

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

March 13, 1985

The thirty-seventh meeting of the Business & Industry Committee met on Wednesday, March 13 in Room 410 of the Capitol Building. Chairman Mike Halligan called the meeting to order at 10 a.m.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 602: Representative Harry Fritz, House District #56, Missoula, is the chief sponsor of this bill which defines the relationship between an artist and an art dealer, provides that a consignment relationship be created and provides that the dealer is a trustee and holds the artist's works and funds in trust. It also provides for notice of sales made to the artist. He explained it sets forth the terms of consignment and defines the artist and dealer business arrangements. It would define that a work of fine art is property held in trust by the consignee for the benefit of the consignor. The consignee is merely the holder of the art and not the owner of the work of art.

PROPOSERS: Janalyn Edmonson, a Missoula Attorney representing several artists there, submitted letters by Joan Jonkel, Barbara Hand, John Badgley and Mary Cummings in support of House Bill 602. (EXHIBIT 1) She stated the arts task force recommends that legislation be enacted regarding artist-art dealer relationships to ensure protection for the artist who consigns works of art. She feels this type of legislation would benefit those who consider art an essential element to the quality of life.

OPPOSERS: There were none.

Questions were then called for from the committee members. Senator Thayer wondered if we have any laws dealing with consignments now. He was told there is only what the uniform commercial code contains. Senator Halligan wanted clarification of whether an art dealer is one who is regularly engaged in selling artworks or just anyone who sells art. Janalyn Edmonson felt it was intended for those who make a business of selling art. Dave Nelson, Executive Director of the Montana Arts Council, explained they have a small problem with those who are just exhibiting art on a temporary basis and he felt a better definition should be addressed.

Senator Halligan wondered if it had been contemplated this would only protect the artist and Janalyn Edmonson explained this is just dealing with the original transaction. Senator Halligan thought this should perhaps be clarified.

Senator Gage wondered just what the purpose of the bill would be and Janalyn Edmonson explained it would help protect the artist's works from being attached should a gallery have financial difficulties so they would have some recourse. Senator Weeding wondered if this act would include works given for permanent display such as a museum. Janalyn Edmonson stated it should be clarified when art is just on exhibit and not for sale.

Representative Fritz then distributed a letter from the Museum of the Arts. (EXHIBIT 2) He explained he would submit an amendment to define when work is on exhibit or for sale to help clarify the act. The hearing was then closed on House Bill 602.

CONSIDERATION OF HOUSE BILL 360: Representative Joe Hammond, House District #52 of Alberton, explained his bill would increase from 3 to 15 days the notice period for termination of a mobile home space rental agreement upon the failure of a tenant to pay the rent when due. It just applies to those who own a mobile home and they are renting the lot they occupy in a mobile home court. He stated the 15 day time period was a much more reasonable time period to obtain help to get a trailer moved. He felt it was primarily for the low income people. It would not include campgrounds.

PROPONENTS: JoAnn Peterson, representing the Bozeman Housing Coalition, stated they are in support of this measure because it will allow those who rent mobile home space more time to obtain financial aid to assist with the moving of the mobile home. (EXHIBIT 3) She also noted that there had been many others who had submitted letters of support at the House hearing.

Dave Mann, Clinton, representing the Missoula Housing Coalition, supports this bill because it will remove some of the burdens that are required of a person financially when he has to move quite suddenly and come up with funds on very short notice. (EXHIBIT

Louise Kunz, of the Montana Low Income Coalition, feels it is a terrible hardship for low income people to come up with funds for moving in just three days time. (EXHIBIT 5)

Gary Rudolph, of Clinton, supports this bill because of personal experiences he has had trying to obtain financing to move and noted how difficult it is to get a mover to even move a mobile home in less than two weeks time. (EXHIBIT 6)

Al Rodrigues, of Montana People's Action, feels people on low income need 30 days or more to be able to obtain financing necessary to move a mobile home.

OPPONENTS: A letter of opposition had been received from Mr. and Mrs. Chip Watts of Laurel. (EXHIBIT 7) A letter was also submitted by Jim Kennedy, from the Montana Landlord's Association. (EXHIBIT 8)

Questions were then called for from the committee. Senator Gage wondered who was responsible for the liability on a space when a renter has to move and was told the renter does until he has the trailer moved off the lot. Senator Fuller wondered what the average cost was to move a mobile home and was told usually not less than \$500 and can be much higher depending on the distance of the move. Senator Williams wondered if a person just does not move the home if the landlord can move the trailer off the lot and was told they can and sometimes do have to do this. He was concerned when the

notice period would start and was told it was three days after the rent was due. Senator Thayer wondered what the average cost was for lot rent and was told about \$125-150 per month. He then noted if people had trouble coming up with this amount, how much more difficult it must be for obtaining an even greater amount to move and Representative Hammond stated this was the whole problem. Senator Weeding wondered if the reason for giving notification to leave was for other reasons than nonpayment of rent and was told this bill only deals with the nonpayment of rent. Senator Goodover noted from the letter from Mr. and Mrs. Watts that it can sometimes take 5 to 6 weeks to get a trailer removed by the time you have gone to court and gone through all the procedures required. They felt this would extend the time even more. Representative Hammond felt most people were cooperative and would try and work things out before going to court and he was mainly trying to help those with low incomes to try and avoid court situations.

Senator Williams asked if a deposit was required and was told this practice varies. Senator Gage felt we were just giving these people in this situation another 12 days to come up with funding to be able to move. The hearing was closed on House Bill 360.

DISPOSITION OF SENATE BILL 208: Senator Halligan noted a change had to be made on the Statement of Intent for Senate Bill 208. Senator Fuller then MOVED TO CHANGE THE WORDING on the Statement of Intent. This motion carried. Senator Neuman then MOVED TO ADOPT THE STATEMENT OF INTENT AS AMENDED. (EXHIBIT 9) The motion carried.

DISPOSITION OF HOUSE BILL 359: Senator Christiaens MOVED THAT HOUSE BILL 359 BE CONCURRED IN. The motion carried. Senator Neuman will carry this bill on the Senate floor.

