

MINUTES OF THE MEETING  
BUSINESS AND INDUSTRY COMMITTEE  
MONTANA STATE SENATE

March 23, 1987

The fortieth meeting of the Business and Industry Committee was called to order by Chairman Allen C. Kolstad at 10 a.m. on Monday, March 23, 1987, in Room 410 of the Capitol.

ROLL CALL: All committee members were present except Sen. Tom Hager who was excused.

RECONSIDERATION OF HOUSE BILL NO. 570: A Motion by Sen. Harry McLane that the committee reconsider their actions on HB 570 was seconded by Sen. Paul Boylan. The Motion CARRIED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 570:

Sen. McLane then made a MOTION that HB 570 BE CONCURRED IN AS PREVIOUSLY AMENDED. The MOTION was Seconded by Sen. Paul Boylan and PASSED UNANIMOUSLY.

DISCUSSION AND DISPOSITION OF HOUSE BILL NO. 437: Sen. Weeding announced to the committee that he had inquired about the cease and desist orders included in HB 437 and the personnel from the Montana Insurance Department had agreed to attend this meeting to give more information and explanation regarding the subject. (EXHIBIT 1)

Ms. Wendy Curran, Executive Assistant to the Auditor, explained that this bill is directed only towards a specific activity that is in violation of the codes. A cease and desist order can be issued against someone's particular activity which is in violation. It would not require the agency, company or the agent to completely shut down everything they are doing for the duration of settling the dispute. She noted that there were some committee members who had expressed concern about the question of opening the entire Code up to cease and desist authority, and they have drafted a proposed amendment which instead of saying that the cease and desist authority applies to the entire provision of the insurance code, it will clearly show only those sections of the code that they would ever use the cease and desist authority for.

Chairman Kolstad wanted to know how much more actual work their department would have to put forth to accomplish the extra duties, since this would involve an extension of their authority. Ms. Curran stated that she believed that

it would require some additional work time; however, since many of these actions are already being addressed through the hearing process, if there is a violation, the staff time that is involved in putting together that information would be essentially the same. She explained that the administrative hearing process is a long, drawn out process, but the only problem they have presently is the lack of a mechanism to actually cause the offender to stop the illegal action. She stated that they would not be requesting any additional FTE's, as this is just an additional step in the investigatory process.

Sen. Newman wanted to know what was meant by the term "reasonable notice", and whether it would be a couple of hours, two days, ten days, or what and that it was his understanding that a cease and desist order could be issued with almost no notice to the company or individual. Ms. Curran was not certain and Sen. Thayer noted that he had visited with Kathy Irigoien and she explained to him that the language is stated as is because they need the power to stop an activity as soon as possible. If you were required to give ten days notice or any length of time it would allow more harmful activities to take place, or allow the offender to skip town, etc. The person or company participating in the questionable activities has their recourse through the hearing process whereby they can come back and make their case. Sen. Thayer stated that he was convinced that that is the way it should be. Sen. Neuman wanted to know if it is a common practice for other agencies who have the power to issue cease and desist orders, that there be no time limit. He asked Mr. Les Loble, who was in attendance, to comment on this question. Mr. Loble answered that he would basically agree with Sen. Thayer and that there are provisions of the law which permit instantaneous action. The cease and desist order is the administrative equivalent of what is called the temporary restraining order in the court where you go in front of the judge, lay your case down, and they decide if it is sufficiently emergent in nature to order it. It is done, and then the remedy comes in the hearing. He said that he understood Sen. Neuman's disquietude with that. Further that the Legislature has struggled with temporary restraining orders and has had to try to balance that out. At least in that there are severe penalties for the party that goes and gets a temporary restraining order without good cause, and probably in the area of cease and desist orders, everyone would have to rely on the good judgement of the administrative officer issuing them.

Sen. Thayer asked the Committee Researcher, Mary McCue if she felt the language of the proposed amendment appeared to be stated properly to accomplish the desired effect, and she said it would be suitable with a small amount of rearranging.

Sen. Boylan asked Ms. Irigoien what kind of situation would arise that would merit a cease and desist order. She answered when companies send out misinformation, such as when companies were sending out notices that their rates were being increased because of the non-gender insurance. Another case where it could be used would be when a person sells insurance and hasn't bothered to get a license, or when companies charge unfair rates.

