

## MINUTES

### MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By Chairman J.D. Lynch, on March 19, 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 260

##### Presentation and Opening Statement by Sponsor:

Representative Beverly Barnhart, sponsor of the bill, stated that this bill will allow those people who have adopted children to carry those children on their insurance, regardless of preexisting condition.

##### Proponents' Testimony:

Harriet Tamminga, the chairperson for the Montana interagency adoption council, stated that this bill will help eliminate discrimination against adopted children. What currently happens is adoptive parents apply to have medical coverage for a child they adopted. If the child was not placed as a newborn, the insurance companies sometimes are arbitrary in deciding whether or not the child has a preexisting condition, and therefore whether or not they will allow coverage of the child. If you have insurance coverage and have a birth child

with any kind of condition that needs to have medical treatment, the child will be covered from birth with medical insurance. Adoptive parents that bring a child into their home are not guaranteed that they will have the coverage they need. (See Exhibit 1, Exhibit 1A, and Exhibit 1B).

Alice Pendleton, an adoptive parent from Bozeman, Montana, stated that for nine years she paid premiums to a Montana insurance company. She was covered under this insurance along with her husband, and their three biological children. In 1983, they adopted another child. Her insurance company told her that she would be automatically covered, including her preexisting condition of a cleft lip and pallet. When Katie (the adopted child) was placed with her family, they submitted a bill after her first surgery, and it was rejected from the insurance company. Not only did they not want to pay for her preexisting condition, they refused to add Katie to the family's policy. They retained an attorney, and they sued. In the meantime, Katie had three more surgeries which the family was responsible financially. After one year, the company settled and dropped the entire family as part of settlement.

Tracy Robertson, an adoptive parent from Belgrade, Montana, stated that this bill is needed because at the present time, there is no assurance that an adoptive child will be covered by a parent's medical insurance the way a child born to them would be. Three months after Tracy and her husband received their daughter, she developed a very serious urinary tract infection, she was eight and a half months old at the time. Their pediatrician indicated that the cause of infection could be the result of malformed or malfunctioning kidneys. Their pediatrician recommended that they have a series of tests done to determine the health status of her kidneys. The test showed that their daughter had two normal kidneys. At the time that they did their adoptive proceedings, their insurance did indicate that they would not cover preexisting conditions in the baby that they were to receive.

Ann Gilkey, representing the department of family services, stated that there are many special needs children that need permanent homes. The department has responsibility custody of these children. Passing this bill will help get these children get placed in permanent homes, and will help the adoptive parents alleviate their concerns about whether or not their child will be covered, and whether or not they will have to deplete their family's resources in accepting an adoptive child.

Rebecca Jones, director of adoption services at shodair hospital in Helena, Montana and representing the interagency adoption council, stated that children who are adopted should not be treated any differently than a child that is born to you. An insurance company will pick up the time that the child is born to you and any medical problems, they want the adopted child to be treated the same.

#### Opponents' Testimony:

Tanya Ask, representing blue cross blue shield, stated that

they do not object to the concept of providing coverage for adopted children. They agree with the way that the heading of the bill is written. Blue cross blue shield does cover the adopted children the same way it does a natural child. In the event when the child is placed in the adoptive home, within the first thirty days of life the child is covered without any regard to any preexisting condition. If the child is placed after that period of time, then the child has a preexisting one year waiting period to meet the same as any natural child of the policy holder. In the event that a family enrolls for coverage, all of the members of that family are going to have to meet a preexisting waiting period. She proposed an amendment that would clarify that the coverage would be to the same extent as any other natural coverage by the parent by providing that there should be no preexisting waiting period, and the child is a newborn and falls within the first thirty days of life. That waiting period is already a state mandate.

Tom Hopgood, representing health insurance association of America, stated that they are in support of the bill with the amendments proposed by Tanya Ask.

Larry Akey, representing the Montana association of life and health underwriters, stated that they are in support of the bill with the amendments proposed by blue cross blue shield.

#### Questions From Committee Members:

Senator Williams asked why the amendments from blue cross blue shield were taken off of the bill on the floor.

Representative Barnhart stated that the amendments take all of the teeth out of the bill. These amendments were put in, in the house human services committee, and then they were taken out on the floor on second reading.

Senator Hager asked if the adoption agency would be responsible for the child until the child was placed.

Tanya Ask replied the way that the definition of placement reads it acknowledges that the parents have given up their rights to the child, at that point the child does not need to be adopted by the adoptive parents, but merely placed with those parents for the purposes of adoption. The adoption proceedings may take a long time to be finalized. That child, from the moment of placement of the prospective parents can be covered by the prospective parent's policy.

Senator Thayer asked Representative Barnhart why she was objecting to the amendment proposed by blue cross blue shield.

Representative Barnhart replied that the reason that she is objecting is that not all children are adopted by the time their thirty days old. A child is born to a family when they are placed in that home.

Senator Gage asked what happens if this bill doesn't pass at all.

Tanya Ask stated that if this bill doesn't pass, blue cross and blue shield will accept the adopted children from moment of placement as is now stated in this bill with their amendments.

Closing by Sponsor:

Representative Barnhart closed by saying that when a child is born to you, and you have insurance that child is covered. When a child is adopted to a family, and you have insurance, that child is not always covered. It is discriminatory that the adopted children are not covered.

HEARING ON HOUSE BILL 629Presentation and Opening Statement by Sponsor:

Representative Scott McCulloch, sponsor of the bill, stated that this bill is an act to require periodic renewals of a certificate of limited partnership, and to ensure timely dissolution of those partnerships no longer doing business in Montana. This bill would increase the timeliness of partnership information distributed to the public. The original limited partnership act was founded in 1947, and since that time the secretary of state estimates they have fifteen hundred limited partnerships on file. This bill would clear away any of the deadwood. Any partnership that is ever filed that has not developed their own accord, is still listed as an active business entity. Failure to file this report would clear many of these businesses from the file, and clear the way for some interested parties. All corporations are mandated to file a report each year. There will be a charge of fifteen dollars to file a five year report. There could be a general fund increase of roughly eleven thousand five hundred dollars.

Proponents' Testimony:

Garth Jacobson, representing the secretary of state, stated that this bill is the mechanism for providing the periodic updating of the information about limited partnerships. This bill is a simple process, and is in line with all of the other business entities that are filed with the secretary of state's office. He proposed some technical amendments (See Exhibit 2).

Opponents' Testimony:

None

Questions From Committee Members:

Senator Noble stated that he has a problem with getting charged fifteen dollars to file a report. Can't we just make a small enough charge just to make the revenue neutral.

Garth Jacobson replied that the reason for the fee is two fold. One, they send out a mailing to these limited partnerships to notify them that their registration is coming up. In addition

to that, they have a filing cost. That fee is equal to the cost of providing this service. It is a minimal fee if you consider corporate annual reports cost ten dollars every year, here we have a fifteen dollar fee every five years.

Senator Gage mentioned that there is nothing in the bill that says that the fee is fifteen dollars.

Garth Jacobson replied that the fees are set by rule. It was determined that fifteen dollars would be equal with cost. They do not want to make a profit on this, they would just like to cover their costs. If it costs less, then they would charge less.

#### Closing by Sponsor:

Representative McCulloch closed by saying that he understands the concern about the fee, and will talk with the secretary of state's office to make sure that they aren't making a profit off of it. Senator Jergeson will carry the bill to the floor.

#### EXECUTIVE ACTION ON HOUSE BILL 629

#### Motion:

Senator Gage moved to amend HB 629.

Senator Gage moved HB 629 be concurred in as amended.

#### Discussion:

None

#### Amendments, Discussion, and Votes:

The amendments proposed by Senator Gage passed 8 to 1 vote.

#### Recommendation and Vote:

The motion that HB 629 be concurred in as amended passed 8 to 1 vote.

#### HEARING ON HOUSE BILL 767

#### Presentation and Opening Statement by Sponsor:

Representative Bruce Measure, sponsor of the bill, stated that HB 767 is an act to revise the landlord tenant security deposit law. The primary focus of the bill is to reduce the number of days that an individual has to wait to receive their security deposit when they move out. Presently it is a thirty day waiting period. The landlord has to provide a list of what

may or may not be wrong with the premises, and the tenant has to clean it up to the landlord's satisfaction. After thirty days the landlord has to refund the entire security deposit if he doesn't note that there is anything wrong with the premises. Under this act, it would limit that to ten days. It is primarily designed for people who are low income, or students. That security deposit is a substantial amount of money for them, and they need that money to rent the next house that they move into.

