

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BOB CLARK**, on February 9, 1995, at
7:00 PM.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Shiell Anderson, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Ellen Bergman (R)
Rep. Bill Carey (D)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Daniel W. McGee (R)
Rep. Debbie Shea (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)
Rep. Cliff Trexler (R)

Members Excused: None

Members Absent: Rep. William E. Boharski
Rep. Brad Molnar

Staff Present: John MacMaster, Legislative Council
Joanne Gunderson, Committee Secretary

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

Committee Business Summary:

Hearing: None
Executive Action: HB 256 POSTPONE ACTION
HB 315 DO PASS
HB 322 DO PASS AS AMENDED
HB 345 DO PASS AS AMENDED
HB 355 DO PASS AS AMENDED
HB 371 DO PASS AS AMENDED
HB 402 TABLE

{Tape: 1; Side: A}

EXECUTIVE ACTION ON HB 345

Motion: REP. DEBBIE SHEA MOVED HB 345 DO PASS.

Motion: REP. LOREN SOFT MOVED THE AMENDMENTS PROPOSED BY DEPARTMENT OF JUSTICE.

Discussion: John MacMaster clarified the revised amendments for the committee. He explained that at the beginning of this amendment it said that it is intended that the charges collected would be put in the general fund and shall be appropriated to the Department of Justice which shall distribute it. In other words, the money would go to the general fund and every two years the department must request appropriations from that fund for the purchase of the equipment. EXHIBIT 1

REP. SHIELL ANDERSON felt that though they were trying not to use another state special revenue fund, the effect of the language of the amendment would be earmarking.

Mr. MacMaster clarified that it meant that if they appropriate it, it must be used for that purpose.

Motion/Vote: REP. SOFT MADE A SUBSTITUTE MOTION TO ADOPT THE REVISED AMENDMENTS. The motion carried unanimously by voice vote.

Motion/Vote: REP. CHRIS AHNER MOVED HB 345 DO PASS AS AMENDED. The motion carried 17 - 1, REP. DIANA WYATT voted no.

EXECUTIVE ACTION ON HB 256

Motion: REP. DEB KOTTEL MOVED HB 256 DO PASS.

Discussion: REP. DANIEL MC GEE proposed amending the bill to change making the third DUI conviction a felony rather than the fourth. He took the committee through the sections of the bill which needed to be changed for the amendment.

Motion: REP. MC GEE MOVED THE CONCEPTUAL AMENDMENT.

Discussion: The committee discussed the amendment.

REP. DUANE GRIMES suggested tightening up the penalty on the first offense. He wondered if that would suffice instead of the amendment.

CHAIRMAN CLARK suggested that REPS. MC GEE and GRIMES collaborate on the amendment dealing with the penalty section of the bill. He observed that the committee agreed with the third offense

being a felony. REP. SOFT also had suggestions for other ingredients in the amendment. Other committee members had input for their consideration.

Motion/Vote: REP. MC GEE MADE A SUBSTITUTE MOTION TO POSTPONE ACTION. The motion carried unanimously.

EXECUTIVE ACTION ON HB 315

Motion: REP. SHEA MOVED HB 315 DO PASS.

Discussion: REP. SOFT asked if it was necessary for a volunteer fire department to be involved in the clean-up of hazardous spills.

CHAIRMAN BOB CLARK said they are under obligation to try to contain that spill when they respond.

REP. LINDA MC CULLOCH said that they may not know that hazardous waste is involved when they respond to a call.

Vote: The motion carried unanimously.

EXECUTIVE ACTION ON HB 355

Motion: REP. ANDERSON MOVED HB 355 DO PASS AS AMENDED.

Motion: REP. GRIMES MOVED TO AMEND PAGE 2, LINE 15 AFTER "PROPERTY" INSERT "WITHIN ONE YEAR OF DISCOVERY OF THE OFFENSE BY INVESTIGATING OFFICERS."

Discussion: REP. BILL CAREY asked if they needed to add the word, "alleged," after "offender" on line 14.

Mr. MacMaster replied that they did not. He could not reconcile the meaning with the amendments because it introduced a second time period. Committee discussion followed and the wording was left to the discretion of Mr. MacMaster.

REP. BILL TASH addressed lines 23, 24 and 25 on page 1 as needing the same language change; but CHAIRMAN CLARK pointed out that that was dealing with a different issue.

Vote: The motion carried unanimously by voice vote.

Motion/Vote: REP. TASH MOVED HB 355 DO PASS AS AMENDED. The motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 322

Motion: REP. SOFT MOVED HB 322 DO PASS.

CHAIRMAN CLARK relinquished the chair to **VICE CHAIR ANDERSON**.

Motion: **REP. CLARK** MOVED TO AMEND PAGE 1, LINE 23 TO STRIKE, "INCLUDING" AND INSERT "UNLAWFULLY POSSESSED." FURTHER AMEND LINE 25 AFTER "GUESTS" INSERT "INCLUDING THE UNLAWFUL USE OF A FIREARM."

Discussion: There was committee discussion about the wording of the amendments and the concepts of lawfully and unlawfully possessed firearms as well as lawful and unlawful hazardous materials. They also debated the need for the bill.

REP. TASH directed the committee back to the title of the bill to focus on the need for tort reform.

REP. ANDERSON examined line 23 and he and **Mr. MacMaster** discussed the implications of the wording without the amendment.

Mr. MacMaster said it would prohibit a hunter from taking a firearm into a motel. **REPS. AHNER** and **CLARK** reiterated this discussion.

REP. ANDERSON attempted to reword the amendment and **REP. KOTTEL** made further suggestions as did **REP. LIZ SMITH**. **REP. SOFT** added suggestions to the wording of the amendment.

REP. CLARK withdrew his motion so that **Mr. MacMaster** could draft it correctly.

Motion: **REP. CLARK** MOVED THE CONCEPTUAL AMENDMENT. The motion carried unanimously.

CHAIRMAN CLARK resumed the chair.

REP. KOTTEL suggested an amendment to the section dealing with refusal of accommodations to minors.

Discussion: **REP. MC GEE** asked for an explanation of the purpose of this amendment.

Mr. MacMaster explained that the Constitution says that it takes a law which enhances the minor's protection to take away a right of a minor.

REP. KOTTEL explained how that applied to this bill.

{Tape: 1; Side: B}

REP. TASH spoke against the amendment and **REP. CURTISS** agreed with his arguments against it.

REP. CLIFF TREXLER asked if the bill prevented someone from bringing their legal wife (sic) into the hotel if she was under 18.

REP. KOTTEL said that on the face of it, it would give the innkeeper the right to refuse someone under the age of 18 even if they had cash or a credit card simply because of age.

REP. JOAN HURDLE asked for further clarification.

REP. SOFT asked about changing the age to 16. Mr. MacMaster thought they would have to lower it even more to be effective.

REP. ANDERSON discussed the effect of binding a person to a contract. He suggested limiting it to the parental conditions to accomplish the same thing.

REP. KOTTEL cited Montana law which defines a motel/hotel as a shelter. This would make contracts for a hotel/motel non-voidable as it would come under the definition of a necessary. She could not recall a Montana case which had voided a shelter contract.

REP. ANDERSON said they could refuse to contract with the minor.

REP. KOTTEL felt that was what they were doing, but did not think they could legally do so because those types of contracts are not voidable while other kinds are.

Motion: REP. KOTTEL MOVED TO AMEND BY DELETING LINES 17 THROUGH 23 (ALL OF SUBSECTION G) IN THEIR ENTIRETY.

Discussion: REP. ANDERSON felt this amendment would make the bill constitutional.

REP. GRIMES concurred and suggested adding a statement that parents would be held accountable for damages caused by an underaged child.

