

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

February 23, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 23, 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. Brown who was absent.

ACTION ON HOUSE BILL NO. 748: Rep. Giacometto move DO PASS. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 748 DO PASS.

ACTION ON HOUSE BILL NO. 754: Rep. Giacometto opened discussion but stated he was opposed to the bill. Rep. Addy said he was not there for the hearing on the bill but had heard about the bill and it seemed to be an unusual procedure or an unorthodox way of going about checking the results of a court, but this was a unique court. He felt this was a step in the right direction. Rep. Rapp-Svrcek pointed out that HB 754 was one of the most important bills the committee would consider this session and it must be seriously looked at. He stated it was extremely important that the bill be passed as it was written. Rep. Keller said he did not have any problems with the first part of the bill but he sees that most people are worried about the last part of it. Rep. Mercer said the constitution requires that the legislature set up some kind of procedure for checking into the water rights and this puts the burden on legislators to set up the water rights court. In 1981, the water right court was set up. He felt that the whole system was messed up and he did not see how the bill would solve anything. His biggest concern was the separation of powers since this was not an administrative water court by a judicial branch water court. He stated that this would be a serious violation of the separation of powers to do a secret audit of court opinions. Rep. Rapp-Svrcek did not see that there was a separation of powers and stated that there was no secret audit. The bill presents a way of knowing if the process was working or not. Rep. Cobb said that some of the areas have never had water rights adjudicated. Rep. Lory asked Rep. Mercer what the results would be of an audit if it was found that something was messed up.

Rep. Mercer stated he had no idea how this would be resolved but said that judicial decrees would eventually be quite messed up and he just did not know how it would be undone.

Rep. Lory pointed out that decrees would have to be challenged in court. Rep. Addy commented that the bill would have to go through appropriations and there was enough serious questions that have been raised about it, so, perhaps it should be tabled. Rep. Meyers agreed with Rep. Addy. Rep. Addy moved to TABLE the bill. Question was called and a voice vote was taken on the motion. The motion CARRIED unanimously. HB 754, TABLED.

ACTION ON HOUSE BILL NO. 522: Rep. Hannah moved to TABLE the bill. A voice vote was taken with all members voting in favor of the motion with the exception of Rep. Giacometto. HB 522, TABLED.

