

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on January 30, 1989, at 9:05 a.m.

ROLL CALL

Members Present: All members were present with the exception of the following:

Members Excused: Rep. Hannah

Members Absent: None

Staff Present: Julie Emge, Secretary
John MacMaster, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 204

Presentation and Opening Statement by Sponsor:

Rep. Cobb stated that HB 204 was brought to him at the request of the Department of SRS. HB 204 allows SRS to have a lien rather than a subrogation interest in order to recover benefits from a recipient. Currently, SRS has a subrogation interest in recipient recovery against libel third parties to the extent that the Dept. has paid medical benefits. This law also changes the right of subrogation to a lien, taking effect upon notice. Additionally, it strengthens notice requirements of recipients and the representatives who receive claims or file suits for recovery. It also removes the provision guaranteeing 1/3 of the settlement or recovery to the recipient. The priority of the lien will be the same as what hospitals and doctors have right now. Rep. Cobb presented as EXHIBIT 1 proposed amendments for the Committee's consideration.

Testifying Proponents and Who They Represent:

Russ Cater, Chief Legal Council for the Dept. of SRS

Proponent Testimony:

Russ Cater, in support of HB 204 stated the Dept. of SRS administers two medical assistance programs. One, is the medicaid program which is a joint federal and state funded program. That is where the bulk of their medical expenses are. In addition, they also administer a general relief

medical program. Under that program, the benefits are paid to people who are usually not eligible for the Medicaid program for one reason or another. However, they fall within the need that is in the required; therefore, the state is paying 100% of the medical costs. They also have a third program which they refer to as the County Medical Assistance Program. This program is the same as the general relief program except it is administered and paid for 100% by counties. Counties that have not opted to be assumed by the state. Currently, the state has assumed 12 counties where they take care of all their welfare needs. That is why there is a distinction in the bill that is made between the Dept. and the two county departments. This bill applies to both county departments and public welfare as well as to the state programs. Mr. Cater commented that because of the fact that the current law allows the Dept. a subrogation right, the courts have interpreted the right of subrogation to mean an equitable right. The Dept. and the judge should be able to figure out what is equitable. What the Dept. of SRS is attempting to do with this law is to place them on an even keel with their other medical providers such as physicians, hospitals, and nurses. Currently, nurses, hospitals and physicians have a lien which is attached to any kind of settlement that would result from an injury or settlement of the action. Mr. Cater presented for the Committee's review proposed amendments (EXHIBIT 2).

Testifying Opponents and Who They Represent:

Michael Sherwood, Montana Trial Lawyers Association
Jacqueline Terrell, American Insurance Association

Opponent Testimony:

Michael Sherwood stated the Montana Trial Lawyers Assoc. don't have a problem with the concept that the State of Montana or the Dept. of SRS should have a lien that is on the same par as other health care providers or people who have paid money for the medical benefit of someone who is injured. They do, however, have multiple concerns with the bill itself. First, one of the concerns that they are not worried about, is that it does allow priorities for attorney's fees. Referring to page 3, lines 7 and 8, the lien is subordinate to the lien of an attorney under 37-61-420. There is still the encouragement for an attorney to go out and collect the money and not have it taken away from them because of this superior lien. On page 3, lines 23 and 25 each lieners proportion must be determined without deduction from any claim or the lienor's share of attorney fees and costs if any. Mr. Sherwood expressed that he does not know what that means. It seems ambiguous. It appears to potentially conflict with lines 7 and 8. Another potential problem with substituting a lien for subrogation is not so much the fact that they are adding the lien ability, but they are getting rid of the subrogation. In some instances, he would think

that SRS would want subrogation. Eliminating the subrogation claim may preclude the state from collecting fees in some instances in which there is no incentive on behalf of the person who has received the SRS benefits to go against the state. Mr. Sherwood stated that the biggest problem that he has with the bill is the requirement that the SRS approve a settlement before it is effected. There isn't abuse of attorneys filing cases, collecting the money from their clients knowing that the SRS has paid out money and not giving the money to SRS. Fundamentally, he doesn't have any problems with the lien. He does, however, have concerns about SRS being in the middle of a settlement negotiation. What is effectively going to happen is insurers are going to pay less money and the state is going to continue to pay the same amount of money and get reimbursed less from insurers from the results of this bill. Mr. Sherwood submitted written testimony listed as EXHIBIT 3.

Jacqueline Terrell, representing the American Insurance Association stated that she is also conveying the comments of Gene Phillips of the National Association of Independent Insurers. The American Insurance Assoc. and the NAII do not oppose the concept of a lien, as opposed to subrogation. They do, however, have some concerns about the way this particular bill was drafted. Their primary concern was well outlined by Mr. Sherwood and that is the involvement of SRS or the county in the settlement of the law suit. The reality is that many settlements take place on the steps of the court house. They happen quickly and there is a tremendous amount of communication between plaintiff's lawyers and the defense lawyers at that moment. To have to involve the State Dept. in that particular settlement procedure and to obtain their consent to the release will bog that process down unduly. All parties will not benefit from that. Mrs. Terrell again stated that they don't oppose the concept of the lien. They are sympathetic to SRS's problem that this bill attempts to address. She specifically requested the Committee to review the involvement of SRS in the settlement practice and in the release of the claims.

Questions From Committee Members: Rep. Addy questioned if there were federal requirements that they change, or is the Dept. just sore about the Cascade County case. Mr. Cater replied that it is a little bit of both. Obviously, they did not let the federal government know anything about the Cascade County case, because they are fearful that they would want their money in spite of the fact that they didn't get anything at all.

Additionally, Rep. Addy questioned Mr. Cater as to why the Dept. did not pursue the matter themselves when they could have. Mr. Cater responded that the problem is that the current law allows the Dept. to file an independent action. However, it

is very difficult for the Dept. to institute an action for several reasons. One, the cost that would be involved, both in dollar amounts or if they were going to hire an attorney. The other problem is an independent action would really be a conflict of interest. However, in the case of Cascade County they were more than willing to pay their share of the attorney's fees.

Rep. Eudaily drew the Committee's attention to the list of health care providers on page 3, lines 15-18. Are those all the health care providers that would have a lien? Mr. Cater responded that they the ones that currently have a lien in Montana State law. Rep. Eudaily asked if the money goes back to the general fund or if it goes back to SRS. Mr. Cater stated that it is his understanding that it goes back to the general fund, but that he could be mistaken.

