

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

January 23, 1987

The thirteenth meeting of the Senate Judiciary Committee was called to order at 10:00 a.m. on January 23, 1987 by Vice Chairman Bruce Crippen in Room 325 of the Capitol Building.

ROLL CALL: Senators Joe Mazurek and Bob Brown were late for the meeting and Senator Jack Galt was excused.

CONSIDERATION OF SB 119: Senator Cecil Weeding of Senate District #14 opened the hearing on SB 119 by saying the bill amends the Plain Language in Contracts Act to exempt all insurance policies from the Act, which requires all consumer contracts to be in "plain language". These policies are exempt from the Act because they are subject to the "Life and Disability Insurance Language Simplification Act" in the Insurance Code.

PROPOSERS: Les Loble of the American Council of Life Insurance gave out a hand out of the sections of 33-15-316 through 33-15-324 of the Contracts Act which involves insurance companies application exceptions. He said he agreed there were no problems with section 33-15-324 (see Exhibit 1).

Robert Throssett, from the State Auditor's Office, supported the bill (see Exhibit 2, written testimony).

Bonnie Tippy, American Insurers, said the organization supports the bill.

OPPOSERS: None

DISCUSSION ON SB 119: None

Senator Weeding closed.

ACTION ON SB 119: Vice Chairman Crippen said the committee should take action on SB 119. Senator Blaylock moved SB 119 DO PASS. The motion carried unanimously.

CONSIDERATION OF SB 114: Senator Gene Thayer of Senate District #19 introduced SB 114 as a housekeeping bill because it clarifies the filing of agricultural liens and termination statements of such liens to the Secretary of State's office and with the Clerk and Recorder's Office. He said it will provide a filing, instead of a copy at the state level.

PROPOSERS: Larry Avey of the Secretary of State's Office said this

procedure is a voluntary procedure for this kind of lien and not a mandatory one. He pointed out that the bill doesn't change the place of filing. He said the filing procedure will stay in the county courthouse. He explained the buyers of farm products would be able to get information through the Secretary of State after the information is filed at the county courthouse.

Phil Johnston, Montana Bank Association, supported SB 114, but felt the bill should be amended to only filing with the Secretary of State's Office.

Greg Jackson, Montana Clerk and Recorder's Association, supported the bill. He said there is a House Bill which returns the filings of agricultural liens back to only the counties. He suggested the committee should not take action today on this bill. He felt there were problems in the centralized filing procedures of the bill.

John Cadby, Montana Bankers Association, felt there is no reason to delay this bill from executive action. He said he could not see anyone not wanting this piece of legislation. He said it is a simple procedure of building a centralized filing system to deal with agricultural liens.

Terry Murphy, Montana Farmers Union, supported the bill.

DISCUSSION ON SB 114: Senator Blaylock asked what the Clerk and Recorders' concern was about this bill. JoAnne Peres said they felt this problem should be handled on local level because computer access to Helena is not accessible much of the time. Senator Blaylock said the bill stated that these liens will be filed on the county level too. JoAnne Peres, Montana Clerk and Recorder Association, said people who have cooperate records that might be doing a title search have to come to the Clerk and Recorder's office, and if they don't have the what the person is looking for, then the searcher has to go to the Secretary of State's Office. Senator Blaylock stated that the information should be in both places. JoAnne Peres thought it should be too.

Senator Pinsoneault asked what the filing fee was. Ms. Peres replied it was \$7.00.

Senator Halligan asked if there were any penalties for not filing with the Clerk and Recorder's Office. Ms. Peres said there is a penalty. She pointed out if you terminate a filing, you have to terminate the filing at the Clerk and Recorder's office and the Secretary of the State's office. Senator Halligan stated the bill makes one liable for one's own filings on lien settlements and not the people who record the lien.

Senator Thayer closed on the bill and he handed the committee testimony

from Gib Goodman, representative of Montana Grain Elevator Association (see Exhibit 3, written testimony).

The committee adjourned the hearings for executive action.

