

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on January 22, 1991,
at 10:00 a.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
John Harp (R)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: none

Staff Present: Valencia Lane (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion
are paraphrased and condensed.

Announcements/Discussion:

HEARING ON SENATE BILL 68

Presentation and Opening Statement by Sponsor:

Senator John "Ed" Kennedy, Jr., District 3, said SB 68 was requested by the Montana State Board of Pharmacy and would place scheduled drugs listed as controlled substances under the authority of the Board of Pharmacists. He explained that the bill makes certain all persons will have access to the list of controlled substances, and will bring the Board up to code with federal regulations.

Proponents' Testimony:

Warren Amole, Executive Director, Board of Pharmacists, told the Committee he would be available to answer any questions.

Opponents' Testimony:

There were no opponents of SB 68.

Questions From Committee Members:

Chairman Pinsoneault asked how the drugs identified in the bill got on the list of controlled substances. Warren Amole replied these drugs are controlled by the Federal Department of Justice, and that the FDA makes recommendations of placement in schedules one through five, according to their potential for abuse or addiction.

Chairman Pinsoneault asked how often this is done. Mr. Amole replied it is done approximately every other legislative session.

Senator Towe asked how drugs would be deleted from the list. Mr. Amole replied they are deleted by the federal government when it is felt that they are no longer necessary to be in a schedule.

Senator Svrcek asked if any drugs are listed in the bill which have significance in a Native American religious ceremony or are being used by naturopaths. Mr. Amole replied that peyote is not listed, and said naturopaths have no authority to use controlled substances.

Closing by Sponsor:

Senator Kennedy made no closing remarks, except to ask the Committee to give the bill favorable consideration.

HEARING ON SENATE BILL 7

Presentation and Opening Statement by Sponsor:

Senator Joe Mazurek, District 23, said SB 7 was introduced last session, but was not passed in order to look at the bill further. He commented that the bill did not receive much examination, but did receive some comment from Jon Doak, a Billings attorney (Exhibit #1).

Senator Mazurek stated the bill would adopt the Uniform Fraud Transfer Act, replacing the Uniform Fraud Conveyances Act. He told the Committee the bill is basically a modernization of the 1918 act, and that this format was adopted by the National Conference Committee on Uniform State Laws (NCCUSL) in 1984.

Senator Mazurek explained that the bill protects creditors against debtors who seek to conceal debt. He said uniformity is important where people cross state lines, and in relation to the bankruptcy act. Senator Mazurek added that this legislation has

been identified by the NCCUSL as a target act to be adopted by as many states as possible this year.

Senator Mazurek noted that terminology has changed since 1918, and with the new bankruptcy act in 1989. He said that as of 1989, 20 states had adopted this act, but was uncertain of the present count.

Senator Mazurek explained that section 2 contains definitions, section 3 defines insolvency, section 4 defines values; subsection 2 of section 4 addresses a court decision in a Texas case; section 6 cites two more cases, section 7 defines when transactions occur; section 8 defines remedies available to creditors; and section 9 protects good faith purchasers and subsequent good faith transferees. Senator Mazurek said section 10 changes the two-year statute of limitation on fraudulent transfers to four years. He added that the Committee may want to look at this, because the proposed four-year statute of limitations could be a problem.

Senator Mazurek said he believes there is a need for modernization, and commented that he is willing to make necessary changes and to work with the Committee on the bill. Senator Mazurek told the Committee he would try to get copies of changes made in other states, where adopted.

Proponents' Testimony:

There were no proponents of SB 7.

Opponents' Testimony:

There were no opponents of SB 7.

Questions From Committee Members:

Senator Crippen said he believed the definition of solvency and debt is quite broad. Senator Mazurek replied he is willing to work on these.

Senator Towe asked if language in lines 19-22, page 6, made exclusions from value. Senator Mazurek replied there is a formal publication of drafter intent and comments.

Senator Towe said he was concerned that the 4-year fraudulent conveyances statute would be different from the state fraud limit of 2 years. Senator Mazurek reminded Senator Towe that he addressed this issue in presenting the bill.

