MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **BRUCE D. CRIPPEN, CHAIRMAN**, on February 13, 1995, at 10:00 A.M.

ROLL CALL

Members Present:

Sen. Bruce D. Crippen, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Larry L. Baer (R)
Sen. Sharon Estrada (R)
Sen. Lorents Grosfield (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Mike Halligan (D)
Sen. Linda J. Nelson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Valencia Lane, Legislative Council
Judy Feland, Committee Secretary

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

Committee Business Summary:

Hearing:	SB 318, SB 353, SJR 12
Executive Action:	SB 189, SB 206, SB 266, SB 249, SB 276, SB 241, SB 233, SB 353, SJR 12

EXECUTIVE ACTION ON SB 189

Motion: **SENATOR MIKE HALLIGAN MOVED AMENDMENTS sb018906.avl AS CONTAINED IN (EXHIBIT 1).**

Discussion: **Brenda Nordlund, Department of Justice,** explained the amendments, saying that they softened the language in the original bill to delete express reference to substantially similar requirements for the implied consent laws in the tribal codes. This would also explicitly remove a reference to state tribal cooperative agreements. The Department intends to have

state cooperative tribal agreements before they enforce tribal codes involving drivers' license suspensions and revocations under a tribal implied ordinance, but it is not necessary that it be in the text of the bill.

Vote: The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

Motion/Vote: **SENATOR HALLIGAN MOVED THAT SB 189 DO PASS AS AMENDED.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

EXECUTIVE ACTION ON SB 206

Motion: **SENATOR HALLIGAN MOVED THAT SB 206 BE TABLED.**

Discussion: **SENATOR HALLIGAN** said that other bills were going through the process that would address the concerns in this bill. He said he had a major problem with the bill because of the "beyond a reasonable doubt," and "requirement of criminal charges," which would require too much work to fix. He hoped the sponsor could be satisfied with the other bills.

CHAIRMAN BRUCE CRIPPEN expressed concern about the motion.

Valencia Lane said she had prepared some amendments from **SENATOR BURNETT**, but they were not substantial.

Vote: THE **MOTION PASSED** on a roll call vote. Six members voted aye and 4 members voted no.

EXECUTIVE ACTION ON SB 266

Discussion: **CHAIRMAN CRIPPEN** said he had spoken to **SENATOR RIC HOLDEN** about his concern. The chairman said the bill was prepared on a biennium basis, to which the amendments refer.

Motion/Vote: **CHAIRMAN CRIPPEN MOVED THE AMENDMENTS AS CONTAINED IN (EXHIBIT 2).** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

Motion/Vote: **CHAIRMAN CRIPPEN MOVED THAT SB 266 DO PASS AS AMENDED.** The **MOTION CARRIED** on a roll call vote with six members voting aye and four members voting no.

EXECUTIVE ACTION ON SB 266

Discussion: **SENATOR HALLIGAN** explained an amendment that would allow the bill to reflect a termination date of January 1, 2001 for the Office of the Clerk.

Motion: **SENATOR HALLIGAN MOVED THE AMENDMENT.** The **MOTION CARRIED** on an oral vote, with **SENATOR SHARON ESTRADA** voting, "no."

Discussion: **Valencia Lane** explained further amendments prepared by Greg Petesch, saying they amended current laws and make corresponding changes needed if the bill passes, mostly in reference to the Supreme Court.

SENATOR AL BISHOP said the amendments effectively eliminate the office, and put all the functions and duties under the court administrator. He said at present, the court administrator is appointed, but these amendments would have the position hired by the court.

Motion/Vote: **SENATOR BISHOP MOVED THE AMENDMENTS, sb024901.AGP, excluding # 7.** The **MOTION CARRIED** on an oral vote, with **SENATORS SUE BARTLETT AND STEVE DOHERTY** voting, "no."

Motion: **SENATOR BISHOP MOVED THAT SB 249 DO PASS AS AMENDED.**

Discussion: **SENATOR DOHERTY** stated that the reluctance of some lawyers to go after an appointed clerk who is close to the Chief Justice is not a figment of someone's imagination. The lawyers must represent their clients' best interests. If there would be a misfiling or misinformation received or miscounting of deadlines, ordinarily the lawyer would call the clerk and vigorously represent those interests. He said they would be hesitant to do that to an appointed person by the Supreme Court Chief Justice. It would take away an elected office that provides an important check and balance in the judiciary and would lead to further concentration of power in the Chief Justice's office. He said they could get rid of the Supreme Court Administrator for more effective savings and transfer those duties to the Supreme Court Clerk's office. He said it was a bad idea and a bad policy.

SENATOR HOLDEN asked the sponsor how he realized only two states still have this position.

SENATOR BISHOP said it was only two as far as he knew. Questioned further about the letter from **Ethel Harrison** and why she advocated closing the office, he replied that it was explained in the letter. He said it was the most obvious office to eliminate. It is a clerical office, he said. He denied the statements that a lawyer would be intimidated, saying they would call the court administrator instead.

SENATOR BARTLETT said that one of the premises was cost savings. She said she had gone through consolidations in county government and they do not produce the cost savings anticipated. She strongly objected to taking any action based on those kinds of myths.

Vote: The **MOTION CARRIED** on a roll call vote with six members voting aye and 5 members voting no.

EXECUTIVE ACTION ON SB 276

Motion: **SENATOR LINDA NELSON MOVED TO ADOPTED THE AMENDMENTS AS CONTAINED IN (EXHIBIT 3).**

Discussion: **CHAIRMAN CRIPPEN** stated that the amendments include the language used in other states pertaining to "loitering."

Valencia Lane explained that on Lines 20-22, the sponsor had recommended striking any kind of language in Subsection 2 of the amendment which applied to the minor himself. There would be no penalty against a minor who is in violation of this section. The amendments are restricted to Subsection 1 which would prohibit anyone from allowing a minor to loiter in the area of a live card game table or gambling device. There is no definition of the word, "loiter," she said. A new Subsection 4 prohibited the placing of amusement games for children in the immediate vicinity of the card games or machines.

CHAIRMAN CRIPPEN asked about live Keno games, and whether or not they would constitute a violation of #4?

Valencia Lane stated that it was the sponsor's desire not to include Keno in any of the bill and not be included in the prohibitions.

SENATOR NELSON said the amendments helped, but said she represented a rural area where maybe the only place to eat would be the bar. She said many times it would be the only place for people to wait for their children involved in school activities.

CHAIRMAN CRIPPEN said he would not like to see the owners put into a position to be required to remodel their premises, nor put them out of business entirely. He said if the bill would pass, an amendment should address future construction standards in regard to gambling areas.

SENATOR HOLDEN stated that the bill would not work in rural areas.

SENATOR BISHOP had reservations about the bill, and asked if it was possible to "grandfather" in existing businesses?

Vote: The **MOTION CARRIED** on an oral vote with **CHAIRMAN CRIPPEN** voting no.

SENATOR REINY JABS stated that he would favor the "loitering" provision and the prohibition from mixing the machines, but was concerned about the minors being prohibited from just "walking through".

Motion: **SENATOR LARRY BAER MOVED THAT SB 276 DO NOT PASS AS AMENDED.**

Discussion: **SENATOR BAER** stated that the bill was a feeble excuse for poor parenting, takes away from the accountability and responsibility of neglectful parents, and places the blame on a business owner.

Vote: The **MOTION CARRIED** on an oral vote with nine members voting aye, and **SENATORS LORENTS GROSFIELD AND BARTLETT** voting no.

EXECUTIVE ACTION ON SB 211

Discussion: **SENATOR DOHERTY** stated he had worked on amendments with **Mr. Paxinos,** which would allow that the same immunity was given to governmental or quasi-governmental folks as currently exists for private landowners for recreational purposes. It would use the current statute and amend in the definition of a landowner. He said it was incomplete and asked additional time.

SENATOR GROSFIELD also offered an amendment as shown in **(EXHIBIT 4)**.

It was decided to wait on the decision on the bill pending further information.

EXECUTIVE ACTION ON SB 241

Discussion: **Valencia Lane** explained the amendments as put forth by **SENATOR BENEDICT,** prepared by **Greg Petesch,** dated February 2, 1995. She said it would delay the effective date of the bill to November 1, 1998. She said it was done to reduce the fiscal note.

Motion/Vote: **SENATOR DOHERTY MOVED THAT THE AMENDMENTS AS CONTAINED IN (EXHIBIT 5) BE ACCEPTED.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

SENATOR HOLDEN asked **SENATOR HALLIGAN** if the federal government is demanding this action now even though the state may not want to. The senator replied that the Brady bill would require it, but he felt the new Republican Congress would change the bill, and consequently the state rules. He was not convinced of the appropriateness of this measure.

