

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
February 18, 1979

The forty-second meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink at 9:36 a.m. in room 331 of the capitol building on the above date.

ROLL CALL:

All members were present.

DISPOSITION OF SENATE BILL 476:

Joan Mayer from the Legislative Council offered amendments to this bill. Senator Towe moved that the bill be amended on page 11, line 7, by striking the words, "or accept". Senator Turnage suggested an amendment on line 15, page 11, by adding the following language "(2) refusal to take the examination may not be used in any manner whatsoever." Senator Towe moved the amendments offered by Joan Mayer including the extra ones be adopted. The motion carried unanimously.

Senator Turnage moved in Section 15, page 11, line 16, that Section 15 be reinserted. Section 15: "Admissibility of examination or test results and added further: "Providing the results of the examination or test shall not be admitted as evidence in the courts of Montana or in any administrative proceedings." The motion carried with Senator Van Valkenburg, Senator Towe and Senator Healy voting no.

Senator Towe moved that the bill as amended do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 221:

Senator Towe moved the amendments offered by the Department of Revenue. The motion carried unanimously. Senator O'Hara moved amendment #1 of amendments offered by Joan Mayer. The motion carried unanimously. Senator Towe moved the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 228:

Joan Mayer from the Legislative Council offered some amendments, which in effect would incorporate Senate Bill 223 into this bill. Senator Turnage moved that the bill be amended on page 2, line 11, by striking "shall" and inserting "may". The motion carried unanimously.

Senator Brown moved that on page 4, line 2, following the word, "term", insert the following: "If the court so restricts the sentence," and "Unless the court restricts the sentence,"

Senator Brown moved that the bill be amended on page 4, line 4, by striking "that" and insert "of", and further amend following line 4, by inserting the words, "reasons for the" and on line 5, following the word, "restrictions" insert "." and strike "is required by statute." The motion carried unanimously.

Senator Olson moved the four amendments offered by Joan Mayer. The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried with Senator Towe voting no.

DISPOSITION OF SENATE BILL 243:

Joan Mayer from the Legislative Council offered prepared amendments. She stated that if there were no objections to this, she would add remedies to the chapter. Permission was granted. Senator Towe moved the amendments as presented. The motion carried unanimously.

Senator Towe moved the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 283:

Senator Van Valkenburg stated that there was a uniform act in Congress now in this regard and he thought we should wait for a couple years to see what happens there.

Senator Brown moved that on page 1, line 5, after "LIMITATIONS," strike "," and then strike everything to page 7, section 11.

Senator Van Valkenburg moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 214:

Senator Turnage said that this bill would completely turn our present law around. Passage of this bill would adopt the uniform arbitration act. He also stated that it still prevents the courts from reviewing disputes in private matters. Senator Turnage moved that this bill do not pass.

Senator Towe commented that he does not have any strong feelings on this bill and he thought the arguments were valid. He did feel that there were some areas where this bill would make a lot of sense. He felt that in a number of labor grievances, the issue is not economic and that there just was no excuse to have a strike when the matter could be handled by arbitration.

Senator Turnage commented that there were really not very many strikes over grievances.

Senator Brown stated that he shared Senator Turnage's concern, and he commented that one area where he thought it should be clarified was in the spending area.

A vote was taken on the motion to do not pass. The vote came out 5 for and 5 against. Senator Galt said that he would change his vote to consider some amendments.

Joan Mayer from the Legislative Council offered some amendments that she had worked up. Senator Towe moved on page 1, line 20, that the bill be amended by striking "unless otherwise provided in the agreement" and insert "except agreements concerning salaries and benefits are not subject to arbitration."

The motion carried with Senators Healy, Van Valkenburg and Brown voting no.

Senator Anderson moved that the bill be amended on page 2, line 3, following "contract." insert "if the agreement is between corporations or is subject to arbitration under (section 3)"; and on page 1, line 23 after word, "agreement" insert "in a corporation".

The motion carried with Senator Brown voting no.

Senator Turnage moved the third amendment on the proposed sheet of amendments. (See attachment) The motion carried unanimously.

Senator Towe moved the bill do pass, as amended. The motion carried. Senators Turnage and Senator Galt voted no and Senator Brown voted a reluctant yes.

DISPOSITION OF SENATE BILL 348:

Senator Van Valkenburg moved that the bill be amended on page 1, line 15, following "solace" by inserting "of the members of the immediate family, including the parents, spouse, or children of the decedent" and strike on line 15, "which" and on line 16, "may include" and insert "(2)" and renumber accordingly.

Senator Towe moved the amendments prepared by Joan Mayer. Senator Towe also moved that on page 1, line 13, following "judgment", the word "shall" be deleted and the word "may" be inserted in lieu thereof. The motion carried unanimously.

Senator Towe moved the amendments prepared by Joan Mayer with the exception of the first one. The motion carried unanimously.

Senator Van Valkenburg moved the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 386:

Senator Van Valkenburg moved that this bill do not pass. He stated that the Supreme Court had changed this significantly and he felt that they should give them some time to let it work. He said that the present system supplies an effective means to take care of this and felt that it should stand at least for another session. He stated that the Supreme Court talked this over at great length last year.

Senator Towe commented that he was very concerned about this matter in the civil area and that there are judges that are close to certain attorneys.

Senator Brown commented that there is most certainly a delay, and that they lose six to nine months in disqualifications, and that he did not think that people go out and make this an issue in a campaign and he felt that lawyers who are the ones who really know the situation should say that they have problems with certain judges in this State.

Senator Towe commented that you don't do this- that it is just not realistic.

A straw vote was taken on the motion to do not pass and it failed. The Committee decided to take it up later.

DISPOSITION OF SENATE BILL 393:

Senator Turnage moved that this bill be amended on page 5, on line 16, following "treatment" by striking the remainder of line 16 through "region" on line 21. The motion carried unanimously.

Senator Towe moved that the bill be amended on page 4, line 1, by striking "or severe psychological injury". The motion carried unanimously.

Senator Towe moved that the bill as amended, do pass.

Senator Van Valkenburg moved to amend the bill on page 10, line 7, following the word "trial" insert "such trial must be held within a reasonable period of time." The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 395:

Senator Olson moved that this bill do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 409:

This bill is an act to generally revise the law relating to assaults occurring between spouses, also known as the battered spouse act. According to law now, the divorce courts may be regulated to give awards, stated Senator Towe, and if, at the present time, they do not get a divorce, they are stuck.

Senator Van Valkenburg commented that there is some question as to whether an assault includes a battery.

Senator Van Valkenburg moved that this bill be amended on page 1, line 9, section 1, by inserting the material "There should be no interspousal immunity as to intentional torts". This motion was withdrawn and Senator Van Valkenburg moved that the wording offered by Joan Mayer be adopted. The motion carried.

Senator Turnage moved that this bill be amended on page 3, line 3 and 4 by striking all the new material and insert "unless enjoined by a court"; and strike sections 2 and 3 in their entirety. The motion carried unanimously.

Senator Van Valkenburg moved that the title and catch line be amended in section 1. The motion passed unanimously.

Senator Towe moved that on page 3, line 16, that the bill be amended by striking "whether" and on line 17, strike "separation or otherwise" and insert "order".

Senator Van Valkenburg commented that you are really forcing people to go out and get an attorney.

The motion carried unanimously.

Senator Towe moved that the bill do pass, as amended. The motion carried unanimously.

*Comments:*  
2/23/79  
original note to table from 9 to 1.  
See Van Valkenburg note re. 2C  
ER done

DISPOSITION OF SENATE BILL 420:

Senator Turnage moved that this bill do not pass. He withdrew this motion and moved that this bill be tabled. The motion carried with Senators Van Valkenburg, Healy, Anderson and Towe voting no. Senator Turnage moved that a joint resolution be drafted to study this matter during the interim and that this resolution should be directed to the Judiciary Committee. The motion carried unanimously.

DISPOSITION OF SENATE BILL 482:

Joan Mayer from the Legislative Council offered some amendments that had been proposed in connection with this bill, which is an act to provide for seizure and forfeiture of controlled substances and implements and conveyances used in dangerous drug violations. There was a motion to do pass. The motion failed. (See roll call vote.)

Senator Turnage moved that this bill be tabled. The motion carried. Senator Van Valkenburg and Senator Anderson were absent during this vote.

DISPOSITION OF SENATE BILL 301:

Joan Mayer from the Legislative Council offered amendments to this bill, which is an act to generally revise the state laws relating to child abuse, neglect and dependency. (See amendments attached.)

Senator Towe moved amendment #2, 3 and 4. The motion carried unanimously. Senator Towe moved to amend by accepting amendment #5. The motion carried unanimously. Senator Towe moved #16 and this motion carried unanimously.

Senator Towe moved that on page 7, the bill be amended on lines 17, 18, 19 by striking these lines in subsection (2). The motion carried unanimously.

Senator Towe moved that amendment #11 be adopted and further amend by striking everything else in section 6 following that amendment. The motion carried unanimously.

Senator Towe moved that amendment #13 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #14 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #17 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #18 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #19 be adopted. The motion carried unanimously.

Senator Brown moved the withdrawal of amendment #19. The motion carried unanimously.