### Proponents' Testimony:

Klaus Sitte, representing the Montana low income coalition, stated that he has had twenty years of practice as a landlord, tenant lawyer. What is before you is a significant amount of proposed legislation to make changes in the landlord, tenant laws over the last two years. What is left is a small section that's designed to provide a more equitable treatment of the security deposit money. Landlords that are prone to withhold the security deposits tend to stretch the limit of the amount of time that they can actually withhold that amount of security deposit. The purpose of the security deposit money is to ensure protection for the landlord.

Greg Amsoen-Haelele, assistant director of the Montana public interest research group (PIRG), stated that he has manned a consumer hotline for the past three years, and handled over two thousand calls of landlords and tenants to help them resolve problems. We need to put the process by which security deposits are refunded in perspective. The landlord needs to determine if the tenant left the premises in good condition, whether or not the tenant is caught up on utility payments, and rent payments. The landlord does that in this bill by going to the premises within seven days of the termination date.

Marcia Schreder, president of Montanan's for social justice a low income group in Helena, Montana, stated that the difficulty for low income renters to find affordable housing in the tight housing market is compounded by the difficulty of lack of speedy return of security deposits from a former landlord. If a tenant has given proper notice to vacate, a landlord has had thirty days to collect the security deposit if the money has been invested or used in some other way. The security deposit money is the tenants money to be held in a sort of trust. She sees no reason why the tenant could not get their security deposit immediately after the landlord inspects the premises. Low income people have no backup money until their security deposit is released. It is vital they get their security deposit back as soon as possible.

Tootie Welker, representing the Montana alliance for progressive policy (MAPP), stated that HB 767 is a fair bill. To wait thirty days to return a security deposit, it is an unfair hardship for low income people as well as moderate income people. Most income people are barely surviving on their income, how then are they going to save up enough money for an additional security deposit while they are waiting the thirty days for the other to be returned?

Brendan Beatty, representing the Montana association of realtors, proposed some amendments (See Exhibit 3).

Marsha Dias, representing the Montana low income coalition, stated that most small property owners claim that they return deposits immediately when there was no damage to the property. While landlords are holding our deposits, tenants are being displaced, sometimes homeless. She knows of many mothers who have come into her office with small children who have had to temporarily sleep in cars while waiting for the return of their security deposit.

Helen McKnight, representing the Montana senior citizens, stated that she is in full support of this bill. It is especially not fair for the landlord to keep the security deposits for thirty days.

#### Opponents' Testimony:

Dan Wood, president of the Bozeman, Montana landlord's association, spoke in opposition of the bill (See Exhibit 4).

Larry Witt, representing the Bozeman, Montana landlord's association, stated that he was here to oppose the interest, but as Senator Lynch stated the interest part of the bill will be stricken.

Viola Meade, representing income property owners and managers here on behalf of their president Judy Peterson who could not attend today. We have received word from Eldon \_\_\_\_\_ in Florida that he has withdrawn his support of this bill. \_\_\_\_\_ is president of the Montana landlord's association for Montana. This bill will be very costly and detrimental to the rental investor.

Martin Behner, president of the western Montana landlord's association, stated that before we had deposits, the places were left dirty and you had to clean up somebody else's mess. The deposit ensures that you get your place in the same condition that you left it. Garbage pickup is the biggest problem, and he feels that there should be something in the bill that addresses it.

Martin Wilke, representing the Great Falls landlord association, stated that their main interest in opposing this bill was the interest section, and that is going to be stricken. The notice of mail part of the bill page three, section two, lines eighteen through twenty two, means a loss of five days rent.

#### Questions From Committee Members:

Senator Franklin asked if Martin Wilke felt comfortable with the thirty days to respond or to send out for damages.

Martin Wilke replied that he was comfortable with that.

Representative Measure stated that the only reason that he agreed to the ten day period is because it is uniform within the law.

#### Closing by Sponsor:

Representative Measure closed.

EXECUTIVE ACTION ON HB 767

Motion:

Senator Hager moved to amend HB 767 by taking out the interest on page two, line 11.

Senator Noble moved to amend HB 767 on page four, line twenty one, by changing the seven days to ten days.

Senator Gage made a substitute motion to amend HB 767 on page five, line seventeen be stricken to make it seven days.

Senator Kennedy moved that HB 767 be concurred in as amended.

Discussion:

None

Amendments, Discussion, and Votes:

The motion by Senator Hager to amend HB 767 passed unanimously.

Senator Thayer stated in regards to the substitute motion made by Senator Gage that a lot of negotiation has gone into come up with a bill that everybody can live with. In the legislative process, you just don't always get everything that you want. In the interest of a fair bill for all parties, we should leave the language alone.

The substitute motion made by Senator Gage failed by 6 to 2 vote.

The motion to amend from seven to ten days made by Senator Noble passed unanimously.

Recommendation and Vote:

The motion made by Senator Kennedy that HB 767 be concurred in passed unanimously. Senator Lynch to carry the bill to the floor.

EXECUTIVE ACTION ON HOUSE BILL 260

Motion:

Senator Hager moved that HB 260 be concurred in.

Senator Noble made a substitute motion to amend HB 260 proposed by blue cross blue shield.

Senator Noble withdrew his substitute motion to amend HB 260.



Discussion:

None

Amendments, Discussion, and Votes:

Senator Lynch stated that he would oppose the amendments along with Representative Barnhart. You might as well kill the bill if you pass the amendments.

Senator Bruski stated that she agreed with Senator Lynch, the adoptive parents cannot possibly make arrangements within thirty days.

Senator Hager stated that he would also vote against the blue cross amendments. He was a foster parent and had the child for five and a half weeks before it was adopted.

Recommendation and Vote:

The motion made by Senator Hager that HB 260 be concurred in passed 7 to 1 vote.

EXECUTIVE ACTION ON HOUSE BILL 241

Motion:

Senator Hager moved HB 241 be concurred in.

Senator Thayer moved HB 241 be not concurred in.

Discussion:

Senator Thayer stated that he didn't care how many people signed the bill. The bill wasn't explained to people very well. The insurance department does not support this bill. It is a bad bill.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

The motion made by Senator Hager that HB 241 be concurred in failed 5 to 4 vote.

The motion made by Senator Thayer that HB 241 not be concurred in passed 5 to 4 vote.

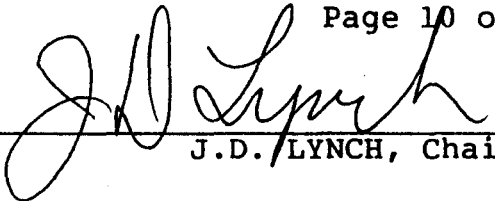
ADJOURNMENT

Adjournment At: 12:15 a.m.

SENATE BUSINESS & INDUSTRY COMMITTEE

March 19, 1991

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\_\_\_\_\_  
J.D. LYNCH, Chairman

  
\_\_\_\_\_  
DARA ANDERSON, Secretary

JDL/dia

ROLL CALL

BUSINESS AND INDUSTRY COMMITTEE

DATE 3/19/91

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.

## BUSINESS &amp; INDUSTRY

## VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Busha Nelson	Self	NB260 HB767	✓ w/ amendments	
Brendan Beatty	MT Assoc of Realtors	HB767	✓	
Walter Babine	Western Mont Landlords	HB767		✓
Ann Gilkey	DPS	HB260	X	
Conn L. Fischer	IPMS GT. FALL	HB767		✓
BETTY BAY	D.F.S	HB260	X	
Lida Meade	I P M's gt. Falls	767		✓
Verna Kessner	Self & my tenants	767		✓
Marlin Wilke	MT Falls mt. Landlords	767		✓
W. Kent Wiehe	MT Falls MT Landlords	767		✓
Dorothy Schmitt	I P M gt. Falls	767		✓
Kristin Page	MONTPIRG	767	✓	
John A. S. Timson	I P M gt. Falls	767		✓
Larry Wiff	MT Landlords Assn	767		✓
Tanya Ak	Blue Cross & Blue Shield	260		✓
Marcia Schneider	Montanans for Social Justice	767	✓	
Helen McEniff	" " "	"	✓	
Klaus D. Sittel	Mont. Law Inc. Coalition	767	✓	
John Van Mommers	SELF	767		✓
GREG ANDSEN-HAEGER	MONTANA PIRG	767	✓	
Kurt Kramm	GT FALL LANDLORDS	767		✓
Doyle Steen	GT. FALLS LANDLORD	"		✓
Tom Hopgood	MT. Assoc Realtors	HB767		✓
"	Hill Ings. Assoc Amvets	HB260		✓
LARRY AKET	MT ASSOC OF LIFE UNDER WRITERS	HB260		✓
Garth Jacobson	Sec of State	HB629	✓	

DATE: \_\_\_\_\_

COMMITTEE ON \_\_\_\_\_

## VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

**WITNESS STATEMENT**

To be completed by a person testifying or a person who wants  
their testimony entered into the record.

