

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By J.D. Lynch, Chair, on March 26, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. J.D. Lynch, Chair (D)
Sen. Chris Christiaens, Vice Chair (D)
Sen. John Brenden (R)
Sen. Betty Bruski-Maus (D)
Sen. Delwyn Gage (R)
Sen. Ethel Harding (R)
Sen. Ed Kennedy (D)
Sen. Terry Klampe (D)
Sen. Francis Koehnke (D)
Sen. Kenneth Mesaros (R)
Sen. Doc Rea (D)
Sen. Bill Wilson (D)

Members Excused: Senator Hager

Members Absent: None.

Staff Present: Bart Campbell, Legislative Council
Kristie Wolter, Committee Secretary

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

Committee Business Summary:

Hearing: None.
Executive Action: SB 354, SB 430, HB 94, HB 305, HB 355,
HB 394, HB 422, HB 575, HB 619, HB 635.

EXECUTIVE ACTION ON SB 354

Motion:

Senator Bruski-Maus moved SB 345 DO PASS.

Discussion:

Senator Gage stated he had a concern with the educational classes and whether they would be approved by the Board.

Senator Klampe stated the Board would take care of the problems. He stated other regulated industries are required to offer continuing education programs and have had few problems.

Senator Gage asked if the Board would authorize correspondence courses. Senator Lynch stated they would authorize those courses.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 430

Motion/Vote:

Senator Kennedy moved SB 430 DO PASS. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 94

Motion:

Senator Christiaens moved HB 94 BE AMENDED (681403SC.Sma). The motion CARRIED UNANIMOUSLY.

Discussion:

Senator Gage stated he would like the definition of the word "improperly". Senator Lynch stated "improper" would mean the legislator understands the impropriety and the indiscretion was noticeable.

Bart Campbell stated "improperly" is used in the section which addresses public officials. He stated the word would create a leeway for the lobbyists to state their position.

Senator Koehnke asked if there had been any problems with abuse of the system which necessitated HB 94.

Senator Lynch stated there have been no problems, but there have been problems in other states. He said passage of HB 94 would be a show of good faith to the public that there will be no problems in Montana.

Motion/Vote:

Senator Christiaens moved HB 94 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 305

Motion:

Senator Klampe moved HB 305 BE CONCURRED IN.

Discussion:

Senator Lynch stated he opposed HB 305 because it was unnecessary.

Senator Brenden stated he opposed HB 305 because the industry is already regulated. He added that if the industry was deregulated, there should be a time frame for the people who have paid the \$20,000 licensing fees to get their money back.

Vote:

The motion FAILED on ROLL CALL VOTE.

Motion/Vote:

Senator Wilson moved HB 305 BE TABLED. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 355

Motion:

Senator Wilson moved HB 355 BE CONCURRED IN.

Discussion:

Senator Gage stated he felt the second "whereas" made it sound as though the pharmaceutical manufacturers were controlling the retail prices of drugs.

Senator Klampe asked Senator Kennedy if he favored HB 355. Senator Kennedy stated he did.

Senator Klampe asked Senator Kennedy if pharmacies would use their list of posted drug prices as "loss leaders" to attract business and increase the cost of their other drugs. Senator Kennedy stated a pharmacy could do that, but HB 355 would allow for competition on the 20 most widely used drugs.

Senator Klampe stated he felt the posting of price lists would reach into every profession which was "absurd".

Senator Lynch stated HB 355 would set a precedence, and added if it expanded into other professions, it would benefit the consumer.

Senator Klampe stated he could not see how the price lists would help the senior citizens because they are not mobile enough to get around town to look at the different price lists.

Senator Lynch stated HB 355 was not a cure-all, but would remedy some of the problems associated with health care costs.

Senator Rea asked Senator Kennedy about the difference in prices between the generic and national brands. Senator Kennedy stated HB 335 would require both prices be on the list.

Senator Kennedy stated the second "whereas" was necessary to make the public aware that the pharmacists do not price drugs solely on their own.

Senator Harding stated she felt HB 355 was a good idea for senior citizens because it gives them the ability to shop around.

Senator Kennedy stated there are various quantities of drugs which can be prescribed and added there is a standard quantity listed in HB 355.

Senator Rea asked if there was such a thing as a quantity discount and if the pharmacies will be able to keep up with the price changes. Senator Kennedy stated the pharmacists are willing to do the work necessary to enforce HB 355.

Vote:

The motion CARRIED 10 to 2 with Senator Klampe and Senator Gage voting NO.