SENATOR GROSFIELD stated he was concerned about the $200,000 fiscal note. He also expressed concern about the concept of the magnetic strip as it relates to 8-year drivers' license renewals.

SENATOR BAER reminded him of the testimony stating that anyone having a felony would relinquish their license and have it modified to reflect the felony charges. He liked the bill and abhorred the fiscal note, asking for clarification.

SENATOR GROSFIELD said he talked to **Gary Marbut,** who said federal monies were available to implement the Brady bill, but he did not know how much would be available, or when. He was concerned about the hit on the general fund and suggested fees.

CHAIRMAN CRIPPEN said he was troubled about a stipulation to register his name to buy a gun. He said the strip may be used for something else and it would be questionable.

SENATOR BAER said he was equally troubled. He said under the current law, you have to show identification when you buy a handgun. He said he could support the bill because he was opposed to the five-day waiting period.

Motion: **SENATOR ESTRADA MOVED TO TABLE SB 241.**

Discussion: **SENATOR GROSFIELD** understood that the new fiscal note could not be requested until a bill was amended, so this bill would qualify for reconsideration.

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Motion/Vote: **SENATOR BARTLETT MOVED THAT SB 241 DO NOT PASS ON A SUBSTITUTE MOTION.** The **MOTION FAILED** on a roll call vote.

Discussion: **SENATOR HALLIGAN** said he believed that the magnetic strip, as it tied to Social Security and birthdays, should be applied to everyone and not just convicted people.

Vote: The **MOTION CARRIED UNANIMOUSLY** on an oral vote to **TABLE SB 241.**

EXECUTIVE ACTION ON SB 233

Motion: **SENATOR HALLIGAN MOVED TO STRIKE THE ATTORNEY LIMITATIONS ON THE BILL BUT KEEP EVERYTHING ELSE IN TERMS OF THE FRAUD PORTIONS.**

Discussion: **SENATOR HALLIGAN** said he offered the amendments because most lawyers have relatively few Workers' Comp. cases except in the grievous cases where workers are being hurt. The retainer agreement limited them to 20% of the claim now and he felt it was impossible for lawyers to abuse the system. The only cases that would apply are the old fund cases, which the bill would not touch.

CHAIRMAN CRIPPEN asked if anyone had any thoughts on amending the portion of the bill dealing with the $7,500 per claim?

SENATOR HALLIGAN stated that most of the cases and settlements were so small on the new fund cases that it would not affect 95 per cent of the cases.

SENATOR ESTRADA asked if it would not just be good public relations for the committee to pass the bill?

SENATOR HALLIGAN explained that he was involved in the cases he worked on only because the people were being treated so badly. He said he had $8,300 worth of time and got a fee of $5,000.

SENATOR ESTRADA said his work was commendable, but she knew of some very wealthy Workers' Comp. attorneys. She would recommend a Do Pass.

SENATOR DOHERTY viewed the problem as one of access. He said the Veterans Administration had tightened the claims for attorneys so dramatically that no one would take them. He said there were no claimants claiming an objection to their attorney receiving something for representing them. He agreed that someone may be running the cases through like a mill, but the claimants always had the option of filing a claim against overcharges. He stated that the one Workers' Comp. case he represented had been pending for 3 1/2 years and he had not received a dime. He said there was no concurrent limitation on defense attorneys and he maintained that was where the cost was. He said it was mostly Helena firms and the Crowley firm of Billings who were on retainer in excess of $100 an hour to contest the claims. He said by limiting one side and not the other, they were ensuring that the injured workers would surely take the first offer because of unpaid bills.

SENATOR HOLDEN asked if they should then pass this bill and then draft a bill to cut down the defense attorneys. He asked **SENATOR DOHERTY** about a further bill.

SENATOR DOHERTY replied that the defendants are entitled to a good defense and they should hire the best attorneys they can get to provide a competent defense against claim. On the same side, the plaintiffs should be able to hire competent attorneys to press their cases. Both sides should be at the same level.

SENATOR HOLDEN said that while the attorneys from both sides are spending all the taxpayers' money, there was none left for the injured workers.

SENATOR DOHERTY said it was not the taxpayers' money, it was insurance. Also, he stated that the money paid the attorneys came out of the plaintiffs' award.

SENATOR BARTLETT said that **SENATOR ESTRADA** should check out the wealthy attorneys to identify the period of time in which they made their money. She felt it would be prior to 1987 when the changes limited fees. She thought it would be extremely difficult for anyone to get wealthy working on Workers' Comp. cases. She contended injured workers are finding it difficult to retain attorneys. She said a task force had been assembled to study Workers' Comp. costs. In that discussion, the plaintiffs'

attorneys had testified that there was almost a disruption to the process because the defense attorneys fees were so low and injured workers had difficulty getting representation when they needed it. People deserve good access to representation, she said.

SENATOR HOLDEN said he disagreed with **SENATOR BARTLETT'S** comments because in his insurance business, he had never seen anyone having any trouble finding an attorney. All through the session he had heard from the Trial Lawyers Association and others that cutting back fees will means no access to attorneys. But, he contended, he had files where people had sued over two tons of hay and other seemingly frivilous matters. He did not see the five per cent fee cut-back proposal as a detriment.

SENATOR GROSFIELD asked **SENATOR HALLIGAN** about removing the fees as proposed.

SENATOR HALLIGAN answered that it would begin with Subsection 2 on Page 1, striking the language all the way through to Line 19 on Page 2.

CHAIRMAN CRIPPEN asked if he would leave in the portion dealing with fraud?

SENATOR HALLIGAN answered yes to that issue as well as the title.

SENATOR JABS asked if they were to adopt the amendment, would it still give the injured worker the option to hire an attorney by the hour and could they negotiate a lower percentage if they wanted to?

SENATOR HALLIGAN replied affirmatively to both questions.

Vote: The **MOTION CARRIED** on an oral vote with **SENATORS JABS, ESTRADA, HOLDEN AND BAER** voting no.

Motion/Vote: **SENATOR HALLIGAN MOVED THAT SB 233 DO PASS AS AMENDED.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

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HEARING ON SB 318

SENATOR MIKE HALLIGAN ASSUMED THE CHAIR.

Opening Statement by Sponsor:

SENATOR BRUCE D. CRIPPEN, Senate District 10, Billings, submitted the bill at the request of the sponsor, **SENATOR BENEDICT,** who was not able to be there. He said the bill dealt with the statute of limitations for negligence or breach of contract actions brought against accountants. He understood that the present law limitations are five years. The bill would change the statute of

limitations to varied times for accountants in breach of contract situations, but basically from five years to three years.

Proponents' Testimony:

Dave Johnson, CPA Practitioner, Helena, represented The Montana Society of CPA's, made up of approximately 1,400 members in the state. The purpose of the legislation would be to better define time limits under which litigation can be brought against accountants for malpractice. It was his experience if the damage was not seen very quickly, it probably was not there. Financial statements have a tendency to be self-clearing, he said. If a problem exists, it would be observed in a 18-month period, the maximum turn-around period for the identification of damages. He said the three-year limitation provision was consistent with the position of the American Institute of Certified Public Accountants, which has about 300,000 members and the National Association of Accounting Boards that support this type of legislation.

Tom Harrison, representing the Montana Society of Certified Public Accountants, said the practicality of the bill was the reduction from five years to three years of the statute of limitations and to anticipate the attorneys being in line in the next biennium. He said they felt the three year limitation for known negligence is plenty of time. It preserves the one-year statute of limitations even if it's longer than five years, if the negligence could not have been reasonably discovered. There are two kinds of insurance, he said. One is an "occurrance basis" insurance, covering an accident when it occurs, such as car insurance. Malpractice insurance is written on another kind, "claims-made" insurance. The day a suit is filed or when the malpractice is brought to attention is when the claim is made. It covers retrospectively the negligence action committed in the past. The problem arises when people, either lawyers or accountants, retire from the profession, and the liability "tail" forces them to pay the $3,000-6,000 a year to keep the policy in effect for the outstanding years allowed. This bill would encourage the suits to be brought more quickly if they are known. It would still leave the isolated, active negligence that is unknown, in the tail. This bill would not address that, he said. It is a pro-business bill, he said.

He said he also spoke for **Jim Tutweiler, of the Montana Chamber of Commerce and the Liability Coalition** is in support of the bill.