ACTION ON HOUSE BILL NO. 366: Rep. Addy moved DO PASS. He also moved to amend, starting on page 1, line 25; striking \$80,000.00 and inserting \$60,000.00. Rep. Giacometto stated that he was opposed to the amendment and to the motion. He felt the amount should be kept at \$30,000.00. Question was called and a voice vote was taken. The amendment CARRIED 13-4. Reps. Meyers, Keller, Hannah, and Giacometto dissenting. Rep. Addy moved HB 366 DO PASS AS AMENDED. Rep. Mercer made a substitute motion of DO NOT PASS. Rep. Mercer felt that \$60,000.00 was not appropriate and that the bill would get shot right down on the House floor. He stated that this was tort reform through the back door because if property is exempt and someone gets sued, why should anyone care. Rep. Addy commented that in a world infested by frivolous plaintiffs, greedy lawyers, liberal judges and run away juries, he felt the homeowners were entitled to a little protection. Rep. Hannah agreed with Rep. Addy. Rep. Rapp-Svrcek stated that in the interest of fairness, he felt that tort reform should be provided for senior citizens and homeowners. Rep. Meyers felt that the very people the bill proposes to help would be the people not helped and he opposed the bill. Rep. Grady also opposed the bill because he stated to borrow money in these times was simply too tough to do. Rep. Hannah pointed out that his experience with the lending community was if you did not need the money, they would be happy to give a loan and if you did need the money they would not give it. He stated that the bill would not affect the lending community and it would not affect anybody getting the money anyplace or anywhere and for that reason he felt the legislation should be supported. Rep. Giacometto pointed out that this was the bill that would hurt everybody. Question was called and a voice vote was taken. The motion CARRIED 8-8. Rep. Rapp-Svrcek called for a Roll Call Vote. The motion carried 8-9. (See Roll Call Vote, 8:39 a.m.). Rep. Lory asked if there was any objection to reversing the vote and found no objection. The motion being DO PASS AS AMENDED. HB 366, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO 286: Rep. Cobb moved DO PASS and moved the amendments. Discussion followed on the amendments. Rep. Bulger questioned the wording of willful and wanton conduct and seepage of toxic chemicals. Rep. Cobb explained the amendments and pointed out that care went into the amendments regarding such topics. Rep. Daily and Rep. Miles said that they had reservations about page 1, line 17, in regard to ditches that run through a town. Rep. Cobb pointed out that page 1, line 14, covered ditches that must be maintained. Rep. Mercer moved that Section 3 be segregated. A voice vote was taken and the motion CARRIED unanimously. Question was called on the amendments and a voice vote was taken. The motion CARRIED unanimously. Rep. Addy moved Section 3 by striking the section in its entirety. Question was called and a voice vote was taken. All members voted in favor of the motion with the exception of Rep. Giacometto. Rep. Addy proposed to amend page 1, line 18, striking "underground or". He felt that grates must be maintained so that they were not public danger points. Rep. Darko stated that human life was too important and liability could not be taken out. Question was called on the amendment. A voice vote was taken and the amendment CARRIED 9-5. Question was called on the motion. A voice vote was taken and the motion CARRIED 13-1. Rep. Daily voting in opposition to the bill. HB 286, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 633: Rep. Giacometto move DO PASS. Rep. Addy moved amendments on Page 2, line 22, and in the title. He stated that these amendments were proposed so that the bill would apply to either people at Mountain View School for Girls or Pinehill School for Boys. Rep. Bulger pointed out that some people at these schools may not have been convicted of any serious crime and there was a question of due process. Question was called on the amendments. A voice vote was taken and the motion CARRIED unanimously. Rep. Mercer stated he was opposed to the bill. He felt there did need to be a middle facility for the older youth. Rep. Strizich pointed out there were serious offenders and he felt what was trying to be accomplished in the bill was right but given the current state of affairs with available services for youth and young offenders, he was not sure what was best. Rep. Daily stated there had been very serious crimes committed by youth recently and there needed to be something done now. Rep. Bulger motioned to TABLE the bill. A voice vote was taken and the motion FAILED 7-8. Further discussion on the bill continued. Rep. Mercer pointed out that an amendment could be added stating that youth could be transferred to a youth facility rather than a prison after the age of 18. That would satisfy concerns that a youth would ever be sent to a prison before the age of 21, at the option of the department. Rep. Rapp-Svcrek asked Rep. Mercer if that was intended to be a motion and he stated

that it was just a part of the discussion. Rep. Daily proposed and moved an amendment to strike "an adult" and insert "a youthful offender" on Page 1, line 25 and line 23 of Page 2. Rep. Mercer supported the proposed amendment. Question was called and voice vote was taken on the motion which CARRIED unanimously. Question was called on the bill. A voice vote was taken on a DO PASS AS AMENDED motion. The motion CARRIED 13-2 with Rep. Gould and Rep. Bulger dissenting. HB 633, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 567: Rep. Rapp-Svrcek moved DO PASS. Rep. Mercer moved his amendments. Rep. Addy asked that subsection (e) be segregated, stating that there was liability insurance involved in the controversy and he felt it should come to the jury since it was one of the sources that may be available to the plaintiff. If collateral sources were disclosed, then liability insurance existence should be disclosed. Rep. Mercer said there was a clear distinction between collateral sources and somebody's liability policy. Rep. Addy stated that it was one-sided. Rep. Mercer argued that the damages award should be based on against the defendant on how much damages he did to the plaintiff, regardless of if he had insurance. Rep. Rapp-Svrcek moved his amendments. (See amendments attached). Rep. Rapp-Svrcek stated he had no objections to the information being given to the jury with regard to what the plaintiff had been paid but it needed to be fair on both sides.

Rep. Hannah discussed his concerns and questioned if there would be any danger in the jury knowing what the limits of the policy were. Rep. Rapp-Svrcek stated there were such possibilities but in the interest of fairness, protection and full disclosure, the wording of the amendment should be left in. Rep. Miles pointed out that she had no problem with double recovery but the bill had the wrong approach. Rep. Bulger said he supported these amendments because what they were trying to do was to make it a more reasonable system than they now had and the concept of the bill was that it is better for the jury to know what the true situation is. The jury needs the ability to make the person whole and to do what is fair. Without all the information, the jury is guessing in the dark. Rep. Daily moved to TABLE the bill. A voice vote was taken with the motion being carried 5-10. The motion FAILED. Further discussion on the amendments continued with Rep. Miles stating that she could not see the fairness in the bill. Rep. Mercer moved that a new subsection (c) be included in Rep. Rapp-Svrcek's amendments starting with amendment number 5. (See Amendments Attached). Question was called and a voice vote was taken. The motion CARRIED 10-3 in favor of Rep. Rapp-Svrcek amendments. Rep. Rapp-Svrcek moved DO PASS AS AMENDED. Question

was called and voice vote was taken with 11 members IN FAVOR of the motion. HB 567, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 704: Rep. Daily moved to TABLE the bill. A voice vote was taken with 9 members in favor of the motion. HB 704, TABLED.

