

MONTANA STATE SENATE  
JUDICIARY COMMITTEE  
MINUTES OF THE MEETING

March 3, 1987

The thirty-fourth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on March 3, 1987, by chairman Joe Mazurek, in Room 325 of the state Capitol.

ROLL CALL: All members were present. Senators Crippen, Brown and Halligan arrived late.

CONSIDERATION OF HOUSE BILL 53: Representative Ralph Eudaily, Missoula, presented the bill with all of its amendments. (Exhibit 1) He explained HB 53 is at the request of the Code Commissioner of the Legislative Council and corrects errors found in the MCA since the last legislative session.

Greg Petesch, Legislative Council, stated the council went through a new procedure this time with Code Commissioners by giving copies of the changes to all agencies, and they in return gave us written testimony on what they agreed with and what they didn't.

DISCUSSION ON HOUSE BILL 53: Senator Blaylock asked if there was any mischief in this bill. Greg Petesch, by word of honor, said there was none.

Representative Eudaily closed the hearing.

Valencia Lane presented to the committee, repealers for HB 53. (Exhibit 2)

CONSIDERATION OF HOUSE BILL 42: Representative John Cobb, Augusta, opened the hearing on HB 42. (Exhibit 3)

PROPOSERS: Jim Flynn, Department of Fish, Wildlife and Parks, supported the bill. (Exhibit 4)

Ted Doney, Montana Water Development Association, supported the bill.

Jeanne Klolnak, Montana Wildlife Association, gave testimony from Stan Bradshaw, Trout Unlimited, in support of HB 42. (Exhibit 5)

Carol Mosher, Montana Cattlemen Association, supported the bill. (Exhibit 6)

Scott Ross, Coalition for Stream Access, supported the bill.

Lorna Frank, Montana Farm Bureau, supported the bill.

Karl Englund, Montana Trial Lawyers Assn., supported the bill and had an amendment. (see witness sheet). He felt the amendment clarifies the landowner does meet the premise liability of someone falling into a hole on his property, is the wilfull and wanton misconduct standard.

OPPONENTS: There were none.

DISCUSSION ON HOUSE BILL 42: Senator Blaylock asked what the amendment does. Mr. Englund explained the duty and care of the land and the duty and care that the landowner may owe a person in terms of his or his employee's acts, should be divided, and that is what the amendment does, is separate these two concepts. (see witness sheet for amendment)

Representative Cobb closed the hearing on HB 42. He presented the committee with a fact sheet on the bill. (Exhibit 6A)

CONSIDERATION OF HOUSE BILL 223: Representative Francis Bardanouve, Harlem, presented House Bill 223 to the committee. (Exhibit 7)

PROPOSERS: Curt Chisholm, Department of Institutions, stated the department already belongs to the Western State Compact. He said it expands the sharing of inmates. He said the only cost to the state is the travel expense. He explained it will take care of "inmate predators" and inmate disciplinary problems, or to protect an inmate. He pointed out that parole authorization will stay within the state, even if the inmate is in an out-of-state prison.

OPPONENTS: There were none.

DISCUSSION ON HOUSE BILL 223: Senator Pinsoneault asked if monetary exchange happens between states to pay for a prisoner. Mr. Chisholm said only traveling expenses are paid.

Senator Blaylock asked if a prisoner serves him time in California, does he come back up for parole hearing here in Montana. Mr. Chisholm answered that the Montana parole board can delegate powers to the California parole board authorities, so they can have the hearing in California and give parole if the California parole feels he should be paroled. However, if Montana doesn't want him paroled, the Montana parole board simply denies the California board a hearing.

Representative Bardanoue closed the hearing on HB 223.

CONSIDERATION OF HOUSE BILL 335: Representative Paul Pistoria, Great Falls, introduced HB 335. (Exhibit 8) This is Mr. Pistoria's famous "parking lot bill". Rep. Pistoria explained the bill was referred to the committee after it had passed the Senate floor. He wanted the bill amended with the private parking violation dealt with like the city deals with public parking lots; after 24 hours, the car is towed. He wanted to get rid of the method of chaining a barrel to the back of the car. This is the only reason it was referred to the Judiciary Committee.

PROPONENTS or OPPONENTS: There were neither.

DISCUSSION OF HOUSE BILL 335: Senator Crippen inquired if this meant all private parking. Rep. Pistoria said yes.

Senator Blaylock didn't know what kind of law the committee could write for this.

Rep. Pistoria said he didn't want to stop private parking but he felt they should have the same law as the city has on violating automobiles.

#### EXECUTIVE ACTION

ACTION ON HOUSE BILL 223: Senator Halligan moved HB 223 BE CONCURRED IN. The motion carried unanimously.

ACTION ON HOUSE BILL 42: Senator Pinsoneault moved Karl Englund's amendment. The motion carried. Senator Pinsoneault moved HB 42 BE CONCURRED IN AS AMENDED. Senator Mazurek asked if the amended bill applies across the board to all landowners. He asked if it is just recreationists that are under this bill. Valencia Lane said it is a pretty standard amendment for all liability bills. Senator Pinsoneault pointed out a citation (Title 27-1) liability for negligence as well as willful acts. The motion carried.

CONSIDERATION OF HOUSE BILL 335: Senator Mazurek felt Representative Pistoria has a good point. He explained in Helena the private landowner gets the city police to enforce the trespassing ordinance on violators of private parking. Senator Brown asked how that works when a place is closed and someone parks there. Senator Mazurek said if kids "cruising the drag" pulled into a private parking lot of a store, and began to gather, the police could pick them up for trespassing.

Senator Blaylock thought it might be a good idea to have the car in the private lot towed if the towing is less expensive than the barrel, because the barrel costs \$20 to be cut from your car.

Senator Mazurek asked why there can't be an agreement between private parking garages and the city to enforce that these lots are private.

Senator Bishop asked if there was an effective way of collecting the penalties. Senator Mazurek felt the agreement between the private parking people and the city would stop people from filing \$5 lawsuits.

Senator Pinsoneault felt Valencia should look at statutes that would deal with agreements between a state and a local entity that might give the committee an idea on how to handle this bill.

