

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & LABOR

Call to Order: By CHAIRMAN BRUCE T. SIMON, on February 15, 1995,
at 8:00 AM.

ROLL CALL

Members Present:

Rep. Bruce T. Simon, Chairman (R)
Rep. Norm Mills, Vice Chairman (Majority) (R)
Rep. Vicki Cocchiarella (D)
Rep. Charles R. Devaney (R)
Rep. Jon Ellingson (D)
Rep. Alvin A. Ellis, Jr. (R)
Rep. David Ewer (D)
Rep. Rose Forbes (R)
Rep. Jack R. Herron (R)
Rep. Bob Keenan (R)
Rep. Don Larson (D)
Rep. Rod Marshall (R)
Rep. Jeanette S. McKee (R)
Rep. Karl Ohs (R)
Rep. Paul Sliter (R)
Rep. Carley Tuss (D)
Rep. Joe Barnett (R)

Members Excused: Rep. Bob Pavlovich

Members Absent: None.

Staff Present: Stephen Maly, Legislative Council
Alberta Strachan, Committee Secretary

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

Committee Business Summary:

Hearing: HB 495, HB 527, HB 487, HB 518, HB 488
Executive Action: HB 458, HB 401, HB 510, HB 495, HB 527,
HB 488

HEARING ON HB 495

Opening Statement by Sponsor:

REP. ROYAL C. JOHNSON, HD 10, Yellowstone County said this bill
was an act for economic development and to help small business in
the state. The gambling industry is much more profitable if they

have gambling machines in restaurants and bars than it is to have only beer or any other drink. That does include some sort of enhancement for the business. This bill enables the owner of the license to have 75% of their revenue come from food. It also requires that they don't have a special room for a bar.

Proponents' Testimony:

Paul Cartwright, Helena, said the bill would allow new restaurants to open and existing restaurants to expand. This is the kind of government support which can be appreciated. The downside of the bill would be health and safety. Since 1988, the number of places that provide beer and wine have increased by 100 but consumption has decreased. There doesn't seem to be any connection between the number of outlets and the health and safety question.

Ellen Engstedt, Don't Gamble With The Future, said the explosion of gambling in Montana over the past ten years has nearly destroyed the quota system for liquor licenses and on-premises beer and wine licenses. The value of the liquor license and the on-premise beer and wine licenses has jumped dramatically. This is a problem in the densely populated areas of Montana and not so much in the rural areas. This bill would establish another class of liquor license for the restaurant owner who does not want to have gambling in their establishments but wishes to sell beer and wine. Many small restaurants do not have beer and wine to offer with their meals because of the price of licenses and the fact that the existing licenses are being bought up by gambling advocates, not for the beer and wine, but for the ability to obtain a gambling permit. **EXHIBIT 1**

REP. DAVID EWER said he was very reluctant to unduly restrict commerce unless there is a compelling issue of public health and safety. He said he failed to see this issue in the bill. When commerce is restricted with a permit system and there is a compelling health and safety issue, the monopolistic powers which are allowed devalue the license. This is an undue restriction of commerce, not a health and safety issue.

REP. ROD MARSHALL said he favored this bill.

Opponents' Testimony:

Mark Staples, Montana Tavern Association, said well over half of the licensees will be affected by this bill. Many new restaurants have opened in Montana. Tourism has increased 12% in five years. He supplied testimony from **Paul E. Polzin** which stated his opposition to this bill. **EXHIBIT 2**

Jim Grubbs said when this law passed in Wyoming it took about two weeks for the value of the regular licenses to diminish to 1/2 of their worth. Because of the collateral depreciating, banks were

recalling their loans immediately since the value of the license had decreased.

Darrell Keck, President, Montana State Tavern Association, opposed this bill.

Rosalie Bullock, Silver Saddle Bar of Basin, said she opened a restaurant 20 years ago. To give someone a license free when tavern/restaurant owners who have had their licenses for years and had paid a considerable amount for that license, is not fair.

REP. BOB PAVLOVICH said he opposed this bill.

Questions From Committee Members and Responses:

REP. JOE BARNETT asked if there was a challenge on the property rights in his business in Wyoming. **Mr. Grubbs** said no. **REP. BARNETT** asked if there was ever a question of violation of constitutional property rights. **Mr. Grubbs** said no.

REP. DON LARSON asked how many all beverage licenses there were now in the state. **Gary Blewett, Administrator, Liquor Division, Department of Revenue,** said there were 1,150 licenses and approximately 350 beer and wine licenses. **REP. LARSON** asked how many license transfers are processed in one year. **Mr. Blewett** said there were about one-fourth of the volume of licenses every year. He also said he did not have a basis to compare this with from any other entity. It does appear high.

REP. PAVLOVICH asked how many beer and wine licenses were still available. **Mr. Blewett** said this figure varied on the quota system. In larger populated areas the quotas are all filled. In county areas there are unlimited numbers of licenses. **REP. PAVLOVICH** asked if this bill were to pass, would they meet the quota. **Mr. Blewett** said there is no quota limit on these licenses.

REP. PAVLOVICH asked what is to prevent someone coming back in two years from now and taking the language out of the license and open it for gambling machines? **REP. JOHNSON** said probably nothing because it can be changed anytime.

REP. PAUL SLITER said there seems to be many people at the hearing and asked for a show of hands on how many people favored this bill.

REP. BARNETT asked for the net gain. **Mr. Staples** said licenses are listed per person or one license per 100 people.

CHAIRMAN SIMON asked if the value of these licenses was being driven more by gaming than they are by value of the product. **Mr. Staples** said there are many places that don't emphasize gaming. The average place in Montana has six machines. Some people don't want to carry food in their establishments. They are not good at

it. The restaurant business is not an easy occupation. Gambling has increased the value of the licenses. The increase of gambling has done what it was supposed to do. It saved the businesses and has put further value in businesses. It gave the cities and counties replacement of the funds lost from revenue sharing.

REP. VICKI COCCHIARELLA asked which state department handled licensing. **Phil Kaiser** said Janet Jessup handled the licensing. Their department is so overwhelmed with investigations they cannot add people to their staff.

CHAIRMAN SIMON said Ms. Jessup is from gaming control and this issue is not of that nature.

REP. LARSON asked for an explanation of the perspective of what this bill would do. **Janet Jessup** said the bill does provide a revenue stream. That should provide some revenue to add additional staff to increase investigative capability.

Closing by Sponsor:

The sponsor closed.

TAPE 1, SIDE B

HEARING ON HB 527

Opening Statement by Sponsor:

REP. DON LARSON, HD 58, Missoula County said this bill proposes to raise the limit on poker machine payoffs to the limit already allowed for keno machines. The limit for keno machines is \$800. This bill would merely raise poker machines to that limit.

Proponents' Testimony:

Steve Arntzon, President, Gaming Industry Association, said this bill does not do anything to raise or change the bet limits on any gaming machines in the state. A player can still only wager up to \$2 in any bet. The bill does not expand or change in any fashion, the number of machines which are allowed in establishments. This bill does nothing to address or modify the allowable mix of machine types which are offered. This bill does not allow a greater number of machines to pay out at a higher level. It is legal to have all 20 machines in any location be it keno machines and all pay at the \$800 level. This bill does not expand gambling in Montana. It does allow for a poker jackpot level more relative to the \$1000 top prize that is now offered at tribal operated casinos in the state. Indian-owned casinos offer jackpots on both keno and poker machines.

Mark Staples, Montana Tavern Association, said Governor Racicot and Attorney General Joe Mazurek favored this bill.

Opponents' Testimony:

Ellen Engstedt, Don't Gamble With The Future, said they opposed this bill because it is an expansion of gambling in Montana. She also said if those in the gambling industry would like to have the payout limits using an equal fairness argument and, if gambling is supposed to be entertainment, they would support both payout, at the original \$100 limit and adopt an amendment that changes the \$800 back to \$100 for all video gambling machines. The playing field would be even and Montanans would be doing what they thought they were doing, playing video gambling machines for fun. **EXHIBIT 3**

David Hemion, Legislative Liaison, Montana Association of Churches, said consistently over the years they have opposed gambling in Montana. The legislature was asked to review the social clause and look at drawing the line. That line continues to be pushed in every session. What Montanans thought they approved years ago really resembles nothing of what the gambling industry is like today. This is not about tourism. Anyone who believes that people come here to gamble when the state is rapidly being surrounded by other states who legalize gambling, has not looked at the tourism promotion material the state is distributing. They would support the amendment proposed.

Brandon Holt, Montana Catholic Conference, said they oppose any increase in gambling in Montana. The Catholic Church, historically, has not condemned gambling as intrinsically evil, they are aware of the negative consequences of expanded gambling. As gaming increases there is more crime, more devastated families, more displacement, more compulsive gambling and more alcoholism.

Questions From Committee Members and Responses:

REP. EWER said \$45 million was wagered in Montana on video gaming machines. What is the breakout between video poker machines and video keno machines. **Janet Jessup, Administrator, Gambling Control Division** said she would supply that information for the committee. **REP. EWER** asked what the legal percentage of payout is on machines. **Ms. Jessup** said 80%.

REP. BARNETT questioned the leveling of the playing field to amend \$800 to \$100. **REP. LARSON** said the compromise position would be \$400 on each.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 487

Opening Statement by Sponsor:

REP. JOAN HURDLE, HD 13, Yellowstone County, said this bill would repeal the Montana Motor Fuel Marketing Act. She also presented correspondence from the Yellowstone County Attorney's office regarding this bill. A copy of the Act was also presented. EXHIBIT 4 and 5

Proponents' Testimony:

Jack Gunderson said this bill establishes a minimum retail price and shifts the proof of lesser cost to anyone who sells for less. With this shift, competition will be eliminated in the marketplace. While passing this bill might not solve the problem, it is a start. Something is wrong with the entire system when gasoline is exactly the same price at almost every station while at the same time, refinery prices drop 18 cents per gallon. EXHIBIT 6 and 7

Dennis Paxinas, Yellowstone County Attorney said the enforcement provision of this bill should be removed from the county attorneys' offices. Repeal of the entire act was a surprise. He said he was also not unsympathetic with small retailers of gasoline. This bill is unenforceable. There are no county attorneys who possess expertise on this area.

Gary Balaz, Deputy County Attorney from Bozeman, said he supported this bill and reiterated previous testimony.

Bob McCarthy, Silver Bow County Attorney, said he supported this bill.

Janice Rehberg, Gasomat of Montana, said she was an attorney who had spent two years in court on the issue of this bill.

Faye M. Walton, Manager, Trailside, said there had been many articles in the newspapers about their organization getting letters from the county attorney indicating their gas prices were below the 6% law.

Gail Abercrombie, Executive Director, Montana Petroleum Association, Rocky Mountain Oil and Gas Association, said she wanted to clarify for the committee the organization she represents had no company-operated outlets or directly supplied dealers in Montana.

Opponents' Testimony:

Ronna Alexander, Wholesalers Industry Leaders of Petroleum Products in Montana, said the benefits gained from a prolonged low cost selling situation are not worth the long term ramifications of fewer competitors in the marketplace. They

understand the county attorneys' frustrations because it is a complicated issue but they still urge the rejection of this bill.

Steve Visocan said he opposed this bill and presented charts regarding retail pricing. He also said the retail price of gasoline this summer was higher in Montana than in its neighboring states. This resulted because the state gasoline tax is higher in Montana and the refinery/terminal price was higher. The average retail margin was lower. Retail margins fluctuate significantly. A 6% per gallon margin barely covers cost and does not provide an inventory with a return on their investment. The Retail Motor Fuel Act is intended to stop predatory pricing used to drive competition out of business. More competition will mean lower prices. It has not raised motor fuel prices in Montana. **EXHIBIT 8**

TAPE 2, SIDE A

Ron Leland said he opposed the bill. He also said in April of 1993 he monitored gas prices in Helena and there was one company in violation of the law by almost 12 cents.

Bill Stevens, Montana Food Distributors Association, said a large portion of their membership are the convenience stores.

