

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 15, 1985

The fiftieth meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on March 15, 1985, by Chairman Joe Mazurek in Room 410 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Crippen who was excused.

CONSIDERATION OF HB 155: Representative Hal Harper, sponsor of the bill, stated HB 155 deals with a problem that has been growing in recent years--the so-called sport of dog fighting. Dog fighting was made totally illegal in all of the countries in Europe more than 100 years ago. Dog fighting is illegal under the Federal Animal Act. This sport is a sadistic, bloody fight, usually to the death. In 40% of the cases, both dogs die or are mortally wounded. A dog that wins six fights is a grand champion. The dogs are usually 38-40 pound pit bull terriers. These fights are usually staged in a clandestine way. The fight itself is totally silent except for the noise of the dogs and the people. Guns and narcotics are almost always present. The main penalties they can get these people under are for narcotic and gun violations. In many cases, live animals are used for training. Since many states are passing felony laws, these people are moving into states that have misdemeanor penalty statutes. The reason the pressure is on in Montana is they seem to be moving into this area. Representative Harper feels this bill is preventive medicine. He also has amendments which will address the concerns of the falconers.

PROPOSERS: Barbara Dahlgren, President, Federated Humane Societies of Montana, presented written testimony in support of the bill (Exhibit 1). Judy Fenton, Secretary/Treasurer, Federated Humane Societies of Montana, presented written testimony in support of the bill (Exhibit 2).

OPPOSERS: Hal Williams, Vice President, Montana Falconers Association, stated they are not opposed to the bill but are concerned about the writing of it which outlaws the sport of falconry in Montana. He testified falconry is a legal sport in Montana, but page 3 of the bill, subparagraph (c), which states the use of animals in hunting and training as permitted by law, would no longer allow this. (Representative Harper stated this concern is what his amendment would address.)

QUESTIONS FROM THE COMMITTEE: Senator Towe asked what it is that falcons do that otherwise would be a problem. Mr. Williams responded as the law is written, it is pitting one animal against another. They are trained to do what they naturally do in the wild, except in relationship with the falconer. The falconers flush animals for the falcon to chase. Senator Pinsoneault asked Representative Harper why he hadn't provided that betting itself or the placing of a bet would amount to aiding or abetting. Representative Harper replied that concern is covered in the gambling laws. Representative Harper responded there are also amendments to address the concerns of the houndsmen. He further stated Representative Hannah wanted to come before the committee to testify he believed spectators should suffer the same penalties as those doing the training, and Representative Gould wanted to come before the committee to combat that position.

CLOSING STATEMENT: Representative Harper felt he wanted to keep Montana a civilized state.

Hearing on HB 155 was closed.

CONSIDERATION OF HB 187: Representative Hal Harper, sponsor of this bill, testified this would give the Department of Health the same cost recovery authority it has in the air quality and water quality areas. The number of waste water cases has risen. Most of the violations are that they refuse to submit the monthly test samples. The worst that will happen to them now is they will have to submit the test. Enforcing this is a drain on the department's funds. This money will go into the general fund. It seems like a good bill in terms of saving the state some money and getting the job done.

PROPOSERS: Frank Crowley, Assistant Attorney General with the Department of Health, presented written testimony in support of the bill (Exhibit 3). Mr. Crowley asked that the committee adopt the amendment shown on the last page of his testimony.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked who offered the amendment and why. Representative Mercer responded the state agency was coming in to get all of the costs, and there was no equality on the other side. There are a few in the House that don't like one-sided attorney fees. They would just as soon neither side get them. Mr. Crowley stated it was never the department's intention to get attorneys' fees; it was just to get the technical costs back. They did not include attorneys' fees, just costs.

CLOSING STATEMENT: Representative Harper stated this is just an enforcement bill, and he would like to see it passed without the amendment.

Hearing on HB 187 was closed.

CONSIDERATION OF HB 700: Representative John Mercer, sponsor of the bill, stated this bill deals with plea bargaining. It is the first time the mention of plea bargaining appears in the statutes. It grows out of the case, State v. Cavanaugh. This bill seeks to reverse that opinion and provide safeguards. It tells what a plea bargain is. It says the judge cannot participate in the plea bargain. It says the judge is not required to impose the sentence required by the plea bargain. The due process comes in on page 2, lines 4-6. The reason the Cavanaugh case is bad is it requires a judge to go through all of the sentencing decisions and decide what is appropriate; it lowers the bench down to the level of being a part of the county attorney's office; and the public is not too fond of plea bargains and wants the judge to be an independent person. Section 2 says before a charge is reduced, the prosecuting attorney is required to tell the judge what the reason is and that reason must go in the minutes. This bill will give the public the reason why sentences are reduced.

PROPOSERS: Judge Jack L. Green, Fourth Judicial District, Missoula, testified he is for this bill because he thinks the supreme court has put the judges in a ridiculous and untenable position. They must be sure there is no promise of leniency, but they are stuck with a plea bargain with which they had nothing to do. The people elect judges. The public defender is not elected. This allows the county attorney to decide what the sentence is, the judge is then stuck with it, and the judge takes the heat for it. At the time a plea bargain is arranged, they generally do not have the presentence investigation and report. However, the judge has this information at the time he imposes sentence. As a district judge, he resents being forced to negotiate with a criminal as to what we are going to do with him. The legislature makes the law, and the judges enforce it. If the defendant feels he received a sentence that is out of line, it can be reviewed by the sentence review board. Mark Murphy, Assistant Attorney General assigned to the County Prosecutors Services Board, testified they have looked at this bill and approve it. They believe the negotiation process for a plea is a process between the prosecutor and the defendant. The defendant knows that what he is bargaining for is a recommendation in exchange for dismissal of other charges. That is what the prosecutor can deliver. He thinks one of the most important parts of this bill is it allows judicial independence. It also encourages good-faith bargaining at this point. The judge has to be accountable for the decision. Joe Roberts, from the Attorney General's office, stated they think the section on

page 2 is very important as far as the defendant is concerned. The defendant has to clearly understand it is a recommendation that is being bargained for. The defendant's rights are being protected by this legislation by putting into practice what has been developed. He feels the sentencing hearing is a very important part of the process. The judge learns a lot at that hearing, as there is an opportunity for a victim to come to a sentencing hearing and give testimony.

