

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

February 16, 1987

The twenty-ninth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. in Room 402 of the state Capitol by chairman, Senator Joe Mazurek.

ROLL CALL: All members were present, with the exception of Senators Yellowtail and Blaylock. Senator Pinsoneault was tardy.

CONSIDERATION OF SENATE BILL 311: Senator Sam Hofman, Senate District 38, introduced the bill, which amends the law relating to challenges to local government initiatives. He said this bill prohibits constitutional challenges of local initiatives before the initiatives have been voted on and approved by the voters. He gave the committee copies of statute 7-5-135 of the General Operation and Conduct of business part of the MCA. (Exhibit 1)

PROPOSERS: Vera Cahoon, Missoula County Freeholders, said the creation of a petition costs a great deal of money, and when there is a constitutional challenge on the voter initiative, once it is approved, the group that started the petition has to raise money to defend it. She said it costs about \$5,000 to defend the petition in court. She felt the petition should not be tested for constitutionality until it has gone to the polls and has been voted on. She said if the petition fails at the polls, there is no need to take it to court and spend \$5,000.

Lonny Risdahl, Missoula Freeholders, supported the bill.

There were several members of this group that stood in support of the bill. (See visitor's register)

OPPOSERS: There were no opposers.

DISCUSSION ON SENATE BILL 311: Senator Crippen asked if this applied to statewide petitions like CI-27. Senator Hofman replied the bill is only for local initiatives.

Senator Mazurek asked if there has been a problem in Missoula County that has caused this bill to come about. Ms. Cahoon said nothing has happened yet, but the Freeholders are planning a local initiative dealing with the water system of Missoula, and she felt there might be a problem when that initiative comes out.

Senator Hofman closed the hearing on Senate Bill 311.

CONSIDERATION OF SENATE BILL 289: Senator Van Valkenburg, Senate District 30, said SB 289 authorizes the use of pre-signed waiver of extradition clauses in Montana probation and parole agreements and authorizes the extradition without a hearing of persons arrested in Montana for violation of a probation or parole agreement signed in another state that contains waiver of extradition clause. He said section 2 would give Montana the authority to put such an extradition waiver into agreements for supervision of Montana parolees and probationers. He said the introduced bill needs a procedure process because there is some "due process" problems. He distributed amendments to the committee. (Exhibit 2) He felt Montana counties ended up housing these detained people while extradition process goes on between the two states. He said the extradition process is very cumbersome. He felt there were dollars saved by this bill for the counties. He said the county attorney from Great Falls, Pat Paul, supported the bill.

PROPOSERS: Stan Fullerton, detective for the Missoula County Sheriff's Department stated many states have pre-signed waivers on file. He supported the bill.

Nick Rotering, Department of Institutions, felt the bill with the Van Valkenburg amendments will speed the process for holding these individuals in county jails.

John North, Governor's Office, stated the Association of Extradition Officials of the 22nd Conference adopted a resolution for all states to have pre-signed extradition waivers. He said the Governor supported the bill also.

OPPOSERS: There were no opponents.

DISCUSSION ON SENATE BILL 289: Senator Mazurek asked how many other states have these statutes. Mr. North said he knows of 10 states that have it.

Senator Beck asked which state pays the expenses when a man is waiting for extradition. Senator Van Valkenburg said the county holding the person pays for it. Senator Van Valkenburg said these detained individuals usually don't want to be sent back, so he will try all avenues of the extradition process to stay in the state he is presently detained in for the full 90 day extradition time.

Senator Brown inquired if a convict can get the Governor of Idaho to waive this pre-signed Montana agreement. Senator Van Valkenburg said once the waiver is signed, the Governor is out of it.

Senator Van Valkenburg closed the hearing on SB 289.

CONSIDERATION OF SENATE BILL 306: Senator Joe Mazurek of Helena said SB 306 would amend the law relating to meetings of the Board of Pardons by changing the frequency with which the Board must meet. He said the bill might save money because the Board would only meet monthly.

PROPOSERS: Tom Keegan, member of the Board of Pardons, supported the bill because the Board of Pardons finishes their work in one meeting a month, so the second meeting in a month is a waste of time and money.

Curt Chrisholm, Department of Institutions, felt the bill would save time.

OPPOSERS: There were no opposers.

DISCUSSION ON SENATE BILL 306: There was none.

ACTION ON SENATE BILL 306: Senator Brown moved SB 306 DO PASS. The motion CARRIED.

EXECUTIVE ACTION:

ACTION ON SENATE BILL 289: The committee looked at the Van Valkenburg amendments. Valencia Lane explained there were a few technical changes to be made in the amendments. Senator Pinsonneault moved the amendments. The motion CARRIED.

Senator Crippen moved Senate Bill 289 DO PASS AS AMENDED.
The motion CARRIED.

ACTION ON SENATE BILL 311: Senator Mazurek said if a county government files a suit to stop the process of a petition, they better be sure of their position because if they lose, they pay the other side's attorney fees and court costs. Ms. Lane said it is the local county government that would have to bring the suit against a petition.

Senator Beck said he has never seen a local initiative that was referred to the ballot in all his years as county commissioner.

Senator Mazurek asked if the county will have to go to the expense of an election when the initiative is clearly unconstitutional, like banning Indians from the county.

Senator Crippen asked if the committee did pass the bill and the initiative passed, who pays for the suit. Senator Mazurek thought each side would pay their fair share.

Senator Mazurek said this bill gives protection for petitions because the government is the one that challenges and if the government loses, they have to pay the other side's attorney fees.

The committee decided to wait a day on this bill.

ACTION ON SENATE BILL 152: Senator Mazurek said if people could stipulate, or if people have a formal grievance process, they could toll that statute like they can at the federal level. He didn't think the bill was a bad idea. The committee wanted some time to think on the bill.

ACTION ON SENATE BILL 269: Senator Mazurek said this bill gives county coroners expanded powers, such as coroners having the right to hold an inquest instead of allowing the county attorney to do it.

Senator Pinsoneault felt the coroners didn't confer with the sheriff's department on this bill. He suggested an interim committee should look at this.

Senator Halligan moved to TABLE the bill. The motion CARRIED with Senators Crippen and Brown voting no.

ACTION ON SENATE BILL 303: Valencia Lane distributed amendments. (Exhibit 3) Senator Mazurek stated the word "psychological" should be taken from the subsection (c) and put in subsection (4) and include in it "adequate health care". Ms. Lane explained the first 4 amendments removed "psychological care" out of the definition of "HARM TO A CHILD'S HEALTH OR WELFARE". She said the word "psychological" will go where Senator Mazurek suggested. Ms. Lane stated the last two amendments address a concern Senator Halligan had about personal service. Senator Mazurek inquired if one can get personal jurisdiction over someone by publication. Ms. Lane pointed out page 7, lines 6 and 7. Senator Halligan said many of these parents have not been around for years and years, so you can't serve a person if you don't know where he is at. Senator Halligan moved the amendments. The motion CARRIED. Senator Halligan moved SB 303 DO PASS AS AMENDED. The motion CARRIED.

ACTION ON SENATE BILL 229: Senator Mazurek handed out amendments from Dennis Taylor of the Department of Institutions. (Exhibit 4) Senator Mazurek explained the problem is the courts are actively placing particular people into certain programs instead of requiring people who are eligible for services to go through the same waiting process. Mr. Taylor said the department wants to correct the problem by the amendments he presented to the committee as Exhibit 4. He said the amendments would make sure community base services are discretionary services. Senator Mazurek asked if the amendments would allow the court to determine need and refer the individual to the division and then you place the individual. Mr. Taylor said the amendment would maintain the current practice where he reports to the district court in charge on an annual basis. Senator Halligan moved the amendments. The motion CARRIED.

Senator Halligan moved SB 229 DO PASS AS AMENDED. The motion CARRIED.

ACTION ON SENATE BILL 275: Senator Mazurek thought the state could not require parents to pay for the court-appointed counsel. Senator Galt felt the state could get a real bad kid to handle in court. Senator Mazurek said the statute right now states parents are only liable for \$2,500 for malicious acts, but there is no statute now that makes a parent pay for counsel. Ms. Lane looked up the Youth Court Act, and it states if a parent doesn't want to pay, he doesn't have to. Senator Mazurek said

what the bill would leave on the books is counsel cannot be denied at all for any reason. Senator Brown said a quorum of the committee has signed the bill. Senator Pinsoneault felt it will cause the parents to bare their soul with having to disclose their financial records. Senator Mazurek said the bill doesn't force the parents to pay for counsel, they just have to disclose their financial information. The committee discussed the shooting in Lewistown on December 4, 1986.

