

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 5, 1985

The forty-first meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on March 5, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HB 335: Representative Dorothy Bradley, sponsor of HB 335, stated this bill is called the many victims of crime bill. It is a clever bill and is needed in every county. She stated that it would be used in the case of an arrest for a misdemeanor where the individual posts bail, particularly where he is a student living elsewhere, and forfeits his bail and does not appear at the hearing. Extradition is not feasible, and bail is forfeited. The person who has suffered the misdemeanor, such as a bad check, must suffer the loss. Under this bill, the victim would be reimbursed out of the bail moneys paid. This bill allows the person some recourse instead of suffering the loss.

PROPOSERS: Judge H. B. Goan, Justice of the Peace, Gallatin County, appeared on behalf of the Montana Magistrates Association in support of HB 335. They feel they are often hamstrung because people come into the courts who have been victimized and because of the insignificant amount of the misdemeanor charge, extradition is not possible. They would like to hold an evidentiary hearing, have the county attorney or victim present testimony, and then order restitution be paid out of the forfeited bail. Judge Goan testified this would mean a lot to the small business person on the street, while the county will not miss the moneys.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Blaylock asked how much money this would cost the county. Representative Bradley stated she had no idea, but she would guess it would cost each county about \$50 once a week. Senator Mazurek asked if in the case of a traffic case, it were the intention under this bill that the evidentiary hearing would get into the issues of comparative negligence and if a civil determination of liability would be made in the traffic case context. Judge Goan responded this is not the proper forum for that. He stated this would strictly be on the basis of whether or not the person appeared. He did

not know of any case where it comes up in a traffic situation; it comes up in misdemeanor theft and bad check cases, and that is the intent of why the Montana Magistrates Association supports the bill. Representative Bradley referred Senator Mazurek to the language on page 2, lines 21-24. Senator Mazurek asked if it were common in traffic cases to appear and post bail. Judge Goan responded yes, although in most cases where accidents are involved with injuries or property damage, that person is cited for mandatory appearance. Senator Crippen stated when you have a forfeiture, the money goes to the city or county. He then asked what happens when the surety goes and finds that person after the hearing. Judge Goan asked if he were referring to a commercial surety bond or bail bondsman. Senator Crippen stated yes. Judge Goan stated they have 30 days to find the person after bail has been forfeited to produce the person in court. Senator Crippen asked if it were contemplated the hearing would be held after the 30 days. Judge Goan responded yes. Senator Mazurek asked if they contemplated some sort of hearing to determine liability. Judge Goan responded the purpose of the bill is to provide some sort of hearing to decide whether restitution is proper. He believes the word "may" is the key to this. Senator Daniels stated Gallatin County has approximately 9,000 cases a year. He asked how much additional court time they anticipate this bill would take. Judge Goan did not believe you would be talking about large amounts of time, as the hearings are generally very brief with limited testimony. He stated that from a judge's perspective, it would be time well spent. Senator Daniels asked if it would require any additional personnel. Judge Goan did not believe it would.

CLOSING STATEMENT: Representative Bradley closed by stating this puts a lot of discretion in the hands of the magistrates which they don't have now, but she believes it would be far better to give them that discretion than to allow the victims to continue being unreimbursed.

Hearing on HB 335 was closed.

CONSIDERATION OF HB 620: Representative Dorothy Bradley, sponsor of HB 620, testified this bill was proposed by the Magistrates Association. She believes that association has taken on a lot to further the education and training for the individuals in that office. What this bill does is require training and certification prior to their taking office. It will not apply until January 6, 1986, because that much time would be needed to put it all together. Annual training sessions are already required. The expenses are picked up by the counties. This would be included as one of those training sessions. The matter of expenses would be no different than it is at present.