Closing by Sponsor: Rep. Cobb closed.

DISPOSITION OF HOUSE BILL 69

Motion: Rep. Mercer made a motion to reconsider action taken on HB 69, motion was seconded by Rep. Wyatt. A vote was taken and PASSED unanimously to reconsider previous action taken.

Rep. Mercer moved HB 69 DO PASS, motion seconded by Rep. Wyatt. Motion CARRIED.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Mercer moved to amend page 1, line 25, strike "and", insert or. On top of page 2, following "state", insert a comma or a combination of the two. The purpose of this amendment could be a unit that has state or leased land or leased land only. Amendment was seconded by Rep. Darko. Motion CARRIED.

Recommendation and Vote: Rep. Mercer moved HB 69 DO PASS AS AMENDED, motion seconded by Rep. Darko. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 154

Motion: A DO PASS motion was made by Rep. Mercer, motion seconded by Rep. Gould.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Addy moved the proposed amendments (EXHIBIT 4), seconded by Rep. Gould. A vote on the amendments was taken and CARRIED.

Recommendation and Vote: Rep. Addy moved HB 154 DO PASS AS AMENDED, motion seconded by Rep. Gould. A vote was taken and CARRIED unanimously.

DISPOSITION OF HOUSE BILL 155

Motion: A DO PASS motion was made by Rep. Addy, motion was seconded by Rep. Darko.

Discussion: Rep. Brown stated that Rep. Smith drafted amendments for the Committee's consideration (EXHIBIT 5). The intent of the amendment, according to Rep. Smith, is to provide that an insurer has no liability for a new industrial injury suffered by an employee previously injured in an industrial injury who has reached maximum healing.

Amendments, Discussion, and Votes: Rep. Addy moved the amendments proposed by Rep. Smith (EXHIBIT 5), motion seconded by Rep. Darko.

Rep. Addy expressed his concern with the new language of the bill. With the new language they are going to be saying that unless they couldn't recover from anybody under their homeowners policy, they have no recovery at all; when in fact it is something that they were exposed to and something that they suffered as a result of that pre-existing injury.

Rep. Mercer stated that in the original language of the bill, maximum healing doesn't necessarily mean that the person is completely better. It means that it won't heal anymore. If a person has injured his shoulder and moved on from that particular job to a different one, and his shoulder is injured on the new job, then that is a new claim. Under the current law, if that same person is away from his job and re-injures his shoulder, then Workers' Comp is going to have to pay for that.

Rep. Brown commented that Rep. Mercer was correct and that is what the court has ruled in one particular case. That second injury would not have occurred if that person did not have a vulnerable point in their body.

Rep. Darko asked if total healing was quantified with a percentage of normal healing. A person may reach maximum healing, but still only be 60% of what they would be normally. Rep. Addy stated that to his knowledge, the way they evaluate those claims, especially physical therapists, have a very sophisticated evaluation proceeding where they lift weights and do certain exercises to determine how strong various parts of their body are. They are then assigned a percentage figure which amounts to a disability of x percent.

Rep. Boharski stated that it is his impression that under the initial claim of Workers' Comp, they already received the benefits that they were entitled to whether they be economical or non-economical. If something does happen later on, that shouldn't make any difference because they

have already received some type of compensation for the disability, whether it be 40%, 60%, or 80% of maximum healing. They receive some type of case settlement and he doesn't see any reason why there is liability forever. We never know when this is over with. Someone could keep going back claiming on that initial party, time after time. To him they get their settlement the first time.

Rep. Addy, in reply to Rep. Boharski's concern, stated that Workers' Compensation benefits are not determined by the amount of actual loss they had beyond a certain point, it is tied to the average weekly wage. It isn't determined on the basis of what they actually made, unless they made less than the average weekly wage. When a person has Workers' Comp benefits, they figure out the impairment and multiply by the average weekly wage times so many weeks, 500 weeks in the case of temporary total disability. It doesn't have any relationship to the economic reality of the situation. In the second case they have that. The Workers' Comp people can ask for compensation up to the amount that they have paid as a subrogated interest.

Rep. Boharski asked if an injury is suffered on the job, do they also have an angle to file a civil suit? Rep. Addy responded no, if they suffer the injury on the job they are limited to Workers' Comp only. If everybody were to get upset with the Workers' Comp program, then why not just do away with it and let the employee sue the employer directly? If that were the case the employers would be going broke and out of business. Workers' Comp was designed to guarantee the worker that they would get something and to guarantee the employer that they would not be run out of business if they had one catastrophic accident on the job site.

Rep. Mercer stated that this bill comes down to a question of where they want to draw the line on the benefits. If they want to tighten up the benefits, then they should vote for this bill. If they want to relax the benefits, then they should be against the bill. Rep. Mercer stated that he personally feels they need to tighten up Workers' Comp and that it is a mistake to look at this bill without looking at the others. Is it really appropriate for the Judiciary Committee to consider this policy question without having the other matters of Workers' Comp before it?

Recommendation and Vote: Rep. Wyatt moved to TABLE HB 155, motion seconded by Rep. Addy. A Roll Call Vote was taken and FAILED on a tie vote.

Amendments, Discussion, and Votes: Rep. Mercer stated that he has some reservations about this bill as he does not know the whole Workers' Comp reform plan. He commented that he has to favor it because they have to do something with respect to Workers' Comp benefits and the expansion on the Workers' Comp program. This is not a situation where they

can blame it on out of state insurance companies because this is their own company. It is really based on how much benefits they pay out and they have to tighten up the lines. It is not improper to say that in light of circumstances in Montana, if a person is injured they are going to take care of until maximum healing. If they are injured again on the job, then they will be taken care of. If they get injured off the job, hopefully they will have their own health program and it will be their responsibility. Unless they do tighten it up, it is just going to continue to get away from them. It is already \$157 million in the red.

Rep. Rice commented that Workers' Compensation was never intended to be an insurance program for all possibilities of injury. That is why he feels everybody who works in the system came in and supported this bill, as well as SRS, the ALFCIO, Jim Murry and the insurers. Mr. Murry knows as well as the other people involved that Workers' Compensation does not cover all accidents and all possibilities. That is one of the reasons they are getting into trouble. All this bill is doing is limiting the coverage for the original intention of the Workers' Comp program.

A vote was taken on the proposed amendments offered by Rep. Smith (EXHIBIT 5) and PASSED unanimously.

Recommendation and Vote: Rep. Eudaily moved HB 155 DO PASS AS AMENDED, motion seconded by Rep. Knapp. A Roll Call Vote was taken and CARRIED with 10 voting aye and 6 voting nay.

DISPOSITION OF HOUSE BILL 265

Motion: A DO PASS motion was made by Rep. Strizich, motion seconded by Rep. Wyatt.

Discussion: None.

Amendments, Discussion, and Votes: Rep. Eudaily moved to amend page 3, line 20, following "obligate" insert funding from. Motion was seconded by Rep. Gould and PASSED unanimously.

Rep. Boharski stated that he has an overall concern with this bill and has a real problem with the Dept. of Family Services. It appears to him that the local district courts are trying to take care of legal problems with placing youths. Then there is the State Dept. of Family Services telling them what they can and cannot do at the discretion of the funds that they want to allow. It seems to him that the county is going to be liable for expenses. The amendment just makes it more clear as to how messed up this bill really is.

Rep. Strizich commented that HB 265 does not affect current law in terms of substantive affect. The philosophy that was put forward when the new Dept. of Family Services was created

was that the courts were out of line. The probation office in conjunction with the courts were mandating a lot of excessive expenses on the state. To address that problem they worked on the new Dept. of Family Services last session and the philosophy was that the placement recommendations would be made to the Dept. and then it would be the Dept.'s responsibility to fund appropriate kinds of placement opportunities for youth. This bill does not change any of that. It clarifies it to the extent that it does describe what the original legislation was intended to do.

A vote was taken on the amendment and CARRIED unanimously.

Recommendation and Vote: A DO PASS AS AMENDED motion was made by Rep. Strizich and seconded by Rep. Wyatt. Motion CARRIED unanimously.

DISPOSITION OF HOUSE BILL 70

Motion: Rep. Addy moved HB 70 DO PASS, motion seconded by Rep. Mercer.

Discussion: None.

Amendments, Discussion and Votes: Rep. Addy moved HB 70 be amended (EXHIBIT 6), motion seconded by Rep. Eudaily.

Rep. Addy stated that throughout the bill (EXHIBIT 6, informal draft of proposed amendments), there are a number of references to the words "concealed weapon" and/or "pistol". With some minor exceptions they have amended the bill to refer uniformly to the word "handgun". Rep. Addy walked the Committee through each of the amendments and the motion was seconded by Rep. Darko.

Rep. Gould made reference to the hunting license in section 6 of page 1. For someone who actively pursues the sport of fishing, why couldn't they be allowed to carry a handgun as well? Rep. Addy stated that it could be inserted in with the hunting provision, but would want to make sure that it is in wilderness or non-congested areas.

Rep. Mercer stated that it might be easier if the Committee just adopts the proposed amendments with the understanding that they will return and adjust them accordingly.

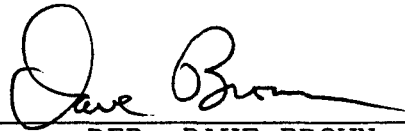
Rep. Daily questioned Rep. Addy as to the intent of page 3, line 17. Does that mean if a person has been charged with an offense, even though they haven't been adjudicated, the judge could still deny them the permit? Rep. Addy stated that in insert B, under prosecution, for any of those other offenses it would seem pretty far fetched that a sheriff would know that somebody is about to stand trial for aggravated assault. They would still be required to issue them a permit to carry a concealed weapon pending trial.

They can't do that until the county attorney files information or the grand jury returns an indictment against them. Until they are formally charged before the court and been arraigned, they can't be denied a permit on that basis.

Recommendation and Vote: Rep. Brown stated that the bill will remain as it currently stands and the Committee will hold any further action.

ADJOURNMENT

Adjournment At: 11:07 a.m.

A handwritten signature in cursive script, appearing to read "Dave Brown", is written over a horizontal line.

REP. DAVE BROWN, Chairman

DB/je

2508.min

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date JAN. 30, 1989

NAME	PRESENT	ABSENT	EXCUSED
REP. KELLY ADDY, VICE-CHAIRMAN	X		
REP. OLE AAFEDT	X		
REP. WILLIAM BOHARSKI	X		
REP. VIVIAN BROOKE	X		
REP. FRITZ DAILY	X		
REP. PAULA DARKO	X		
REP. RALPH EUDAILY	X		
REP. BUDD GOULD	X		
REP. TOM HANNAH			X
REP. ROGER KNAPP	X		
REP. MARY McDONOUGH	X		
REP. JOHN MERCER	X		
REP. LINDA NELSON	X		
REP. JIM RICE	X		
REP. JESSICA STICKNEY	X		
REP. BILL STRIZICH	X		
REP. DIANA WYATT	X		
REP. DAVE BROWN, CHAIRMAN	X		

STANDING COMMITTEE REPORT

January 30, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 69 (first reading copy -- white) do pass as amended .

Signed: _____
Dave Brown, Chairman

And, that such amendments read:

1. Page 1, line 25.

Following: "deeded land"

Strike: "and"

Insert: ", or"

2. Page 2, line 1.

Following: "state"

Insert: ", or a combination of the two,"

STANDING COMMITTEE REPORT

January 30, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Judiciary report that House Bill 154 (first reading copy -- white) do pass as amended.

Signed: Dave Brown
Dave Brown, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "APPEAL;"

Insert: "TO ALLOW EITHER THE WORKERS' COMPENSATION JUDGE OR THE SUPREME COURT TO GRANT A STAY OF EXECUTION DURING APPEAL;"

2. Title, line 8.

Strike: "A RETROACTIVE"

Insert: "AN"

3. Page 1, line 14.

Following: "to the"

Insert: "workers' compensation"

4. Page 1, line 18.

Following: "execution"

Insert: "under this subsection"

5. Page 1, lines 20 and 21.

Strike: "Except" on line 20 through "the" on line 21

Insert: "The"

Following: "request" on line 21

Insert: "of the workers' compensation judge or the supreme court"

6. Page 2, line 2.

Following: "law."

Insert: "A court granting a stay may waive the bond requirement."

7. Page 2, line 4.

Strike: "Civil"

Insert: "Appellate"

January 30, 1989
Page 2 of 2

8. Page 2, line 15.

Strike: "Retroactive applicability"

Insert: "Applicability"

9. Page 2, lines 15 through 19.

Strike: "is" on line 15 through "before" on line 19

Insert: "applies to injuries occurring after"

STANDING COMMITTEE REPORT

January 30, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 155 (first reading copy -- white) do pass as amended.

