

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 14, 1983

The seventh meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on January 14, 1983 at 10:00 a.m. in Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 98:

Senator Hager, sponsor of this bill, presented the bill to the Committee on behalf of the Auto Dismantler's and Recycling Association. It is their feeling that there is a need to clarify Section 61-12-404, MCA, to make it clear that sale of an abandoned vehicle, after notice, cuts off the rights of the lienholder.

Bill Romine, representing an association known as Wrecking Yards, testified as a proponent to SB98. Currently there is a problem with the registrar of motor vehicles not issuing a new title to the purchaser unless the lienholder has consented. He feels there is a need to clear up the lienholders' rights.

After questions from the Committee, Chairman Turnage pointed out that there is a loophole in the current statutes. Apparently there is no accurate definition of the word "junk vehicle." There seems to be a need to review the entire statute as it is now written.

There being no further proponents, and no opponents, hearing on SB98 was closed.

DISPOSITION OF SENATE BILL NO. 1: Chairman Turnage announced that the Committee was ready to consider executive action on Senate Bill No. 1. Senator Daniels moved that it DO NOT PASS since there would be no need for it if the Sentence Review Board is abolished. This motion carried ten to four with Senators Berg, Brown, Halligan and Hazelbaker voting in opposition.

DISPOSITION OF SENATE BILL NO. 64: The chairman announced that the Committee was ready to consider executive action on SB64. Senator Shaw moved that it DO NOT PASS. This motion carried unanimously.

DISPOSITION OF SENATE JOINT RESOLUTION NO. 2: Executive action was ready to be considered on SJR2. Senator Mazurek moved that it DO NOT PASS. This motion carried unanimously.

FURTHER CONSIDERATION OF SENATE BILL NO. 65: Senator Halligan cited another example for the necessity of this bill referring to "two" or more criminal offenses. The committee further discussed the intention of this bill and felt that its major purpose was for the collection of restitution. It was brought out that the court could extend the deferred sentence if the defendant failed to make restitution. The general concensus of the Committee was that perhaps this problem could be resolved through a different approach and further consideration of SB65 was deferred.

DISPOSITION OF SENATE BILL NO. 7: Chairman Turnage announced that the Committee was ready to consider executive action on Senate Bill No. 7. Senator Berg moved to amend the bill to provide for an immediate effective date. Senator Mazurek suggested there was also a need to clarify who is to cover medical expenses. It was the concensus of the Committee that it is their opinion medical expenses are included in the term "costs" of the bill. Senator Berg's motion to amend was voted on and passed unanimously. Senator Brown then moved that the bill DO PASS AS AMENDED. This motion carried eight to two with Senators Daniels and Hazelbaker voting in opposition.

DISPOSITION OF SENATE BILL NO. 74: The purpose of this bill was brought up again for discussion. It was the concensus of most Committee members that there was not a need for an act of this nature and Senator Crippen objected to the burden of an additional hearing. Senator Berg moved SB74 DO NOT PASS. This motion passed nine to one with Senator Brown voting in opposition.

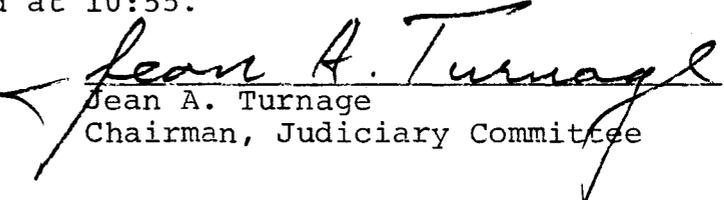
DISPOSITION OF SENATE BILL NO. 98: The Committee decided they were ready to take executive action on this bill. It was felt by everyone that if you can't prove beyond a preponderance of the evidence that there is a necessity for legislation, there is no reason to be passing unnecessary bills. Senator Daniels moved that SB98 DO NOT PASS. This motion carried unanimously.

DISPOSITION OF SENATE BILL NO. 5: The Committee carried on a long debate about the repercussions of this bill. Senator Crippen felt public defending should be handled on a local basis. The argument that the creation of the office was necessary to prevent successful claims of ineffective assistance of counsel was not felt to be valid enough to warrant creating a new position and the additional costs to counties for training through a program of this nature. Senator Crippen also questioned whether it was the obligation of the state to provide this type of service to a defendant. Senator Daniels moved SB5 DO NOT PASS.

