

MONTANA STATE SENATE  
JUDICIARY COMMITTEE  
MINUTES OF THE MEETING

April 9, 1987

The fifty-eighth meeting of the Senate Judiciary Committee was called to order on April 9, 1987, at 10:00 a.m. by the chairman, Joe Mazurek, in Room 325 of the state Capitol.

ROLL CALL: All committee members were present.

ACTION ON HOUSE BILL 754: Senator Pineseault moved Rep. Spaeth's latest drafting on the bottom of his amendment. (Exhibit 7 on April 8th meeting.) The motion carried.

Senator Galt asked why sec. 12 was there. He thought maybe it was a protection from lawsuits. Senator Crippen said if the committee takes it out, the statute is still intact.

Senator Galt moved to delete sec. 12 from the bill. Senator Crippen asked Senator Galt if he was going to push to get the million dollars back into the bill. Senator Galt said he would. The motion Failed. (See roll call vote)

Senator Galt moved to strike 3-7-201 on page 4, line 11. The motion carried.

Senator Galt moved to insert "the office" on page 4, line 10. The motion carried.

Senator Blaylock moved HB 754 BE CONCURRED IN AS AMENDED. The motion carried with Senator Galt voting no on the whole bill.

ACTION ON HOUSE BILL 861: Valencia Lane explained the ICC has looked at giving presale information to the public and the Short Line Sales Act doesn't have any kind of provision like this. She said if the committee passes the bill, it will be challenged in court because it is not in the federal law.

Senator Crippen asked if the committee inserted Leo Berry's amendments, would that help the bill get closer to the federal provisions. Ms. Lane said it would tighten up the law, but under regulatory authority, one cannot ask the state for buyer information.

Bill Forgarty, Department of Commerce, stated that the state always knows this information. He also commented that an act called the Staggers Act, states the public has the right to know everything about the buyer of a railroad.

Senator Crippen moved the Berry amendments which were distributed to the April 7th meeting. Ms. Lane restated these amendments only allow buyer information to be disclosed to the Public Service Commission, no one else. She also pointed out on page 2, line 20, it would change it to a 30 day notice prior to the sale that information must be given to the Public Service Commission. She said it makes it more definite this way how much time the buyers and public have to get this information disclosed.

The committee moved on to House Bill 890 as Representative Hannah had arrived.

ACTION ON HOUSE BILL 890: Representative Hannah gave the committee a summary on what the bill will do and an analysis of House Bill 890. (Exhibits 1 and 2) He explained that the counties would keep 85% of the vehicle fees collected in that county. He explained his summary.

Mr. Tom Harrison testified on April 7, and said the pool of 15%, which every county can draw from if they need it for a big case, is not enough money. He preferred to see the percentage raised to 30%. Rep. Hannah did not agree with Mr. Harrison. He referred to the analysis on HB 890 (Exhibit 2) and showed Yellowstone County was paid \$432,133 last year for trial expenses, and only paid out \$173,095. He felt 15% was quite enough.

Senator Mazurek stated no one knows what county could be struck next with a criminal case that would cost the county its whole trial expense fund. Mr. Newell Anderson, representing himself, stated that the analysis figures given can be interpreted in many ways.

The committee wanted to study the summary and analysis, so they moved back to consideration of House Bill 861.

ACTION ON HOUSE BILL 861: Leo Berry still didn't know if the bill could hold up in court with his amendments but he felt there should be an amendment in the bill about penalties for not disclosing information and for disclosing information too soon.

Senator Halligan pointed out on page 3, line 19, that the business decision doesn't always have to be the sale of a track, it could be any transaction. Leo Berry pointed out page 2, line 19, has the word "transaction" in it.

Ms. Lane stated there are many post-sale remedies to look at with this issue, but not many pre-sale remedies.

Senator Mazurek asked if a post-sale remedy was the case, can the state give anyone access to the sale information.

Rep. Addy said if the deal is complete, it becomes tougher to fight if the buyer is not an appropriate person to run the line.

Mr. Forgarty said the state can't give that information out, even after a sale.

Senator Bishop asked Mr. Forgarty what his position on the bill was. Mr. Forgarty stated the department was neutral.

Rep. Addy felt the Attorney General's office should know about the sale as much as the Public Service Commission.

