

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 4, 1981

The nineteenth meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE JOINT RESOLUTION 4:

TO URGE CONGRESS AND FEDERAL BRANCHES
TO IMPLEMENT WAYS TO MAKE GROUPS INTERVENING IN
CONSTRUCTION OF ENERGY FACILITY PROCEEDINGS
RESPONSIBLE FOR THEIR ACTS.

Senator Hafferman, District 11, Lincoln County, introduced the bill. He then introduced into the record signed petitions supporting passage of this resolution (marked Exhibit A and attached to these minutes), and spoke briefly about the importance to this state and nation of acquiring added energy sources.

Speaking briefly but fervently in support of the bill were: Jim Challinor, Libby; Bob Dennis, Libby, President and stockholder of B & J Homes, Inc.; Clarence Johnson, Libby; Don Allen, Executive Director of the Montana Petroleum Corporation; Peter Jackson, Executive Director of the W. E. T. A.; Pat Stuart, from the Coal Council, who offered an amendment (marked Exhibit B and attached to these minutes); F. H. Boles, President of the Montana Chamber of Commerce; George Johnston, ASARCO; Bill Hand, Montana Mining Association; Charlie Crane, Montana Water Development Association; and Pat Wilson, of Montco.

Senator Crippen stated that he felt the bill would deprive the environmentalists of the right to judicial review, while leaving that option open to the developing corporations.

DISPOSITION OF SENATE JOINT RESOLUTION 4:

Senator Olson moved that the bill be amended as shown on Exhibit B attached to these minutes. In a roll call vote his motion failed five to four. Senator Olson then moved that the bill pass as it stands; this motion also failed on a five to four roll call vote. Senator Crippen then moved that the bill DO NOT PASS, and his motion carried five to

four. The previous roll call vote was reversed by a unanimous decision.

FURTHER CONSIDERATION OF SENATE BILL 14:

David Niss reported that there would be ninety-seven sections of law affected by the change in the felony penalty approved by the committee. He then said that he would check into the possibility of using a codification instruction to eliminate some of the work which would be required in amending so many sections of law.

DISPOSITION OF SENATE BILL 38:

Senator Anderson suggested that it become an interim matter to be handled next session. Senator Berg moved that the bill do not pass. His motion failed. Senator Crippen then moved that the bill be amended on page 6 as shown on the attached Committee Report, and his motion passed unanimously. Senator Mazurek then moved that the bill be further amended on pages 20, 21, and 23, as shown on the attached Committee Report; and the motion passed unanimously. Senator Mazurek then moved that the bill DO PASS AS AMENDED, and the motion passed unanimously. David Niss was charged with drafting a statement of intent to accompany the Committee Report.

FURTHER CONSIDERATION OF SENATE BILL 286:

Senator Anderson said that he would discuss with Senator Van Valkenburg the problems the committee has with the repealers.

DISPOSAL OF SENATE BILL 174:

Senator Halligan moved that the bill DO PASS. Senator Crippen's vote was the only one in opposition to the motion.

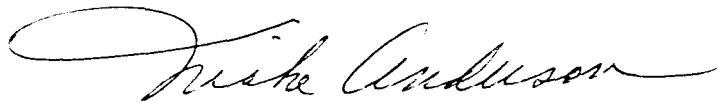
FURTHER CONSIDERATION OF SENATE BILL 182:

David Niss will have complete by February 5 an amendment to remove any legal requirements now in state law that a licensed physician or nurse administer the lethal injection.

Chairman Anderson brought up the information he had collected relative to suggested committee bills which would possibly originate in this committee. Senator Berg moved that a bill or bills be drafted by David Niss relative to the matters brought up by the Jardine, Stephenson, Blewett & Weaver law firm, concerning Sections 39-3-206 and 214, MCA, and Section 71-1-320, MCA. His motion carried unanimously.

Senator Anderson turned the chair over to Vice Chairman O'Hara and moved that the matter of increasing the limit for jurisdiction in justice courts from \$1,500 to \$3,000 be written up as a committee bill. His motion passed unanimously.

Senator O'Hara, after returning the chair to Senator Anderson, moved that a committee bill be drafted which would eliminate paper ballots at the polls, but subject to Senator Anderson's determining whether or not such a bill is already under consideration in another committee. His motion passed unanimously.

A handwritten signature in cursive script, reading "Mike Anderson". The signature is written in dark ink and is positioned above a horizontal line.