OPPONENTS: William Boggs, Missoula County Public Defenders Association, spoke on behalf of his association and on behalf of all of the civil litigants of Montana and the taxpayers of the state. He testified the taxpayers will be paying for this bill if it passes, as there will be a drastic increase in criminal jury trials. About 75% of the cases are currently settled by plea bargaining, so the court will have to sit and hear criminal cases. Public defenders get supplementary money when they go to trial. Many resources are tied up in a criminal trial: police officers, two prosecutors, two public defenders, and usually a private investigator. Mr. Boggs thinks the fiscal impact on the Montana taxpayers should be kept in mind. The sponsor is obviously not too fond of plea bargains. The public is less fond of paying three or four times the amount it puts out now for criminal prosecution and defense. The current rule on plea bargains is not intended to lower the bench. Do you think it lowers the bench when two contractors resolve their dispute out of court? Settlements work because both sides give up something. This bill overturns the rule on plea bargains which 48 states have in effect. It takes us back a few decades in administration of law. He foresees judge shopping. In talking about the fairness this bill provides for a defendant, there is nothing to lose by going to trial, because if you plead guilty, you are sure you will get convicted. He would not advise any client to plead guilty if this bill is passed.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked Judge Green to respond to Mr. Boggs' testimony. Judge Green addressed the contention there will be a lot more trials. There has not been a big decrease in the number of trials since the Cavanaugh decision. Senator Towe stated many judges already indicate whether or not they will accept plea bargains. Judge Green then addressed Mr. Boggs' contention about the expense. He stated the public defense system itself has created a great increase of public assistance. Any criminals cost the people money. This will not make that much difference in the cost of these prosecutions. Senator Towe asked if the judge would not indicate in advance whether he would accept the plea bargain, would he counsel his client to accept it? Senator Towe stated ultimately the guilt or innocence of an individual is irrelevant; what is relevant is whether the evidence will prove it. Judge Green pointed out you don't sign a contract until you see the terms.

ADDITIONAL TESTIMONY FROM OPPONENTS: Chairman Mazurek then allowed Karl Englund, representing the Montana Trial Lawyers Association, to testify as he was late arriving at the hearing due to his testifying on another bill being heard at the same time. Mr. Englund stated our court adopted the rules that are contained in the federal rule E(4) that were proposed by the Federal Law Institute and the American Bar Association. At the very least, this bill is premature at best. We ought to give it a chance to work and see how it works.

CONTINUATION OF QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault stated as far as this agreement is concerned, he asked if Judge Green, sitting on the bench, have any opposition if the bargain offered several alternatives. He asked if he would find that to be proper under this bill if it were to pass in this form. Judge Green responded yes. Senator Towe asked if there were any possible compromise in suggesting we ought to make the presentencing procedure available before the judge has to make a decision on it and then allow for an alternative plea. Then the judge, after seeing all of the facts, can make up his mind. Representative Mercer stated that would be doing a presentencing investigation before someone pleads guilty. Judge Green replied in the presentencing investigation and report, they give their version of the crime, and you would have them saying what they did.

CLOSING STATEMENT: Representative Mercer stated the fiscal argument is completely invalid. This changes our system back to what we had for years. They have had this rule and have not seen any impact. People that go to trial seem to need more of a penalty than someone who pleads guilty and seems to be remorseful.

Hearing on HB 700 was closed.

CONSIDERATION OF HB 706: Representative John Mercer, sponsor of HB 706, testified this bill does two things: includes firefighters in the definition of other persons and expands the definition of occupied structures to other property. As far as arson, if a firefighter is responding to an arson case and is put in danger, he should be covered. Representative Mercer feels this just clarifies what is already there. A motor home or a motorboat might be an occupied structure.

PROPOSERS: Bruce Houston, Deputy State Fire Marshal, testified the state fire marshals are in favor of this bill as it adds verbiage which is needed for better definition. Creighton Sayles, Missoula Rural Fire Department and Special Deputy, State Fire Marshals Service, testified the law enforcement people already have similar language at the present time. Hopefully this bill will give encouragement to county attorneys and prosecutors.

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OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked what other property would include. Mr. Petesch responded by definition, a vehicle is an occupied structure.

CLOSING STATEMENT: None.

Hearing on HB 706 was closed.

CONSIDERATION OF HB 831: Representative John Mercer, sponsor of HB 831, testified this bill brings our intimidation statute back to life. It was held unconstitutional by the Ninth Circuit Court of Appeals. A mere threat cannot be a crime unless you fear it will be carried out. Threatening to commit any criminal offense was an infringement on free speech. The Wirtz case states that can be punished as intimidation, but not under this statute, because it is too broad.

PROPOSERS: Joe Roberts, Attorney General's office, stated they asked Representative Mercer to introduce this bill. They support this legislation as it cleans up the statute. They believe this should withstand any First Amendment challenge to it after this.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: None.

Hearing on HB 831 was closed.

CONSIDERATION OF HB 353: Representative Richard Nelson, sponsor of the bill, testified this bill states you don't have to go into a building with the idea you intended to commit \$300 worth of damages to be convicted for aggravated burglary. He believes this is a method of getting the two definitions of burglary together.

PROPOSERS: None.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked if you then had the separate offense of aggravated burglary. Representative Nelson responded this makes it aggravated.

CLOSING STATEMENT: None.

Hearing on HB 353 was closed.

CONSIDERATION OF HB 200: Representative Steve Waldron, sponsor of HB 200, testified last session in dealing with the prisons, we realized we had a serious overcrowding problem. We provided funds for expansion. This bill would move a prisoner's parole eligibility up four months, although the inmate must have served at least 12 months before this safety valve can kick in. The bill has a repealer on it. The prison will not be completed at least until December of this year and maybe not until January or February of next year. The Department of Institutions wanted this safety valve to be used by the parole board until the prison is completed. The House amended the bill to provide the same safety valve with a much higher threshold when the expansion is complete. The bill has the support of the parole board.