Dated this 19 day of March, 1991.

Name: Helen McKinnon

Address: 638 Sparta

Telephone Number: 442-7874

Representing whom?

Representing whom?  
Montanans for Social Justice  
Appearing on which proposal?  
262, 267

Appearing on which proposal?

7H.B. 767

Do you: Support? ✓ Amend? \_\_\_\_\_ Oppose? \_\_\_\_\_

Comments:

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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

**WITNESS STATEMENT**

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of March, 1991.

Name: Brendan Best

Address: 208 N. Montana # 105-

Telephone Number: 443-4032

## Representing whom?

MT Assoc. of Realtors

Appearing on which proposal?

HR 767

Do you: Support? X Amend? \_\_\_\_\_ Oppose? \_\_\_\_\_

**Comments:**

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

### WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19 day of March, 1991.

Name: Marcia Schuder

Address: 1216 Butte, Helena

Telephone Number: 449-3140

Representing whom?

Montanans for Social Justice

Appearing on which proposal?

HB 767

Do you: Support? ☒ Amend? ☐ Oppose? ☐

Comments:

The difficulty for low income renters to find affordable housing in the tight housing market is compounded by the difficulty of lack of speedy return of security deposits from a former landlord. If a tenant has given proper notice to vacate, a landlord has had 30 days to collect the security deposit if the money has been invested or used in some other way. Remember, the security deposit money is the TENANT'S money to be held in a sort of trust. I see no reason why a tenant could not get their security deposit immediately after the landlord inspects the premises. Low-income people have no "backup" money until their security deposit is released so it is vital they get their SD back as soon as possible.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 19<sup>th</sup> day of March, 1991.

Name: Tanya Ask

Address: ~~123~~ 404 Fuller Avenue

Telephone Number: 444-8297

Representing whom?

Blue Cross & Blue Shield

Appearing on which proposal?

House Bill 260

Do you: Support?        Amend? ☒ Oppose?       

Comments:

The bill title says "Coverage for adopted children to the same extent as for natural children", but this bill abolishes preexisting waiting periods for all adoptive children. We feel they should be treated as natural children if the insured - subject to waiting periods in pre existing conditions if they are enrolled after the first 31 days of life.

Rep. Wesley J. Skoglund

District 61B

Hennepin County



# Minnesota House of Representatives

COMMITTEES: CHAIR, INSURANCE; ENVIRONMENT AND NATURAL RESOURCES; TAXES; CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD; LEGISLATIVE AUDIT COMMISSION; MULTI-STATE TAX COMPACT ADVISORY COMMITTEE

January 25, 1991

Harriet Tamminga  
Executive Director  
Montana InterCountry Adoption  
109 South 8th Ave.  
Bozeman, MT 59715

SENATE BUSINESS & INDUSTRY  
EXHIBIT NO. 1  
DATE 3/19/91  
BILL NO. HB 260

Dear Ms. Tamminga:

Thank you for your phone call. I am pleased to hear that Montana is considering legislation to guarantee equal insurance treatment for adopted children. In 1983 I authored a bill in Minnesota requiring our insurance companies and HMOs to cover adopted and biological children equally.

As you can expect, the insurance companies and some HMOs warned of dire consequences for the financial well-being of their organizations if we passed the bill. Nonetheless, we enacted it and none of their predictions came true.

As the Chair of the Insurance Committee of the Minnesota House of Representatives, and as one who also works in employee benefits in private industry and serves on the Legislative Health Care Cost Containment Task Force, I can say that the cost of covering adopted children is no greater than that of covering biological children. Actually, since maternity benefits do not have to be paid for adoptive mothers and health insurance benefits do not have to be paid for newborns before they are adopted, it could be argued that adoptive families cost less to insure than their counterparts who have biological offspring.

Since the bill passed there have been minor amendments to clarify it, but the insurance companies and HMOs have made no attempt to repeal it.

Thank you again for your phone call. I hope I've been help' in explaining the bill.

Very truly yours,

A handwritten signature in cursive script, reading "Wes Skoglund".

Wes Skoglund  
State Representative

# One Hundredth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-fifth day of January,*

*one thousand nine hundred and eighty-eight* SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1A  
DATE 3/19/91  
BILL NO. HB 260

### Concurrent Resolution

Whereas at least 86,000 children in the United States are legally free for adoption and are living in foster care waiting for a permanent home;

Whereas many of the children are physically, mentally, and emotionally disabled;

Whereas some insurers deny health insurance to a disabled adopted child on the basis that the disability of the child is a preexisting condition;

Whereas the actions of the insurers impose a significant barrier to the adoption of children with disabilities because few prospective adoptive parents can afford to take the risk of adopting a child who will not be covered by health insurance;

Whereas under State law adoption severs the legal ties between the adopted child and the adopted child's birth parents, and creates a legal relationship with the adoptive parents;

Whereas in every State, State law has established that an adopted child has the same legal status as a biological child;

Whereas many insurers cover a biological child with the same disability born to the adoptive parents;

Whereas by denying health insurance coverage to disabled adopted children, insurers are discriminating against adopted children and establishing a policy contrary to State law; and

Whereas the barriers to adoption that deny children a permanent home and prevent couples and single individuals from establishing families should be eliminated: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Congress—*

(1) opposes discrimination in health insurance against adopted children;

(2) urges insurers to treat all adopted children identically to newly born biological children;

(3) urges State legislatures to encourage health insurers to cover adopted children of the insured, subscriber, or enrollee on the same basis as other dependents, with such coverage to be effective from the date of placement for purpose of adoption.

Sec. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to—

(1) an appropriate official of the legislature of each State, and

To: Senate Business and Industry Committee

Re: HOUSE BILL 260

From: Gary and Mary Jo Lusin, Bozeman, Montana, adoptive parents.

Date: March 18, 1991

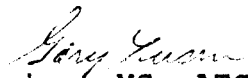
We are sorry we are unable to be in front of you to provide testimony in SUPPORT of House Bill 260. We find it unfortunate that laws need to be passed requiring insurance companies to provide coverage to a population that we believe they have every obligation to cover.

The adoption of a child is an extremely emotional and financial rollercoaster especially for the adoptive parents. The discriminatory practices against adoptive parents are not unique to some insurance companies not providing coverage for the adopted child. Other areas can involve not being allowed time off equal to maternity leave and another major discrimination is the fact that the costs borne by the adoptive parents to cover prenatal care and adoptive process costs is not deductible from federal taxes.

It is very difficult for adoptive parents who are managing the ups and downs of adoption to all of a sudden be confronted with the fact that their insurance company may not cover their adopted child. If they were to have this child naturally their insurance would automatically cover that child. I can see no logical reason whatsoever why adopted children should not be treated the same as natural children when it comes to insurance coverage. The same opportunity should be afforded adopted children as biological children. Passage of this bill, as it exists, would clearly go a long way in solidifying the transition of an adopted child into their adoptive family.

We have often believed that if natural birth parents were subjected to the scrutiny, home visitations, and paperwork that adoptive parents and birth mothers are subjected to then the society we live in including insurance obligations may be much different. Birth mothers who go through the agencies available to them as they give their child up for adoption are provided excellent care and I believe there is no difference in insurance obligation presented by adopted children when compared to the general population of biological children. The insurance risk should be no different and it wouldn't surprise us if the insurance risk is even less on adopted children. It appears to us that anyone opposing this bill is telling us as adoptive parents that our children are not worth the risk to cover for health insurance. In fact, we feel any insurance company opposing this bill should actually feel embarrassed to do so.

We urge you to support this bill as it is and allow adoptive parents and their children the same courtesy regarding health insurance coverage as biological children. We urge you to vote for House Bill 260.

  
Gary Lusin, MS, ATC, PT

GL/cw

COMMITTEE NO. 2

DATE 3/19/91

BILL NO. HB 629

Amendment to HB 629

Amend Page 2, Section 2, Line 25;

Following: "the"

Strike: "registered"

Insert: "specified"



MONTANA ASSOCIATION  
OF REALTORS®

*The Voice for Real Estate™ in Montana*

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

DATE 3/19/91

BILL NO. HB 767

EXECUTIVE OFFICES

208 North Montana, Suite 105  
Helena, MT 59601

Telephone 406 443-4032  
In Montana 800-421-1864  
Fax 406 443-4220

SUGGESTED AMENDMENTS FOR HOUSE BILL 767  
SENATE BUSINESS AND INDUSTRY COMMITTEE  
3/19/91

1. Page 2, line 11:

Following: "equivalent" on line 11

Strike: "and accrued interest or its equivalent,"

2. Page 2, line 22:

Strike: "(5) 'YEAR' MEANS A CONSECUTIVE 12-MONTH PERIOD."

