

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** By **CHAIRMAN BRUCE D. CRIPPEN**, on March 26, 1997, at 9:04 a.m., in the Senate Judiciary Chambers of the State Capitol, Helena, Montana.

#### ROLL CALL

**Members Present:**

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

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Services Division  
Jody Bird, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 100, posted March 25, 1997  
Executive Action: HB 553, HB 231, HB 264, HB 100

**Discussion:** **CHAIRMAN BRUCE CRIPPEN.** Code Commissioner Petesch says amendments don't follow a tabled bill, but the Senate disagrees, if a motion is made to take a bill off the table to put it on second reading along with the amendments. **Ward Shanahan, Helena attorney.** Greg Petesch says its a mechanical problem of how to get the amendments printed. **CHAIRMAN CRIPPEN.** Maybe it would be better to not pass the bill and then the amendments would go with the bill.

**EXECUTIVE ACTION ON HB 553**

**Amendments:** hb055301.avl (Kaleczyk) (**EXHIBIT #1**)

**Motion:** SEN. SHARON ESTRADA MOVED TO APPROVE THE KALECZYK AMENDMENTS.

**Discussion:** Valencia Lane. On page 2 of these amendments, I understand that Mr. Shanahan, in his letter (**EXHIBIT #2**), wants Section 2 deleted. Russell Hill's amendments hb055302.avl (**EXHIBIT #3**) contain an exception on page 2, rewording subsection (3) and deleting Section 2.

Amending Rule 68 is the job of the Montana supreme Court, so this should be left out. If we say Rule 68 doesn't include attorney fees, then we have really crippled that rule.

**SEN. STEVE DOHERTY.** If we adopt your amendment we'd be amending Rule 68. **Ward Shanahan.** That's got to be decided by the Court.

*{Tape: 1; Side: A; Approx. Time Count: #10; Comments: None}*

**Stan Kaleczyk.** We're in agreement with Russell Hill's change to subsection (3), and if you also delete subsection (2) of the Hill amendments, we'll have what we're looking for. **Russell Hill.** I would agree to that.

**Frank Crowley.** **REP. STOVALL** and I have no objection to the proposed changes to the amendments. **REP. STOVALL.** I realize this is a broad step and will leave the amendments up to the attorneys. We do need side boards on this bill.

*{Tape: 1; Side: A; Approx. Time Count: #14.9; Comments: None}*

**Motion:** SEN. ESTRADA WITHDREW HER ORIGINAL MOTION TO ADOPT THE KALECZYK AMENDMENTS, AND MADE A NEW MOTION TO ADOPT THEM EXCEPT FOR #9, NEW SECTION 2, SUBSECTION (2) ON PAGE 2.

**Discussion:** Ward Shanahan. We have been trying to tell you what the procedures have been during the past 20-30 years, and explain all the options. So, with the amendments you have moved to adopt, the bill now gives guidance to the Courts in determining attorney fees. We are also determining who the prevailing party will be, as currently we are often at a loss on this.

**SEN. DOHERTY.** I believe the Montana Defense Trial Lawyers may have a different understanding of these amendments. **John Sullivan.** We do not support the bill or the amendments, as it sounds good, but the amendments are the functional equivalent of putting sawdust into a broken transmission. This will have a negative effect on liability insurance rates. It will either increase them or, if you lose attorney fees, they won't pay. Mike Meloy was very candid with the Committee during the hearing

when he said that, if the bill were law, he would have filed the many cases he's currently turned down.

*{Tape: 1; Side: A; Approx. Time Count: #23.1; Comments: None}*

**SEN. REINY JABS.** With these amendments is the bill better? **John Sullivan.** No, it's worse. This is complicated, confusing stuff that we're dealing with here, because the amendments mask it to make it sound as if there's consensus out there. There's a powerful force at work here called the action plan that's telling people, "we're going to pass this bill". The people who want to pass it, must first understand what it's effect is. This is fundamentally not a good idea.

**CHAIRMAN CRIPPEN.** The action plan has little to do with anything. **John Sullivan.** I'm also here for John Alke, who usually does this work. The Legislature can't fix this funding problem with an amendment.

**Vote:** SEN. ESTRADA'S MOTION TO ADOPT CERTAIN OF THE AMENDMENTS CARRIED 7-3 IN A ROLL CALL VOTE.

**Motion:** SEN. ESTRADA MOVED THAT HB 553 BE CONCURRED IN AS AMENDED.

**Motion:** SEN. MIKE HALLIGAN MADE A SUBSTITUTE MOTION TO TABLE HB 553.

**Discussion:** SEN. HALLIGAN. I believe we are entering into a quagmire for hurt in the long run. The existing law seems to have worked over the past 200 years.

