

JUDICIARY COMMITTEE

January 19, 1977

The regularly scheduled meeting was called to order by Chairman Scully at 9:00 A. M. on Wednesday, January 19, 1977, in room 436 of the Capitol Building, Helena, Montana. All members were present with the exception of Representative Dussault, absent and Representative Teague, excused.

Scheduled for hearing were House Bills 189, 193 and 202.

HEARING OPENED ON HOUSE BILL 189.

REPRESENTATIVE ROTH, CHIEF SPONSOR, District 10: This bill will create a screening committee in each house of the legislature to require that any bill in excess of five introduced by an individual legislator be approved before it may be introduced. It will also prescribe the committees procedure. The committee will consist of seven members, no more than four of whom may be of the same political party. The screening committee shall determine whether the bills submitted to it should be introduced into the legislature, giving consideration to the workload of the legislature. The importance of the bill and the existence or absence of similar bills will also be considered.

There were no opponents or opponents.

REPRESENTATIVE ROTH commented that the screening committee would be appointed the same as other standing committees and would be out of the legislative body.

REPRESENTATIVE KEYSER: It seems to me you would be trying to take away from the legislature the right to introduce legislation.

REPRESENTATIVE ROTH: If it is worthy it could go into the committee.

REPRESENTATIVE KEYSER: Couldn't this committee curtail this legislation?

REPRESENTATIVE ROTH: I feel the committee could make a fair and valued assessment of that bill.

REPRESENTATIVE COURTNEY: Would the committee determine what would be worthy? Would the legislative council bills be included in this?

REPRESENTATIVE ROTH: You could only appeal to the committee.

REPRESENTATIVE HOLMES: Is there another bill in the Senate?

REPRESENTATIVE ROTH: There is another bill.

REPRESENTATIVE EUDAILY: It seems to me that this committee system works pretty well. We eliminate lots of bills that are not worthy, without depriving anyone of the opportunity to introduce legislation. I am snowed with paper work and I hate to see the limitation.

REPRESENTATIVE COLBURN: I think it is somewhat unconstitutional.

DIANA DOWLING, STAFF ATTORNEY, announced that the final number of bills introduced this session was 1,603.

REPRESENTATIVE LORY: A committee of unequal number would be better because of hard feelings.

REPRESENTATIVE HOLMES: It seems to me it would add another level of hearings.

REPRESENTATIVE CONROY: I have been through this before. I introduced a bill with five and there was no committee involved. As a second term legislator, coming back, I have changed my opinion. I have almost changed my opinion on annual sessions. I think it is going to have to be up to the individual legislator to only introduce legislation that is pertinent.

REPRESENTATIVE RAMIREZ: I wonder, is there any idea how many bills this might eliminate?

General discussion followed.

Hearing closed on House Bill 89.

HEARING OPENED ON HOUSE BILL 202.

REPRESENTATIVE TEAGUE, VICE CHAIRMAN took charge of the meeting.

REPRESENTATIVE SCULLY, District 76, introduced House Bill 89: This bill will raise the limitation on the amount of recovery from parents of children who willfully destroy property from the present \$300 limit to \$1500. The problem we are facing is that of the victim never having the ability to recover. He mentioned a bill in the Senate that was similar, but was an unlimited amount. Representative Scully said that the \$1500 did not always cover the full amount that might be due a victim, however, it would at least be an improvement.

REPRESENTATIVE ROTH: Is there any way to combine the two bills?

REPRESENTATIVE SCULLY: House Bill 193 is wide open and all I want to do is raise the limit. The \$300 was passed in 1957. There are two basic areas, willful destruction of property and the joy ride type of thing that often is just a spur of the moment thing, and not planned.

REPRESENTATIVE KEYSER: What if the child is a ward of the state or something like that?

REPRESENTATIVE SCULLY: If the child has been a ward of the state the parent does not have any rights and you take away his responsibility. This would not apply to persons age 18, however.

REPRESENTATIVE EUDAILY: Does this mean that it would be necessary to go to court?

REPRESENTATIVE SCULLY: You don't have to go to court if they would willfully pay it, but you would have to go to court if they would not. You have to do that now.

General discussion followed.

Hearing on House Bill 202 closed.

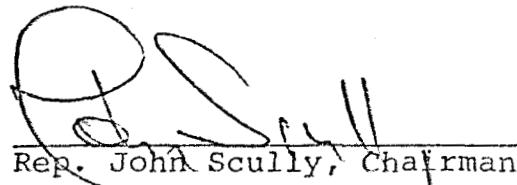
HEARING OPENED ON HOUSE BILL 193.

REPRESENTATIVE SIVERTSEN, District 7, introduced House Bill 193: This bill would remove the limitation on the amount of recovery available in cases of destruction of property by a minor. This bill would remove the \$300 completely.

Discussion followed and Representative Sivertsen asked that the committee consider the limitation difference.

Hearing on House Bill 193 closed.

Hearing adjourned, to be followed by an executive session.



Rep. John Scully, Chairman



Mary Ellen Connelly
Mary Ellen Connelly, Secretary