MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 7, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, February 7, 1985 at 7:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Rep. O'Hara.

ACTION ON HOUSE BILL NO. 609: Rep. Keyser moved that HB 609 DO PASS. The motion was seconded by Rep. Mercer and passed with Reps. Darko and Bergene dissenting. There was no further discussion on the bill.

ACTION ON HOUSE BILL NO. 440: Rep. Addy moved that HB 440 DO PASS. The motion was seconded by Rep. Mercer and passed unanimously.

ACTION ON HOUSE BILL NO. 443: Rep. Gould moved that HB 443 DO PASS. The motion was seconded by Rep. Hammond. Rep. Gould stated his full support for the bill.

Rep. Kruegar moved to amend the bill as follows:

1. Title, line 9.
Following: "MONTH;"
Insert: "REQUIRING THE DEPARTMENT TO FORWARD ANY CHILD SUPPORT PAYMENTS TO THE OBLIGEE WITHIN 10 DAYS OF RECEIPT OF THE PAYMENT FROM THE OBLIGOR;"

2. Page 5, following line 8.
Insert: "(3) Whenever an obligation for support is paid through the support enforcement and collections unit of the department, the department must forward payment to the obligee within 10 days of the department's receipt of payment from the obligor."

Rep. Krueger addressed his amendment saying although the bill has a great deal of merit, he feels the larger bureaucracy gets, the more cumbersome it gets. He desires to see the child support money distributed to the child's mother as quickly as possible.

This motion was seconded by Rep. Brown.

Rep. Keyser stated his dislike for the broad language in the bill.

Rep. Addy said that he is confused with the intent of the bill which allows the Department of Revenue to be

reimbursed for payments made to the mother.

Rep. Eudaily asked what happens if the department does not send the support to the mother within 10 days which would be required under Rep. Krueger's amendment. Rep. Krueger responded by saying he doesn't know what would happen. He said penalties are not set forth in the provision; however, he feels there should be a mandatory time limit set.

The question was called on the motion to adopt Rep. Krueger's prior amendment. The motion passed unanimously.

Rep. Gould moved that HB 443 DO PASS AS AMENDED. The motion was seconded by Rep. Brown and discussed.

Rep. Keyser moved to amend beginning on page 2, line 1 by inserting after "earnings" the language "compensation for personal services" and by striking the words on line 2 beginning with "interest" through "source" on line 5. The motion was seconded by Rep. Hannah and discussed. Rep. Keyser commented that he feels the language he moved to delete is too broad.

The question was called, and a roll call vote was taken on this motion. The motion failed 7-9.

Rep. Rapp-Svrcek moved to amend HB 443 beginning on page 9, line 1 by striking "can" and adding an "s" to "show". Furthermore, as a part of that motion on line 4 of page 9, strike "may in its discretion" and insert "shall". The motion was seconded by Rep. Bergene. It was Rep. Rapp-Svrcek's opinion that this would provide adequate protection.

The question was called, and the motion failed.

Rep. Keyser further moved to amend page 2, line 18 by inserting after "income" the language "or wages". He further moved to amend on page 2, line 18 following "basis" all the language beginning with "and" through "thereof," on line 21. The motion was seconded by Rep. Gould, and discussion followed. Rep. Keyser explained his reasoning behind this motion to amend in that he feels the language is broader than the federal form. He said this language was added by the department and does not conform with the federal statute requirements.

Rep. Miles opposed the motion and feels the language should be left in. She said that wages is included in the division of income.

There being no further discussion, the question was called, and the motion failed.

Rep. Miles moved to amend on page 11, lines 9 and 10 following "wages" by striking "or income". The motion was seconded by Rep. Mercer.

Rep. Hannah was concerned that by adopting this amendment, it would not make it consistent with the intent of the bill.

Rep. Krueger said that by adopting this amendment, we are recognizing that child obligation should be put on the same level as secured creditors. Rep. Krueger, however, doesn't feel that child obligation should receive priority above the rest.

Following further discussion, a roll call vote was taken. The motion carried 9-7.

Rep. Bergene moved that HB 443 DO PASS AS AMENDED. The motion was seconded by Rep. Addy and further discussed.

Rep. Montayne informed the committee that he had contacted two social workers concerning this bill who in turn told Rep. Montayne that they were afraid of the bill. They told Rep. Montayne that they may face a mass exodus of husbands if this bill is passed.

The question was called, and the motion passed with Reps. Hannah, Keyser and Gould dissenting.

Chairman Hannah adjourned executive session at 8:00 a.m.

Tom Hannah

REP. TOM HANNAH, Chairman

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 7, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Thursday, February 7, 1985 at 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 502: Rep. Addy, District #94, chief sponsor of the bill, testified on behalf of it. Rep. Addy said this bill raises the question of the right to privacy. This bill would provide the selective service access to the driver's license record (which includes name, the address, birth date and social security number) of every male who was born in years of individuals who should now be registered with the selective service. It is a registration bill. He feels as long as there is a selective service, it should be a fair system. So long as only a part of those who should be registered are registered, then the remainder of the people who have registered at the post office are prejudiced. Rep. Addy likened this to the lottery in reverse.

Rep. Addy said the question has been raised whether or not this constitutes an invasion of privacy under article 2, section 10 of the Montana Constitution. Rep. Addy doesn't feel there is any invasion of privacy whatsoever to the extent that the process would not divulge any information not already required of those men who comply with the law.

The privacy provision of the Montana Constitution includes an exception if a "compelling state interest" is involved. If there is a compelling state interest to register the first person, then there is a compelling state interest to register all people who are subject to the provisions of the military Selective Service Act. He finds it difficult to think of a state interest that is more compelling than national defense.

Rep. Addy asked the committee to try to separate the issue of fairness and privacy from opposition to the draft itself.

George Christianson, a reserve officer for the state, testified in support of the bill. He said he looks at this bill as primarily a public information program. He said the Selective Service finds the shortfalls in registration

of young men in Montana is due primarily to their lack of knowledge of their responsibility to register. Mr. Christianson outlined some of the methods of education they have been doing to remind young men of their responsibilities to register. He pointed out that it is normally in the larger communities in Montana where the young men don't visit the post offices.