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A roll-call vote was taken and the motion carried six to four with Senators Berg, Brown, Mazurek and Shaw voting in opposition.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 10:55.


Jean A. Turnage
Chairman, Judiciary Committee

NAME: Bill Remine DATE: 1-14-83

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? wrecking yards

APPEARING ON WHICH PROPOSAL: S.B. 98

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: this bill makes it clear that if a lienholder fails to return an abandoned vehicle after being notified by the sheriff, he gives up his interest in the vehicle when it is sold at the sheriff's sale. Although the present law seems to imply that the lienholder gives up his lien rights, the registrar of motor vehicles refuses to issue a new title unless the lienholder consents.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TO: SENATOR TOM HAGER
SUBJECT: SENATE BILL 98
FROM: BILL ROMINE

PURPOSE OF THE BILL: Under the present law, a motor vehicle which has been abandoned is picked up by the highway patrol, sheriff or city police. The sheriff then sends notice to the owner and lienholder, giving them the opportunity to redeem the vehicle. If they fail to do so, the sheriff, after posting notice, sells the vehicle. The present law says that upon sale, the owner and any other person entitled to possession no longer has any interest in the vehicle, and the purchaser takes it free and clear. However, the registrar of motor vehicles says that since the law does not refer to the lienholder, the buyer takes it subject to the lien.

This bill makes it clear that if the lienholder gets notice but does nothing, the purchaser takes the vehicle free and clear of the lien.

SENATE COMMITTEE JUDICIARY

Date January 14, 1983 Bill No. 505 Time 10:53

NAME	YES	NO
Berg, Harry K.		✓
Brown, Bob		✓
Crippen, Bruce D.	✓	
Daniels, M.K.	✓	
Galt, Jack E.	✓	
Halligan, Mike	✓	
Hazelbaker, Frank W.	✓	✓
Mazurek, Joseph P.		
Shaw, James N.		✓
Turnage, Jean A.	✓	

Melba Nordmark
Secretary

Jean A. Turnage
Chairman

Motion: Recommend DO NOT PASS.

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

STANDING COMMITTEE REPORT

January 14, 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate** Bill No. **1**

Respectfully report as follows: That **Senate** Bill No. **1**

XXXXXX
DO NOT PASS
XXXXXX

DO NOT PASS

STATE PUB. CO.
Helena, Mont.

Jean A. Turnage

Jean A. Turnage, Chairman.

J.C.

STANDING COMMITTEE REPORT

January 14

19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate** Bill No. **64**

Respectfully report as follows: That **Senate** Bill No. **64**

~~XXXXXX~~
~~DO NOT PASS~~
DO NOT PASS

J.A.

STANDING COMMITTEE REPORT

January 14

19 83

PRESIDENT

MR.

Judiciary

We, your committee on

Senate Joint Resolution

~~SM~~ No. 2

having had under consideration

Senate Joint Resolution

~~SM~~ No. 2

Respectfully report as follows: That

~~DO NOT PASS~~
DO NOT PASS

J. A. Turnage
.....
Jean A. Turnage

Chairman.

J.C.

STANDING COMMITTEE REPORT

January 14, 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate Bill** Bill No. **7**

Respectfully report as follows: That **Senate** Bill No. **7**
be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 2.
Following: line 22.
Insert: "Section 2. Effective Date. This act is effective upon passage and approval."

And, as so amended,

DO PASS

STANDING COMMITTEE REPORT

January 14

19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate Bill** Bill No. **74**

Respectfully report as follows: That **Senate** Bill No. **74**

~~XXXXX~~
~~DO PASS~~

DO NOT PASS

STATE PUB. CO.
Helena, Mont.

[Handwritten Signature]
.....
Jean A. Turnage, Chairman.
He.

STANDING COMMITTEE REPORT

..... January 14 19 83

MR. PRESIDENT

We, your committee on Judiciary

having had under consideration Senate Bill No. 98

Respectfully report as follows: That Senate Bill No. 98

~~DO NOT PASS~~
DO NOT PASS

.....
Jean A. Turnage

Chairman.

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STANDING COMMITTEE REPORT

January 14 19 83

MR. **PRESIDENT**

We, your committee on **Judiciary**

having had under consideration **Senate** Bill No. **5**

Respectfully report as follows: That **Senate** Bill No. **5**

~~DO NOT PASS~~
DO NOT PASS

STATE PUB. CO.
Helena, Mont.

Jean A. Turnage
.....
Jean A. Turnage, Chairman.
y.c.