

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 13, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 13, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Mercer who was excused and Rep. Brown who was absent.

HOUSE BILL NO. 564, Rep. Williams, District No. 85, stated that this act revises the law concerning city courts, allowing a city court to extend jurisdiction to the boundary of the county in which it is with justices' courts, providing for procedures in city courts. He stated that this piece of legislation coordinates the justice and city courts. Qualifications of a city judge are established the same as a justice of the peace. He pointed out that towns and cities that are unable to support a city court will be able to enter into an intergovernmental agreement establishing a city court judicial district with the county. All actions in city courts will be governed by the rules of civil procedure. This bill also provides for temporary judges in the absence of qualifications of city judges, or in the event of illness.

PROPONENTS:

LARRY HERMAN, Laurel, City Judge and a member of the Commission on Courts of limited Jurisdiction and a practicing attorney, submitted written testimony as (Exhibit A). He stated that this bill will correct a number of problems in the city courts. He further stated that HB 564 addresses the problems of the city courts directly and will coordinate all procedures to the justice courts. It will also coordinate the mandated education and certification program required for judges of all courts of limited jurisdiction. He strongly recommended consideration.

JIM HAYNES, Montana Magistrates Association, stated that this bill attempts to clean up matters and to address the Attorney General's opinion that says the justice of the peace can no longer work their cities and towns. He urged support for this legislation.

WALLACE E. JONES, City of Three Forks, urges passage of HB 564, allowing the substitution of city judges one for the other. He submitted written testimony. (Exhibit B).

KENNETH SNIVELY, Justice of the Peace, Hardin, stated that passage of this specific bill will help solve some of the problems that have existed in the past. He submitted written testimony. (Exhibit C).

GERALD D. MORGAN, City Judge, Manhattan, urged support for HB 654 and submitted written testimony. (Exhibit D).

PATRICIA BRADLEY, Justice of the Peace, Roosevelt County, stated that the current conundrum is broke and needs to be fixed. He sent in written testimony. (Exhibit E).

LORRAINE C. BIGGS, Justice of the Peace, Anaconda, urged a vote for HB 564 in its entirety. Written testimony was sent in. (Exhibit F).

PATRICIA BRADLEY, Justice of the Peace, Roosevelt County, stated that this bill will provide for mutual satisfaction on the part of the county and the town, and work within the framework of the Constitution and the law. She submitted written testimony. (Exhibit G).

JAMES E. BALDWIN, Mayor, Culbertson, stated that the present arbitrary ruling of residency will cause duplication of services and costs to our community. He submitted written testimony. (Exhibit H).

O. W. BRANSON, Belgrade City judge, urged support for HB 564 and submitted written testimony. (Exhibit I).

J. S. POLK, City Magistrate, Plentywood, stated that this bill addresses the rescheduling of city judges elections to correspond with justice of the peace election years. He submitted written testimony. (Exhibit J).

There were no further proponents, no opponents and no questions.

Rep. Williams closed the hearing on HB 564 by stating that this is an important piece of legislation and the proposed amendment would be welcome.

HOUSE BILL NO. 501, Rep. Cody, District No. 20, stated that this bill provides for an interpleader in small claims court procedure. She pointed out that if the broker has a question about who should receive the earnest money deposit up to \$1500.00 this legislation would allow the broker to ask the small claims court to make that decision.

PROPOSERS:

JOHN DODES, Chairman of the Board of Realty Regulations, Kalispell, stated that the Board feels this is a very necessary bill in order to clean up the earnest money disputes.

ROBERT HELDING, Montana Association of Realtors, urged support for this legislation because it makes good sense, especially, because it allows the money to be put in the hands of the court so that it can be handled in the proper manner.

JIM HAYNES, Magistrate Association, stated that the clerks should not have to draft these papers as stated on page 4, lines 1, 2, 3, and 6. He requested that this be amended. He further stated that there are no clerks in justice court, so he requested that any reference to clerks should be made clear.

There were no further proponents and no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 501:

Rep. Hannah asked Rep. Cody why these cannot be put in the escrow account of the district court. She stated that it does not work well in most areas and this legislation only addresses \$1500.00.

Rep. Cody closed the hearing on HB 501 by stating that she does not find any problem with the proposed amendment.

HOUSE BILL NO. 482, Rep. Schye, District No. 18, stated that this act provides that a justice court may be designated as a city court, providing for funding of such a city court, providing for agreement by the justice court of such designation. This will allow the justice of the peace from small areas to go out into the communities and be the city judge.

PROPOSERS:

ALEX HANSON, Montana League of Cities and Towns, stated that the League supports HB 482, 564 and 491 because many small towns currently do not have judges and this is a very good system being proposed.

There were no further proponents.

OPPOSERS:

LARRY HERMAN, City Judge of Laurel, stated that he is not opposed to the purpose and intent of HB 482 because it is most important that a means be found to allow a justice of the peace who is not a city or town resident to serve as a

city judge. He stated that his concern is that it will not meet Article VIII, Section 9 (4) of the Montana Constitution, which states in part "every other judge shall reside during his term of office in the district, county, township, precinct, city or town in which he is elected or appointed." He submitted written testimony. (Exhibit A).

There were no further opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 482:

Rep. Miles asked Rep. Schye if both bills were needed and he stated that HB 482 was a much simpler bill.

Rep. Schye closed the hearing on HB 482.

HOUSE BILL NO. 558, Rep. Gould, District No. 61, stated that this bill is a very important piece of legislation. It revises and clarifies the test for responsibility for criminal conduct engaged in while intoxicated.

PROPOSERS:

MARC RACICOT, Attorney General's Office, stated that this bill is a useful vehicle in prohibiting situations where immunity is granted to people in serious criminal cases where they have in essence a revolver in one hand and a bottle of wine in the other.

ROBERT DESCHAMPS, County Attorney for Missoula County, and speaking on behalf of the Montana County Attorneys Association, stated that his bill is the most significant criminal justice bill that will be confronted in this session. He pointed out that this bill is already law in many states. He further explained that 80% of all crimes are committed while somebody is intoxicated. He strongly urged support.

MICHAEL KEEDY, Kalispell, District Judge, stated that people should be accountable for their actions because many offenders use their drunkenness to fortify themselves and they try to use their drunken condition as an excuse. He proposed an amendment to HB 482. (Exhibit A).

See Visitors' Register for further proponents.

There were no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 558:

Rep. Addy asked Mr. Deschamps about voluntary and involuntary line which does not appear in the bill or proposed amendments. Mr. Deschamps stated that the

involuntary produced language has been stricken and a person involuntarily intoxicated should not be included as a defense.

Mr. Racicot stated that the proposed amendment does speak to this issue.

Rep. Gould also stated that the proposed amendment will cover this problem.

Rep. Eudaily asked Mr. Racicot if there is a definition of intoxication. He stated that he believes intoxicated substance is defined in the criminal code.

Rep. Gould closed the hearing on HB 558 by stating that drunkenness as a defense must be stopped. He urged support for this legislation.