Richard "Fritz" Gillespie, a member of the Selective Service, testified in support of the bill. He pointed out two areas where Selective Service can be of assistance to young men. One is for student aid and another is the job training program.

Robert Cummins, Deputy State Director of the Selective Service, appeared and offered testimony on behalf of HB 502. He submitted a letter addressed to him by Attorney General, Mike Greely. In that letter, Mr. Greely denied Mr. Cummin's request for the Division of Motor Vehicles to make a computer search of their records, and supply the Selective Service with the names, addresses, dates of birth and social security numbers of young male drivers born from December 31, 1959, through December 31, 1965. Because of the denial, this particular bill was introduced. That letter was marked as Exhibit A and is attached hereto.

Mr. Cummins informed the committee that the Selective Service is not involved in law enforcement. He pointed out that the goal of the Selective Service is to remind and encourage young men to register. He pointed out that the state of Kansas is going through a similar legislative change in this area. He said this act has been determined constitutional by the U.S. Supreme Court, and added that failure to comply with this act is a federal crime. He further informed the committee that at present, there have been no Montanans who have been turned over for prosecution for failure to comply.

Larry Majerus, Administrator of the Motor Vehicle Division, Department of Justice, appeared and offered testimony. He stated that he is neither a proponent nor opponent of the bill. He commented on the request by the Selective Service to the Division of Motor Vehicles to provide the service with names, etc. He informed the committee that there are two separate areas of motor vehicles records -- one dealing with the vehicle exclusively and the other dealing with the driver exclusively. The other area of information that the division maintains is the driving record. Presently, the division does not provide lists of drivers to anyone with the following exception which is under subsection (4) on page 2 of the bill. Mr. Majerus stated that they do not allow public access to the department's driving records.

He also said that social security numbers have never been released except to law enforcement.

Mr. Majerus said that if the committee passes this bill, he would prefer a new section be added that would tell the division expressly what its obligation is, insofar as these records are concerned.

There being no further proponents, Chairman Hannah requested the opponents to testify.

Susan Cottingham, representing the Montana Chapter of the American Civil Liberties Union, testified in opposition to this bill. She wished to simply address the constitutional provision -- the right to privacy. She said it was up to the committee to determine whether this is a "compelling state interest" and whether this right to privacy should be abridged for these reasons. (She referred to the letter Robert Cummins received which was marked Exhibit A.)

There being no further opponents, Rep. Addy closed. He referred to U.S. Court of Appeals Detenber, et. al. vs. Turnage. A copy was marked as A-1 and attached hereto. He asked the question, "What more compelling interest can the state have than improving the national defense." He further added, "People who register have the right to know that everyone subject to the law can be called to serve."

The floor was opened to questions from the committee.

In response to a question of Rep. Keyser, Mr. Cummins said that Montana has over 45,000 young men who have complied with the statute. At present time, Mr. Cummins believes in the previous year groups which would include those up to age 24 years, there were 300 to 400 men who did not register. He further stated that the Selective Service has even bought the name lists of graduating high school seniors who may be eligible for the draft from the Josten Ring Company.

In response to another question, Mr. Cummins outlined the educational program the service uses throughout the state. Mr. Cummins stated that they do an on-campus registration at the high schools where the majority of the young men attend, and they have an on-campus program at the university systems among with junior colleges and the local community colleges.

Rep. Miles asked Rep. Addy if this act doesn't amount to more governmental regulation in people's lives. Rep. Addy responded by saying, "So long as there is a Selective Service, young men will be liable to serve their country."

There being no further questions, hearing on HB 502 closed.

CONSIDERATION OF HOUSE BILL NO. 467: Hearing commenced on HB 467. Its sponsor, Rep. Tom Hannah, District #86, appeared and offered testimony in support of HB 467. This bill would allow a person the right to refrain from joining a particular labor organization as a condition of employment if his religion opposes that requirement. He said the main thrust of the bill has not changed. A person is still required to pay union dues, initiation fees, etc..

Juanita Kajkowski, a teacher from Deer Lodge, Montana, spoke in favor of the bill. She informed the committee that last year she applied for non-association with the labor organization under Montana State Code Title 39-31-204. She was denied a hearing by the Montana State Board of Personnel Appeals because they felt they didn't have jurisdiction over her case. The board interpreted the law to mean "any labor organization and all labor organizations". Ms. Kajkowski had to be able to say that she was opposed to all labor unions, which she could not, in fact, say. She could only tell them she did not want to be associated with a particular union because of particular beliefs. The board also informed her that she had to believe that "collective bargaining" is wrong which she doesn't believe is wrong. She then referred to a letter that was written by her pastor at that time. She belongs to the Community Evangelical Free Church in Deer Lodge, Montana.

There were no further proponents. Acting Chairman Brown requested the opponents to testify.

Terry Minnow, representing the Montana Federation of Teachers, feels that this bill tips the balance of power the other way. She feels that the system at present is working well. She said that people with bona fide religious convictions aren't required to join or support unions, and she feels this bill would open up a whole new ballgame.

Eileen Robbins, representing the Montana Nurses' Association, urged the committee to give this bill a do not pass. A copy of her testimony was marked Exhibit B and is attached hereto.

There were no additional opponents.

Rep. Hannah commented in closing that he feels the argument given by the opponents is a weak one. He said people are not going to bail out from joining a particular organization because there is no benefit. We are talking about an isolated problem -- that a few people who say that they cannot say that all unions are bad because they don't know about all the other unions. He doesn't feel that passage of this bill will have a huge impact. As far as people leaving, he feels that by passing the bill, people will be given the freedom to make a choice.

Hearing on HB 467 closed.