CONSIDERATION OF HOUSE BILL 95: Senator Blaylock felt there was no need for the bill. Senator Bishop agreed. Senator Mazurek said it would be convenient for the parents. He felt if the committee did not like the bill, then let it just sit. Senator Mazurek said he knew a lady who had everything in a trust, except for a little money. He said there was a guardian appointed to her and he felt the accounting procedure on the small amount out of the trust doesn't justify the expense of the accounting procedure that is done every year. The committee did not act on the bill.

ACTION ON HOUSE BILL 134: Senator Brown moved to strike "or" on page 1, lines 6 and 22, and insert "and", because it includes both parents and legal guardians. The Motion carried.

Senator Brown moved the HB 134 BE CONCURRED IN AS AMENDED. The motion carried.

ACTION ON HOUSE BILL 37: Senator Mazurek felt the committee should make sure who the expunged records apply to as far as the department that would have the records.

Senator Halligan said judges tell defendants all the time to come back in 6 months and if they have been good, the record is wiped clean.

Senator Mazurek said that is not how it is done. He said the guy will come back in 6 months and be able to change the judgment from guilty to not guilty, but the record keeps all of that.

Senator Pinsoneault felt there might be some offenses that could become expunged that society should know about.

Senator Blaylock thought the committee should take a straw vote on the concept of wiping the record clean. The straw vote showed 5 yes and 4 voting no.

Senator Halligan said the bill has to make sure the record is expunged in all areas so the person doesn't have to worry about an employer looking into the person's records.

Senator Mazurek said if all records are cleared that may cause some problems because high security jobs should know about a person's record. He pointed out that might be why the bill is only referring to the Department of Justice, so all records will not be destroyed. The committee did not take action.

ACTION ON HOUSE BILL 21: Valencia Lane said the Males' amendment is not that simple; she said she talked to a Kathleen Diameter of the National Highway Safety Administration in Washington, D. C., who said the state law would meet the federal scheme if it allows 19 to 21 year-olds to drink in the privacy of their own home as long as the state law prohibits the sale to 19 or 20 year-olds. Ms. Lane said there were technical problems with the House amendments. She said the legislature can decide the legal age for purchase, consumption and possessing. She said Mr. Males

thought a state could have different ages for these three things. She said the federal rule says "the" legal age, so it must be one age.

Senator Blaylock asked if this meant a kid working in a grocery store couldn't sell booze. Senator Mazurek said an exception has been made for jobs that sell alcohol.

Senator Brown said he was persuaded by Males' presentation, but now he felt a little differently about it. Valencia Lane handed out the technical amendments to HB 21. (Exhibit 9)

Senator Mazurek thought the committee should insert "final judgment" in the #8 amendment of Valencia's amendments, instead of "Supreme Court", because a case could go to any court anywhere below it until it runs out of appeals. Ms. Lane said Congress might change their mind, so it better say the "Congress remove" in that same amendment. Senator Halligan moved the amendments with changes. The motion carried. Senator Pinsoneault moved to have a gray bill. The motion carried.

ACTION ON HOUSE BILL 13: Senator Mazurek stated that property had always been exempt under bankruptcy court law, but now it is no longer exempt.

Ms. Lane said the amendments were presented by Cort Harrington but were suggested by Art Matteucci, who is an attorney in Great Falls and specializes in bankruptcy cases. She said he is proposing that you incorporate by reference, and it would amend the bill to say:

"to include not only the property specified in specific sections that are mentioned in the bill, but also that property specified in 11 U.S.C. 522 (d)(10)."

Senator Mazurek inquired if this will protect social security benefits, veteran's benefits, disability, illness or unemployment benefits, alimony, etc. He found this on page 393. (Exhibit 10) Senator Mazurek asked if this would cover a private pension. Ms. Lane said it would.

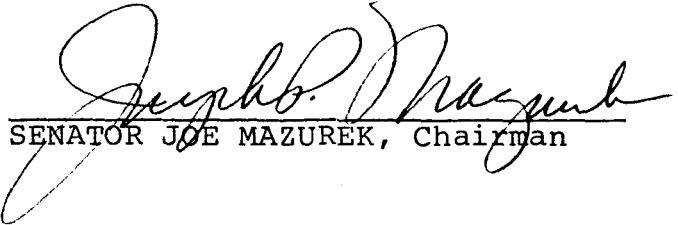
Ms. Lane distributed the Cort Harrington amendments which were done technically. (Exhibit 11)

Senator Yellowtail moved the amendments. The motion carried.

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Senator Halligan moved HB 13 BE CONCURRED IN AS AMENDED.  
The motion carried.

ADJOURNMENT: The meeting adjourned at 12:10 p.m.

  
SENATOR JOE MAZUREK, Chairman

mh

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 3

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.



DATE March 3, 1987

COMMITTEE ON Judiciary

# VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME: KARL ENGLUND DATE: 3/3/87

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

REPRESENTING WHOM? MONTANA TRIAL LAWYERS ASSOCIATION

APPEARING ON WHICH PROPOSAL: HB 42

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: AMENDMENT TO HB 42 - 3<sup>RD</sup> READING COPY  
PAGE 3, LINE 14  
FOLLOWING: "CARE"  
INSERT: "WITH RESPECT TO THE CONDITION  
OF THE PROPERTY"

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY

EXHIBIT NO. 1

DATE March 3 1987

BILL NO. HB 53

CODE COMMISSIONER REPORT

1986

## 1987 CODE COMMISSIONER BILL SUMMARY

Section 1. 2-15-1857. Makes permanent bracketed language inserted to clarify that the governor has the appointing power.

Section 2. 2-18-703. In (4) substitutes "department of administration" for "department" which is not defined.

Section 3. 5-11-206. In (3) substitutes "code sections affected list" for "code index" to accurately reflect the content of the document.

Section 4. 5-11-208. Revises internal reference which included 5-11-204, the section authorizing the secretary of state to assign chapter numbers, not the legislative council.

Section 5. 7-2-2730. Section 6. 7-2-2748. Section 7. 7-2-2749. Revise reference to reflect repeal of 7-7-2105.

Section 8. 7-3-4264. Section 9. 7-3-4265. Revise reference to reflect repeal of 7-3-4263.

Section 10. 7-4-2631. In (1)(j) clarifies that fees are no longer contained in the statutes but are set by rule. (See 30-9-403(5) and (12).)

Section 11. 7-6-308. Removes reference to "7-6-304" because mill values are not used in that section.

Section 12. 7-6-4423. In (1)(c) substitutes "7-12-4182" for "7-12-4181" because that is the section providing for declaring the assessment delinquent.

