

MINUTES OF THE MEETING
BUSINESS AND INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 4, 1983

The meeting of the Business and Industry Committee was called to order by Chairman Allen Kolstad on February 4, 1983, at 10:08 a.m., in Room 404, State Capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL 190: This bill is an act authorizing purchasers of gasoline in large volumes the option of purchasing gasoline on a temperature corrected basis. Representative Tom Asay, sponsor of this bill, stated this bill is designed to correct the situation that now exists and that is difficult to handle. The statutes require that the sale of petroleum products be on a gross volume basis only. Many of the petroleum distributors that have to buy from the refineries have a difficult situation as the refineries do not have the fuel at 60 degrees. Each 1 degree of temperature change is 5 gallons less. This bill is designed after laws that are presently in effect in Wyoming, Colorado and Utah. Legislation is being proposed in Utah on the same thing. In the House, because they did not understand what the last paragraph meant, they wanted it stricken. The transporter thing had them baffled. They have since been contacted by refinery personnel and they say this is strictly to do with the exchange of fuel between refineries. They would like to have that language reinserted.

PROPOSERS TO HOUSE BILL 190: John Augustine, representing Conoco, stated there is no problem with exchanges between refineries or transporters of gasoline or distillates, therefore, the section (3) that exempts them should be left in so in the future someone would not interpret the act to include them. Conoco has no objection to a distributor, who, when purchasing gasoline or distillates in the amounts of 7500 gallons or more, having a once a year option to purchase either on gross volume or a temperature corrected basis.

David Saylor stated he operates a bulk plant in Forsyth. He was a proponent to this bill due to difficulty they have had with hot products coming from the refinery. They have had some very high losses due to this.

R. M. Grundstead, representing G. M. Petroleum, stated he would like to go on record as a proponent for this bill and the amendment.

OPPOSERS TO HOUSE BILL 190: Harry Simons, Simons Petroleum, Shelby, stated he opposed this bill. He gets all his products by the pipeline. He buys it gross and sells it gross. We would wish to maintain that. This bill is really a special interest bill. It came from Conoco in Billings and people pulling from the refineries. Conoco, in a meeting last November, said they were going to put in a cooler to cool their petroleum. One of the dangers is it is going to push them back to a net purchase. It does not affect everyone in the business. It is addressing their problem. The amendment is not going to serve a great number of people in the business.

Tex Pate, representing Montana Intermountain Oil Marketers, stated the Board of Directors have gone on record in opposition to this. They are afraid they will be forced into a net gallonage. They should work it out between themselves.

There were no further proponents nor proponents.

QUESTIONS FROM THE COMMITTEE:

Senator Goodover stated he had people call from Intermountain Marketers in Great Falls and said they liked this bill. It is an option that they can buy it from the Billings plant where they do not have the correction. Mr. Pate stated he did not oppose the bill the way it was written.

Senator Lee stated his 7500 gallon stipulation, do I understand this to mean in the bill there is an option and if they have 7500 there isn't an option? Mr. Simon stated that is the way he understood it.

Senator Lee stated the other point, if I understand it right, it is optional now but the option might be taken off later. Mr. Simons stated he is opposed to the bill in its entirety.

Senator Fuller asked Mr. Augustine to respond to Senator Lee's question. Mr. Augustine stated the reason the 7500 gallonage might be in there is on a home fuel delivery. Does each of the distributors want to give the option to each one of them? On large purchases, jobbers and distributors have the option. The bookkeeping might be appalling.

Senator Gage asked if that 7500 gallonage was reduced would you then want a statement on the net and gross gallonage? Mr. Grundstead stated he doesn't know many distributors that can buy less than 7500 without paying a penalty. He buys petroleum products from Conoco. He comes out with 8000 or more. This isn't a factor. He is giving the people an option to buy gross or net.

Senator Christiaens asked several times we have talked about a cooler on the system. If a cooler were placed on the system, doesn't that solve your problem? Conoco says they are going to get a bigger cooler. They already have a cooler on the system. Mr. Saylor stated the existing cooler has not been satisfactory. Last year they had some substantial losses because it was not working properly. To recycle more than once is too time consuming. They were getting 120 degree and selling at 75-80 degree and they sustained some big losses. If they were buying from both pipelines and the refineries this would balance out. Their total supply source is the Billings refinery.

Senator Gage asked could we solve the problem, since it seems to be a local problem by putting the option only on purchases from refineries rather than pipelines? Mr. Saylor stated once you have signed up it would be pretty difficult for them to track loads coming from both places. The billing procedure would be difficult.

Mr. Augustine stated Conoco is not opposing the bill. Whichever way

you want it we will do it that way. If you want to limit to just refineries we can do that.

Senator Kolstad asked would you have any objection to that? Mr. Simon stated no. Everybody is going to know that there is a temperature change. They are going to be deluged by farmers that are going to want to buy it when it is cold. He can see some problems that they thought they got rid of five years ago.

Senator Kolstad asked if a compromise could be written into this bill, he doesn't think it would affect you at all. Mr. Simon replied if you can write it so both sides are happy.

Senator Christiaens stated you mentioned that you are now correcting the problem. If you are correcting the problem is there need for the bill? Mr. Augustine stated the distributor would like to have that choice. If he was a distributor he would like to have that choice. He sees no objection to that. Other states have it. There was a problem with the refineries -- the coolers installed should take care of it, but I think you would have that bill come up next time. On exchanges between refineries and pipelines that is made on a temperature corrected basis.

Senator Gage asked how much product are we talking about comparing hot to cold products on a statewide basis. Representative Asay stated for every 10,000 gallons for each 1 degree you get a 5 gallon change. Mr. Augustine stated the refineries run 35,000 barrels a day. 42% is gasoline.

Mr. Grundstead stated the one thing being overlooked here is we are saying that the oil companies are going to force us to buy net or gross. We will be given an option. The bill would have to be changed to force us to buy either way. This bill has an option and that is all they want.

Senator Severson asked did you have any intention of this to a farmer that has 10-20,000 capacity storage? Does that apply there? Representative Asay stated not necessarily. This bill is for the distributor.

Mr. Saylor stated if we buy a load of diesel fuel or gas we buy it gross and sell it gross. If we elect to buy on a net basis we sell it net.

Senator Christiaens asked then as a distributor, won't you need more equipment to do that since you are not doing that now? Mr. Saylor stated yes, the metering equipment we have now is not equipment to temperature correct. That is an expensive piece of equipment. Most deliveries are from 100 gallons to 1000 gallons -- you can't put in a temperature correction. There is no room.

In closing, Representative Asay stated we have certainly taken this bill apart much more than he thinks was necessary. He really believes that Mr. Simon is a little overly concerned about this. It does not

force anyone into anything. This option must be taken on a yearly basis. As far as the fear of farmers they meter the same off to them maybe you could lower that gallonage slightly. He has known for quite some time that gas shrinks with high temperature. He feels the bill is needed. The purpose is those who have to take the hot fuel have to have the same consideration as those who take the fuel off the pipeline.

