

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 28, 1985

The fifteenth meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on February 28, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 104: Senator Mike Halligan, principal sponsor of SB 104, stated, like so many bills this session, SB 104 allows the government to adapt to the technological changes that have been happening. The bill authorizes rather than mandates the use of computerized jury selection. Senator Halligan testified that some of the advantages to the system are increased efficiency, it is quicker, the integrity of a computerized system is better, and it is less costly because of the computerized process.

PROPONENTS: Jim Dopp, Records Manager for Missoula County, submitted written testimony in support of SB 104 (Exhibit 1). Pat Melby, representing the State Bar of Montana, stated the State Bar is in support of SB 104 as an alternative means to select juries. Mr. Melby emphasized to the committee that this does not mean the jury would be selected by a computer, only the jury panel. Leanne Schraudner, representing the Association of Clerks of District Court, testified they are in favor and support of SB 104 as cost effective and as a substantial savings of time. As an example, Gallatin County would be able to pick its jury in two days rather than two weeks. Mike Abley, Administrator of the Montana Supreme Court, stated they support this bill as a tried and proven means of selecting juries. He testified that the equipment needed is already in most counties, and the software is available for around \$1,000-2,500. Mr. Abley believes a computerized jury selection process is cheap and effective. Jim Jensen, representing the Montana Magistrates Association, stated they would like to go on record in support of this bill.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Daniels asked why this is set up on a judicial district basis rather than a county basis. He questioned whether that would constitute a problem for the smaller counties. Mr. Jensen stated he doesn't believe it is set up to be on a district basis, only that any county which wishes to set up this system would need

approval from that district. Senator Daniels asked if it would still be the county's option. Senator Halligan responded that is the way he understands the bill.

CLOSING STATEMENT: Senator Halligan reminded the committee of several things: This is optional; it is used in the majority of states; it is efficient and effective; and the process does comply with the constitutional requirements of selection of a jury.

Hearing on SB 104 was closed. Chairman Mazurek turned the chair over to Vice Chairman Daniels in order that he might present the next bill to the committee.

CONSIDERATION OF SB 144: Senator Joe Mazurek, sponsor of SB 144, stated he has introduced this bill at the request of the Clerk of the Montana Supreme Court. Senator Mazurek testified this bill would increase the filing fees for appeals to the Montana Supreme Court. The fees presently are \$20 for the appellant and \$10 for the respondent payable at the time of their first appearance. This bill would propose to make it a single charge of \$75 for the appellant only and \$75 for any original application for writ or relief. This bill would also increase the charge for copies from 15¢ per folio to 25¢ per page. This bill has been proposed by the clerk because filing fees on appeal have not been changed for over 25 years. Senator Mazurek testified it actually costs about \$176 for processing an appeal. He introduced Exhibit 2, which is a comparative study of the appellate filing fees of all 50 states. The average is \$60, and the regional cost is \$73. Senator Mazurek stated this is a substantial increase, but it represents in the neighborhood of only one hour of an attorney's time, and it should not have any significant impact on whether or not an appeal is filed. The figure being proposed would be slightly more than one-half of the actual costs.

PROPONENTS: Ethel Harrison, the Clerk of the Montana Supreme Court, presented written testimony in support of SB 144 (Exhibit 3).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Blaylock asked where the money goes. Mrs. Harrison responded the moneys go three-fourths to the general fund and one-fourth to the judges' retirement fund. Senator Pinsoneault questioned why under the new proposal the respondent wouldn't be paying anything. Mrs. Harrison responded it doesn't have to be that way. The rationale is the movant should be the one to pay. He is the person coming forward with the action, and it would seem that he should be the one to pay the entire fee. Senator Shaw asked what shape the judges' retirement system is in now. Mr. Abley stated it was reviewed last session, and there were some minor increases added to it, and it is

in fairly good shape now, but with the advent of the new judges and minor changes, it is not perfect. The additional amount which would be added to it due to the increase in the filing fees would only be about \$6,000, so this bill would not have any major impact on it any way. Senator Daniels asked if there would be any objection if the committee were to add something to the respondent's charge. Mrs. Harrison responded she would not have any objection.

