

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 5, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, February 5, 1985 at the hour of 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 352: Rep. Richard Nelson, sponsor of HB 352, testified. Rep. Nelson stated that this bill was introduced at the request of the 11th Judicial District Judge in Kalispell. The bill would allow an associated misdemeanor to be taken care of in district court along with a felony in order to alleviate some of the cost and time involved in a prosecution. He said Judge Keedy feels it is a matter of efficiency of handling related offenses together.

Larry Majerus, Administrator of the Motor Vehicle Division of the Department of Justice, also appeared and spoke in favor of the bill. The department specifically supports the changes in page 1, lines 23 to 25 and page 2, lines 4 through 6. The department does not have a position on subsection 1, 2 and 3.

There being no further proponents or opponents to the bill, Rep. Nelson closed. In response to a question from the committee, Rep. Nelson said that this bill should be considered as a separate item from HB 476. Rep. Mercer pointed out that HB 352 is sort of a flipside to HB 476.

In response to a question asked by Rep. Mercer, Mr. Majerus stated his understanding of the bill will not give the district court concurrent jurisdiction in misdemeanors where there is only a low misdemeanor. This would deal only with the cases where there is both a high misdemeanor and a low misdemeanor.

There being no further questions, hearing closed on HB 352.

CONSIDERATION OF HOUSE BILL NOS. 332, 333, 335: Upon approval of Chairman Hannah, Rep. Bradley testified in support of all three bills which she sponsored.

HOUSE BILL NO. 332: Rep. Bradley submitted some amendments. She wishes to delete section 1 in its entirety because she didn't mean to get into that area. The title needs to be amended accordingly in order to conform with

her proposed amendments. The title would have to be amended beginning on line 5 by deleting "CERTIFICATES OF OWNERSHIP, REGISTRATION, AND TAXATION OF MOTOR VEHICLES AND THE". Also line 10 would have to be amended by deleting SECTIONS 61-3-601 AND and inserting "SECTION". The only section remaining would be section 2. The reference is to section 61-6-301 through 304. Those sections deal with the requirements of liability insurance and proof thereof. All this does is add a possible imprisonment. The justices of the peace wanted to have a little more leverage. It adds the potential of jail to the fine that already existed at that level.

HOUSE BILL 333: This bill removes some old language which the justices of the peace have found to be archaic and inconvenient. Under this bill, the justice would be able to designate a person to act in his stead instead of the county commissioners. She feels this makes more sense, because the justice would know who is more qualified to assume his position.

HOUSE BILL 335: Rep. Bradley pointed out some adjustments that needed to be change in this bill. She referred to page 3, line 5 through 7 where there is some improper wording included. She said there should be a period after the word "bail" on line 5. The following material should be deleted: "by execution sale, by execution against the sureties, or by any method authorized for enforcement of other judgments". The bill would allow as an amendment to section 46-9-504 that the justice of the peace hold a hearing with the individual who had absorbed the loss up to this time. The individual could come and make a case and collect the amount that he had lost. This bill is a small victims of crime bill.

Judge H. P. Goan, justice of the peace of Gallatin County, testified in support of the bill. In regards to HB 332, Judge Goan stated that after speaking to other justices in the state, they feel that under the current law, there is not satisfactory leverage to encourage people to keep liability insurance in force at the times they are operating a motor vehicle.

Judge Goan made a few comments in regards to his support for HB 333. He said this bill would simply call in another justice of the peace or other qualified person to act in lieu of the prevailing justice's absence. Judge Goan feels that the current law does not meet the current needs of the court.

In regards to HB 335, Judge Goan said the judges of the courts of limited jurisdiction strongly support this bill.

Judge Goan pointed out that college towns, in particular, would benefit from this bill

Cathy Campbell, representing the Montana Association of Churches, stated her support for HB 335.

Jim Jensen, representing the Montana Magistrates Association, wished to go on record as supporting these bills.

There being no further proponents or opponents, Rep. Bradley closed.

Rep. Eudaily stated his concern in regards to HB 333 which he feels has no restrictions. He said that although county commissioners are responsible for funding the other person who would assume the justice of the peace's temporary position, they wouldn't be allowed the authority to hire that person. Judge Goan stated in response that he didn't feel there would be any conflict involved.

