

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 8, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, January 8, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present.

ORGANIZATIONAL MEETING: Chairman Hannah held a brief organizational meeting prior to the hearing scheduled this day to introduce the members of the committee, the staff researcher and the secretary to one another.

HOUSE BILL NO. 109: Hearing commenced on House Bill No. 109 (Remove Statutory Conflict on Charging Costs to Convicted Defendants). In support of this bill, the chief sponsor, Representative Ted Schye, District #18, testified. He presented the committee with a letter written to him by David L. Nielsen, attorney at law explaining the reason the bill was introduced. (See attached Exhibit A). Mr. Schye stated that he did not request anyone else to come to testify in support of the bill. There being no further proponents or opponents for HB 109, Chairman Hannah opened the meeting up for discussion.

Also available for questioning was Marc Racicot attorney from the Attorney General's Office. Mr. Racicot stated that some defendant's financial situations may vary dramatically and that even if the defendant cannot afford a lawyer at the beginning of the proceedings, he may be able to pay the costs in the future, and, if so, he should be able to do so. Mr. Racicot further stated that this could be used as a rehabilitative tool. There being no further discussion, Chairman Hannah closed discussion on HB 109.

HOUSE BILL NO. 83: Chief sponsor for HB 83, Representative Hal Harper, District 44, testified before the committee. Representative Harper introduced HB 83 on request of one of his constituents. He stated that the Landlord Tenant Act proved to be ineffective in protecting his constituent's (Ms. Hermanson) property and finances from the malfeasance of bad tenants. In order to remedy this problem, Representative Harper feels that this bill will provide that a landlord may apply for a restraining order without notice to the tenant in order to prevent further damage to his property when the said landlord is seeking termination of the rental agreement because of damage or destruction.

Also testifying in support of the bill was Gloria Hermanson, a property owner. She told the committee of the bad personal experience she had last year as a property owner with destructive

tenants.

Mr. Terry Carmody, representing the Montana Association of Realtors, desired to go on record as supporting HB 83.

There being no further proponents or opponents testifying on behalf of HB 83, Chairman Hannah opened the meeting for discussion.

Representative Montayne stated that he felt uneasy with the bill in its present form because of the possibility of landlords abusing this law with trivial complaints.

Representative Harper stated that he felt the bill would protect the tenant as well as landlords. Several members directed questions towards Ann Sheehy and talked about the jurisdiction problems this bill may present. Representative Brown's question was in regard to what remedy does this bill provide that is in addition to the existing remedy, "27-19-315." Ms. Sheehy again referred to the section following Section 70-24-422, MCA as possibly being amended.

There being no further testimony, Chairman Hannah presented HB 4 for consideration.

HOUSE BILL NO. 4: Because the chief sponsor for HB 4, Representative Rex Manuel had to leave, Representative Dave Brown testified in support of the bill.

Mr. John MacMaster, attorney from the Legislative Council, went through each of the sections with the committee and commented accordingly. The Code Commissioner Bill - Summary is attached herein as Exhibit C. Mr. MacMaster pointed out a few corrections that needed to be made: Page 2 of the Summary, line 42 should be corrected to read "1981" instead of "1983." Furthermore, on page 4, line 4, instead of "section 16" it should read "section 19." Mr. MacMaster commented on section 5 that once section 3-1-607 is amended, section 3-1-608 will be acceptable as is.

At this point, Mr. MacMaster proposed the following amendment -- a copy which is attached hereto and referred to as Exhibit D:

Page 33, line 6
Following: "than"
Strike: "\$150"
Insert: "\$300"

Representative Dave Brown made some closing comments. He stated that the code commissioner is not allowed to legislate the code commissioner bills. Representative Brown also briefly commented on section 6.

Several questions were directed towards Mr. MacMaster. One pertained to the judicial positions and filing of other legislative positions as referred to in section 5. Representative Keyser had questions pertaining to section 4 on deleting the bracketed language. He requested information from the session laws from the 1981 Legislature.

