

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 15, 1979

The thirty-ninth meeting of the Senate Judiciary Committee was called to order in room 331 of the capitol building on the above date by Senator Everett R. Lensink at 6:56 p.m.

ROLL CALL:

All members were present, except Senator Healy, who was excused.

DISPOSITION OF SENATE BILL 357:

Senator Turnage moved that this bill be tabled. The motion carried unanimously.

DISPOSITION OF SENATE BILL 444:

Senator Van Valkenburg moved that this bill do not pass. The motion carried unanimously.

DISPOSITION OF SENATE BILL 394:

Senator Towe moved that this bill do pass. The motion carried.

DISPOSITION OF SENATE BILL 382:

Senator Towe moved to reconsider the action that was taken earlier today. The motion carried unanimously. He explained that he called the probation officer in Billings and he said that 15 days is crucial—that that is the main protection to keep a child from going to jail for a long time and this allows them to set up a continuance in a case in five days and there should be no reason why they shouldn't go to trial in twenty days. He said that sometimes this involves 8 or 9-year-old kids. Senator Towe moved that this bill do not pass.

Senator Turnage questioned what about prejudice. Senator Van Valkenburg stated that they file a petition; and then they are back in the next 15 days, and they have accomplished the same thing.

Senator Towe said that he would withdraw his motion. Senator Towe moved that on line 22, before the ",", insert "when the youth is not in custody" and further amend on line 21, by inserting "if the youth is not in custody". The motion carried unanimously.

Senator Towe moved that the bill be amended on page 1, line 19, by reinserting the words "with prejudice". The motion carried unanimously.

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

DISPOSITION OF SENATE BILL 256:

Senator Brown moved that on page 11, line 15, the bill be amended by striking "and" and on page 11, line 17, insert ";" and then on line 18, insert "(d) rebuttal arguments". The motion carried unanimously.

Senator Brown moved that the bill be amended by adopting the amendments #1, 2, 3, 6, 7, and 8 as presented to the committee. (See Exhibit A.) The motion carried unanimously.

Senator Anderson stated that on page 13, lines 13 and 14, it stated that a pamphlet be mailed to every voter. Senator Lensink said that he supposed this would be a pretty good chunk of money, and he said that they get five in their house and he felt that it was pretty well advertised in the paper.

Senator Brown moved that the bill be amended on page 14, line 6, by adding the sentence "the pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained". The motion carried unanimously.

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

Senator Towe requested that without objection can we bring the bill back. There was no objection.

Senator Towe moved that on page 7, line 1, the word "intentionally" be omitted in two places. The motion carried unanimously.

Senator Brown moved that on page 13, line 17, the bill be amended by striking "in his office". The motion carried unanimously.

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

DISPOSITION OF SENATE BILL 284:

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

DISPOSITION OF SENATE BILL 348:

Senator O'Hara stated that he knew these two boys that were killed in these accidents, and what he did not bring out and what he may not be aware of, was in both of these cases, it had been a big party situation; the kids were boozed up; the one occurred at 4:00 a.m. in the morning at Missoula; and the car went off the road about halfway there. Both the boys were passengers in the

cars and he said that it was very tragic, but these things do happen.

Senator Van Valkenburg stated that these things are relevant in connection with a trial and the same situation may not exist where the damages are entirely justified.

Senator Lensink stated that it seems to him that it just opens things up too much and that there are tragedies in life that just cannot be compensated for.

Senator Towe stated that if the boys had not died, then they would be entitled to all these damages but they had died and they were not.

Senator Van Valkenburg said that he had looked up some law and would like some more time to consider this matter. His request was granted.

DISPOSITION OF SENATE BILL 487:

It was noted that the sponsor did not want the bill. Senator Turnage stated that at the request of Senator Ryan, he moved that this bill be laid on the table. The motion carried unanimously.

DISPOSITION OF SENATE BILL 348:

Senator Towe moved that this bill be amended after line 25, by adding "Section 2. This act shall be effective upon passage and approval and shall apply to all causes of action arising after the effective date of this act." The motion carried unanimously.

Senator Van Valkenburg requested additional time to further amend this bill. His request carried unanimously.

DISPOSITION OF SENATE BILL 346:

Senator Lensink questioned if this doesn't open a new area and he said that it scares him, all these bills are getting the attorneys into courts more and getting more work for them; many are looking for work and they create new laws to create more work. He stated that even doctors do this.

Senator Brown stated that they are going to have malpractice suits against lawyers.

Senator Towe said that this bill applies only to lawsuits that have already been filed and Senator Lensink stated that he thought it takes the brakes off attorneys.

Senator Brown moved that the bill be amended on page 3, line 14, through line 21, by deleting section 3 in its entirety, and

renumber accordingly. The motion carried with Senator Towe voting no.

