

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on April 4, 1991, at 11:30 a.m.

ROLL CALL

Members Present:

Bill Strizich, Chairman (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
Dave Brown (D)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Members Excused: Rep. Boharski, Rep. Clark, and Rep. Nelson.

Staff Present: John MacMaster, Leg. Council Staff Attorney
Jeanne Domme, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON SB 246

Motion: REP. WHALEN MOVED SB 246 DO BE CONCURRED IN AS AMENDED.

Discussion: REP. WHALEN stated the sub-committee was in agreement that we needed to pass the bill to cap the local government in city and towns. We need to pass the bill over to the Senate with all the caps in place. Our only concern is that we cannot control what the Senate will do to this bill. We have agreed to put some amendments on this bill, send it over to the Senate, have the Senate reject those amendments and that would

give us the time we need to work out the specific language we want for this bill.

REP. RICE stated it is a little odd, conceptually, sticking quasi-judicial immunity into a tax bill. I think a question was whether that was permissible amendment. We came to the conclusion that we could probably do it. We don't want to jeopardize Senator Nathe's bill on the floor today and put quasi-judicial immunity in this bill.

REP. TOOLE stated I think everybody is in agreement that this bill needs to pass. Putting quasi-judicial immunity into this bill will not jeopardize it and come back in a couple of weeks to see what we want to do with quasi-judicial immunity.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON SB 344

Motion: REP. GOULD MOVED SB 344 BE RECONSIDERED.

Discussion: REP. GOULD stated this is a good bill and I would like to see the committee bring it back from the table and pass it out of the committee.

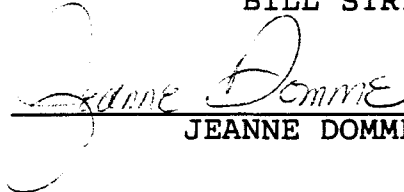
Vote: Motion failed 8 to 9. EXHIBIT 1

ADJOURNMENT

Adjournment: 11:49 A.M.



BILL STRIZICH, Chair



JEANNE DOMME, Secretary

BS/jmd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE 4-4-91

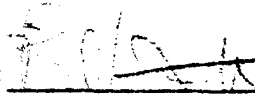
NAME	PRESENT	ABSENT	EXCUSED
REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/		
REP. WILLIAM BOHARSKI		/	
REP. DAVE BROWN	/		
REP. ROBERT CLARK		/	
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/		
REP. VERNON KELLER	/		
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON		/	
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/		
REP. DIANA WYATT	/		
REP. BILL STRIZICH, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

April 4, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Judiciary report that Senate Bill 246 (third reading copy -- blue) be concurred in as amended .

Signed: 
Bill Strizich, Chairman

CARRIED BY REP. J. Rice

And, that such amendments read:

1. Title, line 5.

Strike: "REMOVING"

Insert: "EXTENDING"

2. Title, line 7.

Following: "ACTIONS;"

Insert: "REVISING THE LAW RELATING TO JUDICIAL AND QUASI-JUDICIAL IMMUNITY;"

3. Title, lines 8 and 9.

Strike: "3, CHAPTER 22, SPECIAL LAWS OF JUNE 1986"

Insert: "2-9-112, MCA"

4. Title, line 10.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

5. Page 1, line 20.

Following: "~~1991~~."

Insert: "Sections 1 and 2 of this act terminate on June 30, 1993."

6. Page 1.

Following: line 20

Insert: "NEW SECTION. Section 2. Immunity from suit for judicial acts and omissions. (1) The state and other governmental units are immune from suit for acts or omissions of the judiciary.

(2) A member, officer, or agent of the judiciary is immune from suit for damages arising from his lawful discharge of an official duty associated with judicial actions of the court.

(3) As used in this section, the term "judiciary" means only those courts established in accordance with Article VII of

The Constitution of the State of Montana. The term does not include executive or administrative agencies of the state and other governmental units exercising quasi-judicial authority. (4) To the extent that this section denies judicial immunity to executive or administrative agencies exercising quasi-judicial authority of the state and other governmental units, this section specifically revises the common-law rule of quasi-judicial immunity as it might otherwise apply to executive or administrative agencies.

Renumber: subsequent sections

7. Page 1, lines 21 and 22.

Strike: "3, CHAPTER 22, SPECIAL LAWS OF JUNE 1986"

Insert: "2-9-112, MCA"

8. Page 1.

Following: line 22

Insert: "NEW SECTION. Section 4. Codification instruction.

[Section 2] is intended to be codified as an integral part of Title 2, chapter 9, part 1, and the provisions of Title 2, chapter 9, part 1, apply to [section 2].

NEW SECTION. Section 5. Applicability. [This act] applies to causes of action arising on or after [the effective date of this act]."

Renumber: subsequent section

EXHIBIT 1
 DATE 4-4-91
 AB 344

HOUSE OF REPRESENTATIVES
 JUDICIARY COMMITTEE

ROLL CALL VOTE

DATE 4-4-91 BILL NO. 26 344 NUMBER _____

MOTION: Rep. Bauld - Table

NAME	AYE	NO
REP. VIVIAN BROOKE, VICE-CHAIR		/
REP. ARLENE BECKER	/	
REP. WILLIAM BOHARSKI	/	
REP. DAVE BROWN	/	
REP. ROBERT CLARK	—	—
REP. PAULA DARKO		/
REP. BUDD GOULD	/	
REP. ROYAL JOHNSON		/
REP. VERNON KELLER	/	
REP. THOMAS LEE	/	
REP. BRUCE MEASURE		/
REP. CHARLOTTE MESSMORE	/	
REP. LINDA NELSON	—	—
REP. JIM RICE	/	
REP. ANGELA RUSSELL		/
REP. JESSICA STICKNEY		/
REP. HOWARD TOOLE		/
REP. TIM WHALEN		/
REP. DIANA WYATT		/
REP. BILL STRIZICH, CHAIRMAN	—	—
TOTAL	<u>8</u>	<u>9</u>