

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on March 15, 1993, at 9:00 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: REP. KNOX

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

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

Committee Business Summary:

Hearing: SB 249, SB 352 AND SB 398
Executive Action: SB 249, SB 352 AND SB 398

HEARING ON SB 352

Opening Statement by Sponsor:

SEN. TOM KEATING, Senate District 44, Billings, said SB 352 is a lien law for recovery of insurance benefits for medical

providers. He said physicians, nurses, physical therapists, chiropractors, dentists and hospitals are covered under the Lien Act, who can then place a lien against the insurance coverage in order to receive payment for their services. SB 352 will provide that physiologists, licensed social workers and licensed professional counselors are included under this lien law with the other medical providers. He noted to the committee on page 4, section 6, the word "temporary applicability" was contingent upon the passage of SB 43, which did pass. He said an amendment is needed to add the word "counselling" which had been omitted.

EXHIBIT 1**Proponents' Testimony:**

Mary McCue, lobbyist for Montana Clinical Mental Health Association, said the association is comprised of 125 mental clinical health counselors. Most of these counselors are in private practice, and asked that SEN. KEATING introduce this bill. She said currently when the counselors are approached by Blue Cross/Blue Shield, they are enticed to participate with false information that the counselor will be paid directly for their services and if they don't participate, they will not receive it directly. The Lien Act has been in place for a number of years and provides for medical providers to be paid directly for their services instead of going through the patients. She said in the last session, SB 43 included Blue Cross/Blue Shield to be placed under the Lien Act with a sunset law provision on it, which the Governor has now signed and the bill has been enacted into law.

EXHIBIT 2

Judith Carlson, Montana Chapter for the Association of Social Workers, said the counselors want to be on record in support of SB 352.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

SEN. KEATING closed.

HEARING ON SB 249**Opening Statement by Sponsor:**

SEN. BILL YELLOWTAIL, Senate District 50, Wyola, informed the committee that Greg Petesch is responsible for reviewing the codes to determine where or when there are inconsistencies

between the law books and the decisions made by the courts. Mr. Petesch found that Montana law was not consistent with federal law in regard to telemetry devices that are placed on the last railroad car instead of using cabooses. He said the courts have found that Montana's requirement of the telemetry device was in violation of federal law and needed to be stricken from the books. He said current federal law does not allow rear-end telemetry devices. But, if the federal law should change then this bill will allow Montana to go back to the use of the telemetry devices without having to go back to the legislature with another bill.

Proponents' Testimony:

Dave Ditzel, Brotherhood of Locomotive Engineers, Livingston, urged the committee's support for SB 249. He said the language in the bill will help correct the inefficiencies that presently exist.

Fran Marceau, United Transportation Union (UTU), said the rear-end telemetry devices are important to protect the citizens and environment of Montana. He would like to see this law remain in effect as much as is permitted by the federal government.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. LARSON asked Greg Petesch, Legislative Council, if the federal government permits the telemetry devices on trains, but does not allow the state to require them on trains. He said the reason for the bill is because the federal government in reviewing current safety standards for railroad operations will only require these devices on certain railroad cars.

REP. BRANDEWIE asked Greg Petesch what the function is of the rear-end telemetry device? Mr. Petesch said it has several functions of which one is the automatic breaking.

Closing by Sponsor:

SEN. YELLOWTAIL said a lot of people had their hearts set on this issue from previous sessions, and it is too bad that federal government can override Montana laws. He urged a do concur recommendation on SB 249.

HEARING ON SB 398

Opening Statement by Sponsor:

SEN. JACK REA, Senate District 38, Three Forks, said SB 398 is a revision of the Montana Landlord/Tenant Act. It addresses

advance notice when a tenant vacates without a notice; it reduces the time for the cleaning by a tenant of a rental unit; reduces the damage for wrongful withholding the security deposit, and clarifies the time for furnishing a statement on condition of the premises.

Proponents' Testimony:

Greg Van Horssen, Income Property Managers and Owners Association, and the Montana Landlords Association, said the two organizations strongly support SB 398. He explained the changes and the reasons for the bill; He said there seems to be a general recognition that the process of removing a tenant from a rental unit has been expanded statutorily and allows too much time if a tenant challenges that system. SB 398 will help the landlord expedite the process of removing a tenant from a rental unit when the landlord had terminated the rental agreement. He said there are five basic issues in this bill: 1) changes the required time for cleaning a rental unit from 48 hours to 24 hours; 2) addresses the tenant vacating the premises and not giving notice without prior notice to the landlord, the landlord then has to clean that property to prepare for the next tenant; 3) changes the amount of allowable damages for the wrongful withholding from double the sum of the amount wrongfully withheld to the sum that was wrongfully withheld. The two organizations feel that the real incentive from wrongfully withholding a person's deposit is the attorney's fees issue, which can amount to \$150 to \$300 plus; 4) in current statutes, the landlord is to provide the tenant with a report showing the condition of the premises. This report used to be entered into prior to the landlord/tenant agreement, and SB 398 will change that to be done at the same time when the landlord/tenant agreement is entered into; and 5) clarifies redundancy in the statute. It informs the tenant of the condition of the premises and what conditions the unit should be in. The old statute releases the tenant from pre-leasing agreements. This report protects the landlord and it protects the tenant. He urged the committee's support for SB 398.