The motion was made on page 14, line 7, following "privilege" that the words "with relation to examination or treatment of the child" be inserted. The motion carried unanimously.

Senator Towe moved that amendment #20 be adopted. The motion carried unanimously.

Senator Towe moved that amendment #21 be adopted. The motion carried unanimously.

Senator Towe moved that amendments #22 and #23 be adopted. The motion carried unanimously.

Senator Towe moved that on page 3, line 15, following line 15 that the material on page 18, lines 13 through 19 be inserted on page 3, line 15. The motion carried unanimously.

Senator Towe moved that on page 12, line 21, after the word, "and" the bill be amended to read "may provide protective services to". The motion carried unanimously.

Senator Turnage moved that on page 16, line 18, strike "the department". The motion carried unanimously.

Senator Lensink moved that the bill do pass, as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 386:

This is an act to disapprove the Supreme Court's rules on disqualification and substitution of judges and to adopt the federal rule.

Senator Brown suggested that the bill be amended on page 1, line 21, after "party" insert "and lawyer representing party" and on page 1, line 23, strike "served as a lawyer and insert "representing a party involved" and on page 1, line 25, strike "a lawyer" and insert "counsel for party involved"; and on page 2, line 2, strike "concerning it" and insert "on behalf of a party in any prior proceeding" and on page 2, after line 2, (c) he has made statements publicly or privately" and he suggested that this bill be applied to civil cases only.

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He suggested that the Committee think about these amendments and act on the bill in the morning. The Committee agreed.

There being no further business, the meeting adjourned.



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SENATOR EVERETT R. LENSINK, Chairman  
Senate Judiciary Committee

Session  
Date 2/18/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

*All correct*

Senate Bill 221, introduced bill be amended as follows:

1. Page 2, line 17  
Strike: "through 39"  
Insert: "through 33"
2. Page 3, line 12  
Strike: "States and who is a recipient of  
public assistance."  
Insert: "States."
3. Page 17, line 14  
Strike: "[sections 20 and 22]."  
Insert: "[sections 17 and 18]."
4. Page 18, line 3  
Strike: "[sections 19 and 20]"  
Insert: "[section 19]"
5. Page 18, lines 5 and 6  
Strike: "action under [section 21], [section 26],  
and [section 27] may"  
Insert: "action may"
6. Page 18, line 11  
Strike: "bond satisfactory to the department"  
Insert: "bond, not to exceed the amount of the  
support debt,"
7. Page 18, line 22  
Strike: "in [sections 16 and 17]"  
Insert: "in [sections 15 and 16]"
8. Page 22, Line 11  
Strike: "[section 33]"  
Insert: "[section 28]"
9. Pages 23 and 24, line 16 (page 23) thru  
line 24 (page 24)  
Strike: Entire Section  
Insert: "Section 19. Assertion of lien -- filing --  
levy upon and sale of property. (1) 21 days  
after receipt or refusal of notice of debt  
under the provisions of [section 14] or 21  
days after service of the notice of debt or as  
otherwise appropriate under the provisions of  
[sections 15 and 16], the department may issue  
an abstract of any final order in the form of  
a warrant of distraint under its official seal  
directed to the sheriff of any county of the  
state commanding him to levy upon and sell the  
real and personal property of the person owing  
the support debt within his county for the  
payment of the debt, interest, and the cost of  
executing the warrant, and to return such warrant  
to the department and pay to it the money  
collected within 60 days from the date of the

issuance of the warrant.

(2) The sheriff shall, within 5 days after the receipt of the warrant, file a copy of the warrant with the clerk of the district court of his county and the clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the debtor mentioned in the warrant and, in appropriate columns, the amount of the support debt and the date when such copy is filed. The amount of such warrant so docketed shall become a lien upon the title to and interest in real property or chattels real of the person against whom it is levied in the same manner as a judgment docketed in the office of such clerk. This lien shall have the same preference against the assets of the debtor as claims for taxes.

(3) The sheriff shall proceed to levy upon and sell the property of the debtor in the same manner prescribed by law for executions issued against property upon judgments of a court of record and shall be entitled to the same fees for his services in executing the warrant, to be collected in the same manner.

(4) Where the net proceeds of sale upon application to the debt claimed do not satisfy the debt in full, the department shall have judgment for any deficiency remaining unsatisfied.

10. Pages 24 and 25, line 25 (page 24) thru line 17 (page 25)  
Strike: Entire section
11. Pages 25, 26 and 27, lines 18 (page 25 thru line 25 (page 27)  
Strike: Entire section
12. Page 28, line 1  
Strike: "Section 22."  
Insert: "Section 20."
13. Page 28, lines 12 and 13.  
Strike: "The lien or order to withhold and deliver"  
Insert: "The lien or order"
14. Page 28, lines 18 and 19.  
Strike: "order to withhold and deliver"  
Insert: "order"
15. Page 28, line 20.  
Strike: "Section 23."  
Insert: "Section 21."

16. Page 29, line 5.  
Strike: "[section 26]"  
Insert: "[section 19]"
17. Page 29, line 13.  
Strike: "Section 24."  
Insert: "Section 22."
18. Page 29, line 22.  
Strike: "Section 25."  
Insert: "Section 23."
19. Pages 30, 31 and 32, lines 6 (page 30 thru lines 5 (page 32)).  
Strike: Entire section.
20. Pages 32 and 33, lines 6 (page 32) thru lines 6 (page 33).  
Strike: Entire section.
21. Page 33, line 7.  
Strike: "section 28."  
Insert: "section 24."
22. Page 33, line 10.  
Strike: "support lien"  
Insert: "warrant of distraint"
23. Page 33, line 13.  
Strike: "the department"  
Insert: "the sheriff"
24. Page 33, lines 16 and 17.  
Strike: "under [Section 27]"
25. Page 33, line 21.  
Strike: "Section 29."  
Insert: "Section 25."
26. Page 33, line 22.  
Strike: "time set a"  
Insert: "time, after notice to the debtor, set or reset"
27. Page 33, line 25.  
Strike: "Section 30."  
Insert: "Section 26."
28. Page 34, line 2.  
Strike: "to withhold and deliver"
29. Page 34, lines 9 thru 20.  
Strike: Entire section.

30. Page 34, line 21.  
Strike: "Section 32."  
Insert: "Section 27."
31. Page 34, line 22.  
Strike: "of 6% per year".
32. Page 34, line 24.  
Strike: "department."  
Insert: "department at the statutory interest rate payable on judgments recovered in the courts of this state."
33. Page 35, line 3.  
Strike: "Section 33."  
Insert: "Section 28."
34. Page 35 and 36, lines 25 (page 35) thru lines 2 (page 36).  
Strike: "be based upon the transcript and other pertinent record of the administrative proceedings."  
Insert: "be conducted pursuant to the provisions of the Montana Administrative Procedure Act."
35. Page 36, line 9.  
Strike: "Section 34."  
Insert: "Section 29."
36. Page 36, lines 13 thru 20.  
Strike: "Entire section".
37. Page 36, line 21.  
Strike: "Section 36"  
Insert: "Section 30"
38. Page 37, line 13.  
Strike: "Section 37."  
Insert: "Section 31."
39. Page 37, line 14.  
Strike: "discharge an"  
Insert: "discharge or prejudice"
40. Page 37, line 17.  
Strike: "to withhold and deliver"

41. Page 37, line 19.  
Strike: "to withhold and deliver"
42. Page 37, line 22.  
Strike: "section 38"  
Insert: "section 32"
43. Page 38, line 2.  
Strike: "earnings presented".  
Insert: "earnings, whether executed voluntarily  
or pursuant to court order, presented"
44. Page 38, line 15.  
Strike: "Section 39."  
Insert: "Section 33."

STATEMENT OF INTENT RE: S.B. 221

A Statement of Intent is required for Senate Bill 221 inasmuch as rule making authority is granted to the Department of Revenue.

Senate Bill 221 establishes administrative procedures to facilitate the enforcement of support for dependent children. These procedures provide the Department of Revenue with more effective and efficient procedures to ensure that dependent children are supported by those persons who under the law are primarily responsible for such support.

To enable the Department of Revenue to achieve the objectives of SB 221 rule making authority is granted as follows:

1. In general the Department of Revenue is authorized to "adopt and enforce such rules as may be necessary to carry out the provisions of [this act]" SB 221, §2(9).
2. To limit the responsibility of the Department of Revenue to accept applications for support enforcement services on behalf of persons who are not recipients of public assistance. SB 221, §1 and 2.
3. To establish reasonable fees for support enforcement services provided to persons who are not recipients of public assistance. SB 221, §3.

4. To adopt rules, based on ability to pay, defining the extent of the debt due and owing to the State of Montana by the natural or adoptive parent[s] responsible for the support of children who have received public assistance. Where a district court order establishes the level of support, the debt is limited to the amount provided for by the order. SB 221, §13(4).

1. Page 1, line 18.

Following: "I"

Strike: "applies"

Insert: "does not apply"

2. Page 1, lines 20 and 21.

Following: "representatives" on line 20

Strike: "unless otherwise provided in the agreement"

Insert: "except when such agreements apply only to disputes arising out of the interpretation or application of such agreements, in relation to rates of pay, rules, or working conditions"

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2. Page 1, lines 20 and 21.

