

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 15, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Friday, February 15, 1985 at the hour of 7:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Rep. Keyser who had been previously excused.

ACTION ON HOUSE BILL NO. 360: Rep. Hammond moved that HB 360 DO PASS. The motion was seconded by Rep. Brown.

Rep. Hammond informed the committee that he had consulted with the mobile home court owners who had testified at the previous hearing. They told Rep. Hammond that they would have no objection to changing the time of notice from 30 days to 15 days. Therefore, Rep. Hammond moved the following amendment:

1. Title, line 5.
Strike: "30"
Insert: "15"

2. Page 2, line 17.
Strike: "30"
Insert: "15"

Said motion was seconded by Rep. Brown and carried unanimously.

Rep. Gould further moved that HB 360 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and further discussed.

The question was called, and DO PASS AS AMENDED motion carried with Reps. Hannah, Poff and Rapp-Svrcek dissenting.

ACTION ON HOUSE BILL NO. 643: Rep. O'Hara moved that HB 643 DO PASS. The motion was seconded by Rep. Brown.

Rep. Rapp-Svrcek felt an amendment should be adopted to allow counties the right to prohibit the discharge of firearms in concentrated urban areas for the purposes of public safety.

It was Rep. Eudaily's feeling that they would be opening a can of worms if that particular amendment were adopted.

Brenda Desmond, committee researcher, stated that she is unaware of a law that allows counties to regulate the discharge of firearms.

Rep. Addy moved on line 19 following "a" to insert "county". The motion was seconded by Rep. Rapp-Svrcek.

Rep. Hannah spoke against the motion to amend saying that it would deviate from what the sponsor of the bill intended. He feels it would be going against the whole direction of the bill.

Rep. Eudaily feels that by adopting the amendment, additional authority would be given to counties to regulate guns.

Rep. Mercer, too, felt by adopting the amendment, the committee would be doing exactly the opposite of what the bill is intended to do.

Rep. Rapp-Svrcek argued that the amendment would only allow the counties to have some say regarding the use of firearms in highly concentrated urban areas.

The question was called, and the motion to amend failed on a voice vote.

The question was further called on the previous DO PASS motion. The motion carried with Rep. Cobb dissenting.

ACTION ON HOUSE BILL NO. 594: Rep. Hammond moved that HB 594 DO PASS. The motion was seconded by Rep. O'Hara. Rep. Cobb, sponsor of HB 594, gave the committee a brief description of what the bill does.

Rep. Cobb moved the following amendments:

1. Page 1, line 20.
Following: "department"
Insert: "or the responsible political subdivision"
2. Page 1, line 24.
Following: "department"
Insert: "or the responsible political subdivision".
3. Page 2, line 3.
Following: "department"
Insert: "or the responsible political subdivision"
4. Page 2, line 8.
Following: "department"
Insert: "or the responsible political subdivision"

The motion was seconded by Rep. Brown and carried unanimously.

Rep. Brown further moved that HB 594 DO PASS AS AMENDED. The motion was seconded by Rep. Montayne and carried unanimously.

ACTION ON HOUSE BILL NO. 276: Rep. Krueger moved to table HB 276. The motion was seconded by Rep. Eudaily.

Rep. O'Hara stated his objections to the tabling motion. He feels unless something is done in this area, the state will continue to lose money.

Rep. Kreuger argued that passage of the bill will only result in a double check of what the department is already doing. Although Rep. Kreuger agrees with the intent of the bill, he feels the bill will allow the Department of S.R.S. to be able to obtain all sorts of information about individuals.

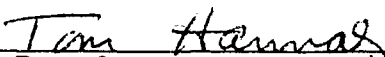
The question was called on the tabling motion, and it failed 7-10. (See roll call vote.)

Rep. O'Hara moved that HB 276 DO PASS. The motion was seconded by Rep. Miles and discussed.

Again, Rep. Kreuger stated his position on the bill. He feels this legislation gives the Department of S.R.S. further authority to invade individual's right to privacy and would further allow the state to acquire the right to look into all tax records.

The question was called, and the DO PASS motion carried 9-8. (See roll call vote.)

ADJOURN: Chairman Hannah adjourned the executive session at 8:00 a.m., and the hearing scheduled for today convened.



REP. TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

EXECUTIVE SESSION - 7:00 a.m.

Date 2-15-85

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	✓		