EXECUTIVE ACTION ON HB 394

Discussion:

Senator Christiaens asked Terry Perigo from the LFA to explain HB 394.

Informational Testimony:

Terry Perigo, Legislative Fiscal Analyst Office (LFA), stated the Montana Science and Technology Alliance (MSTA) has been funded through general funds. She stated the Natural Resources and Commerce Subcommittee added language which would amend HB 2 to

state if HB 394 passed, then the general fund for the MSTA would be replaced with state special revenue funds. She stated on the floor of the House the MSTA was eliminated from receiving any state funding. She stated Representative Hibbard amended HB 2 so MSTA would receive state special revenue funds. She stated the MSTA receives paybacks from loans it has made and all of the payback plus interest and earnings goes into the state special revenue account. She stated HB 394 would not change this process.

Ms. Perigo stated HB 394 allowed for two additional sources of state special revenue funds in case the paybacks were not sufficient funding. She stated the first fund was a "management fee" from the interest earnings of the coal trust funds. She stated the management fee would be paid to MSTA by the Board of Investments only after MSTA had spent all of the funds in the state special revenue account.

Ms. Perigo stated the interest from the coal trust fund would be split with 85% going to the general fund and 15% to the school equalization account only after the Board of Investments and MSTA had received their share.

Ms. Perigo stated HB 394 would change the law regarding loans MSTA has made from the permanent coal trust fund. She stated all of the principal from the loans went into the trust and 85% of the interest and earnings went to the general fund and 15% went to the school equalization fund. She stated HB 394 would allow for only the principal to be returned to the coal trust fund and any interest and earnings would be deposited in the state special revenue fund for MSTA.

Ms. Perigo stated HB 394 would allow MSTA to spend payback from loans made from other than coal trust funds. She stated MSTA would also be allowed to spend interest and earnings received from loan paybacks made from the permanent coal trust fund. She stated if the above incomes were not enough to fund their operations, the Board of Investments would be able to give them "management fees" from the interest off the permanent coal trust fund.

Ms. Perigo stated Representative Wanzenried had proposed an amendment to HB 2 which stated it was the intent of the Legislature that MSTA use project payback to fund their operations only. She stated Representative Wanzenried wanted to eliminate the part of law which would allow money from the Board of Investments. She referred to the amendment prepared by Greg Petesch (Exhibit #1). She stated HB 394 conflicts with intent language in HB 2.

Discussion:

Senator Lynch stated he felt HB 394 should pass as it is and the Office of Budget and Planning can make a gubernatorial amendment

or HB 2 can be amended.

Motion:

Senator Christiaens moved HB 394 BE AMENDED (Exhibit #1).

Discussion:

Senator Christiaens stated without the amendments, conflicts exist between language in HB 2 and HB 394. He stated without the amendments, HB 2 would be straightened out in conference committee. He stated if HB 394 were amended, and the House did not agree with the amendments, a conference committee would resolve any problems.

Senator Lynch stated he opposed Senator Christiaens' motion and stated if there were to be any resolutions to HB 2, they could be taken care of at a later date. He stated he felt the MSTA was a good idea because it supported small businesses in Montana and was good for industry.

Mr. Campbell stated there was a summary of what the amendments will do to HB 394 at the bottom of the page.

Senator Brenden stated he was against the amendments because research and development is so important to new companies. He stated there should be investment in the process.

Senator Lynch stated he had confidence in Dave Lewis and there was no need to send it back to the House.

Senator Gage asked Ms. Perigo for clarification of page 18, subsection 3 if the MSTA could spend royalties and earned incomes off of patents and new items. Ms. Perigo stated the MSTA could spend royalties.

Vote:

The motion FAILED on ROLL CALL VOTE.

Motion/Vote:

Senator Mesaros moved HB 394 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 575

Motion:

Senator Klampe moved HB 575 BE CONCURRED IN.

Discussion:

Senator Gage stated he felt the word "rural" should be specifically defined.

Mr. Campbell stated there is no definition of "rural" in the codes, but he felt they should wait until there is a problem with the definition and then address it.

Senator Brenden stated rural communities are losing population and they do not have police protection or fire departments in the unincorporated towns. He stated insurance rates are high for those areas because of inaccessibility to these services. He stated the mutual insurance companies are trying to increase the number of people they can insure so they can offer competitive rates. Senator Brenden stated "rural" replaced "farms" so there would be an increase in the insured population.