The hearing was closed on House Bill 190.

CONSIDERATION OF HOUSE BILL 347: This bill is an act revising the Small Tract Financing Act of Montana by increasing the limit on trustees' and attorney's fees and deleting unnecessary recording language. Representative Gene Donaldson, sponsor of this bill, stated this bill deals with a Small Tract Financing Act. The part we are dealing with is the process of foreclosure. On page 3, line 4, they struck the words "filed for record" and inserted "recorded". On page 4, line 15, it shows that fees to be charged to the grantor currently can only be charged \$150 for attorney fees. We are only talking about the person who reclaims the property and takes it back. The original request was to raise from \$150 to \$250, but they felt it was not enough. If the foreclosure does not take place the person would be responsible for 3% of the value for attorney fees.

PROPOSERS TO HOUSE BILL 347: David Brown, First Bank of Helena, stated he supported this bill, as amended. The bill was originally drafted to address a recording problem and as an afterthought they put in \$250. In support of the 3% he has some letters he passed around to the committee. It frequently occurs that property goes to foreclosure. In 1970 the Small Tract Act was expanded to 15 acres. The fee that could go to the bank was not addressed. What they are saying this \$150 has not kept up with real estate values or the complexity of foreclosures and cost runs well in excess of \$150. A case in Great Falls, a VA loan in March 1980, cost \$650. What frequently happens is it goes into foreclosure, the pressure is put on the person and he reclaims the property. The next year the same thing occurs.

John Cadby, Montana Bankers Association, stated he supported the bill. They are in favor of elimination of all the ceilings. Normally the attorney is going to charge you \$50 per hour. If it is consummated they have a capacity of 5%. If it is not consummated they want 3%. Right now the current law does not allow them to recover that from someone who comes back to redeem their mortgage.

There were no further proponents and no opponents.

QUESTIONS FROM THE COMMITTEE:

Senator Gage asked what is the difference. If the foreclosure goes through it is 5% and if it does not it is 3%? Mr. Brown stated he is not sure. He thinks this is a fair compromise. It is a cost of doing business.

Senator Gage asked do you have more costs if the foreclosure goes through? Mr. Brown stated yes.

Senator Kolstad asked you say that isn't setting attorneys fees? Mr. Brown stated the attorney is subject to suit if they are charging exhorbitant fees.

Senator Lee asked when was this new language put in? Representative Donaldson stated through the Judiciary Committee.

Senator Fuller asked you passed out examples of costs -- are those typical? Mr. Brown stated yes. We think those are typical costs.

Senator Lee stated you mentioned in one of the questions earlier that you were able to absorb some of this cost in your financing? Now you say \$150 is not enough. You are collecting the 1% a month on a \$2 million loan.

Senator Kolstad stated we really do not know what size of a foreclosure you are talking about -- all you see are the fees. Mr. Brown stated he agreed with that. Bankruptcies, however, run the fees clear through the roof.

Senator Fuller asked what percentage of your loans end up in foreclosure? Mr. Brown stated very few. In Helena they had 3 out of 1,000; however that is not true in every town. Great Falls had had a lot of foreclosure actions. He suspects Anaconda and Butte will have some too.

Senator Goodover stated there is a major farm in Great Falls that is up for foreclosure. The amount due is a couple million dollars. Does that mean the 3% pertains to the \$3 million? Mr. Brown stated the Small Claims Act refers to only 15 acres or under.

Representative Donaldson, in closing, stated he thinks it is difficult to set a flat fee.

The hearing was closed on House Bill 347.

CONSIDERATION OF SENATE BILL 292: This bill is an act to revise the law providing for protest of the issuance or transfer of a liquor license. Senator Goodover, sponsor of the bill, stated this bill is presented before you in connection with an incident that involved a liquor license. This is a bill to give the Administrative Department in the Liquor Division some leeway in calling for a hearing. A couple that owned a bar were divorced ten years ago and had a property settlement. He got the bar and she got the car and house. Ten years later the owner of the bar, for health reasons decided he had to sell it. He offered it for sale and got an offer to buy it. The hearing was posted and the previous half owner of the bar sent in a protest on the hearing. When the hearing was held she did not appear. The hearing cost money. It was considered a frivolous protest. Had this same kind of protest been filed and nobody showed up they could have gone ahead with the sale. This delayed a transaction over a period of several months. If the Administrator finds that a protest is without merit he has an option not to call a hearing. But if he finds that a hearing is needed then they will go ahead and have one. He had no other proponents to the bill.

OPPONENTS TO SENATE BILL 292: Bob Durkee, Montana Tavern Owners Association, stated he is not opposed to the bill in the full sense of the word. The problem they have is the new language and feels it gives too much authority to the Liquor Division to make a judicial decision to have a hearing. He would suggest possibly on page 2, line 19, where the word "shall" is stricken reinsert "shall" and strike "may". That way it would necessitate a written protest. Sometimes they are called to orally protest a license. They refuse and tell them they need it in writing and they will deliver it to the Liquor Division.

QUESTIONS FROM THE COMMITTEE:

Senator Regan asked how often does this kind of thing happen? Is it a common thing or is it very seldom that this happens? Mr. Hefflefinger stated it does happen occasionally. Mr. Durkee wanted to say that he fully agrees with the premise of the bill. He does have some problems with it. It gives too much authority to nonelected people. In the case that was brought out by the proponent you could say this was a frivolous appeal. Also, the appellate would have the right to appeal the Administration's decision. The appellate would be able to go to the Tax Appeal Board to find out the outcome of the appeal.

Senator Regan asked would you care to comment on Mr. Durkee's suggestion of changing "may" to "shall" and "on receipt of written protest". Mr. Hefflefinger stated they do have to hold a hearing now if a written protest is received.

Senator Goodover stated in subsection (3) if an Administrator receives no written protest the Department may issue or transfer the license without holding a public hearing. If he decides it is a protest without merit, then he can decide.

Senator Gage asked if we change it back to "shall" does subsection (4) become meaningless? Senator Goodover stated then you do not need the bill.

The hearing was closed on Senate Bill 292.

CONSIDERATION OF SENATE BILL 229: This bill is an act to generally revise and clarify the laws relating to county licensure of businesses and amusements; providing that all businesses, except the production of crop and livestock, may be licensed by a county; providing for licensure of transient amusements; and providing for maximum fees and decentralized administration of county licensure. Senator Mike Halligan, sponsor of this bill, gave a handout entitled "General County Licensing Authority" so the committee could see where the licensing authority currently exists. (Exhibit No. 1) The purpose of the legislation is to clean up the county provisions by repealing most of those existing laws and giving the counties some kind of power. Section 2 is the main part of the bill. The problematic language is on lines 6 and 7. Currently real estate salesmen are licensed by the state. There is no intent to license those people. That language should be stricken from the bill at the present time. In Section 4 he has no intent to license things inside the city limits that are

already being licensed. There is a problem in Section 6, it is not clear whether they will still have to get a license. That has to be cleared up. You may just want to say "nonprofit organizations" so they do not have to get a license. Section 10, he thinks should be repealed.