Senator Crippen included in his motion that the bill specify what transaction should be covered in this. Ms. Lane said she would work on language for the bill.

Senator Blaylock asked what the Public Service Commission could do that the Attorney General can't. Ms. Lane stated the statute says, either or.

Steve Brown of the Chamber of Commerce said if the committee adopts these amendments, it still will not disclose all financial information on the buyer. He presented amendments to the committee. (Exhibit 3)

Senator Beck asked what the public wanted to know about these sales. Senator Blaylock thought the people just want to know if the new owner can really run the railroad or leave it with the state if he bankrupts it.

Judiciary Committee  
April 9, 1987  
Page 4

Senator Crippen's motion to insert the Berry amendments and the transaction amendment carried with a vote of 6 to 4. Senators Blaylock, Brown, Yellowtail and Galt voting no.

Steve Brown's amendments had a penalty provision of \$1,000, or imprisonment for one year in the county jail if disclosure to these sales were given out to anyone. He also included several other agencies to have access to the information, such as the Attorney General and the Consumer Council.

The committee decided to not involve the Steve Brown amendments.

Senator Halligan moved the bill BE CONCURRED IN AS AMENDED, The motion carried with Senators Galt and Beck voting no.

ACTION ON HOUSE BILL 890: Senator Galt moved House Bill 890 BE NOT CONCURRED IN. The motion carried with Senators Crippen and Beck voting no.

ADJOURNMENT: There being no further business, the meeting adjourned.

  
SENATOR JOE MAZUREK, Chairman

mh



ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date April 9 Bill No. HB 754 Time \_\_\_\_\_

NAME	YES	NO
Senator Joe Mazurek, Chairman		X
Senator Bruce Crippen, Vice Chairman	X	
*Senator Tom Beck	X	
Senator Al Bishop	X	
Senator Chet Blaylock		X
Senator Bob Brown		
Senator Jack Galt	X	
Senator Mike Halligan		X
Senator Dick Pinsoneault		X
Senator Bill Yellowtail		X

Mary Y. Huber  
Secretary

\_\_\_\_\_  
Chairman

Motion: Motion to delete section 12 from the bill.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



HOUSE PASSED HB 890 - WHAT IT IS ?

EXHIBIT NO. \_\_\_\_\_  
 DATE April 9, 1987  
 BILL NO. HB 890

REVENUE SOURCE: MADE UP FROM DISTRICT COURT VEHICLE FEES

AMOUNT: FY '88 = \$ 2,873,000  
 FY '89 = \$ 2,923,000

STATE PROGRAM WOULD RECEIVE A BIENNIAL GENERAL FUND APPROPRIATION EQUAL TO 15% OF THE DISTRICT COURT VEHICLE FEES COLLECTED IN THE COUNTIES.

AMOUNT: FY '88 = \$ 430,950  
 FY '89 = \$ 438,450  
 BIENNIAL TOTAL = \$ 869,400

ALL COUNTIES WOULD RETAIN 85% OF THE DISTRICT COURT VEHICLE FEES COLLECTED IN THEIR RESPECTIVE COUNTIES, TO BE EARMARKED TO DIST. COURT RESERVE OR OPERATION

AMOUNT : FY '88 = \$ 2,442,050  
 FY '89 = \$ 2,484,550  
 BIENNIAL TOTAL = \$ 4,926,600

ONLY COUNTIES UNDER 30,000 POPULATION, WOULD BE ELIGIBLE TO APPLY FOR STATE PROGRAM REIMBURSEMENT OF CERTAIN CRIMINAL COURT COSTS IN THE GENERAL AREAS OF: CRIMINAL TRIAL TRANSCRIPTS, WITNESS FEES AND NECESSARY EXPENSES, JUROR FEES, INDIGENT DEFENSE, AND PSYCHIATRIC EXAMINATIONS. THESE REIMBURSEMENTS WOULD BE SUBJECT TO: 1.) THE COUNTY CERTIFYING THAT IT HAD SPENT THE EQUIVALENT OF THE DISTRICT COURT VEHICLE FEES RETAINED IN THAT COUNTY FOR THAT FISCAL YEAR 2.) STATE POOL FUNDS AVAILABLE AND 3.) CLAIM ELIGIBILITY EVALUATION.