CONSIDERATION OF HOUSE BILL 468: Representative Kelly Addy, House District #94, Billings, is the chief sponsor of this bill which just revises the electronic funds transfer act by allowing cash withdrawals and account inquiries by customers from out-of state financial institutions. It would allow you to be able to withdraw money from your account from another location other than your home bank. He stressed it is not a branch banking bill because it does not allow them to make a deposit to their account from another location. It would just make it easier to obtain funds if you happen to be away from your hometown.

PROPOSERS: Les Alke, representing the Montana Banker's Association, explained this bill merely legalizes what is presently transpiring now. (EXHIBIT 10) It would just help update the technological advances capable in banking today.

John Scully, representing the Independent Banker's Association, explained they have the network established to transact this type of operation but have not done so till they felt it was actually allowed by law. He helped draft the measure and was in full support.

OPPONENTS: There were none.

Questions were then called for. Senator Goodover wondered if any losses have occurred through these type of transfers and John Scully explained with the security measures they have adopted he feels the losses would be minimal. Senator Weeding wondered if you could use the card for more than one account and was told that three accounts was the limit.

DISPOSITION OF HOUSE BILL 468: Senator Christiaens then MOVED HOUSE BILL 468 BE CONCURRED IN. The motion carried. Senator Thayer will carry the bill on the Senate floor.

CONSIDERATION OF HOUSE BILL 338: Representative Kelly Addy, House District 94, Billings, is the sponsor of the bill which would generally revise the laws relating to title insurance and provide for the licensing and regulation of title insurance agents and for the regulation of controlled business in the title insurance industry. He further explained it deals with the licensing of title insurance agents. In the original draft they were going to require that title plants be certified but this was amended out. He noted the fiscal note prepared took into consideration the cost of maintaining title plants and since this had been removed the fiscal note was outdated. It would just assure that the agent was licensed and knowledgeable when working with titles.

PROPOSERS: Gene Phillips, representing the Montana Land Title Association from Kalispell, explained this bill was drafted by their legislative committee and modeled after a uniform bill which has been adopted in other states. There have been some abuses in the past and this would allow the state auditor to license these agents and have some regulation over abuses. There were some amendments that had been proposed by the auditor's office and these had been overlooked and he stated these should be examined also.

Bill Gowan, President of the Montana Land Title Association, feels that title agents should be tested to see if they are really qualified. He submitted a letter from First American Title Insurance Company urging passage of this legislation. (EXHIBIT 11)

Warren Solberg, Kalispell, Chairman of the legislative committee for the Montana Land Title Association, feels that title insurance is very often misunderstood. The purchaser relies on the local agent to be knowledgeable so therefore it is very important that this person be reliable. Currently there is no requirement that you have to have a license. There are 705 agents in the state and of these only about 100 are active. They would like everyone to take the test to see if they are indeed qualified. He noted there were amendments proposed by the insurance department and the land title association. (EXHIBIT 12 & 13)

Tanya Ask of the Montana Insurance Department of the State Auditor's Office, explained they support the amendments being proposed and would also like to delete the requirement that they assess a fee. She stated they already have the authority to charge \$10 for an examination and this is sufficient.

Brad Stratton, from the American Title Association of Bozeman, felt the underwriters who write for the insurance companies should also be knowledgeable and competent.

Testimony was also submitted by Robert Johnson in support. (EXHIBIT 14)

OPPONENTS: Teddi Annear, owner of a title insurance business in Bozeman appeared in opposition of the bill. She feels there is no need for this legislation because it would eliminate competition and interfere with free enterprise. She wondered if the examiners would be tested as well as the agents who would be preparing the test. She feels that the agents are pretty thoroughly checked currently before they are able to sell insurance. (EXHIBIT 15) She noted that with the amendments being proposed it would alter her position somewhat if they were to be adopted.

Questions were then called for. Senator Williams asked Representative Addy to respond to Ms. Annear's statements. He noted that the definition of title agents does not include examiners who act under the agent. He felt that if the title agent cannot get a license that those under him would not be able to be licensed either. The insurance commissioner would prepare the test which would just be a basic knowledge of insurance to insure some standards for the industry.

Senator Christiaens asked Tanya Ask what requirements they ask for now of title agents. She explained they have to have a certification from the underwriting company and also be tested for general insurance knowledge. The examination for title agents would be along this same line. She noted they had received complaints from consumers concerning title agents.

Senator Halligan wondered if the fiscal note was current with the amendments proposed and Dick Gilbert, from the auditor's office, suggested a revised fiscal note should be requested.

Senator Fuller asked if it should be "agency" rather than "agent" in the bill. He also asked Bill Gowan if there would be a grandfather clause and was told no. Senator Goodover asked how long it took to become qualified as an agent and Bill Gowan felt it took 5 to 6 years of on the job training.

Senator Christiaens asked about title plants and how many had these. Bill Gowan explained that some title plants are much more up to date than courthouse records. Representative Addy responded this was the reason they had title plants originally in the bill but it was felt by doing this it would create a monopoly for those owning title plants.

Senator Thayer asked Ms. Annear what her chief concern was about

the legislation being proposed and she stated she felt this bill would not do anything for the people.

Senator Weeding asked how often the license is good for when you can sell title insurance and was told the license is perpetual and is renewed annually.

Senator Goodover wondered how you keep a title plant current and was told most do a daily check with courthouse records in order to keep their records up to date. Bill Gowan stated oil companies utilize local title plants when doing title searches extensively. Teddi Annear noted that mistakes can be made even in a good title plant if a person does things hurriedly.

Representative Addy stated in closing that complaints usually end up in the insurance office only as a last resort effort. He feels that defects in investments are time bombs and the property owner stands to lose the most if a mistake is made. He felt the examination would eliminate those who were not qualified to sell. Hearing was closed on House Bill 338.

DISPOSITION OF HOUSE BILL 334: Mary McCue, Legislative Staff Attorney, explained in her research that the Department of Revenue could foresee problems in regulating rentals because of the variety of equipment available and they did not want to be involved policing this.

Senator Goodover then MOVED THAT HOUSE BILL BE CONCURRED IN. The motion carried. Senator Gage will carry the bill on the Senate floor.