Senator Anderson
Chairman, Judiciary Committee

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/04/81

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

NAME: Jim Chalkley DATE: Jul 7, 1961

ADDRESS: P R # 2 Box 158 Pittsford, Mont

PHONE: 292-4827

REPRESENTING WHOM? Myself - Mr. Chalkley and Neel

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: Contract delay, management slow in time
concerning costs and ^{more} low quality product

NAME: Bob Dennis DATE: 2-4-81

ADDRESS: Pt 2 Box 717 Libby MT. 59923

PHONE: 406-293-7391

REPRESENTING WHOM? B&J Homes, Inc. and self

APPEARING ON WHICH PROPOSAL: SJR-4

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: The Law should NOT be used to HARASS

PRIVATE ENTERPRISE.

NAME:  DATE: 2/4/81

DATE: 2/4/81

ADDRESS: Helena

PHONE: 442-7582

REPRESENTING WHOM? Mr. J. C. Carr

APPEARING ON WHICH PROPOSAL: STR 4

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

SUPPORT? ✓

AMEND? _____ OPPOSE? _____

OPPOSE? _____

COMMENTS: _____

NAME: Peter Jackson DATE: 2-4-8

ADDRESS: 2301 Colonel Dr. Helena

PHONE: 443-5541

REPRESENTING WHOM? WETA

APPEARING ON WHICH PROPOSAL: SJP 4

DO YOU: SUPPORT? ✓ RECOMMEND? _____ OPPOSE? _____

COMMENTS: _____

NAME:

~~P. J.~~ Bill Hand

DATE:

Feb 4-81

ADDRESS:

P.O. 132 Helen

PHONE:

443-7297

REPRESENTING WHOM?

Mr. M. M. Ross

APPEARING ON WHICH PROPOSAL:

SJR 5

DO YOU:

SUPPORT?



AMEND?

OPPOSE?

COMMENTS:

NAME: Charles F. Crane DATE: 2/4/81

ADDRESS: Box 485 Bette, MI

PHONE: (406) 723-5703

REPRESENTING WHOM? Mont. Water Development Assn.

APPEARING ON WHICH PROPOSAL: SIR 4

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: The MWDA strongly supports the SIR 4.
The association has gone on record in
the past and has passed a resolution in
their annual meetings in past years.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME	ADDRESS	PRECINCT
Ellie Stone	Box 276	Troy Mt.
Buckara M. White	Box 309	Troy Mt.
Gilman Beitz	Box 444	Troy Mt.
Sandra S. Lue	Box 914	Troy Mt.
John S. T. R.	Box 914	Troy Mt.
Kings R. Channing	Box 706	Libby, MT
Dana Lange	1015 E 6 th St	Libby, MT.
Don Russell	Box 972	Libby mont
Nellie Wilkerson	Box 976	Libby, mt
Louise Brown	Box 935	Libby, Mont
Mrs. J. B. Brown	Box 935	Libby, Mont
J. B. Brown	Rt 1 Box 1142-C	Libby, Mont
Mr. J. B. Brown	Rt 1 Box 1142-D	Libby, Mont
Mr. J. B. Brown	Rt 3 Box 1600	Libby, mt.
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Mr. J. B. Brown	Rt 3 Box	

DUE TO THE EVER INCREASING RATE OF TAXATION, WE, THE PEOPLE, PETITION THE STATE LEGISLATURE TO CHANGE THE LAWS - REQUIRING PEOPLE FILING CLASS ACTION SUITS IN ENVIRONMENT AND RESOURCES ACTIONS POST SUITABLE BOND OR BONDS TO INSURE GOOD FAITH.

Exhibit A

[illegible]

Exhibit A

10

Exhibit A

Luddy. Mont.
Jan 26, 1981

Montana Senate
Senator W. F. Hofferman
Helena, Montana

Dear Senator Hofferman:

Inclosed are 4 sheets
of names to go along with the
first group. No hope it passes
Have no trouble people signing
it.

Thank you
Alice Sweet
Rte 2. Box 628

Original petition

Luddy. Mont.
59923

DUE TO THE EVER INCREASING RATE OF TAXATION, WE, THE PEOPLE, PETITION THE
STATE LEGISLATURE TO CHANGE THE LAWS - REQUIRING PEOPLE FILING CLASS
ACTION SUITS IN ENVIRONMENT AND RESOURCES ACTIONS POST SUITABLE BOND
OR BONDS TO INSURE GOOD FAITH.