PROPOSERS: Judge H. B. Goan, Justice of the Peace, Gallatin County, testified the Montana Magistrates Association heartily supports this

bill. They believe any judge should be required to pass minimal standards of competence. They hope to standardize justice throughout the state. They feel this is a realistic mechanism that dovetails into the already required two training sessions a year. Jim Jensen, representing the Montana Magistrates Association, the Commission on Courts of Limited Jurisdiction is one of the many commissions of the Supreme Court. We are talking about people actively involved in day-to-day problems with the courts, and they understand the need for training.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe stated he was a little confused as to how this fits into the existing requirements for training. Representative Bradley referred to Sections 3-10-203 and 3-11-204, MCA, which refer to reimbursement of expenses and requirements for annual training requiring two mandatory training sessions each year. This will suffice as one of the two annual required training sessions, and the expenses would be paid in its place. Senator Towe asked if the training under this bill would be required before the justice serves, unless he gets a certificate. Mr. Jensen stated the important distinction to be made is currently attendance only is required. What this does is require attendance and a certain level of competence (ability to pass an examination). Senator Towe asked if it were contemplated by this bill that someone duly elected by the people might flunk and not be able to assume his position. Representative Bradley stated that is possible. Senator Blaylock asked what the court school is now. Judge Goan responded it consists of one week twice a year, which works out to about four days. The curriculum is designed by the Supreme Court Administrator's office and a liaison in the Magistrates Association. Judge Goan stated this bill is something the judges want and feel is needed. It is contemplated the course would cover the subject matter needed to pass the examination.

CLOSING STATEMENT: Representative Bradley pointed out the bill does provide for a temporary certificate if a judge could not attend the session, and it also would not cause a great financial hardship on the counties.

Hearing on HB 620 was closed.

CONSIDERATION OF HB 164: Representative Dorothy Bradley, sponsor of HB 164, testified this bill solely addresses the situation where the rental agreement is for the mobile home space, not for the mobile home itself. Under the present law, the landlord has the right to terminate a month-to-month lease for space with just a 30-day notice. This bill does not have anything to do with changing the landlord's remedy when there is cause. It is just talking about termination when there is no

cause. This situation causes a hardship where there is not a lot of rental space available. Representative Bradley then introduced into the record a letter from a couple who encountered problems in finding rental space when their landlord gave them 30 days' notice to move (Exhibit 1). The 60 days proposed in the bill is to give the person more time to find space. In a situation where you are contemplating a total change of land use, you must give 180 days' notice under the bill.

PROPOSERS: None.

OPPOSERS: Ed McHugh, Partner-owner, McHugh Mobile Home Park, appeared as a proponent and an opponent (Exhibit 2). He testified that even though 30 days' notice is given, it requires 15 or more days before a landlord can actually get them out. Mr. McHugh stated that if there is inclement weather, no sheriff will require them to move. He believes this part of the bill was written for one or two people or maybe arose out of some bad experience. He did not believe 30 days was short notice, although he does understand there is a lot that goes into moving a trailer. He admitted there are a few days in the winter when you cannot move a trailer, but he believed this to be an exception to the rule. He believed this bill would cause total disruption to court management.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Representative Bradley submitted that subsection (A) is very important and needed. She was not able to contact the individuals from her community or they would have been at the hearing. There was only one opponent at the hearing. In the House, there were a substantial number of proponents and opponents, and the way it has been amended, she believes it appears to be a good compromise or more would have been at the Senate hearing. She stated she did not believe this put the court in a bad financial position, because the space fills up very quickly.

Hearing on HB 164 was closed.

CONSIDERATION OF HB 276: Representative Dorothy Bradley, sponsor of HB 164, testified this is a welfare fraud bill that was requested by the Department of Social and Rehabilitation Services (hereinafter referred to as SRS). This bill would require the Department of Revenue (hereinafter referred to as DOR) to furnish SRS with certain information under Section 15-30-301, MCA. Welfare fraud is not an overwhelming problem in Montana right now. We are not paying sufficient amounts in benefits, nor are we paying them enough to accomplish what we ask of them. A survey of one nursing home showed 7% of its residents received reimbursements over what they were allowed. In addition, \$119,000 was paid in

unearned services for food stamps. Representative Bradley testified she did not believe the bill is an intrusion into anyone's privacy because they sign a waiver allowing SRS to get the information anyway. This would allow them to get it in an easier way. To get it now, they have to contact individual banks. That would be costly and cannot be done because we do not have the resources to do it. You have far more loss of privacy that way, because that information changes many hands in the process. Other states have followed this approach, and California has implemented this identical law.

