

JUDICIARY COMMITTEE

January 9, 1979

The meeting was called to order at 8 a.m. by Chairman Scully in room 436 of the Capitol Building on Tuesday, January 9. Representatives Seifert and Teague were excused, all other members were present.

Scheduled for hearing were House Bills 4, 5, 6, 7 and 8.

HOUSE BILL #5:

Dave Cogley: Legislative Council
I worked with the commissioner on this bill. In the process of recodifying we were also mandated to correct problems, such as outmoded wording, archaic language, laws out of date, spelling, etc. These are the clean-up bills for the codes. Mr. Cogley went through the bill, explaining the changes that were made and explained the green sheets included with the bill. He explained the changes and references to this act. They can now simply refer to the appropriate place in the code. He mentioned the change in wording in some areas. Such as the addition of lower jaw skin, in section 5, and explained the reasoning. He mentioned the change in section 6 concerning the license money, and that part of the money still goes to the county. The next two sections were a conglomerate and apply to manufactured dairy products law. On page 20, line 25 is the definition of person. Questions followed.

REPRESENTATIVE CONROY: This is a bill regarding the land laws. Will we now refer to the law about cattle inspection within 48 hours in here, or would that be in another bill.

DAVE COGLEY: Is there a problem with that law?

REPRESENTATIVE CONROY: No.

DAVE COGLEY: This is just one specific section that had problems.

REPRESENTATIVE KEEDY: Discussed title 45, relative to this bill.

DAVE COGLEY: I feel it was necessary to have a penalty. More discussion followed.

REPRESENTATIVE ROTH: On line 9, page 9, is this new language?

DAVE COGLEY: It is a little nicer way of stating what we want to say. He went on to explain the reasoning behind it.

There was no further discussion and the hearing closed on HB #5.

The hearing opened on HB #4.

DAVE COGLEY: This bill will revise and clarify the laws relating to highways. There were some other sections that were added. He went through the bill and explained the changes. He explained that it was in conflict with federal law and was brought into line. The U.S. codes were recodified. He went over Title 23 of the U.S. code and explained the Montana Traffic Safety Act.

JIM BECK: DEPARTMENT OF HIGHWAYS. This bill is perfectly satisfactory with me, and we support the bill.

REPRESENTATIVE KEMMIS: Is there some way we will catch a recodify by the federal government to take care of this, (the fact that if they should recodify and Montana did not, they would again be in conflict).

Dave stressed that they intended to keep track of such action.

REPRESENTATIVE EUDAILY: Shouldn't the section on snowmobiles be in the fish and game instead of here. It seems to me it should be covered there.

DAVE COGLEY: No, and he went on to explain the reasoning.

The hearing closed on House Bill #4.

HOUSE BILL #6: The hearing opened on House Bill #6.

JOAN MAYER: There are only two sections in this bill. We inadvertently changed the title and this will restore the wording the way it was before the 1977 session. Mostly the changes were in style and grammar, and the rest is the repealer. She explained that.

The hearing closed on House Bill #6.

HOUSE BILL #7: The hearing opened on House Bill #7 with Larry Weinberg stating that he was with the legislative council and he was responsible for the laws on public utilities and common carriers. He said this was the longest of the bills. This is a mass of very old laws. Because of the length of the bill I will go through it and hit only the high points and you can stop me at any point if you have a question, but you should take the bill and study it yourself. During the recodification process we attempted to change the references so that everyone would know what we were talking about. If we were

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nervous about a change we would not do it or else bracket it. He explained the section on page 5, lines 15 and 16 and mentioned that section 13 was deleted in 1939. On page 16, line 8 we changed the wording. The terminology is simply outdated. In some areas we deleted some lines and we deleted an entire reference in conflict with the federal government. He went on to explain the definition of railroad as defined in the bill, and that it is different from a common carrier. Title 69 may deserve an interim study. In some cases the laws are over a hundred years old and some updating would be appropriate. He explained the repealers.

PROPOSER: WILLIAM J. OPITZ
PUBLIC SERVICE COMMISSION
the tip of the iceberg.

We support this bill entirely.
However, I think it is just

J. C. WEINGARTNER:

I am just here observing.

REPRESENTATIVE KEYSER:

Will this definition on page
22 have any effect on truck

or trip permits.

LARRY WEINBERG:

It shouldn't. They are
covered by ICC. This will

be closer to the definition of the ICC of a motor vehicle.

Discussion about soldiers,
sailors and military personnel

as included in the bill. In title 10 these were charged to military
personnel.

REPRESENTATIVE KEMMIS:

On pages 24 and 25, is the
inclusion of the word railroad

in the definition a problem.

Mr. WEINBERG:

It is unsatisfactory. I feel
a change is needed and a

better definition could be forthcoming. We tried to limit the
code bills as much as possible to cleanup.

REPRESENTATIVE UHDE:

On page 50, line 18, why the
change of the 3/5 to majority.

Discussion about this and why it was done.

Mr. WEINBERG:

Changing from the old laws, in
resolving the conflict I held

with the closer law, the 70 year old law rather than the 90.

LARRY HUSS:

I am representing the Motor
Carriers Association and we

reviewed this and feel most of the changes are beneficial.

Discussion about eliminating
the word of in one sentence.

whether it changed the meaning.

BILL OPITZ:

introducing a bill to repeal that section. 69-802.

There is no need to worry about that section because we are

There was no further discussion and the hearing closed on

House Bill #7.

HOUSE BILL #8:

bill for the fish and game. The act referred to was the initial licensing act. Sections 3 and 4 have been extensively rewritten. He discussed at length the changing of wording last session in the appeal for employees.

Larry Weinberg introduced the bill and said it is a cleanup

Representative Lory took over as chairman while Representative

Scully left the hearing room.

Discussion about changes from commission to department and session and other bills which

the problems created during the 1977 changed department to commission.

Representative Scully returned and resumed duties as chairman.

REPRESENTATIVE DAILY:

this. What was the attitude.

In section 3 on page 3, how did the employees feel about

LARRY WEINBERG:

that the deleted material is already in the employee greivance law. Appeared on page 4.

They felt some changes had to be made. He went on and stated

REPRESENTATIVE EUDAILY:

attorney general and staff attorney, etc. It was stated that they already have a staff attorney.

In section 1, page 1, asked for clarification about the

staff attorney could file a misdemeanor, they would have to go to the Attorney General. Some discussion followed.

Representative Scully explained how the law read, and that no

The hearing closed on HB #8 and since there was no further business to come before the committee the hearing adjourned at 9:35.