

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 11, 1979

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The sixth meeting of the Senate Judiciary Committee was called to order by Everett R. Lensink, Chairman, on the above date in room 331 at 10:04 A.M. Senator Lensink introduced Valencia Lane, who will be the researcher for this committee.

ROLL CALL:

All members were present. Senator Van Valkenburg asked to be excused temporarily.

WITNESSES PRESENT TO TESTIFY:

J. C. Weingartner - State Bar

DISPOSITION OF SENATE BILL 63:

Senator Turnage moved that Senate Bill 63 do pass. The motion carried unanimously.

RECONSIDERATION OF SENATE BILL 51:

Senator Galt stated that he did not like the bill. Senator Turnage said he was bothered about existing condemnations. Senator Turnage moved that Senate Bill 51 do not pass. Senator Brown requested that Senator Turnage withdraw his motion and he will take the matter up with Jim Beck, from the Department of Highways, to see if he can come up with adequate language. Senator Turnage agreed to this and the bill was continued until a later date.

DISPOSITION OF SENATE BILL 41:

Joan Mayer from the Legislative Council gave a handout on the proposed amendments to this bill. Senator Towe moved that we reconsider our action on this bill. Motion passed unanimously.

Senator Turnage moved that the bill be amended as indicated on the handout. The motion passed unanimously.

Senator Turnage moved that the bill do pass as amended. The motion passed unanimously.

RECONSIDERATION OF SENATE BILL 54:

Senator Towe requested that we wait on this bill. He stated that another bill is being drafted and the attorney general has requested that Senator Towe sponsor this new bill. The committee was agreeable.

RECONSIDERATION OF SENATE BILL 37:

Senator Healy moved that this bill be turned over to a subcommittee composed of a number of lawyers. Senator Towe asked for a report on the previous hearing. Senator Lensink felt that the committee should be very careful with this bill. Senator Brown felt that we should continue with this bill as we were almost through the bill and he did not think there were too many other changes. A vote was taken and Senator Galt and Senator Healey voted yes and the remainder voted no. Senator Towe suggested that if Senator Healy did not want to be present for the rest of the bill that it might be advisable for the chairman to excuse him. Senator Lensink agreed to this and Senator Healy was excused for the remainder of the meeting.

Senator Brown moved that on page 15, lines 2 and 3, the words, "the secretary of defense" and "other" be stricken. The motion carried unanimously.

Senator Towe moved to amend the bill on page 17, line 25 by striking the word "must" and inserting "may". The motion carried unanimously.

Next, the repealers were taken up. Senator Turnage objected to repealing Section 93-301-4. He moved that on page 20, line 21 the section 93-301-4 be stricken. The motion carried unanimously.

There was some discussion on the whole repealer section. Senator Turnage suggested that the council recheck the whole repealer section and report back to the committee. Senator Lensink suggested that the attorneys act as a subcommittee to check over the repealers and report back to the committee tomorrow.

There being no further business before the meeting, the meeting was adjourned at 11:28 A.M.

Everett R. Lensink
SENATOR LENsink, Chairman Judiciary
Committee

STANDING COMMITTEE REPORT

January 11, 1979

MR. PRESIDENT.....

We, your committee on JUDICIARY

having had under consideration SENATE Bill No. 63

Respectfully report as follows: That SENATE Bill No. 63

DO PASS

P.Q.

STANDING COMMITTEE REPORT

January 11, 1979

MR. PRESIDENT:

JUDICIARY

We, your committee on

SENATE

having had under consideration

Bill No. 41

Respectfully report as follows: That

SENATE

Bill No. 41

be amended in the introduced bill as follows and that the committee recedes from its amendments of January 6, 1979:

1. Title, line 8.
Following: "3-1-1002,"
Insert: "3-1-1003,"
2. Page 3, line 8.
Following: "on"
Strike: "judges"
Insert: "judicial officers"
3. Page 4.
Following: line 9
Insert: "(4) Appointments provided for in this section shall be made within 30 days of the completion of the preceding terms."

DO PASS

(continued)

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4. Page 4.

Following: line 20

Insert: "Section 8. Section 3-1-1003, MCA, is amended to read:

'3-1-1003. Vacancies. (1) In the event a vacancy on the commission occurs, the governor shall appoint a replacement for the remainder of the term. Such replacement shall be a member of the same group as the member he replaces.

(2) Appointments provided for in this section shall be made within-30-days-of-the-completion-of-the-preceding-terms or within 30 days of the occurrence of any vacancy.'"

Renumber: all subsequent sections.

And as amended
DO PASS

30.

E. R. Lensink

Chairman.

SENATE COMMITTEE JUDICIARYDate Jan 11, 1979 Bill No. _____ Time _____

NAME	YES	NO
Lensink, Everett R., Chr. (R)	✓	
Olson, S. A., V. Chr. (R)	✓	
Turnage, Jean A. (R)	✓	
O'Hara, Jesse A. (R)	✓	
Anderson, Mike (R)	✓	
Galt, Jack E. (R)	✓	
Towe, Thomas E. (D)	✓	
Brown, Steve (D)	✓	
Van Valkenburg, Fred (D)	✓	
Healy, John E. (Jack) (D)	✓	

Secretary _____

Chairman _____

Motion: _____

(include enough information on motion--put with yellow copy of committee report.)

Please sign & return to secretary

SENATE

COMMITTEE

BILL _____

VISITORS' REGISTER

DATE 1/11/75

Please note bill no.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY