

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 3, 1983

The twenty-first meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on February 3, 1983 at 10:07 a.m. in Room 325, State Capitol.

ROLL CALL: All member were present.

CONSIDERATION OF SENATE BILL 262: Senator Towe, sponsor of this bill, advised that it addresses the problem created when we went into a cycle of high interest rates. SB262 will allow for collection of interest on a tort from the date of the tort. Currently, there is no incentive for the defendant, usually an insurance company, to settle law suits. The longer the delay in settlement of the claim, the better, as they can keep their money in an interest bearing account. This bill will require interest to be paid to the plaintiff from the date the cause of action arose, so as to eliminate delayed court proceedings. Senator Towe advised that he understands a House bill is being introduced which deals with this same subject and he would not object to holding SB262 until disposition of that bill is known. A letter from Stephen Mackey was submitted and asked to be included in these Minutes (Exhibit "A").

PROPOSERS: Jim Moore, representing the Montana Trial Lawyers Association, supported this bill and advised that 17 states currently allow prejudgment interest. He feels SB262 will help to keep insurance companies from delaying settlements. In his opinion, the interest should begin accumulating from the date of the victim's injury.

Bill Rossbach, an attorney from Missoula who works mainly with bodily injury cases, supported SB262. He feels it will relieve court congestion if a settlement is reached promptly. He specified two major reasons for the passing of this legislation (1) it would keep the insurance companies from being unjustly enriched for holding up the process, and (2) the victim should be compensated for their injuries when they need it. He sees this as a citizen's relief bill.

OPPOSERS: Glen Drake, representing the American Insurance Association, spoke in opposition to this bill. He advised that insurance rates will go up if this legislation is adopted. He went on to say that the amount and certainty of a debt are not established until the date of judgment and felt SB262 unfairly accumulates interest from the date of injury. He advised that the Supreme Court recently decided that a third party claimant has a right to sue an insurance company if they have not fairly and promptly settled a claim. It is his opinion that this decision is sufficient to keep the insurance companies from taking

advantage of their claimants. He also pointed out that a jury can consider all detriment caused to the injured person and that SB262 adds a mandatory interest factor. He concluded by saying this is an anti-consumer bill.

Pat Melby, representing the Alliance of American Insurers, voiced his opposition to this bill. He concurred with Glen Drake's assessment and added that the insurance companies become liable for attorney fees if claims are taken to court, therefore, there settlement is usually prompt.

Bob James, representing State Farm Insurance, was also opposed to this bill. He stated that the insurance company has an interest in moving the case as quick as possible.

Robert Minto, representing the Implement Dealers, advised that insurance companies operate on a fiscal basis and they take interest on reserves into consideration as income when establishing insurance premiums. He felt this was beneficial to the insured as it stabilizes the premiums.

Roger McGlenn, representing Independent Insurance Agents Association of Montana, advised that the most just method for accruing interest is from the date of judgment.

There being no further proponents, or opponents, Senator Mazurek questioned both the opponents and proponents as to statistics from states where a prejudgment statute has been adopted and increases to insurance rates after adoption. These statistics will be provided by Glen Drake and Jim Moore.

Chairman Turnage questioned Senator Towe if he considered the long periods of litigation when drafting the bill. Senator Towe suggested the bill could be amended to start interest from the bonafide offer of plaintiff or defendant. He also advised that it could be amended to provide the jury with specific instructions. His major concern was for the victim and he expressed his willingness to amend the bill in any way to see to the victim's best interests.

There being no further discussion, the hearing was closed.

FURTHER CONSIDERATION OF SENATE BILL 23: Judge Lessley was present at the request of the Committee and consented to answering questions. He advised that the term "division" is used in this bill so as to allow the use of Masters, as well as Judges, for hearings and it is his opinion that this would help streamline the water adjudication process. Senator Mazurek explained the Committee's concerns with the citizen being incapable of receiving a hearing from a judge unless they went to the Supreme Court and Judge Lessley acknowledged this

concern, but assured the Committee that before decisions are rendered by a Water Master, a Judge would review the report.

FURTHER CONSIDERATION OF SENATE BILL 37: Judge Lessley explained that SB37 was drafted to clarify that the Montana Water Courts have jurisdiction on water rights before and after 1973. He felt that since they had the expertise, they should hear the cases rather than the district courts. He feared that appeals handled by an unknowledgeable court would affect the adjudication process.