Signed: _____
Dave Brown, Chairman

And, that such amendments read:

1. Pages 2, line 24, through line 6 of page 3.

Strike: "An" on line 24 of page 2 through "claim" on line 6 of page 3


Insert: "If a claimant who has reached maximum healing suffers a subsequent non-work related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent non-work related injury"

STANDING COMMITTEE REPORT

January 30, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 265 (first reading copy -- white) do pass as amended .

Signed: 
Dave Brown, Chairman

And, that such amendments read:

1. Page 3, line 20.
Following: "obligate"
Insert: "funding from"

SUMMARY OF AN ACT AMENDING SECTION 53-2-612, MCA

Rep. Cobb

Present law grants SRS a subrogation interest in recipient recoveries against liable third parties to the extent the department has paid medical benefits. The right of subrogation is an equitable right and, under current law, SRS recovers nothing until the recipient is "made whole". Thus, even though SRS has paid, for example, \$150,000 in medical expenses and the recipient recovers \$500,000 from a liable third party, the department may receive none of the \$500,000 recovery because the recipient may have a right to proceed against yet another third party or the \$500,000 may have been allocated by the court or by agreement of the parties to non-medical damages. SRS believes the liable third party, rather than medicaid or the general relief medical program, should bear the cost of the recipient's medical expenses.

This Act would assure repayment to SRS upon a recipient's recovery from a liable third party. This would be accomplished by the following provisions of the bill:

(1) Change the right of subrogation to a lien taking effect upon notice as defined in the Act. A lien would attach to the proceeds of any recovery and would not be subject to reduction based upon other potential recovery by the recipient or allocations of damages by the court or parties. A county paying medical public assistance benefits would be entitled to the same lien. The bill would place SRS on an equal footing with hospitals and other health care providers who are granted liens under existing law. The department would retain the discretion to accept less than full payment in hardship cases.

(2) Strengthen notice requirements for recipients and their representatives, including attorneys, who assert claims or file suits for recovery and establish liability for failure to notify. The recipient or his representative would be required to notify SRS and the liable third party or his insurer. If the liable third party or his insurer were not given notice by the recipient or his legal representative and then paid the claim without paying SRS, the recipient and his legal representative would be liable to SRS for the amount it would have otherwise been entitled to recover.

(3) Remove provision guaranteeing 1/3 of settlement or recovery to recipient. Although SRS believes this provision creates an extra incentive for recipients to seek recovery, the federal government has notified SRS that this provision is contrary to federal law. That is, the federal government calculates the repayment due to it from SRS based upon the entire amount received by the recipient, rather than the amount remaining to SRS after payment of attorney fees, costs and the 1/3 minimum recipient's share. If the current 1/3 provision is retained, the state may be required to refund to the federal government more money

than SRS in fact receives from a recipient's recovery. This would in turn preclude any recovery for the state general fund in some cases and may even require additional general fund expenditures to make up the full share of the federal government's recovery.

(4) Several other provisions are added to protect the SRS right to recovery:

a. Priority of SRS lien is established in relation to other liens.

b. Recipient's right to recovery is protected from possible amendment of the collateral source rule, which may reduce a defendant's liability in cases where other parties have paid expenses or damages associated with the medical condition.

(5) Existing statutes on SRS lien rights and estate recovery rights are clarified and brought into conformance with federal law.

Medicaid recovered \$630,000.00 last year from tort cases alone. The same is expected this year and future years could reach the million dollar mark. Without this legislation these recoveries would be jeopardized.

HOUSE BILL 204

SUMMARY OF AN ACT AMENDING SECTION 53-2-612, MCA
(Medical assistance lien)

Present law grants SRS a subrogation interest in recipient recoveries against liable third parties to the extent the department has paid medical benefits. The right of subrogation is an equitable right and, under current law, SRS recovers nothing until the recipient is "made whole". Thus, even though SRS has paid, for example, \$150,000 in medical expenses and the recipient recovers \$500,000 from a liable third party, the department may receive none of the \$500,000 recovery because the recipient may have a right to proceed against yet another third party or the \$500,000 may have been allocated by the court or by agreement of the parties to non-medical damages. SRS believes the liable third party, rather than medicaid or the general relief medical program, should bear the cost of the recipient's medical expenses.

This Act would assure repayment to SRS upon a recipient's recovery from a liable third party. This would be accomplished by the following provisions of the bill:

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(2) Strengthen notice requirements for recipients and their representatives, including attorneys, who assert claims or file suits for recovery and establish liability for failure to notify. The recipient or his representative would be required to notify SRS and the liable third party or his insurer. If the liable third party or his insurer were not given notice by the recipient or his legal representative and then paid the claim without paying SRS, the recipient and his legal representative would be liable to SRS for the amount it would have otherwise been entitled to recover.

(3) Remove provision guaranteeing 1/3 of settlement or recovery to recipient. Although SRS believes this provision creates an extra incentive for recipients to seek recovery, the federal government has notified SRS that this provision is contrary to federal law. That is, the federal government calculates the repayment due to it from SRS based upon the entire amount received by the recipient, rather than the amount remaining to SRS after payment of attorney fees, costs and the 1/3 minimum recipient's share. If the current 1/3 provision is retained, the state may be required to refund to the federal government more money

than SRS in fact receives from a recipient's recovery. This would in turn preclude any recovery for the state general fund in some cases and may even require additional general fund expenditures to make up the full share of the federal government's recovery.

(4) Priority of line. SRS lien is on the same priority as the medical provider liens. An attorney's lien, however, has a higher priority.

(5) Existing statutes on SRS lien rights and estate recovery rights are clarified and brought into conformance with federal law.

Medicaid recovered \$630,000.00 last year from tort cases alone. The same is expected this year and future years could reach the million dollar mark. Without this legislation these recoveries would be jeopardized.

Submitted by: *Russ Carter*
Department of Social &
Rehabilitation Services

WITNESS STATEMENT

NAME Mike Sherwood BUDGET _____

ADDRESS _____

WHOM DO YOU REPRESENT? MTLA

SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: While MTLA does not oppose the

concept this bill is ambiguous and highly
restrictive. Page 3, lines 25 to 25,

seems contradictory to other language granting
some priority to an attorney's lien.