Opponents' Testimony:

Russell Hill, representing the Montana Trial Lawyers Association (MTLA), said his organization opposed the measure. He said he wasn't too worried about the bill because the people the bill hits are the wealthiest; he said, they can afford to hire accountants. The problem with the bill had less to do with the

tail or insurance coverage than the fact that accountants have been hit with major lawsuits over the Savings and Loans crisis. Rather than passing those costs on to taxpayers, accountants are picking up some of the tabs for their mistakes. He asked the committee to read Section 2 carefully, and see that in many cases, it was a one-year limitation, instead of merely from five years to three. He maintained that the language "should have been discovered by the exercise of reasonable diligence" is language that can trap the business owner or property owner. The bill will keep people who discover negligence by their accountant and have suffered serious damage from ever getting into court.

Questions from Committee Members and Testimony:

SENATOR HOLDEN asked an accountant, **Mr. Johnson,** about the statement by **Mr. Hill,** on Page 1, Line 19 of the bill, that it was inconsistent. **Mr. Hill** responded that it would come into play when a deeply-buried problem does not present itself until some two to three years later, the statute would be extended.

SENATOR DOHERTY asked **Mr. Harrison** what the new statute of limitations for breach of contract actions would be.

Mr. Harrison replied that it would be three, instead of five years.

SENATOR DOHERTY asked what the current statute of limitations for breach of contract?

Mr. Harrison said he believed as it applied to CPA's, it was five years.

SENATOR DOHERTY asked how many years it was in general?

Mr. Harrison stated, to his recollection, it was eight years.

SENATOR DOHERTY said the current statutes of limitations for legal malpractice is three years from discovery or when a reasonable person should have discovered, and in no event, no longer than ten years. For policy reasons, why didn't they just give accountants the same degree of limitation protections as given attorneys?

Mr. Harrison replied the accountants would feel that this is the policy that should be enacted, and if the attorneys see fit to come under the same plan, they could. He said there would be no objection to an amendment to clarify the question, "but in no case less than three years."

SENATOR DOHERTY asked how many accounting malpractice suits have there been in Montana and how many were reduced to judgement?

Mr. Harrison stated he knew of one major case.

SENATOR DOHERTY asked who the principals involved were? When **Mr. Harrison** said he did not know, the Senator asked if the name **Gene Thayer** triggered a memory.

Mr. Harrison said that it did not. He was thinking of a case in Billings. If there would be one in Great Falls, then there would be more than one, he said.

SENATOR ESTRADA asked for clarification on **SENATOR HOLDEN'S** question.

Valencia Lane responded by saying that the language needs to be clarified because it stated on its face that it's a one-year statute of limitations. They intended the bill provision to apply if a person found out about the error after the three years have run, but that the bill was not drafted that way.

Mr. Johnson said that was the intent. He said the language pertains to financial statements which are defined services. He did not think the bill would extend to all possible services performed by a CPA, so the area would be limited to an area where items seem to be discovered very quickly.

SENATOR BARTLETT said the bill speaks to financial statements, but goes further to say, "or other information that was examined, compiled, reviewed, certified, audited or otherwise reported on, or was the subject of the accountant or accounting firm's opinion." She was concerned about how substantially that language would broaden the areas beyond financial statements.

Mr. Johnson said they were terms of professional technique. It would extend the scope of the statute to projected and forecasted financial statements which also take on the form of either being compiled or audited. It was a fairly narrow range of activities, he said. He added that these were the only activities they were licensed to perform, signing off on accountant's opinion.

CHAIRMAN HALLIGAN remarked that **Mr. Johnson** had testified on a bill for federal retirees in returning taxes collected. He thought from 1983 to 1987, some accountants were given bad advice from the Department of Revenue, and are now being sued. He asked how this bill would affect the federal retirees or if they should have relief because of the limitation, or should have been discovered by the exercise of reasonable diligence.

Mr. Harrison replied that if the accountants had received bad advice in turn from the Department of Revenue and relied on that, and it was later found that it should have been known at the time, it would be applicable.

SENATOR HALLIGAN asked if the existing statute was based on any limitation in the audit provisions in the Department of Revenue, such as the five years. Did he know where that came from, he asked?

Mr. Harrison did not.

Closing by Sponsor:

SENATOR CRIPPEN, standing in for **SENATOR BENEDICT,** said that there may be some amendments. He asked the committee to keep in mind a day approaching rapidly in which is infamous in history, April 15. That's the day you and your accountant will get together as friends, he said. He closed without further comment.

CHAIRMAN CRIPPEN REASSUMED THE CHAIR.

HEARING ON SB 353

Opening Statement by Sponsor:

SENATOR MIKE HALLIGAN, Senate District 34, Missoula, sponsored this bill. He said SB 353 is an idea generated in different parts of the country and by the judges in Missoula in an attempt to make the courts more accessible and efficient. The bill attempts to address some of the issues in the appointment of Special Masters. He said most people were familiar with them in family law matters where any attorneys now doing divorces usually go in front of Special Masters first in an attempt to make it less traumatic on children and the entire family. This bill allows for the appointment of a judge pro tem or a Special Master in a new area of the criminal proceedings. It is designed to make sure that the district court judges are able to stay on their caseload and use the Master like the federal magistrates are used. On Page 2, Subsection C, the judge pro tem or Special Master would have the same authority as the district court judge subject to the appeals in Subsection D. In the new section on the bottom of Page 2, it indicates who could be appointed. He said to notice the justice of the peace and city judge could be appointed, so the rural areas who want to use existing judges, whether or not they are attorneys, would be able to use them for arraignments and the non-dispositive hearings.

Proponents' Testimony:

John W. Larson, District Judge, Fourth Judicial District, spoke in support of SB 353. He said there were four judicial districts using Special Masters in primarily domestic areas right now. They were proposing they be expanded to criminal areas that are non-final, preliminary in nature. Based on their experience, Judge McLain and Judge Hensen in Missoula started a Special Master program for their domestic cases in 1989. When he started in 1989, there was a two-year lag in contested domestic cases in getting them from filing to resolution. The judges have found that it is down to about 6 months. The person would be a trained

attorney, someone who had previously served as a law clerk. They would conduct initial conferences and then conduct the contested hearing if necessary. If the parties are dissatisfied with the result, they can have it handled by the district judge. Their experience has seen most of the cases are settling out. In the fourth section of the bill, it would be expanded to allow non-attorneys to fill a void in domestic cases. Now, a person has to be an attorney to be a guardian *ad litem* and in many rural areas there are already many of these people serving in abuse and neglect cases for children. So the bill would allow that a non-attorney who has expertise in dealing with visitation, custody issues, and child support guidelines could serve as a guardian *ad litem* and help the court. In criminal areas, the bill would provide for Special Masters for arraignment, initial bond determination and some other preliminary motions. This bill would funnel the difficult cases to the district judge and lets a trained member of the community work with the ones that are not contested. In both sections there is a right to go to the district judge. All of the judges that are currently using Special Masters support this bill, he said.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR ESTRADA asked **Judge Larson** who would be responsible if a large mistake is made?

Judge Larson said the district judge would be responsible.

SENATOR HALLIGAN said to further answer the question, on Page 2, Line 7, "within 10 days after the issuance of an order by a judge pro tem, a party can object to anything that person has done." This would get it into the district court again, and would provide the checks and balances built into the system.

Closing by Sponsor:

SENATOR HALLIGAN told the committee that there was an effective date in terms of passage and approval. The date could be debated, he said.

HEARING ON SJR 12

Opening Statement by Sponsor:

SENATOR ETHEL HARDING, Senate District 37, which is 3/4 of Lake County, sponsored SJR 12. This bill would add to the bill presented the week before, she said, in which the Ninth Judicial Court would be divided to give Montana a break in the turn-around on their criminal appeals. This bill was brought partially because there has been a change in the number of death sentences from 139 in 1977 to 2,575 in 1993, and the average time elapsed

from the time the death sentence is imposed until execution has risen from 51 months to 114 months. Because there are successive petitions for review and repeated application for writs of *habeas corpus* in death penalty cases, they deny justice by delaying justice, she said. They also burden the judicial system and impose unnecessary costs to taxpayers. Reasonable restrictions and time limits on petitions for review and upon application for writs of *habeas corpus* in death penalty cases would provide justice for the families of victims. She told the committee that there had been a grassroots movement in the country to reform the review application process in death penalty cases. She handed out some information. One exhibit shows an amendment to (U.S.) House Resolution 729 which was expected to be a close vote on February 10, 1995, but had been voted in by a wide margin. **(EXHIBITS 6 and 7)** She also handed out some amendments **(EXHIBIT 8)** which the Attorney General's Office had provided.