DISPOSITION OF HOUSE BILL 360: Senator Halligan noted some of the problems involved for renters when they are evicted and the process that is involved in going to court. Senator Thayer felt there was some way to get compensation back to the trailer park owner for overdue rent. Senator Gage felt this bill just deals with giving the person another 12 days to come up with the funds necessary for moving the mobile home.

Senator Fuller then MOVED HOUSE BILL 360 BE CONCURRED IN. Senator Goodover felt that by the time a three day notice is given there have been problems over the weeks. On a roll call vote, the motion passed 7 to 2. Senator Thayer and Senator Goodover voted no.

The meeting was adjourned at 12 noon.



MIKE HALLIGAN, Chairman

ROLL CALL

BUSINESS & INDUSTRY

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-13-85

SENATE
SENT

NAME	PRESENT	ABSENT	EXCUSED
Chairman Halligan	X		
V-chrm. Christiaens	X		
Senator Boylan	X		
Senator Fuller	X		
Senator Gage	X		
Senator Goodover	X		
Senator Kolstad	X		
Senator Neuman	X		
Senator Thayer	X		
Senator Williams	X		
Senator Weeding	X		

Each day attach to minutes.

March 13, 1985

COMMITTEE ON

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretariat)

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VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Teddy Dineen	Indian Title	338		X
GENE PHILLIPS	MONT LAND TITLE ASSOC	HB 338	X	
LOREN GOLDBERG	MONTANA CREDITORS ASSN CREDIT GUARANTEE FUND	HB 338	X	
WILLIAM F. GOWEN	MONTANA LAND TITLE ASSN & HELENA ABSTRACT & TITLE CO.	HB 338	X	
JACK H. JOHNS	MONTANA LAND TITLE ASSOC. MOUNTAIN TITLE	338	X	
JIM KENNEDY	MONT ASSOC OF LANDLORDS	HB 360	X	X
JANALYN EDMONDSON	VARIOUS MISSOULA ARTISTS	HB 602	X	
JOHN T. BELL	FIRST MONTANA TITLE CO.	HB 338	X	
SHIRLEY A. CARTER	FIRST MONTANA TITLE CO.	HB 338	X	
JOHN T. BELL	FIRST MONTANA TITLE CO.	HB 338	X	
HILLMAN DEATH	First Montana Title	HB 338	X	
TULIE COOK	Montana Arts Council	HB 602		
ROBERT L. JOHNSON	MONTANA LAND TITLE ASSN MOUNTAIN TITLE	HB 338	X	

(Please leave prepared statement with Secretary)

JANALYN S. EDMONDSON
Attorney at Law
101 E. Broadway Room 414
Missoula, Montana 59802
(406) 721-5355

February 5, 1985

To: House Business and Labor Committee

Re: H.B. 602, Artist-Art Dealer Consignment Law

The proposed artist-gallery consignment law is a measure much needed for the protection of Montana's many working artists. The artist-gallery relationship is only rarely formalized by contract in this state, rather the usual practice is that most artists and their dealers operate on oral/handshake agreements, if any, as to their rights and responsibilities. Although many artists and galleries maintain good working relationships this way, some still do get into difficulties. Without protective legislation or a written contract, the artist is without much real recourse when problems arise.

This bill defines and regulates the consignment relationship, providing the basic protections necessary to prevent misuse of the proceeds of art at the hands of dealers, allocate responsibility for loss or damage, prevent seizure by gallery creditors, and allow artists to keep track of the ownership of their artworks.

The responsibilities outlined in the bill consist of no more than good business practices for the operation of gallery consignments. As art dealers are in the best position to protect against loss or damage during the period of consignment, the risk of such loss is allocated to them. What this really calls for is proper business insurance coverage by galleries, which should be carried in any event.

The fiduciary responsibility of galleries to their consignor-artists is carefully spelled out as a trust relationship. The requirement of timely payment of proceeds to the artists should serve to discourage dealers from using the funds for their own purposes, and if timely payments are not made, the artist has a remedy at law to pursue in addition to a cause of action for breach of contract, if indeed such a contract should exist between the parties. Where there is no written contract, this would provide the only sure protection.

The exemption of this act from the provisions of the Uniform Commercial Code is important to protect consignor-artists from seizure of their works by creditors of the galleries, because under Montana's commercial law as it now stands, artists must file financing statements on all consigned artworks in order to gain protection against gallery creditors. Many artists do not

even know of this practice, and for those that do, it is a burdensome requirement. Under this proposed act, artists would be automatically protected against third party seizure of their consigned artworks.

The provision voiding any waiver is necessary to prevent an artist from signing away the protections of the act, which could be very likely considering that most artists have much less bargaining power than the dealers in negotiating the terms of their agreements. Voiding waivers then assures protection for all under the act.

Finally, the provision requiring galleries to provide artists with the names and addresses of purchasers of their artworks is important so that artists may keep full and accurate records of the ownership of their artworks as part of the history of their work, and for later access for retrospective showings of their work. Without such a provision in the law, many gallery owners are reluctant to provide artists with such information.

The arts are very important to the quality of life in Montana, and we should be proud of the wealth of creativity at work within our state. H.B. 602 is an important first step in providing artists with important protections so that they may continue their valuable contributions to the cultural life and the economy of Montana.


JANALYN S. EDMONDSON

JOAN JONKEL
Attorney at Law
P.O. Box 8687
Missoula, Montana 59807
721-1835

February 5, 1985

Testimony in Support of House Bill 602

The Arts Task Force of the National Conference of State Legislatures recommended in its policy resolution on Public Support for the Arts that legislation on artist-art dealer relations be enacted by state legislatures. Such legislation provides protection to artists who give works of art to art dealers on consignment to sell or to exhibit by making the dealer a trustee in holding the art and the funds from sales, and by assisting artists in collecting the money to which they are entitled. Last year at a conference in New York of Volunteer Lawyers for the Arts, a national organization of volunteer attorneys committed to assisting the arts community, I learned that Volunteer Lawyers for the Arts also considers enactment of legislation such as House Bill 602 essential to the legal protection of artists.