Exhibit H

NAME	ADDRESS	PRECINCT
Laude Foote	P.O. Box 781	Troy Mont
James W. H. H.	Box 442	Troy Mont
Karl H. H.	Rt #1	Yack
Stuart H. H.	P.O. Box 678	Troy
James E. Lindsey	Box 458	TROY
William H. H.	Rt. 3	+ Roy
Ryan Gordon	Box 37	Troy
J. W. M. McCormick	Box 491	Troy
Bill Williams	Box 612	TROY
Jan Schreder	Box 637	Troy
AB Hens	Box 293	Troy
Roberta Caldwell	Box 710	Troy
Stewart	Box 868	Troy
James C. Connell	Box 47 Rt 1	Troy Mt
Dulene Connell	Box 47 Rt 1	Troy Mont
Allen Munyan	P.O. Box 728	Troy Mont
Robert & Robinson	Rt 3	Troy Mont
Rebecca J. J.	Rt. 3	Troy Mt
Sub H. H.	Box 368	Troy Mt
Bruce Clark	Box 479	Troy Mt
Ben D. Deane	Rt. 1 Pine Cr. Rd.	Troy Mt
Daly & Teiger	Box 197	Troy
Myrl Swanson	Rt. 2 TROY	TROY
Ashley Carr	Box 772 TROY	Troy
William Robinson	Box 658 TROY	Troy
Juste J. J.	Box 585 TROY	Troy
Fred R. Howard	Sen Del TROY	Troy Mont
Fre Bradley	Box 986 Troy	Troy
Wm H. H.	Box 126	Troy
Edwin Holt		
Lester J. Coffman	Box 660	Troy Mt
Tom Booth	Box 456	Troy Mont
Wm H. H.	Box 24	Troy Mont
Christ Barth		
Pat J. J.		

DUE TO THE EVER INCREASING RATE OF TAXATION, WE, THE PEOPLE, PETITION THE STATE LEGISLATURE TO CHANGE THE LAWS - REQUIRING PEOPLE FILING CLASS ACTION SUITS IN ENVIRONMENT AND RESOURCES ACTIONS POST SUITABLE BOND OR BONDS TO INSURE GOOD FAITH.

Exhibit A

NAME	ADDRESS	PRECINCT
Bruce D. Purnea	Box 543-B	Libby Mont 10
Bob Case	P.O. Box "P"	Troy Mt, 59935
James L. Edwards	P.O. Box P	Troy Mt 59935
Bill Lee	P.O. Box 245	Troy Mt 59935
George L. Johnson	Rt 1	Troy, Mt 59935
Wanda H. Lee	Box 25	Troy Mt 59935
Toby L. Harsett	Route 3	Troy Mt 59935
Tom Hagen	Route 2	Libby MT 59923
James L. Williams	P.O. Box 857	Libby MT 59923
John L. Williams	P.O. Box 933	Troy MT
Paul L. Williams	Box 691	Troy MT
Paul Campbell	Box 331	Libby Mont
Frank Rogers	Box 290	Troy Mont.
Ed Ely	Rt 1 Box 1456	Libby
James L. Stone	Box 70	Box 543
Jackie D. Curry	P.O. 91	Troy Mont
Marlene Peterson	Box 381	Troy Mont.
Richard J. Scott	BOX 239 BULL RIVER	NOXON, MT. 59853
John Cumming	Box 394	Troy Montana
Marie Hunt	Rt 2	Troy Mont.
Chris Davis	Box 44	Troy, MT.
Ben Green	Rt. 2	Troy, MT
Don Larson	P.O. Box A	Troy Mont.
Florence Toranzo	Box A	Troy, Mont
Clarence Papiot	Rt #2	Troy, Mont
Ben Norman	Box 164	Troy, Mont
John M. Lusk	Box 297	Troy Mont
Jay Basham	Box 16	Troy Mont
Martin M. Viden	Box 523	Troy Mont
Lynne A. Haff	Box 193	Troy, Mont.
Donald B. Loughy	Box 388	Troy, Mont.
Donald D. Peterson	" 732	" "
Dave Chapel	Box 72	" "
Larry M. May	Box M	" "
WILLIE SHEA	Box 531	BRANDON, MN

DUE TO THE EVER INCREASING RATE OF TAXATION, WE, THE PEOPLE, PETITION THE
STATE LEGISLATURE TO CHANGE THE LAWS - REQUIRING PEOPLE FILING CLASS
ACTION SUITS IN ENVIRONMENT AND RESOURCES ACTIONS POST SUITABLE BOND
OR BONDS TO INSURE GOOD FAITH.

