

HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE
Executive session
and Regular meeting combined.
March 14, 1979

The regular meeting of the House Judiciary Committee was called to order at 8:00 a.m. by Chairman Scully in room 436 of the Capititol Building. Bills scheduled were SB 112, 132, 395, 481 and HJR 55. Representatives Uhde and Conroy were excused.

Because Senate Bills 112, 132 and 395 had been heard already in other House Committees they were merely reviewed by the Judiciary Committee.

While the committee waited for Senator Reagan as sponsor of the Bill No. 481 Representative Scully suggested that some action be taken on bills still in committee.

SENATE BILL NO. 511; Representative Iverson moved "be concurred in". The motion carried with the vote unanimous. Representative Keedy will carry on the floor.

SENATE BILL NO. 409: Representative Keedy moved to amend by reinserting the original language, on lines 17 and 18, page 3. The motion carried with the vote unanimous. Representative Holmes moved "be concurred in as amended". The motion carried with the vote unanimous. Representative Holmes will carry if Representative Dussault does not, since she is one of the sponsors.

HOUSE JOINT RESOLUTION 55: Representative Ramirez, as chief sponsor of the bill, went through it and explained it. He suggested that there should be a study committee.

MIKE ABLEY: Supreme Court. This bill is requesting assignment of an interim committee to evaluate Montana's Judicial district boundaries, number of judges and court support services. There is quite a disparity in travel expenses. We would like to take an in-depth look at this. He went on to explain a little further as to efficiency and manpower requirements.

MARGARET DAVIS: League of Women Voters. The League is in support of HJR 55 and endorse it totally. She gave the committee a copy of written testimony. (copy attached) We can not afford to authorize more judges. By undertaking a study we feel the legislature will be very much more capable of action on this. They will be more able to deal with it.

REPRESENTATIVE KEMMIS: Will this go to the next legislature.

REPRESENTATIVE RAMIREZ: Just the planning committee for the interim committee would set up a district court planning committee. The interim committee would not have any function other than the planning committee.

Representative Daily asked if Margaret Davis would explain how the League goes about endorsing or opposing a bill. Representative Scully said it would be fine, if she would do that, whereupon Margaret did explain the rationale and how the League comes to their conclusions on bills.

There was no further discussion and the hearing closed on HJR 55.

8:35 a.m.

The committee went back into executive session while waiting for Senator Regan.

SENATE BILL NO. 461:

Representative Kemmis moved "be concurred in". The motion carried with the vote unanimous. Representative Eudaily will carry on the floor.

Senator Regan came in so Representative Scully said they would resume the hearing.

SENATE BILL NO. 481:

Senator Regan. Since I worked the executive budget I walked over to the court and asked them if they wanted a pay raise or the mileage. They said they wanted a pay raise. She explained the bill and what it would do. The annual salary of each district judge is \$35,000. Act and necessary expenses for each judge shall be the travel expenses incurred in the performance of his official duties. The Senate struck section 16 which provided for a transition. In order to avoid that kind of challenge and then Section 16 was inserted. I will let you decide if Section 16 should be left in.

Representative Keedy asked what are they getting now. Senator Regan said they are getting the same as state employees because of what Hatfield did. It was the municipal judge that looked at the language and claimed more mileage. It wasn't the district judges that complained.

A general discussion followed about who is included under the bill.

Discussion about why Section 16 was stricken. It may be needed to make it constitutional. Discussion about this, also.

REPRESENTATIVE SCULLY:

Representative Kemmis will chair the meeting while I carry a bill in the Senate.

SENATE BILL NO. 217:

After general discussion it was decided to hold until Thursday.

SENATE BILL NO. 260:

Representative Lory moved "be not concurred in". Representative Keyser moved a substitute motion "be concurred in".

There was general discussion about what information should be allowed out. Also followed discussion about whether it is necessary that the governor have this information and whether the commission is balanced.

Larry Weinberg, staff attorney, explained how the commission is appointed and read the law that deals with it.

The question was called and by roll call vote the motion carried, 10 yes, 7 no, with two representatives absent, be concurred in.

SENATE BILL NO. 346: Representative Keedy moved "be not concurred in". He then said he wished to amend the bill and spoke to his amendments, talking about the definition of frivolous.

Representatives Lory, Curtiss and Kemmis spoke on the motion. Discussion followed about court costs.

Representative Lory moved to amend the title, line 7 and line 9, and line 6 and 5, to strike. He discussed this. He said he wanted to add language on line 9. On page 4, line 21, strike, "shall" and insert "may". There was discussion about the language "prevailing party in multiple causes of action". The motion carried with the vote unanimous. (copy attached) Representative Lory moved be "concurred in as amended." The motion carried with Representatives Roth, Eudaily, Teague, Pavlovich and Seifert voting "no". Representative Lory will carry, however, he will check with Representative Quilici and see if he wants to carry it, since he is one of the sponsors of the bill.

SENATE BILL NO. 355: Representative Lory moved "be concurred in". The motion carried with the vote unanimous. Representative Pavlovich will carry on the floor.

SENATE BILL NO. 431: Representative Keedy led a discussion about what the bill actually does. The motion was made "to pass for the day", and Larry Weinberg will check. The motion carried with the vote unanimous.

SENATE BILL NO. 394: Representative Keyser moved "be concurred in". The motion carried with Representative Curtiss voting "no". No one was appointed to carry the bill, an oversight of the acting chairman.

SENATE BILL NO. 454: Representative Keyser moved "be concurred in". The motion carried with Representative Holmes voting "no".

SENATE BILL NO. 476: Representative Keyser moved "not concurred in". The motion carried with Representatives voting "no" as follows, Day, Anderson and Holmes.

SENATE BILL NO. 286: Representative Seifert moved "be concurred in". Representative Anderson asked and discussion followed about why this would not need to be a constitutional amendment. Representative Keedy said that is because the constitution gives the legislature the right to make that decision. He went on to explain how opinions are arrived at. The motion to concur carried with Representatives Anderson and Seifert voting "no".

SENATE BILL NO. 386: Representative Holmes moved "not concurred in". Larry Weinberg, the staff attorney, explained the amendments and talked about the effect. They are only housekeeping rather than substantive.

Representative Seifert moved "do pass for the amendments." There followed discussion about sections being repealed. The motion to amend carried. The motion "not concurred in as amended" carried with Representatives Lory, Iverson, Daily and Teague voting "no".

HOUSE JOINT RESOLUTION 55: Representative Eudaily moved "do pass". Then followed discussion about the persons appointed to the planning committee and how to clarify the language.

Representative Holmes moved to amend line 8, page 2 and insert "expanded". Also on line 13 to insert "legislative". After much discussion she withdrew the motion.

Representative Eudaily moved to strike "planning" and insert "interim" on line 16. The motion carried with the vote unanimous.

Representative Holmes moved to amend line 15, to add language following assignment. The motion failed with one aye vote. Then followed discussion about the precedent, line 13, page 2.


Representative Keedy moved to amend by inserting "non-voting". The motion failed with 9 no votes, 5 yes votes, and 5 absent.

Representative Scully came back. He moved a substitute motion "do not pass as amended". The motion failed, 8 yes, 8 no and 3 absent.

There was discussion about the motion made earlier to amend by striking "planning" and inserting "interim". It was decided that the language might already cover this and that it was clear as already stated in the bill. Representatives Keyser, Daily, Rosenthal and Lory asked to be recorded as "no" votes.

Representative Scully moved "do not pass as amended". The motion carried with 10 yes votes, 7 no votes and 2 absent.

The meeting adjourned at 10:55 a.m.



John P. Scully, Chairman

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