Page 4, lines 1 through 5, will require
SRS review of all settlements, because ~~some~~ a settlement
will require a release.

The addition of the "county" further complicates
the issue. What if SRS and county disagree re
distribution of the proceeds.

Notice requirements are cumbersome. Failure
to strictly comply with notice makes attorney liable.
Current practice generally results in a release
executed by client and attorney indemnifying the
insurer from all subrogation claims.

The elimination of the $\frac{1}{3}$ requirement and subrogation
discourages collection from insurers.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXHIBIT 4
DATE 1-30-89
HB 154

Amendments to House Bill No. 154
First Reading Copy

Requested by the Committee on the Judiciary
For the Committee on the Judiciary

Prepared by John MacMaster
January 24, 1989

1. Title, line 7.
Following: "APPEAL;"
Insert: "TO ALLOW EITHER THE WORKERS' COMPENSATION JUDGE OR THE
SUPREME COURT TO GRANT A STAY OF EXECUTION DURING APPEAL;"
2. Title, line 8.
Strike: "A RETROACTIVE"
Insert: "AN"
3. Page 1, line 14.
Following: "to the"
Insert: "workers' compensation"
4. Page 1, line 18.
Following: "execution"
Insert: "under this subsection"
5. Page 1, lines 20 and 21.
Strike: "Except" on line 20 through "the" on line 21
Insert: "The"
Following: "request" on line 21
Insert: "of the workers' compensation judge or the supreme court"
6. Page 2, line 2.
Following: "law."
Insert: "A court granting a stay may waive the bond requirement."
7. Page 2, line 4.
Strike: "Civil"
Insert: "Appellate"
8. Page 2, line 15.
Strike: "Retroactive applicability"
Insert: "Applicability"
9. Page 2, lines 15 through 19.
Strike: "is" on line 15 through "before" on line 19
Insert: "applies to injuries occurring after"

EXHIBIT 5
DATE 1-30-89
HB 155

5-5

PROPOSED AMENDMENT TO HOUSE BILL NO. 155

1. Page 2, line 24, through page 3, line 6.

Strike: all language in subsection (5).

Insert: "(5) If a claimant who has reached maximum healing suffers a subsequent non-work related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent non-work related injury."

Amend Title accordingly.

6
DATE 1-30-89
HB 70

HOUSE BILL NO. 70

INTRODUCED BY Amended Rough

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE
REQUIREMENTS FOR OBTAINING A PERMIT TO CARRY A CONCEALED
~~WEAPON~~ ^{handgun}; PROVIDING FOR THE FORM OF A PERMIT CARD; PROVIDING
FOR ISSUANCE OF A TEMPORARY PERMIT; PROVIDING FOR FEES ~~AND~~
~~LATE RENEWAL FEES~~; PROVIDING FOR THE DISTRIBUTION OF FEES;
PROVIDING FOR RECORDKEEPING REQUIREMENTS; PROVIDING FOR
REVOCATION OF A PERMIT; AND AMENDING SECTIONS 45-8-317,
45-8-319, AND 45-8-351, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-317, MCA, is amended to read:

"45-8-317. Exceptions. Section 45-8-316 does not apply
to:

- (1) any peace officer of the state of Montana;
- (2) any officer of the United States government
authorized to carry a concealed ~~weapon~~ ^{handgun};
- (3) a person in actual service as a national
guardsman;
- (4) a person summoned to the aid of any of the persons
named in subsections (1) through (3);
- (5) a civil officer or his deputy engaged in the
discharge of official business;

(6) a person in possession of a valid
hunting license and actively
hunting during an official
hunting season in an area where hunting is allowed.

- (7)
 (1) ~~(6)~~ a person authorized ~~by a judge of a district court~~
 (2) ~~of this state the sheriff of a county or the chief of police~~
 (3) ~~of a municipality to carry a weapon;~~ ^{with a valid permit under 45-8-319} or
 (4) ~~(7)~~ ⁽⁸⁾ the carrying of arms on one's own premises or at
 5 one's home or place of business."

6 **Section 2.** Section 45-8-319, MCA, is amended to read:

- (7) "45-8-319. Permits ^{handgun} to carry concealed ~~weapons~~ ^{handgun} --
 8 records -- fees -- revocation. (1) The legislature finds and
 9 declares as a matter of public policy that it is necessary
 (10) to establish statewide uniform standards for issuing ^a permits ^e
 (11) to carry ^a concealed ^{handgun} ~~weapons~~. The legislature intends that a
 12 law-abiding citizen of this state who qualifies under the
 13 provisions of this section may not arbitrarily or
 (14) subjectively be denied a permit to carry a concealed ~~weapon~~ ^{handgun}.
 15 ~~(1)~~ (2) Any judge of a district court of this state may
 (16) grant permission ^{the} The sheriff of ~~a~~ county, or the chief of
 (17) police of ^{city of the first or second class,} ~~a municipality in the county~~ in which the
 18 applicant resides shall, within 30 days after the filing of
 19 an application, issue or deny a permit to the applicant to
 (20) carry or bear, ^{handgun} a concealed or--otherwise--a ~~pistol or~~
 (21) ~~revolver~~ for a term not--exceeding--^{handgun} ~~1~~ year of 2 years. A
 (22) permit is valid for any lawfully possessed ~~firearm~~ ^{handgun} and is
 23 valid throughout the state.

24 (3) A permit may not be issued to a person who:

25 (a) is not a citizen of the United States or who has

Insert(A) on page 2, line 21:

" If the authority to which application is made cannot adequately check the appropriate records and process the application in 30 days, the authority may inform the applicant in writing that an additional 30 days is necessary. There must not be more than one 30-day extension. "

There is no residency requirement for a person who makes a subsequent application in another jurisdiction after the first application is granted; ~~or denied;~~ the jurisdiction of the authority to which application is made

① not been a resident of Montana for the 6 months immediately
② preceding the date of the application;

3 (b) is less than 18 years of age;

4 (c) has been convicted of a felony under federal law
5 or the law of any state;

6 (d) has been convicted, within a 3-year period prior
7 to the date of the application, of:

8 (i) assault;

⑨ (ii) a first offense for carrying a concealed weapon; *handged*

10 (iii) resisting arrest;

11 (iv) domestic abuse;

12 (v) disorderly conduct;

⑬ (vi) obstructing a peace officer;
(vii) voter coercion, as provided under 13-35-218; or

⑭ (viii) accountability for any of these offenses under
15 the provisions of Title 45, chapter 2, part 3;

⑮ (e) is an adjudicated drug or alcohol abuser;

⑯ (f) is adjudicated mentally incompetent; *Insert (B) from back of this page*

18 (2)(4) All applications for such permission An
19 application for a permit must be made by petition filed with
20 the clerk of the district court sheriff or chief of police.