Section 13. 7-6-4439. Revises reference to reflect repeal of 7-6-4433 and 7-6-4435.

Section 14. 7-6-4463. Revises outline form to remove internal inconsistency.

Section 15. 7-7-2302. Revises reference to reflect repeal of 7-7-2208 and 7-7-2271.

Section 16. 7-7-4302. Revises reference to reflect repeal of 7-7-4207 and 7-7-4271.

Section 17. 7-12-1103. Substitutes "7-12-1121" for "7-12-1112" to reflect that board of trustees is authorized in 7-12-1121.

Section 18. 7-12-4429. In (2) substitutes "7-12-4402" for "7-12-4405" because districts are created under 7-12-4402.

Section 19. 7-13-114. Deletes reference to "the powers and duties of the county commissioners" because not all sections referred to relate to county commissioners and adds language clarifying that the referenced sections are inapplicable if in conflict with Title 7, chapter 13, part 1.

Section 20. 7-13-2242. Substitutes "7-13-2239" for "7-13-2240" because 7-13-2239 contains the requirement for naming the person to whom the petition is returned.

Section 21. 7-13-2510. Section 22. 7-14-1133. Section 23. 7-14-2745. Section 25. 7-15-4322. Section 26. 7-31-112. Section 29. 7-34-2415. Section 71. 20-9-410. Section 128. 67-11-303. Section 129. 69-4-332. Clarify that 17-5-102 no longer limits interest but allows the governing body to set interest rates.

Section 24. 7-14-2823. In (2)(a) and (2)(c) inserts "on" for grammatical reasons.

Section 27. 7-32-4153. Revises reference to reflect the fact that the word "mayor" is not used in 7-32-4155 through 7-32-4159.

Section 28. 7-34-2131. Removes reference to "second or third class" school districts because there is no longer a difference in bonding for districts based on class.

Section 30. 10-4-101. Section 36. 15-6-135. Section 37. 15-8-111. Section 38. 15-8-201. Section 44. 15-23-701. Section 45. 15-24-901. Section 66. 20-3-108. Section 76. 30-10-103. Section 77. 30-10-204. Section 84. 33-20-1111. Section 90. 37-16-404. Section 93. 37-51-301. Section 94. 37-72-101. Section 97. 39-71-403. Section 105. 46-18-222. Section 106. 46-18-231. Section 107. 46-19-103. Section 111. 53-5-503. Section 112. 53-6-141. Section 113. 53-20-202. Section 115. 61-5-121. Section 131. 71-3-302. Section 138. 75-1-1101. Section 143. 82-4-232. Section 145. 85-2-322. Section 148. 85-2-507. Section 149. 85-8-350. Section 154. 90-8-104. Correct erroneous subsection references.

Section 31. 13-1-101. In (10) substitutes "or" for "and" because reference should be disjunctive rather than conjunctive.

Section 32. 13-1-203. Removes reference to mileage and expenses "for county officials" because 2-18-501 through 2-18-503 set rates for all state employees.

Section 33. 13-17-103. In (8) substitutes "is" for "will be" to reflect contractual requirement rather than future provision.

Section 34. 13-37-303. In (1) in last sentence inserts "to" for proper grammar.

Section 35. 15-1-101. Section 46. 15-24-1102. Section 47. 15-24-1103. Extend reference to include all classes of property.

Section 39. 15-10-203. Section 40. 15-10-204. Insert "or proposed" before "budget" to reflect name change of county preliminary budget created by Ch. 206, L. 1985.

Section 41. 15-16-305. Substitutes third "Tuesday" of February for third "Monday" because third Monday is Washington's birthday, a legal holiday.

Section 42. 15-17-101. Moves "that" in lead-in phrase for proper outline form.

Section 43. 15-23-616. Deletes reference to "net proceeds" because 15-23-602 does not use that phrase.

Section 48. 15-30-111. In (2)(i) inserts reference to 19-13-1003, to reflect tax exemption contained in firefighters' unified retirement system.

Section 49. 15-30-321. In (1) in second parenthetical makes language consistent with first parenthetical.

Section 50. 15-31-406. Revises reference to reflect repeal of 15-31-542.

Section 51. 15-35-102. In (12) revises definition to reflect that "surface mining" is not defined in 82-4-203.

Section 52. 15-59-121. Revises reference to reflect repeal of 15-59-103 and renumbering of 15-59-111 as this section.

Section 53. 16-1-105. Revises section to reflect repeal of Title 16, chapter 5.

Section 54. 16-1-306. Inserts references to reflect statutory assignment of revenues.

Section 55. 17-5-1202. Corrects improper citation to federal act.

Section 56. 17-6-103. Adds reference to bonds issued under Title 7, chapter 12, part 42, for consistency because part 42 is a continuation of part 41.

Section 57. 17-6-302. Substitutes "17-6-306" for "17-6-305" to reflect establishment of fund in 17-6-306.

Section 58. 18-1-103. In (1) and (4) deletes "18-1-112" because "resident" is not used in 18-1-112.

Section 59. 18-2-201. In (1) substitutes "85-1-219" for "18-1-219" to correct a typographical error and to correctly reflect codification of section 1 of Ch. 498, L. 1985. In (3) inserts "of" for grammatical purposes.

Section 60. 19-3-906. In (2)(b) inserts "he" for grammatical purposes to conform with (2)(a).

Section 61. 19-4-902. Revises section to reflect that only superannuation "allowance" is prescribed under Title 19, chapter 4, part 8.

Section 62. 19-7-101. Section 63. 19-7-405. Delete references to sheriffs' retirement board which no longer exists. System is administered by public employees retirement board.



Section 64. 19-10-202. In (2) in four places inserts references to town to reflect the content of the section.

Section 65. 19-11-203. Deletes reference to Title 19, chapter 11, part 3, which was repealed.

Section 67. 20-5-301. In (3)(e) revises text for proper outline form.

Section 68. 20-7-117. In (1) in two places substitutes "have" for "has" for proper grammatical use of tense.

Section 69. 20-9-165. Deletes "in accordance with 20-15-302" to reflect repeal of 20-15-302.

Section 70. 20-9-343. In (3)(c) inserts language to reflect distribution of funds under 15-35-108, in (3)(g) deletes redundant language, and in (4) removes bracketed language because there is no longer a permissive account.

