

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 10, 1977

This is the second meeting of this committee to be held on this date in Room 415 of the State Capitol Building. The meeting was called to order on adjournment, 3:15 p.m., by the Chairman, Senator Turnage.

ROLL CALL:

All members of the committee were present for this meeting, but Senator Warden was excused to attend a ceremony in the Governor's office from 4:00 to 4:30 p.m..

EXECUTIVE SESSION

The committee met in executive session to take the following action on Senate Bills Nos.:

S.B.32 - Senator Warden moved DO NOT PASS. Motion carried unanimously.

S.B.37 - Senator Towe moved to amend page 2, section 4, subsection (1), lines 9 through 12, following "may" by striking "not file a favorable report on the bill or on the bill as amended unless the report includes a statement, published in the journal with the report," and inserting "append a statement to the committee report". Motion carried.

Senator Towe moved to amend page 2, section 4, subsection (1), line 16, following "statement" by striking "shall" and inserting "may". Motion carried.

Senator Towe moved to amend page 3, section 4, subsection (2), line 2, following line 1, by striking "shall" and inserting "may". Motion carried.

Senator Towe moved to amend page 3, section 4, subsection (2), line 3, following "(1)." by inserting "Such reports shall be published in the same manner as the journal.". Motion carried.

Senator Towe moved to amend page 3, section 4, subsection (3), lines 4 through 6, following line 3, by striking subsection (3) in its entirety. Motion carried.

Senator Towe then moved that Senate Bill 37 as amended DO PASS. Motion carried with Senators Roberts and Warden voting "No".

Senator Towe moved that the Statement of Intent be appended to this report. Motion carried.

S.B. 115 - Senator Towe moved to amend by adding new language on page 3, line 21, as follows: "Section 2. Section 67-2219, R.C.M. 1947, is amended to read as follows:

'67-2219. Claim for abandoned property paid or delivered. Any person claiming an interest in any property delivered to the state under this act may file a claim thereto or to the proceeds from the sale thereof on the form prescribed by the state department of revenue, except that no claim for less than \$10 may be filed." Motion carried.

Senator Warden moved to set the fee at \$10. Motion carried. Senator Warden had to leave the meeting at this time - 4:00 p.m..

Senator Towe moved to amend the title, line 5, following "PROPERTY" by inserting "AND TO ABOLISH REFUNDS UNDER \$10"; and to further amend the title, line 6, following line 5, by striking "SECTION" and inserting "SECTIONS", and following "67-2211" by inserting "AND 67-2219". Motion carried. (See Exhibit 1)

Senator Towe then moved that Senate Bill 115 as amended DO PASS. The motion carried unanimously.

S.B. 149 - Senator Towe moved to amend page 3, section 3, subsection (6), line 12, following "homicide" by inserting "as defined in subsection (1)(a) of 94-5-102". Motion carried.

Sen. Towe moved to amend page 4, section 5, line 20, following "leniency." by inserting "If the court does not impose a sentence of death and one of the aggravating circumstances listed in (section 3 of this act) exists, the court may impose a sentence of imprisonment for life or for any term authorized by the statute defining the offense."; and to further amend S.B. 149 on page 7, section 11, subsection (2), line 3, following "death" by inserting "or life imprisonment". Motion carried.

Sen. Towe moved to amend page 6, following line 13, by adding a new section 11. Motion failed on a 3-4 vote. (Sen. Warden excused and Senators Murray, Olson and Towe voting for the motion.

Senator Towe moved to amend page 8, section 12, subsection (2), line 1, following "death" by inserting "or life imprisonment" Motion carried.

Senator Murray moved that Senate Bill 149 as amended DO PASS. The motion carried 5 - 2 with Senators Regan and Towe voting "No" and Senator Warden excused.

S.B. 214 - Senator Murray moved that S.B. 214 DO NOT PASS. The motion carried 6 - 1 with Senator Regan voting "No".

S.B. 153 - Senator Regan moved DO NOT PASS. (Senator Warden returned at this time - 4:30 p.m.)

Senator Towe, as a substitute motion, moved that S.B. 153 be amended. The motion failed on a vote of 1 - 7.

The committee then voted on Senator Regan's motion that S.B. 153 DO NOT PASS. The motion carried.

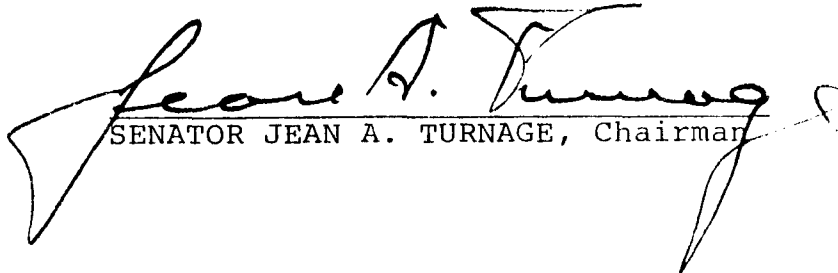
S.B. 156 - Senator Murray moved that S.B. 156 DO PASS. The motion carried unanimously.

S.B. 213 - Senator Towe moved that S.B. 213 DO PASS. The motion carried unanimously.

S.B. 262 - Senator Regan moved to amend by striking the word "mortgage" and inserting "any" in the title on line 9, in section 1, subsec.(3)(a), p. 2, on line 8, and in section 2, subsection (4) on line 2 of page 4. Motion carried.

Senator Regan moved that Senate Bill 262 as amended DO PASS. The motion carried unanimously.

There being no further business before the committee at this time, the committee adjourned at 5:00 p.m..


SENATOR JEAN A. TURNAGE, Chairman

COMMITTEE

Date 2-10-77

[illegible]

Western Life Insurance Company

St. Paul, Minnesota

Life & Health Insurance

2/10/77
172
(Ex. 1 on S.B. 115)

Harold L. Paulsen, General Agent
P. O. Box 374
Helena, Montana 59601
Office: (406) 442-5660
Res: (406) 458-9520

February 8, 1977

The Honorable Thomas E. Towe
Senator, District 34
Montana State Capitol
Helena, Montana 59601

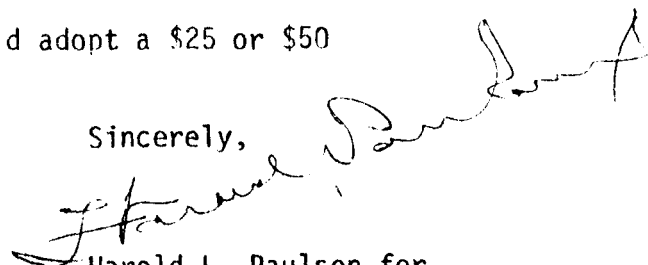
Dear Senator Towe:

We are in support of your S.B. 115.

Alex Ciesielski informs me that a \$25 maximum for unclaimed insurance funds has been established in Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Louisiana, Ohio, Oklahoma, and Pennsylvania while a \$50 figure has been established for Indiana, Virginia and West Virginia.

We would be amenable to legislation that would adopt a \$25 or \$50 maximum.

Sincerely,



Harold L. Paulsen for
American Council of
Life Insurance

HLP:hb