

MINUTES FOR MEETING
SENATE JUDICIARY COMMITTEE
February 19, 1981

The thirty-second meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 10:00 a.m.

ROLL CALL:

All members were present.

DISPOSITION OF SENATE BILL 475:

Senator Olson moved that the bill DO PASS AS AMENDED (as shown on the attached Committee Report), and his motion passed unanimously.

DISPOSITION OF SENATE BILL 287:

David Niss outlined some of the amending he felt necessary.

Senator Manley stated that he had not drafted the bill in order to protect the Highway Department, but to protect the land owners from being run over roughshod by the Highway Department. He said that rather than "fix" his bill too much, he would prefer to see it killed.

The first amendment shown on the attached Committee Report was passed with Senator Olson in opposition. The fourth amendment was passed with Senator Crippen in opposition.

Senator B. Brown moved that the bill DO PASS AS AMENDED, and his motion carried.

DISPOSITION OF SENATE BILL 468:

Senator Crippen moved that the bill DO PASS, and his motion passed with Senator Tveit in opposition.

DISPOSITION OF SENATE BILL 289:

Senator B. Brown moved the first amendment, which passed unanimously; then he moved the second amendment, which passed over the opposition of Senator Anderson. Senator B. Brown moved that the bill DO PASS AS AMENDED, and his motion passed with Senators Berg, Tveit, and Anderson opposing.

DISPOSITION OF SENATE BILL 477:

Senator O'Hara moved that the bill DO NOT PASS, and his motion

carried with Senator B. Brown abstaining and Senators Anderson, Crippen and Halligan opposed.

DISPOSITION OF SENATE BILL 381:

Senator Halligan moved the first two amendments on the attached Committee Report, and his motion carried with Senator Mazurek opposed. Senator Halligan moved the third and fourth amendments on the attached Committee Report, and his motion carried unanimously. Senator Mazurek moved the fifth amendment on the attached Committee Report, and his motion carried unanimously.

Senator Halligan moved that the bill DO PASS AS AMENDED, and his motion carried unanimously.

DISPOSITION OF SENATE BILL 335:

Senator Crippen moved that the committee adopt the amendments on the attached Committee Report, and his motion carried unanimously. He then moved that the bill DO PASS AS AMENDED, and this motion carried unanimously.

DISPOSITION OF SENATE BILL 315:

Senator Mazurek moved that this bill be placed on the table, and his motion carried unanimously.

DISPOSITION OF SENATE JOINT RESOLUTION 9:

Senator Berg moved that the resolution be tabled. His motion carried over the opposition of Senators Crippen, Anderson, O'Hara, and B. Brown.

Senator S. Brown moved to reconsider the motion to table and moved that the committee adopt the amendments shown on the attached Committee Report. His motion on the amendments carried unanimously. Senator S. Brown then moved to table the resolution. His motion failed, with Senators Anderson, O'Hara, Olson, B. Brown, Crippen and Tveit voting against it.

Senator Crippen moved that the resolution DO PASS AS AMENDED, and his motion carried over the opposition of Senators S. Brown, Berg, Mazurek, and Halligan.

DISPOSITION OF SENATE BILL 238:

Senator Anderson moved to amend the bill on page 3 by reinserting the original language stricken in lines five through eleven. Senator S. Brown offered a substitute motion that the committee accept the second reading bill minus subsection (2) on page three, as well as amending subsection (7), lines five and six on page two, by striking "to a motor vehicle". This motion carried over Senator Crippen's opposition.

Senator Mazurek moved to amend line 22, page 2, by striking
", as part of the costs,". This motion passed unanimously.

Senator S. Brown moved that the bill DO PASS AS AMENDED,
and his motion carried over Senator Crippen's opposition.

DISPOSITION OF SENATE BILL 329:

Senator Mazurek moved that the bill DO NOT PASS, and his
motion carried over Senator Halligan's opposition.

DISPOSITION OF SENATE BILL 334:

Senator Olson moved that the bill DO PASS, and his motion
carried over Senator Berg's opposition.



ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 2/19/81

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)	✓		
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)	✓		
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

February 19, 1981

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 232

Respectfully report as follows: That SENATE Bill No. 232
second reading copy, be amended as follows:

1. Page 2, line 5 through line 6.
Following: "DAMAGE" on line 5
Strike: line 5 through "VEHICLE" on line 6.
2. Page 2, line 22.
Following: "allow"
Strike: ", as part of the costs,"
3. Page 3, lines 5 through 11.
Strike: Subsection (2) in its entirety.