PROPOSERS: Pat Godbout, Administrator of the Audit and Program Compliance Division of the Department of Social and Rehabilitation Services, testified that this bill is a compromise between SRS and DOR. SRS would have like to have looked at all of the tax records, but DOR felt people might not file their taxes if SRS had access to those records. The other thing that is very important is they have access to all of this information now by going to the banks. They have 46,000 public assistance cases to handle and 177 people to do that. They get 40 minutes a month to deal with a case. In one year, they get eight hours to deal with a case. They cannot ask the staff to handle this, so this is one way they have identified to solve the problem with welfare fraud. Ken Morrison, representing the Department of Revenue, testified they could oppose the bill, but they have some concerns and wanted to express them. They think this type of legislation may affect something important in the income tax system and that is voluntary compliance. The DOR intends to process a rule that requires SRS to notify its clients what information is being exchanged and what that information is. Section 15-30-301, MCA, includes other things besides dividends. That information comes from other sources besides the tax returns. He believes people may get the idea it comes from tax returns, and they don't want that.

OPPOSERS: None.

QUESTIONS FROM THE COMMITTEE: Senator Towe asked Representative Bradley to comment on Mr. Morrison's suggestion that this bill is too broad not to be limited in some way. Representative Bradley responded Mr. Morrison's suggestion is people are to be notified that this information will be made available to SRS, and she has no problem with that. She does not think it can be drawn any narrower and do what it is required to do. She does not believe we have adequately funded SRS to do what we want them to do. Considering the number of federal dollars that are at stake, she believes this is a fair way to do that. She also stated some of the information is already available from the Department of Labor. Senator Towe stated the suggestion that the individuals be notified is in keeping with the concept of privacy. He asked how they anticipated such a rule would be implemented. Mr. Morrison responded SRS would do the informing, and he believes they already have a device to do that.

Ms. Godbout stated they will take the form they use right now (Exhibit 3) and utilize it. Her concern is DOR will make the rule so difficult, they will not be able to get that information without a great deal of paperwork. Ms. Godbout delivered a copy of SRS's form for release of confidential information (Exhibit 3) to the committee. This form is currently completed by every applicant. She testified they can change that form to indicate what has been requested. She further testified if they are going to have to send over other documents along with each case, this bill means nothing. Senator Mazurek asked if there were any reason the notice provision couldn't just be put on the release. Ms. Godbout stated she believes under the section on the form entitled "information source" they could just add DOR after Department of Labor and that would be sufficient notice. She explained that when you apply for public assistance, the law says SRS has a right to audit before it gives assistance. Senator Towe stated that is exactly what they were suggesting. In addition, he felt they should add to the section entitled "information to be requested" language that included "interest in dividends from the third parties or from persons reporting to the DOR" and add that this would be a continuing request, then that would be sufficient. Ms. Godbout stated they explain to the applicant this is a continuing thing. Senator Towe stated he cannot see anything on the form that says that.

CLOSING STATEMENT: Representative Bradley closed by saying when she first read the bill, she was concerned if others would consider this a possible invasion of privacy. She ran this concern by other organizations, and there was not a single opposition.

Hearing on HB 276 was closed.