Senator Mesaros stated the change in language was necessary because of the shift in population centers and because there were people living in rural areas who do not farm or ranch.

Senator Christiaens stated the State Auditor supported HB 575 and they stated other insurance companies have no problems with the coverage of farm mutuals.

Senator Gage stated HB 575 would create more competition which is favorable for the consumer.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 619**Discussion:**

Senator Klampe stated he felt billing and interest charges should be included in the liens. He also stated HB 619 would not control the charges by the attorneys.

Bart Campbell stated HB 619 conflicted with HB 352 stated instructions had been made so the two bills would be coordinated (681405SC.Sma).

Motion/Vote:

Senator Christiaens moved HB 619 BE AMENDED. The motion CARRIED UNANIMOUSLY.

Motion:

Senator Klampe moved HB 619 BE TABLED.

Discussion:

Senator Lynch stated HB 619 should not be tabled because the lien was never intended for anything other than medical services provided. He stated HB 619 would prevent the medical profession from "over-billing" a client.

Senator Gage asked if the word "medical" had been changed to "health". Mr. Campbell stated the change proposed by Ms. McCue would not solve any other problems associated with HB 352. He stated the Medical Association wanted to add "and products" to HB 619. Mr. Campbell stated he had added that change to HB 619.

Vote:

The motion FAILED on ROLL CALL VOTE.

Motion:

Senator Mesaros moved HB 619 BE CONCURRED IN AS AMENDED.

Discussion:

Senator Rea asked what would happen if HB 352 did not pass. Senator Lynch stated HB 352 was already passed.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 635

Discussion:

Senator Klampe stated he felt HB 635 needed to be written more specifically. He asked how a filing officer would be able to determine if a lien was improper or fraudulent and stated the requirements for determination should be listed in HB 635.

Senator Mesaros stated the testimony claimed there were obvious things which would make a lien fraudulent. He stated the discretion was up to the filing officers.

Motion/Vote:

Senator Mesaros moved HB 635 BE CONCURRED IN.

Discussion:

Senator Klampe asked Senator Mesaros what an "obvious thing" would be on a lien which would make it fraudulent. Senator Mesaros replied mistaken such as no signature, partially filled out liens and other circumstances.

Senator Klampe stated the "obvious things" should be listed in HB 635. He stated HB 635 would allow filing officers to reject a lien at their discretion.

Senator Lynch stated the people should have faith in their elected officials.

Vote:

The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 422**Discussion:**

Senator Lynch announced there were amendments to HB 422. The amendments were supplied to the Committee and reviewed by Mr. Campbell (Exhibit #2).

Referring to Section 3, Senator Lynch asked if the mobile home park owner or landlord has to allow a meeting of the tenants.

Greg VanHorssen supplied the Committee with proposed amendments by the Income Property Managers Association (IPMA) (Exhibit #3). He stated there had been no concession between the IPMA and the mobile home tenants.

Senator Lynch asked Mr. Campbell if any of the amendments were current law. Mr. Campbell stated amendment #12 (Exhibit #2) was already applicable to the Landlord/Tenant Act (LTA) and was in the codes as a law relating to coercion and harassment. He stated the section is already covered in existing law. He stated Mr. Petesch felt the law addressed a specific relationship between the landlord and the tenant and would not cover the associations. Mr. Campbell stated he felt that if the landlord was harassing the association, they were harassing the tenants. Referring to the section dealing with snow removal, Mr. Campbell stated there is a general requirement that the landlord is responsible to keep a place clean and safe. He stated the general requirement was a "long reach" from the snow removal amendment. He stated the Montana courts have never interpreted

the phrase in the codes. Mr. Campbell stated there was a 1990 decision in the Alaska courts that the phrase included snow removal. Mr. Campbell stated snow removal should be specified if the Committee wanted to ensure it.

Senator Lynch stated he did not want the immediate effective date. He asked the Committee to address whether a landlord or a person who resides in the court should be able to attend association meetings. Senator Lynch stated the Committee should also decide on the snow removal amendment and if there should be a requirement for a list of rules, even if the landlord does not have rules.

Senator Mesaros asked where HB 422 would fit into the LTA. Mr. Campbell stated HB 422 addressed "dwellings" as were subject to the LTA.

Senator Mesaros asked what requirements there were in the LTA for written rules. Mr. Campbell stated there are no requirements in the LTA for written rules.

Senator Lynch stated if there were rules, they should be required to be in writing. He stated if there were not any rules, they should not be required to supply them to the tenants.

