

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By Chairman J.D. Lynch, on March 13, 1991, at 10:00 a.m.

ROLL CALL

Members Present:

J.D. Lynch, Chairman (D)
John Jr. Kennedy, Vice Chairman (D)
Betty Bruski (D)
Eve Franklin (D)
Delwyn Gage (R)
Thomas Hager (R)
Jerry Noble (R)
Gene Thayer (R)
Bob Williams (D)

Members Excused: None

Staff Present: Bart Campbell (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 331

Presentation and Opening Statement by Sponsor:

Representative Tom Kilpatrick, sponsor of the bill, stated that this is what he calls his "Jeanie" bill. One of his friends named Jean owns a 1968 mustang convertible. She started getting calls from men, they were asking her name, they wanted to buy the car. They knew her name, they knew her phone number, and they knew where she lived. They got this information from the motor vehicle. She was very upset. There were many opponents in the house because they wanted the guarantee that they could get at the records if they needed to. A statement of intent was added to the bill. This bill gives the motor vehicle the right to decide who should get the information. The whole meat of the bill is on page four, line six.

Proponents' Testimony:

Dean Roberts, administrator of the motor vehicle division,

stated that they are in support of this bill.

Opponents' Testimony:

Gene Phillips, representing the national association of independent insurers, and the alliance of American insurers, stated that both associations represent insurers who cover problem casualty insurance in the state of Montana. It is necessary in evaluating the risk of being assumed writing an automobile policy that you have access to motor vehicle records. Both associations oppose any limitations on the use of information of motor vehicle records by an insurer. If there was something that could be put into this bill to make it clear that it does not restrict any information sought by the insurers, they would not object to the bill.

Questions From Committee Members:

Senator Lynch stated that he thinks that the associations that Gene Phillips mentioned were already out of it. The bill states that the department of justice is granted authority to reasonably restrict the rule. They are going to restrict it to the insurance companies.

Gene Phillips stated that he is not sure what their interpretation of "reasonably restrictive" is.

Senator Franklin stated that she feels that this is a worthy piece of legislation.

Senator Noble asked if you can call the department and get a list of a certain type of automobile.

Dean Phillips replied yes. He stated that they do have to state their name. The department has become somewhat more secure with that information.

Senator Noble asked if somebody calls, or writes in for all of the 1956 thunderbirds, is there a charge for that information.

Dean Phillips stated that they do have a charge. If they have to set the program up, the department would charge them a three hundred dollar fee, and thirty dollars additional for every thousand names. If you were to write in for an individual record, it would cost you six dollars. They do not give those records over the telephone anymore. The request has to be in writing.

Closing by Sponsor:

Representative Kilpatrick closed by saying that Senator Franklin will carry the bill if it passes.

EXECUTIVE ACTION ON HOUSE BILL 331

Motion:

Senator Noble moved HB 331 be concurred in.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion that HB 331 be concurred in passed unanimously.
Senator Franklin will carry the bill to the floor.

HEARING ON HOUSE BILL 774

Presentation and Opening Statement by Sponsor:

Representative Royal Johnson, sponsor of the bill, stated that the current law provides that you can manufacture gambling devices in the state of Montana no matter what those gambling devices do. You can manufacture gambling devices no matter if they are legal in the state, or not legal in the state. Non-legal gambling devices are shipped out of the state. Say that a manufacturer in the state of Montana ships twenty five machines to Las Vegas, Nevada. A year from now, that manufacturer perfects a different kind of machine, and goes down to Las Vegas to swap his machines. The law now prohibits that gambling device, because it is illegal in Montana to be shipped back into the state to be reconditioned.

Proponents' Testimony:

Bob Robertson, administrator of the gambling control division, stated that they worked with the sponsor and the originator of this bill. The federal Johnson act does prohibit the shipment of gambling device into the location where it is not legal.

Randy R_____, stated that this should be a great economic bill for Billings. The chamber of commerce of Billings in support.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Kennedy asked how many of these companies do we have right now.

Representative Kilpatrick stated that there are approximately four in the state.

Closing by Sponsor:

Representative Johnson closed by saying that Senator Keating has agreed to carry the bill to the senate if it passes.

EXECUTIVE ACTION ON HOUSE BILL 774

Motion:

Senator Noble moved that HB 774 be concurred in.

Discussion:

None

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion that HB 774 be concurred in passed unanimously. Senator Keating will carry the bill to the floor.

EXECUTIVE ACTION ON HOUSE BILL 76

Motion:

Senator Kennedy moved to amend HB 76.
Senator Hager moved HB 76 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

Senator Lynch went over the amendments that were discussed at an informal meeting to make it fair with members of both sides (See attached copy of amendments).

Senator Lynch asked if Mona Jamieson wished to add anything to the amendments.

Mona Jamieson replied that the amendments are satisfactory.