PROPOSERS: Curt Chisholm, Deputy Director, Department of Institutions, testified this bill was introduced at their request. They are trying to extend the authority in HB 546 which goes out of effect June 1, 1985, for another year or until 30 days after the new units are occupied. The overcrowdedness of the prison is not only a matter of finding a bit of space; it also puts a strain on support services. Cathy Campbell, Montana Association of Churches, testified they are opposed to the warehousing of prisoners as rehabilitation cannot take place under these circumstances. Mr. Chisholm added Hank Burgess, chairman of the parole board, asked to be put on record as being in support of the bill.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek stated on the matter of the women's prison, it is not a matter of exceeding the design capacity. He asked if they should put in a certain percentage of excess. Representative Waldron replied their concern was when you have that facility filled, it is stacked. If you want to exceed that, you are asking for more problems. If you want to say a design capacity of 30, that would be more appropriate than 35. Senator Mazurek asked what the design capacity of the women's prison was. Mr. Chisholm replied there is no design capacity. If you go beyond 35, it causes problems.

CLOSING STATEMENT: Representative Waldron stated he was reluctant to carry this last time because of the strong feelings against letting prisoners out early. However, overcrowding causes riots and costs lives. This is a modest, cautious method of avoiding overcrowding. He has received promises from the chairman of the parole board that they will continue to utilize this cautious approach.

Hearing on HB 200 was closed.

CONSIDERATION OF HB 681: Representative Jan Brown, sponsor of this bill, presented written testimony to the committee (Exhibit 4).

PROPOSERS: Patrick Sheehy, President, Montana Society of Hospital Community Relations and Development, presented written testimony in support of the bill (Exhibit 5). Bill Leary, President, Montana Hospital Association, testified 57 of their hospitals are in support of this bill. This will allow them over the interim to work with the media and law enforcement agencies to develop better communications. They know some of their hospitals do release this kind of information to the news media. They have been encouraging them to try to work out suitable arrangements along these lines. Mike Meloy, on behalf of the Montana Press Association, testified the reason for subsection 4 was because as the confidentiality act now reads, some hospitals have construed this to be a prohibition against releasing any information about anyone for any reason. The press association is in favor of HB 681. All it does is reinstate a tradition which had been adopted prior to the confidentiality act which arose out of a community's asking about a friend's status. It lets the newspaper and the hospital give some information to the public about how the guy is doing. When the confidentiality act was passed in 1979, no one knew what the implication would be with hospitals. As far as he knows, there has never been any threat of a lawsuit or any lawsuit which arose out of releasing someone's general condition.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Pinsoneault asked who made the determination as to what information would be released. Mr. Leary replied the doctor would. In small hospitals, you would have to go to the chart. In a larger hospital, there is a list. Senator Mazurek stated this committee killed a similar bill last session without too much thought because it was concerned about the depth of it. After that committee action, he was amazed at the number of people who called and said that is private information and should not be released under any circumstances. He asked why the injury has not been tied into some sort of public accident. He is concerned that if you go to the hospital for any reason, anyone can obtain that information. Mr. Sheehy replied that in every other state, there is no law that requires them to release any information to the public. The hospitals' preoccupation is with the patient's privacy. The only reason they are in favor of this bill is because the community has an interest in knowing what a person's basic condition is in the hospital. The policy is they will only reason the information on a public record case. Senator Towe asked what a public

record case was. Mr. Sheehy replied the person has been able to get the information from a legitimate source. Senator Towe asked if that meant the individual who checks himself into the hospital will be able to maintain his confidentiality. He asked if a public record case included all newsworthy cases. Mr. Sheehy replied they would have had to have gotten the name from an official agency. Senator Towe asked if that applied when the governor might be in the hospital. Mr. Sheehy replied that is a good question. In that case, the hospital may not be the source, but the news media will get it one way or the other. Senator Blaylock pointed out once you become a public officer, it is sine die. Senator Towe stated the existence of his hospitalization would be confirmed even if his condition weren't. Mr. Sheehy stated the existing statute is putting people in their profession in an awkward position. They must currently get the patient to sign a release. Senator Mazurek stated he has heard Representative Hannah talk about the impact on the family in this type of situation. What you are saying is in any instance, whether newsworthy or not, you can give that information out, although maybe the law enforcement provision makes it appropriate. Mr. Sheehy replied the patient has the right to ask the hospital not to release any information about him. They would intend to include that in the guidelines. They cannot guarantee the patient's privacy will be protected every time. Senator Towe asked what their reaction would be to adding the words "provided the existence of the hospitalization is publicly known or newsworthy" following the word "FACILITY" on page 3, line 13. Mr. Meloy responded he would suggest using the words "public office" or "public figure." He struggled with a definition for a couple of months trying to find anything that would include any type of public record case and still provide the limitations that others would not be covered by, but he was unable to come up with anything. Mr. Sheehy said he would be satisfied with the amendment suggested by Senator Towe.

CLOSING STATEMENT: Representative Brown stated Representative Winslow helped with the last amendment on the House floor, and she was sure he would be willing to help work with them on any additional amendments.

Hearing on HB 681 was closed.

The committee then recessed for five minutes while it moved to Room 402 to take executive action on bills before the committee.

TABLING OF HB 808: Senator Towe moved HB 808 be TABLED. The motion carried unanimously.

FURTHER CONSIDERATION OF HB 265: Senator Towe stated he has been told the author of the bill will kill it if the committee amends it. He questioned whether the committee should waste its time working on the

bill if it will only be killed. Senator Mazurek responded you are engaging in a political game that must be fought in the papers. He would prefer not to fight that battle here in the committee. Senator Towe moved that HB 265 be amended by adding Ron Waterman's amendments and that it be given a BE CONCURRED IN recommendation. Chairman Mazurek stated he has previously announced the committee would not act on the bill without informing the public before it does so, however, he stated he would accept Senator Towe's motion believing it has been made after full consideration of the consequences. Senator Yellowtail asked what the effect of the passage or failure of the motion would be. Senator Towe responded the effect is they either leave it alone just like they want it and pass it out, and if we amend it, they'll kill the bill. Senator Shaw further explained that if the committee were to vote down the motion, the bill would remain in the committee and, hence, the subcommittee for further work. The motion failed with Senator Towe voting in favor.

ACTION ON HB 831: Senator Shaw moved HB 831 be recommended BE CONCURRED IN. Mr. Petesch explained this bill removes the objections the Ninth Circuit Court of Appeals had. The motion carried unanimously.