Lance Clark, Montana Association Realtors, said they concur with the comments made by Greg Van Horssen.

Melissa Case, Montana People's Action, said they support SB 398 and concur with Greg Van Horssen's comments.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

SEN. REA said this is a fair bill and urged the committee to concur in it.

EXECUTIVE ACTION ON SB 398

Motion: REP. BRANDEWIE MOVED SB 398 BE CONCURRED IN.

Discussion: None

Motion/Vote: REP. BACHINI called the question. Voice vote was taken. Motion carried unanimously.

Vote: SB 398 BE CONCURRED IN. Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 352

Motion: REP. ELLIS MOVED SB 352 BE CONCURRED IN.

Discussion: REP. PAVLOVICH moved to adopt an amendment. REP. BRANDEWIE called the question. Voice vote was taken. Motion carried unanimously.

Motion/Vote: REP. BRANDEWIE MOVED SB 352 BE CONCURRED IN AS AMENDED. Voice vote was taken. Motion carried unanimously.

Vote: SB 352 BE CONCURRED IN AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 249

Motion: REP. BACHINI MOVED SB 249 BE CONCURRED IN.

Discussion: REP. BRANDEWIE asked if the telemetry device was used in detecting fires. REP. BACHINI said the telemetry device is a radio control device. There are two pieces of equipment, one on the engine, and the receiver part is on the rear-car of the train. The device is monitored by a signal that blows air through the train. If this device had been used on the train that crashed by Carroll College, the engineer would have known there wasn't any air in the brakes and would not have disengaged the power from the train. He said Canada has used this device for the last 10 years.

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

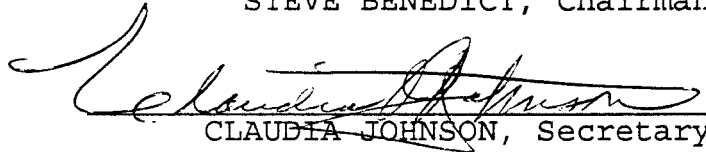
Vote: SB 249 BE CONCURRED IN. Motion carried 18 - 0.

ADJOURNMENT

Adjournment: 9:35 A.M.



STEVE BENEDICT, Chairman



CLAUDIA JOHNSON, Secretary

SB/cj

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

ROLL CALL

DATE 3-15-93

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


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HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 249 (third reading copy - blue) be concurred in .

Signed: 
Steve Benedict, Chair

Carried by: Rep. Bachini

Committee Vote:
Yes 12, No 4.

581130SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 398 (third reading copy - blue) be concurred in .

Signed: _____

Steve Benedict, Chair

Carried by: Rep. Cocchiarella

Committee Vote:
Yes 12, No 2.

581151SC.Hpf

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 352 (third reading copy - blue) be concurred in as amended .

Signed: Steve Benedict
Steve Benedict, Chair

And, that such amendments read:

Carried by: Rep. Simon

1. Page 2, line 22.

Page 2, line 24.

Page 3, line 21.

Page 4, line 11.

Following: "disease,"

Insert: "counseling service,"

2. Page 5, line 3.

Following: "dentistry,"

Insert: "counseling,"

3. Page 5, line 10.

Following: "dentistry,"

Insert: "psychologist, licensed social worker, licensed professional counselor,"

-END-

Committee Vote:
Yes 12, No 4.

581153SC.Hpf

AMENDMENTS TO SB 352
Prepared by Mary McCue
Lobbyist for Montana Clinical Mental Health
Counselors Association

1. Page 2, line 22.
Following: "disease,"
Insert: "counselling service,"
2. Page 2, line 24.
Following: "disease,"
Insert: "counselling service,"
3. Page 4, line 11.
Following: "disease,"
Insert: "counselling service,"
4. Page 5, line 3.
Following: "dentistry"
Insert: "counselling"
5. Page 5, line 10.
Following "dentistry,"
Insert: "psychologist, licensed social worker, licensed
professional counselor"

Amendments to Senate Bill No. 352
Third Reading Copy

For the Committee on Business and Economic Development

Prepared by Susan B. Fox
March 15, 1993

1. Page 2, line 22.

Page 2, line 24.

Page 3, line 21.

Page 4, line 11.

Following: "disease,"

Insert: "counseling service,"

2. Page 5, line 3.

Following: "dentistry,"

Insert: "counseling,"

3. Page 5, line 10.

Following: "dentistry,"

Insert: "psychologist, licensed social worker, licensed
professional counselor,"

Business & Econ COMMITTEE BILL NO. SB 352
DATE 3-15-93 SPONSOR(S) Sen. Keating
PLEASE PRINT PLEASE PRINT PLEASE PRINT

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
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HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business + Econ

COMMITTEE

BILL NO. SB 398

DATE 3-15-93 SPONSOR(S) Sen Rea

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Greg Van Housen	IPMA/MLA	✓	
Melissa Case	Montana People's Action	X	

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**HOUSE OF REPRESENTATIVES
VISITOR REGISTER**

Business & Econ

COMMITTEE

BILL NO.

SB 249

DATE

3-15-93

SPONSOR(S)

Sen Yellowtail

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
DAVID DITZEL	BRO. of Locomotive Engineers	X	
Fran Marceau	U. T. U	X	
GEORGE M SCHILLER	SELF	X	

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