Informational Testimony:

Beth Baker, Department of Justice, said that the sponsor had asked a member of their department to appear to provide background information for this resolution. They presently have eight death penalty cases in various stages of review in the courts. Two of the cases are working their way through the federal system and have been back and forth, which are the McKenzie and Ronald A. Smith cases. Both of them, she said, are fairly old cases. McKenzie is the longest-running case. Conviction in the case was affirmed by the Supreme Court in January of 1977. The Smith conviction was confirmed in April of 1985. The cases are starting to comprise a bigger and bigger portion of their caseload and part of the reason is because there are no time limits on when those petitions may be brought. There is a case filed now 10 years after the crime was committed and more than five years after the last activity of the case when the U.S. Supreme Court denied the petition for the writ of sert. The reform legislation **SENATOR HARDING** had mentioned passed overwhelmingly the previous week in the U.S. House. The legislation would set time limits on both initial and successive petitions and uses a "one bite of the apple" approach, trying to get all the claims raised in the initial petition and requiring fairly strict standards before a successive petition may be brought. The Senate may hear the legislation in early March, she said, so this resolution may be timely. Their primary interest in the Attorney General's office is in the finality in state court judgements. The reform legislation being considered in Congress would promote that finality by setting reasonable time limits and establishing an appropriate standard for deference to state court decisions.

Questions From Committee Members and Responses:

CHAIRMAN CRIPPEN asked the sponsor about the amendments. He asked if she wanted to eliminate any reference to the federal judiciary. He asked if the language would be removed in the

title, "and the federal judiciary?" He asked if, in Line 21, she would remove the language, "and the federal judiciary?" He asked if she was agreeable to the language in the memo from **Beth Baker?**

SENATOR HARDING answered, "yes," to all the questions.

Closing by Sponsor:

SENATOR HARDING said she simply wanted to reiterate what information she had given in the SJR 10 hearing. She said this bill was a follow-up to that bill, in that it would not only limit the turn-around time of appeals, but would give the Attorney General's Office some kind of guidance for appeals. They would like to find some resolution to the cases that go on and on. The one she is most familiar with is the McKenzie case, she said. This bill would not affect that case. She was concerned about future cases. She pointed to the statistics shown in the hand-out and she was convinced that the legislation is very much needed.

EXECUTIVE ACTION ON SJR 12

Motion/Vote: **SENATOR BISHOP MOVED THAT THE AMENDMENTS AS SHOWN IN (EXHIBIT 7) BE ADOPTED.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

Motion: **SENATOR BISHOP MOVED THAT SJR 12 DO PASS AS AMENDED.**

Discussion: **SENATOR JABS** asked if Congress ask the judiciary to speed up the procedures.

CHAIRMAN CRIPPEN answered that they could. Even if the courts were in total accord, it would not make a difference, he said. Congress has to pass the laws necessary to do what is requested here.

Motion/Vote: **SENATOR HOLDEN MADE A SUBSTITUTE MOTION TO PUT BACK INTO THE BILL THE INSTRUCTION ON LINE 27-28.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

Vote: The **MOTION CARRIED UNANIMOUSLY THAT SJR 12 DO PASS AS AMENDED** on an oral vote.

EXECUTIVE ACTION ON SB 353

Motion/Vote: **SENATOR HALLIGAN MOVED THAT SB 353 BE AMENDED ON PAGE 2, LINE 29 FOLLOWING TRIAL, INSERT, "OR DUTIES PERFORMED UNDER 3-5-113-2A."** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

Motion/Vote: **SENATOR ESTRADA MOVED THAT SB 353 DO PASS AS AMENDED.** The **MOTION CARRIED UNANIMOUSLY** on an oral vote.

ADJOURNMENT

Adjournment: The hearing was adjourned at 11:00 a.m. by **CHAIRMAN CRIPPEN.**

BRUCE D. CRIPPEN, Chairman

JUDY FELAND, Secretary

BDC/jf

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 2-13-95

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN, CHAIRMAN	/		
LARRY BAER	/		
SUE BARTLETT	/		
AL BISHOP, VICE CHAIRMAN	/		
STEVE DOHERTY	/		
SHARON ESTRADA	/		
LORENTS GROSFIELD	/		
MIKE HALLIGAN	/		
RIC HOLDEN	/		
REINY JABS	/		
LINDA NELSON	/		

SEN:1995
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SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB 233 (first reading copy -- white), respectfully report that SB 233 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, lines 4 and 5.
Following: ""AN ACT" on line 4
Strike: remainder of line 4 through "FEES;" on line 5

2. Page 1, line 19 through page 2, line 19.
Strike: subsections (2) through (7) in their entirety
Renumber: subsequent subsections

-END-

Amd. Coord.
Sec. of Senate

371636SC.SPV

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB 276 (first reading copy -- white), respectfully report that SB 276 be amended as follows and as so amended do not pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, lines 5 and 6.
Following: first "MINOR" on line 5
Strike: remainder of line 5 through "IF" on line 6
Insert: "TO LOITER IN AN AREA OF"

2. Title, lines 6 and 7.
Following: "GAME" on line 6
Strike: remainder of line 6 through "PREMISES" on line 7
Insert: "TABLE OR GAMBLING DEVICE"

3. Page 1, lines 15 through 17.
Following: first "or" on line 15
Strike: remainder of line 15 through "premises" on line 17
Insert: "to loiter in an area of a live card game table or gambling device"

4. Page 1, lines 20 through 22.
Following: "activity" on line 20
Strike: remainder of line 20 through "premises" on line 22

5. Page 1, line 30.
Following: line 29
Insert: "(4) Amusement games regulated by Title 23, chapter 6, part 1, may not be placed in the immediate vicinity of a live card game table or gambling device."

-END-

Amd. Coord.
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB 249 (first reading copy -- white), respectfully report that SB 249 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, lines 5 and 6.
Following: ";" on line 5
Strike: remainder of line 5 through ";" on line 6
Insert: "TRANSFERRING CERTAIN FUNCTIONS TO THE SUPREME COURT ADMINISTRATOR;"
Following: "2-16-505,"
Insert: "3-1-202, 3-1-1007, 3-2-304, 3-2-402, 3-2-403,"

2. Title, line 7.
Strike: the first "AND"
Following: "13-16-504,"
Insert: "19-5-404, 27-26-303, 27-28-207, 37-61-205, 37-61-206, 37-61-209, 37-61-211, 37-61-212, 37-61-213, 39-30-103, 46-18-604, 46-18-901, AND 46-20-706,"

3. Page 1, lines 12 through 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 17.
Insert: " **Section 4.** Section 3-1-202, MCA, is amended to read:

"3-1-202. Seal of supreme court. The seal of the supreme court is circular in form and not less than 1 3/4 inches in diameter, on which are engraved the words "Supreme Court, State of Montana", with the word "Seal" in the center ~~thereof~~ of the words~~,~~. ~~which~~ The seal must be procured by the ~~clerk of the~~ supreme court at the expense of the state~~,~~, and an impression ~~thereof~~ of the seal, certified to by the ~~clerk~~ court, must be filed with the secretary of state."

Section 5. Section 3-1-1007, MCA, is amended to read:

"3-1-1007. Commission to make rules -- confidentiality of proceedings. (1) The commission shall adopt and publish rules:

(a) for the conduct of its affairs and the format of reports filed under 3-1-1010;

(b) establishing a procedure for providing the public with notice of a vacancy within 10 days of receipt of the notice of

PV Amd. Coord.
BY Sec. of Senate

the vacancy;

(c) establishing an application period of not less than 30 days from the date of public notice under subsection (1)(b) and the procedure for applying for a position; and

(d) establishing a reasonable period for reviewing applications and interviewing applicants that provides at least 30 days for public comment concerning applicants.

(2) A copy of the rules must be filed with the ~~clerk of the~~ supreme court.

(3) The total time from receipt of notice of a vacancy until a list of names is submitted to the governor or chief justice may not exceed 90 days.

(4) The proceedings of the commission and the related documents ~~shall~~ must be open to the public except when the demands of individual privacy clearly exceed the merits of public disclosure."

Section 6. Section 3-2-304, MCA, is amended to read:

"3-2-304. Physical facilities. (1) If proper rooms in which to hold the court and for the accommodation of the officers ~~thereof~~ of the court are not provided by the state, together with attendants, furniture, fuel, lights, and stationery, suitable and sufficient for the transaction of business, the court or a majority ~~thereof~~ of the court may direct ~~the clerk of~~ the supreme court administrator to provide ~~such~~ the rooms, attendants, furniture, lights, fuel, and stationery.

(2) The expenses ~~thereof~~ referred to in subsection (1), certified by any two justices to be correct, must be paid only out of ~~the state treasury only out of~~ funds in the state treasury appropriated to the supreme court."