Sen. Weeding stated that his notes said that the Auditor's Office has that authority in regard to other things in the insurance division, and asked Ms. Irigoien to comment. She acknowledged that the securities department uses the cease and desist order as its main tool of enforcement. In addition, twenty-five insurance departments use this method to enforce their insurance laws. Sen. Newman noted that twenty-five don't.

Sen. Gene Thayer moved that the PROPOSED AMENDMENTS BE ADOPTED. The motion was seconded by Sen. Weeding and PASSED UNANIMOUSLY.

Sen. Weeding then made a MOTION that House Bill 437 BE CONCURRED IN AS AMENDED which was Seconded by Sen. Thayer. The MOTION PASSED with Sen. Neuman and Hager voting, "no".

DISPOSITION OF HOUSE BILL NO. 648: Chairman Kolstad requested that Ms. McCue, explain what had been done regarding proposed amendments to make the bill more workable. Ms. McCue stated that she had prepared one amendment which she felt would cover the situation with the cowbells steer calcutta. She read the amendment and then explained that in subsection one there were two different definitions of what a calcutta pool is; the one that is there now and one that would read "a calcutta is a form of auction pool, in which a person's bid or wager on the rate or amount of weight gain of one animal compared to the rate or amount of weight gain of one or more other animals, with winnings awarded based on the outcome of the contest." Ms. McCue noted that it was her understanding that when this bill was heard on the Senate floor the first time and was killed, one of the objections to the bill was the opinion that by passing this kind of bill it

would make illegal some events that presently are legal. She noted that Mr. Dowling pointed out in his letter that that is not correct. Our constitution states very clearly that the only kinds of gambling that are allowed in this state are ones which are specifically permitted under Title 23. Therefore, unless it is a kind of gambling that is set out there (there aren't very many and, probably everyone knows what they are) that argument is not valid. If someone thinks their event is going to be shut down, and it is not included in this bill as a calcutta, they will either have to get it included, or it is presently illegal. Sen. Boylan felt that when someone on the floor stated they felt this bill was not necessary, that certainly aided the efforts to kill the bill. It was noted that several calcuttas have been stopped around the state, but Sen. Williams had not been furnished with that information at the time it was heard on the floor, according to Chairman Kolstad.

Sen. Ted Neuman MOVED that the above AMENDMENT BE ADOPTED. The MOTION was Seconded by Sen. Paul Boylan and PASSED UNANIMOUSLY.

Sen. Bob Williams made a MOTION that House Bill No. 648 BE CONCURRED IN AS AMENDED. Sen. Paul Boylan Seconded the MOTION. The MOTION PASSED. A written vote left by Sen. Hager stated that he wished to be recorded as voting "no".

RECONSIDERATION OF HOUSE BILL NO. 806: A MOTION was made by Sen. Darryl Meyer that House Bill 806 BE RECONSIDERED. The MOTION was Seconded by Sen Mike Walker and PASSED UNANIMOUSLY.

Chairman Kolstad announced that this bill had been TABLED by this committee on March 18 because there was a great deal of confusion concerning it and what the bill would actually do, plus there were some possible amendments. Sen. Meyer stated that he had some concerns regarding the bill and noted that Mr. Loble had some amendments which he had prepared.

Chairman Kolstad asked Mr. Les Loble to explain the amendments. Mr. Loble submitted written testimony of that explanation and went over it with the committee. He explained that the Guarantee Association Law has been in effect since 1974. Recently the National Association of Insurance Commissioners have reissued a model guarantee association law. When this bill came through, it touched on some of the areas where there is new model language.

Therefore, what they have done, he stated, in the amendments prepared, is insert the new language where necessary. Mr. Lobel said the language in the model law is extremely detailed and complex. The insurance commissioners are realizing that there has been an increase in companies who are going under. He noted that just last year there were something like eighteen companies authorized to do business in Montana which have gone under, the most spectacular being the Life of Montana, as well as Glacier General. These particular amendments are not going to cover those two situations, but there are other companies which do business in Montana which go under. The purpose of these particular provisions, is to limit the liability of the Montana Guarantee Association to a reasonable extent. Under the old law there was very little right for the Guarantee Association to take these existing policies of companies and rewrite them in a manner in which another company would be willing to pick them up and service them for the lifetime of the policy. What happens is that sometimes a company will go out and market a policy which is simply uneconomical and can't be funded with the premiums it brings in. What happens then is the policy holders are left without any coverage. The Guarantee Association is put in the position of trying to find another company that will buy that block of business. Therefore, the basic purpose for these amendments is to be able to reform the policies so that people get continued coverage at a value that they should have gotten in the first instance, and service for it for the remainder of the policy. He stated that in addition, the bill has a provision for the board members to receive compensation, which is not a part of the model act of the insurance commissioners. He told the committee that Montana is a little peculiar in that companies usually send full time employees to represent them on the Guarantee Board. However, Montana and Hawaii are so far removed from company offices that they appoint insurance agents who get their mileage, but that's all. They are not full-time employees of the company. That is why this bill puts in a provision whereby they can be paid. (EXHIBIT 2)