**SEN. RIC HOLDEN.** I see a problem when both sides of a dispute have no money. If both people were rich or both were poor, it could work. If you try to apply this law to this kind of imbalance it won't work.

**SEN. ESTRADA.** What's happened to justice and right and wrong here? It's not just a matter of money. **SEN. HOLDEN.** I can't afford money for attorney fees, and if my rich neighbor took me to court, he'd probably win as he could afford to hire the best of attorneys.

**SEN. DOHERTY.** SEN. HOLDEN has hit on one of the fundamental issues here. I believe people with some assets, the middle class, would be hit by this bill. It would mean more trials and expenses. We can't appeal the law of unintended consequences, but we will have unintentional consequences. This is the place to stop and not do something.

**CHAIRMAN CRIPPEN.** Last summer I didn't think this was the appropriate thing to do. I don't believe this bill will accomplish the goal of eliminating frivolous lawsuits. I am

concerned as a businessman. When Sears or another large company starts doing what they're supposed to do, there is a clear, one-sided negotiation, when push comes to shove, and I've been in these situations. Even if I had an 80 percent chance of winning, the 20 percent chance of losing would mean my paying for the cost of a suit with a company who has the top attorneys in their field. The risk for me is too great. I'd have too much to lose. It hits the middle group of people, as **SENATORS DOHERTY AND HOLDEN** have said. This should not be in the action plan, and we ought not to do this.

**SEN. ESTRADA.** **REP. STOVALL's** interest is good, and I sympathize and understand, but it seems this should tug at the conscience of some attorneys.

**Vote:** **SEN. HALLIGAN'S MOTION TO TABLE HB 553 CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATORS ESTRADA AND JABS WHO VOTED NO.**

**EXECUTIVE ACTION ON HB 231**

**Motion:** **SEN. HALLIGAN MOVED HB 231 BE CONCURRED IN.**

**Discussion:** **SEN. HALLIGAN.** I called several attorneys concerning the endangerment issue, and they all said balance had been struck, and there was no need to amend the bill. They also agreed to send a response to all our questions today. I will get these to you for the floor debate.

*{Tape: 1; Side: A; Approx. Time Count: #43.0; Comments: 9:45 a.m.}*

**CHAIRMAN CRIPPEN.** I have a letter from Debbie Rostocki concerning the language on page 16, lines 5-6 and 29-30. **SEN. HALLIGAN.** That would be included as a discussion item in the parenting plan. There is no question of this.

**Valencia Lane.** I received a conflict notice form the Code Commissioner. On page 2, lines 7-8, the new fee is set at \$120. This is the same as several other fees in that section, but in HB 343, which has already been passed, those fees were raised to \$150. If both bills pass, the existing \$120 fees become \$150, and this one would remain at \$120.

**Vote:** **SEN. HALLIGAN'S MOTION THAT HB 231 BE CONCURRED IN CARRIED UNANIMOUSLY. SEN. HALLIGAN WILL CARRY THE BILL.**

*{Tape: 1; Side: b; Approx. Time Count: #3.3; Comments: None}*

**EXECUTIVE ACTION ON HB 264**

**Amendments:** hb026401.av1 (Holden) (**EXHIBIT #4**)

**Discussion:** **SEN. HALLIGAN.** **REP. MOLNAR** was concerned with making school districts aware of criminal kids coming into their

school. One of my bills allows public schools to exchange information, but this bill is a sledge-hammer approach. We need to watch the exchange of information that a probation officer has with a school. Therefore, I don't believe we need this bill, as SB 48 is broad enough to cover this situation.

**SEN. HOLDEN.** My amendments would leave in Sections 4 and 5 and strike Section 3, to make this a notification bill. **SEN. HALLIGAN** is right that this could be covered in SB 48, but that might not pass.

**Motion:** **SEN. HOLDEN MOVED TO ADOPT HIS AMENDMENTS.**

**Discussion:** **VICE CHAIRMAN GROSFIELD.** I believe **SEN. HOLDEN's** amendments take care of some things I wanted to do, and I agree with **SENATORS HALLIGAN AND HOLDEN**, but if you have a youth needing adjudication, I believe schools need to know about this. Will these amendments accomplish this? **SEN. HOLDEN.** A youth court officer will be given authority to notify school officials.