Section 7. Section 3-2-402, MCA, is amended to read:

"3-2-402. Duties. It is the duty of the ~~clerk~~ supreme court administrator to:

(1) keep the seal of the supreme court, its records and files, and the roll of attorneys and counselors at law;

(2) adjourn the court from day to day at the beginning of any term in the absence of any justice and until the arrival of a majority of the justices;

(3) file all papers or transcripts required by law to be filed;

(4) issue writs and certificates and approve bonds or undertakings when ~~so~~ required;

(5) make out all transcripts to the supreme court of the United States;

(6) make copies of papers or records when demanded by law or the rules of the court; and

(7) perform ~~such~~ other duties as may be required ~~of him~~ by

law and the rules and practice of the supreme court."

Section 8. Section 3-2-403, MCA, is amended to read:

"3-2-403. Fees. The ~~clerk~~ supreme court administrator ~~must~~ shall collect the following fees:

(1) for filing the transcript on appeal in any civil case appealed to the supreme court, $75 payable by the appellant as payment in full for all services rendered in the case up to the remittitur to the court below;

(2) for filing a petition for any writ, $75, as payment in full for all services rendered in the cause;

(3) for a certificate of good standing as an attorney, $5;

(4) for preparing copies of documents on file, 15 cents per page;

(5) for each certified copy under seal, $1.""

Renumber: subsequent sections

5. Page 4, line 12.

Insert: "**Section 11.** Section 19-5-404, MCA, is amended to read:

"19-5-404. Contributions by state. (1) The state of Montana shall contribute monthly to the pension trust fund a sum equal to 6% of the compensation of each member. In addition, the clerk of each district court shall transmit 68% of certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201(4) and (6) to the state, which shall first deposit in the pension trust fund an amount equal to 34.71% of the total compensation paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. The ~~clerk of the~~ supreme court administrator shall pay one-fourth of the fees collected under 3-2-403 to the division to be credited to the pension trust fund.

(2) The state of Montana shall contribute monthly from the renewable resource grant and loan program account in the state special revenue fund to the judges' pension trust fund an amount equal to 34.71% of the compensation paid to the chief water court judge."

Section 12. Section 27-26-303, MCA, is amended to read:

"27-26-303. Jury trial. (1) If an answer is made ~~which~~ that raises a question as to a matter of fact essential to the determination of the motion and affecting the substantial rights of the parties, and upon the supposed truth of the allegation of which the application for the writ is based, the court or judge may~~, in its or his discretion,~~ order the question to be tried before a jury and postpone the argument until the trial can be ~~had~~ held. The question to be tried must be distinctly stated in

the order for trial. The order may also direct the jury to assess any damages ~~which~~ that the applicant may have sustained if it finds for ~~him~~ the applicant.

(2) If the proceeding is in the district court or before a district judge, the trial must take place as in other cases. If a jury is required in the supreme court, a jury must be drawn and selected from the jury box of Lewis and Clark County and the clerk of the district court of that county shall place the box in the custody of the ~~clerk of the~~ supreme court for that purpose. The conduct of the trial must be the same as in the district court, and the ~~clerk of the~~ supreme court administrator has the same authority to issue process and enter orders and judgments as the district court clerk has in ~~like~~ similar cases."

Section 13. Section 27-28-207, MCA, is amended to read:

"**27-28-207. Procedure when action brought in supreme court.** Actions under this chapter commenced in the supreme court must be conducted in the same manner as if commenced in the district court, and the ~~clerk of the~~ supreme court administrator has the same authority to issue summons and other process and to enter orders and judgments as the clerk of the district court has in ~~like~~ similar cases. All pleadings and the conduct of the trial must be the same as in the district court. If a jury is required to determine an issue of fact, a jury must be drawn and selected from the jury box of Lewis and Clark County and the clerk of the district court of that county shall place the jury box in the custody of the ~~clerk of the~~ supreme court for that purpose."

Section 14. Section 37-61-205, MCA, is amended to read:

"**37-61-205. Application and examination fees.** (1) ~~Every~~ Each applicant for admission to the bar shall pay to the state bar of Montana, at the time the applicant files an application for admission to the bar, an application fee commensurate with the cost of processing the application as determined by the supreme court.

(2) In addition to the fee provided for in subsection (1), the supreme court may charge an examination fee commensurate with the cost of administering the bar examination. The examination fee must be paid to the ~~clerk of the~~ supreme court administrator when the applicant files the application for admission to the bar.

(3) All money collected and spent from fees provided for in subsection (1) must be accounted for annually in a report by the state bar of Montana to the supreme court. The report must provide details of fees collected and categories of expenditures for processing applications and must be in a form satisfactory to the supreme court. All money collected from fees provided for in subsection (2) must be deposited ~~with the state treasurer by the~~

~~clerk of the supreme court and placed~~ in the state general fund."

Section 15. Section 37-61-206, MCA, is amended to read:

"**37-61-206. Certificate of admission and license.** If upon examination ~~he~~ an applicant is found to be qualified, the supreme court ~~must~~ shall admit ~~him~~ the applicant as an attorney and counselor in all the courts of this state and ~~must~~ shall direct an order to be entered to that effect upon its records~~,~~. ~~and~~ The court shall direct that a certificate of ~~such~~ the record be given to ~~him~~ the applicant by the ~~clerk of the~~ supreme court administrator~~,~~. ~~which~~ The certificate is ~~his~~ the license."

Section 16. Section 37-61-209, MCA, is amended to read:

"**37-61-209. Roll of attorneys.** The ~~clerk of the~~ supreme court administrator ~~must~~ shall keep a roll of the attorneys and counselors admitted to practice~~,~~. ~~which~~ The roll must be signed by the person admitted before ~~he~~ the person receives ~~his~~ a license."

Section 17. Section 37-61-211, MCA, is amended to read:

"**37-61-211. Annual license tax -- municipal tax prohibited.** (1) ~~Every~~ Each attorney or counselor at law admitted by the supreme court of the state to practice ~~his profession~~ within the state is required to pay a license tax of $25 a year. The tax is payable to and collected by the ~~clerk of the~~ supreme court administrator on or before April 1 of each year.

(2) Upon the payment of the tax, the ~~clerk~~ administrator shall issue and deliver a certificate to the person paying the tax, certifying to the payment of the license tax and stating the period covered by the payment.

(3) A license tax may not be imposed upon attorneys by a municipality or any other subdivision of the state."

Section 18. Section 37-61-212, MCA, is amended to read:

"**37-61-212. Collection of delinquent license tax.** If any practicing attorney or counselor at law ~~shall fail, neglect, or refuse~~ fails, neglects, or refuses to pay to the ~~clerk of the~~ supreme court administrator the license tax imposed by this chapter for a period of 30 days after the ~~same~~ tax is due and payable, ~~it shall be the duty of~~ the ~~clerk of the~~ supreme court administrator shall ~~to~~ take ~~such~~ action for the collection of the ~~same~~ tax. ~~as is~~ The action must be the same as required of the county treasurer in cases of nonpayment of other ~~licenses~~ license taxes, as provided by 7-21-2116, and the provisions of 7-21-2115 through 7-21-2117 ~~shall~~ control in ~~said~~ the proceedings ~~so~~ as far as ~~the same~~ they are applicable ~~thereto~~."

Section 19. Section 37-61-213, MCA, is amended to read:

"37-61-213. **Disposition of license tax.** All ~~moneys~~ money collected from license taxes during any month ~~shall~~ must, on or before the first day of the succeeding month, be delivered to and deposited with the state treasurer ~~by the clerk of the supreme court,~~ ~~and the~~ The state treasurer shall deposit ~~such moneys~~ the money in the general fund."

Section 20. Section 39-30-103, MCA, is amended to read:

"39-30-103. **Definitions.** For the purposes of this chapter, the following definitions apply:

(1) "Eligible spouse" means the spouse of a handicapped person who is determined by the department of social and rehabilitation services to have a 100% disability and who is unable to use ~~his~~ the employment preference because of ~~his~~ the person's disability.

(2) "Handicapped person" means an individual certified by the department of social and rehabilitation services to have a physical or mental impairment that substantially limits one or more major life activities, such as writing, seeing, hearing, speaking, or mobility, and that limits the individual's ability to obtain, retain, or advance in employment.

(3) (a) "Initial hiring" means a personnel action for which applications are solicited from outside the ranks of the current employees of:

(i) a department, as defined in 2-15-102, for a position within the executive branch;

(ii) a legislative agency, such as the consumer counsel, environmental quality council, office of the legislative auditor, legislative council, or office of the legislative fiscal analyst, for a position within the legislative branch;

(iii) a judicial agency, such as the office of supreme court administrator, ~~office of supreme court clerk,~~ state law library, or similar office in a state district court for a position within the judicial branch;

(iv) a city or town for a municipal position, including a city or municipal court position; and

(v) a county for a county position, including a justice's court position.

