

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN BOB CLARK**, on February 15, 1995, at 8:05 AM.

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. William E. Boharski (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. Brad Molnar (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: NONE

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: HB 551, HB 543
Executive Action: HB 357 DO PASS
HB 482 DO PASS
HB 547 DO PASS
HB 160 DO PASS AS AMENDED
HB 356 DO PASS AS AMENDED

{Tape: 1; Side: A}

HEARING ON HB 551

Opening Statement by Sponsor:

REP. DEB KOTTEL, HD 45, made opening remarks on the committee bill, HB 551, which would require collection and retention of DNA samples from those persons who have been convicted of certain violent crimes and certain sexual crimes.

Proponents' Testimony:

Dave Ohler, Legal Counsel, Department of Corrections and Human Services (DCHS), said the department supported this bill particularly as it related to sex offenders. The department was reported as neutral as it related to violent offenders.

John Connor, Department of Justice and Montana County Attorneys' Association, Member of Governor's Advisory Council on Corrections, supported HB 551.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. LIZ SMITH asked if it would also provide the channel for the expansion of the DNA laboratory.

REP. KOTTEL said her understanding was that there is no current on-site DNA facility. Testimony on HB 191 and the fiscal note reflected the renting of facilities to set up the equipment for the lab and hiring a DNA technician.

REP. SMITH asked if this then was granting permission for that.

REP. KOTTEL said the bill did not grant renting of that particular space, but would provide for setting up a DNA bank. The department would have to implement the legislative intent and that plan was in HB 191.

REP. DUANE GRIMES asked for explanation of the concerns of DCHS in expanding this to include violent offenders.

Mr. Ohler said the concerns primarily were centered on whether or not it has been considered that DNA evidence for violent crimes serves a useful criminal investigative purpose while sex offenses usually include physical evidence and make the use of DNA testing more practical.

REP. GRIMES said he could see its usefulness if there was physical evidence left at the scene of some violent crimes, but

wondered if there was the need to list those where DNA samples would be useful. He also asked him to speak for the department on their position regarding this bill.

Mr. Ohler said he knew DNA evidence had been used in violent offenses such as homicide. The department's concern is whether each of the offenses listed had been considered by people who deal with criminal evidence and whether or not it would be useful. The department would support this bill.

REP. DANIEL MC GEE asked why the bill provided for reporting to the 56th Legislature rather than the 55th.

REP. KOTTEL recalled that it would take a year to establish the facility and that there would not be enough evidence between then and the next legislative session to make an assessment.

REP. MC GEE asked if the only significant difference between HB 551 and HB 191 was the inclusion of violent crimes.

REP. WILLIAM BOHARSKI asked **Mr. Connor** how useful he thought the use of DNA samples in prosecution in the future might be.

Mr. Connor said in his view it would be very useful. He recalled testimony of and involvement in the investigation of a violent crime which had used DNA evidence which proved to be the most significant evidence they had in the prosecution of that case. He stated it had also been helpful in other cases of violent crimes.

REP. BOHARSKI asked what sort of assistance it would be from an investigative standpoint.

Mr. Connor thought it has usefulness in terms of narrowing the focus of the investigation on particular subjects. It would also have value in eliminating potentially innocent people from the pool of suspects.

REP. BOHARSKI asked him to provide the committee with a list of specific cases where something like this would have been useful as well as a rough number of sex crimes on a yearly basis for the purpose of sharing more concrete figures with the larger body of the legislature as well as the Appropriations Committee.

REP. SMITH said the committee already had that information distributed to them on a previous bill.

{Tape: 1; Side: A; Approx. Counter: 22.3; Comments: The secretary was not provided with a copy of the information referred to at this point.}

REP. BRAD MOLNAR said he was concerned with some of the crimes listed in the bill which were not violent. He felt the wording was overly broad and with those crimes included thought the statute would be struck down. He asked if that was correct.

Mr. Connor did not think it would be overly broad because it is a stated legislative policy to cover those acts and some of them include not only the threat, but also the carrying out of the act. Those cases being prosecuted under the subsection dealing with threat would not have application unless the offender left some physical evidence from being injured in an escape from the scene.

REP. MOLNAR asked if the bill provided for the taking of the DNA sample upon conviction so it would involve more than evidence left at the scene. Then this would allow the taking of the sample even from defendants who had threatened to commit a crime that was not truly violent or who had committed some acts of arson.

Mr. Connor said it would not be cost effective, but it would be possible.

REP. MOLNAR said he was not worried about cost effectiveness, but about the bill being struck down because it was overly broad.

Mr. Connor said there would be a way of stating it in the bill that only blood samples would be taken in which actual physical violence or harm was done so that it would not be applicable to some other crimes.

REP. BOHARSKI asked if it would be prudent to have the department work with either the justice department or the board of crime control to determine those crimes where it would be appropriate.

Mr. Connor said they would be glad to do that and he would proceed along those lines.

REP. AUBYN CURTISS asked how much the samples would cost to send them out of state for analysis and how many are being sent out annually.

REP. LOREN SOFT had the information she requested and planned to hold it for executive action.

Closing by Sponsor:

REP. KOTTEL closed with clarification of the list of crimes which she felt eliminated those crimes which REP. MOLNAR was concerned with and defended the list as being appropriate. She had investigated the rates of recidivism and found evidence that lesser felonies are often escalated into more violent felonies as the offenders continue to offend.