Senator Harding stated her constituents complained that their landlords kept changing the rules and giving the new rules to the tenants.

Senator Bruski-Maus stated the manager could only be included in the associations if they are renting the space on the court. She stated tenants, by definition, were people who rented living space.

Senator Christiaens stated he felt if the landlords live in the park, then they are residents of the park and should be allowed to go to association meetings.

Senator Lynch stated if there was an administrator who taught one class a day and felt he should be able to attend all of the union meetings, he would prefer the administrator not attend. He stated if the landlord is present, the tenants would not be able to talk openly and freely.

Mr. Campbell stated the amendment would make it so the landlord or their employee would not be allowed unless they are invited by the association members.

Senator Klampe stated the barring of the landlords from meetings was legal and constitutional.

Senator Christiaens stated if the phrase "resident of a court" is in HB 422, and the landlord lives on the court, then they may attend the association meetings.

Senator Lynch stated the Committee would disconnect the amendments and vote on them in separate sets.

Senator Lynch stated he had no problems with the first amendment which would require the adoption of "reasonable" rules for the parks.

Motion:

Senator Kennedy moved HB 422 BE AMENDED with amendments numbered one through eight (Exhibit #2).

Discussion:

Senator Christiaens questioned how often landlords are going to be allowed to change the written rules. He stated he felt if the landlord had adopted written rules, the rules should remain constant for a period of time.

Senator Rea stated "reasonable" should not need to be defined and should depend on rulings by a judge.

Referring to Section 4, Senator Gage stated the rules may only cover what is listed.

Vote:

The motion carried UNANIMOUSLY.

Discussion:

Senator Lynch stated he felt the Committee should address the issue of a court who doesn't want rules. Senator Lynch stated he felt the rules should only be written and presented to the tenants if there are rules in existence.

Senator Rea asked Mr. Campbell how an oral rule would be enforced. Mr. Campbell stated an oral rule was an "oral agreement" and it would need to be proven that the agreement exists. He stated if the agreement was proven to exist, then it could be defended.

Senator Christiaens asked if "to each resident" pertained to individuals who rented the space. He stated the law could be construed to mean each person living in the trailer house.

Senator Lynch stated the language meant each structure.

Senator Kennedy suggested the word "resident" be changed to "residence".

Mary McCue, Mobile Home Park Owners, stated "tenant" would provide clarification and would also be consistent with the rest of HB 422.

Mr. Campbell stated "tenant" is defined as "a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others." Mr. Campbell clarified the amendment proposed by Senator Lynch was on page 6, sub-paragraph B and would be stated "if there are rules, all rules must be written and given to the mobile home park tenants who resides in a mobile home park, and to all new tenants of a mobile home park, upon arrival".

Mary McCue stated the amendments given by Mr. VanHorssen, Income Property Managers Association, addressed what the Committee had been discussing (Exhibit #3).

Senator Klampe stated he agreed with Senator Rea that all rules should be written for the sake of protection from other tenants.

Mr. Campbell stated the amendments (Exhibit #3) would delete subsection B from page 6 and move it to page 11, line 6 and "all rules must be written and given to each tenant" would be inserted. Mr. Campbell stated there would also be an amendment to page 11, line 4, which would substitute "may" for "shall".

Motion/Vote:

Senator Kennedy moved HB 422 BE AMENDED (Exhibit #3). The motion CARRIED UNANIMOUSLY.

Discussion:

Senator Christiaens asked what would be the definition of a "mobile park". Mr. VanHorssen stated the law defined it as two or more mobile home units.

Senator Lynch addressed amendment #9 which would reinsert "harassment prohibited" which had been removed by the House.

Mr. Campbell stated harassment was already prohibited under another section of the law.

Mr. Campbell read from the code which stated:

"unless displaced by the provisions of this chapter, the principals of law and equity, including the law relating to the passage of contracts, mutuality of obligations, principal and aid to..., estoppel, fraud, misrepresentation, duress, coercion, estate, bankruptcy or other validating or invalidating causes implement its provisions in the Landlord/Tenant Act".

Senator Lynch stated since there was no motion to include amendment #9, it would be deleted from the amendments.

Motion/Vote:

Senator Klampe moved HB 322 BE AMENDED (Amendments #10 and #11, Exhibit #2). The motion CARRIED UNANIMOUSLY.

Discussion:

Senator Lynch stated there was no way the mobile home meetings could be prohibited. He stated there should not be a need for a law stating that people can hold a meeting. He stated amendment #12 (Exhibit #2) should be struck.

