

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
MARCH 30, 1981

The fifty-third meeting of the Senate Judiciary Committee was called to order by Mike Anderson, Chairman, on the above date in Room 331, at 1:00 p.m.

ROLL CALL:

All members were present except Senators B. Brown and S. Brown, who were excused.

FURTHER DISCUSSION OF HOUSE BILL 713:

David Niss suggested that whatever amendments are made to Section 22, Section 23 must also be coordinated with those amendments. Senators Towe, Mazurek and Turnage formed a subcommittee to draw up necessary amendments.

FURTHER DISCUSSION OF HOUSE BILL 689:

David Niss passed out a copy of an article from "WHARTON'S CRIMINAL PROCEDURE" relative to the definitions of "use immunity" and "transactional immunity". He said that the language of the bill is almost identical to that contained in the federal statutes.


Senator Turnage said that this bill should probably be left in committee because it is so broad in its effect. He added that the bill's sponsors should wait an additional two years before action on this measure is taken.

DISPOSITION OF HOUSE BILL 689:

Senator Crippen moved to lay the bill on the table, and his motion passed over the objection of Senator Anderson.

DISPOSITION OF HOUSE BILL 713:

Senator Mazurek moved that the bill be amended as shown on the attached Committee Report, and his motion carried over the objection of Senator Crippen.


Mike Anderson

ROLL CALL

JUDICIARY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date *March 30, 1981*

NAME	PRESENT	ABSENT	EXCUSED
Anderson, Mike, Chr. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Olson, S. A. (R)	✓		
Brown, Bob (R)			✓
Crippen, Bruce D. (R)	✓		
Tveit, Larry J. (R)	✓		
Brown, Steve (D)			✓
Berg, Harry K. (D)	✓		
Mazurek, Joseph P. (D)	✓		
Halligan, Michael (D)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

March 30, 1951

MR. **PRESIDENT:**

We, your committee on **JUDICIARY**

having had under consideration **HOUSE** Bill No. **713**

FABRICA (ANDERSON)

Respectfully report as follows: That **HOUSE** Bill No. **713**,

third reading copy, be amended as follows:

1. Title, lines 4 through 9.

Following: "TO" on line 4.

Strike: the remainder of the title

Insert: "ALLOW BINDING ARBITRATION AGREEMENTS RELATING TO CERTAIN
MATTERS ON CONSTRUCTION AND LEASING WRITTEN AGREEMENTS; AMENDING
SECTIONS 27-1-412 AND 28-2-708, MCA."

2. Page 1, line 12 through line 5 on page 12.

Strike: sections 1 through 21 in their entirety.

Ranumber: subsequent sections

3. Page 12, line 14.

Following: "arbitration;"

Insert: "(3)(i) an agreement to submit a controversy to arbitration;
(ii) except that a written agreement to submit to arbitration any
existing or future controversy arising out of a written contract for
construction or written commercial leasing agreements wherein the

XXXXXXX
DO PASS

continued

Chairman.

March 30, 19 81

lease rental exceeds \$10,000 in any one year is and shall be valid and enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract, provided that (ii) shall have no application to personal injury or tort matters, employer-employee disputes, nor to any insured or beneficiary under any insurance policy or annuity contract.

(iii) any agreement to arbitrate under this paragraph shall be arbitrated in Montana and shall be enforceable only in the courts of Montana and in the manner set forth in Title 27, Chapter 5, MCA." Renumber: subsequent sections

4. Page 13, line 5, through line 6.

Following: "under [" on line 5

Strike: line 5 through "21" on line 6

Insert: "section 22"

5. Page 13, line 7 through line 18 on page 14.

Strike: sections 24 through 28 in their entirety.

And, as so amended,
BE CONCURRED IN

P.A.