HOUSE BILL NO. 598, Rep. Rapp-Svrcek, District No. 51, stated that when Montana adopted the new criminal code in 1973, the writer wanted to make it clear that proving resistance was not required in a rape case. This bill provides that resistance by the victim is not required to show that an act that is an element of a sexual offense was without consent of the victim. He further stated that for the record the Woman's Law Caucus, from the University of Montana helped him work on the bill.

PROPOSERS:

SANDY CHANEY, Women's Lobbyist Fund, stated that she strongly supports HB 598 because it provides legal recourse for people who live under constant intimidation and constant fear. She submitted written testimony. (Exhibit A).

MARK J. MURPHY, Assistant Attorney General, representing the County Attorney's Association, stated that the Association supports this legislation.

See Visitors' Register for further proponents.

There were no opponents and no questions.

Rep. Rapp-Svrcek closed the hearing on HB 598.

HOUSE BILL NO. 460, Rep. Keenan, District No. 66, stated that this bill is very basic. It raises the fee in divorce proceedings. Page 5 states that the fee is raised from \$30.00 to \$55.00 with \$50.00 being deposited in the state general fund and \$5.00 to be deposited in the children's trust fund. She stated that the purpose in this raise is to fund displaced homemakers in the state.

PROPONENTS:

LYNN ROBSON, Displaced Homemakers Center, Bozeman, submitted written testimony. (Exhibit A). She stated that presently the Center is serving only the lowest income women in the state and they are an employment project. She urged support for this legislation.

DONNA K. PORTER, Program Director at the Training Institute for Displaced Homemakers, requested that this program continue to be funded because if it is not funded the women will have to go on public assistance. She urges support.

BUNNY ALBERS, Director of the Displaced Homemakers in Great Falls called Women in Transition, stated that money spent helping displaced homemakers to go to work is money invested in the future of Montana. She urged support for this legislation.

CONNIE MOUGEOT, State Displaced Homemakers, stated that she personally is a success story due to the help she received from this program and she strongly urged support.

EVELYN DENIN, Bozeman, acknowledged that she is a client of the displaced homemakers program and urged support for this legislation.

ANGELA AUSTIN, stated that this program is a lifeline for women and children.

DARLA TUCKER, Bozeman went on record in support of this bill.

CINDEY STERGUR, Director of Butte Displace Homemakers, stated that they do not operate in isolation but with other agencies in the community. She strongly urged support.

SANDY CHANEY, Women's Lobbyist Fund, pointed out that the Displaced Homemaker Program is one that needs and deserves our continued support. The WLF urged a do pass on this bill. She submitted written testimony. (Exhibit B).

JIM WHELEN, Human Potential Development Specialist, stated that they support continued funding.

See Visitors' Register for further proponents.

There were no opponents.

Rep. Eudaily asked Rep. Keenan if all of the additional money created through this bill is available for matched money. She stated, "yes".

Rep. Keenan closed the hearing on HB 460 by stating that the next bill to be addressed by Rep. Winslow has been discussed by the two of them and they recommend that both bills be put together.

HOUSE BILL NO. 448, Rep. Winslow, District No. 89, stated that this act increases the filing fee for a petition for dissolution of marriage to \$38.00 to provide for disposition to the state general fund. He pointed out that a decision that may have to be made is one which allows the petition to go beyond \$50.00. He proposed amendments to the bill requesting that the filing of a petition cost \$50.00 with \$25.00 going to the Big Brothers and Sisters Program.

LINDA LEFAVOUR, Missoula, State Director of the Big Brothers and Sisters and the Chairman of the State Federation of Big Brothers and Sisters of Montana, stated that we are a cost effective, prevention program where "so little money serves so many". She submitted written testimony. (Exhibit A).

FRED VAN VALKENBURG, Senator, stated that he strongly urges support and further urged that funds be earmarked. He pointed out that divorce has a tremendous cost to society and we need to attempt to recover some of that cost in the initial process when the couples are going through the difficult time.

REP. JACK SANDS, Billings, urged support for this bill. He stated that the Big Brothers and Sisters Program makes a difference.

MIKE HALLIGAN, Senator, pointed out that the one on one focus of this program is so important and he suggested that a balance be made between both programs so both can benefit and he requested a serious consideration.

ARTHUR THOMPSON, Attorney, Billings, stated that the Big Brothers and Sisters Program changes lives, and is an organization that is cost effective and is a preventive method which has a 99% show of dramatic improvement for its members. He strongly urged support for this bill.

MARK KESTER, Missoula, a little brother in the program, stated that the program is well worth being a part of. He urged support for this legislation.

JASON WOOD, Helena little brother, submitted written testimony, (Exhibit B), stating that without the funds there would be no program and he urged support.

TERESA GRAHAM, Helena, stated that the dollars being spent on prevention saves money that would have to be spent later

on intensive therapy or corrections. She urged support and submitted written testimony. (Exhibit C).

DEANNA ANDERSON, Butte, Board Member of the Big Brothers and Sisters Program, stated that this program builds self-esteem and she urged support for this bill and interest toward becoming a volunteer.

JOANNE SHERWOOD, Helena, stated that she favors the divorce fee increase. She pointed out that the program works at the root of the problem with juvenile delinquency and she urged that a portion of the divorce fee be earmarked. She submitted written testimony. (Exhibit D).

STANLEY ROSENBERG, Bozeman, went on record in support of this legislation.

DAVE FULLER pointed out that 78% of the program's money is privately raised and he urged support for this bill.

There were no opponents to this bill.

Rep. Winslow closed the hearing on HB 448 by stating that if fees for divorces were increased, maybe there would not be an increase in divorces.

HOUSE BILL NO. 491, Rep. Spaeth, District No. 84, stated that this act submits to the qualified electors of Montana an amendment to article VII, Section 9, of the Montana Constitution to provide that the Legislature may establish specific residency requirements for judges other than Supreme Court justices, District Court judges and justices of the peace. He stated that small towns are facing a problem and HB 491 is broad based and will cover the problems.

JIM HAYNES, Montana Magistrate Association, stated that he agrees with this bill as a direct way of solving the problem and he urged support.

ALEC HANSEN, Montana League of Cities and Towns, urged support for this legislation.

REP. SCHYE, went on record in support of HB 491.

LARRY HERMAN, Laurel, City Judge and a member of the Commission on Courts of limited Jurisdiction and a practicing attorney, stated that HB 564 has a better chance of passage but he does support this bill.

Rep. Speath closed the hearing on HB 491.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 12:53 p.m.



EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 13, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)			✓
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)		✓	
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

February 13,

19 37

JUDICIARY

Mr. Speaker: We, the committee on

HOUSE BILL NO. 442

report

xx

☐ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

xx

☐ as amended
☐ statement of intent attached

Chairman

1. Title, line 9.

Strike: "AND AM" through "DATE" on line 10

2. Page 2, line 4.

Following: "(2)"

Insert: "(a)"

3. Page 2, lines 7, 8, 9, and 11.

Renumber: (a), (b), (c), and (d) as (i), (ii), (iii), and (iv)

4. Page 2, line 11.

Strike: "a tort" through remainder of lines 11 and 12

Insert: "tortious violation of any express or implied covenant included within or arising out of a contract.

