

MINUTES OF THE MEETING
BUSINESS & INDUSTRY COMMITTEE
MONTANA STATE SENATE

February 16, 1987

The twenty-first meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10 a.m. on Monday, February 16, 1987 in Room 410 of the Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 318: Sen. Judy Jacobson, Senate District 36, chief sponsor of the bill, said that the bill would allow the sale of candy containing up to 5% of alcohol by volume. It amends the state liquor code to provide that the term "alcoholic beverage" does not include candy filled with this level of alcohol, that the liquor laws do not prevent the importation, sale or purchase of such candy in the state, and such candy is not subject to the liquor codes. The bill also exempts candy with this level of alcohol from the adulterated food law.

PROPOSERS: There were no proponents.

OPPOSERS: There were no opponents.

DISCUSSION OF SENATE BILL NO. 318: Chairman Kolstad asked for questions from the committee members.

Sen. Neuman asked if it was possible to eat too many of these which would raise the blood alcohol content to the point where a person should not be driving. Sen. Jacobson replied that it would require almost four pounds to affect the blood to that extent so there would not be that problem.

Sen. Weeding asked if this candy would be sold in grocery stores. Sen. Jacobson responded that because of the expense of each piece or each box, it would probably be sold in a gourmet type store.

Sen. Boylan asked if the store would be required to have a liquor license and the reply was no.

Sen. Weeding asked if there would be any tax. Sen. Jacobson deferred to Mr. Tom Mulholland of the Department of Revenue who replied there would be no tax

There being no further questions, the hearing was closed on SB 318.

CONSIDERATION OF SENATE BILL NO. 324: Sen. R.J. "Dick" Pineseault, Senate District 27, St. Ignatius, sponsor of the bill, said the bill would amend the law that regulates transient retail merchants. The law presently provides that all merchants

must be licensed at a fee of \$5 per week. A merchant who indicates his intent to become a permanent merchant and continues in business for longer than a year may post a bond in lieu of paying the license fee. The bond must be in the amount of \$1000. This bill would require a transient retail merchant who comes from outside the state to do business here to pay a license fee of \$25 per week or post a bond of \$2,000.

PROPOSERS: Frank Capps, representing the independent grocers in Montana, stated that the bill simply would let the state know who is operating in Montana, what they are selling and the assurance that they would back up their product. The transient merchant has caused problems for locally-owned stores and this bill would make everyone play by the same rules.

George Allen, representing the Montana Retail Association, said the bill would make the transient merchant buy a license in each county in which they do business or post a bond. This would give the established merchant some protection.

OPPOSERS: There were no opposers.

DISCUSSION OF SENATE BILL NO. 324: Chairman Kolstad called for questions from the committee and stated that he had requested a Fiscal Note on the bill. He also asked the duration of the license. The response was that the license would be good for one week.

Sen. Meyer asked if this would apply to high school students selling apples, etc. Sen. Pinsonneault replied that it only would apply to non-residents. He also stated there was no penalty clause in answer to a query from Chairman Kolstad.

Sen. Thayer asked for clarification because his hometown requires a \$100 license. Mr. Allen responded that it is necessary to have a statewide bill, however, they hoped the city requirement would prevail if that should be more restrictive.

Sen. Boylan asked about these persons acquiring a bond as bonding requires references. Mr. Dowling said it would be secured from the county treasurer for \$2,000. He also pointed out the county attorney is the one who would enforce this law and in answering a question from Sen. Williams said the transient merchant would have to post a bond in every county in which he conducted business.

Sen. Hager asked about the language saying \$25 a week or \$2,000 bond. Ms. McCue, the committee researcher, stated that the language would have to be amended to include both to which Mr. Dowling agreed. He also pointed out that they want to amend existing statutes.

In closing, it was pointed out that this bill would require the transient merchants to adhere to what the established merchants are now doing. It also allows the state to know how much revenue is leaving the state.

DISPOSITION OF SENATE BILL NO. 318: Sen. Williams MOVED SB 318 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED with Sens. Neuman and Thayer voting "no".

DISPOSITION OF SENATE BILL NO. 99: Mary McCue said the amendments would limit the effect exclusively to the sapphire and would clarify what kinds of treatment might be used to enhance sapphires that were not genuine Montana sapphires. Sen. Williams MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Meyer. The MOTION CARRIED UNANIMOUSLY.

