

JUDICIARY COMMITTEE

January 6, 1977

The second meeting of the House Judiciary Committee was called to order in room 436, the Capitol Building, Helena, Montana at 8:00 a.m. Thursday, January 6, 1977. Chairman Scully presided. All members were present with the exception of Representatives Dussault and Kennerly, excused and Representative McLane, absent.

Chairman Scully mentioned that several bills scheduled had been changed to Wednesday, January 12th (HB #5, HB #6, HB #7,) and that HB #4 would be continued indefinitely.

Representative Day asked Mr. Scully to explain some of the problems that might come up with a bill, to the new members.

Chairman Scully explained the language of the various bills, how the language has changed, explained the re-codification system and how it will work, and the reason for it. He explained the marks on the copies of the bills the members will receive and what they mean, that the bills are being changed as they go along to comply with the re-codification.

Mr. Scully explained that he would like to reserve any action on a bill for the executive session. The hearings themselves will be merely to get input and the pros and cons of each bill presented.

We will try to take each section one at a time in each bill, ask any questions, have comments and changes at that time. The time to amend is at that time. We have to have an affirmative action, whether pass, do not pass, table or whatever.

It will require a 2/3 vote to bring back a bill that has been tabled.

It will require a 3/4 vote to get it out of committee. The only reason to sit on a bill would be if there is a comparable bill in the Senate.

CHAIRMAN SCULLY: The following representatives from Judiciary will be serving on the select sub-committee on water, in addition to myself and Representative Day.

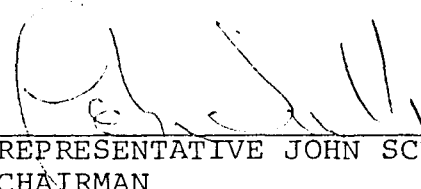
Representative Baeth
Representative Hand
Representative Lory
Representative Ramiriz
Representative Dussault

A general discussion followed about the adjudication of water rights and how it works. The comment was made that a stream cannot be taken away if it has been adjudicated and is being used in the way it has always been used.


Representative Day introduced the names of the other representatives who will be serving on the water sub-committee as follows:

Representative Halvorson
Representative Dassinger
Representative Mular
Representative Curtiss
Representative Bengston
Representative Ellison
Representative Kimble
Representative Naethe

The meeting adjourned at 8:30 a.m. to hold the sub-committee meeting on water.


REPRESENTATIVE JOHN SCULLY
CHAIRMAN

JPS:mec


Mary Ellen Connelly, Sec.
Judiciary Committee, House