ACTION ON HOUSE BILL NO. 684: Rep. Addy moved DO PASS. Rep. Mercer stated that no one is certain what the impact of the bill would be and since it dealt with Workmans' Compensation, the bill should be dealt with under the scope of the other big bills dealing with that measure. Question was called. A voice vote was taken and the motion CARRIED 8-8. Rep. Addy moved to TABLE the bill. HB 684, TABLED.

ACTION ON HOUSE BILL NO. 602: Rep. Addy moved DO PASS. Rep. Mercer stated that he opposed the bill primarily because the counties would be spending too much money out of the fund, especially if the justice courts were including their actions. Rep. Hannah made a substitute motion to TABLE the bill. The motion PASSED. HB 602, TABLED.

ACTION ON HOUSE BILL NO. 632: Rep. Addy moved to TABLE the bill. A voice vote was taken and the motion CARRIED unanimously. HB 632, TABLED.

ACTION ON HOUSE BILL NO 757: Rep. Miles moved DO NOT PASS. Rep. Addy made a substitute motion to table the bill. A voice vote was taken with all members voting in favor of the motion with the exception of Rep. Miles. HB 757, TABLED.

ACTION ON HOUSE BILL NO. 758: Rep. Addy moved DO PASS and moved to amend Page 1, line 21, striking "shall" and inserting "may". Rep. Addy stated that he wanted to permit the creation of this kind of municipal court district without requiring it. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Mercer questioned Rep. Addy in regard to why a municipal court district was being created which included something more than a city. Should not each city be a municipal court district in itself? Rep. Addy stated that they were going to strike Subsection 5 on Page 2. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Bulger stated that it was too sweeping and this was not the time to start fixing up bills. He moved to TABLE the bill. A voice vote was taken and 10 members FAVORED the motion. HB 758, TABLED.

ACTION ON HOUSE BILL NO. 687: Rep. Daily moved to TAKE THE BILL OFF THE TABLE. A voice vote was taken and the motion CARRIED. Rep. Daily moved DO PASS. A discussion followed on the proposed amendments. Rep. Daily moved that the bill

remain as it was without the amendments. Question was called on the original form of the bill with no amendments. Chairman Lory pointed out that there was a technical question regarding the bill and a motion must be made to take the amendments off the bill. A voice vote was taken and the majority FAVORED the motion. The amendments were taken off the bill. Rep. Daily moved DO PASS. Rep. Mercer pointed out that as the bill read, parents would be fined \$250.00 for something their child did and that was a high fine. Rep. Gould stated that lawyers would not be willing to take a case for under \$100.00. Rep. Mercer did not see why parents should be punished in the way of \$250.00 for the actions of their kids. Rep. Strizich felt the bill was creating a situation for contempt in the legal system and stated that 90% of the kids caught return the merchandise. Rep. Hannah moved to TABLE the bill. A voice vote was taken and the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 754: Rep. Miles moved TO TAKE THE BILL OFF THE TABLE. A voice vote was taken and the majority FAVORED the motion. HB 754 WAS TAKEN OFF THE TABLE. Rep. Miles moved DO PASS. Question was called and a voice vote was taken. The motion CARRIED 9-6. HB 754, DO PASS.

ACTION ON HOUSE BILL NO. 495: Rep. Gould moved DO PASS. Rep. Mercer moved to amend by deleting lines 16-20. Question was called. A voice vote was taken with the amendments PASSING unanimously. Rep. Hannah moved to TABLE HB 495. A voice vote was taken and the motion FAILED 6-7. Question was called and a voice vote was taken on the motion. The motion CARRIED 9-3. HB 495, DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 192: Rep. Cobb moved to TABLE the bill. A voice vote was taken and the motion carried unanimously.

