

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 20, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 20, 1987, at 7:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Eudaily who was excused.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 636:

Rep. Cobb moved that HB 636 be TABLED. A voice vote was taken and the motion CARRIED unanimously. HB 636 TABLED.

ACTION ON HOUSE BILL NO. 135:

Rep. Cobb moved that HB 135 DO PASS. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 135 DO PASS.

ACTION ON HOUSE BILL NO. 474:

Rep. Addy moved that HB 474 DO PASS. Rep. Mercer moved to amend by striking subsection (1) in its entirety. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Mercer moved that HB 474 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 13-2. HB 474 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 491:

Rep. Giacometto moved that HB 491 DO PASS. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 491 DO PASS.

ACTION ON HOUSE BILL NO. 670:

Rep. Addy moved that HB 670 DO PASS. Rep. Addy moved to amend HB 670 inserting an effective date of July 1, 1987. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Addy moved DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 10-4, with Reps, Brown,

Bulger, Cobb and Hannah dissenting. HB 670 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 577:

Rep. Brown moved that HB 577 DO PASS. Rep. Brown moved to amend the bill in order that 16 hours of training is given on an annual basis. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Brown moved that HB 577 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 577 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 610:

Rep. Brown moved that HB 610 DO PASS. Rep. Gould moved a substitute motion of DO NOT PASS. He stated that officers go through the law enforcement academy, and the Department should not go through jeopardy, liabilitywise of putting people out that are untrained. Rep. Brown pointed out the parole and probation officers, on a daily basis, face parolees that are carrying firearms and this puts officers at risk. This bill calls for firearm training as well as special permission to use firearms, he said.

Rep. Hannah stated that he agrees with Rep. Brown but he feels they should still have more training.

Rep. Giacometto opposed the do not pass motion. He pointed out that the police academy only teaches that you do not use a firearm unless you have to.

Rep. Strizich stated that this bill only applies to officers dealing with adults. He explained that he does not recommend that juvenile probation officers carry firearms, however, adult probation officers deal with a caseload of 90 or more parolees. Currently, they can only act as watch-dogs. Probation officers do not like to be cops, because if that is what they wanted to do they would have followed a different career path. He further pointed out that the officers are overloaded and firearms are a necessary part of their job.

Rep. Mercer stated that the Department of Institutions is not in favor of this bill because the position the probation officers should be taking is one of rehabilitation.

Rep. Bulger pointed out that there was a recent study that looked at the idea of hand guns in the home and it proved that people who keep hand guns in the home for the purpose of protection, are more likely to be injured themselves,

than they were to defend themselves. He stated that he is concerned about more violent interactions and liability.

Rep. Strizich stated that the Department of Institutions is out of touch with what is happening in the field. He pointed out that we need to support the probation officers in the field.

Rep. Rapp-Svrcek said that there is no logic in a probation officer going into a dangerous situation unarmed.

Rep. Gould explained that the first thing he would support, would be that the amount of probation officers should be increased. He said that the passage of this bill would cause tremendous problems between the Department and the probation officers in the field.

Rep. Brown stated that there is a situation presently where officers are carrying firearms because they feel they need them and this bill mandates training so the officers can use firearms only when they need them.

Question was called on Rep. Gould's do not pass motion. A voice vote was taken and the motion FAILED 5-8. Rep. Addy asked that the vote be reversed on the original do pass motion. HB 610 DO PASS.

Chairman Lory closed executive session.

HOUSE BILL NO. 790, Rep. Rehberg, District No. 88, explained that this act provides for payment by the state of costs and attorney fees of small businesses who prevail against the state in certain court and administrative proceedings and provides an applicability date. He presented a handout on the current status of equal access legislation in the United States. (Exhibit A). He pointed out that an amendment could be made with regard to employee count on page 3. He stated that a cap on attorney fees could be considered for this bill also.

PROPOSERS:

Rep. Dave Brown went on record in support of this legislation.

See Visitors' Register for further proponents.

There were no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 790:

Rep. Rapp-Svrcek asked Rep. Rehberg if the 1989 termination date might be too soon. He stated that four years might be better.

Rep. Rehberg closed the hearing on HB 790 by stating that there are a number of small businesses in the state of Montana that can benefit from this bill and he urged a do pass consideration.

