

JUDICIARY COMMITTEE

EXECUTIVE SESSION

February 4, 1977

The executive session of the House Judiciary Committee was called to order by Chairman Scully in room 436 of the Capitol Building, Helena, Montana, at 10:15 a.m. Representatives Roth and Hand were excused.

HOUSE JOINT RESOLUTION #1:

REPRESENTATIVE DAY reported from the water sub-committee as to action taken by them. He moved adoption of the committee report "do not pass". The motion was seconded and carried with the vote unanimous.

HOUSE BILLS #251, 243, 260, 354, 355, and 356:

REPRESENTATIVE LORY reported from the sub-committee working on the DWI package of bills. He said they did not recommend any action, but did have a proposed amendment for HB #243, as follows:

Amend page 4, section 1, subsection (g), line 19.

Following: "drive"

Insert: "to and from work and in the course of his employment. The division of motor vehicles may not issue a special permit to any person convicted of a third offense under this section when such offense occurs within 3 years of the first conviction."

REPRESENTATIVE RAMIREZ moved to amend by changing 3rd to 2nd. The motion failed. The question was called on the original amendment which passed. REPRESENTATIVE SEIFERT moved "do not pass".

REPRESENTATIVE DAY moved a substitute motion "do pass as amended". The motion was seconded and the question called and the motion passed.

REPRESENTATIVE LORY moved to return the other DWI bills to the sub-committee. The motion carried.

CHAIRMAN SCULLY said he wanted to appcht Representatives Dussault and Courtney to the sub-committee, which consisted of Representatives Lory, chairman, Seifert and Keyser.

REPRESENTATIVE LORY moved to reconsider HB 243 and include it with the others to go back to sub-committee. The motion carried with the following representatives voting "no";

Scully, Courtney, Hand and Holmes.

HOUSE BILLS #456 and 556:

REPRESENTATIVE SEIFERT reported the sub-committee had found HB 556 to be almost totally unworkable. After further explanation he moved "do not pass" on HB 556. The motion carried with Representatives Holmes, Ramirez and Teague voting "no".

REPRESENTATIVE SEIFERT moved "do pass" on HB #456. The motion carried with the vote unanimous.

HOUSE BILL #357:

REPRESENTATIVE BAETH moved "do pass". Discussion centered around the problems this bill might create. The question was called and the motion carried with the following representatives voting "no".

Seifert            Roth            Lory  
Ramirez            McLane

HOUSE JOINT RESOLUTION #32:

REPRESENTATIVE HOLMES moved "do pass". There was discussion about the use of peyote and eagle feathers, and whether the resolution was constitutional.

REPRESENTATIVE TEAGUE moved to amend line 7 by striking "endorse" and inserting "recognize the freedom of", and amend line 17, following "Montana" strike "endorse" and insert: "recognize".

There followed discussion about striking the words "as a bona-fide religion". It was decided to leave the words in.

The question was called on the motion for the amendment. The motion carried with the following voting "no".

Teague            Seifert    Ramirez  
Eudaily           Conroy

REPRESENTATIVE RAMIREZ moved to strike lines 18, 19 and 20.

REPRESENTATIVE CONROY moved a sub-stitute motion on page 1, line 20.  
following: "valued"  
insert: "religious"

The motion carried with Representative Ramirez voting "no".

REPRESENTATIVE LORY moved "do pass as amended". The motion carried with Representatives Ramirez and Seifert voting "no".

HOUSE BILL #399:

REPRESENTATIVE SCULLY moved to amend. The motion carried with the vote unanimous. REPRESENTATIVE BAETH moved "do pass as amended". The motion failed with the vote as follows: (copy of amendments attached)

Yes

Baeth  
Colburn  
Kennerly  
Keyser  
Scully

No

Conroy            Lory  
Courtney          McLane  
Day                Ramirez  
Dussault          Seifert  
Holmes            Teague  
Eudaily

REPRESENTATIVE DAY moved "do not pass". The motion carried with the vote as follows:

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| <u>Yes</u> |          | <u>No</u> |
|------------|----------|-----------|
| McLane     | Conroy   | Baeth     |
| Ramirez    | Courtney | Colburn   |
| Seifert    | Day      | Kennerley |
| Teague     | Dussault | Keyser    |
| Holmes     | Eudaily  | Scully    |
| Lory       |          |           |

HOUSE BILL #464:

REPRESENTATIVE KEYSER moved "do not pass". The motion carried with Representative Holmes voting "no".

HOUSE BILL #476:

REPRESENTATIVE SCULLY moved the amendments as presented at the hearing.

Amend page 1, section 2, subsection (2), line 25.

Following: "of"

Insert: "earned"

Amend page 2, section 2, subsection (3), line 2.

Following: "claims"

Strike: "filed"

Insert: "made"

The amendments carried with the vote unanimous.

REPRESENTATIVE RAMIREZ moved "do pass as amended". The motion carried with the vote unanimous.

The meeting adjourned at 11:40 a.m.

  
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JOHN P. SCULLY, CHAIRMAN

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Mary Ellen Connelly, Secretary