

ORGANIZATIONAL MEETING

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dave Brown, on January 3,  
1989, at 10:10 a.m.

ROLL CALL

Members Present: All members were present with the  
exception of:

Members Excused: Rep. Fritz Daily, Rep. Bill Strizich

Members Absent: None

Staff Present: John MacMaster, Legislative Council

Announcements/Discussion: John MacMaster, Staff Attorney,  
distributed a handout of Outline of Scope of Committee  
Staffing Duties shown as Exhibit 1.

Representative Brown followed by submitting handouts  
of Rules of Procedures, Exhibit 2.

GUEST SPEAKER:

Attorney General, Marc Racicot was introduced and  
presented as Exhibit 3, the Montana Department of  
Justice Organizational Chart, which he discussed  
and gave an overview of each department. With him,  
he introduced his immediate staff members including  
Deputy Director of Justice, Mike Lavin, formally of  
the Board of Crime Control, Judy Brown, Chief  
Assistant to the Attorney General, Peter Funk,  
Legislative Coordinator, and John Connor, Accounting  
Attorney for the County Prosecutor Services Bureau.

Exhibit 3 was presented to the committee by John  
Connor as Proposed Legislation by the Montana  
Department of Justice for Bill Drafting Requests.  
He made a brief statement expressing to the committee  
that the Dept. of Justice would like to see these  
requests addressed and gave a concise summary of the  
bills.

ADJOURNMENT: Representative Brown announced that Jim Oppedahl from the Supreme Court would not be speaking as scheduled, but was to be heard the following day, January 4, 1989, at 10:00 a.m. in Room 312-2.

There being no further business to come before the committee, the hearing was adjourned at 11:20 a.m.

  
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DAVE BROWN, CHAIRMAN

DB/je

DAILY ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date JANUARY 3, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dave Brown, Chairman	✓		
Rep. Kelly Addy, Vice-Chairman	✓		
Rep. Vivian Brooke	✓		
Rep. Fritz Daily			✓
Rep. Paula Darko	✓		
Rep. Mary McDonough	✓		
Rep. Linda Nelson	✓		
Rep. Jessica Stickney	✓		
Rep. Bill Strizich			✓
Rep. Diana Wyatt	✓		
Rep. Ole Aafedt	✓		
Rep. William Boharski	✓		
Rep. Ralph Eudaily	✓		
Rep. Budd Gould	✓		
Rep. Tom Hannah	✓		
Rep. Roger Knapp	✓		
Rep. John Mercer	✓		
Rep. Jim Rice	✓		

EXHIBIT 1  
DATE JAN. 3, 1989  
HB Organizat. meeting

January 3, 1989

TO: House Judiciary Committee

FROM: John MacMaster, Committee Staff Attorney

### Outline of Scope of Committee Staffing Duties

I. Amendments:

- A. Review all amendments proposed by a committee member and adopted by the committee, using the bill drafting guidelines applied to the drafting of bills.
- B. Prior to committee action on a bill, draft proposed amendments for committee members.
- C. Draft for committee members proposed amendments to a bill before the committee to be moved on Second Reading.

II. Statements of Intent: For a bill requiring a Statement of Intent, make sure that one is given to the committee. If the sponsor of the bill does not give the committee a Statement of Intent, obtain it if one exists, and draft or have the affected government agency draft one for the committee if one does not exist.

III. Committee bills: Upon an adopted motion by the committee, submit a bill drafting request for a committee bill and either draft the bill or assist another bill drafter who may have more expertise in the subject matter of the bill.

IV. Review proposed legislation: Prior to committee consideration of a bill, review the proposed legislation for constitutionality, internal consistency, conflict with or duplication of existing statutory provisions, and compliance with the other general bill drafting requirements applied to the drafting of bills.

V. Subcommittee meetings: When requested by the chair of the committee or subcommittee, attend subcommittee meetings to perform the same functions as are performed for the committee.