Doug Alexander said he represented 15 dealers and the elimination of this bill does create an un-level playing field. **EXHIBIT 9**

Dave Sutuy said he was an operator of some convenience stores and opposed this bill.

Larry Fasbender, Montana Housing Cooperative, said they opposed this legislation.

Beth Baker, Department of Justice, said the Attorney General's office has been involved with this law for several years. She said their office was also very sympathetic with the county attorneys' concerns. The county attorneys do not have the resources or expertise to enforce this law nor does the attorney general's office.

Questions From Committee Members and Responses:

REP. ALVIN ELLIS questioned the ownership of their facility and the owner of her store from Montana. **Ms. Walton** said the owner of Trailside is Rulecall. **REP. ELLIS** questioned the resources. Is it also true that trying to get into civil court to determine anti-trust acts is expensive. **Ms. Baker** said yes to the questions. She also said Montana does not have an anti-trust division in the Attorney General's office.

REP. ELLINGSON asked for the ownership of most of the retailers. He asked if there were any owned directly by the oil companies.

Mr. Visocan said there were out-of-state owners who had retail outlets and do not have refineries in Montana.

CHAIRMAN SIMON said in reviewing the charts which were distributed, the price for gasoline in Utah was 57.73 and in Montana the price was 18 cents higher. If Flying J buys their product in Utah and delivers to Montana plus the cost of their transportation, potentially their price would be lower by virtue of the fact they bought their product in Utah. **Mr. Visocan** said yes.

Closing by Sponsor:

The sponsor closed.

HEARING ON HB 518

Opening Statement by Sponsor:

REP. CARLEY TUSS, HD 46, Cascade County said this was an act establishing uniform procedures for licensing and the general regulation of professional boards. The genesis of this bill was the frustration of this committee in a session two years ago when there were requests for statutory changes and permission for the boards to proceed in various kinds of activities over their own boards. She then presented amendments to the bill.

Proponents' Testimony:

Steve Meloy, Bureau Chief, Professional and Occupational Licensing, Department of Commerce, provided written testimony from various boards in their favor of this bill. **EXHIBIT 10**

Leo Giacometto, Governor's Office, said he supported this bill because it is something which needs to be done and has been needed for quite some time. It is also one of the proposals mentioned in the Task Force. There were many hearings on this issue and it is a good piece of legislation and one which would streamline government.

Mona Jamison, Montana Speech, Language, Hearing Association and the Montana Association of Clinical Laboratories and Scientists and the Montana Association of Physical Therapists, said there were many proposals in the Task Force that were made which were discussed. This was the proposal that those groups which had been represented were found to have a solid proposal. It cuts down on the length of statutes, consolidates rulemaking, provides boards with less rulemaking. There is concern of the coordination construction in the bill.

Lance Melton, Attorney, Department of Commerce, said the amendments clarify language in the bill and improve it.

Robin Cunningham, Board of Outfitters, said they support this bill.

Shirley Wareheim, Montana Society of Certified Public Accountants, provided her testimony regarding various sections of the bill. **EXHIBIT 11**

Mark Staples, Montana Chiropractic Association, said they support this bill.

Farrell Rose, Vice Chairman, Real Estate Appraisal Board, stated his support of this bill.

Chris Herbert, Dental Hygienists Association, said she favored this bill.

Ben Havdahl said it appeared this bill presents an excellent opportunity to improve the ability of the Board of Hearing Aid Dispensers to operate more effectively and efficiently. **EXHIBIT 12**

Opponents' Testimony:

None.

Informational Testimony:

SEN. STEVE BENEDICT, EXHIBIT 13

Questions From Committee Members and Responses:

REP. PAVLOVICH questioned the concerns of **Mr. Havdahl** and the effective date. **Mr. Melton** said the concerns expressed by **Mr. Havdahl** seem to be the same concerns of **Ms. Jamison**. They did not want to undo changes which have just been accomplished. They would be amenable to putting in a coordination instruction which would say those sections would not be repealed. The Department believes these changes are necessary immediately.

REP. COCCHIARELLA questioned the coordination issue, continuing education and expanding the continuing education. **Mr. Melton** said the boards understand these standardized procedures are essentially going to be the last issue addressed in the standardized act. If there are necessary changes to these 20 sections, a consensus would be required of the boards in terms of deciding whether it is truly necessary to disturb the act in order to improve it. If there were a real problem this would occur. The act addresses continuing education, temporary licensure, licensure of individuals from other states, inactive status and disciplinary procedures.

CHAIRMAN SIMON questioned the levy of fines up to \$1000, working without a license and the standards imposed. **Mr. Melton** said a civil fine not to exceed \$5000 with the amendments would improve

this bill. The authorization of an administrative fine is different from the other administrative fining bills because this indicates that upon a decision that a licensee is violated and not able to practice with reasonable skill and safety must be followed by a hearing or pursuant to an agreement by the licensee. The bill specifies the board may, under the guidelines, develop rules regarding continuing education, etc.

Closing by Sponsor:

The sponsor closed.

TAPE 2, SIDE B

HEARING ON HB 488

Opening Statement by Sponsor:

REP. TUSS said this bill denies insurance companies the right from using credit as a sole deterrent of whether that person is insurable for auto insurance and homeowners insurance. There are people who have been denied automobile insurance based upon adverse credit. It also affects people who have applied for home owners insurance. A credit history is limited to a debt history and does not include any other public information. She also supplied copies of letters from the Intermountain Mortgage Company and Trinity Universal Credit Analysis. **EXHIBIT 14**

Proponents' Testimony:

Roger McGlenn, Executive Director, Independent Insurance Agents Association of Montana, said they support this bill. Credit history should not be the sole criteria used in underwriting of an insurance policy for personal auto and homeowners.

Jacqueline Lenmark, American Insurance Association, said she was also speaking for **Larry Akey, National Association for Independent Insurers**. They supported this bill and will continue to support it as long as they are permitted to use credit history in some measure in rating a policy. That is an important factor but it should not be used as the sole factor.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 458

Motion/Vote: REP. LARSON MOVED TO TABLE HB 458. Motion carried 18-0.

EXECUTIVE ACTION ON HB 401

Motion: REP. PAVLOVICH MOVED HB 401 DO PASS. REP. PAVLOVICH MOVED THE AMENDMENTS.

Discussion:

Ms. Herbert explained the amendments.

REP. LARSON said the committee had received a copy of the amendments. Dr. Kerr said he had seen the amendments and they are a step in the right direction, but certainly do not come anywhere near solving the problems this bill has created. It is still going to increase the cost of dentistry to consumers who are still going to have a scope of practice which has never occurred in the state by creating a new board. It is not going to solve the problem. Ms. Sikelsteel said these amendments do not clarify if a dental assistant may do sealants and other duties which they had normally done. They were very unclear.

CHAIRMAN SIMON said at the time of the hearing there were some amendments proposed and he wanted to determine if these amendments were included in the amendments being voted upon. The answer was affirmative.

Vote: Motion carried to adopt the amendments 14-4 with REPS. FORBES, MCKEE, OHS and LARSON voting no.

Motion: REP. PAVLOVICH MOVED HB 401 DO PASS AS AMENDED.

Discussion:

REP. ELLIS indicated his opposition to the bill.

REP. MILLS stated his opposition to the bill.

REP. COCCHIARELLA said there had been several comments made about other boards and their relationships. This bill may not be the perfect answer and does not meet the concerns which dental assistants have. Dentists have always fought the hygienists right to say how they do their practice. She supported the bill.

REP. TUSS said she favored the bill.

REP. ELLINGSON indicated he supported this bill.

REP. FORBES stated her opposition to the bill.

REP. DEVANEY stated his opposition to the bill.

Vote: A roll call vote was taken which failed 6-12 with REPS. SIMON, PAVLOVICH, COCCHIARELLA, ELLINGSON, EWER and TUSS voting yes.

Motion/Vote: REP. FORBES MOVED TO TABLE HB 401. Motion carried 12-6 with REPS. SIMON, PAVLOVICH, COCCHIARELLA, ELLINGSON, EWER and TUSS voting no.

EXECUTIVE ACTION ON HB 510

Motion: REP. COCCHIARELLA MOVED HB 510 DO PASS. REP. COCCHIARELLA MOVED THE AMENDMENTS.

Discussion:

REP. DEVANEY said if an appraisal is required by one of these institutions that is fine. An evaluation of all collateral of all loans must be made. Part of a credit file on any loan, including real estate loans, must have an evaluation although it may not need an appraisal.

Vote: Motion failed to adopt the amendments by 6-12 with REPS. PAVLOVICH, COCCHIARELLA, ELLINGSON, EWER, LARSON and TUSS voting yes.

Motion: REP. PAVLOVICH MOVED HB 510 DO PASS.

Discussion:

REP. MILLS said he still opposed the bill because of the way it spoke to federally-insured lending institutions.

REP. ELLIS said he had spoken to an appraiser in his district who had indicated opposition to the expansion where appraisals are necessary. He then said he was not out to salvage the bill, part of section C, sub-section (4) should be deleted.

REP. COCCHIARELLA said there was testimony which does not necessarily address the language in this bill. There were many issues raised that this bill does not address. This bill only asks when there is an appraisal which is required, should a licensed appraiser do that work. What is being protected in this bill? Bankers and unscrupulous realtors are the people being protected by this bill.

REP. PAVLOVICH asked if the penalty was removed, would this cause an objection.

REP. COCCHIARELLA said it is not necessary to try to amend this bill further.

Vote: A roll call vote was taken which failed 4-14 with REPS. PAVLOVICH, COCCHIARELLA, ELLINGSON and LARSON voting yes.

Motion/Vote: REP. MILLS MOVED TO TABLE HB 510. Motion carries 4-14 with REPS. PAVLOVICH, COCCHIARELLA, ELLINGSON and LARSON voting no.

Discussion: REP. COCCHIARELLA said the committee has taken action on several serious issues but it is important to know who testified on these bills and previous bills.

EXECUTIVE ACTION ON HB 495

Motion: REP. EWER MOVED HB 495 DO PASS.

Discussion:

REP. HERRON said REP. EWER could not find in the bill if the definitions addressed fast food restaurants such as McDonalds or Wendy's would be eligible to acquire such a license if they desired. In so doing does the state law say something about being 18 or 19 years of age to serve.

REP. PAVLOVICH stated a person could be 18 years of age to serve and can own an establishment at 18 years of age but a person cannot drink in that establishment.

REP. HERRON said this bill would cut many younger people out of a job.

REP. ELLIS stated this is not the case. It could not be assumed that every retail food outlet is going to want to pay \$1000 a year for a beer and wine license.

REP. MILLS said he believed it was true that jobs will be lost. The annual fee is only \$300 and not \$500.

REP. KEENAN said a beer and wine endorsement could be granted a gambling endorsement. People who have the gambling endorsement will be able to sell their licenses and there will be an explosion in gambling places and they will get a non-gambling license.

REP. LARSON said there are virtually unlimited numbers of beer and wine licenses available. There are only certain areas where they are overpriced. The committee was informed there was a 25% turnover in the industry every year. They are processing 400-500 licenses a year and there are only 1600 licensees. This is a highly unstable industry because a person cannot make a living. There will be more of a turnover in the industry and a move toward more dependence on gambling devices. If people want a beer and wine license they are available and because of the

gambling endorsement they don't need to use the gambling license. That is their choice.

Vote: Motion failed to pass 5-13 with REPS. SIMON, ELLINGSON, EWER, MARSHALL and TUSS voting yes.

Motion/Vote: REP. PAVLOVICH MOVED TO TABLE HB 495. Motion carried 13-5 with REPS. SIMON, ELLINGSON, EWER, MARSHALL and TUSS voting no.

EXECUTIVE ACTION ON HB 527

Motion/Vote: REP. LARSON MOVED HB 527 DO PASS. Motion carried 12-6 with REPS. HERRON, BARNETT, EWER, MARSHALL, SIMON and KEENAN VOTING NO.