Following: "representatives on line 20

Strike: "unless otherwise provided in the agreement"

Insert: "except when such agreements require each party to submit a last best offer to the arbitrators and ~~may~~ restrict the arbitrator's authority to grant an award by requiring them to choose between the last best offers submitted without modifying such offers"

3. Page 12.

Following: line 12

Insert: "(3) an agreement to submit a controversy to arbitration except as provided in [sections 1 through 21];"

Renumber: subsequent subsections

SB 221

1. Page 2, line 17.

Following: "through"

Strike: "39"

Insert: "32"

2. Page 3, line 12.

Strike: "and who is a recipient of public assistance"

3. Page 12, line 13.

Following: "minimum"

Strike: "scales"

Insert: "scale"

\* 4. Page 15, lines 13 and 14.

Strike: "lien and foreclosure,"

\* 5. Page 15, line 14.

Following: "distrain"

Strike: ", "

Insert: "and"

\* 6. Page 15, lines 14 and 15.

Strike: ", or order to withhold and deliver"

\* 7. Page 15, line 19.

Strike: "lien and foreclosure or"

Following: "distrain"

Strike: ", "  
Insert "and"

\* 8. Page 15, line 20.

Strike: ", or order to withhold and deliver"

\* 9. Page 17, line 2.

Strike: "lien and foreclosure,"

Following: "distrain"

Strike: ", "

Insert: "and"

\* 10. Page 17, line 3.

Strike: ", or order to withhold and deliver"

\* 11. Page 17, line 8.

Following: line 7

Strike: "collection"

Following: "warrant"

Insert: "of distrain"



12. Page 17, line 14.

Following: "[ "

Strike: "sections 20 and 22"

Insert: "section 18"



13. Page 17, line 20.

Following: "--"

Strike: "filing and serving of liens" {Insert: "warrant of distrain"

\* 14. Page 17, line 21.

Following: "release"

Strike: "liens"

Insert: "warrant"

\* 15. Page 18, line 2.

Following: "debt"

Insert: ", "

\* 16. Page 18, line 3.

Following: "may"

Strike: "file and serve liens"

Insert: "issue a warrant of distraint"

Following: "19"

Strike: "and 20"

17. Page 18, lines 5 and 6.

Following: "action" on line 5

Strike: "under [section 21], [section 26], and [section

\* 18. Page 18, lines 6 and 7.

Following: "on" on line 6

Strike: "such liens"

Insert: "the warrant"

19. Page 18, line 11.

Following: "bond"

Strike: "satisfactory to the department"

Insert: "not to exceed the amount of the current debt."

\* 20. Page 18, line 13.

Following: "case"

Strike: "liens filed"

Insert: "warrants issued"

\* 21. Page 18, line 15.

Following: "all"

Strike: "liens filed"

Insert: "warrants issued"

\* 22. Page 18, line 21.

Strike: "hearing and appeal"

23. Page 18, line 22.

Following: "sections"

Strike: "16 and 17"

Insert: "15 and 16"

\* 24. Page 19, line 10.

Following: "financial"

Strike: "liability"

Insert: "responsibility"

25. Page 19, line 19.

Following: "of"

Strike: "liability"

Insert: "financial responsibility"

26. Page 19, line 21.  
Following: line 20  
Strike: "liability"  
Insert: "financial responsibility"

27. Page 19, line 24.  
Following: "financial"  
Strike: "liability"  
Insert: "responsibility"

28. Page 20, line 12.  
Following: line 11  
Strike: "liability"  
Insert: "responsibility"

29. Page 20, line 19.  
Following: "hearing"  
Strike: "that"  
Insert: ", "

30. Page 21, line 1.  
Strike: "lien and foreclosure,"  
Following: "distrain"  
Strike: ", "  
Insert: "and"

31. Page 21, lines 1 and 2.  
Strike: ", or order to withhold and deliver"

32. Page 22, lines 10 and 11.  
Following: "to [section]"  
Strike: "33"  
Insert: "27"

\* 33. Page 23, line 14.  
Following: line 13  
Insert: "[ "  
Following: "this"  
Strike: "chapter"  
Insert: "act]"

\* 34. Page 23, line 16.  
Following: ~~Warrant of~~ "19."  
Strike: ~~Warrant of~~ "Assertion of lien -- effect"  
Insert: "Warrant of distraint -- execution."

35.

Page 23, line 20 through line 24 on page 24.

Following: "16]" on line 20

Strike: Remainder of ~~section~~ line 20 through  
"satisfied" on line 24 on page 24

Insert:

the department may issue  
an abstract of any final order in the form of  
a warrant of distraint under its official seal  
directed to the sheriff of any county of the  
state commanding him to levy upon and sell the  
real and personal property of the person owing  
the support debt within his county for the  
payment of the debt, interest, and ~~the~~ cost of  
executing the warrant, and to return ~~such~~<sup>the</sup> warrant  
to the department and pay to it the money  
collected within 60 days from the date of the

issuance of the warrant.

(2) The sheriff, within 4 days after  
the receipt of the warrant, file a copy of  
the warrant with the clerk of the District  
Court of the county and the clerk shall enter  
in the judgment docket, in the column for  
judgment docket, the name of the debtor  
mentioned in the warrant and, in appropriate  
columns, the amount of the support debt and  
the date when such copy is filed. The amount  
of ~~the~~<sup>the</sup> warrant so docketed ~~shall have~~<sup>is</sup> a  
lien upon the title to and interest in real  
property or chattels real of the person against  
whom it is levied in the same manner as a  
judgment docketed in the office of such clerk.  
This lien ~~has~~<sup>has</sup> the same preference against  
the assets of the debtor as claims for taxes.

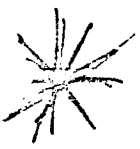
(3) The sheriff shall proceed to levy upon and  
sell the property of the debtor in the same  
manner prescribed by law for executions issued  
against property upon judgments of a court of  
record and ~~he~~<sup>is</sup> entitled to the same fees  
for his services in executing the warrant, to  
be collected in the same manner.

(4) ~~If where~~ the net proceeds of ~~the~~<sup>the</sup> sale, upon  
application to the debt claimed, do not satisfy  
the debt in full, the department shall have  
judgment for any deficiency remaining unsatisfied.

36. Page 24, line 25 through line <sup>19</sup>~~22~~ on page 28.

Strike: sections 20 <sup>through</sup> 22 in their entirety

Renumber: all subsequent sections



- \* 37. Page 28, line 21.  
Following: "with"  
Strike: "order or lien"  
Insert: "warrant or <sup>to</sup> honor assignment of wages"
- \* 38. Page 28, line 23 through line 4 on page 29.  
Following: "state" on line 23  
Strike: remainder of line 23 through "or" on line 4, page
39. Page 29, line 5.  
Following: "section"  
Strike: "26"  
Insert: "19"  
Following: "]"  
Strike: ";"
- \* 40. Page 29, lines 10 and 11.  
Strike: "lien, order to withhold and deliver,"
- \* 41. Page 29, line 11.  
Following: "distrainment"  
Strike: ","
42. Page 30, line 1.  
Strike: "a lien or order to withhold and deliver or"
43. Page 30, line 2.  
Strike: "other"

44. Page 30, line 6 through line 6 on page 33.  
Strike: sections 26 and 27 in their entirety  
Remember: all subsequent sections

\* 45. Page 33, lines 7 and 8.  
Following: ~~the~~ "of"  
Strike: "lien after ~~foreclosure~~ foreclosure proceedings instituted"  
Insert: "debt after levy on property"

46. Page 33, line 10.  
Following: line 9  
Strike: "support lien"  
Insert: "warrant of distraint"  
Following: "been"  
Strike: "filed and foreclosure instituted"  
Insert: "issued and levied upon"

47. Page 33, line 13.  
Following: "payment the"  
Strike: "department"  
Insert: "sheriff"

\* 48. Page 33, lines 14 and 15.  
Following: "proceedings"  
Strike: "in the foreclosure action"  
Insert: "on the warrant"

49. Page 33, lines 16 and 17.

Following: "property" on line 16

Strike: "foreclosed under [section 27]"

Insert: "levied upon"

50. Page 33, line 22.

Following: "time"

Insert: "after notice to the debtor"

Following: "set"

Insert: "or reset"

\* 51. Page 33, line 25. ~~and the order on page 34~~

Following: "Release of ~~or~~ ~~the~~ ~~order~~"

Strike: "lien or order, ~~or~~ ~~the~~ ~~order~~"

Insert: "distrainment" "distrainment,"

\* 52. Page 34, line 2.

Following: "a"

Strike: "support lien or order to withhold and deliver"

Insert: "distrainment"

Page 34, line 3.

