

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 7, 1979

The twenty-eighth meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in Room 331 of the Capitol Building on the above date at 9:30 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 322:

This bill was sponsored by Senator Healy and is an act to protect employers from claims for contribution or indemnity asserted by a third person. Senator Healy offered a prepared statement. (See Exhibit A.)

Mr. William Kirkpatrick, representing the Champion International Corporation gave a statement in support of this bill. (See Exhibit B.) He said the purpose is not to change the Workmen's Compensation law, but to clarify it.

Norman Grosfield, representing the Division of Workers' Compensation gave a statement in support of the bill.

George Wood, Executive Secretary of the Montana Self-Insurance Association, requested a do pass on this bill.

There were no further proponents and no opponents.

There were no questions and the hearing on the bill was closed.

CONSIDERATION OF SENATE BILL 271:

Senator Hazelbaker gave an explanation of this bill, which is an act to regulate the collection, storage and dissemination of criminal justice information to provide for privacy of the information in certain circumstances etc. He stated that this bill was the result of a four-year study set up by the Board of Crime Control.

Sheri Sprigg, from the attorney general's office offered a number of amendments. (See Exhibit C.) She stated that there have been a number of problems that they have encountered in trying to fulfill the law presently on the books. She stated that Congress, in 1975, passed a law that required any states that receive federal money must come up with a plan for assuring the privacy and security of the system. She said that Montana's Constitution contains both the right-to-know and the right-to-privacy. She went through the major sections of the bill and discussed the amendments.

Larry Petersen, staff member from the Board of Crime Control gave a statement in support of this bill.

John Thomas, representing the Department of Institutions, stated that they had everybody they possibly could in the drafting of this bill; press association, newspaper, T.V. media, law enforcement people, general citizens; and that he would recommend it as one of the finest examples he has ever read and that this is being used in other states.

Mike Abley, Administrator of the Supreme Court, spoke in favor of the bill. He said that they are an agency that collects a great deal of information, that there is a lot of duplication going on and a lot of information that is not being collected. He stated that his major concern is with all these agencies getting information that the right to privacy is being violated. He says it is important to see that the proper people are getting the proper information.

Hal Stearnes, representing the Press Association, stated that they were involved in the drafting of this bill, and this bill clarifies what they have access to and what they are denied.

Phil Conover, representing the Department of Justice, stated that their agency is the most affected by this bill and gave an explanation of a rap sheet.

Doyle Saxby, deputy director for the Department of Administration, stated that last year, they could not agree with this bill; but now they feel they will be able to live with it and they support the bill.

Mike Meloy, representing the Lee Newspapers, stated that we don't appear as an opponent of the entire bill, but have trouble with one section. There is one fundamental difference that we disagree with and he stated that criminal justice information is not something that just crime justice estates has an interest in but the public has an interest in also. He stated that on page 6, there was a list of public criminal justice information. He also said he had a problem with the material on page 12, lines 3 through 6, and had some suggestions to take care of these matters.

Senator Lensink stated that the people here would be available to the Committee and anyone who wants to submit a written statement or who wishes to offer amendments is welcome to do so. The Committee will take the matter up next week and the hearing on this bill was closed.

CONSIDERATION OF SENATE BILL 277:

Senator Van Valkenburg gave an explanation of this bill, which is an act to provide for the appointment of limited guardians for incapacitated persons, etc.

Rosemary Zion, representing DD/MAP, Inc., stated that there is a need for some form of limited guardianship. She said there may be a frantic call from a doctor for a patient that needs surgery and they do not know what to do. She said there may be family and friends who would like to help the person but unable to assume

Senator Anderson suggested that on page 5, line 17 and 18, the bill be amended by inserting a new section 3, which would state that the only function that S.R.S. would have shall be to maintain the list as noted in section 2 above.

Senator Towe moved that on page 2, line 11, that the bill be amended by striking the word "certified" and insert the word "listed" and further amend on page 2, line 12, after "services" insert "as set forth in section 7." and further amend on page 5, line 8, after "a" insert "list of" and on line 8, strike "interpreter" and insert "interpreters" and strike the rest of the sentence, and further amend on page 5, line 10, strike "interpreter" and insert "interpreters". The motion carried unanimously.