ACTION ON SB 52: Senator Brown stated the recording of insurance rates, presently, is unfunctionable. He said for the bill to work, there will have to be more F.T.E.'s apportioned. Senator Brown explained that the hearing schedule in the bill is only set when a rate is lower or higher than the band set by the State Auditor. Senator Crippen commented Montana is a different state than New York, and asked the committee to wait and see what this system will do in other states. He commented the entire Legislature will not be happy with the committee if they added a half a million into the general fund for extra F.T.E.'s. Senator Yellowtail had no problem with the insurance company attending a hearing to justify their rate settings. Senator Crippen said the present file and rate system can approve rates. Senator Brown moved to TABLE SB 52, because he felt the committee couldn't accept the fiscal note of SB 52. Senator Yellowtail said that if this system is not in place, than the consumers will pay for it. Senator Mazurek pointed out that what the state has now, the state can "limp" along with, because it is funded, but if the new system passed, than the Legislature is looking at more funding. Senator Brown said he would ask the Insurance Commissioner how much money he would need to get by if this bill went into action. Senator Beck thought if the Legialture would give the present system enough money that it might work better. The motion carried to TABLE SB 52 (see ROLL CALL VOTE SHEET).

ACTION ON SB 20: Senator Halligan gave the committee amendments prepared by Valencia Lane (see Exhibit 4). Senator Halligan explained that the committee had already made some changes in the bill (see standing committee report, amendments #1 and #2, January 19, 1987). Mr. George Bennett, Montana Banker Association, commented on the amendment that was given today. He felt the lien should start the day the lien is filed with the Clerk and Recorder. He said the proposed amendment gives five more days to a 20 day lien notices. He felt the notice days of the lien should be shorten to 15 days if this amendment goes through. Senator Halligan said the consumer should be the one that knows about the lien first. Senator Brown moved the amendment that Senator Halligan presented today. The motion carried.

Senator Halligan moved the bill DO PASS AS AMENDED. The motion carried.

ACTION ON SB 23: Valencia Lane handed the committee amendments and a gray bill (see Exhibit 5 and 6). Senator Halligan stated the amendments eliminated the Montana School Board Association's involvement in this bill. Senator Mazurek had concern about the word "affect" in amendment 8, because school boards may not regulate, but they have an effect on

Judiciary Committee
Minutes of the meeting
January 23, 1987
page 4

many lives. Senator Halligan moved amendments #1 through #9 and struck the word "affect" from amendments #8. Senator Crippen asked if there was still a notice problem (see Exhibit 7, written testimony). Valencia Lane stated now that the school boards are excluded from the bill because of the amendments, there is not as much concern about the notice provision. The amendments passed.

Senator Halligan moved the bill DO PASS AS AMENDED. The motion carried.

ACTION ON SB 96: Valencia Lane presented amendments to the committee (see Exhibit 8). Senator Blaylock moved the amendments. Senator Mazurek inquired what would happen if someone abused an elder person and then 30 years later is convicted for the same offense. Valencia Lane said she could insert a "reasonable time" period between incidents before the incident could be considered a felony. Senator Mazurek felt the word "shall" on page 1, line 23, should be stricken from the bill so it gives the judge more discretion in the sentencing process. Senator Blaylock felt if a person is convicted of a misdemeanor for abusing an elder person, it really doesn't matter how long it takes the misdemeanor offender to do the second abuse incident before calling it a felony. Valencia explained that she took out the language defining felony in her amendments:

"a \$1,000 fine or not less than one year in prison"

She said if the language is left in, then a felony offense is in the bill. Senator Mazurek said a felony doesn't have a mandatory minimum amount of time spent in jail so that definition should be taken out of the bill. The committee agreed. Senator Mazurek made a substitute motion to strike "shall" from line 23 and insert "and upon conviction may". Senator Blaylock withdrew his first motion and moved the finalized amendments with the committee's recommendations. The motion carried. (see Exhibit 9 the standing committee report).

Senator Mazurek felt the wrongful discharge amendment heard at the hearing by Rose Skoog should be in the civil code instead of the criminal code. Senator Brown moved the bill DO PASS AS AMENDED.