EXECUTIVE SESSION: Chairman Hannah called an executive session at this time. Action was taken on the following bills:

ACTION ON HOUSE BILL NO. 109: Representative Budd Gould moved that HB 109 DO PASS. Representative O'Hara seconded the motion, and Chairman Hannah requested a roll call vote after no further discussion was had. The motion passed unanimously.

ACTION ON HOUSE BILL 4: Representative Bergene moved that HB 4 DO PASS. The motion was seconded. However, at this time, Mr. MacMaster suggested that another amendment be made. The proposed amendment is as follows: Amend the title, line 7 by striking "PUBLIC RETIREMENT SYSTEMS,". Representative Eudaily moved the amendment DO PASS; the motion was seconded by Mr. Keyser and passed unanimously. Representative Rapp-Svrcek moved the first amendment proposed by Mr. MacMaster (Exhibit D) DO PASS. The motion was seconded by Representative Addy and carried unanimously. Representative Gould moved that HB 4 DO PASS AS AMENDED. The motion was seconded by Representative Brown. A roll call vote was taken and passed unanimously as amended.

HOUSE BILL 83: Further discussion was had on HB 83 with Representative Mercer stating that he did not feel an amendment would be appropriate for this bill. Representative Addy moved to amend as follows: Page 2, line 20 by striking the words, "3-day period" and inserting in lieu thereof the words, "during the period that the tenant remains in the possession of the premises after receiving a 3-day notice." That motion was seconded by Representative O'Hara.

Both Representatives Poff and O'Hara stated that they have had problems in the past with destructive tenants and wanted this problem remedied. Representative Addy discussed with the members the effect of the temporary restraining order. Representative Mercer wants the language changed so that the restraining order can be served as soon as it is applied for. Representative Mercer moved to amend the bill by striking lines 23 and 24 and inserting in lieu thereof "it is issued."

Chairman Hannah informed the committee members at this time that action on HB 83 would be postponed until this Friday.

ADJOURN: There being no further business, the meeting was adjourned at 10:15 a.m.


TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/8/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 1/9/85 BILL NO. HB. 4 TIME _____

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene	✓	
John Cobb	✓	
Paula Darko	✓	
Ralph Eudaily	✓	
Budd Gould	✓	
Edward Grady	✓	
Joe Hammond	✓	
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara	✓	
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Representative Gould moved that HB 4 DO PASS AS AMENDED.

Said motion was seconded by Representative Brown. Motion passed
unanimously.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 1/8/85 BILL NO. HB 109 TIME _____

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene	✓	
John Cobb	✓	
Paula Darko	✓	
Ralph Eudaily	✓	
Budd Gould	✓	
Edward Grady	✓	
Joe Hammond	✓	
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara	✓	
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Representative Budd Gould moved that House Bill No. 109

DO PASS. Representative O'Hara seconded the motion, and it
passed unanimously.

VISITOR'S REGISTER

HOUSE Judiciary

COMMITTEE

BILL H. B. 83

DATE 1/8/85

SPONSOR Larson

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

DAVID L. NIELSEN
ATTORNEY AT LAW
402 2ND AVENUE SOUTH . P.O. Box 1187
GLASGOW, MONTANA 59230

406/228-2483

January 2, 1985

Representative Ted Schye
Capitol Station
Helena, Montana 59601

Dear Ted:

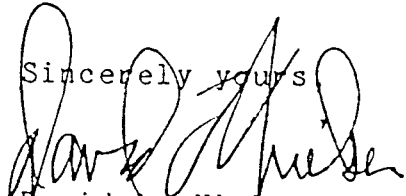
The purpose of this letter is to set forth the reason for the proposed amendment of M.C.A. Sec. 46-8-113, as is set forth in House Bill No. 109.