(b) Subsection (2) (a) does not prohibit recovery of punitive damages in a products liability action or an action arising under 33-18-201."

5. Page 2, line 23.

Following: "hs"

Insert: ":

Following: line 23

Insert: "(a)" at the beginning of line 24

Following: "plaintiff" on line 24

Insert: ", or"

Strike: "11."

6. Page 2.

Following: line 24

Insert: "(b) has knowledge of facts or intentionally disregards facts that create a high probability of injury to the plaintiff and:

(i) deliberately proceeds to act in conscious or intentional disregard of the high probability of injury to the plaintiff, or

(ii) deliberately proceeds to act with indifference to the high probability of injury to the plaintiff.

(3) For purposes of subsection (2) (a), a person acts

MS

FIRST

WHITE

reading copy ()

color

PAGE TWO

FEBRUARY 13, 1937

HOUSE BILL NO. 442

JUDICIARY COMMITTEE

knowingly if he is aware that it is highly probable that injury will be caused by his conduct."

Remember: subsequent subsections

7. Page 5.

Following: line 23

Insert: "increase or"

8. Page 6, line 23.

Strike: "(1)" through "to" on line 2 of page 7

Insert: "This act applies to claims arising and"

9. Page 7, line 3.

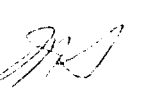
Following: "act"

Insert: ", except that subsections (7), (8), and (9) of 27-1-221 apply to trials that begin after the effective date of this act whether or not the claim arose after the effective date of this act"

10. Page 7, lines 4 and 5.

Strike: new section 7 in its entirety

ARB442b/JM/SMS



STANDING COMMITTEE REPORT

FEBRUARY 13, 19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 442 241

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, line 8.

Following: "CLAUSE"

Insert: "AND AN EFFECTIVE DATE"

2. Page 2, line 10.

Following: "Discharge"

Insert: "includes a constructive discharge as defined in subsection (1) and"

3. Page 2, lines 14 and 15.

Strike: "not" on line 14 through "discharge" on line 15

4. Page 2, line 24.

Following: line 24

Insert: "(5) 'Fringe benefits' means the value of any employer-paid vacation leave, sick leave, medical insurance plan, disability insurance plan, life insurance plan, and pension benefit plan in force on the date of the termination."

Renumber: subsequent subsections

5. Page 2, line 25.

Following: "means"

Strike: "a legitimate business reason"

Insert: "reasonable, job-related grounds for dismissal based on a failure to satisfactorily perform job duties or disruption of the employer's operation"

6. Page 3, line 10.

Following: "wrongful"

Insert: "only"

7. Page 3, line 13.

Following: "policy;"

Strike: "or"

FIRST

WHITE

reading copy ()
color

8. Page 3, line 15.
Following: "for"
Strike: "5"
Insert: "3"

9. Page 3, line 17.
Following: "cause"
Strike: "."
Insert: "; or

(3) the employer violated the express provisions of
its own written personnel policy."

10. Page 3, line 19.
Following: "wages"
Insert: "and fringe benefits"

11. Page 3, line 20.
Strike: "2"
Insert: "3"

12. Page 3, line 21.
Following: "discharge"
Insert: ", together with interest thereon"
Strike: "unemployment" through "and" on line 22

13. Page 3, lines 22 and 23.
Strike: "earnable" through "employee" on line 23
Insert: on line 22 "the employee could have earned with
reasonable diligence"

14. Page 4, line 3.
Strike: "not"
Insert: ", except as"

15. Page 4, line 8.
Following: "maintains"
Insert: "written"

16. Page 4, line 11.
Following: "employer,"
Strike: the remainder of subsection (2)
Insert: "the employee shall first exhaust those procedures prior
to filing an action under [sections 1 through 9]. The
employee's failure to initiate or exhaust available internal
procedures is a defense to an action brought under [sections
1 through 9]. If the employer's internal procedures are not
completed within 90 days from the date the employee
initiates the internal procedures the employee may file an

action under [sections 1 through 9], and for purposes of this subsection the employer's internal procedures are considered exhausted. The limitation period in subsection (1) is tolled until the procedures are exhausted. In no case may the provisions of the employer's internal procedures extend the limitation period in subsection (1) more than 120 days."

17. Page 4, line 23.

Following: "handicap,"

Insert: "creed, religion, political belief, color, marital status,"

18. Page 5, lines 6 through 10.

Strike: line 6 through "are" on line 10

Insert: "(1) Except as provided in [sections 1 through 9], no claim for wrongful discharge may arise from tort or express or implied contract, nor may it be"

Renumber: subsections (1) through (4) on lines 11 through 16 of page 5 as (a) through (d)

19. Page 5, lines 18 and 19.

Strike: lines 18 and 19 in their entirety

Renumber: subsections (7) and (8) on lines 20 and 21 as (e) and (f).

20. Page 5, line 21.

Following: "misrepresentation;"

Insert: "or"

21. Page 5, line 22.

Strike: line 22 in its entirety

Renumber: subsection (10) on line 23 as (g)

22. Page 5.

Following: line 23

Insert: "(2) This section does not preempt independent causes of action or independent claims, other than for wrongful discharge, under subsections (1)(a) through (1)(g) simply because they arise in the employment setting."

23. Page 7, lines 17 through 19.

Strike: "and" on line 17 through "filed" on line 19

24. Page 7.

Following: line 19

Insert: "Section 13. Effective date. This act is effective July 1, 1987."

7036c/L:JEA/WP:jj

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2-12-87 BILL NO. 442 TIME 10:48

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO		✓	
BUDD GOULD		✓	
AL MEYERS		✓	
JOHN COBB		✓	
ED GRADY		✓	
PAUL RAPP-SVRCEK			✓
VERNON KELLER		✓	
RALPH EUDAILY		✓	
TOM BULGER		✓	
JOAN MILES			✓
FRITZ DAILY		✓	
TOM HANNAH		✓	
BILL STRIZICH			✓
PAULA DARKO			✓
KELLY ADDY			✓
DAVE BROWN			
EARL LORY		✓	

TALLY

12 5

Gregory Hall
Secretary

Earl Lory
Chairman

MOTION: DO PASS AS AMENDED

STANDING COMMITTEE REPORT

FEBRUARY 13, 19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 262

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

JMS
FIRST

reading copy (WHITE)
color

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 3-12-87 BILL NO. 262 TIME 11:19

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO		✓	
BUDD GOULD			✓
AL MEYERS			✓
JOHN COBB		✓	
ED GRADY			✓
PAUL RAPP-SVRCEK			✓
VERNON KELLER			✓
RALPH EUDAILY		✓	
TOM BULGER		✓	
JOAN MILES		✓	
FRITZ DAILY		✓	
TOM HANNAH			✓
BILL STRIZICH		✓	
PAULA DARKO		✓	
KELLY ADDY			✓
DAVE BROWN			✓
EARL LORY		✓	

TALLY

10 8

James D. Hall
Secretary

Earl Lory
Chairman

MOTION: PASS

TESTIMONY H.B. 564

My name is Larry Herman, I am the City Judge of Laurel, a member of the Commission on Courts of Limited Jurisdiction and a practicing attorney.

H.B. 564 will correct a number of problems in the City Courts.

First, the city judge will be required to establish regular sessions of the city court. This is important to the public's access to the city court.

Second, in third class cities or towns the justice court may be deligated to serve a third class city or town as its city court. This is accomplished without increasing the exclusive jurisdiction of the city court. Third class cities and towns unable to maintain a city court and city judge could designate the justice court, not a specific justice of the peace, to act as its city court and enter into an agreement with the county for proportionate payment of the salary, schooling and benefits of the justice of the peace. As the city judge is an officer of the city under 7-4-4102 and 7-4-4103 in third class cities and towns, H.B. 564 addresses the delegation of a justice court to serve as city court.

H.B. 564 coordinates the offices of city judge and justice of the peace. A justice of the peace of a justice court delegated to serve as city judge would hold the offices for four years, his term of office. The city or town would not be able to terminate the designation during the term of a justice of the peace. H.B. 564 corrects the constitutional infirmity raised by the Supreme Court in State exrel Morales v City commission, 174 Mont 237, i.e. termination at will in violation of separation of power. However, the delegation could be terminated by the city or town at the end of a term.

EXHIBIT H

DATE 2-13-87
564

The constitutional infirmity raised by Article VII, Section 9 (4), is corrected in creating a new residency boundary. The intergovernmental agreement would establish a city court district with the county. It eliminates the city or town residency requirement by creating a city court residency boundary coextensive with the county. The justice of the peace serving as city judge would need only reside within the city court district established, i.e., the county. As such the city court district meets the constitutional mandate that the judge must reside in "the district, county, township, precinct, city or town in which he is elected or appointed."

Under Article XI, Section 7, of the Montana Constitution intergovernmental cooperation between government units is permitted to share the services of any officer. H.B. 564 allows the sharing of the justice court by a third class city or town.

The creation of the city court district does not expand the exclusive jurisdiction of a third class city or town. The exclusive jurisdiction remains as defined under 3-11-103. Nor does the district expand the police powers of a city or town beyond that set forth under 7-32-4301 and 7-32-4302. A warrant for a city offense could only be issued in the name of the city and served within the city.

H.B. 564 provides for temporary judges in city courts. Any city judge or justice of the peace could be called in for temporary service. This is important in that judges of courts of limited jurisdiction must be certified by the Supreme Court Commission of Courts of Limited Jurisdiction.

City courts and justice courts have traditionally had the same concurrent jurisdiction within the county. Under the 1889 Constitution the police court (now city court) was declared to be ex official justices of the peace.

In opinion No. 95 (Vol. 41) the Attorney General observed that the "city court has concurrent jurisdiction with the

A
2-13-87
564

justice court of all misdemeanors committed within the county and punishable by a fine not exceeding \$500.00, imprisonment not exceeding six months, or both such fine and imprisonment. . . . All misdemeanors punishable in that manner would include most misdemeanors charged under state law."

During the last legislature it was believed by many that all courts of limited jurisdiction were given jurisdiction over third and subsequent DUI's. The city court was inadvertently omitted. H.B. 564 corrects the error and will allow city court to assume jurisdiction over third and subsequent DUI's charged under state law, and permit the issuance of an arrest warrant that can be executed in any county of the state.

There is some confusion over whether or not the city court has jurisdiction over third and subsequent DUI's in a city which has adopted 61-8-714, including the penalties, as its city ordinance. H.B. 564 will end the confusion. If the city court has jurisdiction under a city ordinance the warrant issued cannot be served outside the city limits. If, however, the city court has jurisdiction under state law, as with first and second violation, the warrant can be issued in the name of the state and served in any county of the state.

H.B. 564 addresses the problems of the city courts directly and will coordinate all procedures to the justice courts. It will also coordinate the mandated education and certification program required for judges of all courts of limited jurisdiction.

I urge your strong consideration of H.B. 564

EXHIBIT B
DATE 2-13-87
564

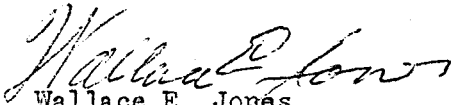
February 9, 1987

Chairman and Members of the Judicial
Committee of the House
State Capital
Helena, Montana 59620

Dear Sirs:

As the City Judge from Three Forks, Montana I urge passage of HB - 564 allowing the substitution of City Judges one for the other. This would result in a savings for the city in mileage expenses when it is necessary to request another judge to come in and hear matters in which I have disqualified myself or have been disqualified.

Sincerely,


Wallace E. Jones
City Judge
City of Three Forks, MT

BIG HORN COUNTY

HARDIN, MONTANA 59034

February 9, 1987

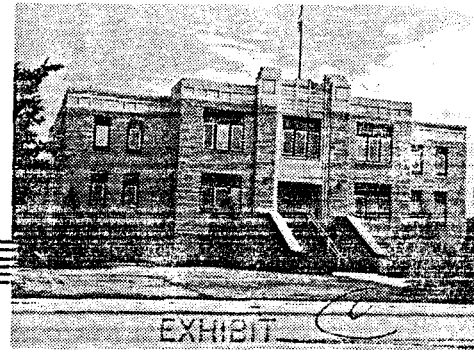


EXHIBIT 6

DATE 2-13-87

HB # 564

Kenneth Snively
Justice of the Peace
Drawer H
Hardin, Montana 59034

Chairperson, House Judiciary Committee
Helena, Montana

RE: House Bill 564

Dear Chairperson:

I am sending this letter asking you to consider supporting House Bill 564. I feel the passage of this specific bill will help solve some of the problems that have existed in the past.

Thank you for your support in this matter.

Sincerely,

Kenneth Snively
Justice of the Peace

KS/mf

February 6, 1987

EXHIBIT D
DATE 2-13-87
HB # 564

Chairman and Members
House Judicial Committee
Helena, Montana 59620
Gentlemen:

I would certainly urge you to vote for House Bill 564 that is coming up for a vote February 12, 1987.

I feel this bill would accomplish 2 purposes:

- 1) It would certainly save the cities money. We now have bring in a J.P. from West Yellowstone and pay mileage, etc., rather than get a local city judge from a closer area.
- 2) When a city judge has to disqualify himself in a case, we then must choose a local citizen living within the city limits. In many cases this is fine, but in some cases, the lack of experience of the local citizen in running a jury trial could be detrimental to the judicial process.

