

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
January 15, 1979

The regular meeting was called to order by Vice-Chairman Teague at 8:00 a.m. in room 436 of the Capitol Building on Monday, January 15. All members were present except Representatives Day, Seifert and Holmes. Mr. Scully would be late because he was carrying a bill in another committee.

HOUSE BILL NO. 88:

Representative Waldron, sponsor of the bill stated that this bill was to give rights to grandparents in the event of a divorce or other situation in which they might not have this right. He explained the bill briefly and asked that anyone with questions please ask and he would try to answer them.

There was a question about the word minor, not included on page 2 although it is on page 1. There was also discussion about the meaning of the word minor.

Representatives Scully, Seifert and Day came in.

Representative Lory commented that it seemed redundant to him in that a minor is a child. There was more discussion about this.

With no further discussion and no questions the hearing closed on House

Bill No. 88.

HOUSE BILL NO. 90:

Representative Yardley, sponsor of the bill said this bill would increase the fine for an encroachment from \$10 to \$100 per day, and that there would be a penalty for not removing it promptly. The question was raised as to what was meant by encroachment. Representative Yardley said that encroachment normally means when someone puts a lock on a gate and thus keeps other people out, such as during hunting season. This would not apply to private land only public lands.

There was discussion about the \$300 fine, and that people seemed willing to pay it.

The question was raised as to why Mr. Yardley introduced this bill and he said it was mainly at the request of sportsman in the Livingston area which is his district.

Representative Day asked that Mr.

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Yardley define a public land. Mr. Yardley said this would be dedicated platted land. This bill does not determine what is private land.

There was no further discussion and the hearing closed on House Bill 90.

HOUSE BILL NO. 96:

Representative Ken Robbins, sponsor of the bill, said this bill is intended to prohibit misrepresentation of age in buying liquor. It relates to Montana ID cards. This bill would make it much simpler. At this time it is costly and time consuming. You have to go to the Clerk of Court and then to the Highway Patrol, a very cumbersome process and the Highway Patrol could do it much more efficiently.

BILL HARRINGTON:

We support this bill, the Department of Revenue favors a simpler method.

The question was raised by Representative Rosenthal as to what the savings would be. There was discussion about this. Penalty would be a misdemeanor.

BOB PALMER:

The important thing in this bill is that we have some uniformity. There would be a State Highway photograph. The clerk and recorders would like to get rid of the process.

There was no further discussion and no further questions, and the hearing closed on House Bill No. 96.

HOUSE BILL NO. 95:

Representative Scully, sponsor of the bill, said that this bill intends to take out the criminal penalty because it is much easier to levy a civil fine. He went on to explain the bill more fully.

There was discussion about the fact that title 45 does not appear.


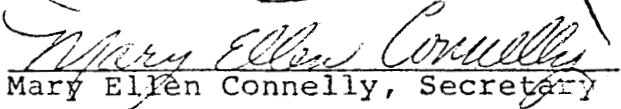
Representative Scully offered two amendments and suggested that the title should be amended to insert the civil penalty rather than just remove the criminal. There was also discussion about making it a criminal procedure for false swearing.

There was discussion about proving that false swearing was done, and that it could be appealed if there was a finding.

Representative Kemmis questioned page 1, lines 15 and 16, why it said "why under this code." Representative Scully said it probably came from the original liquor code. The comment was made that a typographical error could not cause it to be revoked.

There was some further discussion about amendments and the hearing closed on House Bill No. 95.

The meeting adjourned at 8:30 and went into executive session to take action on bills still pending in the committee.


John P. Scully, Chairman

Mary Ellen Connelly, Secretary