Rep. Bergene had a question regarding the hiring of a qualified person to assume the temporary position. Rep. Bradley feels that the justice of the peace would hire someone qualified because that justice's reputation would be at stake.

In response to a question from Rep. Rapp-Svercek, Rep. Bradley stated that the counties pay J.P. salaries at present.

In response to a question asked by Rep. O'Hara, Judge Goan doesn't feel this new system would be abused by the justices. He said that the justices would still be required to notify the county commissioners and obtain their permission before leaving for an extended period of time.

In response to a question asked by Rep. Addy, Judge Goan stated that county commissioners would still have to approve payment for the substitute judge.

Rep. Hannah said that if the county commissioners still control the purse strings and are given notice by the justice, then why is it such a difficult problem. Judge Goan said that many times the commissioners do not understand the way the court docket works. He feels the present system is cumbersome as it creates undue hardships on the court. Judge Goan further pointed out that the extra money needed to pay a substitute judge is already included in the budget. So the county commissioners have

the control over the expenditure. The problem arises in the day to day work of the court. Statutory deadlines are a consideration, and that is why it is important to get a judge appointed as soon as possible so that he is able to assume the caseload immediately. Another advantage the bill would provide is if the justices know they are responsible for the hiring of another individual, the justice can make the appropriate arrangements with the appointee well in advance.

EXECUTIVE ACTION:

ACTION ON HB 332: Rep. Hammond moved that HB 332 DO PASS. The motion was seconded by Rep. Darko. Rep. Addy moved to adopt the amendments previously proposed by Rep. Darko. The motion was seconded by Rep. Hammond and passed unanimously. Rep. Hammond further moved that HB 332 DO PASS AS AMENDED. The motion was seconded by Rep. Keyser and passed with Reps. Kruegar and Brown dissenting.

ACTION ON HB 333: Rep. Hammond moved that HB 333 DO PASS. The motion was seconded by Rep. Montayne. Rep. Mercer moved a substitute motion for a DO NOT PASS. The motion was seconded by Rep. Eudaily and further discussed.

Rep. Mercer said that the county commissioners he has talked with concerning this bill stated that they oppose the bill because it could bankrupt their budgets. He feels there is a political rift happening between county commissioners and justices of the peace. He feels that county commissioners cannot always afford to pay for substitute justices, and he further feels that the county commissioners should make the decision as to the hiring process.

Rep. Keyser stated that he has a problem with the bill. In his testimony, Rep. Goan stated that nothing gets done until the county attorney starts screaming of the back log in cases. Rep. Keyser said that all it takes to get a justice is a written request from the county attorney. He feels that there isn't the delay that the proponents say there is. Rep. Keyser agrees with Rep. Mercer and feels that the people who control county government should have that control.

It was Rep. Poff's opinion that county commissioners should still make the hiring decision. He doesn't see it as a problem at the present time.

Rep. Hammond spoke in favor of the bill saying that he doesn't feel justices of the peace would abuse this additional authority to hire. He does feel there is a delay in the court system, and statutory deadlines must be met.

The question was called on the DO NOT PASS motion, and the motion failed 8-10. (See roll call vote.)

Rep. Kruegar further moved that HB 333 DO PASS. The motion was seconded by Rep. Montayne. Rep. Mercer moved to amend the bill on page 1, line 22 by inserting after "in" the words "with approval of the county commissioners". The motion was seconded by Rep. O'Hara. He feels the county commissioners' approval should be sought since they are the ones allocating the funds to do so.

Rep. Kruegar moved the previous question. The motion failed.

Rep. Miles spoke against Rep. Mercer's motion to amend. She said the title of the bill makes it clear as to what the intent of the bill is. Rep. Addy also spoke against the amendment. The question was called, and the motion failed 7-11. (See roll call vote.)

The question was called on the DO PASS motion, and it carried 10-8. (See roll call vote.)

CONSIDERATION OF HOUSE BILL NO. 340: Rep. Jack Ramirez, chief sponsor for HB 340, testified. He reviewed the changes the bill would provide.

Terry Carmody, representing the Montana Association of Realtors, stands in support of this legislation, but he would like to see the 10 days changed to 3 days.