HEARING ON HB 543**Opening Statement by Sponsor:**

REP. DOUGLAS WAGNER, HD 83, said the main provision of the statute was that a party seeking an injunction or restraining order against an industrial operation must post a bond that would include wages, salaries and benefits of the employees of the operation so long as the injunction was in effect. It further provided that a party which was wrongfully enjoined or restrained could bring a civil action against the party which sought the injunction or restraining order. Governmental agencies are not required to give security. He distributed amendments to HB 543.
EXHIBIT 1

Proponents' Testimony:

Tamara Johnson, Citizens United For A Realistic Environment (CURE), presented written testimony in support of HB 543.
EXHIBIT 2

{Tape: 1; Side: A; Approx. Counter: 41.0}

Brad Reel, CURE, said little is being said about the losers in this type of litigation. Those losers are the broken families. He said that the code of justice which is required is "put up or shut up." He said that those who are bringing the actions against them should be willing to invest as much as those who work for those companies. Currently, the workers and their families are the ones who suffer the losses.

Larry Brown, Agricultural Preservation Association, Senior Environmental Scientist for Morrison Maierle, echoed the statements made in previous testimony. He said the bill had a far-reaching effect in the timber, mining, grazing and construction industries. These industries are adversely affected by the frivolous emotionally-driven, agenda-oriented appeals and injunctions. He saw these actions as inhibiting getting the job done. He said it was time for accountability and responsibility on the part of those bringing the actions and believed this bill was a good step toward that end. He cited a case he was involved in as support for his position as a proponent of the bill.

Eric Williams, Pegasus Gold, said this was a pro-family bill. He said the environmental groups who bring many of the actions are well able to post the bond. This form of filing lawsuits and injunctions, etc., is a part of their fund raising strategy, he said.

Bob Williams, Montana Mining Association, went on record as supporting HB 543.

REP. BILL TASH, HD 34, rose in favor of the bill in representing Beaverhead Grazers and the Grasshopper Association.

REP. DUANE GRIMES, HD 39, asked to be recorded as a proponent.

Opponents' Testimony:

Kim Wilson, Attorney, described himself as the attorney for the plaintiffs in the Golden Sunlight lawsuit representing the environmental groups who sued the Department of State Lands over its wrongful issuance of the permit. He said it was ironic that the mine was discussed as an example of why this bill was good legislation. He said the facts were that this legislation would have had no impact on that lawsuit filed three years ago. After the lawsuit was filed, there was no injunction sought initially. He discussed the final settlement of that lawsuit in favor of the plaintiff that the mine had been operating illegally for two years previous to the court's decision. They could have sought an injunction at that point but worked in good faith with the mining company to negotiate the settlement. When the mine was closed for seven months, it was not closed because of an injunction but rather because of mining company error which could have been avoided had the state done its work properly in the beginning of the permitting process, he contended.

Jim Jensen, Executive Director, Montana Environmental Information Center (MEIC), urged the committee to look at the record from the last session where it was made clear that this kind of legislation is unconstitutional and the Montana Supreme Court has ruled specifically in a case in Big Horn County in a similar circumstance. He shared what would have been the consequences if this bill had been in effect in other cases in the past.

{Tape: 1; Side: B}

Stan Fraser, Montana Wildlife Federation, said the bill was about greed. He said it was an effort for the timber industry and the mining industry to "duck" responsibility and pass costs on to future generations which should be paid now. In most cases, he said, lawsuits are filed not against individual corporations or against private property, but against government agencies to force that agency to follow the law.

Don Judge, AFL-CIO, opposed HB 543. Though he empathized with what individuals had experienced as a result of the lawsuits, he did not think this bill would help them. He defended the actions which included injunctions taken in the cases cited in previous testimony. He said in one case if they had not filed the injunction because of the stipulation in this bill to pay the wages, salaries and benefits of the workers during the period of the injunction, Montana citizens would be living in danger because of the construction practices used in laying the pipeline in that case. He said this was anti-citizens legislation.

Ted Lange, Northern Plains Resource Council (NPRC), echoed comments already made. He said they do not factor lawsuits into their budgets and that they operate on a limited budget. They

undertake lawsuits rarely and have to raise money beyond their budgets to pursue them. When they take on lawsuits, it must be an extreme case and when they go for injunctions or restraining orders, it would have to be an very extreme situation. Those actions which are taken are entered into for the protection of Montana taxpayers' health and well being.

{Tape: 1; Side: B; Approx. Counter: 18.9}

Questions From Committee Members and Responses:

REP. SHIELL ANDERSON asked for a case cite for the unconstitutional ruling in bonding requirements.

Mr. Jensen said he did not have it with him, but would supply it later.

REP. ANDERSON asked if he knew what the budgets are for the Audubon Society, the Montana Wildlife Federation, the National Wildlife Federation and Sierra Club.

Mr. Jensen did not know what the national organization's budgets are, but said the Montana Audubon Council receives no money at all from the National Audubon Society and the Montana Wildlife Federation receives no money from the national organization.

REP. ANDERSON asked if the national organizations partake in the lawsuits.

Mr. Jensen said they sometimes do.

REP. ANDERSON asked what the problem is with having someone who would be challenging the practices of the companies and putting people out of work put up a bond while they are expecting bonds from those same companies for reclamation, and desiring bonds for water quality and societal destruction. If they are successful in the legal basis for the challenge, the bond would be recovered.

Mr. Jensen clarified the suit against the Golden Sunlight mine. There were national organizations which did not provide funds. NPRC raised money for that suit separately. In terms of the public interests versus the private interests, those mines have profit-driven motives and have resources associated with their activities completely different from the public interests, resources, and ability. He said it would be interesting to see if a rancher were to get a grazing lease and had to post a bond for potential damage to the land, whether or not the rancher would feel that was fair even though he was assured that he would get it back in the future.

REP. TASH questioned **Mr. Fraser** regarding his testimony about the settlement of the Beaverhead case.

Mr. Fraser said he should have said it was a proposed settlement. He said the lawyers from the forest service and the lawyers from the Montana and National Wildlife Federation have proposed a settlement which has not yet been approved by the judge.

REP. TASH asked if it was correct that the lawsuit also asked for a permanent injunction against grazing cattle on the Beaverhead National Forest.

Mr. Fraser replied that if the forest service does not come into compliance there would be an injunction. The injunction was not brought at the beginning of the suit.

REP. TASH asked about the timing of the injunction.

Mr. Fraser said the proposed settlement calls for the forest services, over a ten-year period, to do a set number of the grazing _____ (inaudible) and he believed there were approximately 145 which were not in compliance.

REP. TASH referred to **Mr. Fraser's** testimony that a co-plaintiff in the case was the Montana Wildlife Federation and the National Wildlife Federation and asked to confirm the name of the director of the National Wildlife Federation and his annual salary.

Mr. Fraser said he did not know the salary and that the state federation does not receive money from the national organization.

REP. TASH asked if the national organization didn't furnish money in bringing this case.

Mr. Fraser said they were partners and they each paid part of the cost.

REP. TASH asked if that was not a source of revenue from the National Wildlife Federation.

Mr. Fraser said the money did not go to the Montana Wildlife Federation, but went directly to the cost of the suit.

REP. GRIMES asked **Mr. Eric Williams** to respond to remarks made in testimony against the Pegasus Gold operation about the water quality.

Mr. Williams said they were currently involved in a lawsuit with the state.

REP. GRIMES asked if the water which goes through the tailings was from their mining operations or from previous mine operations.

Mr. Williams asked for the question to be re-phrased.

REP. GRIMES said his point was that some of the water coming off the mine was not necessarily from the current operation but coming out of the existing tailings prior to their taking the site.

Mr. Williams said that some of the water which is being discussed in the lawsuit is from around the turn of the century.

REP. MC GEE asked, "What's the cost of a bond?"

Mr. Jensen said state law requires that a bond be posted by a mining company for surface reclamation equivalent to the actual cost of reclamation and that those bonds are to be adjusted on a regular basis to reflect actual costs at any given time.

REP. MC GEE said he was concerned more with the cost of filing a bond to cover the costs should this bill pass.

Mr. Jensen said that cost was unknown and would depend on each individual circumstance.

REP. MC GEE referred to earlier testimony in which he had said, "None of them could have been filed." He wanted to know if they don't know what a bond would cost, why none of them could have filed an injunction.

Mr. Jensen said he was talking about a specific example from the past and not guessing about something in the future.

REP. MC GEE said he had alluded to the fact that in all cases the passage of this bill would have prevented anyone from filing an injunction.

Mr. Jensen said he was referring to past cases.

REP. MC GEE asked if this bill would prevent them in the future from filing an injunction.

Mr. Jensen said the general answer was, yes. If in the future they felt it was necessary, it was extremely unlikely given the nature of the bill that with their small budget they could seek an injunction.

REP. MC GEE asked if they ever join forces with any other environmental groups to bring an action against anybody.

Mr. Jensen said they had on three occasions.

REP. MC GEE asked if that was the case, then would it not be possible for them to get the funding with the other entities.

Mr. Jensen said that in two of the cases, MEIC was the largest; in one, the organization they joined with had no staff and was a

purely voluntary organization with no budget. He reiterated that MEIC had only sought an injunction in one case and had not sought an injunction in the Sunlight case.

REP. MC GEE asked **Mr. Jensen** to identify what he meant by public interest.

Mr. Jensen said that MEIC and other organizations like it represent publicly owned resources and public values such as air and water quality. Those interests are not represented by private developers.

REP. MC GEE asked if the National Wildlife Federation and Montana Wildlife Federation could jointly have enough resources to file a bond under this bill.

Mr. Fraser said that anything was possible. He said that under the case which had been discussed, they did not seek an injunction at the beginning.

REP. CURTISS asked **Mr. Judge** if it was true that the AFL-CIO had come to the legislature to get the same protection for their workers as this bill was asking for.

Mr. Judge said he had testified on behalf of hotel and restaurant employees to repeal the bonding bill on taverns in this current session.

REP. CURTISS asked if it was true that in the past the AFL-CIO had requested that employers have to assure workers of their lost wages in case that company should go bankrupt or some other contingency.

Mr. Judge said he had testified in the past on some amendments to a wage protection act for employees of taverns. They supported the repeal of that legislation during this session.

REP. CURTISS asked if he would agree that this is really a workers' bill.

Mr. Judge did not agree.

REP. CURTISS asked who the principles were in bring the action against Golden Sunlight.

Mr. Wilson said the MEIC, National Wildlife Federation and the Montana Chapter of the Sierra Club, Gallatin Wildlife Association and Mineral Policy Center, with the lion's share of the funding of the lawsuit coming from MEIC, were the principles.

REP. DEBBIE SHEA asked if the bill would have a backlash effect on the workers themselves.

REP. WAGNER said that if the court upheld the filing of the injunction and that it was warranted, there would be no problem.

REP. SHEA asked where the workers would get the backup for it in terms of the bond.

REP. WAGNER said that in the case which had been discussed where the workers sought the injunction, the labor union stepped in and filed.

REP. SHEA asked what would be the case if the workers were not with the union and did not have anyone to support them, would they just let it go unchecked.

REP. WAGNER said that line 18 subsection (a) provided for a fixed sum which the judge considered proper and if they were to show that they had insufficient funds, the judge would set it accordingly. It would also depend upon the numbers of employees who would be impacted by the action taken in setting the bond.

REP. SHEA thought it would tie the hands of the workers and would do damage to the ones the bill was designed to protect.

REP. CHRIS AHNER wondered what had caused the ground to shift at the Golden Sunlight Mine and how much it cost to correct the problem.

John North, Chief Legal Counsel, Department of State Lands, said he understood that there were certain blocks of land underneath the operation. As the mine progressed, the mine dump was placed on top of the block and some material was removed from the bottom of the block resulting in its movement. He did not know the cost.

