

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 17, 1983

The forty-fifth meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage, at 10:02 a.m., on March 17, 1983, in Room 325, State Capitol.

ROLL CALL: All members were present with the exception of Senator Crippen whose absence was excused.

CONSIDERATION OF HOUSE BILL 629: Representative Brown submitted written testimony (see attached Exhibit "A") stating that the reason the bill has been proposed is that a question has been raised concerning how changes made in the election laws in 1979 have affected the law governing the submission of ballot issues by the Legislature to the people. Representative Brown stated that HB629 is a simple bill and asked the Committee for a favorable consideration.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 857: Representative Abrams stated that HB857 is a feasible approach to law enforcement problems and provides for cooperation with law enforcement agencies in neighboring states.

PROPOSERS: Col. R. W. Landon, representing the Montana Highway Patrol, submitted written testimony, (see attached Exhibit "B"). Mr. Landon stated that some of the areas where law enforcement officials run into problems are Cooke City, Lolo Pass and Decker, Montana. These areas are under Montana jurisdiction; however, they are more accessible to law enforcement officials of other states. This bill would provide Montana with the ability to enter into legal contracts with these other states to provide emergency services to areas such as the aforementioned. Mr. Landon feels that mutual aid will help make the best use of a scarce resource. Mr. Landon informed the Committee that the New England states have already utilized a measure such as HB857. He asked the Committee for favorable consideration.

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

Upon question from Senator Berg, Mr. Landon informed the Committee that Wyoming was very interested in entering into such an agreement with Montana.

There being no further questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 357: Representative Donaldson, sponsor of this bill, testified that there is a real need for HB357 because of the ever-increasing amount of lawsuits being brought against employees of state and local governments. Representative Donaldson also stated that because of the increase in lawsuits for civil rights violations, state employees are not making decisions for fear of being sued.

PROPOSERS: Mr. Mike Young, representing the Montana Department of Administration, explained that the primary purpose of this bill is to expand the existing indemnity and defense rights of employees of the state. Mr. Young pointed out that the fiscal note of \$215,000 is illusive because last year out of the 142 civil rights cases filed, only 2 received judgments.

Sheriff Chuck O'Reilly, representing the Montana Sheriffs and Peace Officers Association, stated that many suits are filed against Sheriffs and jailers in particular. Mr. O'Reilly stated that 99.9 percent of these cases are merely a form of harrassment, but the officer still must pay his own defense costs from his own pocket. Mr. Jim Glosser, Administrator of the Animal Health Division, Department of Livestock of the State of Montana, submitted written testimony (see attached Exhibit "C"). Mr. Glosser's main concern was that an employee faced with an important decision which must be made quickly to protect the public, may hesitate because of his own personal liability.

Mr. Nick A. Rotering, Legal Counsel for the Montana Department of Institutions, testified that it is his belief that HB357 will allow employees to make professional decisions by alleviating some of the worry about lawsuits.

Ms. Mary Fay of the Montana Correctional Association, stated that the general public is now asking for more accountability from persons employed by agencies such as correctional facilities. It is Ms. Fay's opinion that persons in correctional institutions are especially vulnerable to lawsuits of this nature.

Mr. Glen Drake, representing the Montana Public Employee's Association, testified that in most cases, you are dealing with an after-the-fact issue. Mr. Drake felt this bill would allow public employees to make quicker decisions.

Mr. Jeremiah Johnson, representing the Montana Probation Officer's Association, testified that he was quite concerned with this bill.

It is his feeling that in order to have good employees making good decisions, we need to be able to provide them with a proper defense when they are simply doing their job. Mr. Johnson submitted proposed amendments to HB357 (see attached Exhibit "D") and written testimony from Jim Nugent, Missoula County Attorney (see attached Exhibit "E") in favor of HB357.

Mr. Ray Boring, a jailer from Missoula County, testified in favor of HB357. He stated that attorneys' fees in some Oregon cases had accumulated rapidly and are very difficult for most people to pay.

Mr. Darryl Meyer of Cascade County, testified in favor of HB357. Senator Mazurek requested that he be placed on record as supporting HB357.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 807: Representative Jensen testified that HB807 is a simple bill which merely changes the time from 30 days until 90 days in which a dealer has to file a lien against a crop for seed or grain furnished in advance of payment.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

CONSIDERATION OF HOUSE BILL 617: Representative Underdal, sponsor of HB617, explained to the Committee that this bill provides for relief for crop dusters who have to file a lien in order to collect for their services already rendered. This bill will provide them with relief because of their expenses incurred while performing their service. Representative Underdal testified that Mr. Tom Mellott, a crop duster from Brady, Montana, also supports HB617.

