

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 12, 1985

(cks) seventh
The twenty ~~sixth~~ meeting of the Senate Judiciary Committee was called to order at 10:08 a.m. on February 12, 1985, by Vice Chairman Kermit Daniels in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SB 298: Senator Bill Yellowtail, sponsor of the bill, stated this bill is by contrast incredibly simple compared to the other issues discussed by this committee. It will simply increase the limitation on the number of claims that may be filed in small claims court from 3 to 10. He has sponsored this bill on behalf of a constituent of his that is a small business person. He believes the committee will find the small claims court is a cost-effective way of taking care of small claims. His constituent, once having exhausted the three-claim limit, is forced to either not collect or to hire an attorney. Often the attorneys' costs override the amount collected. His constituent does exercise judgment in deciding which of her many claims she should file in small claims court. She proposed that we do away with the limitation entirely. Senator Yellowtail stated the fiscal note shows there will be no net fiscal impact.

PROPOSERS: Jim Jensen, representing the Montana Magistrates Association, stated the association has no problems with this bill considering there are still limitations on the frivolous harrassment matters that may be filed.

OPPOSERS: None.

CLOSING STATEMENT: None.

QUESTIONS FROM THE COMMITTEE: None.

Hearing on SB 298 was closed. Vice Chairman Daniels turned the chair over to Senator Blaylock.

CONSIDERATION OF SB 257: Senator Kermit Daniels, sponsor of SB 257, stated this bill changes the time for trial limitation in detainer law from an uncertain date to a date certain. He explained a detainer is a document filed against a person in the Montana state prison who may have

committed a crime in another jurisdiction and pending his discharge, he is held in the Montana state prison on a detainer.

PROPOSERS: Nick Rotering, attorney for the Department of Institutions and Assistant Administrator of the detainer act, appeared in support of the bill. He stated the individual is to be brought to trial at the next term of court. The Department of Institutions is requesting that the detainer statute be amended to insert the 180-day time limit. It has been found to be constitutional and comply with the speedy trial requirement under the constitution.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe stated he doesn't understand what Mr. Rotering means when he refers to the uniform act, because the section itself refers to an agreement. He questioned whether this is an agreement that has been signed and sealed between several states or if it is an act. Mr. Rotering responded it is called the uniform detainer law and it is enacted in every state in supposedly the same form except Montana, because Montana does not have the 180-day limit.

CLOSING STATEMENT: None.

Hearing on SB 257 was closed, and Senator Daniels resumed chairing the committee.

ACTION ON SB 257: Senator Pinsoneault moved SB 257 be recommended DO PASS. Senator Towe stated he is nervous about the bill because the statute refers to an agreement on detainers. Senator Daniels stated that was the general thought that each state would enter into an agreement and it was enacted as a statute. He doesn't think Senator Towe's concern is terribly important, because we have been working with the uniform detainer law since 1963, and it did perform a definite function because it did speed up prisoners' waiting. He felt Senator Towe's fears were unwarranted in this instance. Mr. Rotering stated there is a treatise that deals with extradition, detainers, and transfers of prisoners. One chapter speaks to detainers. The agreement on detainers act becomes effective when enacted in the law. The motion to recommend SB 257 DO PASS carried unanimously.

ACTION ON SB 298: Senator Blaylock moved SB 298 be recommended DO PASS. The motion carried unanimously.

ACTION ON HB 106: Senator Crippen moved HB 106 be recommended BE NOT CONCURRED IN. The motion carried with Senators Brown, Pinsoneault, and Yellowtail voting in opposition.

ACTION ON SB 245: Mr. Petesch stated the information required in this bill would be available in discovery or in the writ of assistance or writ of attachment. Senator Pinsoneault questioned whether this applied if your judgment came out of justice court instead of district court. Senator Towe responded he thinks there is a reference in the justice court statutes to the rules of civil procedure in district court. Senator Crippen moved SB 245 be recommended DO PASS. The motion carried with Senators Brown, Crippen, Galt, Pinsoneault, and Yellowtail voting in favor and Senators Blaylock, Daniels, Shaw, and Towe voting in opposition.

ACTION ON HB 103: Amendments to HB 103 were distributed to the committee (See Exhibit 1). Mr. Petesch stated the committee has adopted all of the amendments on the attached Exhibit 1 except the last one, which is one Senator Pinsoneault requested be looked into. Senator Towe moved amendment No. 4 be adopted. The motion carried unanimously. Senator Pinsoneault moved HB 103 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senator Crippen voting in opposition.