CONSIDERATION OF HOUSE BILL NO. 186: Rep. Paul Pistoria, District #36, testified in support of his bill. House Bill 186 was originally referred out of the Local Government Committee, passed second reading on the floor, and re-referred to Judiciary. This bill is an act to allow passage of county ordinance to control community decay caused by accumulation of rubble. He said that it has never been clarified in state law where the counties have the opportunity to do something with junk, debris, etc..

Rep. Jack Sands testified in support of the bill. He said he serves on the Local Government Committee, and he shared some of the comments the members of that particular committee with regards to this bill. He said even though the language is broad in its scope, that language was taken from the general nuisance statute. He said the language used in this bill is narrower than the language used in the general nuisance statute. This bill would provide a more useful definition of what a nuisance is than is contained in the general nuisance statute. It simply provides a mechanism which would notify the offender.

Jim Leiter, representing the Solid Waste Division of the Department of Health, testified and submitted written testimony which was marked Exhibit C and attached hereto.

There being no further proponents or opponents, Rep. Pistoria closed. He submitted some pictures of areas around Great Falls which reveal problems in this dealing with this subject.

Rep. Keyser stated that even though he likes the intent of the bill, he feels that the language is broad. He asked Mr. Leiter what kind of "health conditions" the bill is dealing with. Mr. Leiter said it could involve a number of situations such as conditions that cause an odor problem, rodent attractions, skunks, dogs, flies, etc.. Rep. Keyser feels that the "comfortable enjoyment" language is very broad. Rep. Sands said the possible scope of what a nuisance is, is so broad. However, he again pointed out that the language used in the bill is narrower than the language used in the general nuisance statute.

Rep. Mercer said that his biggest concern with the bill is the fact that counties would be given more authority. He suggested that counties themselves define the word "nuisance." Rep. Sands responded by saying the scope of the bill would be expanded. In response to another question asked by Rep. Mercer, Rep. Pistoria said that he doesn't think counties and cities have a different definition of "nuisance". Rep.

Pistoria also added that he wanted to do this with the least amount of restriction as possible.

There were other general questions of the committee; however, Chairman Hannah pointed out that due to the limitation of time, all further questions will be handled during executive session.

CONSIDERATION OF HOUSE BILL NO. 619: Rep. Sands, District #90, testified in support of the bill as its sponsor. Rep. Sands stated that this bill was introduced on request of a justice of the peace in his area. The basic purpose of the bill is to say in justice court, before default can be entered, the plaintiff must file a motion that the default be entered. There are two reasons for doing so. The justice of the peace doesn't want to be in the business of taking positive action to resolve cases. If someone hasn't met their time limit and they are in default for not having answered the complaint, it should be the obligation of that party to come in, notify the justice of the peace, and take the appropriate action. The justices of the peace have said that it creates a tremendous administrative burden for them to try to keep track of all these cases and for them to enter the default. Rep. Sands said the other reason why this bill is desirable is that it tracks the kinds of procedures that are used in district court. It would get the justice of the peace court out of the business of managing the caseload.

Jim Jensen, representing the Montana Magistrate's Association, wished to go on record as supporting this bill.

There were no further proponents or opponents, and Rep. Sands closed. Rep. Sands pointed out that the justice of the peace rules of procedure deal with this matter. He said the legislature does not have the authority to amend the rules of procedure. The floor was opened to questions.

In response to a question from Rep. Keyser, Rep. Sands stated that defendants have the recourse to set aside a default action and continue accordingly.

Rep. Eudaily questioned whether this requires rule-making authority on the part of the justice of the peace department in order to implement it into Rule 12. Rep. Sands responded by saying he didn't think so.

There being no further questions, hearing closed on HB 619.

CONSIDERATION OF HOUSE BILL NO. 547: Chief sponsor, Joan Miles, District #45, testified in support of the bill. She said this bill amends Chapter 5 of Title 45 which deals with sexual offenses against a person. The bill makes two changes in this chapter. On page 1, line 19, the new language, "or both" is added. This amends the sexual assault statute to provide for the possibility of a jail term, a

fine or both. Rep. Miles continued by saying the second change takes the language word for word out of the section dealing with sexual intercourse without consent. It is the language that deals with the admissibility of evidence of the victim's past sexual conduct. It is stricken in its entirety to the section that is entitled provisions generally applicable to sexual crimes.

Mike McGrath, county attorney for Lewis and Clark county, testified in support of the bill. Mr. McGrath stated that this is one of six bills that was requested by the Montana County Attorney's Association. Mr. McGrath pointed out that it does allow inquiry into relevant sexual history of the offender. He said this bill will help the county attorneys a great deal with their prosecutions by assuring the victim before the trial starts that inquiry into their history will be very narrow and only relevant to the crime charged with.

Gail Kline, representing the Women's Lobbyist Fund, testified in support of the bill. A copy of her testimony was marked as Exhibit D and attached hereto.

There being no further proponents or opponents, Rep. Miles closed by saying that this is an act to provide consistency in the statutes relating to all sexual crimes.

The floor was opened to questions from the committee.

Rep. Keyser asked if the victim can be cross-examined as to his past sexual history. Mr. McGrath said he could not be.

Rep. Hannah asked what other areas is the language being extended to on pages 4 and 5 of the bill. Mr. McGrath said it covers sexual assualt primarily. It also covers devious sexual behavior. Rep. Hannah asked under those charges now, is the county attorney allowed to question the victim about past sexual history. Mr. McGrath said that some judges allow defense attorneys to do so.

In response to a question from Rep. Mercer, Mr. McGrath said this law has been on the books relative to sexual consent for four years.

There being no further questions, hearing closed on HB 547.

CONSIDERATION OF HOUSE BILL NO. 681: Jan Brown, District #46, appeared and offered testimony in support of this bill. She informed the committee that this bill was requested by the Montana Press Association and is similar to a bill that she sponsored last session that had been requested by the Montana Hospital Association. This act provides generally

that confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative. The act provides a number of exceptions to this general rule, but no exception is made for the release of information to the news media or law enforcement officials. A copy of her testimony was marked as Exhibit E and attached hereto.