The committee adjourned at 12:00 p.m.


Chairman

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 23rd

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>			
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>			
<u>Senator Jack Galt</u>			
<u>Senator Mike Halligan</u>	X		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

33-15-316. Construction of policies. Every insurance contract shall be construed according to the entirety of its terms and conditions as set forth in the policy and as amplified, extended, or modified by any rider, endorsement, or application which is a part of the policy.

History: En. Sec. 282, Ch. 286, L. 1959; R.C.M. 1947, 40-3725.

33-15-317 through 33-15-320 reserved.

33-15-321. Life and disability insurance policy language simplification. Sections 33-15-321 through 33-15-329 may be cited as the "Life and Disability Insurance Policy Language Simplification Act".

History: En. Sec. 1, Ch. 302, L. 1981.

Cross-References

Plain Language in Contracts Act, Title 30, ch. 14, part 11.

33-15-322. Purpose. (1) The purpose of 33-15-321 through 33-15-329 is to establish minimum standards for language used in policies, contracts, and certificates of life, disability, credit life, and credit disability insurance delivered or issued for delivery in this state to facilitate ease of reading by insureds.

(2) Sections 33-15-321 through 33-15-329 are not intended to increase the risk assumed by insurance companies or other entities subject to 33-15-321 through 33-15-329 or to supersede their obligation to comply with the substance of other insurance legislation applicable to life, disability, credit life, or credit disability insurance policies. Sections 33-15-321 through 33-15-329 are not intended to impede flexibility and innovation in the development of policy forms or content or to lead to the standardization of policy forms or content.

History: En. Sec. 2, Ch. 302, L. 1981.

33-15-323. Definitions. As used in 33-15-321 through 33-15-329, the following definitions apply:

(1) "Company" or "insurer" means any life or disability insurance company, fraternal benefit society, nonprofit health service corporation, nonprofit hospital service corporation, nonprofit medical service corporation, prepaid health plan, dental care plan, vision care plan, pharmaceutical plan, health maintenance organization, and all similar types of organizations.

(2) "Policy" or "policy form" means any:

- (a) policy, contract, plan, or agreement of life or disability insurance, including credit life and credit disability insurance, delivered or issued for delivery in this state by any company subject to 33-15-321 through 33-15-329;
- (b) certificate, contract, or policy issued by a fraternal benefit society; and
- (c) certificate issued pursuant to a group insurance policy delivered or issued for delivery in this state.

History: En. Sec. 3, Ch. 302, L. 1981.

33-15-324. Application — exceptions. (1) Sections 33-15-321 through 33-15-329 apply to all policies delivered or issued for delivery in this state by any company or after the date such forms must be approved under 33-15-321 through 33-15-329, but nothing in 33-15-321 through 33-15-329 applies to:

- (a) a policy which is a security subject to federal jurisdiction;
- (b) a group policy covering a group of 1,000 or more lives at date of issue, other than a group credit life insurance policy or a group credit disability insurance policy, but a certificate issued pursuant to a group policy delivered or issued for delivery in this state is not exempt;
- (c) a group annuity contract which serves as a funding vehicle for pension, profit-sharing, or deferred compensation plans;
- (d) a form used in connection with, as a conversion from, as an addition to, or in exchange pursuant to a contractual provision for a policy delivered or issued for delivery on a form approved or permitted to be issued prior to the dates such forms must be approved under 33-15-321 through 33-15-329;

or

- (e) the renewal of a policy delivered or issued for delivery prior to the dates such forms must be approved under 33-15-321 through 33-15-329.

SENATE JUDICIARY

EXHIBIT NO. 1

DATE Jan. 23 1987

BILL NO. SB 119

SENATE BILL 119

Written Testimony of the State Auditor

The State Auditor and Commissioner of Insurance appreciates this opportunity to submit written testimony to this committee in support of Senate Bill 199, An Act Clarifying The Application of the Plain Language in Contracts Act To Insurance Policies and Contracts.

As the law currently reads, Section 30-14-1103(2)(c), the only insurance contracts explicitly exempt from the Plain Meaning in Contracts Act are Life and Disability Policies. These types of insurance policies have their own language simplification requirements found in Sections 33-15-321 through 33-15-329. Other types of insurance policies, commonly referred to as property and casualty policies are not covered by similar language simplification requirements in the insurance code.

Property and casualty insurance has been and still is the subject of much litigation. As a result of countless judicial interpretation over many years, property and casualty policies are worded to reflect court decisions. Also statutes require that these policies provide certain types of coverage and benefits. The combination of court decisions and statutory requirements dictates to a large extent the policy language.

Subsection 3 of 30-14-1104 already recognizes the impact of court decisions and regulatory review. This subsection creates an exception to the Plain Meaning in Contracts Act for the use of specific language expressly required or authorized by a court decision, statute or governmental agency. All three of the foregoing sources control the language used in property and casualty insurance policies.

In summary the proposed amendment clarifies the existing law by clearly placing the regulation of insurance contracts under the Insurance Code of Title 33. There exists in the insurance code specific requirements enacted by the legislature to address the concerns of the Plain Meaning in Contracts Act. All policies of insurance are reviewed by the Insurance Department to assure compliance with the applicable laws. The use of standard forms for property and casualty policies is common. The standard forms are written to incorporate court decisions in a readable format. The clarification of the Plain Meaning in Contracts Act is supported by the State Auditor and Commissioner of Insurance.

SENATE JUDICIARY

EXHIBIT NO. 2

DATE Jan. 23, 1987

BILL NO. SB 119

Mr. Chairman:

I, Gib Goodman, of Helena, Montana, a member and representative of the Montana Grain Elevator Association, supports House Bill 114. Our annual business meeting is being held at the Heritage Inn in Great Falls. At 4:00 p.m., January 22, 1987, a motion was made and passed unanimously to support ~~House~~ ^{Senate} Bill 114. Since passage last session of Central Filing System, all UCC liens have been filed in Helena while many statutory liens remain at local Clerk and Recorders offices. The purpose of central filing is to get all liens in one spot. ~~House~~ ^{Senate} Bill 114 would accomplish this. For this reason, the Montana Grain Elevator Association supports ~~House~~ ^{Senate} Bill 114.

Thank you.

Gib Goodman

Bobby Lee

Local Gr. Elev.

Tr. Sec. Association

Amendments to SB 20
Introduced (white) copy
prepared for Sen. Halligan

1. ~~Page 8, line 25.
Following: "lien"
Insert: "also"~~

2. Page 9, lines 4 through 6.
Following: "than" on line 4
Strike: remainder of line 4 through line 6 in their entirety
Insert: "5 business days after the date on which the notice
of the right to claim a lien is given to the contracting
owner."

Proposed amendments to SB 23, introduced copy (white):

1. Title, lines 5 through 8.

Following: "MEETINGS OF" on line 5

Strike: remainder of line 5 through "ACTIVITIES" on line 8

Insert: "CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES"

2. Page 1, line 13.

Following: "agencies"

Insert: "of public agencies and certain associations of public agencies"

3. Page 1, line 15.

Following: "governmental"

Strike: "the following"

Insert: "public or governmental"

4. Page 1, lines 15 through 17.

Following: "bodies" on line 15

Strike: the remainder of line 15 through "(a)" on line 17

Insert: ", "

5. Page 1, line 18.

Following: "of the state"

Strike: "i"

Following: "or"

Insert: "or"

6. Page 1, line 19.

Strike: "(b)"

7. Page 1, line 21.

Strike: "; or"

Insert: "must be open to the public."

8. Page 1, lines 22 through 25.

Following: line 21

Strike: subsection (c) in its entirety

Insert: "(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate or affect the rights, duties, or privileges of any individual must be open to the public."