OPPONENTS TO SENATE BILL 229: Janelle Fallan, Montana Chamber of Commerce stated this is perhaps the most anti-business legislation this session. It would impose the worst burden on the smallest businesses in exchange for nothing. As it does not define "business" it sets up a wide-open situation for county commissioners to impose the fee on practically anything that moves. Further, there is no vote, no public hearing, no opportunity for the taxed to be heard.

Roger Tippy, representing Montana Dental Association and Montana Beer and Wine Wholesalers Association stated he opposed this bill. He proposed an amendment which is with the testimony. His testimony is attached to the minutes. (Exhibit No. 2)

Dennis Rehberg, Montana Association of Realtors stated he had the same concerns as Mr. Tippy. This amendment would exempt real estate salesmen. They are not in support of this amendment.

Phil Strobe, Montana Tavern Association, stated there is a section in the state law that already imposes a tax on those businesses engaged in the liquor business. He suggested the following amendment. On page 2, line 10, after "livestock" insert "and businesses licensed under Section 16-4-503" and amend the title accordingly.

In closing, Senator Halligan stated he thinks the need for the bill is there when you look at existing law. The bill is essentially to repeal all of that and give them the authority they already have.

QUESTIONS FROM THE COMMITTEE:

Senator Regan asked would he like to bring in some amendments? Senator Goodover stated there is a need for the bill but he does not think this is the one. There are people who come in with truckloads of various items and they set up their items in parking lots and compete with business. They do not have the overhead.

Senator Boylan asked couldn't the sponsor start out with a repealer of a lot of that and then leave it alone? Senator Halligan stated he would have to talk with the Montana Association of Counties and see what kind of fiscal impact it would have.

The hearing was closed on Senate Bill 229.

CONSIDERATION OF SENATE BILL 261: This bill is an act requiring consumer contracts to be written in clear and coherent language, giving the Department of Commerce review and enforcement authority. Senator Mike Halligan, stated he is also the sponsor of this bill. He stated New York, Maine, Connecticut and Hawaii all have plain language in contract acts. It is vitally important that the consumer

understand what he reads before signing. All this bill would do is add some clear language that the language in consumer contracts would have to be clear and concise. We passed one for insurance in the 1981 session and certainly we can pass one for the consumers. It excludes the contract that is more than \$50,000. They are dealing with appliances and TV sets.

PROPOSERS TO SENATE BILL 261: Betty Lou Hoffman stated we wish to support plain language contracts for general consumers. Her testimony is attached to the minutes. (Exhibit No. 3)

OPPOSERS TO SENATE BILL 261: Bob Murdo, Montana Credit Union League, stated they support the concept of the plain language bill, but cannot support the bill in its current state. Primarily, the problem is the relatively short effective date of October 1, 1983. If that is included the Department of Commerce would have a tremendous burden to certify all consumer contracts in the state. If this is left out then they oppose it because it will be open ended. If a financial institution did the best they could there is no defense to an action brought under this particular section. If a consumer were able to prove they didn't understand the language they do not care how good you tried it was not clear then perhaps the financial institution would run the risk of actual damages. They are not opposed to the language. It is the open liability and the October 1 deadline to certify all consumer contracts in the state.

John Cadby, Montana Bankers Association stated the reason there are only 3-4 states that have passed this law is because most states have reviewed it and rejected it. Federal law has already addressed this problem. He handed out Disclosure Statements which all regulated lenders are required to use when they make a consumer loan. (Exhibit No. 4) As a result of that simplification act they received the disclosure, there is no need for a state law. They call this the lawyer's relief bill because they can see there is no defense. What about the cost to the consumer? This is not a consumer bill. The cost is going to be tremendous. It will cost the State of Montana to screen and review every consumer contract. The fiscal note states expenditures around \$25,000 he thinks that is not enough. They ran the bill through the "flesh test" and it failed. His point is trying to define what is clear and coherent leads to a lot of litigation and court cases. He recommended the bill Do Not Pass.

David Brown stated in the disclosure statement, the black box is called a federal box. It is required that all banks fill out that box. It is very plain. He thinks what this bill does is something that is already being done. His exception is it excludes things like Contracts for Deeds.

Bob Wood, Department of Commerce, stated the department contains a consumer affairs unit. It is their understanding the bill would cover an immense number of contracts. Some would be hospital care, warranties, a very broad aspect. They are concerned about the impact and it may create a need to add additional staff. They are concerned about the legal liability of the department. He does support this

concept.

In closing, Senator Halligan stated he thinks the effective date is a poor issue. If this bill is anything it should be an incentive and perhaps put a two-year effective date. He certainly would have no problem with that and with the \$50 fee it should cover about 80% of the costs of the department. The good faith defense is still in the bill in Section 6. The truth-in-lending aspect only deals with banks. The consumer has to spend a lot of time trying to figure out the forms and with the prior language he felt it would take care of a lot of litigation. If it doesn't pass this time he will upgrade the bill and put it in again next time. The "flesh test" is applied to insurance contracts. He sees no problem in having the same for the consumer contracts.

The hearing was closed on Senate Bill 261.

ACTION ON HOUSE BILL 347: Senator Goodover made the motion that House Bill 347 Be Concurred In.

Senator Regan made the substitute motion that House Bill 347 Be Not Concurred In. She stated 3% will become an extraordinary amount of money. They could put it in at \$250. They don't need that kind of relief or windfall as she sees it.

Senator Boylan seconded the motion.

Senator Goodover asked would there be anyone interested in amending it to \$250. Senator Regan stated she had no objection to going to \$250. It shows some good faith on our part that we addressed it. 3% is an impossible figure to accept.

Senator Regan withdrew her motion.

Senator Goodover made the motion that we amend the bill to include \$250 and delete the 3%. Senator Gage seconded the motion.

The Committee voted unanimously by voice vote that the proposed amendment to HOUSE BILL 347 BE ADOPTED.

Senator Goodover made the motion that House Bill 347 As Amended Be Concurred In. Senator Christiaens seconded the motion.

The Committee voted unanimously, by voice vote, that HOUSE BILL 347 AS AMENDED BE CONCURRED IN.

ACTION ON HOUSE BILL 190: Senator Goodover asked Staff Attorney Petesch to make an amendment to reinstate subsection 3. Senator Gage seconded the motion.

