

MINUTES

MONTANA SENATE  
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By CHAIRMAN JOHN HERTEL, on March 18, 1997, at  
9:00 A.M., in ROOM 410.

ROLL CALL

**Members Present:**

Sen. John R. Hertel, Chairman (R)  
Sen. Steve Benedict, Vice Chairman (R)  
Sen. Debbie Bowman Shea (D)  
Sen. William S. Crismore (R)  
Sen. C.A. Casey Emerson (R)  
Sen. Bea McCarthy (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Bart Campbell, Legislative Services Division  
Mary Gay Wells, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 406; HB 492; 3/5/97  
SJ 14; 3/7/97  
Executive Action: SJ 14; HB 164

HEARING ON SJ 14

**Sponsor:** SENATOR BEA MCCARTHY, SD 29, ANACONDA

**Proponents:** Bill Olson, AARP  
Rich Pavlonnis, Cimmaron Corp, Great Falls  
Annie Bartos, Chief Legal Counsel, Dept. of  
Commerce  
Ross Cannon, Direct Marketing Assoc.  
Mike Strand, MT Independent Telecommunications  
Systems  
Beth Baker, Department of Justice

**Opponents:** None

Opening Statement by Sponsor:

**SENATOR BEA MCCARTHY, SD 29, ANACONDA.** SJ 14 is a result of SB 136. This was the telemarketing fraud bill that we had hoped to be able to amend for the senior citizens, but as we worked through it we found out that hope was impossible. We are now asking the Legislative Council to appoint an interim committee to study the effects and remedies of telemarketing fraud.

Proponents' Testimony:

**Bill Olson, AARP.** Telemarketing fraud is certainly a high priority issue as far as the AARP legislative agenda is concerned. We are grateful for the opportunity to be able to work with the Legislature on this in an interim basis seeking remedies to telemarketing fraud. On lines 9-18, they certainly outline the problems we have with telemarketing problems here in Montana. The guidelines that are set forth on lines 22-30 on page 1 and lines 1-4 on page 2 are all encompassing. It speaks to the deterrent aspect as well as the enforcement. Overall, the Resolution is well done. We urge your support of the Resolution.

**Rich Pavlonnis, Great Falls, Cimmaron Corp.** We are very concerned about telemarketing fraud in the state and are in support of SJ 14. We feel that some action need to be taken to allow government to more easily monitor some of these activities. One of the reasons we supported **SEN. DON HARGROVE'S** bill was that we recognized the need for this legislation. Whatever other action is taken, we feel that this type of fraud be handled as a felony which will make it a more serious matter and give the county attorneys some teeth to work with in the law.

**Annie Bartos, Chief Legal Counsel, Department of Commerce.** The Dept. does support SJ 14. We believe the study is very important and we are willing to serve on any committee that the Legislature would see fit.

**Ross Cannon, Direct Marketing Assoc.** We, also, support SJ 14. We would be very happy to be allowed to participate in the interim study in any way. We have a plethora of information that we could make available to the committee and we respectfully request an opportunity to be involved in the bill. It is a pleasure to be up here on the same side as AARP. Thank you.

**Mike Strand, MT Independent Telecommunications Systems.** We are not appreciative of those who would use our telecommunications network to harm our customers and we are, therefore, supportive of this Resolution. If my organization can be of any assistance in terms of consultation, as to the technological and legal framework in which our company operates, we would be happy to do so. Thank you.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. STEVE BENEDICT asked what types of telemarketing your company deals in? Mr. Pavlonnis replied that they telemarket magazines across the country. Their sales are approximately between \$6 and \$7 million. SEN. BENEDICT asked how SB 136 would have impacted his company? Mr. Pavlonnis responded that a very small portion of their business is in the state. It deals with primarily anything in-state as just a renewal sale. Of course, they would have gotten the registration and bond which would have been worth it in exchange for some of the other items.