Mike Meloy, representing the Montana Press Association, appeared and offered testimony in support of this bill. He said this bill is a second effort to free the hospital and news media from the very, very tight restraints of the Health Care Confidentially Information Act. Mr. Meloy pointed out that the reason for the law enforcement provision of the bill is if a person is injured while committing a criminal offense, or if that person is involved in the criminal offense, the hospital cannot release information to the law enforcement as to when that person will be released. This bill would permit that general information to be released as well.

John Scully, representing the Montana Sheriffs' and Peace Officers' Association, wished to go on record as supporting this piece of legislation.

Chad Smith, appearing on behalf of the Montana Hospital Association, said that the association wants to strive for good public relations. However, he pointed out that this bill does not over-extend the release of confidential health care information. This information would not include a detailed account of the injured person's condition. He doesn't feel this will result in the person's invasion of privacy.

There being no further proponents or any opponents, Rep. Brown closed.

The committee then asked questions relating to this bill.

Prior testimony brought out that a similar bill relating to this matter was introduced last session but was killed in the Senate. Rep. O'Hara wanted to know what the problems were with it. Mr. Meloy stated that he didn't know exactly what happened. Rep. Jan Brown said that one of the problems was due to the fact that she didn't work close enough with her senator. She said that Senator Mazurek has been concerned with how the bill was worded last time. He was concerned with the person who had a mental or nervous breakdown and whether that person's right to privacy would be invaded if information was released.

There being no further questions, hearing closed on HB 681.

CONSIDERATION OF HOUSE BILL NO. 656: Rep. Lloyd J. McCormick, District #38, chief sponsor of HB 656, testified in support of the bill. This is an act providing that a workers' compensation insurer that reverses a decision to deny or terminate compensation for a claim must pay costs and attorney fees.

Karl Englund, representing the Montana Trial Lawyers, offered testimony in support of the bill. He stated that this bill corrects problems in our existing laws. This bill neither increases or decreases or provides anything having to do with where the payment will come from. The attorneys will still get paid.

Gary Blewett, Administrator of the Workers' Compensation Division, stated that he is not here to testify as either a proponent or an opponent. He submitted one amendment for clarification. On line 22, he recommended that the division of workers' compensation be deleted and to place in lieu of it "workers' compensation judge". He pointed out that this language would make it consistent with section 1.

Jim Murry, executive secretary of the Montana AFL-CIO, wishes to go on record as supporting this bill with the amendment suggested by Mr. Blewett.

Joe Rosbin, representing the Montana Teamsters' Union, wishes to go on record as supporting this bill.

There were no further proponents or opponents, and Rep. McCormick closed.

Rep. Hannah submitted a letter written by George Wood, Executive secretary of the Montana Self-Insurers Association, who wishes to go on record as opposing the bill for reasons outlined in his testimony which was marked Exhibit F.

There being no questions, hearing closed on HB 656.

CONSIDERATION OF HOUSE BILL NO. 664: Rep. Harry Fritz, District #56, offered testimony in support of his bill. He said this bill would add ministers, church leaders, and church counselors to a long list of other professionals and consultants who are required to report suspected cases of child abuse and neglected children. It is a change that would bring Montana state law into compliance with similar laws in all of the other 49 states which have similar statutes.

Lori Harris, from the Department of Social and Rehabilitation Services, said the department supports this bill for reasons previously outlined by Rep. Fritz.

There being no further proponents, Chairman Hannah requested the opponents to testify.

Bruce W. Green, pastor of Community Bible Fellowship in Helena, appeared and offered testimony in opposition to this bill. A copy of his testimony was marked as Exhibit G and is attached hereto.

There were no further opponents, and Rep. Fritz closed.

The floor was opened for questioning.

In response to a question of Rep. Bergene's, Ms. Harris said that social workers are trained to investigate, and the state does not intervene unless cases are substantiated.

Rep. Hannah wanted to know why attorneys are not included in the bill. Rep. Fritz couldn't answer the question. Rep. Krueger pointed out that it would violate the attorney-client relationship.

Rep. Hannah asked Rev. Green if he thought this bill will discourage people from seeking counseling from the clergy. Rev. Green feels it most certainly would. Rev. Green stated that the testimony brought out earlier revealed that many of these reports come from the clergy. He doesn't know of anyone who would not comply with this law.

Rep. Darko asked Rev. Green if clergy wouldn't want this liability protection offered in the bill. She said that the clergy are not covered under the liability clause at present because they are not covered by the mandatory reporting law. Rev. Green responded by saying that even if they are not covered, he doesn't feel the analogy holds true to a pastor as it does a teacher.

Rep. Hammond has a concern as to where a person will go to for counseling to obtain the help they need if clergy people were added to the list. Rep. Fritz said that counseling can take place prior to referral.

There were more general questions directed to Rep. Fritz. Hearing closed on HB 664.

ADJOURN: A motion having been made and seconded, the meeting was adjourned at 11:00 a.m.

Tom Hannah
CHAIRMAN TOM HANNAH

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-7-85

EXECUTIVE SESSION - 7:00 a.m.

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	✓		

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-7-85

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	✓		

STANDING COMMITTEE REPORT

February 7 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 443

FIRST reading copy (WHITE color)

INCOME WITHHOLDING FOR DELINQUENT CHILD SUPPORT PAYMENTS

Respectfully report as follows: That HOUSE Bill No. 443

be amended as follows:

1. Title, line 9.
Following: "MONTH;"
Insert: "REQUIRING THE DEPARTMENT TO FORWARD ANY CHILD SUPPORT PAYMENTS TO THE OBLIGEE WITHIN 10 DAYS OF RECEIPT OF THE PAYMENT FROM THE OBLIGOR;"

2. Page 5, following line 8.
Insert: "(3) Whenever an obligation for support is paid through the support enforcement and collections unit of the department, the department must forward payment to the obligee within 10 days of the department's receipt of payment from the obligor."