*{Tape: 1; Side: B; Approx. Time Count: #8.6; Comments: None}*

**VICE CHAIRMAN GROSFIELD.** It also says "second or subsequent time", so schools will not get this information the first time. **SEN. HOLDEN.** I would like to leave the amendments as they are.

**VICE CHAIRMAN GROSFIELD.** The way this is worded, does that mean the second time must be a violation of the same statute? **Valencia Lane.** No. I would interpret it as any statute.

**SEN. HALLIGAN.** This is poorly drafted. What if the kid has an anger problem or is a sex offender? Why then send them to alcohol or drug treatment? Then, what if a kid is now on the right track? It isn't said correctly to accomplish what we want to do.

**Vote:** **SEN. HOLDEN'S MOTION TO ADOPT HIS AMENDMENTS CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATORS HALLIGAN, BARTLETT AND DOHERTY WHO VOTED NO.**

**Discussion:** **Valencia Lane.** There is a clerical problem with the language which I want to correct. We need to strike 2 and 3 and put back the reference to only 2. **VICE CHAIRMAN GROSFIELD.** If this gets dealt with adequately in SB 48, that's fine, but if not, maybe we need a coordination clause.

**Valencia Lane.** Susan Fox has staffed the House Select Committee on Corrections, and I believe there is another bill to consider besides SB 48. **Susan Fox.** Subsection 4 (46-24-207, MCA) would expand this to all cases, both youth and youth in need of supervision. I believe it is more direct in SB 48. Title 45, victim notification, is going to be suggested to be recodified into SB 48.

Motion: SEN. HOLDEN MOVED HB 264 BE CONCURRED IN AS AMENDED.

Motion: SEN. HALLIGAN MADE A SUBSTITUTE MOTION TO TABLE HB 264.

Discussion: SEN. HALLIGAN. I have a philosophical difference with you concerning families and how the government addresses them.

Vote: SEN. HALLIGAN'S MOTION TO TABLE HB 264 FAILED 4-6 IN A ROLL CALL VOTE.

Vote: SEN. HOLDEN'S ORIGINAL MOTION THAT HB 264 BE CONCURRED IN AS AMENDED FAILED 5-5 IN A ROLL CALL VOTE.

NO FURTHER ACTION WAS TAKEN ON HB 264 AT THIS TIME.

CHAIRMAN CRIPPEN. The Joint Senate Judiciary and Taxation Committees party is tentatively scheduled for Wednesday, April 9, at the Montana Club. Please let the secretary know how many you will be bringing.

#### HEARING ON HB 100

Sponsor: REP. LOREN SOFT, HD 12, Billings

Proponents: Diana Leibinger-Koch, Counsel, Department of Corrections

Opponents: Mike Menahan, Deputy County Attorney, Lewis and Clark County

Opening Statement by Sponsor: REP. LOREN SOFT, HD 12, Billings. This bill deals with the fourth DUI. The amendments are great, so I support them.

Proponents' Testimony: Diana Leibinger-Koch, Counsel, Department of Corrections, explained the amendments hb010003.asf (EXHIBIT #5). The amendments reorganize the bill to make it more readable and flow better. There is also one significant difference in subsection (4) (e), which makes it clear what happens if supervised release is violated.

{Tape: 1; Side: B; Approx. Time Count: #20; Comments: 10:13 a.m.}

I believe judges, prosecutors, and the defense can sue, so judgments will be understandable, as they have been ambiguous at times in the past.

Opponents' Testimony: Mike Menahan, Deputy County Attorney, Lewis and Clark County. During the last legislature you recognized that chronic DUI offenders were quite a problem and that they proposed a significant danger to others. I believe we need to keep current law, as no one gets 10 years in Montana State Prison (MSP) for four DUIs. We have people here with 10,

11, and 12 DUIs, and they're remanded to treatment and the Department of 'Correction's supervision. We have some chronic offenders who re-offend as soon as their earliest DUI on record comes off. A man named Shaun Smigaj was of that ilk. He killed a passenger, and was sent to MSP for homicide. Within days of his parole he got another misdemeanor DUI, so he was sent back to MSP. When he was again released on parole, he got another DUI right away. Therefore, we charged him with criminal endangerment, and he went back to MSP.