Exhibit A

NAME	ADDRESS	PRECINCT
Terri Olson	Rt 2 Box 546	Libby, Mt. 10
Paul Dale	P.O. 554	Libby, Mt. 10
John Olson	P.O. 418	Libby, Mt. 10
Charles F. Hovis	P.O. 418	Libby, Mt. 10
John Hovis	917 California	Libby, Mt. 12
John Hovis	917 California	Libby, Mt. 12
Maurice Jacobson	P.O. Box 181	Libby
Bernice J. Abbott	Rt 3 Box 993	Libby, Mt.
Charlotte Enders	P.O. Box 185	Libby
Bill Hall	P.O. Box 166	Libby
Wm. Hall	P.O. Box 166	Libby
Margaret Nichols	P.O. Box 649	Libby 11
Kathy Nichols	P.O. Box 649	Libby 11
L.C. Johnson	P.O. 159	Libby, Mt.
John R. Burns	Libby	Libby, Mt.
Carol Ann Hyde	917 Mineral	Libby, Mt. 18
Carolyn J. Bensen	Box 816	Cit. Falls, Mt.
John J. Bensen	Rt 3 Box 950	Libby, Mt.
John L. Erickson	702 Main Ave	Libby, Mont.
Dean W. Byrns	Rt. 1 Box 1367	Libby, Mont.
James L. Byrns	Rt. 1 Box 1367	Libby, Mt.
John L. Byrns	714 Wisconsin Ave	Libby, Mont.
Donald A. Peterson	Box 890	Libby, MT
David W. Hunsicker	Star Route 2	Libby, MT
Donald A. Hunsicker	P.O. Box 1069	Libby, MT
John L. Hunsicker	P.O. Box 1110	Libby, MT
John L. Hunsicker	Rt 2 Box 59	Libby
Donald A. Hunsicker	Box 463	Libby
Carla Nalvey	603 Idaho	Libby
Bill Nalvey	Rt Box 44	Libby
John L. Hunsicker	411 1st	Libby
Barry R. Hunsicker	P.O. Box 706	Libby
James Brooks	Rt 3 Box 1365	Libby

DO TO THE EVER INCREASING RATE OF TAXATION, WE, THE PEOPLE, PETITION THE
STATE LEGISLATURE TO CHANGE THE LAWS - REQUIRING PEOPLE FILING CLASS
ACTION SUITS IN ENVIRONMENT AND RESOURCES ACTIONS POST SUITABLE BOND
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Exhibit A

NAME	ADDRESS	PRECINCT
Mary J. Eldridge	Star RT 2 Libby	10
Sandra J. Tesco	Star Rte 2 Libby	10
Dorinda J. Linn	Rte 3 Box 1435 Libby	
James J. Linn	Rt 1 Box 234 Libby	12
Judy Linn	RT 1 Box 502 Libby	15
Elizabeth Linn	11 2 Box 920 Libby	22
John Linn	Rt 1 Box 500 Libby	22
Carmen Linn	Box 230	10
Walter L. Linn	15 1st 1873	Libby Mont 22
John L. Linn	Rt 1 Box 1873	Libby Mont 22
Lynda L. Linn	408 Main Libby	Libby, Mont.
James L. Linn	Box 155 Rt. 1	" "
Charles M. Linn	Libby, Mont. 23	" "
Robert L. Linn	Rt 3 - Box 520	Libby Mont 7
Margaret L. Linn	Box 263	Libby, Mont.
Steve Linn	Box 539-K	Libby, Mont.
John Linn	Rt. 2	Libby, Mont.
Steve Cunningham	Rt. 1 Box 1492	Clinton, MS.
John Mills	Rt. 3 Box 1465	LIBBY MONT. 16
John Mangum	Box 7	Libby, Mont
John Mangum	Box 3 Mendenhall	Libby, Mont 17
John Mangum	Box 3 Box 1061	Libby MT 15
John Mangum	RT 3, Box 1061	Libby, MT. 59925
John Mangum	Box 322	Libby, MT. 22
John Mangum	Box 545	Libby MT - 59935
John Mangum	Box 9 Therman	Libby MT 17
John Mangum	Box 402 Therman	Libby, MT 17
John Mangum	209 Therman	Libby, MT 17
John Mangum	1st W & New	Libby 17
John Mangum	5021st West.	Libby
John Mangum	5021st West.	Libby
John Mangum	1st W & New	Libby
John Mangum	231 Therman	Libby