ACTION ON SB 267: Mr. Petesch stated Representative Bergene has a comprehensive bill revising the exemptions that has not yet been introduced. Senator Daniels stated the chair would entertain a motion to lay the matter on the table pending introduction of Representative Bergene's bill. Senator Towe stated if we lay this bill on the table, it will effectively be dead due to the close proximity of the transmittal deadline. He believes there is some merit in the bill. Senator Towe moved that SB 267 be recommended DO PASS. The motion carried with Senators Daniels and Galt voting in opposition.

CONSIDERATION OF SB 184: Senator Tom Towe introduced SB 184 due to Senator Joe Mazurek's absence from the hearing. Senator Mazurek was presenting a bill to the State Administration Committee and was unable to present SB 184 on his own behalf. Senator Towe stated this bill simply repeals the sunset provision in the language the legislature adopted last session. The language we adopted last session amended that section because of the law on sovereign immunity. One of the cornerstones of that law is that only general damages will be allowed. That meant only those monetary damages you can put a finger on. The supreme court ruled that was unconstitutional, and we cannot deny the other intangible damages. The 1983 legislature put in a limit of \$1 million. It also put in a sunset provision until June 30, 1985. This bill repeals the sunset provision. Senator Towe stated he understands the bill has been working quite well. It has meant an enormous increase in damages paid out. If we took the limit off, we would be paying out a lot more. The feeling of the legislature is that ought to be sufficient. He thinks it would be wise to continue the existing provision by repealing the sunset provision.

PROPOSERS: Mike Young, from the Department of Administration, states his department defends and pays any bodily injury claims under the statute. The 1972 constitution abolished immunity completely. The 1974 general election approved a referendum to allow the legislature to reinstate by two-thirds vote of each house believing being compensated for only pecuniary loss was a denial of equal protection. They have gone from a net fund balance of \$10 million at that time to \$8.6 million now. The reserves they have for an existing 150 lawsuits are about \$5,638,000. That leaves them with about \$2,961,000. A study viewed the White decision as having a negative impact on our existing reserves. They are looking at increased exposure. In our actual claims paid, 1980-81 claims paid to individual claims were \$144,000 for the biennium. In 1982-83, \$2,943,589, because they had to reevaluate all claims because of the White decision. In 1984-85, they are currently standing at \$2,619,530 for just the first year and a half of the biennium. No one can act arbitrarily and hide behind a shield, not even the state. Whether you have economic or non-economic loss, you have the same cap. It has been ruled unconstitutional in one district court in Missoula, and it is up on appeal. Chip Erdmann, from the Montana School Boards Association, stated they strongly support the bill. They agree governments should be responsible for their actions, including schools, but we have to remember they are out there providing mandatory services and not for profit. He thinks we need reasonable limits. One of the nice things about the present law is we have a figure that we can insure up to. Last session when we lost that figure, several insurance companies advised they would no longer insure school districts. They think without such limits, the operation of school districts would be in jeopardy. Then we are faced with the problem of how to provide the mandated services if there is no money. Alec Hansen, representing the Montana League of Cities and Towns, stated his organization strongly supports the bill. They feel limits are absolutely necessary to prevent cities and towns from financial catastrophe. The limits are reasonable and should be retained. Cities and towns cannot afford the increased insurance costs. Greg Jackson, representing the Urban Coalition, stated they would like to go on record in support of SB 184. The trickle down effect of an increase of claims becomes an increased cost to the taxpayers. In addition, he stated that on behalf of Gordon Morris, of the Montana Association of Counties, the Montana Association of Counties would like to go on record as supporting this bill. Curt Chisholm, Deputy Director for the Department of Institutions, stated the department would like to go on record in support of this bill. One reason is economic because of the cost of increased insurance rates. He stated we should keep in mind the populations at risk that the Department of Institutions traditionally and currently receive as wards of the state and criminals convicted in the state of Montana. The decision to place these kind of individuals in a less restrictive environment in the communities puts populations at risk. Regardless of the ceiling of

limitations in existence, the legislature and the people of the state of Montana need to be fully aware of the populations they have at risk. (See written testimony from Gordon Morris, Executive Director of the Montana Association of Counties, attached as Exhibit 2.) (See written testimony from Jim Nugent, of the City of Missoula, attached as Exhibit 3.)

OPPONENTS: Karl Englund, representing the Montana Trial Lawyers Association, presented a letter from Erik Thueson (see Exhibit 4). Mr. Thueson was the plaintiff's attorney in the White case. Mr. Englund stated there are potential constitutional problems with a limitation on judgments against public entities and the denial of equal protection. The sunset rather than being repealed should instead be at a later date, particularly because of the rising cost of medical costs which may be appropriate today but may not be in a few years. They suggested we resunset it for two years down the road.

CLOSING STATEMENT: Senator Mazurek stated the White decision was a 4 to 3 decision. He would resist an effort to reinsert the sunset. He believes we can review the ceiling as costs go up.

QUESTIONS FROM THE COMMITTEE: None.

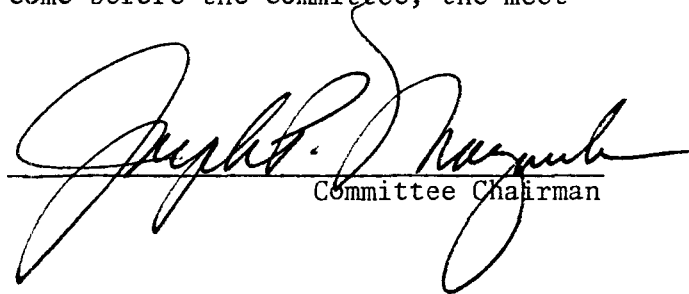
Hearing on SB 184 was closed.

RECONSIDERATION OF HB 103: Chairman Mazurek stated a concern had been brought to him by Senator VanValkenburg regarding this bill. It has a particular impact in the larger counties, such as Yellowstone, Missoula, and possibly Lewis and Clark. The law states each district will designate one judge as the youth court judge. That has become a problem in Missoula where youth court matters take up nearly all of one judge's time. Senator VanValkenburg has asked the committee to change the bill to add that the district shall designate one or more youth court judges. Senator Blaylock moved that the committee reconsider its action on HB 103 for purposes of amendment. The motion carried unanimously. Senator Shaw moved HB 103 be amended as requested. The motion carried with Senator Crippen voting in opposition. Senator Pinsoneault moved that HB 103 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senator Crippen voting in opposition.

ACTION ON SB 184: Senator Shaw moved that SB 184 be recommended DO PASS. Senator Towe stated it has been working well, so there is no need to put in a sunset that may be overlooked. Senator Mazurek stated we are more liberal in our state statutes and in general immunity than other states. The motion carried unanimously.

RECONSIDERATION OF SB 245: Senator Towe moved that the committee reconsider its action on SB 245. The motion carried with Senator Crippen voting in opposition. Mr. Petesch stated he is not sure this bill will solve Senator Story's problem, because if you can't find him to bring him in under number 1, how can you find him in number 2. Senator Shaw moved that SB 245 be recommended DO NOT PASS. Senator Mazurek stated the bill is wide open; there is no hearing process. The motion carried with Senators Crippen, Galt, and Pinsoneault voting in opposition.

There being no further business to come before the committee, the meeting was adjourned at 11:40 a.m.


Committee Chairman

January 12, 1985

Judiciary

50 184, 257, 298

Oppose

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✓

✓

✓

✓

✓



✓

1. Title, line 11.

Following: "OF"

Strike: "SEXUAL INTERCOURSE WITHOUT CONSENT"

2. Title, line 14.

Following: "SECTIONS"

Insert: "41-5-201,"

Following: "41-5-204"

Insert: ", "

3. Page 1, line 16.

Insert: "Section 1. Section 41-5-201, MCA, is amended to read:

41-5-201. Youth court judge. (1) Each judicial district in the state shall have at least one judge of the youth court. His duties shall be to:

(a) appoint and supervise qualified personnel to staff the youth division probation departments within the judicial district;

(b) conduct hearings on youth court proceedings under this chapter;

(c) perform any other functions consistent with the legislative purpose of this chapter.

(2) In each multijudge judicial district the judges shall, by court rule, designate one or more of their number to act as youth court judge in each county in the judicial district for a fixed period of time. Service as youth court judge may be rotated among the different judges of the judicial district and among the individual counties within the judicial district for given periods of time. Continuity of service of a given judge as youth court judge and continuity in the operation and policies of the youth court in the county having the largest population in the judicial district shall be the principal consideration of the rule."