GENERAL STATISTICAL CALCULATIONS SHOW THE FOLLOWING ABOUT THE STATE PROGRAM MECHANICS:

FY '86 TOTAL COURT COSTS IN 49 ELIGIBLE COUNTIES	\$ 6,030,216
MINUS THE 85% RETAINED VEHICLE FEES	- \$ 890,213
	<u>\$ 5,140,003</u>
	REMAINDER
MULTIPLIED BY STATEWIDE FACTOR OF CRIMINAL COURT ACTIVITY	x .165
EQUALS PROJECTED ELIGIBLE CLAIMS / YEAR	\$ 848,100

STATE POOL FUNDS FOR FY '88 = \$ 430,950  
 MINUS OPERATIONS - \$ 52,911  
 REIMBURSEMENT \$'s AVAIL. = \$ 378,524

RELATIONSHIP BETWEEN STATE POOL DOLLARS AVAILABLE AND PROJECTED ELIGIBLE CLAIMS SUGGEST THAT ELIGIBLE COSTS COULD BE AT LEAST 2.2 TIMES HIGHER THAN STATE POOL FUNDS AVAILABLE.

THE ABOVE PROJECTION SUGGESTS THAT THE STATE WOULD START FY '88 WITH A DEFINED PRORATED REIMBURSEMENT OF 30% OF EACH ELIGIBLE CLAIM APPROVED. THIS SYSTEM IS USED TO INSURE THAT EVERY CLAIM IN EVERY COUNTY, THROUGHOUT THE FISCAL YEAR GETS EQUAL REIMBURSEMENT. SHOULD FUNDS BE AVAILABLE AT THE END OF THE YEAR, THOSE FUNDS WOULD BE PRORATED AGAINST THE 70% BALANCES FOR THE YEAR. SHOULD A SURPLUS STILL BE AVAILABLE, IT WOULD BE DISTRIBUTED TO THE ABOVE 30,000 POPULATION COUNTIES.