Presently paragraph (2) of 46-8-113 appears to be in conflict with M.C.A. Sec. 46-18-232. M.C.A. Sec. 46-8-113 at the present provides that when a defendant is appointed counsel by the court, then he cannot be made to pay as part of a sentencing those costs which would include expenses inherent in a constitutionally guaranteed jury trial. As a practical matter, the only costs inherent in a jury trial are the costs of jury service. M.C.A. Sec. 46-18-232 specifically allows for a court to require a convicted defendant to pay costs plus costs of jury service as part of his sentence. That section also sets forth the protection for the defendant that he may not be required to pay these costs unless the court makes a determination that he is able to pay the costs and is able to take into account the resources of the defendant and the nature of the burden that payment of these costs will impose. This test which the court is required to apply before ordering costs is the same test set forth in 46-8-113. Since the defendant under both sections is protected from having to pay costs if he is financially unable to do so, there seems to be no reason why a defendant who is sentenced when he has received court appointed counsel should be excused from the payment of costs of jury service as set forth in 46-18-232. At the present it seems that the indigent defendant who has the court appointed counsel who might have an ability to pay the costs in the future is given the benefit of not having to pay those costs for jury service whereas a defendant who has to hire his own attorney could be required to pay the jury costs. The defendant is adequately protected and in order to remove the

Representative Ted Schye
M.C.A. Sections 46-8-113(2)
and 46-18-232
January 2, 1985
Page 2

confusion it would be best that the amendment proposed in
House Bill No. 109 be approved so that the defendants are put
on equal footing.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David L. Nielsen", written over the typed name.

David L. Nielsen
Valley County Attorney

dance with this section and may make minor incidental adjustments consistent with this section as may be necessary to reflect the intent of this section without changing the meaning of the listed sections as amended by this section.

(4) 13-27-205, 13-27-206, 19-11-207, 20-9-435, 23-5-106, 30-13-142, 32-1-236, 32-1-473, 32-1-505, 45-5-104, 45-5-204, 45-5-105, 45-5-201, 45-5-203, 45-5-204, 45-5-304, 45-5-505,

45-5-603, 45-5-613, 45-5-621, 45-6-101 through 45-6-103, 45-6-204, 45-6-301, 45-6-316, 45-6-317, 45-6-325, 45-6-327, 45-7-101, 45-7-102, 45-7-201, 45-7-206 through 45-7-208, 45-8-106, 45-8-215, 45-8-318, 45-8-334, 45-8-335, 45-9-101(4), 45-9-102(4), 45-9-103(3), 45-9-107, 46-18-213, 46-18-502, 46-31-204, 50-38-107, 61-3-604, 81-5-102, and 81-9-118."

46-18-232. Payment of costs by defendant. (1) A court may require a convicted defendant in a felony or misdemeanor case to pay costs, as defined in 25-10-201, plus costs of jury service as a part of his sentence. Such costs shall be limited to expenses specifically incurred by the prosecution in connection with the proceedings against the defendant.

(2) The court may not sentence a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take into account the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(3) A defendant who has been sentenced to pay costs and who is not in default in the payment thereof may at any time petition the court that sentenced him for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or his immediate family, the court may remit all or part of the amount due in costs or modify the method of payment.

History: En. Sec. 2, Ch. 198, L. 1981.

Compiler's Comments

1981 Title: The title to Ch. 198, L. 1981 (SB 14), read: "An act providing for fines and assessment of costs in felony and misdemeanor criminal cases; allowing community service as a condition of deferred or suspended sentences; amending section 46-18-201, MCA."

Interim Study Committee Bill: Chapter 198, L. 1981 (SB 14), was introduced at the request of the interim Committee on Corrections Policy and Facility Needs. See committee report, Legislative Council, 1980.

46-18-233. Fine or costs as a condition on suspended or deferred sentence. (1) Whenever a defendant is sentenced to pay a fine or costs under 46-18-231 or 46-18-232 and the imposition or execution of the rest of his sentence is deferred or suspended, the court may make payment of the fine or costs a condition for probation.

(2) A suspended or deferred sentence may not be revoked if the defendant defaults on the payment of the fine and the default is not attributable to an intentional refusal to obey the order of the court or a failure to make a good faith effort to make the payment.