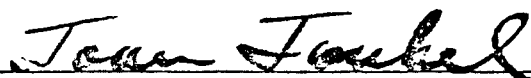
Montana should definitely join the group of states which has enacted such enlightened legislation. This law gives much needed help to artists, and yet does not adversely affect

reputable dealers. Working artists constantly experience problems in getting dealers to account accurately for work consigned to them and for proceeds from the sale of the artist's work. Art dealers experiencing financial difficulties may not inform artists of the sale of their works; the dealer will operate on the capital from the sale, and it may be months before the artist gets his or her money. Unless they have been sophisticated enough to comply with the Uniform Commercial Code filing requirements, artists may also lose their art or sale proceeds to dealers' creditors.

Without the benefit of this proposed legislation, artists are reluctant to take legal action against dealers. The trust and agency relationship created by the law will greatly increase the likelihood that dealers will make notice and payment to artists.

The arts are an essential element of the quality of life in this state, and a source of enjoyment for all. The Montana Legislature should give greater recognition to the creativity of artists and protect artists' rights through this most appropriate legislation.

Thank you for your consideration.


Joan Jonkel

TESTIMONY

HOUSE BUSINESS AND LABOR COMMITTEE

Re: Art Consignment Legislation. H B 602

Thank you for the privilege for testifying on this important issue. I am a professional, full time artist-weaver residing in Missoula. I make 95% of my income from within the State. For the past 8 years I have had constant dealings with gallery owners/directors either with the consignment of my work or mounting of exhibitions.

For the most part I have good, positive experiences with Montana art galleries. However, it only takes one bad experience to quickly point out the fact that artists in Montana have very few protections against poor business practices on the part of gallery owners.

For example in December of 1983 I had an exhibit in a Montana gallery where I sold \$1800 worth of hand woven rugs and wall hangings. The works sold represented three months of labor plus materials on my part. Naturally I expected to be paid the 60% of sales as was agreed to in our consignment. To make a long story short, I was finally paid in full in August of 1984, 8 months after the sale of my work. The gallery owner had used both her commission and my earnings from the sale for her operating expenses.

This legislation will protect the individual artist from this type of problem. I call your attention to the laws now extant in eight other states which accomplish this end. Thank you.

barbara hand, weaver
304 south 2nd west
missoula, mt 59801

February 6, 1985

Barbara M. Hand

by

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Institute of the Rockies
10300 O'Brien Creek • Missoula, Montana 59801 • (406) 728-5352

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Montana

February 5, 1985

TESTIMONY

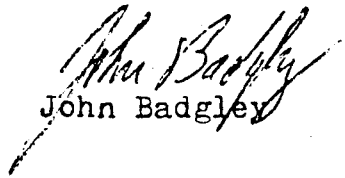
HOUSE BUSINESS AND LABOR COMMITTEE

Re: Art Consignment Legislation. H.B. 602

The Institute of the Rockies sponsored a workshop in December, 1984 on "Art and the Law". Over 40 participants paid to attend and we found a very intense and widespread concern for the business side of art in Montana. Three attorneys and a CPA from the Montana Arts Council served as resource speakers and all spoke to the federal laws extant and protective of artists rights.

As the workshop progressed it became apparent that Montana needs to catch up with other states that have recognized the special needs of artists and craftsmen as well as writers and musicians who must deal with a market that is exceedingly competitive and marginal for most people.

In the long run it seems this legislation will serve to bring the artist and gallery into a full partnership and thereby benefit both parties. I am pleased to speak in support of this bill.


John Badgley

3/14/85

Submitted by: Rep. Fritz

Missoula Museum of the Arts

February 5, 1985

Representative Harry Fritz
c/o State Capitol Station
Helena, MT 59620

Dear Congressman Fritz:

I have discussed with several Missoula area artists some of the provisions of your bill affecting artists and galleries, and would like to express our support.

It is both ethical and good business practice to expect that galleries accepting art work on consignment pay artist commissions in a reasonable length of time. This would normally be on a monthly or quarterly basis. Since artists sometimes have difficulties collecting, it may be necessary to require by law that an escrow account be set up for these proceeds or some other method be taken to ensure that artists are paid.

It is very helpful for artists to know who has purchased their work so that they may contact collectors in coming years to borrow for exhibitions in museums. It is also helpful for museums to be aware of holdings of private collectors. Generally if someone has paid a sizeable amount of money for an art work, they have an interest in receiving mailings of future showings by that artist and may wish to add more pieces to their collection. In my opinion, when \$250 or more is involved, it would be mutually advantageous to require galleries to report the name of the purchaser to the artist (unless some privacy law would prohibit this).

The Museum's mission is to serve the public in our region. An important part of that public is the artists who make art for the rest of the community to enjoy. It is difficult enough to "make it" as an artist; I would hope your bill passes and wish to thank you for your sponsorship.

Sincerely,



Mary Cummings
Director

Missoula Museum of the Arts

NAME: John Ann Peterson DATE: 3-13-85

ADDRESS: 6 W Babcock apt 102 Bozeman

PHONE: 442-4250, 443-1808

REPRESENTING WHOM? Bozeman Housing Coalition

APPEARING ON WHICH PROPOSAL: HR 360

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: WE support HR 360
because it gives renters
in mobile homes more
time to move. It is more
difficult to move a mobile
home than it is out of
an apartment. We realize
the landlord can evict a
renter for just cause
we just ask to give
them more than 30 days
to move it would be
more fair to give them
30 days, but we will support

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

The House amendment of
15 days. We hope you support
this bill. Thank you.

NAME: DAVE MANN DATE: ^{MARCH} ~~APRIL~~ 13, 1988

ADDRESS: P.O. Box 208 Clinton Montana 59825

PHONE: —

REPRESENTING WHOM? ^{MSIA,} L.G.H.T. INC. & M.L.I.C.