3. Page 11, lines 9 and 10.
Strike: "or income"

~~DO PASS~~
AND AS AMENDED,
DO PASS

REP. TOM HANNAH Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2-7-84 BILL NO. 443 TIME 7:30

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: Rep. Keyser moved to amend beginning on page 2, line 1, by inserting after "earnings" the language "compensation for personal services" and by striking on line 2 beginning with "interest" all the material through "source" on line 5. Rep. Hannah seconded the motion. It failed 7-9.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/7/85 BILL NO. 443 TIME 7:45

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: Rep. Miles moved to amend on page 11, lines 9 and 10 following "wages" by striking "or income". The motion was seconded by Rep. Mercer and carried 9-7.

STANDING COMMITTEE REPORT

February 7 1935

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 440

FIRST reading copy (WHITE color)

ENFORCEMENT OF SPOUSAL SUPPORT BY DEPARTMENT OF REVENUE

Respectfully report as follows: That HOUSE Bill No. 140

DO PASS

REP. TOM HANNAH
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

February 7 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 609

FIRST reading copy (WHITE)
color

DURABLE POWERS OF ATTORNEY

Respectfully report as follows: That HOUSE Bill No. 609

DO PASS

REP. TOM HANNAH
Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY

EXHIBIT A
2/7/85
HB 502

11 April 1983

Col. Robert T. Cummins
Montana Selective Service
P.O. Box 221
Helena, Montana 59624

Dear Colonel Cummins:

You have requested the Division of Motor Vehicles to make a computer search of their records, and supply the Selective Service with the names, addresses, dates of birth and social security numbers of young male drivers born from December 31, 1959, through December 31, 1965. Your request is based upon the Selective Service's desire to identify young males who have failed to comply with the draft registration laws.

I must deny your request on both statutory and constitutional grounds. The Division has never allowed the public access to drivers' license records. Further, section 2-6-109, MCA, entitled "Prohibition on distribution or sale of mailing lists" provides in part:

> (1) Except as provided in subsections (3), (4), (5), and (6), in order to protect the privacy of those who deal with state and local government:
>
> (a) no agency may distribute or sell for use as a mailing list any list of persons without first securing the permission of those on the list; and
>
> (b) no list of persons prepared by the agency may be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

The term agency as defined in this section includes the Department of Justice. The exception noted in subsections (3), (4), and (5), are not applicable to this situation. "Mailing list" is defined in 38 Op. Att'y Gen. No. 59 as "commonly understood to mean a list of persons or businesses, often accompanied by their addresses and/or telephone numbers, used for unsolicited

mass mailings, house calls or distributions, and/or telephone calls." (Emphasis in original.) The Selective Service would be making an unsolicited mass mailing to those males it determines have not registered for the draft. The Division has not secured the permission of any individual on the list for use of their names in this matter nor does your bureau qualify under the definition of agency in section 2-6-109, MCA.

There are also considerations involved under the Montana constitutional "right to privacy." We would be gathering information about a select group of people; information which is not publicly available and which could not be easily gathered elsewhere. The drivers' license records would be used in a manner not contemplated by the drivers involved or by this agency.

In view of the strength with which this right has been interpreted by the courts, the Department does not believe the information you requested is public material available upon request.

Given the statutory and constitutional authority discussed above the Department of Justice is denying your request for access to the drivers' license records. You may inform the national Selective Service Office of our decision.

Very truly yours,

MIKE GREELY
Attorney General

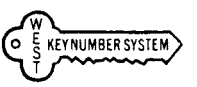
cc: Larry Majerus

use other than sand extraction, and other incidental expenses.

In response to motions to dismiss or for summary judgment by the defendants, the court below examined plaintiffs' taking and due process claims. It determined that under Puerto Rico law, plaintiffs had no unqualified right to ownership of the sand located in their property and, therefore, that they were not entitled to compensation for denial of access to it. The court also found that the government's regulation of the use of their land was not so restrictive as to constitute a taking. The court did not dismiss plaintiffs' alleged property interest entirely, concluding that, having been granted a permit by the DNR, plaintiffs had a sufficient interest in the validity of the permit to entitle them to constitutionally adequate procedural protection. The court found, however, that plaintiffs' allegations of political discrimination were insufficient to state a claim for relief, that the EQB was not acting ultra vires when it reviewed the environmental impact of plaintiffs' sand extraction activities, and that there were no material issues of fact as to whether plaintiffs had received the procedural protection which they were due by the EQB.

[1, 2] On appeal, plaintiffs challenge numerous aspects of the ruling below. As to the issues of the nature of plaintiffs' property interest in the sand and in being able to extract it from their land, and as to plaintiffs' claims of political discrimination and conspiracy, we deem it sufficient to rest on the careful analysis of the district court, which is set out at 541 F.Supp. 1253 (D.P.R.1982). Plaintiffs also challenge the court's determination that the breadth of authority granted to the EQB implies that the legislature intended that the EQB have authority to intervene and prevent an activity that would be harmful to the environment even if the activity had been licensed by the DNR, *see* 12 L.P.R.A. §§ 1121–42. Plaintiffs argue that Puerto Rico law makes the DNR the agency responsible for making the necessary findings before issuance of a sand extraction permit, with appeal provided to the Superior Court of Puerto Rico. *See* 28 L.P.R.A. § 215(b). We need not resolve this issue, however, because, whatever its merits, it is an issue of state law which, even if it were resolved incorrectly against plaintiffs, does not rise to the status of a constitutional violation. As long as plaintiffs were given the procedural protection to which the Constitution entitles them, and they do not dispute the fact that they were given constitutionally adequate notice and a hearing, the fact that one state agency may have overstepped its authority in exercising appellate review over another state agency does not state a claim for which relief may be granted under 42 U.S.C. §§ 1983 and 1985. *See Creative Environments, Inc. v. Estabrook,* 680 F.2d 822, 832–33 (1st Cir.1982).

Affirmed.



Benjamin DETENBER et al., Plaintiffs, Appellants,

v.

Thomas K. TURNAGE, Director of the Selective Service System, et al., Defendants, Appellees.

No. 82–1786.

United States Court of Appeals, First Circuit.

