

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 16, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:35 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All committee members present. However, Sen. Warden was excused until 10:20 to attend another meeting.

WITNESSES PRESENT TO TESTIFY:

Rep. Gilligan - Great Falls
Rep. Conroy - District 58, Hardin
Peter Jackson - Western director of W.E.T.A.
Rep. Fagg - Billings
Tom Honzel - County Attorneys Assn.
Walter F. Jackovich - Montana Landlord Assn.

CONSIDERATION OF HOUSE BILL 291:

Rep. Gilligan of Great Falls, sponsor of the bill, had Tom Honzel of the County Attorneys Assn. present the bill to the committee. It provides that obscuring the identity of a firearm is a crime. Hunting weapons are often stolen and are usually taken out of the area for resale. One of the first things they do is remove the serial numbers. That is not a crime in Montana, but it should be. The presumption that a person knows the serial number has been removed. This bill would give us a tool that we can use in regard to stolen property.

DISPOSITION OF HOUSE BILL 291:

Sen. Towe moved that HB 291 BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HOUSE BILL 343:

Rep. Conroy of District 58, Hardin, sponsor of this bill, said that this is a simple bill requested by the people of Hardin. This bill will not prevent filing an injunction. It allows granting of an injunctive order when members of a public interest association are hurt. Peter Jackson, Western Director of W.E.T.A., a comparatively new organization, appeared as an opponent of this bill. He said one of the basic desires of these groups seems to be to stop progress.

DISPOSITION OF HOUSE BILL 343:

Sen. Murray moved that HB 343 BE CONCURRED IN. The motion carried on a vote of 6-1 with Sen. Roberts voting "No" and 1 senator abstaining.

CONSIDERATION OF HOUSE BILL 607:

Rep. Fagg of Billings, sponsor of this bill, said that the

introduction of this bill had been brought about by his personal experience. The bill would allow a motorist stopped for a traffic violation to pay by check if he did not have the cash.

DISPOSITION OF HOUSE BILL 607:

Sen. Regan moved to strike "chartered" and insert "domiciled" on page 1, section 1, line 14. The motion carried unanimously.

Sen. Towe moved to amend page 1, section 1, lines 23 through 25, following "funds is" by striking "guilty of issuing a bad check under 94-6-309 and shall be prosecuted accordingly" and inserting "subject to prosecution under 94-6-309, and obtaining bond constitutes securing services for the purposes of that section". The motion carried unanimously.

Sen. Towe moved that HB 607 as amended BE CONCURRED IN. The motion carried with Sen. Murray and Sen. Olson voting "No".

CONSIDERATION OF HOUSE BILL 273:

Rep. Fagg, Billings, sponsor of this bill, said that this would provide that there is to be a security deposit for cleaning and that unlawful detainer actions are to be filed in justice court and must be tried within eight days.

Walter Jackovich appeared as a proponent of this bill. He is the manager of 160 unit low cost housing project in Butte. He said the purpose of this act is to require that an unlawful detainer action filed in justice court could be tried within 1 day. It requires the tenant must be 1 month behind in rent before the landlord can file. By the time a case goes to court at present, a landlord has not received rent for 3 months and must pay attorneys fees. He said that this bill would expedite matters greatly. HB 80 does not cover the material addressed in this bill.

DISPOSITION OF HOUSE BILL 273:

Sen. Roberts moved that HB 273 BE CONCURRED IN. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 80:

This bill had been considered previously by this committee.

Sen. Murray moved to amend page 3, sec. 8, line 20, following "premises" by striking the "." and inserting ";" and

(8) occupancy outside a municipality under a rental agreement which includes hunting, fishing, or agricultural privileges along with the use of the dwelling unit." The motion carried unanimously.

Sen. Murray then moved to amend page 15, section 23, line 9, following "of the" by striking "tenants" and inserting "occupants"; and to further amend page 15, line 15, following "all", by striking "tenants" and inserting "occupants". The motion carried with

Sen. Regan and Sen. Lensink voting "No".

Sen. Towe then moved that HB 80 as amended BE CONCURRED IN. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 116:

Sen. Towe moved to amend page 2, section 1, line 14, following "Dissemination" by inserting ", except as provided in subsection (4),"; and to further amend page 2, section 1, following line 16, by inserting "(4) if the person claiming the privilege voluntarily offers to testify, with or without having been subpoenaed, before a judicial, legislative, administrative, or other body having the power to issue subpoenas, he waives the provisions of subsections (1) and (2)." The motion carried unanimously.

Sen. Towe then moved that HB 116 as amended BE CONCURRED IN. The motion carried unanimously.

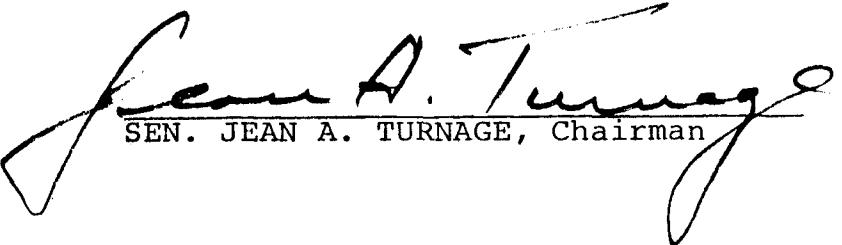
Sen. Turnage, Chairman, assigned the following bills to be carried on 2nd Reading by:

Murray - HB 80 and 343
Towe - HB 273

Regan - HB 607
Roberts - HB 291

Warden - HB 116

There being no further business at this time, the committee adjourned at 11:05 a.m.


SEN. JEAN A. TURNAGE, Chairman

ROLL CALL.

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3/16/77

SENATE

COMMITTEE

BILL VISITORS' REGISTER

DATE

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