Senator Brown moved Senate Bill 275 DO PASS. The motion CARRIED with Senators Crippen, Bishop and Mazurek voting no.

ACTION ON SENATE BILL 261: Senator Brown explained the bill. Senator Pinsoneault moved on page 2, lines 20-21: Following: "place" on line 20, Strike: "on or within 1,000 feet", Insert: "in close proximity". Senator Mazurek felt this amendment was too vague and will probably cause constitutional problems. Senator Pinsoneault withdrew the motion. Senator Blaylock asked if the bill includes an 18 year old senior being prosecuted for selling on the school grounds. Senator Brown said yes. Senator Blaylock asked if "coke" is becoming a problem in the schools. Senator Brown thought "crack" is becoming a problem. Senator Crippen said the sentencing can be suspended. Senator Brown moved the bill DO PASS. Senator Mazurek wanted to know if anyone wanted to raise the age to 21 in the bill. Senator Pinsoneault said if they are old enough to vote, they are old enough to go to jail. Senator Mazurek said an 18 year old might make mistakes. It could be the first time the 18 year old sold the stuff. He felt maybe hard time might do these kids good, or it might not. Senator Crippen made a substitute motion to amend the bill to change the age to 21. The motion CARRIED with Senators Galt and Pinsoneault voting no.

Senator Brown's motion DO PASS AS AMENDED, CARRIED.
(Exhibit 5 - amendments)

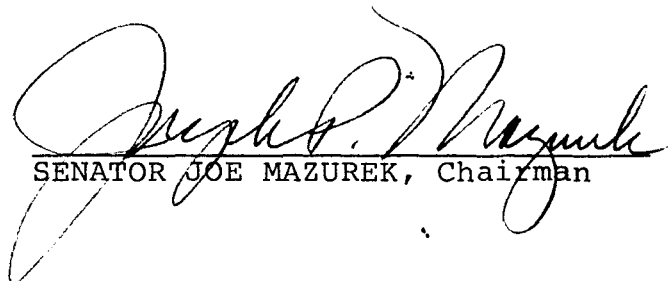
ACTION ON SENATE BILL 152: Valencia Lane gave amendments to the committee. (Exhibit 6) She explained the amendments and said amendments 5 and 7 were the most important. Senator Crippen wanted to make sure in the #5 amendment that the policy is a "written policy" process. Senator Crippen said it is extending the days to 300 days. The committee decided to insert "written" rule or policy

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Page 7

into amendments 5 and 7. Senator Pinsoneault moved the amendments. Senator Crippen felt a lot of employers don't have written rules or policy because they are hard to follow. The motion CARRIED with Senator Galt voting no.

Senator Brown moved the bill DO PASS AS AMENDED. The motion CARRIED with Senator Galt voting no.

ADJOURNMENT: The committee adjourned at 12:05 p.m.



SENATOR JOE MAZUREK, Chairman

mh

DATE

COMMITTEE ON

Feb. 11th, 1987, Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Lorrey Riedel	Missouri Freeholders	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Laura M. Riedel	Freeholder Missouri	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Wittenberg	" " "	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dorothy Wittenberg	Missouri County Freeholders	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ellen Imboden	" " "	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eppie McCreater	" " "	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Julie Harkner	Mo Co. Freeholders	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sheila Cabron	Mo Co. Freeholders	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wells Cabron	" " "	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Evelyn A. Davis	Mo Co self	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kerr Cabron	Mo Co Freeholders	311	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erne Imboden	Missouri State		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dennis H. Taylor	DDD/SRS	225	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(Please leave prepared statement with Secretary)

GENERAL OPERATION
AND CONDUCT OF BUSINESS

X3

(6) If the petition is approved as to form, the election administrator shall send written notice to the person who submitted the sample petition within 21 days after submission of the sample. This notice must include the ballot statement and the statements of implication prepared by the local government attorney.

(7) All petition signatures must be collected and filed within 90 days of the date of the notice that the petition has been approved as to form.

History: (1) En. 47A-3-107 by Sec. 10, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-107; (2)—(7) En. Sec. 1, 2, Ch. 69, L. 1981.