There being no further proponents, no opponents and no questions from the Committee, the hearing was closed.

ACTION ON HOUSE BILL 617: Senator Galt moved that HB617 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 807: Senator Galt moved that HB807 BE CONCURRED IN. His motion carried unanimously.

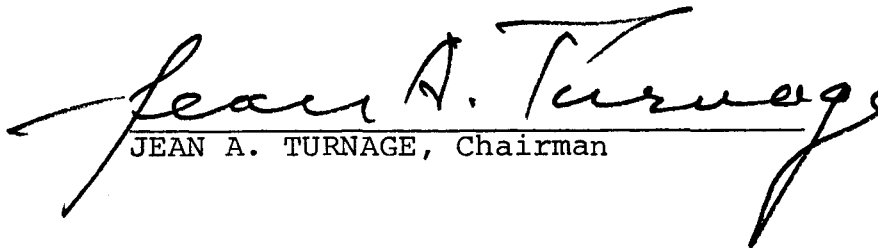
ACTION ON HOUSE BILL 629: Senator Berg moved that HB629 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 857: Senator Daniels moved that HB857 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 825: Ward A. Shanahan and Patrick Smith submitted to the Committee their proposed amendments to HB825. It was agreed by the Committee to change some of the language in the amendments. Senator Galt moved that the amendments as proposed by Mr. Shanahan and Mr. Smith and as modified by the Committee BE ADOPTED. This motion carried unanimously. Senator Berg moved that HB825 BE CONCURRED IN AS AMENDED. This motion carried unanimously.

ACTION ON HOUSE BILL 179: Senator Berg moved to reconsider HB179. This motion carried unanimously. Senator Berg then moved to reconsider adopting the Committee's amendments to HB179. This motion carried unanimously. Senator Berg then moved that HB179 BE CONCURRED IN. This motion carried unanimously.

There being no further business to come before the Committee, the meeting was adjourned at 11:10 a.m.


JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 3/17/83

NAME	PRESENT	ABSENT	EXCUSED
<u>Berg, Harry K. (D)</u>	✓		
<u>Brown, Bob (R)</u>	✓		
<u>Crippen, Bruce D. (R)</u>			✓
<u>Daniels, M. K. (D)</u>	✓		
<u>Galt, Jack E. (R)</u>	✓		
<u>Halligan, Mike (D)</u>	✓		
<u>Hazelbaker, Frank W. (R)</u>	✓		
<u>Mazurek, Joseph P. (D)</u>	✓		
<u>Shaw, James N. (R)</u>	✓		
<u>Turnage, Jean A. (R)</u>	✓		



The Big Sky Country

MONTANA STATE HOUSE OF REPRESENTATIVES

REPRESENTATIVE DAVE BROWN
HOUSE DISTRICT 83

HOME ADDRESS:
3040 OTTAWA
BUTTE, MONTANA 59701
PHONE (406) 782-3604

COMMITTEES:

JUDICIARY, CHAIRMAN
NATURAL RESOURCES
HIGHWAYS
ENVIRONMENTAL QUALITY COUNCIL, VICE-CHAIRMAN

HB 629

SENATE TESTIMONY

HB 629 IS ENTITLED: "AN ACT TO DEFINE THE TERM "GENERAL ELECTION" FOR THE PURPOSE OF SUBMISSION TO THE PEOPLE OF LAWS OR CONSTITUTIONAL AMENDMENTS BY THE LEGISLATURE: AMENDING SECTION 13-3-101 AND 13-1-104, MCA."

THIS BILL REDEFINES THE "GENERAL ELECTION" HELD IN EVEN NUMBERED YEARS TO INCLUDE ELECTIONS TO VOTE ON BALLOT ISSUES THAT ARE REQUIRED TO BE SUBMITTED TO THE VOTERS, UNLESS THE LAW AUTHORIZING THE BALLOT ISSUE PROVIDES FOR THE ELECTION TO BE HELD AT AN EARLIER DATE.