And, as so amended,

DO PASS

JAF

STANDING COMMITTEE REPORT

February 19, 1981

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 468

Respectfully report as follows: That SENATE Bill No. 468

~~DO PASS~~

DO PASS 4/13

STANDING COMMITTEE REPORT

February 19, 1981

MR. PRESIDENT

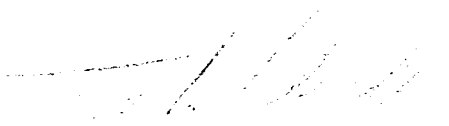
We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 334

Respectfully report as follows: That SENATE Bill No. 334

He

DO PASS



Mike Anderson

Chairman.

STANDING COMMITTEE REPORT

.....February 19,..... 19 81.....

MR. PRESIDENT.....

We, your committee on JUDICIARY.....

having had under consideration SENATE Bill No. z. 329.....

Respectfully report as follows: That..... SENATE Bill No. 329.....

~~DO PASS~~ *4/2*
DO NOT PASS

[Handwritten Signature]
.....

STANDING COMMITTEE REPORT

February 19, 19 61

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 477

Respectfully report as follows: That SENATE Bill No. 477

A.C.
~~DO NOT PASS~~
DO NOT PASS

Mike Anderson

Chairman.

STANDING COMMITTEE REPORT

February 19, 19 61

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 335

Respectfully report as follows: That SENATE Bill No. 335
be amended as follows:

1. Page 8, line 7.
Following: "and"
Strike: "auto"
Insert: "motor"
2. Page 15, line 8.
Following: "on"
Strike: "wet"
Following: "marine"
Insert: ", inland marine,"

JRF

And, as so amended

DO PASS

STANDING COMMITTEE REPORT

February 19, 19 31

MR. ~~PERNSIANT~~.....

We, your committee on JUDICIARY.....

having had under consideration SENATE JOINT RESOLUTION Bill No. 9.....

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 9.....
be amended as follows:

1. Page 1, line 5, through line 7.
Following: "MONTANA" on line 5
Strike: line 5 through "DIRECT THE" on line 7.
Insert: "REQUESTING AN INTERIM STUDY OF A"
2. Page 2, line 13.
Following: "to"
Strike: "plan"
Insert: "study a"
3. Page 2, line 15 through line 17.
Following: "Administration" on line 15
Strike: line 15 through "Annotated" on line 17
4. Page 3, lines 4 and 5.
Following: "Legislature" on line 4
Strike: line 4 through "occur" on line 5

And, as so amended,
DO PASS

JRF

STANDING COMMITTEE REPORT

February 19, 1991

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 287

Respectfully report as follows: That SENATE Bill No. 287

be amended as follows:

1. Page 2, line 3.
Following: "period of"
Strike: "1 year"
Insert: "10 years"
2. Page 2, line 9.
Following: "to the"
Strike: "original"
3. Page 3, line 17.
Following: "condemnor"
Strike: "may"
Insert: "shall"

4. Page 4, line 19 through line 25.
Strike: Section (in its entirety.
Remember, the following sections.

~~DO PASS~~ DO PASS

JRS

STANDING COMMITTEE REPORT

.....February 19, 1991.....

MR. PRESIDENT.....

We, your committee on JUDICIARY.....

having had under consideration SENATE Bill No. 289.....

Respectfully report as follows: That..... SENATE Bill No. 289.....

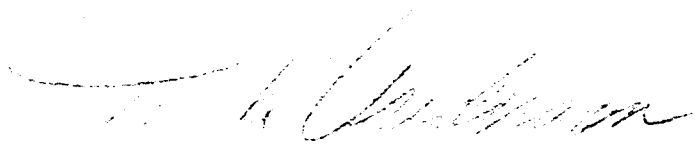
be amended as follows:

1. Line 11.
Following: "general"
Strike: "shall"
Insert: "may"
2. Lines 20 through 23.
Strike: subsection (2) in its entirety

JRC

And, as so amended,

DO PASS



.....
Mike Anderson

Chairman.