HOUSE BILL 890 ANALYSIS

MONTANA'S COUNTIES	1980 CENSUS	TOTAL MINUS CT REPORTER	AMOUNT PAID IN FISCAL 1986	15 PERCENT OF FEES	85 PERCENT OF FEES	WINNER AND (LOSERS)	POTENTIAL (LOSERS)
Yellowstone	108,035	\$194,217	\$432,133	\$64,820	\$367,313	\$173,095	
Cascade	80,696	141,602.94	242,453.58	36,368	206,086	64,483	
Missoula	76,016	575,137.84	261,346.67	39,202	222,145	(352,993)	(352,993)
Flathead	51,966	161,690.44	210,021.97	31,503	178,519	16,828	
Lewis and Clark	43,039	79,557.28	169,747.57	25,462	144,285	64,728	
Gallatin	42,865	58,958.01	165,344.66	24,802	140,543	81,585	
Butte-Silver Bow	38,092	51,154.54	114,758.65	17,214	97,545	46,390	
*****							
Ravalli	22,493	145,179.82	85,648.53	12,847	72,801	(72,379)	(72,379)
Lake	19,056	84,652.49	63,584.62	9,538	54,047	(30,606)	(30,606)
Hill	17,985	122,230.24	56,568.84	8,485	48,084	(74,147)	(74,147)
Lincoln	17,752	54,827.04	60,039.77	9,006	51,034	(3,793)	(3,793)
Custer	13,109	22,954.52	39,850.20	5,978	33,873	10,918	
Fergus	13,076	16,572.18	42,674.09	6,401	36,273	19,701	
Park	12,869	20,033.97	50,524.15	7,579	42,946	22,912	
Anaconda-Deer Lodge	12,518	30,351.38	33,898.64	5,085	28,814	(1,538)	(1,538)
Richland	12,243	28,281.87	48,964.98	7,345	41,620	13,338	
Dawson	11,805	22,871.00	41,567.19	6,235	35,332	12,461	
Big Horn	11,096	34,539.81	24,664.21	3,700	20,965	(13,575)	(13,575)
Glacier	10,628	17,869.45	22,209.99	3,331	18,878	1,009	
Roosevelt	10,467	3,280.90	27,766.66	4,165	23,602	20,321	
Valley	10,250	18,960.57	32,557.06	4,884	27,674	8,713	
Rosebud	9,899	19,709.83	34,221.16	5,133	29,088	9,378	
Sanders	8,675	33,273.16	30,810.30	4,622	26,189	(7,084)	(7,084)
Beaverhead	8,186	7,243.15	31,507.13	4,726	26,781	19,538	
Carbon	8,099	8,892.73	32,200.64	4,830	27,371	18,478	
Jefferson	7,029	23,168.59	28,020.88	4,203	23,818	649	
Blaine	6,999	31,829.04	18,950.73	2,843	16,108	(15,721)	(15,721)
Powell	6,958	14,008.10	21,608.47	3,241	18,367	4,359	
Pondera	6,731	4,906.45	23,340.70	3,501	19,840	14,933	
Teton	6,491	5,009.72	24,096.13	3,614	20,482	15,472	
Chouteau	6,092	1,065.01	25,742.60	3,861	21,881	20,816	
Stillwater	5,598	5,821.16	26,006.82	3,901	22,106	16,285	
Toole	5,559	10,930.67	22,030.73	3,305	18,726	7,795	
Madison	5,448	39,033.17	25,485.66	3,823	21,663	(17,370)	(17,370)
Sheridan	5,414	11,212.97	25,339.66	3,801	21,539	10,326	
Phillips	5,367	0.00	17,987.93	2,698	15,290	15,290	
Musselshell	4,428	1,795.71	17,335.43	2,600	14,735	12,939	
Fallon	3,763	2,160.28	16,227.41	2,434	13,793	11,633	
Mineral	3,675	6,150.41	11,963.94	1,795	10,169	4,019	
Broadwater	3,267	1,023.59	13,208.56	1,981	11,227	10,204	
Sweet Grass	3,216	8,032.51	12,931.53	1,940	10,992	2,959	
Daniels	2,835	1,016.25	11,117.76	1,668	9,450	8,434	
McCone	2,702	5,958.62	11,284.08	1,693	9,591	3,633	
Granite	2,700	3,085.27	10,838.83	1,626	9,213	6,128	
Judith Basin	2,646	0.00	10,819.32	1,623	9,196	9,196	
Powder River	2,520	1,748.63	11,724.30	1,759	9,966	8,217	
Wheatland	2,359	2,116.92	9,080.39	1,362	7,718	5,601	
Liberty	2,329	6,678.75	9,873.76	1,481	8,393	1,714	
Meagher	2,154	6,915.37	7,380.88	1,107	6,274	(642)	(642)
Prairie	1,836	440.50	6,436.47	965	5,471	5,030	
Carter	1,799	0.00	7,134.42	1,070	6,064	6,064	
Garfield	1,656	1,465.25	5,731.94	860	4,872	3,407	
Nibaux	1,476	0.00	5,373.86	806	4,568	4,568	
Golden Valley	1,026	96.50	3,829.88	574	3,255	3,159	
Treasure	981	14,082.48	4,206.58	631	3,576	(10,507)	(10,507)
Petroleum	655	0.00	2,551.44	383	2,169	2,169	
TOTAL	786,624	\$2,163,794	\$2,802,725	\$420,409	\$2,382,316		(\$600,354)
=====							
Total counties <30,000		\$1,262,318	\$1,595,806		\$1,356,435		(\$352,969)
Total counties >30,000		\$901,476	\$1,206,919		\$1,025,881		(\$247,361)

PROPOSED AMENDMENTS TO HB 861  
BY MONTANA CHAMBER OF COMMERCE

S. Brown

House Bill 861, third reading copy, is hereby amended to read as follows:

- |    |            |  |                        |
|----|------------|--|------------------------|
| 1. | Page:      | 1  | SENATE JUDICIARY       |
|    | Line:      | 21   | EXHIBIT NO. <u>3</u>   |
|    | Following: | "ACT;"   | DATE <u>April 4</u>    |
|    | Insert:    | "AMENDING 2-9-111;"  | BILL NO. <u>HB 861</u> |
| 2. | Page:      | 3  |                        |
|    | Line:      | 12   |                        |
|    | Following: | "confidentiality"  |                        |
|    | Insert:    | "-- penalty"   |                        |
| 3. | Page:      | 4  |                        |
|    | Line:      | Following line 6   |                        |
|    | Insert:    | "(4) except as authorized by a court order, it is unlawful for the attorney general, the commission, the department of commerce, the consumer counsel or any employees of these agencies or officials to disclose any information submitted under this act to any other person. Failure to comply with the confidentiality provisions of this act shall be punishable by a fine not exceeding \$1,000.00 or by imprisonment in the county jail not exceeding one year, or both, at the discretion of the court." |                        |
| 4. | Page:      | 5  |                        |
|    | Line:      | 2  |                        |
|    | Following: | "3"  |                        |
|    | Strike:    | "are intended to"  |                        |
|    | Insert:    | "shall"  |                        |
| 5. | Page:      | 5  |                        |
|    | Line:      | 2  |                        |
|    | Following: | "codified"   |                        |
|    | Strike:    | "as an integral part of"   |                        |
|    | Insert:    | "in"   |                        |
| 6. | Page:      | 5  |                        |
|    | Line:      | 3  |                        |
|    | Following: | "chapter 14"   |                        |
|    | Strike:    | ", and the provisions of Title 69, chapter 14, apply to sections 1 through 3"  |                        |