The Committee voted unanimously, by voice vote, that the proposed amendment to HOUSE BILL 190 BE ADOPTED.

ACTION ON SENATE BILL 292: Senator Goodover made the motion that

Senate Bill 292 Do Pass. Senator Boylan seconded the motion.

Senator Regan stated she understands what Senator Goodover is attempting to address but she remembers the testimony of the department and we would be giving them authority they really do not want. On that basis she cannot support the bill.

Senator Boylan stated the department goes through the hearings and delays. It took two years in Bozeman to finally get the last liquor license.

Senator Goodover stated it is not going to be a burden for the department to have to address it once in every 5-10 years.

The Committee voted 7-2, with Senators Regan and Christiaens voting no that SENATE BILL 292 DO PASS.

ACTION ON SENATE BILL 84: Senator Goodover stated he would defer to Senator Regan to present what has come out of the subcommittee.

Senator Regan stated the subcommittee has met a couple of times to try to iron out an agreement. They are putting this problem under the jurisdiction of the Public Service Commission. They will hold a hearing within 180 days and determine the average cost per line or pole on a time and material basis. They will set a rate which will be effective for two years. The rates and charges for the co-ops, cable TV. etc., will be set by them and will not go over the charge set by the Public Service Commission. That is the major part of the amendment (Exhibit No. 5) and for another little amendment (4) the costs and expenses determined pursuant to subsection (2) and (3) shall be apportioned on an equal basis between the owner of the structure and the owner of the poles and wires.

Vice Chairman Lee stated this amendment was not run by me so it was not run by the subcommittee.

Senator Regan stated she thought he had seen this. We discussed putting it under the Public Service Commission and I thought that was the consensus. It is clear that it is on a cost sharing basis. She wanted to submit this for proper consideration. The second amendment is just a clarification of language. The Public Service Commission will set the rate, the movers will pay 50% and utilities pay 50%. Whatever lines are moved shall be split between the utilities and the owner of the structure being considered. She thought it was the mover but as Staff Attorney Petesch looked at the bill it is the owner of the house.

Senator Gage stated lets assume that cable TV, the telephone company, and co-op all have to move lines. Is that 50% apportioned between the three utilities? Senator Regan stated yes, but on an individual basis on each line.

Senator Regan asked if she could make a motion. Vice Chairman Lee stated a motion was not in order.

Vice Chairman Lee asked Bill Opitz, Public Service Commission, his feeling on being given this. Bill Opitz, Public Service Commission, stated the Commission has stated that if it the Legislature's desire that they do this they well. They are probably the most qualified. Their understanding was the subcommittee amendment if mandated by the Legislature would be a 50-50 split. It has always been the Public Service Commissioners rule that the one that is causing the cost, pay the full amount of the cost. This would be a compromise.

Vice Chairman Lee stated the current status of the bill at this time was as amended by his proposed amendments.

Senator Goodover stated all amendments were stripped from the bill when we passed consideration.

Senator Regan asked that they go into subcommittee, take up these amendments and bring them back to the committee.

Chairman Goodover called the subcommittee to order.

Senator Regan made the motion that the proposed amendments Be Adopted.

Senator Lee stated they will substantially change the intent of the bill. Instead of adopting these amendments it would be appropriate to require a fiscal note. He asked Senator Regan to withdraw her motion.

Senator Regan stated she did have some of the same concerns and raised them with Bill Opitz. The utilities would send in the data prior to the hearing. The Public Service Commission has people over there to look into them so that when the hearing is held it would be a one-day thing. From a cost standpoint, it is the most reasonable thing to do. Let them appeal to an impartial regulation. A fiscal note is not needed.

Senator Lee stated there will be no fiscal impact on this proposed legislation you have here.

Senator Regan stated there will be some but not significant enough to get a fiscal note.

Senator Lee made the substitute motion that we accept the language that was before us the other day to set the limit at 26' and report back to the committee of the whole.

On Roll Call vote Senator Regan voted no, Senator Lee voted yes and Chairman Goodover voted no.

Since the substitute motion failed it reverted back to the previous motion before the subcommittee which was Senator Regan's motion to adopt her amendments.

On Roll Call vote, Senator Regan voted yes, Senator Lee voted no and

Chairman Goodover voted yes. Senator Regan reported back to the entire committee.

Senator Severson made the motion to have a special meeting and do it until we get it done. We should set up a meeting to finalize this bill. If it needs to be at night, we will meet then. Senator Gage seconded the motion.

Senator Regan made a substitute motion to accept her amendments. Senator Dover seconded the motion.

Steve Browning gave the committee a handout in regard to Senate Bill 84--Senator Regan's Compromise (Exhibit No. 6). He stated he appreciated the compromise but had three points to make on it.

(1) The movers are quite anxious about the Public Service Commission because of the problems to appear. In the event you decide to place this with the Public Service Commission, their proposal is that the Office of Consumer Counsel be required by law to represent the public who would be involved in having to have the wires moved. We would prefer not to go in front of the Public Service Commission. (2) They would like some standards to control costs and (3) there is a great deal of appeal to the idea of a 50-50 split. They propose that you could set a height limit beyond which the movers would have to pay 75% and lower the utilities would pay 75% of the costs.

Senator Regan stated section 2, if you do not feel you need the 50-50 split she will withdraw the motion that amended and allow the Public Service Commission to assess the values. She thinks it is an issue which the Public Service Commission should address so that we won't keep seeing this year after year after year.

Senator Regan stated she had a motion before the committee to adopt amendments to Senate Bill 84. Senator Goodover seconded the motion.

Senator Gage asked would this preclude a further amendment?
Senator Regan stated no.

Senator Lee stated there has been some talk about sharing the cost 50-50. 50% utilities and 50% house owner.

Senator Regan stated that is not before us just the amendments.

Senator Fuller asked could you be amenable to the point of having a consumer counsel committee? Senator Regan stated she talked about that to the Public Service Commission. She has no objections to it. That can be explored further.

Vice Chairman Lee stated the Public Service Commission derives its authority from the Legislature.

Senator Fuller stated if we adopt these amendments we give it to the Public Service Commission and the counsel in turn would give it to people who could take care of it.

Senator Goodover stated you would have to determine that in committee.

Senator Boylan stated maybe Mr. Opitz could give light on the issue. Mr. Opitz stated the only qualm he had would they be able to represent the housemovers when it is impacting REA's, co-ops, etc. This legislation would give us jurisdiction.

Mr. Huss stated the law currently permits citizens to apply to the Consumer Counsel. It is already existing law.

Vice Chairman Lee asked when there is a question on it a little bit of guidance from the Legislature is fine.

The Committee voted by Roll Call vote 9-1 with Vice Chairman Lee voting no that Senator Regan's amendments to SENATE BILL 84 BE ADOPTED.