Steve Kennedy, representing the landlord association, testified in support of the bill. He feels the 3-day time period would be very beneficial to both the landlord and the tenant. It lets him know than in three days by law, something would have to be done with his property. It clearly defines the responsibility of the landlord to the tenant, and it would also make definite the tenant's responsibility to the landlord that if he abandons his property, the landlord has to do something with it within a certain time frame.

There being no further proponents or opponents, the committee asked questions.

Rep. Kruegar stated his problem with lowering the time frame to three days. Rep. Ramirez stated that there is

no time limit now. He feels that placing any sort of a time limit would be to the tenant's advantage.

Rep. Montayne was concerned that there is no provision dealing with a death of a tenant. Also, the bill doesn't provide any protection for people in regards to paying a large amount of storage fee. Rep. Ramirez pointed out that this bill gives a procedure for ordinary situations. He doesn't feel that all these different kinds of situations can be addressed.

There being no further questions, hearing closed on HB 340.

EXECUTIVE ACTION:

ACTION ON HOUSE BILL NO. 335: Rep. Hammond moved that HB 335 DO PASS. The motion was seconded by Rep. Montayne.

Rep. Keyser moved to adopt the amendments as proposed by the sponsor. The motion was seconded by Rep. Rapp-Svrcek and carried unanimously.

Rep. Keyser further moved that HB 335 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and carried unanimously.

ACTION ON HOUSE BILL NO. 340: Rep. Gould moved that HB 340 DO PASS. The motion was seconded by Rep. Rapp-Svrcek, and discussion followed.

Rep. Addy moved to amend on page 2, line 9 of the bill by striking "10" and inserting "3". The motion was seconded by Rep. Eudaily and discussion followed. Rep. Addy feels that 3 days would provide adequate time for the tenant to pick his property up from the landlord's premises.

Rep. Kruegar, however, feels this amendment would allow the landlord to use this procedure to obtain the property and hold it as a lien. He feels the bill should be left as is, because the 10 day period affords adequate time for the landlord and provides protection to the tenants.

Rep. Rapp-Svrcek made a substitute motion to strike "10" and insert "5" on page 2, line 9 of the bill. The motion was seconded by Rep. Keyser. The question was called, and the motion carried with Reps. Montayne, Eudaily, Kruegar and Miles dissenting.

Rep. Brown moved that HB 340 DO PASS AS AMENDED. The motion was seconded by Rep. Gould and discussion followed.

Rep. Montayne stated his disapproval of the bill because he feels it is unfair. Rep. Keyser, on the other hand, feels the bill is reasonable as it has changed the time frame in regards to abandonment and it sets some definite time periods.

Rep. Rapp-Svrcek feels the bill will not have a great deal of impact. He feels the bill is reasonable for both the tenant and the landlord. The question was called on the motion to pass as amended, and it carried with Reps. Kruegar and Montayne dissenting.

ACTION ON HOUSE BILL NO. 352: Rep. Keyser moved that HB 352 DO PASS. The motion was seconded by Rep. Gould.

Brenda Desmond, committee researcher, pointed out the difference of HB 352 and HB 476. She stated that there is no conflict between the bills. The question was called and the motion for a DO PASS carried unanimously.

ACTION ON HOUSE BILL NO. 447: Rep. Brown moved that HB 447 DO PASS. The motion was seconded by Rep. Kruegar, and discussion followed.

Rep. Miles spoke in favor of the bill stating that it one more attempt to make child support monies due and owing available to the child.

Rep. Mercer also stated his support for the bill although he did state his concern for the language on line 17. He moved to amend line 17 by deleting the language "debts created by the". The motion was seconded by Rep. Rapp-Svrcek and carried unanimously. Rep. Addy moved that HB 447 DO PASS AS AMENDED. The motion was seconded by Rep. O'Hara and passed with Rep. Cobb voting no.

ACTION ON HOUSE BILL NO. 310: Rep. O'Hara moved that HB 310 DO PASS. The motion was seconded by Rep. Hammond, and discussion followed.

Rep. Kruegar submitted several amendments for the committee's approval. His first amendment was to insert "or threatening" following "alleging" on page 5, line 2. He feels the amendment would make it clearer in terms of the threatening nature of physical abuse. The court are somewhat reluctant to enter a temporary restraining order in relation to threats of serious bodily harm. The second provision deals with the addition of persons related by blood or marriage. Rep. Kruegar says he has a problem with the present all-encompassing language. He feels those people related by blood or marriage

have the right of recourse on assault. He feels this section should be confined basically to domestic relations involving married people or those cohabiting with one another. He has a problem with in-laws being able to file petitions on behalf of other people.