Vote: The motion carried 17 - 2, REPS. TASH and CLARK voted no.

REP. GRIMES asked Mr. MacMaster to address his suggestion and REP. MC GEE believed that this would put it in conflict with other statutes. REP. GRIMES withdrew his suggestion.

Motion/Vote: REP. SOFT MOVED HB 322 DO PASS AS AMENDED. The motion carried 16 - 3, REPS. SHEA, SMITH and HURDLE voted no. (REP. BRAD MOLNAR voted by proxy.)

Mr. MacMaster read and explained the conceptual amendment to the committee.

REP. GRIMES suggested further wording changes, but withdrew the suggestion when it was pointed out where it was covered elsewhere in the bill.

EXECUTIVE ACTION ON HB 402

Motion: REP. SOFT MOVED HB 402 DO PASS.

Motion: REP. SOFT MOVED TO AMEND HB 402. EXHIBIT 2

Discussion: CHAIRMAN CLARK spoke to the amendments giving history behind them. He had carried this bill two years ago and said the cities and towns objected to it and that this bill was their attempt to "gut" what was done two years ago. He said that if they don't want binding arbitration, they don't have to do it.

REP. SOFT spoke to a police officer in Billings whose concern was that it would remove their ability to appeal if they were suspended or disciplined.

REP. KOTTEL asked if it was the Chairman's recommendation that they table the bill from a law enforcement standpoint.

CHAIRMAN CLARK said that if they did not put the amendments in the bill, then it should be tabled.

REP. GRIMES recalled that this was not a bill about binding arbitration.

CHAIRMAN CLARK said that was what they were trying to tell the committee. But he said they do not have to agree to binding arbitration.

REP. GRIMES wanted to clarify the intention of the bill.

CHAIRMAN CLARK answered that the bill attempted to remove the right to appeal.

REP. GRIMES asked if it attempted to send a grievance to the police commission rather than to an arbitrator who would be selected in a contractual binding agreement.

CHAIRMAN CLARK said it looked as if they were trying to force the officer to go through an appeal to a district court rather than a police commission.

REP. GRIMES recalled from testimony that there was no way under the current law that people could get to the commission with complaints and so this bill intended to take it back to the way it was before the last amendment passed to allow the average citizen to get to the commission. Given that, he asked if it was by intent or was it inadvertent that that provision was struck.

REP. SOFT recounted his discussion with the Billings officer who said in his opinion this bill would take away their rights and would give the city total power as to what type of appeal they would have for discipline or termination. Current law allows them to move through due process.

REP. GRIMES understood from that that they were addressing a bill which would correct the error by allowing people to get their grievances to the police commission and would eliminate binding arbitration. So the amendment would restore binding arbitration. In his mind they had to pass the bill to resolve the problem but wondered if they should pass it with binding arbitration or without. He would vote against the amendments and would vote for the bill.

Motion/Vote: REP. SOFT MOVED TO TABLE HB 402. The motion carried 14 - 5, REPS. BOHARSKI, MC GEE, SMITH, and GRIMES (with REP. MOLNAR by proxy) voted no. (REPS. WYATT and SHEA voted yea by proxy.)

EXECUTIVE ACTION ON HB 371

Motion: REP. SMITH MOVED HB 371 DO PASS.

Motion: REP. SMITH MOVED TO AMEND HB 371.

Discussion: REP. SMITH described the amendments as clarification of the definition of a police dog and a broadening of the scope of protection of the dog.

Vote: The motion carried unanimously by voice vote.

Motion: REP. SMITH MOVED HB 371 DO PASS AS AMENDED.

{Tape: 1; Side: B; Approx. Counter: 34.6; Comments: Rep. Molnar joined the committee at approximately 8:30 PM.}

Discussion: REP. BRAD MOLNAR voiced his concern about leaving the restitution provision in the bill as well as the sentence as a felony. He felt that if it were made a misdemeanor, they would be subject to one year in the county jail. He said that it was time to stop pretending there is room in the prison and to start using the local facilities to their highest capability which would mean lowering the sentence.