EXECUTIVE ACTION ON HB 488


Motion: REP. TUSS MOVED HB 488 DO PASS. REP. TUSS MOVED THE AMENDMENTS.

Vote: Motion carried to adopt the amendments 18-0.

Motion/Vote: REP. TUSS MOVED HB 488 DO PASS AS AMENDED. Motion carried 18-0.

ADJOURNMENT

Adjournment: 11:55 AM.


BRUCE T. SIMON, Chairman


ALBERTA STRACHAN, Secretary

BTS/ajs

HOUSE OF REPRESENTATIVES

Business and Labor

ROLL CALL

DATE 2-15-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bruce Simon, Chairman	X		
Rep. Norm Mills, Vice Chairman, Majority	X		
Rep. Bob Pavlovich, Vice Chairman, Minority			
Rep. Joe Barnett	X		
Rep. Vicki Cocchiarella	X		
Rep. Charles Devaney	X		
Rep. Jon Ellingson	X		
Rep. Alvin Ellis, Jr.	X		
Rep. David Ewer	X		
Rep. Rose Forbes	X		
Rep. Jack Herron	X		
Rep. Bob Keenan	X		
Rep. Don Larson	X		
Rep. Rod Marshall	X		
Rep. Jeanette McKee	X		
Rep. Karl Ohs	X		
Rep. Paul Sliter	X		
Rep. Carley Tuss	X		



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Business and Labor** report that **House Bill 527** (first reading copy -- white) **do pass**.

Signed:

A handwritten signature in cursive script, appearing to read "Bruce Simon".
Bruce Simon, Chair

Committee Vote:
Yes 12, No 6

391422SC.Hbk



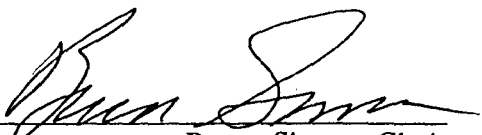
HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Business and Labor report that House Bill 488 (first reading copy -- white) do pass as amended.

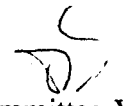
Signed:


Bruce Simon, Chair

And, that such amendments read:

1. Page 3, line 10.
Following: "insurer"
Strike: "or its agent"

-END-


Committee Vote:
Yes 18, No 0

391424SC.Hbk

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 2-15-95 BILL NO. 401 NUMBER

MOTION: To Pass As Amended

NAME	AYE	NO
Rep. Bruce Simon, Chairman	✓	
Rep. Norm Mills, Vice Chair, Maj.		✓
Rep. Bob Pavlovich, Vice Chair, Min.	✓	
Rep. Joe Barnett		✓
Rep. Vicki Cocchiarella	✓	
Rep. Charles Devaney		✓
Rep. Jon Ellingson	✓	
Rep. Alvin Ellis, Jr.		✓
Rep. David Ewer	✓	
Rep. Rose Forbes		✓
Rep. Jack Herron		✓
Rep. Bob Keenan		✓
Rep. Don Larson		✓
Rep. Rod Marshall		✓
Rep. Jeanette McKee		✓
Rep. Karl Ohs		✓
Rep. Paul Sliter		✓
Rep. Carley Tuss	✓	

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 2-15-95 BILL NO. 510 NUMBER _____

MOTION: Table

NAME	AYE	NO
Rep. Bruce Simon, Chairman		✓
Rep. Norm Mills, Vice Chair, Maj.		✓
Rep. Bob Pavlovich, Vice Chair, Min.	✓	
Rep. Joe Barnett		✓
Rep. Vicki Cocchiarella	✓	
Rep. Charles Devaney		✓
Rep. Jon Ellingson	✓	
Rep. Alvin Ellis, Jr.		✓
Rep. David Ewer		✓
Rep. Rose Forbes		✓
Rep. Jack Herron		✓
Rep. Bob Keenan		✓
Rep. Don Larson	✓	
Rep. Rod Marshall		✓
Rep. Jeanette McKee		✓
Rep. Karl Ohs		✓
Rep. Paul Sliter		✓
Rep. Carley Tuss		✓

HOUSE OF REPRESENTATIVES

BUSINESS AND LABOR COMMITTEE

ROLL CALL VOTE

DATE 2-15-95 BILL NO. 495 NUMBER _____

MOTION: No pass

NAME	AYE	NO
Rep. Bruce Simon, Chairman	✓	
Rep. Norm Mills, Vice Chair, Maj.		✓
Rep. Bob Pavlovich, Vice Chair, Min.		✓
Rep. Joe Barnett		✓
Rep. Vicki Cocchiarella		✓
Rep. Charles Devaney		✓
Rep. Jon Ellingson	✓	
Rep. Alvin Ellis, Jr.		✓
Rep. David Ewer	✓	
Rep. Rose Forbes		✓
Rep. Jack Herron		✓
Rep. Bob Keenan		✓
Rep. Don Larson		✓
Rep. Rod Marshall	✓	
Rep. Jeanette McKee		✓
Rep. Karl Ohs		✓
Rep. Paul Sliter		✓
Rep. Carley Tuss	✓	

TESTIMONY - HB 495

Mr. Chairman and Members of the Committee:

For the record, my name is Ellen Engstedt and I represent Don't Gamble With The Future. We are a statewide organization opposed to the expansion of gambling and in favor of stronger regulation of the gambling currently legal. Our membership is comprised mostly of small business folks and their families.

I am here in support of HB 495.

The explosion of gambling in Montana over the past ten years has, in my opinion, nearly destroyed the quota system for liquor licenses and on-premise beer and wine licenses. The quota system was established to limit alcoholic beverages, presumably so there would not be a bar on every corner in every town. Another example of those do-gooders legislating morality!

With the legalization of gambling and by attaching the permitting of gambling machines to liquor licenses, the value of the liquor licenses and the on-premise beer and wine licenses jumped dramatically. As was pointed out in the hearing on the anti-stacking bill carried by Rep. Larson, this is a problem mostly in the more densely populated areas of Montana and not so much in the rural areas.

Rep. Johnson's bill would establish another class of liquor license by which the owner of a restaurant who does not want to have gambling in his establishment could acquire a beer and wine license, but could not have gambling. Many small restaurants in

Montana do not have beer and wine to offer with their meals because of the price of those licenses and the fact that the existing licenses are being bought up by gambling advocates, not for the beer and wine but for the ability then to obtain a gambling permit. There are those who have not opened restaurants because there was no possibility of ever getting a liquor license because of the cost.

The one concern Don't Gamble has is with those beer and wine licenses that could be sold and that now have gambling permit possibilities and that they would be exchanged for the less-expensive restaurant licenses and thus would cause an expansion of gambling by their availability.

Figures from the Departments of Justice and Revenue indicate that about 60 establishments statewide currently have beer and wine licenses without gambling. Some of those could exchange their licenses and in all likelihood the buyers would be those who want gambling permits. Many of those 60 establishments, however, would probably keep the licenses because they are a business asset and will keep appreciating in value. Hopefully, from our perspective, Rep. Johnson's bill would provide NEW restaurants with the ability to have beer and wine with their food and without having to pay a fortune for a license, if able to find one for sale.

HB 495 is a good business bill and I encourage the Committee's support. Thank you.

EXHIBIT 2
DATE 2-15-95
HB 495

1222 Lincolnwood Rd.
Missoula, MT 59802
February 14, 1995

Representative Bruce Simon, Chairman
House Business and Labor Committee
Montana House of Representatives
Capitol Building
Helena, Montana 59620

Dear Representative Simon,

I have been asked in my capacity as a professional economist to render an opinion as to whether the creation of a new class of alcoholic beverage licenses, such as the type offered in HB 495, would diminish the value of presently issued licenses in Montana. I gave my written opinion in 1991 that this was most certainly the case, and I submit to you the letter of mine that was entered into testimony at the 1991 Legislative hearing on this matter.

I therefore reaffirm the opinion held in that letter, and in fact, given the escalation of prices in the current market, I think it is even more true today than it was then.

Sincerely,

Paul E. Polzin
Economist

***** F A X T R A N S M I T T A L M E M O *****	
TO: <u>Mark Staples</u>	
DEPT: _____	FAX #: <u>443-7706</u>
FROM: <u>P. Polzin</u>	PHONE: <u>243-5713</u>
CO: _____	FAX #: _____
Post-It brand fax transmittal memo 7671	
NO. OF PAGES <u>1</u>	

1222 Lincolnwood Rd.
Missoula, MT 59802
February 11, 1991

Mark Staples
34 W. Sixth
Helena, MT 59624

Dear Mark:

You asked for my professional opinion concerning the impacts of removing restrictions on the number of beer and wine licenses. I believe that the value of the licenses will decrease as a result of the deregulation and the current owners may suffer significant financial losses.

Currently, there are restrictions on the number of licenses that may be issued in a county. There are also numerous examples of existing licenses which have been bought and sold. These facts indicate to me that the regulatory procedures have created a commodity which has value to the owner. That is, the licenses are a valuable good and are part of the owner's assets, just like his building, inventory, and other items.

Easing the restrictions on the number of licenses in a county is equivalent to increasing the supply of those licenses. Holding everything else the same, an increase in the supply of any good will decrease its price. Those persons already holding the good will experience a decrease in their wealth because the decline in the value of the good.

Specifically, many of the existing licenses have value and are assets to their owners. This value owes its existence to the restrictions on the number of licenses. If these restrictions are modified and the number of licenses increases, the current owners will suffer losses.

I hope that this answers your question.

Sincerely,

Paul E. Polzin
Economist

TESTIMONY - HB 527

Mr. Chairman and Members of the Committee:

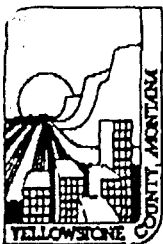
For the record, my name is Ellen Engstedt and I represent Don't Gamble With The Future. We are a statewide organization opposed to the expansion of gambling and in favor of stronger regulation of gambling currently legal.

We strongly oppose HB 527 because it is an expansion of gambling.

Keno machines are more popular than poker machines because the gambler sees a remote chance of winning more if playing a machine with higher payouts. To many of us \$800 is a lot of money and that higher payout serves as an enticement to gamble more. Increasing the payout limit on poker machines is a definite expansion of gambling.

If those in the gambling industry would like to have the payout limits equal using a fairness argument and, if gambling in Montana is supposed to be "entertainment", we would be happy to support both payouts at the original \$100 limit and adopt an amendment that changes the \$800 back to \$100 for all video gambling machines. The playing field would be even and Montanans would be doing what they thought they were doing -- playing video gambling machines for FUN!!

Thank you.



YELLOWSTONE COUNTY ATTORNEY

217 North 27th Street
P.O. Box 35025
Billings, MT 59107-5025
(406) 256-2870
(406) 256-6931 - Fax

Dennis Paxinos
Yellowstone County Attorney

EXHIBIT 4
DATE 2-15-95
HB 487

February 13, 1995

Representative Joan Hurdle
Montana State Capital Station
Helena, Montana 59620

VIA FAX (900) 225-1600
FOLLOWED BY U.S. MAIL

Re: Retail Motor Fuel Marketing

Dear Representative Hurdle:

This letter is in response to your request for my viewpoint concerning this act. I had first proposed as an amendment to Section 30-14-806 that any reference to the Department of Justice or County Attorney be stricken and be replaced with the Department of Commerce. There are a number of reasons for this proposal. First of all, selling gas below cost is not a crime. It is a civil matter between two or more different merchants. County Attorneys represent the State of Montana in criminal matters or they represent their counties in civil matters not private merchants. Second, the county attorneys office has no expertise in determining what the retail price of gasoline should be. A County Attorneys office has no way of determining or knowing what the rack price or cost of transportation or how any of these costs are derived without going through a private merchant's records. Third, there is no method by which a county attorney can investigate such matters efficiently. A county attorney relies on deputy sheriffs or police officers to investigate cases. I cannot imagine a deputy sheriff or police officer going to a gasoline merchant to find out how the price of gasoline came to be posted.

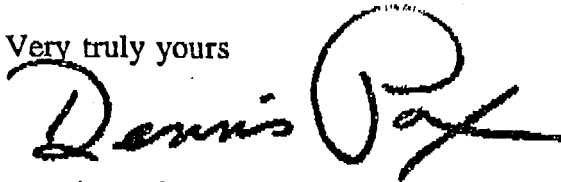
Over the last four years, several problems arose with this statute and came to my attention. The first, obviously, it is very difficult to prove. Second, it's difficult to measure what the damages are or should be. Third, it is difficult if not impossible to enforce the statute as it is written. I have found the best method to handle these matters is by "power of persuasion": a letter addressed on my stationary to the "offending" gasoline merchants requesting them to reset the price of gasoline. In order to determine what that price should be, I rely upon the complaining merchant's letter which tells me how the price of gasoline should be set based upon that merchants calculations of the rack price et. al. Again, I have no way of knowing whether this information is correct or accurate. I have to rely upon a merchant's representation that it is accurate. A County Attorney relies upon sworn officers' statements and reports before any complaint is filed. A merchant is not a sworn officer of the law.

Again, these are just a few of the problems that I have found in trying to deal with the Retail Motor Field Marketing Act. This act is found in the commerce department's code section

Representative Joan Hurdle
February 13, 1995
Page Two

and therefore it is my belief that the enforcement of these codes and this act belongs to the commerce department. The commerce department should enforce it. This act should not be dumped upon a county attorneys office which has no expertise, nor time, nor inclination to try to determine what the price of gasoline should be every day of the year. If you have any further questions or comments please do not hesitate to contact me.

Very truly yours

A handwritten signature in black ink, appearing to read "Dennis Paxinos". The signature is stylized with a large, circular initial "D" and a long, sweeping horizontal stroke at the end.

Dennis Paxinos
Yellowstone County Attorney

DP/hp
enclosure

cc:

DATE 2-15-95
487

- (f) maintenance of equipment;
 - (g) losses due to breakage or damage;
 - (h) credit card fees or other charges;
 - (i) credit losses; and
 - (j) all licenses, taxes, insurance, and advertising.
- (3) "Customary discount for cash" means an allowance, whether part of a dealer discount or not, made to a wholesaler or retailer when a person pays for motor fuel within a limited or specified time.

(4) "Delivered cost of motor fuel" means:

- (a) for a distributor or retailer, the lower of the most recent cost of motor fuel to the distributor or retailer or the lowest replacement cost of motor fuel to the distributor or retailer within 5 days prior to the date of sale, in the quantity last purchased, whether within or before the 5-day period, less all trade discounts except customary discounts for cash plus transportation costs and any taxes that may be required by law if not already included in the invoice cost; or

(b) for a refiner, that refiner's posted rack price to the wholesale class of trade at the terminal used by the refiner to obtain the motor fuel, plus transportation costs and any taxes that may be required by law. If the refiner does not regularly sell to the wholesale class of trade at the terminal or does not post a terminal price, the refiner may use as its rack price the posted price of any other refiner at a terminal within the general trade area that has products readily available for sale to the wholesale class of trade.

(5) "Distributor" means a person engaged in the purchase of motor fuel for resale to a retail motor fuel outlet.

(6) "Motor fuel" means gasoline, as defined in 15-70-201, alcohol blended with gasoline to produce gasohol, and special fuel as defined in 15-70-301.

(7) "Person" means an individual, a sole proprietorship, a partnership, a corporation, any other form of business entity, or any individual acting on behalf of any of them.

(8) "Posted rack price" means the f.o.b. terminal price for a particular motor fuel that a refiner, producer, or person offers for sale or transfer to itself or any related or unrelated person.

(9) "Refiner" means a person engaged in the production or refining of motor fuel, whether the production or refining occurs in this state or elsewhere, and includes any affiliate of the person.

(10) "Retailer" means a person engaged in the business of selling motor fuel at a retail motor fuel outlet.

(11) "Retail motor fuel outlet" means a place of business where motor fuel is sold and delivered into the tanks of motor vehicles regardless of whether the income from the selling and delivery of the fuel is the primary source of revenue of that business.

(12) "Sale" means a transfer, gift, sale, offer for sale, or advertisement for sale in any manner or by any means of motor fuel, including a transfer of motor fuel by a person to himself or to his affiliate.

(13) "Transfer price" means the price used by a person to transfer motor fuel to himself or to an affiliate for resale at a retail motor fuel outlet.

Part 8 Retail Motor Fuel Marketing

Part Compiler's Comments
Termination Date Deleted: Section 2, Ch. 19, L. 1993, amended sec. 9, Ch. 499, L. 1991, to remove the termination of this part.

30-14-801. Short title. This part may be cited as the "Montana Retail Motor Fuel Marketing Act".

History: En. Sec. 1, Ch. 499, L. 1991.

30-14-802. Purpose. The legislature recognizes that independent and small dealers and distributors of retail motor fuel are vital to a healthy, competitive marketplace and are unable to survive financially in competition with subsidized, below-cost pricing at the retail level by dealers and distributors who have other sources of income. The legislature believes that subsidized, below-cost pricing is a predatory practice that is not conducive to fair trade. The legislature finds that below-cost pricing laws are effective in protecting independent and small retailers and wholesalers in other jurisdictions from subsidized pricing, which is inherently unfair and destructive, reduces competition in the motor fuel marketing industry, and is a form of predatory pricing. The purpose of this part is to prevent and eliminate predatory pricing of retail motor fuel.

History: En. Sec. 2, Ch. 499, L. 1991.

30-14-803. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Affiliate" means a person who, other than through a franchise or marketing agreement, controls, is controlled by, or is under common control with any other person.

(2) "Cost of doing business", in the absence of proof of lesser cost, means 3% of the delivered cost of motor fuel for wholesale sales and 6% of the delivered cost of motor fuel for retail sales and in other cases includes all costs incurred in the conduct of business, including but not limited to:

- (a) labor, including salaries of executives and officers;
- (b) rent that is not less than the fair market value based on current use;
- (c) interest on borrowed capital;
- (d) depreciation;
- (e) selling cost;

(14) "Transportation cost" means the actual cost of transportation of motor fuel or, in the absence of proof of actual cost, the common carrier rates fixed by the public service commission for the immediate market area concerned.

(15) "Wholesaler" means a person engaged in the business of making sales at wholesale to a retail motor fuel outlet.

History: En. Sec. 3, Ch. 499, L. 1991.

30-14-804. Below-cost sale prohibited. (1) A wholesaler may not sell motor fuel to a retail motor fuel outlet at less than the delivered cost of the motor fuel plus the cost of doing business if the effect is to injure or destroy competitors or to injure or destroy competition or substantially lessen competition.

(2) A retailer may not sell motor fuel at less than the delivered cost of the motor fuel plus the cost of doing business if the effect is to injure or destroy competitors or to injure or destroy competition or substantially lessen competition.

(3) A wholesaler may not sell or transfer motor fuel to itself or an affiliate for resale at a retail outlet at a transfer price lower than the price the wholesaler charges another retail motor fuel outlet that purchases a like quantity within the same competitive area if the effect is to injure or destroy competitors or to injure or destroy competition or substantially lessen competition.

(4) The provisions of this part do not apply to a sale at wholesale or a sale at retail made:

(a) in an isolated transaction not in the usual course of business;

(b) if motor fuels are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in the motor fuel and the advertising, offer to sell, or sale states the reason for the sale and the quantity of the motor fuel advertised, offered for sale, or to be sold;

(c) if the motor fuel is advertised, offered for sale, or sold as imperfect or damaged and the advertising, offer of sale, or sale states the reason for the sale and the quantity of the motor fuel advertised, offered for sale, or sold;

(d) if motor fuel is sold upon the final liquidation of a business; or

(e) if motor fuel is advertised, offered for sale, or sold by a fiduciary or other officer under the order or direction of a court.

(5) Notice required under this section is not sufficient unless the subject of the sale is kept separate from other stocks and is clearly and legibly marked with the reason for the sale and any advertisement of the goods indicates the same facts and the quantity to be sold.

(6) A wholesaler or retailer may advertise, offer to sell, or sell motor fuel at a price made in good faith to meet the price of a competitor who is selling the same or a similar product of like grade and quality. The price of motor fuel advertised, offered for sale, or sold under the exceptions in subsection (4) may not be considered the price of a competitor and may not be used as a basis for establishing prices below cost, and the price established at a bankruptcy sale may not be considered the price of a competitor under the provisions of this section.

30-14-805

TRADE AND COMMERCE

(7) If a wholesaler sells motor fuel to another wholesaler, the former not required to include in his selling price to the latter the cost of doing business as defined in 30-14-803, but the latter wholesaler, upon resale to retailer, is subject to the provisions of this section.

(8) Evidence of advertisement, offering to sell, or sale of motor fuel at less than cost is prima facie evidence of intent to injure competitors or destroy substantially lessen competition.

History: En. Sec. 4, Ch. 499, L. 1991; amd. Sec. 1, Ch. 519, L. 1993.

Compiler's Comments: Chapter 519 in (1), (2), 1993 Amendment: inserting to prima facie evidence. Amendment effective April 24, 1993.

and (3), after "destroy", inserted "competitors or to injure or destroy"; and inserted (8) relating to injure or destroy.

30-14-805. Voidance of existing contracts. A contract, express implied, made by a person in violation of a provision of this part is void and no recovery may be had on the contract.

History: En. Sec. 5, Ch. 499, L. 1991.

30-14-806. Penalty — disposition — relief. (1) A violation of 30-14-804 is an unfair trade practice.

(2) Upon presentation by an offended party of evidence of a violation of 30-14-804, the department of justice or a county attorney shall issue to the suspected retailer or wholesaler a demand by certified mail to cease the violation. If the violation is not corrected within 24 hours after the suspected retailer or wholesaler receives the notification, the department or the county attorney may bring an action to enjoin the violation.

(3) Upon conviction, a retailer or wholesaler is subject to a civil penalty of not more than \$1,000 a day for each day that the violation occurs, is liable for attorney fees, and is subject to injunctive relief.

(4) The department of justice or a county attorney may bring an action for a violation of 30-14-804. If the action is brought by:

(a) the department of justice, one-half of the amount of the penalty must be deposited in the general fund of the county where the action was brought and the remainder in the state general fund; or

(b) a county attorney, the entire amount of the penalty must be deposited in the general fund of the county where the action was brought.

(5) An action under this section must be commenced in the county where the motor fuel is sold.

(6) A person injured as a result of an act or practice that violates 30-14-804 may bring a civil action for appropriate relief, including an action for declaratory judgment, injunctive relief, and actual damages.

History: En. Sec. 6, Ch. 499, L. 1991.

Mr. Chairman & Members of the Committee:

I am Jack Gunderson, a former legislator, retired farmer and an angry consumer of gasoline. I support HB 487 which will repeal the Montana Retail Motor Fuel Marketing Act. This act has increased costs to all consumers, which many people predicted when it was enacted in 1991 and amended in 1993.

In reading 30-14-802, the Purpose, it sounds better than motherhood and apple pie. If you continue reading 30-14-803 subsection (2) "Cost of doing business, in the absence of proof of lesser cost, means 1% of the delivered cost of motor fuel for wholesale and 6% of the delivered cost of motor fuel retail sales. . ."

This in effect establishes a minimum retail price and shifts the proof of lesser cost to anyone who sells for less. With this shift we have eliminated competition in the marketplace. How many small independent dealers could afford attorneys to defend their costs?

I believe others will testify how this law is unworkable and unenforceable. Under 30-14-803 Definitions subsection (2)(j), which includes taxes especially bothers me. It includes state gasoline taxes which are 27.75 cents per gallon. These taxes are levied at the wholesale level. The wholesaler is allowed 1% for collecting and sending the tax to the state. So, where is there a cost to the wholesaler or retailer? Yet, they include the entire tax, that the consumer actually pays, as a cost of doing business! This 1% or .002775 cents times 469,742,431 gallons

used in Montana in 1993 amounts to an astounding \$1,303,535.24. And, after collecting the tax, the wholesaler gets the use of the money free for up to 55 days. They don't have to send in the money until the 25th of the month following collection.