HOUSE BILL NO. 805, Rep. Roth, District No. 96, stated that this piece of legislation is borne out of an incident that happened to a friend of his. He was in an automobile accident and the person who hit him had been picked up twice on an expired drivers license and no insurance. He pointed out that the purpose behind this legislation is not to punish any individual past the ability that the court has now. It is designed to get such people off the streets so that they do not drive after their license is revoked. This bill requires such people to surrender their driver's license, registration, and vehicle license number plates from all vehicles in which they hold an interest for nonpayment of a motor vehicle liability judgement.

PROPOSERS:

Rep. Kelly Addy went on record in support of this legislation.

There were no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 805:

Rep. Miles asked Rep. Roth what happens to a family when one member has to surrender the license plates. He stated that there is a provision in the bill that allows the court to set up a time payment plan. He pointed out that there are avenues to deal with such a problem.

Rep. Roth closed the hearing on HB 805 by stating that this is a serious problem that goes on all the time and this is a simple way to address the problem. He urged support for this bill.

HOUSE BILL NO. 824, Rep. McCormick, District No. 38, stated that this is a brand new bill called a firearm misuse tax act and it establishes a firearms crimestoppers program. He explained that the purpose of this bill is to impose a tax to reimburse those funds appropriated to replace highway signs on public and private property that have been destroyed by the misuse of firearms. A retailer shall pay a tax of 20% on the suggested retail price of firearms, firearm accessories, and ammunition and a tax of \$1.00 must

be added to the price of each big game animal tag issued. He said that the misuse of firearms to cause property damage costs the taxpayers too much money.

There were no proponents to HB 824.

OPPONENTS:

ED BEALL, Sporting Goods Retailers, stated that he is representing these retailers from Great Falls, Missoula, Kalispell, Billings, Butte, Miles City, Bozeman and Helena, and all the retailers are highly opposed to any legislation of this type. He said that this bill will not do one thing to solve the problem of roadside vandalism, but it will put many retailers in the state of Montana out of business.

GEORGE ALLEN, Montana Retail Association, stated that they stand in strong opposition to this bill. He said that there would be a problem with collections and enforcement of this type of tax.

LEE ANDREWS, Director on the Board of the Prickly Pear Sportsman Association, stated that he opposes such a bill, because it would seek to levy a heavy tax on everything relating to guns and shooting. He stated further that he objects to this bill because it is a punitive bill and it is an exceptionally bad bill.

BILL BIGELOW, National Rifle Association, acknowledged that this is gun control. He submitted written testimony. (Exhibit A).

A. M. (Bud) ELWELL, Montana Weapon Collector Society, said that he would hate to have a headache with Rep. McCormick around, because he would solve the ache with the guillotine. He strongly opposed this legislation and presented a witness statement. (Exhibit B).

JOHN R. FOSTER, Bozeman, opposed this bill and stated that this act brands all firearm users as guilty rather than a small percentage that actually cause damages. It would be far better to increase enforcement and impose sufficient fines to cover actual damages, he said. Written testimony was submitted as (Exhibit C).

ARNOLD ERHARDT, Montana Muzzleloading Rifle Association, submitted testimony as (Exhibit D). He said that this bill would end the muzzleloading business in the state of Montana.

RALPH A KNAUSS, Clancy, went on record in opposition to this legislation and submitted a witness statement. (Exhibit E).

See Visitors' Register for further opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 824:

Rep. Grady asked Rep. McCormick if the state already has a crimestoppers program set up. Rep. McCormick stated that the state does not have a firearm crimestoppers program.

Rep. McCormick closed the hearing on HB 824 by stating that if we take all the tax off of this bill and the rifle association sets up their own crimestoppers program the state will put a tax on them, but it will not be a hidden tax. The taxpayers have to pay right now even if they do not buy a firearm.

HOUSE BILL NO. 800, Rep. Rapp-Svrcek, District No. 51, stated that this bill attempts to address child support enforcement payments to allow discharge of support delinquencies in certain administrative income withholding cases. If, at any time, before an order to withhold and deliver income is issued under 40-5-415 an obligor who has not previously been served with a notice of intent to withhold income pays the total amount of support payments due and payable, plus an amount equal to or in excess of one month's payment, no order to withhold income may be made. This discharge of delinquency does not affect or otherwise limit any action based upon any subsequent delinquencies. The name of the obligor whose delinquencies are discharged under subsection (3) must be removed from any list of offenders kept by the department, he said. He recommended that subsection (4) be deleted.

