

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on February 15, 1993,
at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (X) (D)
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Paul Verdon, Legislative Council
Claudia Johnson, Committee Secretary

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

Committee Business Summary:

Hearing: HB 538, HB 546, AND HB 556
Executive Action: HB 273, HB 556, HB 245, HB 321, HB 422,
HB 538, AND HB 82

HEARING ON HB 538

Opening Statement by Sponsor:

REP. MIKE FOSTER, House District 32, Townsend, said during the
1991 Legislature, a section of law was added to allow regulated

telecommunication companies, i.e., U S West to develop promotions for their products. The result of the statutes would not allow companies like U S West to promote the packages which include the "call waiting" feature, which is not a competitive service, but a monopoly service. The change proposed in this bill will allow customers whose needs are better met with several features other than call waiting. He said U S West has been precluded, up to this time, from offering any promotions of packages which include call waiting as a feature. The statute that is proposed will ensure that the intent of the 1991 statute is retained. The minor changes will allow U S West to better serve their customers and offer them more services with discounts. He said a safeguard in this legislation on page 2, lines 21 and 22, states "unless authorized by the Public Service Commission (PSC)." Anytime a company comes in with a proposal that would have a package to include call waiting the PSC will review it and have the option of approving each proposal.

Proponents' Testimony:

Jim Hayhurst, Regulatory Director for U S West Communications in Montana, spoke about the call waiting service. He said that U S West has been unable to promote this service as part of their package. He presented information on HB 538. He said they have reviewed the language in this bill with the PSC, AT&T, MCI and Montana Telephone Association. He said they all support this legislation. EXHIBIT 1

Tim Sweeney, Staff attorney for the PSC, said the PSC supports HB 538. The PSC believes HB 538 will improve telephone regulation in Montana. With this bill, the PSC will be able to promote these services. The promotions are in the public's interest and also meet other criteria. He urged the committee for a do pass recommendation for HB 538.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. LARSON asked **Jim Hayhurst** to explain to the committee why they cannot promote these packages? **Mr. Hayhurst** said the current language precludes U S West from combining a monopoly service with a competitive service. He said that is appropriate, because if U S West offers call waiting as a package with a team line, their competitors would not be able to offer that same service because they could not discount the lines and the package. He said the protection was placed in the language so that U S West could engage in any competitive type of service.

Closing by Sponsor:

REP. FOSTER closed.

HEARING ON HB 556Opening Statement by Sponsor:

REP. FRITZ DAILY, House District 69, Butte, said HB 556 is at the request of the Public Service Commission (PSC). It will give the PSC the authority to regulate cable TV, similar to their regulation of other utilities that operate as monopolies in Montana. He said the regulatory authority will now be allowed as a result of legislation passed by the 1992 Congress called Cable Television Consumer Protection and Competition Act. He said this legislation was vetoed by President Bush. He thought this was the only piece of legislation that Congress has been able to override during the entire Reagan/Bush terms of office. The veto override took place because of bipartisan support in Congress and strong support from the American public. Since December 29, 1986, the average national monthly rate has increased 29 percent for cable television. He said it is almost three times the amount of the consumer price index. He read the percentages of the different Montana towns that have increased since December of 1986: Butte rates increased over 76 percent, Glendive increased 334 percent, Great Falls increased 87 percent, Kalispell increased 58 percent, Miles City increased 45 percent, and Helena over 40 percent. He said the argument to this is the increase in the number of channels offered. There are 56 million households who subscribe to cable TV. This is 60 percent of the homes with television. The cable TV industry has become a highly concentrated industry, with a few major companies dominating the market. These major companies select the channels each community will receive and the number of channels in the community. The economic rationale for regulating public utilities is they operate as natural monopolies. He said the evidence of cable TV as a monopoly in Montana is very obvious. He said in addition to the federal regulation that was passed in Congress, it will not allow the Montana PSC to regulate cable TV in any area where there is meaningful competition. REP. DAILY informed the committee that he, along with the PSC and their staff have met with representatives from the cable TV industry and have tried to address some of the concerns that would affect them with this legislation. There were major concerns with this bill as it would allow the cable television companies that have franchises in Montana to go before the PSC and request franchise authority on the state and local levels. They didn't feel it was right, therefore, they grandfathered those franchise companies in. The PSC has recognized that some of the earlier deadlines imposed by the legislature were unrealistic and have addressed those issues also. This legislation will not affect the general fund. The revenue needed to implement this act will come from a .24 percent tax on the annual revenue of the cable television industry. He said this is the same tax that is paid by the other utilities in Montana that function as natural monopolies. The PSC estimates that the gross revenue to cable television companies in Montana is \$34,520,402. It also estimates that 58 percent of the 275,546 households in Montana subscribe to cable television. The .24

percent tax would raise revenue of \$82,848 and the PSC expenses are expected to be \$82,030 annually. The monthly charge per household in Montana to regulate cable television under this proposal would be less than ¼ cent per month. **REP. DAILY** has spoken with a number of people and discovered that the cable television industry somewhat controls the satellite industry in Montana, and throughout the country, by requiring the public to buy a descrambler chip in order to receive certain channels and other services, i.e., Showtime, HBO, etc.

Proponents' Testimony:

Chuck Evilsizer, PSC legal counsel, said most of his work involves telecommunications. He said the PSC supports HB 556. He referred to **REP. DAILY'S** comment about the 1992 Cable Act that passed over President Bush's veto, which grants significant new authority over the states in the regulation of cable television rates and service. There isn't any existing legal law in Montana on this subject, the Montana Legislature must take some action in order to exercise this new pre-empted state authority. HB 556 will take care of this by establishing authority over cable television to the extent permitted by the federal act: 1) by granting jurisdiction to the PSC over rates and service; and 2) jurisdiction to the local government over franchise fees, right-of-ways, etc. HB 556 will require both a state and local franchise for the operation for the cable television system and includes specific standards to be considered before a franchise is granted or renewed. It adds cable television service to the Montana definition of public utilities for the purpose of PSC authority in Title 69. He explained the grandfather clause for existing cable television in Montana to automatically receive both state and local franchise. The other grandfather clause in HB 556 will not disturb in any way what is currently in effect for local franchises contractors. He said one issue that is not in the bill, but Montana is bound by, is the federal provision which requires for cable systems with 1,000 or fewer subscribers, that the Federal Communications Commission (FCC) adopt streamline regulation for these small systems.

Bob Anderson, Chairman for the Public Service Commission (PSC), said the reason the PSC asked for HB 556 is because the people (public) asked for it. He talked about cable television being a national monopoly, the prices going up too fast since deregulation in 1984, and the services have gone down in that same period. The PSC would substitute for the absence of competition in a natural monopoly. He distributed information on rates from the different cable companies in Montana. **EXHIBITS 2 & 3**

Bob Nelson, Consumer Counsel, supported HB 556, and said there is overwhelming nation-wide support for some regulation of cable TV. Congress responded to that support and is convinced there is a reason to regulate cable TV. He said the Cable Consumer Protection Act which was passed in 1992 will provide some degree of regulation.

Bob Musselman, concerned cable customer, urged the committee to give HB 556 favorable passage. As the legislation speaks to the FCC to have rules and regulation regarding cable television in place by April 1993.

Paul Spangler, TCI consumer, said the government can serve in partnership with private business to provide better quality and cheaper service, and encourage competition which this bill will do.

REP. BOB PAVLOVICH, House District 70, Butte, wanted to be on record in support for HB 556.

No-Ponent:

Alec Hansen, Executive Director, Montana League of Cities and Towns, stated why he is a no-ponent. Currently, cities and towns are allowed to franchise the cable television systems, and have been able to for a number of years. The federal government has established a clause to set limits on the cost of a franchise. He said the difference of a franchise for a city and the regulation being proposed is the franchise fees received by the cities are for the use of right-of-way, and not for regulating cable television, and is a source of revenue for the cities and towns. The major message he is giving the committee is to protect their authority to impose a franchise and whether or not cable TV should be regulated by state or local governments.

Opponents' Testimony:

Tom Harrison, representing the Montana Cable Television Association, addressed the agreements in favor and against HB 556. He said the cable TV association has had in place for many years a complaint resolution procedure which they contact three principal groups: 1) the Citizens Advocates office in the Governor's office; 2) the Consumer Advocates office in the Department of Commerce; and 3) the Public Service Commission (PSC). He said the federal rules will not be out until April, so it is impossible to tell what the state or the cities will be allowed to regulate. He said HB 556 will create four tiers of regulation: 1) federal; 2) state; 3) county; and 4) city. He said section 13 of the bill states that cable TV will become a public utility. The federal law says in section 541-C 1984 Act, any cable system shall not be subject to regulation as a common carrier or utility by reason of providing any cable service. The present cable language in the bill says that the franchise can be canceled or suspended, but not one word as to why it can be canceled or suspended.

Joe Hoiland, owner and operator of Roundup Cable Inc., presented information and letters from the local citizens of Roundup stating why they are opposed to HB 556. EXHIBIT 4

Marla DeShaw, owner/operator of cable TV stations in **Ryegate** and **Harlowton**, said like the rest of the other small cable systems, they have to have other jobs to support their family. She said if the PSC takes over regulation her service will not be better, it will be worse. She has competition in her small towns, not by another cable system, but three video stores opened and her HBO pay service has dropped by 50 percent.

Ken Watts, General Manager for **Billings TCI**, said the information given by REP. DAILY is not correct on the rates given for **Miles City** and **Glendive**. He distributed a letter from the mayor of **Billings** in opposition to HB 556, and a copy of the FCC rules. EXHIBITS 5 & 6

Bob Orr, representing the **Lincoln Telephone Company**, a subsidiary of Cable TV, said any franchise and regulation cost would place an unfair burden on their customers.

REP. NORM MILLS, House District 90, **Billings**, wanted to go on record in opposition to HB 556.

Wes Huffman, TCI Cablevision of **Great Falls**, wanted to be recorded in opposition to HB 556.

Tom Glendenning, TCI, **Helena**, stated his opposition to HB 556.

Don DeShaw, **Harlowton Cable TV**, said he opposes HB 556.

Doug Rice, TCI State Manager, said there are 36 systems in **Montana**. He wanted to go on record in opposition to HB 556.

Don Branton, TCI in **Bozeman**, **Belgrade**, **Livingston**, said his subscribers are happy with his system and would like the bill to remain as is.

Questions From Committee Members and Responses:

REP. LARSON wanted information on how the PSC will streamline rules for the small cable companies, i.e., Premier Cable Company in western Montana has about 10 smaller companies. How will these small cable systems in rural Montana communities be affected? **Chuck Evilsizer** replied by reading a section of the law that pertains to small companies, "in developing and prescribing regulations in pursuant to this section, the commissioner shall design such regulation to reduce the administrative burden of cost and compliance for cable systems that have fewer than 1,000 subscribers".