REP. BILL CAREY asked how much money would be required to file an injunction.

Mr. Wilson said that he did not know. From the language of the bill, he assumed that the bond would have to include the payroll as well as any lost profit amounting to hundreds of thousands of dollars.

Closing by Sponsor:

REP. WAGNER focused on the intent to be conditioned to indemnify the employees of the enjoined party. The money would go back to make the workers whole if the enjoining party were found to be at fault. It would not mean putting money into a corporation or big business, but directed to the employees' lost wages. It would bring fairness to Montana families which are negatively impacted by these actions. If the case is upheld, the bond is returned; if it is frivolous, it is lost. They were attempting to say that if someone feels strongly enough to bring the action, they need to be willing to pay for it. The possibility of using state

legislation to guide the national government was appealing to him. He refuted testimony that this would prevent the filing of injunctions and that it is based on greed, but said that it is about the employees who have been affected by the actions.

EXECUTIVE ACTION ON HB 482

Motion: REP. GRIMES MOVED HB 482 DO PASS.

Discussion: REP. SHEA said she had a problem with the bill in that there was no discussion about what they would do about the children who would not discuss the abortion with the parents but would choose a dangerous course of action.

REP. AHNER asked REP. SHEA if her daughter were to go through something like this at age 15, wouldn't she want to know.

REP. SHEA said she would and that was representative of her family, but not everybody has that circumstance. She said there are kids who would not play by the rules and they would cross state borders or seek back street abortions or harm themselves.

REP. AHNER said that in some cases, the opinion of the child about their parents that the parents would not understand is in error. She acknowledged those families which are dysfunctional which would not be supportive and might even abuse the girl. But she felt both kinds of families must be represented. She supported the belief that in times of crisis families can find the support and discover their love and support of one another to make the appropriate decision. She referred to the long-term implications and said that unless a person had gone through it, they had no way of knowing what those implications were.

{Tape: 2; Side: A}

REP. SHEA and REP. AHNER continued to discuss their points of view dealing with the dysfunctional families and that the bill ignored their needs versus the need for other families to have the opportunity to share in the decision.

REP. SMITH agreed that there are dysfunctional families, but said that it is not government's responsibility to make decisions for dysfunctional families. She felt that there were educational programs available in local communities which would provide accurate information and support. Sometimes a crisis can be a stepping stone for families to begin looking beyond their dysfunctional behavior, she stated as a result of her experience in working within community programs dealing with abortion.

REP. DIANA WYATT gave her perspective as a mother of a daughter and the inability of parents to protect their children from all things which might harm them. But she felt they were talking about the constitutional rights of those individuals rather than

their being property of the parents. She felt this bill would make people whom she believed to be the majority do what they were going to do anyway. For the small component of society which would not do the right thing, she believed they would be forced to engage in paternalistic and invasive methods to conform. She objected to the exclusion of references to forcing a daughter to bear the child while the bill addressed the prohibition against coercing a girl to have an abortion. She felt that it was an inappropriate intrusion of the legislature to consider this act.

REP. SHEA objected to the idea that this would bring people together for communication.

REP. MOLNAR said he could think of two instances where a girl would not want to involve her parents. One would be that she would be afraid of hurting them with disappointment. The other fear would be of physical violence against her. In that case, it would be appropriate for her to contact the authorities to intervene and act as facilitators in communication. He did not see any danger in this legislation to his daughter or anyone else's daughter would might be in this situation.

REP. AHNER thought there were assumptions that all parents would opt for birth over abortion. With parental notification, there would be parents who would encourage abortion. She said it was not an anti-abortion bill, but just a notification bill. With the reality of the surgery and potential ramifications, it seemed reasonable to her to provide the notification to parents.

REP. CLIFF TREXLER supported the bill and cited the reasons from cases where teachers handled the setting up the abortions. He felt the bill would put an end to well-meaning people who did not belong in it from intervening in the decision process.

REP. SOFT cautioned the committee from making decisions based on assumptions or on how this might impact unknown numbers negatively. He said parents want to be there for major invasive type surgery. The financial part of raising the baby could be addressed through adoption, and therefore, he supported the bill.

REP. ELLEN BERGMAN said the committee had been dealing with many aspects of protecting parental rights in other areas such as juvenile justice and could not see a difference with this issue. She took exception to the young girls who testified as opponents of the bill as being too immature to know the reality of the situation.

REP. SHEA asked again for someone to address how they would protect the other group of people, whether they were functional or dysfunctional, who would not play by the rules.

REP. **AHNER** said they could not protect all groups of people and all the bills they deal with have ramifications on both sides. Currently parents' rights were not being protected.

REP. **GRIMES** said the statistics show that in the other 24 states with this legislation, there are very few, if any, dangerous abortions which result from this law. The assumption is that abortions are safe without this law. He said it is a difficult and dangerous medical procedure. In the emotion of the problems and difficulties they are facing at that age, they are not threatening to take matters into their own hands. There is a judicial bypass provision in the bill for those who could not deal with a dysfunctional situation.

REP. **SHEA** reiterated that there is a group of people who are being ignored and was curious about where the statistics would reflect those who cross state borders or have back street abortions.

John MacMaster presented a clean-up amendment for the language of the bill on page 5, lines 4, 13 and 18 to include "knowingly" to conform to statutory requirements. On line 13 "is guilty of a misdemeanor" and on line 14, "upon conviction" should be struck.

Motion: REP. MC GEE MOVED THE AMENDMENT.

Discussion: REP. **GRIMES** objected to the amendment not having been discussed prior to the meeting because he did not understand the implications of it, but said he would support it.

{Tape: 2; Side: A; Approx. Counter: 31.0}

REP. **CURTISS** said she did not understand the necessity of the amendment and asked if the amendment was presented by a committee member or had been the suggestion of **Mr. MacMaster**.