Chairman Turnage advised Judge Lessley that the Committee was concerned with the administrative procedure section of the bill and overloading the water courts with work. Judge Lessley advised that this was incorporated into the bill so as to allow the water court the authority to send water judges to the jurisdictions where they are needed. In his opinion, this is the most effective way to handle the adjudication process.

Senator Galt advised Judge Lessley that the Committee is concerned with the definition of the word "division." Judge Lessley advised this was used to mean Water Master or Water Judge, so as to give both the authority to hold hearings. Chairman Turnage advised that the Committee interprets the word to mean "a drainage basin." Judge Lessley acknowledged this concern, but assured the Committee of his intent of the word. Senator Crippen questioned the qualifications of a Water Master. Judge Lessley further assured the Committee that Water Masters are practiced lawyers who could handle the responsibilities given them.

FURTHER CONSIDERATION OF SENATE BILL 41: Judge Lessley explained that SB41 would provide an effective, orderly and less costly method for issuing certificates and transferring water rights. This bill would also give the citizen the right to receive his certificate directly, rather than through the clerk and recorder.

OPPONENTS: Karla Grey, representing the Montana Trial Lawyers Association, voiced her strong objection to SB23. She felt it is an infringement of the rights of the citizen that he is not allowed to have access to a Water Judge for a hearing and felt this was a disservice to those citizens.

Judge Lessley rebutted by reiterating the intent of SB23 is to expeditiously adjudicate water, and he felt this is the most effective way of doing that. He stated that the Findings are always prepared under the supervision of a Judge and that the citizen always has a right to appeal to the Supreme Court if they feel they've been treated unjustly.

CONSIDERATION OF SENATE BILL 290: Senator Smith, sponsor, advised this bill will change the election laws in filling U.S. Senate seats. This would make the method of filling congressional vacancies consistent. He noted there should be one change in the bill. Page 2, line 4 should be corrected to read "Section 12-25-202."

There being no proponents, and no opponents, the hearing was opened to questions from the Committee.

Senator Brown expressed concern that the appointment of U.S. Senators was the customary way. Senator Smith cited the 17th Amendment of the Constitution which requires the election of U.S. Senators.

There being no further discussion, the hearing was closed.

CONSIDERATION OF SENATE BILL 138: Senator Mazurek, sponsor of the bill, presented it at the request of the State Bar. There is a need for revising Montana's Codification of the Uniform Commercial Code so as to adopt the 1972 through 1977 changes recommended by the Uniform Law Commissioners. He advised that the Committee had been briefed on the intent of the bill the previous evening.

PROPOSERS: Professor Ron Wyse of the University of Montana and the State Bar Business Section, advised that SB138 was drafted in an attempt to update the Montana version of the Uniform Commercial Code so as to reflect the changes made in 1972 through 1977. Investment securities were largely affected by these updates.

There are three non-uniform changes in the bill. Section 5 deals with rules pertaining to sale of goods. The amendment proposed here includes "or different" terms are to be construed as proposals. Section 76(8) provides that the Secretary of State will establish fees for filing documents. Section 68 affects 9-307 by dealing with the rights of the buyer in the ordinary course of business. This section was designed to protect the customer. It also incorporates the protection of good faith buyers who buy farm products.

Alan Robertson, legal counsel for the Secretary of State's Office and Vice Chairman of the Business Law Section of the State Bar of Montana, advised that the Secretary of State's Office does not have a vested interest in the filing fee rules section and explained how the provision would affect local governments. He went on to advise that if the legislature did not wish to adopt this provision and wanted to go back to the statutory fee, it should determine if the \$2 fee now charged by the state is adequate. He said the legislature should also consider letting each county set the fee for county filings.

Michael Zimmerman, Secretary-Treasurer for the Business Law Section, supported the bill and specifically brought attention to page 72, line 9 which makes it easier to transfer certificated securities.

OPPONENTS: Bill Romine, representing the Clerks and Recorders' Association, advised that his only objection was the question of a fee schedule being used for filing. He also questioned if the Secretary of State's Office would set different fees in different counties and could foresee an administrative problem with what kinds of documents the Secretary's Office will ask for. He was also concerned with whether the fee will go back to the individual county and wondered what the intent was for doing this. He stated an alternative idea would be to let the county commissioners set the fees. He also wanted the Committee to make note that page 145 of the bills sets out the fee-by-rule and if this were changed other sections which refer back to this section should change their language accordingly. He felt the non-standard provision should be taken out.

There being no further proponents or opponents, the hearing was closed.

