

JUDICIARY COMMITTEE
HOUSE OF REPRESENTATIVES
EXECUTIVE SESSION
JANUARY 18, 1979

Following the regular meeting the executive session was called to order by Chairman Scully at 9:05 a.m. in room 436 of the Capitol Building on Thursday, January 18, 1979. All members were present with the exception of Representatives Day, Holmes, Iverson and Roth, who were excused. Representative Roth came in later.

HOUSE BILL NO. 119:

Representative Seifert "do pass".

The motion carried with the vote

unanimous. Representative Rosenthal moved to put the bill on the consent calendar. Representative Lory voted "no". The bill will not go on the consent calendar because the vote must be unanimous.

HOUSE BILL NO. 131:

A sheet of possible amendments

was presented to the committee by

Representative Harper. (copy attached, #1) Representative Daily moved the first amendment, carried, the vote unanimous. Representative Daily moved the 2nd amendment, carried, the vote unanimous. Representative Eudaily moved the 3rd amendment, carried, the vote unanimous. Representative Daily moved the 4th amendment, carried, the vote unanimous.

Representative Daily moved "do pass as amended". A discussion followed

about the definition of a "major operation" and that the Department of Lands would determine it.

Representative Seifert moved a substitute motion "do not pass

as amended". A roll call vote ended in a tie. Mr. Scully said they could also recommend "no recommendation" if they wished to do so.

General discussion about the intent of the bill, led by Representative

Kemmis. The question was raised, does this bill cover bentonite. Mr. Weinberg stated that it is just a policy decision whether the existing law covers it or not. More discussion about the 365 day extension.

The question was called with a roll call vote, to reconsider the action.

Representative Seifert moved "do not pass as amended" A roll call

vote determined that the motion carried, 10 to 7.

HOUSE BILL NO. 133:

Representative Keyser moved "do pass". Representative Eudaily moved to amend Page 1, Line 15, strike: "served" Insert: "delivered to". A discussion followed about the meaning of the word served as used in the bill. Representative moved to withdraw his motion to amend. The motion "do pass" carried with the vote unanimous.

Representative Lory moved to place the bill on the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 138:

Representative Keedy moved "do pass". He spoke to his motion and said that it is a bill to put the decision on the ballot, and he felt that people should have that option.

Representative Daily offered a substitute motion "do not pass". The motion failed on a roll call vote of 9 to 8.

Representative Keyser moved "do pass". The motion carried on a roll call vote of 9 to 8.

HOUSE BILL NO. 165:

Representative Conroy moved "do pass". Discussion about the consideration to enter into a contract led by Representative Keedy. The question was called and the motion carried with the vote unanimous.

Representative Eudaily moved to place the bill on the consent calendar. The motion carried with the vote unanimous.

HOUSE BILL NO. 167:

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

HOUSE BILL NO. 170:

Representative Keyser moved an amendment to Page 1, line 18, Strike: "or" The motion carried with the vote unanimous.

Representative Eudaily moved "do pass as amended". The motion carried with the vote unanimous. Representative Roth moved to place the bill on the consent calendar. The motion carried unanimously.

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HOUSE BILL NO. 172:

Representative Keyser moved "do pass". Representative Lory offered a substitute motion "to pass for the day" in order to get the repealer amendments ready. The motion carried, with three representatives voting "no".

The meeting adjourned at 10:00.



John P. Scully, Chairman

Mary Ellen Connelly, Secretary

JPS:mec

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AMENDMENTS - HB 131

Page 8, line 10

After the word "extension" insert the following: "due to inaccessibility"

Page 8, line 13

Delete the words "If the department determines that additional time is needed to review the application and reclamation plan for a major operation" and insert the following: "If additional time may be needed for review due to size or complexity of the proposed operation"

Page 13, line 4

Delete the words "of the first judicial district of this state, in and for the county of Lewis and Clark or in the district court having jurisdiction of the defendant" and insert the following: "of the county where the operation is located or at the option of the defendant in the first judicial district in and for the county of Lewis and Clark."

Page 13, line 12

Delete the words "or threatening to violate"

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MR. Speaker:

We, your committee on Judiciary

having had under consideration House Bill No. 131

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH AN OPENCUT MINING AND RECLAMATION ACCOUNT AND PROVIDE FOR THE ALLOCATION OF FINES, FEES, AND PENALTIES; TO DEFINE THE TERM DEPARTMENT; TO DELETE THE UPPER DOLLAR LIMIT ON THE PER ACRE BOND REQUIREMENT IN THE OPENCUT MINING LAWS; TO REVISE THE TIME PERIOD FOR APPLICATION REVIEW; TO PROVIDE FOR SUBMISSION OF AN OPENCUT MINING PLAN TO THE MONTANA HISTORICAL SOCIETY; TO CLARIFY THE REVEGETATION REQUIREMENTS; AND TO PROVIDE FOR PENALTIES AND ENFORCEMENT OF THE OPENCUT MINING LAWS BY THE ATTORNEY GENERAL; AMENDING SECTIONS 82-4-403 AND 82-4-433 THROUGH 82-4-435; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Respectfully report as follows: That House Bill No. 131

Introduced copy, be amended as follows:

1. Page 8, line 10.

Following: "extension"

Insert: "due to inaccessability"

2. Page 8, Lines 13 through 15.

Following: "If"

Strike: remainder of lines 13 through 15 in their entirety

Insert: "additional time may be needed for review due to size or complexity of the proposed"

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HOUSE BILL NO. 131

3. Page 13, line 4.

Following: "court"

Insert: "of the county where the operation is located or,
at the option of the defendant, in the district
court"

4. Page 13, lines 6 and 7.

Following: "Clark"

Strike: ",or in the district court having jurisdiction of
the defendant"

5. Page 13, lines 12 and 13.

Strike: "or threatening to violate"

AND AS AMENDED DO NOT PASS

STANDING COMMITTEE REPORT

January 18, 1979
Journal

MR. Speaker:

We, your committee on Judiciary

having had under consideration House Bill No. 170

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
1-2-108, MCA, TO CLARIFY THAT A REFERENCE TO A TITLE,
CHAPTER, PART, SECTION, OR SUBSECTION OF THE MCA IS PRESUMED
TO BE A REFERENCE TO THAT TITLE, CHAPTER, PART, SECTION, OR
SUBSECTION, AS IT MAY BE AMENDED FROM TIME TO TIME."

Respectfully report as follows: That We Unanimously Recommend HOUSE Bill No. 170

Introduced copy, be amended as follows:

1. Page 1, line 18.
Strike: "or"
Following: "section"
Insert: ",or subsection"

AND AS AMENDEDDO PASS

A motion was made and passed unanimously to place
HOUSE BILL NO. 170 on the CONSENT CALENDAR.