Closing by Sponsor:

SEN. MCCARTHY closed. She asked if Beth Baker could address the Resolution as she had just come into the hearing room.

Beth Baker, Department of Justice. She was down in another hearing. They do support SJ 14. They are ready and willing to help. In the last two sessions they had tried to pass some kind of legislation that would resolve this problem. Hopefully this will take care of it. She thanked the committee.

{Tape: 1; Side: A; Approx. Time Count: 9:14 AM; Comments: N/A.}

HEARING ON HB 406

Sponsor: REP. PAUL BANKHEAD, HD 72, HERON

Proponents: Greg Van Horssen, MT Housing Providers  
Ronda Carpenter, MT Housing Providers  
Dan McLean, Oakland Companies

Opponents: Derek Birnie, MT People's Action  
Tara Mele, MT Public Interest Research Group  
Kimberly Eisenrager, MT People's Action

Opening Statement by Sponsor:

REP. PAUL BANKHEAD, HD 72, HERON. HB 406 is a landlord-tenant rewrite. In Section 1, it redefines the "case of emergency". Section 2, it was amended in the House Business & Labor Committee and basically it allows the parties the option to decide the garbage removal issue in the rental agreement. Section 3, this deals with the paying of rent. Section 4, this deals with the disposition of property. Section 5, this deals with the notice requirements necessary in a mobile home park when the tenant has violated the same rule two or more times in a 12-month period. Section 6, this allows the landlord to charge for his labor time. It also reflects the reasonable labor charges as well.

**Proponents' Testimony:**

**Greg Van Horssen, MT Housing Providers.** We strongly support HB 406. It is a simple and straightforward bill that will streamline some of the processes involved in terminating rental agreements for various reasons. I would like to review the details of the amendments and what is hoped to be accomplished by these amendments.

Section 1, you will note that there is a change of the definition of "in case of emergency". Under current law, a landlord has access to the premises without notice in cases of emergency. But if you look at the definition of a case of emergency, a "case of emergency" is defined exclusively as "a tenant's perception of whether an emergency exists". This amendment allows that the landlord's perception can be considered as far as entering the premises in case of emergency without notice. We believe this definition should be amended given the circumstance that the landlord does own the property and, if indeed, someone besides the tenant feels that there is an emergency there should be access to the unit without notice.

Section 2 of the bill beginning on page 3, originally involved and still does, the landlord's providing for the removal of garbage from a rental unit. This has been amended to put the language back in. We were consulted on the House side regarding the amendment. The amendment currently says that unless otherwise agreed, it is the landlord's obligation to take care of trash removal.

Section 3 which begins on page 4, line 20, addresses the termination of rental agreements for nonpayment of rent. When a tenant does not pay rent under the general provisions of the Montana Landlord-Tenant Act residential arrangements, the landlord has the legal right to terminate the rental agreement. Three days after notice has been given to the tenant to vacate or pay the rent that is due, the landlord can terminate the lease agreement. If the tenant pays the rent in that time frame, the landlord cannot terminate the lease agreement for nonpayment of rent. But under the provisions as they relate to mobile homes, that 3 day time frame is 15 days. So under this provision for mobile homes, the rent can be delayed up to twenty days. If the rent then is paid on the twentieth day, the landlord has no remedy and cannot terminate the lease agreement for nonpayment of rent. This bill would allow the mobile home landlord the same three day time frame for demanding rent payment or vacate the premises. The landlord is in business and has bills and obligations to take care of. His business is hampered if he is forced to wait till the twentieth day for payment of rent every month.

This does not even address the process involved with actually removing someone from the mobile home community. There are others who will address that process and how the law views the

distinction between someone who resides in a residential apartment and someone who resides in a mobile home community.

Section 4 of the bill basically addresses the issue of abandoned property and the disposition of that property. Currently, there are times when a landlord rents a place to a tenant and the tenant moves out and abandons the property. Under current law, the landlord can go in after sufficient notice, store that property and give notice to the sheriff's office that the property exists and is inventoried and stored. If the tenant comes back and claims the property, the landlord can charge for the storage of the property only. What the law does not allow for currently is the time necessary for the property manager or the landlord to actually box that property and move that property to a storage receptacle. The amendment would allow the landlord to charge a reasonable amount for his or her time spent in moving abandoned property and storing the same. The amendments in Section 6 simply allow for that fee or that reasonable charge to be removed from the security deposit.

On page 6, line 27, this changes the time frame within which the tenant's property is considered conclusively to be abandoned. Currently it is fifteen days. In the interest of expediting the process, the amendment proposed shortens that time period to 7 days. It provides that there is already notice given to the tenant and the tenant has responded in writing to the landlord of the intent to remove the property. Under current law, even though there has been a written response, they are given an additional 15 days before the landlord can say, well they didn't show up, guess I should go ahead and take care of it myself. What is being asked with this amendment is that, if the tenant has been notified and the tenant has written back saying they will be back to pick up the property one of these days and if they don't show up in a week, allow us to self-help here. Allow us to take this property and store it so that we can open our rental unit to rent again.

In Section 4, page 7, line 6 there is another change. Under current law, it provides that if the landlord has a purposeful violation in the storage of property, the landlord should be liable for double damages. The real hammer in the landlord-tenant law, if you will, is the availability of attorney's fees. As such, that is the very real incentive to comply with the law. They would ask the committee to consider simply changing double damages to actual damages understanding that the attorney fees is what guides people away from doing anything onerous under the Landlord-Tenant Act.

Section 5, page 7, line 16 simply amends the notice provisions under one specific section of the "just cause" act. The just cause provisions of the law came into effect in 1993 and it is a precise laundry list of the reasons for which a landlord may evict a person who happens to live in their mobile home community. If it is not for one of the reasons on this list, you

cannot do it. The change in section 5, is on page 8, line 4 and it talks about circumstances where there have been two or more violations of the same rule within a 12-month period. We would ask to change that from 60 days to 30 days, understanding that this is simply referring to the termination of the rental agreement. When there have been two violations of the law, the tenant has had notice of those rules and violations and this change would expedite the process of removing the folks who have chosen to disregard the rules. Let us make the notice of termination 30 days. This will be good for those who are living and abiding under the rules. Thank you for your time and we ask for a Do Concur on this bill.

*{Tape: 1; Side: A; Approx. Time Count: 9:30 AM; Comments: N/A.}*

**Ronda Carpenter, MT Housing Providers.** We rise in support of HB 406. I would like to speak about the eviction laws. The eviction process is a very lengthy process in the courts and I would like you to understand just how long it does takes and what little control we have while that process is going on. This applies not only to nonpayment of rent but to the time given once the rules have been violated and we know that we are terminating the rental agreement. We would like to shorten the length of time from 60 days to 30 days. Our rental agreements already say that rent is due on the first, payable by the fifth. On the sixth day, you can give a three-day notice to pay rent or vacate. In mobile home parks we give a fifteen-day notice to pay rent or vacate. That allows to the twentieth of the month before they actually have to pay their rent. It is almost time to pay rent again. They know when the rent is due. It is not a surprise. The rules are in writing. They have a copy of the rules and so this is not a surprise. The eviction procedures in just cause eviction allow for a long method of notifying. They must commit the same violation twice within a 12-month period. Both times the violation is written up and given to the tenant. Nothing is a surprise to the tenant. They are aware of all rules and regulations. After the second written notice, we are asking to shorten that time period from 60 days to 30 days. We can take no action whatsoever until the end of that time frame be it 30 or 60 days. We must wait till they move. We have no control over their following the rules or paying rent. The tenant knows that the rental agreement has been terminated. So, on the 61st day after the second violation of the same rule, or on the 21st day in the case of nonpayment of rent, we can go to justice court and file an action for possession. The tenant in this case has chosen not to move or pay rent. The paper work going through the Justice Court takes time. This can take two to three weeks. For the nonpayment of rent, we are now into the next month with no rent. Then they have 10 days to respond. So for mobile homes, we are up to 90 days. Now we wait for trial date. Even if the judge rules in favor of the landlord, he gives reasonable time for the tenants to move. Most justices give them at least 30 to 90 days. In the mobile home court evictions, we can look up to 6 months before eviction comes about. This is definitely not good

for the landlord and neither is it good for those tenants who must live next to a tenant who knows they are going to be evicted.

In the case of abandoned property, the landlord must have reason to believe that the property is abandoned which usually means the time of rent payment. On the sixth, you go to the tenant to find out where the rent is. Then you have to allow five more days to pass while believing that property is abandoned. Then everything must be inventoried, send a copy of that inventory to the tenant's last known address and send a copy to the police department. Then you must allow three days for mailing and an additional 15 days before you can start to dispose of that property and get your property back on the market. A full month of down time on rental property. This is not applicable in mobile home parks. There the whole mobile home would have to be abandoned. We are asking for that time to be cut in half. We want to give the tenants time to come back and get their property. But the abandoned property is a problem when the tenant gets up in the middle of the night and leaves or leaves in the daytime when you are not looking.

Many of the business people I represent, either don't have garages for storage or it is not property that even justifies renting a storage unit for because of the value or lack of value of the property. Chances are the rental unit is not left in a clean condition. The security deposit does not cover the month's rent, plus the storage, plus the cleaning, etc. We are simply trying to cut these costs down a little bit so the bad debt costs are not passed on to our other customers. Please support this bill.

**Dan McLean, Oakland Companies.** We rise in support of HB 406. To reinforce the idea of the practicalities of the eviction, I don't believe that any responsible landlord would take the view of trying to get rid of tenants. Tenants are their customers. What we are dealing here with are those tenants who are problems. The landlord needs a reasonable time to get rid of problem tenants. One case I know of is that it took about four months to get someone evicted from an apartment for nonpayment of rent. That was a three-day notice, but by the time you go through justice court, etc. it takes a great deal longer than it would appear in the law. The costs of doing so are a significant factor for any landlord. It is more costly for mobile home park owners. I urge your support of the bill. The changes are fair and reasonable and makes the operation of the act much more practical.

Opponents' Testimony:

**Derek Birnie, MT People's Action.** I will give my testimony and hand in a written copy (EXHIBIT 1). Thank you.

{Tape: 1; Side: B; Approx. Time Count: 9:50 AM; Comments: N/A.}

**Tara Mele, MT Public Interest Research Group.** I feel that tenants are in a powerless position. Section 1 is the section that we are most concerned in which is the privacy question. I do understand that the landlord may feel there is a problem in a unit and feels that they need to gain access without advanced notice; however, by putting this in law, this could be greatly abused by a landlord. The next section is Section 2. We feel that the landlord should be responsible for the removal of the trash. We understand in rural areas the tenants should probably take care of the trash themselves, but in the larger cities services are available. We feel that this would be best if the landlord is responsible for trash. Section 6, labor charges should be payable to the landlord for work that he has done, but there should be some accountability. This could be abused if there is not some way that the time can be accounted for. Possibly, they could log their hours so there could be some safeguards for tenants. We would urge you to table this bill and if that is not possible please look at some of my suggestions for amendments.

**Kimberly Eisenrager, MT People's Action.** In regard to Section 3, reducing the late rent payment from 15 days to 3 days, this would impact the most vulnerable tenants, those who rely on a timely delivery of a check. (She relates a story of a possible eviction. She would urge the committee not to change the time frame.) Thank you.

Questions From Committee Members and Responses:

**SEN. CASEY EMERSON** asked if there is any provision when a landlord goes to court for an eviction for repayment of past rent? **Ms. Carpenter** stated that in the court action the landlord submits a request for past rent and that rent will be paid in the judgment.

**SEN. BEA MCCARTHY** asked about page 3, regarding garbage disposal. In current law, which is in the paragraph above it, the only change is the six words "unless otherwise provided in a rental agreement". Are you having problems with the current law? **Mr. Birnie** said no. **SEN. MCCARTHY** stated that he must be having trouble with the six words. And if so, what would he suggest? **Mr. Birnie** said yes, that is true. He stated that in geographic areas where there are no such services available this would be alright, but if it is available, the landlord should be responsible. **Ms. Mele** offered an amendment that she had submitted in the House.

**SEN. BEA MCCARTHY** asked **Mr. Van Horssen** to comment on the trash disposal issue. **Mr. Van Horssen** said that the difficulty arose in the House via the suggested amendment. In our law today, a mobile home park is described as two or more spaces. The difficulty at least as it relates to services readily available is as follows. His aunt has land with two spaces. A county dump is at the bottom of the road. A service is available in Missoula

20 miles away. Under the law as it reads, the landlord can take care of the garbage at the bottom of the hill or tenant can take care of the garbage at the bottom of the hill. Under current law, it could be the case that the tenant could say, you have to take my garbage down to the bottom of the hill. With this amendment that says services readily available or reasonably available, there is an argument, at least, that you still have to do it or get the service from Missoula. The amendment before you in the proposed bill was put on in the House to create some flexibility in an attempt to negotiate between landlord and tenant.

**SEN. DEBBIE SHEA** asked about section 4, line 8. Who defines reasonable amounts? **Mr. Van Horssen** explained that as in other reasonable charges in the law, the market place will tell us what is a reasonable fee. This applies whether to attorneys' fees, moving fees, labor fees, etc.

Closing by Sponsor:

**REP. BANKHEAD** closed. Thank you for the good hearing. I am a tenant right now and it is interesting on the garbage issue. We actually, as a tenant, negotiated with the landlord. I feel that it is not all wrong. The law does provide safeguards in there to say there is nothing wrong in negotiating this. I would love to have everyone in Montana own their home. When we talk about affordable housing, I have worked with a group to provide financing for these people. But since not everyone owns their own home, there are things we can work on and in light of that we need to think about the providers as well. We cannot only look at the people who have to rent but we must look at everyone in the state. We heard comment that would make you believe there are a lot of bad landlords and this bill is coming against the tenants. The landlords are under pressures as well. They have mortgage payments due. They have expenses that have to be met every month. They need to have protection as well as the tenant. They need to get their money in a timely manner without have to go to court for eviction. The clause on "in case of emergency" is very explicit and in the law as it presently stands. If there is abuse on the part of the landlord, there are remedies for this.

This part is necessary so that the landlord has that right to be able to protect his property if he feels there is an immediate danger. It is important to remember that we have the vehicle out there providing affordable housing for tenants and we should keep this intact as much as possible. I believe this bill accomplishes that.

{Tape: 1; Side: B; Approx. Time Count: 10:22 AM; Comments: N/A.}

HEARING ON HB 492

Sponsor: REP. HAL HARPER, HD 52, HELENA

Proponents: JanDee May, Helena  
Mary Cotterell, Helena  
Clifford Roessner, Helena Public Schools  
Beth Ihle, Helena  
Ellen Engstedt, Don't Gamble With The Future  
Julie Ippolito, Citizens Against Gambling  
Expansion  
Laurie Koutnik, Christian Coalition  
Bob Nelson, Helena

Opponents: None

Opening Statement by Sponsor:

REP. HAL HARPER, HD 52, HELENA. HB 492 deals with providing a reasonable measurement distance between a retail license establishment and a church, synagogue or school. This situation is of concern in several communities. Right now, the measurement applies to the same street. So what happens is, if you have a school and a bar on the same street that would be illegal under the current law, you just change the entrance to the bar and you are in compliance. So what this bill does is attempt to provide a reasonable measurement. If the distance is important, then areas like parking lots and back doors to bar establishments may bring patrons in close contact with children. And that is what the original intent of the bill was. It was to separate children and worshipers from patrons of the bars. After negotiation with the representative of the tavern association we have come up with a grandperson clause that covers existing investments. We believe we have worked out the problems of the bill and now we have a bill that can effectuate this statute without harming anyone's property rights.

Proponents' Testimony:

JanDee May, Helena. Two of my children go to Ray Bjork School. Ray Bjork is by the Metcalf building. There is suppose to be a 600 foot buffer zone between liquor establishments and schools. In essence, this is a safety zone for our children. This law contains a major loophole. This loophole became very apparent to us at Ray Bjork School. Two years ago when the RAX restaurant was approved for a liquor license, they intended to turn that restaurant into a casino. The back of RAX is across the street from Ray Bjork's playground. The owners were not breaking the law because of the same street designation loophole. We were overwhelmed by the thought of a liquor and gambling establishment situated just one width of a street from the school's playground. And casinos are most often a 24-hour establishment. They did go bankrupt before this transaction could occur. We are looking at the possibility of another group coming in that same location with the same plan. We urge you to close this loophole. Thank you.

**Mary Cotterell, Helena.** I have four elementary school children. Their school sits across the street from a vacant lot. This is a potential site of a liquor and casino establishment. We are in support of HB 492. A DARE officer comes each week to our school and teaches the children that drinking and drugs are not good. We are sending them a mixed message if they walk out of school and see a liquor and gambling establishment directly in front of their eyes. My children asked me to speak on their behalf. I would ask you to support this bill.

**Clifford Roessner, Helena Public Schools.** I am here in behalf of the Board of Trustees for the Helena Schools. They give their support 100% to HB 492. We urge you to pass this bill.

**Beth Ihle, Townsend.** I have two pre-school age children. What this bill is trying to stop has already happened in Townsend. I have been a participant in a protest for the transfer of a beer and wine license. In 1992, Lucky Lils applied for the transfer to a facility that is removed from our school playground by a street, a row of houses and an alley. I felt that this was too close. As part of my protest I had to get familiar with the "600 foot rule". The title of the rule is "proximity to schools and churches is restricted". It is one of the few limitations that the Dept. of Revenue has on issuing liquor licenses. The statute provides basically for exactly the opposite of proximity restrictions because of the loopholes previously mentioned. Doors may be no closer than 600 feet or street address may be on another street. There is hardly any configuration that you could restrict the proximity between a bar and a school. Just change a door and they are on a different street. So corner lots have presented particular problems. I do believe that the intent of the original law was to separate these places and not to give them a loophole. The Townsend Elementary School and Lucky Lils is less than 300 feet apart. Another example is the Lucky Lils in Libby. The swings are right in front of the bar door. I would urge you to pass this bill.

**Ellen Engstedt, Don't Gamble With The Future.** I will present my testimony and hand in a written copy (EXHIBIT 2). I would like to hand in another letter in support of HB 492 from Wendy Wheeler of Helena (EXHIBIT 2A).

**Julie Ippolito, Citizens Against Gambling Expansion.** When I testified in the House committee on this bill, I was quite upset because so many issues that I was a proponent for were tabled. I am surprised that some of the mom and pop organizations who frequently are opponents to what we are trying to accomplish aren't here in support of this bill because for the most part it is not those small businesses that are causing a problem. It is the larger ones like Lucky Lils that have the legal expertise to get through some of these loopholes. They are giving that industry a bad name as well as abusing the integrity of the Legislature. I just urge you to support this bill.

**Laurie Koutnik, Christian Coalition.** I rise in support of HB 492. I would also share that **Arlette Randash** who is over monitoring HB 2, wants you to know that she, on behalf of Eagle Forum, is also in support of HB 492. My first exposure with the law was when they decided to build an eating, liquor and gambling establishment very close to the Four Georgians School. At the time I didn't know what they were building, but it was odd how the structure was being built on that site. It was quite a waste of property. It was, though, an on-premises liquor establishment. It was obvious that they built this building at an odd angle in order to get around the 600 foot proximity law. So I was initiated into how these buildings can be placed in order to get around the law. This bill is very important to our communities and families. We urge you to concur in HB 492.

**Bob Nelson, Helena.** My children do go to Ray Bjork School. When we first got involved in that situation, I was surprised how little control that we had over these issues. This is first and foremost about safety. We hold our schools responsible for the safety of the children. But getting to and from school is also important when protecting our children. I urge you to pass this bill. It implements the original intention of the Legislature.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. DEBBIE SHEA asked how big is 600 feet? REP. HARPER said that it is like two football fields.

SEN. CASEY EMERSON stated that in the original bill it talks about retail liquor licenses. Does that cover all liquor license, beer and wine license and cabaret licenses? **Mr. Gary Blewett, Liquor Division, Department of Revenue** said that there are two places where retail licenses are dealt with. One is in the first section and that means all retail settings. The exceptions eliminate the situation where you have off-premise sales. That means grocery stores are not part of this bill. The only focus here are those settings in which alcoholic beverages are consumed on premises.

SEN. SHEA asked if this would adversely affect small communities where the center of the community is only four or five total blocks?

{Tape: 2; Side: A; Approx. Time Count: 10:46 AM; Comments: LOSE ONE SENTENCE OF REP. HARPER'S ANSWER.}

REP. HARPER replied that may be one problem of these restrictions, but do remember that with the grandperson clause, if it is already built they will not be affected.

Closing by Sponsor:

REP. HARPER closed. In the House committee after we had discussed this, there was really no opposition. I believe the concept has been on the books for a long time. People accept the concept and it is a valuable one. It is just that this loophole has prevented it from really being effective if someone wanted to avoid the intent. But the fact is, if someone has their heart set on building in a certain place, they could avoid the law. Thank you for your time and I urge a do concur.

{Tape: 2; Side: A; Approx. Time Count: 10:51 AM; Comments: A 3 MINUTE BREAK WAS TAKEN.}

EXECUTIVE ACTION ON HB 164

Motion: SEN. DEBBIE SHEA MOVED HB 164 BE CONCURRED IN.

Amendments: SEN. DEBBIE SHEA MOVED TO AMEND HB 164 (EXHIBIT 3) hb016401.abc.

Discussion: Bart Campbell explained the bill. The barbers were added to the bill. Fire protection equipment installers were added to the bill on page 3, section 43, subsection 3(b). The electricians in connection with fire protection equipment were added into the bill and SEN. WILLIAM GLASER is in agreement with that amendment to the bill. REP. TUSS had been contacted on all amendments and was in agreement with them.

Vote: THE MOTION TO AMEND HB 164 CARRIED UNANIMOUSLY: 6-0

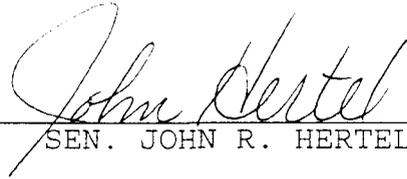
Motion/Vote: SEN. BEA MCCARTHY MOVED HB 164 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY: 6-0

EXECUTIVE ACTION ON SJ 14

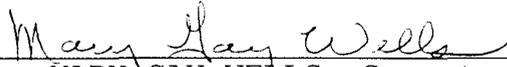
Motion/Vote: SEN. MCCARTHY MOVED SJ 14 DO PASS. THE MOTION CARRIED UNANIMOUSLY: 6-0

ADJOURNMENT

Adjournment: 11:00 A.M.



SEN. JOHN R. HERTEL, Chairman



MARY GAY WELLS, Secretary

JH/MGW