STANDING COMMITTEE REPORT

February 19, 19 31

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 475

Respectfully report as follows: That SENATE Bill No. 475
be amended as follows:

1. Page 13, line 14.

Following: "(a)"

Strike: "(1)"

Insert: "(i)"

2. Page 14, line 23.

Following: "(a)"

Insert: "(i)"

3. Page 14, line 24.

Following: "or"

Strike: (b)

Insert: "(a)(ii)"

4. Page 86, line 22.

Following: "of"

Strike: "35-I-804(5)

Insert: "35-I-803(5)

~~DO PASS~~

JRF

continued

5. Page 99, line 19.

Following: "and"

Strike: "~~35-1-812~~"

Insert: "[section 49]"

6. Page 112, line 25.

Following: "of"

Strike: "~~30-13-203~~"

Insert: "Title 30, chapter 13, part 2"

7. Page 113, line 19.

Following: "of"

Strike: "~~this chapter~~"

Insert: "~~35-1-1006~~"

8. Page 121, line 20 through line 23.

Following: "report" on line 20

Strike: line 20 through "report" on line 23.

JRG

And, as so amended,

DO PASS

STANDING COMMITTEE REPORT

February 19, 1931

MR. **PRESIDENT**

We, your committee on **JUDICIARY**

having had under consideration **SENATE** Bill No. **381**

Respectfully report as follows: That **SENATE** Bill No. **391**

be amended as follows:

1. Title, line 9.

Following: "41-5-521"

Strike: "and"

Following: "41-5-601"

Strike: "through"

Insert: ", 41-5-602, and"

2. Page 3, line 11.

Following: "(2)"

Strike: "Publicity"

Insert: "In a petition under this section publicity"

3. Page 3, lines 12 and 13.

Following: "youth"

Strike: the remainder of line 12 through "a youth" on line 13.

Insert: "formally charged with or"

DO PASS

JR

4. Page 3, line 13.
Following: "against"
Strike: "as"

5. Page 3, line 14.
Following: "delinquent youth"
Strike: "or youth in need of supervision"

6. Page 4, line 21 through line 25 on page 6.
Strike: Section 4 in its entirety.
Renumber: subsequent sections

JRF

And, as so amended,
DO PASS

SENATE COMMITTEE JUDICIARY

Date February 19, 1981 Senate Bill No. 287 Time 10:52a.m.

NAME	YES	NO
Anderson, Mike	✓	
O'Hara, Jesse A.	✓	
Olson, S. A.		✓
Brown, Bob	✓	
Crippen, Bruce D.	✓	
Tveit, Larry J.	✓	
Brown, Steve		✓
Berg, Harry K.		✓
Mazurek, Joseph P.		✓
Halligan, Michael	✓	

Robin Campbell
Secretary

John Sullivan
Chairman

Motion: Pass as recommended

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date February 19, 1981 Senate Bill No. 477 Time 11:01

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.	✓	
Olson, S. A.	✓	
Brown, Bob		
Crippen, Bruce D.		✓
Tveit, Larry J.	✓	
Brown, Steve	✓	
Berg, Harry K.	✓	
Mazurek, Joseph P.	✓	
Halligan, Michael		✓

Robin Campbell
Secretary

John Anderson
Chairman

Motion: do not pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date Feb. 19, 1981 SJR Bill No. 9 Time 11:30

NAME	YES	NO
Anderson, Mike		✓
O'Hara, Jesse A.		✓
Olson, S. A.		✓
Brown, Bob		✓
Crippen, Bruce D.		✓
Tveit, Larry J.		✓
Brown, Steve	✓	
Berg, Harry K.	✓	
Mazurek, Joseph P.	✓	
Halligan, Michael	✓	

Robin Campbell
Secretary

Mike Culnan
Chairman

Motion: Table as amended

(include enough information on motion—put with yellow copy of committee report.)

SENATE COMMITTEE JUDICIARY

Date Feb. 19, 1981 SJR Bill No. 9 Time 11:40

NAME	YES	NO
Anderson, Mike	✓	
O'Hara, Jesse A.	✓	
Olson, S. A.	✓	
Brown, Bob	✓	
Crippen, Bruce D.	✓	
Tveit, Larry J.	✓	
Brown, Steve		✓
Berg, Harry K.		✓
Mazurek, Joseph P.		✓
Halligan, Michael		✓

Robin Campbell
Secretary

John Kubasek
Chairman

Motion: No pass as amended

(include enough information on motion--put with yellow copy of committee report.)