REP. ANDERSON said there probably would be an additional crime involved and so did not think they should change it.

REP. MOLNAR rebutted the argument. He felt the end result of his suggestion would be make it tougher on crime rather than softer.

REP. SMITH strongly opposed the suggestion and gave her reason as being the value of the animal in enhancing law enforcement.

CHAIRMAN CLARK thought the lower class of felonies in Idaho (the state after which this bill was modeled) could be imprisoned in county jails.

REP. TASH asked about the wording dealing with the extent the person could make restitution.

Mr. MacMaster said that was already in the current Montana restitution-to-victims' law and not fashioned after Idaho law.

REP. BOHARSKI voice the same concerns as REP. MOLNAR and asked if it could be kept a felony and allow the possibility that they could serve that in the county jail.

REP. SMITH said Beth Baker suggested modifying it to state that they could be convicted of a felony without the wording, "being imprisoned in the state prison." That would allow sentencing to Department of Corrections and Human Services (DCHS) for alternate prison time. She said she would prefer to follow that suggestion.

Mr. MacMaster clarified how this would modify the bill.

Motion: REP. BOHARSKI MOVED TO AMEND ACCORDING TO THE LANGUAGE SUGGESTED BY MR. MAC MASTER WHICH WOULD STRIKE "IMPRISONED IN" ON LINE 16 AND INSERTING "INCARCERATED IN THE COUNTY JAIL OR THE STATE PRISON."

Discussion: REP. SMITH asked if the effect would be to reduce it from a felony.

CHAIRMAN CLARK said the time kept it defined as a felony.

Mr. MacMaster said whether it was called a felony or a misdemeanor did not matter, but the penalty put on it made the difference. A felony is defined as any offense for which the sentence upon conviction exceeds one year in the state prison.

REP. BOHARSKI asked if a person who was sentenced to more than one year in the county jail would be guilty of a misdemeanor or a felony and if they could just add 45-8-209, MCA, to it.

Mr. MacMaster said they could not because the way felony and misdemeanor are defined, "you can't call something a felony and automatically have certain things kick in." He said a sentence to the county jail for over a year was a misdemeanor. If the sentence is to the prison for over a year, it is a felony.

REP. BOHARSKI felt with the amendment the judge had the options and discretion.

REP. SMITH opposed the amendments and wanted to insist on it being a felony offense.

REP. MC CULLOCH asked if it was common to have a penalty for an offense which could be either a felony or a misdemeanor.

Mr. MacMaster said it was and gave the reason which was basically the same as his explanations above.

Vote: The motion carried 16 - 3, REPS. SMITH, AHNER and BERGMAN voted no.

Motion/Vote: REP. BOHARSKI MOVED HB 371 DO PASS AS AMENDED. The motion carried unanimously by voice vote.

Motion: REP. MC CULLOCH MOVED TO ADJOURN.

{Comments: This set of minutes is complete on one 60-minute tape.}

ADJOURNMENT

Adjournment: The meeting was adjourned at 9:00 PM.

Bob Clark

BOB CLARK, Chairman

Joanne Gunderson

JOANNE GUNDERSON, Secretary

BC/jg

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/9/95 #2

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Clark, Chairman	✓		
Rep. Shiell Anderson, Vice Chair, Majority	✓		
Rep. Diana Wyatt, Vice Chairman, Minority	✓		
Rep. Chris Ahner	✓		
Rep. Ellen Bergman	✓		
Rep. Bill Boharski	✓	✓	
Rep. Bill Carey	✓		
Rep. Aubyn Curtiss	✓		
Rep. Duane Grimes	✓		
Rep. Joan Hurdle	✓		
Rep. Deb Kottel	✓		
Rep. Linda McCulloch	✓		
Rep. Daniel McGee	✓		
Rep. Brad Molnar	✓ ^{8:30}	✓	
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 345** (first reading copy -- white) **do pass as amended.**