ACTION ON HB 276: Senator Crippen moved HB 276 be recommended BE CONCURRED IN. Senator Towe stated he would suggest we may be able to take care of SRS's concern in a statement of intent stating reasonable notice to the applicant should be given and SRS should be allowed access by the DOR if an initial waiver of notice contained adequate information to inform the individual. Senator Towe stated SRS contends it has had some difficulty in the past and it is worried the rules proposed by DOR may be too stringent, so SRS feels the bill needs some guidelines. Senator Towe moved as a substitute motion that HB 276 be amended as follows:

Page 4, line 14.

Following: "abuse"

Insert: ", provided notice to the applicant has been given"

and that a statement of intent be attached saying the regulations regarding notice to the applicant may be contained on the original release of information form signed by the applicant prior to

qualification for benefits. The release shall be sufficiently specific and simple to allow SRS to receive the information sought. The substitute motion carried unanimously. Senator Towe then moved HB 276 be recommended BE CONCURRED IN AS AMENDED, which motion carried unanimously.

ACTION ON HB 620: Senator Towe moved HB 620 be amended as follows:

Page 1, lines 15 and 16.
Following: "by" on line 15
Insert: "the"
Following: "court" on line 15
Strike: remainder of line 15 through "12768" on line 16

The amendment was proposed because Senator Towe questioned what would happen if the Supreme Court were to change the make-up of the existing commission. The amendment carried unanimously. Mr. Petesch suggested the committee may want to say on page 3 that this does apply because we don't have anyone determining whether it applies or not. Senator Towe moved HB 620 be amended as follows:

Page 3, line 5.
Following: "2]"
Strike: "may"
Insert: "shall"

The motion carried unanimously. Senator Galt asked what happens when the people elect a judge but the judge can't pass the test. Senator Towe responded that in defense of that situation, it is conceivable that at some point someone will flunk. At that point, it behooves the community to make sure that someone who can pass the examination files and takes office. He appreciates the fact the Magistrates Association is supporting this bill to increase the qualifications of its judges. Senator Pinsoneault moved HB 620 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senators Daniels, Galt, and Shaw voting in opposition.

ACTION ON HB 335: Senator Mazurek asked if this bill applied to the justice court level only. Mr. Petesch responded he did not think so because the sections referenced in the bill are criminal procedure sections. Senator Mazurek asked if this is limited to the justice courts only. Representative Bradley stated it applies to all. Senator Towe asked why it would not be a good idea in the district court. Senator Mazurek stated he had no trouble with it in the criminal context of theft, but wondered about it in the vehicular context. Senator Towe called the committee's attention to Section 46-18-243, MCA, which defines pecuniary loss. He believes there would be a problem with some affirmative defenses. They could put it into an escrow or a special

account until it is actually decided. Senator Mazurek referred to page 2, line 21, through line 24, page 3, relating to the "nature and extent of the loss." He wonders if you elevate this to the level of a judgment here in a criminal proceeding to set bail. You have a hodgepodge thrown together that contemplates a victim's complete and pecuniary loss and other factors not in a civil matter. Representative Bradley stated when you have that elected office, you have to trust their judgment. You may be entering into a small amount of risk, but it is a far worse situation not to allow those victims to have recourse. Senator Towe asked if this is only when he does not appear, how about a joint tortfeasor. They can appear. Senator Mazurek stated the most frequent use of both forfeitures is in traffic offenses. He believes the money should go to the victim, but wonders if you should elevate it to the level of a judgment in the civil context. Senator Shaw stated this bill was introduced primarily to collect bad checks. We need to hang it on the banks and not on the courts. Representative Bradley clarified it would also be for theft cases. Senator Blaylock moved HB 335 be recommended BE CONCURRED IN. Senator Daniels stated he thinks it is directed to cities with students. If you want to protect those towns with legislation, the committee should pass this bill. Senator Towe moved as a substitute motion that HB 335 be amended as follows:

Page 3, line 9.

Following: "(1)."

Insert: "Provided no such determination or decision under this subsection shall be admissible as evidence in any other civil action, nor shall it be res adjudicata in any other civil action."