History: En. Sec. 3, Ch. 198, L. 1981.

46-18-234. When payment of fine or costs due. Whenever a defendant is sentenced to pay a fine or costs under 46-18-231 or 46-18-232, the court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence, the payment is due immediately.

History: En. Sec. 4, Ch. 198, L. 1981.

TO: House Judiciary Committee
FROM: Anne Sheehy
DATE: January 8, 1985

RE: House Bill No. 83

My name is Anne Sheehy. I am an attorney who represented Gloria Hermanson, a property owner, in her action for possession and rent brought against her tenants in justice court in September of 1984.

You will have heard from Ms. Hermanson the circumstances which seemed to render the Landlord Tenant Act ineffective to protect her property (and her finances) from the malfeasance of bad tenants during the summer of 1984. I am here to confirm Ms. Hermanson's testimony in that regard. I also offer comments on the bill, above-referenced, drafted to give landlords a remedy in the difficult circumstances experienced by Ms. Hermanson.

Comments:

1. The restraining order without notice permitted by the bill may well impress the ordinary tenant with additional force and thereby prevent damage to the rental property.
2. To address the particular problem faced by Ms. Hermanson, the restraining order should be effective not just for the period of the notice of termination but for any holdover period if the abusive tenant digs in his heels and has to be evicted through court action.
3. The nature of a restraining order and the procedures required for its issuance may impose additional financial and tactical burdens upon a landlord desiring this remedy. See Section 27-19-301, et seq., MCA. Note in particular Section 27-19-306, prescribing an undertaking by the applicant for security for damages. Note too that the district court has jurisdiction to hear and issue orders for injunctive relief, while ordinarily landlord-tenant matters are pursued in justice court. See Sections 3-5-302(5) and 3-10-301, 302, MCA. This is not an obstacle to the remedy, but it is a complication for the applicant.
4. The effect of the restraining order permitted by the bill is to subject the abusive tenant to contempt of court if the order is violated and the rental property damaged. To the extent that there are some tenants whose contempt for the property rights of others may extend to contempt for a court order, the bill may fail in its objective to prevent property damage, even though it adds another layer of culpability to the tenant's conduct.

5. In the particular circumstances of Ms. Hermanson's tenant problem, it might be more effective to amend Section 70-24-423, MCA, to exclude from the waiver provisions of that statute a breach for damage to the property.

Thank you, and good luck.

1 HOUSE BILL NO. 4

2 AN ACT TO GENERALLY REVISE AND CLARIFY LAWS RELATING TO
3 GOVERNMENT, COURTS, ELECTIONS, PUBLIC RETIREMENT SYSTEMS,
4 AND CRIMES; AMENDING SECTIONS 1-11-204, 2-4-611, 2-7-517,
5 2-15-2007, 3-1-607, 3-2-104, 5-4-306, 5-7-203, 13-10-505,
6 13-27-312, 25-7-204, 25-7-206, 25-35-602, 27-27-101,
7 45-2-101, 45-9-111, AND 45-9-116, MCA; AND REPEALING
8 SECTIONS 2-7-101 AND 3-5-212, MCA.

9 Section 1. 1-11-204. The provision that the Code
10 Commissioner must submit a certified report to the
11 Legislature is an unnecessary formality. The report is
12 published in the first volume of the annotations to the
13 Montana Code Annotated and is accessible to anyone. The
14 amendment would make no change in the required contents of
15 the report.

16 Section 2. 2-4-611. The two references in subsection
17 (2) to "the legal assistance program" were inserted in 1979
18 in anticipation of the 1979 Legislature's passage of a
19 program by that name. The bill was vetoed. A generic name
20 change in subsection (2) is made to avoid any construction
21 of the subsection as referring to or by implication
22 mandating a specific program.

23 Section 3. 2-7-517. The bill enacting this section
24 incorrectly referred to "2-15-516". The correct reference,
25 "2-7-516", was substituted during codification of the act to
26 the Montana Code Annotated, with brackets to indicate the
27 substitution. This bill deletes the brackets and legislates
28 2-7-516 as the correct section reference.