EXECUTIVE ACTION ON HOUSE BILL NO. 806: Sen. Paul Boylan MOVED that the AMENDMENTS BE ADOPTED. The MOTION was Seconded by Sen. Darryl Meyer. (SEE PAGE 6.)

DISCUSSION ON THE MOTION: Sen. Meyer asked Ms. Kathy Irigoin if she had seen the amendment. She answered affirmatively and her only question was with number six.

She said they had no objection to either alternative listed there, but she felt alternative (b) would be the best. Mr. Lobel also suggested alternative (b). Ms. Irigoien stated she felt that alternative would spell things out more clearly.

Sen. Boylan stated that he wished to have alternative (b) included in his motion, and Sen. Meyer who had seconded the motion agreed. The MOTION PASSED.

Sen. Darryl Meyer stated that he would like to propose another amendment to House Bill 806. He asked Ms. Irigoien to explain his suggested amendment. She pointed out that her department supports the bill with the language that allows the agents to be compensated for the time they devote to the Guarantee Fund Board, but Sen. Meyer doesn't. However, she agreed to explain his viewpoint. She explained that Sen. Meyer would rather have the language changed so that they are not compensated. If Sen. Meyer's amendment is adopted, number five of the amendment just adopted would be irrelevant as it has to do with them being compensated. Chairman Kolstad asked Mr. Lobel to comment and he pointed out that the amendments as he proposed them, give the authority to the insurance companies whether or not they will allow these people to be compensated; the people themselves cannot vote on giving money to themselves. He also felt that if the committee wished to go along with Sen. Meyer's proposal, they should all do some more work on it, because there is a confusion in the present law as to who is really on the Board. Whether it is the insurance company who is footing the bill, or their representative. He noted that he had mentioned to Sen. Meyer if you take out the payment provision, they would have to be careful to keep in the language that makes it clear that the insurance companies who are footing the bill for the policies that have to be picked up are the representatives on the Board and not individual agents. He explained that the problem that has arisen is that people who are agents and not employees of the insurance companies sometimes don't have the best interests of the Guarantee Board at heart. Sen. Meyer agreed that it would be good to have some additional time to work on this bill.

Chairman Kolstad stated that HB 806 would be held in the committee until the next meeting.

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DISPOSITION OF HOUSE BILL NO. 519: Sen. Ted Neuman MOVED that House Bill No. 519 BE LAID ON THE TABLE. The MOTION was Seconded by Sen. Mike Walker.

Sen. Bob Williams made a SUBSTITUTE MOTION that House Bill No. 519 BE CONCURRED IN and Sen. Darryl Meyer Seconded the MOTION.

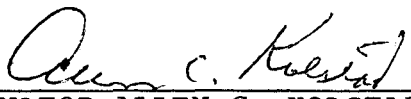
DISCUSSION OF THE MOTION: Sen. Neuman stated that he would like to speak in opposition to the motion on the grounds that he feels it is a violation of our constitutional individual dignity clause to base insurance rates on gender. He also felt that it is discrimination to discriminate on the basis of sex and urged that the committee vote against Sen. Williams's motion. Sen. Williams stated that since neither he nor Sen. Neuman is an attorney, the question of constitutionality would better be addressed on the Senate floor. Chairman Kolstad noted that an opinion had already been rendered on that issue in 1984. (EXHIBIT 3) Sen. Neuman interjected that there could be opinions on both sides, and Chairman Kolstad agreed.

The question being called for, Chairman Kolstad requested that the secretary take a Roll Call Vote. The SUBSTITUTE MOTION by Sen. Williams and Meyer that House Bill No. 519 BE CONCURRED IN PASSED. (See Roll Call Vote Sheet) Sen. Tom Hager left a written vote of "yes" for this bill.