CHAIRMAN CLARK said that **Mr. MacMaster** was only pointing out clean-up language for the bill.

REP. **GRIMES** said he was going to oppose the amendment because he had talked with the persons who had helped draft the language and because he did not know what the implications were, but he would be willing to consider inserting the language further on in the process.

{Tape: 2; Side: A; Approx. Counter: 33.2}

Vote: The motion failed by voice vote.

Vote: The DO PASS motion carried 13 - 6 by roll call vote. (REP. MC CULLOCH voted by proxy.)

EXECUTIVE ACTION ON HB 356

Motion: REP. BOHARSKI MOVED HB 356 DO PASS.

Motion/Vote: REP. BOHARSKI MOVED TO AMEND HB 356. (Amendment 1 of EXHIBIT 3) The motion carried unanimously.

Motion: REP. MC GEE MOVED A CONCEPTUAL AMENDMENT TO HB 356 AT LINE 9, SUBSECTION (F) TO INCLUDE VICTIMS.

Discussion: REP. BOHARSKI remembered from testimony on sex offender bills that sometimes it would not be prudent to notify the victim but should be left to the discretion of the prosecutor.

REP. KOTTEL addressed the same issue and REP. MC GEE clarified his amendment and at her suggestion included the victim's family in the amendment.

REP. GRIMES could not think of a situation where they would not want to notify the victim or the victim's family. If there were such a case, they could put the provision at the end of the amendment under consideration.

REP. BOHARSKI said it seemed to him that they had included in another bill that they would be notified if they had requested to be notified. It was his concern to be consistent with other legislation.

REP. GRIMES pointed out that the institution would not know who the victim was.

CHAIRMAN CLARK suggested that the sheriff notify the victim or victim's family.

Motion/Vote: REP. MC GEE MADE A SUBSTITUTE MOTION TO AMEND ACCORDING TO A CONCEPTUAL AMENDMENT TO INCLUDE THE SUGGESTIONS. (Amendment 2 of EXHIBIT 3) The motion carried unanimously.

Motion/Vote: REP. ANDERSON MOVED HB 356 DO PASS AS AMENDED. The motion carried 18 - 0. REPS. WYATT, MOLNAR, MC CULLOCH and SHEA voted by proxy. REP. SMITH was absent.

EXECUTIVE ACTION ON HB 357

Motion: REP. ANDERSON MOVED HB 357 DO PASS.

Discussion: REP. SOFT reminded the committee that there had been a suggestion at the hearing that there be a legislative oversight committee to hold the departments accountable for these activities.

REP. CURTISS remembered the comment.

REP. BOHARSKI said the make-up of the commission would include enough representation. He remembered the comments as referring to HB 356. The committee was satisfied that the question had been addressed.

Vote: The motion carried 18 - 0. REPS. WYATT, MOLNAR and SHEA voted by proxy. REP. SMITH was absent.

EXECUTIVE ACTION ON HB 160

Motion: REP. CURTISS MOVED HB 160 DO PASS.

Discussion: REP. CURTISS asked to segregate the amendments. She first discussed proposed amendments 1 through 13 on EXHIBIT 4 as having to do with notification. The bill as originally written asked for written permission and she preferred that it remain that way. But the amendment addressed the suggestions from others to change it to written notice.

REP. SOFT asked who had proposed the amendments.

REP. CURTISS thought they were the ones proposed by REP. BOHARSKI and although she had never seen a formal copy of those, she had drawn up these herself to reflect his suggestions.

REP. GRIMES said he believed he had raised the concerns when the bill was first discussed during executive action. His opinion was that these amendments would allow the bill to pass through the system.

Motion: REP. BOHARSKI MOVED TO RECONSIDER (WITHDRAW) HIS CONCEPTUAL AMENDMENTS MADE DURING PREVIOUS EXECUTIVE ACTION. The motion carried unanimously.

Motion: REP. CURTISS MOVED TO AMEND HB 160, ITEMS 1 THROUGH 13. EXHIBIT 4

Discussion: REP. CURTISS further discussed the amendments, 14 - 19 on EXHIBIT 4 as dealing with the concern people had relative to the responsibility the county attorney would have in prosecution. She thought they were valid concerns and believed that amendments 14 through 19 addressed those concerns.

Vote: The motion carried on adoption of amendments one through thirteen, 13 - 6. REPS. CAREY, HURDLE, WYATT, MC CULLOCH, SHEA and KOTTEL voted no.

Motion: REP. CURTISS MOVED AMENDMENTS 14 - 19 ON EXHIBIT 4.

{Tape: 2; Side: B}

Discussion: REP. ANDERSON suggested striking a portion of the new language pertaining to the discretion of the county attorney. It would read, "It is the duty of the attorney general or designee thereof to prosecute once a claim of violation of section 2 has been made."

REP. CURTISS objected to those changes because it would remove any discretion they had in that regard.

CHAIRMAN CLARK noted that they had already struck "county attorney" elsewhere in the bill.

REP. BOHARSKI believed that the concerns were about someone not doing their job, but said the recall statutes specifically address someone not carrying out their duties and did not think it needed to be repeated in this bill.

REP. CURTISS said this also included language pertaining to disciplinary action in connection with that and wondered if that was already addressed in the codes.

REP. BOHARSKI did not think it was but did not know what kind of disciplinary action they could take.

CHAIRMAN CLARK again pointed out that having struck "county attorney" on line 6, why would they then make reference to him later in the bill.

REP. CURTISS wondered if the county attorney could be the designee of the attorney general.

CHAIRMAN CLARK said he would agree to that.

Mr. MacMaster said he struggled with it too and said that amendment 18's intent was to strike "county attorney" and to insert "attorney general or designee of the attorney general."

The committee continued to rework the wording of this amendment.

