

JUDICIARY COMMITTEE

EXECUTIVE SESSION

February 7, 1977

Following the regular meeting of the House Judiciary Committee an executive session was held at 9:30 a.m. in room 436 of the Capitol Building, Helena, Montana. All members were present with the exception of Representatives Dussault, Kennerly and Seifert. Chairman Scully presided.

HOUSE BILL #326:

REPRESENTATIVE LORY moved to amend page 1, section 3, line 17, following "government" strike "or". The motion to amend carried with the vote unanimous.

REPRESENTATIVE LORY moved "do pass as amended". Discussion followed about standards of training, the certified programs available, and the fiscal impact. The question was called and the motion carried with Representatives Roth and Day voting "no".

HOUSE JOINT RESOLUTION #17:

REPRESENTATIVE LORY moved "do not pass". The motion carried with the following representatives voting "no".

Ramirez
Colburn

Conroy
Teague

Scully

HOUSE BILL #291:

REPRESENTATIVE TEAGUE moved to amend page 2, line 1, following, "such" strike "control" insert "possession or transfer". After some discussion he withdrew his motion.

REPRESENTATIVE KEYSER presented written amendments from the sub-committee, wherever the word "weapon" appears, strike it and insert, "firearm". The motion to amend carried with the vote unanimous. (copy attached)

There followed some discussion about presumption and what it presumed to do, and what it included. Following this discussion and the proposed amendments of the sub-committee Representative Keyser moved to table until Wednesday. The motion carried with Representative Ramirez voting "no".

HOUSE BILL #457:

REPRESENTATIVE HAND moved "do not pass". The motion carried with Representatives Holmes and Courtney voting "no".

HOUSE BILL #477:

REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

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SENATE BILL #70:

REPRESENTATIVE KEYSER moved "be concurred in". The motion carried with the vote unanimous.

HOUSE BILL #492:

REPRESENTATIVE BAETH moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL #498:

REPRESENTATIVE LORY moved to amend page 1, section 1, subsection (1), line 13.

following "investigate"

strike "criminal activity"

insert "alleged unlawful activity"

The motion to amend carried with the vote unanimous.

REPRESENTATIVE HOLMES moved to insert a new subsection, following line 21. The motion failed with Representative Holmes casting the only affirmative vote.

REPRESENTATIVE LORY moved "do pass as amended". The motion carried with Representative Hand voting "no".

HOUSE BILL #499:

REPRESENTATIVE SCULLY moved "do pass".

REPRESENTATIVE HOLMES moved a substitute motion to amend as follows, on lines 16 and 18

strike "\$35"

insert "\$15"

The motion failed with all voting "no" except Representative Holmes.

The question was called and the motion "do pass" carried with Representatives Hand, Eudaily and Teague voting "no".

HOUSE BILL #500:

REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL #513:

REPRESENTATIVE LORY moved "do pass". The motion carried with the vote unanimous.

HOUSE BILL #532:

REPRESENTATIVE KEYSER moved "do pass". There was general discussion concerning how to fund it, if it would reduce property taxes, etc.

REPRESENTATIVE SEIFERT CAME IN.

There followed general discussion about possibly writing a letter to the appropriations committee to the effect that the judiciary

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committee felt the bill was very worthwhile but perhaps could only be funded partially at this time. Representative Lory commented that we must move to a uniform court and to do that we must put it on a state level for funding. This was generally agreed to by the committee members.

Discussion about a possible way to amend to state this fact instead of the letter. It was decided to stay with the letter method to inform the appropriations committee of the intent after the amendment failed 8. to 7.

The question was called and the motion carried with the vote unanimous.

HOUSE BILL #559:

REPRESENTATIVE TEAGUE moved "do pass".

REPRESENTATIVE LORY moved a substitute motion "do not pass".

The substitute motion failed with the vote 10 to 6. .

The motion "do pass" then carried 10 to 6.

YES

Colburn
Conroy
Holmes
Eudaily
Keyser
McLane
Ramirez
Roth
Teague
Scully

NO

Baeth
Courtney
Day
Hand
Lory
Seifert

HOUSE BILL #462:

REPRESENTATIVE CONROY moved "do not pass".

REPRESENTATIVE HOLMES moved a substitute motion to put into a sub-committee. The substitute motion failed 7 to 9.

The motion "do not pass" carried with the vote 10 to 6.

YES

Colburn
Day
Ramirez
Seifert
Scully


Conroy
Hand
Roth
Teague
McLane

NO

Baeth
Courtney
Holmes
Eudaily
Keyser

Lory

The meeting adjourned at 11:15 a.m.



JOHN P. SCULLY, CHAIRMAN


Mary Ellen Connelley