

JUDICIARY COMMITTEE  
Executive session  
Friday, January 12, 1979

The executive meeting of the House Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building on Friday January 12. All members were present except Representatives Holmes and Seifert, excused. Representatives Teague and Lory came in late.

HOUSE BILL NO. 4: Representative Keyser moved "do pass". The motion carried with the vote unanimous. Representative Keyser moved that the bill be placed on the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 5: There was general discussion about page 8 (title 45) The question was raised whether it would apply.

Representative Kemmis moved to strike Section 7 in its entirety. Page 7, line 16, through page 8, line 4 and renumber subsequent sections. The motion failed.

Representative Lory moved "do pass". The motion carried with the vote unanimous. He then moved to place the bill on the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 6: Representative Eudaily moved "do pass". The motion carried with the vote unanimous. Representative Eudaily then moved to place the bill on the consent calendar. The motion carried with the vote unanimous.

The committee was recessed at 8:30 to hold the regular meeting.

8:55 a.m. (meeting resumed)

HOUSE BILL NO. 7: Representative Eudaily moved on Page 17, lines 5 and 6 to strike: "soldiers or sailors" and insert: "military personnel". The motion carried with the vote unanimous.

Representative Eudaily moved, on page 62, line 6, following: "admit" strike: "of". The motion carried with the vote unanimous.

Representative Holmes moved "do pass as amended". The motion carried with the vote unanimous. Representative Day moved to place on the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 8:

Representative Keyser moved "do pass".

The motion carried with the vote unanimous. Representative Lory moved to place the bill on the consent calendar. The motion carried with the vote unanimous. Representative Day wished to change his vote to "no", so the bill will not be placed on the consent calendar.

Representative Lory moved to allow the Chairman to examine the calendar for the 13th and see if it might be faster to let it go to 2nd reading automatically rather than the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 10:

Representative Day moved to amend Page 6, line 9, following: "to"

Insert "all or part of" After discussion Representative Day offered a substitute motion on line 9, to strike: "sections" and insert "parcels". The motion carried with Representative Curtiss voting "no".

Representative Day moved "do pass as amended". The motion carried with the vote unanimous. Representative Day moved to consent unless the chairman is successful in setting up for 2nd reading, January 13th.

Representative Day moved to change his vote "no" on HB 8 on the motion to place on the consent calendar. He had misunderstood what they were trying to do.

Representative Scully announced that House Bill 12 will be held because the governor's office is sending a representative at 10:00 to explain their position on the bill.

HOUSE BILL NO. 32:

Representative Keedy moved to amend page 2, line 5, strike: "victim or"

and the motion carried with the vote unanimous. Representative Keedy moved to amend page 2, line 19, strike: "victim" and insert "claimant". The motion carried with the vote unanimous.

Representative Keedy moved to amend page 3, strike, lines 9, 10, and 11 and insert "criminally". After much discussion the motion carried.

Representative Lory moved to amend page 2, line 19, strike "he" insert "was". The motion carried with the vote unanimous.

Representative Keedy moved to amend page 4, line 17, strike, "or victims" and the motion carried with the vote unanimous.

Representative Kemmis moved to amend page 4, line 25, strike, "if there is such a requirement under". The motion carried with a roll call vote

There was heated discussion about page 5, lines 5 and 6. Representative Kemmis moved to amend and the motion carried with Representative Conroy voting "no".

Representative Kemmis moved to amend line 8, page 5, following "of" insert "a" and the motion carried with the vote unanimous.

Representative Teague moved to amend page 7, strike subsection 7 in its entirety. The motion failed to pass.

Representative Lory moved to amend line 17, strike "considers" and insert "finds" and the motion carried with the vote unanimous.

Representative asked that the committee consider whether there should be an amendment on line 12. He then offered an amendment add line 13, after reduced, insert "in the divisions discretion" (attached) The motion carried with Representative Keedy voting "no". The original amendment was combined and Representative Keedy had asked that they be divided and the motion carried thus two amendments were made.

Representative Keedy moved to amend line 18 on page 7, but the motion failed.

Representative Eudaily moved to amend the title, line 8, strike: "COMPLY WITH FEDERAL", and insert "adopt". The motion carried with the vote unanimous.

Representative Roth moved "do pass as amended" The motion carried with Representative Teague voting "no".

HOUSE BILL NO. 41: Representative Eudaily moved "do pass".  
The motion carried with the vote  
unanimous. Representative Keyser moved to the consent calendar with  
the same caveat as on the former bills.

HOUSE BILL NO. 75: Representative Kemmis moved to amend  
page 2, line 16, strike; "purposes of"  
and the motion carried with the vote unanimous.

Representative Lory moved "do pass as  
amended". The motion carried with  
the vote unanimous.

The executive meeting recessed to  
hear testimony from the governor's  
office concerning their stand on House Bill No. 12.

The executive session resumed at  
10:30 a.m.