REP. SONNY HANSON asked **Chuck Evilsizer** to define other public considerations that may or may not be granted to a franchise on page 6 of the bill? Mr. Evilsizer said the intention of the language in that section was to provide some flexibility for factors that would come up outside of (a) through (d) on page 6. He said the PSC does not grant certificates of public need and

necessity except in the motor carrier area. In the utilities, there is an exception for the Territorial Integrity Act which is applicable to electricity, other than that, the PSC does not grant franchises.

REP. MILLS asked Chuck Evilsizer about other public utilities who do not have any franchise in the state, why is it necessary for the PSC to issue a franchise for this single industry alone? Mr. Evilsizer said the PSC is not concerned about the franchise aspect. The PSC's concern is the same as it is for other public utilities, where the rates are reasonable and service is adequate. The only reason this bill designates the PSC is the federal law says that the rate regulation can only be exercised by a franchising authority.

Closing by Sponsor:

REP. DAILY closed. He is not asking that cable TV be regulated from a negative perspective, but a positive one. Cable TV needs to be regulated for the benefit of the customers in the state. He urged a do pass recommendation.

HEARING ON HB 546

Opening Statement by Sponsor:

REP. BOB GILBERT, House District 22, Sidney, said HB 546 intends to clarify REP. FRED THOMAS'S bill from the 1985 Session. It allowed utilities to collect for damages if someone defrauded the services. It also placed a six-month billing limit on utilities who, through their error didn't charge properly. The bill was codified in one section under the PSC which didn't identify co-ops and stated they were immune to this law. They also claimed they are immune to the two-year statute of limitations, a five-year statute of limitations and a seven-year statute of limitations, but these utilities can go back any time they want to because it is an open-ended contract. He said in a court of law it was decided that wasn't so, and no decision was given. HB 546 redefines public utility and states that a rural electric and telephone cooperative as provided in Title 35, chapter 18. It does not place the rural cooperatives under the jurisdiction of the PSC for any other purpose than ensuring that if they make an error in their billing process, they can only go back six months to collect if it is their fault. He said HB 546 is designed to protect the cooperative consumer.

Proponents' Testimony:

None

Opponents' Testimony:

Jim Nelson, Glacier Electric, said that cooperatives are unique in Montana because the members run the cooperatives through their elected board of directors. From his experience, if the board is not responsive to the concerns of the membership of the cooperatives, they will not last long in office. Cooperatives have policies dealing with collection and billing errors. He said the cooperatives are opposed to this legislation.

Rosemary Koch, Fergus Electric Consumer, said the local cooperative members can adopt by-laws and policies to address the problems at the membership's annual meeting.

Molly Descheemaeker, Fergus Electric Consumer, urged the committee to oppose HB 546.

John Hossack, Lincoln Electric Cooperative, Eureka, stated the Lincoln Cooperative's opposition to HB 546.

Bill Berberet, Vigilante Electric Director, Townsend, said he opposes HB 546.

Don Prevoost, Yellowstone Company, informed the committee this bill came about because of an incident in his area where wires from an electric meter had been unplugged. He urged the committee to vote against this legislation.

Al Thiessen, Lower Yellowstone REA, said an electric cooperative is not a big power company like most people think. It is a not-for-profit business, owned and operated by its members. He urged a do not pass.

Ric Brown, Ravalli County Electric Cooperative, Corvallis, said the President of the United States has asked the cooperatives to take stronger local control on issues that are surrounding the nation, and said the governor will be saying the same thing in a couple of days, but the cooperatives have been doing this for the last 55 years, and the Ravalli Cooperative is the oldest cooperative in the state of Montana. He distributed a member's guide that is given to the members. EXHIBIT 7

Doug Hardy, Park Electric, Plant Supervisor, said he opposes HB 546.

Questions From Committee Members and Responses:

REP. LARSON asked Gary Wiens, representing the Montana Electric Cooperative Association, how frequent are billing errors from the cooperatives. Mr. Wiens said he has talked with cooperative members throughout the state of Montana and found one or two cases every two years.

REP. LARSON asked Gary Willis, MPC, to explain the procedure of an investor-owned utility company and how do they take care of their billing errors. Mr. Willis said the billing is either too high or too low, but they very seldom have this problem. Mr. Willis said to handle the problem they will approach the consumer to inform them of the error unless it is over six months.

REP. SONNY HANSON asked Ric Brown how many cooperative are serving buildings owned by the state of Montana? Mr. Brown said that most of the cooperatives are rural and are prohibited from serving inside a city with a population of 3,000 or more. He said they do serve some federal facilities.

Closing by Sponsor:

REP. GILBERT closed.

EXECUTIVE ACTION ON HB 273

VICE CHAIRMAN SONNY HANSON informed the committee that he had the proxy vote for REP. HERRON. REP. DAILY said he had the proxy vote for REP. COCCHIARELLA.

Motion: REP. LARSON MOVED HB 273 DO PASS.

Discussion: CHAIRMAN BENEDICT informed the committee that he has spoken with REP. DOLEZAL, the sponsor of the bill, and said an agreement has been reached between the insurance industry, the glass brokers, and the auditor's office. He said that REP. DOLEZAL would go through the amendments with the committee so they could see what the amendments will do to the bill. REP. DOLEZAL informed the committee of another amendment to consider because the insurance people were adamant that this law applies only to glass repair work. Some of the language is ambiguous because it refers to repair shop. He gave Paul Verdon a copy of the bill to show where they changed the language where it was appropriate to show it is glass repair work. EXHIBITS 8 & 9

REP. BACHINI moved to adopt amendment #1.

REP. BRANDEWIE called the question. Voice vote was taken. Motion carried unanimously. EXHIBIT 8

REP. BRANDEWIE moved to adopt the conceptual amendment #2. This amendment will replace repair shop with glass repair shop. REP. DAILY called the question. Voice vote was taken. Motion carried unanimously.

REP. SIMON moved to adopt amendment #3. It will give the definition of a glass broker.

REP. BACHINI said the insurance industry and glass brokers would need to get together to decide what the definition of a glass broker is before the committee votes on it. REP. SONNY HANSON called the question. Voice vote was taken. Motion carried 15 - 3 with REPS. BACHINI, ELLIS AND CHAIRMAN BENEDICT voting no.

Motion/Vote: REP. BRANDEWIE MOVED HB 273 DO PASS AS AMENDED. REP. MILLS called the question. Voice vote was taken. Motion carried unanimously.

Vote: HB 273 DO PASS AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 556

Motion: REP. DAILY MOVED HB 556 DO PASS.

Discussion: REP. DAILY said HB 556 was thoroughly discussed and felt the issues didn't need to be addressed any further.

Motion/Vote: REP. BACHINI called the question. Roll call vote was taken. Motion failed 7 - 11. EXHIBIT 10

Motion/Vote: REP. SONNY HANSON MOVED HB 556 BE TABLED. Roll call vote was taken. Motion carried 10 - 8. EXHIBIT 11

Vote: HB 556 BE TABLED. Motion carried 10 - 8.

EXECUTIVE ACTION ON HB 245

Motion: REP. DOWELL MOVED HB 245 DO PASS.

Discussion: REP. DOWELL moved to adopt the amendment and the gray bill. Paul Verdon explained the amendments and the gray bill to the committee. The question was called. Voice vote was taken. Motion carried unanimously. EXHIBITS 12 & 13

Motion/Vote: REP. DOWELL MOVED HB 245 DO PASS AS AMENDED. Roll call vote was taken. Motion carried 10 - 8. EXHIBIT 14

Vote: HB 245 DO PASS AS AMENDED. Motion carried 10 - 8.

EXECUTIVE ACTION ON HB 321

Motion: REP. DOWELL MOVED HB 321 DO PASS.

Discussion: REP. DOWELL moved to adopt the amendments and the gray bill. REP. DOWELL explained the amendments to the committee and how they will affect the bill. EXHIBITS 15 & 16

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REP. SONNY HANSON called the question to adopt the amendment. Voice vote was taken. Motion carried unanimously. EXHIBIT 15

Motion/Vote: REP. DOWELL MOVED HB 321 DO PASS AS AMENDED. REP. SONNY HANSON called the question. Roll call vote was taken. Motion failed 4 - 14.

Motion/Vote: REP. SONNY HANSON MOVED HB 321 BE TABLED. Everyone voted to use Exhibit 17 as the reverse vote to table. Motion carried 14 - 4 with REPS. DOWELL, PAVLOVICH, COCCHIARELLA AND DAILY voting no. EXHIBIT 17

Vote: HB 321 BE TABLED AS AMENDED. Motion carried 14 - 4.

EXECUTIVE ACTION ON HB 422

Motion: REP. LARSON MOVED HB 422 DO PASS.

Discussion: REP. LARSON moved to adopt the amendment and the gray bill. REP. LARSON explained how the amendments affect the bill. He said the amendments (exhibit 18) are to be thrown away and use the gray bill (exhibit 19). EXHIBITS 18 & 19

Motion/Vote: REP. SIMON MADE A SUBSTITUTE MOTION THAT HB 422 BE TABLED AS AMENDED. Voice vote was taken. Motion carried 17 - 1 with REP. PAVLOVICH voting no.

Vote: HB 422 BE TABLED AS AMENDED. Motion carried 17 - 1.

EXECUTIVE ACTION ON HB 538

Motion: REP. LARSON MOVED HB 538 DO PASS.

Discussion: None

Motion/Vote: The question was called. Voice vote was taken. Motion carried unanimously.

Vote: HB 538 DO PASS. Motion carried 18 - 0.

EXECUTIVE ACTION ON HB 82

Motion: REP. TUSS MOVED TO RECONSIDER ACTION ON HB 82 AND TAKE FROM THE TABLE.

Discussion: The question was called to take from the table. Roll call vote was taken. Motion carried 12 - 6. EXHIBIT 20

Information was distributed on HB 82 by the Department of Commerce to create an executive director for the Board of Outfitters. EXHIBIT 23

REP. TUSS addressed the bill with the amendments. EXHIBIT 21

CHAIRMAN BENEDICT said the key words to this bill is offering programs not mandating programs. The language calls for the board to come up with some programs to offer to their outfitters and guides. MAX CHASE from the Board of Outfitters, was asked to reply to the question if the board would be designing rules later on to mandate continuing education? Mr. Chase said yes. It was discussed at the last two board meetings because one portion of the statute already mandates that they provide some kind of educational training for the outfitters and guides.

REP. SIMON moved to segregate amendment #7 of exhibit 21 and take it out of the bill. The question was called on the amendments with the exception of #7. Voice vote was taken. Motion carried 14 - 4 with REPS. BACHINI, DAILY, STELLA JEAN HANSEN AND TUSS voting no. EXHIBIT 21

Motion was made to vote on amendment #7 of exhibit 21. Voice vote was taken. Motion failed 4 - 14 with REPS. LARSON, STELLA JEAN HANSEN, TUSS, AND DOWELL voting aye.

Motion/Vote: REP. STELLA JEAN HANSEN MOVED HB 82 DO PASS AS AMENDED. Roll call vote was taken. Motion carried 11 - 7. EXHIBIT 22

Vote: HB 82 DO PASS AS AMENDED. Motion carried 11 - 7.