CLOSING STATEMENT: Senator Mazurek asked the committee to look at Exhibit 2 and note that there are only seven states which charge a fee to the respondent.

Hearing on SB 144 was closed, and Senator Mazurek resumed chairing the committee.

FURTHER CONSIDERATION OF SB 104: Senator Mazurek felt the committee should be sure it is talking about the panel itself. Senator Galt wanted to be sure this is strictly permissive among the counties. Senator Mazurek clarified that the county jury commissioner is the clerk of district court. Senator Galt wanted to be sure that the district judge who covers three or four counties cannot force a county into using the computerized jury selection process. Senator Pinsoneault stated in this regard that the county commissioners will have to approve the expenditure. Senator Brown questioned whether the people in the computer data base would be registered voters. Senator Mazurek responded yes. Senator Shaw asked if this were supposed to save money. Senator Mazurek responded yes, because they otherwise need to do it manually. Senator Towe stated he had concerns the computer might be easier to rig than the jury box. He also suggested changing the word "clerk" on line 16, page 1, to jury commissioner. Senator Mazurek reminded the committee the legislature has defined "jury commissioner" in past sessions. Senator Yellowtail asked why if we were substituting jury commissioner for clerk throughout the bill, it wasn't done in the heading of section 1. Chairman Mazurek asked Mr. Petesch to look into this.

ACTION ON SB 144: Senator Blaylock asked whether the committee wished to add a filing fee for the respondent. Senator Mazurek stated he has never seen a fee increase request go through the legislature where the full amount has been granted. He also noted the fiscal note indicates an anticipated increase in fees received of \$26,500 in each of the next two years. Senator Daniels suggested the fee be \$75 for the appellant and \$25 for the respondent. Senator Mazurek stated the filing fee is really almost incidental compared to the cost of preparing a transcript or an appellate brief. Senator Brown questioned whether the attorney would pass this charge on to his client. Senator Mazurek responded yes. Senator Towe stated their legal ethics do not permit attorneys to pay that fee and not pass it on. He stated he would just as soon see the

respondent pay a fee, because in a lot of cases, the appeal is not frivolous. He also questioned whether we need to jump the appellant's fee up as high as \$75. Senator Brown recommended SB 144 be recommended DO PASS. Senator Shaw stated we have not raised the fees for a long time and hopes we don't have to do it again for a number of years. Senator Towe stated he would rather see the fee \$50 or \$60 so you wouldn't discourage people from appealing. He also pointed out that this is a 300% increase in our present fee. Senator Mazurek suggested that if we went to \$60, it would be a doubling of what the clerk currently gets. Senator Towe moved as a substitute motion that the fee in the bill be changed from \$75 to \$60. The motion failed with Senator Towe voting in favor. The committee then reverted to Senator Brown's motion that the bill be recommended DO PASS. The motion carried unanimously.

FURTHER CONSIDERATION OF SB 54: Senator Towe introduced a newspaper article (Exhibit 4) which exemplified what this bill is trying to get at. He stated this bill would enact a penalty for the person who commits the crime rather than for the person who doesn't report it. Chairman Mazurek informed the committee the reason this bill was rereferred to the Senate Judiciary Committee from second reading was because Senator VanValkenburg felt that as it is a misdemeanor to abuse a child, it would be more appropriate to make the abuse of an older person conform to that. They also thought the definition of exploitation was too loose. Senator Towe stated he has no problem with reducing the offense to a misdemeanor, although he thinks the term "exploitation" should be left in there. Charles Briggs, from the Governor's Office, stated that in reducing it from a felony to a misdemeanor, it is still a criminal offense. He questioned whether we would have to change the definition in the existing statute if the word "exploitation" were used. He questioned whether the definition of exploitation were too broad. He is concerned that they will be unable to put teeth into the law from the standpoint of exploitation. Senator Brown stated that it seems what we are doing is we are assuming people who are 60 or more years old are in the same category as those who are 18 years old or younger. He questioned whether we should automatically say we are going to take people that are 60 and confer some protections on them. Senator Pinsoneault stated this would be left to the discretion of the county attorney. Senator Towe stated he was going to suggest we add the word "unreasonable" after the word "unethical" on page 1. Senator Towe moved SB 54 be amended as follows:

Title, line 5.
Following: "A"
Strike: "FELONY"
Insert: "MISDEMEANOR"

Page 2, line 22.
Following: line 21
Strike: "felony offense"
Insert: "misdemeanor"

Page 2, line 23.
Following: "exceed"
Strike: "\$50,000"
Insert: "\$500"
Following: "in the"
Strike: "state"

Page 2, line 24.
Following: line 23
Strike: "prison"
Insert: "county jail"
Following: "exceed"
Strike: "5 years"
Insert: "6 months"

The motion carried with Senator Pinsoneault voting in opposition. Chairman Mazurek reminded the committee that Senator VanValkenburg's other suggestion was to eliminate exploitation and limit this to abuse and neglect. Senator Towe stated he would still like to add the word "unreasonable." Senator Yellowtail asked whether Mr. Petesch or Mr. Briggs could come up with a better definition of exploitation. Senator Blaylock stated the age 60 also bothers him. Senator Mazurek stated the definitions come from the reporting requirements of nursing homes. Senator Brown asked why the age of 60 was used. Senator Towe stated that is the current statute; there is just no penalty. If you exploit someone and someone finds out about it, it is a crime for them not to report it, but it is not a crime to do it. Senator Towe asked that Mr. Petesch look into removing exploitation from the bill.

ACTION ON SB 132: Proposed amendments were distributed to the committee (Exhibit 5). Senator Mazurek stated these were amendments which he asked Mr. Petesch to prepare. Senator Pinsoneault moved adoption of the amendments, which motion carried unanimously. Senator Pinsoneault moved SB 132 be recommended DO PASS AS AMENDED. The motion carried with Senator Shaw voting in opposition.

ACTION ON SB 89: Proposed amendments were distributed to the committee (Exhibit 6). Mr. Petesch explained that the first amendment was requested by Ms. Kunz. Senator Mazurek stated that the first amendment is a substantial change in existing practice. Senator Pinsoneault clarified that we are simply addressing personal wages and asked if that were the limitation. He thought that if notice were given and the

employee didn't want to jeopardize his job, there would be a good possibility he would pay. Mr. Petesch stated federal legislation specifically stops an employer from discharging an employee because of a wage assignment. Senator Mazurek felt, however, this may lead the employer to find other reasons to discharge the employee. Senator Blaylock asked what the definition of "notice" is. He felt that if a person knew this were a notice, he would simply just tear the thing up. He feels it will be unfair if that language isn't in there. Senator Mazurek responded that is not currently required. If you think the current situation is unfair, then it will continue to be unfair. Senator Yellowtail moved adoption of the amendments. Senator Pinsoneault stated Senator Blaylock has raised a good point on this notice. He asked if this bill were modeled after some other state. Mr. Petesch stated this amendment was just Ms. Kunz' suggestion. Senator Yellowtail stated you make it doubly difficult for a legitimate creditor, and you have a judgment debtor who will play it any way he can. Senator Mazurek stated to a certain extent the bill may balance that process. The motion to adopt the amendments carried with Senator Galt voting in opposition. Senator Mazurek addressed page 1, lines 3 through 5. Mr. Petesch stated he does not believe there is a substantive change there. The change was in subsection 2 where it said the earnings are exempt. All this does is remove the preemption problem we had. Subsection 3 was there to comply with provisions elsewhere in the law. Senator Blaylock moved SB 89 be recommended DO PASS AS AMENDED. The motion carried unanimously.

ACTION ON SB 119: Mr. Petesch explained the amendments submitted by Senator Eck and the Department. He stated that fees owed to the department may be collected on a proportional basis in connection with installment support payments. Senator Mazurek stated he is concerned the department is determining the fees. Mr. Petesch stated they are commensurate with the cost. Senator Brown moved adoption of amendment No. 2, option No. 1, relating to "collection fee." The motion carried unanimously. Senator Yellowtail moved the bill be amended as follows:

Page 2, line 9.