Thanking you for your consideration in this matter, I remain,

Sincerely yours,

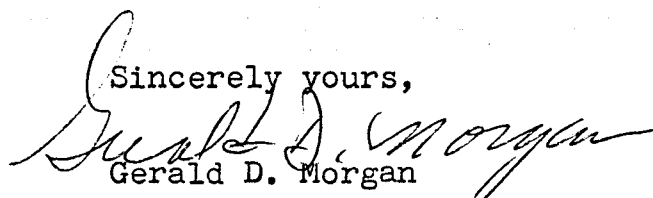

Gerald D. Morgan
City Judge, Manhattan

EXHIBIT K
DATE 2-13-87
HB # 564

JUSTICE COURT FOR THE COUNTY OF ROOSEVELT

STATE OF MONTANA

PATRICIA BRADLEY, JUSTICE OF THE PEACE

BOX 392
CULBERTSON, MT 59218

February 5, 1987

PHONE 787-6607

TO; Honorable Members of the House Judiciary Committee
Capitol, Helena, Mt.

RE: HB 564, an act to allow cities and towns to designate
a City Court Judge

I urge you to consider and adopt HB 564. Towns are
statutorily allowed to appoint or designate a Justice of the
Peace to act also as Town Judge, but the Montana Constitution,
the Attorney General says, precludes this very workable and
cost-saving and convenient arrangement.

This bill, as I understand it, would provide for mutual
satisfaction on the part of the county and the town, and work
within the framework of the Constitution and the Law.

This current conundrum is broke and needs to be fixed--
please do pass.

Thank you.



Patricia Bradley, Justice of the Peace
for Roosevelt County, and
Town Judge for Froid, and
Temporary Acting Judge for Culbertson

JUSTICE COURT

LORRAINE C. BIGGS
JUSTICE OF THE PEACE

EXHIBIT F
DATE 2-13-87
HB # 564

TELEPHONE 563-8421
EXT. 236-237

ANACONDA-DEER LODGE COUNTY
ANACONDA, MONTANA 59711

TO: Judiciary Committee - House of Representatives
FROM: Justice Lorraine C. Biggs
SUBJECT: House Bill 564

Will you please take note of HB-564 and vote for it in its entirety? The Bill concerns City and Justice Courts and it is of the utmost importance to all judges.

Thanks for your cooperation.

Dated this 9th day of February, 1987

Lorraine C. Biggs
Justice of the Peace

cc: Hon. Larry Herman, City Judge, Laurel

TOWN OF CULBERTSON

CULBERTSON, MONTANA

EXHIBIT H

DATE 2-13-87

HB # 564

Office Of The Mayor

February 6, 1987

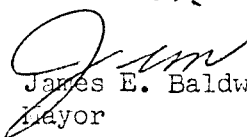
Judge Larry Herman
P.O. Box 217
Laurel, Montana 59044

Dear Judge Herman,

Our Town wishes to go on record in support of H.B. 564, which I understand will straighten out the residency requirements for Town Judges who are J.P. s.

The present arbitrary ruling of residency will cause duplication of services and costs to our community.

Sincerely,


James E. Baldwin
Mayor

CITY OF BELGRADE

STATE OF MONTANA

EXHIBIT 7
DATE 2-13-87
RE #564

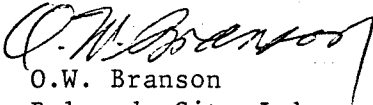
TO: Larry Herman
FROM: O.W. Branson
RE: House Bill #564

TO: The House Judicial Committee Chariman and Members:

As the City Judge of Belgrade, I respectfully urge you to pass House Bill #564.

This bill would greatly benefit all of the City Judges in the State of Montana.

Sincerely,


O.W. Branson
Belgrade City Judge

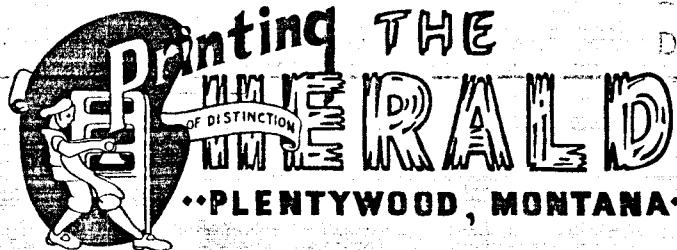


EXHIBIT J
DATE 2-13-87
564

6 February 1987

Chairman
House Judiciary Committee
Helena, Mt. 59601

Dear Sir:

I would like to urge your support of the City Jurisdiction House Bill which was introduced early this month.

Also addressed is the rescheduling of city judge elections to correspond with Justice of the Peace election years.

Thank you.

Sincerely yours,

J. S. POLK
City Magistrate
Plentywood, Mt 59254

TESTIMONY HB 482

My name is Larry Herman, I am the City Judge of Laurel, a member of the Commission of Courts of Limited Jurisdiction, and a practicing attorney.

I am not opposed to the purpose and intent of H.B. 482. It is most important that a means be found to allow a justice of the peace who is not a city or town resident serve as a city judge.

My concern with H.B. 482 is that it will not meet Article VII, Section 9(4) of the Montana Constitution, which states in part ". . . . Every other judge shall reside during his term of office in the district, county, township, precinct, city or town in which he is elected or appointed."

It is the same provision which existed in the 1889 Constitution. The delegates of the 1972 Constitutional Convention made it clear that the provisions of Article VII, Section 9(4), apply to courts of limited jurisdiction. Constitutional Delegate, Ben Berg, Jr., noted upon its adoption by the Convention on February 29, 1972, (page 1121 Const-transcript) that "this amendment does cover, for example, police court judges and justices of the peace or any other inferior court judge, and it was the thinking of our committee that if a police court judge is either elected or in the case of a commission-management form of government, appointed, he ought at least to live within the area where the taxpayers are paying his salary."

The Police Courts have been renamed City Courts, and the area where the taxpayers are paying the judges salary is the city or town. Thus it is clear that under Article VII, Section 9(4), a city judge must reside in the city or town he is elected or appointed.

The Attorney General has given an opinion which in effect makes it clear that a city or town can not enter into an

EXHIBIT A
DATE 2-13-87
HB # 482

agreement with a justice of the peace not a city or town resident to serve as city judge. It is this opinion which has prompted the need for legislation to correct the problem.

H.B. 482 provides that instead of entering into an agreement with a specific justice of the peace that the city or town designate the justice court to serve as city court. I agree with this approach.

However, the designation under H.B. 482 is subject to approval of the justice court. Who is the justice court? It is the justice of the peace. Court means a place where justice is judicially administered and includes the judge thereof. (46-1-201(3)). Thus in effect we have no real change from the present statute. The problem of residency still remains. Residency goes to the judge appointed or acting as city judge. If the justice of the peace of the justice court designated to act as city court is not a resident of the city or town Article VII, Section 9(4) comes into effect and he can not serve or function as city judge.

Judge means the person invested with the power to perform judicial functions and includes a city magistrate. (46-201(4)). It is the individual who assumes the function of the city judge who must be a resident of the city or town. A delegation of a justice court does not eliminate the constitutional mandate, that the judge shall reside in the city or town.