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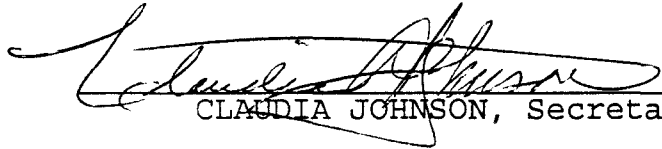
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ADJOURNMENT

Adjournment: 12:55 P.M.



STEVE BENEDICT, Chairman



CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 2-15-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
wp.rollcall.man

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

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Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 273 (first reading copy -- white) do pass as amended.

Signed: _____

Steve Benedict, Chair

And, that such amendments read:

1. Title, line 11.

Strike: "AGENT"

Insert: "GLASS BROKER"

Strike: "EITHER"

2. Title, line 12.

Strike: "AGENT OR INSURANCE COMPANY"

Insert: "GLASS BROKER"

3. Title, line 14.

Following: line 13

Insert: "DEFINING GLASS BROKER;"

Following: "BY A"

Insert: "GLASS"

4. Title, line 15.

Following: "SHOP"

Strike: "THAT"

Insert: "AS A CONDITION TO DOING GLASS REPLACEMENT OR GLASS REPAIR WORK WHEN THE PRICE"

5. Title, lines 17 and 18.

Strike: "CREDITS AGAINST INSURANCE DEDUCTIBLES"

Insert: "INCENTIVES"

6. Title, line 19.

Strike: line 19 through "MCA"

Insert: "GRANTING ENFORCEMENT AUTHORITY TO THE INSURANCE COMMISSIONER"

7. Page 1, line 23.

Strike: "(a)"

Committee Vote:

Yes 18, No 0.

391228SC.F33

8. Page 2, line 1.

Following: "not"

Insert: " :
(a) "

9. Page 2, line 5.

Following: "policy"

Strike: "."

Insert: "; or"

10. Page 2, lines 6 and 7.

Following: "(b) "

Strike: the remainder of line 6 through "not" on line 7

11. Page 2, line 10.

Page 2, line 14

Page 3, line 6

Following: "replacement,"

Insert: "glass"

12. Page 2, line 11.

Page 2, line 15

Page 3, line 6

Following: ", or"

Insert: "glass"

13. Page 2, line 11.

Following: "products"

Insert: "insured in whole or in part under the terms of an
insurance policy"

14. Page 2, line 15.

Following: "if"

Insert: "some of"

15. Page 2, lines 16 through 20.

Following: "insured" on line 16

Strike: remainder of line 16 through "products" on line 20

16. Page 2, lines 23 through 25.

Following: "(b) " on line 23

Strike: remainder of line 23 through line 25

Insert: "The"

17. Page 3, lines 1 and 2.

Following: "insured" on line 1

Strike: remainder of line 1 through "used" on line 2

Insert: "may use a nonlisted shop or location"

18. Page 3, line 3.

Following: "discretion"

Insert: ", "

Following: "and"

Strike: "that"

Insert: "subject to the provisions of subsections (2)(c) and
(3),"

19. Page 3, lines 4 and 5.

Following: "pay" on line 4

Strike: remainder of line 4 through "2]," on line 5

20. Page 3, lines 8 through 12.

Strike: lines 8 through 12 in their entirety

Insert: "(c) If the insured does not use a list as provided in
subsection (2)(a), the insurer may require the insured to
obtain not more than three competitive bids to establish the
cost of automobile glass replacement, glass repair services,
or glass products provided.

(3) This section does not require an insurer to pay
more for automobile glass replacement, glass repair
services, or glass products than the lowest prevailing
market price as defined in [section 2]."

Renumber: subsequent subsection

21. Page 3, line 14.

Strike: "and (2)"

Insert: "through (3)"

22. Page 3, lines 19 through 24.

Following: "area" on line 19

Strike: remainder of line 19 through "products" on line 24

23. Page 4, line 2.

Following: "activities"

Insert: "-- glass broker defined"

24. Page 4, lines 5 through 7.

Strike: subsection (a) in its entirety

Renumber: subsequent subsections

25. Page 4, line 9.

Strike: "agent"

Insert: "glass broker"

26. Page 4, lines 9 and 10.

Strike: "insurance company or the agent"

Insert: "glass broker"

27. Page 4, line 10.

Page 4, line 16

Following: "by a"

Insert: "glass"

28. Page 4, line 11.

Page 4, line 15

Page 4, line 17

Page 4, line 21

Following: "or"

Insert: "glass"

29. Page 4, line 14.

Following: "requires a"

Insert: "glass"

30. Page 4, line 22.

Following: "claim"

Insert: "or a set fee"

31. Page 4, lines 23 and 24.

Following: "to the"

Insert: "glass"

32. Page 4, lines 23 and 24.

Strike: "or bills the insurance company"

33. Page 5, line 1.

Following: page 4

Insert: "(3) As used in this section, "glass broker" means an automobile glass company that acts as a third-party agent for the insurer for the purpose of entering into agreements with other automobile glass dealers to perform glass replacement or glass repair work."

34. Page 5, line 1.

Following: "Rebates"

Insert: "and incentives"

35. Page 5, line 3.

Following: "not"

Insert: ":

(a)"

36. Page 5, line 6.

Following: "policy"

Insert: "; or

(b) pay a sum or incentive to an individual or entity for directing glass replacement or repair or the purchase of a glass product"

37. Page 5, line 10 through page 7, line 21.

Strike: sections 5 through 7 in their entirety

Insert: "NEW SECTION. Section 5. Desist orders for prohibited practices. Violations of [sections 1 through 4] are subject to cease and desist orders of the commissioner issued under 33-18-1004."

Renumber: subsequent section

38. Page 7, line 22.

Following: "instruction."

Insert: "(1)"

39. Page 7, lines 24 and 25.

Strike: "30"

Insert: "33"

Strike: "14"

Insert: "18"

40. Page 8, line 2.

Following: line 1

Insert: "(2) [Section 5] is intended to be codified as an integral part of Title 33, chapter 13, part 10, and the provisions of Title 33, chapter 18, part 10, apply to [section 5]."

HOUSE STANDING COMMITTEE REPORT

February 16, 1993

Page 1 of 4

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 245 (first reading copy -- white) do pass as amended.

Signed: _____
Steve Benedict, Chair

And, that such amendments read:

1. Page 1, line 13.

Following: "and"

Insert: "the potential for"

2. Page 1, line 16

Following: "may"

Insert: ", without supplying a reason,"

3. Page 1, lines 16 through 19

Strike: "for" on line 16 through "homes" on line 19

4. Page 1, line 21.

Strike: "upon failure to pay rent"

Insert: "if evicted unfairly"

5. Page 1, line 25.

Strike: "make rental payments"

Insert: "comply with the eviction"

6. Page 5, line 3.

Following: "rent"

Insert: "or late charges"

7. Page 5, line 11.

Following: "conduct"

Insert: "on the mobile home park premises"

8. Page 5, line 17.

Following: "violation"

Insert: "on the mobile home park premises"

February 16, 1993

Page 2 of 4

9. Page 5, line 18.

Following: "ordinance"

Insert: ", when the violation is detrimental to the health,
safety, or welfare of other residents or the landlord of the
mobile home park,"

10. Page 5, lines 19 through 21.

Following: "violation" on line 19

Strike: remainder of line 19 through "park" on line 21

Insert: "the provisions of Title 43, chapter 9"

11. Page 5, line 25.

Following: "(a)"

Insert: "A mobile home owner or a tenant of a mobile home owner
who fails to pay the overdue rent and late charges within 15
days of receiving notice of nonpayment of rent, as provided
in 70-24-422, is subject to termination procedures as
provided in 70-24-422.

(b)"

Renumber: subsequent subsections

12. Page 6, line 2.

Strike: "three"

Insert: "two"

13. Page 6, line 5.

Following: "late"

Insert: "rent"

14. Page 6, lines 8 and 9.

Following: "(ii)"

Strike: remainder of line 8 through "payment" on line 9

Insert: "additional charges for late rent payment must be
reasonable and must be paid as provided in subsection (2) (a)
unless the landlord and tenant agree otherwise"

15. Page 6, line 13.

Strike: "third"

Insert: "second"

16. Page 6, line 17.

Following: "agreement"

Insert: "and the provisions of subsection (3) (c) requiring a
compliance period do not apply"

17. Page 6, line 21.

Strike: "unfair,"

18. Page 6, lines 21 and 22.
Strike: ", or unconscionable"

19. Page 6, line 22.
Following: " ; "
Insert: "and"

20. Page 6, line 23.
Strike: " ; "
Insert: " . "

21. Page 6, line 24 through page 7, line 4.
Strike: page 6, line 24 through page 7, line 4 in their entirety
Insert: "(b) All rules must be written and must be given to all
mobile home park residents who reside in the mobile home
park and to all new residents upon arrival."
Re-number: subsequent subsections

22. Page 7, lines 5 through 11.
Following: "(b)" on line 5
Strike: remainder of line 5 through "to" on line 11
Insert: "Notice of and compliance with notice of rules violations
must conform with the provisions of"

23. Page 7, line 13.
Following: "owner"
Insert: "who has complied with the rule within 14 days after
receipt of a notice as provided in subsection (3)(b)"

24. Page 7, line 14.
Strike: "three"
Insert: "two"

25. Page 7, line 15.
Following: "period"
Insert: "and it is shown that the mobile home owner or tenant of
the mobile home owner has violated that rule"
Following: "required"
Insert: "for the next 6 months"

26. Page 7, line 18.
Following: "70-24-422"
Insert: "without providing a 14-day compliance period"

27. Page 7, line 19.
Following: line 18
Insert: "(d) If a mobile home owner or tenant of the mobile home
owner has been given two or more written notices of an
alleged violation of a rule that would have a significant

D. L. Schuler

adverse impact on the mobile home park or its residents within a 12-month period and it is shown that the mobile home owner or tenant of the mobile home owner has violated the rule, a written notice is not required for the next 6 months for a subsequent violation of any rule that would have a significant adverse impact on the mobile home park or its residents and the rental agreement may be terminated as provided in 70-24-422 without providing a 14-day compliance period. Only one notice a month may be given."

28. Page 8, line 18 through page 9, line 15.
Strike: line 18, page 8 through line 15, page 9 in their entirety

Renumber: subsequent sections

29. Page 9, line 17.
Strike: "Sections"
Insert: "Section"
Strike: "and 3"
Strike: "are"
Insert: "is"

30. Page 9, line 19.
Strike: "sections"
Insert: "section"
Strike: "and 3"

-END-

312 - 11/13

HOUSE STANDING COMMITTEE REPORT

February 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 538 (first reading copy -- white) do pass .

Signed: Steve Benedict
Steve Benedict, Chair

Committee Vote:
Yes 18, No 0.

3716258C.Fns

HOUSE STANDING COMMITTEE REPORT

February 16, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 32 (first reading copy -- white) do pass as amended .