Renumber: all subsequent sections

4. Page 3, line 10.

Following: "constitute"

Strike: remainder of line 10 through "41-5-503," on line 11

5. Page 5, line 4.

Following: "may"

Strike: "SHALL "

Insert: "may"

4. Page 6, line 21.

Following: "proper"

Insert: "; however, no youth under 16 years of age may be confined in the state prison"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 02/28/85
BILL NO. HB 103

**MONTANA
ASSOCIATION OF
COUNTIES**

1802 11th Avenue
Helena, Montana 59601
(406) 442-5209

TO: Senator Joe Mazurek
Chairman, Senate Judiciary Committee

FROM: *Gordon Morris*
Gordon Morris
Executive Director

RE: SB 184 and SB 200

DATE: February 4, 1985

On behalf of the Montana Association of Counties I wish to indicate support for Senator Mazurek's Senate Bill 184 and Senator Christiaens' Senate Bill 200.

Both bills propose needed legislation to extend protection by placing limits on liability. Local elected officials throughout Montana live with the fear of tort suits and civil suits in general. The number of cases filed nationwide have increased tremendously as have the size of settlements or awards.

The insurance industry record, measured in terms of their loss ratio, dictates ever increasing premium costs. In Montana public official liability has generally increased at a 3 fold rate, due to both the extent of litigation and the size of the awards. Currently, several counties are without a private insurance provider due to loss ratios which caused their providers to discontinue coverage.

I urge your favorable action on both.

GM/mrp

MACo

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 02/28/85
BILL NO. SB 184

(This sheet to be used by those testifying on a bill.)

NAME: Jim Nugent DATE: 2/12/85

ADDRESS: 201 West Spruce Missoula City Hall

PHONE: 721-4700 EXT 213

REPRESENTING WHOM? City of Missoula

APPEARING ON WHICH PROPOSAL: SB 184

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Please see attached copy of
letter!!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE 02/28/85

BILL NO. SB 184



OFFICE OF THE CITY ATTORNEY

201 W. SPRUCE • MISSOULA, MT 59802-4297 • (406) 721-4700

February 11, 1985

85-80

Senate Judiciary Committee Members
Montana State Senate
Montana State Capitol
Capitol Station
Helena, Montana 59620

Re: SB-184 repealing sunset provision for Section 2-9-107,
M.C.A.

Dear Senate Judiciary Committee Members:

The purpose of this letter is to express the support of City of Missoula officials for the enactment of SB-184 entitled, "An Act to Repeal the Sunset Provision on Section 2-9-107, M.C.A. Limiting Damages Recoverable in Tort Suits Against State and Local Governments." Further, City of Missoula officials support and urge the continuation of the current tort damage recovery ceiling limits in Section 2-9-107, M.C.A. which are "\$3,000.00 for each claimant and \$1 million for each occurrence." City of Missoula officials are opposed to any increase in the current statutory tort damage recovery limits.

The City of Missoula currently has \$1,000,000 million dollars in primary liability insurance coverage. This week I have received the following percentage premium cost increases for additional liability insurance if the City needed to acquire additional primary liability insurance coverage:

1. First million of excess insurance in addition to the current one million primary liability coverage would cost 25% to 35% of the cost of the primary liability insurance in order to achieve 2 million total coverage;

2. Second million of excess insurance in addition to the primary would cost another 15% to 20% of the cost of the primary liability in order to achieve 3 million total coverage which would amount to a total premium increase in cost of 40% to 50% in order to acquire this level of coverage.

After that point the increased cost in premium increases by 10% to 15% of the primary liability coverage for each additional 1 million in coverage.