CONSIDERATION OF SENATE BILL 321: Senator Turnage, sponsor, advised that it was drafted at the request of the Department of Natural Resources and Conservation. The intent of SB321 is to clarify the conflict between Federal Power Commission authority and state statutes.

PROPOSERS: Leo Barry, representing the Department of Natural Resources and Conservation, distributed prepared testimony to the Committee (Exhibit "B"). He advised that the leasing mechanism for hydropower facilities to cities should be broadened to encompass the Board of Natural Resources, as the cities had failed to be responsible with their leases. The Board has agreed that any revenues generated from the lease would be available for further water development use.

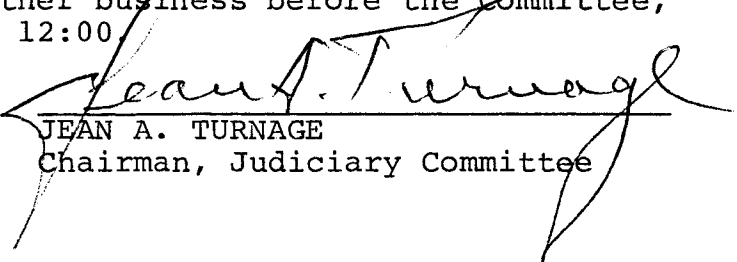
There being no further proponents, and no opponents, the hearing was closed and moved into executive action.

ACTION ON SENATE BILL 321: Senator Mazurek moved that SB321 DO PASS. This motion passed unanimously.

The Chairman distributed a joint resolution that he said should be introduced commending the Crimestoppers Program (Exhibit "C"). Senator Brown moved to authorize its introduction. This motion passed unanimously. The proposed joint resolution was then referred to counsel for drafting.

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ADJOURN: There being no further business before the Committee,
the meeting was adjourned at 12:00



JEAN A. TURNAGE
Chairman, Judiciary Committee

JUDICIARY COMMITTEE

Date 2-3-83

[illegible]

DATE

2/3/83

COMMITTEE ON

Judiciary

BILL NO. SB'S 138

262, 290 + 321

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Bob James	STATE FARM INS. CO.		v 262
Ton Wyse	Busi. Sect. Mt. LAR	v 138	
Bill Romine	Clerks & Recorders	SB 138	
Robert L. Dew	Northwestern Natl. INS. Co.		262
Mike Romine	" "		
Les Brown	DNRC	321	
Rick Brown	"	"	
Bob Lane	DNRC	321	
JE LAMSON	MT. DEMOCRATIC PARTY (SB290)		
Karen Mikola	League of Women Voters		
Mike Zimmerman	WPCO	SB 138	
BILL ROSSBACH	MTLA PERSONAL INTEL. CLAIMANTS	SB 262	
ROBERT W. WINTO JR	INT. DEALERS MUTUAL		SB 262
Mike Prange	Insurance & Real Division	No SB 262	SB 262
ROGER ALGLENN	IND. INS. AGENTS OF MT		262
PAT MELBY	ALLIANCE OF AMERICAN INSURERS		262
Jim Moore	MONTANA Trial Lawyers	262	
Allen Drake	American Insurance V		262
NORM BARNARD	DNRC	321	
Janet Mitchell	Mont Ins. Dept	262	
Ray Smith	APA	321	
Norm (Lara)	Malco Land		
Thomas E. Van	Sen. Dist. 34	262	

(Please leave prepared statement with Secretary)

EXHIBIT "A"
February 3, 1983

TOWE, BALL, ENRIGHT & MACKEY

ATTORNEYS AT LAW
2525 SIXTH AVENUE NORTH
BILLINGS, MONTANA 59101
PHONE (406) 248-7337

Thomas E. Towe
Court E. Ball
Neil D. Enright

February 2, 1983

Stephen C. Mackey
Donald D. Sommerfeld
Gregory R. Todd

The Hon. Gene Turnage,
Chairman, Senate Judiciary Committee
Capitol Station
Helena, MT 59620

Re: Senate Bill 262

Dear Senator Turnage:

I am writing to you to request that this letter be placed of record in support of Senate Bill 262, which would provide for pre-judgment interest for torts.

We represent, for the most part, plaintiffs in personal injury and other tort actions. From that vantage point, we have observed that the amount of time between the occurrence of a personal injury or other tort, until rendition of judgment in an action, or even settlement of a case without a judgment, can easily take over a year. In some cases, it is several years from the date of occurrence until recovery of compensation for an injured person.