HB 100 fails to address these chronic DUI drivers. At least 90 percent of felon DUIs have been in chemical dependency treatment, so we are dealing with those who are not necessarily amenable to treatment, and who pose a danger to society by continuing to drink and drive. I don't believe we should limit this to 13 months. Between October 1, 1995 and October 1, 1996, there were 58 felony DUIs. Since then there have been ten.

*{Tape: 2; Side: A; Approx. Time Count: #00; Comments: 10:28 a.m.}*

I believe there is some evidence that this is purely anecdotal, and that we should send a message that this behavior is intolerable.

**Letter from Don Spivey (EXHIBIT #6).**

**Questions From Committee Members and Responses: CHAIRMAN**

**CRIPPEN.** In debate on second reading we saw two central issues: 1) legislative policy concerning sentencing after a fourth conviction; and 2) taking them out and pulling them back in. My amendments attempt to deal with these issues.

You mentioned your concern is still initial term, and length of supervision. If I so change my amendment would that help? **Mike Menahan.** That would make it more palatable. Of the 58 DUIs I spoke of, 5 got a second felony DUI while they were out on bail.

**CHAIRMAN CRIPPEN.** What length of time do you suggest? **Mike Menahan.** I'd like to see not less than one year and not more than four years for incarceration - two years would be nice.

*{Tape: 2; Side: A; Approx. Time Count: #5.9; Comments: None}*

**SEN. SUE BARTLETT.** It's not just the fourth offense, but every offense thereafter.

**SEN. HALLIGAN.** Can you identify some of the costs associated with the amendments, and what Mr. Menahan was saying about extending it out from two to four years? **Debbie Leibinger-Koch.** The cost issue has been a real problem with the statute as it is now. It was not clear if they are an inmate of the State if the State is to reimburse, or if they are an inmate of a county, if the county assumes incarceration costs, but the amendments clear this up. The counties wanted this in the bill, so they could

have the flexibility of having those inmates spend their time in the county jail, knowing they would have to assume the cost. Thus, if they are sent by a judge to MSP, to the Department of Corrections, they're a state inmate and the state would reimburse the county.

**SEN. HALLIGAN.** I had also asked about extension of time in terms of incarceration time that Mr. Menahan talked about. **Debbie Leibinger-Koch.** There are judges who currently sentence offenders to ten years. The Fiscal Note says current sentence imposed is an average of 3.5 years. The problem MSP and the Department of Corrections have is that these offenders are taking up maximum secure space in correctional facilities, but are not violent offenders per se. So, the Department wanted to lengthen the amount of time prisoners would take up space in such facilities. Thus, this would allow placement in boot camps or pre-release centers. The other problem is in trying to differentiate what happens with sentences. If it's a sentence of incarceration, then it is a sentence of supervised release. What Mr. Menahan was talking about is offenders being sentenced to 10 years now, who are serving only 15 months. In the bill, if they are sentenced to 13 months, they would serve 13 months in incarceration.

*{Tape: 2; Side: A; Approx. Time Count: #14; Comments: None}*

**SEN. DOHERTY.** Why would an elected district court judge not automatically sentence these individual to the Department of Corrections? Every district court judge has to talk to county commissioners about their budget. **Diana Leibinger-Koch.** I've talked to many district court judges and some say they want certain offenders to stay in the county. If so, it's their cost of incarceration, and they're willing to assume the cost.

**SEN. DOHERTY.** Will any funds follow these people to the county level? **Diana Leibinger-Koch.** We have discussed this with MACO, and they're amenable to having this choice and knowing if they choose county incarceration, there are no funds that follow. That's their choice.

**SEN. BARTLETT.** Who would bear the cost of sentencing these offenders to a public or private treatment facility? **Diana Leibinger-Koch.** That's a very good question. I assume the inmate or some other entity would pay. The only way the state reimburses the county is via contract. We have no reciprocity contracts with treatment facilities.

**SEN. BARTLETT.** How did the Department settle on 13 months and 2 years? **Diana Leibinger-Koch.** In the original bill we had no parole provision, and we took average sentence and incarceration times to make that the sentence, so it didn't change what is happening now. Statistics show the most offenders violating the conditions of their parole do so within the first two years.



**SEN. BARTLETT.** Do the amendments restore parole eligibility?  
**Diana Leibinger-Koch.** The House Appropriations Committee struck this, and it would remain deleted with these amendments.