There were no proponents, no opponents and no questions.

Rep. Rapp-Svrcek closed the hearing on HB 800.

Chairman Lory opened Executive Session.

EXECUTIVE SESSION

ACTION ON HOUSE BILL NO. 824:

Rep. Grady moved that HB 824 DO PASS. He moved amendments starting on page 1, lines 13, 14, 16, 18, 20-21, and 25. Rep. Mercer asked Rep. Giacometto why the judges' expenses for traveling to work are paid and no one else gets their expenses paid. He answered that within the state of Montana there are too many miles to travel. Rep. Daily asked Rep. Giacometto if these amendments were proposed by Rep. Schye. He stated that the amendments were proposed by Rep. Schye and the Montana Magistrate's Association. Question was called and a voice vote was taken. The motion CARRIED

unanimously. (See Amendments Attached). Rep. Giacometto moved that HB 482 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 482 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 564:

Rep. Giacometto moved that HB 564 DO PASS. He moved amendments because certain parts of this bill deal with HB 482 that was just passed. He moved to delete subsection (3) in its entirety and on page 3, section 4, subsection (2), lines 14-16 striking "the salary". Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Giacometto moved that HB 564 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 564 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 475:

Rep. Darko moved that HB 475 DO PASS. She moved amendments. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Gould moved a substitute motion that HB 475 DO NOT PASS as amended. Rep. Mercer moved that HB 475 be TABLED. A voice vote was taken and the motion FAILED 5-9. Rep. Bulger asked that this bill be clarified. Rep. Darko stated that the bill does have some problems and the one problem that she wished to address has to do with an owner/dealer of a gas station who wants to pass the station onto his children upon his death, but he cannot do so, and he will have nothing to give to his children. She pointed out that this bill can be made workable because it is not fair to the people who spend a lifetime running a gas station, and then have little to show for their work. Rep. Bulger said that his understanding of the hearing was that three issues needed to be addressed: 1.) Successor/interest. 2.) Right to incorporate. 3.) Right of first refusal. He stated that maybe there is something that can be saved in the bill, but we cannot pass a bill that is not clear. Rep. Meyers said that this is not a reasonable bill at the present time and we do not have the time to spend correcting it. Rep. Grady pointed out that this is a protectionist bill for the small service stations and it is the habit of the big companies to come in and put these people more or less out on the street over night. He said that perhaps the bill does go too far, but with a few amendments it could be softened up.

Rep. Darko stated that the direction that this bill has been given makes it confusing because it was first put in Business and Labor, and then because they did not know what to

do with it, it was transferred to Judiciary, and that is not fair to the bill. There is good in this bill, she said.

Rep. Miles stated that the problem between the major companies and the small gas station owners is valid. She said that the intent of the bill is good, but we cannot send it out of committee when there are problems with it.

Rep. Addy pointed out that either we leave the problem where it is at or bring the parties to the bargaining table. He suggested that it be made cleaner.

Rep. Rapp-Svrcek requested that this bill be held in committee so that amendments can be proposed by the sponsor. Chairman Lory held action on this bill until a later date. HB 475 held in committee.

ACTION ON HOUSE BILL NO. 57:

Rep. Addy moved that HB 57 be TABLED. A voice vote was taken and the motion CARRIED unanimously. HB 57 TABLED.

ACTION ON HOUSE BILL NO. 546:

Rep. Giacometto moved that HB 546 DO PASS. He moved amendments on page 3, line 7 inserting the language "such presumption is rebuttable". Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached).

Rep. Giacometto moved that HB 546 DO PASS AS AMENDED. Mr. MacMaster pointed out that in order to make this bill work the structure of the bill will have to be changed. He stated that in order to have an absolute liability offense (as per the current law, section 45-2104) the statute that creates it must say that it intends to have absolute liability. The penalty cannot be any kind of jail or imprisonment, and it has to be a fine of less than \$500.00. What makes this work is the word "and " on line 16. He pointed out that there are a number of statutes in the criminal code as to which it will no longer have to be proven any mental state element exists and the statute will have a mental state element. He said that there still be a number of current laws where this mental state will no longer have to be proven.