Section 72. 20-15-403. Deletes reference to 7-8-2215 because "school district" is not used in that section.

Section 73. 20-15-404. In (4) extends reference to include 20-7-713.

Section 74. 20-25-302. At end of (2) clarifies that nonresident students are not defined in 20-25-421, but that charges are made under 20-25-421 for nonresident students.

Section 75. 30-4-302. Numbers subsections to reflect MCA style.

Section 78. 32-1-803. Revises reference to reflect repeal of 32-1-304.

Section 79. 33-1-104. Section 80. 33-1-313. Section 81. 33-1-317. Section 85. 33-30-111. Section 86. 33-30-112. Section 87. 33-30-113. Section 88. NEW. Make 33-30-1012, which was enacted without a codification instruction, subject to the general provisions of the insurance law.

Section 82. 33-17-211. In (9) clarifies that 33-17-212 requires an examination but does not prescribe the examination fee.

Section 83. 33-20-103. Revises reference to reflect renumbering of 33-20-109 as 33-20-131.

Section 89. 35-12-1308. Revises reference to reflect that this section itself is not included in those which may be violated.

Section 91. 37-30-425. In (7) revises language to conform to 37-30-203, which does not describe offenses but grants rulemaking authority.

Section 92. 37-42-305. Deletes reference to 37-42-301 because it does not refer to an examination.

Section 95. 39-51-201. In (4) hyphenates "52-consecutive-week" for proper usage, and in (11) inserts "to be paid" for readability.

Section 96. 39-71-118. In (1)(d) substitutes "superintendent of public instruction" for "board of public education" to reflect the superintendent's authority to approve vo-tech programs.

Section 98. 40-4-209. In (5) clarifies that the department of revenue is the agency to adopt guidelines for child support enforcement.

Section 99. 41-3-611. Substitutes "41-3-610" for "41-3-609" because other placement proceedings are held pursuant to 41-3-610.

Section 100. 41-5-206. Deletes (1)(a)(ii)(F) because it is covered under (1)(a)(i) and applies to youths over 12, and corrects internal reference as a result of this change.

Section 101. 41-5-523. In (2) inserts "a" for grammatical reasons.

Section 102. 44-1-403. Substitutes "five" for "12" to reflect the proper number of highway districts.

Section 103. 44-1-1005. In (3) substitutes "provided for" for "defined" because subsection (1)(a) does not define motor vehicle inspections but grants rulemaking authority.

Section 104. 46-18-201. In (4) corrects reference and adds language to clarify that the mandatory minimum sentence applies to aggravated assault rather than felony assault.

Section 108. 50-5-101. In (19) substitutes "youth care facilities" for "boarding or foster homes for children" to reflect the terminology used in Title 41, chapter 3.

Section 109. 50-73-102. Deletes definition of "following shot" because it is not used in Title 50, chapter 73.

Section 110. 53-2-813. Deletes reference to subsection (1)(b) and deletes the subsection in its entirety because it is no longer applicable.

Section 114. 61-3-102. Makes permanent the bracketed language "in performing its duties under this title".

Section 116. 61-9-402. In (6) deletes reference to subsections (1), (2), and (3) because amber lights aren't mentioned in those subsections.

Section 117. 61-10-108. Section 118. 61-10-122. Section 119. 61-10-124. Section 120. 61-01-128. Section 121. 61-10-141. Section 122. 61-10-142. Section 123. 61-10-143. Clarify that department referred to is highways. Title definition found in 61-1-301 refers to department of justice.

Section 124. 61-11-203. Makes subsection (3) freestanding for proper outline form.

Section 125. 67-3-101. In (2) inserts "salés" before "dealers" to conform to first clause of (2).

Section 126. 67-3-201. Section 127. 67-3-202. Clarify that subsection (3) of 67-3-201 applies to itself.

Section 130. 69-14-805. Revises reference to reflect repeal of 69-14-802.

Section 132. 71-3-603. In (1) substitutes "71-3-605" for "71-3-606" because 71-3-605 provides for filing by the lien claimant, and in (2) substitutes "71-3-606" for "71-3-605" because 71-3-606 provides for filing the claim of the landowner.

Section 133. 71-3-611. Substitutes "71-3-603" for "71-3-605" because 71-3-603 contains the 3-month time limit.

Section 134. 72-11-103. Substitutes "an ancestor" for "the ancestors" for grammatical propriety.

Section 135. 72-16-454. Substitutes "35%" for "65%" to reflect 1983 amendment of 72-16-452.

Section 136. 72-17-206. Substitutes "72-17-301(2)" for "72-17-310(2)" in two places to correct error and reflect renumbering of sections.

Section 137. 72-17-311. Removes an unclear reference to a subsection and rearranges terms for clarity.

Section 139. 75-20-216. Revises reference to reflect repeal of 75-20-214.

Section 140. 76-3-103. In (12) and (13) removes reference to former title of act and makes parenthetical code citation permanent.

Section 141. 80-4-427. Substitutes "80-4-428" for "80-4-429" because the criminal penalty for operating without a license is found in 80-4-428.

Section 142. 81-8-216. In two places revises reference to reflect repeal of 81-8-257.

Section 144. 82-11-131. Revises last sentence for comprehension.

Section 146. 85-2-421. Section 147. 85-2-422. Revise reference to reflect repeal of 85-2-425.

Section 150. 85-8-624. In (3)(a), (3)(c), and (3)(d) corrects erroneous subsection reference, and in (3)(b) substitutes "85-8-302" for "85-8-304" because 85-8-302 provides for the manner of conducting the election.

Section 151. 87-1-209. Clarifies that the notice requirement is found in subsection (3)(b) of this section.

Section 152. 87-3-101. Substitutes "61-1-202" for "61-1-201" because 61-1-202 defines public highway.

Section 153. 87-5-109. At end of (2) substitutes "87-5-105" for "87-5-104" because 87-5-105 grants the authority for issuing regulations.

Section 155. NEW. Requested by department of social and rehabilitation services to revise archaic terminology.

Section 156. Repealer. (1) Section 2-17-106 is no longer necessary, particularly because of the construction of the DNRC building. Section 2-17-101 governs space assignment generally.

(2) Section 2-17-109 and 2-17-110 were rendered ineffective by Ch. 33, Sp. L. June 1986, which transferred renovation funds to the long-range building debt service fund.