*fine for disclosure*

70

Page: 5  
Line: 4  
Following: "3."  
Insert:

Good fine for attempt

"Codification of sections 1 through 3 in Title 69, chapter 14, shall not subject a buyer or seller to any of the investigatory, penalty or enforcement provisions of Title 69, chapter 14 or any other provision of state law."

8. Page: 5  
Line: 4, following Section 6  
Insert:

"Section 2-9-111 is amended to read:  
Section 7. Section 2-9-111. Immunity from suit for legislative acts and omissions -- exceptions. (1) As used in this section:

(a) the term "governmental entity" includes the state, counties, municipalities, and school districts;

(b) the term "legislative body" includes the legislature vested with legislative power by Article V of The Constitution of the State of Montana and any local governmental entity given legislative powers by statute, including school boards.

(2) Except as provided in (section 3 of house bill 861), a governmental entity is immune from suit for an act or omission of its legislative body or a member, officer, or agent thereof.

(3) Except as provided in (section 3 of house bill 861), a member, officer, or agent of a legislative body is immune from suit for damages arising from the lawful discharge of an official duty associated with the introduction or consideration of legislation or action by the legislative body.

(4) The immunity provided for in this article does not extend to any tort committed by the use of a motor vehicle, aircraft, or other means of transportation.

Renumber: subsequent sections.

SENATE JUDICIARY

EXHIBIT NO. 3

DATE 4-9-87

BILL NO. H.B. 861

# STANDING COMMITTEE REPORT

SCRHB754

.....April 3,..... 1987.....

MR. PRESIDENT

Judiciary

We, your committee on.....

House Bill

754

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

third

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color

PROVIDES APPOINTMENT PROCESS FOR WATER JUDGES & ESTABLISHES PRIORITY BASINS

Bradley (Stimatz)

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

BE AMENDED AS FOLLOWS:

1. Page 4, line 10.

Strike: "offices"

Insert: "the office"

2. Page 4, line 11.

Strike: "3-7-201 or"

3. Page 7, lines 10 through 13.

Following: "legislature" on line 10

Strike: remainder of line 10 through "(1)" on line 13

Insert: "and when that appropriation is expended then the department is no longer required to provide further assistance"

C:\LANE\WP\AMDHB754.

XXXXXXX

DO PASS

XXXXXXX  
DO NOT PASS

AND AS AMENDED  
BE CONCURRED IN

.....  
Chairman.

Senator Mazurek

# STANDING COMMITTEE REPORT

scrhb861

.....April 9..... 1947.....

MR. PRESIDENT

Judiciary

We, your committee on.....

House Bill

861

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

third

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reading copy (.....)

color

## DISCLOSURE OF INFORMATION ON TRANSFER OF RAILROAD LINE

**Nathe (Halligan)**

Respectfully report as follows: That.....House Bill..... No. 861.....

BE AMENDED AS FOLLOWS:

1. Title, line 15.

Strike: "ATTORNEY GENERAL."

2. Title, lines 16 and 17.

Following: "COMMISSION" on line 16

Strike: remainder of line 16 through "COMMERCE" on line 17

3. Title, line 17.

Strike: "ON"

Insert: "FROM"

4. Title, lines 18 and 19.

Following: "RAILROAD;" on line 18

Strike: remainder of line 18 through line 19

5. Page 2, line 20.

Following: "railroad."