Senator Brown moved that on page 5, line 13, following the word "deaf" insert "and the Montana registry of interpreters for the deaf shall provide" and on line 13, strike "may assist" and insert "shall provide" and on page 5, line 14 after "services" strike "developing standards for the certification of interpreters and in preparing and". On page 5, line 16, insert "list" and strike "listing" and on page 5, after " ." on line 17 insert "the only function of the department of social and rehabilitative services is to maintain the list referred to in subsection (2)." The motion carried unanimously.

Senator Turange moved that on page 3, line 2, following "proceeding" insert "of a judicial or quasi-judicial nature". The motion carried unanimously.

Senator Turnage moved that the bill be amended on page 2, line 2, by striking "when spoken in a normal conversational tone". The motion carried unanimously.

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

DISPOSITION OF SENATE BILL 211:

Senator Brown suggested that the bill might be amended on page 3, line 2 after "documents" insert "filed with the supreme court" and on page 3, line 4, after "inspection" insert "subject to the right of the commission to protect the confidentiality of witnesses who have testified in an official procedure."

Senator Turnage stated that his only objection is to the constitution.

Senator Lensink stated that if they had a strong resolution to the supreme court, he would be more in favor of that.

Senator Turnage stated that he had problems with putting this kind of detail in the constitution.

Senator Brown moved that the bill be amended on page 3, line 2, and on page 3, line 4 as stated above. The motion carried

unanimously. Senator Brown moved that the bill do pass as amended, with the understanding that they discuss the matter further with Judge Haswell and maybe we can pull it off the board. There were six "no" votes and four "yes" votes. See Roll Call Vote.

Senator Turnage made a substitute motion that the bill be tabled. The motion carried unanimously.

Senator Towe moved that we request the Legislative Council to draft a resolution directed to the supreme court that would cover this matter. The motion carried with Senator Brown voting no.

DISPOSITION OF SENATE BILL 232:

Senator Towe moved that on page 2, line 10 the bill be amended by striking the words "as follows" and all the remaining new language on that page and insert "as provided by statute". The motion carried unanimously.

Senator Towe moved to strike all the new material on lines 20 and 21, on page 1. The motion carried by a vote of 6 yeses, 2 nos and 2 abstained. See Roll Call Vote.

Senator Towe moved to amend the bill on page 1, lines 6 through 11 by striking all material following "commission". The motion carried unanimously.

Senator Towe moved that the bill do pass as amended. The motion carried with 8 voting yes, 1 voting no and 1 abstaining. See Roll Call Vote.

DISPOSITION OF SENATE BILL 217:

Senator Turnage moved that Senate Bill 217 do pass. The motion failed. See Roll Call Vote.

Senator Van Valkenburg moved that this bill do not pass. Without objection, we will reverse the vote. There were no objections. See Roll Call Vote.

DISPOSITION OF SENATE BILL 225:

Senator Turnage moved to amend the bill on page 1, line 24 following "office" insert "conviction of". The motion carried unanimously.

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

DISPOSITION OF SENATE BILL 261:

Senator Turnage moved that the bill be amended on page 1, line 17 by striking "maintenance" and also on line 7 in the title by striking "maintenance". The motion carried unanimously.

Senator Turnage moved that we reconsider our action in deleting the word "maintenance" and moved to reinsert "maintenance". The motion carried unanimously.

Senator Turnage moved that the bill do pass as amended. The motion carried with Senator Brown voting no.

DISPOSITION OF SENATE BILL 207:

Senator Turnage moved that this bill do not pass. The motion carried with Senator Towe voting no.

DISPOSITION OF SENATE BILL 296:

Senator Van Valkenburg moved that this bill do pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 260:

Senator Brown moved that the bill be amended on page 1, line 17 after the word "privacy" by inserting the word "clearly". The motion carried unanimously.

Senator Brown moved that the bill do pass as amended. The motion carried unanimously.

DISPOSITION OF SENATE BILL 322:

Senator Healy moved that this bill do pass. The motion carried unanimously.

There being no further business, the meeting adjourned at 8:02 p.m.

Everett R. Lensink
SENATOR EVERETT R. LENSSINK, Chairman
Senate Judiciary Committee

Date 2/27/19

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.