29 Section 4. 2-15-2007. A compiler's comment under this
30 section of the Montana Code Annotated states:

31 "Commissioner Correction: This section was passed as
32 subsection (2) of section 8, Ch. 274, L. 1981, and was added
33 as an amendment. This subsection was substantive law, but
34 the accompanying subsections are not. In codifying this
35 section the code commissioner added the bracketed material
36 to reflect the context in which the subsection was passed."

37 This bill deletes the brackets, thus legislating the
38 bracketed language.

39 Section 5. 3-1-607. (This section is amended to delete
40 the prohibition on a judge running for a judicial office the
41 term of which commences earlier than his existing term of
42 office.) The prohibition was declared unconstitutional in a
43 Montana Supreme Court opinion. The case note for that

1 opinion, contained in the annotations to the Montana Code
2 Annotated, reads:

3 "Article VII, sec. 10, Mont. Const., providing that one
4 holding a judicial position forfeits that position by filing
5 for an elective public office other than a judicial
6 position, requires a Judge to forfeit his judicial office if
7 he files for either a legislative or executive office. While
8 it does not affirmatively declare that a Judge does not
9 forfeit his judicial office by filing for another judicial
10 office, that is its intent as shown by the minutes of the
11 Constitutional Convention and that is what it means.
12 Sections 3-1-607 and 3-1-608 forbid what Art. VII, sec. 10,
13 Mont. Const., authorizes and are therefore unconstitutional
14 as being in direct conflict with Art. VII, sec. 10, Mont.
15 Const. The Comm. for an Effective Judiciary v. St., M,
16 679 P2d 1223, 41 St. Rep. 581 (1984)."

17 Section 6. 3-2-104. The deleted material (as well as
18 section 3-5-212, MCA, containing similar language) was found
19 unconstitutional in Coate v. Omholt, M, 662 P2d 591, 40
20 St. Rep. 586 (1983), as violating the separation of powers
21 doctrine, and the impairment of contract and diminution of
22 salaries provisions of the Montana Constitution.

23 Section 7. 5-4-306. Language was added to subsections
24 (2) and (3) to conform them to Article VI, section 10, of
25 the Montana Constitution, as amended in 1982. That amendment
26 provided for a veto override by poll of the Legislature if a
27 bill is vetoed after the end of the session.

28 Section 8. 5-7-203. The exception at the beginning of
29 the section is deleted because 5-7-304 was repealed in 1980.
30 That section read: "5-7-304. Exemption from license and
31 registration requirement. Any person who limits his
32 lobbying solely to appearances before legislative committees
33 of either house and registers his appearance on the records
34 of such committees in writing shall not be required to be
35 licensed as a lobbyist, pay a license fee, or register with
36 the secretary of state."

37 Section 9. 13-10-505. The added words simply clarify
38 that the exception relates to filling of vacancies and not
39 to nominations in nonpartisan elections.!

40 Section 10. 13-27-312. The brackets at the beginning
41 and end of subsection (3) are deleted. In preparation of
42 the composite of Chapter 336 and Chapter 488, Laws of 1981,¹⁹⁸¹
43 amendments to this section, the Code Commissioner set out in
44 a separate bracketed subsection (3), the amendatory language
45 in Chapter 336 pertaining to the preparation by the Attorney

1 General of a fiscal statement, although the language had
 2 been inserted in former subsection (2), which was entirely
 3 deleted by Chapter 488. The language was included because
 4 it appeared to reflect a separable concept not in conflict
 5 with Chapter 488 and the apparent intent was to incorporate
 6 the concept into the law. By deleting the brackets, this
 7 bill legislates the bracketed language.

8 Sections 11 and 12. 25-7-204 and 25-7-206. A 1983
 9 amendment to 25-7-202 provided that the judge or the jury
 10 commissioner draw the ballots. Formerly, only the judge drew
 11 them. Sections 25-7-204 and 25-7-206 were not, but should
 12 have been, correspondingly amended. This bill makes those
 13 amendments.