Sen. Boylan MOVED SB 99 DO PASS, AS AMENDED, seconded by Sen. Williams. Sen. Neuman expressed his opposition because of a loophole and also because there is some federal regulation concerning this. The MOTION CARRIED with Sens. Neuman, Weeding, Walker and Hager voting "no". (EXHIBIT 1 attached)

DISPOSITION OF SENATE BILL NO. 210: Ms. McCue indicated some statute numbers needed to be changed. Sen. Boylan MOVED ADOPTION OF THE AMENDMENTS, seconded by Sen. Weeding. The MOTION CARRIED.

Sen. Boylan MOVED SB 210 DO PASS AS AMENDED, seconded by Sen. Weeding. Ted Doney, a proponent, said there are 46 licensed counselors now and he asked Joan Rebisch to respond. Ms. Rebisch replied that it took a long while because of the wording and these people were not eligible until that problem could be solved. There are no high school counselors, who are only high school counselors, that would be eligible for this licensure.

Sen. Thayer asked Ms. Rebisch what would happen to the other persons who are not licensed. She responded that the mental health organization asked that diagnosis and treatment of mental illness be specifically inserted into the course work, which will be done by MSU and UofM.

Sen. Hager asked if there would be any group that would be grandfathered from the license. Ms. Rebisch replied there would not and also stated that the required education for this is a master's degree.

The question being called, the MOTION PASSED with Sen. Neuman voting "no".

DISPOSITION OF SENATE BILL NO. 237: Sen. Thayer MOVED SB 237 DO PASS, seconded by Sen. Meyer. The MOTION CARRIED with Sen. Walker voting "no".

DISPOSITION OF SENATE BILL NO. 263: Sen. Thayer moved SB 263 DO PASS, seconded by Sen. Boylan. The MOTION CARRIED with Sen. Walker voting "no".

FURTHER CONSIDERATION OF HOUSE BILL NO. 254: Sen. Boylan MOVED that the committee PASS CONSIDERATION of HB 254 for the day because of questions they had with the bill, seconded by Sen. Thayer. MOTION CARRIED.

FURTHER CONSIDERATION OF SENATE BILL NO. 205: Ms. McCue discussed the amendments which she was preparing and said the problem stems from the fact that the pharmacist can immediately negotiate the voucher at the bank but the bank does not have time to audit it. She suggested that after the pharmacist fills out the negotiable voucher, he could not negotiate it for a few days; meanwhile he would send other copies to the department. After a set period of time he could negotiate it if he had not heard from the department. Sen. Thayer asked if Sen. Halligan had worked out that agreement with the Department of SRS but no one could respond to the question. Because there were so many unanswered questions, Sen. Meyer asked that the bill be deferred for the time being.

DISPOSITION OF SENATE BILL NO. 201: Sen. Thayer MOVED SB 201 BE TABLED, seconded by Sen. Williams. The MOTION CARRIED UNANIMOUSLY.

The next meeting of the Business & Industry committee was set for Tuesday, February 17, 1987.

There being no further business, the meeting was adjourned at 11:25 a.m.



SEN. ALLEN C. KOLSTAD, CHAIRMAN

Business & Industry COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2/16/87

NAME	PRESENT	ABSENT	EXCUSED
ALLEN C. KOLSTAD, CHAIRMAN	✓		
TED NEUMAN, VICE CHAIRMAN	✓		
PAUL BOYLAN	✓		
TOM HAGER	✓		
HARRY H. McLANE	✓		
DARRYL MEYER	✓		
GENE THAYER	✓		
MIKE WALKER	✓		
CECIL WEEDING	✓		
BOB WILLIAMS	✓		

Each day attach to minutes.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 2-16-87

BILL NO. SB 99

Amendments to SB 99

Senate Business & Industry
2-16-87

1. Title, line 5.
Strike: "GEM STONE"
Insert: "SAPPHIRE"
2. Title, line 7.
Strike: "GEM STONE"
Insert: "SAPPHIRE"
3. Page 1, line 13.
Following: "in"
Strike: "gem stones"
Insert: "sapphires"
Following: "or"
Strike: "gem stone"
Insert: "sapphire"
4. Page 1, line 15.
Strike: "gem stones"
Insert: "sapphires"
5. Page 1, line 16.
Strike: "gem stone"
Insert: "sapphire"
6. Page 1, lines 17 and 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections
7. Page 1, line 19.
Strike: "Gem stone"
Insert: "Sapphire"
8. Page 1, line 21.
Strike: "gem stone"
Insert: "sapphire"
9. Page 1, lines 22 and 23.
Strike: "Gem stone"
Insert: "Sapphire"
Following: "includes" on line 23
Insert: "but is not limited to"
10. Page 1, line 24.
Following: "staining"
Strike: "and"
Insert: ", "
Following: "dyeing"
Insert: ", and bleaching"