Senator Klampe stated the problem exists because the meetings are being prohibited. He stated the addition of amendment #12 (Exhibit #2) would be for clarification.

Motion:

Senator Klampe moved HB 422 BE AMENDED to section 3, part 3 of amendment #12 (Exhibit #2).

Discussion:

Senator Lynch stated if the section is put into law, it would be saying that if people were to have a meeting regarding the court, and they wanted to hold the meeting off premises, they would have to have permission from the owner or landlord of the court.

Senator Klampe stated perhaps the Committee should change the word "permit" to "allow".

Senator Lynch stated the section should refer specifically to the trailer court.

Senator Christiaens stated the section is not necessary.

Motion/Vote:

Senator Kennedy made a substitute motion HB 422 BE AMENDED to say "may not prohibit" under amendment #12. The motion CARRIED UNANIMOUSLY.

Discussion:

Senator Lynch stated the subject of snow removal has to be approached.

Senator Christiaens stated the areas for snow removal need to be specified.

Senator Rea stated there was no remedy for non-removal of the snow.

Senator Klampe stated the amendment could be reworded to clarify it.

Mr. Campbell stated the landlord's duties are to keep all common areas of the premises in a clean and safe condition.

Senator Lynch asked if there was anyway "snow removal" could be included in the section regarding cleaning of common areas.

Motion/Vote:

Senator Christiaens moved HB 422 BE AMENDED to include snow removal in the Landlord/Tenant Laws (Exhibit #2). The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Gage moved HB 422 BE AMENDED to include amendment #13 (Exhibit #2). The motion CARRIED UNANIMOUSLY.

Motion/Vote:

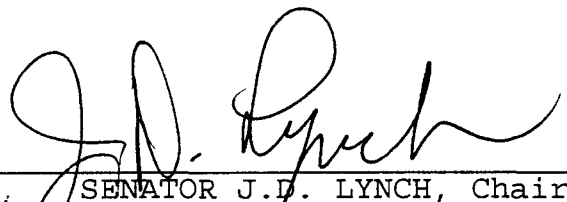
Senator Gage moved HB 422 BE AMENDED by changing the word "resident" to "tenant". The motion CARRIED UNANIMOUSLY.

Motion/Vote:

Senator Klampe move HB 422 BE CONCURRED IN AS AMENDED. The motion CARRIED by Roll Call Vote.

ADJOURNMENT

Adjournment: 11:30 a.m.



SENATOR J.D. LYNCH, Chair



KRISTIE WOLTER, Secretary

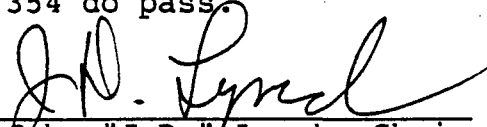
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration Senate Bill No. 354 (first reading copy -- white), respectfully report that Senate Bill No. 354 do pass.

Signed: 

Senator John "J.D." Lynch, Chair

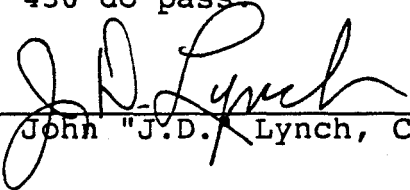
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration Senate Bill NO. 430 (first reading copy -- white), respectfully report that Senate Bill NO. 430 do pass

Signed:

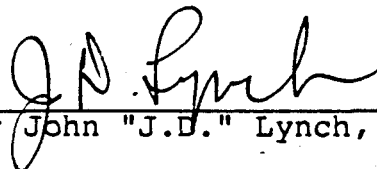

Senator John "J.D." Lynch, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 94 (third reading copy -- blue), respectfully report that House Bill No. 94 be amended as follows and as so amended be concurred in.

Signed: 

Senator John "J.D." Lynch, Chair

That such amendments read:

1. Page 3, lines 19 and 23.

Following: "A"

Insert: "substantial"

2. Page 3, line 21.

Following: "TO"

Insert: "improperly"

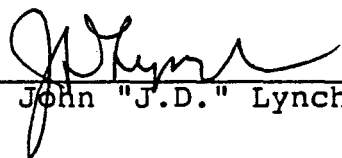
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 355 (third reading copy -- blue), respectfully report that House Bill No. 355 be concurred in.