14 Section 13. 25-35-602. The 40-day time period in the
 15 next-to-last paragraph of this form is changed to 10 days to
 16 be consistent with 25-35-605(1), which fixes the time
 17 period.

18 Section 14. 27-27-101. This amendment is made because
 19 St. v. Montana Livestock Sanitary Board, 135 M 202, 339 P2d
 20 487 (1959), held this section unconstitutional under Montana
 21 Constitution, Article VII, sections 2 and 4, to the extent
 22 that it authorizes a Writ of Prohibition in regard to
 23 ministerial functions.

24 Section 15. 45-2-101. In subsection (69)(b), "\$150" is
 25 changed to "\$300". Subsection (69) defines "value". Chapter
 26 581, Laws of 1983, raised from \$150 to \$300 the "value" of
 27 what is taken in theft and fraud offenses before the offense
 28 becomes a felony. If "value" is over \$300, the offense is a
 29 felony. If "value" is \$300 or less, the offense is a
 30 misdemeanor. Chapter 581 should have raised "\$150" to "\$300"
 31 in 45-2-101(69)(b) to conform to what Chapter 581 did.

32 Sections 16 through 18. 45-9-101 through
 33 45-9-103. The reference in each section to "an opiate, as
 34 defined in 50-32-101(18)" is incorrect. "Opiate" is defined
 35 in subsection (19) of 50-32-101, not subsection (18). Prior
 36 to 1983, "opiate" was defined in subsection (18), but the
 37 1983 Legislature inserted a new subsection (14) in 50-32-101
 38 and renumbered the following subsections. Thus, the
 39 subsection defining "opiate" was renumbered from (18) to
 40 (19). Inadvertently, the three references, in 45-9-101
 41 through 45-9-103, to 50-32-101(18) were not changed to
 42 50-32-101(19).

43 Sections 19 and 20. 45-9-111 and 45-9-116. One word
 44 defined in 45-9-111 is also used in the text of that

1 section; therefore, this bill makes the definitions in
2 45-9-111 apply to that section. Section 45-9-116 is amended
3 for clarity and to be consistent with the amendment made in
4 section ~~116~~. If operative provisions do not apply to the
5 persons listed in 45-9-116(1), it was certainly intended
6 that related definitions also do not apply.

7 Section 21. Repealer.

8 2-7-101. These definitions were used only in 2-7-102,
9 which was repealed in 1983. The section is thus obsolete
10 and unnecessary.

11 3-5-212. See explanation for section 6.

AMENDMENT TO HB 4, INTRODUCED COPY

1. Page 33, line 6.

Following: "than"

Strike: "\$150"

Insert: "\$300"

This amendment is proposed by the Legislative Council because the amendment should have been, but inadvertently was not, made when the bill was drafted. The amendment does the same thing as is done two lines above the amended line.

STANDING COMMITTEE REPORT

January 8 19²⁵

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 109

FIRST reading copy (WHITE)
color

REMOVE STATUTORY CONFLICT ON CHARGING COSTS TO CONVICTED DEFENDANTS

Respectfully report as follows: That HOUSE Bill No. 109

DO PASS

STANDING COMMITTEE REPORT

January 8 1985

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 4

FIRST reading copy (WHITE)
color

GENERALLY AMEND TITLES 1, 2, 3, 5, 13, 25, 27, AND 45, MCA

Respectfully report as follows: That HOUSE Bill No. 4

BE AMENDED AS FOLLOWS:

1) Title, page 1, line 7
Strike: "PUBLIC RETIREMENT SYSTEMS,"

2) Page 33, line 6
Following: "than"
Strike: "\$150"
Insert: "\$300"

AND AS AMENDED,
DO PASS

STATE PUB. CO.
Helena, Mont.

REPRESENTATIVE BARHAM

Chairman.

COMMITTEE SECRETARY