(3) Sections 7-15-4122 and 7-33-4203 were held to have been impliedly repealed by the state building code in 40 A.G. Op. 76 (1984).

(4) Sections 50-5-601 through 50-5-603 and 50-5-611 are identical to sections 50-5-421 through 50-5-424 and are therefore unnecessary.

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**2-17-106. Highway building space assignment.** (1) The department of administration shall assign space in the present highways building, upon completion of the new highways complex, to the following state departments and in the following order of priority:

- (a) first to the departments of agriculture and livestock; and
- (b) second to the department of natural resources and conservation.

(2) The department of administration shall assign such space with the purpose of maintaining each department's Helena-based offices, in their entirety, in a single central location. When considering assignment of space under this section, the department shall insure that those departments with first priority are provided sufficient space for future growth and that growth of first priority departments, for purposes of space assignment, takes precedence over growth of second and third priority departments.

(3) After assignment to the three named departments, any additional available space may be assigned by the department in accordance with 2-17-101.

History: En. Sec. 1, Ch. 479, L. 1975; R.C.M. 1947, 82-3308.1.

**2-17-109. Remodeling and renovation — senate chambers and former supreme court chambers to be preserved.** (1) Notwithstanding the provisions of Title 5, chapter 17, part 1, the department of administration shall proceed with the plans for the remodeling and renovation of the state capitol for which moneys were appropriated by the 47th legislature and reappropriated by the 48th legislature.

(2) In proceeding with such plans, the department of administration shall consult with the capitol building and planning committee provided for in 5-17-101; however, such plans and the implementation of such plans need not be reported to the 49th legislature before implementation.

(3) The department of administration, in the implementation of such plans, shall keep and maintain the senate chambers in its present location.

(4) If future senate bodies should determine that the location of the senate chambers is to be moved, the department of administration shall keep and maintain the physical structure and location of the present senate chambers as a single room which shall be used for legislative purposes. Such room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved.

(5) The department of administration shall keep and maintain the physical structure and location of the supreme court chambers, which were occupied by the Montana supreme court until the new justice building was completed and dedicated in 1983, as a single room which shall be used for legislative committee purposes. Such room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved.

History: En. Sec. 2, Ch. 700, L. 1983.

**2-17-110. Allocation of senate and house of representatives workspace.** In the implementation of the plans for remodeling and renovation of the state capitol referred to in 2-17-109, the department of administration, after having allocated adequate space for the leadership of the house of representatives and the senate and staff, work, and committee room space, shall, with respect to any space in excess of such needs, divide any office space on a proportionate basis determined by the number of house of representatives members and the number of senate members.

History: En. Sec. 3, Ch. 700, L. 1983.

**Cross-References**

Legislative chambers and office space,  
2-17-101.

SENATE JUDICIARY

EXHIBIT NO. 2

DATE March 3, 1988

BILL NO. ~~SB~~ HB 53

*Repealed  
very  
HB 53*



**7-15-4122. Construction specifications.** The city or town council has power to:

- (1) prescribe the thickness, strength, and manner of constructing stone, brick, and other buildings; and
- (2) order the construction of fire escapes thereon.

History: En. Subd. 51, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.50, R.C.M. 1935; R.C.M. 1947, 11-953.

**7-33-4203. Authority to restrict building to protect against fire.** For the purpose of guarding against fire, the city or town council has power to prescribe the limits within which wooden or combustible buildings must not be erected, placed, or repaired and to establish fire limits within the city or town.

History: En. Subd. 26, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.25, R.C.M. 1935; R.C.M. 1947, 11-928.

**Cross-References**

Municipal and county building codes, Title 50, ch. 60, part 3.

Fire safety in public buildings, Title 50, ch. 61.

Removal of fire hazards, Title 50, ch. 62, part 1.

**50-5-421. Short title.** Sections 50-5-421 through 50-5-424 may be cited as the "Family Practice Training Act of 1983".

History: En. Sec. 1, Ch. 668, L. 1983.

**50-5-422. Definitions.** As used in 50-5-421 through 50-5-424, the following definitions apply:

(1) "Family practice" means comprehensive medical care, with particular emphasis on the family unit, in which the physician's continuing responsibility for health care is not limited by the patient's age or sex or by a particular organ system or disease entity.

(2) "Residency training" means a community-based family practice program to train family practice resident physicians sponsored by one or more community hospitals and physicians in Montana for inpatient and outpatient training.

(3) "Resident physician" means any physician in advanced medical specialty training.

History: En. Sec. 2, Ch. 668, L. 1983.

**50-5-423. Montana family practice training program.** (1) There is created a Montana family practice training program to train resident physicians in family practice.

(2) The program is under the authority of the department, and the department shall contract with a nonprofit corporation organized under the laws of Montana or certified to do business in Montana to coordinate the training of family practice resident physicians. The officers and directors of the corporation must be qualified by education, experience, and interest to administer and oversee family practice resident physician training activity.

History: En. Sec. 3, Ch. 668, L. 1983.

**50-5-424. Funding limitations.** (1) Money appropriated for residency training is in addition to any other money appropriated for medical educational programs and may not supplant funds for existing medical educational programs.

(2) No funds appropriated by the legislature to fund residency training may subsidize the cost incurred by patients.

History: En. Sec. 4, Ch. 668, L. 1983.



## SUMMARY OF HB42 (COBB)

(Prepared by Senate Judiciary Committee staff)

HB42 was drafted and introduced in response to a recent Supreme Court case, Limberhand v. Big Ditch Co., Mont., 706 P.2d. 491 (1985). Limberhand was a suit brought by a mother for the death of her 18-month-old son who drowned in an irrigation ditch near an apartment that the family was visiting. The lower court granted summary judgment in favor of all the defendants; the city of Billings, the company which owned and operated the ditch, and the individuals who owned the apartment. The Montana Supreme Court upheld the summary judgment as to the city and reversed as to the other defendants because of questions of material fact as to whether the other defendants should have made the premises more safe. The Supreme Court stated that the test for landowner liability is always not the status of the injured party but the exercise of ordinary care in the circumstances by the landowner. Previously, landowner liability had been determined by the duty of care a landowner was deemed to owe to an injured party; with a different duty owed to a trespasser as compared to an invitee or licensee.

This bill was introduced to amend two section dealing with landowner liability to delete from those sections any references to the status of the injured party, to make the language of the statutes reflect the test adopted in the Limberhand case.