3. Page 4, line 21:

Strike: "and any interest due under (section 6)"

4. Page 8, lines 13 through 15:

Following: "act)," on line 13

Strike: "and" on line 13 through the remainder of lines 13 through 15.



3/18/91

Senate Business & Ind. Committee:

As President of the Bozeman Chapter of the Montana Landlords Association I join all of our Association members in opposing H.S. Bill 767 in that it mentions several times, "interest or its equivalent" and Section 6, as it was rewritten.

Please move to amend out all reference to interest in this bill as it would bring severe hardships to us as landlords. The interest or deposits in this bill was amended in the House by Rep Measure to remove the interest Sect 6 but in their rewriting Rep measure has underhandedly kept in some mention of the interest in hopes of filling in the blanks later on.

If you cannot amend this bill to remove the "interest" wording then please Kill this bill in its entirety and let us work on it for the next legislative session.

Thank you,

Dan Wood

Pres. Boz. Landlords Assn.

44 Sundance trail

Bozeman, Mt

586-7716 59715



MARCH 12, 1991

SENATOR  
LORENTS GROSFIELD

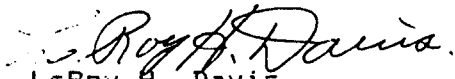
I object very strongly to Senate bill 767 dealing with interest on tenants rental deposits.

This bill will place an unreasonable and unnecessary burden on landlords by requiring them to find a Bank or Loan CO. that would handle this type of account.

At the end of the year the landlord would be required to submit to the IRS and the State Department of revenue a 1099 form which would require an unnecessary amount of paper work and expense to the Landlord.

Please state your position on this issue in your reply.

Thank You:

  
LeRoy H. Davis  
625 N. 12th.  
Livingston, MT. 59047

106 Percival Path  
Bozeman, MT 59715  
March 18, 1991

Dorothy Eck,  
Montana State Senator  
Helena, MT 59601

Dear Dorothy:

We are opposed to the present wording of Bill #767.  
We would like you to remove all reference to "INTEREST"  
in this bill.

Sincerely,

*James L. Traucht*  
*Nancy Eloise Traucht*

James L. Traucht  
Nancy Eloise Traucht

# King Arthur Park


81 Gallahad Way  
Bozeman, MT 59715  
(406) 587-5151  
(406) 586-4129  
March 18, 1991

Senator Dorothy Eck  
Helena, MT

Dear Mrs. Eck:

This is to express our opposition to the Bill #767  
as it is now stated. We would ask to you remove  
all wording to do with INTEREST in this bill.

Sincerely,



James L. Traucht, Manager

JLT/et


MARCH 16, 1991

SENATE BUSINESS & INDUSTRY COMMITTEE

DEAR COMMITTEE MEMBERS,

I OPPOSE ANY INTEREST MENTIONED ON  
REFERENCED IN HOUSE BILL 767.

RESPECTFULLY,

  
JON L. ILSLEY

ADDRESS : 1527 W. KOCH APT A  
BOZEMAN, MT 59715

PHONE: 406-587-8845

1509 Wildflower Way  
Bozeman, Mt 59715  
14 March 1991

Senate Business and Industrial Committee  
Montana State Capitol Building  
Helena, Mt 59722

Dear Sirs,

This is to inform you that we, as  
landlords in the Bozeman area, are opposed  
to House Bill #767, which is under considera-  
tion in the Senate at this time. The overseeing  
of rental property is fraught with more than  
enough frustrations in dealing with people who  
have all too concern about caring for the  
property they are renting, let alone paying  
them interest on their small security deposits.  
Granted that if interest rates were at 18%  
as they were in 1982 (that was nine years  
ago), we might reconsider our stand, but  
when the rates are down to  $4\frac{1}{2}\%$  as  
they are now (and normally continue in  
that range), we feel as landlords that  
House Bill #767 should be strongly defeated.

Yours truly,

Robert and Margie June

Mar-14-1991

# Memo

From  
JOHN SHADOAN JR.

To Business & Industry Comm  
House Bill 767

I am very much opposed  
to any interest on rental  
deposits in Bill 767

John W. Shadoan Jr.  
10281 Kelly Canyon Rd  
Bozeman, Mt. 59715

WISEWAY AUTO PRODUCTS  
10281 Kelly Canyon Rd.  
BOZEMAN, MT. 59715  
(406) 586-3490

Mar 15, 1991

To The Senate Business & Industry  
Committee:

In regard to House Bill 767.

I have been a resident of  
Gallatin County for 66 years.  
Having worked very hard &  
managed to buy enough  
income property to keep me  
independent in my "Golden Year".  
I'm greatly opposed to House  
Bill 767. I'm also opposed to  
any interest mentioned in Bill 767,  
especially Paragraph. Section 6.

Sincerely  
Gene Brannon  
E. H. H.

2/14/91

Dear Sir:

I'm in opposition to  
interest on deposits that is in  
HB 767. It will only make more  
bookwork + expense tax wise  
and ultimately gets passed along  
to the renter so what good  
does it do anyone I would  
like to know.

How will a tenant benefit from  
this when he has to pay for it?

There will be no net gain for  
anyone. No one works for nothing  
but the added work will give  
accountants work that the tenant  
will pay for! They lose!

Gerry Swenson  
406-388-6095  
6071 Jackrabbit Lane  
Belgrade, MT 59714





WALTON E METIER  
1013 S BOZEMAN APT 5  
BOZEMAN MT 59715

Mar. 15<sup>th</sup> 1991

To Senate Business & Industry Comm.

Sirs:

Section of Bill 767 regarding  
Int. on Deposits.

I am against the interest  
proposal. Have only three  
rental apt's.

Sincerely,

Walton E. Metier.



BOZEMAN REALTY, INC.  
625 North 7th Avenue  
Bozeman, Montana 59715  
Business (406) 587-4538  
Residence (406) 587-7949



BOB KERN  
Broker



Each Office is Independently Owned and Operated

March 13, 1991

Dear Sen. Lynch,

Re: HB767 & HB768. How would it be possible to figure a % of interest that landlords would be assured of receiving? What basis would be used: c.d. rate, open rate, money mkt., etc? It would be difficult to figure & would it be worth the time?

HB768 would have been fought very hard by your mother. We worked with her on her duplex mgmt. in Bozeman and she strongly felt she had the right to choose & evict tenants. I agree with her.

Respectfully, Bob Kern.

14 March 1991

Senate Business and Industry Committee

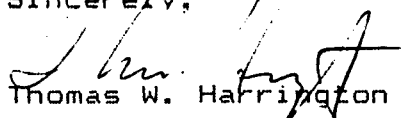
Honorable Committee Members:

We are opposed to any interest mentioned in House Bill 767 especially that referred to in section 6.

The requirement for interest in HB 767 creates an additional paperwork requirement for landlords to track and monitor. This coupled with the requirement to process and file the IRS 1099-INT will increase operating costs as a direct result of HB 767. This increased operating cost will probably be passed on to tenants through rent increases which may cost more than is made on interest.

We solicit your support to eliminate the reference to interest in HB 767.

Sincerely,

  
Thomas W. Harrington

  
Twila M. Harrington

KEN FULLER  
817 WEST STORY ST  
BOZEMAN, MT 59715

MARCH 14, 1991

RE: OPPOSITION TO HB 767

MONTANA STATE LEGISLATURE  
SENATE COMMITTEE  
BUSINESS AND INDUSTRY  
HELENA.MT 59601

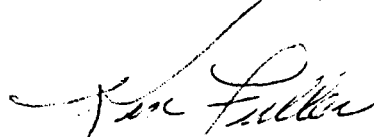
THIS LETTER IS TO REGISTER MY OPINION  
**AGAINST BILL 767!!!**

THIS BILL PLACES UNREASONABLE RESTRICTIONS AND BURDENS ON THE LANDLORD. FREE ENTERPRISE IN THE RENTAL INDUSTRY HAS ALREADY BEEN CONTAINED BEYOND FAIR BUSINESS PRACTICES. THIS BILL ADDS UNREASONABLE TIME AND BOOKKEEPING RESTRICTIONS WITH NO BENEFIT TO THE LANDLORD AND LITTLE TO THE TENANT.

IF BILLS SUCH AS THIS CONTINUE IN MONTANA, THERE WILL BE NO PRIVATE RENTAL BUSINESS WITHIN THE STATE.

PLEASE LET ME KNOW WHAT I CAN DO TO HELP DEFEAT THIS BILL AND OTHERS LIKE IT.

SINCERELY,

A handwritten signature in cursive script, appearing to read "Ken Fuller".