APPEARING ON WHICH PROPOSAL: House Bill 360

DO YOU: SUPPORT? Yes AMEND? — OPPOSE? —

COMMENTS: By passing this bill you would be
Removing A terrible strain on mobile home
owners - Both FINANCIALLY and time wise,
AS it stands it is almost impossible for a
Low-income mobile home owner to come up with
the money for permits gas ~~money~~ money - etc
and even if you can get the money up
most people can't get all of their belongings
moved in 3 days - I have had these experiences
in the past and barely came up with the
money and help to get the job done in time

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Louise Kunz DATE: 3/13/85ADDRESS: 107 LAWRENCEPHONE: 4498801REPRESENTING WHOM? MT. Low Income CoalitionAPPEARING ON WHICH PROPOSAL: HB 360DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: We support HB 360 - we recognize
the right + the need for a landlord to evict
for just cause - BUT ASK THE ADDITIONAL TIME
AS ~~WIFE~~ IT MAY BE POSSIBLE TO MOVE BELONGINGS
FROM A HOUSE OR AN APARTMENT IN THREE DAYS
WITH A MOBILE HOME IT'S ANOTHER MATTER - AND
IN MOST CASES THE EXTRA DAYS ARE NEEDED.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GARY Rudolph DATE: 3/13/85

ADDRESS: Lewis & Clark Trk CT #21

PHONE: 549-3167

REPRESENTING WHOM? L.I.G.T. Inc. Alb, ME

APPEARING ON WHICH PROPOSAL: HR 360

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: A Large part of the problem w/ moving
a Trailer or mobile home is the available
scheduling of commercial movers. I called all of the
commercial movers in the Alb area - none
could have moved my Trailer within two
weeks. Let alone 3 days - I feel that 15 days
is too short period of time, but it is far
better than the present 3 days

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

March 4, 1985

Chip C. Watts
Sandra A. Watts
E LAZY Y PARK
1343 East 6th Street
Laurel, Montana 59044

Dear Distinguished Senator,

It is not possible for either of us to be present at any hearings concerning House Bill 164, and House Bill 360, so we ask that you enter this into the minutes of the hearings.

My wife and I own a small 19 unit mobile home park in Laurel, Montana. It has come to our attention that we are under attack by these two bills.

Concerning House Bill #164 we agree with giving tenants a 180 day notice to vacate when it involves a change in land use. We cannot agree with the part where it extends the 30 day notice to 60 days, or with the way this bill is worded as it discriminates against mobile home parks. We feel this is expecting too much of human nature to live together in close quarters (like mobile parks) for 60 days after a notice has been served. We have seen harassment of the type that escapes cause for immediate eviction carried to extremes. Water and sewer bills have been run sky high for landlords, yards have not been mowed or watered, garbage has been allowed to collect around homes, dogs have been allowed to accumulate and run loose. In short, most people who have been evicted make life miserable for the landlords as well as their tenant neighbors. If it took 60 days to evict a person of this caliber, we could loose the good tenant on both sides of him. In a small park like ours that would be a disaster.

Landlords do not lightly hand out eviction notices. We always give a tenant at least three chances to shape up or until we receive complaints from three neighbors. It is a very small percentage of all the people who rent, that are ever asked to leave. However, as you well know, it is that small percentage that runs things for the others.

Next House Bill 360 wishes to extend the current 3 day notice to 15 days. To begin with a 3 day notice is used as the last resort to solve a problem. Before one is ever given there has been a considerable amount of dialogue and effort made to work things out. I have not used a 3 day notice for about 2 years, and when I did it was not directed at a responsible tenant. The only ones I have used it on were those who were habitually late and would never tell me before the due date they would be a little late. It has always been a standard policy in our park to work with anyone who is honest with us. We have done this many times. The others I have used it on were those I had already served a 30 day notice on, and then they refused to pay the rent covering their final thirty days. Something which many of you may not be aware of is that the 3 day notice does not force anyone to vacate within 3 days. By the time you get done going through the proper legal channels, it takes about 3 to 4 weeks to see one followed through to the end. If you change this to 15 days as proposed, it will take 5 to 6 weeks to get someone out if it follows the complete legal course. So now instead of being out 1 months rent we will be out two months income on one lot.

I'm sure that most responsible tenants would be appalled with these two Bills as they now stand. Most are interested in a well-controlled park and good neighbors. These Bills take that protection away from the tenants. Also these Bills will make it tough on young people just starting out, as we will not be able to afford to take the time to work out any problems with them. We will be forced to hand out their notice to get rid of the problem expediently.

Would any member of this Committee appreciate having to wait 60 days to have a bad neighbor move? What about the habitual drunk who litters your yard, wakes you up in the middle of the night fighting, has dogs running loose, doesn't control his children, doesn't mow or water his yard, flagrantly runs your rent bill up through water waste?

These are things that people living in mobile parks expect landlords to take care of and it is one of the main drawing cards for a clean respectable park. We resent this respectability being taken away from us.

Mobile parks have come a long way in Montana through good legislation and laws, however, this is NOT a good set of Bills as they now stand.

We will trust in your fair judgement on this matter, but as a small business, we will keep a watchful eye on what happens to these Bills. We strongly caution you about the discrimination changes these Bills could create in their present form.

Our present laws are workable and understandable for most landlords and tenants. There is a time to leave well enough alone.

If we could provide you with any additional information, or help in any way please let us know.

We feel safe in asking you to check us out with Senator Chet Blaylock, Senator Esther Bengston, or Representative Mel Williams as to how we keep our park looking and what our reputation is around Laurel.

A large part of what a successful rental business is all about is giving the people who live in your park or apartment a pleasant place to live and allowing them to have a little control over their neighborhood.

Must our Civil Laws go the same way our Criminal Laws have and protect those who do wrong instead of those who do things right?

Sincerely yours,

Chip C. Watts

Sandra A. Watts

Chip C. Watts
Sandra A. Watts
1-406-628-7798

MONTANA LANDLORD'S ASSOCIATION, INC.

312 MOORE LANE
BILLINGS, MONTANA 59101

To: Senate Business Committee:

Subject: HB 360

Mr. Chairman, Members of the Committee:

I am Jim Kennedy, representing the Montana Landlords Association.

The Montana Association of Landlords oppose this bill because we think this bill is very detrimental to landlords and tenants. In effect, this bill means the landlord has to subsidize the tenant for an additional 27 days rent gratis, after already having given the tenant 3 days notice.

We feel the tenant has a financial and moral obligation to pay the rent. And landlords are just not in a position to act as a social service agency.

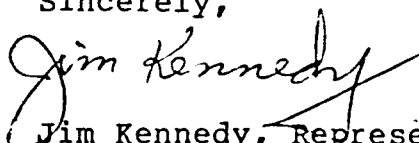
The present 3 day notice is only a request for the rent. But if the tenant still fails to pay- the landlord has to go through the distasteful process of forcing eviction.