Chairman Kolstad stated that there were still several bills that require action. However, some are being held at the sponsor's request and others require additional work. Therefore, the committee will not meet on March 24 but on a date to be announced.

There being no further business, the meeting was adjourned at 11:56 a.m.

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SENATOR ALLEN C. KOLSTAD, CHAIRMAN

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ROLL CALL

*Business & Industry* COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/23/87

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.

## M E M O R A N D U M

TO: Senator Cecil Weeding, Senate Sponsor  
House Bill 437

FROM: Kathy Irigoin, Staff Attorney  
Montana Insurance Department

SUBJECT: Explanation of amendment to House Bill 437

DATE: March 23, 1987

The amendment to House Bill 437 clarifies for which violations of which insurance laws cease and desist orders may be issued. If the attached amendment is adopted, the commissioner of insurance (commissioner) could ask a violator of the Montana Insurance Code to cease only the following specific unlawful activities:

33-1-501 An insurance company using an insurance policy or annuity contract form, application form, printed rider or endorsement form, or form of renewal certificate before filing it and having it approved by the commissioner.

Chapter 2 A person violating specific regulations relating to insurance companies, including regular insurance company licensing laws (part 1), surplus lines insurance licensing laws (part 3), deposit requirements (part 6), and investment guidelines (part 8).

33-14-201 A person engaging in the business of financing insurance premiums without first obtaining a license as a premium finance company.

Chapter 16 A person violating specific laws relating to insurance rates, including using unfiled rates; using excessive, inadequate, or unfairly discriminatory rates; or acting as a rating organization without first securing a license to act as a rating organization.

Chapter 17 A person violating insurance agent, solicitor, adjuster, consultant, or administrator licensing laws.

Chapter 18 A person violating unfair trade practices laws.

Part 4 of chapter 25 A person engaging in prohibited practices in the sale of title insurance.

Chapter 30 A person violating health service corporation licensing, form filing, prohibited trade practices, and discrimination laws.

Please note that the cease and desist order CANNOT be used to prevent a person from selling insurance in Montana. It can only be used to stop a specific unlawful activity. The commissioner can suspend or revoke an insurance agent license only after notice and hearing (see 33-17-1001, MCA) and an insurance company certificate of authority (license) only as prescribed in:

(1) 33-2-118 (relating to mandatory revocation or suspension of a certificate of authority if (a) the insurer no longer meets the requirements for a license on account of deficiency of assets or otherwise; or (b) the insurer's authority to transact insurance is suspended or revoked by its state of domicile); or

(2) 33-2-119 (relating to suspension or revocation for violations and special grounds).

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE 3-23-87

BILL NO. H.B. 437

PROPOSED AMENDMENT TO HOUSE BILL 437

1. Page 1, line 12.

Strike: "a provision of this code"

Insert: "33-1-501, chapter 2, 33-14-201, chapter 16,  
chapter 17, chapter 18, part 4 of chapter 25, and chapter  
30."

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EXHIBIT NO. 1  
DATE 3-23-87  
BILL NO. H.B. 437

HB 806

Amendments Proposed by the  
American Council of Life Insurance (ACLI)

1. Title, line 7.  
Following: "SECTIONS"  
Insert: "33-10-201,"
  
2. Page 1.  
Following: line 12  
Insert: Section 1. Section 33-10-201, MCA, is amended to read:

"33-10-201. Short title, purpose, scope, and construction. (1) This part shall be known and may be cited as the "Montana Life and Health Insurance Guaranty Association Act".

(2) The purpose of this part is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment of the insurer issuing such policies or contracts.

(3) To provide this protection:

(a) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages;

(b) members of the association are subject to assessment to provide funds to carry out the purpose of this part; and

(c) the association is authorized to assist the commissioner, in the prescribed manner, in the detection and prevention of insurer impairments.

(4) This part shall apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized to transact insurance in this state at any time.

(5) This act shall provide coverage for covered policies:

(a) to persons who are owners of or certificate holders under such covered policies, and who

(i) are residents, or

(ii) are not residents, but only under all of the following conditions:

(A) the insurers which issued such policies are domiciled in this state,

(B) such insurers never held a license or certificate of authority in the state in which such persons reside,

(C) such states have associations similar to the association created by this Act, and

(D) such persons are not eligible for coverage by such associations; and

(b) to persons who, regardless of where they reside (except for non-resident certificate holders under group policies or contracts), are the beneficiaries, assignees or payees of the persons covered under subparagraph (a).

