

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
January 31, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, on the above date at 9:30 a.m. in Room 442 of the State Capitol Building.

ROLL CALL:

All members of the committee were present with the exception of Senator Murray who was excused.

CONSIDERATION OF SENATE BILL 215:

Senator Turnage explained why he had sponsored this bill and that he was now proposing that it be amended because the "buffalo" should actually be called "bison".

The proposed amendments were as follows:

1. Amend title, lines 4 and 5.  
Strike: "TO MAKE IT A MISDEMEANOR TO ALLOW BUFFALO TO RUN  
AT LARGE AND"
2. Amend title, line 6.  
Strike: "THEREBY"  
Insert: "BY TRESPASSING BISON"
3. Amend page 1, section 1, lines 9 through 15.  
Strike: section 1 in its entirety
4. Amend page 1, section 2, lines 16 through 18.  
Strike: section 2 in its entirety
5. Amend page 1, section 3, lines 19 through 22.  
Strike: section 3 in its entirety
6. Amend page 1, section 4, line 23.  
Following: "Section"  
Strike: "4"  
Insert: "1"
7. Amend page 2, section 4, line 1.  
Strike: "buffalo"  
Insert: "bison"

Senator Towe moved adoption of the above amendments. Motion carried. Senator Towe then moved that S.B. 215 as amended DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 156:

Amendments suggested by Leonard C. Larson, Deputy Secretary of

State, at the request of Senator Turnage, Chairman, were as follows:

1. Amend page 13, section 18, line 11.

Following: "certificate"

Strike: "have"

Insert: "had"

2. Amend page 36.

Following: line 14

Insert: "Section 64. Foreign corporate general partners to procure certificate of authority. Each general partner, if a foreign corporation or business trust, in a domestic limited partnership or in a foreign limited partnership required by this act to register with the secretary of state shall procure a certificate of authority to transact business in Montana as required by chapters 22 and 25 of Title 15.

"Section 65. Fees for filing documents and issuing certificates. The secretary of state shall charge and collect the following fees:

(a) for filing any instrument under this act, \$20;

(b) for furnishing any certificate on the effect of a filing under this act, \$5;

(c) for furnishing a certified copy of any document, instrument, or paper relating to a limited partnership, 50 cents per page and \$2 for certificate and affixing seal."

Renumber: the subsequent section. (See Exhibit #1)

The above amendments were approved by Joan Mayer, attorney for Legislative Council, attached to this committee.

#### DISPOSITION OF SENATE BILL 156:

Senator Towe moved the adoption of the amendments if approved by Joan; and since they were approved, he then moved that S.B. 156 as amended DO PASS. The motion carried unanimously.

#### CONSIDERATION OF SENATE BILL 33:

Larry Weinberg, attorney for the Legislative Council and drafter of this recodification bill, was present in committee to explain the changes he had made. Since at the meeting on January 14, 1977, he had gotten through section 5, he began with section 6 and proceeded section by section.

Senator Towe moved to amend page 2, section 6, line 14, after "37" and on line 18, also after "37" by inserting in both places the following "except section 15, subsection 10, page 8". The motion carried.

Senator Towe then moved to rescind the previous motion. This motion carried unanimously.

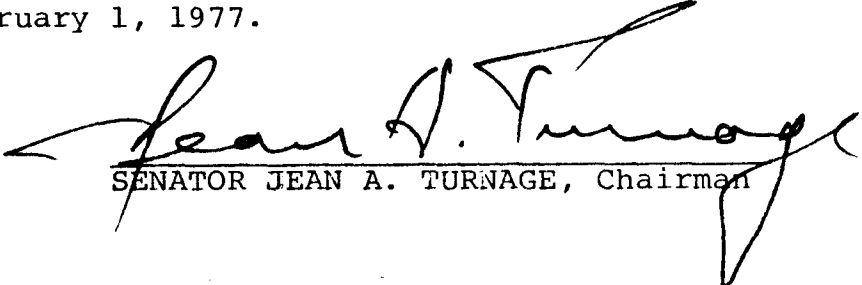
Senator Towe next moved to amend page 2, section 6, subsection (1), lines 15 and 16, after "Montana" by striking "for a period of 5 years from the date of conviction" and inserting "until his final discharge from state supervision";

And to further amend page 2, section 6, subsection (2), line 21, by striking "for a period of 5 years from the date of conviction" and inserting "until his final discharge from state supervision".