Signed: _____
Steve Benedict, Chair

And, that such amendments read:

1. Page 1, line 13.

Following: " ; "

Insert: "and"

2. Page 1, lines 20 through 24

Following: "education" on line 20

Strike: remainder of line 20 through "agency" on line 24

3. Page 2, line 3.

Following: "investigations"

Insert: "of outfitters and guides that involve violations of this chapter or rules of the board"

4. Page 2, line 4.

Strike: "other enforcement activities"

Insert: "investigations of complaints"

5. Page 2, line 6.

Strike: "enforcement,"

6. Page 2, lines 8 and 9.

Strike: "and enforcement activities"

7. Page 2, line 9.

Following: "other"

Insert: "local,"

Following: "state"

Insert: " , "

-END-

46538
EXHIBIT 1

DATE 2-15-93

HB 538

Proposed Revision to Section 69-3-305 (4)

This section was added to the Montana Telephone Act during the 1991 Session in House Bill 610. The section was added to allow regulated telecommunications companies, such as U S WEST, to develop promotions for our products - a common business practice among telecommunications providers, as well as in other businesses. In the telecommunications industry, the Local Exchange Company, has a monopoly over certain parts of the network - local exchange access services and access services used by Carriers to reach their customers. Language was included in this section to limit the ability of the Local Exchange Company to promote a "package" which included basic access services with a competitive service. Our competitors would be unable to offer the same type of promotional offerings and therefore the offerings could be anticompetitive.

The result of this statute; however, has been that U S WEST has been unable to "promote" packages which include a very popular feature - Call Waiting.

Call Waiting is a non-basic, vertical feature. It is not necessary for access to the public switched network. It is however, not a competitive service. At this time, there are no alternative products available in the marketplace which perform the functions of Call Waiting. Therefore, Call Waiting is a MONOPOLY service.

Call Waiting is an attractive option for many customers. It allows them to receive important calls. It is very advantageous in homes with teenagers - the teen is alerted that there is another in-coming call - perhaps a long distance call. The customer can then make the decision about which call has priority. Many customers also find other custom calling features attractive - speed calling, three way calling and call forwarding. The packages allow customers to customize the feature packages which best meet their needs. The change in the statute will allow customers whose needs are better met with several features, rather than just Call Waiting, U S WEST has conducted several promotions since House Bill 610 opened this opportunity. On a short term basis, we have offered customers the opportunity to obtain services without the one-time charge for connection, we have offered money back guarantees to assure customer satisfaction with a service. These promotions are normal business practices - also offered by our competition and many other businesses. U S WEST has been precluded from offering any promotions of "packages" which include call waiting as a feature.

The statute change we are proposing insures that the intent of the 1991 statute is retained - that promotions will not be done which package a basic access line with a competitive offering. We understand and appreciate that such packages could disadvantage our competitors.

The minor change being proposed will allow U S WEST to better serve our customers - to offer them more choices of vertical services along with allowable discounts - waiver of one time charges and other Commission approved promotional opportunities. The Commission will review and approve each proposed promotion.

EXHIBIT 2
DATE 2-15-93
HB 556

EXHIBIT 2
DATE 2-15-93
HB 538

RATE ANALYSIS

Helena area

7 YEAR RATE ANALYSIS

	Dec. 86	Dec. 87	Dec. 88	Dec. 89	Dec. 90	Dec. 91	Dec. 92
Basic Rate	\$12.95	\$15.75	\$15.75	\$17.00	\$16.50	\$17.35	\$18.22
Tier/Expanded Basic Rate	n/a	n/a	n/a	n/a	\$.40	\$ 1.30	\$ 2.00
# of Basic Channels	17	23	24	20	20	20	21
# of Tier or Expanded Basic Channels	n/a	n/a	n/a	4	4	5	6
Cost Per Channel	\$.76	\$.68	\$.66	\$.71	\$.70	\$.75	\$.75
HBO Rates	\$11.95	\$11.95	\$11.95	\$11.95	\$12.45	\$12.70	\$12.70
Showtime Rates	\$11.95	\$11.95	\$11.95	\$11.95	\$11.95	\$12.20	\$12.20
Cinemax	\$10.95	\$10.95	\$10.95	\$10.95	\$11.95	\$12.20	\$12.20
Disney Rates	\$10.95	\$10.95	\$10.95	\$10.95	\$10.95	\$10.95	\$10.95
Converter/Remote Rental	\$ 3.00	\$ 3.00	\$ 3.00	\$ 3.00	\$ 3.00	\$ 3.50	\$ 4.00
Additional Outlet Rate	\$ 2.00	\$ 0.00	0.00	0.00	0.00	0.00	0.00
Basic Installation Fee	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$40/60	\$40/60
Monthly Cable Guide	\$ 0.00	0.00	0.00	0.00	\$.50	\$.50	\$ 1.00
Late Charge	\$ 0.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.00

Additional Services Offered to Customers:

Pay Per Event - ranges \$14.95-\$29.95
X*Press Executive Computer Service - \$19.95 per month
X*Press X*Change Computer Service - included with full cable television subscription
PrimeStar - \$29.95 per month
Encore Premium Service - \$1.50 per month



ADDRESSES AND PHONE NUMBERS

The following addresses and phone numbers are part of our service commitment to help you obtain needed information and prompt assistance.

TCI Cablevision of Montana, Inc.
951 Custer Ave.
Helena, MT 59601

(406) 443-3401

Office Hours:

Mon. - Fri. 8 a.m. - 6 p.m.

System Manager	Tom Glendenning
Plant Manager	George Maier
Office Manager	Rita Foster

Boulder/Townsend 1-800-777-7818

Phone Hours: 24 hours a day

TCI Cablevision is an equal opportunity employer.



Montana

Butte -- TCI Cablevision of Montana

1986 \$10.25 for basic (12 channels) (Butte Cable TV)

Dec. 1991 \$18.04 for limited basic (21 channels)
 \$19.40 for expanded basic (27 channels)

Increase 76% for similar channel offering

Glendive -- TCI Cablevision of Montana

1986 \$4.00 for basic (12 channels) (Glendive Cable TV)

Nov. 1991 \$17.35 for limited basic (21 channels)
 \$18.65 for expanded basic (27 channels)

Increase 334% for similar channel offering

Great Falls -- TCI Cablevision of Great Falls

1986 \$9.95 for basic (26 channels) (Group W Cable Inc.)

Dec. 1991 \$17.35 for limited basic (20 channels)
 \$18.65 for expanded basic (26 channels)

Feb. 1992 \$18.22 for limited basic (20 channels)
 \$20.22 for expanded basic (26 channels)

Increase December 1991
 87% for similar channel offering

Note: There will be a 5% rate increase for limited basic and an 8% increase for expanded basic on February 1, 1992.

February 1992
103% for similar channel offering

Montana (continued)

Kalispell -- TCI Cablevision of Montana

1986	\$10.95 for basic (13 channels) (Group W Cable)
Nov. 1991	\$17.35 for limited basic \$18.65 for expanded basic
Increase	58% for similar channel offering

Miles City -- TCI Cablevision of Montana

1986	\$11.95 for basic (12 channels) (Micro-TV Inc.)
Nov. 1991	\$17.35 for limited basic (21 channels) \$18.65 for expanded basic (27 channels)
Increase	45% for similar channel offering

ROUNDUP CABLE, INC.

412 3RD STREET WEST
ROUNDUP, MONTANA 59072
PHONE (406) 323-1787

EXHIBIT 4

DATE 2-15-93

HB 556

PARTIAL LIST OF SMALL INDEPENDENT CABLE OPERATORS IN MONTANA

ABSAROKEE
LAUREL
COLUMBUS
ASHLAND
RED LODGE
BIG SKY
EKALAKA
GALLATIN GATEWAY
HARLOWTON
LINCOLN
MELSTONE
MILTOWN
ROUNDUP
LAVINA
SHERIDAN
ST IGNATIUS
STANFORD
THOMPSON FALLS
JORDAN
TWIN BRIDGES
BIG TIMBER
WEST YELLOWSTONE
RYEGATE
RED LODGE
FORSYTH
COLUMBUS
LAUREL
BIG TIMBER
BROADUS
BAKER
HARDIN

This is a partial listing of small independent operators in Montana that would be seriously harmed by PSC regulators. Together they represent approximately 8,000 Montanans whose cable service future is in your hands. Please don't regulate us out of business and make the TV tube go black.

Exhibit 4 from 2/15/93, HB 556, contains letters from the citizens of Roundup, MT, stating why they are opposed to HB 556. The original document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

EXHIBIT 5
DATE 2-15-93
HB 556

Richard Larsen & Associates, Inc.
Consultants

1733 Parkhill
Billings, Montana 59102
(406) 248-4252

12 February 1993

To the Montana Legislature,

Re: House Bill No. 556

Cable Television Regulation by the Public Service Commission

I have received and reviewed a copy of the proposed House Bill NO. 556 and would like to offer my comments in its regard. I regret that I am unable to personally attend your hearings. Please accept my letter as my input into the hearing process. If possible, I would like it to be read into the record.

I consult with businesses and local government in my profession and one thing that has become very clear over the years is that all of us, private business and local government are over regulated. We are over regulated from the Federal Government, State Government and Local Government. In many cases we are dual regulated almost to death. The proposed House Bill No. 556 is an example of what I speak.

Currently cable television is regulated by the new Cable Television Consumer Protection and Competition Act of 1992. Cable television is currently subject to local government franchise agreements that spell out the terms and conditions of operating within their jurisdictions. If a county, consolidated government, city, or town has not exercised their prerogatives, this is by their own choice. The competition to cable TV, over the air television, "TV 3" in Billings, the telephone companies as they move with new technology into the cable market, and others, are not currently subject to the same regulatory constraints. Many of these companies are regulated however by a whole different set of rules and regulations. If they make a decision to enter the cable or cable related market, they too will be regulated once again by several new layers of additional rules and regulations.

But more to the point, the Cable Act of 1992 requires the Federal Communications Commission (FCC) to adopt rules regarding cable television. The same Act allows the States and local government to adopt rules not inconsistent to the FCC. Just because the State has a right to develop rules, does not mean we MUST do so. We do not need a whole new set of rules on top of rules.

In Billings, the City has a non-exclusive franchise agreement with a local Cable Television System. Contained within the local franchise, the city and the cable company have spelled out a number of required community oriented services and a specific franchise fee. Without the agreement, and the cooperation the city has received, the highly successful Community Access Channel would be non-existent. This is a result of local government stepping up and locally regulating the cable industry. All local government jurisdictions have this right and the authority to do so currently.

EXHIBIT 6
DATE 2-15-93
FB 556

Notice To Customers

8736-6901
©1993
P-1729



When the Federal Communications Commission (FCC) issued its new technical standards in 1992, it adopted regulations which require all cable television operators to establish a process for resolving complaints from customers about the quality of the television signals delivered and to notify customers of those procedures.

We are dedicated to providing quality cable television service to our customers and to assuring that each problem is immediately resolved to the customer's satisfaction. These customer service procedures, in addition to many other issues, are covered in material provided to you at the time of installation and generally annually after you've become a customer.

employees answer the phone. When possible, a Service Technician will be dispatched right away to fix the problem. In all other cases the phone center will forward the information to our office. We will call you during normal business hours the next working day to resolve the matter.

