

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 21, 1977

The meeting of this committee was called to order by Senator Turnage, Chairman, at 9:30 a.m. in Room 442 of the State Capitol Building on the above date.

ROLL CALL:

All members were present at this meeting.

CONSIDERATION OF SENATE BILL 115:

Tom Stoll, Administrator, Inheritance Tax Division, Department of Revenue, said that his division also handles abandoned property and that he would like to get together with Senator Towe to make an amendment.

At this time, Senator Towe explained the bill to the committee. The purpose of the bill is actually to reduce the paper work required.

Mr. Stoll told the committee that the problem his division has is that there is no minimum refund established and that he would like the minimum refund to be the same as the aggregate amount.

There being no more proponents or opponents of the bill present, it was decided that S.B. 115 would be considered at a later date.

CONSIDERATION OF SENATE BILL 119:

Senator Hazelbaker of District 41 was present, as co-sponsor of the bill with Senator Roberts, and explained the bill to the committee. He said that this bill had been drafted because many times law enforcement officers call for backups from other law enforcement type agencies.

At this time, the representative of the Chiefs of Police Association, Chief Gerald T. Dunbar of Billings, Montana, said that matters covered by this bill had been worked on at several meetings over the past few years, and that he thought it was a good bill. Joe Sol of the Montana Highway Patrol also spoke briefly on behalf of S.B. 119, as did Tom Dowling, representing the Sheriff's & Peace Officers Association, and Tom Harrison, representing the Montana Police Protective Association. Mr. Dowling and Mr. Harrison answered questions by the committee on the bill.

There were no opponents to S.B. 119 present.

Since there were many of the associations' representatives present, the Chairman asked that the committee and the representatives work this bill out immediately during this committee meeting.

DISPOSITION OF SENATE BILL 119:

Sen. Towe moved to amend page 1, section 1, line 17, following "municipality or" by inserting an "a"; and to further amend Senate Bill 119 on page 2, section 3, line 12, following "shall" by inserting ", if it so requests,". Motion carried unanimously.

Senator Towe then moved to amend page 2, section 3, line 13, following "services" by striking "out of which the payments arose" and inserting "for all wages, claims for damage to clothing and equipment, and medical expense not otherwise reimbursed". The motion carried unanimously.

Senator Warden moved that Senate Bill 119, as amended, DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 58:

Senate Bill 58 had been recalled by this committee in order that Senate Bill 95 could be correctly incorporated into it.

DISPOSITION OF SENATE BILL 58:

Senator Towe moved that Senate Bill 58 be amended in the title, line 5, following: "OF" by inserting "PROFESSIONAL"; and to further amend the title, line 8, following "COMMITTEES" by striking the "." and inserting "AND PROVIDING AN EVIDENTIAL PRIVILEGE FOR COMMITTEE RECORDS AND MEMBER TESTIMONY."

And to further amend page 1, section 1, line 16, following "of a" by inserting "professional";

And to further amend on page 2, section 1, subsection (2), line 8, following line 7, by inserting "(2) The proceedings and records of professional utilization, peer review, and professional standards review committees are not subject to discovery or introduction into evidence in any proceeding. However, information otherwise discoverable or admissible from an original source is not to be construed as immune from discovery or use in any proceeding merely because it was presented during proceedings before the committee, nor is a member of the committee or other person appearing before it to be prevented from testifying as to matters within his knowledge, but he cannot be questioned about his testimony or other proceedings before the committee or about opinions or other actions of the committee or any member thereof.", and renumber the subsequent subsection.

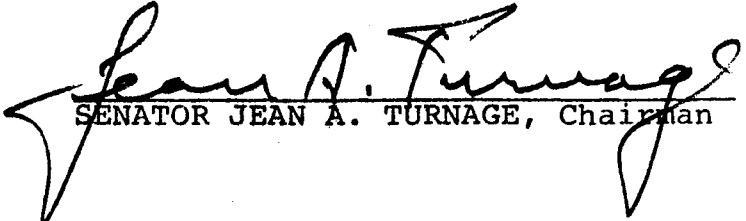
The motion for the above amendments carried unanimously.

Senator Murray moved that Senate Bill 58, as amended, DO PASS. The motion carried unanimously.

DISPOSITION OF SENATE BILL 95:

Senator Towe moved that Senate Bill 95 DO NOT PASS. The motion carried unanimously.

There being no further business before the committee at this time, the committee adjourned at 11:00 a.m. to resume at 9:30 a.m. on January 22, 1977, in Room 442 to consider Senate Bill 125.


SENATOR JEAN A. TURNAGE, Chairman

After the meeting, Joan Mayer, Legislative Council, found that another amendment was needed on S.B. 119 and, therefore, S.B. 119 was returned to this committee from the Secretary of the Senate's office.

JUDICIARY COMMITTEE

Date 1/21/77

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STANDING COMMITTEE REPORT

January 21, 19 77

MR. **PRESIDENT:**

We, your committee on **JUDICIARY**

having had under consideration **SENATE** Bill No. **58**

Respectfully report as follows: That **M** **SENATE** Bill No. **58**,
the Third Reading bill, be amended as follows:

1. Amend title, line 5.
Following: "of"
Insert: "PROFESSIONAL"

2. Amend title, line 8.
Following: "COMMITTEES"
Strike: "."
Insert: "AND PROVIDING AN EVIDENTIAL PRIVILEGE FOR COMMITTEE
RECORDS AND MEMBER TESTIMONY."

3. Amend page 1, section 1, line 16.
Following: "of a"
Insert: "professional"

4. Amend page 2, section 1, subsection (2), line 8.
Following: line 7
Insert: "(2) The proceedings and records of professional utiliza-

~~DO NOT WRITE~~
tion, peer review, and professional standards review committees
are not subject to discovery or introduction into evidence in any
proceeding. However, information otherwise discoverable or ad-
missible from an original source is not to be construed as immune

from discovery or use in any proceeding merely because it was presented during proceedings before the committee, nor is a member of the committee or other person appearing before it to be prevented from testifying as to matters within his knowledge, but he cannot be questioned about his testimony or other proceedings before the committee or about opinions or other actions of the committee or any member thereof."

Renumber: subsequent subsection

AND AS SO AMENDED, DO PASS.

SEN. JEAN A. TURNAGE, Chairman

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STANDING COMMITTEE REPORT

January 21, 19 77

MR. PRESIDENT:

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 95

Respectfully report as follows: That SENATE Bill No. 95

DO NOT PASS

~~DOX PASS~~