Senator Halligan asked what the existing remedy is for real property conveyances where mischief is involved. Senator Mazurek said he did not believe the bill affects that, adding that a pre-judgment writ of attachment can be obtained. He added that the bill is attempting to define what is fraudulent transfer, and said

the NCCUSL is not trying to change procedure, but to let states adopt their own philosophy.

Senator Mazurek advised the Committee he needed to come back to them after discussing the bill with Senator Crippen, Jon Doak, and others to find areas of agreement.

Closing by Sponsor:

Senator Mazurek made no closing comments.

EXECUTIVE ACTION ON SENATE BILL 31

Motion:

Discussion:

Chairman Pinsoneault asked Senator Towe if he had appropriate amendments to SB 31. He also suggested that the bill be held until SB 138 is heard on January 31, 1991.

Valencia Lane had provided committee members with copies of proposed amendments when the bill was heard (Exhibit #2), and Senator Towe again explained the amendments.

Senator Grosfield stated he was concerned with lowering standards. Senator Towe replied that if NIDA lowers threshold levels Montana will have to make independent determinations of threshold levels, except as related to hazardous employment where such employment is federally pre-empted.

Senator Grosfield said he believed the level for marijuana would be dropped to 50. He stated that according to information he had been given it was not possible to test positive at 100 nanograms by passive inhalation. Senator Grosfield continued, saying that at the 50 nanogram level, a positive test could result from being in a 5'x 5' x 8' cubicle where 16 marijuana cigarettes are smoked daily for five consecutive days.

Senator Grosfield asked if the Committee wanted different standards from federal levels as they are brought down. Senator Towe replied that he did not believe the proposed amendments speak to Senator Grosfield's concerns.

Valencia Lane stated that when the Legislature passes a law it incorporates references to other law changes, but in this instance, Montana would be running the risk of a challenge to the state law's constitutional authority. As an example, she cited the challenge made by Senator Gary Lee to the adoption of the 55 mph speed limit.

Chairman Pinsoneault asked what the cost consequence is. Senator Towe replied that a number of employers are presently testing. He said the problem is that existing law doesn't say where to send tests for analysis, and there are presently no certified labs in Montana. Senator Towe stated there could be an error factor of up to 20 percent in non-certified labs, and that certifying labs should increase accuracy, thus saving dollars.

Senator Towe said present law states that if an employee tests positive he or she can be fired, and the bill would provide protection in this area.

Chairman Pinsoneault asked if the 20 percent figure were proven. Senator Towe replied that he obtained that figure from a brochure on drug testing.

Senator Crippen said he sees inconsistency as present law does not use labs. Senator Towe replied the bill is saying there are no standards right now and that they need to be adopted. He stated he believes federal standards are good, but Montana should look at any new federal changes before adopting them.

Senator Crippen asked why the amendments could not be changed so that federal standards could be broadly construed. Senator Towe replied that in the trucking area DOT has individual random sampling done on all interstate truckers. He added that he is saying Montana law prevails if not federally pre-empted.

Senator Halligan stated his concern that a 100 nanogram level might allow employees to be affected on the job, and said he would concur with the federal government in lowering that level.

Amendments, Discussion, and Votes:

Senator Towe made a motion that the proposed amendments to SB 31 be approved. The motion carried unanimously.

Recommendation and Vote:

Chairman Pinsoneault recommended that SB 31 be held in committee until SB 138 is heard on January 31.

EXECUTIVE ACTION ON SENATE BILL 68

Motion:

Senator Mazurek made a motion that SB 68 DO PASS.

Discussion:

There was no discussion of SB 68.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

The motion made by Senator Mazurek carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 49

Motion:

Discussion:

Chairman Pinsoneault said he believed the bill needed more specific definition of what school property is. Valencia Lane provided the Committee with copies of the proposed amendments (Exhibit #3).

Senator Towe asked if a school bus on the road would be defined as school property. Chairman Pinsoneault replied that was not his intention, but rather to include any school-sponsored activity.

Senator Mazurek said he had concerns with the breadth of the definition of school property in the amendments, as it may run into vagueness. As an example, he cited a drug sale occurring within 1000 feet of a bowling alley where a school-sponsored bowling class is being held.

Valencia Lane commented that the amendment would have a breadth problem. She said federal law includes video arcades, pools, and playgrounds, but John Connor did not include these in drafting.