Rep. Rapp-Svrcek requested that the question be divided.

The first amendment offered would deal with all of the language on lines 2 through 6 of page 5. The question was called, and the motion carried with Rep. Bergene dissenting.

Rep. Kruegar further moved that the committee adopt his second amendment which would strike "adult" and "marriage," following "spouses" on page 5, line 13 of the bill.

Rep. Rapp-Svrcek spoke against the adoption of this amendment. He said that other members of a household should be allowed to file a TRO on behalf of another person.

Rep. Bergene also spoke against the amendment. She feels the bill should be left as is.

Rep. Mercer pointed out that the only person who can file the petition is the actual person being abused.

Rep. Hannah agrees with Rep. Kruegar. He doesn't see why the blood marriage relationship is needed. He doesn't feel that by deleting this portion would affect anything.

Rep. Bergene feels the language should remain because to her the language on line 11 means those persons who would also be protected under the temporary restraining order, not the people who would be filing on behalf of another person.

The question was called, and a roll call vote was taken. The motion carried 11-7.

Rep. Kruegar further moved to strike on page 4, line 18 following "and" subsection (e) in its entirety. The word "and" would be inserted. The motion was seconded by Rep. Hannah and carried unanimously.

Rep. Kruegar further moved to amend the bill on page 7, following line 5 by striking Section 6 in its entirety. The motion was seconded by Rep. Mercer, and discussion followed. Rep. Kruegar said although the bill is a good one on its face, he doesn't feel jurisdiction should be

expanded to the justice courts. Even though he understands the problems that the rural areas may be faced with, he still feels that justice courts should not be allowed to issue TRO's.

In response to a question from Rep. Hammond, Rep. Kruegar feels that most TRO's can be obtained the same day they are applied for.

Rep. Addy also feels that J.P.'s should not have this additional responsibility.

Rep. Rapp-Svrcek stated his vehement opposition to the amendment. He feels that it definitely discriminates against the rural areas in Montana. He said this bill is directed towards emergency situations, and he further feels that jurisdiction could be extended to the justice of the peace courts in this one area. He feels that a large number of people are precluded under the present system from obtaining a TRO.

Rep. Darko also stated her opposition to the amendment. She said there is no guarantee that a district judge will be available to issue a TRO on particular days.

Rep. Cobb feels the amendment is needed. Without the amendment, he feels the system could be abused. He also pointed out that district court judges do not issue TRO's without notice. Again, Rep. Kruegar stated that to expand jurisdiction would really be consequential.

Rep. Mercer spoke in favor of the amendment with reluctance. He said there are two sides to every story, and he feels that most J.P.s would be quick to sign a one-sided complaint. He further believes that a J.P. cannot provide the adequate protection which could lead to further problems.

Rep. Miles feels the amendment waters the bill down. The whole concept of the bill is to provide emergency relief to victims.

The question was called and a roll call vote was taken on Rep. Kruegar's motion to delete section 6. The motion passed 10-8.

Rep. Eudaily stated his concern for the language on page 5, lines 13-16. He feels that persons cohabiting should be deleted from this section. He further moved to delete this language, and it was seconded by Rep. Keyser.

Both Reps. Bergene and Rapp-Svrcek spoke against this amendment. Rep. Rapp-Svrcek feels that these people should have the same rights as other people.

The question was called, and the motion failed with Reps. Hannah, Eudaily, Gould and Keyser voting in favor of the motion.

Rep. Hammond moved that HB 310 DO PASS AS AMENDED. The motion was seconded by Rep. Mercer.

Rep. Mercer proposed an amendment on page 6, line 14 following "~~dismissed~~." insert "terminates upon order of the court or when a final decree is entered or when a petition for dissolution or legal separation is voluntarily dismissed; and (d)". The motion was seconded by Rep. Gould and carried unanimously. Also included in the motion would be to strike "and" on line 11, page 6. The question was called, and the motion carried unanimously.

The question was called on the DO PASS AS AMENDED motion, and it carried with Reps. Addy and Hannah dissenting.

ACTION ON HOUSE BILL NO. 341: Rep. Brown moved that HB 341 DO PASS. The motion was seconded by Rep. Rapp-Svrcek.