Following: "fees"

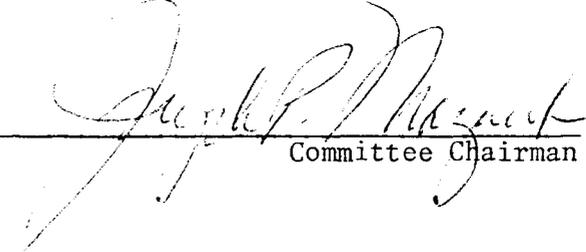
Insert: "commensurate with the cost of enforcement support services"

The motion carried unanimously. Mr. Petesch stated amendment No. 1 is unnecessary because the department may not charge the applicant a fee. Senator Mazurek stated you are absolutely prohibiting the department's charging a fee to the person who comes in for the services. Mr. Petesch states the intent of the bill is that the fee be paid by the obligor and not the applicant. Senator Yellowtail stated that in view of the fact

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the intent and spirit of this bill was not to charge the applicant a fee, he moved SB 119 be recommended DO PASS AS AMENDED. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned at 11:50 a.m.


Committee Chairman

I am very happy and honored to be here today and to have the opportunity to testify before this committee in support of Senate Bill 104.

As records manager in Missoula County I am asked daily to look into problems of county offices where the practices of the past can no longer fulfill the ever changing requirements of government or where those cumulative changes create an unacceptable burden on the space or personell assigned to the office. The problems are seldom totally unique and the solutions are often found by looking to how others have dealt with like circumstances. Such is the case surrounding the bill being presented here today.

The problem stems from a system, developed and implemented in the early history of our state. The system has served us well but changing circumstances require us to adapt and accept proven enhancements to guarantee the continued ability to provide the citizens of our state with the same high quality services.

Senate Bill 104 is a compilation of what we feel are the best aspects of various other states' statutes on electronic jury selection. First, it is permissive. For those judicial districts in the state who are not experiencing problems with the current method of selection or where computers are not used or cannot be adapted to this use, the bill will have no effect. It leaves the former method alone and unchanged. Second, the bill requires the judges of the districts to approve any computerized system used in their district. This, we feel provides for a very necessary input into the development of a system. The randomness of any system used

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 012885
BILL NO. SB 104

is of the utmost importance to the integrity of the jury selection process. Various methods of computerized random selection are used in other states and each district may choose the one that best complements its existing computer and software systems. Third, the bill requires that a description of the method employed by the district for the random computer selection be available in written form for public inspection. This requirement alleviates the unnecessary fears that can materialize about the unknown. Jury selection is a procedure which must always be open to public scrutiny. Computerization should not preclude this scrutiny.

In closing I would like to emphasize that this legislation is not experimental. We are not forging new territory or venturing into an unknown area. Our neighboring states have employed similar systems for several years and have refined them to where installation can be a smooth and orderly transition. We must look for ways to continue supplying the necessary services of government in an orderly, cost-effective fashion. The changes proposed in Senate Bill 104 will be a step towards this goal.

James E. Dupp

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 012885
BILL NO. SB 104

"AN ACT TO AUTHORIZE THE USE OF COMPUTERIZED JURY SELECTION"

THE PROPOSED LEGISLATION WOULD ALLOW INDIVIDUAL JUDICIAL DISTRICTS TO EMPLOY A COMPUTERIZED RANDOM SELECTION PROCESS FOR THE DRAWING OF TRIAL JURORS.

THE PROPOSED LEGISLATION IS STRICTLY PERMISSIVE. EACH DISTRICT WILL BE FREE TO CONTINUE USING ITS EXISTING MANUAL SELECTION PROCESS.

IN DISTRICTS CHOOSING TO USE THE OPTIONAL COMPUTERIZED METHOD, THE LIST OF JURORS WOULD BE PLACED IN A COMPUTERIZED DATA BASE AND A PROGRAM, APPROVED BY THE JUDGES OF THE DISTRICT, EMPLOYED TO RANDOMLY SELECT THE JURORS TO BE CALLED.

ALL OTHER REQUIREMENTS OF LAW APPLYING TO THE SELECTION OF JURORS WILL APPLY IRRESPECTIVE OF THE METHOD USED.

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EXHIBIT NO. 1
DATE 012885
BILL NO. SB104

50 STATE COMPARATIVE STUDY - APPELLATE FILING FEES

ST	APPELLANT	CROSS APPELLANT	RESPONDENT	AMICUS	ORIG. JURISDICTION
AK	50.	50.	0.	0.	50.
AL	100.	100.	0.	0.	25.
AR	100.	0.	0.	0.	100.
AZ	25.	25.	15.	0.	20.
CA	200.	200.	0.	0.	200.
CO	150.	150.	75.	0.	150.
CT	95.	0.	0.	0.	0.
DE	75.	75.	0.	0.	75.
DC	25.	0.	0.	0.	25.
FL	75.	0.	0.	0.	75.
GA	30.	30.	0.	0.	na.
HI	50.	50.	0.	0.	50.
ID	70.	70.	0.	0.	70.
IL	25.	0.	15.	0.	25.
IN	125.	0.	0.	0.	125.
IA	25.	0.	0.	0.	25.
KY	100.	100.	100.	100.	100.
KS	55.	55.	0.	0.	55.
LA	75.	0.	0.	0.	Civil 75. Crim 25.
MA	75.	0.	0.	0.	75.
MD	30.	0.	0.	0.	20.
MI	100.	100.	0.	25.	100.
<u>MN</u>	50.	0.	0.	0.	50.
MS	0.	0.	0.	0.	0.
MO	50.	50.	0.	0.	50.
NB	50.	0.	0.	0.	0.
NC	10.	10.	0.	0.	10.
ND	50.	50.	0.	0.	50.
NH	75.	75.	0.	0.	75.
NJ	20.	20.	5.	5.	20.
NM	20.	na.	0.	na.	20.
NV	100.	100.	0.		100.
NY	0.	0.	0.	0.	Hab.C.=no fee 0.
OH	20.	20.	0.	0.	50.
OK	Civ. 100. Crim 50.	0.	0.	0.	Civ. 100. Crim. 50.
OR	100.	100.	60.	0.	25.
PA	50.	50.	0.	0.	30.
RI	100.	100.	0.	0.	100.
SC	4.50	4.50			4.50
SD	30.	0.	0.	0.	30.
TN	0.	0.	0.	0.	0.
TX	100.	100.	0.	0.	50.
UT	100.	0.	0.	0.	100.
VA	25.	0.	0.	0.	25.
VT	25.	0.	0.	0.	25.
WV	10.	10.	5.	0.	10.
WI	50.	50.	0.	0.	50.
WA	100.	0.	0.	0.	100.
<u>WY</u>	25.	0.	0.	0.	25.
MT	20.	20.	10.	10.	20.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 012885

BILL NO. SB 144

Written testimony
prepared by Ethel M. Harrison,
Clerk, Montana Supreme Court

SENATE BILL NO 144

Introduced by Senator Joseph P. Mazurek

A bill for an act entitled: "An act increasing supreme court filing fees; amending section 3-2-403, MCA; and providing an effective date."

Montana's appellate filing fee of \$20. for appellant; \$10. for respondent, ranks among the lowest nationwide, and has a legislative history of not having been increased in over 20 years.

Beginning in April 1984, the Office of the Clerk of the Montana Supreme Court conducted a 50 state comparative study of appellate court filing fees. The study revealed a nationwide average filing fee of \$60. per appeal.

The western states average is \$78.6

CA	\$200
WA	100
OR	100
NV	100
UT	100
NM	20
AZ	25
CO	150
ID	70
WY	25
NB	50
SD	30
ND	50

The office of the Clerk of the Montana Supreme Court conducted a time/cost analysis study.