Amendments to SJR 4

Page 1, line 8: after "energy" insert "production and"

Page 1, line 15: after "energy" insert "production and"

Page 2, line 7: after "energy" insert "production and"

Page 2, line 11: after "energy" insert "production and"

Page 2, line 13: after the first "and" insert "permit"

Page 2, line 13: delete the second "and" then insert "or"

Page 2, line 13: delete "have" and insert "has"

Line 13 will then read:

"been completed and permit approval or certification has been"

5. Page 20, line 23
Following: "section"
~~Strike: "15"~~ INSERT: "16"
Proposed Amendments to SB 38

6. ~~3~~ Page 21, line 15.
Following: "section"
Strike: "15"
Insert: "16"

7. ~~2~~ Page 23, line 20.,
Following: "instruction"
Insert: "(1)"

8. ~~4~~ Page 23, line 24.
Following: "16."
Insert: "(2) The code commissioner is instructed to codify section 16 and to renumber Title 72, ch. 4, part 3 in such a way that the sections of Title 72, ch. 4, part 3 are in the same numerical order as the corresponding sections of the Uniform Probate Code, 1977 edition, as promulgated by the national conference of commissioners on uniform state laws."

4.

Approved
1-26-81
J.A. Tamm

Exhibit 1

AMENDMENT FOR SENATE BILL 161

1. Page 36.

Following: line 15

Insert: "Section 65. Secretary of state authorized and required to establish fees commensurate with costs. The Secretary of state is authorized and required to set filing fees reasonably related to the costs of processing the applications and certificates. The Secretary of state may establish fees for filing a certificate of limited partnership, certificate of amendment, certificate of cancellation, an application to reserve a name, a notice of transfer of a reserved name, an application for registration of a foreign limited partnership, a certificate of cancellation or correction of a foreign limited partnership or filing any other statement or report of a domestic or foreign limited partnership. The secretary of state shall maintain records sufficient to support the fee charged for the filing requirements."

19

DATE February 4, 1981

COMMITTEE ON Judiciary

BILL NO. *SR 4*

VISITOR'S REGISTER

[illegible]

(Please leave prepared statement with Secretary)

STANDING COMMITTEE REPORT

February 4 1961

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE JOINT RESOLUTION Bill No. 4

Respectfully report as follows: That SENATE JOINT RESOLUTION No. 4

DO PASS
DO NOT PASS

Hike Anderson

PA.
Chairman.

SENATE COMMITTEE JUDICIARY

Date February 4, 1981 Bill No. SR 4 Time 10:32 a.m.

NAME	YES	NO
Anderson, Mike	✓	
O'Hara, Jesse A.	✓	
Olson, S. A.	✓	
Brown, Bob		✓
Crippen, Bruce D.		✓
Tveit, Larry J.	✓	
Brown, Steve		
Berg, Harry K.		✓
Mazurek, Joseph P.		✓
Halligan, Michael		✓

Dorinda Campbell
Secretary

Frank Anderson
Chairman

Motion: Amend bill as shown on Exhibit B, attached to these
minutes.

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

SENATE COMMITTEE JUDICIARY

Date February 4, 1981 Bill No. SJR 4 Time 10:43 a.m.

NAME	YES	NO
Anderson, Mike	✓	
O'Hara, Jesse A.	✓	
Olson, S. E.	✓	
Brown, Bob		✓
Crippen, Bruce D.		✓
Tveit, Larry J.	✓	
Brown, Steve		
Berg, Harry K.		✓
Mazurek, Joseph P.		✓
Halligan, Michael		✓

Robert Campbell
Secretary

Mark Anderson
Chairman

Motion: SJR 4 DO PASS

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

STANDING COMMITTEE REPORT

February 4 1931

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 174

Respectfully report as follows: That SENATE Bill No. 174

DO PASS

STANDING COMMITTEE REPORT

.....February 4..... 1961.....

MR.PRESIDENT.....

We, your committee onJUDICIARY.....

having had under considerationSENATE..... Bill No. 38.....

