

CONSTITUTIONAL AMENDMENT

1 House BILL NO. 637
2 INTRODUCED BY Winkler

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XII,
6 SECTION 3, OF THE MONTANA CONSTITUTION TO ALLOW THE
7 LEGISLATURE GREATER DISCRETION IN PROVIDING ECONOMIC
8 ASSISTANCE AND SOCIAL AND REHABILITATION SERVICES TO THOSE
9 IN NEED; AND PROVIDING AN EFFECTIVE DATE."

10
11 WHEREAS, the Legislature historically has prescribed
12 the public policy governing the provisions of economic
13 assistance and social and rehabilitation services to those
14 in need; and

15 WHEREAS, the Legislature is the appropriate body of
16 state government to determine the needs of its residents;
17 and

18 WHEREAS, the Montana Supreme Court, in a recent
19 decision, determined that the Montana Constitution requires
20 that statutes relating to such assistance and services are
21 reviewable under a heightened scrutiny test; and

22 WHEREAS, the Legislature finds that it is in the public
23 interest to restore to the Legislature the power to
24 prescribe the provision of economic assistance and social
25 and rehabilitation services to those in need, subject to

1 review under the rational basis test.

2 THEREFORE, it is the intent of the Legislature to refer
3 this constitutional amendment to the people of the state in
4 order to restore the historical power of the Legislature to
5 set eligibility level criteria for programs and services, as
6 well as for the duration and level of benefits and services
7 relating to economic assistance and social and
8 rehabilitation services.

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

11 Section 1. Article XII, section 3, of The Constitution
12 of the State of Montana is amended to read:

13 "Section 3. Institutions and assistance. (1) The
14 state shall establish and support institutions and
15 facilities as the public good may require, including homes
16 which may be necessary and desirable for the care of
17 veterans.

18 (2) Persons committed to any such institutions shall
19 retain all rights except those necessarily suspended as a
20 condition of commitment. Suspended rights are restored upon
21 termination of the state's responsibility.

22 (3) The legislature shall may provide such economic
23 assistance and social and rehabilitative services as-may-be
24 necessary for those inhabitants who, by reason of age,
25 infirmities, or misfortune, may--have-need-for-the-aid-of



1 society are determined by the legislature to be in need.

2 (4) The legislature may set eligibility criteria for
3 programs and services, as well as for the duration and level
4 of benefits and services."

5 NEW SECTION. Section 2. Effective date. If approved
6 by the electorate, this amendment is effective January 1,
7 1989.

8 NEW SECTION. Section 3. Submission to electorate.
9 This amendment shall be submitted to the electors of Montana
10 at the general election to be held November 8, 1988, by
11 printing on the ballot the full title of this act and the
12 following:

13 FOR allowing the legislature greater discretion to
14 determine the eligibility, duration, and level of
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16 need.

17 AGAINST allowing the legislature greater discretion
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APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

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STANDING COMMITTEE REPORT

HB 639

SENATE

SCRHB639

March 10, 1987

March 10, 1987

MR. PRESIDENT

Local Government

We, your committee on House Bill 639

having had under consideration No.

third blue reading copy (color)

PROVIDE FOR REGISTERED PROCESS SERVER

CORNE' (PINSONEAULT)

Respectfully report as follows: That House Bill No. 639

BE AMENDED AS FOLLOWS:

- 1. Page 1, line 17. Strike: "county clerk and recorder" Insert: "clerk of the district court"
2. Page 1, line 22. Following: "employment;" Insert: "or"
3. Page 1, lines 23 through 25. Following: "attorney" Strike: remainder of line 23 through "investigator" on line 25
4. Page 2, line 20. Following: "fund" Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund"
5. Page 2, following line 25. Insert: "NEW SECTION. Section 4. Training and certification of process servers. (1) The Montana law enforcement academy shall offer a course of instruction for process servers and levying officers at least twice during each calendar year after 1987. Each enrollee who completes the course and passes an examination administered by the law

XXXXXX
XXXXXXXXXX

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CONTINUED Chairman

enforcement academy must be certified by the law enforcement academy as a trained process server and levying officer.

(2) Upon applying to the clerk of the district court of any county for registration as a process server, an applicant shall apply for admission to the law enforcement academy course described in subsection (1). Failure to enroll in and successfully complete this course within a year after receiving a certificate of registration is grounds for revocation of the certificate.

(3) Each process server who enrolls in the course described in subsection (1) shall pay a tuition fee to the law enforcement academy that is sufficient to pay his share of the costs of offering the course."

Renumber: subsequent sections

- 6. Page 3, line 2. Following: "The" Strike: "county clerk and recorder" Insert: "clerk of the district court"
7. Page 3, line 4. Following: "The" Strike: "county clerk and recorder" Insert: "clerk of the district court"
8. Page 3, line 10. Following: "POSSESSION" Strike: "A BADGE" Insert: "an identification card"
9. Page 3, line 11. Following: "AND" Strike: remainder of line 11
10. Page 3, line 12. Following: "SERVER." Insert: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."
11. Page 3, lines 13. Following: "required." Insert: "(1)"
12. Page 3, lines 13 and 14. Following: "The" Strike: "county clerk and recorder" Insert: "clerk of the district court"

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March 10, 87
19.....

13. Page 3, line 16.

Following: "bond of"

Strike: "\$2,000"

Insert: "\$10,000 per individual or \$100,000 per firm"

14. Page 3, line 17.

Following: "through"

Strike: "8"

Insert: "9"

15. Page 3, following line 18.

Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

17. Page 4, lines 3 and 4.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

18. Page 4, line 8.

Strike: "clerk and recorder"

Insert: "attorney"

19. Page 4, line 11.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

20. Page 4, lines 16 through 20.

Strike: subsection (3) in its entirety

Insert: "(3) The county attorney shall notify the clerk of the district court when a certificate of registration is suspended, revoked, or reinstated."

21. Page 4, line 25.

Following: "section"

Strike: "4"

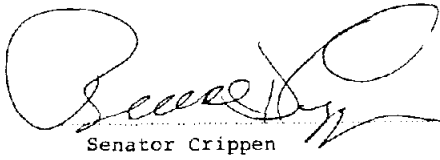
Insert: "5"

22. Page 13, following line 25.

Insert: "NEW SECTION. Section 29. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act."

AND AS AMENDED,
BE CONCURRED IN

KMC


Senator Crippen
3/11/87
4:00
JCS