ACTION ON HB 706: Senator Shaw moved HB 706 be recommended BE CONCURRED IN. Mr. Petesch stated the question was what an occupied structure was. This bill codifies an Attorney General's opinion which differentiates between property on which structures customarily are found and unoccupied structures. He doesn't know what occupied property is. Representative Mercer said it is a vehicle, but that is covered in occupied structure. Senator Mazurek stated we either need to define it or get it out. He asked if we needed the bill. Mr. Petesch stated Montana statutes say "places another person in danger." The Attorney General says it doesn't matter if it is a fireman. He stated if you want to codify the Attorney General's opinion, we need the bill. Senator Brown moved as a substitute motion that we amend the bill as follows:

Page 2, line 4..

Following: "structure"

Strike: remainder of line 4 through "property" on line 5

The motion carried unanimously. Senator Mazurek stated by sending the bill back, you are saying the law is what the law is. Senator Pineseault moved HB 831 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

FURTHER CONSIDERATION OF HB 155: Senator Towe suggested changing the wording on page 2, lines 12-13, to read "any cock, bird, dog, or living creature except man." Mr. Petesch pointed out that would have the

effect of legitimizing the old bear and bull fights in Montana. Senator Mazurek suggested changing the wording to "or mammel." He then asked Mr. Petesch to work on these amendments. Senator Towe also stated he had some trouble with "participants." He suggested we strike the word "such" on page 3, line 2, and replace it with the word "any." He also suggested changing the wording on page 3, line 3, to read "exhibition in which animals are fighting, for the purpose of" He believes that would limit it to a participant.

TABLING OF HB 353: Senator Mazurek stated he thinks this goes too far. He believes it's burglary to even enter a residence. If you intend to commit any offense (trespass), that makes it aggravated burglary. Senator Towe pointed out weapons or bodily injury must result. There also must be intent to commit an offense. Senator Pinsoneault stated this bill expands the scope of present law. Mr. Petesch pointed out the biggest effect of this would be if the guy takes less than \$300 worth of merchandise and he negligently injures somebody, not only is it burglary, now it is aggravated burglary. Senator Blaylock asked if the bill were needed. Senator Towe replied it's okay. Senator Pinsoneault did not feel it was earthshaking. Senator Towe pointed out the penalty for aggravated burglary is 40 years and a \$50,000 fine, while the penalty for non-aggravated burglary is 10 years and a \$50,000 fine. Senator Blaylock moved HB 353 be TABLED. The motion carried with Senators Brown, Galt, and Pinsoneault voting in opposition.

ACTION ON HB 371: Mr. Petesch stated looking at the accession provision of the Uniform Commercial Code law, the UCC covers accessions, and the question becomes when the security interest attaches. Under the UCC, if the vehicle is sold, that cuts off that security interest. The problem that is unaddressed is where the bank makes a loan to buy the truck, the tires are put on, and the bank repossesses. Senator Mazurek pointed out this bill speaks only to the repossession. Senator Towe stated it is addressed if the bank makes an extension of credit after the tires are mounted, then the bank's interest is supplemental only to the extent new money is lent by the bank. He felt the UCC covers a bona fide purchaser. Senator Shaw moved HB 371 be recommended BE CONCURRED IN. The motion carried unanimously.

ACTION ON HB 286: Senator Towe moved HB 286 be amended as follows:

1. Page 2, line 20.
Following: "utility."
Insert: "Collection under subsection (2) precludes collection
under this subsection."

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2. Page 2, line 25.

Following: "utility."

Insert: "Collection under subsection (1) precludes collection
under this subsection."

The motion carried unanimously. Senator Towe moved the bill be further amended as follows:

Page 3, line 6.

Following: "court"

Strike: "shall"

Insert: "may"

Following: "for"

Insert: "up to"

Senator Mazurek commented the court can only enter the judgment on the finding of liability. If you want to address that, you should put the modifier in the amount of the judgment. Senator Towe replied the point may be the case was brought against somebody who bypasses knowingly or rents a house and the tenant bypasses. Senator Pinsoneault stated he liked Senator Towe's proposal because judges hate to be tied down. The motion carried with Senator Mazurek voting in opposition. Senator Blaylock moved HB 286 be amended as follows:

Page 3, line 8.

Following: "provided"

Insert: "and may award to the utility its costs, including
reasonable attorney fees, incurred in maintaining the action
and the costs, including expert witness fees, of presenting
such expert testimony as is reasonably necessary to prove the
utility's case"

The motion carried with Senator Mazurek voting in opposition. Senator Blaylock moved HB 286 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 801: Senator Towe moved HB 801 be amended as follows:

Page 3, line 16.

Following: "3."

Strike: "Application in 1985."

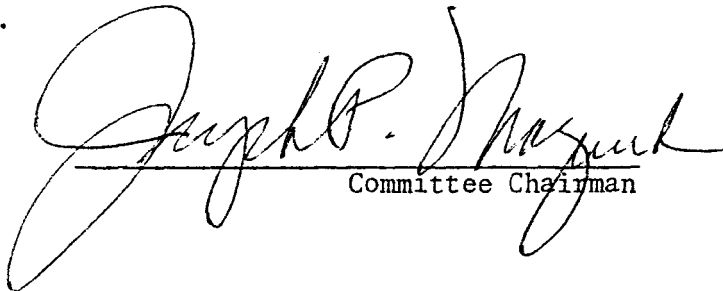
Insert: "Applicability date. This act is applicable to fiscal
years following June 30, 1985."

Mr. Petesch explained this means you use calendar year 1984 experience, but it kicks in in 1986. The motion carried unanimously. Senator Towe

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moved HB 801 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

There being no further business to come before the committee, the meeting was adjourned at 12:38 p.m.


Committee Chairman

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: Lachlan McLean DATE: Mar 15, 85

ADDRESS: 834 Marshall St. Muskegon, MI 49801

PHONE: 54 97473

REPRESENTING WHOM? Senators Human Rights of Mont

APPEARING ON WHICH PROPOSAL: H.B. # 155

DO YOU: SUPPORT? V AMEND? OPPOSE?

COMMENTS: Because more than half the states have
made a real fighting a slavery - states where
it remains even now because are being
convinced in the incidence of this cruel criminal
action - the criminal motion type people following
the fight to no grade, to a state, and that have
resumed in, to say nothing of the excessive
violence, explicit and amiable.

