

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
March 24, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:40 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All members of the committee were present for this meeting except Sen. Regan who was excused to attend another meeting.

WITNESSES PRESENT TO TESTIFY:

Senator Lockrem - Billings, District 32

EXECUTIVE SESSION

The following bills were acted on this day in executive session:

HB 177 - Sen. Towe moved to amend page 1, section 1, lines 18 through 25, following "party.", by striking lines 18 through 25 in their entirety, and inserting "If the sheriff will incur substantial costs in transporting, keeping, or storing the property seized, the party requesting service of a writ of execution or attachment shall provide a bond or other security to pay for all costs which may be incurred as a result of the service of such writ."; and to further amend the title to make it conform. The motion carried unanimously. He then moved that HB 177 as amended BE CONCURRED IN. The motion carried unanimously.

Senator Murray was assigned by the Chairman to carry this bill on 2nd Reading.

HB 721 - This bill had been returned to this committee for amendment. Sen. Towe moved the adoption of the proposed amendment to page 1, section 1, lines 24 and 25, following "~~both-~~", by striking "A minor charged with the offense of possession of an intoxicating substance", and inserting "A person convicted of the offense of possessing an intoxicating substance shall be fined not to exceed \$50 or be imprisoned in the county jail for any term not to exceed 10 days, or both. If the proceedings are held in the youth court, the preceding penalty does not apply and the offender"; to change the title following "ACT" in line 7 by inserting "WHEN PROCEEDINGS ARE HELD IN THE YOUTH COURT"; and to further amend page 2, section 1, lines 2 and 3, following "In", by striking "the" and inserting "such" and following "case", by striking "of a minor convicted under this section". The motion carried unanimously. He then moved that HB 721 as amended BE CONCURRED IN. The motion carried unanimously.

HB 589 - Sen. Towe moved to amend the title, line 5, following "EITY", by striking "POLICE" and inserting "CITY", and in line 9, following "MULTEPLE", by striking "DRINKING" and inserting "ALL TRAFFIC AND ALCOHOLIC BEVERAGE"; to further amend page 1, section 1, line 23,

following "city", by striking "POLICE" and inserting "city"; to amend page 1, section 1, line 25, following "all", by striking "drinking" and inserting "alcoholic beverage"; and to further amend page 2, section 1, lines 2 through 8, following "youth" on line 2, by striking lines 2 through 8 in their entirety and inserting a ".". The motion carried unanimously. He then moved that HB 589 as amended BE CONCURRED IN. The motion carried unanimously.

Sen. Towe was assigned by the Chairman to carry HB 589 and 721 on 2nd Reading.

HB 247 - Sen. Murray moved as previously amended BE CONCURRED IN. This bill had been rereferred to this committee for further consideration. After discussion, this motion was made. The motion carried on a vote of 6 - 1 and 1 excused.

HB 238 - Sen. Lockrem of Billings, sponsor of this bill who had not been able to attend the hearing on it, was present and allowed to testify. He said that S.B. 360 was a simpler bill than this and that HB 238 is in bad shape and that it was hard for him to subscribe to it. He told the committee that the Public Service Commission is regulating cities which have city officials who set water rates, and this bill would allow city councils to sit in as a legislative body sitting in a regulatory capacity. He said that the subcommittee had subscribed to this.

Sen. Towe moved that HB 238 BE NOT CONCURRED IN. The motion carried with Sen. Olson voting "No".

HB 513 - Sen. Towe moved to amend page 1, section 1, lines 18 and 19, following "razor," by striking "shotgun sawed off to a length of 18 inches or less,"; and to amend page 2, section 2, line 12, following "94-8-210", by inserting "which cannot be used for any lawful purpose"; and to amend page 3, section 2, line 9, following "section", by striking the ",". Motion carried unanimously. He then moved that HB 513 as amended BE CONCURRED IN. The motion carried unanimously.

HB 668 - Sen. Lensink moved that HB 668 BE NOT CONCURRED IN. The motion carried on a vote of 4 - 3 with Senators Roberts, Warden and Towe voting "No".

HB 411 - Sen. Towe moved to amend (see attachment #1). The motion carried unanimously. He then moved that HB 411 as amended BE CONCURRED IN. The motion carried unanimously.

The Chairman appointed Sen. Towe to carry HB 411 on 2nd Reading.

HB 320 - Sen. Towe moved that HB 320 BE CONCURRED IN. The motion carried unanimously. Sen. Towe will also carry this bill on 2nd Reading.

HB 633 - Sen. Lensink moved that HB 633 BE NOT CONCURRED IN. The motion carried on a vote of 6 - 1 with Sen. Roberts voting "No" and 1 senator excused.

There being no further business, the committee adjourned at 11:15 a.m..

*Dean A. Turnage*

.....HOUSE..... Bill No. 411,  
the third reading bill, be amended as follows:

1. Amend title, line 5.

Following: "OF"

Strike: "DEVELOPMENTALLY DISABLED"

2. Amend title, lines 6 through 8.

Following: "OFFENSE"

Strike: "UNDER THE PROCEDURE FOR TREATMENT OF DEVELOPMENTALLY DISABLED  
OR THE SERIOUSLY MENTALLY ILL"

Insert: "IN AN INSTITUTION TO BE SELECTED BY THE DEPARTMENT OF INSTITUTIONS"

3. Amend page 2, section 1, line 3.

Following: "(3)"

Strike: "(4)"

Insert: "(3)"

4. Amend page 2, section 1, line 5.

Following: "the"

Strike: "superintendent of Warm Springs state hospital"

~~ENRASEX~~ Insert: "director of the department of institutions"

5. Amend page 2, section 1, line 9.

Following: line 8

Strike: "superintendent of Warm Springs state hospital"

Insert: "director of the department of institutions"

6. Amend page 2, section 1, line 22 through line 3 on page 3.

Following: line 21

Strike: subsection XX (3) in its entirety

Renumber: all subsequent subsections

7. Amend page 3, section 1, line 10.

Following: "the"

Strike: "superintendent of the Montana state hospital"

Insert: "director of the department of institutions"

ROLL CALL

JUDICIARY

## COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3-24-77

Exec. Sec. -

[illegible]