HOUSE JOINT RESOLUTION #2: Representative Day moved "do pass"  
and the motion carried with the  
vote unanimous. Representative Day moved to place the bill on  
the consent calendar with the same caveat as before. The motion  
carried with the vote unanimous.

HOUSE BILL NO. 83: Representative Lory moved "do pass"  
and the motion carried with the vote  
unanimous. Discussion decided that this bill should not be placed  
on the consent board. It should be debated.

Representative Lory moved to adjourn  
and the committee did so at 10:40 a.m.

  
John P. Scully, Chairman

Mary Ellen Connelly, Secretary

January 12, 1979

SPEAKER:

MR. ....

We, your committee on JUDICIARY

having had under consideration House Bill No. 7

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
 CLARIFY THE LAWS RELATING TO PUBLIC UTILITIES AND COMMON  
 CARRIERS; REPEALING SECTIONS 8-127 AND 72-220, R.C.M. 1947,  
 AND SECTIONS 69-14-136 AND 69-14-403, MCA."

Respectfully report as follows: That House Bill No. 7

Introduced bill, be amended as follows:

1. Page 17, lines 5 and 6.  
 Following: "Montana"  
 Strike: "soldiers or sailors"  
 Insert: "military personnel"

2. Page 62, line 6.  
 Following: "admit"  
 Strike: "of"

And As Amended Do Pass

THOMAS  
 HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO STATE LANDS; AMENDING SECTIONS 77-1-112, 77-1-113, 77-1-114, 77-1-115, 77-1-117, 77-2-201, 77-2-214, AND 77-3-424, MCA, AND REPEALING SECTION 84-510, R.C.M. 1947."

Respectfully report as follows: That.....

House

Bill No. 10

Introduced copy, be amended as follows:

1. Page 6, line 9,  
Following: "other"  
Strike: "sections"  
Insert: "parcel"

And as amended-DO PASS

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MR. SPEAKER:

## JUDICIARY

We, your committee on

House

having had under consideration

Bill No. 32

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO CRIME VICTIMS COMPENSATION BY DELETING WELFARE BENEFITS AS A COLLATERAL SOURCE, BY PERMITTING THE DIVISION OF WORKERS' COMPENSATION TO COMPLY WITH FEDERAL REQUIREMENTS CONCERNING INFORMATION ON THE AVAILABILITY OF ASSISTANCE TO VICTIMS AND THE ESTABLISHMENT OF ESCROW ACCOUNTS FOR FUNDS OWED TO INDIVIDUALS IMPLICATING INJURY OR DEATH, BY PERMITTING THE REDUCTION OR ELIMINATION OF COMPENSATION WHEN THE VICTIM CONTRIBUTES TO THE INJURY OR DEATH, AND BY CHANGING A REFERENCE TO EARMARKED REVENUE FUND TO AGENCY FUND; AMENDING SECTIONS 53-2-103, 53-2-104, 53-2-109, AND 53-2-125, MCA."

Respectfully report as follows: That

House

Bill No. 32

Introduced bill, be amended as follows:

1. Title, line 6:  
Following: "COMPENSATION"  
Insert: "BY CLARIFYING TERMINOLOGY,"

2. Title, line 8:  
Following: "TO"  
Strike: "COMPLY WITH FEDERAL"  
Insert: "ADOPT"

3. page 2, line 5:  
Strike: "victim or"

4. page 2, line 13:  
Following: line 13  
Strike: "victim"  
Insert: "claimant"

EXHIBITS

(Continued)

Following: "which"

Strike: "be"

Insert: "was"

5. page 3, lines 10 and 11:

Following: line 9

Strike: lines 10 and 11 in their entirety

Insert: "may include conduct arising out of the ownership, maintenance, or use of a motor vehicle only if the division determines that the person responsible for the conduct acted purposely as defined in Title 43."

6. page 4, line 17:

Strike: "or victim's"

7. page 4, line 25 through line 1 on page 5:

Strike: "if there is such a requirement under federal law in order to receive federal funds,"

8. page 5, lines 5 and 6:

Strike: "if there is such a requirement under federal law in order to receive federal funds,"

9. page 5, line 3:

Following: "of"

Insert: "a"

10. page 7, line 12:

Strike: "in the division's discretion,"

11. page 7, line 17:

Following: line 16

Strike: "considers"

Insert: "finds"

And As Amended Do Pass



January 12, 1972

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration House Bill No. 75

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 61-3-714, MCA, BY DEFINING 'CONVICTION', AS USED IN THAT SECTION, AS A FINAL CONVICTION OR A FORFEITURE OF BAIL OR COLLATERAL DEPOSITED TO SECURE THE DEFENDANT'S APPEARANCE WHICH FORFEITURE HAS NOT BEEN VACATED."

Respectfully report as follows: That House Bill No. 75

Introduced copy, be amended as follows:

1. Page 2, line 16.

Following: "For the"

Strike: "purposes of"

Insert: "purpose of determining the number of convictions under"

And as amendedDO PASS