Chairman Pinsoneault told the Committee he hoped that the amendments would provide more protection.

Valencia Lane advised the committee that Senator Brown carried a similar bill in 1987. Senator Brown explained that the bill was SB 261 which doubled the penalty for sale to minors. He said other language concerning place of sale was removed from the bill in the House.

Amendments, Discussion, and Votes:

Senator Harp made a motion that the amendments be approved. The motion failed in a roll call vote (attached).

Recommendation and Vote:

Senator Brown made a motion that SB 49 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 106

Motion:

Senator Harp made a motion that SB 106 be TABLED, and said he did not believe the bill was workable in any manner.

Discussion:

There was no discussion on SB 106.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

The motion made by Senator Harp that SB 106 be TABLED carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 58

Motion:

Discussion:

Senator Yellowtail commented that he would like to confine jurisdiction for medical and confinement costs to that of the arresting officer. He proposed that the Committee move forward with the bill and leave the intent of the Subcommittee behind.

Senator Yellowtail asked Valencia Lane to make the appropriate amendments applying to both medical and confinements for the jurisdiction of the arresting officer.

Senator Towe asked about the difference between the jurisdiction of the arresting officer and the jurisdiction having its law violated. He said he was concerned about small communities who can't pay, as discussed at the bill hearing on January 21. Senator Yellowtail said he was requesting a reasonable solution to this dilemma.

Senator Towe requested that the Committee look at the issue from the point of the arresting agency. He commented that if it is the laws of the arresting agency which are being violated costs should be paid from where the crime is committed.

Senator Svrcek referred to testimony by Peter Funk, Office of the Attorney General, on January 21, 1991, and said he believes the language addressing costs (page 3) needs to be cleaned up.

Senator Yellowtail stated he would work on cleaning up the bill.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

There was none.

EXECUTIVE ACTION ON SENATE BILL 1

Motion:

Senator Mazurek made a motion that the amendments prepared by Valencia Lane (Exhibit #4) be approved.

Discussion:

There was none.

Amendments, Discussion, and Votes:

The motion made by Senator Mazurek carried unanimously.

Recommendation and Vote:

Senator Svrcek made a motion that SB 1 DO PASS AS AMENDED. The motion carried unanimously.

ADJOURNMENT

Adjournment At: 11:20 a.m.



Senator Dick Pinsoneault, Chairman



Joann M. Bird, Secretary

ROLL CALL

SENATE JUDICIARY

COMMITTEE

~~52nd~~ LEGISLATIVE SESSION -- 1989

Date 22 Jan 91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 68 (first reading copy -- white), respectfully report that Senate Bill No. 68 do pass.

Signed: Richard Finsoneault
Richard Finsoneault, Chairman

BK 1/22/91
Amd. Coord.

JE 1-22-91 2:05
Sec. of Senate


SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 49 (first reading copy -- white), respectfully report that Senate Bill No. 49 do pass.

Signed: _____
Richard Pinsoneault, Chairman

 1/22/91
And. Coord.

SIB 1-22-91
Sec. of Senate

205

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 1 (first reading copy -- white), respectfully report that Senate Bill No. 1 be amended and as so amended do pass:

1. Title, page 2, lines 12 and 13.

Following: "30-4-503," on line 12

Strike: remainder of line 12 through "30-6-111," on line 13

2. Title, page 2, line 20.

Following: "30-4-109,"

Insert: "30-6-101, 30-6-102, 30-6-103, 30-6-104, 30-6-105, 30-6-106, 30-6-107, 30-6-108,"

Following: "30-6-110,"

Insert: "30-6-111,"

3. Page 291, line 25 through page 325, line 6.

Strike: sections 227 through 234 in their entirety

Renumber: subsequent sections

4. Page 326, line 21 through page 327, line 18.

Strike: section 236 in its entirety

Renumber: subsequent sections

5. Page 330, lines 8 and 9.

Following: "30-4-109," on line 8

Insert: "30-6-101, 30-6-102, 30-6-103, 30-6-104, 30-6-105, 30-6-106, 30-6-107, 30-6-108,"

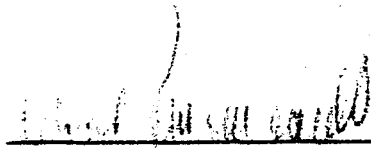
Following: "30-6-110," on line 9

Insert: "30-6-111,"

6. Page 331, lines 8 and 10.

Strike: "235"

Insert: "227"

Signed: 
Richard Finsoneault, Chairman

 1-22-91
And. Coord.