According to City of Missoula Finance Director Mike Young, the City of Missoula is currently paying a liability insurance premium of approximately \$52,000.00 for general liability insurance, as well as approximately \$51,000.00 for automobile liability insurance for a total liability insurance premium of approximately \$103,000.00.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE

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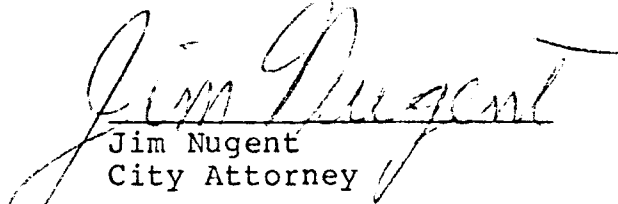
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Senate Judiciary Committee Members
February 11, 1985
Page Two

During the 1983 regular state legislative session when the Montana State Legislature was amending this Section of law as a result of the Montana Supreme Court's decision in the case of Karla White v. State of Montana, 661 P.2d 1272 (1983), one of the suggestions that was made was to increase the statutory limits to "1 million for each claimant and \$3 million for each occurrence." Pursuant to the above percentages, if the City had to increase its liability coverage to \$3 million, the increase in insurance premium cost would be 50% to 70% additional cost.

City of Missoula officials strongly urge that SB-184 be enacted as proposed. Thank you in advance for your consideration of this matter.

Yours truly,


Jim Nugent
City Attorney

JN:my

cc: Alec Hansen, Executive Director Montana League of Cities
and Towns
Missoula County Senators Farrell, Haffey, Halligan, McCallum,
Norman, Pinsoneault and VanValkenburg

ERIK B. THUESON
Attorney at Law

410 CENTRAL AVENUE
STRAIN BUILDING, SUITE 517
GREAT FALLS, MONTANA 59403

MAILING ADDRESS:
P. O. BOX 2588
(406) 727-7304

February 5, 1985

Senate Judiciary Committee
Capitol Station
Helena, MT 59620

Dear Committee members:

A few years ago, I represented a young lady named Karla White. She was attacked and brutally beaten by an escapee from Warm Springs State Hospital. In the lawsuit which followed, White v. State, the Montana Supreme Court ruled that the legislative created limitations on recovery from the government then in existence were unconstitutional.

After this ruling, the legislature quickly passed the current limitations on recovery from a government entity. I understand that these limitations are now under review. I would like to have the following comments made part of the record when you consider this matter.

I can say unequivocally that the current limitations on recovery for damages are unconstitutional. I can say this with some confidence because the current legislation was based upon the dissenting opinion of a justice in the White case. In other words, the current legislation is directly contrary to the majority decision in that important constitutional case. Because of this, I would suggest that the committee carefully revise the legislation so it does, in fact, pass constitutional muster.

In my opinion, any attempt to limit recovery of damages when the defendant is a government entity violates equal protection of the law. It creates two classes of victims who have suffered injury because of government negligence. Those with lesser injuries are entitled to full compensation. Those with immense injuries, meriting recovery of damages in excess of the current \$300,000 limitation, are deprived of full redress for their injuries. This is a classic form of discrimination which does not pass constitutional muster where, as here, we are dealing with a fundamental constitutional right.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 02/28/85
BILL NO. SB 184

February 6, 1985

Page 2

Be that as it may, I recognize that as a practical matter, the legislature may well impose limitations on damages anyhow. If this is true, I would suggest that you seriously consider and study the possibility of requiring government entities to purchase some sort of umbrella insurance policy, that would increase recovery above the current \$300,000 limitation.


For instance, an umbrella policy that would increase damage coverage to one million dollars would probably only amount to a few cents in taxes per capita in the area where any government entity, large or small, has its tax base.

Extending the limits in such a manner would not clear up the constitutional problems, but it would certainly decrease the size of the class of victims who will not receive full recovery when injured by the government. Moreover, it will also decrease the hardships and adverse impact upon those whose injuries are still so severe that a million dollar limit will not compensate them for all of their losses. In short, for very little extra expense, such an umbrella insurance plan would greatly reduce the reprehensible aspects of the current damage limitations.

In summary, the people of this state are entitled to great care by the legislature when the legislature chooses to limit fundamental constitutional rights. I think this at least requires an impartial and careful study of how the limits on damages can be adjusted without significantly affecting the fiscal integrity of our government entities. I would hope that the committee and legislature would consider such a plan and act accordingly.

I thank you in advance for this opportunity to express my thoughts as a concerned citizen of this state.

Sincerely yours,


Erik B. Thueson

EBT:eml

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 02/28/84
BILL NO. SB 184

STANDING COMMITTEE REPORT

Feb
January 12 19 85

MR. PRESIDENT

We, your committee on **JUDICIARY**
having had under consideration **SENATE BILL** No. **184**
first reading copy (**white**)
color

REMOVE SUNSET ON DAMAGE LIMIT IN SUITS AGAINST STATE-LOCAL GOVERNMENTS.