Renumber: subsequent subsections

9. Page 2, line 15.

Following: "body"

Insert: "or an association described in subsection (2)"

7022b/L:JEA\WP:jj

SB 0023/gray
SENATE JUDICIARY
EXHIBIT NO. 6
DATE Jan. 23 1987
BILL NO. SB 23

1 SENATE BILL NO. 23

2 INTRODUCED BY HALLIGAN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT
5 MEETINGS OF ORGANIZATIONS---THAT---HAVE---PUBLIC--AGENCY
6 REPRESENTATIVES--AS-MEMBERS-AND-THAT-CONSIDER,--RECOMMEND,--OR
7 DICTATE--POLICIES--AND--PROCEDURES-GOVERNING-PUBLICLY-FUNDED
8 ACTIVITIES CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES MUST BE
9 OPEN TO THE PUBLIC; AND AMENDING SECTIONS 2-3-202 AND
10 2-3-203, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 2-3-203, MCA, is amended to read:

14 "2-3-203. Meetings of---public--agencies OF PUBLIC
15 AGENCIES AND CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES to be
16 open to public -- exceptions. (1) All meetings of public-or
17 governmental the-following PUBLIC OR GOVERNMENTAL bodies, 1
18 must-be-open-to-the-public:

19 (a) boards, bureaus, commissions, agencies of the
20 state, or any political subdivision of the state, 7 or OR

21 (b) organizations or agencies supported in whole or in
22 part by public funds or expending public funds shall-be-open
23 to-the-public:7-or MUST BE OPEN TO THE PUBLIC.

24 (c) organizations-or-associations--with--members--from
25 any-of-the-public-entities-described-in-subsection-(2)(a)-or

1 ~~(2)(b) and that consider, recommend, or dictate policies and~~
 2 ~~procedures governing publicly-funded activities.~~

3 (2) ALL MEETINGS OF ASSOCIATIONS THAT ARE COMPOSED OF
 4 PUBLIC OR GOVERNMENTAL BODIES REFERRED TO IN SUBSECTION (1)
 5 AND THAT REGULATE OR AFFECT THE RIGHTS, DUTIES, OR
 6 PRIVILEGES OF ANY INDIVIDUAL MUST BE OPEN TO THE PUBLIC.

7 ~~(2)(3)~~ Provided, however, the presiding officer of any
 8 meeting may close the meeting during the time the discussion
 9 relates to a matter of individual privacy and then if and
 10 only if the presiding officer determines that the demands of
 11 individual privacy clearly exceed the merits of public
 12 disclosure. The right of individual privacy may be waived by
 13 the individual about whom the discussion pertains and, in
 14 that event, the meeting shall be open.

15 ~~(3)(4)~~ However, a meeting may be closed to discuss a
 16 strategy to be followed with respect to collective
 17 bargaining or litigation when an open meeting would have a
 18 detrimental effect on the bargaining or litigating position
 19 of the public agency.

20 ~~(4)(5)~~ Any committee or subcommittee appointed by a
 21 public body OR AN ASSOCIATION DESCRIBED IN SUBSECTION (2)
 22 for the purpose of conducting business which is within the
 23 jurisdiction of that agency shall be subject to the
 24 requirements of this section."

25 Section 2. Section 2-3-202, MCA, is amended to read:

1 "2-3-202. Meeting defined. As used in this part,
2 "meeting" means the convening of a quorum of the constituent
3 membership of a public agency or association described in
4 2-3-203, whether corporal or by means of electronic
5 equipment, to hear, discuss, or act upon a matter over which
6 the agency has supervision, control, jurisdiction, or
7 advisory power."

