#### MINUTES

# MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### HOUSE COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By Vice Chairman Rep. Gene DeMars, on March 6, 1989, at 8:30 a.m.

#### ROLL CALL

Members Present: All, except

Members Excused: Reps. Bob Pavlovich, John Johnson, and

Don Steppler

Members Absent: None

Staff Present: Paul Verdon and Sue Pennington

Announcements/Discussion: None

#### HEARING ON SENATE BILL 364

## Presentation and Opening Statement by Sponsor:

Sen. Thayer, Senate District 19, Great Falls. This bill requires that insurance companies that want to cancel out one of the insureds for reasons other than nonpayment must give them 90 days notice. It requires the insurance companies to notify the policy holder in the case of a third party involvement.

## Testifying Proponents and Who They Represent:

Chuck Butler, Blue Cross/Blue Shield

#### Proponent Testimony:

Mr. Butler said Blue Cross/Blue Shield supports this bill.

## Testifying Opponents and Who They Represent:

None

## Opponent Testimony:

None

Questions From Committee Members: Rep. Nelson asked Sen. Thayer what he was referring to by third parties. Sen. Thayer said Sen. Noble's company went through a third party who handled the insurance package. The insurance payment was made monthly to the third party administrator and the administrator got behind in the payments. The insurance company notified the third party administrator that the insurance was being cancelled. Sen. Noble did not learn about the cancellation until 2-3 months later. This bill says that in the future the insurance company will have to notify the policy holder.

Rep. Thomas asked Mr. Butler if this would solve the situation in Great Falls? Who is buying the insurance, is it the third party or the business? Mr. Butler said the businesses have bought coverage through the third party administrators.

Closing by Sponsor: Sen. Thayer closed.

#### HEARING ON SENATE BILL 284

## Presentation and Opening Statement by Sponsor:

Sen. Thayer, Senate District 19, Great Falls. This bill prohibits persons not licensed as dealers from acting as dealers in sales of motor vehicles.

## Testifying Proponents and Who They Represent:

Steve Turkiewicz, MT Auto Dealers Bob Pyfer, MT Credit Union League

#### Proponent Testimony:

Mr. Turkiewicz stated that his association supports this bill. Said there are numerous vehicles for sale by persons claiming to be wholesale dealers. They do not have a license to sell vehicles many times they park their vehicles on city and county rights of way; many don't have license plates or have the wrong license plates on them, yet they are moved from corner to corner by the owner trying to sell them. These people are hurting the legitimate people who follow the laws and are licensed to sell cars. Mr. Pyfer stated that he would like to discuss the amendment in Section 4 on page 5. From time to time credit unions will get together with car dealers or rental car companies and join in a car sale whereby the credit union doesn't sell the cars per se, but finances the cars at the sale. conduct of these sales the credit union will promote the sale through their newsletter or through advertising for their members. We worked with the car dealers and the motor vehicle division to come up with the amendments.

## Testifying Opponents and Who They Represent:

None

## Opponent Testimony:

None

Questions From Committee Members: Rep. Bachini asked Mr.

Turkiewicz if we didn't address this same thing with a House
Bill? Mr. Turkiewicz said we had not.

Rep. Simon asked Sen. Thayer what happens if I live in Billings and there is a better market in Missoula and I ask Rep. Hansen to sell my car for me? Isn't she breaking the law? Sen. Thayer referred this to Mr. Turkiewicz. He said the definition allows a private individual to sell no more than five vehicles per year.

Closing by Sponsor: Sen. Thayer said the only objection to the bill in the Senate committee was from auctioneers. They were afraid they would not be exempt and have to become used car dealers. But this was addressed on page 5 of the bill. We will be glad to work with this committee to address and concerns you may have. I think this is a good consumer bill.

#### HEARING ON SENATE BILL 229

## Presentation and Opening Statement by Sponsor:

Sen. Boylan, Senate District 39. This bill will clarify the exemption of certain persons from the prohibition against debt adjusting.