SR 1/22 3:15
Sec. of Senate

141453SC.Sji

ROLL CALL VOTE

SENATE COMMITTEE

JUDICIARY

Date 22 Jan 91

Bill No. SB49

Time 11:10 am

NAME	YES	NO
Sen. Brown		✓
Sen. Crippen		
Sen. Doherty		✓
Sen. Grosfield	✓	
Sen. Halligan		
Sen. Harp	✓	
Sen. Mazurek		✓
Sen. Rye	✓	
Sen. Svrcek		✓
Sen. Towe	✓	
Sen. Yellowtail		✓
Sen. Pinsoneault	✓	

Jody Bird
Secretary

5 5
Sen. Dick Pinsoneault
Chairman

Motion:

(C)

Brown Harp - amendments
failed

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 22 Jan 91 Bill No. SB106 Time 11:12 am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen	Absent	
Sen. Doherty	✓	
Sen. Grosfield	✓	
Sen. Halligan		
Sen. Harp	✓	
Sen. Mazurek	✓	
Sen. Rye	✓	
Sen. Svrcek	✓	
Sen. Towe	✓	
Sen. Yellowtail	✓	
Sen. Pinsoneault	✓	

Jody Bird
Secretary

Sen. Dick Pinsoneault
Chairman

Motion: C. Harp - Tables
passed

R.F. HIBBS 1906-1985
HUGH SWEENEY
JON E. DOAK

DAVID J. DIETRICH

LAW OFFICES
SWEENEY & DOAK
2722 THIRD AVENUE NORTH
SUITE 300
P.O. BOX 2175
BILLINGS, MONTANA 59103

EXHIBIT #1
22 Jan 91
TELEPHONE 252-4101
AREA CODE 408

HORTON B. KOESSLER
OF COUNSEL

SB7

January 16, 1991

VIA TELEFAX

Senator Bruce D. Crippen
Capitol Station
P. O. Box 156
Helena, MT 59620

RE: Senate Bill No. 7: "An Act Replacing the Uniform
Fraudulent Conveyances Act, etc."

Dear Senator Crippen:

My legal practice primarily involves debtor/creditor, bankruptcy and collection matters. In my practice, I have regular contact with the Uniform Fraudulent Conveyances Act, and the exemption, voidable preference and fraudulent conveyance provisions of the Bankruptcy Code. In the foregoing context, I have reviewed Senate Bill No. 7 and believe it to be flawed in several respects.

I have three principal objections to the language of Senate Bill 7. First, I believe the definition of "debt" to be too broad and unworkable because the definition of "claim" broadly includes unliquidated, contingent and disputed obligations. Secondly, the definition of "insolvency" in Senate Bill 7 seems to me overbroad and unworkable insofar as it would include in "debts" all disputed and contingent obligations. The "insolvency" definition is also inconsistent with the definition of "insolvency" in Section 101(31) of the Bankruptcy Code. Thirdly, Section 4(2) of SB 7, regarding value, seems to insulate from examination any foreclosure sale or execution of a power of sale regardless of the relative disparity between the obligation owed and the value of the debtor's interest in the property foreclosed.

I also find the proposed statute vague in its definition of "property", its use of the term "substantially all" in Section 5(2)(e); use of the term "shortly after" in Section 5(2)(i); and use of "shortly before or shortly after" in Section 5(2)(j).

Under the proposed statute, "debt" means liability on a claim. A "claim" includes, however, a right to payment whether or not disputed. A purported debtor would not seem under current law to be liable on a claim disputed in good faith until the dispute is resolved. Under the proposed statutory scheme, even

Ex 1

1-22-91

SB 7

"claims" asserted in bad faith or those subject to bona fide dispute are included in determining the solvency or insolvency of the purported debtor.

