

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 7, 1977

The meeting of the Judiciary Committee was called to order by Chairman Jean Turnage on the above date in Room 442 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Roberts who was excused.

The following witnesses were present to testify:

Senator Frank Hazelbaker - District 41
Diana S. Dowling, Code Commissioner - Legislative Council
Ron Waterman, a Helena attorney - co-chairman of the State Bar's recodification committee

CONSIDERATION OF SENATE BILL 20:

Senator Hazelbaker said that he was the author of the bill and explained how the recodification bills came about, as this is a recodification bill. He then introduced Diana Dowling to explain the bill in detail to the committee. She went through the bill section by section as to the changes made. She also went over the entire recodification process for the committee. She also said that the recodification bills in this session were only to correct errors that have been found and that there is required to be filed by the Code Commissioner with each such bill a report so that changes can be found easily.

Senator Turnage asked her if they intend to publish the annotations in a separate volume. She said that the decision on that has not been made yet.

Ron Waterman, co-chairman of the State Bar's recodification committee, told the committee that his committee wanted to lend their support to this bill.

Lon Maxwell, an attorney and the researcher for the Judiciary Committee, presented the committee with a Memorandum on S.B. 20. He said that he will make a practice of doing this and will be glad to discuss bills with committee members or do research for them.

At this time, Chairman Turnage noted that there were no opponents to S.B. 20 present.

Diana Dowling then answered questions of committee members.

DISPOSITION OF SENATE BILL 20:

Senator Towe moved that section 5, page 9, subsection (5), lines 14 through 17 be deleted. The motion was seconded by Senator Murray and carried unanimously.

Sen. Towe moved to amend section 4, page 8, lines 12 and 13 by striking the words "prior legislation" and inserting in lieu thereof the words "enrolled bill on file with the secretary of state". The motion was seconded by Senator Olson and carried unanimously.

Senator Towe then moved that S.B. 20, as amended, DO PASS. At this time, it was noted that motions do not have to be seconded any more. The motion carried unanimously.

Senator Towe moved to reconsider the action taken on S.B. 20. The motion carried. This motion was made in order to clarify the amendment made on the words "prior legislation". He then moved to strike the words "prior legislation" following line 11, on page 8, section 4, and to insert in lieu thereof the words "the official enrolled bill on file with the secretary of state" and further amend page 8, section 4, lines 12 and 13, following the word "the" by striking the words "prior legislation" and inserting in lieu thereof the words "official enrolled bill". This motion carried unanimously.

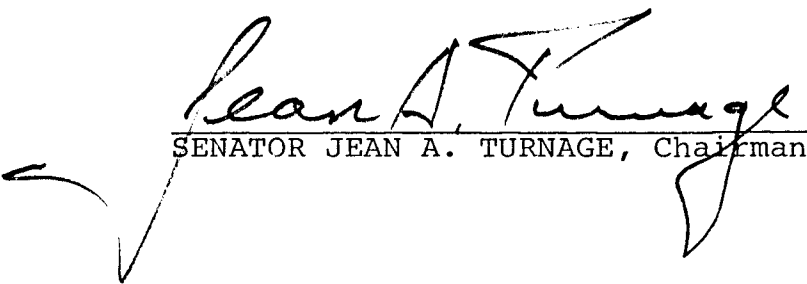
Senator Towe then moved that S.B. 20, as amended, DO PASS. The motion carried unanimously.

At this time, the Chairman announced that there would be a joint committee meeting in the House Judiciary Committee room tomorrow, Saturday, January 8th, and requested that the members plan to attend out of courtesy to hear Mr. VanValkenburg, an attorney from Missoula, discuss his proposed bill dealing with the public defender's program. There will be no action taken on the bill. The hearing will be at 9:30 a.m..

BILL SCHEDULES:

The committee, at the request of Senator Turnage, reviewed the schedule for next week. S.B. 9, 27, 30, 33 and 34 are to be heard on Tuesday; S.B. 32, 40, 41, 42, 43 and 53 are to be heard Wednesday. The Chairman then requested the secretary to post a hearing on S.B. 56 for Thursday, January 13th, and for S.B. 37 on Friday, January 14, 1977.

There being no further business before the committee at this time, the committee adjourned at 10:32 a.m..


SENATOR JEAN A. TURNAGE, Chairman