KEN FULLER,  
MONTANA LANDLORD  
A VOTER

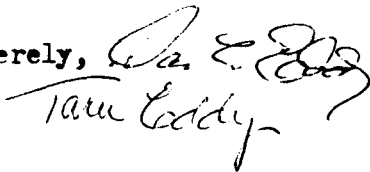
March 12, 1991

Senate Business and Industry Committee  
Montana State Capitol  
Helena, MT

Dear Committee Members:

We oppose House Bill No. 767, section 6, regarding interest on security deposits. We also oppose any rewording/additions requiring payment of interest on security deposits. We feel this will cause too much additional time and paperwork (1099 and 1096 forms) for the landlord. The amount of money involved is minimal---many banks don't even pay interest on savings accounts of small amounts and they are in the saving and loan business. Our business is providing housing, --- not paying interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan & Tara Eddy".

Dan and Tara Eddy  
604 South 9th  
Livingston, MT 59047 222-6606.

# Gallatin Manor, Inc.

1806 West Beall Street  
Bozeman, Montana 59715  
093-44012 NP  
MT 99-M000-033

March 13, 1991

Senate Business and Industry Committee

Re: H.B. 767

Dear Senators,

I manage a 64-unit complex for lower income families. I am opposed to any interest on a security deposit to be returned to the tenants. The costs for administration would exceed the money returned to the tenants, therefore, the rent would have to be raised to cover the additional costs.

Thank you for your consideration.



Larry Smith  
Administrator  
Gallatin Manor, Inc.

LS/bh

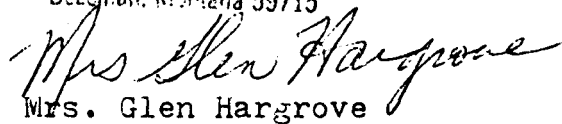


March 14, 1991

Senate Business and  
Industry Committee

As small business owners in Gallatin County we are in opposition to House Bill 767. We respectfully request that you table or kill this legislation. Deposits we assess are nominal and seldom if ever cover property damages which frequently occur. Deposits we require are intended as an incentive to our tenants to encourage only reasonable maintenance of rented spaces, plumbing, and electrical hook-ups.

Mr. & Mrs. Glen Hargrove  
Hidden Valley Mobil Estate #27  
Bozeman, Montana 59715

  
Mrs. Glen Hargrove

**BOZEMAN MEDICAL ARTS CENTER**  
MANAGEMENT OFFICE: SUITE 10 - LOWER LEVEL  
300 NORTH WILLSON BOX 577 BOZEMAN, MONTANA 59715  
(406) 586-0266

March 13, 1991

Business & Industry Committee  
Capitol Building,  
Helena, Montana

TO WHOM IT MAY CONCERN:

I am opposed to interest on deposits/ last months rent as relating to rental property as part of lease agreement.

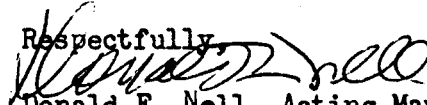
The extra cost to the landlord far exceeds any possible return to a tenant. Most Rentals are of a residential nature and for short periods of one year or less; and seldom exceed 2-3 year period. The triggering of a 1099 and other reports is not practical.

During the past 2 years inflation has been 4% and 5.8% respectfully and charges levied against landlords by all types of Government, has in my case been absorbed by me.

Further eroding of present minium profit will certainly trigger my re-writing my leases to increase with each increase, no matter how slight such as Water, Garbage, Tree Trimming, Taxes, Ins. Ect.

I trust you agree in not supporting such legislation.

Respectfully,

  
Donald F. Nell, Acting Manger,  
Bozeman, Medical Arts Center &  
Buronepe Co.,  
Box 577  
Bozeman, Montana, 59715

Copy to: Montana Landlords Assoc.,  
Bozeman Chapter.



422 SOUTH NINTH AVE  
BOZEMAN, MT 59715

MARCH 14. 1991

RE: OPPOSITION TO HB 767

MONTANA STATE LEGISLATURE  
SENATE COMMITTEE  
BUSINESS AND INDUSTRY  
HELENA.MT 59601

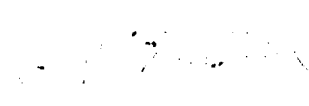
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THIS BILL PLACES UNREASONABLE RESTRICTIONS AND BURDENS ON THE LANDLORD. FREE ENTERPRISE IN THE RENTAL INDUSTRY HAS ALREADY BEEN CONTAINED BEYOND FAIR BUSINESS PRACTICES. THIS BILL ADDS UNREASONABLE TIME AND BOOKKEEPING RESTRICTIONS WITH NO BENEFIT TO THE LANDLORD AND LITTLE TO THE TENANT.

IF BILLS SUCH AS THIS CONTINUE IN MONTANA, THERE WILL BE NO PRIVATE RENTAL BUSINESS WITHIN THE STATE.

PLEASE LET ME KNOW WHAT I CAN DO TO HELP DEFEAT THIS BILL AND OTHERS LIKE IT.

SINCERELY.

  
C. V. FULLER  
A MONTANA LANDLORD  
A VOTER

March 14, 1991

Senate Business & Industrial Committee

To Whom It May Concern:

We are opposed to HB767, Section 6 and any other mention of Interest.

Sincerely,

*Mr. & Mrs. Larry G. Grantier*

Mr. and Mrs. Larry G. Grantier  
1309-1/2 South Willson  
Bozeman, Montana 59715

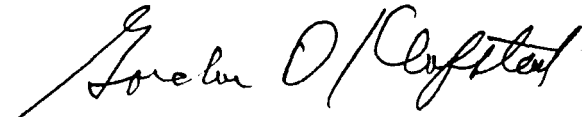
March 14, 1991

Senate Business & Industrial Committee

To Whom It May Concern:

We are opposed to HB767, Section 6 and any other mention of Interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gordon O. Klofstad". The signature is written in dark ink and is positioned above the printed name and address.

Mr. and Mrs. Gordon O. Klofstad  
515 North 15th Avenue  
Bozeman, Montana 59715

March 14, 1991

Senate Business & Industrial Committee

To Whom It May Concern:

We are opposed to HB767, Section 6 and any other mention of Interest.

Sincerely,

A handwritten signature in cursive script that reads "Lewis & Nancy Burton". The signature is written in dark ink and has a long, sweeping horizontal line extending from the end of the name.

Mr. and Mrs. Lewis L. Burton  
1621 South Black Avenue  
Bozeman, Montana 59715

414 SOUTH NINTH AVE  
BOZEMAN, MT 59715

MARCH 14, 1991

RE: OPPOSITION TO HB 767

MONTANA STATE LEGISLATURE  
SENATE COMMITTEE  
BUSINESS AND INDUSTRY  
HELENA.MT 59601

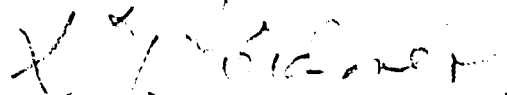
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PLEASE LET ME KNOW WHAT I CAN DO TO HELP DEFEAT THIS BILL AND OTHERS LIKE IT.

SINCERELY,

A handwritten signature in dark ink, appearing to read "K. T. Widmer".

K. T. WIDMER  
MONTANA LANDLORD  
A VOTER

March 14, 1991


Senate Business & Industry Committee  
Capitol Building  
Helena, MT 59620

Committee Members:

Please vote against HB 767, the landlord/tenant bill. This bill deals very poorly with the issue of interest payments on security deposits collected by rental property owners. The effort required from landlords to administer this situation is unreasonable and will only result in worse landlord tenant relations and increased rents to cover costs.

Thank you for giving this you serious study and consideration.

Sincerely,



Eric Johnstone

614 No. Grand

Bozeman

14 March 1991

Senate Business and Industry Committee

Honorable Committee Members:

We are opposed to any interest mentioned in House Bill 767 especially that referred to in section 6.

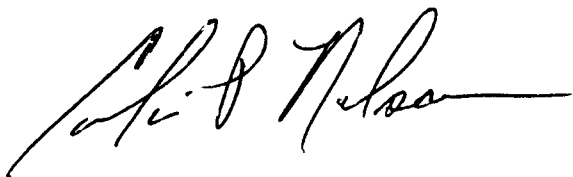
The requirement for interest in HB 767 creates an additional paperwork requirement for landlords to track and monitor. This coupled with the requirement to process and file the IRS 1099-INT will increase operating costs as a direct result of HB 767. This increased operating cost will probably be passed on to tenants through rent increases which may cost more than is made on interest.

We solicit your support to eliminate the reference to interest in HB 767.

Sincerely,

Calvin P. Nelson

Teri Nelson

A handwritten signature in dark ink, appearing to read "Calvin P. Nelson", written in a cursive style.A handwritten signature in dark ink, appearing to read "Teri Nelson", written in a cursive style.