4. Emergencies that affect signal quality such as fallen utility poles, violent storms or very cold weather may interfere with reception of cable service. We are committed to have one of our crews promptly correct an emergency situation. We pledge immediate response at any time if a large area of the system is experiencing technical difficulties.

5. Our CSR's and Technicians are trained and have the authority to do whatever is reasonably necessary to solve a customer's problem or initiate the solution, including replacement of any non-operating equipment in order to provide quality service.

6. We will maintain complaint records for at least a one-year period. In addition, those records will be available for inspection by the franchise authority or the FCC.

If you are unable to get a problem resolved to your satisfaction at the local level, you may write or call our State, Division or Corporate Customer Relations Specialist with concerns and complaints.

This notice summarizes some of the procedures that you need to know to help us resolve complaints you may have about the quality of the television signals delivered:

1. Our business office is open weekdays, except holidays, from 8:00 a.m. to 6:00 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. for customer visits and telephone calls. In addition, we can be reached by telephone 24 hours a day, every day of the year. Our telephone number is printed on your monthly bill.

2. When you call about a service problem during normal business hours, a Customer Service Representative (CSR) will attempt to determine the nature of the problem. If possible, the CSR will help you resolve the problem over the phone. If the problem cannot be resolved during the call, the CSR will schedule a Service Technician to visit your home, usually within 24 hours of the time of the call, excluding weekends and holidays. There is currently no charge for service calls if the problem is caused by our equipment. If our workload permits, the service call will be dispatched for same-day service.

3. If you call about a service problem outside of regular business hours, the call will be answered by a regional phone center where our company

In addition, if you are not satisfied with our handling of your complaint, you may contact the local franchising authority. The address of the responsible officer for your franchising authority is noted below:

City Administrator
P.O. Box 1178
Billings, MT 59103

We urge that you call us anytime you have questions or concerns about your service, VCR hook-up questions or problems, or any other aspect of the cable television service which we take pride in providing to you.

EXHIBIT

DATE

2-15-93

HB

546

MEMBER'S GUIDE

The original of this document is stored at the Historical Society at
225 North Roberts Street, Helena, MT 59620-1201. The phone number is
444-2694.



Ravalli County Electric
Cooperative, Inc.

CAPITAL CREDITS

ELECTRIC POWER RATES

ENERGY USAGE

APPLYING FOR ELECTRIC SERVICE

YOU OWN REC

WELCOME TO REC

LOCATION: NE 1051 Eastside Highway, Corvallis, Montana
PHONE: (406) 961-3001; Outages, after hours or weekends 961-3004
MAILING ADDRESS: P.O. Box 190, Corvallis, MT 59828

Congratulations on joining one of the 25 electric cooperatives in the state of Montana. YOUR Cooperative is a private, non-profit, local enterprise owned exclusively by the members it serves.

We take pride in our commitment to provide you with the best electric service at the lowest cost possible.

As a member of the Ravalli County Electric Cooperative, Inc. (REC), you can be proud of your organization and its achievements. For over fifty years REC has

"Owned by the people we serve."

PROGRAMS AND SERVICES

APPLICATION FOR CONSTRUCTION OF A NEW SERVICE

ABOUT YOUR BILL

IF THE POWER GOES OFF

CREDIT AND COLLECTION PROCEDURES

COMMUNICATIONS

PUBLICATIONS

RURAL MONTANA MAGAZINE — This magazine is sent to you each month free of charge. The Cooperative inserts the WATTS UP section in this statewide magazine. We will update you on what your Cooperative is doing, as well as the other Cooperatives in the state. If you do not receive RURAL MONTANA each month, let us know and we will make sure you are put on the mailing list.

ANNUAL REPORT — An annual report is sent to you each year. It contains the notice for the annual meeting, a listing of the Trustees of the Cooperative, and which districts need to elect a Trustee to represent them. This report is compiled at the Cooperative and is consistent with the audit report prepared by a CPA firm for the Cooperative. The audit report is explained by the auditors at the annual

EXHIBIT 7
DATE 2/15/93
HC 546

Amendments to House Bill No. 273
First Reading Copy

Requested by Representative Dolezal
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 14, 1993

1. Title, line 11.
Strike: "AGENT"
Insert: "GLASS BROKER"
Strike: "EITHER"
2. Title, line 12.
Strike: "AGENT OR INSURANCE COMPANY"
Insert: "GLASS BROKER"
3. Title, line 15.
Following: "SHOP"
Insert: "AS A CONDITION TO DOING GLASS REPLACEMENT OR REPAIR
WORK"
4. Title, lines 17 and 18.
Strike: "CREDITS AGAINST INSURANCE DEDUCTIBLES"
Insert: "INCENTIVES"
5. Title, line 19.
Strike: line 19 through "MCA"
Insert: "GRANTING ENFORCEMENT AUTHORITY TO THE INSURANCE
COMMISSIONER"
6. Page 1, line 23.
Strike: "(a)"
7. Page 2, line 1.
Following: "not"
Insert: ":(a)"
8. Page 2, line 5.
Following: "policy"
Strike: "."
Insert: "; or"
9. Page 2, lines 6 and 7.
Following: "(b)"
Strike: the remainder of line 6 through "not" on line 7
10. Page 2, line 11.
Following: "products"
Insert: "insured in whole or in part under the terms of an
insurance policy"

11. Page 2, line 15.

Following: "if"

Insert: "some of"

12. Page 2, lines 16 through 20.

Following: "insured" on line 16

Strike: remainder of line 16 through "products" on line 20

13. Page 2, lines 23 through 25.

Following: "(b)" on line 23

Strike: remainder of line 23 through line 25

Insert: "The"

14. Page 3, lines 1 and 2.

Following: "insured" on line 1

Strike: remainder of line 1 through "used" on line 2

Insert: "may use a nonlisted shop or location"

15. Page 3, line 3.

Following: "discretion"

Insert: ", "

Following: "and"

Strike: "that"

Insert: "subject to the provisions of subsections (2)(c) and
(3),"

16. Page 3, lines 4 and 5.

Following: "pay" on line 4

Strike: remainder of line 4 through "2]," on line 5

17. Page 3, lines 8 through 12.

Strike: lines 8 through 12 in their entirety

Insert: "(c) If the insured does not use a list as provided in
subsection (2)(a), the insurer may require the insured to
obtain not more than three competitive bids to establish the
cost of automobile glass replacement, repair services, or
products provided.

(3) This section does not require an insured to pay
more for automobile glass replacement, repair services, or
products than the lowest prevailing market price as defined
in [section 2]."

Re-number: subsequent subsection

18. Page 3, line 14.

Strike: "and (2)"

Insert: "through (3)"

19. Page 4, lines 5 through 7.

Strike: subsection (a) in its entirety

Re-number: subsequent subsections

20. Page 4, line 9.

Strike: "agent"

Insert: "glass broker"

EXHIBIT 8
DATE 2-15-93
HB 273

21. Page 4, lines 9 and 10.

Strike: "insurance company or the agent"

Insert: "glass broker"

22. Page 4, line 22.

Following: "claim"

Insert: "or a set fee"

23. Page 4, lines 23 and 24.

Strike: "or bills the insurance company"

24. Page 5, line 1.

Following: "Rebates"

Insert: "and incentives"

25. Page 5, line 3.

Following: "not"

Insert: ":"

(a)"

26. Page 5, line 6.

Following: "policy"

Insert: "; or

(b) pay a sum or incentive to an individual or entity
for directing glass replacement or repair or the purchase of
a glass product"

27. Page 5, line 10, through page 7, line 21.

Strike: sections 5 through 7 in their entirety

Insert: "NEW SECTION. Section 5. Desist orders for prohibited
practices. Violations of [this act] are subject to cease and
desist orders of the commissioner issued under 33-18-1004."

Renumber: subsequent section

28. Page 7, line 22.

Following: "instruction."

Insert: "(1)"

29. Page 7, lines 24 and 25.

Strike: "30"

Insert: "33"

Strike: "14"

Insert: "18"

30. Page 8, line 2.

Following: line 1

Insert: "(2) [Section 5] is intended to be codified as an
integral part of Title 33, chapter 18, part 10, and the
provisions of Title 33, chapter 18, part 10, apply to
[section 5]."

amendments

2/15/93

EXHIBIT 9

DATE 2-15-93

HB 273

53rd Legislature

LC 0934/01

LC 0934/01

House Bill No. 273

INTRODUCED BY *Legal Bill* *W. Lynn*
Debra *Frank* *W. Lynn*
A BILL FOR AN ACT ENTITLED *TO PROHIBIT MOTOR*
VEHICLE INSURANCE COMPANIES FROM DIRECTING INSURED TO
SPECIFIC COMPANIES OR LOCATIONS FOR AUTOMOBILE GLASS
REPLACEMENT, REPAIR SERVICE, OR PRODUCTS; PROHIBITING THE
ESTABLISHMENT OF AN AGREEMENT WITH A COMPANY TO ARRANGE
PAYMENT THROUGH A THIRD PARTY FOR AUTOMOBILE GLASS
REPLACEMENT OR REPAIR SERVICE; PROHIBITING A COMPANY FROM
ACTING AS *Glass Broker* FOR AN INSURANCE COMPANY WHEN ~~REPAIR~~ THE
AGENT OR INSURANCE COMPANY SETS A PRICE THAT MUST BE MET BY
A REPAIR SHOP AS A CONDITION TO DOING REPAIR WORK;
PROHIBITING THE ESTABLISHMENT OF A PRICE TO BE MET BY A
REPAIR SHOP THAT IS BELOW THE LOWEST PREVAILING MARKET
PRICE; PROHIBITING PERSONS WHO *SELL, REPLACE, OR REPAIR*
AUTOMOBILE GLASS FROM OFFERING *CRS-106* *INCENTIVES* AGAINST INSURANCE
DEDUCTIBLES; PROVIDING PENALTIES FOR VIOLATIONS; AND
AMENDING SECTIONS ~~30-14-222, 30-14-223, AND 30-14-224~~ MCA.
Granting enforcement authority to the INSURANCE COMMISSION.