Using a formula of average percentages of time 1 and 3 FTE's spend processing appeals, TIMES the totals of our salaries, operating expenses and supplies DIVIDED by the number of appeals filed in FY84, we are able to show that the cost to our office alone was \$176. per appeal.

Number of appeals filed over the past three years:

1982	521
1983	559
1984	561

Number of appeals filed since January 1, 1985

41

SENATE JUDICIARY COMMITTEE
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DATE 012885
BILL NO. SB 144

Written testimony (SB144)
cont'd.

Filing a Complaint in District Court is \$25. Filing a Dissolution of Marriage in District Court is \$50. (25-1-201 MCA) We submit that those who file an appeal in the Montana Supreme Court should expect to pay more.

No fee is presently charged in criminal cases. None is proposed.

No fee is presently charged the State, Counties, Municipalities nor schools. None is proposed.

DISPOSITION OF FEES as stated in 3-2-404 MCA, provide that 3/4th of all fees collected shall be credited to the general fund and the remaining 1/4th to the public employer's retirement division of the Department of Administration to be credited to Montana judge's retirement system account.

The proposed amendment would show increased revenue in the amount of \$53,000. over the next two years, more than doubling revenue generated presently as well as bring Montana in line with appellate filing fees of sister states.

THE PROPOSED AMENDMENT TO THE FILING FEE: \$75. FOR APPELLANT
0 FOR RESPONDENT

OTHER PROPOSED AMENDMENTS TO 3-2-403 MCA

- (2) For filing a petition for writ (an original jurisdiction filing) from \$20. to \$75.
- (3) Changing the wording Certificate of Admission to Certificate of Good Standing.
- (4) Preparing copies of documents on file instead of making-transcripts-of-papers-or-records and 25 cents per page instead of 15-cents-per-fee.
- (5) Deletihg (5) in its entirety.
- 6 Entering a new (5) changing the word eertifieate to certified copy.

The Montana Supreme Court has been supportive of our efforts to justify the proposed amendments.

SENATE JUDICIARY COMMITTEE

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SUPREME COURT CLERK'S OFFICE

Time/Cost Analysis Study

FY 84

Using a formula of average percentage of time the Clerk and three FTE Staff spend processing Appeals, times the totals of salaries, operating expenses and supplies divided by the number of Appeals filed, we are able to show that the cost to our office in FY 84 was \$176.00.

SALARIES and BENEFITS	\$107,492.00
OPERATING EXPENSES:	
Contracted Services	
Supplies	
Communications	
	\$ 16,917.00
OFFICE EQUIPMENT:	
Maintenance	
Repair	
Rent	
	\$ <u>25,576.00</u>
TOTAL	\$150,004.00
AVERAGE PERCENTUM: (x 66%)	\$ 99,002.00
NUMBER of APPEALS Filed in 1984 (÷ 561)	\$ 176.00 (Average cost) (per Appeal in) (FY 84)

Montana's Appellate Filing Fee of \$20.00 for Appellant, \$10.00 for Respondent ranks among the lowest, Nationwide and has a Legislative History of not having been increased in over Twenty Years.

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an. 24, 1985

Going broke: Tootsie's Orchid Lounge, Nashville's legendary watering hole where country music greats and unknowns have mingled for 25 years, may close in March because of financial trouble. The tavern's back door is just a few steps from the backstage entrance to Ryman Auditorium, where the famed Grand Ole Opry was presented until 1974. The live country music show has since moved to the suburbs, and business at Tootsie's has fallen off. "I've got enough money to stay open another month," said owner Howard Dodson. Dodson said the bar has "drained me dry," but he would like to stay open at least until March 19, the 25th anniversary. Tootsie's is named after Dodson's mother, Mattie Louise "Tootsie" Bess, who ran the lounge on Lower Broadway after her death in 1978 and who was known for allowing unpaid tabs for songwriters and musicians down on their luck.

