

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
January 31, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman Scully at 8:00 a.m. in room 436 of the Capitol Building on Wednesday, January 31. All members were present except Representative Eudaily, excused, because he was in the hospital. Bills scheduled for hearing were House Bills 422, 424 and Senate Bill 137.

HOUSE BILL NO. 424: Representative Yardley. This bill will revise the television district laws. It would permit the creation, alteration, or dissolution of a district by the residents. It would also change the interest limits on warrants and bonds, and eliminate the requirements related to ownership of television sets. The method of taxing the district would be created by petition. He explained how trustees are determined if more than one county is involved. He went through the bill and listed the changes, and commented that some of them were merely housekeeping.

ROSS WEBB: Livingston. We are in the process of forming a television district. We now have the opportunity to make it county-wide with UHF stations, for the Livingston area and up the valley. We find that we will have to go to a television tax district in order to finance and control it. We found a few irregularities in the tax laws that Mr. Yardley has pointed out. We have 2800 cable subscribers in Livingston at the present time, but this would cover a wider area than the cable.

REPRESENTATIVE KEEDY: He questioned the new language on page 5 and discussion followed to determine exactly what was meant. Then discussion was held concerning owners and residents.

Representative Yardley made the comment that 51% of the registered voters were on the petition. Owners now receiving the service can sign an affidavit.

There were no other questions and no further discussion and the hearing closed on House Bill Number 424.

SENATE BILL NO. 137: Senator S. Brown. This bill was at the request of the SRS office. It attempts to expand necessary birth certificate information. This would be for various reasons, such as purposes of custody actions, social security eligibility, or upon the request of the SRS by order of the court, or during the child's minority unless the child has been placed for adoption. You may have heard about a debate in the Senate that is no longer in the bill. Subsection 2 makes it clear that the information can only be released if the specific purpose for which the information is to be used and the information may be used only for that purpose. There must be some need shown for the request before it is released.

NORMA VESTRE, SRS:

This bill would allow the department and other adoption agencies to have custody action. There have been problems in the past between the Department of SRS and the Department of Health, which have caused delays in the custody action. You need a birth certificate to receive social security. She gave reasons for the need for access of the records only when an adoption has taken place. She explained the uses and the safeguards that would be taken.

REPRESENTATIVE KEEDY:

On page 2, line 10, the new language, it could not be a foster child. Miss Vestre said the birth certificate is sealed upon adoption. She discussed this further.

There were no other questions, and no further discussion and the hearing closed on Senate Bill Number 137.

HOUSE BILL NO. 422:

Representative Lory. The purpose of the bill is to circumvent some of the illicit labs that are making drugs. The mere possession of these is presumed the intent to manufacture. He went through the bill and explained the exemptions and the reasons for them. He discussed the types of drugs that are being made, such as goof balls, speed, angel dust and said the PCP is the worst one and it is easily manufactured.

TOM HONZEL:

County Attorneys Association. This bill was drafted because of the problems the county attorneys have encountered, just recently with these home labs. We worked with Arnold Melecoff from the state lab in Missoula. He went on to explain what was done and the reasons. There are several other states that have similar legislation. We have encountered the problem only in recent years.

MARK ROSCOE:

Prosecuting Services, Attorney Generals Office. I assist the county attorneys at their request. We had a case in Musselshell County last year in which they were manufacturing drugs in an old warehouse. He explained how they manufacture drugs in home labs. The people in the lab said they were from Union Carbide but very few people from Union Carbide work in a broken-down lab in Musselshell, Montana. There are adequate protections for anybody legitimately involved. There is an additional protection. In order to prosecute the state will have to prove the case.

REPRESENTATIVE LORY:

The federal register in March, 1977 put only the two immediate starters. We have come further in our bill.

REPRESENTATIVE HOLMES:

How do you prove intent to sell. Representative Lory said, by the amount.

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Representative Scully led a discussion about the rulemaking authority on page 2. He also asked that a statement of intent be drawn up.

REPRESENTATIVE KEMMIS: Is there any reason that this is defined as a severe crime and not just possession of a dangerous drug. Representative Lory answered that by saying that you have a new penalty with the intent to manufacture.

There was discussion about the two precursors.

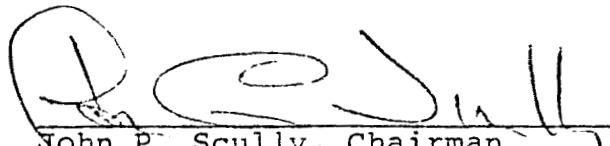
REPRESENTATIVE KEEDY: On lines 13 and 14 who is included. Representative Lory said, the drug manufacturer. We had to put the exemptions in for the university. Representative Lory mentioned that there was a companion bill.

Representative Keedy then asked about the section on the top of page 2, concerning the new minimum sentence. Discussion about this section.

TOM HONZEL: Now we do have a mandatory sentence for some but the way this bill is written is consistent with the code.

There was no further discussion and no further questions and the hearing closed on House Bill Number 422.

With no further business to come before the committee at this time the meeting adjourned at 8:40 a.m.


John P. Scully, Chairman


Mary Ellen Connelly, Secretary