Rep. Addy asked Mr. MacMaster if the Legislative purpose is to impose absolute liability and would the suggested language have to be repeated in the other statutes in order to be effective and to make a clear Legislative purpose. Mr. MacMaster stated that in any statute where there is absolute liability the current law stated that a mental state must be

required. The sponsor of the bill really only wants to make it an absolute liability offense if there is a section 401 DUI or a section 406 per se DUI. He said that currently both DUI statutes have a penalty of \$500.00 or more and it is possible to get a jail term, so, he suggested that on page 1, line 16, following "\$500.00" an insertion should be made with the language of "except for an offense under 61-8-401 or 61-8-406" and strike the "or" and insert "and". Rep. Addy moved the amendment. Question was called and a voice vote was taken. Rep. Giacometto moved that HB 546 DO PASS AS AMENDED. A voice vote was taken and the motion CARRIED unanimously. HB 546 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 668:

Rep. Bulger moved that HB 668 DO PASS. Rep. Mercer explained the per se DUI offense, and stated that if this bill passes it requires the judge to put an offender in jail and a second offense of DUI per se requires a mandatory jail sentence of seven days. He said that he feels the current DUI laws are strict enough. Rep. Miles moved the Department's amendments. Mr. MacMaster explained that if the amendments are adopted, the title must also be amended. Rep. Giacometto moved that the title be amended.

Question was called on the amendments. A voice vote was taken and the motion CARRIED unanimously. Rep. Giacometto moved that HB 668 DO PASS AS AMENDED.

Rep. Meyers stated that he is opposed to this bill. Rep. Bulger pointed out that a technical defect in the law is being addressed in this bill and when someone must be picked up for DUI three times before they spend seven days in jail. This is a loophole in the law and this bill is needed. Rep. Mercer said that all this bill is doing is closing a minimum mandatory loophole of spending seven days in jail. Question was called and a voice vote was taken. The motion CARRIED 8-7. HB 668 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 687:

Rep. Addy moved that HB 687 DO PASS. Rep. Addy moved amendments. Rep. Addy stated that the fine of \$250.00 is too high. Rep. Mercer pointed out that under subsection (2) if a child steals a package of gum, the parents must pay a fine of \$100.00 and that is too much money. He moved that the original language be returned so that the parent penalty will not exceed the amount of the value of the goods. Rep. Gould said that the testimony presented in the hearing by the Retail Association said that it costs each person in the state \$322.00 per year for shoplifting and he stated that he opposes the amendments. Rep. Bulger pointed

out that during the testimony he figured out the total presented, and that means that there is \$240,000,000.00 of shoplifting in Montana each year, and he said that he doubted that that is a correct total. Rep. Addy moved that HB 637 be TABLED. A voice vote was taken and the motion CARRIED 9-3. HB 687 TABLED.

ACTION ON HOUSE BILL NO. 800:

Rep. Rapp-Svrcek moved that HB 800 DO PASS. He moved the amendments. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Rapp-Svrcek moved that HB 800 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 800 DO PASS AS AMENDED.

ACTION ON HOUSE BILL NO. 805:

Rep. Addy moved that HB 805 DO PASS. Discussion followed on the motion.

Rep. Mercer stated that with a joint account there will exist a loophole in transferring the title. Rep. Miles stated that she opposes the idea of all vehicles in the family having their license plates removed.

Rep. Daily moved that HB 805 be TABLED. A voice vote was taken and the motion FAILED 6-7. Rep. Addy moved to amend on page 2, line 9, and that the title be amended. Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Addy moved that HB 805 DO PASS AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 8-5. HB 805 DO PASS AS AMENDED.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 11:50 a.m.



EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb 20, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)			✓
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

STANDING COMMITTEE REPORT

FEBRUARY 20,

19 87

JUDICIARY

Mr. Speaker: We, the committee on

HOUSE BILL NO. 474

report

XX

- ☐ do pass
☐ do not pass

- ☐ be concurred in
☐ be not concurred in

XX

- ☐ as amended
☐ statement of intent attached

Chairman

Page 1, lines 14 through 16.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

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STANDING COMMITTEE REPORT

FEBRUARY 20,

1987

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 670

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, line 7.

Strike: "AND"

2. Title, line 9.

Following: "OFFICERS"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2.