ADJOURNMENT: There being no further business to come before the committee, the meeting was adjourned at 1:20 p.m.

  
\_\_\_\_\_  
EARL LORY, Chairman

DAILY ROLL CALL  
 JUDICIARY

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 23, 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)	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2-23-87 BILL NO. 366 TIME 8:45

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	NOT PRESENT		
EARL LORY			✓

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\_\_\_\_\_  
Secretary

*Earl Lory*  
\_\_\_\_\_  
Chairman

MOTION: Do Pass As Amended

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\_\_\_\_\_



# STANDING COMMITTEE REPORT

FEBRUARY 25,

19 67

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 967

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

1. Title, line 9.  
Strikes: "MUST"  
Inserts: "MAY"

Chairman

2. Title, line 13.  
Following: "AMOUNT;"  
Inserts: "PROVIDING THAT EVIDENCE OF INSURANCE DEFENDANT MAY HAVE  
AND EVIDENCE OF PLAINTIFF'S AND DEFENDANT'S LITIGATION COSTS  
AND ATTORNEY FEES IS ADMISSIBLE; AMENDING SECTION  
33-23-102, MCA."

3. Page 3, line 15.  
Strikes: "must"  
Inserts: "may"

4. Page 3, line 16.  
Strikes: "hr" through "benefits" on line 13

5. Page 4.  
Following: line 13  
Inserts: "(b) Evidence of the following is admissible in an  
action arising from bodily injury or death:  
(a) insurance, including liability dollar limits, that  
is available to defendant to pay for a judgment against  
defendants; and  
(b) plaintiff's and defendant's current and expected  
future litigation costs and attorney fees.  
Section 3. Section 33-23-102, MCA, is amended to  
read:

"33-23-102. Existence of insurance not to be made evident  
-- exception. No ~~except~~ as provided in (section 2,  
subsection (b)), no attempt may be made in the trial of an  
action brought against a political subdivision of the state,  
municipality, or any public body, corporation, commission,  
board, agency, organization, or other public entity to  
suggest the existence of any insurance which covers in whole  
or in part any judgment or award which may be rendered in  
favor of plaintiff."

Remember: subsequent section

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# STANDING COMMITTEE REPORT

February 23,

37

19

## JUDICIARY

Mr. Speaker: We, the committee on \_\_\_\_\_  
report **HOUSE BILL NO. 356** \_\_\_\_\_

**XX**

- do pass
- do not pass

- be concurred in
- be not concurred in

**XX**

- as amended
- statement of intent attached

\_\_\_\_\_  
Chairman

1. Title, Line 5.  
Strike: "\$80,000.00"  
Insert: "\$60,000.00"
2. Page 1, Line 25,  
Strike: "80,000.00"  
Insert: "60,000.00"

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# STANDING COMMITTEE REPORT

FEBRUARY 23,

87

19

## JUDICIARY

Mr. Speaker: We, the committee on

**HOUSE BILL NO. 754**

report

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Chairman

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# STANDING COMMITTEE REPORT

FEBRUARY 23,

19 37

JUDICIARY

Mr. Speaker: We, the committee on \_\_\_\_\_

report HOUSE BILL NO. 748

- do pass  
 do not pass

- be concurred in  
 be not concurred in

- as amended  
 statement of intent attached

\_\_\_\_\_  
Chairman

*JMS*

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# STANDING COMMITTEE REPORT

2-24 1987

Mr. Speaker: We, the committee on \_\_\_\_\_

report HB #668

do pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Chairman

1. Title, line 8.

Following: "OTHER"

Insert: "AND TO PROVIDE THAT, EXCEPT FOR THE FIRST OFFENSE, THE PENALTIES IN THE TWO STATUTES ARE THE SAME"

2. Page 3, line 17.

Following: "convictions"

Insert: "under this section"

3. Page 4, lines 3 and 4.

Following: "~~\$500.~~"

Strike: "Second or subsequent convictions of 61-8-406 shall be treated under 61-8-714"

Insert: "On a second conviction, he shall be punished by a fine of not less than \$300 or more than \$500 and by imprisonment for not less than 7 days, at least 48 hours of which must be served consecutively, or more than 6 months. Three days of the jail sentence may not be suspended unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being"

4. Page 4, line 8.

Following: "~~\$1,000.~~"

Insert: "(3) On a third or subsequent conviction, he shall be punished by imprisonment for a term of not less than 30 days, at least 48 hours of which must be served consecutively, or more than 1 year, to which may be added, in the discretion of the court, a fine of not less than \$500 or more than \$1,000. Notwithstanding any provision to the contrary providing for suspension of execution of a sentence imposed under this subsection, the imposition or execution of the first 10 days of the jail sentence imposed for a third or subsequent offense that occurred within 5 years of the first offense may not be deferred or suspended."