Senator Regan asked that the minutes reflect the committee's concern in assessing charges for these lines. The Public Service Commission will take into consideration the height of the line being considered specifically if those lines seem unreasonably low. The cost shall be shared on something other than 50-50 to encourage utilities to raise their lines and she offers this as an explanation why she is not offering the amendment.

Senator Regan made a motion that we as a Committee write a letter to the Public Service Commission asking the height of the line be taken into consideration as one of the factors.

Senator Dover stated it should be qualified by the minimum standards. They have minimum standards to go by.

Senator Regan stated she thinks the utilities will use that as their argument. She feels the Public Service Commission be given the opportunity to decide what are minimum and fair costs. Senator Boylan seconded the motion.

Senator Regan requested that Staff Attorney Petesch write the letter to the Public Service Commission.

The Committee voted unanimously, by voice vote, that the letter be written.

Senator Lee asked the status of Senate Bill 84 with the intent as to prefabricated movers? Senator Regan stated this bill does not address it.

Vice Chairman Lee asked if he built some tanks and is moving them across Lolo Pass who would pay? Senator Regan stated that would be determined by the Public Service Commission. They would determine what the costs are and what share you would have to pay.

Senator Boylan stated he wanted to introduce Senator Regan's 4th amendment as an amendment.

Staff Attorney Petesch stated as they exist now he does not think the bill fits within the title.

Vice Chairman Lee stated it was the ruling of the Chair that he review the minutes of the previous meeting and the committee will be on call.

Senator Regan appealed to the committee to reject the Vice Chairman's instructions and request that the title be amended to insert the word "certain necessary and reasonable." Staff Attorney Petesch stated he does not think that would do it because there is nothing in the amendment regarding who will pay the rates.

Senator Regan made the motion that the word "certain" be placed in the title of the bill. Senator Goodover seconded the motion.

Senator Regan amended the motion to say "certain, necessary and reasonable expenses" as determined by the Public Service Commission. Senator Goodover seconded the motion.

The Committee voted unanimously, by voice vote, that the amendments to SENATE BILL 84 BE ADOPTED.

Senator Regan made the motion to amend the amendment we adopted to reflect the necessary language that will now be in the title. Senator Goodover seconded the motion.

Senator Regan made the motion to adopt the amendments proposed by Staff Attorney Petesch. Senator Goodover seconded the motion.

Senator Goodover made the motion that maybe we should have a severability clause. Senator Boylan seconded the motion.

The Committee voted unanimously, by voice vote, that we accept the the motion.

Senator Christiaens stated he still has a problem with the prefab structures.

Senator Regan stated in the letter of concern that we are addressing to the Public Service Commission it should include all structures should be treated alike or whether certain consideration should be given to those structures that are built separately.

Vice Chairman Lee stated you want the Public Service Commission with the housemovers and manufactured items. Senator Regan stated no. She is saying in her letter to the Public Service Commission we express our concern that they may find that there should be a difference in charges when looking at the two classes because one is built with the intention of being moved. Our letter should express that concern and leave it to them to decide.

Senator Lee asked what way is this letter going to be taken when we send it to them? We are here as a Legislature to enact laws and give guidance. Senator Regan stated she can remember when they sent

a letter and Statement of Intent for a properly constituted rate filing and they listened then. We control the purse strings. These letters are not filed in the round file.

Vice Chairman Lee gave the gavel to Senator Severson.

Senator Lee stated we also last session passed a Resolution to the Department of Revenue. It passed both houses of the Legislature and Senator Regan recalls how that was handled. Although they are nice they have no substance whatsoever.

Senator Regan stated the signature sometimes helps if they see who it is from.

Senator Christiaens stated he hopes that letter addresses that issue specifically.

Senator Lee stated that is exactly what you will be doing is hoping.

Senator Gage made the motion that this bill be amended to read that those structures which are prefabricated with the intention of moving then pay 100%. Senator Fuller seconded the motion.

The Committee voted 7-3 with Senators Regan, Goodover and Kolstad voting no that the proposed amendment to SENATE BILL 84 BE ADOPTED.

Senator Gage made the motion that Senate Bill 84 As Amended Do Pass. Senator Christiaens seconded the motion.

Senator Lee made a substitute motion that Senate Bill 84 Be Tabled. He stated he is appalled at the way we have been putting amendments on this bill. Almost an hour ago Senator Goodover stated the amendments had been stripped from the bill. As far as I am concerned we have stuck amendment after amendment on this. There was question of whether Senator Regan's amendments were with the bill. We are now throwing a little "alligator" at the Public Service Commission and asking them to handle this problem in a big way. Steve Browning is asking that an attorney be on retainer here in Helena to fight the utility companies everytime a rate comes in.

Vice Chairman Lee repeated his substitute motion that Senate Bill 84 Be Tabled. Senator Goodover seconded the motion.

The Committee voted 7-3 with Senators Christiaens, Dover and Fuller voting no, that SENATE BILL 84 BE TABLED.

ADJOURN: There being no further business, the meeting adjourned at 12:55 p.m.


ALLEN C. KOLSTAD, CHAIRMAN

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

48th LEGISLATIVE SESSION -- 1983

DATE 2-4-83

[illegible]

STANDING COMMITTEE REPORT

February ⁴~~15~~

19 83

MR. **President**

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

having had under consideration **SENATE** Bill No. **292**

Respectfully report as follows: That **SENATE** Bill No. **292**

DO PASS

412

February 4

683

MR. PRESIDENT

We your committee on

BUSINESS AND INDUSTRY

having had under consideration

HOUSE

Bill No.

347

(DONALDSON) GOODOVER

Respectfully report as follows: That.....
be amended as follows:

HOUSE

Bill No. 347

1. Page 4, line 15.

Following: "\$250"

Strike: Remainder of line 15 through "DEFAULT" on line 17.

Insert: "\$250"

AND AS AMENDED BE CONCURRED IN

XXXXXX
DO PASS

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2-4-83 Senate Bill No. 84 Time _____

NAME	YES	NO
PAUL F. BOYLAN	✓	
B. F. CHRIS CHRISTIAENS	✓	
HAROLD L. DOVER	✓	
DAVID FULLER	✓	
DELWYN GAGE	✓	
PAT M. GOODOVER	✓	
GARY P. LEE, VICE CHAIRMAN		✓
PAT REGAN	✓	
PAT M. SEVERSON	✓	
ALLEN C. KOLSTAD, CHAIRMAN	✓	

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: To accept known agenda amendments

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

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2-4-83 Senate Bill No. 84 Time _____

NAME	YES	NO
PAUL F. BOYLAN		✓
B. F. CHRIS CHRISTIAENS		✓
HAROLD L. DOVER		✓
DAVID FULLER		✓
DELWYN GAGE	✓	
PAT M. GOODOVER		✓
GARY P. LEE, VICE CHAIRMAN	✓	
PAT REGAN		✓
PAT M. SEVERSON	✓	
ALLEN C. KOLSTAD, CHAIRMAN		