Following: line 19

Insert: "Section 5. Effective date. This act is effective July 1, 1987."

AMB670a/JM/JM2

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STANDING COMMITTEE REPORT

FEBRUARY 10,

1987

Mr. Speaker: We, the committee on **JUDICIARY**

report **HOUSE BILL NO. 888**

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, Line 7.

Following: "ALL"

Insert: "UNINSURED"

2. Page 1, Line 12.

Following: "all"

Insert: "uninsured"

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STANDING COMMITTEE REPORT

FEBRUARY 20,

1937

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 577

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, line 5.

Following: "TRAINING"

Insert: "A YEAR"

Following: "OFFICERS"

Insert: "AND PAROLE OFFICERS"

2. Page 1, lines 22 and 23.

Strike: "at" on line 22 through "had" on line 23

3. Page 2, line 1.

Following: "subsection (1)."

Insert: "

(3) Each person appointed as a chief probation officer or probation officer under this section or as a deputy probation officer under 41-5-705 must, at his employer's expense and through a source approved by his employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers."

4. Page 2, line 5.

Following: "officers."

Insert: "(1)"

5. Page 2, line 6.

Strike: "1"

Insert: "and"

6. Page 2, lines 7 and 8.

Strike: ", and" on line 7 through "officer" on line 8

7. Page 2, line 15.

Following: "opportunity."

Insert: "

(2) Each probation and parole officer must, at his employer's expense and through a source approved by his employer, obtain 16 hours a year of training in subjects relating to the powers and duties of probation officers."

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9. Page 5, line 21.

Strike: "(1)(a), (1)(d), (1)(f), or (1)(g)"

Insert: "(1), (4), (5), (6), (9), or (13)"

10. Page 5, line 22.

Following: "33-13-201."

Insert: "Exemplary damages may also be assessed in accordance with 27-1-221."

11. Page 5, line 23.

Following: "(5)"

Strike: the remainder of line 23 through line 2 on page 6.

Insert: "An insurer may not be held liable under this section if the insurer had a reasonable basis in law or in fact for contesting the claim or the amount of the claim, whichever is in issue.

(5) (a) An insured may file an action under this section, together with any other cause of action the insured has against the insurer. Actions may be bifurcated for trial where justice so requires.

(b) A third-party claimant may not file an action under this section until after the underlying claim has been settled or a judgment entered in favor of the claimant on the underlying claim.

(7) The period prescribed for commencement of an action under this section is:

(a) for an insured, within 2 years from the date of the violation of 33-13-201; and

(b) for a third-party claimant, within 1 year from the date of the settlement of or the entry of judgement on the underlying claim.

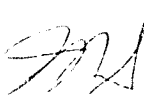
(8) As used in this section, an insurer includes a person, firm, or corporation utilizing self-insurance to pay claims made against them."

12. Page 6, line 17.

Strike: "passage and approval"

Insert: "July 1, 1987"

7050a/L:JEA\WP:jj



STANDING COMMITTEE REPORT

FEBRUARY 20,

87

19

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 482

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Page 1, line 13.

Following: "town"

Insert: "or third class city"

2. Page 1, line 14.

Following: "town"

Insert: "or city"

3. Page 1, line 16.

Following: "court"

Insert: "and enter into an agreement with the county for proportionate payment of salaries and training expenses"

4. Page 1, line 18.

Following: "designation"

Insert: "and approval by the board of county commissioners"

5. Page 1, line 20.

Following: "violations of"

Insert: "statutes or"

6. Page 1, lines 20 and 21.

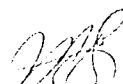
Strike: "in which" on line 20 through "party" on line 21

7. Page 1, line 25.

Following: "held"

Insert: "If the justice of the peace must travel from his place of residence to hold court, he shall be paid his actual and necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, by the town or city in which the court is held."

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STANDING COMMITTEE REPORT

FEBRUARY 20,

37

19

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 564

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, lines 5 through 7.