Following: "debtor or"

Insert: "after the"

sheriff to"

54. Page 34, lines 9 through 20.

Strike: section 31 in its entirety

Remember: all subsequent sections

55. Page 34, line 22.

Strike: "of 6% per year"

56. Page 34, line 24.

Following: "department"

Insert: "at the statutory interest rate payable on judgments recovered in the courts of this state"

57. Page 35, line 25 and line 1 on page 36.

Following: "review" on line 25

Strike: remainder of line 25 through "proceedings" on line 1

Insert: "shall be conducted pursuant to the Montana Administrative Procedure Act"

58. Page 36, lines 13 through 20.

Strike: section 35 in its entirety

Renumber: all subsequent sections

\* 59. Page 37, line 9.

Following: line 8

Strike: "support lien"

Insert: "warrant of distraint"

Following: "filed"

Insert: "with the clerk of court"

\* 60. Page 37, lines 10 and 11.

Strike: "or order to withhold and deliver"

61. Page 39, line 14.

Following: "discharge"

Insert: "or prejudice"

62. Page 37, lines 16 and 17.

Following: "that a" on line 16

Strike: "support lien or order to withhold and deliver"

Insert: "warrant of distraint"

\* 63. Page 37, line 19.

Following: "three"

Strike: <sup>support</sup> "liens or order to withhold and deliver"

Insert: "warrants"

64. Page 38, line 2.

Following: "earnings"

Insert: ", whether executed voluntarily or pursuant to court order, "

SB 228 (insert 2.3)

Issue

1. Page 2, line 22.

Following: "-:-"

Insert: " : "

2. Page 2, line 23.

Following: ~~the~~ "(a) -"

~~Insert~~ while: " , "

Insert: "(a)"

3. Page 3, line 3.

Following: "-or-"

Insert: " ; and

(b) the court has determined, based on any presentence report and the evidence presented at the trial and the sentencing hearing, that the offender does not represent a substantial danger to other persons or society "

4. Page 3, line 9.

Following: "-(a) -"

Insert: "(a)"

SB 243

1. Title, line 11.

Strike: "AND"

A H 9 remedies bill

2. Title, line 11.

Following: "SECTIONS"

Insert: "27-19-201,"

Following: "27-19-301,"

Insert: "27-19-303,"

3. Title line 12.

Following: "27-19-306,"

Insert: "27-19-313,"

Following: "27-19-401,"

Insert: "27-19-403, 27-19-405,"

Following: "MCA"

Insert: "; AND REPEALING SECTIONS 27-19-302, 27-19-304, 27-19-311, AND 27-19-402, MCA"

~~Amendment to Interim Bill No. 243, an~~

~~act to revise the statute regarding the procedure for~~

~~obtaining and dissolving or modifying preliminary injunctions~~

~~and temporary restraining orders~~

84. Page 1.

Following: line 14

Insert: "Section 1. Section 27-19-201, MCA, is amended to read:

"27-19-201. When preliminary injunction may be granted. An injunction order may be granted in the following cases:

(1) when it shall appear by the complaint that the plaintiff applicant is entitled to the relief demanded and such relief or any part thereof consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

(2) when it shall appear by the complaint or affidavit that the commission or continuance of some act during the litigation would produce a great or irreparable injury to the plaintiff applicant;

(3) when it shall appear during the litigation that the adverse party defendant is doing or threatens or is about to do or is procuring or suffering to be done some act in violation of the plaintiff's applicant's rights, respecting the subject of the action, and tending to render the judgment ineffectual;

(4) when it appears by affidavit that the defendant adverse party, during the pendency of the action, threatens or is about to remove or to dispose of his property with intent to defraud the plaintiff applicant, an injunction order may be granted to restrain the removal or disposition." "

Renumber: All subsequent sections

85. Page 1, line 23.

Strike: "Except as provided in 27-19-302, 'no'"

Insert: "No"

Following: "notice"

Page 2.

Following: line 1

Insert: "New section. Section 3. When hearing on application required. Before granting an injunction order, the court or judge shall make an order requiring the cause to be shown, at a specified time and place, why the injunction should not be granted, and the adverse party may in the meantime be restrained as provided in 27-19-305."

~~Section 4.~~ Section 27-19-303, MCA, is amended to read:  
"27-19-303. Time of granting injunction, evidence required.

The injunction order may be granted after the hearing at the time of issuing the summons upon the complaint or at any time afterward before judgment upon affidavits. In the one case, the complaint with or without affidavits to support it, and in the other, the affidavits shall show satisfactorily that sufficient grounds exist therefor. Upon the hearing each party may present affidavits or oral testimony. An injunction order shall not be granted on the complaint alone affidavits unless:

- (1) it they be duly verified;
- (2) the material allegations of the complaint affidavits setting forth the grounds therefor for the injunction be made positively and not upon information and belief. (U)

Remember: all subsequent sections

Page 2, line 6.

Following: "enjoin the"  
Strike: "defendant"  
Insert: "adverse party"

8. Page 3, line 25.

Following: ~~by~~ "by the"

Strike: "plaintiff"

Insert: "applicant"

9. ~~78~~

Page 4, lines ~~9~~ 9 and 10.

Following: ~~the~~ "injunction, the"

Strike: "defendant"

Insert: "party enjoined"

~~10~~

10. Page 4, line 11.

Following: "the"

Strike: "plaintiff"

Insert: "party enjoined"

Following: "such"

Strike: "plaintiff"

Insert: "party"

11. Page 4, line 13.

Following: line 12

Strike: "plaintiff's"

Insert: "applicant's"

Following: "the"

Strike: "defendant"

Insert: "party enjoined"

12. Page 6.

Following: line 3

Insert: "Section 13. Section 27-19-313, MCA, is amended to read

"27-19-313. New undertaking for security following hearing. On a hearing to show cause, the court or judge may require a new undertaking, in the same or a different sum, to be given by the plaintiff party who obtained the order, with like sureties and like effect as upon granting of the original order. The persons executing the new undertaking become liable thereon as if they had executed it upon the granting of the original order. The persons who executed the original undertaking remain liable thereon until the new undertaking is given and approved, and no longer."

Remember: all subsequent amendments

13. Page 6, line 7.

Strike: "granted without a hearing"

14. Page 6, lines 7 through 9.

Following: "hearing." on line 7

Strike: remainder of line 7 through "trial," on line 9

Insert: "The party enjoined"

15. Page 6, lines 9 through 11.

Following: "apply" on line 9 ~~through~~

Strike: remainder of line 9 through "thereof," on line 11

16. Page 6, lines 14 through 16.

Following: "upon" on line 14

Strike: remainder of line 14 through "answer" on line 16

Insert: "reasonable notice or upon <sup>an</sup> order to show cause returnable at a specified time or immediately after service thereon

The application must be supported by an affidavit showing that there is not sufficient ground for the injunction to continue or <sup>that</sup> the scope of the injunction is too broad."

~~17. Page 6~~

~~Following: "Insert"~~

~~Insert: "Section 19-102, which is intended to read"~~

~~"19-102. Ever"~~

17.

Page 6.

Following: line 16

Insert: "Section ~~15~~. Section 27-19-403, MCA, is amended to read:

"27-19-403. New undertaking for security following hearing. Upon the hearing of an application to vacate or modify an injunction order, the court or judge may require a new undertaking, in the same or a different sum, to be given by the plaintiff party ~~which received the~~ who obtained the order, ~~with~~ with like sureties and to the like effect as upon granting of the original order. The persons executing the new undertaking become liable thereon as if they had executed it upon the granting of the original order. The persons who executed the original undertaking remain liable thereon until the new undertaking is given and approved, and no longer."

~~Section 15.~~  
~~Section 15.~~ Section 16. Section 27-19-405, MCA, is amended to read:

"27-19-405. Defendant's Enjoined party's undertaking for security upon dissolution. Upon the hearing mentioned in 27-19-403, the court or judge may vacate the injunction order upon the defendant's enjoined party's executing an undertaking in such form and amount

and with such sureties as the court or judge shall direct, conditioned to indemnify the plaintiff party who obtained ~~the~~ the injunction reason of vacating such injunction order."

18. Page 6, line 20.

~~without a hearing~~  
Strike: "without a hearing"

19. Page 6, line 24.

Following: ~~the~~ "against the"

Strike: "plaintiff"

Insert: "party who obtained the injunction"

20. Page 7, ~~Section 17.~~

Following: line 1

Insert: "Section 17. Repealer. Sections 27-19-302, 27-19-304, 27-19-311, and 27-19-402, MCA, are repealed."