Signed: 

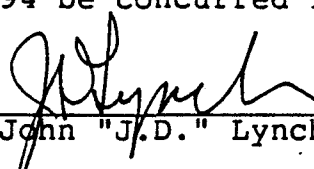
Senator John "J.D." Lynch, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 394 (third reading copy -- blue), respectfully report that House Bill No. 394 be concurred in.

Signed: 
Senator John "J.D." Lynch, Chair

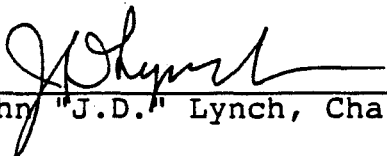
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 575 (third reading copy -- blue), respectfully report that House Bill No. 575 be concurred in.

Signed: _____

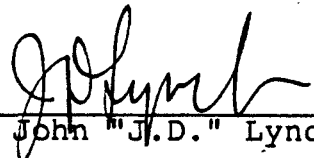

Senator John "J.D." Lynch, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 619 (third reading copy -- blue), respectfully report that House Bill No. 619 be amended as follows and as so amended be concurred in.

Signed: 

Senator John "J.D." Lynch, Chair

That such amendments read:

1. Page 3, following line 3.

Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 352 and [this act] are both passed and approved, then 71-3-1112 and 71-3-1114 must read as follows:

"71-3-1112. Purpose. The purpose of this part is to establish lien rights for physicians, nurses, physical therapists, occupational therapists, chiropractors, persons practicing dentistry, and hospitals for the value of services rendered and products provided for the diagnosis and treatment of medical conditions and to establish lien rights for psychologists, licensed social workers, and licensed professional counselors for services rendered and products provided when a person receiving medical treatment:

- (1) is injured through the fault or neglect of another; or
- (2) is either insured or a beneficiary under insurance."

"71-3-1114. Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, persons practicing dentistry, and hospitals and liens of psychologists, licensed social workers, and licensed professional counselors. (1) (a) ~~Whenever~~ Upon the required notice of a lien being given, there is a lien as provided in subsection (1)(b) whenever:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital renders services or provides products for the diagnosis and treatment of a medical condition; or

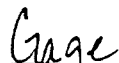
(ii) a psychologist, licensed social worker, or licensed professional counselor renders services or provides products; and

(iii) the services rendered or products provided under subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided to a person injured through the fault or neglect of another., the

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital, psychologist, licensed social worker, or licensed professional counselor upon giving the required notice of lien,

M - Amd. Coord.

M - Sec. of Senate


Senator Carrying Bill

681405SC.Sma

has a lien for the value of services rendered or products
provided on:

~~(a)~~(i) any claim or cause of action that the injured
person, ~~his~~ or the injured person's estate, or successors may
have for injury, disease, or death;

~~(b)~~(ii) any judgment that the injured person, ~~his~~ or the
estate, or successors may obtain for injury, disease, or death;
and

~~(c)~~(iii) all money paid in satisfaction of ~~such~~ the judgment
or in settlement of the claim or cause of action.

(2) (a) If a person is an insured or a beneficiary under
insurance ~~which that~~ provides coverage in the event of injury or
disease, there is a lien as provided in subsection (2)(b) upon
required notice of a lien being given by:

(i) a physician, nurse, physical therapist, occupational
therapist, chiropractor, person practicing dentistry, or
hospital, ~~upon giving the required notice of lien, has a lien~~ for
the value of services rendered or products provided for the
diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed
professional counselor for services rendered or products
provided.

(b) The lien is on all proceeds or payments, except
payments for property damage, payable by the insurer.

(3) The lien is subject to the lien of an attorney provided
in 37-61-420.""

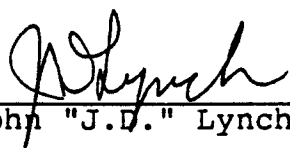
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 635 (third reading copy -- blue), respectfully report that House Bill No. 635 be concurred in.

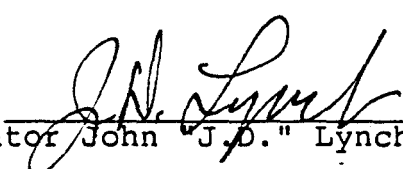
Signed: 
Senator John "J.D." Lynch, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 422 (third reading copy -- blue), respectfully report that House Bill No. 422 be amended as follows and as so amended be concurred in.

Signed: 

Senator John "J.D." Lynch, Chair

That such amendments read:

1. Title, line 11.

Strike: "RESIDENT"

Insert: "TENANT"

2. Page 4, line 12.

Strike: "-- arbitration"

Strike: "operator"

Insert: "landlord"

3. Page 4, line 15.

Strike: "and the following:"

Insert: "."