In addition, as landlords are business people, this bill asks us to wait an additional 27 days before we get our paycheck. This causes a problem for everyone. We have bills to pay just like everyone else, A delay like causes everyone trouble.

I submit if the members of the committee had to wait an extra 27 days before being paid you probably wouldn't be very happy about it and (2) the delay would probably cause you some problems.

Again, the Montana Association of Landlords is opposed to this bill. We ask your support in tabling this legislation.

Sincerely,



Jim Kennedy, Representative
Montana Landlords Association

STATEMENT OF INTENT
Senate Bill 208

Section 1. A statement of intent is required for this bill because it delegates authority to the agricultural loan authority to adopt rules concerning loan guaranties. The legislature intends that in adopting rules the authority look to existing rules established by the Montana economic development board, on which the authority contained in this bill is patterned.

Section 2. It is the intent of the legislature that the agricultural loan authority prepare rules to establish the the loan guaranty program authorized in Senate Bill 208 by addressing and providing for the following terms and conditions:

- (1) Banks and other financial institutions should be required to participate in any guaranty program. It is suggested that the normal participation would be a minimum of 20% by the bank or other financial institution and 80% affected by the state guaranty authorized under Senate Bill 208.
- (2) A program for guaranteeing existing operating loans made by existing banks and other financial institutions should be considered, provided all other conditions are met, including: (a) an equity in real estate or other comparable property is obtained; (b) the guaranty does not extend beyond 10 years; and (c) the bank or other financial institution agrees to reduce the interest rate to at least no higher than the rate on federal obligations for comparable maturities.
- (3) Any loan guaranteed under the provisions of Senate Bill 208 should be supported by a mortgage on real estate or a lien on other comparable property.
- (4) An appraisal by a qualified appraiser should be required. The loan or guaranty secured by mortgage on real estate or other comparable property should not exceed, when taken in conjunction with any prior mortgages or obligations on the real estate, 65% of the appraised value of the property pledged as security.
- (5) Before any loan can be guaranteed pursuant to Senate Bill 208, the applicant should provide the agricultural loan authority with sufficient information to show that he can reasonably expect a positive cash flow from the normal operation of the agriculture enterprise. The agricultural loan authority may require a surplus cash flow by rules properly adopted.

(6) The agricultural loan authority should not guarantee loans that exist for more than 10 years.

(7) The guaranties provided in Senate Bill 208 should be targeted primarily for existing farmers and ranchers who own agricultural land on which their farming and ranching is located and whose total debt from that agricultural operation equals between 40% and 60% of their total farm and ranch assets.

(8) The department of agriculture and the agricultural loan authority should retain persons with sufficient experience in agricultural credit to adequately review all applications made for guaranty under Senate Bill 208. They shall take such time in implementing this program as may be necessary to guarantee that it will operate smoothly and properly without undue exposure or risk of loss. Experienced lenders who know and understand the Montana agricultural situation are absolutely critical to the success of this program.

(9) The bank or financial institution that originated the guaranteed loan must initiate the appropriate action to liquidate the property pledged as security. The costs of liquidation should be shared pro rata at the same rate as participation in the guaranty program.

NAME: Les Aike DATE: 3/13/85

ADDRESS: #1 Last Chance Gulch

PHONE: 443-4122

REPRESENTING WHOM? Mont. Bankers Ass'n

APPEARING ON WHICH PROPOSAL: H.B. 468

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Merely a modernization of our
state bank laws to bring them up to
speed with technological advances in
banking and payments mechanisms

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



EXHIBIT 11
BUSINESS & INDUSTRY
March 13, 1985

First American Title Insurance Company

P.O. BOX 580, 156 WEST JUDICIAL STREET, BLACKFOOT, IDAHO 83221
TELEPHONE (208) 785-5511

D. H. Stufflebeam
REGIONAL VICE PRESIDENT
LEGAL COUNSEL

Michael K. Ferrin
ASSISTANT REGIONAL COUNSEL

March 11, 1985

Senator Mike Halligan
Chairman
Business and Industry Committee
State Senate
Capital Station
Helena, MT 59620

Re: House Bill 338

Dear Senator Halligan:

I understand that your committee is considering the passage of House Bill 338 which is designed to govern the title insurance industry in the State of Montana.

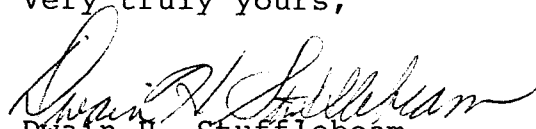
First American Title Insurance Company underwrites title insurance in the State of Montana and does so throughout the United States. Our company is the third largest title insurer in the United States.

I am writing you to let you know that First American believes that this legislation would be of benefit to the real estate purchaser as well as the title insurer. It gives both of us some guidelines as to definitions of the product, equitable licensing procedures and generally the matter of conducting the business of title insurance in the State of Montana. This is part of the uniform law that has been adopted or is being considered in other states. This would be most helpful to the industry to have uniformity in our procedures and regulations.

I hope that you will favorably consider this legislation.

Thank you.

Very truly yours,


Dwain H. Stufflebeam
Regional Vice President
Legal Counsel

DHS/lmw

NAME: WILLIAM F. GOWEN DATE: 13 MARCH 1985

ADDRESS: 101 NORTH LAST CHANCE GULCH, HELENA MT 59601

PHONE: 442-5080

REPRESENTING WHOM? MONTANA LAND TITLE ASSOC. & HELENA ABSTRACT & TITLE CO.