I am not out to get anyone, but I am tired of retailer, wholesaler and refiners shifting the blame from one to the other while we are paying 9 to 21 cents more for gasoline while we are a gasoline exporting state. We do have the fourth highest gasoline tax in the nation, but this does not account for the higher prices we pay. For example, I was in Utah recently and purchased gas for \$1.009. Utah's gas tax is 8 cents less so the equivalent price in Helena would be \$1.089, 21 cents less. In Idaho Falls gas sold for \$1.149 so with 6 cents less tax it would be equivalent to \$1.209 or 9 cents less. Helena pump prices were \$1.299.

While doing research on gasoline pricing in Montana, I found that from April 18, 1994, to August 11th, retail prices advanced 18 cents per gallon, while refiner rack prices advanced 14.15 cents per gallon. Gas taxes increased .03 cents July 1, 1994, so prices were fairly constant over the period. What this doesn't show is that we had a 9-cent jump April 27, 1994, a 10-cent jump May 27, 1994, and a 6-cent advance July 1, 1994. It is not a coincidence this happens mostly before a major holiday. Since July 1, gasoline prices have averaged over \$1.30 per gallon through January 31, 1995, according to AAA Fuel Gauge Reports.

To further illustrate excessive pricing, on August 1, 1994, the rack price at Montana Refinery in Great Falls was 76.4 cents.

It dropped to 58.6 cents on December 26, 1994, or 17.8 cents per gallon. Retail prices dropped from \$1.349 to \$1.299 or 5 cents per gallon. Who is getting the 12.8 cents on top of the 7% cost of doing business?

It seems that after a suit was filed against Gasamat in Helena, every retailer in the state is afraid to lower prices as anyone can anonymously file a complaint against them and they could be taken to court to prove a lesser cost. Meanwhile, in other areas of the state, gas has sold for as low as \$1.149 in Glasgow and west of Butte at Rocker, two truck stops are selling gasoline at 13 to 17 cents under Butte stations only 5 miles away.

I have read the minutes of the 1990 Legislative Subcommittee on Marketing of Motor Fuels. They recommended this legislation on a 6-to-2 vote of the committee. The dissenting members were against it because it set a minimum price and it protected inefficient operators, which would drive up prices to consumers. Governor Mark Racicot, who was attorney general at that time, prepared a report on the laws affecting petroleum pricing, which had taken care of pricing problems since 1935. We have the Federal Antitrust Law, the Sherman Act, the Robinson-Patman Act, the Clayton Act, the Federal Trade Commission Act, and the Federal Petroleum Marketing Practices Act of 1978. He also presented Montana antitrust laws which are Unlawful Restraint of Trade 30-14-205, Unfair Competition in Sales 30-14-207, Below-Cost Sales 30-14-209, Rebates 30-14-215, and Unlawful Practices 30-14-103, which is an almost verbatim copy of the Federal Trade

Commission Act. It appears that almost all of the federal laws have been written into Montana law. The 1991 Legislature also passed HB 261 which wrote into Montana Law 81-15-203 a provision of the Robinson-Patman Act which allows an individual to bring suit for violation of below cost selling.

We did not have pricing problems and abuse before the Montana Retail Motor Fuel Marketing Act was passed. I first called the attorney general's office when I was concerned about the summer increases in gasoline prices. They referred me to the U.S. Anti-trust Department which wrote back that I did not have any specific evidence or indication of collusion. When I told them every station in town went up exactly the same amount overnight, it didn't mean a thing to them.

I then looked at Montana laws and after hearing of the suit against Gasamat, I concluded the Retail Motor Fuel Marketing Act was the biggest problem. I checked crude oil prices and refinery rack prices and something also could be done there as crude prices and rack prices don't jibe many times.

While passing this bill might not solve the problem, it is a start. Something is wrong with the entire system when gasoline is exactly the same price at almost every station from Dillon to Shelby, Montana - \$1.299 while at the same time, refinery prices drop 18 cents per gallon.

I urge passage of this bill to help Montana farmers, working people, truckers, tourists and all consumers. We have to have fairly priced gasoline for all if Montana's economy is to survive and prosper.

DATE	Refiner's Rack Price	State Tax	Dispensation	Wholesale Cost	% Wholesale & Retail Business	Minimum Price by Law	AAI Wholesale Retail	Profit or Loss	Total Wholesale Cost
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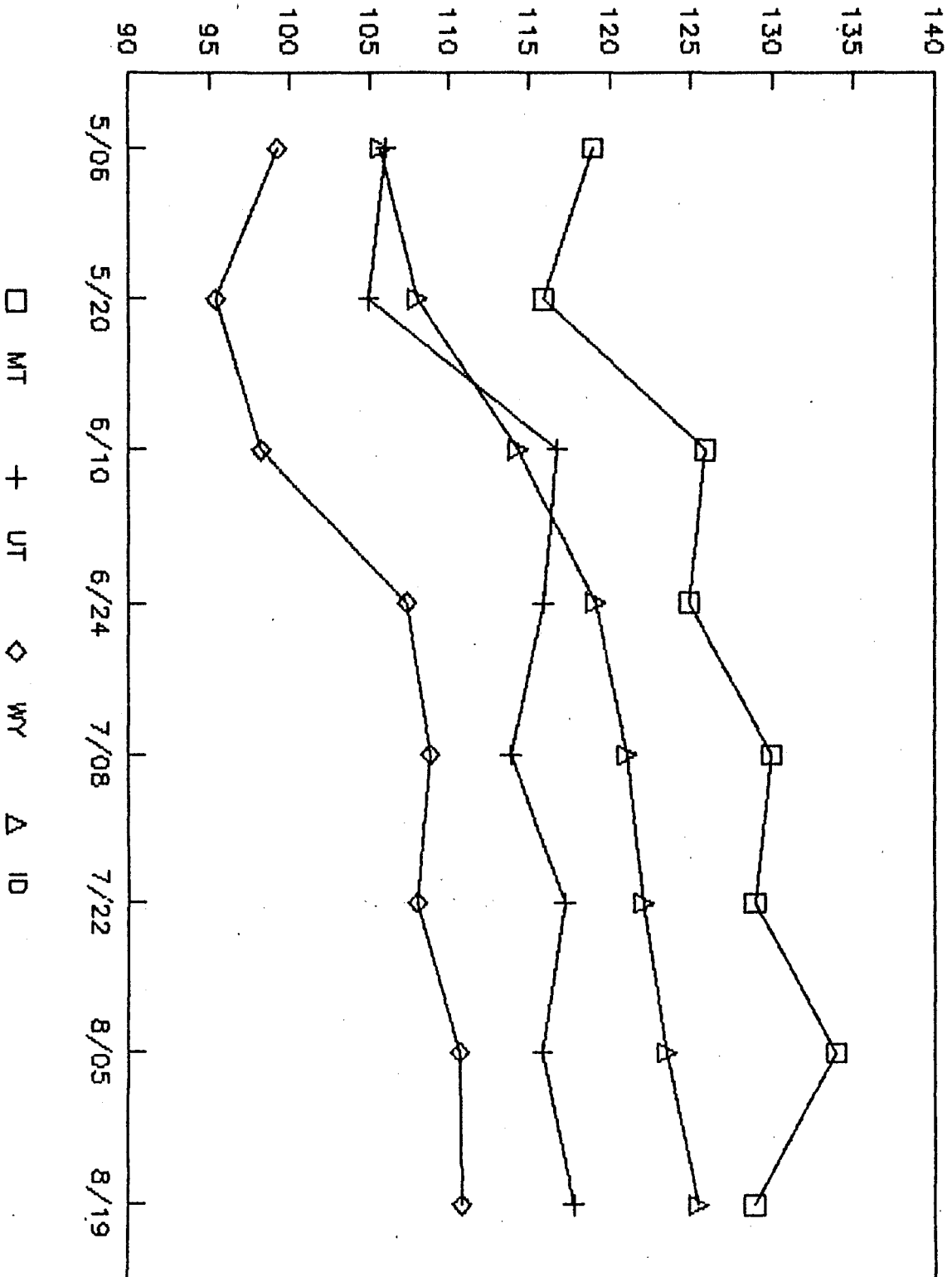
8-1	.7640	.4615	.0107	\$1.2362	\$.0865	\$1.3227	\$1.349	\$+.0263	\$+.1128
8-1	.7765	.4615	.0107	1.2487	.0874	1.3361	1.349	+.0130	+.1040
8-1	.7715	.4615	.0107	1.2437	.0870	1.3307	1.349	+.0183	+.1053
8-1	.7765	.4615	.0107	1.2487	.0874	1.3361	1.349	+.0130	+.1040
9-5	.7765	.4615	.0107	1.2487	.0874	1.3361	1.299	-.0371	+.0503
9-12	.7740	.4615	.0107	1.2462	.0872	1.3334	1.299	-.0344	+.0528
9-19	.7640	.4615	.0107	1.2362	.0865	1.3227	1.299	-.0237	+.0628
9-26	.7515	.4615	.0107	1.2237	.0856	1.3093	1.299	-.0103	+.0753
0-3	.6765	.4615	.0107	1.1487	.0804	1.2291	1.299	+.0699	+.1503
0-10	.6710	.4615	.0107	1.1432	.0800	1.2232	1.299	+.0758	+.1558
0-17	.6635	.4615	.0107	1.1357	.0794	1.2151	1.299	+.0839	+.1633
0-24	.6585	.4615	.0107	1.1307	.0791	1.2098	1.299	+.0892	+.1683
0-31	.6610	.4615	.0107	1.1332	.0793	1.2125	1.299	+.0865	+.1658
1-7	.6635	.4615	.0107	1.1357	.0794	1.2151	1.299	+.0839	+.1633
1-14	.6685	.4615	.0107	1.1407	.0798	1.2205	1.299	+.0785	+.1583
1-21	.6660	.4615	.0107	1.1382	.0796	1.2178	1.299	+.0812	+.1608
1-28	.6610	.4615	.0107	1.1332	.0793	1.2125	1.299	+.0865	+.1658
2-5	.6435	.4615	.0107	1.1157	.0780	1.1937	1.299	+.1053	+.1833
2-12	.6035	.4615	.0107	1.0757	.0752	1.1509	1.299	+.1481	+.2233
2-19	.5935	.4615	.0107	1.0657	.0745	1.1402	1.299	+.1588	+.2333
2-26	.5860	.4615	.0107	1.0582	.0740	1.1322	1.299	+.1668	+.2408
2-9	.5885	.4615	.0107	1.0607	.0742	1.1349	1.299	+.1641	+.2383
2-16	.5910	.4615	.0107	1.0632	.0764	1.1396	1.299	+.1594	+.2358
2-23	.5960	.4615	.0107	1.0682	.0747	1.1429	1.299	+.1561	+.2308
2-995	.5985	.4615	.0107	1.0707	.0749	1.1456	1.299	+.1534	+.2283

Wholesale distributors receive 1% of state gas tax \$.002775 X 469,742,431 gal. = \$1,303,535.24

