

MINUTES OF THE JUDICIARY COMMITTEE
January 13, 1983

The meeting of the House Judiciary Committee was called to order by Chairman Dave Brown at 8:00 a.m. in Room 224A of the Capitol. All members were present except Rep. Seifert, who was excused. Brenda Desmond, Legislative Council, was present.

HOUSE BILL 74

REP. FABREGA, sponsor, stated this bill would raise the legal rate of interest to ten percent a year, removing the July 1, 1983 termination provision as it relates to the 1981 amendment.

The sponsor stated if a person sells an item and the buyer agrees to pay a given amount on a given date but then fails to do so, the seller would receive only six percent interest on the amount due up to the date of judgment. The interest on the amount due after judgment is entered would be ten percent. This bill would allow the legal interest to be changed to ten percent. This will benefit merchants and professional people.

GEORGE BENNETT, Montana Bankers Association, is in favor of the bill. He did not feel it would affect financial institutions. BENNETT stated currently in the statutes where it does not specify an interest rate, the rate would now be ten percent, instead of six percent. The law fills in as interest rate where none have been established by the parties. This is similar to statutory provisions on intestacy. If a person dies without having made a will, the effect of the intestacy law is to write a will for him.

There were no further proponents.

There were no opponents.

REP. KEYSER questioned the references to LC 121 and LC 120 in the codification instructions. The sponsor replied LC 120 is House Bill 64; removing the provision making the elimination of usury limits as applied to regulated lenders temporary. LC 121 is House Bill 63; removing the provision making the elimination of usury limits under the Montana Retail Installment Sales Act temporary. House Bill 64 and House Bill 63 would make the removal of interest ceilings permanent. If these two bills fail to pass, then the interest ceilings established under prior law in 1977 apply.

The hearing on House Bill 74 ended.

HOUSE BILL 119

REP. MUELLER, sponsor, stated this bill's purpose is to provide

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there is a presumption in a child support proceeding that the level of support of each child may not be less than that received by children on public assistance. The bill was suggested by District Judge Holter in Libby. It would establish a presumption of the right of children to be supported at a certain level. Many times attorneys do not realize the cost of raising children.

This bill, if passed, would be a tool the courts could use. By having the county welfare department certify this information to the court, the court could establish a better level of support. Judge Holter has been using this type of information for over a year. Two judges in Missoula also use this information.

REP. MUELLER further stated if the supporting parent is unemployed, the parent who has custody of the child usually applies for public assistance. He did not feel the judge's workload would be increased drastically by this bill. It would allow the judges to use the information available, but would not require them to do so.

JOHN MEREDITH, Department of Revenue - Child Support, was in favor of the bill. EXHIBIT A.

There were no further proponents.

There were no opponents.

The sponsor closed the bill.

During the question period, REP. J. BROWN asked about the modification of child support. DESMOND replied the judge cannot modify child support on his own. One of the parties has to come to the judge requesting the modification. If the parties agree in writing to change the amount of child support, then the court can modify the prior support order. If terms are paid, then modification can be adjusted if just cause is shown.

REP. HANNAH asked about the statistics available on the amount of child support generally being ordered. MEREDITH did not have the information available. He stated, however, four years ago the AFDC payment per child was \$75.00 a month. AFDC payments today are approximately \$150.00 per child.

REP. BERGENE asked if the modification would also allow lowering of the payment. DESMOND replied it is possible that payments could be lowered. If the supporting party cannot make the payments, modification could be made. A judge would consider basing the amount of child support on wages earned by the supporting party.

REP. BERGENE asked what the standard AFDC payment is. REP. MUELLER

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thought it was \$150. REP. FARRIS stated in Great Falls the AFDC payment a few years ago was \$193 for the first child; \$228 per month for the second child. Therefore, the \$150.00 per child is incorrect.

It was stated the Welfare Department takes into consideration the needs of the parent that has custody. The amount may be different in different cases. REP. FARRIS stated just because a parent has four children does not mean the rent and transportation costs are four times higher. REP. KEYSER added the bill states the courts shall not issue or pay less than the AFDC amount.