4. Page 4, line 18.

Strike: "(A)"

Following: "rule"

Insert: "may not be unreasonable, and a rule"

5. Page 4, line 21.

Following: "7"

Insert: "."

6. Page 6, line 14.

Strike: "."

7. Page 6, lines 15 through 17.

Strike: subsection (b) in its entirety

8. Page 6, line 23.

Following: "(1)"

Insert: "(1)"

9. Page 7, line 3.

Strike: "AND"

Insert: "but"

10. Page 7, line 4.
Strike: "operator"
Insert: "landlord"
Strike: "operator's"
Insert: "landlord's"

11. Page 7, line 5.
Following: "not"
Insert: "not be members and may not"
Following: "meetings"
Insert: "unless specifically invited by the tenant association."
(2) The mobile home park landlord may not prohibit meetings by a tenant association or tenants relating to mobile home living"

12. Page 10, following line 5.
Insert: "NEW SECTION. Section 4. Mobile home park landlord's road maintenance obligations. In addition to the obligations imposed by 70-24-303, the mobile home park landlord shall maintain roads within the mobile home park in a safe condition, including arranging for snow removal."
Renumber: subsequent sections

13. Page 11, line 4.
Strike: "shall"
Insert: "may"

14. Page 11, following line 5.
Insert: "(3) All rules must be written and must be given to each mobile home park tenant who resides in a mobile home park and to all new tenants of a mobile home park."
Renumber: subsequent subsection

15. Page 11, line 24.
Strike: "residents"
Insert: "tenant"

16. Page 13, line 5.
Following: line 4
Insert: "NEW SECTION. Section 7. Codification instruction. [Sections 2 through 4] are intended to be codified as an integral part of Title 70, chapter 24, and the provisions of Title 70, chapter 24, apply to [sections 2 through 4]."

-END-

ROLL CALL VOTE

SENATE COMMITTEE Business and Industry BILL NO. HB 325

DATE 3/26/93 TIME 10:00 (A.M.) P.M.

NAME

YES

NO

Senator Gage		✓
Senator Hager		
Senator Harding		✓
Senator Mesaros		✓
Senator Brenden		✓
Senator Wilson		✓
Senator Rea	✓	
Senator Klampe	✓	
Senator Koehnke		✓
Senator Bruski-Maus		✓
Senator Kennedy		✓
Senator Christiaens		✓
Senator Lynch		✓

Kristen Wolt
SECRETARY

J. H. Hyl
CHAIR

MOTION: Be Concurred In

ROLL CALL VOTE

SENATE COMMITTEE Business & Industry BILL NO. HB 394

DATE 3/26/93 TIME 10:00 A.M. P.M.

NAME

YES

NO

Senator Gage		✓
Senator Hager		
Senator Harding		✓
Senator Mesaros		✓
Senator Brenden		✓
Senator Wilson		✓
Senator Rea		✓
Senator Klampe		✓
Senator Koehnke		✓
Senator Bruski-Maus		✓
Senator Kennedy		✓
Senator Christiaens	✓	
Senator Lynch		✓

Christie Wolt
SECRETARY

[Signature]
CHAIR

MOTION: Amend HB 394

ROLL CALL VOTE

SENATE COMMITTEE Business & Industry BILL NO. 1619

DATE 3/26/93 TIME 10:00 (A.M.) P.M.

NAME

YES

NO

Senator Gage		✓
Senator Hager		
Senator Harding		✓
Senator Mesaros		✓
Senator Brenden		✓
Senator Wilson		✓
Senator Rea	✓	
Senator Klampe	✓	
Senator Koehnke		✓
Senator Bruski-Maus		✓
Senator Kennedy		✓
Senator Christiaens		✓
Senator Lynch		✓

Kenneth Holt
SECRETARY

CHAIR

MOTION: Table 23.1.1

ROLL CALL VOTE

SENATE COMMITTEE Business & Industry BILL NO. HB 422

DATE 3/26/93 TIME 10:00 (A.M.) P.M.