Argued Jan. 31, 1983.

Decided March 11, 1983.

Class of 18, 19, and 20-year-old men brought action challenging constitutionality of draft registration program. The United States District Court for the District of Massachusetts, Walter Jay Skinner, J., upheld the constitutionality of the program, and the class appealed. The Court of Appeals, Breyer, Circuit Judge, held that draft regis-

tration program was not unconstitutional deprivation of liberty without due process of law or invasion of right to privacy.

Affirmed.

Armed Services ⇐20.3
Constitutional Law ⇐82(11), 255(2)

Draft registration program was not unconstitutional as deprivation of liberty without due process of law or invasion of right to privacy. Proclamation No. 4771, 50 U.S.C.A.App. § 453 note; 50 U.S.C.A.App. § 453; U.S.C.A. Const.Amends. 4, 5, 14.

Mitchell Benjoya, with whom Jeffrey A. Denner, and Denner & Benjoya, Boston, Mass., were on brief, for appellants.

Al J. Daniel, Jr., with whom J. Paul McGrath, Asst. Atty. Gen., Washington, D.C., William F. Weld, U. S. Atty., Boston, Mass., William Kanter, and Mark H. Gallant, Attys., Appellate Staff, Civ. Div., Dept. of Justice, Washington, D.C., were on brief, for appellees.

Before ALDRICH, BOWNES and BREYER, Circuit Judges.

BREYER, Circuit Judge.

Appellants, a class of eighteen, nineteen, and twenty year old men, ask this court to hold that the current draft registration program is unconstitutional. *See* 50 U.S.C. App. § 453; Presidential Proclamation No. 4771, July 2, 1980. Their "sex discrimination" claim having been rejected by the Supreme Court, *Rostker v. Goldberg,* 453 U.S. 57, 101 S.Ct. 2646, 69 L.Ed.2d 478 (1981), they now argue that draft registration deprives them of "liberty" without "due process of law" and invades their right to privacy. Whatever the strength of their claims from a moral or political point of view, from a legal perspective the arguments are without merit.

The Supreme Court has not only upheld the constitutionality of the draft itself, *see Selective Draft Law Cases,* 245 U.S. 366, 38 S.Ct. 159, 62 L.Ed. 349 (1918), it has also stated explicitly that the "power of Congress to classify and conscript manpower for military service is 'beyond question' ". *United States v. O'Brien,* 391 U.S. 367, 377, 88 S.Ct. 1673, 1679, 20 L.Ed.2d 672 (1968); *see Lichter v. United States,* 334 U.S. 742, 755–758, 68 S.Ct. 1294, 1301–02, 92 L.Ed. 1694 (1948); *Ex parte Quirin,* 317 U.S. 1, 25–26, 63 S.Ct. 1, 9, 10, 87 L.Ed. 3 (1942). "The constitutional power of Congress to raise and support armies and to make all laws necessary and proper to that end is broad and sweeping," *United States v. O'Brien,* 391 U.S. at 377, 88 S.Ct. at 1679, and is not conditioned on any "declaration of war," *United States v. Jacques,* 463 F.2d 653, 656 (1st Cir.1972); *see also United States v. Diaz,* 427 F.2d 636, 639 (1st Cir. 1970).

Appellants seek to distinguish these cases by arguing that the cases were decided during times of "national emergency." They meet the claim that the President and Congress in reinstating registration must have found an emergency by contending that the courts, rather than the President or Congress, should determine whether sufficient emergency exists. This argument, however, runs counter to the Supreme Court's instruction to accord a "healthy deference to legislative and executive judgments in the area of military affairs." *Rostker v. Goldberg,* 453 U.S. at 66, 101 S.Ct. at 2652; *see Gilligan v. Morgan,* 413 U.S. 1, 10, 93 S.Ct. 2440, 2445, 37 L.Ed.2d 407 (1973). And, we therefore reject it.

In any event, whether or not the state of foreign affairs warrants conscription—a matter on which we express no view—we have before us not conscription, but simply draft registration, a requirement which is less restrictive. Registration requires no training, service, or combat. And, some of those opposed to conscription on moral grounds might nevertheless accept registration, postponing their moral objections to another day which might or might not come to pass. At the same time that registration is physically (and arguably morally) less intrusive than the draft itself, the need during peacetime for registration is greater than the need for conscription. The very

object of registration is to enable the government to institute conscription quickly should it prove necessary.

Since registration is less restrictive than the draft, since the peacetime need is greater, since Congress and the President have found sufficient need for registration, and since we are to defer to their judgment, we find no basis for departing from the prior cases on the subject. The judgment of the district court upholding the constitutionality of the present registration program is therefore

Affirmed.

Theodore VALM, Plaintiff, Appellant,

v.

HERCULES FISH PRODUCTS, INC., Defendant, Appellee.

No. 82-1440.

United States Court of Appeals, First Circuit.

Argued Dec. 8, 1982.

Decided March 11, 1983.

Ship captain brought action under the Jones Act to recover damages for personal injuries suffered on board ship. The jury found that defendant was not negligent and defendant's ship was seaworthy. Motion for new trial was sought on ground that evidence required a finding of unseaworthiness. The United States District Court for the District of Massachusetts, Robert E. Keeton, J., denied motion, and appeal was taken. The Court of Appeals, Breyer, Circuit Judge, held that: (1) it would not review the sufficiency of evidence, and (2) refusal to order a new trial did not constitute an abuse of discretion.

Affirmed.

* Of the District of Montana, sitting by designation.

1. Federal Courts ⇐641

Without a motion for directed verdict, an appellate court will not ordinarily review sufficiency of evidence, for trial court will not have made a decision on legal point contested.

2. Federal Courts ⇐641

Where ship captain, the plaintiff in action brought to recover damages for personal injuries suffered on board ship, failed to ask trial court to direct a verdict in his favor on seaworthiness issue, court of appeals would not review sufficiency of the evidence.

3. Federal Civil Procedure ⇐2313

Where there had been a deliberate decision not to ask for motion for directed verdict and where there had been no manifest miscarriage of justice, refusal to order a new trial did not constitute an abuse of discretion.