⑰ No charge may be made for the filing of the petition. The
22 application shall be completed, under oath, on a form
⑱ prescribed by the identification bureau of the department of
24 justice and must contain the following information:

25 (a) the applicant's name, date and place of birth,

Insert (A), on page 3, line 16:

"has been convicted of any combination of two or more offenses under 61-8-401 and 61-8-406 or ~~any combination of two or more~~ possession of offenses under chapter 9 of this title"

Insert (B), on page 3, line 17:

"detained pending hearing or trial, or has been adjudicated to be seriously mentally ill, under Title 53, chapter 21, part 1, or has been diagnosed to have a mental ~~disorder~~ disorder or serious mental illness, as defined in 53-21-102, that is chronic by a professional person, as defined in 53-21-102, hired by the person in a private setting"

Insert as subsec. (g) on page 3, following line 17:

"(g) is under prosecution for an offense referred to in subsections (3)(c) through (e)."
(3)

1 occupation, height, weight, sex, race, and color of hair and
 2 eyes;

3 (b) the applicant's residential and occupational
 4 addresses;

5 (c) the applicant's fingerprints, which must be placed
 6 on the application by the law enforcement officer receiving
 7 the application;

8 (d) a list of any arrests or convictions of the
 9 applicant for criminal offenses;

10 (e) the names of two personal references who reside in
 11 the county where the application is made and who may attest
 12 to the applicant's good moral character and peaceable
 13 disposition;

14 (f) a statement that the applicant has been furnished
 15 a copy of Title 45, chapter 8, part 3 and Title 45, chapter
 16 3 and is knowledgeable of the provisions contained therein;

17 (g) a conspicuous warning that the application is
 18 executed under oath and that a false answer to any question
 19 or the submission of any false document by the applicant
 20 subjects the applicant to a criminal prosecution under
 21 45-7-202; and

22 (h) a statement that the applicant desires a concealed
 23 ^{handgun} weapon permit as a means of lawful self-defense.

24 (3)--The applicant shall, if personally unknown to the
 25 judge, furnish proof by a credible witness of his good moral

character-and-peaceable-disposition-

(4)--No--such--permission---shall-be-granted-any-person
who-is-not-a-citizen-of-the-United-States-and--who--has--not
been--an--actual--bona-fide-resident-of-the-state-of-Montana
for-6-months-immediately-next-preceding--the--date--of--such
application-

(5)--A--record--of--permission-granted-shall-be-kept-by
the-clerk-of-the-court--The-record-shall-state-the--date--of
the-application, the-date-of-the-permission, the-name-of-the
person--to-whom-permission-is-granted, the-name-of-the-judge
granting-the-permission, and-the-name-of-the-person, if-any,
by-whom-good-moral-character-and-peaceable--disposition--are
proved--The--record--must--be--signed--by-the-person-who-is
granted-such-permission-

(15) Before a permit is issued, the sheriff ^{or} ~~of~~ chief of
municipal, county, ^{or}
(16) police shall check the appropriate local and state law
enforcement records and may check national law enforcement
records for information relating to the applicant. The
sheriff or chief of police may consider any information
received in relation to the applicant's qualifications and
the protection of society. The sheriff or chief of police
may not be held liable for any damages resulting from
granting a permit if the sheriff or chief of police
requested information from local and state law enforcement
records and considered any information received.

1 (6) The clerk sheriff or the chief of police shall
2 thereupon issue ~~under his hand and the seal of the court~~ a
3 certificate, a permit in a convenient card form so that the
4 same it may be carried in the pocket, stating: The card
5 form must be prescribed by the identification bureau of the
6 department of justice. The ~~identification bureau~~ ^{department} shall make
7 available to the issuing authority any equipment required to
8 comply with this subsection. The permit card shall:

9 (a) show a full-face photograph of the permit holder;

10 (b) state the date of issuance and the date of
11 expiration of the permit; and

12 (c) list the permitholder's name, date of birth,
13 address, height, weight, sex, race, and color of hair and
14 eyes.

15 "Permission--to--~~xxxx~~--authorizing-him-to-carry-or-bear
16 concealed-or-otherwise--a-pistol-or-revolver-for-the--period
17 of--~~xxxx~~--from--the--date-hereof-has-been-granted-by--~~xxxx~~--a
18 judge-of-the-district-court-of-the--~~xxxx~~--judicial-district-of
19 the-state-of-Montana--in-and-for-the-county-of--~~xxxx~~--

20 Witness-the-hand-of-the-clerk--and--the--seat--of--said
21 court-this-....-day-of-....-19....

22
23 clerk

24 (7) The--date--of--the--certificate--shall--be--the--date--of
25 the-granting-of-such-permission. The certificate permit card

1 shall bear upon its face the signature of the person
 2 receiving the same permit. A permit card is not valid unless
 3 it has been signed by the permitholder.

4 (8) -- Upon good cause shown the judge granting such
 5 permission may, in his discretion, without notice to the
 6 person receiving such permission, revoke the same. The date
 7 of the revocation shall be noted by the clerk upon the
 8 record kept by him.

9 (9) -- All permissions to carry or bear concealed weapons
 10 granted before March 3, 1919, are hereby revoked.

11 (8) The issuing authority shall issue a temporary
 12 permit to an approved applicant, on a form prescribed by the
 13 identification bureau of the department of justice,
 14 permitting the applicant to carry a concealed ^{hand gun} weapon, until
 15 the permanent card is issued. A temporary permit must be in
 16 a person's immediate possession while carrying a concealed
 17 ^{hand gun} weapon. A temporary permit is invalid when the applicant's
 18 permit card has been delivered to the applicant.

19 (9) (a) Denial of an application for a permit must be
 20 based solely on the ground that the applicant fails to
 21 qualify under the criteria listed in subsection (3). Denial
 22 of an application for a permit must be accompanied by a
 23 written statement from the issuing authority stating the
 24 reason for denial.