The causes for these delays are many--among them back logs of court calendars and congestion in the courts (particularly acute in Yellowstone County); the amount of time necessary to locate and interview witnesses, perform tests on physical evidence or accident reconstructions, and deal with numerous motions and objections interposed by defendants in the course of litigation; and the amount of time consumed in attempting to settle claims without filing law suits. It is common practice in this firm, and I would suspect in a majority of law firms representing injured persons, to at least attempt to settle with the defendant or the defendant's insurance company without the necessity of filing a law suit. Avoiding litigation works to everyone's advantage, in reduced attorney fees, reduced usage of court resources and personnel, expenses to the parties, and the unhappy prospect of becoming involved in a law suit for the persons involved.

The Hon. Gene Turnage
February 2, 1983
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I have no hard evidence to prove deliberate design on the part of insurance companies or defendants to delay litigation, but the experience of myself and anyone who has ever been involved in a law suit to any degree is that the defendants and their insurance companies plainly do not try to offer legitimate settlement amounts until the parties are on the courthouse steps. Being aware of that fact, injured persons must often discount the actual amount of compensation to which they would eventually be entitled to recover in order to have the money right away. Given the prospect of having a lesser sum of money now or a greater sum of money which more closely would compensate them for their loss, but at sometime a year or two in the future, the injured person frequently, if not usually, chooses the former. The need for some incentive to match the actual value of a later award of money to its current value can only be met by entitling an injured person to be awarded interest on their loss while the defendant holds on to its money, plus it usually has it invested and earning a healthy return.

In addition to the monetary argument from the injured person's point of view, the impact on the judicial systems should also be considered. As I have mentioned, because the defendant often will not make a reasonable offer to pay compensation until just before a trial date, law suits are generated by that fact. That is, the judicial resources, which are already overcrowded and contributing as a cause to the problem being addressed, are often used more often than they should need to be simply in order to get the defendant down to the last moment when they realize they must now pay on the eve of trial. If interest were accruing on a tort during the time period which follows the tort up until the date of trial, then much of the incentive for delay, and the resultant unnecessary use of court resources during the pretrial stages of litigation, would be obviated.

In considering this bill, I would ask that you consider it from the view point not only of the potential it may have for keeping cases out of court, which are there only because the party would may ultimately have to pay the judgment is utilizing the litigation process for purposes of delay and to hold on to its money, but also from the view point of both the plaintiff and the defendant. From the plaintiff's point of view, a loss or the incurring of large medical bills should be paid the moment that such expense is incurred. However, since that is impossible, compensation for those losses which is paid at a later time should not have to be discounted in order to obtain early payment because the money otherwise might not be obtained until some period of years in the future. Likewise, a defendant who is being sued on a obligation that does not have accruing interest before judgment against him is rendered has very

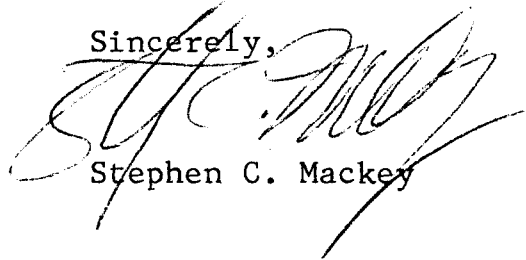
"A"
2-3-83

The Hon. Gene Turnage
February 2, 1983
Page 3

little reason to pay the liability until just shortly before trial of the action.

I urge your committee to recommend passage of Senate Bill 262.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen C. Mackey", written over the word "Sincerely,".

Stephen C. Mackey

SCM/skm

"A"
2-3-83

SB-321

AN ACT TO CLARIFY THE PROCEDURE FOR DEVELOPMENT OF HYDROELECTRIC
POWER GENERATION AT APPROPRIATE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION WATER PROJECTS TO AVOID FORFEITURE OF ANY
NECESSARY FEDERAL LICENSE, PERMIT, OR EXEMPTION; AMENDING
SECTION 85-1-502, NCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE.

This bill would clarify the existing state law by providing that if the lease process provided for in the statutes would result in forfeiture of any federal license exemption or permit, then, the DNRC would not attempt to lease the project but would instead, proceed with a development scheme under the DNRC's control that would maintain the DNRC's municipal preference under the Federal Power Act and DNRC's control of the irrigation/hydropower project.