SB 301

check  
for  
amendments

TO: SENATE JUDICIARY COMMITTEE STAFF  
FROM: BURT ANNIN, SRS/OLA

RE: SB 301 AMENDMENTS

page 4, line 21.  
adding: "against the child"  
he: " "

1. Page 3, line 14.  
Following: "by" ~~the child's parent or guardian~~  
Insert: "or who fails to thrive because of"

5, line 1.  
adding: "3"  
at: "or"

5. Page 5, line 15.  
Following: "risk"  
Strike: "or"  
Insert: "of"

page 5, line 5.  
through 9.  
adding: "future"  
on line 5  
v: remainder  
line 5  
through "court"  
line 9

6. Page 5, line 24 through line 3 on page 6.  
Following: "an" on line 24  
Strike: the remainder of line 24 ~~and~~ through "culture" on line 3, page 6

~~Page 6, line 1~~

~~Strike: the remainder of line 24 and~~

Insert: "identifiable and substantial impairment of the child's intellectual or psychological functioning"

7. Page 7, line 10.  
Following: "parents"  
Insert: "or guardians"

8. Page 7 line 12.  
Following: "parents"  
~~XXXXXXXXXXXXXXXXXXXX~~  
Strike: "of children"  
Insert: "or guardian of a child"

~~10~~

~~10~~

10. Page 7, line 18.  
Following: ~~the child's~~ "home,"  
Insert: "or guardian"

~~10~~

~~10~~

~~Strike: line 18 in its entirety~~  
Insert: "when a child is placed in a foster home, child care agency, or private treatment facility"

OK (9)

9. Page 7, line 16.  
Following: "of"  
Strike: "such child or children"  
Insert: "the child"

OK

11. Page 8, lines 18 and 19.  
Following: "shall" on line 18  
Strike: "serve at the invitation of the coordinator"  
Insert: "include a social worker, a member of a local law enforcement agency, a representative of the medical profession, and a county attorney"

12. Page 8, line 19.  
Following: "and"  
Strike: "shall"  
Insert: "may"

13. Page 9, line 12.  
Following: "affiliate,"  
Strike: "who"  
Insert: "which"

14. Page 11, line 7.

Following: "abuse"

Strike: "and"

Insert: "or"

~~AMENDMENTS TO SB 301 CONTINUED~~

15. Page 11, line 19.

Following: "neglected,"

~~XXXXXXXXXXXX~~

Insert: "the department of Social and Rehabilitation Services shall direct"

~~16. Page 11, line 20.~~

~~Following: "sufficient"~~

~~Insert: "or any other person"~~

\* 16. Page 11, line 21.

Strike: "shall"

Insert: "to"

17. Page 14, line 1.

Following: "or"

Strike: "any"

Insert: "its"

Following: "contents"

Strike: "thereof"

18. Page 14, line 3.

Strike: "thereof"

Following: "fact"

Strike: "or facts"

19. Page 14, line 7.

Following: ~~line 6~~

Insert: "physician-patient"

20. Page 14, lines 7 through 9.

Following: ~~"disclosure"~~ on line 7

Strike: ~~remainder of line 7 through "26-1-803"~~ on

Insert: "or rule against disclosure"

~~21. Page 14, line 16.~~

Following: "suffered"

Strike: "trauma"

Insert: "abuse"

22. Page 18, line 5.

Strike: "(1)"

23. Page 18, lines 9 through 11.

~~Strike: lines 9 and 10 in their entirety through "be" on line 11"~~

Following: line 8

Strike: lines 9 and 10 in their entirety through "be" on line 11"

24. Page 18, lines 13 through 19.

Strike: lines 13 through 19 in their entirety

\* Can a department direct a county attorney to investigate?  
a peace officer?

25. Page 18, line 25.

Following: "sections"

Strike: "4 and"

Following: "5"

Insert: "and 6"

26. Page 19, line 2.

Following: "sections"

Strike: "4 and"

Following: "5"

Insert: "and 6"

SB 348

1. Title, line 5.

Following: "TO"

Strike: "PROVIDE FOR"

Insert: "REQUIRE CERTAIN"

3. Page 1.

Following: line 25

Insert: "Section 2. Application. This act applies only to causes of action arising <sup>on or</sup> after the effective date of this act.

Section 3. Effective date. This act is effective on passage and approval."

2. Title, line 6.

Following: "ACTIONS"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

SB 476

1. Title, line 4.

Strike: "LICENSE AND"

2. Title, lines 9 through 15.

~~Strike: remainder of line 9 through "REQUIREMENTS" on line 15~~

Following: "INSTRUMENTS" on line 9

Strike: remainder of line 9 through "REQUIREMENTS" on line 15

3. Page 1, line 18 through line 18 on page 2.

~~Strike: section 1 in its entirety~~

Strike: section 1 in its entirety

Re-number: all subsequent sections

4. Page 2, lines 19 and 20.

Following: "I" on line 19

Strike: "sections 2 through 16"

Insert: "this act"

5. Page 2, lines 21 and 22.

Strike: lines 21 and 22 in their entirety

Re-number: subsequent subsections

6. Page 2, line 24.

Strike: "or intern"

7. Page 3, line 2.

Strike: "It is the intent of the Legislature to"

8. Page 3, line 17 through line 2 on page 4.

Strike: lines 17 through line 2 on page 4 in their entirety

9. Page 4, lines 15 through 18.

~~Following: line 18~~

~~Strike: sections 4 through 13 in their entirety~~

Strike: lines 15 through 18 in their entirety

10. Page 4, line 19 through line 25 on page 9.

Following: line 18 on page 4

Strike: sections 4 through 13 in their entirety

Remember: all subsequent sections

11. Page 10, lines 1 through 19

Following: "14."

Strike: remainder of line 1 through "asked" on line 19

Insert: "Prohibited actions of ~~pages~~ examiners." No

examiner may: ~~ask~~

(1) ask "

~~12. Page 10, line 24.~~  
~~Following: line 23~~  
~~Strike: "(9) failed"~~  
~~Insert: "(2) fail"~~

12. Page 10, line 24.

Following: line 23

Strike: "(9) failed"

Insert: "(2) fail"

13. Page 11, line 1.

Following: ";"

Insert: "or"

14. Page 11, line 2.

Following: line 1

Strike: "(10) conducted"

Insert: "(3) conduct"

Following: "without"

Strike: "having informed"

Insert: ~~the~~ "first informing"

15. Page 11, line 16 through 21.

~~Following: line 1~~

Strike: ~~the~~ section 15 in its entirety

~~Insert:~~

Remember: all subsequent sections

Page 11, line 22.

Following: "16."

Insert: "Penalty"

Insert: "criminal

penalty"

16. Page 11, lines 22 and 23.

Following: "["

Strike: "sections 2 through 16"

Insert: "this act"

~~Page 11, line 24.~~  
~~Strike: section 17 in its entirety~~

17. Page 11.

Following: line 25

Insert: "Section 5. Civil action for damages. A person who ~~to~~ suffers damages as a result of a violation of [this act] may bring a civil action for damages against the examiner who violated [this act]. In such an action, the measure of damages is three times the sum that would compensate the plaintiff for the actual detriment he has suffered."

Remember: subsequent section

SB 482

1. Page 3.

Following: line 3

Insert: "(d) No conveyance is subject to forfeiture under this section because of the possession of marijuana in an amount less than

2. Page 5, line 11.

Following: "address"

Strike: "in"

Insert: "is"

\* 1. Kilogram or

2. 60 grams or (2 ounces)

3. as compromise

SENATE COMMITTEE JUDICIARY

Date 2/18/79 Bill No. 214 Time 11:31

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)		✓
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		✓
Brown, Steve (D)		✓
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	

Gloria Conway  
Secretary

Everett R. Lensink  
Chairman

Motion: Do not pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date \_\_\_\_\_ Bill No. 283 Time \_\_\_\_\_

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)	✓	
Brown, Steve (D)		✓
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)		✓
	6	11

Miss O'Connell  
Secretary

Everett R. Lensink  
Chairman

Motion: De pona, as amended  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 2/18/79 Bill No. 504 Time 12:15

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		<del>dist</del> ✓
O'Hara, Jesse A. (R)		<del>dist</del>
Anderson, Mike (R)		✓
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	
	5	4

Miss [Signature]  
Secretary

Everett R. Lensink a/p  
Chairman

Motion: As presented

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 3/18/79 Bill No. 306 Time 12:25

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)		✓
Anderson, Mike (R)		✓
Galt, Jack E. (R)		✓
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	✓
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	

*7 called*

*Alice Amory*  
Secretary

*Everett R. Lensink*  
Chairman

Motion: *Do not pass*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date 3/18/79 Bill No. 482 Time 2:10 p.m.

NAME	YES	NO
Lensink, Everett R., Chr. (R)		✓
Olson, S. A., V. Chr. (R)		✓
Turnage, Jean A. (R)		✓
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)		✓
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)		✓
Brown, Steve (D)		✓
Van Valkenburg, Fred (D)		✓
Healy, John E. (Jack) (D)	✓	

Steve Brown  
Secretary

Everett R. Lensink  
Chairman

Motion: Deposited

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(include enough information on motion--put with yellow copy of committee report.)

