

MINUTES FOR THE MEETING  
JUDICIARY COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 23, 1985

An executive session of the Judiciary Committee was called to order by Chairman Tom Hannah on Saturday, February 23, 1985 at 12:00 o'clock noon in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Reps. Darko and Poff who had been previously excused, and who had left their proxy votes with the chairman.

ACTION ON HOUSE BILL NO. 665: Rep. Hammond moved that HB 665 DO PASS. The motion was seconded by Rep. Eudaily.

Rep. Hammond moved on page 2, line 19 following "department" insert "or office of human services". The motion was seconded by Rep. Miles and carried unanimously.

Rep. Kreuger further moved on page 2, line 16 by striking "60" and inserting "180". The motion was seconded by Rep. Montayne.

The question was called, and the motion to amend carried unanimously.

Rep. Hammond further moved that HB 665 DO PASS AS AMENDED. The motion was seconded by Rep. Miles and discussed.

Rep. Hannah stated his concern with extending the time frame from 60 days to 180 days. He was concerned with the child involved and how the increase in time frame may affect the child.

It was Rep. Krueger's position that extending the time frame would be in the best interests of the child.

The question was called, and the DO PASS AS AMENDED motion carried 14-4. (See roll call vote.)

ACTION ON HOUSE BILL NO. 686: Rep. Hammond moved that HB 686 DO PASS. The motion was seconded by Rep. Miles.

Rep. Hammond moved on page 1, line 13 following "department" to insert "or office of human services". This motion would extend to other parts in the bill where the office of human services is appropriate. The motion was seconded by Rep. Addy and discussed.

Rep. Keyser spoke against the motion to amend. He feels that by adopting this amendment, the Department of Social and Rehabilitative Services would be given way too much power.

Rep. Addy pointed out that from the prior testimony given, the county welfare department has been called the office of human services. He said this amendment is simply trying to clarify the bill where there is no present explanation.

The question was called, and the motion carried on a voice vote with Reps. Keyser, Hannah, Gould, Brown, Montayne and O'Hara dissenting.

Rep. Hammond further moved that HB 686 DO PASS AS AMENDED. The motion was seconded by Rep. Miles.

Rep. Cobb moved to insert the language "with the consent of the county attorney" on page 1, line 15 of the bill. He feels the county attorney should be allowed some discretion. The motion was seconded by Rep. Keyser.

Rep. Mercer moved to include "attorney general" in Rep. Cobb's amendment. There being no objection to said motion, "attorney general" was included in addition with the county attorney.

The question was called, and the motion to amend carried unanimously.

Rep. Hannah wanted to know if there would be an increase in the number of cases filed if this bill is passed.

It was Rep. Krueger's opinion that the number of cases filed wouldn't necessarily increase.

Rep. Addy said that there are plenty of safeguards present to prevent any potential abuse.

Rep. Addy moved that HB 686 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond. The question was called, and the motion carried 14-4. (See roll call vote.)

ACTION ON HOUSE BILL NO. 793: Rep. Bergene moved that HB 793 DO PASS. The motion was seconded by Rep. Hammond.

Rep. Hannah said that he views HB 793 as a reporting bill. He further said that the law is already on the books.

Rep. Mercer spoke in favor of the bill, but he suggested an amendment be made in the new section by striking line 19 up to "commission" on line 20 and by inserting in lieu thereof "is called to the scene of a reported incident". Furthermore, on page 2, line 20 strike "but" and insert ", but he"; on page 2, line 21 strike "do so" and insert "make an arrest". The amendment was seconded by Rep. Keyser, and it carried unanimously.

Rep. Brown further moved that HB 793 DO PASS AS AMENDED. The motion was seconded by Rep. Keyser and carried unanimously.

ACTION ON HOUSE BILL NO. 862: Rep. Addy moved that HB 862 DO PASS. The motion was seconded by Rep. Hammond. Rep. Addy further moved that the amendments as submitted at the hearing be adopted. The motion was seconded by Rep. Keyser and carried unanimously.

Rep. Gould moved that HB 862 DO PASS AS AMENDED. The motion was seconded by Rep. Miles.

It was Rep. Mercer's opinion that this bill is not accomplishing anything at all.

Following further discussion, Rep. Gould made a substitute motion TO TABLE the bill. The motion was seconded by Rep. Keyser, and the motion carried 9-8. (See roll call vote.)

ACTION ON HOUSE BILL NO. 520: Rep. Grady moved that HB 520 DO PASS. The motion was seconded by Rep. Keyser and discussed.

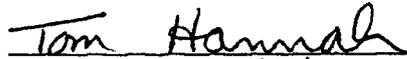
Rep. Rapp-Svrcek moved an amendment on page 1, line 21, following "3" by inserting ", except for impoundments or diverted waters to which the owner has provided public access". The motion was seconded by Rep. Krueger. The question was called, and the motion carried with Rep. Montayne dissenting.