COMMENTS: The amendment adopted by the house is good because it extends the standard of "willful or wanton misconduct" to a trespasser as well as to someone on the property with permission. Without this amendment, it could be argued that under the language of the Limberhand case, a landowner would owe a lesser duty (of ordinary negligence) to a trespasser while owing a higher duty (of willful or wanton misconduct) to others.

C:\LANE\WP\SUMHB42.

HB 42  
March 3, 1987

Testimony presented by Jim Flynn, Dept. of Fish, Wildlife & Parks

HB 42 clarifies the legal standard governing landowner liability under two circumstances. The standard of willful or wanton misconduct under present law and under HB 42 describes the duty owned by landowners or tenants toward recreationists portaging or using portage routes and toward persons recreating on land where no payment was made for the privilege.

Amendments in the House Judiciary Committee further clarified present statutes by specifically stating that the landowner is liable for willful or wanton misconduct toward recreational users whether permission had been granted or not.

Because the Montana Supreme Court, in Limberhand v. Big Ditch Company, no longer makes the traditional distinctions between invitee, licensee and trespasser, removing language in the two statutes referring to invitee or licensee will help avoid any confusion as to the meaning of those two statutes.

The department supports this clarification and believes the amendments remove any possible doubt that the landowner's duty of care is defined by the willful or wanton misconduct standard.

H.B. 42

TESTIMONY OF STAN BRADSHAW, TROUT UNLIMITED  
BEFORE THE SENATE JUDICIARY COMMITTEE, 3/3/87

Mr. Chairman and members of the Committee, my name is Stan Bradshaw and I represent the Montana State Council of Trout Unlimited, an organization organized to foster and promote the propagation of wild trout and to promote the protection of trout habitat. Implicit in that charge is the recognition of the recreational value of wild trout. The members of Trout Unlimited in Montana are heavy recreational users of the state's rivers and streams.

The State Council of Trout Unlimited supports the passage of H.B. 42. In the last session, Trout Unlimited strongly supported the provisions which minimized landowner liability against lawsuits by recreational users of the state's rivers and streams. In addition, Trout Unlimited supports the proposition that landowners who allow recreational use of their lands without charge should have minimal liability for injury to users. The intent of H.B. 265 and the landowner liability provisions of Title 70 is to provide liability protection to landowners.

H.B. 42 will eliminate any ambiguity caused by the Limberhand decision and will reaffirm the limitations on landowner liability to recreational users. Therefore, Trout Unlimited urges this committee to give a "do pass" recommendation to H.B. 42.



# MONTANA CATTLEMEN'S ASSOCIATION INTL

WITH A LARGE "Steak" IN MONTANA'S FUTURE

SENATE JUDICIARY

EXHIBIT NO. 6

DATE March 3, 1981

BILL NO. HB 42

P.O. Box 1234  
Helena, Montana 59624

TESTIMONY IN SUPPORT OF HB 42

BEFORE THE SENATE JUDICIARY COMMITTEE

Mr. Chairman, HB 42 will add immeasurably to the stability and clarity of the statutes relating to landowner liability. Recent Montana Supreme Court cases have brought the wording of the present law into apparent conflict with the Court's new approach to standards of care.

Representative Cobb, in removing the words "status", "licensee", and "invitee", has left this statute more readable and less confusing to the layman. Since these standards no longer held up in court, the new language is also more dependable as a source of protection by either party.

The Montana Cattlemen's Assn. especially applauds the amendment concerning recreational use of property. Here is a segment of the law that has always been unstated. In fact, because of the present unspecific statement of liabilities toward recreational users, many landowners have been reluctant to give permission for such use. The House committee did good work in Sec. 3 with their forthright statement of the position of recreational users not paying a fee.

We urge that this bill be quickly sent to the Governor. Thank you.

This bill is to clarify the legal standard governing landowner liability toward recreationists.

The bill describes the duty and responsibility landowners or tenants have toward recreationists under the stream access law of last session as well as to recreationists recreating on land of another where no payment is given to the landowner.

This bill does not change existing law but only clarifies the landowner's duties and responsibilities to recreationists in light of a recent Montana Supreme Court case.

That case is on page 1. Lumberhand vs. Big Ditch Company. In that case an 18 month old child fell into a ditch and drowned.

The Court ruled that the owner of the ditch was liable. The child of course was not using the ditch for recreation. When a court rules in a case like this, the court must decide the duty or responsibility a landowner has to another person who enters his property.

Duties and responsibilities of the landowner can range from low duties and responsibilities to higher duties and responsibilities.

Before the Supreme Court, duties and responsibilities of a landowner toward a person who entered the land depended upon the status or standard of the person who entered the land.

John Cobb  
March 2, 1987  
Page 2

SENATE JUDICIARY  
EXHIBIT NO. 6 A  
DATE 3-3-87  
BILL NO. H.B. 42

That status is standard depended upon if a person who entered the land was a trespasser, licensee or invitee. Each status of the person who entered the land made the landowner have different responsibilities to the person.

The landowner owed the trespasser a lower duty -- liable only for an act that constituted willful or wanton misconduct-- settraps.

An invitee was owed a higher duty of ordinary care. An invitee is someone who comes onto the property for mutual benefit of owner and himself -- like going into a store to buy something.

So the liability to a person who entered the property depended on the status of that person.

There was an exception though to these duties of a landowner to a person who entered onto the property if it was for recreational purposes. That is, it didn't matter if you were a trespasser, licensee or invitee as long as the use of the property was for recreation -- the landowner's duty to an injured person if he was recreating was only for an act that constitutes willful and wanton misconduct. This is a very low duty. The reason was to encourage opening up access for lands for recreation.

The Montana Supreme Court in the case cited on page 1 did away with the classification system of trespasser, licensee and invitee for determining duties and responsibilities of the

John Cobb  
March 2, 1987  
Page 3

SENATE JUDICIARY  
EXHIBIT NO. 6 A  
DATE 3-3-87  
BILL NO. H.B. 42

property owner to a person who entered the property and was injured.

The Court also held that the duty of the property owner was now the duty of ordinary case -- the same as an invitee under the old law.

This bill simply takes out the words licensee and invitee in recreational use of property to conform with the Court ruling doing away with different classifications of persons entering property.