(b) A personnel action limited to current employees of a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), current employees in a reduction-in-force pool who have been laid off from a specific public entity identified in subsections (a)(i) through (a)(v) of this subsection (3), or current participants in a federally authorized employment program is not an initial hiring.

(4) (a) "Mental impairment" means:

(i) suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other

neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals; or

(ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term mental impairment does not include alcoholism or drug addiction and does not include any mental impairment, disease, or defect that has been asserted by the individual claiming the preference as a defense to any criminal charge.

(5) "Position" means a permanent or seasonal position as defined in 2-18-101 for a state position or a similar permanent or seasonal position with a public employer other than the state. However, the term does not include:

(a) a temporary position as defined in 2-18-101 for a state position or similar temporary position with a public employer other than the state;

(b) a state or local elected official;

(c) employment as an elected official's immediate secretary, legal advisor, court reporter, or administrative, legislative, or other immediate or first-line aide;

(d) appointment by an elected official to a body such as a board, commission, committee, or council;

(e) appointment by an elected official to a public office if the appointment is provided for by law;

(f) a department head appointment by the governor or an executive department head appointment by a mayor, city manager, county commissioner, or other chief administrative or executive officer of a local government; or

(g) engagement as an independent contractor or employment by an independent contractor.

(6) (a) "Public employer" means:

(i) any department, office, board, bureau, commission, agency, or other instrumentality of the executive, judicial, or legislative branch of the government of the state of Montana; and

(ii) any county, city, or town.

(b) The term does not include a school district, a vocational-technical center or program, a community college, the board of regents of higher education, the Montana university system, a special purpose district, an authority, or any political subdivision of the state other than a county, city, or town.

(7) "Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."

Section 21. Section 46-18-604, MCA, is amended to read:

"46-18-604. Transmittal of sentencing data to supreme court -- compilation. (1) Except as provided in subsection (2), the clerk of district court shall record on forms provided by the ~~clerk of the~~ supreme court administrator the following sentencing data for each defendant sentenced:

(a) the name of the case;

(b) whether the conviction was by verdict or plea;

(c) the fine or imprisonment, or both, allowed by law;

(d) the actual fine or imprisonment, or both, imposed;

(e) the percentage of fine or imprisonment, or both, allowed by law that is actually imposed;

(f) the amount of fine or number of years of imprisonment, or both, that are suspended; and

(g) the percentage of fine or imprisonment, or both, imposed that is suspended.

(2) Whenever a sentence of death or of life imprisonment is allowed by law, this fact must be shown in the report, together with the case name and the actual sentence imposed.

(3) The clerk of district court shall report the names of the cases in which sentencing was deferred.

(4) The clerk of district court shall report the reasons given by the judge for the disposition of every case by attaching an extract of that portion of the judgment setting forth the basis for the sentence.

(5) The sentencing judge shall sign the form containing the information recorded by the clerk of district court pursuant to this section.

(6) The clerk of district court shall, on a quarterly basis, total for each judge the data recorded pursuant to subsections (1) and (2), sign the report, and forward ~~all such~~ the data to the ~~clerk of the~~ supreme court administrator.

(7) The ~~clerk of the~~ supreme court administrator shall compile the reports submitted by the district court clerks and distribute the data to all district court clerks and any interested party on April 1 of each year.

(8) The ~~clerk of the~~ supreme court administrator shall provide a form for the recording of data required by this section."

Section 22. Section 46-18-901, MCA, is amended to read:

"46-18-901. Review division of the supreme court for review of sentences. (1) The chief justice of the supreme court of Montana shall appoint three district court judges to act as a review division of the supreme court and shall designate one of ~~such~~ the judges to act as ~~chairman thereof~~ presiding judge. The ~~clerk of the Montana~~ supreme court administrator shall record ~~such appointment~~ the appointments and ~~shall~~ give notice ~~thereof~~

of the appointments to the clerk of every district court.

(2) This review division shall meet at least four times a year or more as its business requires, as determined by the ~~chairman~~ presiding judge. The review division shall hold its meetings at Deer Lodge.

(3) The decision of any two of ~~such~~ the judges ~~shall be~~ is sufficient to determine any matter before the review division.

(4) The review division may adopt any rules ~~which~~ that will expedite its review of sentences. The division ~~is also authorized to~~ may appoint a secretary and ~~such~~ clerical help as it ~~deems~~ considers adequate and fix their compensation."

Section 23. Section 46-20-706, MCA, is amended to read:

"46-20-706. Termination of appeal -- remand. (1) Upon termination of the appeal, the supreme court shall remand the cause with proper instruction, together with the opinion of the court. The ~~clerk~~ court shall return all original documents to the trial court.

(2) After the cause has been remanded to the trial court, the appellate court has no further jurisdiction of the appeal or the proceedings ~~thereon~~ and all orders necessary to carry the judgment into effect must be made by the court to which the cause is remanded.""

Renumber: subsequent sections

6. Page 4, lines 15 through 17.
Strike: section 8 in its entirety
Insert: "NEW SECTION. **Section 25. Restriction on candidacy for office of clerk of supreme court.** The secretary of state may not accept declarations for nomination for the office of clerk of the supreme court in the year 2000."
Renumber: subsequent section

7. Page 4, line 19.
Strike: "1996"
Insert: "2001"

-END-

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration SB 266 (first reading copy -- white), respectfully report that SB 266 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Page 1, line 17.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"
Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

2. Page 1, line 21.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

3. Page 2, line 7.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"
Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

4. Page 2, line 12.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

-END-

Amd. Coord.
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration SB 189 (first reading copy -- white), respectfully report that SB 189 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 10.
Following: "LICENSE"
Insert: "OF A TRIBAL MEMBER"
Following: "SEIZED"
Insert: "UNDER AUTHORITY OF A TRIBAL GOVERNMENT OR"
Following: ";"
Insert: "AUTHORIZING THE DEPARTMENT TO RECOGNIZE A TRIBAL COURT ORDER SUSPENDING, REVOKING, OR REINSTATING THE DRIVER'S LICENSE OF A TRIBAL MEMBER PURSUANT TO TRIBAL LAW OR REGULATION REQUIRING ALCOHOL OR DRUG TESTING OF MOTOR VEHICLE OPERATORS;"

2. Page 2, lines 22 through 28.
Strike: subsection (7) in its entirety
Insert: "(7) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state."

-END-

Amd. Coord.
Sec. of Senate

371454SC.SPV

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration SJR 12 (first reading copy -- white), respectfully report that SJR 12 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 5.
Following: "CONGRESS"
Strike: "AND THE FEDERAL JUDICIARY"
Following: "TO"
Strike: "REFORM THE NUMBER OF"
Insert: "SET REASONABLE TIME LIMITS ON AND LIMIT SUCCESSIVE"

2. Title, line 6.
Following: line 5
Strike: "FOR REVIEW AND APPLICATIONS"
Following: "FOR"
Insert: "FEDERAL"
Following: "CORPUS"
Strike: "IN DEATH PENALTY CASES"

3. Page 1, line 21.
Following: "Congress"
Strike: "and the federal judiciary"

4. Page 1, lines 22 and 23.
Strike: subsection (1) in its entirety

5. Page 1, line 24.
Strike: "(2)"
Insert: "(1)"
Following: first "on"
Insert: "the filing of initial and successive"
Following: first "for"
Strike: "review and on applications for"

6. Page 1, line 25.
Following: line 24
Strike: line 25 in its entirety
Insert: "brought pursuant to 28 U.S.C. 2254; and
(2) limit the filing of successive habeas corpus petitions to those instances in which the petitioner is able to demonstrate a probability of actual innocence."