The amendments proposed by Senator Lynch passed unanimously.

Recommendation and Vote:

The motion that HB 76 be concurred in as amended passed unanimously. Senator Lynch will carry the bill to the floor.

EXECUTIVE ACTION ON HOUSE BILL 252Motion:

Senator Noble moved to amend HB 252.

Senator Gage moved that HB 252 be concurred in as amended.

Senator Noble moved that HB 252 be reconsidered.

Discussion:

Senator Thayer stated that he served on that committee that studied on all the liens. He wonders why we have lien laws at all. Maybe lien laws should be eliminated completely. The situation where you are going to have a secret lien is idiotic. The committee dealt with that issue, and the contractors and the people representing the trade came up with the idea of the notice of lien. It has worked beautifully for four years. Nobody has had any problems, and nobody has had to pay twice. We shouldn't be tampering with something that is working so well. The other problem with the bill now, is you have a situation where you are treating people differently. If you are the homeowner, and you have the contract directly with the contractor, you get twenty days. If it is a bank financed deal, it is forty five days. If you allow people to break covenants that were made over a two year period, and a committee that worked very hard on this particular subject. They tried to come up with something that would be fair to everybody. We are setting up a situation where we are handling somebody else's accounts receivable.

Senator Gage stated that he would like to see some language that the person has received the notice of lien, perhaps by a registered letter.

Amendments, Discussion, and Votes:

The amendments for HB 252 passed 8 to 1 vote.

Senator Kennedy stated that he talked with both sides about changing the forty five days to thirty days. Both sides seemed to be in agreement with that. It is a hidden lien type thing towards the homeowner. The forty five days slows down the paperwork in the closing of a loan. The building industry was interested because they could have a billing cycle, before they would have to put a lien on the property. Thirty days should be a sufficient time.

Senator Noble asked Senator Hager if he had any comments, because he was on the subcommittee that studied the liens.

Senator Hager replied that it was the toughest interim committee that he has ever been on. There was a lot of give and take.

Senator Gage stated that if the committee amended it back to thirty days, they would be defeating the purpose of the intent of the bill.

Recommendation and Vote:

The motion that HB 252 be concurred in as amended passed 6 to 3 votes. Senator Williams will carry the bill to the floor.

The motion to reconsider HB 252 passed 7 to 1 vote.

EXECUTIVE ACTION ON HOUSE BILL 816

Motion:

Senator Kennedy moved to amend HB 816.

Senator Noble moved HB 816 be concurred in as amended.

Discussion:

Senator Lynch stated that under a lemon law, you are not even talking about the tires. It is just the motor and chassis. The appliances and fixtures should be covered under warranty.

Amendments, Discussion, and Votes:

Senator Gage stated that they would be too broad to put all of the fixtures, furnisher, etc.

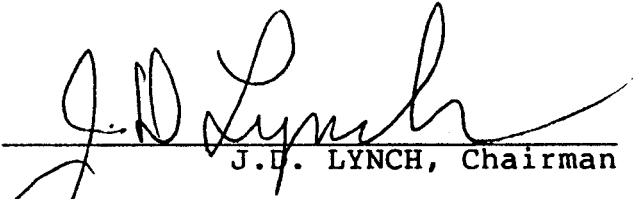
The amendments proposed by Senator Lynch (See attached copy) passed unanimously.

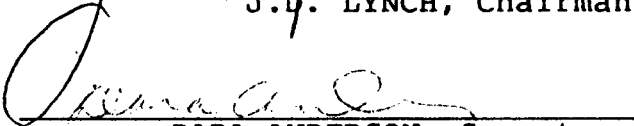
Recommendation and Vote:

The motion made that HB 816 be concurred in as amended passed unanimously. Senator Bruski will carry the bill to the floor.

ADJOURNMENT

Adjournment At: 11:35 a.m.


J.D. LYNCH, Chairman


DARA ANDERSON, Secretary

JDL/dia

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

DATE

3/13/91

52ND LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BRUSKI	X		
SENATOR FRANKLIN	X		
SENATOR GAGE	X		
SENATOR HAGER	X		
SENATOR NOBLE	X		
SENATOR THAYER	X		
SENATOR WILLIAMS	X		
SENATOR KENNEDY	X		
SENATOR LYNCH	X		

Each day attach to minutes.

3/13/91

DATE: _____
✓ BUSINESS & INDUSTRY

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Amendments to House Bill No. 816
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell
March 13, 1991

1. Page 2, lines 12 and 13.

Strike: "a" on line 12 through "61-1-132" on line 13

Insert: "the nonresidential portion of a motor home as defined in
61-1-130".

2. Page 2, line 18.

Following: "61-1-105."

Insert: "Motor vehicle does not include components, systems,
fixtures, appliances, furnishings, accessories, and features
that are designed, used, and maintained primarily for
residential purposes."