**VICE CHAIRMAN GROSFIELD.** Does this affect the interlock device bill? **Susan Fox.** HB 559 and SB 303 or 330 have been coordinated, but don't directly affect these two sections in this bill. The interlock device has more to do with whether a drivers' license is revoked or not, but those bills would interact with this bill.

**CHAIRMAN CRIPPEN.** I believe the amendments must go on for the bill to go out. A concern was raised regarding the length of time. What is the Committee's preference?

**SEN. HOLDEN.** I believe we should leave the amendment as written. How long do taxpayers need to babysit a drunk? **SEN. CRIPPEN.** During the period of supervision, the drunk can be hauled back in for another offense. As the law is now, they couldn't do this.

Closing by Sponsor: **REP. SOFT** made no closing comments.

#### EXECUTIVE ACTION HB 100

Motion: **SEN. JABS** MOVED TO CHANGE THE TIME IN (4)(A)(ii) TO MAKE IT ONE YEAR TO FOUR YEARS, AND TO ADOPT THE REMAINDER OF THE PROPOSED AMENDMENTS.

Discussion: **VICE CHAIRMAN GROSFIELD.** So, if they're sentenced for nine months, and they're incarcerated for nine months, and then placed in four years of supervised release, what if in the third year they violate. Is there a new trial or do they go back to prison, and if so, for how long? **Diana Leibinger-Koch.** Part(e) of Subsection 4 would kick in, and the judge could require prison for up to four years if that were the original sentence.

**VICE CHAIRMAN GROSFIELD.** If it happened at 3.6 years, would they serve 6 months or 4 years? **Diana Leibinger-Koch.** It could be for 4 years, depending upon what the judge sentences.

**CHAIRMAN CRIPPEN.** Keep in mind that a county attorney can bring them back to trial on a new charge, and they would have to go through the whole procedure again with a new four-year period. **Diana Leibinger-Koch.** After reading this I see that a judge could not impose the remainder of the existing sentence, but would impose a new four-year sentence.

**VICE CHAIRMAN GROSFIELD.** So, we have a policy issue before us to put the remainder of a supervised release sentence or another time frame. **CHAIRMAN CRIPPEN.** In sentencing you have (a) and (b) dealing with incarceration, and (c) dealing with supervised release. So, if we change this, we would also need to change the 13 months.

**Valencia Lane.** It has to be all three.

**SEN. BARTLETT.** In terms of revoking supervised release, the reality is that boot camp only takes people for 90-120 days, and then they go to Great Falls pre-release center, and pre-release limits them to one to two years. We also need to look at public and private treatment facilities, as I don't believe there are any who take people for even six months, much less one year, so these people would end up in county jails or MSP.

**CHAIRMAN CRIPPEN.** I had hoped to get this done, as **SEN. HALLIGAN** has another meeting to go.

**Vote:** **SEN. JABS' MOTION TO AMEND HB 100 CARRIED UNANIMOUSLY.**

**Discussion:** **SEN. BARTLETT.** We need to address public and private facilities.

**Motion/Vote:** **SEN. BARTLETT MOVED TO RESTORE THE LANGUAGE ON PAGE 2, LINE 18, "The person is not eligible for parole". THE MOTION CARRIED UNANIMOUSLY.**

**Motion:** **SEN. BARTLETT MOVED TO STRIKE "the state approved public or private treatment facility" ON PAGE 3, LINE 20.**

*{Tape: 2; Side: B; Approx. Time Count: #00; Comments: 11:08 a.m.}*

**Discussion:** **Susan Fox.** If you look in Subsection (d), the Department can follow up with another facility, but I don't know if this addresses your concerns. **VICE CHAIRMAN GROSFIELD.** If the judge sent them to MSP, they can't be transferred to a regulated correctional facility. Is **SEN. BARTLETT** correct? And what would it do? Is this then a good route to go? **Debbie Leibinger-Koch.** You're both correct, and this would be a wise amendment.

**SEN. BARTLETT.** As long as it is clear they'll be in one of these facilities from 6-13 months. **VICE CHAIRMAN GROSFIELD.** For the record, I believe this is clear in Subsection (i) where it says "the imposition or application of which may not be suspended". So, whatever the initial sentence is in terms of time, that's the amount of time that has to be served, and the Department can juggle around when they want to do it, if we adopt this change, but they cannot shorten the time.