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: Simon Severson Motion to have
a meeting and dispense with the roll

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

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 2-4-84 Senate Bill No. 84 Time _____

NAME	YES	NO
PAUL F. BOYLAN	✓	
B. F. CHRIS CHRISTIAENS		✓
HAROLD L. DOVER		✓
DAVID FULLER		✓
DELWYN GAGE	✓	
PAT M. GOODOVER	✓	
GARY P. LEE, VICE CHAIRMAN	✓	
PAT REGAN	✓	
PAT M. SEVERSON	✓	
ALLEN C. KOLSTAD, CHAIRMAN	✓	

Mimi Fancher
Secretary

ALLEN C. KOLSTAD
Chairman

Motion: Take the Bill

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

Part 21

General County Licensing Authority

7-21-2101. General licensing power of counties. The board of county commissioners has jurisdiction and power, under such limitations and restrictions as are prescribed by law, to grant such licenses as are provided by law.

History: En. Subd. 17, Sec. 1, Ch. 100, L. 1931; re-en. Sec. 4465.16, R.C.M. 1935; R.C.M. 1947, 16-1019(part).

7-21-2102. Procedure to supply license blanks. (1) The county clerk shall prepare and have printed such blank licenses as may be required, and after affixing his official seal thereto, he shall deliver the same to the county treasurer. At the time of such delivery, he shall charge the county treasurer therewith by appropriate entry in his records showing the amount, numbers, and classes of licenses so furnished.

(2) As licenses are issued and accounted for by the county treasurer, the county clerk shall credit such account with all licenses so issued and accounted for, so that the account will at all times show the number of licenses furnished the treasurer, their numbers, the number issued or canceled, and the number remaining in the hands of the county treasurer.

(3) On the first Monday in each month, the county treasurer must return to the county clerk all licenses unsold and show that he has paid into the county treasury all money collected for licenses sold during the preceding month.

Miscellaneous Licenses

7-21-2201. Licensing of ferries.

7-21-2202. License required to do business as itinerant vendor of drugs — fee.

7-21-2203. Billiard, pool, or bagatelle table license.

7-21-2204. Bowling alley license.

7-21-2205. Theater licenses.

7-21-2206. Traveling show licenses.

7-21-2208. Pawnbroker license.

7-21-2209. Intelligence office license.

7-21-2210. Shooting gallery license.

7-21-2211. Railway warehouse license.

7-21-2212. Soft drink manufacturing license.

7-21-2213. Malt manufacturer's license.

7-21-2214. Skating rink and merry-go-round license.

Part 23

Licensing of Itinerant Vendors

7-21-2301. Definitions. (1) A "consumer" is one who uses and by using destroys the value of the article purchased.

(2) Within the meaning of this part, an "itinerant vendor" is any person engaged or employed in the business of retailing to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and there soliciting, selling, or offering to sell or exhibiting for sale (by sample, by catalogue, or otherwise) or taking orders for future delivery of any goods, wares, or merchandise or for services to be performed in the future.

Part 24

Licensing of Transient Retail Merchants

7-21-2401. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Temporary premises" means any hotel, roominghouse, storeroom, building or part of any building, tent, vacant lot, freight station, railroad car, automobile, truck, trailer or trailer house, or public or quasi-public place, temporarily occupied for such business as described in subsection (2).

(2) "Transient retail merchant" means every person, firm, or corporation acting for himself or itself or representing any other person, firm, or corporation who or which brings into temporary premises a stock of goods, wares, articles of merchandise, notions, or other articles of trade and who or which solicits, sells, offers to sell, or exhibits for sale such stock of goods, wares, articles of merchandise, notions, or other articles of trade at retail.

Part 25

Licensing of Hucksters

7-21-2501. Definition of term huckster. Within the meaning of this part, any person engaged or employed in the business of buying and selling farm products who disposes of such products by selling them at retail to consumers by going from house to house is a huckster.

Part 26

Licensing of Public Dances and Dancehalls

7-21-2601. Definitions. (1) The term "dancehall" shall be construed to mean any room, hall, pavilion, building, or other structure kept for the purpose of conducting therein public dances or dancing.

(2) As used in this part, the term "public dance" shall be construed to mean any dance to which the public generally may gain admission, with or without the payment of an admission fee and whether said admission fee is paid in the form of club dues, membership fees, or in any other manner.

February 4, 1983
EXHIBIT NO. 2

NAME: Roger Tippy DATE: February 4, 1983

ADDRESS: P. O. Box 514, Helena, MT

PHONE: 442-8070

REPRESENTING WHOM? Mt. Dental Assn.; Mt. Beer & Wine Wholesalers Assn.

APPEARING ON WHICH PROPOSAL: SB229

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? X (without amendment)

COMMENTS: SB229 raises the issue of whether it repeals by implication prohibitions against local government licensing of state-licensed professions or businesses, found in sections like 37-4-307(4) ("No license fee or tax may be imposed on dentists by a municipality or any other subdivision of the state") or 16-4-108(3) ("No license fee may be imposed upon table wine distributors by a municipality or any other political subdivision of the state"). While the courts do not favor implied repealers, the legislature can assure that the question never gets to court by amending the bill to exempt all state-licensed professions, occupations, or businesses from a county's licensing power. The amendment would look like this:

Amend title, p. 1, line 6

Following: "BUSINESSES"

Insert: "NOT LICENSED BY A STATE AGENCY"

Amend section 2, p. 2, line 10

Following: "livestock"

Insert: "or trade, business, profession or occupation
licensed by an agency of the state government"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SUBMITTED BY: BETTY BOU HOFFMAN
February 4, 1983
EXHIBIT NO. 3

^{ANA}
~~MONTANA~~ HOME ECONOMICS ASSOCIATION

The Montana Home Economics Association, a nonprofit service and professional organization, wishes to support SB 261 requiring the use of plain language contracts.

Most consumers are not skilled in understanding complex legal phrases. This lack of understanding results in the consumer signing contracts without a thorough knowledge of the contents. Plain language contracts enable the consumer to understand his or her rights and obligations and allows a more equal balance of power in contract negotiations.

The Montana Home Economics Association support public policy which enables the consumer to defend his or her own interest. SB 261 would do this.