Montana should certainly be one of the
states joining the fast growing list of states to
make a real fight a slavery.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 031585

BILL NO. HB 155

Federated Humane Societies of Montana



TESTAMONY

HB 155

SENATE JUDICIARY COMMITTEE

MARCH 15, 1985

My name is Barbara Dahlgren, President of the Federated Humane Societies of Montana. I have resided in Missoula for 40 years. I have spent 22 years in animal welfare work, on a local, state, and national level. During those years I have witnessed unbelievable cruelty to animals, but never a cock or dog fight.

At the conclusion of our testimony today I'm sure you will know much more about this bloody, savage, so called "sport" than you care to.

WHAT IS DOGFIGHTING?

Dogfighting is a sadistic "contest" in which two dogs, specifically bred and trained to fight to the death, are placed in a "pit" and encouraged to attack and maul each other. This underground "sport" is presented to cheering spectators for their enjoyment and greed.

Dogfighting became an organized activity in this country in the early 1800's with the importation of the Staffordshire Terrier. This breed was originally developed in Britain as a pit dog by cross breeding the English Bulldog with various terriers to give it greater speed, agility, and intelligence. The Staffordshire Terrier is the forerunner of the American Pit Bull Terrier, the preferred breed of the dogfighting underworld today. All pit bulls are not fighting dogs, but the dog was bred purely for its bite and jaw-strength. Weighing between 38 and 40 pounds, an American Pit Bull can down a 150-pound German Shepard, because the Shepard's bite is only half as strong. By comparison, the bite pressure of a German Shepard is approximately 750 lbs. per square inch, while the pit bulls have a crushing force of up to 2,000 lbs. per square inch. Registered American Pit Bull pups frequently cost \$300 to \$500, and stud fees for champions or grand champions can top \$1,000. This may explain why once impounded, pit bulls are the breed most frequently stolen from pounds and animal shelters.

A typical dogfight "convention", consists of several matches. Main events are often preceded by contests between mixed breeds. It takes weeks or months of planning by promoters and participants. It often involves dogs from several states and other countries. Those interested communicate with each other through national magazines and newsletters. One Underground newspaper is called "Your Friend and Mine".

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DATE 03/5/85
BILL NO. HB 155

Most matches are arranged by telephone and interested bettors and spectators may be notified by postcard. Handlers agree to fight their dogs on a specified date, at a weight, for a sum of money. Contracts are drawn up and signed, and contract fees of as much as \$30,000 are put up immediately, in case one of the breeders forfeits.

A typical dogfight is scheduled on a Saturday night in a warehouse, barn, vacant house, basement or a heavily wooded area. Promoters collect the guests from one or more meeting places. Caravans of several cars are led to a checkpoint, at which passengers are usually identified. No one gets any further unless they are recognized or vouched for by a known member of the inner circle of breeders or bettors. The group then proceeds to another checkpoint nearer the pit, where a stationary car waits to ensure that no one is following.

The actual "pit" site may not be decided until shortly before the convention. The "pit" itself is usually a twenty-foot square plywood arena, with a carpeted floor and two-and-a-half foot high sides. The "pit" can always be disassembled and taken elsewhere on short notice. Once inside the make-shift pit, no one can leave until the last match is over.

The promoter greets fanciers and collects the \$10 to \$50 admission fee. Women and children often attend these fights also. There is a one or two hour delay between arrival and the start of the first match, during which time the fanciers dine and socialize.

Prior to the first match the handlers toss a coin in the presence of the referee to determine washing order and corners. They wash and examine each other's dogs. Dogs are washed to ensure that no poisons are put on their bodies, and their teeth are checked to see if the owner has filed them even sharper. The dogs are then returned to their handlers wrapped in towels. Once in the pit, the referee commands "face your dogs," then "release," at which point the dogs rush together and immediately attempt to gain an advantageous hold. The handlers stay within the dog's field of vision and encourage them by voice, claps and whistles. If a dog hesitates or turns its head away, the dogs are parted. Either a handler or the referee can call a "turn." Handlers have 15 seconds to sponge away blood, saliva, and urine. The dog that committed the "turn" is released and must cross the pit and make contact within ten seconds, and the fight resumes. This is called "scratching." The fight continues until one of the dogs cannot or will not "scratch" to its opponent. Frequently a pit bull, carefully bred for aggressiveness, will continue to fight until it passes out or dies. Matches can last as long as two hours. If a handler senses that his dog is about to quit, he will usually pick the dog up, thereby conceding the match. If a dog finally refuses to continue fighting, this is called "curring out." If the dog "currs out" it is often shot or its head bashed in immediately. Handlers have been heard to remark, "There's no use feeding a dog that won't fight."

While fighting, the dogs do not bark or growl. Most of the noise during a match comes from the spectators and handlers, shouting bets and encouragement. Breeders and observers at a fight make as many side bets as they can. Betting is vigorous and the stakes are high. Fifties and hundreds are the common denominators in ring-side betting. The State, of course, realizes no revenue

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1DATE 03/585BILL NO. HB 155

from this betting. Bettors are known by their first names only, and otherwise remain anonymous. At the conclusion of the evening three judges, who were chosen earlier, select the best fighting dogs of the night. They are awarded "Best in Show" and "Gamest" trophies.

WHY IS THIS CRUELTY TO ANIMALS?

Cock and dog fighting is cruelty in it's worst form, since the animals have no option as to whether they will participate, as is the case when human beings box or wrestle. Dogfighting causes acute suffering and pain to the dogs involved. American Pit Bull Terriers have extremely powerful jaw muscles as I've previously explained. They take hold with their front teeth, while they chew away with their rear teeth. This produces severe bruising, as well as deep and straight cuts resembling knife and puncture wounds. While fighting there is no barking or growling, Just relentless biting and chewing, and blood everywhere! The only sounds from the dogs in the pit are the crunching of bones and cartilage. A dog seldom participates in more than two or three matches because in about 49 percent of fights both dogs either die or are mortally wounded. Some enthusiasts claim that in 75 percent of fights at least one dog will die. Even dogs who win their fights often die days or weeks later from their injuries.