Respectfully report as follows: That **SENATE BILL** No. **184**

DO PASS

~~XXXXXXXXXX~~

.....
Senator Joe Nazurek

Chairman.

STANDING COMMITTEE REPORT

.....February 12..... 1955.....

MR. PRESIDENT

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

having had under consideration.....SENATE BILL..... No. 245.....

first..... reading copy (white)
color

REQUIREMENT THAT JUDGMENT DEBTOR SUBMIT FINANCIAL INFORMATION TO COURT.

Respectfully report as follows: That.....SENATE BILL..... No. 245.....

XEDPASS

DO NOT PASS

.....
Senator Joe Mazurek

.....
Chairman.

STANDING COMMITTEE REPORT

February 12

19 85

MR. PRESIDENT

We, your committee on **JUDICIARY**

having had under consideration **SENATE BILL** No. **257**

first reading copy (**white**)
color

CHANGE TIME FOR TRIAL LIMITATION IN DETAINER LAW.

Respectfully report as follows: That **SENATE BILL** No. **257**

DO PASS

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

Feb
January 12

19 85

MR. PRESIDENT

We, your committee on JUDICIARY
having had under consideration SENATE BILL No. 267
first reading copy (white)
color

GIVE UNMARRIED PERSON SAME EXEMPTIONS FROM EXECUTION OF JUDGMENT AS MARRIED.

Respectfully report as follows: That SENATE BILL No. 267

- DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

February 12

19 35

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE BILL No. 298

first reading copy (white)
color

INCREASING NUMBER OF CLAIMS ALLOWED ANNUALLY IN SMALL CLAIMS COURT.

Respectfully report as follows: That SENATE BILL No. 298

DO PASS

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

February 12 19 85

MR. PRESIDENT

We, your committee on..... JUDICIARY

having had under consideration..... HOUSE BILL No. 106

third reading copy (blue)
color

(SENATOR CRIPPEN)

PROHIBITING ASSIGNMENT OF CERTAIN RETIRED JUDGES FOR TEMPORARY SERVICE.

Respectfully report as follows: That..... HOUSE BILL No. 106

NOT BE CONCURRED IN

XXXXXXXX

XXXXXXXXXX

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

Page 1 of 2

February 12

1935

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 103

third reading copy (blue)
color

(SENATOR DANIELS)

REVISE YOUTH COURT JURISDICTION-YOUTH HOMICIDE TRIABLE IN DISTRICT COURT.

Respectfully report as follows: That HOUSE BILL No. 103

be amended as follows:

1. Title, line 11.

Following: "OF"

Strike: "SEXUAL INTERCOURSE WITHOUT CONSENT"

2. Title, line 14.

Following: "SECTIONS"

Insert: "41-5-201,"

Following: "41-5-204"

Insert: ",,"

RECEIVED

RECEIVED

CONTINUED

Chairman.

HOUSE BILL NO. 103

3. Page 1, line 18.

Insert: "Section 1. Section 41-5-201, MCA, is amended to read:

41-5-201. Youth court judge. (1) Each judicial district in the state shall have at least one judge of the youth court. His duties shall be to:

(a) appoint and supervise qualified personnel to staff the youth division probation departments within the judicial district;

(b) conduct hearings on youth court proceedings under this chapter;

(c) perform any other functions consistent with the legislative purpose of this chapter.

(2) In each multijudge judicial district the judges shall, by court rule, designate one or more of their number to act as youth court judge in each county in the judicial district for a fixed period of time. Service as youth court judge may be rotated among the different judges of the judicial district and among the individual counties within the judicial district for given periods of time. Continuity of service of a given judge as youth court judge and continuity in the operation and policies of the youth court in the county having the largest population in the judicial district shall be the principal consideration of the rule."

Renumber: all subsequent sections

4. Page 3, line 10.

Following: "constitute"

Strike: remainder of line 10 through "41-5-503," on line 11

3. Page 5, line 4.

Following: "may"

Strike: "SHALL"

Insert: "may"

4. Page 6, line 21.

Following: "proper"

Insert: "; however, no youth under 16 years of age may be confined in the state prison"

AND AS AMENDED BE CONCURRED IN

DO PASS
~~XXXXXX~~

Senator Joe Mazurek, Chairman