DISCLOSURE STATEMENT
Variable Rate

Account Number	Loan Number	Disbursement Date	Due Date	Principal Amount	Call Code	Collateral Code	Officer Number

Borrower: _____ Bank: _____

ANNUAL PERCENTAGE RATE The cost of my credit as a yearly rate.	FINANCE CHARGE The dollar amount the credit will cost me.	Amount Financed The amount of credit provided to me or on my behalf.	Total of Payments The amount I will have paid after I have made all payments as scheduled.
%	\$	\$	\$

My payment schedule will be:

Number of Payments	Amount of Payments	When Payments Are Due

Variable Rate Feature: (Check as applicable:)

- The annual percentage rate may increase during the term of this transaction if:
☐ the prime interest rate of the Bank increases.
☐ the rate changes on _____
☐ the balance in my deposit account falls below \$ _____
☐ I terminate my employment with _____
- The interest rate will not increase above _____ %.
- The maximum interest rate increase at one time will be _____ %.
- The rate will not increase more than once every _____.
- Any increase will take the form of: ☐ higher payment amounts.
☐ more payments of the same amount. ☐ a larger amount due at maturity.
- ☐ This obligation ☐ has a demand feature ☐ is payable on demand
☐ all disclosures are based on an assumed maturity of one year.
- ☐ The annual percentage rate does not take into account my required deposit.
- ☐ I may obtain property insurance from anyone I want that is acceptable to the Bank.
If I get the insurance from the Bank, I will pay \$ _____.

Security: I am giving a security interest in:

- ☐ the goods or property being purchased. ☐ Collateral securing other loans with the Bank may also secure this loan.
☐ my deposit account(s) at the Bank.
☐ (brief description of other property): _____

Filing Fees: \$ _____

Late Charge: If a payment is late, I will be charged _____ % of the payment, or \$ _____, whichever is ☐ greater or ☐ less.

Prepayment: If I pay off early, I
☐ may ☐ will not have to pay a penalty.
☐ may ☐ will not be entitled to a refund of part of the finance charge.

I will look at my contract documents for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties. — e means an estimate

I have read this Disclosure, and I was given a completely filled out copy of it.

Date _____ X Name _____ Date _____ X Name _____

Amount Financed Itemization:

Itemization of the Amount Financed of \$ _____

- \$ _____ Amount given to me directly
- \$ _____ Amount paid on my account
- Amount paid to others on my behalf:
\$ _____ to public officials
\$ _____ to insurance company
\$ _____ to _____
\$ _____ to _____
\$ _____ to _____
\$ _____ to _____

\$ _____ Prepaid Finance Charge (if any)

Example of Variable Rate based on the specific transaction:

If the interest rate increased by _____ % in _____,
☐ My regular payments will increase to \$ _____.
☐ I will have to make _____ additional payments.
☐ My final payment will increase to \$ _____.

Example of Variable Rate based on typical transaction:

If my loan were for \$ _____ at _____ %
for _____ and the rate increased
to _____ % in _____,
☐ My regular payments would increase by \$ _____.
☐ I would have to make _____ additional payments.
☐ My final payment would increase by \$ _____.

Correct Amendments to Senate Bill 84 3/4/83

1. Page 2, Line 24

Following: "Structure"

Strike: remainder of Lines 24 and 25 in their entirety.

2. Page 3

Strike: Lines 1 through 3.

Insert: "."

3. Page 3

Following: Line 3

Insert: (2) The necessary and reasonable expense of raising or cutting the wires or of removing the poles for utilities subject to the jurisdiction of the Public Service Commission shall be fixed and determined by the Public Service Commission on the average cost per line or pole for time and materials expended. These costs and expenses shall be determined at a hearing to be held within 180 days of (the effective date of this act) and shall be reviewed biennially.

(3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities, and other persons who occupy and use utility or cooperative poles, shall not exceed the charges established by the Public Service Commission for utilities subject to its jurisdiction.

Renumber: all subsequent sections.

February 4, 1983
EXHIBIT NO. 6

BROWNING, KALECZYC & ASSOCIATES, INC.

Securities Building
Box 162
Helena, Montana 59624
406/449-6220
February 4, 1983

To: Members of the Senate Business and Industry Committee

From: Steve Browning

Subject: S.B. 84--Senator Regan's Compromise

Yesterday morning, Senator Regan offered a compromise to the sub-committee on S.B. 84. On behalf of the Montana Homemovers Association, I wanted to offer a few thoughts about the compromise.

I suspect that Senator Regan or Senator Goodover will describe the compromise more fully to the Committee today upon completion of the five bills scheduled for hearing. However, at the risk of misstating it, I understand the compromise to be as follows. First, Senator Regan proposes that the cost of moving wires (irrespective of height) be shared equally by the utilities and those who cause the wires to be moved. Second, as a means of keeping the cost of moving wires within reasonable bounds, Senator Regan proposes that the Public Service Commission regulate wire moving charges.

As you know, the Montana Homemovers Association had earlier proposed a compromise of its own. Namely, we proposed that, for non-prefabricated structures, the utilities pay 100% of the cost of moving all wires under 26 feet, and that the people who cause to be moved wires over 26 feet pay 100% of the cost of moving those wires. Secondly, the Homemovers proposed that the owners of prefabricated structures would pay 100% of the costs of any wires required to be moved.

It is our estimate that the Montana Homemovers' proposal, if it had been law during the last biennium, would have saved the utilities over half the costs they incurred in moving wires. It is difficult for us to state with great specificity exactly the extent of cost savings, because the cost of moving wires are not regularly published.

It is not clear whether the Committee will have an opportunity to vote again on the complete compromise offered by the Homemovers Association. It seems most likely that Senator Regan's proposed compromise will be the one the Committee considers. Thus, I would like to point out a few areas where the compromise offered by Senator Regan could be altered to more fairly treat the Homemovers.

1. PSC Regulation--The Montana Homemovers do not support the proposal to have the Montana Public Service Commission set the cost of moving wires. It is not from lack of trust of the Commission; rather, it is the expense that the Homemovers will have to bear in monitoring and participating in the process of setting those rates. The principal reason the Montana Homemovers have

have been prepared to compromise the 1929 law is that there are substantial expenses involved each biennium in appearing before the Legislature to fight the utilities' proposals to repeal the 1929 law. However, if the result of this willingness to compromise is to shift the costs from lobbying before the Legislature to representation before the PSC, it is not clear that the Homemovers will have gained anything for their willingness to give up the benefits bestowed upon them by the 1929 law.

On the other hand, there is no question that Senator Regan's intent is to keep the price of moving wires at reasonable costs is laudable. Our only concern is that it may cost the Homemovers as much to keep those costs within reason than it would to pay high costs unregulated by the Public Service Commission.

My proposal is that the Office of Consumer Counsel be required by law to represent the public in insuring that the rate requests for wire moving offered by the utilities be kept within reason. While it is true that the homemoving industry is a regulated utility, it should be pointed out that there are many members of the public (e.g., farmers, agricultural implement dealers, agricultural implement manufacturers, prefabricated structure manufacturers, etc.) who will be subjected to the PSC's determination of the cost of moving wires. Thus, it makes sense for the Consumer Counsel to represent these people before the Commission. If the Committee follows this suggestion, the cost to the Homemovers appearing before the PSC will be defrayed substantially.

