

SENATE BILL NO. 400

INTRODUCED BY HALLIGAN, MAZUREK

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Judiciary.
February 14, 1981	Committee recommend bill do pass. Report adopted.
February 16, 1981	Bill printed and placed on members' desks.
February 17, 1981	Second reading, do pass.
February 18, 1981	Correctly engrossed.
February 19, 1981	Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 20, 1981	Introduced and referred to Committee on Judiciary.
March 17, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Motion pass consideration.
March 26, 1981	Second reading, concurred in.
March 28, 1981	Third reading, concurred in. Ayes, 94; Noes, 0.

IN THE SENATE

March 30, 1981	Returned from House. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *Senate* BILL NO. *400*
 2 INTRODUCED BY *Hallyan Mazurek*-----
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT UPON
 5 PETITION FOR REHEARING OF A SUPREME COURT DECISION THE
 6 ADVERSE PARTY MAY FILE OBJECTIONS WHETHER OR NOT A REPLY IS
 7 REQUESTED BY THE COURT; AMENDING SECTION 46-20-705, MCA."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 46-20-705, MCA, is amended to read:

11 "46-20-705. Petitions for rehearing. (1) A petition
 12 for rehearing may be filed within 10 days after the decision
 13 of the supreme court has been rendered unless the time is
 14 shortened or enlarged by order. The adverse party shall have
 15 7 days thereafter in which to serve and file his objections
 16 thereto. Extensions of time will be granted only upon
 17 showing of unusual merit and in no event in excess of 10
 18 days.

19 (2) A petition for rehearing may be presented upon the
 20 following grounds and none others:

21 (a) that some facts material to the decision or some
 22 question decisive of the case submitted by counsel was
 23 overlooked by the court; or

24 (b) that the decision is in conflict with an express
 25 statute or controlling decision to which the attention of

1 the court was not directed.

2 (3) Oral argument in support of the petition will not
 3 be permitted. ~~No reply to a petition for rehearing will be~~
 4 ~~received unless requested by the court but a petition for~~
 5 ~~rehearing will ordinarily not be granted in the absence of~~
 6 ~~such a request.~~ Six copies of the petition, produced in
 7 accordance with part 5 of this chapter, shall be filed with
 8 the clerk."

-End-

-2- INTRODUCED BILL
 SB 400

Approved by Committee on Judiciary

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SENATE BILL NO. 400
Hallyan Marzueh

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Senate BILL NO. *400*
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