INSURANCE PIONEERS • ESTABLISHED 1880

# WAITE & COMPANY

P.O. Box 430 • 140 E. Main Street  
Bozeman, Montana 59771-0430  
(406) 586-3351

March 13, 1991

Senate Business & Industry Committee  
Capitol Building  
Helena, MT 59620

Dear Committee Members:

This letter is in reference to HB 767. As written, this bill presents a very unsatisfactory method of dealing with the issue of interest payments on security deposits held by landlords.

Please vote against this bill and work toward a better resolution to the interest/security deposit issue. I feel that Mr. Larry Whitt and Mr. Dan Wood, lobbyists for the Montana Landlords Association, can provide you with much more reasonable wording in this regard.

Thank you for your consideration.

Sincerely,

Tim Fitzgerald  
East Main Partners




March 14, 1991

Senate Business & Industry Committee  
Capitol Building  
Helena, MT 59620

Committee Members:

As a rental property owner I am very concerned about HB 767. The way this bill is written concerning the payments of interest on security deposits held is very damaging to the rental housing industry. The costs and time burden to administer this scenario as written is excessive. Please vote against this bill and work to write a more reasonable solution to this issue.

Thank you

A handwritten signature in cursive script, appearing to read "Frank Schledorn".

Frank Schledorn  
1208 No. 8th  
Bozeman, MT 59715

419 S. 9th  
.....  
BOZEMAN, MT 59715

MARCH 14, 1991

RE: OPPOSITION TO HB 767

MONTANA STATE LEGISLATURE  
SENATE COMMITTEE  
BUSINESS AND INDUSTRY  
HELENA.MT 59601

THIS LETTER IS TO REGISTER MY OPINION  
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THIS BILL PLACES UNREASONABLE RESTRICTIONS AND BURDENS ON  
THE LANDLORD. FREE ENTERPRISE IN THE RENTAL INDUSTRY HAS ALREADY  
BEEN CONTAINED BEYOND FAIR BUSINESS PRACTICES. THIS BILL ADDS  
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IF BILLS SUCH AS THIS CONTINUE IN MONTANA, THERE WILL BE NO  
PRIVATE RENTAL BUSINESS WITHIN THE STATE.

PLEASE LET ME KNOW WHAT I CAN DO TO HELP DEFEAT THIS BILL  
AND OTHERS LIKE IT.

SINCERELY,

*Michael J. Peters*  
.....  
MONTANA LANDLORD  
A VOTER

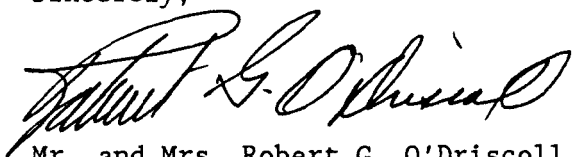
March 14, 1991

Senate Business & Industrial Committee

To Whom It May Concern:

We are opposed to HB767, Section 6 and any other mention of Interest.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert G. O'Driscoll". The signature is written in dark ink and is positioned above the typed name.

Mr. and Mrs. Robert G. O'Driscoll  
46 Hitching Post Road  
Bozeman, Montana 59715


MARCH 14, 1991

SENATE BUSINESS AND INDUSTRY COMMITTEE  
CAPITOL STATION  
HELENA, MT 59602

DEAR MEMBERS OF THE COMMITTEE,

I WOULD LIKE TO EXPRESS MY OPPISTION TO PARTS OF HOUSE BILL 767. I OPPOSE THE SECTIONS OF HOUSE BILL 767 WITH REGARDS TO INTEREST ON DEPOSITS. FROM MY EXPERIENCES WITH RENTERS IN A UNIVERSITY COMMUNITY, THE MAJORITY OF TENANTS STAY FOR APPROXIMATELY NINE MONTHS WHICH COINCIDES WITH THE SCHEDULE OF THE UNIVERSITY. THEREFORE, THEIR STAY IS SLIGHTLY LONGER THAN THE MINIMUM TIME OF SIX MONTHS. IN MOST CASES I FEEL THE TENANT WILL ALSO FALL BELOW THE MINIMUM DOLLAR AMOUNT. THE CONCLUSION WILL BE ALOT OF PAPER WORK FOR THE LANDLORD THAT AS PAST EXPERIENCE HAS SHOWN, WILL NOT COME TO BARE A NOTICEABLE ECONOMICAL GAIN FOR EITHER PARTY. I URGE THIS COMMITTEE TO AMEND OUT THE SECTIONS DEALING WITH "INTEREST ON DEPOSITS."

SINCERELY,

  
T. BRET HAGGERTY  
P.O.BOX 1754  
BOZEMAN, MT 59771

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**LAWRENCE TRUST**  
Property Management

---

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March 14, 1991

Business & Industry Committee  
State Senate  
Helena, Montana

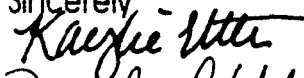

Gentlemen:

It is my understanding that there is a bill before you, HB767, which would require interest being paid to tenants on all security or other deposits collected.

I want to go on record that I strongly oppose such legislation or part of legislation enacting interest payments. Bookkeeping and reporting requirements would be onerous for us. This would add to our monthly costs in an already very tight operating margin.

Please help Montanans with good legislation--not burdensome legislation.

Sincerely,

  
  
Kaylie & Michael Utter  
210 Cirque Drive

3/15/91

Norm Wallin  
House of Representatives  
Helena, MT

Dear Norm:

Through our local chapter of the Montana Landlords Assoc., I have gotten sufficient information to comment on two House bills of direct concern to me as a landlord.

H.B. 767, requiring landlords to pay interest to tenants on deposits, appears to be a justified proposal. If paying interest as defined in the bill was all that was involved, then I would have little objection. Unfortunately, that is not the case. Paying interest leads to considerable paper work because deposits would have to be segregated in accounting (and probably in banking) and IRS requirements would have to be satisfied. This means additional work. Since 'time is money', I would have to raise rents to compensate not only for my time in record keeping, but likely to cover any additional time costs incurred by my income tax preparer.

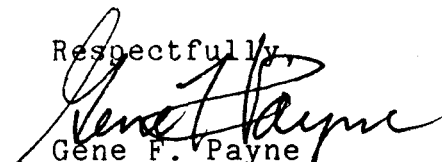
If H.B. 767 became law, I would have the option of not requiring a deposit. However, experience shows that a deposit is a very real incentive to the renter to take care of the rental unit and to leave it clean.

H.B. 768, as I read it, has two problems. One is that it does not adequately solve the eviction for cause problem which exists now, in that under present law the renter can use various strategies to remain in a unit for an extended time without paying rent, and costing the landlord considerable in eviction notice and court costs.

The other problem is Sect 10. As written, this would, it seems to me, require a fairly constant level of 'snoopervision' just to document to the Section's requirements for eviction. The 'snoopervision' would require a high level of documentation by various means over the period of rental, thus more 'time is money'.

I strongly oppose both laws as written.

Respectfully,

  
Gene F. Payne  
3211 S. 19th Rd  
Bozeman, MT 59715

415-20815  
.....  
BOZEMAN. MT 59715

MARCH 14. 1991

RE: OPPOSITION TO HB 767

MONTANA STATE LEGISLATURE  
SENATE COMMITTEE  
BUSINESS AND INDUSTRY  
HELENA.MT 59601

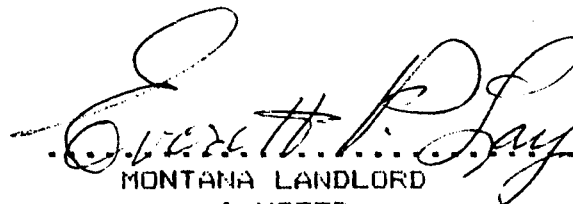
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PLEASE LET ME KNOW WHAT I CAN DO TO HELP DEFEAT THIS BILL AND OTHERS LIKE IT.

SINCERELY.

  
.....  
MONTANA LANDLORD  
A VOTER

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB 767 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

Hager  
Motion:

AMENDMENTS M A R - INTEREST



ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB767 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

Motion: AMENDMT- STRIKE 10 DAYS TO 7

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB 767 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

Motion: AMENDMENT 7 To 10 DAYS

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ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB 767 Time 10 a.m.

NAME

YES

NO

SENATOR WILLIAMS

SENATOR THAYER

SENATOR NOBLE

SENATOR HAGER

SENATOR GAGE

SENATOR FRANKLIN

SENATOR BRUSKI

SENATOR KENNEDY

SENATOR LYNCH

X

X

X

X

X

X

X

X

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion: BE CONCURRED IN AS AMENDED

Amendments to House Bill No. 767  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 19, 1991

1. Page 2, line 11.

Strike: "and accrued interest or its equivalent"

2. Page 2, line 22.

Strike: "(5) "YEAR" MEANS A CONSECUTIVE 12-MONTH PERIOD."