APPEARING ON WHICH PROPOSAL: HB 338

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The bill requires testing for licensees which will provide a criteria to determine the qualifications of persons applying for agents licenses. I have been in the title insurance business for 27 years, 19 years in Montana. I feel I am qualified, but I also feel that taking a test will not prove adverse to my profession. The bill also provide safeguards to the public for title agents that provide settlement services, such as maintaining separate trust accounts and records.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AMENDMENTS TO HOUSE BILL NO. 338
REQUESTED BY THE MONTANA LAND TITLE ASSOCIATION

NEW SECTION. Section 6. Underwriting standards --

record retention. (1) A title insurer may not issue a title insurance policy unless it, its agent, or an approved attorney has conducted a reasonable search and examination of the title and made a determination of insurability of title in accordance with sound underwriting practices. The title insurer or title agent must preserve and retain in its files evidence of the examination of title and determination of insurability. The title insurer or title agent may keep original evidence or may establish in the regular course of business a system of recording, copying or reproducing evidence by any process that accurately and legibly reproduces, or forms a durable medium for reproducing, the contents of the original.

(2) Subsection (1) does not apply to:

(a) a title insurer assuming liability through a contract of reinsurance; or

(b) a title insurer acting as coinsurer if one of the other coinsuring title insurers has complied with subsection (1).

(3) Except as allowed by rules adopted by the commissioner, no title insurer or title agent may knowingly issue an owner's title insurance policy or commitment to insure unless all outstanding enforceable recorded liens or other interests against the property title to be insured are shown.

(4) An insurer issuing a policy in violation of this section is estopped, as a matter of law, to deny the validity of the policy as to any claim or demand of the insured or assigns arising thereunder.

NEW SECTION. Section 7. Escrow, closing, or settlement services — title indemnification -- maintenance of accounts — rules. (1) A title insurer or title agent may provide escrow, settlement, or closing services, or any combination thereof, and may operate as an escrow, settlement, or closing agent, subject to the provisions of subsections (2) and (3).

(2) A title insurer or title agent shall:

(a) deposit funds accepted in connection with an escrow, settlement, closing, or title indemnification in a separate fiduciary trust account in a bank or other financial institution insured by an agency of the federal government and segregate the funds by escrow, settlement, closing, or title indemnification in its records. The funds are the property of the person entitled thereto under the terms of the escrow, settlement, closing, or title indemnification and are not subject to debts of the title insurer or title agent. A title insurer or agent may use such funds only in accordance with the terms of the individual escrow, settlement, closing, or title indemnification under which the funds are accepted.

(b) pay any interest received on funds deposited with it in connection with an escrow, settlement, closing, or title indemnification, to the depositing person or as otherwise provided by the terms thereof;

(c) maintain separate records of all receipts and disbursements of escrow, settlement, closing, or title indemnification funds; and

(d) comply with rules adopted by the commissioner pertaining to escrow, settlement, closing, or title indemnification transactions.

(3) A title agent must keep books of account, records and vouchers pertaining to any escrow, closing, settlement, or title indemnification business transacted, in such a manner that the commissioner or his authorized representative may readily ascertain, under the authority of 33-1-402, whether the title agent has complied with all applicable provisions of this title.

NEW SECTION. Section 12. Prohibited practices -- referrals -- splitting charges -- exemptions. (1) Except as provided in subsection (2), no person may:

(a) give or accept a fee, rebate, or thing of value pursuant to an agreement or understanding that title insurance business will be referred to a title agent; or

(b) give or accept a portion, split, or percentage of a charge made or received for title insurance business in connection with a transaction involving real property in this state, other than for services actually performed.

(2) (a) A person may pay a return on an investment, based on a percentage of an ownership interest in a title insurance agent or franchisee relationship if:

(1) at or prior to the time of a referral a disclosure of the existence of the arrangement is made to the person being referred and, in connection with the referral, the person is provided a written estimate of the charge or range

of charges generally made by the title agent to which the person is referred; and

(ii) the person is not required to use a particular agent.

(b) The following arrangements are not a violation of subsection (2) (a) (ii):

(i) an arrangement that requires a buyer, borrower, or seller to pay for the services of an attorney, credit reporting agency, or real estate appraiser chosen by a lender to represent the lender's interest in a real estate transaction; or

(ii) an arrangement by which an attorney or law firm represents a client in a real estate transaction and issues or arranges for the issuance of a policy of title insurance in the transaction directly as agent or through a separate corporate title insurance agency that may be established by that attorney or law firm and operated as an adjunct to his or its law practice.

(c) Failure to disclose a controlled business relationship is not a violation of subsection (2) (a) (i) if the failure was not intentional and resulted from a bona fide error, proven by a preponderance of the evidence.

(3) This section does not prohibit:

(a) the payment of a fee to an attorney for services actually rendered or by a title agent for services actually performed in the issuance of a title insurance policy; or

(b) payment of a bona fide salary, compensation, or other payment for goods or facilities actually furnished or for services actually performed.

House Bill 338

Amendments Proposed by the Montana Insurance Department

1. Amend Section 2 Subsection (8) as follows:

(8)(a) "Producer of title business" or "producer" means a person, corporation, partnership, or other business entity, including an officer, director, or owner of 5% or more of the equity or capital thereof, engaged in this state in the trade, business, occupation, or profession of:

(i) buying or selling interests in real property;

(ii) making loans secured by interests in real property; or

(iii) acting as broker, agent, ~~or~~ representative or attorney of a person described in subsection (8)(a)(i) or (8)(a)(ii).

~~(b) "Producer of title business" does not include an attorney licensed to practice law in this state.~~

2. Amend Section 5 Subsection (1) as follows:

NEW SECTION. Section 5. Limitations on authority.

(1) An insurer that transacts or is licensed to transact a class or kind of insurance other than title insurance is not eligible for the issuance or renewal of a license to transact the business of title insurance in this state and may not transact, underwrite, or issue title insurance. Any insurer authorized to transact any combination of kinds of insurance including title business under an existing certificate of authority may continue to do so until that certificate of authority is renewed effective June 1, 1986.

3. Add New Section between Section 24 and 25, renumbering Sections 25 through 28

Section 25. Section 33-17-1102, MCA, is amended to read:

33-17-1102. Reporting and accounting for premiums.

(1) All premiums or return premiums received by an agent or solicitor shall be trust funds so received by the licensee in a fiduciary capacity, and the agent or solicitor shall in the applicable regular course of business account for and pay the same to the insured, insurer, or agent entitled thereto. Except for title agents as defined in [Section 2], ~~if~~ if the licensee establishes a separate deposit for funds so belonging to others in order to avoid a commingling of such fiduciary funds with his own funds, he may deposit and commingle in the same such separate deposit all such funds belonging to others so long as the amount of such deposit so held for each respective other person is reasonably ascertainable from the records and accounts of the licensee.