VI. Conference committee and free conference committee meetings: When requested, attend conference committee or free conference committee meetings on a bill that was before the committee to perform the same functions as are

RULES OF PROCEDURE  
HOUSE JUDICIARY COMMITTEE  
51st Legislative Session  
ROOM 312-2

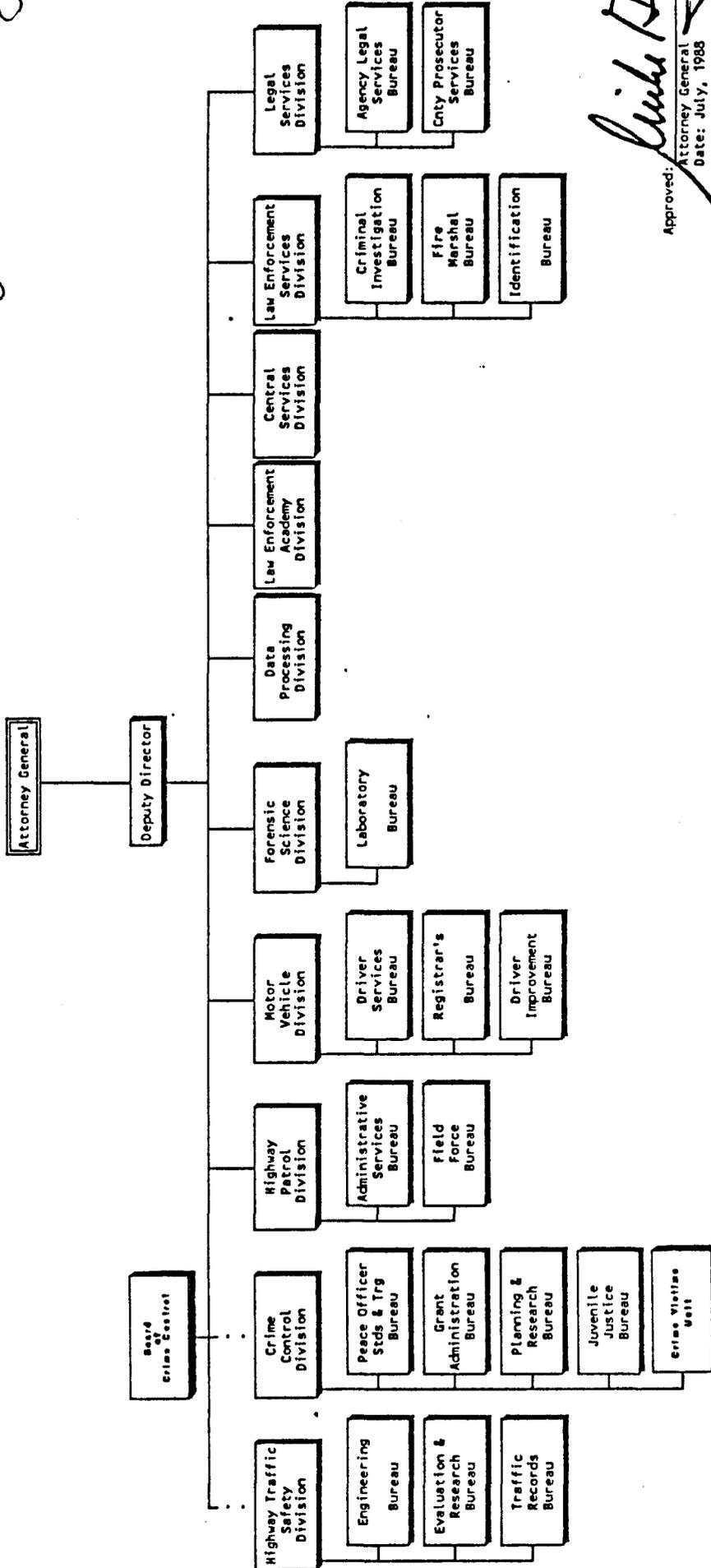
EXHIBIT 2  
DATE JAN. 3, 1989  
HB Organizat. meet

- (1) All individuals wishing to testify must sign the witness sheet prior to the committee hearing. Your testimony will not be recorded if you do not sign the witness sheet. The witness sheet is located on the desk as you enter the room. Written copies of your testimony should also be submitted if at all possible.
- (2) Proponents will speak first, followed by opponents, the time subject to limitation of the chair.
- (3) The proponents and opponents should try to state new points of testimony. If they wish to agree with points already made, they should simply so state.
- (4) The sponsor of the bill will open and close the presentation.
- (5) All questions will be put forth by the committee. No questions shall be directed between proponents and opponents.
- (6) All discussion will commence at the direction of the chair.
- (7) Questions by committee members shall be directed to proponents and opponents at the close of the presentation unless otherwise authorized by the chair.
- (8) Amendments to measures must be presented to the committee in writing.