## Testifying Proponents and Who They Represent:

Mike Hall, Budget Acceptance Company & American Financial Services, Bozeman

## Proponent Testimony:

See exhibit 1 for Mr. Hall's written testimony and the written testimony of others.

## Testifying Opponents and Who They Represent:

None

#### Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Boylan closed.

#### HEARING ON SENATE BILL 280

## Presentation and Opening Statement by Sponsor:

Sen. Boylan said this bill is an act to include loss of income in insurance that can be written in connection with consumer loans.

## Testifying Proponents and Who They Represent:

Kathy Anderson, Independent Insurance Agents Assoc. of MT

## Proponent Testimony:

Ms. Anderson stated that her association supports this bill in its entirety.

## Testifying Opponents and Who They Represent:

None

#### Opponent Testimony:

None

Questions From Committee Members: None

Closing by Sponsor: Sen. Boylan closed.

#### HEARING ON SENATE BILL 182

## Presentation and Opening Statement by Sponsor:

Sen. Keating, Senate District 44, Billings. This bill will redefine mental illness, increase the maximum benefits for mental illness, alcoholism, and drug addiction in disability insurance policies to equal those for physical illness; and provides an applicability date.

## Testifying Proponents and Who They Represent:

Chuck Butler, Blue Cross/Blue Shield Steve Waldron, Mental Health Centers Mike Rupert, CDPM Sue Weingartner, Chemical Dependency Programs of MT Mona Jamison, Rocky Mountain Treatment Center

## Proponent Testimony:

Mr. Butler presented an amendment to the bill which Sen. Keating has approved, see exhibit 1.

Mr. Waldron said his organization supports the bill and the amendment.

Mr. Rupert said his organization also supports this bill. Chemical dependency is also the root cause of inpatient and outpatient medical visits. Many health and psychological problems are directly related to chemical dependency.

Ms. Weingartner's organization is also in support of this bill. In Montana alone 100,000 people suffer from chemical dependency. Each of those may affect the lives of at least four other people, that is almost half of the state's population who may indirectly be affected by chemical dependency abuse.

Mrs. Jamison said her organization supports the bill and the amendment. In terms of the whole issue it is like pay now or pay more later. The issue is way beyond just the cost associated with treating the person, it extends into the lives of other family members and friends in the terms of emotional well being of those people and job productivity.

## Testifying Opponents and Who They Represent:

Dave Evenson, University System
Tom Hopgood, Health Insurance Assoc. of America
Jim Powell, Missoula

#### Opponent Testimony:

Mr. Evenson said the amendments as proposed do improve the bill and if accepted by the committee I can see where we would support it. I do think that it is important that those amendments be included. I agree that mental illness is a serious issue in the country and we need to provide for that coverage in our policies. But the premium costs may be considered by some as too expensive and out of reach.

Mr. Hopgood said this bill will increase the cost of health insurance to the consumer. We oppose this bill and any other mandatory coverage bill.

Mr. Powell stated that he supports the amendment but opposes the bill. I approve of these benefits, but we really have to keep in mind the cost factor. The employer is cutting back on what he can continue to pay out for employees' insurance and I see more employees deciding not to take the coverage for the family because the premiums are too high.

- Questions From Committee Members: (There were a few questions but there was too much noise in the room and the microphone did not pickup the voices clearly.)
- Closing by Sponsor: Sen. Keating said if you have experienced the fact that you have a large medical bill and the coverage is a shortfall of what you thought you had, you know it is a gut wrenching experience. If is only fair that when people participate in a group policy that the group benefits are commensurate to the actualities of life. I ask your support of this bill.

#### DISPOSITION OF SENATE BILL 364

Motion: Rep. Thomas moved BE CONCURRED IN.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 364 BE CONCURRED IN unanimously.

#### DISPOSITION OF SENATE BILL 284

Motion: Rep. Simon moved BE CONCURRED IN.

Discussion: None

Amendments, Discussion, and Votes: Rep. Simon made an amendment to the bill. See the attached copy of the amendments. The amendments DO PASS.

Recommendation and Vote: SB 284 BE CONCURRED IN as amended unanimously.

#### DISPOSITION OF SENATE BILL 280

Motion: Rep. Thomas moved BE CONCURRED IN.

Amendments, Discussion, and Votes: None

Recommendation and Vote: SB 280 BE CONCURRED IN unanimously.

#### DISPOSITION OF SENATE BILL 229

Motion: Rep. Nelson moved <u>BE CONCURRED IN</u> and moved the amendment.

Discussion: None

Amendments, Discussion, and Votes: The amendment is on page 2, line 8, strikes \$50,000 and inserts \$10,000. The amendment DO PASS.

Recommendation and Vote: SB 229 BE CONCURRED IN unanimously.

#### **ADJOURNMENT**

Adjournment At: 10:25 a.m.

REP. BOB PAVLOVICH, Chairman

BP/sp

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## DAILY ROLL CALL

# BUSINESS & ECONOMIC DEVELOPMENTCOMMITTEE

# 51th LEGISLATIVE SESSION -- 1989

Date 3 6 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB			-
DeMARS, GENE			
BACHINI, BOB	V		
BLOTKAMP, ROB			
HANSEN, STELLA JEAN	~		
JOHNSON, JOHN			-
KILPATRICK, TOM			
McCORMICK, LLOYD "MAC"	V		
STEPPLER, DON			~
GLASER, BILL			
KELLER, VERNON			
NELSON, THOMAS			
SIMON, BRUCE	. /		
SMITH, CLYDE	V		
THOMAS, FRED	V		
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PAUL VERDON	~		
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## STANDING COMMITTEE REPORT

March 6, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Business and Economic</u>

<u>Development</u> report that <u>SENATE BILL 280</u> (third reading copy - blue) be concurred in .

Signed: Robert Pavlovich, Chairman

[REP. WALLIN WILL CARRY THIS BILL ON THE HOUSE FLOOR]

3-6-2

#### STANDING COMMITTEE REPORT

March 6, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Business and Economic</u>

<u>Development</u> report that <u>SENATE BILL 364</u> (third reading copy - blue) <u>be concurred in</u>.

Signed:

Robert Pavlovich, Chairman

[REP. T. NELSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

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#### STANDING COMMITTEE REPORT

March 6, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Business and Economic</u>

<u>Development</u> report that <u>SENATE BILL 229</u> (third reading copy - blue) be concurred in as amended.

Signed: Robert Pavlovich, Chairman

[SPEAKER VINCENT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

## And, that such amendments read:

1. Page 2, line 8. Strike: "\$50,000" Insert: "\$10,000"

#### STANDING COMMITTEE REPORT

March 6, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Business and Economic</u>

<u>Development report that SENATE BILL 284</u> (third reading copy -blue) be concurred in as amended.

Signed:					
	Gene	DeMars	, Vi	.ce-Chairman	n

[REP. STANG WILL CARRY THIS BILL ON THE HOUSE FLOOR]

## And, that such amendments read:

1. Page 5, line 8.
Following: "prohibited"
Insert: "-- exemption"
Following: "."
Insert: "(1)"

2. Page 5, line 17. Following: line 16

## SANKOVICH & ASSOCIATES INSURANCE AGENCY

510 EAST CAMELBACK ROAD . PHOENIX, ARIZONA 85012 . TELEPHONE (602) 263-0777

March 1, 1989

Mr. Robert J. Pavlovich, Chairman Business and Economic Development Committee Montana House of Representatives State Capital Helena, Montana 59620

Re: Debt Management Bonds

Dear Mr. Pavlovich:

Mr. Michael Hall has been a client of this insurance agency for over 20 years. American Financial Services has had a debt management bond in the amount of \$5,000.00 for the State of Arizona since September 17, 1973.

Mr. Hall requested information on obtaining a larger bond of perhaps \$10,000 or \$50,000 for the State of Montanna. Even with American Financial Service having an excellent standing with its bonding company, they would undoubtedly have difficulty in obtaining a \$10,000 bond. A bond of \$50,000 would be virtually impossible to obtain.