-END-

Amd. Coord.
Sec. of Senate

371534SC.SRF

SENATE STANDING COMMITTEE REPORT

February 13, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration SB 353 (first reading copy -- white), respectfully report that SB 353 be amended as follows and as so amended do pass.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Page 2, line 29.
Following: "trial"
Insert: "or duties performed under 3-5-113(2)(a)"

-END-

Amd. Coord.
Sec. of Senate

371643SC.SRF

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-13-95 BILL NO. SB 206 NUMBER #1

MOTION:

Motion - Halligan SB 206 - Table

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN		/
LARRY BAER		/
SUE BARTLETT	/	
AL BISHOP, VICE CHAIRMAN	/	
STEVE DOHERTY	/	
SHARON ESTRADA		/
LORENTS GROSFIELD		/
MIKE HALLIGAN	/	
RIC HOLDEN	/	
REINY JABS		
LINDA NELSON	/	

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TABLED

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-13-95 BILL NO. SB 266 NUMBER # 2

MOTION:

Chairman Move Amend. Carried

" Moved SB 266 DPAA

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN	/	
LARRY BAER		/
SUE BARTLETT	/	
AL BISHOP, VICE CHAIRMAN	/	
STEVE DOHERTY	/	
SHARON ESTRADA		/
LORENTS GROSFIELD		/
MIKE HALLIGAN	/	
RIC HOLDEN	/	
REINY JABS		
LINDA NELSON		/

SEN:1995
wp:rlclvote.man

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DPAA

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-14-95 BILL NO. SB 249 NUMBER # 3

MOTION: Sen. Halligan moved amendment - Jan. 1 2001 - Estrada - NO

Sen Bishop - amend - SB024901.1PP/ESS #1 Johns. Doherty, Bartlett, Halligan - NO

" SB 249 DPAA

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN	/	
LARRY BAER	/	
SUE BARTLETT		/
AL BISHOP, VICE CHAIRMAN	/	
STEVE DOHERTY		/
SHARON ESTRADA	/	
LORENTS GROSFIELD	/	
MIKE HALLIGAN		/
RIC HOLDEN	/	
REINY JABS		/
LINDA NELSON		/

SEN:1995
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DPAA

MONTANA SENATE
1995 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 2-13-95 BILL NO. SB 241 NUMBER #5

MOTION: Sen. Doherty moved SB 241 as amended - Non-oral
Sen. Estrada - Table SB 241
Sen. Bartlett - Sub. motion - DNP

NAME	AYE	NO
BRUCE CRIPPEN, CHAIRMAN		✓
LARRY BAER		✓
SUE BARTLETT	✓	
AL BISHOP, VICE CHAIRMAN		✓
STEVE DOHERTY		✓
SHARON ESTRADA		✓
LORENTS GROSFIELD	✓	
MIKE HALLIGAN	✓	
RIC HOLDEN	✓	
REINY JABS		✓
LINDA NELSON	✓	

SEN:1995
wp:rlclvote.man

DNP 5 6

FAILED

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 2-13-95
BILL NO. SB 189

Amendments to Senate Bill No. 189
First Reading Copy

(Requested by Justice Dept.)
For the Committee on Judiciary

Prepared by Valencia Lane
(originally prepared by Brenda Nordlund)
February 7, 1995

1. Title, line 10.
Following: "LICENSE"
Insert: "OF A TRIBAL MEMBER"
Following: "SEIZED"
Insert: "UNDER AUTHORITY OF A TRIBAL GOVERNMENT OR"
Following: ";"
Insert: "AUTHORIZING THE DEPARTMENT TO RECOGNIZE A TRIBAL COURT ORDER SUSPENDING, REVOKING, OR REINSTATING THE DRIVER'S LICENSE OF A TRIBAL MEMBER PURSUANT TO TRIBAL LAW OR REGULATION REQUIRING ALCOHOL OR DRUG TESTING OF MOTOR VEHICLE OPERATORS;"

2. Page 2, lines 22 through 28.
Strike: subsection (7) in its entirety
Insert: "(7) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state."

Amendments to Senate Bill No. 266
First Reading Copy

Requested by Senator Crippen
For the Committee on Judiciary

Prepared by Valencia Lane
February 9, 1995

1. Page 1, line 17.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"
Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

2. Page 1, line 21.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

3. Page 2, line 7.
Following: "Prior to"
Strike: "July 1 of each year, after July 1, 1997"
Insert: "June 30, 1998, and prior to June 30 of each even-numbered year thereafter"

4. Page 2, line 12.
Strike: "on"
Insert: "beginning"
Following: "July 1"
Insert: "of the year following the year in which the survey is conducted"

SENATE BILL NO. 266

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EXISTING SALARIES FOR SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES; AMENDING SECTIONS 3-2-104, 3-7-222, 7-6-2511, AND 19-5-101, MCA; REPEALING SECTIONS 2-16-404 AND 3-5-211, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Salaries and expenses of district judges.** (1) The annual salary of each district court judge is as follows:

(a) $65,608 beginning July 1, 1995;

(b) $68,038 beginning January 1, 1996;

(c) $70,468 beginning July 1, 1996; and

(d) $72,898 beginning January 1, 1997.

(2) Prior to ~~July 1 of each year, after July 1, 1997~~ June 30, 1998, and prior to June 30 of each even-numbered year thereafter, the department of administration shall conduct a salary survey of judges of courts of general jurisdiction similar to Montana district courts for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average salary for judges in the enumerated states, and if that amount is greater than the salary for a district court judge, the average is the new salary for a district court judge ~~on~~ beginning July 1 of the year following the year in which the survey is conducted. A district court judge's salary may not be reduced.

(3) Actual and necessary expenses for each district court judge are the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of official duties.

NEW SECTION. **Section 2. Salaries of supreme court justices.** (1) The salary of a justice of the supreme court is as follows:

(a) $67,712 beginning July 1, 1995;

(b) $70,972 beginning January 1, 1996;

(c) $74,232 beginning July 1, 1996; and

(d) $77,492 beginning January 1, 1997.

(2) The salary of the chief justice of the supreme court is as follows:

(a) $69,022 beginning July 1, 1995;

(b) $72,322 beginning January 1, 1996;

(c) $75,622 beginning July 1, 1996; and

(d) $78,922 beginning January 1, 1997.

(3) Prior to ~~July 1 of each year, after July 1, 1997~~ June 30, 1998, and prior to June 30 of each even-numbered year thereafter, the department of administration shall conduct a salary survey of justices of the highest appellate courts similar to the Montana supreme court for the states of North Dakota, South Dakota, Wyoming, and Idaho. The department shall determine the average salary for a justice and the chief justice in the enumerated states, and if that amount is greater than the salary for a justice or the chief justice, the average is the new salary for a supreme court justice or the chief justice ~~on~~ beginning July 1 of the year following the year in which the survey is conducted. A justice's salary may not be reduced.

Section 3. Section 3-2-104, MCA, is amended to read:

"**3-2-104. Salaries -- expenses.** (1) The salaries of justices of the supreme court are provided for in ~~2-16-404~~ [section 2].

(2) Actual and necessary travel expenses of the justices of the supreme court ~~shall be~~ are the travel expenses, as defined and provided in 2-18-501 through 2-18-503, incurred in the performance of ~~their~~ official duties."

Section 4. Section 3-7-222, MCA, is amended to read:

"**3-7-222. Salary -- office space.** (1) The chief water judge is entitled to receive the same salary and expense allowance as provided for district judges in ~~3-5-211~~ [section 1].

(2) The office of the chief water judge ~~shall~~ must be at the location that the chief justice of the Montana supreme court ~~shall designate~~ designates. The Montana supreme court shall provide in its budget for the salary, expenses, and office and staff requirements of the chief water judge, which money may be appropriated by the legislature from the water right adjudication account."

Section 5. Section 7-6-2511, MCA, is amended to read:

"**7-6-2511. County levy for district court expenses.** The governing body of each county may each

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 3
DATE 2-13-95
BILL NO. SB 276

Amendments to Senate Bill No. 276
First Reading Copy

Requested by Senator Waterman
For the Committee on Judiciary

Prepared by Valencia Lane
February 9, 1995

1. Title, lines 5 and 6.
Following: first "MINOR" on line 5
Strike: remainder of line 5 through "IF" on line 6
Insert: "TO LOITER IN AN AREA OF"

2. Title, lines 6 and 7.
Following: "GAME" on line 6
Strike: remainder of line 6 through "PREMISES" on line 7
Insert: "TABLE OR GAMBLING DEVICE"

3. Page 1, lines 15 through 17.
Following: first "or" on line 15
Strike: remainder of line 15 through "premises" on line 17
Insert: "to loiter in an area of a live card game table or gambling device"

4. Page 1, lines 20 through 22.
Following: "activity" on line 20
Strike: remainder of line 20 through "premises" on line 22

5. Page 1, line 30.
Following: line 29
Insert: "(4) Amusement games regulated by Title 23, chapter 6, part 1, may not be placed in the immediate vicinity of a live card game table or gambling device."

SENATE BILL NO. 276

INTRODUCED BY Walen

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO ALLOW A MINOR ~~INTO OR FOR A MINOR TO ENTER OR REMAIN IN A ROOM OR OTHER PART OF A PREMISES~~ TO LOITER IN AN AREA OF ~~IF~~ A LIVE CARD GAME~~, LIVE BINGO, LIVE KENO, OR VIDEO GAMBLING (EXCEPT THAT ALLOWED UNDER SECTION 23-5-611(1)(B), MCA), OCCURS IN THAT ROOM OR THAT PART OF THE PREMISES~~ TABLE OR GAMBLING DEVICE; AND AMENDING SECTION 23-5-158, MCA."

