

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Dick Pinsoneault, on April 4, 1991, at 8:52 a.m.

ROLL CALL

Members Present:

Dick Pinsoneault, Chairman (D)
Bill Yellowtail, Vice Chairman (D)
Robert Brown (R)
Bruce Crippen (R)
Steve Doherty (D)
Lorents Grosfield (R)
Mike Halligan (D)
John Harp (R)
Joseph Mazurek (D)
David Rye (R)
Paul Svrcek (D)
Thomas Towe (D)

Members Excused: none

Staff Present: Valencia Lane (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: none

EXECUTIVE ACTION ON SENATE BILL 300

Motion:

Discussion:

Amendments, Discussion, and Votes:

Valencia Lane provided amendments from Roger Tippy, Association of Pharmacists (Exhibit #1).

Senator Halligan made a motion that the amendments be approved. The motion carried unanimously.

Recommendation and Vote:

Senator Halligan made a motion that SB 300 DO PASS AS AMENDED. The motion carried unanimously.

EXECUTIVE ACTION ON HOUSE BILL 466

Motion:

Senator Halligan made a motion that HB 466 be taken off the table. The motion carried unanimously.

Discussion:

There was no discussion.

Amendments, Discussion, and Votes:

There were none.

Recommendation and Vote:

Senator Halligan made a motion that HB 466 BE CONCURRED IN. The motion carried with all members voting aye except Senators Crippen, Mazurek, and Svrcek who voted no. Senator Pinsoneault will carry the bill.

EXECUTIVE ACTION ON HOUSE BILL 887

Motion:

Senator Rye made a motion that HB 887 be taken off the table. The motion carried unanimously.

Discussion:

There was none.

Amendments, Discussion, and Votes:


There were none.

Recommendation and Vote:

Senator Rye made a motion that HB 887 BE CONCURRED IN. The motion carried with all members voting aye except Senators Crippen, Grosfield, Halligan, and Mazurek who voted no. Senator Rye was asked to carry the bill.

ADJOURNMENT

Adjournment At: 9 a.m.



Senator Dick Pinsoneault, Chairman



Joann T. Bird, Secretary

DP/jtb

ROLL CALL

SENATE JUDICIARY

COMMITTEE

52nd LEGISLATIVE SESSION -- 1991

Date 4-4-91

NAME	PRESENT	ABSENT	EXCUSED
Sen. Pinsonneault	✓		
Sen. Yellowtail	✓		
Sen. Brown	✓		
Sen. Crippen	✓		
Sen. Doherty	✓		
Sen. Grosfield	✓		
Sen. Halligan	✓		
Sen. Harp	✓		
Sen. Mazurek	✓		
Sen. Rye	✓		
Sen. Svrcek	✓		
Sen. Towe	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

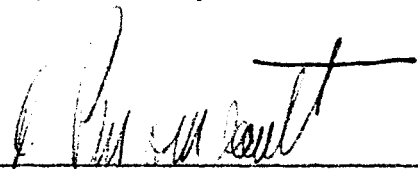
MR. PRESIDENT:

We, your committee on Judiciary having had under consideration Senate Bill No. 300 (first reading copy -- white), respectfully report that Senate Bill No. 300 be amended and as so amended do pass:

1. Page 46, line 2.

Following: "."

Insert: "An inspection authorized by this section may not extend to communications between a pharmacist and his patient involving drug use counseling except as may be disclosed under 50-16-535 and 50-16-536."

Signed: 

Richard Pinsoneault, Chairman

 4-4-91
And. Coord.

SP 4-4 6:50 pm
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 466 (third reading copy -- blue), respectfully report that House Bill No. 466 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "THAT"

Insert: "IN CERTAIN CASES"

2. Page 2, line 13.

Following: "homicide"

Insert: "in which one or more aggravating circumstances set forth in 46-18-303 exist and none of the mitigating circumstances set forth in 46-18-304 exist"

Signed: _____

Richard Pinsoneault, Chairman

4-4-91

And. Coord.

SB 4-4 6:00 pm

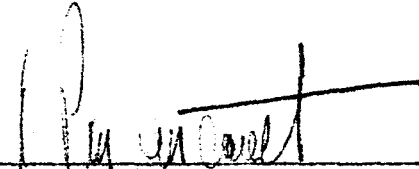
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 887 (third reading copy -- blue), respectfully report that House Bill No. 887 be concurred in.

Signed: 

Richard Pinsoneault, Chairman

41-4-91
And. Coord.

SB 4-4-91 4:00
Sec. of Senate

S B 500

CK #1
4-4-91
SB300

P. 46, line 2

Following: "writing."

AMDT
EXPLANATION

There should be a second sentence reading: "An inspection authorized by this section may not extend to communications between a pharmacist and his patient involving drug utilization counselling except as may be disclosed under 50-16-535 and 50-16-536." This would tie in to the protections available under the Uniform Health Care Information Act, that unless a judge had issued an investigative subpoena in a criminal investigation, the patient would have advance notice of the proposed inspection of this pharmacist's counselling notes and would have an opportunity to object to that inspection.

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4-4-91 Bill No. HB 466 Time 9:55am

NAME	YES	NO
Sen. Brown	✓	
Sen. Crippen		✓
Sen. Doherty	✓	
34 Sen. Grosfield	✓	
Sen. Halligan	✓	
Sen. Harp	✓	
Sen. Mazurek		✓
Sen. Rye	✓	
Sen. Svrcek		✓
Sen. Towe	✓	
Sen. Yellowtail	✓	
Sen. Pinsoneault	✓	

9 . 3

Jody Bird
Secretary

Sen. Dick Pinsoneault
Chairman

Motion: (C) Hall - move BCIAA

ROLL CALL VOTE

SENATE COMMITTEE JUDICIARY

Date 4-4-91 Bill No. HB 987 Time 9:57am

	NAME	YES	NO
	Sen. Brown	✓	
14	Sen. Crippen		✓
37	Sen. Doherty	✓	
	Sen. Grosfield		✓
	Sen. Halligan		✓
	Sen. Harp	✓	
25	Sen. Mazurek		✓
	Sen. Rye	✓	
	Sen. Svrcek	✓	
43	Sen. Towe	✓	
	Sen. Yellowtail	✓	
	Sen. Pinsoneault	✓	
		8	4

Jody Bird
Secretary

Sen. Dick Pinsoneault
Chairman

Motion: Rep - move BCI