may be a rate which will provide the same yield as is permitted on monthly payment contracts under subsections (1) and (2) hereof, having due regard for the schedule of payments in the contract.

(4) Notwithstanding the provisions of any other law, a retail charge account agreement may provide for and the seller or holder may charge, collect, and receive a finance charge as specified herein for the privilege of paying in installments thereunder. The finance charge may be computed from month to month (which need not be a calendar month) or other regular billing cycle period by applying a rate not to exceed $1\frac{1}{2}\%$ for each such monthly period to an amount (not including any unpaid finance charge) ~~net-in-excess-of-the greatest-of, by using~~

~~{a}--the-average-daily-balance-in-the-account-in-the-billing-cycle period;~~

~~{b} the ending balance of the account as of the last day of the billing cycle less the amount of purchases charged to the account during that billing cycle--or.~~

(Continued)

Page 3

HOUSE BILL NO. 239

~~(c) -- the median amount within a \$10 range within which such average daily balance or beginning balance falls, provided the seller applies the same rate of finance charge to all such balances within such range.~~

(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, within the permitted ceiling amount, 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.

(5) If the finance charge so determined pursuant to (4) above for such monthly period is less than 50 cents, a maximum finance charge not in excess of 50 cents may be charged, received, and collected for such period."

Renumber: subsequent sections.

2. Page 6, line 11.

Following: "DATE:"

Insert: "(1)"

Following: "ACT"

Insert: ", except as provided in subsection (2),"

3. Page 6, line 13.

Following: line 12

Insert: "(2) Section 2 is effective July 1, 1983."

And, as so amended,

BE CONCURRED IN