The above motions carried unanimously.

The committee then discussed sections 10 through 18 at length with Mr. Weinberg, and proceeded through section 19. They will begin with section 20 when they again have an opportunity to return to consideration of Senate Bill 33.

There being no further time for consideration of bills at this meeting, the committee adjourned at 11:00 a.m. to reconvene in the Governor's Reception Room to hear SJR 9 (rescinding of the E.R.A.) at 9:30 a.m. on February 1, 1977.



SENATOR JEAN A. TURNAGE, Chairman

## ROLL CALL

## JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-31-77

[illegible]

(Exhibit #1)

TO: Senator Jean Turnage  
Chairman, Judiciary Committee

and: Leonard C. Larson  
Deputy Secretary of State

SUBJECT: Suggested amendments to Senate Bill 156, "A BILL FOR AN ACT ENTITLED: 'AN ACT TO ADOPT THE REVISED UNIFORM LIMITED PARTNERSHIP ACT: REPEALING SECTIONS 63-701 THROUGH 63-911, R.C.M. 1947.'"

Amend p. 13, l. 11, section 18

Following: "certificate"  
Strike "have"  
Insert: "had"

Amend p. 36 Following l. 14

~~in the present repealer section, Section 64, as Section 66,~~  
~~and~~ Insert new Sections 64 and 65 as follows:

"Section 64. Foreign corporate general partners ~~required~~ to procure certificate of authority. Each general partner, if foreign corporation or business trust, in a domestic limited partnership or in a foreign limited partnership required by this act to register with the secretary of state, shall procure a certificate of authority to transact business in Montana as required by chapters 22 and 25 of Title 15."

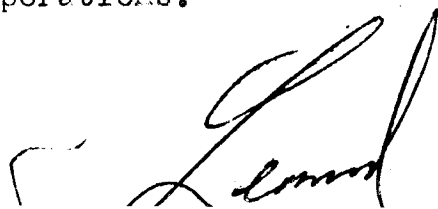
Section 65. Fees for filing documents and issuing certificates. The secretary of state shall charge and collect ~~for~~ the following fees:

- (a) ~~filing~~ any instrument under this act, ~~twenty dollars~~ \$20;
- (b) ~~furnishing~~ any certificate on the effect of a filing under this act, ~~five dollars~~ \$5;
- (c) ~~furnishing~~ a certified copy of any document, instrument, or paper relating to a limited partnership, ~~fifty cents~~ \$1.00 per page and ~~two dollars~~ \$2 for certificate and affixing seal."

Remember subsequent section

COMMENTS: The present Bill does not provide a fee section. In the absence of the proposed fee section 65, the \$5.00 filing fee and \$2.00 certificate fees prescribed by Section 25-102 R.C.M., would govern. The fees proposed by Section 65 correspond to fees for similar services in the corporation law.

Proposed section 64 would insure that foreign corporations as general partners in domestic and foreign limited partnerships are subject to the licensing and tax laws of Montana regulating foreign corporations.



# STANDING COMMITTEE REPORT

.....January 31,..... 19 77...

MR. ....PRESIDENT:.....

We, your committee on .....JUDICIARY.....

having had under consideration .....SENATE Bill No. 34.....

Respectfully report as follows: That.....SENATE Bill No. 34.....

be amended as follows:

1. Amend page 34

Following: line 11

Insert: "Section 22. Section 94-6-302, R.C.M. 1947, is amended to read as follows:

"94-6-302. Theft. (1) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) has the purpose of depriving the owner of the property; or

(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or

(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

DO PASS

--more--

(2) A person commits the offense of theft when he purposely or knowingly obtains by threat or deception control over property of the owner; and:

- (a) has the purpose of depriving the owner of the property; or
- (b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
- (c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when he purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another; and:

- (a) has the purpose of depriving the owner of the property; or
- (b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or
- (c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person convicted of the offense of theft of property not exceeding ~~one-hundred-fifty-dollars-(\$150)~~ in value shall be fined not to exceed ~~five-hundred-dollars-(\$500)~~ or be imprisoned in the county jail for any term not to exceed ~~six-(6)~~ months, or both. A person convicted of the offense of theft of property exceeding one hundred-fifty-dollars-(\$150) in value or theft of any commonly domesticated hoofed animal shall be imprisoned in the state prison for any term not to exceed ~~ten-(10)~~ years.