7-5-135. Suit to determine validity and constitutionality of petition and proposed action. (1) The governing body may direct that a suit be brought in district court by the local government to determine whether the proposed action would be valid and constitutional, but such a suit must be initiated within 14 days of the date a petition has been approved as to form under 7-5-134.

(2) An action brought under this section takes precedence over other cases and matters in the district court. The court shall as soon as possible render a decision as to whether the proposed action would be valid and constitutional.

(3) If the defendant prevails, he is entitled to be reimbursed by the local government for costs and reasonable attorney's fees incurred.

(4) The 90-day period during which petition signatures must be collected under 7-5-134 begins on the date of the court order resolving the suit.

History: En. 47A-3-106 by Sec. 9, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-106(part); amd. Sec. 1, Ch. 567, L. 1985.

Compiler's Comments

1985 Amendment: Substituted present language of (1) for former (1) and (2) that read: "(1) Before submitting the question to the electors, the governing body may direct that a suit be brought in district court by the local government to determine whether the petition is regular in form and has sufficient signatures and whether the proposed action would be valid and constitutional.

(2) The complaint shall name as defendants not less than 10 or more than 20 of the petitioners. In addition to the names of the defendants,

to the caption of the complaint there shall be added the words: "And all petitioners whose names appear on the petition for an ordinance filed on the ... day of, in the year ...", stating the date of filing. The summons shall be similarly directed and shall be served on the defendants named therein and in addition shall be published"; and inserted (2) through (4).

Cross-References

Attorneys' fees, Title 25, ch. 10, part 3.

7-5-136. Submission of question to electors. (1) Any ordinance proposed by petition or any amended ordinance proposed by petition or any referendum on an ordinance which is entitled to be submitted to the electors shall be voted on at the next regular election to be held in the local government unless:

(a) the petition asks that the question be submitted at a special election and is signed by at least 25% of the electors of the local government, in which case the governing body shall call a special election; or

(b) the governing body calls for a special election on the question.

(2) A special election may not be held sooner than 75 days after the adequacy of the petition is determined by the election administrator or the governing body orders a special election.

AMENDMENTS TO SB 289
(Introduced Bill)

1. Page 1, line 5.
Following: line 4
Strike: "EXTRADITION WITHOUT A HEARING"
Insert: "RETURN TO ANOTHER STATE"
2. Page 1, line 6.
Following: "A"
INSERT: "BAIL,"
3. Page 1, line 7.
Following: line 6
Strike: "SIGNED IN ANOTHER"

Insert: "ORDER, OR OTHER CONDITIONAL RELEASE FROM
THAT OTHER"
Following: "AGREEMENT"
Insert: " , ORDER OR OTHER CONDITIONAL RELEASE"
4. Page 1, line 13.
Strike: Section 1 in its entirety
Insert:

NEW SECTION Section 1. Prior waiver of extradition. (1) A person who is alleged to have violated the terms of his bail, probation, parole, or any other conditional release from another state and who is held in this state may be released to the duly authorized agent of that other state without the warrant provided for in 46-30-213, if the following has occurred:

a) a district court in this state has held a hearing at which the state has presented:

a) a certified copy of an agreement to waive extradition signed by the person or an order from the other state releasing the person on, the condition that he waive extradition,

b) a certified copy of the warrant or order from the other state directing the return of the person for violating the terms of his release, and

c) evidence that the person is the same person named in the warrant or order; and

b) the district court has found that there is probable cause to believe that the person is the same person charged in the warrant or order. Whenever a district court makes this finding, it shall, except as provided in subsection (2) of this section, order that the person be remanded to custody and delivered to agents of the other state. The court shall also advise the person of his right to contest the order by filing a writ of habeas corpus.

SENATE JUDICIARY

EXHIBIT NO. 2

DATE 2-16-87

BILL NO. S.B. 289

-2-

(2) If the person wishes to test the validity of the order issued pursuant to (1)(b), the court shall fix a reasonable time for him to apply for a writ of habeas corpus before he may be released to agents from the other state.

Proposed amendments to SB 303

1. Title, line 6.

Following: line 5

STRIKE: " FAILURE TO PROVIDE ADEQUATE "

2. Title, line 7.

Following: " OF " "

STRIKE: " HARM TO A CHILD'S HEALTH
OR WELFARE " "

INSERT: " ADEQUATE HEALTH CARE " "

3. Page 2, line 12.

Following: " health "

STRIKE: " or psychological "

4. Page 3, line 4.

Following: " treatment, "

INSERT: " or psychological care "

5. Page 7, lines 6 and 7.

Following: " personally, "

STRIKE: the remainder of line 6 through "service"
on line 7

INSERT: " the person or agency may be served "

6. Page 7, line 8.

Following: line 7

STRIKE: " shall apply "

INSERT: " in the manner
MONTANA
provided by the Rules
of Civil Procedure for other "

Amendments to SB 229 (Mazurek)
suggested by DOJ
2/15/87

1. Page 7, lines 5 & 6.

Strike: "dismiss the petition
and"

2. Page 7, line 9.

Following: "the"

Insert: "person is placed in
community-based services
or if the"

SENATE JUDICIARY

EXHIBIT NO. 4

DATE Feb. 16, 1987

BILL NO. SB 229

San Jud
Comm. Report
2/16

SB261 FIRST READING COPY (WHITE) IS AMENDED AS FOLLOWS:

1. Title, line 5.

Following: "FOR"

Strike: "AN ADULT"

Insert: "A PERSON 21 YEARS OF AGE OR OLDER"

2. Page 2, line 19.

Following: "(5)"

Strike: "An adult"

Insert: "A person 21 years of age or older at the time of sale
who is"

SENATE JUDICIARY

EXHIBIT NO. 5

DATE FEB. 16, 1987

BILL NO. SB 261

C:\LANE\WP\AMDSB261.

*Sen. Jud. Report
Comm. 2/16*

SB152, INTRODUCED COPY (WHITE) IS AMENDED AS FOLLOWS:

1. Title, lines 6 and 7.
Following: "IF THE" on line 6
Strike: the remainder of line 6 through "METHOD" on line 7
Insert: "COMPLAINANT HAS ATTEMPTED TO RESOLVE THE DISPUTE THROUGH
A GRIEVANCE PROCEDURE"
2. Title, line 9.
Following: "AND"
Strike: "A RETROACTIVE"
Insert: "AN"
3. Page 1, line 25.
Following: "in"
Strike: "subsections"
Insert: "subsection"
4. Page 1, line 25 through line 1, page 2.
Following: "(2)(b)" on line 25
Strike: the remainder of line 1 through "(2)(c)" on line 1, page
2
5. Page 2, lines 4 through 18.
Strike: subsections (b) and (c) in their entirety
Insert: "(b) If the complainant has initiated efforts to resolve
the dispute underlying the complaint by filing a grievance in
accordance with any grievance procedure established by a
collective bargaining agreement, contract, or written rule or
policy, the complaint may be filed within 180 days after the
conclusion of the grievance procedure if the grievance procedure
concludes within 120 days after the alleged unlawful
discriminatory practice occurred or was discovered. If the
grievance procedure does not conclude within 120 days, the
complaint must be filed within 300 days after the alleged
unlawful discriminatory practice occurred or was discovered."
Re-number: subsequent subsection
6. Page 2, line 23.
Following: "in"
Strike: "subsections"
Insert: "subsection"
Following: "(2)"
Strike: "and (3)"
7. Page 3, lines 2 through 16.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) If the complainant has initiated efforts to resolve
the dispute underlying the complaint by filing a grievance in
accordance with any grievance procedure established by a
collective bargaining agreement, contract, or written rule or
policy, the complaint may be filed within 180 days after the

conclusion of the grievance procedure if the grievance procedure concludes within 120 days after the alleged unlawful discriminatory practice occurred or was discovered. If the grievance procedure does not conclude within 120 days, the complaint must be filed within 300 days after the alleged unlawful discriminatory practice occurred or was discovered."
Renumber: subsequent subsection

8. Page 4, lines 2 and 3.

Following: "applies" on line 2

Strike: the remainder of line 2 through "1986" on line 3

Insert: "to claims accruing after the effective date of this act"

C:\LANE\WP\AMDSB152.

NAME: NICK ROTERING DATE: 2/16/87

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? DEPT. INSTITUTIONS

APPEARING ON WHICH PROPOSAL: SB 489

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John Nenth DATE: 2/16/57

ADDRESS: _____

PHONE: 3111

REPRESENTING WHOM? Governor's Office

APPEARING ON WHICH PROPOSAL: SB 289

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tom KEEGAN DATE: 2/16/87

ADDRESS: 1313 11th AVE. HELENA, MT. 59601

PHONE: 442-8711

REPRESENTING WHOM? MEMBER - BOARD OF PARDONS

APPEARING ON WHICH PROPOSAL: SB 306

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

SB152

February 16, 1927

MR. PRESIDENT

Judiciary

We, your committee on.....

