

JUDICIARY COMMITTEE

January 12, 1977

The executive session was called to order at 10:00 A. M. in room 436. All members were present with the exception of Representative Kennerly, absent. Chairman John Scully presided.

Action to be taken on House Bill #22 was postponed to Thursday, January 13, 1977.

House Bills #28 and 29 were scheduled for discussion as a pair to be taken together.

REPRESENTATIVE HAND made the motion to "Do Pass".

The motion was seconded by Representative Seifert.

REPRESENTATIVE SEIFERT made a substitute motion to raise the age to 21 years.

REPRESENTATIVE DAY opposed the motion.

REPRESENTATIVE RAMIREZ opposed the motion. He said it does not have a chance of passing on the floor, if raise to 21 years of age.

REPRESENTATIVE COLBURN asked if it could be placed on the ballot stipulating between 19 or 21 years of age.

CHAIRMAN SCULLY said the choice has to be sufficiently narrow.

REPRESENTATIVE CONROY asked the cost of placing it on the ballot.

REPRESENTATIVE ROTH stated about \$2,500.

REPRESENTATIVE HOLMES commented that we have to educate the public.

REPRESENTATIVE CONROY added that the cost of putting it on the ballot should be considered.

REPRESENTATIVE DUSSAULT made a substitute motion "do not pass. The motion was seconded and discussion followed.

REPRESENTATIVE DUSSAULT stated that she felt it would be unfair to punish the majority for the irresponsibility of a few.

REPRESENTATIVE COURTNEY said he was in support of the motion.

REPRESENTATIVE RAMIREZ opposed the motion. "I don't think it is designed solely for the benefit of the teachers".

REPRESENTATIVE KEYSER, spoke in opposition to the motion. I feel this bill will take care of the problem in the schools.

REPRESENTATIVE TEAGUE said he has been in education for 14 years and are having bigger problems than ever before. We have placed

the schools with a very hard and difficult ask.

REPRESENTATIVE HOLMES thought that Billings is the one place that is having the most problems, but felt this bill did not address the problem that we are trying to solve.

REPRESENTATIVE ROTH. I believe that this is a beginning. This is a good bill. I believe that we should raise the drinking age to 19.

REPRESENTATIVE LORY said, I will support the bill because we are taking the democratic process by putting it to the people.

QUESTION CALLED, MOTION FAILED, VOTE AS FOLLOWS:

for "Do Not Pass" against "Do Not Pass"

Baeth	Colburn
Courtney	Conroy
Dussault	Day
Holmes	Hand
	Eudaily
	Keyser
	Lory
	McLane
	Ramirez
	Roth
	Seifert
	Teague
	Scully

Representative Kennerly, absent, no vote.

REPRESENTATIVE LORY made a motion to separate the bills and take them separate. Seconded, motion carried. Ramirez and Scully no. The bills are now separate.

REPRESENTATIVE LORY made a motion to "Do Not Pass" on House Bill #29. Motion seconded.

Discussion followed in regard to drinking being a right or a privilege. Discussion also as to the possibility of the bill being declared unconstitutional, because of the new constitution giving the legal age of maturity as 18 years of age.

REPRESENTATIVE RAMIREZ moved the bill be amended before voting carried.

REPRESENTATIVE DUSSAULT made a motion to amend as follows:
Page 1, line 25 (copy attached)

REPRESENTATIVE HOLMES made a motion to amend as follows:
Page 1, lines 15 and 16. (copy attached)

The amendments carried with a unanimous vote.

REPRESENTATIVE KEYSER made a motion to "Do Pass As Amended".

Question called and the motion carried with the vote as follows:

For	against	Kennerly was absent and did not vote
Colburn	Baeth	
Conroy	Courtney	
Day	Dussault	
Hand	Holmes	
Eudaily		
Keyser		
Lory		
McLane		
Ramirez		
Roth		
Seifert		
Teague		
Scully		

House Bill #28 was now before the committee for action.

REPRESENTATIVE DUSSAULT moved to amend page 3, line 23 and page 3, line 9 (copy attached).

The amendments carried unanimously.

REPRESENTATIVE LORY moved to "Do Pass As Amended".

QUESTION called, motion carried, vote as follows:

Kennerly absent, no vote

No

Dussault
Baeth
Courney
Seifert

HOUSE BILL #5 was now before the committee for action.

REPRESENTATIVE LORY moved "Do Pass".

Question called: motion passed with vote unanimous.

CHAIRMAN SCULLY. There will be a discussion concerning the fiscal impact on House Bill #5. We will hold it until we get the fiscal note and then pass it out of committee.

There was general agreement to do this.

The meeting adjourned at 11:50 A. M.

Rep. John Scully, Chairman

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MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 28

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE
LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO
NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO
THE ELECTORS OF THE STATE OF MONTANA."

Respectfully report as follows: That HOUSE Bill No. 28

introduced bill, be amended as follows:

1. Amend section 3, page 3, lines 9 through 11.

Following: "employment"

Strike: "he bags, carries, or transports beer for customers at a
grocery store"

Insert: "it is necessary to possess alcoholic beverages"

2. Amend section 5, page 3, line 23.

Following: "title"

Strike: "sections 1 through 4 of this act,"

DO PASS AS AMENDED

STANDING COMMITTEE REPORT

January 12, 19 77

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 29

A BILL FOR AN ACT ENTITLED: "AN ACT TO SUBMIT TO THE
QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II,
SECTION 14, OF THE MONTANA CONSTITUTION TO RAISE THE LEGAL AGE
FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO
NINETEEN."

Respectfully report as follows: That HOUSE Bill No. 29

introduced bill, be amended as follows:

1. Amend section 1, page 1, lines 15 and 16.

Following: "may"

Insert: "have in his possession, except as provided by the
legislature, or"

Following: "consume"

Strike: "or have in his possession"

2. Amend section 3, page 1, lines 23 and 24.

Following "title,"

Strike: "sections 1 and 2 of this act,"

3. Amend section 3, page 1, line 25.

Following: "FOR"

Strike: "the above amendment which would raise,"

Insert: "raising"

DO PASS AS AMENDED