

MINUTES

51st LEGISLATURE - REGULAR SESSION

Call to Order: By Chairman Gene Thayer, On March 22, 1989 at 1:00 p.m., in room 405, State Capitol.

ROLL CALL: Chairman Gene Thayer, Senator Noble, Senator Weeding, Senator Galt, Representative Blotkamp, Representative DeMars, Representative Wallin, Representative Vincent.

FREE CONFERENCE COMMITTEE ON SENATE BILL 284

Chairman Thayer announced that Peter Funk of the Justice Department helped work up the amendment and he would explain some of the background.

Peter Funk stated, the House amended language in both sections 2 and 3. Later, language was inserted to try exempting auctioneers from the dealers licensure process. The insertion simply referred to a sale by auction pursuant to Title 30, Chapter 11, part 5. When you look at that section of the law it makes absolutely no distinction between a private auctioneer and automobile auctions. There are a couple such auctions in the state that are in the business of doing nothing but auctioning used automobiles. Those people, in our opinion, do need to be licensed as automobile dealers on the license exception. The amending language, inserted by the House, did not provide for private auctioneers.

Chairman Thayer said the Senate Business and Industry Committee had made the needed amendments, only to have it removed by the House.

Peter Funk asked for private auctioneers to be excluded. I've used the amendments prepared on March 15, and have distributed them to you. This was our effort to try drawing distinction between private auctioneers and auto auctions. It would merely be a new section, exempting certain auctioneers whose business consists primarily of the sale of personal property other than motor vehicles. In that way, we draw the distinction between them.

Steve Turkiewicz said he thought the Attorney General's amendments of March 15 was correct, and right where they wanted it. The other auctions would come under the regular motor vehicle licensing department. Their sale of used vehicles was already regulated. We're affording private auctioneers, who do not necessarily have an established high prerogative emphasis on automobiles, from being regulated by the Department of Justice.

SENATE COMMITTEE ON BUSINESS & INDUSTRY

March 22, 1989

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Representative Wallin asked Peter Funk if the amendments just removed private auctioneers from regulation by the Department of Justice? Mr. Funk answered, that is correct. Representative Wallin asked, what if they have more than five vehicles? Mr. Funk said they could take them to a vehicle auction. Representative Wallin said he didn't have any problem with the amendments.

Senator Weeding asked if this would affect a farm auction, with an assortment of equipment? Mr. Funk stated, the intent of this bill was not to license any private auctioneers. He said their department did not feel private auctioneers were in the business of selling motor vehicles. Mr. Funk said they felt it would be better to put in a specific exemption rather than just have a department policy.

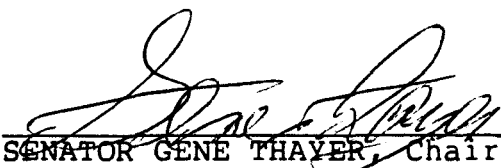
Chairman Thayer said that Mr. Pate, an auctioneer, had worked with the department to come up with this language. Chairman Thayer asked Mr. Pate if he cared to make a comment. Mr. Pate said he had been concerned with the original bill, because there was no way he could comply with the way it was written. He said he felt 'stock cars' and the state of Montana's annual auctions were taken care of with this language.

Amendments and Vote: Senator Weeding made a motion to Adopt the Amendments. The motion Caried Unanimously.

Discussion: Bob Pyfer stated that since they were adding a new section to the bill, they needed to add that section to the codification. He said it was a simple matter. On page 7, line 8, add sections 2 and 3. Otherwise, you may have a technical problem down the line. Senator Weeding asked the committee to include these technical amendments in his motion. Chairman Thayer said said, let the record show that the technical amendments on page 7, line 8 were moved.

The committee voted unanimously to include the technical changes suggested.

The meeting adjourned at 1:22 p.m.


SENATOR GENE THAYER, Chairman

GT/ct

Free Conference Committee Report
on SB 284
Report No. 1, March 27, 1989
page 1 of 2

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 284 met and considered:

SB 284 (reference copy -- salmon)

We recommend that SB 284 (reference copy -- salmon) be amended as follows:

1. Page 5, lines 21 and 22.

Strike: "EXEMPTION FOR FINANCIAL INSTITUTIONS"

Insert: "Exemptions"

2. Page 5, line 22.

Following: "INSTITUTIONS."

Insert: "(1)"

3. Page 5, line 25.

Strike: "(1)"

Insert: "(a)"

4. Page 6, line 2.

Strike: "(2)"

Insert: "(b)"

5. Page 6, line 4.

Strike: "(3)"

Insert: "(c)"

6. Page 6.

Following: line 8

Insert: "(2) This part does not require licensure of an auctioneer whose business consists primarily of the sale of personal property other than motor vehicles."

continued

FREE CONFERENCE COMMITTEE, SB 284

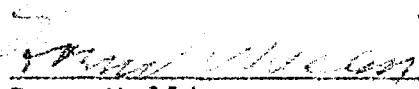
March 27, 1989

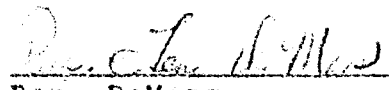
page 2 of 2

And that this Conference Committee Report be adopted.

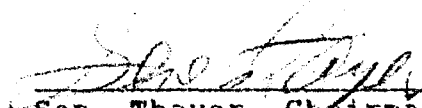
FOR THE HOUSE


Rep. Blotkamp


Rep. Wallin


Rep. DeHars

FOR THE SENATE


Sen. Thayer, Chairman


Sen. Noble


Sen. Weeding

ADOPT

REJECT

11.0
31.3.154
1:34
6.00

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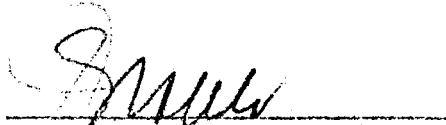
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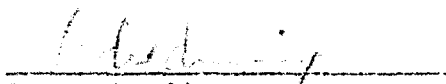
continued

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FOR THE SENATE

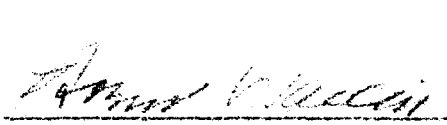

Sen. Thayer, Chairman

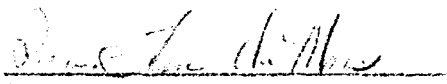

Sen. Noble


Sen. Weeding

FOR THE HOUSE


Rep. Blotkamp


Rep. Wallin


Rep. DeHars

ADOPT

REJECT

4/10/89
3:24
8:00 a.m.

Amendment to Senate Bill 284
Introduced Bill

Prepared by Peter Funk
Assistant Attorney General
Department of Justice
March 15, 1989

Following: Section 2

Insert: New Section. Section 3. Exemption for
 certain auctioneers. This part does not require
 licensure of an auctioneer whose business consists
 primarily of the sale of personal property other
 than motor vehicles.

(Remember subsequent sections following amendment)