Paul D. McCarthy, Boston, Mass., with whom Jerome V. Flanagan and Hoch, Flanagan & Snyder, P.C., Boston, Mass., were on brief, for plaintiff, appellant.

Richard A. Dempsey, Boston, Mass., with whom Glynn & Dempsey, Boston, Mass., was on brief, for defendant-appellee.

Before COFFIN, Chief Judge, BREYER, Circuit Judge, and SMITH,* Senior District Judge.

BREYER, Circuit Judge.

Plaintiff Theodore Valm, captain of defendant's ship F/V RIANDA, sued under the Jones Act, 46 U.S.C. § 688, to recover damages for personal injuries suffered on board the ship. The jury, by special verdict, found that the defendant was not negligent and that the defendant's ship was seaworthy. The plaintiff asked for a new trial on the ground that the evidence required a finding of "unseaworthiness." He

EXHIBIT B
2/7/85
HB 467

WITNESS STATEMENT

Name Eileen Robbins Committee On Judiciary

Address P.O. Box 5718 - Helena Date 2/7/85

Representing Montana Nurses' Assoc. Support

Bill No. HB 467 Oppose X

Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. This bill is unnecessary. Under the current law a member of a bargaining unit where a closed shop exists and who belongs
2. to a religion which has historically opposed membership in a labor organization - does not have to join or pay union dues. They may pay an equal amount to a non-religious charitable
3. organization.

The key is that the church/religion must have a historical position of tenets and teachings which oppose
4. membership in a labor organization in order for a bargaining unit employee to be exempt from dues requirement.

I question whether a Church's proper function is to evaluate the different labor organizations and decide which one or ones to oppose. It could amount to decisions being made based on single issues of which a church feels strongly. The current law protects employees who belong to churches historically opposed to labor organizations. It is working and no change is needed.

Thank You For Considering This Testimony. ER.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

EXHIBIT C
2/7/85
HB 186

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

Solid & Hazardous Waste Bureau
Telephone:444-2821

HELENA, MONTANA 59620

MEMORANDUM

TO: House Judiciary Committee
FROM: Jim Leiter, Solid & Hazardous Waste Bureau
DATE: February 6, 1985
SUBJECT: HB186

I) Why do counties need this bill?

A) Problems with existing legislation.
1) Cities have broad authority for local control.
2) Counties are restricted by existing nuisance bill.

B) Problems with existing nuisance statutes.
1) Extremely vague; meant to be a catch-all and so becomes difficult to enforce.
2) County attorney extremely reluctant to accept case for prosecution.
a) Other more important priorities.
b) Citizen involvement for proof of case difficult to obtain.
c) Vague nature of statutes means it is difficult to prosecute--ex. degradation of property values.
3) Court record for enforcement has been poor. "Safe area" for judges becomes "prove public health impact"; difficult to do.

II) Strong points of HB186

A) Addresses deterioration of fringe areas outside city limits.

B) Addresses areas needing control that are currently excluded from other statutes such as the Montana Solid Waste Management Act.

C) Local control an asset.

D) Optional nature of bill allows a great deal of flexibility.
1) May require screening or removal.
2) May be implemented in certain areas of county needing stabilization.

EXHIBIT D
HB 547
2/7/85

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449 7917

February 7, 1985

Testimony of the Women's Lobbyist Fund by Gail Kline, before the House Judiciary Committee on HB 547

Mr. Chairman and other members of the Judiciary Committee:

For the record my name is Gail Kline, representing the Women's Lobbyist Fund (WLF), speaking in favor of HB 547.

This bill is in the interest of all Montanans, because sexual crimes cut across all social and economic lines.

Currently, a victim's past may only be excluded in the crime of sexual intercourse without consent. HB 547 extends this existing language to other sexual crimes such as sexual assault and incest.

HB 547 is needed to provide dignity and equal protection for victims of sexual crimes as guarenteed under our state constitution.

The WLF urges you to pass HB 547.

Thank you.

EXHIBIT E

House Bill 681
Judiciary Committee
2/7/85

House Bill 681 was requested by the Montana Press Association and is similar to a bill I sponsored last session that was requested by the Montana Hospital Association. That bill passed the House but was killed in the Senate.

House Bill 681 is an amendment to the "Confidentiality of Health Care Information Act" passed in 1979. This act provides generally that confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative. The Act provides a number of exceptions to this general rule, but no exception is made for the release of information to the news media or law enforcement officials.

House Bill 681 provides that information about the general physical condition of a patient could be released to a law enforcement officer if the person had been injured on a public roadway or by the possible criminal act of another. The bill also provides for release to the news media information about the general physical condition of an injured person being treated in a health care facility.

In cases where the news media has already learned of the injury from the law officers involved, the matter has already become a public incident, and the news media will routinely inquire as to the patient's condition. The bill does not allow any details to be released about the injuries or the treatment, but limits the information to such general terms as "good," "fair," "poor," "critical," "guarded," etc. The bill would allow release of information that is of public interest without invading the privacy of the patient.

The bill was scheduled so quickly for a hearing that I don't believe everyone who is interested in it could be here today, but I do have other proponents.

Jan Brown, H.D. 46

EXHIBIT F

MONTANA SELF-INSURERS ASSOCIATION

1/7/85

GEORGE WOOD, Executive Secretary

HOUSE BILL 656

My name is George Wood, Executive Secretary of the Montana Self-Insurers Association and I arise in opposition to House Bill 656.

This bill was before this Committee last session. It failed to pass.

The present law provides for payment of attorney's fees and costs when an insurer denies liability for a claim for compensation or terminates compensation benefits which are later judged compensable by the Workers' Compensation Court or on appeal. The law is based on assumption that the services of the attorney have resulted in the payment of benefits to an injured worker and the attorney is entitled to be paid for these services.