This bill was introduced at the request of DNRC because of an inherent conflict between the existing state law and the Federal Power Act as administered by the Federal Energy Regulatory Commission. The conflict exists between the section of the Federal Power Act requiring the holder of a permit, license, or exemption to maintain the proprietary interest and control of any hydroelectric project and the section of state statute requiring DNRC to lease the project. The Federal Power Act grants a municipal preference to states and municipalities. To maintain a municipal preference, the state must retain the

proprietary interest and control of the project. Development of the project by DNRC obviously provides this, however, any transfer of the proprietary interest or control of the project such as through the lease required by the existing state statute puts the municipal preference in jeopardy. Loss of the municipal preference limits DNRC's ability to control the use of the state's water projects for their intended purpose, the timing of hydropower development at these projects, the revenue to be returned to the state, the environmental concerns and the rate charged for project power.

This problem is not akin to DNRC alone. Other developers in the hydropower goldrush have experienced the same conflict with federal law when they have attempted to arrange financing through outside investors or to get other interests involved in a hydropower project. The Federal Energy Regulatory Commission has ruled on specific cases, eg., Fayetteville, and they have held a conference on this specific issue, however, uncertainty still exists as to the final outcome; what proprietary interest and control must be maintained. Federal Energy Regulatory Commission has no specific time set for resolution of this problem and has given no indication of what the final decision will be.

The DNRC has attempted to structure a lease that will comply with both the federal and state law, however, we can not be positive that it will fulfill the federal requirements for

proprietary interest and control. The Federal Energy Regulatory Commission's decision and/or time required for resolution may result in forfeiture of the permits, licenses, and exemptions the DNRC is currently holding or has pending.

I urge your support of this legislation which will allow the DNRC to proceed with the development of hydropower on the state-owned projects and the subsequent revenue that will be generated. Your support will not void the lease process if the Federal Energy Regulatory Commission regulations allow this type of joint development. It will only have an effect if the state law does in fact conflict with DNRC's municipal preference under the Federal Power Act.

EXHIBIT "C"
February 3, 1983

LC

____ Joint Resolution No.

Introduced by _____

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA COMMENDING CITIZENS, LAW ENFORCEMENT OFFICIALS, AND THE MEDIA IN MONTANA FOR THEIR SUPPORT OF CRIMESTOPPERS, A VOLUNTARY EFFORT TO PREVENT CRIME AND MAKE MONTANA COMMUNITIES SAFER.

WHEREAS, Crimestoppers is an anticrime program that began in Albuquerque, New Mexico in 1986; and

WHEREAS, there are 350 Crimestopper programs operating nationwide and 26 programs in Montana that provide protection to almost 80 percent of the state's population; and

WHEREAS, the rewards offered by Crimestoppers, which vary from \$50 to \$1,000, are raised totally by private donations; and

WHEREAS, the arrest and conviction rate for reported crimes to Crimestoppers is very high and often results in hundreds of thousands of dollars of recovered stolen merchandise; and

WHEREAS, the Crimestopper program provides Montana citizens with significant tax savings and more efficient law enforcement.

NOW, THEREFORE, BE IT RESOLVED that the Senate and the House of Representatives of the State of Montana commends all Montana citizens, including law enforcement officials and the radio, television, and newspaper media, for their generous and unselfish work to promote, encourage, and sustain the Montana Crimestopper program in communities throughout the State.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each Montana Crimestoppers organization in the state, and to the Montana Crimestoppers/Crime Prevention Association, the Montana Board of Crime Control, the County Sheriffs and Peace Officers Association, the County Attorney's Association, and the Montana Chiefs of Police Association.

NAME: James D Moore DATE: 2-3-83

ADDRESS: Box 1198, Kellsfell, MT

PHONE: 755-802

REPRESENTING WHOM? Montana Trial Lawyers

APPEARING ON WHICH PROPOSAL: 262

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W.A. ROSSBACH DATE: FEB 3, 1983

ADDRESS: Box 8988

PHONE: 543-5156

REPRESENTING WHOM? PERSONAL INJURY CLAIMANTS

APPEARING ON WHICH PROPOSAL: 262 - Prejudgment INTEREST

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Pat Melby DATE: 2-3-83

ADDRESS: P.O. Box 1144

PHONE: 442-7450

REPRESENTING WHOM? Alliance of American Insurers

APPEARING ON WHICH PROPOSAL: S.B. 262

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ROBERT W. MINTO DATE: FEB. 2, 1983

ADDRESS: P.O. Box 4747 MISSOULA, MT

PHONE: 543-8854

REPRESENTING WHOM? IMPLEMENT DEALERS

APPEARING ON WHICH PROPOSAL: _____

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

COMMENTS: The interest accumulated on reserves
are considered to stabilize the premium
base which is passed on to the consumer.
The inference that the interest is solely for
the economic benefit of the insurance company
is erroneous. It will only benefit the insured
by the stabilization premium.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: RONALD WYSE DATE: 3 FEB 83