However, the Legislature is leaving the same exception in the law as existed before the Court ruling -- that is for persons entering property for recreational purposes and not being charged for the use of the property for recreational purposes-- the duty of the landowner is only for an act of willful and wanton misconduct.

**SUMMARY OF HB223 (BARDANOUVE)**

(Prepared by Senate Judiciary Committee staff)

HB223 is by request of the Department of Institutions and adopts the "Interstate Corrections Compact". This bill provides for the cooperation among party states in the confinement, treatment, and rehabilitation of offenders. It allows states to send inmates to other states for confinement, treatment, and rehabilitation.

Article I. States purpose and policy -- to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment, and rehabilitation of offenders with the most economical use of human and material resources.

Article II. Definitions. "Inmate" means a male or female offender who is committed under sentence to or confined in a penal or correctional institution.

Article III. Authorizes contracts between states for the confinement of inmates on behalf of a sending state in institutions within a receiving state.

Article IV. Procedures and rights. Authorizes "duly constituted authorities" in a state to direct confinement of an inmate in another state if they decide that it is "necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment". Authorities of sending state can inspect institutions in receiving state at any time. Inmates remain subject to jurisdiction of sending state. Receiving state to provide regular reports. Inmates to be treated in reasonable and humane manner and equally with other inmates in receiving state. Any hearings to which inmate may be entitled can be held in sending state or receiving state, if authorized by sending state. Release to be in sending state unless otherwise agreed. Inmates have same rights as would have in sending state. The parent, guardian, trustee, or other person not to be deprived of any exercise of power.

Article V. Acts not reviewable in receiving state -- extradition. An inmate who escapes from receiving state institution is fugitive from sending state.

Article VI. Any party state may participate in federal aid and any inmate may participate in any federally aided program or activity.

Article VII. This act is effective when enacted by any two states and then upon enactment in any other state.

Article VIII. Provides for withdrawal and termination.

Article IX. Arrangements with nonparty states unaffected.

Article X. Provisions of the compact are to be liberally construed and are severable.

Section 2. Effectuation of purpose of compact. The Department of Institutions shall enforce this compact.



## SUMMARY OF HB335 (PISTORIA)

(Prepared by Senate Judiciary Committee staff)

HB335 regulates providers of private parking services and users of those services. This bill prohibits a person who runs a private parking service (on private or public property) from impounding a motor vehicle either by towing it to a place that is not unconditionally accessible to its operator or by attaching a device that makes it immobile. The bill also provides that failure to comply with parking regulations of a private parking service results in a civil liability that may be remedied as any other civil action is remedied and does not constitute a violation of the parking regulations of the local government.

COMMENTS: It is not clear exactly what is meant by the phrase "as any other civil action is remedied" (Page 2, line 7). A "civil action" generally refers to a law suit and law suits are not generally referred to as being "remedied".

Presumably, there would be some kind of contractual obligations that could be enforced by a law suit. I am not aware of any other remedies other than some kind of law suit or small claims suit. Any contractual provisions would have to be made clear to the user of the parking service in order to be enforceable and could not be too onerous or they would be in danger of being held unenforceable as a contract of adhesion.

C:\LANE\WP\SUMHB335.

## HB 21 PROPOSED AMENDMENTS

(technical)  
ONLY

1. Title, line 7.

Following: "THE"

Insert: "UNITED STATES CONGRESS REPEALS OR REMOVES OR THE"

2. Page 1, line 15 through line 23, page 6.

Strike: sections 1 through 5 in their entirety

Renumber: subsequent sections

3. Page 12, line 5 through line 10, page 17.

Strike: sections 11 through 16 in their entirety

Renumber: subsequent sections

4. Page 17, line 21.

Following: line 20

Insert: "NEW SECTION. Section 8. Applicability. The provisions of this act do not apply to persons who were born on or between April 1, 1966, and April 1, 1968."

5. Page 17, line 21.

Following: "Effective"

Strike: "dates"

Insert: "date"

Following: "---"

Insert: "contingent"

6. Page 17, line 22.

Following: "termination"

Insert: "date"

7. Page 17, lines 22 through line 2, page 18.

Following: "(1)" on line 22

Strike: the remainder of line 22 through line 2, page 18

Insert: "This act is effective April 1, 1987."

Renumber: subsequent subsection

8. Page 18, line 3.

Following: "IF THE"

Insert: "United States congress repeals or removes or the"

9. Page 18, line 8.

Following: "OF THE"

Insert: "repeal, removal, or"

10. Page 18, line 9.

Following: "MONTANA."

Strike: the remainder of line 9

Insert: "This act terminates on the date of such"

## PROPOSED AMENDMENTS TO HOUSE BILL 13

1. Title, line 10.

Following: "ANNOTATED"

Insert: "AND 11 U.S.C. 522(d)(10)"

2. Page 1, line 18.

Following: "except"

Insert: "that property specified in 11 U.S.C. 522(d)(10) and  
that"

## 11 § 522

## BANKRUPTCY

## § 522. Exemptions

(a) In this section—

(1) “dependent” includes spouse, whether or not actually dependent; and

(2) “value” means fair market value as of the date of the filing of the petition.

(b) Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate either—

(1) property that is specified under subsection (d) of this section, unless the State law that is applicable to the debtor under paragraph (2)(A) of this subsection specifically does not so authorize; or, in the alternative,

(2)(A) any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition at the place in which the debtor's domicile has been located for the 180 days immediately preceding the date of the filing of the petition, or for a longer portion of such 180-day period than in any other place; and

(B) any interest in property in which the debtor had, immediately before the commencement of the case, an interest as a tenant by the entirety or joint tenant to the extent that such interest as a tenant by the entirety or joint tenant is exempt from process under applicable nonbankruptcy law.

(c) Unless the case is dismissed, property exempted under this section is not liable during or after the case for any debt of the debtor that arose, or that is determined under section 502 of this title as if such claim had arisen before the commencement of the case, except—

(1) a debt of a kind specified in section 523(a)(1) or section 523(a)(5) of this title; or

(2) a lien that is—

(A) not avoided under section 544, 545, 547, 548, 549, or 724(a) of this title;

(B) not voided under section 506(d) of this title; or

(C)(i) a tax lien, notice of which is properly filed; and

(ii) avoided under section 545(2) of this title.