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Title, line 6.
Strike: "STATE SPECIAL REVENUE"
Insert: "GENERAL"
2. Title, line 7.
Strike: "USED BY THE DEPARTMENT OF JUSTICE"
Insert: "DISTRIBUTED TO LAW ENFORCEMENT AGENCIES"
3. Page 3, lines 2 and 3.
Strike: "an account" on line 2 through "revenue" on line 3
Insert: "the general"
4. Page 3, lines 3 and 4.
Strike: ", to be" on line 3 through end of line 4
Insert: ". It is intended that the charges collected be appropriated to the department of justice for distribution at the end of each quarter in the following manner:
(a) Charges collected by a municipal court or a city court must be distributed to the appropriate local government finance officer or treasurer of the city or town in which the conviction occurred. The local government finance officer or treasurer shall distribute all revenue received under this subsection to the city or town law enforcement agency.
(b) Of the charges collected by a justice's or district court, one-half must be distributed to the county or consolidated city-county finance officer or treasurer of the county in which

MJM
2/11
Committee Vote:
Yes 17, No 1.

360805SC.Hbk

February 11, 1995

Page 2 of 2

the conviction occurred and the remaining one-half must be retained by the department. The county or consolidated city-county finance officer or treasurer shall distribute all revenue received under this subsection to the county sheriff or the consolidated city-county law enforcement agency.

(c) Revenue received from the charges must be used to purchase or lease and to maintain law enforcement equipment used in the investigation of alcohol-related offenses."

-END-



HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 315** (first reading copy -- white) **do pass**.

Signed: Bob Clark
Bob Clark, Chair

2-11
MCA

Committee Vote:
Yes 19, No 0.

360807SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 355** (first reading copy -- white) **do pass as amended.**

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Page 2, line 15.

Following: "property"

Insert: ", except that the prosecution must be commenced within 1 year after the investigating officer discovers that the offender still possesses or is otherwise exerting unauthorized control over the property"

-END-

2-11
mm

Committee Vote:
Yes 19, No 0.

360808SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 322** (first reading copy -- white) **do pass as amended.**

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Title, line 5.

Following: ";"

Insert: "AND"

2. Title, line 7.

Strike: "; AND AMENDING SECTION 49-2-304, MCA"

3. Page 1, lines 23 and 24.

Strike: "property" on line 23 through end of line 24

Insert: ":

(i) an unlawfully possessed firearm; or

(ii) something, including an explosive or a hazardous or toxic substance, that it is unlawful to possess and that may be dangerous to other persons;"

4. Page 2, lines 9 through 11.

Strike: "property" on line 9 through end of line 11

Insert: ":

(i) an unlawfully possessed firearm; or

(ii) something, including an explosive or a hazardous or toxic substance, that it is unlawful to possess and that may be dangerous to other persons;"

5. Page 2, line 14.

Following: "hotel;"

2/11
mm
Committee Vote:

Yes 16, No 3.

360808SC.Hbk

Insert: "or"

6. Page 2, line 16.

Strike: "; or"

Insert: "."

7. Page 2, lines 17 through 23.

Strike: subsection (g) in its entirety

8. Page 2, line 24.

Strike: "Except as provided in subsection (1)(g), this"

Insert: "This"

9. Page 2, line 28 through line 17 of page 3.

Strike: section 3 of the bill in its entirety

Renumber: subsequent sections

10. Page 3, lines 25 and 27.

Strike: ", 2, and 4"

Insert: "through 3"

-END-



HOUSE STANDING COMMITTEE REPORT

February 11, 1995

Page 1 of 2

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 371** (first reading copy -- white) do pass as amended.