-End-



MONTANA SCHOOL BOARDS ASSOCIATION

515 North Sanders
Helena, Montana 59601
Telephone: 406/442-2180
Wayne G. Buchanan, Executive Director

SENATE JUDICIARY

EXHIBIT NO. 7
DATE Jan. 23, 1987
BILL NO. SB 23

- OFFICERS:**
- PRESIDENT**
Karen Doolen
5503 Sweetgrass Creek Dr.
Billings, MT 59106
- VICE PRESIDENT**
Robert Moody
1921 Adams
Butte, MT 59701
- IMMEDIATE PAST PRESIDENT**
Marvin Edwards
Box 428
Chinook, MT 59523
- DISTRICT DIRECTORS:**
- MARION FOLEY HOLDEN
Box 298
Martin City, MT 59926
 - MARVIN EDWARDS
P.O. Box 428
Chinook, MT 59523
 - SALLY LISTERUD
Box 937
Wolf Point, MT 59201
 - MARGARET BASTA
R. 2, Box 68
Lindsay, MT 59339
 - ANITA JOHNSON
Route 1, Box 1644
Lewistown, MT 59457
 - JIM TULLY
55 Mullan Road
Missoula, MT 59801
 - KENNETH BANDELIER
740 E. Bannack St.
Dillon, MT 59725
 - TAMMY HALL
6734 Gooch Hill Road
Bozeman, MT 59715
 - GAIL ALEXANDER
Box 47
Shawmut, MT 59078
 - HUGH BROADUS
Route 1, Box 2070
Forsyth, MT 59327
- MUNICIPAL:**
- BILLINGS DIRECTOR**
KAREN DOOLEN
5503 Sweetgrass Crk. Dr.
Billings, MT 59106
- BUTTE DIRECTOR**
ROBERT MOODRY
1921 Adams
Butte, MT 59701
- GREAT FALLS DIRECTOR**
DON HAMILTON
Box 2269
Great Falls, MT 59403
- MISSOULA DIRECTOR**
RON FERNELIUS
2216 East Vista
Missoula, MT 59801

TO: Senate Judiciary Committee

RE: SB 23

Mr. Chairman, Members of the Committee:

I was asked to explain our concerns about the lack of notice provision in the open meeting law if the law were extended to apply to the Montana School Boards Association.

At the present time, notice is implied in the open meeting law, but is not defined (as it is in the previous part of the law dealing with rule making procedures). Right now school boards and other local public bodies have developed satisfactory procedures for notifying their particular citizens of their local meetings. However, the only way they know if they are right or wrong is when someone challenges them and a court tells them after the fact that they were wrong.

If the open meeting law is extended to apply to an association of local government bodies like MSBA, there is a problem defining who we would be responsible for notifying. Obviously we must notify more than just our members—we must notify the citizens around the state. But we are not a state agency with rules allowing publication in the administrative register or the giving of notice on a statewide basis that many people never see. The citizens we would have to notify are the local citizens of our members, who could demand that notice of school related meetings like ours be published the same way their local school districts now inform them. It would be economically disastrous, and practically impossible, for us to give notice like all of our members do. The UPI and AP are not carried by most weekly papers, and many small rural elementary districts have no way to publish at all, they post notices. Some districts are not members, but would we be required to notify their citizens?

Unfortunately, if we did not adequately notify the local citizens of our members at the local level we would not find out until after the fact and then we would face criminal penalties. I would also be reluctant to rely on our members' efforts to notify the public of our meetings when I am the one who may face the criminal consequences if they might forget.

Your consideration in defining notice for open meeting law purposes in the event you decide to apply the law to us as a statewide organization of local districts would be appreciated.

Very truly yours,

Bruce W. Moerer
Staff Attorney

Proposed amendments to SB 96, introduced copy (white).

1. Page 1, line 18.

Following: "of"

Insert: ":",

2. Page 1, line 19.

Following: "misdemeanor"

Strike: "an"

Insert: "(a) a misdemeanor for a first"

Following: "conviction"

Strike: ":",

3. Page 1, line 20.

Following: line 19

Strike: "(a) of a first offense"

4. Page 1, line 23.

Following: "(b)"

Strike: "of"

Insert: "a felony for"

Following: "offense"

Insert: "and upon conviction"

5. Page 1, lines 23 and 24.

Following: "be" on line 23

Strike: the remainder of line 23 through "be" on line 24

6. Page 1, line 25.

Following: "year"

Strike: ", or both"

Insert: "or more than 10 years and may be fined an amount not to exceed \$10,000"

NAME: Lester H. Loble, II DATE: 1/23/87

ADDRESS: Box 1076 Helena

PHONE: 442 0070

REPRESENTING WHOM? Am. Council of Life Insurance

APPEARING ON WHICH PROPOSAL: SB 119

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date Jan. 23rd 1987 Bill No. 52 Time 11:15 am