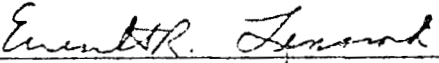
Senator Brown moved that on page 3, line 23 and 24, the bill be amended by striking "without reasonable basis, or" and amend on page 4, line 10, after "that" insert "the claim or defense of" and on line 10, after "agency" insert "which" and on line 11, strike "without defense". The motion carried with Senators Towe and Lensink voting no.

Senator Brown moved that on page 4, line 15, the bill be amended by inserting "or" after "ordinances" and on page 4, line 16, after "court" strike to the end of line 16 and the rest of line 17. The motion carried unanimously.

Senator Towe moved that this bill do pass as amended.

Senator Brown said that he could support the bill now. A vote was taken and there were five votes for yes and 4 votes no. (See Roll Call vote.)

There being no further business, the meeting adjourned at 9:30 p.m.



SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Training Meeting

Date July 15, 1979

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

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.

1. Title, line 10
At beginning of line strike: "13-27-405"
2. Title, line 11
Following: "REPEALING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "13-27-314"
Strike: "AND"
3. Title, line 12
At beginning of line strike: "13-27-407"
4. Page 12, section 12, line 5
Following: "~~\$150~~"
Strike: "\$100"
Insert: "\$150"
5. Page 12, section 12, line 6
Following: "~~\$250~~"
Strike: "\$200"
Insert: "\$250"
6. Page 12, section 13, line 20
Following: "than"
Strike: "70"
Insert: "85"
7. Page 18, section 19, line 15
Following: "Repealer."
Strike: "Sections"
Insert: "Section"
Following: "13-27-314"
Strike: "and"
8. Page 18, section 19, line 16
At the beginning of the line strike: "13-27-407"
Following: "MCA,"
Strike: "are"
Insert: "is"

Yoshikuni A.

SENATE COMMITTEE JUDICIARY

Date _____ Bill No. 346 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)		
	5	4

Secretary _____

Chairman _____

Motion: Do pass, as amended

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

STANDING COMMITTEE REPORT

February 16 1979

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 256

Respectfully report as follows: That Senate Bill No. 256,
introduced bill, be amended as follows:

1. Title, line 11.
Following: "REPEALING"
Strike: "SECTIONS"
Insert: "SECTION"
2. Title, lines 11 and 12.
Strike: "AND 13-27-407"
3. Page 7, line 1.
Following: line 25 on page 6
Strike: "intentionally"
Following: "not"
Strike: "intentionally"
4. Page 9, line 13.
Strike: "intentionally"

DO PASS

(Continued)

5. Page 9, line 14.

Strike: "intentionally"

6. Page 11, line 15.

Strike: "and"

7. Page 11, line 17.

Following: "issue"

Insert: "; and

(d) rebuttal arguments"

8. Page 11.

Following: line 18

Insert: "(2) The pamphlet shall also contain a notice advising the recipient where additional copies of the pamphlet may be obtained."

Renumber: subsequent subsection

9. Page 12, line 20.

Following: "than"

Strike: "70"

Insert: "85"

10. Page 13, line 17.

Strike: "in his office"

11. Page 13, line 15.

Following: "Repealer."

Strike: "Sections"

Insert: "Section"

12. Page 18, lines 15 and 16.

Strike: "and 13-27-407"

13. Page 18, line 16.

Following: "MCA,"

Strike: "are"

Insert: "is"

And, as so amended,

DO PASS

GA.

STANDING COMMITTEE REPORT

.....February 16..... 19 79.....

MR.President:.....

We, your committee on.....Judiciary.....

having had under consideration.....Senate..... Bill No. 284.....

Respectfully report as follows: That.....Senate..... Bill No. 284.....

DO PASS

STANDING COMMITTEE REPORT

February 16

19 79

MR. President

We, your committee on Judiciary

having had under consideration Senate Bill No. 382

Respectfully report as follows: That Senate Bill No. 382, introduced bill, be amended as follows:

- 1. Title, lines 6 through 8.
Following: "SUPERVISION;" on line 6
Strike: remainder of line 6 through "AND" on line 8
- 2. Title, line 9.
Following: "IF"
Insert: "THE YOUTH IS NOT IN CUSTODY AND"
- 3. Page 1, line 19.
Following: "prejudice"
Insert: "with prejudice"

DO NOT PASS

(Continued)

4 30

4. Page 1, line 22.

Following: "section"

Insert: "if the youth is not in custody"

5. Page 1, line 24.

Following: "if"

Insert: "the youth is not in custody and"

And, as so amended,

DO PASS

PA

STANDING COMMITTEE REPORT

.....February 16,..... 19 73.....

MR. President:.....

We, your committee on..... Judiciary.....

having had under consideration..... Senate..... Bill No. 394.....

Respectfully report as follows: That..... Senate..... Bill No. 394.....

DO PASS

PA

STANDING COMMITTEE REPORT

..... February 16, 19 70

MR. President:

We, your committee on Judiciary

having had under consideration Senate Bill No. 444

Respectfully report as follows: That Senate Bill No. 444

DO NOT PASS
DO PASS
PA.

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Everett R. Lensink Chairman.