

MINUTES OF MEETING  
SENATE JUDICIARY COMMITTEE  
February 8, 1979

The thirty-first meeting of the Senate Judiciary Committee was called to order in room 311 of the capitol building by Senator Everett R. Lensink on the above date at 4:36 p.m.

ROLL CALL:

All members were present.

CONSIDERATION OF SENATE BILL 214:

Senator Turnage commented that there is a constitutional provision that the courts are open to all.

Senator Towe stated that there would be problems with the constitution in Montana but that some places do put these arbitration clauses in their contract and that arbitration almost always tries to negotiate down the middle and that courts very often do not.

There was considerable discussion and Senator Lensink suggested that Senator O'Hara talk to Representative Ramirez and tell him that his bill is in great jeopardy and see what his thoughts are.

Senator Towe moved that this committee draft a committee bill concerning these two sections that were repealed. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 132:

It was noted in this bill that they were going to increase the percentage from 1/4 of one percent to 1/2 of one percent. Senator Lensink requested Senator Anderson to work with Senator Towe and Joann Woodgerd and see whether they would recommend doing something or nothing.

DISPOSITION OF SENATE BILL 250:

Senator Turnage moved the adoption of the amendments that were presented. The motion carried unanimously.

Senator Brown moved that the bill be amended further on page 11, line 8, after "76-3-302", by inserting "or 76-4-121". The motion carried unanimously.

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

There being no further business, the meeting adjourned at 5:30 p.m.

*Everett R. Lensink*

SENATOR EVERETT R. LENSINK, CHAIRMAN

Date 5/8/79  
Evening

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
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)	✓		

Each Day Attach to Minutes.

# STANDING COMMITTEE REPORT

February 9

19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate

Bill No. 250

Respectfully report as follows: That Senate

Bill No. 250,

introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "clerk"

Strike: "shall, in addition to"

Insert: "may not record the instrument unless"

2. Page 2, line 14.

Strike: ", indicate on the instrument"

3. Page 2, line 14.

Strike: "on his records"

4. Page 2, line 15.

Following: "filing"

Insert: ", as well as the reception number or book and page number,"

XXXXXX  
DO PASS

(Continued)

*JH*

5. Page 2, line 15.

Following: "statement"

Insert: "of intent are incorporated in the instrument"

6. Page 2, lines 17 through 20.

Following: line 16

Strike: lines 17 through 20 in their entirety

Insert: "the statement of intent is void. The person who filed the statement of intent may release the statement within the 6-month period by filing with the county clerk a release that includes the time and date of filing, as well as the reception number or book and page number, of the statement."

7. Page 3, line 23.

Following: line 22

Strike: "recording"

Insert: "filing"

8. Page 3, line 23.

Following: "shall"

Strike: "delete"

Insert: "mark 'void' on"

9. Page 3, line 24.

Following: "entries."

Insert: "If within the 6-month period a release is filed as provided in 7-4-2617(4), the county clerk shall note the reception number or book and page number of the release of the statement of intent on the corresponding index entries."

10. Page 9, line 6.

Following: "be"

Strike: "recorded"

Insert: "filed"

11. Page 10, line 5.

Strike: "for recording"

12. Page 10, line 10.

Following: "notice,"

Insert: "the recording date of"

13. Page 10, line 11.

Following: "to"

Strike: "have"

Insert: "be"

14. Page 10, line 11.

Strike: "recording date"

(Continued)

40

15. Page 10, line 11.  
Following: "as the"  
Insert: "filing date of the"

16. Page 11, line 2.  
Following: "The"  
Strike: "recorded"  
Insert: "filed"

17. Page 11, line 5.  
Following: "2."  
Strike: "The"  
Insert: "A copy of the"

18. Page 11, line 7.  
Following: ""  
Strike: "This"  
Insert: "The original of this"

19. Page 11, line 8.  
Following: "76-3-302"  
Insert: "or 76-4-121"

20. Page 11, line 8.  
Following: "and"  
Insert: "this copy"

21. Page 11, line 10.  
Following: "MCA."  
Insert: "Such constructive notice automatically becomes invalid upon the filing of a release of the statement of intent to which this copy is attached or upon the expiration of 6 months from the date of filing of the statement of intent to which this copy is attached if the original is not recorded within that time."

And, as so amended,  
DO PASS