Renumber: subsequent subsections

5. Page 5, line 15.

Following: "convictions"

Insert: "under this section"

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# STANDING COMMITTEE REPORT

February 21, 19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 460

do pass  be concurred in  as amended  
 do not pass  be not concurred in  statement of intent attached

Chairman

1. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS 17-7-502 AND"

Strike: "AND"

2. Title, line 7.

Following: "1985"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 15 and page 3, line 16.

Following: line 14 of page 1 and line 17 of page 3

Insert: "except a petition for dissolution of marriage,"

4. Page 1, line 17 and page 3, line 20.

Strike: "an additional"

Insert: "a"

5. Page 1, line 18 and page 3, line 21.

Strike: "\$55"

Insert: "\$100"

6. Page 3, line 10.

Strike: "additional"

7. Page 3, line 11.

Strike: "\$50"

Insert: "\$35"

8. Page 3, line 12.

Strike: "and \$5"

Insert: ", \$40"

9. Page 3, line 13.

Strike: "children's trust fund"

Strike: "41-3-702"

Insert: "[section 3], and \$25 must be deposited in and credited to the general fund of the county"

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10. Page 5, line 2.  
Strike: "subsection"  
Insert: "subsections"  
Following: "(3)"  
Insert: "and (4)"

11. Page 5, line 13.  
Strike: "additional"

12. Page 5, line 14.  
Strike: "\$50"  
Insert: "\$35"

13. Page 5, line 15.  
Strike: "and \$5"  
Insert: ", \$40"

14. Page 5, line 16.  
Strike: "children's trust fund"  
Strike: "41-3-702"  
Insert: "[section 3]; and \$25 must be deposited in and credited to the general fund of the county"

15. Page 5.  
Following: line 16  
Insert: "Section 2. Section 17-7-502, MCA, is amended to read:  
"17-7-502. Statutory appropriations -- definition --  
requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.  
(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:  
(a) The law containing the statutory authority must be listed in subsection (3).  
(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.  
(3) The following laws are the only laws containing statutory appropriations:  
(a) 2-9-202;  
(b) 2-17-105;  
(c) 3-18-812;  
(d) 10-3-203;  
(e) 10-3-312;  
(f) 10-3-314;  
(g) 10-4-301;

- (h) 13-37-304;
- (i) 13-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 16-1-404;
- (m) 16-1-410;
- (n) 16-1-411;
- (o) 17-3-212;
- (p) 17-5-404;
- (q) 17-5-424;
- (r) 17-5-204;
- (s) 19-9-504;
- (t) 19-9-702;
- (u) 19-9-1007;
- (v) 19-10-305;
- (w) 19-10-305;
- (x) 19-10-506;
- (y) 19-11-512;
- (z) 19-11-513;
- (aa) 19-11-606;
- (bb) 19-12-301;
- (cc) 19-13-604;
- (dd) 20-6-406;
- (ee) 20-8-111;
- (ff) 23-5-612;
- (gg) 37-51-501;
- (hh) 53-24-206;
- (ii) 75-1-1101;
- (jj) 75-7-305;
- (kk) 80-2-103;
- (ll) 80-2-226;
- (mm) 90-3-301;
- (nn) 90-3-302;
- (oo) 90-15-103; and
- (pp) Sec. 13, HB 261, L. 1985; and
- (qq) Section 2]

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments.\*



**NEW SECTION.** Section 3. Programs account -- use of account money. There is an account in the state special revenue fund. Money deposited in the account is statutorily appropriated to the commissioner, as provided in 17-2-502, to be used to fund programs under this part."

Remember: subsequent section

16. Page 5.

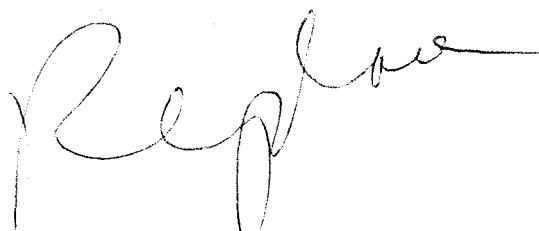
Following: line 18

Insert: "**NEW SECTION.** Section 5. Expansion of authority. Any existing authority of the commissioner of labor and industry to make rules on the subject of the provisions of this act is extended to the provisions of this act.

