

SENATE BILL NO. 121

INTRODUCED BY B. BROWN, BISHOP, SWIFT, MEYER, KEATING,
BECK, HIMSL, JERGSON, SEVERSON, LYNCH, E. SMITH,
YELLOWTAIL, GALT, VAN VALKENBURG, CRIPPEN, AKLESTAD,
WALKER, NEUMAN, BLAYLOCK, STORY, BRANDEWIE, THAYER,
RASMUSSEN, GILBERT, HARP, GRADY, LYBECK, THOFT, FARRELL,
HAGER, HARDING, MENKE, THOMAS, MOORE, MCLANE

IN THE SENATE

JANUARY 16, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 31, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 2, 1987	PRINTING REPORT.
FEBRUARY 4, 1987	SECOND READING, DO PASS.
FEBRUARY 5, 1987	ENGROSSING REPORT.
FEBRUARY 6, 1987	THIRD READING, PASSED. AYES, 47; NOES, 1.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 11, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 27, 1987	SECOND READING, CONCURRED IN.
MARCH 28, 1987	THIRD READING, CONCURRED IN. AYES, 91; NOES, 2.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 30, 1987

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 *Senate* BILL NO. *121* *Mayer & Co.*
 2 INTRODUCED BY *Bob Brown* *Al Bishop* *Keith*
 3 *Ron Buck* *Jim Ferguson* *Saverson* *Lynch* *Drut*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CRITERIA
 5 DETERMINING WHEN FIREARMS OR AMMUNITION MAY NOT BE *ARLESTAD*
 6 CONSIDERED DEFECTIVE IN DESIGN IN PRODUCTS LIABILITY *Stony*
 7 ACTIONS; AND PROVIDING EXCEPTIONS."
 8 *Stony*
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *Mike Jones*

1 selection of design alternatives.
 -End-

10 Section 1. Products liability -- defectiveness of
 11 firearms or ammunition. (1) In a products liability action,
 12 no firearm or ammunition may be considered defective in
 13 design on the basis that the benefits of the product do not
 14 outweigh the risk of injury posed by its potential to cause
 15 serious injury, damage, or death when discharged.
 16 (2) For purposes of this section:
 17 (a) the potential of a firearm or ammunition to cause
 18 serious injury, damage, or death when discharged does not
 19 make the product defective in design; and
 20 (b) injuries or damages resulting from the discharge
 21 of a firearm or ammunition are not proximately caused by its
 22 potential to cause serious injury, damage, or death but are
 23 proximately caused by the actual discharge of the product.
 24 (3) The provisions of this section do not affect a
 25 products liability cause of action based upon the improper



APPROVED BY COMMITTEE
ON JUDICIARY

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-End-



STANDING COMMITTEE REPORT

HOUSE

March 27 19 87

Mr. Speaker: We, the committee on HOUSE APPROPRIATIONS

report SENATE BILL 122 (Devlin)

- do pass
- be concurred in
- as amended
- do not pass
- be not concurred in
- statement of intent attached

Donaldson
Chairman

1. Title, line 11.
Following: "DATE"
Insert: "AND A PARTIAL TERMINATION DATE"
2. Page 2, line 24 through page 3, line 4.
Strike: "(3)" on page 2, line 24 through "board." on page 3, line 4
3. Page 3, line 6.
Strike: "or to a hearings officer"
4. Page 3, line 13.
Strike: "(4)"
Insert: "(3)"
5. Page 3, line 14.
Strike: "person"
Insert: "member"
6. Page 3, line 19.
Strike: "(5)"
Insert: "(4)"
7. Page 4.
Following: line 6
Insert: "Section 2. Section 15-2-301, MCA, is amended to read:
"15-2-301. Appeal of county tax appeal board decisions. (1) Any person or the department of revenue in behalf of the state or any municipal corporation aggrieved by the action of any county tax appeal board may appeal to the state board by filing with the county tax appeal board a notice of appeal and a duplicate thereof with the state board within 20 calendar days after the receipt of the decision of the county board, which notice shall specify the action complained of and the reasons assigned for such

complaint. The county tax appeal boards shall mail their decisions to the property assessment division of the department. Receipt, for purposes of appeal, by the department is when the county tax appeal board decision is received by the property assessment division of the department. The state board shall set such appeal for hearing either in its office in the capital or such county seat as the board considers advisable to facilitate the performance of its duties or to accommodate parties in interest and shall give to the appellant and to the county board at least 15 calendar days' notice of the time and place of such hearing.

(2) At the time of giving such notice, the state board may require the county board to certify to it the minutes of the proceedings resulting in such action and all testimony taken in connection therewith. The state board may, in its discretion, determine the appeal on such record if all parties receive a copy of the transcript and are permitted to submit additional sworn statements, or the state board may hear further testimony. For the purpose of expediting its work, the state board may refer any such appeal to one of its members and the person so designated shall have and exercise all the powers of the board in conducting such hearings and shall, as soon as possible thereafter, report the proceedings, together with a transcript of the testimony received, to the board and the state board shall determine such appeal on the record so made.

(3) Whenever it has at least 1,000 appeals pending, the board may employ as a hearings officer a person with legal training, appraisal experience, or experience as a member of a tax appeal board. However, a member of a county tax appeal board may not serve as hearings officer in a matter that he heard as a member of the county board. For the purpose of expediting its work, the state board may refer any such appeal to one of its members or to a hearings officer and the person so designated shall have and exercise all the powers of the board in conducting such hearings and shall, as soon as possible thereafter, report the proceedings, together with a transcript of the testimony received, to the board and the state board shall determine such appeal on the record so made.

(4) On all hearings at county seats throughout the state, the state board or the member person designated to conduct a hearing may employ the local court reporter or other competent stenographer to take and transcribe the testimony received and the cost thereof may be paid out of the general appropriation for the board.

(5) In connection with any appeal under this section, the state board shall not be bound by common law and statutory rules of evidence or rules of discovery and may affirm, reverse, or modify any decision. The decision of the state tax appeal board shall be final and binding upon all interested parties unless reversed or modified by judicial review. To the extent this section is in conflict

with the Montana Administrative Procedure Act, this section shall supersede that act. The state tax appeal board may not amend or repeal any administrative rule of the department. The state tax appeal board must give an administrative rule full effect unless the board finds any such rule arbitrary, capricious, or otherwise unlawful."

Renumber: subsequent sections

8. Page 5, line 15.

Following: "date"

Insert: "-- termination"

Following: "date."

Insert: "(1)"

9. Page 5.

Following: line 16

Insert: "(2) Section 2 terminates June 30, 1989."