The broad "insolvency" definition would also in my view wreak havoc on legitimate commercial transactions. A party who was a guarantor of a fully secured corporate liability which is being and has been paid in its ordinary course by the corporation may nevertheless be deemed insolvent if the contingent liability on the guarantee, when added to the guarantor's other obligations, causes his liabilities to exceed his assets.

The "insolvency" definition under the Bankruptcy Code compares "debts" with the debtor's "property". The "insolvency" definition in Senate Bill 7 compares "debts", broadly defined, with the debtor's "assets," a term much more narrow than "property". Any significant guaranty obligations, suretyship, or other contingent liability, secured by a lien on the debtor's property, may render the debtor insolvent under the proposed definition, regardless of the fact that the obligation guaranteed is fully secured by property of the primary obligor.

Also of concern to me is the potentially unsettling effect the proposed law may have on legitimate transactions with those broadly defined as "insiders" for four or more years. Under the Bankruptcy Code, preferential transfers are voidable for 90 days as to third parties and one year as to insiders; while fraudulent conveyances are subject to a two year limitation under current law. Four years seems too long.

After comparing the proposed law with the existing Uniform Fraudulent Conveyances Act, I remain convinced the existing law fills the need for creditor protection adequately without introducing the vagueries and commercial uncertainty I see likely under the proposed law. I will be pleased to expand on the foregoing views if requested to do so.

Sincerely,

SWEENEY & DOAK

Jon E. Doak

JED:lca

Why states should repeal Article 6 of the Uniform Commercial Code

Bulk sales laws were originally drafted in response to a fraud perceived to be common around the turn of the century: a merchant would acquire his stock in trade on credit, then sell his entire inventory ("in bulk") and abscond with the proceeds, leaving creditors unpaid.

Article 6 was drafted as a response to this "bulk sale risk." It imposes several duties on the buyer in bulk, including the duty to notify all creditors of the impending bulk transfer. It also requires compliance even when there is no reason to believe that the seller is conducting a fraudulent transfer. The Article imposes strict liability for noncompliance. Failure to comply with the provisions render the transfer ineffective, even when the buyer has complied in good faith.

But today, changes in the business and legal contexts in which sales are conducted have made regulation of bulk sales unnecessary. Creditors are better able to make informed decisions about whether to extend credit. Changes in technology have enabled credit reporting services to provide fast, accurate, and more complete credit histories at relatively small cost.

Creditors also have greater opportunity to collect their debts. The adoption of state long-arm statutes and rules have greatly improved the possibility of obtaining personal jurisdiction over a debtor who flees to another state.

And creditors no longer face the choice of extending unsecured credit or no credit at all. Retaining an interest in inventory to secure its price has become relatively simple and inexpensive under Article 9 of the UCC - adopted in 49 states. If a bulk sale is fraudulent and the buyer is a party to the fraud, creditors have remedies under the Uniform Fraudulent Transfer Act.

There is no evidence that in today's economy, fraudulent bulk sales are frequent enough, or engender credit losses significant enough, to require regulation of all bulk sales, including the vast majority that are conducted in good faith.

The Uniform Law Commissioners, therefore, encourage those states that have enacted Article 6 to repeal it.

Ex. 1
1/22/91
SB 7

Why states should revise Article 6 of the Uniform Commercial Code

Bulk sales laws were originally drafted in response to a fraud perceived to be common around the turn of the century: a merchant would acquire his stock in trade on credit, then sell the entire inventory ("in bulk") and abscond with the profits, leaving creditors unpaid.

Article 6 was drafted as a response to this "bulk sale risk." It affords creditors a remedy against a good faith purchaser for full value without notice of any wrongdoing on the part of the seller. In the legal context in which Article 6 was drafted, the benefits to creditors appeared to justify the costs of interfering with good faith transactions.

Present Article 6 imposes several duties on the buyer in bulk. These duties include the duty to notify the creditors of the impending bulk transfer. This can be burdensome, particularly when the seller has a large number of creditors.

The Article requires compliance even when there is no reason to believe that the seller is conducting a fraudulent transfer, as when the seller is scaling down the business but remaining available to creditors. And it also imposes strict liability for noncompliance. Failure to comply with the provisions of the Article renders the transfer ineffective, even when the buyer has complied in good faith, and even when no creditor has been injured by the noncompliance.