Time in jail: Five men who disrupted a Lutheran church service in western Pennsylvania to protest unemployment

month sentences Wednesday from a magistrate who said he didn't fine the defendants because they would have difficulty paying. The five included Ron Weisen, 42, outspoken president of United Steelworkers Local 1397 in nearby Homestead and a leader of the confrontational Network To Save the Mon-Ohio Valley. "This is Mellon Bank putting more union people in jail," Weisen said as authorities led him into the Allegheny County Jail in Pittsburgh.

Miss Teen: Kelly Ann Hu, a 16-year-old, dark-haired beauty from Honolulu, finally stopped crying about an hour after she was crowned Miss Teen USA 1985. But when she faced a mass of photographers in Miami, she said, "I'm going to keep crying for a whole year. I'm just so happy." The 50 other contestants, ranging in age from 15 to 18, hugged and kissed her after the nationally televised pageant ended Tuesday night, after three weeks of rehearsals and interviews. Juanita Hu draped her daughter with three pink and white ribbons that had been



Associated Pre

Reade and Edith Earl sit near their empty refrigerator and tell how they've had their home sold out from under them

Grandson's promise gives way to money

WESTVILLE, N.J. (AP) — A 96-year-old man and his 88-year-old wife, who say they signed their house over to their grandson with the promise that they could remain until they died, will live to see that promise broken.

"They will have to move soon," real estate agent Anthony Malave said Tuesday, confirming that the house was put on the market and sold by Richard Gray, the grandson of Reade and Edith Earl.

"When we took him in as a little boy and raised him, we never thought it would ever come to this over 30 years later," said Earl, who with his wife has lived in the house for more than 40 years.

Several years ago, the couple signed the deed to their home over to Gray, Earl said. They received no money, agreeing to pay for the utilities while Gray paid the taxes, sewer and water bills and other expenses, he said.

"We don't want to move," Mrs. Earl said. "When we moved here, I said it would be our last move until we went to the cemetery, as morbid as that may sound."

The Earls celebrated their 68th wedding anniversary last June. They learned in September that

Gray had listed the house for sale but a Deptford real estate agent took the property off the market when he learned that the couple preferred to stay.

Gray then took the property to another real estate agency, and it has since been sold.

Malave and Mrs. Earl say they don't know where to reach Gray for comment.

Mrs. Earl said they would probably have to stay with their daughter Nancy Doughty, in Southhampton Township.

Mrs. Doughty, Gray's mother-in-law, said she asked her parents a year ago to live with her.

"There is no reason they have to live like that when nothing under the sun is keeping them there," she said.

A neighbor who spoke only on condition that his name not be used said he has known the Earls for 25 years and that the couple was without water and electricity for a few weeks in September. He said he and another man "ran an extension cord from two houses away so they'd have some light and have their heater on."

Earl said he was surprised when the lights went out.

"We had been paying Rick," he said.

Will M... ndan

WASHINGTON (AP) — President Reagan acknowledged that his plan to freeze payments to doctors would leave physicians at the mercy of the elderly and disabled on the federal health care program. "We certainly do not want to deny medical service to the elderly," Reagan said. But ask doctors what they think and they will say that doctors should be encouraged to care for elderly patients who cannot pay. Reagan replied: "We are free to do that." The administration is expected to

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 DATE 012885
 BILL NO. SB 54

PROPOSED AMENDMENTS TO SB 132:

1. Title, line 5.
Following: "INTO"
Strike: "FIRST AND SECOND-DEGREE OFFENSES"
Insert: "AGGRAVATED AND FELONY ASSAULT"
2. Page 1, line 11.
Following: "assault"
Strike: "in the first degree"
3. Page 1, line 14.
Following: "of"
Strike: "aggravated"
Insert: "felony"
4. Page 1, line 15.
Following: line 14
Strike: "in the second degree"
5. Page 1, line 21.
Following: "assault"
Strike: remainder of line 21 through "degree" on line 22
6. Page 1, line 25.
Following: "of"
Strike: "aggravated"
Insert: "felony"
Following: "assault"
Strike: remainder of line 25 through "degree" on line 1, page 2

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EXHIBIT NO. 5
DATE 012885
BILL NO. SB 132

PROPOSED AMENDMENTS TO SB 89:

1. Page 2, line 25.

Following: "(1)"

Insert: "No execution against the earnings of a judgment debtor may take place unless the debtor has been given notice of the opportunity to file an affidavit pursuant to this section."