Vote: The motion to adopt amendments fourteen through nineteen carried 12 - 6. REPS. WYATT, CAREY, KOTTEL, MC CULLOCH, SHEA and MC GEE voted no. REP. TREXLER was absent.

Motion/Vote: REP. ANDERSON MOVED A CONCEPTUAL AMENDMENT, "THE ATTORNEY GENERAL OR DESIGNEE THEREOF MAY PROSECUTE CLAIMS OF VIOLATIONS OF SECTION 2." The motion carried 12 - 7 by roll call vote.

REP. ANDERSON thought the bill suffered for lack of a penalty clause.

Mr. MacMaster replied that amendments 14, 15 and 16 provided a penalty clause.

Motion/Vote: REP. CURTISS MOVED TO AMEND BY RE-INSERTING THE LANGUAGE ON LINES 2 AND 3 IN AMENDMENT 16, "THE INDIVIDUALS INVOLVED MUST BE CHARGED WITH ANY OTHER APPLICABLE CRIMINAL OFFENSES IN TITLE 45." The motion carried 14 - 5. REPS. CAREY, SHEA, MC CULLOCH, KOTTEL and HURDLE voted no. (REPS. HURDLE, GRIMES and KOTTEL voted by proxy.)

Motion/Vote: REP. ANDERSON MOVED HB 160 DO PASS AS AMENDED. The motion carried 13 - 6. REPS. WYATT, CAREY, KOTTEL, MC CULLOCH, SHEA, and HURDLE voted no. (REPS. GRIMES and HURDLE voted by proxy.)

EXECUTIVE ACTION ON HB 547

Motion: REP. MC GEE MOVED HB 547 DO PASS.

Discussion: REP. MOLNAR asked what conviction would result in that sort of penalty.

CHAIRMAN CLARK said that beginning on line 27 through line 12 on page 2 there was a list of the crimes.

REP. MOLNAR asked if intimidation was included as well as malicious harassment or robbery as well as others which would take away constitutional rights for minor offenses.

CHAIRMAN CLARK said those offenses are considered violent. He went on to explain the crimes and the reasons for them to be included.

Mr. MacMaster said that intimidation is included on line 30 because the drafters had studied the language nationwide in similar bills and had consulted with one another to reach agreement. The intent of the bill was to say that part of the sentence for commission of the crime is sentencing to lifetime supervision for firearms purposes. The three drafters jointly believed that the offenses listed would hold up in court. A severability clause was included on page 3, line 22 for the court's discretion in imposing the sentence.

REP. TREXLER expressed concern about the inclusion of sexual intercourse without consent in the crimes listed under the provisions of this bill.

CHAIRMAN CLARK said that referred to the rape statutes which covered everything from violent rape to date rape. That concern was addressed by the provision in the bill that an individual can appeal to the court after they have served their sentence. The judge could exercise discretion to allow a person to apply for a permit to possess a firearm if it was a date rape situation, for instance, without violence.

Vote: The motion carried 19 - 0.

Motion: REP. ANDERSON MOVED TO ADJOURN.

{Comments: This set of minutes is complete on two 60-minute tapes.}

ADJOURNMENT

Adjournment: The committee adjourned at 12 NOON.



BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg

HOUSE OF REPRESENTATIVES

Judiciary

ROLL CALL

DATE 2/15/95

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	✓		
Rep. Debbie Shea	✓		
Rep. Liz Smith	✓		
Rep. Loren Soft	✓		
Rep. Bill Tash	✓		
Rep. Cliff Trexler	✓		



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 357 (first reading copy -- white) do pass.

Signed: Bob Clark
Bob Clark, Chair

Committee Vote:
Yes 18, No 0.

391244SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 482** (first reading copy -- white) **do pass**.

Signed: Bob Clark
Bob Clark, Chair

Committee Vote:
Yes 13, No 6.

391242SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 547** (first reading copy -- white) **do pass**.

Signed: Bob Clark
Bob Clark, Chair

Committee Vote:
Yes 19, No 0.

391245SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Judiciary report that House Bill 160 (first reading copy -- white) do pass as amended.

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Title, lines 5 and 6.
Strike: "SHALL" on line 5 through "PERMISSION TO" on line 6
Insert: "GIVE THE COUNTY SHERIFF NOTICE OF AN"
Strike: "AND SEIZE" on line 6
Insert: "OR SEIZURE"
2. Page 1, line 20.
Strike: "permission for"
Insert: "right to prior notice of"
3. Page 1, line 22.
Strike: "the written permission of"
Insert: "giving at least 24 hours' written notice to"
4. Page 2, lines 4 through 11.
Strike: subsections (2) and (3) in their entirety
Renumber: subsequent subsections
5. Page 2, lines 12 and 13.
Strike: "obtain" on line 12 through "permission of" on line 13
Insert: "give at least 24 hours' written notice to"
Strike: "request for permission" on line 13
Insert: "notice"
6. Page 2, lines 14 and 15.
Strike: "may" on line 14 through "sufficient" on line 15

Committee Vote:
Yes 13, No 6.

391506SC.Hbk

Insert: "shall take appropriate action to protect the rights of
citizens in the county "

7. Page 2, line 16.

Strike: "A permission request"

Insert: "The written notice"

8. Page 2, line 23.

Strike: "request"

Insert: "written notice"

Strike: "countersigned"

Insert: "acknowledged"

9. Page 2, lines 24 through 26.

Strike: ", " on line 24 through "file" on line 26

10. Page 2, line 30 through page 3, line 2.

Strike: "county attorney" on line 30 of page 2 through "occurred"
on line 2 of page 3

Insert: "attorney general or the county attorney as directed by
the attorney general for any crime arising from the unlawful
conduct"

11. Page 3, lines 6 through 9.

Strike: "county" on line 6 through "misconduct" on line 9.