# STANDING COMMITTEE REPORT

February 19

19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 214

Respectfully report as follows: That Senate Bill No. 214,  
introduced bill, be amended to read as follows:

1. Page 1, lines 20 and 21.

Following: "representatives" on line 20

Strike: "unless otherwise provided in the agreement"

Insert: "except that agreements concerning salaries  
and benefits are not subject to arbitration"

2. Page 2, line 3.

Following: "contract"

Insert: "if the agreement is between corporations or is  
subject to arbitration under [section 3]"

3. Page 12.

Following: line 12

Insert: "(3) an agreement to submit a controversy to  
arbitration except as provided in [sections 1 through 21];"

Renumber: subsequent subsections

And, as so amended

DO PASS

4/10-12

# STANDING COMMITTEE REPORT

February 20 19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 221

Respectfully report as follows: That Senate Bill No. 221,  
introduced bill, be amended as follows:

1. Page 2, line 17.

Following: "through"

Strike: "39"

Insert: "32"

2. Page 3, line 12.

Strike: "and who is a recipient of public assistance"

3. Page 12, line 13.

Following: "minimum"

Strike: "scales"

Insert: "scale"

4. Page 15, lines 13 and 14.

Strike: "lien and foreclosure,"

DO PASS

(Continued)

5. Page 15, line 14.  
Following: "distrain"  
Strike: ", "  
Insert: "and"
6. Page 15, lines 14 and 15.  
Strike: ", or order to withhold and deliver"
7. Page 15, line 19.  
Strike: "lien and foreclosure or"  
Following: "distrain"  
Strike: ", "  
Insert: "and"
8. Page 15, line 20.  
Strike: ", or order to withhold and deliver"
9. Page 17, line 2.  
Strike: "lien and foreclosure,"  
Following: "distrain"  
Strike: ", "  
Insert: "and"
10. Page 17, line 3.  
Strike: ", or order to withhold and deliver"
11. Page 17, line 8.  
Following: line 7  
Strike: "collection"  
Following: "warrant"  
Insert: "of distrain"
12. Page 17, line 14.  
Following: "["  
Strike: "sections 20 and 22"  
Insert: "section 18"
13. Page 17, line 20.  
Following: "---"  
Strike: "filing and serving of liens"  
Insert: "warrant of distrain"
14. Page 17, line 21.  
Following: "release"  
Strike: "liens"  
Insert: "warrant"
15. Page 18, line 2.  
Following: "debt"  
Insert: ", "

(Continued)

16. Page 18, line 3.

Following: "may"

Strike: "file and serve liens"

Insert: "issue a warrant of distraint"

Following: "19"

Strike: "and 20"

17. Page 18, lines 5 and 6.

Following: "action" on line 5

Strike: "under [section 21], [section 26], and [section 22]"

18. Page 18, lines 6 and 7.

Following: "on" on line 6

Strike: "such liens"

Insert: "the warrant"

19. Page 18, line 11.

Following: "bond"

Strike: "satisfactory to the department"

Insert: ", not to exceed the amount of the support debt,"

20. Page 18, line 13.

Following: "case"

Strike: "liens filed"

Insert: "warrants issued"

21. Page 18, line 15.

Following: "all"

Strike: "liens filed"

Insert: "warrants issued"

22. Page 18, line 21.

Strike: "hearing and appeal"

23. Page 18, line 22.

Following: "sections"

Strike: "15 and 17"

Insert: "15 and 16"

24. Page 19, line 10.

Following: "financial"

Strike: "liability"

Insert: "responsibility"

25. Page 19, line 19.

Following: "of"

Strike: "liability"

Insert: "financial responsibility"

26. Page 19, line 21.

Following: line 20

Strike: "liability"

Insert: "financial responsibility"

(Continued)

27. Page 19, line 24.

Following: "financial"

Strike: "liability"

Insert: "responsibility"

28. Page 20, line 12.

Following: line 11

Strike: "liability"

Insert: "responsibility"

29. Page 20, line 19.

Following: "hearing"

Strike: "that"

Insert: ", "

30. Page 21, line 1.

Strike: "lien and foreclosure,"

Following: "distrain"

Strike: ", "

Insert: "and"

31. Page 21, lines 1 and 2.

Strike: ", or order to withhold and deliver"

32. Page 22, lines 10 and 11.

Following: "to [section"

Strike: "33"

Insert: "27"

33. Page 23, line 14.

Following: line 13

Insert: "[ "

Following: "this"

Strike: "chapter"

Insert: "act]"

34. Page 23, line 16.

Following: "19."

Strike: "Assertion of lien -- effect"

Insert: "Warrant of distrain -- execution"

35. Page 23, line 20 through line 24 on page 24.

Following: "16]" on line 20

Strike: remainder of line 20 through "satisfied" on line 24 on page 24

Insert: "the department may issue an abstract of any final order in the form of a warrant of distrain under its official seal directed to the sheriff of any county of the state commanding him to levy upon and sell the real and personal property of the person owing the support debt within his county for the payment of the debt, interest, and cost of executing

(Continued)

the warrant and to return the warrant to the department and pay to it the money collected within 60 days from the date of the issuance of the warrant.

(2) The sheriff shall, within 5 days after the receipt of the warrant, file a copy of the warrant with the clerk of the district court of his county and the clerk shall enter in the judgment docket, in the column for judgment debtors, the name of the debtor mentioned in the warrant and, in appropriate columns, the amount of the support debt and the date when such copy is filed. The amount of the warrant so docketed is a lien upon the title to and interest in real property or chattels real of the person against whom it is levied in the same manner as a judgment docketed in the office of such clerk. This lien has the same preference against the assets of the debtor as claims for taxes.

(3) The sheriff shall proceed to levy upon and sell the property of the debtor in the same manner prescribed by law for executions issued against property upon judgments of a court of record and is entitled to the same fees for his services in executing the warrant, to be collected in the same manner.

(4) If the net proceeds of the sale, upon application to the debt claimed, do not satisfy the debt in full, the department shall have judgment for any deficiency remaining unsatisfied."

36. Page 24, line 25 through line 19 on page 28.  
Strike: sections 20 through 22 in their entirety  
Renumber: all subsequent sections

37. Page 28, line 21.  
Following: "with"  
Strike: "order or lien"  
Insert: "warrant or to honor assignment of wages"

38. Page 28, line 23 through line 4 on page 29.  
Following: "state" on line 23  
Strike: remainder of line 23 through "or" on line 4, page 29

39. Page 29, line 5.  
Following: "section"  
Strike: "26"  
Insert: "19"  
Following: "1"  
Strike: " , "

40. Page 29, lines 10 and 11.  
Strike: "lien, order to withhold and deliver,"

(Continued)

41. Page 29, line 11.

Following: "distrain"

Strike: ", "

42. Page 30, line 1.

Strike: "a lien or order to withhold and deliver or"

43. Page 30, line 2.

Strike: "other"

44. Page 30, line 6 through line 6 on page 33.

Strike: sections 26 and 27 in their entirety

Renumber: all subsequent sections

45. Page 33, lines 7 and 8.

Following: "of"

Strike: "lien after foreclosure proceedings instituted"

Insert: "debt after levy on property"

46. Page 33, line 10.

Following: line 9

Strike: "support lien"

Insert: "warrant of distrain"

Following: "been"

Strike: "filed and foreclosure instituted"

Insert: "issued and levied upon"

47. Page 33, line 13.

Following: "payment the"

Strike: "department"

Insert: "sheriff"

48. Page 33, lines 14 and 15.

Following: "proceedings"

Strike: "in the foreclosure action"

Insert: "on the warrant"

49. Page 33, lines 16 and 17.

Following: "property" on line 16

Strike: "foreclosed under [section 27]"

Insert: "levied upon"

50. Page 33, line 22.

Following: "time"

Insert: "after notice to the debtor"

Following: "set"

Insert: "or reset"

51. Page 33, line 25.

Following: "Release of"

Strike: "lien or order or"

Insert: "distrain,"

(Continued)

52. Page 34, line 2.

Following: "a"

Strike: "support lien or order to withhold and deliver"

Insert: "distrain"

53. Page 34, line 3.

Following: "debtor or"

Insert: "order the sheriff to"

54. Page 34, lines 9 through 20.

Strike: section 31 in its entirety

Renumber: all subsequent sections

55. Page 34, line 22.

Strike: "of 6% per year"

56. Page 34, line 24.

Following: "department"

Insert: "at the statutory interest rate payable on judgments recovered in the courts of this state"

57. Page 35, line 25 and line 1 on page 36.

Following: "review" on line 25

Strike: remainder of line 25 through "proceedings" on line 1

Insert: "shall be conducted pursuant to the Montana Administrative Procedure Act"

58. Page 36, lines 13 through 20.

Strike: section 35 in its entirety

Renumber: all subsequent sections

59. Page 37, line 9.

Following: line 8

Strike: "support lien"

Insert: "warrant of distrain"

Following: "filed"

Insert: "with the clerk of court"

60. Page 37, lines 10 and 11.

Strike: "or order to withhold and deliver"

61. Page 37, line 14.

Following: "discharge"

Insert: "or prejudice"

62. Page 37, lines 16 and 17.

Following: "that a" on line 16

Strike: "support lien or order to withhold and deliver"

Insert: "warrant of distrain"

(Continued)

63. Page 37, line 19.

Following: "three"

Strike: "support liens or orders to withhold and deliver"

Insert: "warrants"

64. Page 38, line 2.

Following: "earnings"

Insert: ", whether executed voluntarily or pursuant to  
court order,"

And, as so amended,  
DO PASS

*ELC*

# STANDING COMMITTEE REPORT

February 19

19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 228

Respectfully report as follows: That Senate Bill No. 228,

introduced bill, be amended as follows:

1. Title, line 4.

Following: "AN ACT"

Insert: "RELATING"

Following: "TO"

Strike: "MAKE"

2. Title, line 5.

Following: "FELONY"

Strike: "OFFENDERS INELIGIBLE"

Insert: "OFFENDERS' ELIGIBILITY"