REP. JENSEN asked if the intent of the bill is to tell a judge that the amount of money received by children in a child support proceeding should be equal to the amount received by a family on AFDC. The sponsor replied the bill would be a guideline for the court to use in deciding the amount of payment.

REP. CURTISS asked if there is a wide discrepancy in the amount of child support ordered by judges. The sponsor replied yes. MEREDITH stated during the pendency of child support actions many times there is no child support being paid by the absent parent. When the decree does come down, the judge is often reluctant to award back support. MEREDITH gave the committee Senate Bill 74, which is an act to provide for support of children receiving public assistance during the pendency of certain court actions. EXHIBIT B.

REP. CURTISS asked if the bill would be used by a judge as a reason to refuse to award custody to an indigent parent. MEREDITH replied generally the courts consider the environment the child will be living in, care, given, love, etc. in determining which parent will be awarded custody of the child.

REP. DAILY asked if there is a problem that some judges are not awarding adequate support. MEREDITH replied in his experience that has been true in some cases. REP. DAILY further asked if the bill would have an impact on judges who are not fair. MEREDITH replied the Child Support Enforcement Board is of the opinion that the obligated parent can come to court and convince the court that the amount of support he or she has been ordered to pay is unreasonable.

The hearing on House Bill 119 closed.

The Judiciary Committee then went into Executive Session.

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EXECUTIVE SESSION

HOUSE BILL 119

REP. ADDY moved DO PASS. REP JENSEN seconded the motion. REP. ADDY felt the intent of the bill was outstanding. If attorneys know that is one consideration the judge will take, it will be easier for the attorneys to have this information prepared in advance. It will help speed up the process.

REP. FARRIS was also in support of the bill. She felt, however, the amount of payment should reflect birth order. REP. FARRIS moved the bill be amended to strike "a child" and insert "children". The amendment passed with all members in favor of the amendment.

REP. KEYSER moved the bill DO PASS AS AMENDED; seconded by REP. JENSEN.

REP. SPAETH moved to strike "there is a presumption" on line 4; inserting "the court.". On line 5 following "proceeding" to strike "that" and inserting ", may take into consideration". On line 6, following "support" strike "of each child may not be less than that". On line 3, page 2 following 53-2-702, strike line 3 through assistance" on line 5.

REP. RAMIREZ was in favor of the amendment. The amendment would emphasize the the sponsor's intent. REP. RAMIREZ seconded the motion of the above amendment.

All were in favor of the amendment.

REP. KEYSER moved DO PASS AS AMENDED. REP. DARKO seconded the motion. The bill left the committee as DO PASS AS AMENDED with all members in favor of the motion. REP. EUDAILY and REP. SEIFERT voted for the bill via proxy votes.

HOUSE BILL 74

REP. JAN BROWN moved House Bill 74 DO PASS. REP. JENSEN seconded the motion. With all members voting yes except REP. SEIFERT voting no, via proxy vote, HOUSE BILL 74 left the committee as DO PASS.

HOUSE BILL 47

REP. ADDY moved DO PASS. REP. J. BROWN seconded the motion.

REP. ADDY gave the Committee EXHIBIT C, amendments to the bill.

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REP. SPAETH moved the amendment as in EXHIBIT D be adopted. REP. SPAETH felt this amendment would make the bill clearer than would REP. ADDY's amendment (EXHIBIT C). Implied rule-making is confusing for the public.

REP. RAMIREZ felt the amendment as in EXHIBIT D would help clean up the bill, and therefore, supported the amendment.

The committee voted to adopt the amendment unanimously.

REP. ADDY moved DO PASS AS AMENDED. All members were in favor of the motion except REP. JENSEN, who voted no. REP. SEIFERT and REP. EUDAILY voted in favor of the bill via proxy votes.