The amendment "or in the event the insurer denies liability and subsequently reverses its decision and honors the claim" is unclear. The sentence to which the amendment is attached speaks of denial of liability for a claim for compensation or termination compensation benefits. Is denial of "liability" as used in the amendment merely repetitious or does it intend to expand the denial or termination beyond compensation?

It is unclear how the term "reasonable costs" would be applied when an attorney is not involved.

The voluntary action on the part of the insurer in paying the benefits provided by law would call for a penalty assessment, the payment of reasonable costs and attorney's fees. The payment of benefits is not an action which should call for the assessment of a penalty, "the payment of reasonable costs and attorney fees." Are there any other laws that require a party to a dispute to pay costs and attorney fees prior to adjudication?

I'm unsure exactly what "honor the claim" means. Does the penalty apply when compensation is suspended in accordance with the law and later re-instated without court action? Does the penalty apply only to denial of liability and subsequent acceptance of liability without adjudication? Does the penalty apply when liability is not accepted but compensation payments are made on a bi-weekly basis and liability is subsequently accepted without court action?

Section 39-71-606,M.C.A., requires an insurer to deny liability within 30 days of the receipt of a claim for compensation. At times, all an insurer has at the end of 30 days is the claim for compensation and liability is denied. When the necessary information is received, liability is accepted and benefits paid. Would the penalty provision apply?

When the dispute involved the amount of Permanent Disability benefits due, many complicating factors are involved and if this amendment applies, the insurer would be required to pay costs and attorney fees in many claim simply because an attorney is involved. The amendment does not address

P.O. Box 2899 • Missoula, Montana 59806 • Phone (406) 543-7195

the reasonableness of the positions of the insurer or the claimant's attorney which may have caused the dispute.

The amendment would lead to increased litigation because of the need for evidentiary hearings to determine reasonable costs and attorney fees.

Section 39-71-611, M.C.A., does need amendment in the interest of justice. It would be a much better law if amended on line 18 to remove the word "shall" after the word insurer and substituting the words "may be ordered to."

The Bill under consideration is not a good Bill. I would respectfully requestthat this committee report House Bill 656 "DO NOT PASS."

George Wood
Executive Secretary
Montana Self-Insurers Association

EXHIBIT G
2/7/85
HB 664

To: Members of the House Judiciary Committee, 49th Legislature
Presented by: Bruce W. Green, a pastor of Community Bible Fellowship, Helena, Mt.
Re: House Bill No. 664

There is growing concern in our state and country to prevent child abuse and neglect. This concern is only right and should be encouraged. Child abuse and neglect should not only be considered as socially unacceptable in our society, but sustained and documented cases should be considered criminal. For this reason, I personally support all careful efforts to prevent abuse and neglect. In addition, I would not hesitate to report clear cases where the welfare of a child is in danger. I personally do not know of any minister who would have a problem with this.

However, with this in mind, I find House Bill 664 to have a potentially serious defect written into it. My concern centers around Section 1, (2) (c) which states: "a minister, church leader, church counselor, Christian Science practitioner and, or religious ~~leaders~~ healers" are required by law to report if they "know or have reasonable cause to suspect that a child known to them in their professional capacity is an abused or neglected child." Later in the bill it states, "no person listed in subsection (2) may refuse to make a report...".

As I mentioned, I see serious problems with this section of the bill as it stands, primarily for two reasons: (1) frequently ministers are approached by troubled people in need of help. Often their problems are complex and serious, though not criminal in nature. It is highly possible (and has happened) where an individual may come to a minister, church leader, etc. with a statement such as this: "I have come to you because I have a problem. I struggle with proper response to my children. I have even been guilty of abusing them. Will you please help me overcome my problem." If I understand the wording of House Bill 664 correctly, this individual would have to immediately be reported to the proper authorities and if we are honest we must admit that wheels would roll quickly and they would probably quickly lose the custody of their children. If this could happen under this proposed law, then it would be most unfortunate since the person in need of help would not get it (in perhaps the best way) and if this became common knowledge (which it would) it would effectively stop the flow of troubled people to any

minister for help. (2) The second serious problem I find with this proposed amendment is that in reality it is unenforceable. Ministers already are quick to point out clear cases of neglect or abuse when anyone is in danger. To require them to report so rigidly what this amendment would require will never be accepted by any minister who is serious about his ministry because it would potentially bring it to a standstill (at least in counselling). Therefore, if a law in unenforceable (or a section of it) that makes it a bad law.

Based upon these factors I would encourage a rejection of this amendment as it is presently worded.

Thank you for consideration in this matter.

Bruce W. Green

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. 467; 502; 547; 619; ~~664; 656; 681; 186~~ DATE February 7, 1985

SPONSOR _____ (PLEASE STATE THE BILL # INTERESTED IN)

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Cummins Robert	Helena #502	✓	
Jim Jensen	Magistrates Assn.	619	
Paul V Pestoria. State Rep	Mt. Falls	H.B. 186	
& Jean	Helena		
Jan Ledger	Helena	✓HB186	
Duane Ashenter	Helena	HB 186	
Neil Kline (WLF)	~~Helena~~ Mt. Falls	HB 547	
Richard Moller	Mslu	[redacted]	
MIKE Meloy	HLN	HB681	
B. Allriston	Helena	~~HB~~	HB664
KG Gillespie	Helena	HB 502	
Mike McGrath	"	HB547	
Bonnie Evans. PLC.	Helena	~~HB502~~	HB502
Roland D Pratt	Helena		HB681
Juanita Kajkowski	Deer Lodge, Mt.	HB467	
Ellen Robbins	Helena		HB467
Bruce W. Green	Helena		HB664
Chad Smith	Mont Hosp Assn Helena	HB681	
David E. Engstrom	Helena		HB664

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. _____ DATE February 7, 1985

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
MARC CRAMER	HELENA		HB 664
Jim Murry	Helena Mont. AFL-CIO	HB656	
KARL EVLUND	MISSOULA -	HB 656	
Judy Olson	Helena MT Nurses' Assoc		HB681
Jim Tierney	Mt. Broadcasters Assn	HB 51	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FO

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.