A motion was made to adopt the amendments proposed by K. M. Kelly which were submitted at the February 11th hearing. The motion was seconded and carried unanimously.

Upon suggestion of Brenda Desmond, committee researcher, the committee also adopted the amendment to strike on page 1, line 17 the word "supply" and insert the word "inlet". This language would conform with the language in House Bill No. 265.

Rep. Rapp-Svrcek moved that HB 520 DO PASS AS AMENDED. The motion was seconded by Rep. Hammond and carried unanimously.

ADJOURN: A motion having been made and having been seconded, the meeting adjourned at 1:30 p.m.

  
TOM HANNAH, Chairman

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

EXECUTIVE SESSION - 12:00 noon

Date 2/23/85

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| 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           | ✓       |        |         |
|                            |         |        |         |
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|                            |         |        |         |

# STANDING COMMITTEE REPORT

23  
February 20~~th~~ 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 665

FIRST reading copy (WHITE)  
color

## REVISE PROCEDURE FOR TERMINATING PARENT-CHILD RELATIONSHIP

Respectfully report as follows: That HOUSE Bill No. 665

be amended as follows:

1. Page 2, line 16.

Strike: "60"

Insert: "130"

2. Page 2, line 19.

Following: "department"

Insert: "or office of human services"

AND AS AMENDED,

DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 23, 1985 BILL NO. 665 TIME 12:45

| 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)      |     | ✓   |
|                            |     |     |
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|                            |     |     |
|                            |     |     |

Marcene Lynn  
Secretary

Tom Hannah  
Chairman

Motion: Rep. Hammond moved that HB 665 DO PASS AS AMENDED.

The motion was seconded by Rep. Miles and passed 14-4.

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# STANDING COMMITTEE REPORT

23

February 20, 1985

page 1 of 1

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 586

FIRST reading copy ( WHITE )  
color

**REVISE PROCEDURE CONCERNING ABUSE, NEGLECT, OR DEPENDENCY  
PROCEEDINGS**

Respectfully report as follows: That HOUSE Bill No. 586

be amended as follows:

Page 1, line 13.

Following: "department"

Insert: "or office of human services"

2. Page 1, line 15.

Strikes: "and"

Insert: "The county attorney or attorney general, or an attorney hired by the county welfare department or office of human services with the written consent of the county attorney or attorney general,"

3. Page 4, line 13.

Following: "department"

Insert: "or office of human services"

DO-PASS

(continued)

Chairman.

page 2 of 2  
HB 686

4. Page 4, line 22.

Strike: "or"

5. Page 4, line 23.

Following: "attorney"

Insert: ", or office of human services attorney"

5/23

AND AS AMENDED,  
DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 23, 1985 BILL NO. HB 686 TIME 1:00

| 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)      |     | ✓   |
|                            |     |     |
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|                            |     |     |

Marcene Lynn  
Secretary

Tom Hannah  
Chairman

Motion: Rep. Addy moved that HB 686 DO PASS AS AMENDED. The  
motion was seconded by Rep. Hammond, and it carried 14-4.

# STANDING COMMITTEE REPORT

February 22 19 95

page 1 of 2

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 520

FIRST reading copy ( WHITE )  
color

**CLARIFYING PUBLIC DOES NOT HAVE RIGHT TO USE DIVERTED WATER FOR RECREATION**

Respectfully report as follows: That HOUSE Bill No. 520

be amended as follows:

1. Page 1, line 13.

Following: "waters"

Insert: "without permission or contractual arrangement with the owner"

2. Page 1, line 13.

Following: "(2)"

Insert: ~~XXXXXXXXXX~~ "manmade"

3. Page 1, line 16.

Following: "systems"

Insert: ", excluding the lakes, streams, and reservoirs from which the systems obtain water"

4. Page 1, line 17.

Strike: "supply"

Insert: "inlet"

**DO PASS**

(continued)

5. Page 1, line 21.

Following: "J"

Insert. ", except for impoundments or diverted waters to which  
the owner has provided public access"

AND AS AMENDED.  
DO PASS

# STANDING COMMITTEE REPORT

23  
February 21 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 793

FIRST reading copy (WHITE  
color)

**DEFINING DOMESTIC VIOLENCE AND PERMITTING WARRANTLESS ARRESTS  
IN SOME CASES**

Respectfully report as follows: That HOUSE Bill No. 793

be amended as follows:

1. Page 2, following line 19.  
Strike: "believes" through "commission" on line 20.  
Insert: "is called to the scene of a reported incident"
2. Page 2, line 20.  
Strike: "but"  
Insert: ", but he"
3. Page 2, line 21.  
Strike: "do so"  
Insert: "make an arrest"

AND AS AMENDED,

DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE February 23, 1985 BILL NO. HB 862 TIME 1:10

| 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)      |     | ✓   |
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Marcene Lynn  
Secretary

Tom Hannah  
Chairman

Motion: Rep. Gould made a substitute motion TO TABLE HB 862.

The motion was seconded by Rep. Keyser, and it carried 9-8.