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

Section 1. Section 23-5-158, MCA, is amended to read:

"**23-5-158. Minors not to participate -- penalty -- exception.** (1) Except as provided in subsection (3), a person may not purposely or knowingly allow a person under 18 years of age to participate in a gambling activity or to loiter in an area of a live card game table or gambling device ~~allow a person under 18 years of age access to a room or other part of a premises if a live card game, live bingo, live keno, or video gambling (except that allowed under 23-5-611(1)(b)) occurs in that room or that part of the premises~~. A person who violates this subsection is guilty of a misdemeanor and must be punished in accordance with 23-5-161.

(2) Except as provided in subsection (3), a person under 18 years of age may not purposely or knowingly participate in a gambling activity ~~or enter or remain in a room or other part of a premises if a live card game, live bingo, live keno, or video gambling (except that allowed under 23-5-611(1)(b)) occurs in that room or that part of the premises~~. A person who violates this subsection is subject to a civil penalty not to exceed $50 if the proceedings for violating this subsection are held in justice's, municipal, or city court. If the proceedings are held in youth court, the offender must be treated as an alleged youth in need of supervision, as defined in 41-5-103. The youth court may enter its judgment under 41-5-523.

(3) A person under 18 years of age may sell or buy tickets for or receive prizes from a raffle conducted in compliance with 23-5-413 if proceeds from the raffle, minus administrative expenses and prizes paid, are used to support charitable activities, scholarships or educational grants, or community service projects."

(4) amusement games regulated by Title 23, chapter 6, part 1, may not be placed in the immediate vicinity of a live card game table or gambling device.

-END-

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 4
DATE 2/3/95
BILL NO. SB 211

Amendments to Senate Bill No. 211
Second Reading Copy (yellow)

Requested by Senator Grosfield
For the Committee on Judiciary

Prepared by Valencia Lane
February 11, 1995

1. Page 1, line 20.
Following: "property."
Insert: "A minor who enters a recreational use area in a motor vehicle for which a vehicle permit or fee was charged or who enters with an adult or other person who was charged a fee must be treated as having been charged."

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 5
DATE 2-13-95
SB NO. SB 241

Amendments to Senate Bill No. 241
First Reading Copy

Requested by Senator Benedict
For the Committee on Judiciary

Prepared by Greg Petesch
February 2, 1995

1. Page 2, line 8.
Strike: "Prior"
Insert: "Beginning November 1, 1998, and prior"

2. Page 4, line 20.
Following: the first "a"
Insert: "coded marker in the"

3. Page 4, line 21.
Following: "a"
Insert: "coded marker in the"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. #6
DATE 2-13-95
BILL NO. SJR 12

ATTORNEY GENERAL
STATE OF MONTANA

2026
Pam Collins

Joseph P. Mazurek
Attorney General

Department of Justice
215 North Sanders
PO Box 201401
Helena, MT 59620-1401

MEMORANDUM

TO: Joe Mazurek

FROM: Pam Collins PPC

DATE: February 6, 1995

SUBJECT: Amendment to H.R. 729 -- Habeas Reform

Attached is a proposed draft letter to Representative Henry Hyde, Chairman of the House Judiciary Committee, which expresses strong support for an amendment which will be offered to Title I of H.R. 729 (formerly designated H.R. 3). The amendment is proposed by Rep. Christopher Cox of Newport Beach, CA. The California Attorney General's Office is asking that State Attorney's General indicate their support by signing the letter to Rep. Hyde.

The amendment would give deference to state court decisions on federal habeas review as long as the state courts acted reasonably in their adjudication of the case. The definition of reasonableness would be as articulated by decisions of the United States Supreme Court following the Teague line of cases in determining whether the state court acted "reasonably."

As explained to me by Kevin Holsclaw, Attorney General Lungren's special assistant, this amendment strikes a middle ground between the Stone v. Powell approach (which would basically preclude federal review in most instances), and the approach presently in existence (which allows quite extensive review). This amendment would allow some review by federal courts while affirming the state court trial, rather than habeas review, as the "main event." Kevin thinks the amendment has a good chance of passing, but it will be a close vote. The Bill is scheduled for consideration on the House Floor on Friday, February 10, 1995.

It appears that the amendment will go a long way toward streamlining the habeas process and affirming the state court trial as the main event while still providing a check by the federal courts. Therefore, I recommend you sign the letter to Rep. Hyde.

ppc/kaa
Enc.

cc: Chris Tweeten
Beth Baker
Betsy Griffing

February 2, 1995

The Honorable Henry Hyde
Chairman of the House Judiciary Committee
2138 Rayburn House office Building
Washington, D.C. 20515

Dear Chairman Hyde:

We would first of all like to thank you for your tireless effort on behalf of habeas corpus reform. As Attorneys General for our respective states we are confronted with a system of federal habeas review that is intrusive, cumbersome, and time consuming. It also imposes a great cost on victims of crime and undermines finality in our criminal justice system.

The central problem underlying federal habeas corpus review is a lack of comity and respect for state judicial decisions. The lower federal courts should simply not be relitigating matters that were handled properly and reasonably by the state judicial systems. This is not in any way a criticism of those who serve in the federal judiciary, but rather a demonstration of the need for Congressional action to reform the federal statutory scheme.

In this regard, we strongly support an amendment that will be offered by Congressman Christopher Cox to title I H.R.729, which would give deference to state court decisions on federal habeas review, as long as the state courts acted reasonably in their adjudication of the case. Specifically, the amendment would provide:

> An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a state court shall not be granted with respect to any claim that was decided on the merits in state proceedings unless the adjudication of the claim:
>
> 1) resulted in a decision that was based on an arbitrary or unreasonable interpretation of clearly established federal law as articulated in the decisions of the Supreme Court of the United States;
>
> 2. resulted in a decision that was based on an arbitrary or unreasonable application to the facts of clearly established federal law as articulated in the decisions of the Supreme Court of the United States; or
>
> 3. resulted in a decision that was based on an arbitrary or unreasonable determination of the facts in light of the evidence presented in the state proceeding.

We believe that meaningful habeas corpus reform must contain such a standard of deference to reasonable state court decisions. This is essential if the trial of criminal defendants is to be the "main event" rather than a sideshow for ultimate resolution of the case on federal habeas corpus review.

Thank you again for your continued effort on behalf of prosecutors and crime victims. We look forward to working with you on this and other issues in the future.

Sincerely,

Amendment

SENATE JUDICIARY COMMITTEE
EXHIBIT NO #8
DATE 2-13-95
SJR 12 BILL NO SJR 12

MEMORANDUM

TO: Senator Harding

FROM: Beth Baker, Department of Justice

DATE: February 7, 1995

SUBJECT: LC 1256

I have reviewed your proposed resolution concerning restrictions on habeas corpus petitions, and have a couple of suggestions.

As you may know, the federal courts apply a "cause and prejudice" doctrine for habeas petitions that raise new issues that were not adjudicated by the state courts. Under this standard, a habeas petitioner must show cause for failing to raise the issue at the state level and prejudice that would result if the federal courts failed to consider the issue. Additionally, if the petitioner can demonstrate that the constitutional error complained of resulted in the conviction of one who is "probably innocent," the issue will be considered whether it was exhausted at the state level or not.

We believe that setting a time limit for habeas petitions would be a constructive change in the federal habeas process, as would a requirement that the petitioner demonstrate a probability of actual innocence in order to file a successive petition. Therefore, I would suggest replacing lines 21 through 25 with the following language:

"That Congress be urged to:
(1) set reasonable time limits on the filing of initial and successive petitions for writs of habeas corpus brought pursuant to 28 U.S.C. § 2254; and
(2) limit the filing of successive habeas corpus petitions to those instances in which the petitioner is able to demonstrate a probability of actual innocence."

Since it is Congress that will deal with any significant changes in the federal habeas process, I would suggest deleting any reference to the U.S. courts or the federal judiciary.

I hope these suggestions are helpful. Please do not hesitate to call me (444-2026) if you have any questions.

DATE 2-13-95

SENATE COMMITTEE ON Senate Judiciary

BILLS BEING HEARD TODAY: SB 318, SB 353, SJR 12

< ■ > PLEASE PRINT! < ■ >

Name	Representing	Bill No.	Check One: Support	Oppose
John W. Larson	District Judge Dept #3 4th Jud	S.B 353	✓	
Dave Johnson	MT Society of CPAs	SB 318	✓	
Beth Baker	Dept of Justice	SJR 12	Informational	
Russell B Hill	MT Trial Lawyers Assn	SB 318		✓
Tom Harrison	Mt. Soc. of CPA's	S 318	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10