The current revision of Article 6 is designed to reduce the burdens and risks imposed upon good-faith buyers of business assets while increasing the protection afforded to creditors.

Among the needed changes are:

- Article 6 applies only when the buyer has notice that the seller will not continue to operate the same or a similar kind of business after the sale;
- when the seller is indebted to a large number of creditors, the buyer does not have to send individual notice to every person, but instead may give notice by filing;
- a buyer who makes a good faith effort to comply with the requirements of Article 6 is not liable for noncompliance.

Present Article 6 has become inadequate to regulate modern bulk sales. The revised Article is designed to afford better protection to creditors while minimizing the impediments to good-faith transactions.

Exhibit #2
22 Jan 91
SB 31

Amendments to Senate Bill No. 31
White Reading Copy

Requested by Senator Towe
For the Committee on Judiciary

Prepared by Valencia Lane
January 14, 1991

1. Title, line 6.

Following: "THE"

Insert: "NATIONAL INSTITUTE ON DRUG ABUSE (NIDA),"

2. Page 2, line 7.

Following: "the"

Insert: "national institute on drug abuse (NIDA),"

3. Page 5, line 15.

Following: line 14

Insert: "(d) Federal preemption of any part of this section must
be narrowly construed to limit the extent of the federal
preemption."

of NIDA
changes - we
would have to
look over all of
we would be
to the Federal
standards -
Initial
Inter
Tracking
Random
Sampling

EXHIBIT #3

1-22-91

SB 49

amts
failed

422

Amendments to Senate Bill No. 49
White Reading Copy

Requested by Senator Pinsoneault
For the Committee on Judiciary

Prepared by Valencia Lane
January 22, 1991

1. Page 1, line 18.

Following: line 17

Insert: "(2) For purposes of this section, "school property" means any building, area or space inside a building, or outside area owned, leased, or made available to a school for any school activity, academic or recreational, whether owned by the school or not and whether on school property or not, where a school-sponsored activity, academic or recreational, is conducted."

Renumber: subsequent subsections

Exhibit #4
22 Jan 91
SB1

Amendments to Senate Bill No. 1
White Reading Copy

Requested by Senator Mazurek
For the Committee on Judiciary

Prepared by Valencia Lane
January 22, 1991

1. Title, page 2, lines 12 and 13.

Following: "30-4-503," on line 12

Strike: remainder of line 12 through "30-6-111," on line 13

2. Title, page 2, line 20.

Following: "30-4-109,"

Insert: "30-6-101, 30-6-102, 30-6-103, 30-6-104, 30-6-105, 30-6-106, 30-6-107, 30-6-108,"

Following: "30-6-110,"

Insert: "30-6-111,"

3. Page 291, line 25 through page 325, line 6.

Strike: sections 227 through 234 in their entirety

Renumber: subsequent sections

4. Page 326, line 21 through page 327, line 18.

Strike: section 236 in its entirety

Renumber: subsequent sections

5. Page 330, lines 8 and 9.

Following: "30-4-109," on line 8

Insert: "30-6-101, 30-6-102, 30-6-103, 30-6-104, 30-6-105, 30-6-106, 30-6-107, 30-6-108,"

Following: "30-6-110," on line 9

Insert: "30-6-111,"

6. Page 331, lines 8 and 10.

Strike: "235"

Insert: "227"

Amendments to Senate Bill No. 106
First Reading Copy

Requested by Senator Beck
For the Committee on Judiciary

Prepared by Paul Verdon
January 18, 1991

1. Page 1, lines 18 and 19.
Strike: "take into custody"
Insert: "order the removal of"
2. Page 2, line 5.
Strike: "taken into custody"
Insert: "ordered removed"
3. Page 2, line 13.
Strike: "personnel, equipment, and"
4. Page 2, line 17.
Following: "available"
Insert: "for the removal of the vehicle"
5. Page 5, line 21.
Strike: "an administrative"
Insert: "a"
6. Page 6, line 1.
Strike: "public"
7. Page 6, line 2.
Strike: "public"
8. Page 6, line 3.
Following: "for the"
Strike: "public"

Ex. 5
1-22-91
SB 106
Bill Tabled
1-22

COMMITTEE ON Judiciary

VISITORS' REGISTER

[illegible]