

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 14, 1983

The forty-second meeting of the Senate Judiciary Committee was called to order by Chairman Jean A. Turnage on March 14, 1983, at 10:03 a.m., Room 325, State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL 505: Representative Bardanoue stated that he would like to address House Bills 489, 530, 533, 505, 531 and 532 as a whole rather than individually. Representative Bardanoue stated that these bills are intended to reflect a change in terminology and to bring Montana's laws into conformity with GAAP. He informed the Committee that GAAP stood for Generally Accepted Accounting Practices. Representative Bardanoue then explained that in HB531, the retirement division account will, under the terms of the bill, be referred to as the pension trust fund. He explained that this trust fund is not a permanent trust fund. HB 532 amends the worker's compensation fund law to refer to the industrial insurance account as a special revenue fund. This is an expendable trust. HB 489 will refer to the earmark revenue funds as the state special revenue funds. Representative Bardanoue testified that with this new terminology we will have an up-dated, modern form of laws for fiscal control. He also informed the Committee that Montana is in the forefront as far as modernizing our laws.

Morris Brusett, Director of the Department of Administration, testified that Montana needs to go along with Generally Accepted Accounting Practices. He stated a special task force which had been formed was in total agreement with these principles.

There being no further proponents and no opponents, the hearing was opened to questions from the Committee.

Senator Galt inquired as to who was the Montana State Treasurer. Mr. Brusett responded that he was the ex officio state treasurer. Senator Turnage commented that these bills were an improvement and, hopefully, would not create any problems in the legislative process.

CONSIDERATION OF HOUSE BILL 179: Representative Bardanoue stated that HB179 is a bill to amend a law that he had introduced as a bill in 1963. This bill amends the Montana unclaimed property laws. Representative Bardanoue stated that the 1963 law regarding unclaimed property is responsible for placing \$3,703,000 in the State treasury. The interest collected on this money goes into the education trust fund to help our schools. Representative Bardanoue

testified that \$200,000 has been given back to the citizens of Montana under the 1963 law. This bill modernizes what the state can claim as unclaimed property and gives specific dates for publication of unclaimed property by the State. This bill also sets up a statute of limitations of ten years and includes penalties for persons who do not deliver unclaimed property to the state.

PROPOSERS: Mr. Jim Madison of the Miscellaneous Tax Division, Montana Department of Revenue, testified that he is in favor of HB179. He stated that civil penalties under the law are much better than criminal penalties.

OPPOSITION: Mr. Glenn Drake, representing various insurance companies stated it was his opinion the term "life" should be inserted on p.3, line 1, in front of the word "insurance". Representative Bardanoue stated that it was his intention to include the proceeds of all forms of insurance in the bill and that perhaps "life insurance" should be replaced throughout the bill with "assets".

There being no further proponents or opponents, the hearing was opened to questions from the Committee.

Senator Halligan inquired whether HB179 referred to all property or only to intangible property. Senator Turnage explained that the bill covered tangible and intangible property.

Representative Bardanoue explained about Post Office Savings accounts established in the 1930's and stated there may be a lot of money still in these accounts. Senator Berg then asked whether this bill would affect the federal government and was told by Representative Bardanoue that HB179 would only affect state governments.

ACTION ON HOUSE BILL 660: Proposed amendments were submitted by Senator Turnage and by Ann MacIntyre of the Human Rights Commission. Since these amendments were substantially the same, Ann MacIntyre's amendments were voted on with one change. Senator Turnage questioned the use of "may" in line 25, page 1. Senator Mazurek made a motion to pass the amendments as proposed by Ann MacIntyre with the Committee's addition. The motion carried unanimously. Senator Mazurek then moved that the bill BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILLS 489, 530, 533, 505, 531 and 532: Senator Shaw made a blanket motion that House Bills 489, 530, 533, 505, 531,

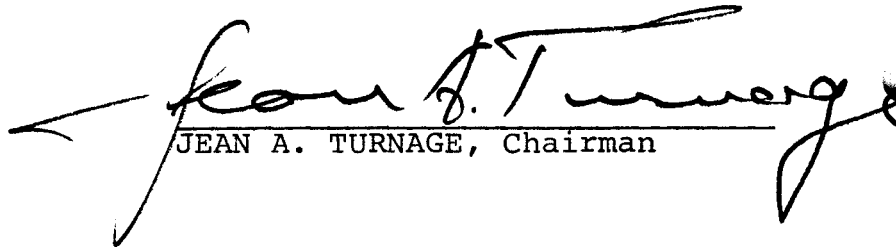
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and 532 BE CONCURRED IN. His motion carried unanimously.