NAME YES NO

Senator Gage	✓	
Senator Hager		
Senator Harding	✓	
Senator Mesaros	✓	
Senator Brenden		✓
Senator Wilson	✓	
Senator Rea		✓
Senator Klampe	✓	
Senator Koehnke	✓	
Senator Bruski-Maus	✓	
Senator Kennedy		✓
Senator Christiaens		✓
Senator Lynch	✓	

Christa Wark
SECRETARY

John
CHAIR

MOTION: Be committed to is amended

110 pages

Amendments to House Bill No. 394
Third Reading Copy

Requested by Representative Wanzenried
For the Committee on Business and Industry

Prepared by Greg PETesch
March 22, 1993

1. Page 5, lines 12 through 17.
Strike: subsection (8) in its entirety
Renumber: subsequent subsections
2. Page 5, line 23.
Strike: "(9)(b)"
Insert: "(8)(b)"
3. Page 6, line 5.
Strike: "(9)(a)"
Insert: "(8)(a)"
4. Page 12, line 24 through page 13, line 1.
Following: "." on page 12, line 24
Strike: remainder of line 24 through "." on page 25, line 1

MSTA is currently funded with state special revenue in House Bill 2: \$457,378 in fiscal 1994 and \$455,960 in fiscal 1995. House Bill 2 also contains language saying it is the intent of the legislature that MSTA be funded only with revenue received from loan repayments in the 1995 biennium.

If House Bill 394 is approved without this amendment, MSTA will be funded: 1) with revenue received from loan repayments; and 2) with interest from the coal trust fund, which will be paid to MSTA as a management fee by the Board of Investments to fund whatever program costs are not covered by loan repayment revenues.

If House Bill 394 is approved with this amendment, MSTA will be funded only with loan repayment revenue.

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 1
DATE 3/26/93
BILL NO. HB 394

Amendments to House Bill No. 422
Third Reading Copy

Requested by Representative Larson
For the Committee on Business and Industry

Prepared by Greg Petesch
March 23, 1993

1. Page 4, line 12.
Strike: "-- arbitration"
Strike: "operator"
Insert: "landlord"
2. Page 4.
Following: line 17
Insert: "(a) a rule may not be unreasonable;"
Renummer: subsequent subsections
3. Page 4, line 18.
Following: "a"
Strike: "A"
Insert: "a"
4. Page 4, line 21.
Following: "7"
Insert: "; and"
5. Page 6, line 14.
Strike: "."
6. Page 6, line 15.
Strike: "WRITTEN"
Insert: "in writing"
7. Page 6, line 16.
Strike: "PARK RESIDENT"
Insert: "owner or tenant of a mobile home"
Strike: "A"
Insert: "the"
8. Page 6, line 17.
Strike: "ALL NEW RESIDENTS OF A MOBILE HOME PARK"
Insert: "each resident"
9. Page 6, line 23.
Following: "meetings"
Insert: "-- harassment prohibited"
Following: "."
Insert: "(1)"
10. Page 7, line 3.
Strike: "AND"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 2
DATE 3/26/93
BILL NO. HB 422

Insert: "but"

11. Page 7, line 5.

Following: "~~not~~"

Insert: "not be members and may not"

Following: "meetings"

Insert: "unless specifically invited by the resident association"

12. Page 10, line 6.

Following: line 5

Insert: "(2) A mobile home park landlord may not harass or threaten members of any resident association or engage in unfair or deceptive conduct to inhibit or interfere with the creation or operation of an association.

(3) The mobile home park landlord shall permit meetings by a resident association or residents relating to mobile home living.

NEW SECTION. Section 4. Mobile home park operator's road maintenance obligations. In addition to the obligations imposed by 70-24-303, the mobile home park operator shall maintain roads within the mobile home park in a safe condition, including arranging for snow removal."

Re-number: subsequent sections

13. Page 13, line 5.

Following: line 4

Insert: "NEW SECTION. Section 7. {standard} Codification instruction. [Sections 2 through 4] are intended to be codified as an integral part of Title 70, chapter 24, and the provisions of Title 70, chapter 24, apply to [sections 2 through 4]."

Amendments To HB 422
Proposed By The Income Property Managers Association
Senate Business and Industry Committee
March 24, 1993

- Amendment 1: page 4, line 12: following "rules--"
strike "arbitration"
- Amendment 2: page 6, strike lines 15 through 17 entirely.
- Amendment 3: page 11, line 4: following "park"
strike "shall",
insert "may"
- Amendment 4: page 11, line 6: insert the following:
(3) all rules must be written and must be given to
to each mobile home park resident who resides in a
mobile home park and to all new residents of a mobile
home park upon arrival.
- Amendment 5: page 11, line 6: strike "(3)" insert "(4)"

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 3
DATE 3/26/93
BILL NO. HB 422