11. Page 2, line 5.
Following: "or"
Insert: "clear or"
12. Page 2, line 6.
Strike: "gem stone"
Insert: "sapphire"
13. Page 2, line 7.
Strike: "gem stones"
Insert: "sapphires"
14. Page 2, line 8.
Strike: "gem stone"
Insert: "sapphire"
15. Page 2, line 9.
Strike: "gem stone"
Insert: "sapphire"
16. Page 2, line 10.
Strike: "gem stone"
Insert: "sapphire"
17. Page 2, line 12.
Strike: "The"
Insert: "On purchasing a business license, the"
18. Page 2, line 14.
Strike: "gem stones"
Insert: "sapphires"
19. Page 2, line 17.
Strike: "gem stone"
Insert: "sapphire"
20. Page 2, line 18.
Strike: "gem stone"
Insert: "sapphire"
21. Page 2, line 19.
Following: "of"
Strike: "gem stone"
Following: "the"
Insert: "sapphire"
22. Page 2, line 20.
Strike: "gem stone"
Insert: "sapphire"

23. Page 2, line 22.
Strike: "gem stone"
Insert: "sapphire"
24. Page 2, line 25.
Strike: "gem stone"
Insert: "sapphire"
25. Page 3, line 1.
Strike: "gem stone"
Insert: "sapphire"
26. Page 3, lines 2 and 3.
Strike: "gem stone"
Insert: "sapphire"
27. Page 3, line 4.
Strike: "gem stone"
Insert: "sapphire"
28. Page 3, line 5.
Strike: "gem stones"
Insert: "sapphires"
Following: "disclose"
Insert: "in writing"
29. Page 3, line 6.
Strike: "gem stone"
Insert: "sapphire"
30. Page 3, line 7.
Strike: "gem stone"
Insert: "sapphire"
31. Page 3, lines 8 and 9.
Strike: "gem stone"
Insert: "sapphire"
32. Page 3, line 10.
Strike: "gem stone"
Insert: "sapphire"
33. Page 3, line 13.
Strike: "gem stone"
Insert: "sapphire"
34. Page 3, lines 14 and 15.
Strike: "gem stone"
Insert: "sapphire"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 2-16-87
BILL NO. S.B. 99

35. Page 3, line 18.
Following: "A"
Strike: "gem stone"
Insert: "sapphire"
Following: "a"
Strike: "gem stone"
Insert: "sapphire"
36. Page 3, line 22.
Strike: "gem stone"
Insert: "sapphire"
37. Page 4, lines 1 and 2.
Strike: "gem stone"
Insert: "sapphire"
38. Page 4, line 2.
Following: "contracted"
Insert: "on and"

SENATE BUSINESS & INDUST
EXHIBIT NO. 1
DATE 2-16-87
BILL NO. S.B. 99

STANDING COMMITTEE REPORT

FEBRUARY 16, 1937

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 99

FIRST reading copy (WHITE)
color

REQUIRE DEALER, WHOLESALE SELLER TO DISCLOSE GEMSTONE TREATMENT

Respectfully report as follows: That SENATE BILL No. 99

be amended as follows:

1. Title, line 5.
Strike: "GEM STONE"
Insert: "SAPPHIRE"
2. Title, line 7.
Strike: "GEM STONE"
Insert: "SAPPHIRE"
3. Page 1, line 13.
Following: "in"
Strike: "gem stones"
Insert: "sapphires"
Following: "or"
Strike: "gem stone"
Insert: "sapphire"
4. Page 1, line 15.
Strike: "gem stones"
Insert: "sapphires"
5. Page 1, line 16.
Strike: "gem stone"
Insert: "sapphire"
6. Page 1, lines 17 and 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

~~XXXXXX~~

Continued

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

CONTINUED

Chairman.