ADDRESS: 5785 PINEWOOD MISSOURIA

PHONE: 251 2756

REPRESENTING WHOM? BUSINESS SECTOR, MIT. BAR

APPEARING ON WHICH PROPOSAL: SB 138

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: ALAN ROBERTSON DATE: 2/3/83

ADDRESS: ST. CAPITAL

PHONE: 449-4732

REPRESENTING WHOM? SEC OF ST

APPEARING ON WHICH PROPOSAL: SB 138

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

COMMENTS: We don't feel strongly about the fees by
rule passing. We think it makes sense
so that the legislature doesn't have to
deal with whether a fee should be \$2 or \$3.
We don't think the situation will
change regardless of whether fees are set
by rule or by statute. We don't anticipate
making any changes but that of course
depends on the cost analysis.

We would not object strongly if the
committee wants to change it back to fee by
statute. It will take some reworking of the
bill and we can't now say whether the
current statutory fees are adequate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bill Romaine DATE: 2-3-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? clerk & Recorder.

APPEARING ON WHICH PROPOSAL: S.B. 138

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENTS: this bill gives the Sec. of State the power to set fees
for filing documents with the clerk & Recorder. The Association
of Clerks & Recorders opposes those provisions. The new language
of the bill should be amended with the present language reinstated
as follows: Page 145, Lines 8 thru 9; Page 147 Lines 15 thru 21;
Page 148, Lines 8 thru 15; Page 149, Lines 21 thru 25; page 151 Lines
9 thru 13; page 152, Lines 3 thru 7

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Darryl Meyer DATE: 2/3/83

ADDRESS: 1123 North Roberts Helena

PHONE: 449-6731

REPRESENTING WHOM? Cascade County

APPEARING ON WHICH PROPOSAL: SB 138

DO YOU: SUPPORT? AMEND? X OPPOSE?

COMMENTS: We question having the state
set the fees. This may ~~create~~ ~~the~~
problems with budgeting for the county
commissioners not knowing how much
dollars the fees will generate if the state
state should change them up or down

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BOB MURDO DATE: 2/3/83

ADDRESS: 203 No. EWING

PHONE: 442-1300

REPRESENTING WHOM? BUSINESS LAW SECTION OF STATE BAR OF MONTANA

APPEARING ON WHICH PROPOSAL: SB 138

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: AS CHAIRMAN OF THE BUSINESS LAW SECTION OF THE
STATE BAR OF MONTANA I WOULD OFFER OUR SECTION'S SUPPORT
FOR THIS MEASURE. THE BUSINESS LAW SECTION, THROUGH PROFESSOR
WYSE FROM THE LAW SCHOOL, HAS DRAFTED AND PRESENTED THIS
BILL. WORK ON THE BILL STARTED LAST SUMMER AND HAS
CONTINUED TO DATE.

THE BILL BASICALLY REVISES ARTICLE 8 & 9 OF THE
UNIFORM COMMERCIAL CODE. THE REVISION WILL BRING
MONTANA UP-TO-DATE IN ACCORDANCE WITH THE LATEST
UNIFORM NATIONWIDE AMENDMENTS ON THE AREAS INVOLVED.

ALTHOUGH THE BILL IS LONG, THE CHANGES ARE
PRIMARILY UNIFORM REVISIONS FROM THE 1972 & 1977
AMENDMENTS TO THE UNIFORM COMMERCIAL CODE.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

February 3, 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate** Bill No. **321**

Turnage

Respectfully report as follows: That **Senate** Bill No. **321**

introduced bill,

DO PASS

LH

STANDING COMMITTEE REPORT

February 3, 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

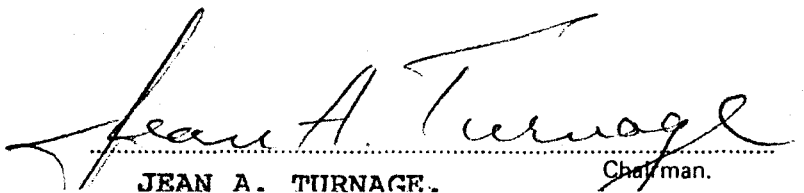
having had under consideration **Senate** Bill No. **321**

Turnage

Respectfully report as follows: That **Senate** Bill No. **321**

introduced bill,

DO PASS


JEAN A. TURNAGE.
Chairman.