

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
January 13, 1977

Meeting of the Judiciary Committee was called to order by Chairman Jean Turnage on the above date in Room 442 of the State Capitol Building at 9:35 a.m..

ROLL CALL:

All members were present with Senator Regan having been detained at another meeting until 9:55 a.m..

The following witnesses were present to testify:

Senator Bergren - District 46
Senator Hazelbaker - District 41
Senator Watt - District 49
Joan Mayer - attorney with Legislative Council

CONSIDERATION OF SENATE BILL ~~37~~⁵⁶:

Senator Watt briefly went over this bill as he was the chief sponsor of it. He asked the committee to check the bill over and see if it was needed.

Chairman Turnage said that the committee would do so and that he would have the staff and counsel of this committee study it and see if it is needed. He then thanked Senator Watt for appearing on S.B.~~56~~³⁷ and excused him.

CONSIDERATION OF SENATE BILL 30:

Senator Hazelbaker was present as sponsor of this bill

Joan Mayer, attorney with the Legislative Council, had explained the first six sections to the committee on Tuesday, again began her explanation of the changes she had made in recodifying with section 6.

At this time it was decided to amend each section, if needed, after reviewing the section with Joan.

Senator Towe moved to reinstate the deleted material on page 6, section 6, subsection (c), lines 1 through 5; and to further amend subsection (c) on page 6, line 1 after the word "county" by inserting the words "or the adjoining county; and to further amend subsection (c), page 6, line 5, after the word "made" by inserting the words "or the adjoining county". The motion carried unanimously.

The next section to be amended is section 9.

Senator Towe moved to delete subsection (1) of section 9 as it is a substantive change. The motion carried.

Senator Towe then amended the above motion and moved as

follows: Strike section 9, pages 9 and 10, in its entirety, and renumber the following sections. This motion carried unanimously.

The next amendment was made to section 14. Senator Murray moved to strike section 14 in its entirety and renumber the following sections. The motion carried unanimously.

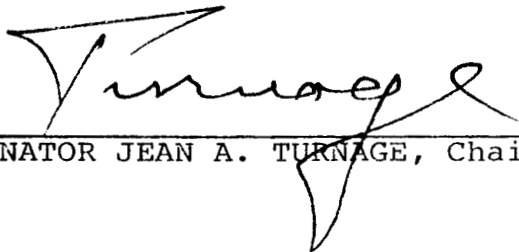
The next section to be amended is section 27. Senator Towe moved to strike section 27 on pages 26, 27 and 28 in its entirety and renumber the following sections accordingly. The motion carried unanimously. This was done because of a Montana Supreme Court Order of December 29, 1976, which promulgates in detail new rules for disqualification of judges.

Senator Towe then moved to amend section 31, subsection (6), page 41, line 23, following the word "the" by striking the word "partners" and inserting in lieu thereof the word "parties". The motion carried unanimously.

Senator Towe next moved to amend section 33, page 44, line 25, by striking the word "Whenever" and inserting the word "The" in lieu thereof; and to further amend section 33, page 45, line 1, by striking the words "the offense charged carries a penalty of a fine only, the". The motion carried unanimously.

At this time the secretary was instructed to cancel the hearing of S.B. 67 on Monday, January 17, 1977. This will leave only S.B. 68 and S.B. 70 to be heard on Monday. The committee also decided to continue with S.B. 30 at the Saturday, January 15, 1977 hearing.

There being no further time allowed for this meeting, the committee adjourned at 11:03 a.m. to reconvene at 9:30 a.m. on January 14, 1977, at which time they will hear S.B. 27, 33 and 37.



SENATOR JEAN A. TURNAGE, Chairman

COMMITTEE ON

DATE

1-13-77

BILL NO.

89-56

VISITOR'S REGISTER

* Please Note
Bill No.

NAME

REPRESENTING

Check One

Support Oppose

Russ Berger
Joan MayerSenate
Leg. Council

X SB30

(Please leave prepared statement with Secretary)