1 whole or part, a motor vehicle may not require or recommend
2 that a person insured under the policy use a particular
3 company or location for providing automobile glass
4 replacement, repair services, or products insured in whole
5 or part by the policy. ⁽³⁾ 0V
6 (b) ~~An insurance company, including its agents and~~
7 ~~adjusters, may not engage in any act or practice of~~
8 ~~intimidation, coercion, threat, incentive, or inducement for~~
9 ~~or against an insured person to use a particular company or~~
10 ~~location to provide automobile glass replacement, repair~~
11 ~~services, or products insured in whole or part under terms~~
12 ~~(2) (a) An insurance company may provide an insured~~
13 ~~with a list that includes the names of particular companies~~
14 ~~or locations providing automobile glass replacement, repair~~
15 ~~services, or products if the listed companies or locations~~
16 ~~are reasonably close and convenient to the insured, and if~~
17 ~~none of the companies or locations on the list have entered~~
18 ~~into an arrangement with any other company or location on~~
19 ~~the list with respect to prices or other aspects of~~
20 ~~furnishing services or products. The insurance company may~~
21 ~~restrict the list to those companies or locations that meet~~
22 ~~reasonable standards of quality, service, and safety.~~
23 ~~(b) If a list is provided, the insurance company or its~~
24 ~~agents or adjusters shall, when a claim wholly or partially~~
25 ~~reimbursable under the insurance policy is made by the~~

(14) May use a now-listed shop or location

1 insured, provide oral and written disclosure that a
 2 nonlisted company or location may be used at the insured's
 3 sole discretion, and that the insurance company will fully
 4 and promptly pay (15) at no less than the lowest prevailing
 5 market price as defined in [section 2], for the cost of
 6 automobile glass replacement, repair services, or products
 7 provided, less any deductible under the terms of the policy.
 8 If the insured elects to use a nonlisted company or
 9 location, the insurance company may not impose upon the
 10 insured any requirements, including obtaining written
 11 estimates, not required if the insured elects to use a
 12 listed company or location.

13 (3) Notwithstanding the provisions of subsections (1)
 14 and (2), an insurance company may agree to pay the full cost
 15 of glass replacement or repair.

16 NEW SECTION. Section 2. Lowest prevailing market
 17 price. For purposes of [sections 1 and 3], "lowest
 18 prevailing market price" means the lowest market price in a
 19 local area [for similarly situated companies or locations
 20 providing comparable automobile glass replacement, repair
 21 services, or products without taking into consideration
 22 companies or locations that have arrangements with one
 23 another with respect to prices or other aspects of
 24 furnishing glass replacement, repair services, or products]
 25 The lowest prevailing market price may not be less than cost

1 as provided in 30-14-209.

2

3 NEW SECTION. Section 3. Prohibited activities. (1) It
 4 is unlawful for an insurance company, individually or with
 5 others, to directly or indirectly:

6 (a) establish an agreement with a company to manage,
 7 handle, or arrange automobile glass replacement or repair
 8 work;

9 (b) establish an agreement with a company to act as an
 10 agent for the insurance company under which the insurance
 11 company or the agent sets a price that must be met by a
 12 repair shop as a condition for doing glass replacement or
 13 repair work for the insurance company;

14 (c) establish an agreement with any company that
 15 requires a repair shop to bill through the company as a
 16 condition of doing glass replacement or repair work; or
 17 (d) establish a price that must be met by a repair shop
 18 as a condition for doing glass replacement or repair work
 19 that is below the lowest prevailing market price as provided
 20 in [section 2].

21 (2) A company may not manage, handle, or arrange
 22 automobile glass replacement or repair work for which the
 23 company retains a percentage of the claim paid by the
 24 insurance company to the repair shop or bills the insurance
 25 company for an amount in excess of the amount paid to the
 26 repair shop.

(24) and incentives

NEW SECTION. Section 4. Rebates A prohibited

advertising allowed. (1) A person engaged in the sale of (25) repair, or replacement of automobile glass may not (26) advertise, promise to provide, or offer any coupon, credit, or rebate to pay all or part of an insurance deductible under a casualty or property insurance policy. (b) (26) pay sum or incentive...

(2) A person or association of persons engaged in the sale, repair, or replacement of automobile glass may advertise services as to quality, service, and safety.

Section 5. Section 30-14-222, MCA, is amended to read:

"30-14-222. Injunctions -- damages -- production of evidence. (1) Any person, if injured thereby by an act, or the attorney general may maintain an action to enjoin a continuance of an act in violation of 30-14-205 through 30-14-218 or [sections 1 through 4] and for the recovery of damages. If in such the action the court finds that the defendant is violating or has violated any of the provisions of 30-14-205 through 30-14-218 or [sections 1 through 4], it shall enjoin the defendant from a continuance thereof of the violation. It is not necessary to allege or prove actual damages to the plaintiff.

(2) In addition to such injunctive relief, the plaintiff is entitled to recover from the defendant three times the amount of actual damages sustained.

(3) A defendant in an action brought under this section

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HB 273

may be required to testify under the Montana Rules of Civil Procedure. In addition, the books and records of any--such the defendant may be brought into court and introduced into evidence by reference. No--information Information so obtained may not be used against the defendant as a basis for a misdemeanor prosecution under 30-14-205 through 30-14-218, [sections 1 through 4], or 30-14-224."

Section 6. Section 30-14-223, MCA, is amended to read:

"30-14-223. Department to institute suit. Upon the third violation of any of the provisions of 30-14-205 through 30-14-218 or [sections 1 through 4] by any a business, the department shall institute proper suits or quo warranto proceedings in a court of competent jurisdiction for the forfeiture of its charter, rights, franchises or privileges, and powers exercised by such the business and to permanently enjoin it from transacting business in this state. If in such the action the court finds that the business is violating or has violated any of the provisions of 30-14-205 through 30-14-218 or [sections 1 through 4], it shall enjoin the business from doing business in this state permanently or for such a time as the court orders or shall annul the charter or revoke the franchise of such the business."

Section 7. Section 30-14-224, MCA, is amended to read:

"30-14-224. Penalties. (1) Except as otherwise provided

1 in this section, a person, whether as principal, agent,
 2 officer, or director, who violates any of the provisions of
 3 30-14-206 through 30-14-218 or [sections 1 through 4] is
 4 guilty of a misdemeanor for each single violation and upon
 5 conviction thereof shall be fined not less than \$100 or more
 6 than \$1,000 or imprisoned for a term not to exceed 6 months,
 7 or both.

8 (2) A violation of 30-14-205 is punishable by
 9 imprisonment in the county jail for a period not less than
 10 24 hours or more than 1 year or by fine not exceeding
 11 \$25,000, or both.

12 (3) When there is a violation of 30-14-216, in addition
 13 to the penalty specified in subsection (1), the court before
 14 which a conviction is had shall, within 10 days after
 15 judgment of conviction is given, forward a certified copy of
 16 the judgment to the department of agriculture and that
 17 department shall revoke any license issued to the person so
 18 convicted--in-such-case-no. A new license may not be granted
 19 to the person whose license is revoked or to anyone either
 20 directly or indirectly engaged with him that person in such
 21 that business for a period of 1 year."

22 NEW SECTION. Section 8. Codification instruction. (1)

23 [Sections 1 through 4] are intended to be codified as an
 24 integral part of Title 30, chapter 33, part 2, and the
 25 provisions of Title 30, chapter 33, part 2, apply to

1 [sections 1 through 4].

-End-

EXHIBIT 10
DATE 2-15-93
HB 556

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 556 NUMBER

MOTION: Rep. Daily Moved HB 556 DP.

Motion failed 7-11

NAME	AYE	NO
REP. ALVIN ELLIS		✓
REP. DICK KNOX		✓
REP. NORM MILLS		✓
REP. JOE BARNETT		✓
REP. RAY BRANDEWIE		✓
REP. JACK HERRON		✓
REP. TIM DOWELL	✓	
REP. CARLEY TUSS	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY	✓	
REP. BOB BACHINI	✓	
REP. DON LARSON		✓
REP. BRUCE SIMON		✓
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN		✓
	7	11

EXHIBIT 11
DATE 2-15-93
HB 556

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 556 NUMBER _____

MOTION:

Rep Sonny Hanson Moved HB 556
be tabled.

Motion Carried 10-8

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON	✓	
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY		✓
REP. BOB BACHINI		✓
REP. DON LARSON		✓
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT, CHAIRMAN	✓	
	10	8

HR:1993

wp:rlclvote.man

CS-11

Amendments to House Bill No. 245
First Reading Copy

Requested by Representative Kadas
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 14, 1993

1. Page 1, line 13.
Following: "and"
Insert: "the potential for"
2. Page 1, line 16
Following: "may"
Insert: ", without supplying a reason,"
3. Page 1, lines 16 through 19
Strike: "for" on line 16 and through "homes" on line 19
4. Page 1, line 21.
Strike: "upon failure to pay rent"
Insert: "if evicted unfairly"
5. Page 1, line 25.
Strike: "make rental payments"
Insert: "comply with the eviction"
6. Page 5, line 8.
Following: "rent"
Insert: "or late charges"
7. Page 5, line 11.
Following: "conduct"
Insert: "on the mobile home park premises"
8. Page 5, line 17.
Following: "violation"
Insert: "upon the park premises"
9. Page 5, line 18.
Following: "ordinance"
Insert: ", when the violation is detrimental to the health,
safety, or welfare of other residents or the landlord of the
mobile home park,"
10. Page 5, lines 19 through 21.
Following: "violation" on line 19
Strike: remainder of line 19 through "park" on line 21
Insert: "the provisions of Title 45, chapter 9"

*{Amendment 10 was not included in the amendment list
submitted Feb. 11 but language substantially the same
appears in the text of the new draft submitted at the*

same time.}

11. Page 5, line 25.

Following: "(a)"

Insert: "A mobile home owner or a tenant of a mobile home owner who fails to pay the overdue rent and late charges within 15 days of receiving notice of nonpayment of rent, as provided in 70-24-422, is subject to termination procedures as provided in 70-24-422.

(b)"

Renumber: subsequent subsections

12. Page 6, line 2.

Strike: "three"

Insert: "two"

13. Page 6, line 5.

Following: "late"

Insert: "rent"

14. Page 6, lines 8 and 9.

Following: "(ii)"

Strike: remainder of line 8 through "payment" on line 9

Insert: "additional charges for late rent payment must be reasonable and must be paid as provided in subsection (2)(a) unless the landlord and tenant agree otherwise"

15. Page 6, line 13.

Strike: "third"

Insert: "second"

16. Page 6, line 17.

Following: "agreement"

Insert: "and the provisions of subsection (3)(c) requiring a compliance period do not apply"

17. Page 6, line 21.

Strike: "unfair,"

18. Page 6, lines 21 and 22.

Strike: ", or unconscionable"

19. Page 6, line 22.

Following: ";

Insert: "and"

20. Page 6, line 23.

Strike: ";

Insert: "."

21. Page 6, line 24 through page 7, line 4.

Strike: page 6, line 24 through page 7, line 4 in their entirety

Insert: "(b) All rules must be written and must be given to all mobile home park residents who reside in the mobile home park and to all new residents upon arrival."

Renumber: subsequent subsections

22. Page 7, lines 5 through 11.

Following: "(b)" on line 5

Strike: remainder of line 5 through "to" on line 11

Insert: "Notice of and compliance with notices of rules
violations must conform with the provisions of"

23. Page 7, line 13.

Following: "owner"

Insert: "who has complied with the rule within 14 days after
receipt of a notice as provided in subsection (3)(b)"

24. Page 7, line 14.

Strike: "three"

Insert: "two"

25. Page 7, line 15.

Following: "period"

Insert: "and it is shown that the mobile home owner or tenant of
the mobile home owner has violated that rule"

Following: "required"

Insert: "for the next 6 months"

26. Page 7, line 18.

Following: "70-24-422"

Insert: "without providing a 14-day compliance period"

27. Page 7, line 19.

Following: line 18

Insert: "(d) If a mobile home owner or tenant of the mobile home
owner has been given two or more written notices of an
alleged violation of a rule that would have a significant
adverse impact on the mobile home park or its residents
within a 12-month period and it is shown that the mobile
home owner or tenant of the mobile home owner has violated
the rule, a written notice is not required for the next 6
months for a subsequent violation of any rule that would
have a significant adverse impact on the mobile home park or
its residents and the rental agreement may be terminated as
provided in 70-24-422 without providing a 14-day compliance
period. Only one notice a month may be given."