25 (b) Denial of an application for a permit may be

and the grant of a permit may
be appealed by ~~another authority~~, another authority,
authorized to grant the
applicant a permit

LC 0072/01

- taxation of pre-hearing costs
- (1) appealed by the applicant, without cost, to the applicant, to
2 the district court of the county in which the applicant
3 resides, under the procedures specified in Title 27, chapter
4 7. The court must decide the appeal as quickly as
5 possible and in any event within 6 months.
(10) The fee for the original issuance of a permit is
6 \$75. The fee must be collected by the authority issuing the
7 permit. The fee must be distributed as follows:
8 (a) \$50 must be paid to the issuing authority for the
9 purpose of enforcing ^{this section and 45-8-351} ~~this act~~; and
10 (b) \$25 must be deposited in ^{an account in} the state special revenue
11 fund to be used ^{the administration of this section and} exclusively for the printing and
12 distribution of a pamphlet on the legal limits of the use of
13 firearms, ^{and on} firearms safety, and the preemptive nature of
14 state law. The pamphlet must be prepared by the department
15 of justice and must be given by the issuing authority to
16 each applicant for a permit.
(11) A permitholder may renew a permit if he applies
18 for renewal not more than 90 days before the expiration date
19 ^{on a form prescribed by the department of justice} of the permit. The fee for the renewal of a permit is \$25.
20 The fee must be collected by the authority renewing the
21 permit and must be paid to the issuing authority for the
22 purpose of enforcing ^{this section and 45-8-351} ~~this act~~. A renewed permit must take
23 effect on the expiration date of the prior permit and is
24 valid for a term of 5 years. A permitholder who applies for
25 a renewal after the expiration date of the permit shall pay

Insert
(A) from
back of
page

~~is a resident of~~

resides in the
jurisdiction of the
authority that
issued the permit

Insert (A), on page 8, line 7:

when the application is made. ~~If the~~
~~applicant unsuccessfully appeals~~
~~denial of a permit the court may~~
~~order a refund of all or part of the~~
~~fee if warranted by the circumstances.~~

1 a late renewal penalty of \$10 in addition to the renewal
 2 fee. If the permitholder applies for a renewal within 1 year
 3 of the expiration date, the issuing authority may require
 4 him to apply for a new permit under the provisions of this
 5 section. If the permitholder applies for renewal more than 1
 6 year after the expiration date, the issuing authority shall
 7 require him to apply for a new permit under the provisions
 8 of this section.

9 (12) A record of the application and permit must be
 10 kept by the issuing authority. The record must contain the
 11 date of the application, the date the permit was issued, the
 12 name of the permitholder, the name of the person issuing the
 13 permit, and a copy of the application. The record must be
 14 signed by the permitholder. A copy of the record must be
 15 mailed to and kept by the ~~identification bureau of the~~
 16 department of justice and must contain an original set of
 17 fingerprints.

18 (13) (a) A permitholder shall carry the permit card
 19 when carrying a concealed ^{handgun} ~~weapon~~.
 20 (b) A permitholder who carries a concealed ^{handgun} ~~weapon~~
 21 without a valid permit card in his possession is subject to
 22 prosecution under 45-8-316. It is ~~an affirmative defense~~
 23 ^{a mitigating factor} ~~under this subsection~~ that the defendant has a current
 24 permit issued pursuant to this section.

25 (14) A permitholder ^{who is carrying a concealed handgun} shall inform any uniformed law

A sheriff, or chief of police if the applicant resides in a city of the first or second class, who issues a permit must also mail a copy of the record to the other authority authorized to issue a permit to the applicant.

Reinstated, Ignore line out

1 enforcement officer or any person who identifies himself as
 2 a law enforcement officer, upon being stopped or detained by
 3 such officer, ~~that~~ he is exercising his permit to carry a
 4 concealed ~~weapon~~ ^{hand gun}. The permitholder shall also exhibit the
 5 permit upon the demand of any law enforcement officer. A
 6 violation of the provisions of this subsection ~~constitutes a~~
 7 ~~misdemeanor~~ ^{is a criminal offense}, punishable by a fine of not more than \$100.

8 (15) Within 30 days after changing his permanent
 9 address, a permitholder shall notify the issuing authority
 10 in his new area of residence that he is permitted to carry a
 11 concealed ~~weapon~~ ^{hand gun}. Failure to comply with this subsection
 12 ~~constitutes~~ ^{is} a civil violation punishable by a ~~fine~~ ^{penalty} of not
 13 more than \$25.

14 (16) Within 30 days after a permit card is lost or
 15 destroyed, the permitholder shall notify the authority
 16 issuing the permit of the loss or destruction of the permit
 17 card. Failure to comply with this subsection ~~constitutes~~ ^{is} a
 18 civil violation punishable by a ~~fine~~ ^{penalty} of not more than \$25.

19 (17) In the event that a permit card is lost or
 20 destroyed, the permit is automatically invalid. The
 21 permitholder may obtain a duplicate upon payment of a \$5 fee
 22 to the issuing authority and upon furnishing a notarized
 23 statement to the issuing authority that such permit card has
 24 been lost or destroyed.

25 (18) (a) Except as provided in subsection (18)(b), a

1 permitholder may not be prohibited by a local judicial order
 2 or by local ordinance or resolution enacted pursuant to ^{under}
 3 45-8-351(2)(a) from carrying a concealed ^{handgun} ~~weapon~~ ⁱⁿ
 4 particular places.

5 (b) A permit issued in accordance with this section
 6 does not authorize a person to carry a concealed ~~weapon~~ ^{handgun} into
 7 a police, sheriff's, or highway patrol station; a detention
 8 facility, prison, or jail; any courtroom or judge's chamber;
 9 or any public meeting of an elected board, council, or
 10 commission provided that such board, council, or commission
 11 has adopted an ordinance or resolution that prohibits the
 12 bringing of a firearm into its meeting and has posted notice
 13 of the ordinance or resolution in a conspicuous place.