NAME	YES	NO
Senator Joe Mazurek, Chairman	X	
Senator Bruce Crippen, Vice Chairman	X	
*Senator Tom Beck	X	
Senator Al Bishop		X
Senator Chet Blaylock		X
Senator Bob Brown		X
Senator Jack Galt		
Senator Mike Halligan	X	
Senator Dick Pinsoneault	X	
Senator Bill Yellowtail		X

Mary Y Huber
Secretary

Chairman

Motion: To Table SB 52

STANDING COMMITTEE REPORT

January 23

19 37

MR. PRESIDENT

SENATE JUDICIARY

We, your committee on

having had under consideration

SENATE BILL

No. 20

first reading copy (white)
color

Generally revise mechanics' lien law.

SENATE BILL

20

Respectfully report as follows: That

No.

1. Page 8, line 24.

Following: "him."

Insert: "Notice by certified mail is effective on the date the notice is mailed."

2. Page 8, line 25.

Following: "shall"

Insert: "also"

3. Page 9, lines 4 through 5.

Following: "than" on line 4

Strike: remainder of line 4 through line 6 in their entirety

Insert: "5 business days after the date on which the notice of the right to claim a lien is given to the contracting owner."

7023e/L:JEA/WP:jj

ASD AS AMENDED

DO PASS

~~XXXXXXXXXX~~
DO NOT PASS

Chairman.

STANDING COMMITTEE REPORT

January 23

1937

MR. PRESIDENT

We, your committee on SENATE JUDICIARY

having had under consideration SENATE BILL No. 23

first reading copy (white)
color

Expand the open meeting law.

Respectfully report as follows: That SENATE BILL No. 23

1. Title, lines 5 through 8.

Following: "MEETINGS OF" on line 5

Strike: remainder of line 5 through "ACTIVITIES" on line 8

Insert: "CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES"

2. Page 1, line 13.

Following: "agencies"

Insert: "of public agencies and certain associations of public agencies"

3. Page 1, line 15.

Following: "governmental"

Strike: "the following"

Insert: "public or governmental"

4. Page 1, lines 15 through 17.

Following: "bodies," on line 15

Strike: the remainder of line 15 through "(a)" on line 17

Insert: ",,"

5. Page 1, line 18.

Following: "of the state"

Strike: "1"

~~XXXXX~~
DO NOT PASS

~~XXXXXXXXXX~~ CONTINUED ON SECOND PAGE
DO NOT PASS

.....
Chairman.

SB 23

Page 2

Following: "or"

Insert: "or"

6. Page 1, line 19.

Strike: "(b)"

7. Page 1, line 21.

Strike: "; or"

Insert: "must be open to the public."

8. Page 1, lines 22 through 25.

Following: line 21

Strike: subsection (c) in its entirety

Insert: "(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public."

Re-number: subsequent subsections

9. Page 2, line 15.

Following: "body"

Insert: "or an association described in subsection (2)"

7022b/L:JZA\WP:jj

AND AS AMENDED

DO PASS

SENATE JUDICIARY COMMITTEE

SB 96

5. ^{page 2} Page 1, lines 23 and 24.Following: "be" on line 23Strike: the remainder of line 23 through "be" on line 24

6. Page 1, line 24.

Following: "imprisoned"Strike: "in the state prison"

7. Page 1, line 25.

Following: "not"Strike: "less than 1 year"Insert: "to exceed 10 years and may be fined an amount not to exceed \$10,000"

AND AS AMENDED

DO PASS

7023a/L:JEA\WP:jj

STANDING COMMITTEE REPORT

January 23 19 37

MR. PRESIDENT

We, your committee on **SENATE JUDICIARY**

having had under consideration **SENATE BILL** No. **119**

first reading copy (white)
color

Exempt all insurance policies from 'plain language in contracts act'.

Respectfully report as follows: That **SENATE BILL** No. **119**

DO PASS

~~DO NOT PASS~~

.....
Chairman.