Senate Bill

152

having had under consideration..... No.....

first

white

reading copy ()

color

EXTEND TIME FOR FILING COMPLAINT WITH HUMAN RIGHTS COMMISSION

Respectfully report as follows: That.....Senate Bill..... No.....152.....

BE AMENDED AS FOLLOWS:

1. Title, lines 6 and 7.

Following: "IF THE" on line 6

Strike: the remainder of line 6 through "METHOD" on line 7

Insert: "COMPLAINANT HAS ATTEMPTED TO RESOLVE THE DISPUTE THROUGH A GRIEVANCE PROCEDURE"

2. Title, line 9.

Following: "AND"

Strike: "A RETROACTIVE"

Insert: "AS"

3. Page 1, line 15.

Following: "in"

Strike: "subsections"

Insert: "subsection"

4. Page 1, line 25 through line 1, page 2.

Following: "(1)(b)" on line 25

Strike: the remainder of line 1 through "(2)(c)" on line 1, page

2

~~XXXXXX~~

DO NOT PASS

~~XXXXXX~~

DO NOT PASS

Chairman.

CONTINUED

February 16, 87

19

5. Page 2, lines 4 through 18.

Strike: subsections (b) and (c) in their entirety

Insert: "(b) If the complainant has initiated efforts to resolve the dispute underlying the complaint by filing a grievance in accordance with any grievance procedure established by a collective bargaining agreement, contract, or written rule or policy, the complaint may be filed within 180 days after the conclusion of the grievance procedure if the grievance procedure concludes within 120 days after the alleged unlawful discriminatory practice occurred or was discovered. If the grievance procedure does not conclude within 120 days, the complaint must be filed within 300 days after the alleged unlawful discriminatory practice occurred or was discovered."

ReNUMBER: subsequent subsection

6. Page 2, line 23.

Following: "in"

Strike: "subsections"

Insert: "subsection"

Following: "[2]"

Strike: "and [3]"

7. Page 3, lines 2 through 16.

Strike: subsections (2) and (3) in their entirety

Insert: "(2) If the complainant has initiated efforts to resolve the dispute underlying the complaint by filing a grievance in accordance with any grievance procedure established by a collective bargaining agreement, contract, or written rule or policy, the complaint may be filed within 180 days after the conclusion of the grievance procedure if the grievance procedure concludes within 120 days after the alleged unlawful discriminatory practice occurred or was discovered. If the grievance procedure does not conclude within 120 days, the complaint must be filed within 300 days after the alleged unlawful discriminatory practice occurred or was discovered."

ReNUMBER: subsequent subsection

8. Page 4, lines 2 and 3.

Following: "applies" on line 2

Strike: the remainder of line 2 through "1986" on line 3

Insert: "to claims accruing after the effective date of this act"

AND AN AMENDED
DO PASS

Senator Max Baucus

STANDING COMMITTEE REPORT

February 16

19 87

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration..... SENATE BILL No. 229

first reading copy (~~WHITE~~ white
color

Prohibit court-ordered placement in community-based services.

Respectfully report as follows: That..... SENATE BILL No. 229

BE AMENDED AS FOLLOWS:

1. Page 7, lines 5 and 6.

Following: "shall" on line 5

Strike: the remainder of line 5 through "and" on line 6

2. Page 7, line 9.

Following: "the"

Insert: "person is placed in community-based services or if the "

AND AS AMENDED

DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

.....
Senator Mazurek

.....
Chairman.

STANDING COMMITTEE REPORT

SCRSN161

.....February 16..... 1967....

MR. PRESIDENT

Judiciary

We, your committee on.....

Senate Bill

261

having had under consideration..... No.....

first

white

_____ reading copy (_____)

color

INCREASE PENALTY FOR DRUG SALE TO MINOR NEAR A SCHOOL

Respectfully report as follows: That.....Senate Bill..... No.....

BE AMENDED AS FOLLOWS:

1. Title, line 5.

Following: "FOR"

Strike: "AN ADULT"

Insert: "A PERSON 21 YEARS OF AGE OR OLDER"

2. Page 2, line 19.

Following: "(5)"

Strike: "An adult"

Insert: "A person 21 years of age or older at the time of sale who is"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

DO NOT PASS

.....
Chairman.