3. Page 4, line 21.

Strike: "and any interest due under [section 6]"

Strike: "7"

Insert: "10"

4. Page 8, lines 13 through 15.

Strike: ", " on line 13 through "]" on line 15

Amendments to House Bill No. 672  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 19, 1991

1. Title, line 9.

Following: "INCREASES,"

Insert: "DISCRIMINATION IN INSURANCE,"

2. Title, line 10.

Following: "SECTIONS"

Insert: "33-1-502"

3. Page 2, lines 18 through 20.

Strike: "OR" on line 18 through "person" on line 20

Following: "."

Insert: "The condition may only be excluded for a maximum of 12 months."

4. Page 7, line 6.

Following: "based"

Insert: "solely"

5. Page 13, line 19.

Following: line 18

Insert: "Section 10. Section 33-1-502, MCA, is amended to read:

"33-1-502. Grounds for disapproval. The commissioner shall disapprove any form filed under 33-1-501 or withdraw any previous approval thereof only if the form:

(1) is in any respect in violation of or does not comply with this code;

(2) contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract, including a provision in a casualty insurance form permitting defense costs within limits, except as permitted by the commissioner in his discretion;

(3) has any title, heading, or other indication of its provisions which is misleading;

(4) is printed or otherwise reproduced in such manner as to render any provision of the form substantially illegible.

(5) contains any provision that violates the provisions of 49-2-309."

Renumber: subsequent section

Amendments to House Bill No. 629  
Third Reading Copy

For the Committee on Business and Industry

Prepared by Bart Campbell  
March 19, 1991

1. Page 2, line 25.  
Strike: "registered"  
Insert: "specified"

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB260 Time 10 a.m.

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

DARA ANDERSON

Secretary

J.D. LYNCH

Chairman

Motion:

*WITHDRAWN*  
AMENDMENTS FROM BEBS

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB 260 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

Motion: BE CONCURRED IN



Judy Goossen

916 5th Avenue No  
Great Falls, MT 59401

Sir,

I own rental property  
in Great Falls

I would like you to call

SB 587

HB 767

Thank you

Judy Goossen

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. H.B.C. 29 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: AMENDMENT - PAGE 2, SEC. 2, LINE 25

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB629 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

2004 - 5 Ave B.  
West Falls, N.Y.  
March 17, 1991

Senator Jerry Noble  
Helena, Mt

Dear Senator Noble:

I am writing to ask you to kill  
HB 767.

This Bill is very detrimental to  
landlords -

We have a small rental which owner  
has paid for itself and this Bill  
contains many clauses which would  
be impossible to comply with in the  
time-frame allowed.

Please kill this Bill.

Yours truly  
Helena & Henry Baker

Jerry Noble

SB 387 - No

Please vote No on SB 387.  
We don't need this kind of  
legislation.

Sincerely -  
C. L. Deenburger  
29 - No Ave So -  
St. Falls, MN 56458



Schermele, Inc.

P.O. Box 2443

Great Falls, Montana 59403

Mar 16, 1991

Jerry Noak

Re HB 767

Kill this bill as it is absolutely ridiculous. The paperwork and extra labor in complying with this bill, would not be fair to us as owners, or to the tenants, as we would have to increase our rents to cover costs.

Bernard & Leta Schermele  
owners (21 units)  
Hendwood East apts  
401 50th St So  
Gr Falls Mont 59405

9004-5 am 16  
that has not  
March 17, 1991

Representative Don Williams  
Albany, NY

Dear Representative Williams:

I am writing to urge you to kill  
Senate Bill 387. This bill would  
require landlords to give tenants a list  
of cleaning requirements within 48 hours  
of moving in. I believe this is  
an unnecessary burden on landlords  
and will do nothing to improve  
the quality of housing in Albany.

I am from the Albany North Side  
and would like to see the bill removed  
from the agenda. I am writing to  
urge you to remove it as no longer  
needed.

I think Bill 387 is just another  
burden on the industry.  
Please kill this amendment.

Yours truly,  
Albany, NY  
Albany, NY


Char Messmore

No Bill 767 Vote No

Please vote No on the above Bill. As a member of IPM, this legislation will be detrimental to both renters & landlords. The renters will be forced to pay higher rents to compensate landlords extra bookkeeping.

Sincerely -  
C. L. Sorenberger  
29-16 Ave So  
St Falls, OR 97425



 **Schermele, Inc.**  
P.O. Box 2443  
Great Falls, Montana 59403

**The Prudential**   
**James Co., REALTORS®**  
500 Country Club Blvd  
Great Falls, MT 59404  
Bus. (406) 761-4081  
Res. (406) 452-4559

  
**JODI SCHERMELE**  
Sales Associate

MULTIPLE LISTING SERVICE  
**MLS**   
REALTOR®

An Independently Owned and Operated Member of The Prudential Real Estate Affiliates, Inc.

*Nov 16, 1991*

*Cher Messmore*

*Re: SB 387*

*as apt. owners of 21 units, we  
object to the passage of S.B. 387.  
It would be impossible to comply  
with. We appreciate your help.*

*Bernard & Leta Schermele  
owners 21 units  
Hillwood East apt  
401 50<sup>th</sup> St SE  
Gt Falls, Mt. 59405*



*Schermele, Inc.*

P.O. Box 2443

Great Falls, Montana 59403

*Mar 16, 1991*

*Cher Messmore*

*Re: S.B. 387*

*Will this Bill.*

*Bernard + Leola Schermelle*  
*(21 units)*

To Senator Eve Franklin,

I am a small landlord in  
Great Falls and I am against  
passage of SB-387 and  
HB 767. Please vote no on  
these two bills.

Sincerely,

Dave Huntsberger  
314 10th St. S.  
Great Falls  
761-5863

2004-5 Ave No.  
West Fair, Mt

Senator Eve Franklin  
Helen, Mt.

Dear Senator Franklin:

I am writing to urge you to kill  
HB 767- a bill that discriminates  
against landlords!

There are several clauses in  
this Bill that would be virtually  
impossible to comply with.

We have one small rental unit  
which we counted on for extra income  
but with all the requirements which  
are nearly impossible to comply  
with, all the landlords rights are  
being legislated away.

Again, please kill HB 767.

yours truly

Helen + Henry Baker

SB 387 NO

G. Franklin

As a member of IPM, I ask  
you to vote NO on SB 387. This  
legislation would be of no benefit  
to anyone.

Sincerely -  
C & L Auerhues  
29-16 Ave So  
St. Falls, MT 59405



# Grizzly Enterprises

609 23rd St. No.  
Great Falls, MT 59401  
(406) 771-7601

march 13, 1991

*Eve Franklin*

The number of rental units owned and operated by Grizzly Enterprises is a total of fifty(50).

It is requested that you vote to kill SB-387 and HE-767 .

Sincerely,  
GRIZZLY ENTERPRISES  
*James T. Price*  
James T. Price  
Partner



Schermele, Inc.

P.O. Box 2443

Great Falls, Montana 59403

Mar 16, 1941

Ever-Franklin

Re: HB 767

Kill this bill as it is absolutely ridiculous. The paperwork and extra labor in complying with this bill, would not be fair to us, as owners or to the tenant, as we would have to increase our rents to cover costs.

Bernard & Leta Schermele  
owners 21 units  
Hendwood East apt  
401 50<sup>th</sup> St SW  
Gt. Falls, Mt. 59405

2004-5 over No  
Just Facis. Mt

Senator Gene Thayer  
Helena, Mt.

Dear Senator Thayer

I am writing to urge you to kill  
HB 767.

This bill contains a clause where  
landlords must pay interest on their  
rental deposits - on and over we tried  
this - putting the deposit in a separate  
account - Before we found out part of  
the deposit had been used for a bank  
service charge -

Its getting so the landlord has no  
rights - After all it is our investment  
which is at stake.

Again I urge you to kill HB 767

yours truly

Helena & Henry Baker



Gene Meyer

SB-387 - Recreational Kill

As a member of IPM, I would  
like the above bill killed. We  
don't need this kind of legislation.

Please vote No

C & L Derenkowski  
29-16 Ave So.  
St. Falls, Me



# Grizzly Enterprises

609 23rd St. No.  
Great Falls, MT 59401  
(406) 771-7601

march 1<sup>st</sup>, 1991

*Gene Meyer*

The number of rental units owned and operated by Grizzly Enterprises is a total of fifty(50).

It is requested that you vote to kill SB-387 and HB-767 .