THE REASON THE BILL WAS PROPOSED IS THAT A QUESTION HAS BEEN RAISED CONCERNING HOW CHANGES MADE IN THE ELECTION LAWS IN 1979 HAVE AFFECTED THE LAW GOVERNING THE SUBMISSION OF BALLOT ISSUES BY THE LEGISLATURE TO THE PEOPLE.

PRIOR TO 1979, THE WORD "GENERAL ELECTION" WAS DEFINED AS "AN ELECTION HELD FOR THE ELECTION OF PUBLIC OFFICERS THROUGHOUT THE STATE AT TIMES SPECIFIED BY LAW;" AND ITS DATE WAS STATED TO BE "THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER" IN "EVERY EVEN-NUMBERED YEAR."

IN 1979, THE LAW WAS CHANGED SO THAT AS PROVIDED IN SECTION 13-3-104, MCA, THERE IS NOW A "GENERAL ELECTION" IN EVEN NUMBERED YEARS FOR THE ELECTION OF "FEDERAL OFFICERS, STATE OF MULTICOUNTY DISTRICT OFFICERS, MEMBERS OF THE LEGISLATURE, JUDGES OF THE DISTRICT COURT AND COUNTY OFFICERS," AND THERE IS A "GENERAL ELECTION" IN ODD-NUMBERED YEARS FOR THE ELECTION OF "MUNICIPAL OFFICERS AND OFFICERS OF POLITICAL SUBDIVISIONS."

ARTICLE III, SECTION 6 OF THE MONTANA CONSTITUTION REQUIRES THAT REFERENDA SUBMITTED TO THE PEOPLE BY THE LEGISLATURE BE SUBMITTED AT THE "GENERAL ELECTION." ARTICLE XIV, SECTION 8 REQUIRES THAT CONSTITUTIONAL AMENDMENTS SUBMITTED TO THE PEOPLE BY THE LEGISLATURE BE SUBMITTED AT THE "NEXT GENERAL ELECTION."

IF THIS BILL IS ENACTED BOTH CONSTITUTIONAL AMENDMENTS AND REFERENDA WILL BE SUBMITTED TO THE PEOPLE AT THE GENERAL ELECTION IN EVEN-NUMBERED YEARS UNLESS THE LAW SUBMITTING THE BALLOT ISSUE TO THE PEOPLE PROVIDES OTHERWISE.

S.J. 10AM
3-17-83

TESTIMONY OF COLONEL R. W. LANDON
CHIEF ADMINISTRATOR, HIGHWAY PATROL

H.B. 857

House Bill 857 authorizes Montana law enforcement agencies to enter into cooperative agreements with law enforcement agencies in other states to solve common enforcement problems. It is enabling legislation which allows a flexible approach to enforcement problems transcending jurisdictional boundaries.

A major benefit of this legislation is to be found in the authority it would grant to regional or state law enforcement agencies such as county sheriffs' offices and the Highway Patrol to cooperate with law enforcement agencies of bordering states to provide a coordinated, efficient plan for responding to enforcement emergencies in remote border areas of the state.

Montana law currently allows state and local law enforcement agencies within the State of Montana to assist other Montana law enforcement agencies. Title 44, ch. 11, pts. 1 and 2, MONTANA CODE ANNOTATED (MCA). It does not, however, authorize cooperative agreements with, assistance to, or assistance from law enforcement

agencies of other states. H.B. 857 would supply that authorization.

The bill does not itself spell out specific provisions to be incorporated into every mutual aid agreement. It does, however, spell out the specific general areas of agreement upon which participating law enforcement agencies must negotiate and which they must provide for. Section 5 of the bill requires that the parties bargain with each other and make specific provision for the duration, organization, chain of command, and scope and termination of joint operations as well as for the enforcement authority and qualification level of participating law enforcement officers, responsibility for expenses, and the respective liability of each agency for damages or injury caused by joint operations.

In allowing the parties to negotiate the specifics of a cooperative agreement rather than imposing specific provisions on the parties, the bill attempts to guarantee flexibility to various state and local law enforcement agencies to tailor agreements to local needs and to situations that cannot be easily anticipated today. In this regard, H.B. 857 follows the model of Montana's State-Tribal Cooperative Agreements Act (Title 18, ch. 11, pt. 1, MCA) and the state Interlocal Cooperation Act (Title 7, ch. 11, pt. 1, MCA). Like

those two acts H.B. 857 requires contracting agencies to set forth fully in writing the powers, rights, obligations, and responsibilities of each party to the agreement. It provides for review and approval of agreements by local governing bodies and by the attorney general. In addition, it directs that all such agreements be filed with the secretary of state and, in the case of an agreement entered into by a local law enforcement agency, with the clerk and recorder of each affected county.