As the bond is written in the state of Arizona, the premium is \$500.00 per annum for the \$5,000 bond. At this rate of 10% per annum a \$50,000 bond preium would be \$5,000 per year preium creating a very high overhead factor if it could be written. The bond would have to be reviewed by attorneys for any surety company as all bonds are before a surety company might consider writing any bond of any size. The exact liability of the bond must be very clear and enforceable.

When I explained to Mr. Hall that even though we represent some of the largest insurance companies in the county we did not feel it possible to obtain a \$50,000 bond, he requested a letter of that content be written to your committee.

Sincerely,

M. F. Dorsett Agent for

Peter N. Sankovich, Montana

Darsett

Non-Resident Insurance Agent

License # 64065

MFD:1s

# **American Financial Services**

P.O. Box 3898 • Bozeman, Montana 59715 • (406) 586-1396

Dear Representative Glaser:

Please take a few moments of your time to familiarize yourself with information that is enclosed concerning American Financial Services and Budget Acceptance Company.

American Financial Services and Budget Acceptance Company are affected by Senate Bill 229 and they fully support its passage.

We are in agreement with the Department of Commerce that the bonding of individuals engaged in the business of debt adjusting as defined in 31-3-203 Section 9 is desirable and we support the implementation of said amendment.

We also respectfully submit that existing fee schedules, presently allowed for under 31-3-203 Section 9 and set in 1969, are unrealistic as relates to the cost of providing our services in todays' business environment.

We sincerely hope that you will consider the passage of rates stipulated in Senate Bill 229.

I will be present at your committee hearing on Monday, March 6th, and will be happy to answer any questions pertaining to the impact of this legislation both upon the industry and upon those who seek the services we provide.

Thank you for your consideration.

Sincerely,

Michael A. Hall

President

Budget Acceptance Company and American Financial Services American Financial Services was established in 1971 in Phoenix, Arizona. We received our Montana Corporate Charter in 1983 and located our home offices in Bozeman at that time.

Budget Acceptance Company is a Montana Corporation which received its Corporate Charter in February 1985. Its home offices are likewise located in Bozeman, Montana.

American Financial Services and Budget Acceptance Companies have serviced approximately 7,500 families and individuals since locating their offices in Bozeman, in June 1983. A total of over 30,000 families and individuals have utilized the combined services of American Financial Services and Budget Acceptance Company since 1971. We have successfully managed in excess of \$50,000,000.00 in behalf of our clients.

We are presently providing services at all times to between 800 and 1,000 families and 6,000 lenders throughout the United States.

We are proud to be members of the Montana business community and look forward to providing many years of sound, reliable and professional service to Americans everywhere from our Bozeman offices.

## COMPARATIVE FEE SCHEDULES

STATE Wisconsin	BOND \$ 5,000	<u>FEES</u> Open
Washington	10,000	15% of total debt
New Hampshire	10,000	15% of total debt
Illinois	7,500	15% of total debt
Oregon	10,000	15% of total debt
Nebraska	10,000	15% of total debt
Minnesota	5,000	15% of total debt
Michigan	5,000	Open

# K.I.S. SYSTEMS, INC.

P.O. BOX 1566 BOZEMAN, MT 59715 (406) 587-0739



February 27, 1989

Chairman Robert J. Pavlovich Montana House of Representatives Business and Economic Development Committee State Capital Helena, MT 59620

Dear Chairman Pavlovich:

The purpose of this correspondence is to state our support of SB 229.

Over the past several years, our company has had the opportunity to develop an extensive computer system for American Financial Services and Budget Acceptance Company.

In the course of that effort, we have necessarily become very familiar with the nature of the services offered by these companies and the very professional manner in which said services are performed.

We fully support the philosophy of free enterprise and see no reason why rates proposed under SB 229 should not be ratified.

Thank you for your consideration in this matter and we sincerely hope that your committee will come forth with a do-pass recommendation on SB 229.

Sincerely Yours,

Michael D. Lowry, President K.I.S. Systems, Inc.