(2) Title agents, as defined in [Section 2], shall comply with [Section 7].

~~(2)~~(3) Any agent or solicitor who, not being lawfully entitled thereto, diverts or appropriates such funds or any portion thereof to his own use is, upon conviction, guilty of theft and shall be punished by law.

NAME: ROBERT L. JOHNSON DATE: 3/13/85

ADDRESS: 507 MT. BLDG., LEWISTOWN, MT 59457

PHONE: 406-538-3446

REPRESENTING WHOM? SELF - ATTORNEY AT LAW - AND -
REALTY TITLE CO., LEWISTOWN (CO-OWNER)

APPEARING ON WHICH PROPOSAL: 11B 338

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: FAVOR LEGISLATION WITH
PROPOSED AMENDMENTS. AS ATTORNEY
CAN LIVE EASILY WITH "CONTROLLED
BUSINESS" RESTRICTIONS.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HOUSE BILL 338

WHAT IS IT'S PURPOSE

- 1 - Proponent -Licensing and regulating title agents.
- 1 - Opponent -Presently the substantial insurance companies apply to conduct business in Montana. Upon approval, it becomes their responsibility to choose agents and they bear the responsibility of agents actions. As long as an agent is acting for an insurance company, the customer is protected and if an ex-agent falsely states he is acting for an insurance company, he faces civil action --- which is what this bill proposes --- but, requests the commissioner to accept the burden. Such regulation will have an impact on the general fund, since someone must be hired and trained to handle this position.
- 2 - Proponent -The examination of title insurance plants .
- 2 - Opponent -This has been stricken from the bill as it was proven to be virtually impossible to discover errors in title plants.
- 3 - Proponent -Issuance of certificates of authority.
- 3 - Opponent -Presently when a title company chooses an agent (after a careful investigation of such agent) application is made to the State, and upon approval (**the insurance commission can, at this time, refuse a license**) a license is issued to an agent for display in the place of business.

ASSUMPTIONS

- 1 - Proponent -This bill will reduce the number of agents that are licensed for title insurance
- 1 - Opponent -Part of this is due to limitation of an agent operating associated businesses .
~~and limitations imposed on the occupation of an agents relatives.~~ I believe this interferes with fair trade practices.
- 2 - Proponent -Additional revenue raised from title plant inspections.
- 2 - Opponent -This no longer applies since it has been stricken from the bill.
- 3 - Proponent -Requirements of the bill for inspections of title plants, examinations for licensing of title insurance agents, issuance of certificates and regulation of title insurance will require additional expenditures.
- 3 - Opponent -Under the present system title insurance is controlled and no additional expenditures are required

OPPONENT'S STATEMENT

I oppose this bill #338 on title insurance for the following reasons:

- 1 - I see that it serves no true purpose but to eliminate competition and feel this interferes with free enterprise.
- 2 - Matters addressed are already covered under present regulations.
- 3 - In speaking with representatives and citizens of Bozeman, their support of this bill was solicited on the belief that this bill would eliminate certain escrow problems. However, after review of such bill, they discovered it did not. By running this bill through as a "TITLE BILL" it can not cover all escrow associates and procedures. Had it been introduced as an "ESCROW BILL" it could have eliminated the true problem and helped all professionals associated with escrow and the citizens.

Since the legislation is in session to solve **PROBLEMS** and it should be clear that this bill does not meet a problem solving requirement, I request that this bill die here in committee and stop costing the taxpayer any more monies.

I feel the citizens of Montana will need to hear a stronger argument as to why their taxes are supporting this bill 338.

Respectfully submitted,

Theodora (Teddy) Annear
P.O. Box 394
Bozeman, Montana 59715

STANDING COMMITTEE REPORT

MARCH 13

85

..... 19.....

MR. PRESIDENT

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

having had under consideration..... **HOUSE BILL** No. **334**

third reading copy (blue)
color

RENTAL OF PORTABLE BEER DISPENSERS BY BEER WHOLESALERS TO RETAILERS
(Gage)

HOUSE BILL

334

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

BE CONCURRED IN

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

.....
Mike Halligan

Chairman.

STANDING COMMITTEE REPORT

MARCH 13 19 85

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **359**

third reading copy (**blue**)
color

LOANS GUARANTEED BY STATE AGENCY EXEMPT FROM BANK LOAN LIMIT
(Neuman)

HOUSE BILL **359**

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

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Mike Halligan

Chairman.

STANDING COMMITTEE REPORT

MARCH 13 19 85

MR. PRESIDENT

BUSINESS & INDUSTRY

We, your committee on

having had under consideration..... HOUSE BILL No. 360

third reading copy (blue)
color

**INCREASE NOTICE PERIOD FOR EVICTING SPACE RENTER WHO FAILS TO PAY RENT DUE
(Fuller)**

Respectfully report as follows: That..... HOUSE BILL No. 360

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXXXX~~

Mike Halligan

Chairman.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS & INDUSTRY

Date March 13, 1985 HOUSE Bill No. 360 Time 11:45 a.m.

NAME	YES	NO
Chairman Mike Halligan	X	
V-Chrm. B. F. Christiaens	X	
Senator Paul Boylan	X	
Senator David Fuller	X	
Senator Delwyn Gage	X	
Senator Pat Goodover		X
Senator Allen Kolstad	NOT PRESENT FOR VOTE	
Senator Ted Neuman	X	
Senator Gene Thayer		X
Senator Bob Williams	X	
Senator Cecil Weeding	X	

Carol Duval
Secretary

Mike Halligan
Chairman

Motion: Motion by Senator Fuller House Bill 360 BE CONCURRED
IN, Passed 8 to 2.

STANDING COMMITTEE REPORT

MARCH 13

85

19

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **468**

third reading copy (**blue**)
color

AUTHORIZE CASH WITHDRAWAL AND ACCOUNT INQUIRY AT SATELLITE TERMINAL
(Thayer)

HOUSE BILL **468**

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

BE CONCURRED IN

~~XXXXXX~~
DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

~~Mike Hailigan~~

Chairman.