H.B. 857 would allow the Montana Highway Patrol to enter into an agreement with the highway patrol forces of bordering states whereby a patrol officer of one state would be authorized to respond to a traffic emergency across the border in a neighboring state if that officer could respond more quickly than officers of the neighboring state. Reciprocal agreements of that type would decrease response time and make efficient use of resources without increasing the operating budgets of the law enforcement agencies involved.

Section 8 of the bill prohibits law enforcement agencies from exercising any powers under a mutual aid agreement that they are not otherwise authorized by law to exercise. The Montana Highway Patrol is, by statute, limited to traffic control. Under H.B. 857 it could not expand its powers beyond the area of traffic enforcement.

In explicit terms the "Compact Clause" (art. I, §10, cl. 3, U.S. CONST.) of the Federal Constitution forbids any state of the Union, without the consent of Congress, to enter into any agreement or compact with another state. Congress has given its advance consent by statute to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and the enforcement of their respective criminal laws and policies. 4 U.S.C. §112.

Under cases decided by the United States Supreme Court, the meaning of interstate compacts is a question of federal law. It cannot be unilaterally nullified nor be given its final meaning by a court or other organ of the contracting states. *West Virginia ex. rel. Dyer v. Sims*, 341 U.S. 22 (1951). Final power to pass on the meaning and validity of an interstate compact is the United States Supreme Court.

Similarly, a state and the United States may enter into compacts. The authority for a state to enter into a contract with the United States is derived from the Constitution of the United States. *ANTLE v. TUCHBREITER*, 414 Ill. 571, 111 NE2d 836 (1953).

Section 6 of the bill provides for the state to be indemnified if it incurs liability due to the conduct of a local law enforcement agency that has entered into a mutual aid agreement with an out-of-state agency.

TESTIMONY - James W. GLOSSER, D.V.M.

H. B. 357

SUPPORT OF BILL

1. My name is Jim Glosser. I am the Administrator of the Animal Health Division, Department of Livestock.
2. My testimony is based on experience as I am an administrator of the Department of Livestock and the State Veterinarian. It is a position of responsibility unlike some other administrator positions, as the Board of Livestock is unavailable to make decisions on a day-to-day basis. I am hired specifically to make decisions and am responsible for supervising licensed professionals. I also have full responsibility for some shared federal programs which deal daily with the granting of licenses and permits and the revocation of them. My decisions are many times of an emergency nature and of such importance that a firm decision must be made quickly in order to maintain position of control over program or people involved.
3. At present, I am a defendant in a case under appeal to the Federal Circuit Court. I was sued in Federal District Court for action taken in revocation of a permit and found liable in District Court for those actions and I am individually liable under Civil Rights law, subject to judgment in the sum of over \$275,000. I acted in a manner compatible with predecessors in the same position, which I learned, in working for predecessors. I was taught to act in this manner, under similar circumstances and situations. Moreover I received no objections from counsel and ratifications of acts by superiors.

Point of Testimony

1. State employees are hired to make decisions and in some cases must make them in order to control a program or people under supervision or people under licensing program. This is especially true in administrative positions.
2. Sometimes these decisions must be made either immediately or in a short time frame to protect the public.
3. If employees must worry constantly of being individually liable for actions, taken within the scope of their authority, the time will come when few people will be willing to make a decision. These are not criminal actions, they are simply decisions which must be made quickly. If the problem is not taken care of, soon all decisions will be made either at a hearing or by the director of each department, if he is willing.

I urge the committee to render a do pass on HB 357.

RECOMMENDED CHANGES TO H.B. 357

Page 3, lines 5, Delete or is unable

Page 4, line 20, Change (b) to (c) and insert a new
(b) the conduct upon which the claim is based does arise out
of the course and scope of the employees' employment, but
fails to conform with established written rules, policies, or
standards of conduct of the employer; or

Page 4, line 22, Change (c) to (d)

Page 4, line 25, Insert (e) the employee compromised or
settled the claim without the consent of the government entity
employer.