HOUSE BILL 97

EXHIBITS E and F, proposed amendments from the Department of Institutions and from the Department of Motor Vehicles, respectively, were given to the committee for consideration.

REP. DAILY moved House Bill 98 DO PASS.

REP. RAMIREZ made a substitution motion of DO NOT PASS, which was seconded by REP. HANNAH.

REP. RAMIREZ stated he felt there were too many problems with the bill. The problem of youths that are over 18 years of age yet under 19 is not dealt with. He also felt there were other problems with the bill too numerous to mention.

A roll call vote resulted on the motion DO NOT PASS. The following Representatives voted in favor of the motion: ADDY, BERGENE, J. BROWN, CURTISS, DARKO, EUDAILY, FARRIS, HANNAH, IVERSON, JENSEN, KENNERLY, KEYSER, RAMIREZ, SCHYE, SPAETH, and VELEBER. The following Representatives voted against the motion: D. BROWN, DAILY, and SEIFERT (via proxy vote). The motion of DO NOT PASS passed by a 16 to 3 vote.

HOUSE BILL 27

REP. SCHYE moved House Bill 27 DO PASS, seconded by REP. JENSEN.

REP. SCHYE moved the bill include all types of seed. He stated farmers "bank" on what a crop will produce in the fall. This bill will help the farmer.

REP. KEYSER was in favor of the bill. He felt that the amendment offered by John Sullivan during the hearing would be the appropriate

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language REP. SCHYE wanted.

REP. SCHYE withdrew his motion to include all types of seed. He then moved the committee adopt the amendment that was given during the hearing. EXHIBIT G. REP. JENSEN seconded the motion.

The motion passed unanimously.

REP. SCHYE moved DO PASS AS AMENDED, seconded by REP. KEYSER.

REP. ADDY questioned if there would be a conflict of law that would get Montana farmers into trouble when dealing with out-of-state buyers. REP. RAMIREZ felt that more and more sellers are using a contract. REP. RAMIREZ supported the bill. The issue here is simply where the risk should be placed. It is a business risk that the person who grows the seed should take rather than the person who sells it to the grower.

REP. IVERSON noted that the purchaser does not take all the risk. If there is an express warranty, the seller is liable.

Being no further discussion, the committee voted on the bill. All members were in favor of the motion DO PASS AS AMENDED. REP EUDAILY and REP. SEIFERT voted in favor of the bill via proxies.

In other discussion, CHAIRMAN BROWN reminded the committee of the Task Force on Correction Bills that need sponsors.

REP. KEYSER moved the committee adjourn. All were in favor of the motion.

The meeting adjourned at 9:30 a.m.



DAVE BROWN, Chairman



Maureen Richardson, Secretary

STANDING COMMITTEE REPORT

(1 of 2)

January 13,

83

19

MR. **SPEAKER:**

We, your committee on **JUDICIARY**

having had under consideration **HOUSE** **119** Bill No.

First reading copy (White)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THERE IS A PRESUMPTION IN A CHILD SUPPORT PROCEEDING THAT THE LEVEL OF SUPPORT OF EACH CHILD MAY NOT BE LESS THAN THAT RECEIVED BY CHILDREN ON PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204, MCA."

Respectfully report as follows: That **HOUSE** **119** Bill No.

BE AMENDED AS FOLLOWS:

1. Title: lines 4 and 5.
Following: "THAT" on line 4.
~~Strike: "THERE IS A PRESUMPTION"~~
~~Insert: "THE COURT,"~~

2. Title: line 5.
Following: "PROCEEDING"
~~Strike: "THAT"~~
~~Insert: ", MAY TAKE INTO CONSIDERATION"~~

3. Title: line 6.
Following: "SUPPORT"
~~Strike: "OF EACH CHILD MAY NOT BE LESS THAN THAT"~~

4. Page 2, line 2.
~~Following: "by"~~
~~Strike: "a child"~~
~~Insert: "children"~~

DO PASS

January 13, 1983

5. Page 2, line 3.

Following: "53-2-702."