Rep. Addy made a substitute motion for a DO NOT PASS. The motion was seconded by Rep. Montayne and discussed. Rep. Addy explained his reasons for not liking the bill. He said there may be a genuine dispute as to the value of a person's services or the validity of a particular contract. To provide for treble damages because someone happens to be wrong about whether or not they should be required to pay for the services when a good faith dispute is going on makes Rep. Addy a little bit nervous.

Rep. Keyser stated that he simply would not pay for the services if the job were done poorly. He feels that this bill would basically be used for criminal acts.

Rep. Mercer spoke on behalf of the bill saying that when a check is written, the recipient is entitled to the money just as if it were actual cash.

Rep. Addy withdrew his motion for a DO NOT PASS. He further moved to amend page 1, line 23 by striking: "where there is no good faith dispute as to the value of the goods delivered or services rendered". The motion was seconded by Rep. Hammond, and the question called. The motion passed with Reps. Montayne and Miles dissenting.

Rep. Brown moved that HB 341 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and carried with Reps. Montayne and Miles dissenting.

ACTION ON HOUSE BILL NO. 323: Rep. Montayne moved that HB 323 DO PASS. The motion was seconded by Rep. Keyser and discussion followed.

Rep. Brown moved to amend this bill on page 1, line 17 by striking "less than \$100 or" and on page 2, line 2 by striking "less than \$100 or". The motion was seconded by Rep. Hammond. Rep. Brown feels the amount of the penalty would be left in the court's discretion. He doesn't feel there should be a mandatory penalty. The question was called and the motion to amend carried with Reps. Montayne, Hannah, Gould and Keyser dissenting.

Rep. Hannah moved to amend the bill on page 1, line 9 following "minor" by inserting ", as defined in 20-25-501,". The motion was seconded by Rep. Brown and passed unanimously.

Rep. Keyser moved that HB 323 DO PASS AS AMENDED. The motion was seconded by Rep. Brown. Rep. Rapp-Svrcek moved an amendment at this time on page 2, line 3, following \$200 by striking the rest of language in its entirety through line 7. The motion was seconded by Rep. Mercer and discussed. Rep. Rapp-Svrcek feels that public or private agencies should not be exempt from the responsibility of a child's actions.

Rep. Gould spoke against Rep. Rapp-Svrcek's amendment. He feels institutions certainly don't need this type of problem. He feels that the people who running group homes are working very hard to keep their kids in line.

Rep. Keyser said feels this amendment would place a big burden on the agencies.

Rep. Krueger made a substitute motion to strike subsection 2 in its entirety. The motion was seconded by Rep. Addy.

Rep. Montayne feels that the children's parents should be held responsible for their children's actions. This section just provides some "teeth" to the bill.

Rep. Hammond stated his opposition to Rep. Krueger's motion to amend. Rep. Miles also stated her opposition to the amendment. She feels that the parents are already held responsible for the actions of their children. She

feels the penalties as provided in the bill are too stiff.

Rep. Krueger's substitute motion was voted on, and it failed 5-13. (See roll call vote.)

The question was called on Rep. Rapp-Svrcek's motion to amend. The motion to amend failed.

Rep. Eudaily moved to amend page 1, line 19 following "(2)" by striking "The parent or legal guardian having custody of" and inserting "When". Further, on page 1, line 20, strike "who" and page 1, line 25 after "thereof" insert ", the minor's parent or legal guardian having custody of the minor". The motion was seconded by Rep. Hammond. Rep. Eudaily feels the language as presently written is confusing, and that was the reason for his amendment. The motion carried unanimously.

Rep. Hammond again moved that HB 323 DO PASS AS AMENDED. The motion was seconded by Rep. Brown and carried with Reps. Addy, Miles and Rapp-Svrcek dissenting.

ADJOURN: A motion having been made by Rep. Keyser and having been seconded, the meeting adjourned at 11:45 a.m.



REP. TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/5/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

February 5 1935

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MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 310

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ABUSED HOUSEHOLD MEMBERS TO OBTAIN SELF-HELP TEMPORARY RESTRAINING ORDER

Respectfully report as follows: That HOUSE Bill No. 310

be amended as follows:

1. Page 4, line 18.

Following: "and"

Strike: subsection (c) in its entirety.

