

JUDICIARY COMMITTEE

EXECUTIVE SESSION  
January 28, 1977

The House Judiciary Committee went into executive session at 10:30 a.m. following the regular meeting in room 436 of the Capitol Building, Helena, Montana on Friday. Chairman Scully presided. All members were present with the exception of Representatives Colburn and Kennerly.

HOUSE BILL #117:

REPRESENTATIVE TEAGUE moved to amend page 1, line 7, page 1, line 18, and page 2, lines 16 and 21.

Amend page 1, line 18.

Following: "delegate"

Strike: "this"

Insert: "to the"

Amend page 1, line 7.

Following: "committee"

Insert: "or committees"

Amend page 2, lines 16 and 21.

Insert: "or committees"

The motion to amend carried with the vote unanimous.

REPRESENTATIVE LORY moved "do not pass".

REPRESENTATIVE COURTNEY moved a sub-stitute motion "do pass as amended". The substitute motion failed with 9 representatives voting "no" and 6 representatives voting "yes".

Then followed discussion about the intent of the bill. Chairman Scully explained how the interim committee works.

Representative Lory commented that he was reluctant to give the committee that much power.

The question was called and the motion "do not pass". carried.

Yes

Conroy                    Dussault  
Hand                    Holmes  
Eudaily                Lory  
Ramirez                Roth  
Scully

No

Baeth                    Courtney  
Day                      Keyser  
McLane                 Teague

Representative Seifert had left and did not vote.

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HOUSE BILL #188 and HOUSE BILL #261:

The sub-committee reported. REPRESENTATIVE RAMIREZ, Chairman of the sub-committee moved to adopt the committee report, table HB 188 and pass HB 261.

REPRESENTATIVE COURTNEY moved a sub-stitute motion to table House Bill #188. The motion carried with the vote unanimous.

REPRESENTATIVE COURTNEY moved to amend House Bill 261, on page 4, line 7, to insert "and amphetamines" following subsection (2).

There was discussion about the section on kidnapping and drugs. Representative Conroy mentioned that Senator Turnage is in favor of this bill. The comment was made that the bill says that with regard to opiates we are limiting the discretion of the judge and making it a mandatory sentence for two years. Representative Courtney withdrew his motion.

REPRESENTATIVE RAMIREZ moved "do pass". The motion carried with Representative Lory voting "no".

HOUSE BILL #243:

It was mentioned that Pat McKittrick had a proposed amendment so the committee agreed to pass for the day.

HOUSE BILL #310:

REPRESENTATIVE DAY reported from the water sub-committee. He moved adoption of the committee report, "do pass as amended". The motion carried with the vote unanimous.

The amendment: Amend page 2, section 1, subsection (1)(c),  
line 8

Following: "1977"

Insert: "However, the board may not extend its date beyond March 1, 1979."

HOUSE BILL #291:

REPRESENTATIVE KEYSER Moved "do pass".

REPRESENTATIVE EUDAILY moved to amend something to the effect of "possessed or transferred the item" or "conceal, misrepresent or transfer, with the presumption that the person knowingly possessed or transferred. Representative Ramirez said that the amendment would make no sense, it was already in the bill. Representative Eudaily withdrew the amendment. He said he wasn't sure just what he wanted it to say anyway.

REPRESENTATIVE LORY moved to amend; strike, "control" and insert: "control or transfer". No action was taken.

REPRESENTATIVE ROTH moved to postpone for the day. The motion carried with Representatives Keyser and Dussault voting "no".

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HOUSE BILL #280:

REPRESENTATIVE KEYSER moved to amend page 1, lines 6 and 16, to strike, "without, leave of court" and insert, "with leave of court". The motion carried with the vote unanimous.

REPRESENTATIVE CONROY moved "do pass as amended". REPRESENTATIVE HOLMES moved a substitute motion to amend line 15, following, "time" insert, a comma. After some discussion she withdrew her motion.

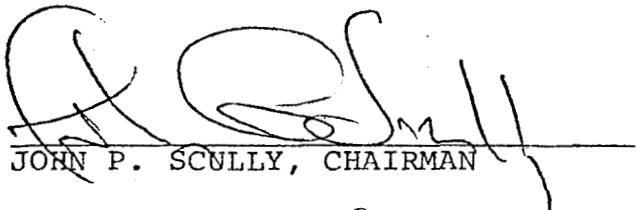
Discussion followed, that the change might prejudice the court, if the word without was inserted for "with". It was decided to leave it as amended.

The question was called and the motion carried with Representative Dussault voting "no".

HOUSE JOINT RESOLUTION #26:

REPRESENTATIVE DAY moved adoption of the committee report from the sub-committee on water, "do pass". The motion carried with the vote unanimous.

The meeting adjourned at 11:50 a.m.

  
JOHN P. SCULLY, CHAIRMAN

  
Mary Ellen Connelly, Secretary