Strike: line 3 through "assistance." on line 5.

6. Page 2, line 10.

Following: "support"

Strike: "a child"

Insert: "children"

AND AS AMENDED
DO PASS

STANDING COMMITTEE REPORT

January 13,

19 83

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration

HOUSE Bill No. 74

First reading copy; white
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO RAISE THE LEGAL RATE OF INTEREST TO 10 PERCENT A YEAR; REMOVING THE JULY 1, 1983, TERMINATION PROVISION AS IT RELATES TO THE 1981 AMENDMENT OF SECTION 31-1-106, MCA; AMENDING SECTION 8, CHAPTER 275, LAWS OF 1981, AND SECTION 31-1-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That.....

HOUSE Bill No. 74

DO PASS

STANDING COMMITTEE REPORT

January 13, 1983

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 47

First reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE PUBLICATION OF A STATEMENT, WITH EVERY RULE PROPOSED AND ADOPTED UNDER IMPLIED RULEMAKING AUTHORITY, THAT THE RULE LACKS THE FORCE AND EFFECT OF LAW."

Respectfully report as follows: That HOCSR Bill No. 47

BE AMENDED AS FOLLOWS:

1. Page 1, lines 15 through 17.
Following: "is" on line 15
Strike: lines 16 and 17 through "law"
Insert: "advisory only but may be a correct interpretation of the law"

AND AS AMENDED

DO PASS.

STANDING COMMITTEE REPORT

January 13,

83
19

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 97

First reading copy (White Color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE PENALTIES THAT MAY BE IMPOSED UPON YOUTHS FOR UNLAWFUL POSSESSION OF INTOXICATING SUBSTANCES AND FOR MOTOR VEHICLE VIOLATIONS; AND TO PROVIDE A CONTEMPT OF COURT REMEDY; AMENDING SECTIONS 45-5-624 AND 61-12-601, MCA."

Respectfully report as follows: That HOUSE Bill No. 97

DO NOT PASS

XXXXXX
DO NOT PASS

STANDING COMMITTEE REPORT

January 13,

83

19

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 27

First reading copy White
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND MONTANA'S CODIFICATION OF THE UNIFORM COMMERCIAL CODE TO PROVIDE THAT THERE ARE NO IMPLIED WARRANTIES THAT CERTIFIED AGRICULTURAL SEED IS DISEASE FREE; AMENDING SECTION 30-2-316, MCA."

Respectfully report as follows: That HOUSE Bill No. 27

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: "WARRANTIES THAT"

Strike: "CERTIFIED AGRICULTURAL"

2. Title, line 7.

Following: "SEED"

Insert: "FOR PLANTING"

3. Page 2, lines 22 through 24.

Following: "sales of" on line 22

Strike: "either botanical or vegetative types of certified agricultural seed that has been produced and certified pursuant to Title 30, Chapter 5, part 3."

Insert: "any seed for planting (including both botanical and vegetative types of seed, whether certified or not)."

AND AS AMENDED

DO PASS.

ROLL CALL VOTE -----

JUDICIARY -----

COMMITTEE

		Date: 1/13 No: HB 97 Do Not Pass	Date: No:	Date: No:	Date: No:	Date: No:
BROWN, Dave	No					
ADDY, Kelly	Yes					
BERGENE, Toni	Yes					
BROWN, Jan	Yes					
CURTISS, Aubyn	Yes					
DAILY, Fritz	No					
DARKO, Paula	Yes					
EUDAILY, Ralph	Yes					
FARRIS, Carol	Yes					
HANNAH, Tom	Yes					
IVERSON, Dennis	Yes					
JENSEN, James	Yes					
KENNERLY, Roland	Yes					
KEYSER, Kerry	Yes					
RAMIREZ, Jack	Yes					
SCHYE, Ted	Yes					
SEIFERT, Carl	No					
SPAETH, Gary	Yes					
VELEBER, Dennis	Yes					

WITNESS STATEMENT

HB 119

1/13/83

Ex. A

NAME Jon Meredith BILL NO. HB 119
ADDRESS Helena DATE 1/13/83
WHOM DO YOU REPRESENT DOR - Legal Division, Child Support Bureau
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The Department of Revenue, Child Support Enforcement Bureau supports this legislation.