Cruelty to animals is also a part of training a pit bull. Training a fighting dog is a full-time endeavor. It is officially called "in keep." According to writer Edward Meadows, a columnist for a South Carolina newsweekly; "Proper training of a bull terrier for dogfighting requires two dozen live kittens a week. Each kitten is tied to a stick and dangled in front of the dog to whet his lust for killing. A good pit bull will quickly tear the kitten's front legs off and then its head. After perhaps eight weeks of kittens...the dog graduates to the killing of puppies and small dogs. Some participants deny such things take place in training a fighting dog, but one participant was heard to say that he thought this was as good a way as any other of getting rid of unwanted pets. Trainers look for these small animals through classified ads that offer puppies or kittens free, or they scout animal shelters which lack strong adoption policies and follow-up procedures. I assure you that all Montana shelters are alert to this possibility, and they deny any questionable adoptions.

A "Cat Mill" may also be used in training the fighting dog. It is a device with one or more rotating spokes radiating outward from a central axis planted in the ground. The dog is harnessed to one spoke and a small animal (dead or alive) is attached to a spoke in front of the dog as a lure.

Fighting dogs are also forced to run for hours on a treadmill to build up muscles, or they may have to swim in a tank for long periods. Prior to a fight, dogs are usually dehydrated to lessen blood loss and reduce their weight. This reduces their chances of recovering from a serious injury.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031585
BILL NO. HB 155

NAME: Judith Fenton DATE: 3/15/85

ADDRESS: Blue Sky Heights #24, Clancy, MT 59634

PHONE: 933-5922

REPRESENTING WHOM? Federated Humane Societies of Mont.

APPEARING ON WHICH PROPOSAL: HB 155

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Montana needs to pass this legislation
to protect itself from any increase in professional
dogfighting activity. Passing this will cause
no added expense to the state at this
time.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 2

DATE 03/15/85

BILL NO. HB 155

Federated Humane Societies of Montana



TESTIMONY ON HB 155
SENATE JUDICIARY COMMITTEE
MARCH 15, 1985

I am Judy Fenton. I live at Blue Sky Heights near Clancy, Montana. I am presently Secretary/Treasurer for the Federated Humane Societies of Montana. This organization represents 8 Humane Societies across the State, plus we work closely with the Montana Animal Control Association. I have been involved with humane work on a local and State level for almost seven years.

CONCERNS OTHER THAN ANIMAL CRUELTY

Dogfighting is a violent, in-humane, brutal activity that breeds violence. Young children are often encouraged to watch and participate which makes them insensitive to animal cruelty and promotes an enthusiasm for violence, which at the same time develops a lack of respect for the law.

Dogfighting is just another excuse for gambling. Other than the enjoyment of watching the animals maim and injure each other, thousands of dollars exchange hands when the handlers and the spectators wager huge sums on their favorite dogs. The large sums of money involved in this activity makes it attractive to organized crime.

Undercover investigators of HSUS and AHA, at great personal risk, have aided law enforcement agencies across the country by infiltrating the dogfighting underworld. They insist that sex, drugs, guns, and even murder are part of the dogfighting lifestyle. Cut-rate prostitutes work the darkened pit rooms. Firearms and other weapons are quite common because of the large sums of money present. The sale and use of illegal drugs is common.

Another concern is the pet animals that are stolen by dogfighters to be used in training their fighting dogs.

WHY SHOULD DOGFIGHTING BE A FELONY OFFENSE?

A small fine is no deterrent to the crime when so much money can be gained. Professional dogfighting is big business. The dogfighters merely calculate the possible misdemeanor fines that they may incur as a cost of doing business.

Because dogfighting involves so many people working to keep their "sport" a secret, an investigation and subsequent raid is a time-consuming thing for law enforcement officials. So much work cannot be justified if the violators will only be guilty of a minor misdemeanor. It is ironic that the most severe penalties doled out to those that have been arrested at dog-fights in the past, have been on gambling, drug, and weapons charges - not for the cruelty to animals. Law enforcement officials across the country have welcomed the up-
grading of the penalty for dogfighting.

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The cruelty involved should be punished by more than a slap on the hand. This cruelty is not a spur of the moment act. It is a pre-meditated act which is a serious offense against civilized society.

As more states make dogfighting a felony offense, the remaining states with low penalties will become havens for the dogfighters. Promoters gravitate to areas when this "sport" is a misdemeanor, since they know it is hardly worth the while of law enforcement folks to arrest them.

SOME STATES ALREADY HAVE FELONY LAWS

Dogfighting was declared illegal throughout most of Europe over a hundred years ago, and in 1976 the U.S. Federal Animal Welfare Act was amended to specifically outlaw dogfighting. In spite of this, the activity has grown to immense proportions, and is especially on the increase in America. Dogfighters move in an underground world more secretive than that of Klansmen or of drug dealers. They are so successful at being secretive that most Americans don't even know the activity still exists. Many of those who do know about it are under the impression that it is dying out. Nothing could be further from the truth. It is on the increase. In addition, amateurs and backyard breeders, who think it is macho, have added to its popularity. Not only is it growing here in the U.S., but also in Japan, Germany, Canada, England, and in parts of South America.

No states had felony provisions for dogfighting in their laws at the beginning of 1975. By 1981, seven states had enacted felony laws. Now the total is 29 states, since Virginia passed this law after the 1st of this year. This law has a good chance of passing soon in South Dakota and Wyoming. Many of these state laws apply to all types of animal fighting, including cockfighting. It is thus clear that the public has become incensed with this kind of animal cruelty and wants to see it eradicated once and for all.

Since 1975, Federal law has prohibited the interstate transportation of animals for fighting purposes and the use of the mail service to promote an animal fighting venture. Enforcement of this law has been practically nil. In 1980 HSUS filed suit against the United States Department of Agriculture and the U.S. Department of Justice in an effort to see this law enforced. I don't think a judgement has been made in this suit yet. Thus it has been left up to local law enforcement and animal welfare groups to try to investigate animal fights and to seek prosecutions.

HSUS investigators have information connecting dogfighters to every state in the U.S. Most of this data is gathered through a National Information Center on Pit Bulls. According to Mr. Philip Steward of the American Humane Association in Denver, dogfighting activity is moving Westward from the East and South. At present, they seem to be concentrating in Utah, because it is still only a misdemeanor, and because Utah is the home of Ralph Greenwood, publisher of a major dogfighters magazine. By passing this legislation, Montana will protect itself against a major increase of this activity. Although we are unable to show you definite proof today that organized dogfighting has actually taken place in Montana, those of us who do humane work have heard rumors of it for years.