(5) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property.

Renumber all subsequent sections

Page 3

2. Amend page 34, section 22, lines 24 and 25.

Following: "makes"

Strike: "L"

Insert: "or"

Following: "make"

Strike: "L or accepts"

3. Amend page 35, section 22, line 2.

Following: "credit"

Insert: "or accepts a false or deceptive statement from any person  
who is attempting to procure a loan or credit regarding that  
person's financial condition"

4. Amend page 49, section 31, lines 9 through line 16 on page 50.

Following: page 49, line 8

Strike: section 32 in its entirety

Renumber: all subsequent sections

(section 34)

5. Amend page 53, lines 18 through line 9 on page 54.

Following: page 53, line 17

Strike: sections 35 and 36 in their entirety

Renumber: all subsequent sections

6. Amend page 95, section 78, lines 24 through line 2 on page 96.

Following: "or of"

Strike: "an explosive compound, flammable material, or timing,  
detonating, or similar device for use with an explosive compound or  
incendiary device"

Insert: "a bomb or similar device charged or filled with one or more  
explosives"

7. Amend page 96.

Following: line 3

Insert: "Section 77. Repealer. Sections 69-1916, 94-5-601, 94-5-611,  
94-5-612, 94-6-101, 94-6-301, 94-7-101, 94-7-201, 94-8-223, 94-8-224,  
and 94-8-225, R.C.M. 1947, are repealed."

and as amended,  
DO FILE

Chairman



# STANDING COMMITTEE REPORT

January 31, 19 77

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 156

Respectfully report as follows: That SENATE Bill No. 156, the introduced bill, be amended as follows:

- A 1. Amend page 13, section 18, line 11, following: "certificate"  
Strike: "have"  
Insert: "had"
2. Amend page 36, ~~following line 14~~  
Following: line 14  
Insert: "Section 64. Foreign corporate general partners to procure certificate of authority. Each general partner, if a foreign corporation or business trust, in a domestic limited partnership or in a foreign limited partnership required by this act to register with the secretary of state shall procure a certificate of authority to transact business in Montana as required by chapters 22 and 25 of Title 15.  
"Section 65. Fees for filing documents and issuing certificates. The secretary of state shall charge and collect the following fees:  
(a) for filing any instrument under this act, \$20;  
(b) for furnishing any certificate on the effect of a filing under this act, \$5;  
(c) for furnishing a certified copy of any document, instrument, or paper relating to a limited partnership, 50 cents per page and \$2 for certificate and affixing seal."

Renumber: the subsequent section

AND AS SO AMENDED, DO PASS.

STATE PUB. CO.  
Helena, Mont.

XXXXXX

SEN. JEAN A. TURNAGE, Chairman

# STANDING COMMITTEE REPORT

.....January 31,..... 19 77.....

MR. ....PRESIDENT:.....

We, your committee on.....JUDICIARY.....

having had under consideration .....Senate..... Bill No. 215.....

Respectfully report as follows: That.....Senate..... Bill No. 215.....

the introduced bill, be amended as follows:

1. Amend title, lines 4 and 5.

Strike: "TO MAKE IT A MISDEMEANOR TO ALLOW BUFFALO TO RUN AT  
LARGE AND"

2. Amend title, line 6.

Strike: "THEREBY"

Insert: "BY TRESPASSING BISON"

3. Amend page 1, section 1, lines 9 through 15.

Strike: section 1 in its entirety

4. Amend page 1, section 2, lines 16 through 18.

Strike: section 2 in its entirety

5. Amend page 1, section 3, lines 19 through 22.

Strike: section 3 in its entirety

6. Amend page 1, section 4, line 23.

Following: "Section"

Strike: "4"

Insert: "1"

7. Amend page 2, section 4, line 1.  
Strike: "buffalo"  
Insert: "bison"

AND AS SO AMENDED, DO PASS.

SENATOR JEAN A. TURNAGE, Chairman