2. Page 3, line 8.

Following: "shall"

Insert: "upon motion of the judgment creditor"

3. Page 3, line 12.

Following: "attachment"

Insert: "If no motion is filed, levy of execution upon the earnings is automatically stayed."

4. Page 3, line 15.

Following: "court"

Insert: "directing disposition of the money following the hearing on the affidavit"

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 6

DATE 012885

BILL NO. SB 89

STANDING COMMITTEE REPORT

January 28

1933

MR. PRESIDENT

We, your committee on..... **JUDICIARY**

having had under consideration..... **SENATE BILL** No. **89**

first reading copy (white)
color

REVISING LAWS RELATING TO GARNISHMENT OF PERSONAL SERVICES EARNINGS

Respectfully report as follows: That..... **SENATE BILL** No. **89**

be amended as follows:

1. Page 2, line 25.

Following: "(1)"

Insert: "No execution against the earnings of a judgment debtor may take place unless the debtor has been given notice of the opportunity to file an affidavit pursuant to this section."

2. Page 3, line 8.

Following: "shall"

Insert: "upon motion of the judgment creditor"

3. Page 3, line 12.

Following: "attachment."

Insert: "If no motion is filed, levy of execution upon the earnings is automatically stayed."

4. Page 3, line 15.

Following: "court"

Insert: "directing disposition of the money following the hearing on the affidavit"

AND AS AMENDED

DO PASS

XXXXXXXXXX

.....
Chairman.

STANDING COMMITTEE REPORT

JANUARY 28

19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 119

first reading copy (white)
color

FEE FOR CHILD SUPPORT ENFORCEMENT SERVICES TO BE PAID BY NON-SUPPORTER.

Respectfully report as follows: That SENATE BILL No. 119

be amended as follows:

1. Page 2, line 9.

Following: "fees"

Insert: "commensurate with the cost of enforcement support services"

2. Page 2, lines 10 and 11.

Following: "collected" on line 10

Strike: remainder of line 10 through "services" on line 11

3. Page 2, line 11.

Following: "services."

Insert: "When payments are scheduled to be paid on an installment basis, a portion of the collection fee owed to the department shall be added to each payment."

AND AS AMENDED

DO PASS

~~EXCISE~~

.....
Chairman.

STANDING COMMITTEE REPORT

January 28 19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 132

first reading copy (white)
color

DIVIDE AGGRAVATED ASSAULT INTO FIRST AND SECOND DEGREE OFFENSES

Respectfully report as follows: That SENATE BILL No. 132

be amended as follows:

1. Title, line 5.

Following: "INTO"

Strike: "FIRST AND SECOND-DEGREE OFFENSES"

Insert: "AGGRAVATED AND FELONY ASSAULT"

2. Page 1, line 11.

Following: "assault"

Strike: "in the first degree"

3. Page 1, line 14.

Following: "of"

Strike: "aggravated"

Insert: "felony"

4. Page 1, line 15.

Strike: "in the second degree"

5. Page 1, line 21.

Following: "assault"

Strike: remainder of line 21 through "degree" on line 22

6. Page 1, line 25.

Following: "of"

Strike: "aggravated"

Insert: "felony"

Following: "assault"

Strike: remainder of line 25 through "degree" on line 1, page 2

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~

Chairman.

STANDING COMMITTEE REPORT

January 23

19 35

MR. PRESIDENT

JUDICIARY

We, your committee on.....

having had under consideration..... **SENATE BILL** No. **144**

first reading copy (white)
color

INCREASING SUPREME COURT FILING FEES

Respectfully report as follows: That..... **SENATE BILL** No. **144**

DO PASS

~~DO NOT PASS~~

.....
Chairman.