  
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DAVE BROWN, Chairman

EXHIBIT 3  
 DATE JAN. 3, 1989  
 HB Organizat. Meeting

MONTANA DEPARTMENT OF JUSTICE  
 ORGANIZATIONAL CHART  
 JULY, 1988



*Luella Ruel*  
 Approved: Attorney General  
 Date: July, 1988

EXHIBIT 3  
 DATE 1-3-89  
 HB Organizat. Meeting

EXHIBIT 4  
DATE JAN. 3, 1989  
HB Organizat. meeting

MONTANA DEPARTMENT OF JUSTICE

I. PROPOSED LEGISLATION - BILL DRAFTING REQUESTS IN

A. Motor Vehicle Division

1. Implement Commercial Motor Vehicle Safety Act. Peter Funk (L.C. 710, Paul Verdon).
2. Clarify access to driving records. Peter Funk (L.C. 709, Eddy McClure).
3. Clarify driving with suspended license. Peter Funk (L.C. 708, Eddy McClure).
4. Clarify motor vehicle conviction. Peter Funk (L.C. 707, Eddy McClure).
5. Driver license suspension revision. Peter Funk (L.C. 706, Eddy McClure).
6. Registrar vehicle title cancellation authority. Peter Funk (L.C. 705, Paul Verdon).
7. Involuntary title transfer - boats and snowmobiles. Peter Funk (L.C. 704, Connie Erkcison).
8. Private action against vehicle dealers bond. Peter Funk (L.C. 703, Eddy McClure).
9. Cease and desist authority concerning vehicle sales. Peter Funk (L.C. 702, Eddy McClure).
10. Revise odometer reporting. Peter Funk (L.C. 701, Paul Verdon).

B. Highway Patrol Division

11. Clarify definition of patrolmen. Betsy Brandborg (L.C. 712, Eddy McClure).
12. Revise registration for leased vehicles. Betsy Brandborg (L.C. 714, Paul Verdon).

13. Driver's license seizure. Betsy Brandborg (L.C. 716, Eddy McClure).
  14. Clarify "obstructed windshield." Betsy Brandborg (L.C. 718, Paul Verdon).
  15. No tinted windshields. Betsy Brandborg.
- C. Legal Services Division
16. Clarify executive clemency. Kim Kradolfer and Kathy Seeley (L.C. 723, Valencia Lane).
  17. Clarify governor's death warrant authority. Kim Kradolfer and Kathy Seeley (L.C. 726, John MacMaster).
  18. Clarify execution procedure. Kim Kradolfer and Kathy Seeley (L.C. 728, John MacMaster).
  19. Remove execution by hanging. Kim Kradolfer and Kathy Seeley (L.C. 729, John MacMaster).
- D. Forensic Science Division
20. Revise forensic science lab law. Paul Johnson (L.C. 725, John MacMaster).
- E. Law Enforcement Academy Division
21. Speeding charge to fund Department of Justice. Mark Murphy (L.C. 731, John MacMaster).
- F. Central Services Division
22. Clarify Highway Patrol retirement funding. Terry Cannon (L.C. 730, Lois Menzies).
- G. Crime Control Division
23. County responsibility for juvenile detention. Dorothy McCarter (L. C. 722, Lois Menzies).

24. Revise Crime Victims Compensation Act. Dorothy McCarter (L.C. 137, John MacMaster).
25. Pre-service peace officer training.
26. Mandatory standards for detention officers.
27. Recodification of detention statutes.
28. New state commission to oversee jails and detention facilities.

II. PROPOSED LEGISLATION - NO BILL DRAFTING REQUESTS

29. Crime lab reports not hearsay. Paul Johnson.