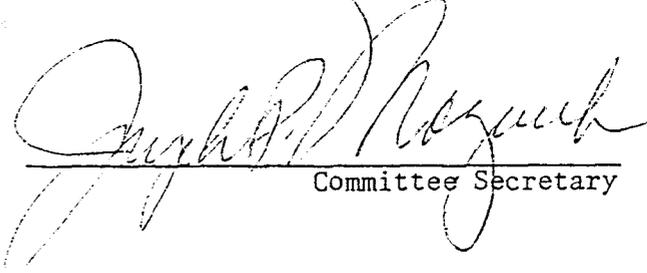
The motion carried unanimously. Senator Towe moved HB 335 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HB 164: Senator Shaw moved HB 164 be recommended BE NOT CONCURRED IN. His reasoning was this is special legislation which is unnecessary. Senator Towe asked how you addressed the problem that was raised. Senator Shaw stated we do not need to pass a law for one or two people. Senator Daniels stated he thinks if a mobile home area is being bought out, there are enough advance notice and rumors going around that the 180 days' notice does not mean a great deal. Senator Towe stated he is sympathetic with the concern but would like to have it addressed in another way, possibly with a petition filed with the court asking for delay. If in fact a notice has been given, they go to court to enforce it and they get a judgment to that effect, the individual defendant could petition the court for an extension of time to vacate the court by showing reasonable grounds for the delay. Senator Towe thought that would be a better way of handling this situation. Senator Mazurek

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reminded the committee there was good support for subsection (B) from both sides. The motion to recommend the bill BE NOT CONCURRED IN carried with Senators Blaylock, Mazurek, Towe, and Yellowtail voting in opposition.

There being no further business to come before the committee, the meeting was adjourned at 11:47 a.m.


Committee Secretary

January 17, 1985

RE: HB 164 Mobile Home Courts

MEMO RE: Mobile home at Covered Wagon Park, Bozeman.

My husband and I have lived in Great Falls since 1942 and have owned our own home here since 1944. During this time we have owned and managed rental property, so we are not without any understanding of the problems of landlords.

This concerns our experience as tenants at Covered Wagon Park in Bozeman.

In November, 1978, we purchased a mobile home to be used as a home for our son during the time he would be attending MSU. From this time until September 1983 we rented the lot on which our mobile home was located in Covered Wagon Park. NEVER during all this time did we receive any complaint about late payments, non-payment of rent, or ANY OTHER INFRACTION of any laws or any mobile home court regulations.

During the summer of 1983 the mobile home court changed hands and was placed under the management of Debra and Brent Cochran. From September 1, 1983 to December 31, 1983 the lot on which our mobile home was located was rented by Jim and Vicki Tate*, who lived in our mobile home. We re-assumed possession of the mobile home as of January 1, 1984. On January 20, 1984 we received a registered letter containing a notice to vacate the premises as of February 7, 1984. The reason given was the right of the landlord to terminate a month-to-month lease with 30 days notice.

Briefly, I telephoned Debra Cochran regarding this, and although this threatened eviction did not concern anything that happened during our tenancy, the reason was irrelevant since none is required for a 30-day notice.

I took the matter to a lawyer and we subsequently received a valid notice, which ultimately resulted in our not being forced to move the mobile home until March 8th. If they had sent us a proper notice in the first place, we would not even have had any extra time-- unless we wanted to allow them to proceed with an eviction.

As you know, THERE IS ABSOLUTELY NO REASON REQUIRED UNDER THE PRESENT LAW TO TERMINATE ANY MONTHLY TENANCY IN THIRTY DAYS. THERE IS NO HARDSHIP PROVISION IN ANY OF THE MONTANA LANDLORD-TENANT LAW.

The Montana law regarding moving a mobile home prohibits travel on the highway from noon Saturday to Monday morning, during weather conditions where there is poor visibility--during rain, snow, fog or blowing snow--and is limited to daylight hours. Therefore, under

* This lot was rented to Jim + Vickie Tate by Covered Wagon Park.

the present law, a mobile home owner could be liable for treble rent, damages, etc. because the present 30-day notice makes no provision for any extension of time which might be necessary because of road or weather conditions beyond the owner's control.