Insert: "and"

Reletter subsequent subsection.

2. Page 5, line 2.

Following: "alleging"

Insert: "or threatening"

Following: "abuse"

Insert: ", harm, or bodily injury"

Following: "petitioner"

Strike: ", including" through "force," on line 5.

ADOPTED

(continued)

3. Page 5, line 13.

Following: "spouses,"

Strike: "adult" through "marriage,"

4. Page 6, line 11.

Strike: "and"

5. Page 6, line 14.

Following: "dismissed:"

Insert: "terminates upon order of the court or when a final
decree is entered or when a petition for dissolution
or legal separation is voluntarily dismissed; and (d)"

6. Page 7, following line 5.

Strike: Section 6 in its entirety

Renumber subsequent sections.

7. Page 8, line 2.

Following: "court"

Strike: ", justice" through "judge" on line 3.

AND AS AMENDED,
DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/5/85 BILL NO. 310 TIME 10:05

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene		✓
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily	✓	
Budd Gould	✓	
Edward Grady	✓	
Joe Hammond		✓
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles		✓
John Montayne	✓	
Jesse O'Hara		✓
Bing Poff		✓
Paul Rapp-Svrcek		✓
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Kruegar moved that the bill be amended as follows:

Page 5, line 13 following "spouses," strike "adult" through

"marriage,". The motion was seconded and carried 11-7.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/5/85 BILL NO. HB 310 TIME 10:20

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene		✓
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily		✓
Budd Gould	✓	
Edward Grady	✓	
Joe Hammond		✓
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles		✓
John Montayne		✓
Jesse O'Hara		✓
Bing Poff	✓	
Paul Rapp-Svrcek		✓
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Kruegar moved to delete section 6 in its
entirety. The motion was seconded by Rep. Mercer and carried
10-8.

STANDING COMMITTEE REPORT

February 5 19 85

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MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 323

FIRST reading copy (WHITE)
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CIVIL PENALTY FOR SHOPLIFTING

Respectfully report as follows: That HOUSE Bill No. 323

be amended as follows:

1. Page 1, line 9.
Following: "minor"
Insert: ", as defined in 20-25-501;

2. Page 1, line 17.
Strike: "less than \$100 or"

3. Page 1, line 19.
Following: "(2)"
Strike: "The" through "of"
Insert: "When"

4. Page 1, line 20.
Strike: "who"

5. Page 1, line 25.
Following: "thereof"
~~DO-PASS~~ Insert: ", the minor's parent or legal guardian having
custody of the minor"

(continued)

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6. Page 2, line 2.

Strike: "less than \$100 or"

AND AS AMENDED,
DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 5, 1985 BILL NO. 323 TIME 11:05

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene	✓	
John Cobb		✓
Paula Darko		✓
Ralph Eudaily		✓
Budd Gould		✓
Edward Grady		✓
Joe Hammond		✓
Kerry Keyser		✓
Kurt Krueger	✓	
John Mercer	✓	✓
Joan Miles	✓	
John Montayne		✓
Jesse O'Hara		✓
Bing Poff		✓
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)		✓
Tom Hannah (Chairman)		✓

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Kruegar moved to delete/section 2 in its entirety.
sub

The motion was seconded by Rep. Addy and failed 5-13.

STANDING COMMITTEE REPORT

February 5

19 85

MR. ASPREXER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 332

FIRST reading copy (WHITE)
color

AMEND PENALTY FOR VIOLATION OF MOTOR VEHICLE REGISTRATION &
INSURANCE LAWS

Respectfully report as follows: That HOUSE Bill No. 332
be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "CERTIFICATES" through "THE" on line 6.

2. Title, line 10.
Following: "AMENDING"
Strike: "SECTIONS 61-3-601 AND"
Insert: "SECTION"

3. Page 1, following enacting clause.
Strike: Section 1 in its entirety.

Renumber subsequent sections.