Strike: "ALLOWING" on line 5 through "LOCATED;" on line 7

2. Title, line 10.

Strike: "3-11-205,"

3. Page 2, lines 1 through 4.

Strike: subsection (3) in its entirety

4. Page 3, lines 14 through 16.

Strike: "The salary" on line 14 through "3-16-207." on line 16

5. Pages 4 and 5.

Strike: section 6 of the bill on page 4, line 14 through line 19
of page 5 in its entirety

ANB564a/JM/JM2

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STANDING COMMITTEE REPORT

February 20,

19 37

JUDICIARY

Mr. Speaker: We, the committee on

HOUSE BILL NO. 546

report

XX

☐ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

XX

☐ as amended
☐ statement of intent attached

Chairman

1. Page 1, line 16.

Following: "\$500"

Insert: ", except for an offense under 61-8-401 or 61-8-406,"

Strike: "or"

Insert: "and"

2. Page 3, line 7.

Following: "rebuttable"

Insert: "Such presumption is rebuttable."

ABD546/JK/JM2

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STANDING COMMITTEE REPORT

February 20, 19 87

JUDICIARY

Mr. Speaker: We, the committee on

report HOUSE BILL NO. 300

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, line 6.

Strike: "SECTIONS"

Insert: "SECTION"

Strike: "AND"

2. Title, line 7.

Strike: "40-5-414"

3. Page 2, lines 6 and 7.

Strike: "at any" on line 6 through "40-5-415" on line 7.

4. Page 2, lines 16 through 18.

Strike: subsection (4) in its entirety

5. Page 2, line 19 through line 24 of page 3.

Strike: section 2 of the bill in its entirety

Re-number: subsequent section

AHB800a/JM/JM2

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STANDING COMMITTEE REPORT

FEBRUARY 20,

19 37

Mr. Speaker: We, the committee on JUDICIARY


report HOUSE BILL NO. 135

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman


FIRST

reading copy (

WHITE

color

STANDING COMMITTEE REPORT

FEBRUARY 20,

19 87

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 610

☒ do pass

☐ do not pass

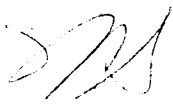
☐ be concurred in

☐ be not concurred in

☐ as amended

☐ statement of intent attached

Chairman


FIRST

WHITE

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STANDING COMMITTEE REPORT

FEBRUARY 20,

37
19

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 491

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☐ as amended
☐ statement of intent attached

Chairman

1974
FIRST

WHITE

reading copy (_____)
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EXHIBIT *A*DATE *2-19-84*HB # *790*Current Status of Equal Access Legislation in the States

<u>State</u>	<u>Ballot or Policy Position?</u>	<u>Legislation Introduced (Year) and/or Pending</u>	<u>Legislation Enacted or Executive Order (Year)</u>
Alabama	No	1984	1984(vetoed)
Alaska	Yes	No	None
Arizona	Yes	1981	1981
Arkansas	Yes	1981, 1985	1985
California	Yes	1981	1981
Colorado	Yes	1977, 1982, 1983	1977, 1984
Connecticut	Yes	1983	1983
Delaware	Unknown	1983, 1984	None
Florida	Yes	1982	1984
Georgia	Yes	1983	No
Hawaii	Yes	1982, 1983	No
Idaho	Yes	No	No
Illinois	Yes	1981	1981
Indiana	Yes	1981	No 1986
Iowa	Yes	1981, 1983	1983
Kansas	Yes	1980, 1981, 1982	1982
Kentucky	Yes	1982	1982
Louisiana	Yes	1981, 1982	1982
Maine	Yes	1982, 1983	1983
Maryland	Yes	1982, 1983	1983
Massachusetts	Yes	1982, 1983	None

EXHIBIT A
 DATE 2-19-87
 # 790

<u>State</u>	<u>Ballot or Policy Position?</u>	<u>Legislation Introduced (Year) and/or Pending</u>	<u>Legislation Enacted or Executive Order (Year)</u>
Michigan	1979	1981, 1983, 1984	1984
Minnesota	Yes	1981, 1983	No 1986
Mississippi	Yes	No	No
Missouri	Yes	1981, 1983	None
Montana	Yes	No	None
Nebraska	Yes	1982	1982
Nevada	Yes	No	No
New Hampshire	Yes	No	None
New Jersey	Yes	1982, 1983	None
New Mexico	Yes	1981, 1982, 1983	None
New York	Yes	1982, 1983	1984 (vetoed)
North Carolina	Yes	1981, 1983	1983
North Dakota	No	1985	1985
Ohio	Yes	Pending	No
Oklahoma	Yes	1982	1982
Oregon	Yes	1979, 1981	1981
Pennsylvania	Yes	1982	1983
Rhode Island	Yes	Yes	1984(vetoed)
South Carolina	Yes	Yes	1984
South Dakota	Yes	Pending	No
Tennessee	Yes	1983	1984
Texas	Yes	1981, 1983	None
Utah	Yes	1983	1983