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DATE 031585

RII NO HB 155

While attending a large dogshow here two years ago, I got into a conversation with a couple from Billings who were showing a Staffordshire Terrier. The conversation got around to fighting dogs, and the man told me that a fight had taken place here in Helena the night before. He claimed that three pit bulls had been tore up so bad that, after being examined by a vet, they were put-to-sleep. When my husband came over to join me, he mentioned that I work for a Humane Society. Needless to say, the guy clammed up quick. Those of us at the local Humane Society tried to find out if these animals had been treated by any of our vets. We even looked in their garbage dumpsters for the bodies, but we found nothing.

Even though it is illegal and there have been some "busts", on the whole there has been no concerted effort anywhere to clean up this activity. According to Mr. Frantz Dantzler, a HSUS investigator, "The best way to end dogfighting is through good effective state laws that are enforced." All states need to help eradicate this cruel practice, and the best way to do this is to make dogfighting a felony in each state. It has no place in a civilized society. It began with a culture that died out because of decadent behavior. It should end with a culture that respects life.

BEING A SPECTATOR SHOULD ALSO BE A FELONY OFFENSE

Since spectators do not merely "happen" upon one of these fights, but rather have to seek them out, they are willing participants in this criminal act and actually aid and abet such criminal action through their admission fees and the money they wager on the outcome of the fights. Without the money paid in admissions and the money wagered by the spectators, the fights would rarely take place.

THANK YOU

We thank all of you Senators for your sincere consideration of this matter.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 031585
BILL NO. HB 155

FACT SHEET FOR
LC 510 (House Bill 187)

The Department of Health and Environmental Sciences is proposing this bill for two reasons. First, the number and complexity of public water and wastewater systems in Montana has greatly increased in the last several years, as have the problems associated with such systems. In investigating such problems, DHES' expenses for travel, inspection, monitoring, and actual enforcement have been steadily increasing. These expenses are a one-way flow out of the executive branch budget. By recovering some of these costs, the state could reduce the drain of state resources.

Secondly, the Public Water Supply Act currently provides for injunctions and criminal penalties (\$50--\$500/day), but makes no provision for civil penalties. Since the DHES rarely pursues criminal actions and since injunctions do not require the defendant to pay out costs, owners and operators of these public water and wastewater systems (including cities, towns, subdivisions, and trailer courts) usually do not have a substantial financial incentive to come into compliance.

DHES has found that the cost recovery authority in the Water Quality Act (Title 75, Chapter 5, MCA) has provided a valuable incentive for individuals and companies to enter into prompt and effective compliance efforts. Similar authority in the Public Water Supply Act should greatly assist DHES in obtaining prompt and responsive cooperation from the owners of non-complying public water and wastewater systems. The final decision on DHES recovery of costs and expenses is left to the discretion of the court.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 03/5/85
BILL NO. HB 187

TESTIMONY OF DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES
ON HB 187/revised

The reasons for the Department's request that this bill be passed are explained on the fact sheet. Our bill was designed simply to insert into the Safe Drinking Water Act the same cost recovery provision we've had in the Water Quality Act for 15 years. In essence, the bill will reimburse the general fund for part of the Department's expenses in bringing about compliance with the safe drinking water law and will provide an incentive to owners/operators of public water systems to comply with the law.

The House agreed with those purposes and passed the bill and there were no opponents to the bill. But, certain members of the House Judiciary Committee, apparently trying to protect public water system owners from capricious or poorly prepared suits by the Department, revised the bill in executive session to allow the court to award costs not only to the Department but also to the Defendant if the Defendant was the "prevailing party". We at the Department seriously question the need for the House amendment and we also fear that it's going to result in some confusion.

BAD FAITH CASES

First of all, there is no other public health law and we know

SENATE JUDICIARY COMMITTEE
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DATE 031585
BILL NO. HB 187

of no other specific law that subjects a state agency to this kind of jeopardy on costs. There is already a statute that allows a prevailing party to recover costs and reasonable attorneys' fees against the state if he can show that the State action was frivolous or conducted in bad faith (25-10-711). The Department of Health and all other agencies are already subject to that and that's why this amendment is unnecessary and that's why we urge this Committee to pass the bill out as originally introduced.

However, if this Committee somehow still sees a need to grant public water supply owners costs even where the State is acting in good faith, then this House amendment needs to be clarified.

ATTORNEYS' FEES

First, the amendment is ambiguous on the issue of attorneys' fees. It says the prevailing Defendant may get costs of defending the action and that sounds like attorneys' fees which the Department never intended to be included in this bill. If the amendment is to stay, it should be clarified and we recommend that attorneys' fees not be included as recoverable costs.

PREVAILING PARTY

Another problem we see is the language "prevailing party".

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DATE 031585

BILL NO. HB187

Since most of our cases under the Safe Drinking Water Act are for equitable relief in the form of injunction, there may be questions about who is the prevailing party because sometimes, the Court may find a violation of law but may deny the specific relief the Department is requesting and order some other relief, or sometimes third parties are involved, and so on. So, we would recommend that, if the amendment is to stay, then the language should read that the Defendant may recover costs only if the Department fails to establish a violation.

CONCLUSION

The Department strongly urges elimination of the House amendment. However if this Committee determines it is somehow appropriate, then we urge adoption of the following substitute language.

The court may award the department its costs and expenses incurred in investigating and abating the violation or, if the department fails to establish a violation, may award the defendant its costs in defending against the alleged violation. In either case costs do not include attorneys' fees.

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DATE 03/5/85
BILL NO. HB 187

PROPOSED AMENDMENTS TO HOUSE BILL 187 (Third Reading--Blue):

1. Title, line 8.

Following: "~~SCIENCE~~"

Strike: "PREVAILING PARTY"

Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES"

2. Title, line 9.

Following: "ABATE"

Strike: "IN INVESTIGATING AND ABATING"

Insert: "BY IT TO INVESTIGATE AND ABATE"

3. Title, lines 10 and 11.

Following: "ACT" on line 10

Strike: remainder of line 10 through "ACT" on line 11.

