

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 7, 1977

The meeting of this committee was called to order by the Chairman, Senator Turnage, at 9:35 a.m. on the above date in Room 442 of the State Capitol Building.

ROLL CALL:

All members of the committee were present for this meeting.

WITNESSES PRESENT TO TESTIFY:

Senator Devine - District 19
Jim Howeth - Board of Investments
Tom Honzel - County Attorneys
Jack Burke - Montana Power Co.
Jeff Brazier - Consumer Counsel (appeared as an observer)
Lester Loble - Montana-Dakota Utilities Co. and Gen. Tel. of the Northwest, Inc.
Jim Hughes - Mountain Bell
Gene Phillips - Kalispell attorney, Pacific Power & Light

CONSIDERATION OF SENATE BILL 262:

Senator Devine, sponsor of the bill, said he sponsored it at the request of Larry Nachtsheim, administrator of the Public Employees Retirement System. However, he had Jim Howeth of the Board of Investments explain the bill to the committee as it mainly pertains to his division. He said that this bill would authorize the board to handle many foreclosures in the normal way and this would be any property obtained through the investment process.

The Chairman then allowed the committee members to ask questions of Mr. Howeth. After a period of questioning Mr. Howeth, the Chairman thanked the witnesses for testifying and told them it would be taken under advisement.

CONSIDERATION OF SENATE BILL 326:

This bill was sponsored by Senator Turnage who explained its purpose to the committee and offered amendments to S.B. 326 on lines 16, 17 and 24, and the title, as follows:

Amend the title in line 4, following "TO" by striking "ALLOW" and inserting "CLARIFY THE"; and to further amend the title in lines 5 and 6, following "MARRIAGES" by striking "ENTERED INTO BY WRITTEN DECLARATION UPON THE SAME TERMS AS INVALIDATION OF SOLEMNIZED MARRIAGES";

Amend page 1, section 1, subsection (a), on line 16, following "was" by striking "either solemnized or"; and to further amend on line 17, following "into" by striking "by written declaration";

Amend page 1, section 1, subsection (b), line 24, following "was" by striking "solemnized" and inserting "entered into".

Senator Turnage moved the adoption of the amendments. The motion carried unanimously. Senator Warden then moved that S.B. 326 as amended DO PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 335:

Tom Honzel, representing the County Attorneys, told the committee that this bill should clarify the problem of endangering the welfare of children by adults, and that this has always been a problem since the Criminal Code was adopted in 1973. He further said that they support this bill if it does clarify the problem and asked that the committee consider the measure.

Senator Towe moved the adoption of amendments offered by committee members, however, since three of the members voted against accepting the amendments proposed, and at the suggestion of Senators Roberts and Regan, it was decided to consider this bill at another time. Senator Olson moved that consideration be passed for the day. This motion carried unanimously.

CONSIDERATION OF SENATE BILL 245:

Senator Murray, sponsor of S.B. 245, explained the bill to the committee and pointed out the amendments it made to the codes.

The first proponent of this bill to testify was Jack Burke of the Montana Power Co. who said that there has been too much time elapse between the time that the company has applied for a rate increase and when the decision is handed down by the Public Service Commission.

At this point, Geoff Brazier, the Consumer Counsel, appearing as an observer, testified that once there is a hearing, the Public Service Commission cannot grant a temporary rate increase because of the wording of the law.

Les Loble, representing the Montana-Dakota Utilities Co. and the General Telephones of the Northwest, Inc., asked that the committee consider this bill favorably.

The next proponent to testify was Gene Phillips of Kalispell, representing the Pacific Power & Light Co., who also said that this was a good bill and asked that it be considered favorably.

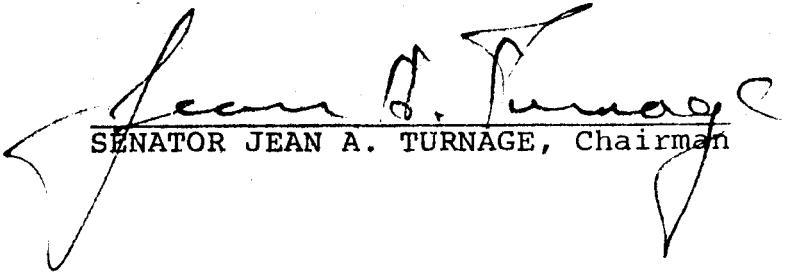
Jim Hughes, representing Mountain Bell, then appeared as a proponent but said that they have not yet encountered this but that they believe this bill would make it easier.

Geoff Brazier, Consumer Counsel, suggested that the amendment to page 3, line 10, be changed to be a "." after "hearing" and strike the next three words. He said that that would clarify the bill. Jack Burke was asked to reply to this statement and he said that he disagreed but respects the right of the commission to have a hearing.

Senator Regan asked if anyone had the numbers of the bills that were also concerned with utilities. She was advised that the following bills also pertained to this subject in some manner: H.B. 394, 396, 397, 470, 471 and S.B. 406 and 391 -- also, H.B. 352 and 395.

The Chairman allowed the committee members to ask questions of the witnesses. The witnesses were then thanked for their testimony and excused. The Chairman told them that the committee would take this bill under consideration.

There being no further business, the committee adjourned at 11:00 a.m..


SENATOR JEAN A. TURNAGE, Chairman

ROLL CALL

JUDICIARY COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Dated 2/7/77

STANDING COMMITTEE REPORT

February 7, 1977

MR. PRESIDENT.

JUDICIARY

We, your committee on

SENATE

having had under consideration

Bill No. 326

Respectfully report as follows: That SENATE Bill No. 326, the introduced bill, be amended as follows:

1. Amend the title, line 4.

Following: "TO"

Strike: "ALLOW"

Insert: "CLARIFY THE"

2. Amend the title, lines 5 and 6.

Following: "MARRIAGES"

Strike: "ENTERED INTO BY WRITTEN DECLARATION UPON THE SAME TERMS AS
INVALIDATION OF SOLEMNIZED MARRIAGES"

3. Amend page 1, section 1, subsection (a), line 16.

Following: "was"

Strike: "either solemnized or"

4. Amend page 1, section 1, subsection (a), line 17.

Following: "into"

Strike: "by written declaration"

5. Amend page 1, section 1, subsection (b), line 24.

DO PASS Following: "was"

Strike: "solemnized"

Insert: "entered into"

AND AS SO AMENDED DO PASS

SEN. JEAN A. TURNAGE,

Chairman.

2-7-77

323 325, 326, 326 + 335

Judiciary
VISITOR'S REGISTER

Miss E. J.