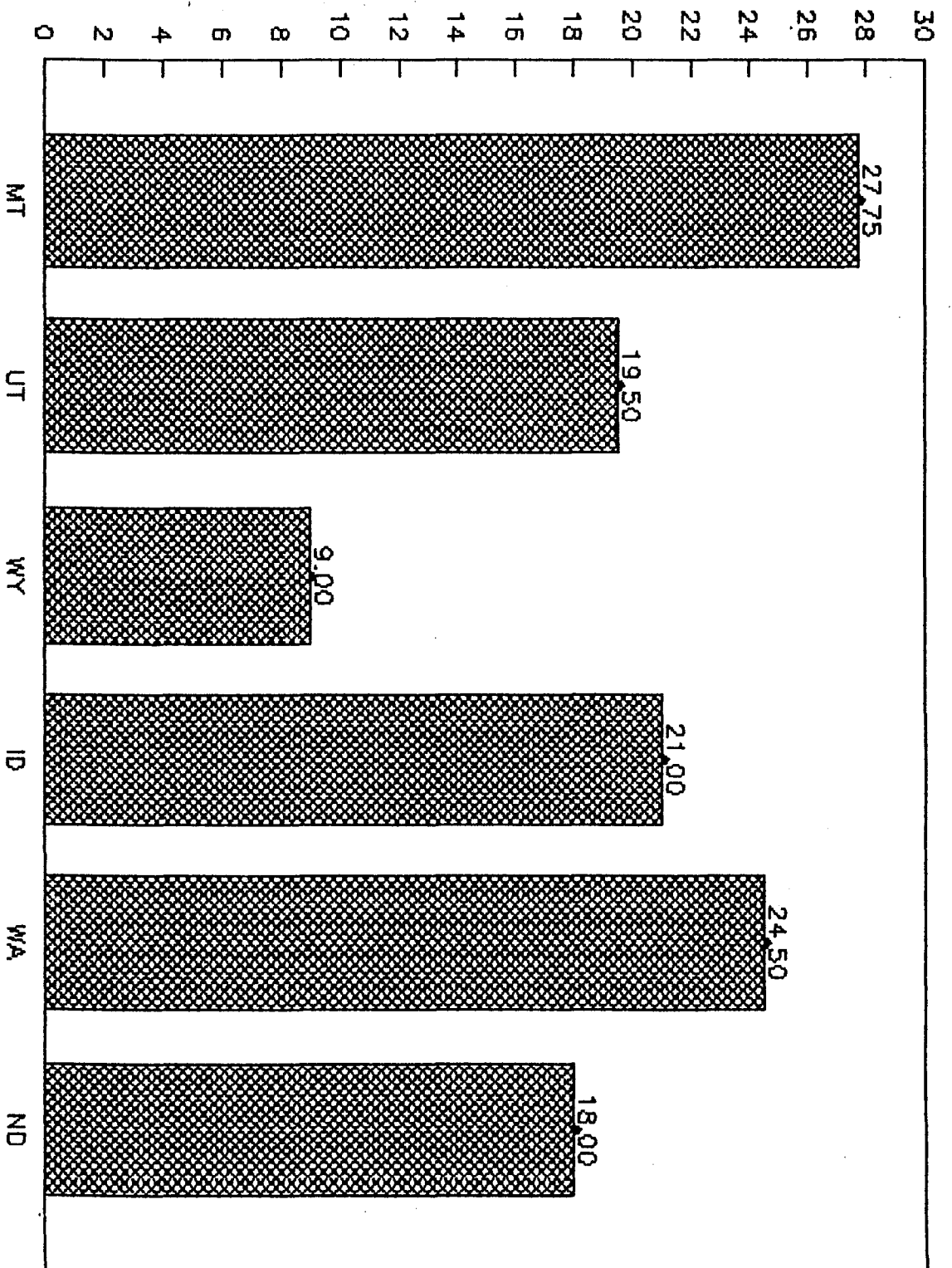
SECTIONS

EXHIBIT 8
DATE 2.15.95
HB 487

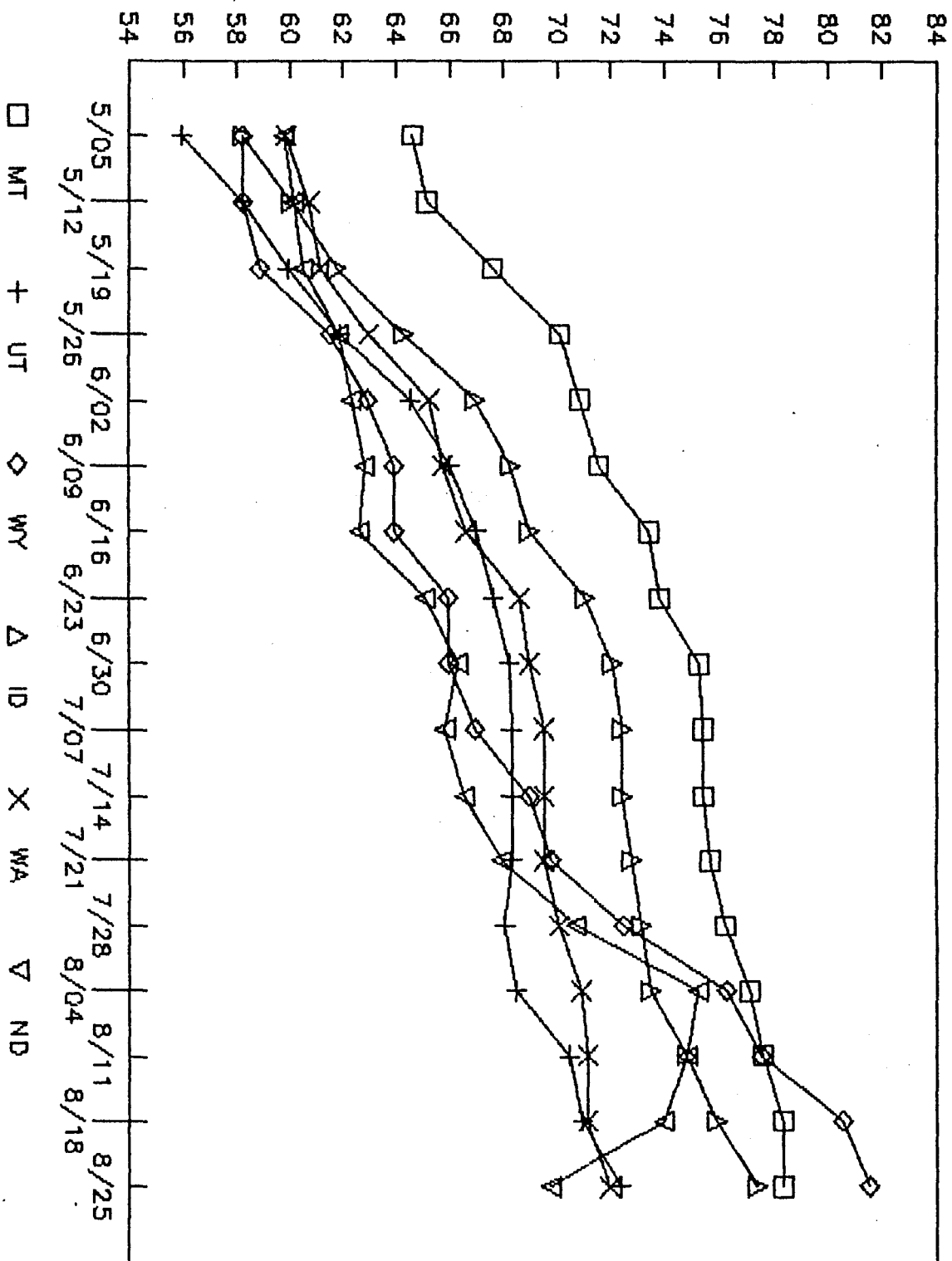
RETAIL PRICE Regular Unleaded Gasoline



STATE GASOLINE TAX



REFINER/TERMINAL PRICE Regular Unleaded Gasoline



RETAIL MARGIN

Regular Unleaded Gasoline

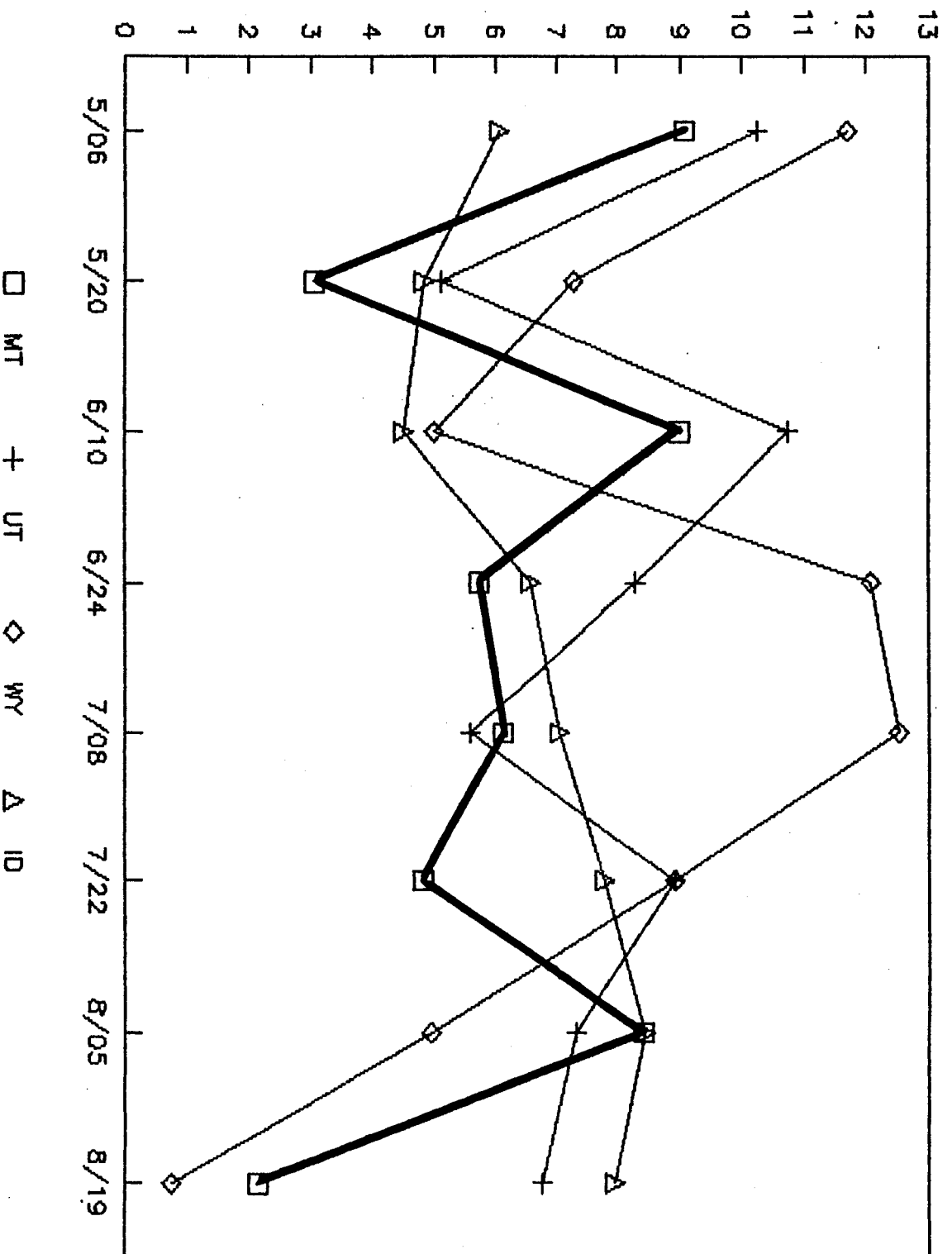
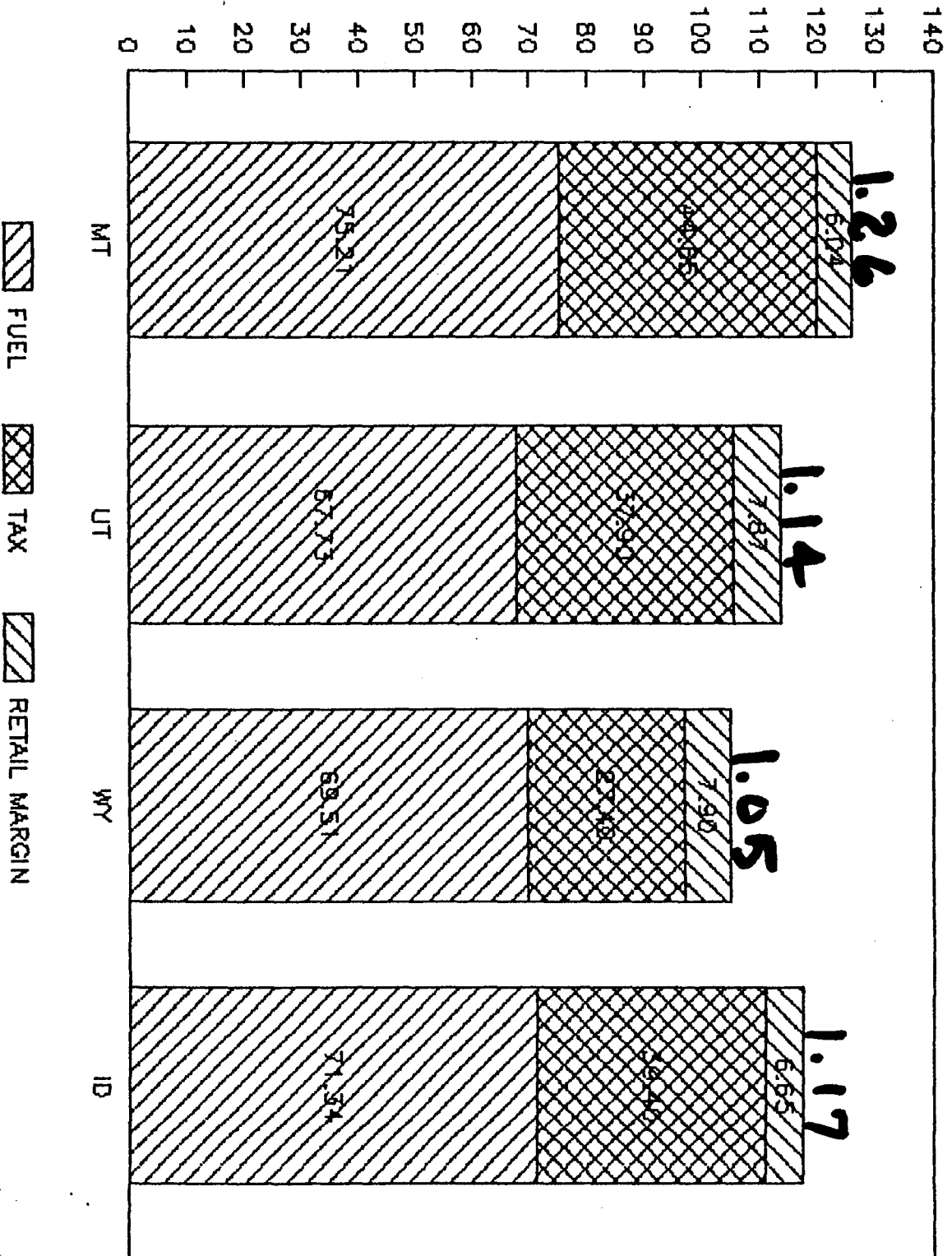


EXHIBIT 8
DATE 2-15-95
HB 487

AVERAGE UNLEADED PRICE

Summer, 1994



STEPHEN D. VISOCAN
 RETURN ON INVESTMENT
 ACTUAL RESULTS FOR MAY-AUGUST, 1994
 AVERAGE OF TWO STORES LOCATED IN HELENA

	AVERAGE MONTH	ANNUALIZED
Sales	163,916	1,966,995
Cost of Sales	150,439	1,805,272
Gross profit	13,477	161,723
Employee expense	5,982	71,786
Facility rental	4,135	49,620
Maintenance	476	5,707
Utilities	930	11,154
Taxes	579	6,945
Insurance	359	4,303
Other	622	7,464
Operating expense	13,082	156,979
Income	395	4,743
INVESTMENT	413,924	413,924
ANNUAL RETURN ON INVESTMENT - %		1.15

EXHIBIT 8
DATE 2-15-95
HB 487

MONTANA RETAIL MOTOR FUEL MARKETING ACT

A RETAILER MAY NOT SELL MOTOR FUEL AT LESS THAN THE DELIVERED COST OF THE MOTOR FUEL PLUS THE COST OF DOING BUSINESS, IF THE EFFECT IS TO INJURE OR DESTROY COMPETITION OR SUBSTANTIALLY LESSEN COMPETITION.

CONCLUSIONS

THE RETAIL PRICE OF GASOLINE THIS SUMMER WAS HIGHER IN MONTANA THAN IN IT'S NEIGHBORING STATES.

THIS WAS TRUE BECAUSE

- A) The state gasoline tax is higher in Montana, and
- B) The refiner/terminal price was higher.

THE AVERAGE RETAIL MARGIN THIS SUMMER WAS LOWER IN MONTANA THAN IN IT'S NEIGHBORING STATES.

RETAIL MARGINS FLUCTUATE SIGNIFICANTLY.

A 6 CENT PER GALLON MARGIN BARELY COVERS COST AND DOES NOT PROVIDE AN INVESTOR WITH A RETURN ON THEIR INVESTMENT.

THE RETAIL MOTOR FUEL ACT IS INTENDED TO STOP PREDATORY PRICING USED TO DRIVE COMPETITION OUT OF BUSINESS. MORE COMPETITION WILL MEAN LOWER PRICES. IT HAS NOT RAISED MOTOR FUEL PRICES IN MONTANA.

HB-487 SHOULD BE REJECTED.

Fuel-price act is good law

The Retail Motor Fuel Marketing Act passed by the 1991 Legislature, has received some undeserved, unfavorable press in recent months. Some from incorrect opinions. This is a good law intended to protect business and the consumer from unfair marketing practices of large petroleum marketers.

Since the days of John D. Rockefeller, large oil companies have cut their prices in selected markets to well below cost in order to drive their competition out of business or weaken them to a point that they could not compete effectively. Rockefeller used to refer to this as giving the competition "a good sweating." Once the competition was eliminated or adequately weakened, Rockefeller could charge any price he wanted for his oil products. He had control of the markets.

THIS PRACTICE HAS been continued in Montana. You can look at small communities within 35 miles of Helena which now have only one motor fuel outlet, because the old competitors were driven out of business by their competition selling gas for less than cost.

The Retail Motor Fuel Marketing Act says, "A retailer may not sell motor fuel at less than the delivered cost of the motor fuel plus the cost of doing business, if the effect is to injure or destroy competition or substantially lessen competition." Comments in the paper have indicated that marketers are required to sell gasoline for at least 6



YOUR TURN

percent over their cost. That's simply not true.

The Act says the retailer must recover his cost of doing business, whatever it is. In contrast to recent statements, the Act calls for using actual freight expense. If the retailer can buy his gasoline cheaper, haul it cheaper to his store or station, operate cheaper and more efficiently than his competitors, then he can sell gasoline all the way down to whatever it costs him. He just can't go below his cost if the effect is to injure or destroy competition.

A LETTER TO THE editor in the Independent

STEVE VISOCAN operates the Visocan Petroleum Company in Helena.

Record this summer commented on the high price of gasoline in Helena relative to neighboring states. Some of this difference can be explained by comparing state gasoline taxes; for example, Wyoming's tax is almost 20 cents per gallon lower than Montana. But that doesn't explain the whole difference.

Rather than looking to retailers to explain this pricing difference, concerned citizens should be looking to the refiners. The price charged for gasoline by the refiners was higher in Montana this summer than it was in our neighboring states. In fact, the refiners' price in Montana was as much as 10 cents per gallon higher than the price in North Dakota. Comparisons with Salt Lake, Spokane, Cheyenne, and Boise all have the same message. Retail prices were higher because of higher state taxes and higher refinery prices.

THE MONTANA RETAIL Motor Fuel Marketing Act is good for the consumer. It's not the reason gasoline prices are higher in Montana. If you look around you will see that we have a lot less refiners marketing in Montana (e.g. Amoco, Texaco, Phillips 66, etc.) Let's see that a similar situation does not become reality at the retail level.

EXXON

STORY DISTRIBUTING CO.
300 East Griffin Dr.
P.O. Box 1201
BOZEMAN, MONTANA 59771-1201
(406) 587-0702

EXHIBIT 9
DATE 2-15-95
HB 487

February 14, 1995

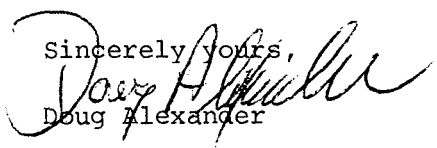
Representative Rod Marshall
State of Montana
Capitol Building
Helena, Montana

Dear Mr. Marshall,

I am a wholesale petroleum distributor that represents fifteen gasoline dealers in Gallatin and Park counties. I am asking for your support in defeating House Bill 487. This bill is extremely important to the well being of the small independent gasoline retailer. This bill does nothing to create higher prices as the proposer says it does. This bill creates an unlevel playing field so that large out of state corporations can use income derived from other states or other diversified income sources to eliminate the little guy.

Please vote against House Bill 487. If you have any questions at all, please feel free to call me at home at 587-9374 or at the above listed work number. Thank you for your help and consideration in defeating House Bill 487.

Sincerely yours,


Doug Alexander



MONTANA
DEPARTMENT OF COMMERCE

Professional and Occupational Licensing
Board of Nursing
111 North Jackson PO Box 200513
Helena, MT 59620-0513

EXHIBIT 10
DATE 2-15-95
HB 518

Phone: (406) 444-2071
FAX: (406) 444-7759
TDD: (406) 444-2978

TO: Steve Meloy, Bureau Chief, POL
FROM: Dianne Wickham RN, MN, Executive Director *Dianne Wickham*
RE: HB 518
DATE: February 14, 1995

At a February 14, 1995 Board of Nursing meeting held by teleconference, the Board took the action of voting to support HB 518.

Thank you.

cc: Lance Melton, Legal Counsel

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.



Montana Society of Certified Public Accountants

Diamond Block Building • 44 West Sixth Avenue • Post Office Box 138 • Helena, Montana 59624-0138 • Telephone 406/442-7301
Fax 406/443-7278

EXHIBIT 11
DATE 2-15-95
HB 518

MONTANA SOCIETY OF CPAs CONCERNS ABOUT HOUSE BILL 518

SECTION 6 - CONTINUING EDUCATION

- ♦ The words flexible, cost efficient, effective and geographically accessible are open to interpretation.
- ♦ MSCPA supports clarifying or eliminating this language from the bill.

SECTION 8 - DEPARTMENT AUTHORITY (paragraph 3)

- ♦ Would prove burdensome under current 5 member board structure.
- ♦ Would vest an unnecessarily large time and responsibility commitment on the part of two member screening panel.
- ♦ May necessitate an increase in the size of the board of public accountants which would require legislation in 1997 session.

SECTION 17 - UNPROFESSIONAL CONDUCT

- ♦ Too expansive to be relevant to all professions encompassed by the bill.
- ♦ Certain subsections appear to be relevant to all professions (i.e. fraud, conviction of a serious crime).
- ♦ Other subsections appear to be relevant only to specific professions.
- ♦ MSCPA supports elimination of language which is not relevant to all professions.
- ♦ Individual licensing boards can adopt profession-specific rules of conduct.

EFFECTIVE DATE

- ♦ October 31, 1995 as proposed in bill.
- ♦ MSCPA supports deferral of effective date until October 31, 1997 to allow time for possible restructuring of the board.

February 16, 1995
Statement on HB 518
House Business and Labor Committee
Ben G. Havdahl, Consumer Member
Board of Hearing Aid Dispensers

Mr. Chairman and members of the committee. For your record my name is Ben Havdahl and I reside at 534 Diehl Drive in Helena.

I am appearing as a proponent on HB 518 dealing with occupational licensing boards. Although I have served for the past four and one half years as the consumer member of the Board of Hearing Aid Dispensers, I do not consider myself to be an expert. However, after reading the bill and relating to my experience on the Board, I decided to offer my comments for what they maybe worth to the committee.

HB 518 proposes many changes in the way all Boards will be operating, if it is adopted. It makes uniform many more or less standard provisions in the law followed by Boards. From my own reading of the bill and listening to the testimony presented by the department, I think the changes are for the better and will improve the ability for the Board I am on as well as others to deal with complaints and disciplinary action meted out to deserving licensees.

As it applies specifically to the Board of Hearing Aid Dispensers, two or three questions come to my mind. This committee passed SB 95, dealing with changing provisions in the law affecting the Board of Hearing Aid Dispensers.

Section 37-16-202 is amended by this bill, deleting the power of the Board of Hearing Aid Dispensers to deal with complaints and grievances. SB 95 amended the same section granting the Board the power to "initiate" complaints against a licensee.

HB 518, in the new section 9 on page 6, covers complaints to the department from a person, government, or private entity but does not seem to provide for the Boards to "initiate" complaints. It is at least not clear to me if that language includes the Boards.

Section 9 also seems to require that complaints be made to the department and not directly to the Boards. Yet in section 2 on page 3, the definition of "complaint" means a written allegation filed with a board that, if true, warrants an injunction, disciplinary action against a licensee, or denial of an application submitted by a license applicant. This language seems to be shifting the responsibility for dealing with complaints to the department and away from the Boards. I feel this needs to be clarified as it may be confusing.

The other two sections amended in HB 518 of the law dealing with the Board of Hearing Aid Dispensers concern administrative matters and appear to be consistent with the current law.

HB 518 repeals three sections of the law affecting the Board of Hearing Aid Dispensers. One 37-16-406, dealing with admissions of licensees from other states and although SB 95 amended this section, HB 518 appears to me to be consistent with those amendments.

Section 37-16-411, dealing with the revocation or suspension of licenses and fines is being repealed by HB 518. The new language in sections 16, 13 and 17 in HB 518 appear to be an improvement. I feel that the bill will enable the Board to do an even better job administering this portion of the law if HB 518 is passed.

Section 37-16-414, the restitution provision in the Board of Hearing Aid Dispenser law is being repealed and that provision is effectively covered in section 13 of HB 518.

So, it appears to me that HB 518 presents an excellent opportunity to improve the ability of the Board of Hearing Aid Dispensers to operate more effectively and efficiently. I have to presume that is also true of the other Boards. Thank you.



The Big Sky Country

EXHIBIT 13
DATE 2-15-95
HB 518

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE STEVE BENEDICT

HELENA ADDRESS:
CAPITOL STATION
HELENA, MONTANA 59620

HOME ADDRESS:
P.O. BOX 668
HAMILTON, MONTANA 59840

COMMITTEES:
BUSINESS & ECONOMIC DEVELOPMENT
EDUCATION
LABOR

December 1, 1993

Mr. Jon Noel, Director
Department of Commerce
1424 9th Avenue
Helena MT 59620

Dear Mr. Noel:

Please be advised that the House Business and Economic Development Committee is very interested in considering various proposals to reduce and or eliminate state involvement in many state board and licensing activities. It is a matter of serious concern to our legislative committee that the state is over involved in time consuming resolutions of conflicts among the different boards and the constant changes in licensing regulations requested by the various factions represented on these boards.

We are asking the Department of Commerce to develop proposed legislation to be considered by the 1995 legislative session that would address board consolidation, dispute resolution, uniform licensing procedures, reduction of fees, privatization of many board functions, and other efficiencies appropriate to this process of streamlining state boards and licensing procedures. We are further requesting a full public process for these proposals that would enable all affected parties to voice their concerns.

Thank you for your continuing interest and support of a more efficient and focussed state government

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Benedict".

Steve Benedict, Chairman
House Business and Economic
Development Committee
Representative
HD 64



February 10, 1995

Ms. Carley Tuss
Montana State House of Representatives
Capital Station
Helena, MT 59620

EXHIBIT 14
DATE 2-15-95
HB 488

Dear Carley:

I am president of Intermountain Mortgage Co., Inc., in Billings Montana. I am writing to you today because of some serious concerns that I have regarding a recent practice by a number of insurance companies writing homeowners insurance coverage in Montana for Montana citizens. Apparently a number of insurance company underwriters are beginning the use of consumer credit reports in assessing their companies risk in writing homeowners policies. Presumably, they feel that a poor credit history greatly increases the risk of large and unwarranted claims being filed against the insurance policy. I have personal experience with two companies, but believe that this practice is becoming increasingly more widespread.

Intermountain Mortgage Co., Inc. is a locally owned and operated mortgage banking firm whose purpose is the origination and servicing of residential first mortgages, i.e. home loans. For obvious reasons we require an insurance binder for a property, in an amount equal to or greater than the loaned amount. Typically these binders are provided to us a few days before, or on the day of loan closing. Rarely do we receive a Notice of Cancellation, immediately after loan closing.

However, over the last month, we have had two separate borrowers who were cancelled by their insurance company after closing, and one borrower who was declined for coverage immediately prior to closing. In all three cases the insurance company cited the reason "adverse financial concern on a credit report", (See attachments). And that is the source of my concern.

In all three cases, the borrowers were applying for loans under the Montana Board of Housing program, a program which provides home financing for low to median income families, through the sale of tax exempt revenue bonds. These loans are insured by the

MORTGAGE BANKERS

P.O. Box 20339

3333 2nd Avenue North

Suite 250

BILLINGS, MONTANA 59104

|406| 252-2600

FAX |406| 252-8200

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MORTGAGE SERVICES
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Federal Housing Administration, and are processed and underwritten accordingly. These borrowers are usually first time homebuyers, and while some may have had credit problems in the past, have cleaned up their credit sufficiently to qualify for these loans. These are not poor credit risk borrowers, but I have some concerns that they are being treated as such by the insurance companies. I am not convinced that credit difficulties, or in some cases a lack of credit, constitutes a greatly enhanced risk on the part of the insurance companies. While I believe that the use of this credit information could in some cases be useful in finding a potential problem, I am also absolutely convinced that it is being misapplied here. I find it very ironic that these applicants can qualify for a mortgage to buy a house, but are denied insurance coverage for it.

I have included a *Notice of Cancellation*, and an internal memo provided to me by our Servicing Manager, as it relates to one of these files. I am concerned that these insurance companies are making arbitrary and capricious decisions about the credit worthiness of this class of borrowers, or homeowners, and are discriminating against them as a class. These borrowers generally tend to be younger, and are earning less than the average Montana homebuyer.

Sincerely,



Steve Redinger
President

SR/sr
Encl

c: Erin McCarthy
file

EXHIBIT 14
DATE 2-15-95
HB 488

January 12, 1995

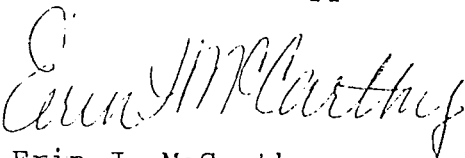
RE: Trinity Universal
"Credit Analysis"

ATTN: Steve Redinger

Following is the information I have gathered from Hoiness LaBar and Roybal Insurance agencies, on the new "Credit Analysis" used by Trinity Universal.

- * Security National is the Co. that Writes the Policies for Trinity Universal.
 - Contact - John Bose 1-800-950-5547
- * They are figuring the "Credit Analysis" taking into consideration such items as:
 - Property Value
 - Income
 - Credit Information from Equi - Fax
 - Prior Homeowners Insurance
- * The "Credit Analysis" is based on a scale from 200 - 900. Anything lower than 620 is canceled.
- * This is a nation wide system and not just our region.
- * This does not effect existing policies.

Attached is a copy of the cancellation notice for Woods.



Erin J. McCarthy
Loan Servicing Manager

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business - Labor

DATE 2/15/95

BILL NO. 518

SPONSOR(S) _____

PLEASE PRINT

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PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Steven Shapiro	MT Nurses Assn	X	
A. FARRELL ROSE	Board of R/E Appraisers	X	
Steve Meloy	Dept of Comm	X	
FORIN CUNNINGHAM	MT BOARDS OF OUTFITTERS	X	
Ben Haddon	MT Board of Hedding Aid Dispenses	X	
LANCE MELTON	DEPT. OF COMMERCE	X	
Al Patten	MT Abs Silver ad Bar	X	
Stuart Daggett	MT Veterinary Medical Assoc.		
Shirley Warehime	Montana Society of CPA	X	
TOM MCNAB	Montana Technical Council	X	
Anne Alberts	MT. ASSOC. of REALTORS	Monitor	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-15-95

BILL NO. 488

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ron Gotsdram	State Farm Ins	✓	
Ward Kananah	James Insurance	✓	
Roger McQueen	INDEPENDENT INS. AGENTS' ASSOC. OF MT	✓	
Frank Cote	STI Auditor	✓	
Jacqueline Denmark	Am. Ins. Ass'n	✓	
Robert L. Richards	LA TRATTORIA REST		
Harry Akey/jrnl	NAII	✓	
Anne Alberts	MT ASSOC. OF REALTORS	monitor	

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2-15-95

BILL NO. 527

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
STEVE ARNTZEN	GIA	X	
David Hemion	MT Assoc. of Churches		✓
TERRY & JUDY ANDERSON	GIA		
DARRELL KECK	MTA	X	
ELLEN EUGSTEN	DG WTF		X
SARAH HEROLD	CAPITAL CITY BOOIL	X	
MIKE CEMINO 82 N Main HULLMA	ALMA IDG	X	
Rose Bullock	B Silver Saddle David	X	
Chester Bullock	" "	X	
Barb MORRIS	JORGENSENS Helena	X	
Steve MORRIS	" "	X	
Larry Gasbender	Soly		
Dennis Casky	GIA	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

over

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2/15/95

BILL NO. 495

SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
SARAH CASHMORE HEROLD	CAPITAL CITY BOWL		X
Orville Johnson	Yacht Basin Helena		X
YVONNE K JOHNSON	YACHT BASIN - HELENA		X
MIKE CETRANO 52 N. MAIN HELENA	RIALTO INC		X
MIKE CETRANO 1930 PROSPECT	VILLAGE INN PIZZA		X
MIKE CETRANO & SHAWN CETRANO 906 N. 7th BOZEMAN	VILLAGE INN PIZZA		X
MIKE CETRANO & SHAWN CETRANO 3520 BRADY'S MISSION	VILLAGE INN PIZZA		X
MIKE CETRANO PIAZZARELLA BUTTE MT	PIAZZARELLA		X
MIKE CETRANO 2701 N. MAIN HELENA	SUDS HUT		X
MIKE CETRANO 52 N. MAIN HELENA	SELF		X
Paul Cartwright 502 Madison Helena	Self	X	
HE GARDNER DARRELL KECK	MTA		X
Robert F. Goettel 209 Jackson Helena	ELKS Club		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

EHLIN ENGSTEDT

DG WTF

X

Al Potter

Silver City Bar

X

Rose Bullock

Silver Saddle Bar

X

Chester Bullock

" "

"

Steve Morris

Jorgensen

Helena

X

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Business & Labor

DATE 2/15/95

BILL NO. 487

SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ronna Alexander	MT Petroleum Marketers		X
Steve Visocian	Visocian Petroleum		X
James L. Reuberg	Casamat of Montana	X	
B J Holmer 3037 MCKILL	Helena, Mont		X
JIM GRUBBS BILLINGS MT	MYSELF		X
SCOTT RIMPE 1681 JUDD CIRCLE BILLINGS	MYSELF		X
Charles R. Riemann	Myself Cuts Saloon		X
Dave Guter	Guter Oil Company		+
Bob McCARTIN	Butte-Silver Bow County/ATP	X	
Gary Balaz	Deputy County Attorney Bozeman - Gallatin County	X	
Dennis Paxinos	Yllwston Co Atty	X	
Doug Alexander	Story Distribution - Bozeman		X
Wan [unclear]	Story Distribution Co.		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

Bob Holand	Station Dealers	X
Bill Stevens	MT Food & Drug Assoc	X
Rose Bucklock	Silver Saddle Basin	X
GARY MORRIS	JORGENSENS, Helena	X
STEVE MORRIS	JORGENSENS Helena	X
	PIPER	