P.O. Box 910 Bozeman, MT 59771-0910 • 406-587-0641

February 27, 1989

Chairman Robert J. Paviovich
Montana House of Representatives
Business & Economic Development Committee
State Capital
Helena, MT 59620

Dear Chairman Paviovich:

The purpose of this correspondence is to lend our support to the passage of Senate Bill #229 which is presently before your committee.

We are familiar with the services provided by both Budget Acceptance Company and American Financial Services and can think of no valid objection to the fact that such services are marketed to the general public. We also support the position that free enterprise should be allowed to take its course and that the fee schedules proposed in Senate Bill #229 are not out of the norm for the financial services industry.

Thank you for your time and consideration in this matter and we sincerely hope that your committee will come forth and report with a do pass recommendation.

Very truly yours,

a gulant

BRUCE GERLACH
Vice President

First Security Bank of Bozeman

February 27, 1989

Chairman Robert J. Pavlovich Montana House of Representatives Business and Economic Development Committee State Capital Helena, MT 59620

Dear Chairman Pavlovich:

I am writing this letter in support of SB 229. I am familiar with the services which are offered to the general public by both American Financial Services and Budget Acceptance Company of Bozeman.

It is my opinion that the services are very professional in nature and that there can be no legitimate complaint to the manner in which said services are performed. I also believe very strongly that free market principles should apply in this case and that the fees proposed in SB 229 are not inconsistent with that philosophy.

Thank you for taking the time to read this correspondence and I do hope that your committee will report with a do pass recommendation on SB 229.

Very Truly Yours,

Cliff Renner, President

Kwik Kopy Inc.

February 27, 1989

Chairman Robert J. Pavlovich Montana House of Representatives Business and Economic Development Committee State Capital Helena, MT 59620

Dear Chairman Pavlovich:

We are writing in support of SB 229. We have leased office space to American Financial Services and Budget Acceptance Company for approximately four (4) years and during that time have become very familiar with the services performed by said companies.

We can fairly state that services are performed in a very professional manner and can see no reason why American Financial Services and Budget Acceptance Company should not be allowed to contract for their services in a free and open market place. Fee schedules proposed in SB 229 do not seem unrealistic in todays business environment.

We appreciate your time and attention and strongly urge your committee to report with a do pass recommendation on SB 229.

Sincerely Yours,

David and Thelma Manley

689 Manley Road

Bozeman, MT 59715

February 27, 1989

Chairman Robert J. Pavlovich Montana House of Representatives Business and Economic Development Committee State Capitol Helena, MT 59620

E. Bemos

Dear Chairman Pavlovich:

Please be advised that I have utilized the services of Budget Acceptance Company to assist me in the management of my personal financial affairs.

I was very pleased with the professional manner in which my account was managed and can state that the services were well worth the cost.

I see no reason why rates proposed in SB229 should not be installed.

For my part, I as a satisfied customer would be happy to pay the new rates should I ever again have the occasion to need such services.

Sincerely,

Cabro Bornha

Bozeman, Montana

December 6, 1988

Ronald E. Junck, Esq. P. O. Box 10569
Phoenix, AZ 85064

Re: American Financial Services ("AFS") and other debt management clients
File No. 001139

Dear Mr. Junck:

Pursuant to our recent telephone discussion, this letter is to confirm that we will be reissuing the Addendum to our Collection Practice Procedures so that again our Credit Service Centers ("CSCs") will be specifically reminded of the fact that, as we understand the situation, AFS provides a debt management service that does not seek reduced or extended payment terms and, therefore, should not be treated as a "for profit" prorater. However, this renewed procedure Addendum will again instruct the CSCs about dealing with debt prorater services that are run for profit.

We appreciate the efforts you have made to avoid litigating the differences between your clients and this company.

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Very truly yours,

William J. Carello Senior Attorney

C/an

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WJC/jb

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# AMENDMENTS TO SENATE BILL 182

Page 2, line 20, after "functions", insert the following, "AN ORGANIC OR EMOTIONAL IMPAIRMENT THAT HAS SUBSTANTIAL ADVERSE EFFECTS ON AN INDIVIDUAL'S COGNITIVE OR VOLITIONAL FUNCTIONS AND IS".

## VISITORS' REGISTER

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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.