

DEPARTMENT OF ADMINISTRATION
DIVISION OF BANKING & FINANCIAL INSTITUTIONS

EXHIBIT NO. 1
BILL NO. HB 63

2-13-13



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TO: Interested Parties
FROM: Melanie Hall, Commissioner *Melanie Hall*
DATE: January 29, 2013
RE: Retail Installment Sales Act

During this morning's hearing on HB 63, a question was posed as to whether subsequent purchasers need to be licensed as retail sales finance companies or whether only the initial purchaser is required to obtain a license. My answer was incorrect. Please allow this memorandum to clarify that, pursuant to existing Montana law, **only the initial purchaser of a retail installment contract from a "retail seller" must be licensed under the Act.**

Specifically, 31-1-221 requires the licensing of sales finance companies. A sales finance company is defined in 31-1-202(q)(i) as a person engaged, in whole or in part, in the business of purchasing retail installment contracts from **one or more sellers**. Sellers is defined immediately above in 31-1-202(p) as a **person who sells goods or furnishes services to a retail buyer** in a written retail installment contract or written retail installment transaction.

In summary, the Division will only require licensure of persons or entities that purchase retail installment contracts from a retail seller. A license is not required for subsequent purchasers.

Amendments to Senate Bill No. 128
1st Reading Copy

Requested by Senator Edward Buttrey

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
February 12, 2013 (7:57am)

1. Title, page 1, line 4.

Strike: "REVISING WHEN"**Insert:** "PROVIDING THAT"

2. Title, page 1, line 5.

Following: "PAID"**Insert:** "WHEN AN EMPLOYEE LEAVES FOR GOOD CAUSE"

3. Page 1, line 11.

Following: "accounts"**Insert:** "-- definition"

4. Page 1, line 18.

Following: "~~services~~"**Strike:** ";

Insert: "without good cause. The department shall determine a claimant left work with good cause attributable to employment when:

- (i) the claimant had compelling reasons arising from the work environment that caused the claimant to leave and the claimant:
 - (A) attempted to correct the problem in the work environment; and
 - (B) informed the employer of the problem and gave the employer reasonable opportunity to correct the problem;
- (ii) the claimant left work that the department determines to be unsuitable; or
- (iii) the claimant left work within 30 days of returning to state-approved training.

5. Page 2.

Following: line 2**Insert:** "(3) For purposes of this section, the term "compelling reasons" includes but is not limited to:

- (a) undue risk of injury, illness, or physical impairment or reasonably foreseeable risk to the claimant's morals;

- (b) unreasonable actions by the employer concerning hours,

wages, terms of employment, or working conditions;

(c) a condition underlying a workers' compensation or occupational disease claim for which liability has been accepted by a workers' compensation insurer. If the condition is one for which liability has not been accepted by the workers' compensation insurer, the department shall independently evaluate the condition to determine whether the condition appears to result from the claimant's employment. If the condition appears to the satisfaction of the department to be related to work, the department shall consider the condition to provide a compelling reason for leaving work.

(d) unreasonable rules or discipline by the employer so severe as to constitute harassment."

- END -

Amendments to Senate Bill No. 244
1st Reading Copy

Requested by Senator Jonathan Windy Boy

For the Senate Business, Labor, and Economic Affairs Committee

Prepared by Pat Murdo
February 13, 2013 (8:45am)

1. Page 1, line 29 through line 30.

Strike: "those" on line 29**Insert:** "existing"**Strike:** "as defined" on line 29 through "2703(4)" on line 30**Insert:** "held in trust by the seven federally recognized tribes within the external boundaries of those tribes' Montana reservations"

2. Page 2, line 8.

Strike: "within" through "reservation"

3. Page 2, line 11.

Following: "games."**Insert:** "(1)"**Strike:** "The"**Insert:** "Subject to the provisions of subsection (2), the"

4. Page 2.

Following: line 14**Insert:** "(2) A negotiation with a state-recognized tribe that is not federally recognized must follow the provisions of the Indian Gaming Regulatory Act but must specify a location owned by the state-recognized tribe that is to be developed for use in a compact developed under [sections 1 through 4]."

- END -