(6) This part shall not apply to:

(a) any such policies or contracts or any part of such policies or contracts under which the risk is borne by the policyholder;

(b) any such policy or contract or part thereof assumed by the impaired insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued.

(7) This part shall be liberally construed to effect the purpose under subsections (2) and (3) which shall constitute an aid and guide to interpretation.

(8) Nothing in this part shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired insurer operating under a plan with assessment liability."

Renumber: all subsequent sections

3. Page 1, line 22.-23  
Strike: "held by a resident of this state"

4. Page 1, line 24.  
Following: "(4)"  
Insert: ", "  
Strike: "and"  
  
Following: "(5)"  
Insert: ", and (6)"

5. Page 3  
  
line 13.  
Following: "directors,"  
Insert: "but"  
Strike: "and such"

line 14.  
Following: "board"  
Insert: "shall not otherwise be compensated by the Association for their services; however, any designated representatives of members of the board"

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EXHIBIT NO. 2  
DATE 3-23-87  
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line 16.  
Following: "of"  
Strike: "an"  
Insert: "the member"  
Strike: "insurer"  
Insert: "insurers which designated them"

line 17.  
Following: "services"  
Strike: "as"  
Insert: "on the"  
Following: "board"  
Insert: "of directors"  
Strike: "members"

line 18.  
Following: "the"  
Strike: "membership"  
Insert: "members of the association"

Alternative A:

6. Page 7, line 11 through line 18.  
Strike: subsection (6) in its entirety.

Alternative B:

6. Page 7, line 11 through line 18.  
Strike subsection (6) in its entirety.  
Insert:

"(6) When proceeding under Section 33-10-220, the Association may, with respect to only life and health insurance policies

(a) Assure payment of benefits for premiums identical to the premiums and benefits (except for terms of conversion and renewability) that would have been payable under the policies of the insolvent insurer, for claims incurred

(i) with respect to group policies, not later than the earlier of the next renewal date under such policies or contracts or 45 days, but in no event less than 30 days, after the date on which the Association becomes obligated with respect to such policies;

(ii) with respect to individual policies, not later than the earlier of the next renewal date (if any) under such policies or one year, but in no event less than 30 days, from the date on which the Association becomes obligated with respect to such policies;

(b) make diligent efforts to provide all known insureds, or group policyholders with respect to group policies, 30 days notice of the termination of the benefits provided; and

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(c) make available substitute coverage on an individual basis in accordance with the provisions of paragraph (d) to each known insured, or owner if other than the insured, of an individual policy, and to any individual formerly insured under a group policy who is not eligible for replacement group coverage, if the insureds had a right under law or the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class.

(d) (i) In providing the substitute coverage required under paragraph (c), the Association may offer either to reissue the terminated coverage or to issue an alternative policy.

(ii) Alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy.

(iii) The Association may reinsure any alternative or reissued policy.

(e) (i) Alternative policies adopted by the Association shall be subject to the approval of the Commissioner. The Association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency.

(ii) Alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The Association shall set the premium in accordance with a table of rates which it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten.

(iii) Any alternative policy issued by the Association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the Association.

(f) If the Association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the Association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the Commissioner or by a court of competent jurisdiction.

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(g) The Association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date such coverage or policy is replaced by another similar policy by the policyholder, the insured, or the Association."

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DATE 3-23-87  
BILL NO. H.B. 806

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SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

DATE 3-19-87

BILL NO. HB 519

March 19, 1987

The Honorable Allen C. Kolstad  
Chairman  
Business and Industry Committee  
Montana State Senate  
Helena, Montana 59620

Re: House Bill 519 -- Constitutional Issue -- Individual  
Dignities Clause

Dear Chairman Kolstad:

Mr. Mike Meloy raised the question of the constitutional prohibition against gender based insurance rating. During the last legislative session Mr. Donald A. Garrity was retained to examine that question. On August 29, 1984 he rendered an opinion, which I have enclosed for the Committee's records. This 10 page opinion is an exhaustive analysis of the history of the Montana Individual Dignities Clause and the cases decided by the Montana Supreme Court. Mr. Garrity's conclusion is as follows:

"In summary, it is my opinion that Article II, Section 4, of the Montana Constitution applies only to 'state action,' not purely private discrimination, and that classifications based on sex are not prohibited thereby if there is a rational basis for such classifications. While I do not believe the regulation of insurance companies by the State converts their discriminatory acts into 'state action,' resolution of that question is unnecessary since the State itself is free to make such classifications on a rational basis."