28. Page 8, line 18 through page 9, line 15.

Strike: line 18, page 8 through line 15, page 9, in the entirety
Renumber: subsequent sections

29. Page 9, lines 17 and 19.

Strike: "Sections"

Insert: "Section"

Strike: "and 3"

Strike: "are" on line 17

Insert: "is"

PROPOSED FINAL DRAFT TO HB 245: [2/11/93]

INTRODUCED BY REPRESENTATIVE KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING FIVE EXCLUSIVE GROUNDS FOR LANDLORDS' TERMINATION OF RENTAL AGREEMENTS WITH TENANTS WHO OWN MOBILE HOMES AND RENT SPACE IN MOBILE HOME PARKS; AMENDING SECTION 70-24-103, MCA;

WHEREAS, Montana residents currently face a housing crisis that includes a lack of affordable housing and a lack of available mobile home park spaces;

WHEREAS, mobile homes are not "mobile" without substantial moving costs and the potential for substantial damage to the mobile homes;

WHEREAS, under 70-24-441, MCA, landlords of mobile home parks may without supplying a reason evict tenants who rent space in mobile home parks;

WHEREAS, if evicted unjustly, mobile home owners who rent space in mobile home parks are often forced to sell their mobile homes at a fraction of their costs and within an unreasonable amount of time (thirty days pursuant to 70-24-441, MCA) in order to comply with the eviction.

THEREFORE, the Legislature of the State of Montana finds it necessary to define justifiable and reasonable grounds on which landlords may evict mobile home owners who rent space in mobile home parks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA

Section 1. [NO CHANGES to general definitions]

Section 2. Mobile Home Parks --- Grounds for Termination of Rental Agreement.

(1) A landlord of a mobile home park may terminate a rental agreement only by following the procedure set forth in 70-24-422 and only for one or more of the following reasons:

(a) non-payment of late rent or late charges, as set forth in subsection (2);

(b) violation of a park rule as set forth in subsection (3);

(c) disorderly conduct on the mobile home park premises that results in the disruption of the rights of others to the peaceful enjoyment and use of the premises, endangers other residents or park personnel, or causes substantial damage to the park premises;

(d) conviction of the mobile home owner or tenant of the mobile home owner of a violation upon the park premises of a federal or state law, or local ordinance, when the violation is detrimental to the health, safety, or welfare of other residents or the landlord of the mobile home park, or the landlord's documentation, by a preponderance of the evidence of a violation of a felony controlled

- 3 -

substance offense;

(e) changes in the use of the land if the requirements of subsection (4) are met.

(2) (a) A mobile home owner or a tenant of a mobile home owner who fails to pay the overdue rent and late charges within 15 days of receiving notice of nonpayment of rent, as provided in 70-24-422, is subject to termination procedures as provided in 70-24-422.

(b) A Landlord of a mobile home park may terminate the rental agreement of a tenant who has received more than two written notices of late rent payments within a 12 month period in accordance with this subsection:

(i) Only one late rent notice per month is included when calculating the total of late notices within a 12 month period.

(ii) Additional charges for late rent payment must be reasonable and must be paid as provided in subsection (2) (a) unless the landlord and tenant agree otherwise.

(iii) A payment is attributed first to delinquent rent payments, then to current rent payments and last to fees, charges, or late fees.

(c) On the date a tenant receives a second late rent payment notice within a 12-month

period, he is placed on six months probation. If the tenant pays rent late at any time during the probationary period, the landlord may terminate the rental agreement and the provisions of subsection (3) (b) requiring a compliance period do not apply.

- (3) (a) A landlord of a mobile home park may terminate the rental agreement of a tenant who has violated a park rule or regulation only if:
- (i) the rule is not unreasonable;
 - (ii) the rule was adopted in accordance with 70-24-311, and
 - (iii) All rules, including new rules, must be written and given to all mobile home park residents who reside in the mobile home park and to all new residents upon arrival.
- (b) Notification of and compliance with rule violations must follow procedures pursuant to 70-24-422.
- (c) If a mobile home owner or tenant of the mobile home owner who has complied with the rule after receipt of a 14-day notice required in subsection (3) (b) has been given a written notice of an alleged violation of the same rule on two or more occasions within a 12 month period, written notice is not required for a subsequent violation

- 5 -

of the same rule and termination of the rental agreement may proceed under the guidelines of 70-24-422. Only one notice per month may be given.

- (d) If a mobile home owner or tenant of the mobile home owner has been given a written notice of an alleged violation of a rule that would have a significant adverse impact on the mobile home park or its residents on two or more occasions within a 12 month period and it is shown that the mobile home owner or tenant of the mobile home owner has violated the rule, a written notice is not required for the next six months for a subsequent violation of any rule that would have a significant adverse impact on the mobile home park or its residents and the rental agreement may be terminated as provided in 70-24-422 without providing a 14 day compliance period. Only one notice per month may be given.

- (4) If a landlord plans to change the use of all or part of the land composing the mobile home park from mobile home lot rentals to some other use, each affected mobile home owner must receive notice from the landlord as follows:

- (a) The landlord shall give the mobile home owner at least 15 days' written notice that the landlord will be

appearing before a unit of local government to request permits for a change of use of the mobile home park.

(b) After all required permits requesting a change of use have been approved by the unit of local government, the landlord shall give the mobile home owner and a tenant of the mobile home owner 6 months' written notice of termination of tenancy. If the change of use does not require local government permits, the landlord shall give the written notice at least 6 months prior to the change of use. In the notice, the landlord shall disclose and describe in detail the nature of the change of use.

(c) Prior to entering a rental agreement during the six-month notice period referred to in subsection (4) (b), the landlord shall give each prospective mobile home owner and tenant of the mobile home owner written notice that the landlord is requesting a change in use before a unit of local government or that a change in use has been approved.

Section 4. (NO CHANGES to codification)

Section 5. (NO CHANGES to coordination instructions)

EXHIBIT 14
DATE 2-15-93
HB 245

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 245 NUMBER _____

MOTION: Rep Dowell moved DPAA.

Motion Carried 10-8

NAME	AYE	NO
REP. ALVIN ELLIS		✓
REP. DICK KNOX		✓
REP. NORM MILLS		✓
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE		✓
REP. JACK HERRON		✓
REP. TIM DOWELL	✓	
REP. CARLEY TUSS	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY	✓	
REP. BOB BACHINI		✓
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	
	10	8

EXHIBIT 15
DATE 2-15-93
HB 321

Amendments to House Bill No. 321
First Reading Copy

Requested by Representative Dowell
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 14, 1993

1. Title, lines 7 and 8.
Following: ";" on line 7
Strike: remainder of line 7 through ";" on line 8
2. Title, line 9.
Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
3. Page 4, line 5.
Following: "longer"
Insert: "or shorter"
4. Page 4, line 7.
Strike: "chooses"
Insert: "and the landlord agree,"
5. Page 4, line 11.
Strike: "7"
Insert: "3"
6. Page 4, lines 13 through 18.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections
7. Page 4, lines 21 and 22.
Following: "are" on line 21
Strike: remainder of line 21 and line 22 through "unreasonable"
Insert: "reasonable"
8. Page 4, line 25.
Strike: "At"
Insert: "Unless the mobile home owner or tenant and the mobile
home park operator agree to a longer or shorter period, at"

*{Amendment No. 8 does not appear in the amendment sheet
submitted Feb. 11 but that language does appear in the
text of the new draft submitted the same day}*
9. Page 5, line 6.
Strike: "(5)"
Insert: "(4)"
10. Page 5, line 7.
Strike: "If"
Insert: "Unless the mobile home owner or tenant and the mobile
home park operator agree to a longer or shorter period, if"

11. Page 5, lines 12 through 22.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

12. Page 6, line 2 through page 7, line 1.

Following: "." on line 2, page 6

Strike: remainder of line 2, page 6 through page 7, line 1 in
their entirety

Renumber: subsequent section

13. Page 7, lines 4 through 9.

Following: "."

Strike: remainder of line 4 through line 9 in its entirety

14. Page 7, lines 14 and 15.

Strike: section 4 in its entirety.

PROPOSED FINAL DRAFT FOR HB #321:

[SPONSORED BY REP. DOWELL] [AS IT NOW WOULD READ]

2/11/93

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING
MINIMUM TERMS FOR RENTAL AGREEMENTS IN MOBILE HOME
PARKS; PROVIDING PROCEDURES FOR TERMINATING RENTAL
AGREEMENTS AND CHANGING TERMS IN AGREEMENTS;
AMENDING SECTION 70-24-103, MCA;"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MONTANA:

Section 1. [NO CHANGES TO GENERAL DEFINITIONS]

Section 2. Mobile home parks--minimum terms for rental
agreements. (1) A rental agreement for a mobile home space
must be offered for a minimum term of one year although a
longer or shorter period may be mutually agreed upon by both
the landlord and tenant. If the tenant and landlord choose, a
month-to-month tenancy may be maintained.

(2) A tenant who executes a rental agreement offered
pursuant to this section may cancel the agreement by notifying
the landlord in writing within 3 days of execution of the rental
agreement according to current laws.

(3) During the first rental term, the landlord may propose
any rental amount the landlord chooses, including rental
increases, as long as the amounts or methods of determining the
increases are reasonable, and are binding on the landlord for the
term of the rental agreement.

(4) (a) At the expiration of the rental agreement, the agreement must be automatically renewed for a minimum term of 1 year although a longer or shorter period may be mutually agreed upon by both the mobile home owner or tenant and the park operator, with the same terms as the previous rental agreement, unless the tenant notifies the landlord at least 30 days prior to the agreement's termination of an intent to move or unless the mobile home park operator seeks to change the terms of the agreement pursuant to this subsection (4).

(b) If the landlord wishes to change a rental agreement, 2 months prior to its expiration, the landlord shall offer the tenant a renewal rental agreement with a term of at least 1 year, although a longer or shorter period may be mutually agreed upon by both the mobile home owner or tenant and the park operator, and with the proposed rental amount and any fee or other lease changes for that term.

(c) A tenant with an existing rental agreement not in compliance with this section must, as soon as practical, be offered a 1-year rental agreement that complies with this section, effective on the termination of the existing rental agreement.

(5) If the landlord decreases any services that the landlord agreed to provide in the rental agreement, the landlord shall reduce the rental amount accordingly.