Residency is only one problem not answered by H.B. 482. A second problem is that under 7-4-4102 and 7-4-4103 the city judge is an officer of the city or town, and under 7-4-4105 the office of city judge can not be abolished nor consolidated with another office under 7-4-4106 by the city or town without legislative authority.

EXHIBIT A
DATE 2-13-84
HB # 482

A third problem is that which is raised by the Supreme Court in State exral Morales v City Commission, 174 Mont 237 that an appointment or election of a judge can not be at the will of the governing body. Under H.B. 482 the delegation would be a the will of the governing body under 3-11-201 and could be terminated before the duration of the term as justice of the peace.

H.B. 482 is on the correct approach by having the city or town designate a justice court to serve as its city court. However, it does not address the constitutional infirmity of a justice of the peace, not a city or town resident serving as city judge or the infirmity of termination of the delegation at the will of the city or town.

I would ask the committee to look at the approach of H.B. 564 which I feel can be reconciled with H.B. 482 to meet the constitutional infirmities raised in having a justice of the peace or justice court acting as a city court.

EXHIBIT A

DATE 2-13-87

HB # 558

PROPOSED AMENDMENT
HOUSE BILL 558
Introduced (White) Copy

1. Page 1, line 12.

Following: "condition."

Strike: the remainder of line 12 through "." on line 22

Insert: "Evidence that the defendant was intoxicated is not admissible to prove that he did not have one of the mental states described in subsections (33), (37), and (58) of 45-2-101 unless he was compelled by another person to ingest the substance causing his condition or was deceived with respect to its intoxicating properties."

7044a/L:JEA\WP:jj

VISITORS' REGISTER

COMMITTEE

BILL NO. 558DATE Feb. 13, 1987

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
MICHAEL KEEDY	KALISPELL	X	
R.L. Deschamps III	Missoula	X	
R Budd Gould	ms la	X	
Jim Wheaton	Helena		

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



EXHIBIT A
DATE 2-13-87
HB # 598

February 13, 1987

Testimony on HB 598

Mr. Chairman and members of the committee:

My name is Sandy Chaney and I am speaking on behalf of the Women's Lobbyist Fund. The WLF strongly supports HB 598. This legislation is needed for victims of sexual assault, particularly in cases of incest or spousal sexual assault.

HB 598 addresses some of the unfortunate realities in many of these kinds of incidents. Often, because of past experiences with the offender, the victim knows that resistance would only anger the assailant further. Resistance would jeopardize the victim even more. In cases of incest or spousal sexual assault, threats--which well may be carried out--often are used by the offender to intimidate and to control the victim.

This bill would provide legal recourse for people who live under constant intimidation and constant fear. The Women's Lobbyist Fund urges you to pass this bill.



202 South Black • P.O. Box 1375 • Bozeman, MT 59715 • (406) 587-1721

THE MONTANA DISPLACED HOMEMAKER SYSTEM
A Job Placement *Program*

The state of Montana has a system in place which puts public assistance recipients to work. The Montana Displaced Homemaker System serves clients who earn less than 70% of poverty.

During the 12 months ending June 30, 1986 the centers enrolled 774 clients and placed in unsubsidized jobs 429 clients. Of the clients served 206 were receiving welfare. The programs not only reduce public assistance roles by direct removal of recipients but also by prevention. Because all clients are low income they are potential welfare recipients; if centers can serve them before they enroll, welfare dollars will be saved.

There are 12 Displaced Homemaker Centers in Montana receiving \$125,000 in state funds a year and about \$300,000 in JTPA federal funds a year for a total of \$425,000 or \$35,416 per center. At that rate each of the 429 placements in jobs cost \$990. Looking only at clients served by state funds 150 clients were placed in jobs for a cost of \$893 per placement. This cost per placement is the lowest of any Montana job placement program for any targeted population. When this inexpensive cost per placement is compared with the cost of maintaining one family on public assistance it is clear that funding these programs saves the public funds. It costs an average \$700 per month to maintain a family of 3 on public assistance (medicare, fuel assistance, rent assistance, food stamps and AFDC). When we place 429 clients in jobs a potential \$300,300 is not spent in public assistance programs. It costs the state \$125,000 a year to save that amount.

Potential need in the state of Montana can be understood by knowing that there are 20,117 female heads of households in Montana according to the 1980 Census. The median income of those households with children under 6 is \$4,931 also according to the 1980 Census. There are 9,173 families on AFDC in Montana and most of them are female heads of household according to SRS using 1986 data. In 1986 according to the Department of Labor there were 4,704 women in the Montana workforce. This adds up to a total of 15,000 single female heads of household as discouraged workers and potential public assistance candidates.

The centers are eligible for sources of money which require a dollar for dollar match. The centers have been able to raise 30% more in funds for the centers to serve even more potential public assistance candidates by using this match. If the state provides \$125,000 at a minimum a great deal more in funds is generated through private and public sources.

Support LC 1067 sponsored by Rep. Nancy Keenan and signed by Rep. Norm Wallin and Sen. Paul Boylan among others.



WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



February 13, 1987 EXHIBIT B

DATE 2-13-87

HB # 460

Testimony for HB 460

Mr. Chairman and members of the committee:

My name is Sandy Chaney. I am here today for the Women's Lobbyist Fund. The WLF supports the intent of HB 460 which would increase the marriage dissolution fee and place a portion of the fee collections in the General Fund for the Montana Displaced Homemaker Program.

The Displaced Homemaker Program, made up of 12 centers throughout the state, receives combined federal and state funds of \$450,000. Of this amount \$125,000 comes from the state. This money spent is a favorable investment. The long-term gains exceed any cost that is incurred.

Through this program money that might have been given to welfare recipients is saved. All of the clients in the Displaced Homemaker Program are low-income, and thus, possible recipients of welfare. However, when these individuals can obtain jobs as a result of the Program, they do not need to rely on General Assistance.

Displaced Homemaker Programs, serving just under 800 women, enable individuals to obtain jobs and become tax payers. In Butte, for example, Career Futures has served 130 women in approximately one year. Eighty percent of these clients have jobs or are seeking additional training, primarily in vo-techs or in higher education. State-wide, the average wage for women who have secured work with the help of the Displaced Homemaker Program is about five dollars an hour. These women will pay back the cost of their training through taxes on their own wages, sometimes within a year to a year and a half.

The Displaced Homemaker Program is one that needs and deserves our continued support. The Women's Lobbyist Fund urges you to pass this bill.

DATE 2-13-87
HB # 448

STATEWIDE DATA OF BIG BROTHERS/SISTERS PROGRAMS

Summarized below is some statewide data on the Big Brothers and Sisters Programs which currently receive SRS funding. In addition to the many positive things about Big Brothers and Sisters, with which you are familiar, several obvious conclusions can be drawn from this data. First, a miniscule amount of the Community Services Division's budget (.6%) is expended for Big Brothers and Sisters. The percentage of non-state dollars (mostly private funds) generated for this program is impressive ranging from 84% in Missoula to 63% in Bozeman. We are a cost effective, prevention program where "so little money serves so many"!

