

**MINUTES**

**MONTANA SENATE  
52nd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Dick Pinsoneault, on January 11, 1991,  
at 10:00 a.m.

**ROLL CALL**

**Members Present:**

Dick Pinsoneault, Chairman (D)  
Bill Yellowtail, Vice Chairman (D)  
Bruce Crippen (R)  
Steve Doherty (D)  
Lorents Grosfield (R)  
Mike Halligan (D)  
John Harp (R)  
David Rye (R)  
Paul Svrcek (D)  
Thomas Towe (D)

**Members Excused:** Senators Brown and Mazurek

**Staff Present:** Valencia Lane (Legislative Council).

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

**Announcements/Discussion:** Chairman Pinsoneault introduced Patricia  
Bradley, Montana Magistrates Association, to members of the  
Committee. He announced that Ms. Bradley had prepared  
information on Montana courts of limited jurisdiction for  
their information.

**HEARING ON SENATE BILL 33**

**Presentation and Opening Statement by Sponsor:**

Senator Del Gage, District 5, explained that Senate Bill 33 is  
a traditional bill and is referred to as the Code Commissioner  
bill. He told the Committee the bill corrects and put statutes  
into conformity with Montana justice and city court procedural  
codes.

**Proponents' Testimony:**

Greg Petesch, Director, Legal Services Division, explained the  
procedure for drafting the bill, and advised committee members that  
he is required by law to submit a report to the Legislative Council

by November 1. He stated that prior to this date each impacted agency received a copy of the report and was requested to provide a written response. Mr. Petesch said those affected parties do not appear to have problems with the changes.

Mr. Petesch commented that city courts have been added to these rules. He said Section 42 deals with time of schedule on forfeiture hearings, adding that the Department of Justice has litigated this issue three different times.

Mr. Petesch explained that Section 62 pertains to implied Code Commissioner instructions to fix obsolete or erroneous references enacted during the Session.

### Opponents' Testimony:

There were no opponents of Senate Bill 33.

### Questions From Committee Members:

Senator Towe commented that a lot of work has been done by and a lot of trust has been placed in Greg Petesch. He asked about the authority given to the Code Commissioner in Section 62. Greg Petesch replied that was done for the first time last session and will be standard in every Code Commissioner bill in the future.

Senator Towe asked Greg Petesch if he had the authority to change numbers, but not language. Mr. Petesch replied that he has the authority to change grammar without affecting meaning. Senator Towe said he didn't believe the bill would give the Code Commissioner authority to change language such as "insurance agent" to "insurance producer".

Senator Towe then addressed Section 42, and said the 60-day language was confusing. Greg Petesch replied that it is being recodified because the courts made decisions in three different cases.

### Closing by Sponsor:

Senator Gage advised the Committee that it appeared to him "that Greg Petesch has more confidence from more legislators than anyone has in anyone else in the Legislature". He said the Legislative Council agreed with the recommendations made by Mr. Petesch on the items to be either included or excluded from the bill.

### EXECUTIVE ACTION ON SENATE BILL 33

### Motion:

Senator Svrcek made a motion that Senate Bill 33 Do Pass.

Senator Svrcek made a second motion that Senate Bill 33 be placed on the Consent Calendar.

Discussion:

There was no discussion of Senate Bill 33.

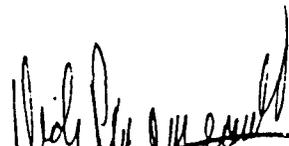
Amendments, Discussion, and Votes:

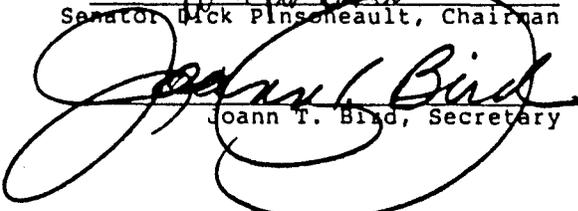
Recommendation and Vote:

A roll call vote was taken which included proxy votes from excused Senators Brown and Mazurek. Both motions carried unanimously.

ADJOURNMENT

Adjournment At: 10:20 a.m.

  
\_\_\_\_\_  
Senator Dick Pinsoneault, Chairman

  
\_\_\_\_\_  
Joann T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1-11-91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsoneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

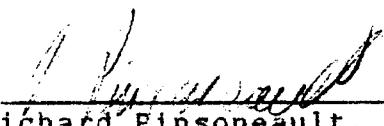
Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

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January 11, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 33 (first reading copy -- white), respectfully report that Senate Bill No. 33 do pass and unanimously recommend that it be placed on the Consent Calendar.

Signed:   
Richard Finsoneault, Chairman

 1-11-91  
Ad. Coord.

SE 1-11-91 12:05  
Sec. of Senate

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 1-11-91 Bill No SB33 Time 10:20 am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen	✓	
Sen. Doherty	✓	
Sen. Grosfield	✓	
Sen. Halligan	✓	
Sen. Harp	✓	
Sen. Mazurek	✓	
Sen. Rye	✓	
Sen. Svrcek	✓	
Sen. Towe	<i>Abstain</i>	
Sen. Yellowtail	✓	
Sen. Pinsoneault	✓	

Jody Bird  
Secretary

Sen. Dick Pinsoneault  
Chairman

Motion: ① Svrcek - DP motion