Section 3. [NO CHANGES TO CODIFICATION INSTRUCTIONS]

EXHIBIT 17
DATE 2-15-93
HB 321

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 321 NUMBER _____

MOTION: Rep Dawell Moved DP
Motion failed 4-14. The
Reverse Vote was used to table.

NAME	AYE	NO
REP. ALVIN ELLIS		✓
REP. DICK KNOX		✓
REP. NORM MILLS		✓
REP. JOE BARNETT		✓
REP. RAY BRANDEWIE		✓
REP. JACK HERRON		✓
REP. TIM DOWELL	✓	
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY	✓	
REP. BOB BACHINI		✓
REP. DON LARSON		✓
REP. BRUCE SIMON		
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN		✓
	4	14

Amendments to House Bill No. 422
First Reading Copy

Requested by Representative Larson
For the Committee on Business and Economic Development

Prepared by Paul Verdon
February 14, 1993

1. Title, lines 6 through 8.
Strike: lines 6 and 7 in their entirety through "CIRCUMSTANCES"
on line 8
2. Page 4, line 9.
Following: "arbitration"
Insert: "and mediation"
3. Page 4, lines 13 and 14.
Strike: ", unfair, or unconscionable"
4. Page 4, line 21, through page 5, line 1.
Following: "(d)" on page 4, line 21
Strike: remainder of line 21 through "section" on page 5, line 1
Insert: "rules must be written and given to all mobile home park
residents who reside in the mobile home park and, upon
arrival, to all new residents"
5. Page 5, line 4.
Strike: "without the approval of"
Insert: "only after consultation with"
6. Page 5, line 4, through page 6, line 11.
Following: "." on line 4, page 5
Strike: remainder of line 4 and line 5 through page 6, line 11 in
their entirety
Re-number: subsequent subsection
7. Page 6, lines 19 and 20.
Strike: line 19 in its entirety and line 20 through "."

*{Amendment No. 7 is not shown on the amendment sheet
submitted Feb. 11 by Jim Parker, but the language
stricken here is not in the revised draft that Mr.
Parker provided on Feb. 11 to accompany the requested
amendments}*
8. Page 7, line 19.
Strike: "(a)"
9. Page 7, line 24, through page 8, line 8.
Strike: subsection (b) in its entirety
10. Page 8, lines 18 through 22.
Following: "condition" on line 18

Strike: remainder of line 18 through "park" on line 22

11. Page 8, line 24, through page 9, line 19.

Following: "necessary" on line 24, page 8

Strike: remainder of line 24 and through "reached" on line 19,
page 9

*{Amendments No. 10 and 11 differ from the language on
the amendments sheet submitted by Mr. Parker on Feb.
11, but they conform to the text of the revised draft
that accompanied the amendments sheet.}*

EXHIBIT 19
DATE 2-15-93
HB 422

PROPOSED FINAL DRAFT FOR HB 422:

[SPONSORED BY REP. LARSON] [2/11/93]

**A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING
STANDARDS FOR ADOPTION OF RULES GOVERNING MOBILE HOME
PARKS; AUTHORIZING THE CREATION OF MOBILE HOME PARK
RESIDENT ASSOCIATIONS; SETTING FORTH THE MAINTENANCE
RESPONSIBILITIES OF MOBILE HOME PARK OPERATORS;
AMENDING SECTION 70-24-103, MCA."**

Section 1. [DEFINITIONS-NO CHANGES]

Section 2. Mobile Home Parks---Park rules

(1) A mobile home park operator may adopt a rule concerning the rental occupancy of a mobile home space and the use of common areas and facilities in accordance with 70-24-311 and the following:

(a) No rule may be unreasonable.

(b) Any rule that does not apply uniformly to all mobile home residents of a similar class creates a rebuttable presumption, as defined in 70-24-431, that the rule or change in rule is unfair.

(c) the rule has been approved as provided in subsection (2);

(d) all rules, including new rules, must be written and given to all mobile home park residents who reside in the mobile home park and to all new residents upon arrival.

(2) If a resident association exists for a park, then no change in a rule may be implemented without the consultation

of the organization.

(3) Each common area facility must be open or available to residents at all reasonable hours, and the hours of a common recreational facility must be posted at the facility.

Section 3. (1) The membership of a resident association may elect officers of the association at a meeting at which a majority of the members are present. All residents may attend meetings, but the mobile home park operator and the operator's employees may not be members, and ~~and may not attend meetings unless specifically invited to a particular part of the meeting. An officer or member of a resident association is not personally financially responsible for the acts or omissions of the association or other officers or members of the association.~~

(2) [no changes]

(3) A mobile home park operator may not harass or threaten any resident association or engage in unfair or deceptive conduct to inhibit or interfere with the creation or operation of an association.

(4) (a) The mobile home park operator shall permit meetings by a resident association or residents relating to mobile home living or social or educational purposes, including forums for or speeches by public officials or candidates for public office.

Section 4. (1) In a rental agreement the mobile home park operator is considered to covenant and warrant that the space and its associated facilities are habitable.

EXHIBIT 19
DATE 2-15-93
HB 422

- 3 -

(2) In addition to the obligations imposed by 70-24-303, the mobile home park operator shall:

(a) maintain roads within the mobile home park in a safe condition.

(b) maintain the premises and regrade them when necessary.

(3) If a mobile home park operator fails to comply with this section, the resident may recover damages for the breach pursuant to 70-24-406 or make the repairs pursuant to 70-24-406.

- end -

EXHIBIT 20
DATE 2-15-93
HB 82

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 82 NUMBER _____

MOTION: Rep Tuss Moved To Re-Consider &
take off the table.

Motion Carried 12-6

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON		✓
REP. TIM DOWELL	✓	
REP. CARLEY TUSS	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY		✓
REP. BOB BACHINI		✓
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	
	12	6

Amendments to House Bill No. 82
First Reading Copy

For the Committee on Business and Economic Development

Requested by Representative Tuss

Prepared by Paul Verdon
February 15, 1993

1. Page 1, line 18.
Following: ";"
Insert: "and"
2. Page 1, lines 20 through 24
Following: "education" on line 20
Strike: remainder of line 20 through "agency" on line 24
3. Page 2, line 3.
Following: "investigations"
Insert: "of outfitters and guides that involve violations of this chapter or rules of the board"
4. Page 2, line 4.
Strike: "other enforcement activities"
Insert: "investigations of complaints"
5. Page 2, line 6.
Strike: "enforcement,"
6. Page 2, line 7.
Strike: "and"
7. Page 2, line 8.
Following: line 7
Insert: "(d) designing and offering programs of continuing education to promote and maintain professionalism within the outfitting and guiding industry; and"
Renummer: subsequent subsection
8. Page 2, lines 8 and 9.
Strike: "and enforcement activities"
9. Page 2, line 9.
Following: "other"
Insert: "local,"
Following: "state"
Insert: ", "

EXHIBIT 22
DATE 2-15-93
HB 82

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE
ROLL CALL VOTE

DATE 2-15-93 BILL NO. HB 82 NUMBER _____

MOTION: Rep Stella Jean Hansen Moved DPAA.

Motion Carried 11-7

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT		✓
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON		✓
REP. TIM DOWELL	✓	
REP. CARLEY TUSS	✓	
REP. STELLA JEAN HANSEN	✓	
REP. BOB PAVLOVICH		✓
REP. VICKI COCCHIARELLA	✓	
REP. FRITZ DAILY		✓
REP. BOB BACHINI		✓
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER		✓
REP. SONNY HANSON, VICE CHAIRMAN		✓
REP. STEVE BENEDICT, CHAIRMAN	✓	
	11	7

EXHIBIT 24
DATE 2-15-93
HB 82

Amendments to House Bill No. 82
First Reading Copy

For the Committee on Business and Economic Development

Requested by Representative Tuss

Prepared by Paul Verdon
February 15, 1993

1. Page 1, line 18.

Following: ";"

Insert: "and"

2. Page 1, lines 20 through 24

Following: "education" on line 20

Strike: remainder of line 20 through "agency" on line 24

3. Page 2, line 3.

Following: "investigations"

Insert: "of outfitters and guides that involve violations of this
chapter or rules of the board"

4. Page 2, line 4.

Strike: "other enforcement activities"

Insert: "investigations of complaints"

5. Page 2, line 6.

Strike: "enforcement,"

6. Page 2, lines 8 and 9.

Strike: "and enforcement activities"

7. Page 2, line 9.

Following: "other"

Insert: "local,"

Following: "state"

Insert: ", "

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & E.C. COMMITTEE BILL NO. HB 546
DATE Feb 15, 1993 SPONSOR(S) Gilbert
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ric Brown CORVALLIS MT	RAVALLI County Electric Co-op		X
CUTBANK MT JAMES C. NELSON	GLACIER Electric Coop		X
Allen Thiessen	LOWER YELLOWSTONE REA		X
Don Prevost	Lower Yellowstone REA		X
John Hossack	Lincoln Elec Coop		X
Gary Wiens	MT Telephone Assoc. MT Elec. Co-op Assoc.		X
Molly Descheemaeker	Fergus Electric Consumer		X
Rosemary Koch	Fergus Electric CONSUMER		✓
DOUG HARDY	PARK ELECTRIC COOP MEMBER / EMPLOYER		X
Bill Berberet	Vigilante El Director		

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

VISITOR REGISTER
 Business & Ec. COMMITTEE BILL NO. HB 556
 DATE Feb. 15, 1993 SPONSOR(S) Daily
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DATE Feb. 15, 1993 SPONSOR(S)

BILL NO.

AB 556

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[illegible]

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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Ec. COMMITTEE BILL NO. HB 556
DATE Feb. 15, 1993 SPONSOR(S) Daily
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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
JOE HOLLAND ROUNDUP MT.	ROUNDUP CABLE T.V.		✓
DON BRANTON BOZEMAN	TCE CABLEVISION		✓
Bob Nelson	Consumer Counsel	✓	
Rosemary Koch	Cablevision	✓	
Ken Watts	Billings TCI		✓
Douglas Rice	Helena TCI		✓
Don DeShaw	Ryegeate Cable TV		✓
MARLA DeShaw	Cable TV of Harlo		✓
Bob Orr	Lincoln cable TV		✓
Don -			
Tom Glendenning	Helena TCT		✓
Bob Anderson	PX	✓	
Wes Huffman	TCI CABLEVISION OF GREAT FALLS		✓
Paul Spryger / PR	CITIZENS	✓	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

4
Business & Ec. COMMITTEE BILL NO. HB 538
DATE Feb. 15, 1993 SPONSOR(S) M. Foster
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jim HAYHURST	USWEST	X	
TIM SWEENEY	PSC	X	
TOM EBZERY	US West Communications	X	

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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Business & Finance

COMMITTEE

BILL NO. 321

DATE 2-15-93

SPONSOR(S) ~~AAA~~ DOWELL

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
ANDY SKINNER	LIFESTYLE COURT		X
Bob Chrestenson	Leisure Park Lolo MT	X	
Bruce Nietala	Target Range Msla MT,	X	
PAT. KELLER	TRAVIS VILLAGE MSLA	X	
BEN STEEN	Golden Estates	X	

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