FEBRUARY 16, 1937

7. Page 1, line 19.

Strike: "Gem stone"

Insert: "Sapphire"

8. Page 1, line 21.

Strike: "gem stone"

Insert: "sapphire"

9. Page 1, lines 22 and 23.

Strike: "Gem stone"

Insert: "Sapphire"

Following: "includes" on line 23

Insert: "but is not limited to"

10. Page 1, line 24.

Following: "staining"

Strike: "and"

Insert: ", "

Following: "dyeing"

Insert: ", and bleaching"

11. Page 2, line 5.

Following: "or"

Insert: "clear or"

12. Page 2, line 6.

Strike: "gem stone"

Insert: "sapphire"

13. Page 2, line 7.

Strike: "gem stones"

Insert: "sapphires"

14. Page 2, line 8.

Strike: "gem stone"

Insert: "sapphire"

15. Page 2, line 9.

Strike: "gem stone"

Insert: "sapphire"

16. Page 2, line 10.

Strike: "gem stone"

Insert: "sapphire"

17. Page 2, line 12.

Strike: "The"

Insert: "On purchasing a business license, the"

18. Page 2, line 14.

Strike: "gem stones"

Insert: "sapphires"

CONTINUED

19. Page 2, line 17.
Strike: "gem stone"
Insert: "sapphire"
20. Page 2, line 18.
Strike: "gem stone"
Insert: "sapphire"
21. Page 2, line 19.
Following: "of"
Strike: "gem stone"
Following: "the"
Insert: "sapphire"
22. Page 2, line 20.
Strike: "gem stone"
Insert: "sapphire"
23. Page 2, line 22.
Strike: "gem stone"
Insert: "sapphire"
24. Page 2, line 25.
Strike: "gem stone"
Insert: "sapphire"
25. Page 3, line 1.
Strike: "gem stone"
Insert: "sapphire"
26. Page 3, lines 2 and 3.
Strike: "gem stone"
Insert: "sapphire"
27. Page 3, line 4.
Strike: "gem stone"
Insert: "sapphire"
28. Page 3, line 5.
Strike: "gem stones"
Insert: "sapphires"
Following: "disclose"
Insert: "in writing"
29. Page 3, line 6.
Strike: "gem stone"
Insert: "sapphire"
30. Page 3, line 7.
Strike: "gem stone"
Insert: "sapphire"
31. Page 3, lines 8 and 9.
Strike: "gem stone"
Insert: "sapphire"

FEBRUARY 16, 1937

32. Page 3, line 10.
Strike: "gem stone"
Insert: "sapphire"

33. Page 3, line 13.
Strike: "gem stone"
Insert: "sapphire"

34. Page 3, lines 14 and 15.
Strike: "gem stone"
Insert: "sapphire"

35. Page 3, line 18.
Following: "A"
Strike: "gem stone"
Insert: "sapphire"
Following: "a"
Strike: "gem stone"
Insert: "sapphire"

36. Page 3, line 22.
Strike: "gem stone"
Insert: "sapphire"

37. Page 4, lines 1 and 2.
Strike: "gem stone"
Insert: "sapphire"

38. Page 4, line 2.
Following: "contracted"
Insert: "on and"

AND AS AMENDED
DO PASS

SENATOR KOLSTAD, CHAIRMAN

STANDING COMMITTEE REPORT

FEBRUARY 16, 1987

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 210

FIRST reading copy (WHITE)
color

DEFINING PROFESSIONAL COUNSELORS AS HEALTH CARE PROVIDERS

Respectfully report as follows: That SENATE BILL No. 210

be amended as follows:

1. Title, line 1 *supposed to be line 10 not line 1*
Strike: "30-33-1012"
Insert: "33-30-1012"
2. Page 7, line 2.
Strike: "30-33-1012"
Insert: "33-30-1012"

AND AS AMENDED

DO PASS
~~DO NOT PASS~~

.....
SENATOR KOLSTAD, Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 16, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration SENATE BILL No. 237

FIRST reading copy (WHITE)
color

**EXCLUDE RADIO AND TELEVISION ADVERTISING SALESMEN FROM
OVERTIME COMPENSATION**

Respectfully report as follows: That SENATE BILL No. 237

DO PASS

~~DO NOT PASS~~

.....
SENATOR KOLSTAD, Chairman.

STANDING COMMITTEE REPORT

..... FEBRUARY 16, 19.87.....

MR. PRESIDENT

BUSINESS AND INDUSTRY

We, your committee on.....

having had under consideration..... **SENATE BILL** No. **263**

FIRST reading copy (WHITE)
color

REMOVE HEARING REQUIREMENT FOR PROJECT FUNDED BY TAXABLE BONDS

Respectfully report as follows: That..... **SENATE BILL** No. **263**

DO PASS

~~DO NOT PASS~~

.....
SENATOR ROLSTAD, Chairman.