**NEW SECTION.** Section 6. Codification instruction. Section 3 of is intended to be codified as an integral part of Title 39, chapter 7, part 3, and the provisions of Title 39, chapter 7, part 3, apply to section 3.

**NEW SECTION.** Section 7. Effective date. This act is effective July 1, 1967."

ANB460a/JM/JM2



# STANDING COMMITTEE REPORT

FEBRUARY 23,

19 87

## JUDICIARY

Mr. Speaker: We, the committee on \_\_\_\_\_

**HOUSE BILL NO. 435**

report \_\_\_\_\_

**XX**

- do pass
- do not pass

- be concurred in
- be not concurred in

**XX**

- as amended
- statement of intent attached

\_\_\_\_\_  
Chairman

Page 1, lines 16 through 20.

Strike: Subsection (b) in its entirety

Re-number: subsequent subsection



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NEW SECTION. Section 3. Programs account -- use of account money. There is an account in the state special revenue fund. Money deposited in the account is statutorily appropriated to the commissioner, as provided in 17-7-567, to be used to fund programs under this part."

Numbers: subsequent section

16. Page 5.

Following: line 18

Insert: NEW SECTION. Section 4. Extension of authority. Any existing authority of the commissioner of labor and industry to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 6. Codification instruction. Section 3 of is intended to be codified as an integral part of Title 39, chapter 7, part 3, and the provisions of Title 39, chapter 7, part 3, apply to section 3.

NEW SECTION. Section 7. Effective date. This act is effective July 1, 1957."

AMB460a/JM/JM2

# STANDING COMMITTEE REPORT

FEBRUARY 23,

19 87

## JUDICIARY

Mr. Speaker: We, the committee on

**HOUSE BILL NO. 495**

report

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in     | <input checked="" type="checkbox"/> as amended        |
| <input type="checkbox"/> do not pass        | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

Chairman

Page 1, lines 16 through 20.

Strike: Subsection (b) in its entirety

Renumber: subsequent subsection

  
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# STANDING COMMITTEE REPORT

FEBRUARY 23

1937

Mr. Speaker: We, the committee on

JUDICIARY

report

HOUSE BILL NO. 133

to pass  
 do not pass

be concurred in  
 be not concurred in

as amended  
 statement of intent attached

Chairman

1. Title, line 3.  
Following: "PLACED IN"  
Inserts: "MOUNTAIN VIEW SCHOOL OR"

2. Title, line 4.  
Strikes: "AN ADULT"  
Inserts: "A YOUTHFUL OFFENDER"

3. Page 1, line 25 and line 29 of page 2.  
Strikes: "an adult"  
Inserts: "a youthful offender"

4. Page 2, line 4.  
Strikes: "adult"  
Inserts: "youthful offender"

5. Page 2, line 22.  
Following: "in the"  
Inserts: "Mountain View school or the"

ARS633/JM/JM2

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# STANDING COMMITTEE REPORT

FEBRUARY 15,

39

10

Mr. Speaker, We, the committee on

INDUSTRIAL

Report **SYNOPSIS OF THE BILL, 1938**

do pass

do not pass

do concur in

do not concur in

as amended

statement of intent attached

Chairman

1. Page 1, line 14.

Following: "but"

Insert: "for the purpose of protecting persons and property from injury or damage"

2. Page 1, line 18.

Strikes "underground or"

3. Page 2, line 3.

Following: "land"

Insert: "if the sewage does not carry toxic chemicals onto it."

4. Page 2, line 7.

Following: "district"

Insert: "or private person or entity"

5. Page 2, line 11.

Following: "district"

Insert: "or private person or entity, unless the irrigation district or private person or entity engaged in willful or wanton misconduct"

6. Page 2, line 15.

Following: "district"

Insert: "or private person or entity, unless the irrigation district or private person or entity was grossly negligent or engaged in willful or wanton misconduct"

7. Page 2, lines 18 through 19.

Strike section 3 of the bill in its entirety

Reinsert subsequent sections

1938-1939/ 37/101