Here are the facts for FY 87:

* Less than 1% (.6%) of Community Services Budget for BB/S serves:

- 12 programs statewide
- 42 Montana communities
- 1385 Montana children
- 1038 SRS eligible children

* Percentage of each program budget funded by SRS (includes 25% local match):

- Anaconda	42%	- Missoula	22%
- Butte	34%	- North Country (Cut Bank)	37%
- Flathead County	22%	- No. Montana (Havre)	22%
- Gallatin County	45%	- Park County	42%
- Great Falls	36%	- Yellowstone	31%
- Helena	27%	- Miles City/Glendive--new program	

* Comparative FY 87 Budgets:

- Total SRS	\$235,011,719
- Community Services Division	22,135,239
- BB/S Share (with match)	209,050
- (without match)	152,550
- BB/S Share of SRS	= .05%
- BB/S Share of Community Services	.6%

* Total budget (all sources) Big Brothers and Sisters statewide for

FY-87 equals.....	\$664,813
- Amount of BB/S funded by SRS statewide - FY 87	152,550
- Percentage of BB/S funded by SRS statewide	= 23%

* Comparative per capita costs for Youth Programs in Montana in FY-86:

- Montana Youth Treatment Center	\$53,081
- Mountain View School	31,929
- Pine Hills School	26,896
- Out of State placements	16,899
- After care	9,988
- Foster care	4,721
- Big Brothers and Sisters	435

It should be noted that the Big Brothers and Sisters average costs shown above, per child, do not include the approximately 500 children on waiting lists. Many of these kids receive extensive services from their respective programs.

DATE 2-13-87
448

- * Many programs offer varied additional services to their communities. These services include support groups for parents and volunteers, sexual abuse prevention training, educational and recreational classes, a summer recreation program, teen groups, group recreation activities, referral services and counseling.
- * Our programs run on very tight budgets. Even though our numbers of children eligible for service are increasing we have been making every cost reduction effort possible for the past three years. Reductions already necessitated and enacted include:

- | | |
|-----------------------------|---|
| Great Falls | <ul style="list-style-type: none"> - reduced secretary to 1/4 time - did not fill a part-time caseworker slot for 9 months - no salary increases for some positions - took over maintenance duties to reduce cost |
| Anaconda | <ul style="list-style-type: none"> - loss of caseworker position - loss of secretarial position - cut expenditures for supplies |
| Helena | <ul style="list-style-type: none"> - eliminated part-time caseworker for 16 months - combined caseworker position with director's position - moved to smaller office space - less rent |
| Gallatin County | <ul style="list-style-type: none"> - cut back caseworker positions to part-time - eliminated a phone line - reduced group activities to 4 per year |
| Park County | <ul style="list-style-type: none"> - lost two employees, now have one remaining at 3/4 time - cut back to one phone line - less recreation and activities to matches |
| Missoula | <ul style="list-style-type: none"> - cut half-time caseworker position - reduced expenditures for activities - leased (instead of bought) equipment to replace worn out typewriter |
| North Country | <ul style="list-style-type: none"> - changed monthly newsletter and activities to quarterly - limited caseworker travel to outlying service areas to twice a month |
| Northern Montana
(Havre) | <ul style="list-style-type: none"> - laid off part-time caseworker - eliminated health insurance for staff - cut expenditures for group activities, supplies, and volunteer recognition |

DATE 2-13-87
448

Flathead County -

- secretarial duties added to caseworker position
- changed office space to reduce rent
- reduced advertising expenses and cut continuing education
- no capital expenditures
- reduced phone service

Billings

- no raises for the last 18 months
- cut down newsletter mailings
- delayed filling caseworker vacancy

Butte

- eliminated continuing education from budget

- * Our prevention services are widely valued by other community services. Our largest referral sources besides individual parents are the schools and social services. Probation and law enforcement also are major referral sources.
- * We deal with "at risk" kids. Studies have shown that children living in single parent families are at high risk for experiencing emotional and behavioral problems. Their need for additional positive adult role modeling is critical. Right now approximately 50% of the children we serve statewide have experienced some type of abuse and/or neglect. (To cite one area - Billings Social Services reports an increase of 40% over the last 10 months in reports of abuse and neglect.)
- * The future of Big Brother and Sister services in Montana would be extremely bleak if state funding is eliminated. At least three programs would face definite closure with two others on the border of closure. The remaining six programs would all have to reduce staff and thus reduce the number of children served. Additional services will be lost, waiting lists closed.
- * What do we ask? We ask that we be funded at our current level appropriation. We expect to do our fair share in reducing the state budget deficit and agree that we would not expect any increase in funding and would appreciate just maintaining current level.

Why fund Big Brothers and Sisters services???

- Prevention is much more cost effective than intervention.
- We save the state money by helping to keep children in the home.
- We are a low cost resource - we utilize volunteers.
For approximately \$2 an hour we provide a minimum of 12 hours and as much as 80 hours per month of one-to-one adult attention focused on children in need; private counselors cost an average of \$30 to \$50 per hour.
- It does not make sense to balance the state budget on the back of the most cost effective youth service that the state helps to provide.

Please help us to keep helping Montana kids!!!

Hello, I'm Little Brother, Jason Wood. (Helena)

EXHIBIT 12

DATE 3-13-87

I'm kind of nervous, I've never spoke to so many people before, so I'll read my thoughts to you. #448

How many of you here know what it's like to have your dad die at the age of 12? I know and it's hard, especially as close as my dad and I were because we shared everything.

I found out about the Big Brothers and Big Sisters program from Dr. Bateen. Whom I saw a few months after my dad died in May of 1984.

I was put on a waiting list because so many kids needed Bigs. During that time I attended the Big Brothers and Big Sisters monthly activities, which I enjoyed very much. Gave me a chance to meet cool kids and make new friends.

I met my Big Brother, Chris Miller at the Big Brothers and Big Sisters Christmas Party in 1985. Even though Chris already had a Little Brother, he also wanted me as a Little Brother. So we were matched in January of 1986.

Chris really means a lot to me, and has taught me a lot.

Chris even got me back to bowling which was difficult for me since my dad died at my bowling tournament.

Last summer after I was mugged, Chris came for a visit on his lunch break from work at my house. He took the time to listen to me. Also gave me support and suggestions.

Chris wanted a hunting partner so he got me interested in taking a course on Hunter's Safety. By the way, just to show Chris I appreciated him, I passed the written and field test.

I remember the time I had a problem on the paper route and Chris went with me and talked to the rude customer.

I was so proud and happy to be an usher at Chris's wedding in December of 1986.

We enjoy fishing together--it's also good therapy to have someone to talk men talk to.

Kids from split homes really need a Big as a friend. Without this program there would be more crime and juvenile delinquents in the cities. The kids really need a role model to mold themselves after.

