

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
February 12, 1977

The meeting of this committee was held at 9:45 a.m. on the above date in Room 415 of the State Capitol Building with Senator Turnage calling the meeting to order.

ROLL CALL:

All members of the committee were present with the exception of Senator Towe who was excused and arrived in this meeting at 10:50 a.m..

At this time, Senator Warden, who was excused on February 10, 1977, during the afternoon session, was allowed by Chairman Turnage to vote on S.B. 149, providing that the judges determined the penalty.

CONSIDERATION OF SENATE BILL 398:

This is the first bill to be considered of a group of bills, SB. 396, 397 and 398, which have been sponsored by Senator Turnage and deal with the Uniform Probate Code. Senator Turnage explained to the committee that an interim committee, chaired by Rep. Hall, had worked on the Uniform Probate Code and there had been an error made on the "homestead" allowance; that it didn't have anything to do with real estate. It actually had to do with a fixed amount of money. The "homestead" allowance is in question.

Tom Stoll, administrator of the Inheritance Tax Division, department of Revenue, explained that they have no quarrel with the bill and just want to see the title problem straightened out. He suggested that probably the "homestead" allowance should be set at \$10,000. He said that this would be to the benefit of the widow and children but to the detriment of the debtors of the estate.

DISPOSITION OF SENATE BILL 398:

Senator Regan moved to strike \$5,000 and insert \$20,000 on lines 15 and 19. The motion carried. She then moved that S.B. 398 as amended DO PASS. The motion carried unanimously.

At this time a letter in support of S.B. 397 and 398 from the Montana Bar Assn. was read by the Chairman. (See Exhibit #1)

CONSIDERATION OF SENATE BILL 396:

This bill has to do with the procedure of appointments for guardians and requires that the court shall appoint an official or an attorney to represent incapacitated person, as explained by Senator Turnage to the committee. He then said that this bill simply removes the "must" and makes it discretionary.

DISPOSITION OF SENATE BILL 396:

Senator Murray moved to amend S.B. 396 on page 1, section 1, subsection (2), line 20, following "may" by inserting ", in the interest of justice,". The motion carried. He then moved that S.B.396 as amended DO PASS. The motion carried with Senator Regan abstaining from voting.

CONSIDERATION OF SENATE BILL 397:

Senator Turnage explained the purpose of this bill by giving the committee an illustration of how it would work when a person died without a will and there were children.

DISPOSITION OF SENATE BILL 397:

Senator Regan moved DO PASS. The motion carried unanimously.

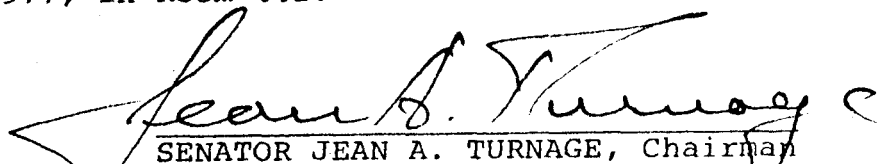
DISPOSITION OF SENATE BILL 332:

After discussion of this bill, which had previously been considered, Senator Regan moved that S.B. 332 DO NOT PASS. The motion carried unanimously.

CONSIDERATION OF SENATE BILL 182:

This bill had come up for hearing on February 4, 1977, and the chief proponent of the bill had not been there to testify. Therefore, since he was present this morning, the Chairman allowed him to give his testimony on this bill. Therefore, Ross Cannon, a Helena attorney, told the committee that this bill seeks to preclude the piracy of recordings. After he concluded his testimony, committee members were allowed to ask questions of him.

There being no further business before the committee at this time, the committee adjourned at 11:00 a.m. to reconvene at 9:30 a.m. on Monday, February 14, 1977, in Room 442.


SENATOR JEAN A. TURNAGE, Chairman

P.S. Ross Cannon submitted the attached proposed amendment to the committee for their consideration after he had copies made. (See Exhibit 2)



STATE BAR OF MONTANA

P. O. BOX 4669
HELENA, MONTANA 59601

600 NORTH COOKE
(406) 442-7660

(E. 1)

EXECUTIVE DIRECTOR
Kent M. Parcell

February 8, 1977

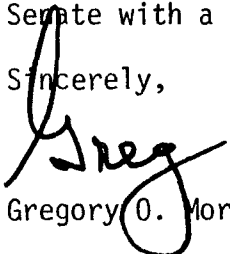
The Honorable Members of the Senate Judiciary Committee
Jean A. Turnage, Chairman
Capitol Station
Helena, MT 59601

Re: Senate Bill 398

Dear Senator Turnage and Members of the Committee:

This letter is to inform you that the State Bar of Montana supports Senate Bill 398. The bill has been reviewed by our Probate Committee and we urge that you send the bill to the Senate with a DO PASS recommendation.

Sincerely,


Gregory O. Morgan

GOM/pb

OFFICERS

President

* Thomas H. Mahan
P. O. Box 874
Helena, MT 59601

President Elect

* Bruce R. Toole
P. O. Box 2529
Billings, MT 59103

Secretary/Treasurer

* Diana S. Dowling
Legislative Council
Capitol Station
Helena, MT 59601

Immediate Past President

* Marshall Murray
P. O. Box 899
Kalispell, MT 59901

Chairman of the Board

* Theodore K. Thompson
P. O. Box 1472
Havre, MT 59501

TRUSTEES

Area A

Alexander A. George
310 Western Bank Bldg.
Missoula, MT 59801
Sam Haddon
First National Bank Bldg.
Missoula, MT 59801
* M. Dean Jellison
P. O. Box 1178
Kalispell, MT 59901

Area B

John S. Warren
P. O. Box 28
Dillon, MT 59725
* Stephen M. Williams
600 Hennessy Bldg.
Butte, MT 59701

Area C

* L. Morris Ormseth
P. O. Box 2269
Great Falls, MT 59403
Ralph T. Randono
2301 10th Avenue South
Great Falls, MT 59405

Area D

Theodore K. Thompson
P. O. Box 1472
Havre, MT 59501

Area E

Patrick E. Melby
723 Gilbert
Helena, MT 59601
* Gregory O. Morgan
P. O. Box 550
Bozeman, MT 59715
William G. Sternhagen
1625 11th Avenue
Helena, MT 59601

Area F

Theodore P. Cowan
P. O. Box 882
Lewistown, MT 59457

Area G

William P. Fitzgerald
Suite 500
Midland Bank Bldg.
303 N. Broadway
Billings, MT 59101
Robert E. Hendrickson
320 Hart Albin Bldg.
Billings, MT 59101
Weymouth D. Symmes
Transwestern Life Bldg.
404 North 31st Street
Billings, MT 59101

Area H

Kenneth R. Wilson
P. O. Box 218
Miles City, MT 59301

ABA DELEGATE

Robert Corontzos
P. O. Box 2269
Great Falls, MT 59403