4. Page 1, line 25.

Following: "department"

Strike: "PREVAILING PARTY"

Insert: "department"

5. Page 2, line 2.

Following: "violation"

Strike: "OR IN DEFENDING AGAINST AN ALLEGED VIOLATION"

SENATE JUDICIARY COMMITTEE

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DATE 03/15/85

BILL NO. HB 187

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 ^{the} ~~such~~ general terms as "satisfactory," "serious" or "fair," "poor," "critical," "guarded," ~~and~~. 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.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 4

DATE 03/15/85

BILL NO. HB 681

TESTIMONY

From Patrick Sheehy, president
The Montana Society of Hospital Community Relations and Development

FOR INFORMATION CONTACT:

Patrick Sheehy
Manager of Public Relations
Northern Montana Hospital
P.O. Box 1231
Havre, MT 59501

265-2211 Ext. 596

My name is Patrick Sheehy. I am president of the Montana Society of Hospital Community Relations and Development. Our group consists almost entirely of people who have responsibility for our hospitals' relations with the communities they serve.

We represent hospitals in Butte, Helena, Bozeman, Missoula, Havre, Billings, Great Falls, Miles City, Libby, Glasgow, Dillon, Choteau, Wolf Point and Sidney.

The members of our small society are very concerned that a bill similar to House Bill 681 be approved in this legislative session. We are primarily concerned with section "i."

Under existing law, it is very difficult for members of my group to release even the most basic information on patients admitted to our hospitals following car accidents and other cases where law enforcement or fire officials are involved.

Journalists receive a report that an incident took place, say a car accident. They know an injured person or persons has been taken to the hospital. Therefore they have a question they logically must answer in order to complete their job of reporting what happened. They need to know the patient's condition.

That detail of information is a minute portion of the finished story but it answers a legitimate question the public will have if they read the report of the accident. What condition is the patient in. The journalist must get that detail of information for some official source. If we, as the hospital's representatives, refuse to give them that information, they will rely on other sources that are less accurate such as the ambulance service.

In a free society, we have the difficult task of striking a balance between the public's right to know and an individual's right to privacy. I have worked as a ~~reporter~~. And for the past two years, I have worked in

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 03/5/85

BILL NO. HB 681

hospital public relations. I know that people in my present profession are sensitive to the public's need for information. But we place a much higher priority on the patient's right to privacy. Still, we feel the public's interest and the interest of the patient will best be served by passage of this bill.

Hospital public relations practitioners are a tightly disciplined group. Virtually all of us report to the chief executive officer. We are trained to carefully comply with hospital policy.

I am impressed with the intensity with which hospitals protect information about patients. The entire medical records profession is dedicated to maintaining this privacy. There should be no question that hospitals would ever release information about a patient that the public should not have. And, in fact 50-16-311 as amended in HB681 is very specific. Hospitals are closely restricted by law as to what they can release.

This bill permits us to make three statements about a patient's condition: "Satisfactory", "Serious", or "Critical." This is more conservative in what it permits than any of the states contiguous to Montana based on a survey conducted by our group.

Over the past two years, the members of our group have been working closely together to develop language for a bill that would permit release of a basic condition report on patients coming into our hospitals in public record cases.

We've drafted proposals. All of our members have examined them and they have referred them to their administrators who have examined them. I am proud of the fact that we have engaged in a very democratic process. The members of our group have participated every step of the way.

This bill as approved by the House is not worded precisely as we would like but it gives us essentially what we need. Copies of this bill have been distributed to the members of the group and the comments I have received back are that this bill represents progress over what we have now.

We hope you will recommend passage of this measure to the Montana Senate.

Thank you.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 5

DATE 031585

BILL NO. HB 681

STANDING COMMITTEE REPORT

March 15

19. 85

MR. PRESIDENT

JUDICIARY

We, your committee on

HOUSE BILL

having had under consideration

No. 236

third reading copy (blue)
color

(Senator Crippen)

PROVIDING CIVIL PENALTY FOR BYPASSING OR TAMPERING WITH UTILITY METER

HOUSE BILL

Respectfully report as follows: That

No. 236

be amended as follows:

1. Page 2, line 20.

Following: "utility."

Insert: "Collection under subsection (2) precludes collection under this subsection."

2. Page 2, line 25.

Following: "utility."

Insert: "Collection under subsection (1) precludes collection under this subsection."

3. Page 3, line 6.

Following: "court"

Strike: "shall"

Insert: "may"

Following: "for"

Insert: "up to"

4. Page 3, line 8.

Following: "provided"

Insert: "and may award to the utility its costs, including reasonable attorney fees, incurred in maintaining the action and the costs, including expert witness fees, of presenting such expert testimony as is reasonably necessary to prove the utility's case"

AND AS AMENDED

BE CONCURRED IN

~~SENATOR~~

~~HOUSE~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 15 19 65

MR. PRESIDENT

We, your committee on JUDICIARY
having had under consideration HOUSE BILL No. 371
third reading copy (blue)
color
(Senator Farrell)

REPEAL 61-3-104, MCA - SECURITY INTEREST ON MOTOR VEHICLE PARTS

Respectfully report as follows: That HOUSE BILL No. 371

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 15

19.85

MR. PRESIDENT

We, your committee on..... JUDICIARY

having had under consideration..... HOUSE BILL No. 706

third reading copy (blue)
color

(Senator Pinsonneault)

CLARIFY THE ARSON LAW

Respectfully report as follows: That..... HOUSE BILL No. 706

be amended as follows:

Page 2, line 4.

Following: "structure"

Strike: remainder of line 4 through "property" on line 5

AND AS AMENDED

BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 15

19. 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 301

third reading copy (blue)
color

(Senator Kolstad)

ALLOCATING YOUTH COURT COSTS AMONG THE COUNTIES BASED ON COST EXPERIENCE

Respectfully report as follows: That HOUSE BILL No. 301

be amended as follows:

Page 3, line 16.

Following: "3."

Strike: "Application in 1985."

Insert: "Applicability date. This act is applicable to fiscal years following June 30, 1985."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 15 19 85

MR. PRESIDENT

JUDICIARY

We, your committee on

HOUSE BILL

having had under consideration No. 831

third reading copy (blue)
color

(Senator Mazurek)

REDEFINES THE OFFENSE OF INTIMIDATION TO CONFORM WITH MURTZ V. RISLEY

HOUSE BILL

Respectfully report as follows: That No. 831

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Senator Joe Mazurek

Chairman.