Accordingly, he concluded that the unisex law was not required by Article II, Section 4. Since it is not required by the Montana Constitution it can be either repealed or revised by a law such as House Bill 519 without violating the Montana Constitution.

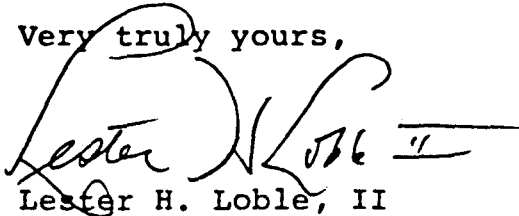
As Mr. Garrity noted,

"If Section 4 were literally interpreted, a religious body could not limit its priesthood or ministry to

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*makes*  
~~makes~~, Democrats could not bar Republicans from participating in their caucuses, atheists would be entitled to participate in private religious services and the Sons of Norway, Daughters of the American Revolution, et al., would cease to exist as distinctive organizations. At least some of these results would clearly violate the United States Constitution."

Very truly yours,



Lester H. Loble, II

LHL/kb  
Enclosure

cc: All Committee Members (w/o enclosure)

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 3  
DATE 3-19-87  
BILL NO. H.B. 51

REPORT ON TABLED BILL WITH AMENDMENTS

SENATE BUSINESS AND INDUSTRY COMMITTEE

MARCH 10, 1987

HB570 ALLOW RETAIL GOLF COURSE ALL-BEVERAGE LICENSE FOR PRIVATE  
AND PUBLIC COURSES

EXECUTIVE ACTION ON HB570:

- 3/6/87 -- Amendments ADOPTED on Motion of Senator Williams (See Below).
- 3/6/87 -- A motion by Senator Williams, seconded by Senator Meyer that HB570 BE CONCURRED IN AS AMENDED resulted in a failed motion due to a TIE VOTE. Senators Neuman, Hager, Williams, Walker and Kolstad voted in favor of the motion. Senators Thayer, Boylan, Weeding Meyer, and McLane voted against the motion.
- 3/10/87 - HB570 was reconsidered by the Committee on a motion by Senator Williams.
- 3/10/87 - A motion to ADOPT the Amendments to HB570 made by Senator Williams passed unanimously. (See Below.)
- 3/10/87 - The motion that HB570 BE CONCURRED IN AS AMENDED was made by Senator Williams and seconded by Senator Walker. The motion resulted in a tie. Senators Thayer, Meyer, Walker, Kolstad and Williams voted in favor of the motion. Senators McLane, Hager, Weeding and Boylan voted against the motion. /Neuman
- 3/10/76 - A motion by Senator Boylan to Reconsider HB570 passed. (Senators Walker and Williams Voted NO.)
- 3/10/87 - A motion made by Senator Boylan that HB570 be TABLED was seconded by Senator McLane. The motion carried with Senators Walker and Williams voting NO.

AMENDMENTS TO HB570 Third reading (blue) copy as adopted by the Business & Industry Committee on 3/6/87 & 3/10/87:

1. Title, line 5.  
Following: "COURSE"  
Insert: "OR A PUBLICLY OWNED GOLF COURSE BEER AND WINE LICENSE IS ISSUED"
2. Page 1, line 20.  
Following: "beverages"  
Insert: "and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine"
3. Page 1, line 21.  
Following: "BUILDING"  
Strike: "OF"  
Insert: "OR"

FOR INFORMATION  
PURPOSES ONLY,  
NOT AN EXHIBIT

SENATE BUSINESS AND INDUSTRY COMMITTEE

REPORT ON TABLED BILL

MARCH 18, 1987

HB806 REVISING MONTANA LIFE AND HEALTH GUARANTY ACT

EXECUTIVE ACTION ON HB806:

3/18/87 -- A motion by Senator Meyer and seconded by Senator  
Boylan that HB806 be TABLED passed unanimously.