Senate BILL NO. 24
Bob Brooks

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

1 responsible parent who is not receiving public assistance.
2 The court must notify the department of the hearing, and the
3 department may appear to assist the court in setting the
4 amount of support. In setting the amount of support that
5 the responsible parent who is not receiving public
6 assistance is ordered to pay during the pendency of the
7 action, the court shall consider all relevant factors,
8 including those in 40-4-204 and any other factors that bear
9 upon the needs of the children involved and the ability of
10 the parents to provide financial support for those needs.
11 (3) If a child becomes an applicant for or recipient
12 of public assistance during the pendency of any action
13 mentioned in subsection (1), an order providing for support
14 of the child during such pendency may be considered on the
15 petition of a parent or guardian of the child or the
16 department.
17 Section 2. Codification instruction. Section 1 is
18 intended to be codified as an integral part of Title 40,
19 chapter 4, part 1, and the provisions of Title 40, chapter
20 4, apply to section 1.
21 (2) If a statement is filed pursuant to subsection
22 (1), upon application by any party to the action or by the
23 department of revenue, the court may promptly hold a hearing
24 to determine the amount of support to which each child is
25 entitled, during the pendency of the action, from the

-End-

EXHIBIT B
HB 119
1/13/83

INTRODUCED BILL
SP-14

Exhibit C

HB 47

1/13/83

Amendments to HB 47

1. Title, line 5.

Following: "TO"

Insert: "CLARIFY THE MEANING OF IMPLIED RULEMAKING AUTHORITY AND TO"

2. Title, line 8.

Following: "LAW"

Insert: ";" AMENDING 2-4-102"

3. Page 1, line 11.

Following: "Section 1."

Insert: "Section 2-4-102, MCA is amended to read:

"2-4-102. Definitions. For purposes of this chapter, the following definitions apply:

(1) "Administrative code committee" or "committee" means the committee provided for in Title 5, chapter 14.

(2) "Agency" means any agency, as defined in 2-3-102, of the state government, except that the provisions of this chapter do not apply to the following:

(a) the state board of pardons, except that the board shall be subject to the requirements of 2-4-103, 2-4-201, 2-4-202, and 2-4-306 and its rules shall be published in the administrative rules of Montana and Montana administrative register;

(b) the supervision and administration of any penal institution with regard to the institutional supervision, custody, control, care, or treatment of youths or prisoners;

(c) the board of regents and the Montana university system;

(d) the financing, construction, and maintenance of public works.

(3) "ARM" means the administrative rules of Montana.

(4) "Contested case" means any proceeding before an agency in which a determination of legal rights, duties, or privileges of a party is required by law to be made after an opportunity for hearing.

The term includes but is not restricted to ratemaking, price fixing, and licensing.

(5) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or other form of permission required by law but does not include a license required solely for revenue purposes.

(6) "Licensing" includes any agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, limitation, transfer, or amendment of a license.

(7) "Party" means any person named or admitted as a party or properly seeking and entitled as of right to be admitted as a party, but nothing herein shall be construed to prevent an agency from admitting any person as a party for limited purposes.

(8) "Person" means any individual, partnership, corporation, association, governmental subdivision, agency, or public organization of any character.

(9) "Register" means the Montana administrative register.