Without the funds there would be no program. Would you want to be responsible for single parent kids not to have the enjoyment and opportunities of a Big as I have? (Thank You)

EXHIBIT C
DATE 2-13-87
HB # 448

My name is Teresa Graham. I am a state employee and have taken vacation from my job to present my views as a parent of a child in the Big Brothers and Sisters program in Helena

I am a single parent with a 9-year old daughter. Three years ago I was having some serious behavior problems with my child, Roni. She was clinging, argumentative, manipulative and jealous. I could not go anywhere or do anything for myself without having to endure Roni's tantrums and manipulations to either keep me home or take her with me. When I was at home she was constantly clinging to me. She would not play with her friends or by herself. When she did play with friends she was always fighting if she did not always get her own way. She demanded all my attention most of the times we spent together. In frustration, I contacted the Big Brothers and Sisters program to see if they could help me. Roni was matched with a young woman who has had a very positive impact on both our lives. Within weeks I could see marked improvement in my daughter's behavior problems. She was much less demanding and more reasonable and pleasant. She also began to relate better to other children. She started to play by herself more often. My life improved too. As Roni became a healthier, happier child I became a happier mother as I realized that what my child was lacking had nothing to do with my parenting ability but was a need for an outside influence that I could not provide her myself. Roni's big sister has been that influence. Without the well-trained, competent staff that took the time to make a careful evaluation of my daughter's needs and match those needs to the right volunteer to meet and understand those needs, our story might be different indeed. Before Big Brothers and Sisters came into our lives my daughter and I were headed for some serious problems.

EXHIBIT C
DATE 2-13-87
BB # 448

Throughout these three years, whenever I have had any concerns or problems there has always been a Big Brothers and Sisters staff member available to talk with me, make suggestions and give me guidance and support. Even more importantly, every month I am contacted by a staff member to make sure everything is going well with my daughter, her big sister and me. I have not received guidance in the difficult task of raising a child alone from any other source that has been as supportive and understanding of our specific problems as Big Brothers and Sisters has been for me.

There are a number of children in Montana who desperately need the kind of support my daughter and I have received from Big Brothers and Sisters. Big Brothers and Sisters is an agency which provides a vital service in the lives of people like me and my daughter. I believe the self-help provided by this program prevents more serious problems later on for many in the program. The dollars being spent on prevention saves money that would have to be spent later on intensive therapy or corrections. For these reasons, I urge and request your support of this bill.

TESTIMONY IN SUPPORT OF INCREASE IN THE DIVORCE FEE

EXHIBIT

DATE

D
2-13-87
448

My name is JoAnne Sherwood and I am speaking today in favor of an increase in the divorce fee in Montana as it relates to the Big Brothers and Sisters program.

My involvement with Big Brothers and Sisters of Helena began in 1980. I was employed at the time as a teacher for Mountain View School. I sponsored a 17 year old girl in the school run Big Sister program. When my "little" was released from Mountain View into the Helena community, we enrolled in the community program as part of her treatment program and a condition of her release. When my "little" returned to Butte I remained in community program and have been working with "TARGETED" females ages 15-18. "TARGETED" meaning females with a history of involvement in the juvenile justice system.

I am a Big Sister and a board member because I believe in this program. It effects a change in troubled youth and allows me the have an active part in that process. My current "little" and I have been together for nearly three years. She came out of a 45 day evaluation program in Gt. Falls headed to Mountain View if she continued to get in trouble. Part of her treatment program was enrollment in Big Brothers and Sisters.

I know the positive changes in my "little" are a direct result of this program. Berta will graduate this spring from Helena High School with good enough grades to enroll in college. This is just one example of this program's sucess.

The reality of the matter is this:

\$24,800
\$450 a year to support my "little" vs. ~~\$3,700~~ a year to incarcerate her
in the BB & S program at Mountain View School

Not to mention the higher liklihood of her remaining out of trouble and becoming a productive member of society.

75% of the money for this program is raised from non-state sources. My

EXHIBIT D

DATE 3-13-87

HB # 448

experience with the board and fundraising leads me to believe that additional local support is simply unavailable. The state has a responsibility to fund Big Brothers and Sisters because it is cost effective to them. I believe they also have a responsibility to the citizens of Montana to support effective preventative programs. Accentuate the positive so to speak.

In closing I would like to restate that the program works at the root of the problem with juvenile delinquency. Please, do not reject or penalize Big Brothers and Sisters because you think they are exemplary and will survive without you. I urge you to "earmark" a portion of the divorce fee sufficient to fund Big Brothers and Sisters at its current levels. Thank You.

Jo Anne Sherwood

VISITORS' REGISTER

Judiciary

COMMITTEE

BILL NO.

460

DATE

Feb. 13, 1987

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Connie Mougoud	2022 Reg Ave	X	
Rosna K. Partee	6382 Hwy 12 W	X	
Marlene McPartee	414 So Mont	X	
XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX	X	
Cinder Herrera	2245 West Dr - Butte	X	
Norma Harris	Helena	X	
Sandy Chaney	Women's Lobbyist Fund	X	
Burns/Holbert	521-6th Ave Skt 7th	X	
Lyne Robinson	1014 So Grand, Bozeman	X	
Barbara Archer	W L F	✓	
Jim	Helena	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

4418

DATE

Feb 13, 1987

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Janet Pector	CC Falls	✓	
JANET FINN	Helena, MT	✓	
ROY C. JONES	Haure, MT		
GAYLE WOOD	Helena MT	X	
Doris Rorlo	Billings MT	X	
Yuma (Alfredson)	Helena	X	
Ruth Boyle	Anaconda	X	
Katherine Kertz	Anaconda	X	
Carson Wood	Helena MT.	X	
Cyrene Wood	Helena, mt.	X	
Henry Rosenberg	Bozeman MT	✓	
Roslyn Owens	Bozeman, MT	✓	
Mark Kester	Missoula MT	X	
Arda Lefavauer	Missoula	X	
JoAnne Sheppard	Helena	X	
Kid Irmacher	Helena	✓	
Paul Engen	Falls of	✓	
Deanna Anderson	Butte	X	
Maria Davis	Butte	X	
Ann H. Gunters	Butte	X	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33 Teresa Graham
Linda Wanzon

Helena
Helena

X
X
X
X

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Judiciary COMMITTEE

BILL NO. 598DATE Feb. 13, 1987

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
MARK J MURPHY	HELEN	✓	
Cynthia A. Lincoln	Borgman	✓	
Dale Tucker	Belgrade	✓	
Ernest Denham	Livingston	✓	
Angela Austin	Borgman	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 564

DATE Feb. 13 1987

SPONSOR _____

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 501DATE Feb 13, 1987

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Rip. Anthony A. Cody	Wolf Point	✓	
BOB HELDING	Mt. Assoc. REALTORS	✓	
Helen Darnick	Messville	✓	
John Webb	Lewisport	✓	
Gale McNamee	Lewisport	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.