

JUDICIARY COMMITTEE
EXECUTIVE SESSION
January 22, 1979

The Judiciary Committee went into executive session following the regular meeting on Monday January 22, 1979 at 9:00 a.m. in Room 436 of the Capitol Building. The Chairman called the meeting to order. All members were present except Representatives Holmes and Anderson, excused.

HOUSE BILL NO. 119:

The bill was referred back to committee from the 2nd reading.

REPRESENTATIVE ROTH:

I thought there should be a little more delineation in requests from the 19 departments so we know what they want from the legislature. After some discussion Representative Roth said that she was talking about every state agency must prepare a statement of intent. I feel there are far too many requests by these 19 state agencies.

Some discussion about the meaning of intent

Representative Kemmis moved to amend page 2, lines 6 and 7 by striking the new language. The motion carried with the vote unanimous.

Representative Kemmis moved to amend page 1, line 24, strike "legislature's" and insert "agencies". The motion carried with the vote unanimous.

Representative Lory moved to amend page 2, paragraph 2, be changed to section 3, and renumber. The motion carried with the vote unanimous.

Representatives Daily and Pavlovich came in. After quite lengthy discussion Representative Lory withdrew his motion.

Representative Keedy moved to amend page 1, line 22, strike "statutes enacted" and insert "bills introduced". The motion carried with the vote unanimous.

Representative Keedy moved to amend the title, line 5, strike "enacted" and to insert "introduced". The motion carried with the vote unanimous.

Representative Eudaily moved to amend Page 1, line 25, strike "statute" and insert "bill". The motion carried with the vote unanimous.

Representative Roth moved "do pass as amended". The motion carried with the vote unanimous. Representative Sully commented that the agency

intent will become legislative history unless it is altered each time by the committee. (copy of all amendments attached)

SENATE BILL NO. 4: Larry Weinberg will check further another section in the bill, 71-1-211.

HOUSE BILL NO. 183: Discussion about a possible amendment for a correction that should be made. Representative Lory moved to amend (attached) and the motion carried with the vote unanimous.

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

HOUSE BILL NO. 185: Representative Eudaily moved "do pass" and 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.

There was general discussion by various members of the committee as to the fact that they do not like the consent calendar and that it had a tendency to slow proceedings rather than expedite them as it was intended.

Representative Day moved that the Judiciary Committee bills should come off the consent calendar if the sponsor is not there to defend the bill. The motion carried with the vote unanimous.

HOUSE BILL NO. 194: There was much discussion about the definition of affinity and consanguinity as stated in the bill. Larry Weinberg will check and bring before the committee before further action is taken.

HOUSE BILL NO. 224: Representative Conroy moved "do pass." There was discussion about subsection (3) and whether or not it should be there. The question was called and the motion passed with the vote unanimous. Representative Conroy moved that the bill be placed on the consent calendar and the vote was unanimous to do so with the exception of Representative Lory. It will not go to the consent calendar. Representative Lory withdrew his vote of "no". It will go to the consent calendar.

The meeting adjourned at 9:50 so that members could attend the joint hearing on Senate Bill #65.


John Scully, Chairman

HOUSE BILL 183

AMENDMENTS

1. Page 1.

Following: line 9

Insert: "Section 1. Section 18-1-412, MCA, is amended to read:

'18-1-412. Service of process upon attorney general. The
In addition to any other requirement for service of process
contained in Rule 40(2)(h), M.R.Civ.P., the attorney general
of the state of Montana is hereby designated as the person
upon whom all process shall be served in actions under the
provisions of this part.'"

Renumber: all subsequent sections

2. Page 3, line 9.

Following: "(1)"

Strike: "The"

Insert: "Except as provided in 1-11-301, the"

January 22, 1979

Journal

MR. Speaker:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 119

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A STATEMENT OF INTENT ACCOMPANY BILLS ENACTED BY REQUEST OF A STATE EXECUTIVE BRANCH AGENCY; AMENDING SECTIONS 5-4-402 AND 5-4-404, MCA."

Respectfully report as follows: That HOUSE Bill No. 119

Introduced copy, be amended as follows:

1. Title, line 5.
Following: "BILLS"
Strike: "ENACTED"
Insert: "INTRODUCED"

2. Page 1, line 22.
Following: "(2)"
Strike: "statutes enacted"
Insert: "bills introduced"

XXXXXX

(continued)

STATE PUB. CO.
Helena, Mont.

JPS

Chairman

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HOUSE BILL NO. 119
Page 2

3. Page 1, line 24.

Following: "of the"

Strike: "legislature's"

Insert: "agency's"

4. Page 1, line 25.

Strike: "status"

Insert: "bill"

5. Page 2, line 6 and 7.

Strike: "or requested by a state executive branch agency"

AND AS AMENDED DO PASS

STANDING COMMITTEE REPORT

January 22, 1979
Journal

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 183

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAW RELATING TO PUBLIC CONTRACTS; REPEALING SECTION 18-5-104, MCA."

Respectfully report as follows: That We unanimously recommend that HOUSE Bill No. 183

Introduced copy, be amended as follows:

1. Page 1.

Following: line 9

Insert: "Section 1. Section 18-1-412, MCA, is amended to read:
"18-1-412. Service of process upon attorney general.
The In addition to any other requirement for service of
process contained in Rule 40 (2) (h), M.R.Civ.P., the
attorney general of the state of Montana is hereby
designated as the person upon whom all process shall be
served in actions under the provisions of this part."

Renumber: all subsequent sections

2. Page 3, line 9.

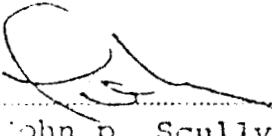
Following: "(1)"

Strike: "The"

Insert: "Except as provided in 1-11-301, the"

AND AS AMENDED
DO PASS

A motion was made and passed unanimously to pass
HOUSE BILL NO. 183 on the CONSENT CALENDAR.


John P. Scully

Chairman