*{Tape: 2; Side: B; Approx. Time Count: #2.3; Comments: None}*

**Valencia Lane.** The first amendment #3 was to strike 2 and insert 4 in the 2 places it appears in (4) (a) (ii); then you adopted the hb010003.asf amendments as amended; then you adopted **SEN. BARTLETT's** amendments on page 2, line 18, and page 6, line 15. Then I believe **SEN. BARTLETT** moved to strike (F) in the two places where it appears.

**Motion:** VICE CHAIRMAN GROSFIELD MOVED TO STRIKE "must be served" and insert "shall begin" IN (I) (4) (b) (i) .

**Discussion:** VICE CHAIRMAN GROSFIELD. It goes to Senator Bartlett's concern which I share.

**CHAIRMAN CRIPPEN.** What does "an initial" mean? **Susan Fox.** We have initial term of imprisonment and then supervised release, and I agree that maybe it's not clear. **Rick Day, Director, Department of Corrections.** The intention was that the person would serve the sentence placed by the judge, but if we allowed a placement in pre-release and they fail at rerelease, then we have to have a place to put them. **SEN. BARTLETT** is right in that treatment doesn't really belong here. As I read this, they must serve their first term as the court specifies, and then the Department could move them to another program.

**Valencia Lane.** It seems we are talking about three phases of sentencing: 1) imprisonment; 2) supervised release; and 3) a fine. By referring to the first term as an "initial" term of imprisonment, it infers more than one term of imprisonment, and I don't think that is what is intended. It would be best to strike "initial" and simply refer to the term of imprisonment. I would like clarification as to whether they truly intended state-approved public or private treatment facility to be part of the imprisonment phase or part of the pre-release phase. **Susan Fox.** **REP. MCGEE** made that amendment with the intent of treatment as a place of imprisonment for the first 28 days as a sentencing option. We obviously did not deal with the remaining part of the imprisonment.

**Valencia Lane.** In (b) where imprisonment must be served, could we divide it up and state that imprisonment must be served in (a), (b), (c), or (d) and put in a new subsection of (b) saying "prior to placement in one of those facilities, the person may be placed in a public or private facility, and then may be transferred to one of those facilities in (a), (b), or (c) .

**VICE CHAIRMAN GROSFIELD.** Is a 28-day treatment program most useful at the beginning of a sentence or later on. **Diana Leibinger-Koch.** It seems that most treatment programs like to see treatment at the very beginning of a sentence. That may do the same thing that **REP. MCGEE** wanted in this.

**CHAIRMAN CRIPPEN.** I assume we're doing all this with the intention of passing this bill out. I'm asking **Valencia Lane** to work with **Susan Fox** on these issues and to get them worked out.

**VICE CHAIRMAN GROSFIELD WITHDREW HIS PREVIOUS SUBSTITUTE MOTION AND SEN. BARTLETT WITHDREW HER MOTION.**

**Motion/Vote:** VICE CHAIRMAN GROSFIELD MOVED TO STRIKE (4) (a) (ii) "an initial" IN BOTH PLACES WHERE IT APPEARS IN AMENDMENTS 1 AND

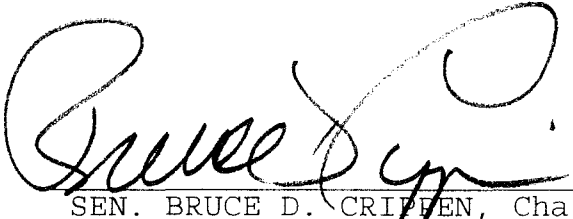
2, AND STRIKE "initial" IN BOTH PLACES OF (4)(b)(i). THE MOTION CARRIED UNANIMOUSLY.

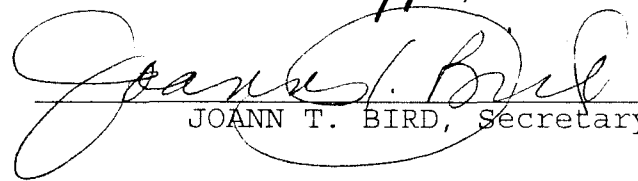
CHAIRMAN CRIPPEN. I want to finish this bill as soon as we can and deal with HB 571 and HB 572, and HB 306 is possible.

SEN. VAN VALKENBURG. I would like to be able to make my concerns about this bill known to the Committee tomorrow, if you will allow me. CHAIRMAN CRIPPEN. Okay.

ADJOURNMENT

Adjournment: 11:25 a.m.

  
SEN. BRUCE D. CRIPPEN, Chairman

  
JOANN T. BIRD, Secretary

BDC/JTB