Following: "OR"

Strike: "TO PARTICIPATE"

Insert: "PARTICIPATION"

DO-PASS

(Continued)

3. Page 2, line 11.

Following: "it"

Strike: "shall"

Insert: "may"

4. Page 2, line 22.

Following: "+"

Insert: ":",

5. Page 2, line 23.

Following: "{a}"

Strike: "1"

Insert: "(a)"

6. Page 3, line 3.

Following: "or"

Insert: "; and

(b) the court has determined, based on any presentence report and the evidence presented at the trial and the sentencing hearing, that the offender does not represent a substantial danger to other persons or society"

7. Page 3, line 9.

Following: "{a}"

Insert: "(a)"

8. Page 4, line 2.

Following: "term"

Insert: "if the court so restricts his sentence"

9. Page 4, line 4.

Following: "statement"

Strike: "that"

Insert: "of the reasons for"

10. Page 4, line 5.

Strike: "is required by statute"

11. Page 4, line 12.

Following: "46-18-502"

Insert: "(3)"

12. Page 5, line 11.

Following: "46-18-502"

Insert: "(3)"

*Cons, as so amended, do pass.*

*7/2*

# STANDING COMMITTEE REPORT

February 19, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 243

Respectfully report as follows: That Senate introduced bill, be amended as follows: Bill No. 243,

1. Title, line 11.

Strike: "AND"

2. Title, line 11.

Following: "SECTIONS"

Insert: "27-19-201,"

Following: "27-19-301,"

Insert: "27-19-303,"

3. Title, line 12.

Following: "27-19-306,"

Insert: "27-19-313,"

Following: "27-19-401,"

Insert: "27-19-403, 27-19-405,"

Following: "MCA"

Insert: "; AND REPEALING SECTIONS 27-19-302, 27-19-304, 27-19-311,  
AND 27-19-402, MCA"

DO PASS

(continued)

4. Page 1.

Following: line 14

Insert: "Section 1. Section 27-19-201, MCA, is amended to read:

"27-19-201. When preliminary injunction may be granted. An injunction order may be granted in the following cases:

(1) when it shall appear ~~by-the-complaint~~ that the ~~plaintiff~~ applicant is entitled to the relief demanded and such relief or any part thereof consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually;

(2) when it shall appear ~~by-the-complaint-or-affidavit~~ that the commission or continuance of some act during the litigation would produce a great or irreparable injury to the ~~plaintiff~~ applicant;

(3) when it shall appear during the litigation that the adverse party defendant is doing or threatens or is about to do or is procuring or suffering to be done some act in violation of the ~~plaintiff's~~ applicant's rights, respecting the subject of the action, and tending to render the judgment ineffectual;

(4) when it appears by affidavit that the defendant adverse party, during the pendency of the action, threatens or is about to remove or to dispose of his property with intent to defraud the ~~plaintiff~~ applicant, and injunction order may be granted to restrain the removal or disposition."

Renumber: all subsequent sections

5. Page 1, line 23.

Following: "netter"

Strike: "Except as provided in 27-19-302, no"

Insert: "No"

6. Page 2.

Following: line 1

Insert: "New Section. Section 3. When hearing on application required.

Before granting an injunction order, the court or judge shall make an order requiring cause to be shown, at a specified time and place, why the injunction should not be granted, and the adverse party may in the meantime be restrained as provided in 27-19-305.

Section 4. Section 27-19-303, MCA, is amended to read:

"27-19-303. Time of granting injunction, evidence required.

The injunction order may be granted after the hearing at the time of issuing the summons upon the complaint or at any time afterward before judgment upon affidavits. ~~In the one case, the complaint with or without affidavits to support it, and, in the other, the affidavits shall shew satisfactorily that sufficient grounds exist therefor.~~

Upon the hearing each party may present affidavits or oral testimony. An injunction order shall not be granted on the complaint alone affidavits unless:

(1) ~~it be~~ they are duly verified;

(2) the material allegations of the complaint affidavits setting forth the grounds therefor for the order be made positively and not upon information and belief."

Renumber: all subsequent sections

(continued)

7. Page 2, line 6.  
Following: "enjoin the"  
Strike: "defendant"  
Insert: "adverse party"

8. Page 3, line 25.  
Following: "by the"  
Strike: "plaintiff"  
Insert: "applicant"

9. Page 4, lines 9 and 10.  
Following: "injunction, the"  
Strike: "defendant"  
Insert: "party enjoined"

10. Page 4, line 11.  
Following: "If"  
Strike: "the plaintiff"  
Insert: "he"  
Following: "so,"  
Strike: "such plaintiff"  
Insert: "he"

11. Page 4, line 13.  
Following: line 12  
Strike: "plaintiff's"  
Insert: "applicant's"  
Following: "the"  
Strike: "defendant"  
Insert: "party enjoined"

12. Page 6.  
Following: line 3  
Insert: "Section 13. Section 27-19-313, MCA, is amended to read:  
"27-19-313. New undertaking for security following hearing.  
On a hearing to show cause, the court or judge may require a new  
undertaking, in the same or a different sum, to be given by the  
plaintiff party who obtained the order, with like sureties and to the  
like effect as upon granting of the original order. The persons  
executing the new undertaking become liable thereon as if they had  
executed it upon the granting of the original order. The persons who  
executed the original undertaking remain liable thereon until the  
new undertaking is given and approved, and no longer."  
Renumber: all subsequent sections

13. Page 6, line 7.  
Strike: "granted without a hearing"

14. Page 6, lines 7 through 9.  
Following: "hearing." on line 7  
Strike: remainder of line 7 through "trial," on line 9  
Insert: "The party enjoined"

(continued)

15. Page 6, lines 9 through 11.

Following: "apply" on line 9

Strike: remainder of line 9 through "thereof," on line 11

16. Page 6, lines 14 through 16.

Following: "upon" on line 14

Strike: remainder of line 14 through "answer" on line 16.

Insert: "reasonable notice or upon an order to show cause returnable at a specified time or immediately after service thereof. The application must be supported by an affidavit showing that there is not sufficient ground for the injunction to continue or that the scope of the injunction is too broad."

17. Page 6.

Following: line 16

Insert: "Section 15. Section 27-19-403, MCA, is amended to read:

"27-19-403. New undertaking for security following hearing.

Upon the hearing of an application to vacate or modify an injunction order, the court or judge may require a new undertaking, in the same or a different sum, to be given by the plaintiff party who obtained the order, with like sureties and to the like effect as upon granting of the original order. The persons executing the new undertaking become liable thereon as if they had executed it upon the granting of the original order. The persons who executed the original undertaking remain liable thereon until the new undertaking is given and approved, and no longer."

Section 16. Section 27-19-405, MCA, is amended to read:

"27-19-405. Defendant's Enjoined party's undertaking for security upon dissolution. Upon the hearing mentioned in 27-19-403, the court or judge may vacate the injunction order upon the defendant's enjoined party's executing an undertaking in such form and amount and with such sureties as the court or judge shall direct, conditioned to indemnify the plaintiff party who obtained the injunction order against loss sustained by reason of vacating such injunction order."

18. Page 6, line 20.

Strike: "without a hearing"

19. Page 6, line 24.

Following: "against the"

Strike: "plaintiff"

Insert: "party who obtained the injunction"

20. Page 7.

Following: line 1

Insert: "Section 17. Repealer. Sections 27-19-302, 27-19-304, 27-19-311, and 27-19-402, MCA, are repealed."

And, as so amended,

DO PASS

# STANDING COMMITTEE REPORT

February 19 19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 283

Respectfully report as follows: That Senate introduced bill, be amended to read as follows: Bill No. 283,

1. Title, line 5.

Following: "LIABILITY"

Strike: ";"

Insert: "AND"

2. Title, Lines 5 through 7.

Following: "LIMITATIONS" on line 5

Strike: remainder of line 5 through "SUITS" on line 7

3. Page 1, line 10 through line 7 on page 7.

Strike: sections 1 through 10 in their entirety

Renumber: subsequent section

4. Page 7, line 8.

Following: "11."

Strike: "Limitation"

Insert: "Tort actions involving product liability"

DORASS

(continued)

5. Page 7, lines 8 through 11.

Following: "Limitation." on line 8

Strike: remainder of line 8 through "accrues." on line 11

And, as so amended  
DO PASS

*4/2/79*

# STANDING COMMITTEE REPORT

February 19, 19 79

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 301

Respectfully report as follows: That Senate introduced bill, be amended to read as follows: Bill No. 301,

1. Title, line 9.

Following: "41-3-301,"

Strike: "AND"

Following: "41-3-302,"

Insert: "AND 41-4-102,"

2. Page 3, line 15.

Following: "welfare."

Insert: "A parent or other person responsible for a child's care who as a result of the legitimate practice of his religious beliefs does not provide specified medical treatment for a child is not considered negligent for that reason alone. However, when the child's health requires it, the court may order that medical services be provided to the child pursuant to 41-3-403."