(d) The following property may be exempted under subsection (b)(1) of this section:

(1) The debtor's aggregate interest, not to exceed \$7,500 in value, in real property or personal property that the debtor or a

dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor.

(2) The debtor's interest, not to exceed \$1,200 in value, in one motor vehicle.

(3) The debtor's interest, not to exceed \$200 in value in any particular item, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(4) The debtor's aggregate interest, not to exceed \$500 in value, in jewelry held primarily for the personal, family, or household use of the debtor or a dependent of the debtor.

(5) The debtor's aggregate interest, not to exceed in value \$400 plus any unused amount of the exemption provided under paragraph (1) of this subsection, in any property.

(6) The debtor's aggregate interest, not to exceed \$750 in value, in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.

(7) Any unmaturred life insurance contract owned by the debtor, other than a credit life insurance contract.

(8) The debtor's aggregate interest, not to exceed in value \$4,000 less any amount of property of the estate transferred in the manner specified in section 542(d) of this title, in any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is a dependent.

(9) Professionally prescribed health aids for the debtor or a dependent of the debtor.

(10) The debtor's right to receive—

(A) a social security benefit, unemployment compensation, or a local public assistance benefit;

(B) a veterans' benefit;

(C) a disability, illness, or unemployment benefit;

(D) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(E) a payment under a stock bonus, pension, profitsharing, annuity, or similar plan or contract on account of illness, disability, death; age, or length of service, to the extent reason-

EXHIBIT NO. 10

DATE 3-3-87

BANKRUPTCY

BILL NO. H.B. 13 Ch. 5

11 § 522

ably necessary for the support of the debtor and any dependent of the debtor, unless—

(i) such plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under such plan or contract arose;

(ii) such payment is on account of age or length of service; and

(iii) such plan or contract does not qualify under section 401(a), 403(a), 403(b), 408, or 409 of the Internal Revenue Code of 1954 (26 U.S.C. 401(a), 403(a), 403(b), 408, or 409).

(11) The debtor's right to receive, or property that is traceable to—

(A) an award under a crime victim's reparation law;

(B) a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(C) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of such individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(D) a payment, not to exceed \$7,500, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or

(E) a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

(e) A waiver of exemptions executed in favor of a creditor that holds an unsecured claim against the debtor is unenforceable in a case under this title with respect to such claim against property that the debtor may exempt under subsection (b) of this section. A waiver by the debtor of a power under subsection (f) or (h) of this section to avoid a transfer, under subsection (g) or (i) of this section to exempt property, or under subsection (i) of this section to recover property or to preserve a transfer, is unenforceable in a case under this title.

(f) Notwithstanding any waiver of exemptions, the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent that such lien impairs an exemption to which the debtor

HB 13

1. Title, line 10.  
Following: "ANNOTATED"  
Insert: "AND 11 U.S.C. 522 (d) (10)"
2. Page 1, line 18.  
Following: "except"  
Insert: "that property specified in  
11 U.S.C. 522 (d) (10) and that"
3. Page 2, line 1.  
Following: "EFFECTIVE"  
Strike: "July 1, 1987,"  
Insert: "on passage and approval"
4. Page 2, line 2.  
Following: "APPLIES"  
Strike: "ONLY"
5. Page 2, lines 2 and 3.  
Following: "PETITIONS" on line 2  
Strike: the remainder of line 2 through "1987"  
on line 3  
Insert: "in which discharge takes place on or  
after the effective date of this act"

# STANDING COMMITTEE REPORT

March 3

67

19.....

MR. PRESIDENT

## SENATE JUDICIARY

We, your committee on.....

having had under consideration..... HOUSE BILL 13 No.....

third ~~XXXX~~ reading copy ( blue )  
color

Exempt in bankruptcy action all property of individual exempt under MCA  
Rep Mercer (Senator Halligan)

Respectfully report as follows: That..... HOUSE BILL 13 No.....

be amended as follows:

1. Title, line 10.

Following: "ANNOTATED"

Insert: "AND 11 U.S.C. 522(d)(10)"

2. Page 1, line 13.

Following: "except"

Insert: "that property specified in 11 U.S.C. 522(d)(10) and that"

3. Page 2, line 1.

Following: "EFFECTIVE"

Strike: "July 1, 1987."

Insert: "on passage and approval"

4. Page 2, line 2.

Following: "APPLIES"

Strike: "ONLY"

5. Page 2, lines 2 and 3.

Following: "PETITIONS" on line 2

Strike: the remainder of line 2 through "1987" on line 3

Insert: "in which discharge takes place on or after the effective date of this act"

~~XXXXXX~~  
DO PASS

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~  
DO NOT PASS

Chairman.



# STANDING COMMITTEE REPORT

March 3

87

19.....

MR. PRESIDENT

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

having had under consideration.....**HOUSE BILL**..... No. **42**.....

third reading copy ( blue )  
color

**Clarify legal standard governing landowner liability.  
Cobb (Pinsonneault)**

Respectfully report as follows: That.....**HOUSE BILL**..... No. **42**.....

**be amended as follows:**

**1. Page 3, line 14.**

**Following: "CARE"**

**Insert: "with respect to the condition of the property"**

~~XXXXXX~~ **AND AS AMENDED**  
~~DOYASS~~ **BE CONCURRED IN**

~~XXXXXXXXXX~~

.....**Senator Mazurek**.....

Chairman.

# STANDING COMMITTEE REPORT

March 3

37

19.....

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration..... HOUSE BILL No. 134

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color

No publication required when parents/guardians consent to name ~~xxx~~  
change.

Aldy (Brown)

Respectfully report as follows: That..... HOUSE BILL No. 134

be amended as follows:

1. Title, line 6.  
Following: "PARENTS"  
Strike: "OR"  
Insert: "AND"

2. Page 1, line 22.  
Following: "parents"  
~~STRIKE: "OR"~~  
Strike: "or"  
Insert: "and"

AND AS AMENDED

~~DO NOT PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

.....  
Senator Mazurek

.....  
Chairman.

STANDING COMMITTEE REPORT

March 3 27  
19.....

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on.....

having had under consideration..... House Bill 223 No.....

third reading copy ( blue color )

Adopt the interstate corrections compact  
Bardenouve (Halligan)

Respectfully report as follows: That..... HOUSE BILL 223 No.....

BE CONCURRED IN

~~XXXXXXXXXX~~  
DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

Senator Mazurek Chairman.