

HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE  
January 19, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman John Scully in room 436 of the Capitol Building at 8:00 a.m. on Friday, January 18. All members were present except Representatives Seifert and Teague, with Representative Holmes excused.

Scheduled for hearing were House Bills 182, 183, 184, 185, 194 and 203.

HOUSE BILL NO. 183:

Representative Marks. This bill was introduced at the request of the code commissioner. The bill will revise and clarify the laws relating to contracts. The Supreme Court was interested in the bill and it was partly at their request that it was introduced. Mr. Marks offered two amendments. He asked that memorials be deleted, since no longer used by the Legislature, and also the waiver of process division. He discussed this. We will either reprint both sections or include both language in the section and then come in with a deletion. In making a composite we would not take out a substantive point of law.

LARRY MESLER:

He wondered if he could make an amendment.

There was no discussion and the hearing closed on House Bill 183.

HOUSE BILL NO. 184:

Representative Marks introduced Joan Mayer from the Legislative Counsel who will explain the bill. She went through the bill. There was discussion on page 2 about the meaning of seized person.

Representative Teague came in and Representative Rosenthal was excused.

There was discussion about the number of jurors. This bill pertains just to the number that was drawn first.

There was no other discussion and the hearing closed on House Bill 184.

REPRESENTATIVE DAY:

I just returned from testifying before the Committee for The Board of Natural Resources in North Dakota. He read a copy of a bill given him by a legislator from North Dakota.

HOUSE BILL NO. 185:

Representative Marks introduced Joan Mayer from the Legislative Counsel who will explain the bill. This bill will generally revise and clarify the laws relating to contracts and other obligations. I tried to bring this section in accord with the original contract law.

Representative Seifert came in.

There were two sections that referred to the same thing, so I am recommending that one should be repealed. The definition of person of unsound mind, refers to lunatics, this is obsolete terminology and we are suggesting that it be repealed.

There was no discussion and the hearing closed on House Bill No. 185.

HOUSE BILL NO. 194:

Representative Manuel introduced Joan Mayer from the Legislative Counsel who will explain the bill. She passed out suggested amendments. On page 12 the code commissioner will report only every two years.

There was no discussion and the hearing closed on House Bill No. 194.

HOUSE BILL NO. 203:

Representative Anderson. This bill is designed to adopt the revised uniform enforcement of foreign judgments act. Montana has three members appointed to this commission. Diana Dowling is one of the members. He explained how the law now works and what this bill would do to change it.

BRUCE MCGINNIS:

Department of Revenue. We have prepared a bill identical to this one with the provision limit only to tax judgments. We are in support of the bill. If you pass this bill our bill could be eliminated. This would give us a more effective way of collecting judgments.

J. C. WEINGARTNER:

State Bar of Montana. We may have one problem, and gave an example. We can not enforce a gambling debt in Montana. I don't know if this might be a problem. You might want to have something in here that would enforce a gambling debt.

REPRESENTATIVE ANDERSON:

We must give full faith and credit according to the U.S. Constitution. A number of states have already enacted this legislation. I would urge your support of the bill.

Then followed discussion about the proposed addition of a section.

MR. MCGINNIS:

Montana does not have the uniform act on its books at the present time.

There was discussion about whether this was new law or existing law and the hearing closed on House Bill No. 203.

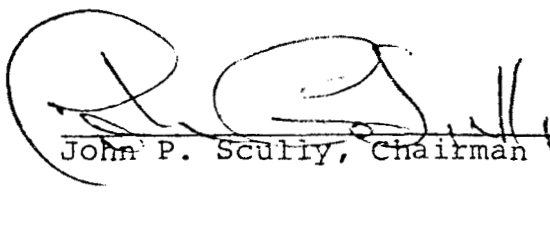
HOUSE BILL NO. 182:

Representative Marks introduced Bob Pyfer of the Legislative Counsel who will go through the bill and explain the changes. This bill will revise and clarify the laws relating to property.

There was no discussion and the hearing closed on House Bill No. 182.

There was no other business to come before the committee in the way of bills to be heard on this day, so the meeting adjourned and Mr. Scully said that after a brief recess they would reconvene to take action on bills pending.

The meeting adjourned at 9:40 a.m.



John P. Scully, Chairman

Mary Ellen Connelly, Secretary