Insert: "attorney general or a designee of the attorney general
may prosecute a violation of [section 2]"

-END-



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 356 (first reading copy -- white) do pass as amended.

Signed: Bob Clark
Bob Clark, Chair

And, that such amendments read:

1. Page 1, line 29.

Following: "shall"

Insert: ", within 72 hours,"


2. Page 2, line 2.

Following: "release"

Strike: ";

Insert: ". The sheriff or other officials shall notify the victim or victims of the offense or the immediate family of a deceased victim, if known."

-END-


Committee Vote:
Yes 18, No 0.

391507SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Judiciary Committee

DATE 2/15/95 BILL NO. ^{#B} 482 NUMBER

MOTION: Do Pass

NAME	AYE	NO
Rep. Bob Clark, Chairman	✓	
Rep. Shiell Anderson, Vice Chairman, 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	✓	
Rep. Debbie Shea		✓
Rep. Liz Smith	✓	
Rep. Loren Soft	✓	
Rep. Bill Tash	✓	
Rep. Cliff Trexler	✓	

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Judiciary Committee

DATE 2/15/95 BILL NO. HB 160 NUMBER Anderson Amend

MOTION: _____

NAME	AYE	NO
Rep. Bob Clark, Chairman	✓	
Rep. Shiell Anderson, Vice Chairman, 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	✓	
Rep. Debbie Shea		✓
Rep. Liz Smith	✓	
Rep. Loren Soft	✓	
Rep. Bill Tash	✓	
Rep. Cliff Trexler	✓	

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

Feb 15

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

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
482	✓	
Amendments		✓

SENATE BILL/AMENDMENT	AYE	NO

Rep.

Ln Smith
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 2-11-95

I request to be excused from the Judiciary
Committee meeting this date because of other commitments. I desire
to leave my proxy vote with ~~Bill Tash~~ Vice Chair/Chair

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.

All Bills + Amds

HOUSE BILL/AMENDMENT	AYE	NO
<i>HB 482</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>HB 356</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>HB 351</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

SENATE BILL/AMENDMENT	AYE	NO
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Rep. *Shirley W. Anderson Tash*
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

2-15-95

I request to be excused from the

Judiciary

Committee meeting this date because of other commitments. I desire

to leave my proxy vote with

Bill Conroy (or Duane Wyatt)

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
482		✓
356	✓	

SENATE BILL/AMENDMENT	AYE	NO

and all
amendments pertaining
to the bills

Rep.

(Signature)

Linda McCallister

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

2-15-95

I request to be excused from the

Rep. Kuntz

Committee meeting this date because of other commitments. I desire

to leave my proxy vote with

Judson

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
HB 356 Amended	X	
Bill	X	
HB 357	X	
		✓

SENATE BILL/AMENDMENT	AYE	NO

Rep.

(Signature)

Al Wozniak

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 2-15-95

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

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
HB 356 Amd	X	
B.II	X	
HB 357	X	
"		X

SENATE BILL/AMENDMENT	AYE	NO

Rep. Lee Shear
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

2-15-95

I request to be excused from the

Redistricting

Committee meeting this date because of other commitments. I desire

to leave my proxy vote with

Don Mc Gee

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
125-47	↑	
551	↑	
all		
HB 482-Passed	✓	
HB 356-Passed	✓	
HB 357-Passed	✓	
HB 160		

SENATE BILL/AMENDMENT	AYE	NO

Rep.

Bob Mohn

(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 Debbie Shes.

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
100		<input checked="" type="checkbox"/>

SENATE BILL/AMENDMENT	AYE	NO

Rep. _____

(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE 2-15-95

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

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
HB 160 A'		N
Amend		N
An Amendment		N
Bill		N

SENATE BILL/AMENDMENT	AYE	NO

Rep. Barbara Weyt
(Signature)

HOUSE OF REPRESENTATIVES COMMITTEE PROXY

DATE

2/15

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

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
160 as amended	X	

SENATE BILL/AMENDMENT	AYE	NO

Rep.

(Signature)

[Signature]

Amendments to House Bill No. 543
First Reading Copy

Requested by Representative Wagner
For the Committee on

Prepared by Greg Petesch
February 15, 1995

1. Title, lines 5 and 6.
Following: ";" on line 5
Strike: remainder of line 5 through ";" on line 6
2. Page 1, line 13.
Strike: "On"
Insert: "Subject to 25-1-402, on"

P.O. Box 856
Whitehall, MT 59759

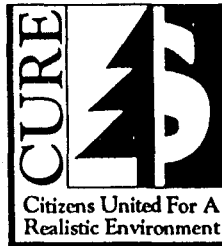


EXHIBIT 2
DATE 2/15/95
HB 543

(406) 287-3012
FAX (406) 287-3242

TESTIMONY OF TAMARA J. JOHNSON
HB #543

Good morning. Mr. Chairman, members of the committee, Representative Wagner, for the record, my name is Tammy Johnson. I am here today on behalf of CURE (Citizens United for a Realistic Environment).

HB #543 is a very important bill for our membership. As Representative Wagner explained in his statement, this bill would require the posting of a bond in an amount sufficient to cover employees wages, salaries and benefits when an injunction or restraining order against an industrial operation or activity is granted through the court system.

In everyday life, we are asked to make monetary commitments to guarantee something that we are sincere about. If you purchase a home or some land, you are required to put down earnest money to show that you are committed to the purchase. If you make a motel reservation by phone, you are asked to guarantee that reservation with a credit card. You are asked to prepay when you purchase an airline ticket. The reason for this is simple. No one is willing to take a financial loss due to a decision made by someone else. If you decide to not go through with the land or home purchase, stay in another motel, or drive instead of fly, you will forfeit the money you have paid as a guarantee of your intentions.