14 (19) A permit issued under this section must be revoked
 15 if the permitholder:

16 (a) becomes ineligible under the criteria set forth in
 17 subsection (3); or

18 (b) is determined to be under the influence of an
 19 intoxicating substance in a public place while carrying a
 20 concealed ~~weapon~~ ^{handgun}. For the purpose of this subsection, the
 21 presumptions of whether a person is under the influence are
 22 the same as those specified in 61-8-401. Chemical, blood,
 23 breath, or urine tests may be administered by a law
 24 enforcement officer under the provisions set forth in
 25 61-8-402.

a K-12 public
school,
college,
university,
or
vocational-
technical
institute;

Thuen

1 (20) (a) A law enforcement officer may temporarily
 2 impound the ^{handgun} ~~weapon~~ of a permitholder if he believes in good
 3 faith that the permitholder is under the influence of an
 4 intoxicating substance.

5 (b) If the permitholder is found not to be under the
 6 influence of an intoxicating substance by a test
 7 administered under the provisions of subsection (19)(b), the
 8 law enforcement officer shall return the ^{handgun} ~~weapon~~ immediately
 9 to the permitholder.

10 (c) In no case may the ^{handgun} ~~weapon~~ be impounded for a
 11 period longer than 10 days, and it must be returned to the
 12 permitholder within that time unless the law enforcement
 13 officer can prove the ^{handgun} ~~weapon~~ was obtained illegally by the
 14 permitholder.

15 (21) A county attorney, upon application of a law
 16 enforcement officer, may apply to the district court for an
 17 order to show cause why a person's permit to carry a
 18 concealed ^{handgun} ~~weapon~~ should not be revoked. Upon order of the
 19 court, after notice and opportunity for hearing, the permit
 20 shall be revoked and the permitholder shall immediately
 21 surrender the permit to the issuing authority for the area
 22 in which he resides. The date of the revocation must be
 23 noted upon any records kept by the issuing authority and the
 24 ~~identification bureau of the department of justice."~~

25 Section 3. Section 45-8-351, MCA, is amended to read:

1 "45-8-351. Restriction on local government regulation
 2 of firearms. (1) Except as provided in subsection (2), no
 3 county, city, town, consolidated local government, or other
 4 local government unit may prohibit, register, tax, license,
 5 or regulate the purchase, sale or other transfer (including
 6 delay in purchase, sale, or other transfer), ownership,
 7 possession, transportation, use, or unconcealed carrying of
 8 any rifle, shotgun, or handgun.

9 (2) (a) For public safety purposes, a city or town may
 10 regulate the discharge of rifles, shotguns, and handguns. A
 11 Except as provided in subsection (2)(b), a county, city,
 12 town, consolidated local government, or other local
 13 government unit has power to prevent and suppress the
 14 carrying of concealed weapons, the carrying of weapons to a
 15 public assembly, publicly owned building, park under its
 16 jurisdiction, or school, and the possession of firearms by
 17 convicted felons, adjudicated mental incompetents, illegal
 18 aliens, and minors.

19 (b) Except as provided in 45-8-319(18)(b), a local
 20 government may not regulate a person who has a valid permit
 21 to carry a concealed ^{handgun} ^{under} ~~weapon~~ issued pursuant to 45-8-319.

22 ~~(b)~~ (c) Nothing contained herein shall allow any
 23 government to prohibit the legitimate display of firearms at
 24 shows or other public occasions by collectors and others,
 25 nor shall anything contained herein prohibit the legitimate

1 transportation of firearms through any jurisdiction, whether
2 in airports or otherwise."

3 **Section 4. Existing permits.** A permit to carry a
4 concealed ~~weapon~~^{handgun} issued prior to [the effective date of this
5 act] is valid until the expiration date of the permit. A
6 person holding such a permit is eligible for permit renewal
7 under the provisions of 45-8-319(11).

8 **Section 5. Codification instruction.** [Section 4] is
9 intended to be codified as an integral part of Title 45,
10 chapter 8, part 3, and the provisions of Title 45, chapter
11 8, part 3, apply to [section 4].

12 **Section 6. Severability.** If a part of [this act] is
13 invalid, all valid parts that are severable from the invalid
14 part remain in effect. If a part of [this act] is invalid
15 in one or more of its applications, the part remains in
16 effect in all valid applications that are severable from the
17 invalid applications.

-End-

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HOUSE BILL 204DATE JAN. 30SPONSOR REP. COBB

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Mike Sherwood	MTLA		X
Russ Cater, SRS	Helena	X	
Jacqueline Terrell	American Ins. Assoc.		X
GENE PHILLIPS	NA II		X

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

JUDICIARY

COMMITTEE

DATE JAN. 30, 1989 BILL NO. HB 155 NUMBER 1

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN	X	
REP. OLE AAFEDT		X
REP. WILLIAM BOHARSKI		X
REP. VIVIAN BROOKE	X	
REP. FRITZ DAILY		
REP. PAULA DARKO	X	
REP. RALPH EUDAILY		X
REP. BUDD GOULD		X
REP. TOM HANNAH		
REP. ROGER KNAPP		X
REP. MARY McDONOUGH	X	
REP. JOHN MERCER		X
REP. LINDA NELSON		X
REP. JIM RICE		X
REP. JESSICA STICKNEY	X	
REP. BILL STRIZICH	X	
REP. DIANA WYATT	X	
REP. DAVE BROWN, CHAIRMAN	X	

TALLY

8 8

Julie Emge
Secretary

Dave Brown
Chairman

Motion: Rep. Wyatt moved to TABLE, seconded by
Rep. Addy. Motion FAILS on a tie vote.

ROLL CALL VOTE

JUDICIARY

COMMITTEE

DATE JAN. 30, 1989 BILL NO. HB 155 NUMBER 2.

NAME	AYE	NAY
REP. KELLY ADDY, VICE-CHAIRMAN		X
REP. OLE AAFEDT	X	
REP. WILLIAM BOHARSKI	X	
REP. VIVIAN BROOKE	X	
REP. FRITZ DAILY		
REP. PAULA DARKO		X
REP. RALPH EUDAILY	X	
REP. BUDD GOULD	X	
REP. TOM HANNAH		
REP. ROGER KNAPP	X	
REP. MARY McDONOUGH		X
REP. JOHN MERCER	X	
REP. LINDA NELSON	X	
REP. JIM RICE	X	
REP. JESSICA STICKNEY	X	
REP. BILL STRIZICH		X
REP. DIANA WYATT		X
REP. DAVE BROWN, CHAIRMAN		X

TALLY

10 6

Julie Emge
Secretary

Dave Brown
Chairman

Motion: Rep. Eudaily moved DO PASS AS AMENDED,
seconded by Rep. Knapp. Motion CARRIES.