Page 5, line 10, Insert (8) If the plaintiff fails to prove
actionable conduct by the employer or employee and the Court
determines the allegations are frivolous, malicious or made in
bad faith, the Court may award attorney fees against the plain-
tiff and in favor of the defendant

Page 5, lines 10 and 11, move down New Section
effective date.

Exhibit "E"

TO: SENATE JUDICIARY COMMITTEE
MONTANA STATE SENATE
MONTANA STATE CAPITOL
HELENA, MONTANA 59620

FROM: JIM NUGENT, MISSOULA CITY ATTORNEY

RE: HOUSE BILL 357 - TO REVISE THE LAWS RELATING TO
IMMUNIZATION AND INDEMNIFICATION OF GOVERNMENT
EMPLOYEES

DATE: MARCH 16, 1983

Dear Senate Judiciary Members:

Memo 83-54

I am writing to you to express my support for House Bill 357 and the amendments proposed for House Bill 357 by Jerry Johnson, Chief Probation Officer with the Fourth Judicial District, Missoula County Courthouse, Missoula, Montana. House Bill 357 is an Act to revise the laws relating to immunization and indemnification of governmental employees. The objectives of this Bill are commendable as they will help give governmental employees in Montana some peace of mind with respect to threats of lawsuit and actual lawsuits filed against them as governmental employees.

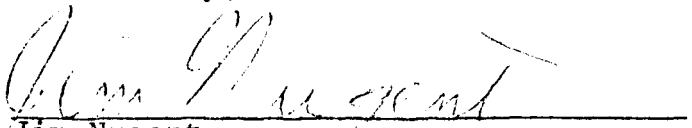
Some justifications for the enactment of a bill such as HB 357 are as follows:

- 1) It would be an injustice to the governmental officer or employee, particularly in the absence of bad faith, to be subjected to personal liability as a result of the exercise of his/her discretion in performing the legal obligations of his/her position.
- 2) The Bill helps eliminate the danger that the threat of personal liability would deter the governmental officer or employee in his/her willingness to execute his/her office with the decisiveness and the judgment required for the public good.
- 3) The Bill helps eliminate the fear that the threat of personal liability might deter citizens from holding public office or being employed as a governmental employee.

Mr. Johnson's proposed amendments are to (1) section 3, page 3, lines 3 and 4, elimination of the words "or is unable" (defendant employees would still be provided legal counsel); (2) adding another subsection to subsection (6) to identify an additional area of employee conduct that should be identified as inappropriate conduct by the employee or officer (another proposed addition to this section was added by the House of Representatives); and (3) to add a new section that would allow the court to award attorney's fees to defendant governments and/or employees if a court finds that the plaintiff brought a frivolous suit or brought the suit with a malicious purpose or in bad faith.

I would urge your support for HB 357 and further urge your support for the amendments proposed by Mr. Johnson. Thank you for considering my comments.

Yours truly,



Jim Nugent
Missoula City Attorney

JN/jd

cc: Alec Hansen, Executive Director
League of Cities & Towns

NAME Patrick L. Smith and
Ward A. Shanahan BILL NO. HB 825
ADDRESS P.O. Box 1715, Helena, MT 59624 DATE 031683
Northern Plains Resource Council and
WHOM DO YOU REPRESENT Northern Tier Pipeline Company
SUPPORT _____ OPPOSE _____ AMEND XXX

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Page 3, line 21.
Following: "or"
Strike: "license"
Insert: "other interest"
2. Page 4, line 4.
Following: "taken,"
Strike: "it must appear"
Insert: "the plaintiff must show by a preponderance of the evidence that the public interest requires the taking based on the following findings:"
3. Page 4, line 11.
Following: "(4)"
Strike: remainder of subsection
Insert: "that an effort to obtain the interest sought to be condemned was made by submission of a written offer and that such offer was rejected; and"
4. Page 4.
Strike: line 13
5. Page 5, line 2.
Following: "thereon."
Strike: remainder of line 2 through line 6
Insert: "A summons served under this chapter must contain a notice to the defendant to file and serve an answer. Within six (6) months from the date the complaint is filed the court shall commence its trial on whether a preliminary the court condemnation order should issue unless it shortens or enlarges the time for good cause shown."
6. Page 7, line 22.
Following: "or judge"
Strike: "is satisfied"
Insert: "finds and concludes"