2. Standards should be set in the law to control the prices charged for moving wires--If the Committee decides to accept Senator Regan's compromise, we would urge that some language be drafted to provide standards for determining what prices can be charged for moving wires. These standards should be incorporated into the law no matter whether the PSC is required to review those prices or the prices are to be negotiated by the utilities and the people seeking to have wires moved.

Considerable testimony was offered at the hearing on S.B. 84 to the effect that some unnecessary costs could be passed along by the utilities as a part of setting the price for wire moving. The Homemovers would suggest that, at a minimum, the Committee incorporate the following standards:

- (a) The utilities would not be permitted to charge overtime for wire moving within a regular 8 hour work day;
- (b) The utilities would not be permitted to charge for drive time both to and from the job--rather, the cost of travel time should be split equally;
- (c) The utilities should not be permitted to charge for more than one reasonably sized crew to move wires on a particular job;

- (d) The utilities would only be permitted to charge for time and materials in moving wires.

The 50-50 split is a disincentive to keeping wires high--Senator Regan's proposal to share the cost equally makes sense in terms of equity. However, it is the Montana Homemovers Association's contention that there are other factors, in addition to equity, that should be observed. Principal among these factors is the height of wires. Homemovers tell me that Montana has fewer wires and higher wires than in most other states. Assuming for the sake of argument that the Homemovers' contention is correct, I would assert that the reason for this is that the 1929 law has provided an incentive to the utilities to keep their wires at relatively high levels. However, if the Legislature changes the law in such a way that half the incentive is removed, it seems likely that wire heights may gradually begin to drop throughout the State.

The Homemovers propose that a different approach be taken from the 50-50 split. Specifically, we propose that 75% of the cost of moving wires higher than 28 feet be borne by those who cause the wires to be moved. On the other hand, 75% of the costs of moving wires less than 28 feet would be borne by the utilities. This proposal, while admittedly not as simple sounding as Senator Regan's, does provide equity while at the same time maintaining an incentive for keeping wires high.

We appreciate your consideration of these requests, and I am available to answer any questions any of you may have about our proposed revisions to Senator Regan's compromise.

DATE:

COMMITTEE ON

BUSINESS & INDUSTRY

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Maure Durkee	Mont Tavern Assoc.			
Ted Goss	Bellows Chamber / Commerce			
Melody Brown	MNA	229		
Harry Simons	Simons Petroleum	190		✓
Patty Ann Hoffman	Mont. H. & E. Assoc.	261	✓	
Cindy Stordahl	Mont. Home Economic Assoc.	261	✓	
C. Gregory Voss	Interested Citizen	261	✓	
Dennis Rehberg	MT Assoc. of Realtors	229		✓
David Brown	First Bank Helena; MBA	#347	✓	
John Calby	MT Bankers Assoc.	261		✓
	" " "	#347	✓	
Roland Pratt	MT Optometric Assoc. MT General Directors Assoc.	229		✓
Frank Livi	MT ST. PHARMACEUTICAL ASSN	229		✓
R Wood	Commerce Dept	261		✓
David Brown	First Bank Helena; MBA	261		✓

(Please leave prepared statement with Secretary)

NAME John Augustine BILL NO. H-190
ADDRESS 1801 W 29 Juke Road Cb DATE 2/4/83
WHOM DO YOU REPRESENT CONOCO INC.
SUPPORT ☒ OPPOSE ☐ AMENDED ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

COMMENTS:

There is NO problem with exchanges between Refiners or Transporters of Gasoline or Distillates therefore the Section (3) that exempts them should be left in, so in the future someone would not interpret the Act to include them. (Ref & Trans)

CONOCO has no objection to a distributor, who, when purchasing Gasoline or Distillates in amounts of 7500 galls or more, having a once a year option to purchase either on Gross Volume or a Temperature corrected basis.

NAME DAVID SAYLOR BILL NO. 190
ADDRESS Box 187 FORSYTH MONT DATE 2-4-83
WHOM DO YOU REPRESENT SELF
SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME R. M. GRUNSTEAD BILL NO. HB 190
ADDRESS 511 Punrock Billings Mont DATE 2/4/83
WHOM DO YOU REPRESENT J. M. Petroleum
SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Harry Simons BILL NO. 190
ADDRESS Shelby Mt DATE 2/4/83
WHOM DO YOU REPRESENT Simons Petroleum
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This is a special interest bill.
should be killed!
Does not help the oil Distribution
in general, Except those in the loading
out of ^{the} Billings area.

NAME

BILL NO. 4B 190

ADDRESS

Gary Delano

DATE 4-4-83

WHOM DO YOU REPRESENT

Bureau weights & measures

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME David Brown BILL No. HB 347
ADDRESS First Bank Helena DATE 2-4-83
WHOM DO YOU REPRESENT Montana Bankers Assoc.
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME JOHN CADDY

BILL No. HB 347

ADDRESS HELENA

DATE 2-4-83

WHOM DO YOU REPRESENT MT BANKERS ASSN

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Janelle Fallan BILL NO. _____
ADDRESS ~~825 8th~~ Box 1730, Helena DATE 2/4
WHOM DO YOU REPRESENT Montana Chamber
SUPPORT _____ OPPOSE SB 229 AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This is perhaps the most anti-business legislation this session.

It would impose the worst burden on the smallest businesses, in exchange for nothing.

As it does not define "business," it sets up a "wide-open" situation for county commissioners to impose the fee on practically anything that moves.

Further, there is no vote, no public hearing, no opportunity for the taxed to be heard.

NAME: Phil STROPE

DATE: 2-4-83

ADDRESS: HELENA

PHONE: 442-6570

PHONE: _____

REPRESENTING WHOM? Mont TAVERN Ass.

APPEARING ON WHICH PROPOSAL: *SB 229*

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

1. add on page 2 at line 10
after livestock " and businesses
licensed under section 16-4-503."
2. amend title accordingly

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME Betty Ann Hoffman

BILL NO. SB 261

ADDRESS 1114 Prospect

DATE _____

WHOM DO YOU REPRESENT Mont Home Economics Assoc

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME BOB MURDO BILL NO. 261
ADDRESS 203 No. E WING HELENA DATE 2/4/83
WHOM DO YOU REPRESENT MONTANA CREDIT UNIONS LEAGUE
SUPPORT _____ OPPOSE _____ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

MCUL SUPPORTS CONCEPT OF PLAIN ENGLISH
LANGUAGE BILL, BUT CANNOT SUPPORT BILL
IN ITS CURRENT STATE.

NAME JOHN CADDY

BILL NO. SB261

ADDRESS 706 HARRISON, HELENA

DATE 2-4-83

WHOM DO YOU REPRESENT MT BANKERS ASSN

SUPPORT _____ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: