

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON BUSINESS & INDUSTRY

Call to Order: By J.D. Lynch, Chair, on January 28, 1993, at 10:00 a.m.

ROLL CALL

Members Present:

Sen. J.D. Lynch, Chair (D)
Sen. Chris Christiaens, Vice Chair (D)
Sen. Betty Bruski-Maus (D)
Sen. Delwyn Gage (R)
Sen. Tom Hager (R)
Sen. Ed Kennedy (D)
Sen. Terry Klampe (D)
Sen. Francis Koehnke (D)
Sen. Kenneth Mesaros (R)
Sen. Doc Rea (D)
Sen. Daryl Toews (R)
Sen. Bill Wilson (D)

Members Excused: Senator Harding

Members Absent: None.

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

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

Committee Business Summary:

Hearing: SB 190, SB 197
Executive Action: None.

HEARING ON SB 190

Opening Statement by Sponsor:

Senator Steve Doherty, Senate District 20 stated the purpose of SB 190 is to recover "lost funds" from the Abandoned Property Fund. SB 190 will give cooperative's the opportunity to use funds from the Abandoned Property Fund for financial investments in schools and educational programs. As it stands now, the state takes the abandoned property and funds and puts them into an account and the counties receive the interest from the funds as an allotment for investment into their communities. SB 190

allows the counties to take all of the money and use it for educational purposes in the communities.

Proponents' Testimony:

Jay Downen, Manager Association of Electrical and Telephone Cooperative, stated his support of SB 190. Mr. Downen felt a strong duty to return to the communities the bonuses which have been extracted from them. Mr. Downen stated he felt the cooperative's could do a better job as trustee for the unclaimed funds than the state Department of Revenue. Mr. Downen stated the cooperatives will pay back any member any amount at any time. He said the cooperatives would like to put some money into the educational system.

Jim Nelson, Attorney for the Glacier Electric Cooperative, and Glacier County Attorney spoke in favor of SB 190. Mr. Nelson stated the cooperatives look at SB 190 as a chance to give something back to the communities and the educational systems. He stated SB 190 would allow the cooperatives the ability to donate several thousands of dollars to the educational programs in their rural counties. Mr. Nelson said despite their best efforts, the counties are forced to escheat several thousand of dollars to the state, and only a very small portion gets returned to the community.

Greg Groepper, Office of Public Instruction, stated he supported SB 190.

Reiny Jabs, Cooperative Board Member, stated his support of SB 190. Mr. Jabs stated cooperatives were formed because of sparsity of population and since the cooperatives raised money locally through non-profit organizations, the money should stay in the communities. Mr. Jabs said the local cooperatives have a better chance of finding the families and owners of lost funds than the state does.

Clarence Beede, Missoula Electrical Cooperative, offered examples of what the funds have done for the rural districts in his cooperative.

Butch Light, Counselor, Cut Bank Schools, stated his support of SB 190. He stated rural education systems have a difficult time finding financial means for their schools and unclaimed capital credits are a means for funding.

Joel May Barker, Director of Media and Consumer Relations, Montana Electric Cooperatives Association and Montana Telephone Association asked for the Committee's support of SB 190. Ms. Barker stated SB 190 would benefit the rural communities and rural schools. She supplied handouts with figures and information for the Committee (Exhibit #1).

Opponents' Testimony:

Jeff Miller, Administrator, Income and Miscellaneous Tax Department of Revenue, stated his opposition to SB 190. Mr. Miller stated one of his responsibilities is the administration of Montana's abandoned property. He said Montana is a custodial state which means any abandoned property goes to the state. The state controlling all abandoned property centralizes the administration of such. He defined abandoned property as anything which has become idle or abandoned because the owner of the funds cannot be found for greater than 5 years. The Department of Revenue then establishes an account in the name of the owner which is maintained in perpetuity in the event the owner or an heir comes forward. In the meantime, the Department searches for the rightful owner through legal advertising. In a typical year, the Department receives around 1.5 million dollars in abandoned funds and returns approximately \$500,000. The interest on what is left is what is being made available to the cooperatives and the educational system in Montana. Mr. Miller stated the Department's problem with SB 190 is it violates broadly accepted uniform principals of the custodial function of the state. There is never a permanent escheatment of the estate, it is held in trust forever, the benefit of which is the interest earned is distributed throughout the state. Under SB 190, the property would escheat to the cooperative and the funds "may" be used for educational purposes. Mr. Miller stated the funds could be used for any number of things and SB 190 wasn't precise as to the distribution of the funds. Mr. Miller supplied a brochure on the unclaimed property program in Montana (Exhibit #2).

Questions From Committee Members and Responses:

Senator Klampe asked Senator Doherty where in SB 190 it says the money will be used for educational purposes in local areas. Senator Doherty referred to page 2 and 3. Senator Doherty added the "may" in the language could be made stronger by changing it to a "must". Senator Doherty stated the cooperatives serve a specified service area and that is where the funds will be distributed. Senator Klampe asked Senator Doherty where in SB 190 it states the local cooperative gets the money. Senator Doherty directed Senator Klampe to page 8, subsection 2 and to page 2 subsection 2.

Senator Kennedy asked Senator Doherty who would decide and how it would be decided where the money would be spent. Senator Doherty answered the cooperatives would be in charge of those areas.

Senator Kennedy asked Mr. Miller how much money is in the account. Mr. Miller stated he didn't know the balance in the account, but that an annual estimate is between 1 and 1.5 million dollars per year.

Senator Mesaros asked Mr. Downen if any of the funds from these accounts may be distributed to local volunteer fire departments. Mr. Downen stated he didn't believe any of the funds went to fire departments.

Senator Gage asked Mr. Downen if there was any problem with the cooperatives refunding the amounts if a party came in after 5 years. Mr. Downen answered there would be no opposition if that provision was included.

Closing by Sponsor:

Senator Doherty closed stating the cooperatives will use the funds for educational purposes and would act in their member interests. He stated SB 190 only touched capital credits and no other kinds of property. He stated capital credits are donations by the members of the cooperatives given to get the cooperatives going. He added Montana is one of the few states who don't allow the cooperatives in their states to use their capital credits for use in their counties.

HEARING ON SB 197

Opening Statement by Sponsor:

Senator Greg Jergeson, Senate District 8, opened on SB 197 by talking about legislation which was passed in 1989. The legislation required smoke detectors in all rental, residential property in the state of Montana. The legislation was passed on the grounds there be no effective enforcement requiring landlords to make sure the smoke detectors are installed in rental property. SB 197 provides for a means for enforcement on the previous legislation.

Proponents' Testimony:

David Wymore, resident of Havre, lost his son in a fire in a rental unit without a smoke detector. He supplied several letters in support of SB 197 (Exhibits #3 - #11) and also supported SB 197.

Dan Shea, Low Income Coalition, read from prepared testimony in support of SB 197 (Exhibit #12).

Michael Briggs, Missoula, lost his brother in a rental unit fire which did not have a smoke detector. He stated his support of SB 197.

Kelly Dodson, Havre, stated her support of SB 197. She had been involved in a fire in her rental unit. She stated SB 197 would not only protect the renters, but would also protect the landlord.

Opponents' Testimony:

Greg VanHorssen, representing the Income Property Managers Association (IPMA) and the Montana Landlords Association (MLA) stated the IPMA's and the MLA's opposition of SB 197. The organizations realize the intent of SB 197 is to create an incentive to make a rental unit safe. IPMA and MLA feel that SB 197 creates more questions than answers. The amendments to subsection 5, page 4, lines 2 and 3 don't establish how the landlord would verify the "good working order" of a smoke detector. Referring to page 4, line 7, Mr. VanHorssen stated SB 197 creates criminal liability for injury and feels it is vague. Mr. VanHorssen stated SB 197 amends the provisions of title 70, chapter 4 which encourages landlords and tenants to maintain and improve the quality of the residence. Mr. VanHorssen stated IPMA and MLA submit that criminal liability should go both ways.

Tom Hopgood, Montana Association of Realtors, stated his opposition to SB 197. Mr. Hopgood said it is not good public policy to make criminals out of our citizens and the current civil consequences and civil suit for damages are adequate.

Steve Mandeville, Montana Association of Realtors, stated he opposed SB 197 and the statute on the books is adequate.

Ron Thompson, Owner of Thompson Real Estate, Landlord, stated the tenants have all the rights and the landlords have none. He felt that SB 197 would drive the cost of insurance up and drive a lot of people out of the landlord business.

Questions from Committee Members and Responses:

Senator Wilson addressed Senator Jergeson and stated he felt SB 197 doesn't go far enough. He feels the fire departments need to enforce the law more and would like to see the enforcement in a statute form. Senator Jergeson said the responsibility of the landlord ends with the installation and verification of the smoke detector. Senator Jergeson stated the law is designed to be a deterrent. Senator Wilson stated he feels the law won't do anything until after the tragedy. Senator Jergeson stated the problem with the law as it stands is the tenant would have to go to court to sue for civil liability and punitive damages, which occurs after a death or injury. SB 197 would make it possible for a tenant to get the problem rectified before a tragedy occurs.

Senator Lynch asked Senator Jergeson if there was anyway SB 197 could be amended to say, "if there is not a working, verified, smoke detector in a rental, then the tenant may provide one and upon showing receipt to the landlord, deduct the amount from the first months rent". Senator Jergeson answered the idea may bring up the same opposition as SB 197 which is tenants have all the power. Senator Lynch stated he would rather provide a preventive measure rather than repercussions after a tragedy has occurred.

Senator Jergeson stated prevention would be inherent in installing the kinds of penalties in the statutes. Senator Lynch stated he felt the tenant should be partially responsible. Senator Jergeson stated it was the tenants responsibility to maintain the smoke detector.

Senator Mesaros stated SB 197 was putting all the liability on the landlord for verification of working order. He asked what would be the penalty if the tenant removed the batteries. Senator Jergeson stated it is the responsibility of the landlord at the point of installation and at the point of rental.

Senator Bruski-Maus asked Tom Hopgood if the Board of Realty demands the realtors go through a checklist with the tenants and, if so, could the smoke detector be included somehow. Mr. Hopgood stated there was not a "standard list" and it could not become a thing which would be conformable.

Referring to page 4, lines 2 and 3, Senator Wilson asked Greg VanHorssen where his liability would end. Mr. VanHorssen stated he was not clear on that point.

Senator Kennedy stated he was concerned about the language on page 4, lines 2 and 3 also, and wanted to know if, upon verification of a smoke detector, the landlord could make the tenant sign a form. Mr. VanHorssen stated that would clear up some of the problems, but the language in subsection 5 was still vague and created an ongoing duty for the landlord. Senator Kennedy then asked if there was inspection by the fire department. Senator Jergeson said no.

Senator Gage asked Tom Hopgood if the landlord-tenant act had any kind of violation provision in it. Mr. Hopgood answered the tenant has the right to go into court and sue the landlord for damages. Senator Gage asked Mr. Hopgood how effective the landlord-tenant act was at "scaring" the landlord into supplying the rental unit with a smoke detector. Mr. Hopgood answered there was some weight covered by the statute in that breach of the statute would be negligence and punishable by civil damages.

Senator Wilson asked Greg VanHorssen about page 4 line 9 and the terms of imprisonment in the county jail. Mr. VanHorssen couldn't answer.

Senator Rea asked Senator Jergeson where the statute on penalties was drawn from. Senator Jergeson redirected the question to Bart Campbell who stated the penalty was standard and the terms of imprisonment were because any sentence of a year or less would be served in the county jail rather than the state penitentiary.

Senator Rea stated an agreement should be reached between the landlord and the tenant at the time of rental.

Senator Gage asked Mr. Hopgood if there was anyway there could be an incentive for the tenant. Mr. Hopgood stated the landlord-tenant act has a provision for other types of problems such as plumbing and heat and could be applied to smoke detectors.

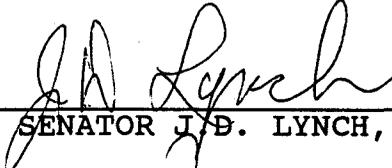
David Wilson stated tenants would support the idea of making it the tenants responsibility to buy a smoke detector with reimbursement from the landlord.

Closing by Sponsor:

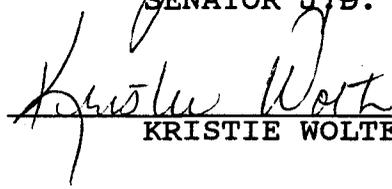
Senator Jergeson closed by reiterating the statement that the law as it stands is inadequate. He supplied the Committee with a petition signed by the people in Chinook and Havre in support of finding a way to solve the problem (Exhibit #13). He asked the Committee address the problem and stated he would work with the members of the Committee in solving the differences.

ADJOURNMENT

Adjournment: 11:45 a.m.



SENATOR J.D. LYNCH, Chair



KRISTIE WOLTER, Secretary

JDL/klw

ROLL CALL

SENATE COMMITTEE Business & Industry DATE Jan 28, 1993

NAME	PRESENT	ABSENT	EXCUSED
Senator Lynch	✓		
Senator Christaens	✓		
Senator Bruski-Maus	✓		
Senator Gage	✓		
Senator Hager	✓		
Senator Harding			✓
Senator Kennedy	✓		
Senator Klampe	✓		
Senator Koehnke	✓		
Senator Mesaros	✓		
Senator Rea	✓		
Senator Toews	✓		
Senator Wilson	✓		

**SB 190, CAPITAL CREDITS RETENTION
BY ELECTRIC AND TELEPHONE COOPERATIVES**

- SB 190 amends the Montana Uniform Unclaimed Property Act to allow electric and telephone cooperatives, instead of the State, to act as the trustee of unclaimed capital credits.
- The 35 electric and telephone cooperatives serving Montana already aggressively try to locate former cooperative members to return unclaimed capital credits. Our cooperatives can do a better job of locating those members entitled to their cooperative credits, than can a State agency headquartered in Helena. The State will only return capital credits large than \$10.00. Our cooperatives will return any amount to a member.
- Currently, the State is the trustee for the unclaimed capital credits fund and uses 95% of the interest from the fund for educational purposes.
 - From fiscal years 1985 through 1990, the total amount of unclaimed property capital remitted to the state was \$127,174. Using the state's current short-term interest rate of 5.0% (average), the interest from this fund totals \$6,040.76.
 - If the cooperatives were the trustees of this fund, the total amount of \$127,174 plus any interest would be available for education in Montana.
- The impact on the school trust would be negligible. Given the commitment to use these funds for educational purposes, the Office of Public Instruction is not opposing the legislation.
- Capital credits are a unique form of property. They represent each member's share of equity in a not-for-profit cooperative. They are unlike other items subject to the Montana Uniform Unclaimed Property Act and therefore, the communities where our members live should benefit from these unclaimed capital credits.
- Only members' capital credits would be affected by this bill. All other forms of properties, such as deposits, membership fees, overpayments, safety deposit box contents, would remain subject to the Act.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 1

DATE Jan 28 1993

BILL NO. SB 190

COOPERATIVE CAPITAL CREDITS

FACT SHEET

- * Capital Credits are a Unique Form of Property
They are unlike other items subject to the Act. They were generated as members' share of equity in not-for-profit cooperatives and the cooperative membership, as a whole, should benefit from them until the individual owners are located.
- * The cooperative is required to distribute all equity to members with the exception of equity used for operations, loan payments and capital expenditures. Credits frequently go unclaimed because a member's death or a member's move out of the area, without leaving a forwarding address with the cooperative, results in the inability to contact that member.
- * Local Businesses Best Serve Local Community
The 35 electric and telephone cooperatives serving Montana can do a better job of locating former members than a State agency headquartered in Helena.
- * Fiscal Impact
The bill actually creates a positive fiscal impact for education. Currently, the Office of Public Instruction may use only 95% of the annual interest earnings on unclaimed capital credits. Under this legislation, 100% of the principal, plus interest, can be used for educational purposes.
- * Limited Application
Only members' capital credits would be affected. All other forms of properties, such as deposits, membership fees, overpayments, safety deposit box contents, etc. would remain subject to the Act.
- * Work Load Reduction
The administrative burden on both cooperatives, the Departments of Revenue, OPI would be reduced.
- * SB 190
This would allow cooperative capital credits to remain being used for their original purpose until the rightful owners are located.

Exhibit II
 1-28-93
 SB-190

TABLE 1
 Unclaimed Property Remitted to State by Cooperatives
 Fiscal 1985 Through Fiscal 1990

	Elec. & Gas* Coops	Telephone Coops	Elec. & Tele. Coop Total	"Other" Coops Total	Coops Total
1985	\$8,878	\$2,717	\$11,595	\$826	\$12,421
1986	8,215	6,038	14,253	11,582	25,835
1987	7,490	33,996	41,486	9,170	\$9,656
1988	15,047	9,208	24,255	7,405	31,660
1989	10,118	12,821	22,939	11,654	34,593
1990	<u>4,873</u>	<u>3,773</u>	<u>12,645</u>	<u>2,594</u>	<u>15,240</u>
Total	\$54,621	\$72,553	\$127,174	\$43,231	\$170,405

*Gas coops total \$389 in 1987

Source: Legislative Council/Dept. of Revenue

How can I prevent my account from being turned over to the state?

- a. Keep accurate financial records. Record all bank accounts, insurance policies, stock certificates, utility and rent deposits, and your safety deposit box number.
- b. Be sure to cash all checks for dividends, wages and insurance settlements. This includes State warrants.
- c. Notify a family member or trusted advisor of the location of your records.
- d. Prepare a checklist of these items in order to notify all concerned parties if you change your address.

Where do I go to find out if I have any unclaimed property?

You can write directly to:

Montana Dept. of Revenue
Unclaimed Property Section
Income & Misc. Tax Division
Mitchell Building
Helena, MT 59620

Or call:

406/444-2425

Tell us your name (as it would have appeared on the account, social security number or check) address, and if you have an idea of where you may have had an asset that is now unclaimed. We will research our records and advise you.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 2

DATE Jan 29, 1993

BILL NO. SB 190

MONTANA'S

UNCLAIMED PROPERTY PROGRAM



10,000 copies of this public document were published at an estimated cost of 9¢ per copy, for a total cost of \$900.00 which includes \$500.00 for printing and \$.00 for distribution.

GENERAL INFORMATION REGARDING UNCLAIMED PROPERTY

Background, History and Purpose

The origin of the unclaimed property law dates back as far as the colonization of America. Since that time, all fifty states have revised and refined their various unclaimed property laws, resulting in nearly \$4 billion in collections for the benefit of owners whose whereabouts are at least temporarily unknown. Of this figure, more than \$870 million was collected by all the states in 1989. (Montana collects over 1 million each year.)

In Montana the law was enacted by the Legislature in 1963 to protect unclaimed property and return it to its true owners or their heirs.

All states make a diligent effort to locate and refund these funds to the rightful owner, at no cost to the owner. With the custodial function at the forefront, the National Association of Unclaimed Property Administrators (NAUPA) provides a basic forum for discussion among states regarding unclaimed property laws and continues to respond to the increasingly complex issues facing businesses that report unclaimed funds, as well as program administrators and directors.

What is unclaimed property?

Generally it is property that had no activity by its owner in the past 5 years. (dormant)

A wide range of property (presumed abandoned) is reportable under Montana law including: dormant checking and savings accounts, uncashed money orders, cashiers checks, unclaimed wages, insurance benefits, mineral royalty payments, safe deposit box contents, unused gift certificates, unclaimed security deposits, cash dividends, stock, court deposits, and utility deposits. The unclaimed property act does not cover real estate.

How does property become "unclaimed"?

Property becomes "unclaimed" or "abandoned" when there has been no owner activity in relation to the account for a period of five years, and when the owner cannot be contacted by the holder of that property.

What attempts are made to find the rightful owners?

Under the law, the "holders" (banks, insurance companies, businesses, etc.) must make a determined effort to locate the true owner. If they are unsuccessful, and the account has been dormant for 5 years, they are to report the names and last known addresses of the owners to the Department of Revenue, Unclaimed Property Section. Twice a year in January and July the Department publishes names of owners of unclaimed property of \$100 or more in the principal newspaper in the county of the last known address. If you see your name, please contact the Department of Revenue for instructions on recovering the property.

Each year approximately \$200,000 is returned to owners of the one million dollars of various unclaimed properties turned over to Montana.

What does the state do with this money?

Upon receipt, an account is registered with the State in the name of the owner. The money is deposited in the Public School Nonexpendable Trust

Fund and the interest earned is distributed among the school districts throughout the State. The principle however, is never spent and is held in perpetuity until the owner or an heir comes forward to make a claim.

How does the state take possession of your property?

Under state law unclaimed property is remitted to the State when there has been no activity to an account for 5 years.

If owners cannot be found what happens to the money?

Montana is a custodial state. That means owners can always claim their property. There is no time limit on claiming your money from the State. Items such as safe deposit box contents, stock certificates, etc., are sold or redeemed for cash when turned in to the state. The value received is then held for the owner. If at anytime you can prove this money is yours, the Department will return it to you without charge.

Hill County Health and Planning

Hill County Courthouse
Havre, MT 59501

Phone: 406-265-5481
Ext. 66

January 22, 1993

To Whom it may Concern,

It has been brought to my office's attention that there is currently a bill before the Montana Legislature that requires a smoke alarm be installed and working in all rented apartments.

As the Sanitarian of Hill County, I would like to show my support for this bill.

I am involved in many complaints that directly involve landlord-renter situations and I feel that a smoke detector is a very minor item that could easily save someone's life.

I am unsure as to how this legislation would be enforced, but a simple misdemeanor charge would get most people's attention.

Once again, I am in support of legislation that would require a smoke detector in all rental units.

Clay Vincent
Sanitarian, Hill County

CV/khh



SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 3

DATE Jan 29, 1993

BILL NO. SB 197

St. Jude's Church

624 Fourth Street
P.O. Box 407
Havre, Montana 59501

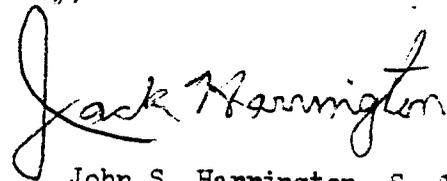
1 - 22 - 93

Phone (406) 265-4261

TO WHOM IT MAY CONCERN

Because of the danger of fire in residential facilities,
it has been recommended that owners provide smoke alarms.
That this requirement should be enforced by law,
seems to be important. I am in favor of such legislation.

Sincerely,



John S. Harrington, S. J.

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 4
DATE Jan 28 1993
BILL NO. SB 107

Daniel A. Boucher
P.O. Box 268
Havre, MT 59501

January 20, 1993

Mr. David Wymore
1227 4th St. North
Havre, MT 59501

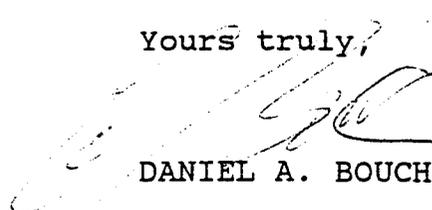
David:

As we have discussed, I feel you may wish to consider some amendments to the proposed legislation. The current statute pertaining to a landlord's obligation to provide smoke detection devices is toothless. As there is no penalty for a violation, the landlord had little incentive to comply with the laws. The proposed legislation (as it is currently stated) provides very substantial criminal sanctions, however, the applicable circumstances are limited to truly tragic circumstances.

I believe the landlords obligation is better enforced by penalties which apply in any case where the statute is violated. These penalties would be effective in every instance, not only after the tragedy has occurred. I suggest there be civil or criminal penalties for each day the landlord is in violation of his or her requirement to provide a smoke detection device. For example, the statute could include a \$10.00 per day fine for each day of noncompliance. Perhaps the amount could be capped as to each residence and/or tenant. Maybe a tenant could receive all or a portion of the penalized amount. Again, this could be limited by having notice requirements and caps on the amounts involved.

Obviously, these ideas are not presented in completed legislative language. I do hope they can be considered and acted upon appropriately.

Yours truly,



DANIEL A. BOUCHER

DAB/cls

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 5
DATE 1/20/93
BILL NO SB 197

David Wymore
1227 4th St N
Havre, Mt. 59501

Re: Landlord's liability to provide smoke alarms/penalty for failure

Dear David,

Pursuant to several conversations with you, please be advised that I am in complete agreement regarding the lack of enforcement regarding a landlord's liability to provide smoke alarms for his tenants.

In regard to what kind of penalty I think would be fair, please see the following:

If a tenant finds out that he/she have rented a dwelling without a smoke alarm, or discovers the existing smoke alarm unworkable, and if upon written notice the landlord fails to comply by repairing or providing a new smoke alarm, the tenant would be able, under the law, at the owners expense, repair or replace the smoke alarm.

In addition, the tenant would not be liable for rent during the period of non-compliance.

In addition, if the owner fails to comply the tenant could report the violation to the local fire department, and upon inspection and proof of non-compliance a fine could be imposed on the owner up to \$500.00. All fines collected should be used to offset the cost of inspection and other costs of the local fire department.

David, I'm really glad to see you pursuing this matter. It is truly sad that it often times takes a tragedy to get things changed. Every one who is saved from injury or death in the future due to your efforts can be truly thankful to you.

Sincerely,


Kevin Loftus
Landlord

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 6
DATE 1/20/93
BILL NO. SB 197

To The Montana Legislature:

I hereby endorse Senate Bill 197, which would make a landlord's failure to provide working smoke detector if that failure caused injury or death to an inhabitant of his rental unit.

Sincerely,



Roxanne Rogers
611 17th St.
Havre, MT 59501

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE 1/29/93
BILL NO. SB 197

FIRE DEPARTMENT *City of* HAVRE, MONTANA

520 FOURTH STREET

TELEPHONES:

BUSINESS CALLS
EMERGENCY CALLS

265-6511
911

January 22, 1993

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 9

DATE 1/28/93

BILL NO. SB 197

Michael F. Badgley
Havre Fire Dept.
520 - 4th. St.
Havre, MT 59501

David Wymore

Dear Mr. Wymore,

I am writing this letter because I believe strongly in the use of smoke detectors. I believe fire deaths could be greatly reduced if ALL locations used for sleeping purposes had at LEAST one working smoke detector on every level of the building.

Even though there has been a law (70-24-3003(g) M.C.A.) since 1987, compliance is real slack.

I have had people who rent ask me about smoke detectors in rentals, but would not give me their name or their landlords name for fear of being evicted.

Most of the locations I have been to while on home inspections or where there was a fire, and did not have smoke detectors were not owned by the occupant.

I have talked about smoke detectors and the law for many years to different groups, at the schools, on the radio and to individuals. I have had articles in the paper, when I become aware of rental units without smoke detectors, I write the owner a letter informing them compliance is needed in all of their properties, and still there are locations that don't have this basic inexpensive protection.

I believe most landlords are aware of the law, for the above reasons, plus association meetings/articles, insurance companys, and talking with their peers. So as I see it, the problem isn't being aware, the problem is just not complying.

I believe the law came into being because some landlords were not on their own providing this basic protection by installing smoke detectors.

The law has stimulated some to act, but there are thoughts who still put off compliance. These are the people we must focus on and have it more cost effective to comply before more lives are lost. Misdemeanor penalties apparently do not worry these people. I believe the penalty is to weak and must be made stronger. This will motivate some more to comply and will have some teeth for thoughts who still do not comply.

The law could say something like:

- 1) If discovered that there are no working smoke detectors installed in a property used for sleeping purposes other than the area used by the owner and there is no fire involved in the discovery, than the owner is to comply with notification.
- 2) If after notification, there is no compliance than the maximum misdemeanor penalty shall be inacted.

"Don't Give Fire a Place to Start - Learn not to Burn"

- 3) If there is any injury or death to the occupant(s) of the property, or to the responding Emergency Personnel, of a rental property which fails to have installed a working smoke detector, the offence shall be considered a Felony.

I believe making this law stronger will be beneficial to the great number of people who do not own property and must rely on some landlords who do not want to spend any money or just aren't concerned; it will also be very beneficial to Emergency Personnel who make an attempt to rescue people who because of no early warning are trapped.

I have been with this Department for about 24 years, I have been the Asst. Chief/City Fire Marshal for 7 years. Having a working Smoke Detector saves lives.

Respectfully,

Michael F. Badgley

Michael F. Badgley
Asst. Fire Chief

HILL COUNTY SHERIFF'S DEPARTMENT
TIM C. SOLOMON, SHERIFF
P. O. Box 169 (406) 265-2512
Havre, Montana 59501

January 21, 1993

Dear Legislative Committee Members,

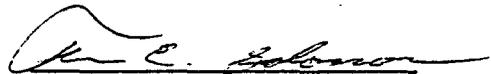
In regards to Senate Bill 197, requiring landlords to install and maintain smoke detectors in all rentals.

I feel this bill is very important to the welfare and safety to everyone in Montana.

Such a small cost to landlords can make a large difference to everyone involved.

I advocate the implementation of SB #197.

Respectfully,



Tim C. Solomon
Hill County Sheriff

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 9

DATE 1/20/93

BILL NO. SB 97



406/265-4362

City of Havre, Montana 59501

POLICE DEPARTMENT

Michael F. Shortell, Chief of Police

January 25, 1993

Dear Legislator:

Please add my name to those who support adding penalties to the proposed bill imposing civil and criminal penalties on a landlord who fails to install and verify the good working order of a smoke detector.

The potential for loss of life in a dwelling not so equipped is much too high in the event of a fire not to compel landlords to ensure they are present in their properties.

Sincerely,

Michael F. Shortell
Chief of Police

MFS/jmo

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 10
DATE 1/28/93
BILL NO. SB 197

January 22, 1993

Members of the Legislator
Helena, Montana

RE: Senate Bill 197

Dear Members:

I wish to endorse Senate Bill 197 regarding the penalty for landlords who fail to provide an adequate fire alarm system which results in the injury/death of a tenant.

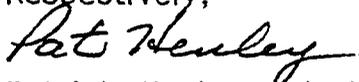
The majority of the children in my school come from low income families. They cannot afford many of the "niceties" others take for granted. Most of their parents would prefer to be a home owner rather than a renter. But whatever their conditions and preferences, they deserve to be safe.

The law already provides for the installation of a fire alarm but if landlords still do not furnish them and/or do not receive any penalty for injury or death of a tenant, the law is relatively useless. Only those "good landlords" will adhere to it and they would probably provide fire alarms regardless of the law.

In reality, the renter has the expense. The cost of a fire alarm ranges from approximately \$7.00 to \$15.00 and they last for a period of years. The renter must furnish the batteries and, to be self assured, should change them every 6 months. The cost of the batteries over a period of time would be the expense.

Whatever the cost, we cannot afford to overlook the safety aspect for all persons. If that safety cannot be provided by the present law, then unfortunately, some form of punishment/penalty must be made mandatory.

Respectively,



Patricia Henley, Principal
Lincoln McKinley School
Box 7791
Havre, Montana 59501

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 11
DATE 1/22/93
BILL NO. SB 197

WHY WE SUPPORT SENATE BILL 197.

"WE SUPPORT IT BECAUSE IT IS FAIR AND RIGHT."

----THE SENATE BILL SIMPLY AMENDS THE PRESENT STATUTE ON FIRE ALARMS (SMOKE ALARMS) TO PROVIDE CONSEQUENCES FOR A VIOLATION.

---THE PRESENT STATUTE, AS IT NOW READS, HAS NO ENFORCEMENT PROVISIONS. AN EFFECTIVE LAW MUST PROVIDE CONSEQUENCES.

----THE AMENDMENT PROVIDES A METHOD FOR ASSURING THAT WHEN A RENTAL UNIT IS FIRST RENTED, THE TENANT IS ASSURED THAT THE FIRE ALARM SYSTEM IS INSTALLED AND PROPERLY FUNCTIONING.

--A PROPERLY FUNCTIONING FIRE ALARM SYSTEM (SMOKE ALARM) CAN BE THE DIFFERENCE BETWEEN SAFETY AND INJURY, BETWEEN LIFE AND DEATH.

--IT CAN SPELL THE DIFFERENCE BETWEEN SAFETY AND ABSOLUTE DISASTER.

----WE URGE THIS COMMITTEE TO SAY YES TO THIS MUCH NEEDED AMENDMENT.

THE MONTANA LOW INCOME COALITION ~~X~~

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 12

DATE Jan 28, 1993

BILL NO. SB 197

WE, THE UNDERSIGNED, HEREBY PETITION THE MONTANA STATE LEGISLATURE TO ENACT CRIMINAL PENALTIES FOR THE FAILURE OF LANDLORDS TO COMPLY WITH THE REGULATIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977, SPECIFICALLY 70-24-303 (g) HAVING TO DO WITH THE INSTALLATION OF "APPROVED SMOKE DETECTORS".

SIGNATURE:

ADDRESS:

- | SIGNATURE | ADDRESS |
|------------------------------------|-------------------------------------|
| 1) <u>Gay Richard</u> | Box 923 Haure MT 59501 |
| 2) <u>Gay Richard</u> | 1201-9TH HAURE MT 59501 |
| 3) <u>Mike Miller</u> | 1307 4th St HAURE MT 59501 |
| 4) <u>Margaret Maye</u> | 1024-19th St Haure, MT 59501 |
| 5) <u>Betty Maxwell</u> | 1036 21 Haure MT 59501 |
| 6) <u>Cheri Van Borden</u> | 1028 Cleveland Haure 59501 |
| 7) <u>Wanda Richardson</u> | Box 923 Haure 59501 |
| 8) <u>Dorothy Swensen</u> | 1611 Rickett Haure 59501 |
| 9) <u>Anne Haruk</u> | 1100 - Center St - Haure |
| 10) <u>Maureen Bruce Kern</u> | Box 3 Haure, MT. |
| 11) <u>Anne Ralinn</u> | 1002, 3rd Avenue Haure MT 59501 |
| 12) <u>Carol Jasinski</u> | 901-2nd Ave. Haure |
| 13) <u>Nancy Evans</u> | 608 1st Ave Haure |
| 14) <u>Walter R. George</u> | 214 2nd Ave |
| 15) <u>Judy Adams</u> | |
| 16) <u>Bobie Fisher</u> | Haure MT. |
| 17) <u>Bill Bessette</u> | Rocky Box Mt |
| 18) <u>Sharon Cornelius</u> | P.O. Box 2407 Haure, MT. |
| 19) <u>Man Harmon</u> | 521 5th Ave, Haure |
| 20) <u>Rev. Joel Cornelius</u> | Box 2407 Haure, mt |
| 21) <u>J. Warren Wizinger</u> | 1736 Boulevard Ave - #7, Haure, MT |
| 22) <u>Erri Peterson</u> | Box 972 Haure MT |
| 23) <u>Alta Johnson</u> | MT 1 Box 53 |
| 24) <u>Hanner Conway</u> | 415 W. 14th St. Haure |
| 25) <u>Bob Howe</u> | 1328 3rd St. Haure, MT. 59501 |
| 26) <u>Tate A. Horne</u> | 1328 3rd St. Haure mt 59501 |
| 27) <u>Walt Cole</u> | 1001 1st St. Haure mt 59501 |
| 28) <u>Chris Jeffrey Burroughs</u> | 807 2nd Av Haure mt 59501 |
| 29) <u>Shirley M. East, M.D.</u> | 911 Milkvale Rd. Haure, Mont. 59501 |
| 30) <u>Bob Cranion</u> | 1527 4th St Haure Mt |

SENATE BUSINESS & INDUSTRY

EXHIBIT NO. 13

DATE Jan 28 1993

BILL NO. 50197

David Wymore
1227-4th St. N 265-3246

5/19/93 - 1000-1000-1000

WE, THE UNDERSIGNED, HEREBY PETITION THE MONTANA STATE LEGISLATURE TO ENACT CRIMINAL PENALTIES FOR THE FAILURE OF LANDLORDS TO COMPLY WITH THE REGULATIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977, SPECIFICALLY 70-24-303 (g) HAVING TO DO WITH THE INSTALLATION OF "APPROVED SMOKE DETECTORS".

SIGNATURE:

ADDRESS:

- 1) Joe Fitzgibbon
- 2) Madeleine Palmer
- 3) Jinca Thompson Chinook mt
- 4) Charles Miller CHINOOK
- 5) Lisa Wagner Chinook mt.
- 6) Steve Miller Chinook
- 7) Wally Hagen CHINOOK
- 8) Kathy Dawson Chinook
- 9) Andy Harrison
- 10) Gertrude Jacobs Different Chinook
- 11) Ray Stollow Chinook, Montana
- 12) Ray H. Triade Chinook Montana
- 13) Pearl Cochran Chinook MT.
- 14) Germie Chandler Chinook mt.
- 15) Barbara Daniels Chinook mt
- 16) Jusan Winkley Chinook MT
- 17) Prinilla Stanley Chinook mt
- 18) Jack Brown Harlow
- 19) Bob Stet Chinook
- 20) Tommy Stet "
- 21) Cassidy Buckman Chinook MT 59523 P.O. Box
- 22) Harriet E. Curtis P.O. Box 190 Chinook MT 59523
- 23) Colleen Campbell Chinook
- 24) Walt Campbell Chinook
- 25) Helen Kistner Chinook MT 59523
- 26) Gam Maxwell Chinook MT 59523
- 27) Steven Christensen
- 28) Janice Roth Box 105 Chinook mt. 59523
- 29) Sandra Foch 3 Chinook
- 30) May Hartson Chinook

WE, THE UNDERSIGNED, HEREBY PETITION THE MONTANA STATE LEGISLATURE TO ENACT CRIMINAL PENALTIES FOR THE FAILURE OF LANDLORDS TO COMPLY WITH THE REGULATIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977, SPECIFICALLY 70-24-303 (g) HAVING TO DO WITH THE INSTALLATION OF "APPROVED SMOKE DETECTORS".

SIGNATURE:

ADDRESS:

- | SIGNATURE: | ADDRESS: |
|---------------------------------|-----------------------------|
| 1) <u>Margaret E. Tollefson</u> | 216 2ND AVE, HAURE, MT. |
| 2) <u>[Signature]</u> | 1418 2nd St, Haure, MT. |
| 3) <u>Patti Callahan</u> | 620 W 13th St, Haure, MT |
| 4) <u>[Signature]</u> | 977 Wilson Ave, Haure, MT |
| 5) <u>Tracey Wambutan</u> | Box 1352, Haure, MT |
| 6) <u>[Signature]</u> | 820 4th St #211, Haure, MT. |
| 7) <u>[Signature]</u> | P.O. BOX 871, Haure |
| 8) <u>[Signature]</u> | 627 9th St, Haure |
| 9) <u>[Signature]</u> | Box 106, Haure |
| 10) <u>Maria L. Barnum</u> | 715 40th Ave W, Haure |
| 11) <u>Cindy M. Solomon</u> | 225 9th Ave, Haure |
| 12) <u>[Signature]</u> | 1005 17th St W, Haure |
| 13) <u>[Signature]</u> | RR, BOX 1001, Box Elda. |
| 14) <u>[Signature]</u> | 1634 Elm, Haure |
| 15) <u>[Signature]</u> | 1011 3rd St. N., Haure |
| 16) <u>[Signature]</u> | 4627 Birchwood Rd, Haure |
| 17) <u>[Signature]</u> | 320 10th St, Haure |
| 18) <u>[Signature]</u> | 408 - 8th St, Haure |
| 19) <u>[Signature]</u> | 935 Blvd, Haure |
| 20) <u>[Signature]</u> | 15 Curran Dr, Haure |
| 21) <u>[Signature]</u> | 1800 2nd St, Haure |
| 22) <u>[Signature]</u> | 224 4th Ave. #2, Haure |
| 23) <u>[Signature]</u> | 11 Kadden Vally, Haure |
| 24) <u>[Signature]</u> | 1036 45th, Haure |
| 25) <u>[Signature]</u> | 1142 McKinley, Haure |
| 26) <u>[Signature]</u> | 1139 Wilson, HAURE |
| 27) <u>[Signature]</u> | 425 12th Ave, Haure |
| 28) <u>[Signature]</u> | 1918 1st St, Haure |
| 29) <u>[Signature]</u> | Box 1534, Chinook |
| 30) <u>[Signature]</u> | 1020 9th Ave, Haure |

Sen B + I
 Ex # 13
 1/28/93
 SB 197

WE, THE UNDERSIGNED, HEREBY PETITION THE MONTANA STATE LEGISLATURE TO ENACT CRIMINAL PENALTIES FOR THE FAILURE OF LANDLORDS TO COMPLY WITH THE REGULATIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977, SPECIFICALLY 70-24-303 (g) HAVING TO DO WITH THE INSTALLATION OF "APPROVED SMOKE DETECTORS".

SIGNATURE:

ADDRESS:

- 1) Johnson 3765 28th Ave SE Havre MT
- 2) Robert Simmons P.O. Box 972 Chinook MT
- 3) Pat Mandell 54 Hillside Tr. Ct. Havre, MT
- 4) Nancy Whaley 213 - 4th St. Havre
- 5) Judith A. Matten 1111 - 9th Ave Havre
- 6) Bruce Lamb 315 W 14th HAURE MT 59501
- 7) Brandon Pottelao 503 7th Ave Havre MT 59501
- 8) Robert Clark 1424 4th St Havre MT 59501
- 9) Michelle Foster 312 1st Ave Havre MT 59501
- 10) Sally Gauer 9490 Unimiller Creek RD Missoula MT
- 11) Rosalie Crane 3030 7th Ave S Great Falls MT
- 12) Paul Lempke 1035 12th AV E HAVRE MT
- 13) Laura Hentchel 1035 12th Ave #3 Havre MT
- 14) Lynn Blosser 935 Lincoln Havre MT
- 15) Mary Green 1015 17th Ave West Havre Mont
- 16) Edward Tiller 255-6 Park Rd West, Havre,
- 17) Lesli R. Halter 1400 2nd Street, Havre, MT
- 18) Frances Hammond 87631 - Chinook, MT.
- 19) Joann Hammond 24803 - Zurich MT 59547
- 20) Jerry Wood P.O. Box 182 Chinook
- 21) Wynne R. Owsen P.O. Box 61 Chinook MT - 59503
- 22) L. Olson P.O. Box 223 Chinook MT 59503
- 23) Jane Olson P.O. Box 11 Chinook, MT - 59503
- 24) Alan P. Cole P.O. Box 223 Chinook, MT 59503
- 25) Billy Zam P.O. Box 247 Chinook MT 59503
- 26) Eric B. Haltinger 5141 67 Box 48 Chinook MT 59523
- 27) James Bergman P.O. Box 12564 & Co
- 28) Deirdre Maren Chinook MT.
- 29) Nick Beardena 1225 WASH Ave. - Havre MT
- 30) Dominic Hanway P.O. Box 803 Zurich MT

