

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce Crippen, on April 11, 1989, at 10:00 a.m. in Room 325.

ROLL CALL

Members Present: Chairman Bruce Crippen, Vice Chairman Al Bishop, Senators Bob Brown, Mike Halligan, Joe Mazurek, R. J. "Dick" Pinsoneault and Bill Yellowtail.

Members Excused: Senators Tom Beck, John Harp and Loren Jenkins.

Members Absent: None.

Staff Present: Staff Attorney Valencia Lane and Committee Secretary Rosemary Jacoby

Announcements/Discussion: There was none.

HEARING ON HOUSE BILL 782

Presentation and Opening Statement by Sponsor:

Representative Joe Quilici of Butte, representing District 71, opened the hearing saying he had gone through the Forensic Science Lab and became aware that there were many problems. This legislation is to establish new functions for the Forensic Science Division. The medical examiner, at present is in charge of the whole facility, which did not work well, he stated. This measure, he said, would place the functions of the director under the authority of the attorney general. It would also provide for a medical examiner and a director of laboratory of criminalistics, and clarified their positions.

List of Testifying Proponents and What Group they Represent:

Marc Racicot, Attorney General of Montana

List of Testifying Opponents and What Group They Represent:

None.

Testimony:

Marc Racicot said the bill was a vitally important piece of legislation. He said the laboratory and its functions had been thoroughly reviewed and the bill would improve upon the present system. In the past the medical examiner was responsible for performing autopsies, holding seminars throughout the state of Montana and supervise the laboratory side of the laboratory. At the laboratory, there are 66,000 analyses that take place each year, so he felt there was not time for the medical examiner to adequately supervise the laboratory functions. A suggestion that the medical examiner maintain the pathology side and the division administrator supervise the laboratory was incorporated into the bill. He said that funding was in House Bill 100 and was being considered in the House at that time.

Questions From Committee Members: Senator Halligan asked how the other bill requested by the attorney general dealt with the lab director. Marc Racicot said his office had asked that the bill be withdrawn as it reflected the ideas of only one person who was no longer employed at the lab.

Senator Halligan asked if that bill dealt with the provision that the current director could be removed. Mr. Racicot said it did not. He said current statute required specialized hearings to remove a director, far different from the means of dismissing other state employees. The bill dealt with that statute.

Closing by Sponsor: Rep. Quilici said that the Rules Committee had heard the bill to see whether or not it was an appropriations bill. He said the appropriation was added in the Senate Finance and Claims Committee. He urged concurrence of the bill.

## DISPOSITION OF HOUSE BILL 789

Discussion: None.

Amendments and Votes: None.

Recommendation and Vote: Senator Halligan MOVED that House Bill 789 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION

DISPOSITION OF HOUSE JOINT RESOLUTION 36

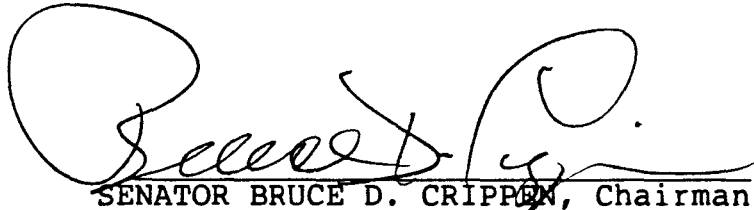
Recommendation and Vote: Senator Pinsoneault MOVED that HJR 36 BE NOT CONCURRED IN. After some discussion, he WITHDREW his motion.

Senator Pinsoneault MOVED that HJR 36 BE TABLED. The MOTION CARRIED by a vote of 5 to 2, with Senators Halligan and Bishop casting the dissenting votes.

Announcement: Chairman Crippen said there would be a meeting of the subcommittee on House Bill 699 upon adjournment, upon the request of Subcommittee Chairman Joe Mazurek.

ADJOURNMENT

Adjournment At: 10:17 a.m.



SENATOR BRUCE D. CRIPPEN, Chairman

BDC/rj

minrj.411

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 4-11-89

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK			✓
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP			✓
SENATOR JENKINS			✓
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

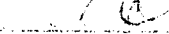
April 11, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 782 (third reading copy -- blue), respectfully report that HB 782 be concurred in.

Sponsor: Guilici (Halligan)

BE CONCURRED IN

Signed:   
Bruce B. Crippen, Chairman

J.C. 184  
4/11/89  
H.C. m.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date \_\_\_\_\_ House Bill No. HJR 36 Time 4-11-89

NAME	YES	NO
SEN. BISHOP		✓
SEN. BECK	0	
SEN. BROWN	✓	
SEN. HALLIGAN		✓
SEN. HARP	0	
SEN. JENKINS	0	
SEN. MAZUREK	✓	
SEN. PINSONEAULT	✓	
SEN. YELLOWTAIL	✓	
SEN. CRIPPEN	✓	
	5	2

Rosemary Jacoby  
Secretary

Sen. Bruce Crippen  
Chairman

Motion: Pinsonault Moved Pabled  
Carried 5-2