Strike: "Prior to the transfer"

Insert: "Thirty days prior to filing with the interstate commerce commission of an application to purchase, sell, or transfer any section"

6. Page 2, line 23.

Strike: "the attorney general,"

7. Page 2, lines 24 and 25.

Following: "commission" on line 24

Strike: remainder of line 24 through "COMMERCE" on line 25

DO PASS

DO NOT PASS

.....  
CONTINUED

.....  
Chairman.

April 9,

87

19.....

8. Page 3, line 2.  
Strike: "the attorney general,"
9. Page 3, lines 3 and 4.  
Following: "commission" on line 3  
Strike: remainder of line 3 through "counsel" on line 4
10. Page 3, line 5.  
Following: "transaction"  
Insert: "directly related to the requirements of [section 3]"
11. Page 3, line 13.  
Strike: "copy"  
Insert: "general description of the terms"  
Strike: "sale contract."  
Insert: "transaction and any"
12. Page 3, lines 20 and 21.  
Following: "AGREEMENTS" on line 20  
Strike: remainder of line 20 through "buyer" on line 21
13. Page 3, line 23 through page 4, line 6.  
Strike: subsection (3) in its entirety
14. Page 4, line 17.  
Following: "\$500"  
Strike: "each"  
Following: "to the"  
Strike: "attorney general,"
15. Page 4, lines 18 through 19.  
Following: "commission" on line 18  
Strike: remainder of line 18 through "COMMERCE" on line 19

C:\LANE\WP\ANDH861.

AND AS AMENDED  
BE CONCURRED IN

.....  
Senator Ruzick

CONCERNS WITH BN'S PROPOSED AMENDMENTS TO HB NO. 861

Proposal No. 5: Offers a 30 day notice period which is acceptable. However, the proposed language appears to implicitly limit the application of the statute to "an application to sell...". Under 49 USC 10901, lines may also be disposed of by operating agreements, etc. (ie, something less than a "sale"). Further, the transaction at issue may not involve an "application to sell" but instead may be activated by a "notice of exemption". This should be clarified.

"...of an application to transfer any section of railroad, or a notice of exemption for such a transfer,..."

Proposal No. 11: A "General Description of the Terms" is too vague and in all likelihood, will not provide much help to the state agencies in their efforts to assess the impacts of the transfer. General descriptions are just that, general. Specific details will be required.

Proposal No. 13: These requests concerning market studies as financial disclosure of the buyer relate to the need to insure that a financially viable operator will result. Before the ICC, "fitness" of an acquiring entity would be an important issue.

# STANDING COMMITTEE REPORT

April 9

1937

MR. PRESIDENT

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

having had under consideration..... **House Bill** No. **890**

Third reading copy ( blue )  
color

**Change distribution of district court funding from motor vehicle fees.  
Hannah (Mazurek)**

Respectfully report as follows: That..... **HOUSE BILL** No. **890**

~~XXXXXXXX~~  
DO PASS

~~XXXXXXXX~~  
DO NOT PASS

~~XXXXXXXX~~

BE NOT CONCURRED IN

.....  
Senator ~~John~~ Mazurek

Chairman.



MONTANA STATE SENATE  
JUDICIARY COMMITTEE  
MINUTES OF THE MEETING

April 16, 1987

The fifty-ninth meeting of the Senate Judiciary Committee was called to order on April 16, 1987, at 12:00 noon in the state Capitol by the chairman, Joe Mazurek.

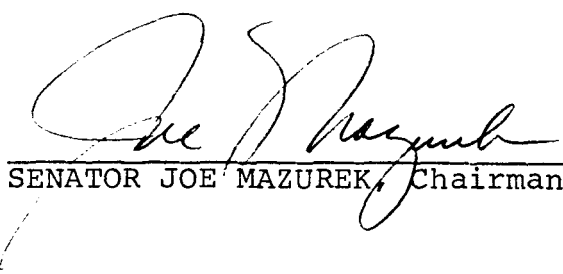
ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 474: Valencia Lane distributed copies of amendments to the committee for House Bill 474. (Exhibit 1)

Senator Crippen moved HB 474 taken from the table. The motion carried. Senator Galt moved the amendments. The motion carried with Senators Yellowtail and Beck voting no.

Senator Galt moved the bill BE CONCURRED IN AS AMENDED. The motion carried.