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

February 5 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 333

FIRST reading copy (WHITE color)

ALLOW A JP OR MUNICIPAL JUDGE TO NAME A PERSON TO ACT AS JUDGE
IN HIS BEHALF

Respectfully report as follows: That HOUSE Bill No. 333

DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/5/85

BILL NO. 333

TIME 9:00

NAME	AYE	NAY
Kelly Addy		✓
Toni Bergene	✓	
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily	✓	
Budd Gould		✓
Edward Grady	✓	
Joe Hammond		✓
Kerry Keyser	✓	
Kurt Krueger		✓
John Mercer	✓	
Joan Miles		✓
John Montayne		✓
Jesse O'Hara	✓	
Bing Poff		✓
Paul Rapp-Svrcek		✓
Dave Brown (Vice Chairman)		✓
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Mercer moved for a DO NOT PASS. The motion
was seconded by Rep. Eudaily and failed 8-10.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/5/85 BILL NO. 333 TIME 9:05

NAME	AYE	NAY
Kelly Addy		✓
Toni Bergene		✓
John Cobb	✓	
Paula Darko		✓
Ralph Eudaily	✓	
Budd Gould		✓
Edward Grady	✓	
Joe Hammond	✓	✓
Kerry Keyser	✓	
Kurt Krueger		✓
John Mercer	✓	
Joan Miles		✓
John Montayne		✓
Jesse O'Hara	✓	
Bing Poff		✓
Paul Rapp-Svrcek		✓
Dave Brown (Vice Chairman)	✓	✓
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Mercer moved to amend the bill on page 1, line 22,
by inserting after "in" the words "with approval of the county
commissioners". The motion was seconded by Rep. O'Hara and
failed 7-11.

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2/5/85 BILL NO. 333 TIME 9:05

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene		✓
John Cobb		✓
Paula Darko	✓	
Ralph Eudaily		✓
Budd Gould	✓	
Edward Grady		✓
Joe Hammond	✓	
Kerry Keyser		✓
Kurt Krueger	✓	
John Mercer		✓
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara		✓
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)	✓	
Tom Hannah (Chairman)		✓

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Rep. Kruegar moved that HB 333 DO PASS. The motion
was seconded by Rep. Montayne and carried 10-8.

STANDING COMMITTEE REPORT

February 5 1985

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 335

FIRST reading copy (WHITE color)

ALLOW A COURT TO ORDER FORFEITED BAIL TO BE PAID AS RESTITUTION
TO A VICTIM

Respectfully report as follows: That HOUSE Bill No. 335

be amended as follows:

1. Page 3, line 5.

Following: "bail"

Strike: " , by " through "judgments" on line 7.

AND AS AMENDED,

DO PASS.

STANDING COMMITTEE REPORT

February 5 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 340

FIRST reading copy (WHITE)
color

AMENDS LAWS ON DISPOSITION OF PROPERTY ABANDONED BY A TENANT
AFTER VACATING

Respectfully report as follows: That HOUSE Bill No. 340

be amended as follows:

1. Page 2, line 9.

Strike: "10"

Insert: "5"

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

February 5 19 35

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 341

FIRST reading copy (WHITE)
color

CIVIL LIABILITY OF PERSON WHO STOPS PAYMENT ON CHECK, DRAFT, OR ORDER

Respectfully report as follows: That HOUSE Bill No. 341

be amended as follows:

1. Page 1, line 23.

Following: "payment"

Insert: "★ when there is no good faith dispute as to the value
of the goods delivered or services rendered"

AND AS AMENDED,

DO PASS

STANDING COMMITTEE REPORT

February 5 19 55

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE BILL Bill No. 352

FIRST reading copy (WHITE color)

Respectfully report as follows: That HOUSE Bill No. 352

DO PASS

STANDING COMMITTEE REPORT

February 5

19 63

SPEAKER:
MR.

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 447

FIRST reading copy (WHITE)
color

GARNISH WORKERS' COMPENSATION BENEFITS FOR CHILD SUPPORT DEBTS

Respectfully report as follows: That HOUSE Bill No. 447

be amended as follows:

1. Page 1, line 17.

Following: "for"

Strike: "debts" through "the"

AND AS AMENDED,
DO PASS

VISITORS' REGISTER

JUDICIARY

COMMITTEE

BILL NO. HB 332, 333, 335DATE 2/5/85SPONSOR Rep. Bradley

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Todd Hudak	11th. HSEN OF COUNTIES		
Jimmy Jensen	MAGISTRATES	X	
H.P. SCAN	JUSTICE OF THE PEACE, GAL-ORG	X	
Larry Mayin	Mtr. Veh. Division	332	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