3. Page 4, line 21.

Following: "against the child"

Strike: "I"

ENCLASSE

(continued)

410 7 42

4. Page 5, line 1.

Following: "i"

Insert: "or"

5. Page 5, lines 5 through 9.

Following: "future" on line 5

Strike: remainder of line 5 through "court" on line 9

6. Page 5, line 15.

Following: "risk"

Strike: "or"

Insert: "of"

7. Page 5, line 24 through line 3 on page 6.

Following: "an" on line 24

Strike: the remainder of line 24 through "culture" on line 3, page 6

Insert: "identifiable and substantial impairment of the child's  
intellectual or psychological functioning"

8. Page 7, line 11.

Strike: "(1)"

9. Page 7, lines 17 through 21.

Strike: lines 17 through 21 in their entirety

10. Page 8, lines 18 through 21.

Following: "shall" on line 18

Strike: remainder of line 18 through "agencies" on line 21

Insert: "include a social worker, a member of a local law enforcement  
agency, a representative of the medical profession, and a county  
attorney"

11. Page 9, line 12.

Following: "affiliate,"

Strike: "who"

Insert: "which"

12. Page 11, line 7.

Following: "abuse"

Strike: "and"

Insert: "or"

13. Page 12, line 21.

Following: "and"

Insert: "may provide protective services to"

14. Page 14, line 1.

Following: "or"

Strike: "any"

Insert: "its"

Following: "contents"

Strike: "thereof"

(continued)

4/C

15. Page 14, line 3.

Following: line 2

Strike: "thereof"

Following: "fact"

Strike: "or facts"

16. Page 14, lines 7 through 9.

Following: "privilege" on line 7

Strike: remainder of line 7 through "26-1-803" on line 9

Insert: "related to the examination or treatment of the child"

17. Page 14, line 16.

Following: "suffered"

Strike: "trauma"

Insert: "abuse"

18. Page 16, lines 18 through 20.

Following: "action." on line 18

Strike: remainder of line 18 through line 20

19. Page 18, line 5.

Strike: "(1)"

20. Page 18, lines 9 through 11.

Following: line 8

Strike: lines 9 and 10 in their entirety through "be" on line 11

21. Page 18, lines 13 through 19.

Strike: lines 13 through 19 in their entirety

22. Page 18, line 25.

Following: "sections"

Strike: "4 and"

Following: "5"

Insert: "and 6"

23. Page 19, line 2.

Following: "sections"

Strike: "4 and"

Following: "5"

Insert: "and 6"

24. Page 19.

Following: line 10

Insert: "Section 19. Section 41-4-102, MCA, is amended to read:

"41-4-102. Financial responsibility. Financial responsibility for a child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of Title 40, chapter 5 (Revised Uniform Reciprocal Enforcement of Support Act) and 41-3-104, 41-3-105(2), 41-3-404, and 41-3-405 also may be invoked."

And, as so amended,

XXXXXXX DO PASS

4/10

# STANDING COMMITTEE REPORT

February 19, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 343

Respectfully report as follows: That Senate Bill No. 343 introduced bill, be amended as follows:

1. Title, line 6.

Following: "ACTIONS"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 13.

Following: "judgment"

Strike: "shall"

Insert: "may"

3. Page 1, lines 15 and 16.

Following: "solace" on line 15

Strike: "which may include"

Insert: "of the parents, spouse, or children of the decedent;  
(2)"

Renumber: subsequent subsections

DO-PASS

February 19, 1973

4. Page 1.

Following: line 25

Insert: "Section 2. Application. This act applies only to causes of action arising on or after the effective date of this act.

Section 3. Effective date. This act is effective on passage and approval."

And, as so amended,  
DO PASS

QA.

# STANDING COMMITTEE REPORT

February 19, 19 79

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 393

Respectfully report as follows: That Senate Bill No. 393, introduced bill, be amended to read as follows:

1. Page 4, line 1.  
Strike: "or severe psychological injury"
2. Page 5, lines 16 through 21.  
Following: "treatment" on line 16  
Strike: remainder of line 16 through "region" on line 21
3. Page 10, line 6.  
Following: "state"  
Strike: "hospital"  
Insert: "hospital"
4. Page 10, line 7.  
Following: "trial."  
Insert: "Such trial must be held within a reasonable period of time."

And, as so amended,  
DO PASS

# STANDING COMMITTEE REPORT

.....February 12..... 19 72.....

MR. ....President:.....

We, your committee on .....Judiciary.....

having had under consideration .....Senate..... Bill No. 395

Respectfully report as follows: That .....Senate..... Bill No. 395

DO PASS

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# STANDING COMMITTEE REPORT

February 19, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 409

Respectfully report as follows: That Senate Bill No. 409,  
introduced bill, be amended as follows:

1. Title, line 5.  
Following: "ASSAULTS"  
Insert: "AND INTENTIONAL TORTS"

2. Title, line 6.  
Following: "SECTIONS"  
Strike: "27-19-306,"  
Following: "40-2-201"  
Strike: ", "

3. Page 1, line 10.  
Following: "for"  
Strike: "assault"  
Insert: "intentional tort"

4. Page 1, line 11.  
Strike: "for personal injury"

REPASS:

(continued)

*[Signature]*

5. Page 1, line 12.

Following: "intentional"

Strike: "assault on"

Insert: "tort against"

6. Page 1, line 15 through line 23 on page 2.

Strike: sections 2 and 3 in their entirety

Renumber: subsequent sections

7. Page 3, lines 3 and 4.

Following: "dwelling" on line 3

Strike: "except as provided by statute"

Insert: "unless enjoined by a court"

8. Page 3, line 16.

Strike: "whether"

9. Page 3, line 17.

Following: "a"

Strike: "decree of"

Following: "judicial"

Strike: "separation or otherwise"

Insert: "order"

And, as so amended,

DO PASS

# STANDING COMMITTEE REPORT

February 19, 1979

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 476

Respectfully report as follows: That Senate introduced bill, be amended to read as follows: Bill No. 476

1. Title, line 4.  
Strike: "LICENSE AND"
2. Title, lines 10 through 15.  
Following: line 9  
Strike: line 10 through "REQUIREMENTS" on line 15  
Insert: "PROVIDING THAT LIE DETECTOR TEST RESULTS ARE NOT ADMISSIBLE AS EVIDENCE"
3. Page 1, line 18 through line 18 on page 2.  
Strike: section 1 in its entirety  
Renumber: all subsequent sections
4. Page 2, lines 19 and 20.  
Following: "[" on line 19  
Strike: "sections 2 through 16"  
Insert: "this act"

~~DO NOT PASS~~

5. Page 2, lines 21 and 22.  
Strike: lines 21 and 22 in their entirety  
Renumber: subsequent subsections

6. Page 2, line 24.  
Strike: "or intern"

7. Page 3, line 2.  
Strike: ", other than an intern,"

8. Page 3, line 17 through line 2 on page 4.  
Strike: line 17 through line 2 on page 4 in their entirety

9. Page 4, lines 15 through 18.  
Strike: lines 15 through 18 in their entirety

10. Page 4, line 19 through line 25 on page 9.  
Following: line 18 on page 4  
Strike: sections 4 through 13 in their entirety  
Renumber: all subsequent sections

11. Page 10, lines 1 through 19.  
Following: "14."  
Strike: remainder of line 1 through "asked" on line 19  
Insert: "Prohibited practices. (1) No examiner may:  
(a) ask"

12. Page 10, line 24.  
Following: line 23  
Strike: "(9) failed"  
Insert: "(b) fail"

13. Page 11, line 1.  
Following: " ;"  
Insert: "or"

14. Page 11, line 2.  
Following: line 1  
Strike: "(10) conducted"  
Insert: "(c) conduct"  
Following: "without"  
Strike: "having informed"  
Insert: "first informing"

15. Page 11, line 4.  
Strike: "or accept" *OK*

16. Page 11, line 7.  
Strike: "or accepts" *OK*

17. Page 11.  
Following: line 15  
Insert: "(2) Refusal to take the examination may not be used in any  
manner whatsoever." *OK*

(continued)

18. Page 11, line 16.

Following: "15."

Strike: "Admissibility"

Insert: "Admission"

19. Page 11, line 17.

Following: "results"

Insert: "as evidence prohibited"

20. Page 11, lines 17 through 19.

Following: "results." on line 17

Strike: remainder of line 17 through "polygraph" on line 19.

Insert: "Polygraph"

21. Page 11, line 19.

Following: "test"

Strike: "result"

Insert: "results may not be admitted"

22. Page 11, line 20.

Following: "in"

Strike: "a"

Insert: "any"

Following: "court"

Insert: "or administrative proceeding"

23. Page 11, lines 20 and 21.

Following: "court." on line 20

Strike: remainder of line 20 and line 21 in its entirety

24. Page 11, line 22.

Following: "16."

Strike: "Penalty"

Insert: "Criminal penalty"

25. Page 11, lines 22 and 23.

Following: "["

Strike: "sections 1 through 16"

Insert: "this act"

26. Page 11.

Following: line 25

Insert: "Section 5. Civil action for damages. A person who suffers damages as a result of a violation of [this act] may bring a civil action for damages against the examiner who violated [this act]. In such an action, the measure of damages is three times the sum that would compensate the plaintiff for the actual detriment he has suffered.  
Renumber: subsequent section

And, as so amended,

DO PASS