STANDING COMMITTEE REPORT

February 16

37

19.....

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

SENATE BILL

No. 275

having had under consideration.....

first

reading copy (

white

)
color

**Consider parental resources for minors appointed counsel in
homicide case.**

Respectfully report as follows: That.....

SENATE BILL

No. 275

DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

.....
Senator Mazurek

Chairman.

STANDING COMMITTEE REPORT

February 16

XX 37

19.....

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

SENATE BILL

239

having had under consideration..... No.....

first reading copy (white)
color

Authorize presigned extradition waivers.

SENATE BILL

239

Respectfully report as follows: That..... No.....

BE AMENDED AS FOLLOWED:

1. Page 1, line 5.

Following: line 4

Strike: "EXTRADITION WITHOUT A HEARING"

Insert: "THE RETURN TO ANOTHER STATE"

2. Page 1, line 6.

Following: "A"

Insert: "BAIL,"

Following: "PROBATION"

Insert: ", "

3. Page 1, line 7.

Following: line 5

Strike: "SIGNED IN ANOTHER"

Insert: "ORDER OR OTHER CONDITIONAL RELEASE FROM THAT OTHER"

Following: "AGREEMENT"

Insert: ", ORDER, OR OTHER CONDITIONAL RELEASE"

4. Page 1, line 13 through line 4, page 2.

Strike: Section 1 in its entirety

Insert: "NEW SECTION. Section 1. Prior waiver of extradition. (1) A person who is alleged to have violated the terms of his bail, probation, parole, or any other conditional release from another state and who is held in this state may be released to the duly authorized agent of that other state without the warrant provided for in 46-30-213, if the following has occurred:

~~XXXXXX~~

~~XXXXXXXXXX~~

CONTINUED

.....
Chairman.

(a) a district court in this state has held a hearing at which the state has presented:

(i) a certified copy of an agreement to waive extradition signed by the person or an order from the other state releasing the person on the condition that he waive extradition;

(ii) a certified copy of the warrant or order from the other state directing the return of the person for violating the terms of his release; and

(iii) evidence that the person is the same person named in the warrant or order; and

(b) the district court has found that there is probable cause to believe that the person is the same person charged in the warrant or order. Whenever a district court makes this finding, it shall, except as provided in subsection (2) order that the person be remanded to custody and delivered to agents of the other state. The court shall also advise the person of his right to contest the order by filing a writ of habeas corpus.

(2) If the person wishes to test the validity of the order issued pursuant to subsection (1)(b), the court shall fix a reasonable time for him to apply for a writ of habeas corpus before he may be released to agents from the other state."

STANDING COMMITTEE REPORT

February 16

87
19.....

MR. PRESIDENT

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

having had under consideration..... **SENATE BILL**..... No. **303**.....

first reading copy (white)
color

Revise procedures for child abuse prosecution.

Respectfully report as follows: That..... **SENATE BILL**..... No. **303**.....

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Following: line 5

Strike: "FAILURE TO PROVIDE ADEQUATE"

2. Title, line 7.

Following: "OF"

Strike: " "HARM TO A CHILD'S HEALTH OR WELFARE" "

Insert: " "ADEQUATE HEALTH CARE" "

3. Page 2, line 12.

Following: "health"

Strike: "or psychological"

4. Page 3, line 4.

Following: "treatment,"

Insert: "or psychological care"

5. Page 7, lines 6 and 7.

Following: "personally,"

Strike: the remainder of line 6 through "service" on line 7

Insert: "the person or agency may be served"

6. Page 7, line 8.

Following: line 7

Strike: "shall apply"

Insert: "in the manner provided by the Montana Rules of Civil Procedure for other types of proceedings"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

.....
Senator Mazurek

.....
Chairman.

STANDING COMMITTEE REPORT

February 16 1967

MR. PRESIDENT

We, your committee on **SENATE JUDICIARY**
having had under consideration **Senate Bill** No. **306**
first reading copy (white)
color

Require pardons board to meet monthly at state prison.

Respectfully report as follows: That **SENATE BILL** No. **306**

DO PASS

~~DO NOT PASS~~

.....
Senator Mazurek Chairman.