WE, THE UNDERSIGNED, HEREBY PETITION THE MONTANA STATE LEGISLATURE TO ENACT CRIMINAL PENALTIES FOR THE FAILURE OF LANDLORDS TO COMPLY WITH THE REGULATIONS IN THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977, SPECIFICALLY 70-24-303 (g) HAVING TO DO WITH THE INSTALLATION OF "APPROVED SMOKE DETECTORS".

SIGNATURE:

ADDRESS:

- 1) Greg Kennedy P.O. Box 1436 CHINOOK, MT., 59523
- 2) Linda Halverson P.O. Box 1436 Chinook MT. 59523
- 3) ~~John Smith~~ Box 1228 Church MT 59522
- 4) Robert D. Feltus Box 437 Havre MT. 59501
- 5) JoAnn Anderson 15203 1/2 Ave Ave #3 Havre, MT. 59501
- 6) Rita Gindrup Star Rte 36 Box 411 Havre MT 59501
- 7) George McMeeter Rt. 71 - Box 44 - Chinook MT.
- 8) Henry Jones Box 1174 - Havre, MT. 59501
- 9) ~~John Smith~~ Box 1174 Havre MT. 59501
- 10) Glenn Foster Box 86 Consul Sask. Canada
- 11) John McMeeter
- 12) Carla McCarty Riverside Dr. Ct #4 Havre, MT
- 13) Dennis McCarty " " " " " "
- 14) Frank Doney P.O. Box 341 Chipp MT. 59527
- 15) ~~Frank Doney~~ P.O. Box 216 Havre MT
- 16) ~~Frank Doney~~ Box 548 Chinook 59523
- 17) Jack Chandler P.O. Box 416 Chinook MT. 59523
- 18) Jack Harrington P.O. Box 407 Havre, Montana
- 19) Patty Crooke P.O. Box 407 Havre, MT 59507
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Sen B + J
Exh #13
1/28/93
SB 197

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SIGNATURE:

ADDRESS:

- | SIGNATURE: | ADDRESS: |
|----------------------|-------------------------|
| 1) Katherine O'Brien | Box 504 Chinoak, MT |
| 2) Sheila Young | Box 73 Box 1A Bloyd, MT |
| 3) Mary Dwyer | Box 877 Chinoak, MT |
| 4) Kathy Brodeur | 1330-5th St Havre, MT |
| 5) | |
| 6) | |
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SIGNATURE:

ADDRESS:

- | SIGNATURE: | ADDRESS: |
|--------------------------|----------------------------------|
| 1) Theresa LaRoque | Chinook |
| 2) Frank LaRoque | Chinook |
| 3) Shirley Kousis | Chinook |
| 4) Ruby L. Reid | Chinook |
| 5) Yolanda Bryan | Chinook |
| 6) Henry & Grubofsky | Chinook |
| 7) Dorothy J. Grubofsky | Chinook |
| 8) Kimberly K. Reddick | Chinook |
| 9) Douglas Block | Chinook |
| 10) Nancy Parsley | Zurich MT |
| 11) Wade Parsley | Zurich MT |
| 12) D. C. P. McCoy | P.O. Box 789, Chinook, MT. 59523 |
| 13) Ruth G. Wolcott | P.O. Box 310 Haure, MT. 59501 |
| 14) Mike Hunter | 514 4 th Ave. HAURE |
| 15) Roger Hunter | Haure |
| 16) Marna Styckayk | Harlem |
| 17) Lillian B. Parkinson | Haure |
| 18) | |
| 19) Tom B. B... | Haure |
| 20) Kathy Erickson | Chinook, MT 59523 |
| 21) Mary N. Schupp | Chinook, MT 59523 |
| 22) Larry Stanley | Chinook MT 59523 |
| 23) Mike Finckler | Chinook MT 59523 |
| 24) Tom Bullock | Chinook MT 59523 |
| 25) Therese LaPlante | Chinook MT 59523 |
| 26) Richard Bengen | MD Box 309 Chinook MT 59523 |
| 27) | |
| 28) | |
| 29) | |
| 30) | |

Sen. B+J
 Ex #13
 1/28/93
 SB 197

DATE Jan 28, 1993

SENATE COMMITTEE ON Business and Industry

BILLS BEING HEARD TODAY: SB 190 SB 197

Name	Representing	Bill No.	Check One Support Oppose
Dan Shea	Montana Low Income Coalition	SB 197	
JAMES C NELSON	GLACIER ELECTRIC - CUT BANK	SB 190	X
C.T. BEEDE	MISSOULA ELECTRIC	SB 190	X
Noel "Butch" Light	Cut Bank Schools	SB 190	X
David J. Wynne	HAURE MT.	SB 197	X
Greg Van Hornen	IPMA/MLA	SB 197	X
Jeff Miller	MT. DOR	SB 190	X
REINY JABS	SELF + Big Horn Co. Elect.	SB 190	X
Kelley Dods M	Montana Low Income	SB 197	
Michael T. Sapp	Self	SB 197	
Greg Hooper	Office of Public Intest	SB 190	X
Cristina Medina	MT. Low-Income Coalition	SB 197	X
Sunny Tashenda	MT. Council of Coops	SB 190	X
Art Isley	3-Rivers Telephone Co.	SB 190	X
Jeffrey Burke	MT Electric & Telephone Coops	SB 190	X
Tom Haggard	M-I Assn	SB 190	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