# STANDING COMMITTEE REPORT

March 10

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MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 806

Third reading copy ( blue )  
color

REVISING MONTANA LIFE AND HEALTH GUARANTY ACT

PAVLOVICH (Meyer)

Respectfully report as follows: That HOUSE BILL No. 806

be amended as follows:

1. Page 8, line 22.  
Strike: "domestic"

AND AS AMENDED,  
BE CONCURRED IN

~~XXXXXX~~  
DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

ALLEN C. ROLSTAD,

Chairman.

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

*Substitute Motion*

Date 3/23/87 House Bill No. 519 Time 10:55 a.m.

NAME	YES	NO
ALLEN C. KOLSTAD, CHAIRMAN	✓	
PAUL BOYLAN		✓
TOM HAGER	✓	
HARRY H. McLANE	✓	
DARRYL MEYER	✓	
TED NEUMAN, VICE CHAIRMAN		✓
GENE THAYER	✓	
MIKE WALKER		✓
CECIL WEEDING		✓
BOB WILLIAMS	✓	

Carolyn Lunden  
Secretary

SENATOR ALLEN C. KOLSTAD  
Chairman

Motion: Be Concurred In

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# STANDING COMMITTEE REPORT

MARCH 23, 19 87

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 437

THIRD reading copy ( BLUE )  
color

SWYSGOOD ( WEEDING )

AUTHORITY FOR CEASE AND DESIST ORDERS BY INSURANCE COMMISSIONER

HOUSE BILL No. 437

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

**be amended as follows:**

1. Page 1, line 12.  
Strike: "a provision of this code"  
Insert: "33-1-501; 33-14-201; chapters 2, 16 through 18, and 30 of this title; and part 4 of chapter 25 of this title;"

AND AS AMENDED,

BE CONCURRED IN

~~XXXXXX~~

~~DO PASS~~

~~XXXXXXXXXX~~

~~DO NOT PASS~~

SENATOR ALLEN C. KOLSTAD, Chairman.



# STANDING COMMITTEE REPORT

.....MARCH 23,..... 19.87.....

MR. PRESIDENT

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

having had under consideration.....HOUSE BILL..... No. 519

THIRD reading copy ( BLUE )  
color

O'CONNELL ( FARRELL )

REVISE UNISEX INSURANCE LAW

Respectfully report as follows: That.....HOUSE BILL..... No. 519

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

.....SENATOR ALLEN C. KOLSTAD, Chairman.....

# STANDING COMMITTEE REPORT

MARCH 23, 1987

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY  
having had under consideration HOUSE BILL No. 570  
THIRD reading copy ( BLUE )  
color

BRANDENIE ( LYNCH )

ALLOW RETAIL GOLF COURSE ALL-BEVERAGE LICENSE FOR PRIVATE & PUBLIC COURSES

Respectfully report as follows: That HOUSE BILL No. 570

be amended as follows:

1. Title, line 5.  
Following: "COURSE"  
Insert: "OR A PUBLICLY OWNED GOLF COURSE BEER AND WINE LICENSE IS ISSUED"
2. Page 1, line 20.  
Following: "beverages"  
Insert: "and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine"
3. Page 1, line 21.  
Following: "BUILDING"  
Strike: "OF"  
Insert: ~~AND~~ "or"

AND AS AMENDED,

BE CONCURRED IN

~~XXXXXXXXXX~~  
DO NOT PASS

~~XXXXXXXXXX~~  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.

# STANDING COMMITTEE REPORT

MARCH 23, 1937

MR. PRESIDENT

We, your committee on BUSINESS AND INDUSTRY

having had under consideration HOUSE BILL No. 648

THIRD reading copy ( BLUE )  
color

HOLLIDAY ( WILLIAMS )

LEGALIZE CALCUTTA POOLS IN BETTING INVOLVING SPORTS EVENTS

Respectfully report as follows: That HOUSE BILL No. 648

be amended as follows:

1. Page 1, line 14.  
Following: "means"  
Insert: ": (a)"
2. Page 1, line 17.  
Following: "event"  
Insert: "; and  
(b) a form of auction pool in which persons bid or wager on the rate or amount of weight gain of one animal compared to the rate or amount of weight gain of one or more other animals with winnings awarded based on the outcome of the contest"

AND AS AMENDED,

BE CONCURRED IN

~~XXXXXX~~  
DO NOT PASS

~~XXXXXXXXXX~~  
DO NOT PASS

SENATOR ALLEN C. KOLSTAD, Chairman.