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Title, line 5.
Following: "DOG;"
Insert: "CLARIFYING THE DEFINITION OF POLICE DOG;"
2. Page 1, lines 13 and 14.
Strike: line 13 through "manner" on line 14.
3. Page 1, line 16.
Strike: "imprisoned in"
Insert: "incarcerated in the county jail or"
4. Page 1, line 24.
Strike: "law enforcement"
Insert: "criminal justice"
Strike: ", as defined in 7-32-201,"
5. Page 1, line 25.
Following: "work"
Insert: ", including but not limited to detection by scent of bombs, explosives, narcotics, accelerants, and a missing or escaped person"
6. Page 1, line 26.
Following: "(iii)"
Insert: "owned, possessed, or"

Committee Vote:
Yes 19, No 0.

360949SC.Hbk

7. Page 1, line 26.
Following: "control"
Insert: "or supervision"
8. Page 1, line 26.
Following: "officer"
Insert: "or an authorized representative of a criminal
justice agency"

-END-

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 2-7-95

I request to be excused from the Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Don Matheson.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT	AYE	NO
<u>All Bills Com.</u>		

SENATE BILL/AMENDMENT	AYE	NO

Rep. Brad Molnar
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE _____

I request to be excused from the Judiciary¹
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Rep. Kottel.

Indicate Bill Number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

TABLE

HOUSE BILL/AMENDMENT	AYE/	NO
HB 402	X	
HB 371 A (1)	X	
HB 371	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Diana E. Murphy
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE _____

I request to be excused from the _____
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with Deb Kattal.

Indicate Bill Number and your vote Aye or No. If there are
amendments, list them by name and number under the bill and
indicate a separate vote for each amendment.

TABLE

HOUSE BILL/AMENDMENT	AYE	NO
HB 402	X	
HB 371 - A. ①	X	
HB 371	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep. Deborah Kattal
(Signature)

Amendments to House Bill No. 345
First Reading Copy

For the Committee on the Judiciary

Prepared by John MacMaster
February 10, 1995

1. Title, line 6.
Strike: "STATE SPECIAL REVENUE"
Insert: "GENERAL"
2. Title, line 7.
Strike: "USED BY THE DEPARTMENT OF JUSTICE"
Insert: "DISTRIBUTED TO LAW ENFORCEMENT AGENCIES"
3. Page 3, lines 2 and 3.
Strike: "an account" on line 2 through "revenue" on line 3
Insert: "the general"
4. Page 3, lines 3 and 4.
Strike: ", to be" on line 3 through end of line 4
Insert: ". It is intended that the charges collected be appropriated to the department of justice for distribution at the end of each quarter in the following manner:
(a) Charges collected by a municipal court or a city court must be distributed to the appropriate local government finance officer or treasurer of the city or town in which the conviction occurred. The local government finance officer or treasurer shall distribute all revenue received under this subsection to the city or town law enforcement agency.
(b) Of the charges collected by a justice's or district court, one-half must be distributed to the county or consolidated city-county finance officer or treasurer of the county in which the conviction occurred and the remaining one-half must be retained by the department. The county or consolidated city-county finance officer or treasurer shall distribute all revenue received under this subsection to the county sheriff or the consolidated city-county law enforcement agency.
(c) Revenue received from the charges must be used to purchase or lease and to maintain law enforcement equipment used in the investigation of alcohol-related offenses."

EXHIBIT 2
DATE 2/9/95
HB 402

Proposed Amendment
House Bill 402

Recommended by the Montana Public Employees Association

Restore language in Section 10, lines 6-10 to present law language and a new language on line 18:

"7-32-4164. Right to appeal. A member of the police force who is disciplined, suspended, removed, or discharged as a result of a decision by the mayor, city manager, or chief executive has the right of appeal:

1) pursuant to the terms of a grievance procedure contained in a collective agreement if the member is covered by a collective bargaining agreement; or"

2) (Same as in current HB 402)

Line 18 Add: " A member or officer of a police force who files an appeal pursuant to (1) may not file an appeal to the district court.