The effect of this in our situation was this:

It would have been almost impossible to sell the mobile home under the circumstances where it would have to be moved immediately in the middle of the winter.

If we moved it to another mobile home court we would be in jeopardy of the same 30-day notice. Since it costs approximately \$1,000 to move a mobile home when you consider the loss of value of skirting and attached sheds, decks, etc., the cost of moving and reconstruction, this did not seem a very practical solution.

We therefore purchased property in Bozeman to relocate the mobile home. Our son will graduate in June, 1985, so this was definitely not part of our plans for his schooling. It was necessary for us to use funds for this move that were intended for our retirement. My husband and I are both over 65 years old.

It is evident from our experience that the present law is very unfair to people who have made a major investment in the purchase of a mobile home, and a considerable expense in relocating is involved.

THIS NEW LAW IS VERY MUCH NEEDED TO PROTECT MOBILE HOME OWNERS FROM TOTALLY UNREASONABLE SITUATIONS SUCH AS WE WERE VICTIMS OF.

I am sure this law needs to have provisions to protect the investment and income of mobile home court owners from people against whom there are valid complaints. But as it stands now, the owner of a mobile home, living in mobile home courts, could be forced to move his mobile home every 30 days.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 1

DATE 03 05 85

BILL NO. H.B. 164



McHugh Mobile Home Park
3000 Villard
Helena, Montana 59601
442-0013

March 5, 1985

SUBJECT: H.B. 164
Speaking in support of amended HB 164

Mr. Chairman:

I'm Ed McHugh partner-owner of McHugh Mobile Home Park. Our Park has been in operation 14 years and we have 234 spaces.

We believe that Sec. 70-24-441 (3)A should not be amended and be withdrawn.

We believe that (3)B should be added to our present law.

(3)A would cause many problems in the orderly management of a court. It is not needed because if more than 30 days are needed to move a trailer because of weather conditions, the Sheriff would certainly acknowledge this problem. The confusion over "without cause" would be a mess for both tenant and landlord.

(3)B is an addition that has merit when a court is closed in, it takes time to relocate the trailer. We are in favor of this amendment.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 03 05 85
BILL NO. H.B. 164

STATE OF MONTANA
DEPARTMENT OF SOCIAL & REHABILITATION SERVICES
Economic Assistance Division

RELEASE OF CONFIDENTIAL INFORMATION

AUTHORIZATION TO MONTANA SOCIAL & REHABILITATION SERVICES TO OBTAIN PERSONAL INFORMATION

Client's Name: _____ SSN: _____

Address: _____
(STREET) (CITY) (STATE) (ZIP CODE)

I authorize the individual, company or agency shown below to disclose to the _____
County Department of Welfare of the Montana Social and Rehabilitation Services, the information specified
below, which relates to my eligibility to receive Public Assistance benefits. I understand any information
obtained will be kept confidential and will be used only for purposes directly connected with the ad-
ministration of benefits or services. I further understand that any information obtained may be released
to a proper governmental agency or court of law enforcement agency for purposes of legal and investiga-
tive actions concerning fraud, collection of support or establishment of third party liability.

INFORMATION SOURCE: Landlords, Neighbors, Employers, Social Security Administration, Doctors,
Hospitals, Veterans Administration, Bureau of Indian Affairs, Department
of Labor and Industry, Assessors, Treasurers, County Clerks of Court,
Banks, Credit Unions, Savings and Loans, etc.

INFORMATION TO BE REQUESTED: Earned Wages, Unearned Wages, Checking Accounts, Savings
Accounts, Stocks, Bonds, Time Certificates, BIA-IIM Funds,
Veterans Benefits, Unemployment Compensation, Workmens
Compensation, Loans, Family Composition, Personal Property,
Mortgages, Real Estate, etc. Also, Medical Reports or conditions
to exempt participation in employment or County Work Program.