ACTION ON HOUSE BILL 179: Senator Hazelbaker made a motion to strike the word "life" from the bill wherever it appears in front of the word "insurance". The motion carried with Senator Crippen voting in opposition. Senator Hazelbaker then made a motion that HB179 BE CONCURRED IN AS AMENDED. The motion carried with Senator Crippen voting in opposition.

FURTHER CONSIDERATION OF HOUSE BILL 825: Mr. Ward A. Shanahan, representing Northern Tier Pipeline, testified that he was concerned with the amendments made to HB825 on March 12. Mr. Shanahan stated that if the Committee strikes lines 2-6 on page 5 of the bill, the time frame becomes 1 to 1 1/2 years as litigation then falls under the Montana Rules of Civil Procedure. Since HB825 was already out of Committee, Mr. Shanahan was informed that the bill would have to be amended on the floor.

There being no further business to come before the Committee, the meeting was adjourned at 11:25 a.m.


JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

48th LEGISLATIVE SESSION - - 1983

Date 3-14-83

NAME	PRESENT	ABSENT	EXCUSED
<u>Berg, Harry K. (D)</u>	✓		
<u>Brown, Bob (R)</u>	✓		
<u>Crippen, Bruce D. (R)</u>	✓		
<u>Daniels, M. K. (D)</u>	✓		
<u>Galt, Jack E. (R)</u>	✓		
<u>Halligan, Mike (D)</u>	✓		
<u>Hazelbaker, Frank W. (R)</u>	✓		
<u>Mazurek, Joseph P. (D)</u>	✓		
<u>Shaw, James N. (R)</u>	✓		
<u>Turnage, Jean A. (R)</u>	✓		

Each day attach to minutes

DA
Senate Judiciary

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretariat)

STANDING COMMITTEE REPORT

.....March 14..... 19 83.....

MR. President.....

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

having had under consideration House..... Bill No. 660.....

Respectfully report as follows: That.....House..... Bill No. 660.....
third reading, be amended as follows:

Title, line 8.

Following: "COURT"

Insert: "AND BY WHICH A PERSON AGAINST WHOM A COMPLAINT WAS FILED
MAY ELECT TO HAVE THE MATTER REMOVED TO DISTRICT COURT"

Page 1, lines 13-14.

Following: "of"

Strike: "the complainant,"

Insert: "either party,"

Page 1, Lines 17-23.

Following: "49-2-505"

Strike: remainder of lines 17-23 in their entirety

Insert: "and has determined that it will be unable to hold a contested
case hearing within 12 months of the date the complaint was filed under
49-2-501; and

(b) 180 days have elapsed since the complaint was filed and
the efforts of the commission staff to settle the complaint after informal
DO-PASS

continued on p. 2

March 14, 19 83.....

investigation pursuant to 49-2-504 have been unsuccessful."

Page 1, line 25.

Following: "(1),"

Strike: "a"

Insert: "the"

Following: "complainant"

Strike: "may"

Insert: "shall"

Page 2, line 2.

Following: "relief."

Insert: "If the claimant fails to petition the District Court within 90 days after receipt of a letter issued by the Commission, the claim shall be barred."

And, as so amended,
BE CONCURRED IN

s/c.

STANDING COMMITTEE REPORT

... March 14, 19 ... 83 ...

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 489

Respectfully report as follows: That House Bill No. 489

DO PASS

BE CONCURRED IN

J.C.

STANDING COMMITTEE REPORT

March 14, 1983

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 530

Respectfully report as follows: That House Bill No. 530

DO PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

.....March 14,..... 19 83.....

MR.~~President~~.....

We, your committee on~~Senate~~ **Judiciary**.....

having had under consideration~~House~~..... Bill No. ~~533~~.....

Respectfully report as follows: That.....~~House~~..... Bill No. ~~533~~.....

~~DE PASS~~

BE CONCURRED IN

J.C.

STANDING COMMITTEE REPORT

March 14, 1983

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 505

Respectfully report as follows: That House Bill No. 505

DO PASS-

BE CONCURRED IN

W.C.

STANDING COMMITTEE REPORT

March 14, 19 83.....

MR. President.....

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

having had under consideration House..... Bill No. 531.....

Respectfully report as follows: That House..... Bill No. 531.....

DO PASS

BE CONCURRED IN

STANDING COMMITTEE REPORT

March 14, 1983

MR. President

We, your committee on Senate Judiciary

having had under consideration House Bill No. 532

Respectfully report as follows: That House Bill No. 532

DO PASS

BE CONCURRED IN

J. C.