(10) "Rule" means each agency regulation, standards, or statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedures, or practice requirements of an agency. The term includes the amendment or repeal of a prior rule but does not include:

(a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) formal opinions of the attorney general and declaratory rulings issued pursuant to 2-4-501;

(c) rules relating to the use of public works, facilities, streets, and highways when the substance of such rules is indicated to the public by means of signs or signals;

(d) seasonal rules adopted annually relating to hunting, fishing, and trapping when there is a statutory requirement for the publication of such rules and rules adopted annually relating to the seasonal recreational use of lands and waters owned or controlled by the state when the substance of such rules is indicated to the public by means of signs or signals;

(e) rules implementing the state personnel classification plan, the state wage and salary plan, or the statewide budgeting and accounting system;

(f) uniform rules adopted pursuant to interstate compact, except, that such rules shall be filed in accordance with 2-4-306 and shall be published in the administrative rules of Montana.

(11) "Substantive rules" are either:

(a) legislative rules, which if adopted in accordance with this chapter and under expressly delegated authority to promulgate rules to implement a statute have the force of law and when not so adopted are invalid; or

(b) adjective or interpretive rules, which may be adopted in accordance with this chapter and under

express or implied authority to codify an interpretation of a statute. Such interpretation lacks the force of law. However, such interpretation does have force and effect of law to the extent that it is consistent with written opinions of the Montana Supreme Court interpreting the statute.

Renumber: all subsequent sections

4. Page 1, line 17.

Following: "LAW"

Insert: "but that the rule does have force and effect of law to the extent that its interpretation of the statute is consistent with written opinions of the Montana Supreme Court interpreting the statute."

HB 47
Exhibit D
1/13/83

Proposed amendment to HB 47

1. Page 1, line 15.

Following: "is"

Strike: lines 16 and 17

Insert: "advisory only but may be a correct interpretation of
the law"

Exhibit E

HB 97

1/13/83

HB 97

Suggested Amendments:

page 2, lines 1 and 2

Substance information course at an alcohol treatment program approved by the Department of Institutions, costs of the course will be paid by the convicted person. Such cost shall reflect the actual cost to the program.

Justification: The Department is currently mandated to approve treatment programs as written now HB97 would have the Department approve the "intoxicating substance information course" and it could then be offered or presented by anyone. Further, the suggested change would have the law use language similar to the "Penalty for driving while intoxicated" statute 61-8-714(4) MCA.

Current costs for Minors in Possession programs offered:

MINORS IN POSSESSION

Billings	Sliding Fee Schedule, Maximum cost \$35 If assessed to DUI program \$75
Missoula	\$40 - student \$60 - parents, program to complement students information
Kalispell	\$30 - student \$50 - for 1 parent, \$75 for both to attend parent program
Great Falls	\$50 - student
Helena	\$40 - student

From, Dept. of Institutions

Exhibit F

1/13/83

AMENDMENT

NB 97

Amending House Bill 97 on page 2, line 2, by inserting, following the word "suspended", the words "as provided in section 61-12-601", and further amend House Bill 97 on page 3, following line 22, by adding a new subsection as follows:

"(4) Any suspension or revocation by the court shall be reported to the Division of Motor Vehicles and added by them to the driver's record."

From the Dept. of Motor Vehicles.

Exhibit 6
1/13/83

HB 27

AMENDMENTS TO HOUSE BILL 27

(Introduced Bill)

* * * *

1. Title, Line 6:

Following: "WARRANTIES THAT"
Strike: "CERTIFIED AGRICULTURAL"

2. Title, Line 7:

Following: "SEED"
Insert: "FOR PLANTING"

3. Page 2, Lines 22-24:

Following: "sales of" ~~in line 22~~
Strike: "either botanical or vegetative types of
certified agricultural seed that has been
produced and certified pursuant to Title 80,
chapter 5, part 3,"
Insert: "any seed for planting (including both botani-
cal and vegetative types of seed, whether
certified or not)."

VISITOR'S REGISTER

HOUSE JUDICIARY COMMITTEE

BILL House Bill 119

DATE 1/13/83

SPONSOR Rep. Mueller

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE JUDICIARY

COMMITTEE

BILL House Bill 74

DATE 1/13/83

SPONSOR Rep. Fabrega

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
GEO BENNETT	HELENA	MONT. BKRS / SGN	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.