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

  
\_\_\_\_\_  
SENATOR JOE MAZUREK, Chairman

mh

1. Title, line 6.

Strike: "DIRECTORS AND OFFICERS"

Insert: "A DIRECTOR OR OFFICER"

2. Title, lines 6 and 7.

Following: "CORPORATION" on line 6

Strike: remainder of line 6 through "SEVERALLY" on line 7

Insert: "MAY BE"

3. Page 1, line 11.

Strike: "liable"

Insert: "- - liability"

4. Page 1, line 12.

Strike: "The directors and officers"

Insert: "A director or an officer "

5. Page 1, lines 12 and 13.

Following: "corporation" on line 12

Strike: remainder of line 12 through "severally" on line 13

Insert: "may be"

6. Page 1, line 14.

Following: "if"

Insert: "he knowingly allows the corporation to"

7. Page 1, lines 18 through 20.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

8. Page 1, line 21.

Following: "(2)"

Strike: "the corporation disposes"

Insert: "dispose"

Following: "of"

Insert: "all of"

9. Page 1, line 22.

Strike: "dissolves before"

Insert: "dissolve for the purpose of avoiding"

10. Page 1, line 23.

Following: "employees;"

Insert: "or"

11. Page 1, line 24.

Following: "(3)"

Strike: "a director or an officer"

12. Page 1, lines 24 and 25.

Following: "commingle" on line 24

Strike: remainder of line 24 through the first "assets" on line

25

Insert: "funds"

13. Page 1, line 25.

Following: "personal"

Strike: "assets"

Insert: "funds"

14. Page 2, lines 1 through 4.

Following: "officer" on line 1

Strike: remainder of line 1 through "organization" on line 4

C:\LANE\WP\AMDHB474.

SENATE JUDICIARY

EXHIBIT NO. 1

DATE 4-16-87

BILL NO. H.B. 474

# STANDING COMMITTEE REPORT

SCRHS474

.....April 16,..... 1957.....

MR. PRESIDENT

Judiciary

We, your committee on.....

House Bill

474

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

third

blue

reading copy (.....)

color

## CORPORATE DIRECTORS, OFFICERS PERSONALLY LIABLE FOR EMPLOYEES' UNPAID WAGES

Moore (Mazurek)

Respectfully report as follows: That..... House Bill..... No. 474.....

BE AMENDED AS FOLLOWS:

1. Title, line 6.

Strike: "DIRECTORS AND OFFICERS"

Insert: "A DIRECTOR OR OFFICER"

2. Title, lines 6 and 7.

Following: "CORPORATION" on line 6

Strike: remainder of line 6 through "SEVERALLY" on line 7

Insert: "MAY BE"

3. Page 1, line 11.

Strike: "liable"

Insert: "- - liability"

4. Page 1, line 12.

Strike: "The directors and officers"

Insert: "A director or an officer"

5. Page 1, lines 12 and 13.

Following: "corporation" on line 12

Strike: remainder of line 12 through "severally" on line 13

Insert: "may be"

6. Page 1, line 14.

Following: "it"

Insert: "he knowingly allows the corporation to"

DO PASS

CONTINUED

DO NOT PASS

.....  
CONTINUED

Chairman.

April 18,

87

19.....

7. Page 1, lines 18 through 20.  
Strike: subsection (1) in its entirety  
Re-number: subsequent subsections
8. Page 1, line 21.  
Following: "(2)"  
Strike: "the corporation disposes"  
Insert: "dispose"  
Following: "of"  
Insert: "all of"
9. Page 1, line 22.  
Strike: "dissolves before"  
Insert: "dissolve for the purpose of avoiding"
10. Page 1, line 23.  
Following: "employees;"  
Insert: "or"
11. Page 1, line 24.  
Following: "(3)"  
Strike: "a director or an officer"
12. Page 1, lines 24 and 25.  
Following: "conspire" on line 24  
Strike: remainder of line 24 through the first "assets" on line 25  
Insert: "funds"
13. Page 1, line 25.  
Following: "personal"  
Strike: "assets"  
Insert: "funds"
14. Page 1, lines 1 through 4.  
Following: "officer" on line 1  
Strike: remainder of line 1 through "organization" on line 4

AND AS AMENDED,  
BE CONCURRED IN

C:\LANE\WP\AMCH474.

AND AS AMENDED  
BE CONCURRED IN

Senator McCUREX