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB 816 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

Motion: To AMEND

J.D. LYNCH

Chairman

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. 816 ~~143252~~ Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

Motion:

J.D. LYNCH

Chairman

Be CONCURRED IN AS AMENDED

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB252 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH		X

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion:

NOBLE TO RECONSIDER

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB 252 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER		X
SENATOR NOBLE		X
SENATOR HAGER		X
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

Motion: BE CONCURRED IN AS AMENDED
SEN. WILLIAMS TO CARRY

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB 252 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER		X
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

Motion: To AMEND

J.D. LYNCH

Chairman

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB 76 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion: BE CONCURRED IN AS AMENDED

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. HB 76 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS	X	
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	✓	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

KENNEDY
Motion:
TO AMEND

Amendments to House Bill No. 76
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell
March 13, 1991

1. Page 2, line 11.

Strike: "essential and"

Following: "reasonable"

Insert: "business"

2. Page 4, line 15.

Strike: "written notice"

Insert: "filing a copy of the agreement"

3. Page 4, line 19.

Strike: "(1)(a)"

Insert: "(2)(a)"

4. Page 4, lines 22 and 23.

Strike: "and" on line 22 through "agreement for" on line 23

Insert: ". In the event of"

5. Page 5, line 1.

Following: "]"

Insert: ", the distributor is entitled to compensation for the laid-in cost of his inventory and to liquidated damages based on the sales of the brand or brands involved, as may be provided in the agreement. If the supplier and the distributor are unable to agree on the amount of liquidated damages, the amount of liquidated damages must be determined by an arbitrator appointed under subsection (5) of this section"

6. Page 7, line 1.

Strike: "CONCLUSION"

Insert: "execution"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 5/13/91 Bill No. LB 774 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion: BE CONCURRED IN

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/13/91 Bill No. H3331 Time 10 a.m.

NAME	YES	NO
SENATOR WILLIAMS		
SENATOR THAYER	X	
SENATOR NOBLE	X	
SENATOR HAGER	X	
SENATOR GAGE	X	
SENATOR FRANKLIN	X	
SENATOR BRUSKI	X	
SENATOR KENNEDY	X	
SENATOR LYNCH	X	

DARA ANDERSON

J.D. LYNCH

Secretary

Chairman

^{Noble}
Motion: BE CONCURRED IN.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 76 (third reading copy -- blue), respectfully report that House Bill No. 76 be amended and as so amended be concurred in:

1. Page 2, line 11.

Strike: "essential and"

Following: "reasonable"

Insert: "business"

2. Page 4, line 15.

Strike: "written notice"

Insert: "filing a copy of the agreement"

3. Page 4, line 19.

Strike: "(1)(a)"

Insert: "(2)(a)"

4. Page 4, lines 22 and 23.

Strike: "and" on line 22 through "agreement for" on line 23

Insert: ". In the event of"

5. Page 5, line 1.

Following: "]"

Insert: ", the distributor is entitled to compensation for the laid-in cost of his inventory and to liquidated damages based on the sales of the brand or brands involved, as may be provided in the agreement. If the supplier and the distributor are unable to agree on the amount of liquidated damages, the amount of liquidated damages must be determined by an arbitrator appointed under subsection (5) of this section"

6. Page 7, line 1.

Strike: "CONCLUSION"

Insert: "execution"

Signed: _____

John "J.D." Lynch, Chairman

MA 3-13-91
And. Coord.

SB 3-13-91
Sec. of Senate

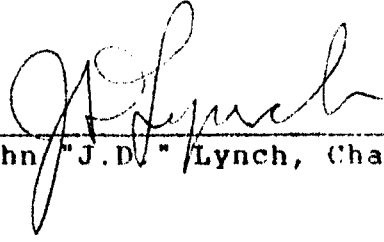
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 331 (third reading copy -- blue), respectfully report that House Bill No. 331 be concurred in.

Signed: _____


John "J.D." Lynch, Chairman

 3-13-91
And. Coord.

Sec. of Senate

SR 3/13 1:50

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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 774 (third reading copy -- blue), respectfully report that House Bill No. 774 be concurred in.

Signed: _____


John "J.D." Lynch, Chairman

1991 3-13-91
Amd. Coord.

SP 3-13 1:50
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 13, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 816 (third reading copy -- blue), respectfully report that House Bill No. 816 be amended and as so amended be concurred in:

1. Page 2, lines 12 and 13.

Strike: "a" on line 12 through "61-1-132" on line 13

Insert: "the nonresidential portion of a motor home as defined in 61-1-130".

2. Page 2, line 18.

Following: "61-1-105."

Insert: "Motor vehicle does not include components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for residential purposes."

Signed: 
John "J.B." Lynch, Chairman

 3-13-91
And. Coord.

SB 3-13 2:50
Sec. of Senate

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