SENATE JUDICIARY COMMITTEE

EXHIBIT NO. 3

DATE 030585

BILL NO. H.B. 164

Signature of applicant or person signing in his/her behalf:

X

Date: _____

STANDING COMMITTEE REPORT

March 5

19 55

MR. PRESIDENT

We, your committee on **JUDICIARY**

having had under consideration **HOUSE BILL** No. **164**

third reading copy (blue)
color

(Senator Shaw)

REQUIRE 180 DAYS' NOTICE TO VACATE MOBILE HOME RENTAL SPACE

Respectfully report as follows: That **HOUSE BILL** No. **164**

BE NOT CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....
Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 5

19 85

MR. PRESIDENT

JUDICIARY

We, your committee on

having had under consideration

HOUSE BILL

No. 276

third reading copy (blue)
color

(Senator Crippen)

TAX INFORMATION ON APPLICANTS FOR PUBLIC ASSISTANCE AUTHORIZED FOR SRS

HOUSE BILL

276

Respectfully report as follows: That

No.

be amended as follows:

1. Page 4, line 14.

Following: "abuse"

Insert: ", provided notice to the applicant has been given"

AND AS AMENDED

BE CONCURRED IN

STATEMENT OF INTENT
ADOPTED AND ATTACHED

~~XXXXXXXX~~

~~XXXXXXXX~~

Senator Joe Mazurek

Chairman.

MR PRESIDENT,

WE, YOUR COMMITTEE ON JUDICIARY, HAVING HAD UNDER CONSIDERATION
HOUSE BILL NO. 276, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT

HOUSE BILL NO. 276

A statement of intent is necessary for this act in order to clarify the type of notice the legislature intends to be given to applicants for public assistance by the department of social and rehabilitation services. It is the intent of the legislature that the notice may be contained in the initial release of confidential information which an applicant signs when applying for public assistance. The notice shall be reasonably simple and specific as to the type of information obtainable.

It is the further intent of the legislature that rules adopted by the department of revenue to implement this act may not be burdensome to the department of social and rehabilitation services in obtaining the information so long as the notice has been given. The department of revenue shall cooperate with the department of social and rehabilitation services in achieving the purpose of this act, which is to allow easy access to information obtainable from other sources in order to reduce fraud in obtaining public assistance.

.....
Senator Joe Mazurek, Chairman

STANDING COMMITTEE REPORT

March 5 19 85

MR. PRESIDENT

JUDICIARY

We, your committee on.....

HOUSE BILL

having had under consideration.....

No. 335

third reading copy (blue)
color

(Senator Yellowtail)

ALLOW A COURT TO ORDER FORFEITED BAIL TO BE PAID AS RESTITUTION TO A VICTIM

Respectfully report as follows: That.....

HOUSE BILL

No. 335

be amended as follows:

1. Page 3, line 9.

Following: "(1)."

Insert: "Provided no such determination or decision under this subsection shall be admissible as evidence in any other civil action, nor shall it be res adjudicata in any other civil action."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXX~~

.....
Senator Joe Mazurek

Chairman.

STANDING COMMITTEE REPORT

March 5 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 620

third reading copy (blue)
color

(Senator Yellowtail)

REQUIRE TRAINING & CERTIFICATION OF LOWER COURT JUDGES

Respectfully report as follows: That HOUSE BILL No. 620

be amended as follows:

1. Page 1, lines 15 and 16.

Following: "by" on line 15

Insert: "the"

Following: "court" on line 15

Strike: remainder of line 15 through "12768" on line 16

2. Page 3, line 5.

Following: "2]"

Strike: "may"

Insert: "shall"

AND AS AMENDED

BE CONCURRED IN

DEBATE

DEBATE

Senator Joe Mazurek

Chairman.