EXHIBIT A
DATE 6-19-87
790

<u>State</u>	<u>Ballot or Policy Position?</u>	<u>Legislation Introduced (Year) and/or Pending</u>	<u>Legislation Enacted or Executive Order (Year)</u>
Vermont	Yes	1982	None
Virginia	Yes	1979, 1980, 1981	1981
Washington	Yes	No	None
West Virginia	Yes	1983	None
Wisconsin	Yes	1981, 1982, 1983	None 1985
Wyoming	Yes	1983	Vetoed 1983

0002s

WITNESS STATEMENT

EXHIBIT A

DATE 2-20-87

HB # 834

NAME Bill Bigelow BILL NO. B211
 ADDRESS Box 1208 DATE 2/20/87
 WHOM DO YOU REPRESENT? N/A
 SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: ~~YES~~ Later.

This is GUN CONTROL
 ALL Firearms will be purchased out
 of STATE IT is punitive and not
 position for Retailers of Firearms.

WITNESS STATEMENT

EXHIBIT B
DATE 1-20-87
HB # 824

NAME A. M. (Bud) Ellwell BILL NO. 824
ADDRESS Box 77 B.S.H. Clancy DATE 2-20-87
WHOM DO YOU REPRESENT? NTI Weapon Collector Society
SUPPORT _____ OPPOSE / AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

EXHIBIT CDATE 2-20-87HB # 824

NAME John R. Foster BILL NO. 824
ADDRESS 1507 Driftwood Dr. Bozeman DATE 2-20-87
WHOM DO YOU REPRESENT? My self.
SUPPORT _____ OPPOSE ☒ _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

- ① Firearms & Ammo presently have an 11% Federal Excise tax imposed on them, most of which is presently returned to the state under the Pitman-Robertson Act. Any additional tax would unfairly penalize this particular Group.
- ② This act brands all Firearms users as guilty rather than that small percentage that actually cause damage. Far better to increase enforcement and impose sufficient Fines to cover actual damages

WITNESS STATEMENT

EXHIBIT DDATE 2-20-87HB # 824NAME Arnold Enhardt BILL NO. 824ADDRESS 759 So Calif. Helena DATE 2-20-87WHOM DO YOU REPRESENT? Int muzzleloading Rifle assoSUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill would put a hardship on all rifle clubs that could not bear, thereby ending their important functions across the state. Also it would end the muzzleloading dealer business in this state.

WITNESS STATEMENT

EXHIBIT E
DATE 2-20-87
HB # 824

NAME Rolph A. Knapp BILL NO. 824
ADDRESS P.O. Box 66, Clancy Mt. DATE 2/20/87
WHOM DO YOU REPRESENT? Self
SUPPORT _____ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

COMMITTEE

BILL NO.

824

DATE

2-19-87

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
John R. Foster	Bozeman 1507 Driftwood Dr.		✓
ED BEALL	CLANCY BOX 418 BLUE SKY		✓
BILL STANTON	CLANCY BOX 32 - BLUE SKY		✓
Lee Andrews	401 S. California St.		✓
Arnold Schardt	759 S e Calif Hbr		✓
John M...	7/7 8/12		✓
Frank J. Owen	1507 BRADY ST. Hillman		✓
Ralph A. Morris	P.O. Box 66 Clackamas		✓
Bill Bigelow	Box 1208 Big Timber		✓
George Addison	Mr. Robert D. Allen		✓
A. M. (Bud) Ewell	MT WORKERS Coll Soc.		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

FEBRUARY 20,

1927

Mr. Speaker: We, the committee on JUDICIARY

report HOUSE BILL NO. 223

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Chairman

1. Title, Line 7.

Following: "ALL"

Insert: "UNINSURED"

2. Page 1, Line 22.

Following: "all"

Insert: "uninsured"

PRINT

reading copy (UNITS)
color

VISITORS' REGISTER

COMMITTEE

BILL NO. 805

DATE 2-19-87

SPONSOR Roth

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.