Sincerely,

GRIZZLY ENTERPRISES

*James T. Price*  
James T. Price  
Partner



Schermele, Inc.

P.O. Box 2443

Great Falls, Montana 59403

Mar 16, 1991

Gene Thayer

Re: H.B 767

Kill this Bill as it is absolutely  
ridiculous. The paperwork and  
extra labor in complying with  
this bill, would not be fair to us,  
as owners or to the tenants as we  
would have to raise the rent to  
cover costs. (21 units)

Bernard & Leta J Schermele  
owners 21 units  
Windwood East apt.  
401 50<sup>th</sup> St SW  
Great Falls MT 59405



*Schermele, Inc.*

P.O. Box 2443

Great Falls, Montana 59403

*Mar 16, 1991*

*Gene Hoyer*

*Re SB 387*

*Kill this Bill.*

*Bernard + Leta J Schermele*  
*(21 units)*

VERN L. FISCHER  
P.O. BOX 1357  
GREAT FALLS, MT. 59403  
453-2918

MARCH 15, 1991

SENATE BUSINESS & INDUSTRY COMMITTEE;

DEAR DARA ANDERSON, SECRETARY:

SUBJECT: "HB 767"

THIS BILL ORIGINALLY PROVIDED FOR INTEREST ON DEPOSITS, AND AS IT WENT THROUGH THE HOUSE, ALL THE PROBLEMS THAT PAYING INTEREST CREATED BECAME APERTIENT, AND THAT PART WAS REMOVED. SOME OF THE PROBLEMS COULD BE TAKEN CARE OF, BUT SOME WITH MORE COSTS THAN THE INTEREST TO BE PAID, AND STILL OTHER QUESTIONS NEVER DID GET ANSWERED.

PAYING INTEREST, WOULD CAUSE THE PROPERTY OWNERS ALL SORTS OF PAPER PROBLEMS AND TAKE TIME, IT WOULD ALSO COST THE TENANTS MORE MONEY THAN ANY INTEREST THEY MIGHT HOPE TO RECEIVE, BECAUSE WHEN IT GETS TO THE BOTTOM LINE AND ITS NOT BLACK, WE ALL WILL LOSE OUT.

THE PROBLEM WITH THIS BILL AT PRESENT IS: I DON'T UNDERSTAND WHY BUT, RESIDUE ON THE INTEREST FROM THE ORIGINAL BILL IS STILL PRESENT IN PLACES, THUS CREATING MORE PROBLEMS YET. BECAUSE OF THESE PROBLEMS PLEASE VOTE NO ON HB 767.

HOWEVER IF YOU FEEL HB 767 HAS SOME MERIT, PLEASE CONSIDER THE FOLLOWING CHANGES:  
PAGE 2 LINE 11 REMOVE THE UNDER LINED.

AND ACCRUED INTEREST OR ITS EQUIVALENT

PAGE 2 LINE 22 REMOVE THE UNDER LINED.

"YEAR" MEANS A CONSECUTIVE 12-MONTH PERIOD"

THIS SENTANCE NOW HAS NO REASONING OR BELONGING.

PAGE 4 LINE 21 REMOVE THE UNDER LINED.

AND ANY INTEREST DUE UNDER SECTION 6

PAGE 4 LINE 21 CHANGE THE 7 days TO READ 10 days

THIS THEN WILL CONFORM WITH LINE 17 ON PAGE 5.

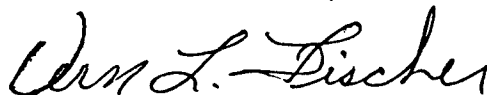
PAGE 8 LINE 13, 14 & 15

DELETE THE LAST HALF OF LINE 13 STARTING "AND INTEREST BEGINS..."

DELETE ALL OF LINES 14 and 15.

THANK YOU FOR YOUR TIME AND CONSIDERATION AND PLEASE VOTE NO, OR AT LEAST CLEAN UP THE BILL IF YOU VOTE YES.

RESPECTFULLY YOURS,



VERN L. FISCHER

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 5/19/91 Bill No. HB 241 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

ROLL CALL VOTE

SENATE COMMITTEE BUSINESS AND INDUSTRY

Date 3/19/91 Bill No. HB 241 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: NOT BE CONCURRED IN.

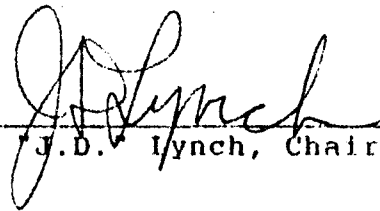
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 260 (third reading copy -- blue), respectfully report that House Bill No. 260 be concurred in.

Signed: \_\_\_\_\_

  
John J.D. Lynch, Chairman

LB 3/19/91  
Amd. Coord.

302 3/19 12:40  
Sec. of Senate



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 241 (third reading copy -- blue), respectfully report that House Bill No. 241 be not concurred in.

Signed: \_\_\_\_\_

  
John "J.D." Lynch, Chairman

LB 3/19/91  
Amd. Coord.

SR 3/19  
Sec. of Senate

10:00

## SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 672 (third reading copy -- blue), respectfully report that House Bill No. 672 be amended and as so amended be concurred in:

1. Title, line 9.

Following: "INCREASES,"

Insert: "DISCRIMINATION IN INSURANCE,"

2. Title, line 10.

Following: "SECTIONS"

Insert: "33-1-502"

3. Page 2, lines 18 through 20.

Strike: "OR" on line 18 through "person" on line 20

Following: "."

Insert: "The condition may only be excluded for a maximum of 12 months."

4. Page 7, line 6.

Following: "based"

Insert: "solely"

5. Page 13, line 19.

Following: line 18

Insert: "Section 10. Section 33-1-502, MCA, is amended to read:

"33-1-502. Grounds for disapproval. The commissioner shall disapprove any form filed under 33-1-501 or withdraw any previous approval thereof only if the form:

(1) is in any respect in violation of or does not comply with this code;

(2) contains or incorporates by reference, where such incorporation is otherwise permissible, any inconsistent, ambiguous, or misleading clauses or exceptions and conditions which deceptively affect the risk purported to be assumed in the general coverage of the contract, including a provision in a casualty insurance form permitting defense costs within limits, except as permitted by the commissioner in his discretion;

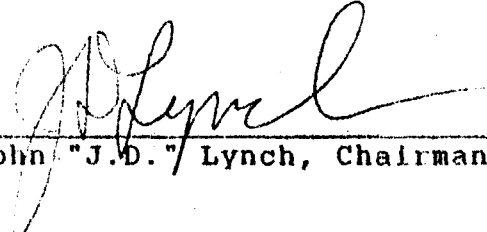
(3) has any title, heading, or other indication of its provisions which is misleading;

(4) is printed or otherwise reproduced in such manner as to render any provision of the form substantially illegible.

(5) contains any provision that violates the provisions of 49-2-309."

Renumber: subsequent section

Signed: \_\_\_\_\_

  
John "J.D." Lynch, Chairman

LB 3/19/91  
Amd. Coord.

SR 3/19 12:40  
Sec. of Senate

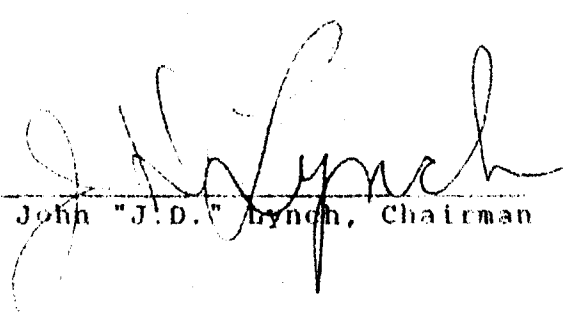
SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 629 (third reading copy -- blue), respectfully report that House Bill No. 629 be amended and as so amended be concurred in:

1. Page 2, line 25.  
Strike: "registered"  
Insert: "specified"

Signed: 

John "J.D." Lynch, Chairman

Ad 3-19-91  
And. Coord.

SP 3-19 2:20  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 19, 1991

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 767 (third reading copy -- blue), respectfully report that House Bill No. 767 be amended and as so amended be concurred in:

1. Page 2, line 11.

Strike: "and accrued interest or its equivalent"

2. Page 2, line 22.

Strike: "(5) "YEAR" MEANS A CONSECUTIVE 12-MONTH PERIOD."

3. Page 4, line 21.

Strike: "and any interest due under [section 6]"

Strike: "7"

Insert: "10"

4. Page 8, lines 13 through 15.

Strike: "," on line 13 through "]" on line 15

Signed: \_\_\_\_\_

John "J.D." Lynch, Chairman

1991 3-15-91  
And/ Coord.

Sec. of Senate

591419SC.Sj1