Respectfully report as follows: That.....SB 1242..... Bill No. 38.....
be amended as follows:

1. Page 6,
Following: line 13
Reinsert: "brothers and sisters and the children or grandchildren
of any deceased brother or sister,"
2. Page 6, lines 15 and 16
Strike: issue of the parents or either of them
3. Page 6, lines 17 through 23.
Insert: All stricken language
4. Page 6, line 23 through page 7, line 11.
Strike: all underlined language.
5. Page 20, line 23.
Following: "section"
Strike: "15"
Insert: "15"
-DIPASS-

.....continued.....

February 4, 81
..... 19.....

6. Page 21, line 15.

Following: "section"

Strike: "15"

Insert: "16"

7. Page 23, line 20.

Following: "instruction"

Insert: "(1)"

8. Page 23, line 24.

Following: "16."

Insert: "(2) The code commissioner is instructed to codify section 16 and to renumber Title 72, chapter 4, part 3 in such a way that the sections of Title 72, chapter 4, part 3 are in the same numerical order as the corresponding sections of the Uniform Probate Code, 1977 edition, as promulgated by the national conference of commissioners on uniform state laws."

And, as so amended,
DO PASS

P.A.

SENATE COMMITTEE JUDICIARY

Date February 14, 1981 Bill No. SB 38 Time _____

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.		✓
Olson, S. E.		✓
Brown, Bob		✓
Crippen, Bruce D.	✓	
Tveit, Larry J.	✓	
Brown, Steve		
Berg, Harry K.	✓	
Mazurek, Joseph P.		✓
Halligan, Michael	✓	

John Campbell
Secretary

John Anderson
Chairman

Motion: Do not pass

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

STANDING COMMITTEE REPORT

.....February 1, 1932.....

MR.PRESIDENT.....

We, your committee on.....JUDICIARY.....

having had under considerationSENATE Bill No. 151.....

Respectfully report as follows: That.....SENATE Bill No. 151.....

be amended as follows:

1. Page 36, line 11.

Following: "clause."

Insert: "(1)"

2. Page 36, line 11.

Following: "not"

Strike: "affect"

Insert: "impair the obligation of any contract existing on [the effective date of this act] nor affect any"

3. Page 36.

Following: line 13

Insert: "(2) A limited partnership formed under any statute of this state before [the effective date of this act] may elect to be governed by [this act]. The general partner or partners may make the election for the limited partnership at any time on or after [the effective date of this act] by complying with [section 11] of [this act], except that the limited partners shall not be

DO PASS

.....continued.....

February 4, 1981

required to execute a new certificate of limited partnership.
Notwithstanding such election by the general partner or partners:

(a) [Sections 30, 31, and 41] apply only to contributions and distributions made after the date of the election;

(b) [Section 45] applies only to assignments made after the date of the election; and

(c) [Section 50] does not change the priority of creditors for transactions entered into before the date of the election.

(3) A limited partnership formed under any statute of this state before [the effective date of this act], until or unless it elects to be governed by [this act], shall be governed by 35-12-101 through 35-12-403, or other applicable prior law."

4. Page 30.

Following: line 15

Insert: "Section 55. Secretary of state authorized and required to establish fees commensurate with costs. The secretary of state is authorized and required to set filing fees reasonably related to the costs of processing the applications and certificates. The secretary of state may establish fees for filing a certificate of limited partnership, certificate of amendment, certificate of cancellation, an application to reserve a name, a notice of transfer of a reserved name, an application for registration of a foreign limited partnership, a certificate of cancellation or correction of a foreign limited partnership or filing any other statement or report of a domestic or foreign limited partnership. The secretary of state shall maintain records sufficient to support the fee charged for the filing requirements."

STATEMENT OF INTENT ATTACHED

And, as so amended,
DO PASS

P.A.

STANDING COMMITTEE REPORT

February 4, 1931

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration Statement of Intent, SENATE Bill No. 161

Respectfully report as follows: That Statement of Intent, SENATE Bill No. 161
be adopted.

STATEMENT OF INTENT, RE: S.B. 161

A statement of intent is required for this bill because section 65 of the bill would grant the secretary of state the authority to adopt rules establishing filing fees. Rules are to be adopted under the Montana Administrative Procedure Act. The documents for which filing fees may be charged under those rules shall not be limited to the documents specifically named in section 65 of S.B. 161, but may include others required or allowed to be filed under the bill's provisions, as well as any amended documents required or allowed to be filed. The rules shall allow the filing and billing for filing fees to be accomplished by mail.

First adopted by the Senate Judiciary Committee on the 4th day of February, 1931.

DO PASS

E.A.