The court system is being used extensively for a variety of reasons these days, one of which is to request injunctions or restraining orders against industrial activities such as mining, timber, grazing, utilities, oil and gas, and construction. The problem with injunctions on legitimate businesses is that hardworking people who are employed in these industries find themselves faced with the possibility of being out of work. They are not going to be unemployed because they are not good, valuable employees. They are not going to be unemployed because they choose to be. They are unemployed because someone else has arbitrarily decided that they do not approve of the nature of their employers business. Sometimes, dedicated workers are faced with unemployment because our own state agencies are believed to have made an error.

Whether the party who brings the suit is right or wrong, is a decision for the court. The right of an individual or group to bring such an action in our courts is not being threatened, in spite of what you will probably be told by those opposing this bill. In fact, I support any citizens right to bring suit if they feel they have been wronged. But I, and quite literally, thousands of other Montana citizens, are tired of bearing the brunt of others actions. You see, we, the industry employees, are the ones who have been caught in the middle.

My children should not be made to suffer because someone does not like the work their father does for a living. My husband has worked as an electrician for a mine for over seven years. In seven years, he has only missed 2 scheduled work days due to my fathers death. He has had perfect attendance for 6 consecutive years. We have two children, one of which is developmentally disabled. Our health insurance is a godsend and my husbands wages also provide a home for his parents. We don't want praise and we don't want sympathy. What we want is simply to work hard, raise our family and be a productive member of our community and our state.

My husband and I have spent many sleepless nights worrying about the possibility of being unemployed and quite frankly, my husbands fear, which is shared by our whole family, of being unemployed simply because he is a miner, is the main reason I am standing before you today wearing this name tag. Although I have a great deal of respect for all of you and for this institution, I would choose to spend my time being at home with my family, reading to my son's second grade class and leading my daughters Girl Scout troop instead of making the round trip from Whitehall to Helena on a daily basis to visit with you.

The opponents to this bill will probably tell you that their rights cannot be infringed upon, that they can't afford to post such a bond. Well, my right to work, live and raise my family cannot be infringed upon either and my family cannot afford to be without an income or insurance.

We are not asking citizens to post a bond to cover the loss of the employer, although I believe that those at the top need to eat as well. We are not asking our government entities to post a bond. We are simply asking for some fairness here. Please give HB #543 a do pass recommendation and know that in doing so, you are supporting thousands of hardworking Montanas who otherwise may unfairly be denied their right to make a living. Thank you.

Amendments to House Bill No. 356
First Reading Copy

For the Committee on the Judiciary

Prepared by John MacMaster
February 15, 1995

1. Page 1, line 29.

Following: "shall"

Insert: ", within 72 hours,"

2. Page 2, line 2.

Following: "release"

Strike: ";

Insert: ". The sheriff or other officials shall notify the
victim or victims of the offense or the immediate family of
a deceased victim, if known."

Amendments to House Bill No. 160

EXHIBIT 4
DATE 2/15/95
HB 160

First Reading copy

1. Page 1, line 5
Following: "shall"
Strike: "obtain"
Insert: "notify"
2. Page 1, line 5
Following "county"
Strike: "sheriff's"
Insert: "sheriffs"
3. Page 1, line 6
Strike: "permission to"
Insert: "of intent to"
4. Page 1, line 22
Following: "without"
Strike: "the written permission of"
Insert: "giving at least 24 hour written notice to"
5. Page 2, strike lines 4 through 11
6. Page 2, lines 12 and 13
Following: "shall"
Strike: "obtain the written permission of"
Insert: "give at least a 24 hour written notice of
intent to"
7. Page 2, line 13
Following: "The"
Strike: "request for permission"
Insert: "notice"
8. Page 2, lines 14 and 15
Following: "cause"
Strike: "the attorney general may refuse the request
for any reason that the attorney general
considers sufficient"
Insert: "the attorney general will take appropriate
actions to protect the rights of the citizens
within the designated jurisdiction."
9. Page 2, line 16
Following : " (a) "
Strike: "a permission request"
Insert: "The notice"
10. Page 2, line 23
Following: "The"
Strike: "request"
Insert: "notice"

11. Page 2, line 23
Following: "must be"
Strike: "countersigned"
Insert: "acknowledged"
12. Page 2, line 24
Following: "general"
Strike: ", "
Insert: "."
13. Page 2, strike lines 25 and 26
14. Page 2, line 29
Following: "the"
Insert: "attorney general or the county attorney as directed by the attorney general for any crime arising from the above unauthorized and unlawful conduct."
15. Page 2, strike line 30
16. Page 3, strike lines 1 through 3
17. Page 3, line 6
Following: "(3)"
Strike: "The county"
Insert: "It is the duty of the attorney general or designee, thereof,"
18. Page 3, line 8
Following: "the"
Strike: "county attorney"
Insert: "or designee thereof"
19. Page 3, line 8
Following: "and"
Strike: "to prosecution by the attorney general"
Insert: "disciplinary action"

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/15/95

BILL NO. HB 543 SPONSOR(S) Rep. Wagner

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Larry Brown	Arg. Pres Assoc.	X	
John Davis	Powder, Rock & Reliance		
ERDE WOLFGANG	PEGASUS Gold	X	
Stan Frasier	MWF		X
Brad Reel	CURE	X	
Jamona J. Whitton	CURE	X	
Bob Williams	MT. MINING ASSOC	X	
Min Wilsen			X
Peggy Trenk	WETA	X	
Bob Campbell	Se/A		X
Don Judge	MT STATE AFL-CIO		X
J.V. Bennett	Mont PIRG		X
Ted Lange	NPRC		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visssbcom.man

CS-14

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY

COMMITTEE

DATE 2/15/95

BILL NO. HB 557 SPONSOR(S) Rep. Kattil

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993

wp:visbcom.man

CS-14