7. Page 8, line 1.
Strike: line 1 through "appear"
Insert: "plaintiff has met his burden of proof under 70-30-111"
8. Page 9.
Following: line 6
Insert: "(4) After a complaint as described in 70-30-203 is filed, and prior to the issuance of the preliminary condemnation order, all parties shall proceed as expeditiously as possible, but without prejudicing any party's position, with all aspects of the preliminary condemnation proceeding including discovery and trial. The court shall give such proceedings expeditious and priority consideration."
9. Page 13, line 25.
Following: line 24
Strike: "answer"
Insert: "statement of claim of just compensation"
10. Page 14, line 11.
Following: line 10
Insert: "If the defendant fails to file a statement of claim of just compensation within 10 days as specified in 70-30-207, plaintiff may obtain a possession order provided for in this subsection subject to the condition subsequent that a plaintiff's payment into court shall be made within 10 days of receipt of the defendant's statement of claim."

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STANDING COMMITTEE REPORT

..... March 17, 19 33

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 617

Respectfully report as follows: That House Bill No. 617

DO PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

.....March 17,..... 19 83...

MR.President.....

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

having had under considerationHouse..... Bill No. 629.....

Respectfully report as follows: That.....House..... Bill No. 629.....

DO PASS-

BE CONCURRED IN

410

STANDING COMMITTEE REPORT

.....March 17,..... 19.83.....

MR.President.....

We, your committee onSenate Judiciary.....

having had under considerationHouse..... Bill No. 857.....

Respectfully report as follows: That.....House..... Bill No. 857.....

DO PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 17, 1983

MR. **President**

We, your committee on **Senate Judiciary**

having had under consideration **House** Bill No. **825**
Jacobsen (Mazurek)

Respectfully report as follows: That **House** Bill No. **825**
Third reading, be amended as follows:

1. Page 3, line 21.

Following: **"or"**

Strike: **"license"**

Insert: **"other interest"**

2. Page 4, line 4.

Following: **"taken,"**

Strike: **"it must appear"**

Insert: **"the plaintiff must show by a preponderance of the evidence that the public interest requires the taking based on the following Findings"**

3. Page 4, lines 11 and 12.

Following: **"(4)"**

Strike: **the remainder of line 11 and line 12 in its entirety**

Insert: **"that an effort to obtain the interest sought to be condemned was made by submission of a written offer and that such offer was rejected."**

DO PASS

Continued on page 2

March 17,

1983

4. Page 4, line 13.

Strike: line 13 in its entirety

5. Page 5, lines 2 through 6.

Following: "thereon."

Strike: remainder of line 2 through "complaint" on line 6.

Insert: "A summons served under this chapter must contain a notice to the defendant to file and serve an answer. Within six months from the date the summons is served, unless the court shortens or enlarges that time for good cause, the court shall commence its trial on the issue of whether a preliminary condemnation order should be issued"

6. Page 7, line 22.

Following: "ex-judge"

Strike: "is satisfied"

Insert: "finds and concludes"

7. Page 8, line 1.

Strike: line 1 through "appear"

Insert: "plaintiff has met his burden of proof under 70-30-111"

8. Page 9, line 6.

Strike: ""

Insert: "(4) After a complaint as described in 70-30-203 is filed and prior to the issuance of the preliminary condemnation order, all parties shall proceed as expeditiously as possible, but without prejudicing any party's position, with all aspects of the preliminary condemnation proceeding including discovery and trial. The court shall give such proceedings expeditious and priority consideration.""

9. Page 13, line 25.

Strike: "answer"

Insert: "statement of claim of just compensation"

10. Page 14, line 11.

Following: line 10

Insert: "(2) If the defendant fails to file a statement of claim of just compensation within the time specified in 70-30-207, the plaintiff may obtain an order for possession provided for in subsection (1), subject to the condition subsequent that a plaintiff's payment into court shall be made within 10 days of receipt of the defendant's statement of claim."

Renumber: subsequent subsections

And, as so amended,
BE CONCURRED IN

STANDING COMMITTEE REPORT

.....March 17,..... 19 83.....

MR. President.....

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

having had under consideration.....House..... Bill No. 179.....

Respectfully report as follows: That.....House..... Bill No. 179.....

DOPASS

BE CONCURRED IN