

HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE  
January 18, 1979

The regular meeting of the Judiciary Committee was called to order by Chairman John Scully at 8:00 a.m. in room 436 of the Capitol Building on Thursday, January 18. All members were present except Representatives Day, Holmes, Iverson and Roth, all excused.

Bills scheduled for hearing were House Bills 148, 170, 167, 165, 172 and Senate Bills 4 and 25.

HOUSE BILL NO. 148: Representative Rosenthal. This bill was introduced at the request of the Department of Social and Rehabilitation Services. This bill would revise and clarify the investigatory duties of the county welfare department concerning abused, neglected, or dependent children. It mandates for an investigation for the parent or guardian to make payments rather than just order them to do so. It also mandates the parent to make appropriate contributions in paying for the placement of children in a foster home.

NORMA VESTRE: This bill is designed to strengthen present laws to relieve the state of some of the cost of foster care. It would be concerned only with the cases where children are temporarily placed in foster care. About 60% are temporarily placed. It would give the SRS guidelines to follow.

There were no other proponents and no opponents.

REPRESENTATIVE ROSENTHAL: I feel it will cut down on the voluntary placements, maybe make them think twice before they give up their child.

REPRESENTATIVE DAILY: Questioned whether it would cover children coming out of institutions.

REPRESENTATIVE KEEDY: Questioned the section on financial statements and about voluntary placement.

With no other questions and no further discussion the hearing closed on HB 148.

HOUSE BILL NO. 172: Representative Keyser. This is just a small little bill that does a lot of things. It deals with the primary election. The reason for the bill, was, that during my travels campaigning people asked me, "why do I have to vote for someone in the primary, and designate a party choice. I said I would look into it. I have done quite a bit of research on the Washington and Alaskan laws. This bill is based primarily on Washington law. I feel that a person in the primary should not be forced to pick a party. He went through the bill and explained the conduct of

the election. There was a survey done in 1977 on election law and he presented some of the findings. In general, how much attention do you expect the state legislature to give to the field. The people in the district felt that a great deal of attention should be given to the people in the district. 15% felt district opinion was given some credence but 60% felt that the party leaders had more to say than how they voted. He gave the following statistics on the state, 21.5% are Republican, 23.1% are Democrat and 44.2% are independent.

REPRESENTATIVE BERTELSEN: I came over to file a bill similar to Mr. Keyzers but I will support his bill. This method of a primary election seems to me to be a real disservice to the people of Montana. The people of the state should have the right to choose the one they feel is the best candidate. I would certainly encourage the passage of this bill.

REPRESENTATIVE KEYSER: If you want the people of the district to participate you need to let them. The new sections, they probably drafted this bill to plug it into the recodification bill.

REPRESENTATIVE KEMMIS: You left off the repealer section. Discussion followed about the two-party system and whether this bill would kill it. Some of the members commented that it would definitely do this.

There was no other discussion and the hearing closed on House Bill 172.

REPRESENTATIVE SCULLY: He explained to the committee that all election bills will be held so that they will mesh with the recodification bill, SB 65.

HOUSE BILL NO. 165: Representative Kvaalen introduced Randy McDonald of the Legislative Counsel, who went through the bill and explained the major changes. He commented that youth division judge would be changed to youth court judge. It wasn't clear who was to do the evaluation so the Department of Institutions was added.

There was no discussion and the hearing closed on House Bill No. 165.

HOUSE BILL NO. 170: Representative Kvaalen introduced Dave Cogley of the Legislative Counsel. This bill is designed to correct a rule of statutory construction. We have made this an assumption that it is a living reference.

There was no discussion and no questions and the hearing closed on House Bill 170.

SENATE BILL NO. 4:

Senator Galt introduced Dave Cogley of the Legislative Counsel. A number of changes were made in the Senate. On line 8, it seems to equate the dollar amount to 60 days labor. Also, it should be right of redemption and right of foreclosure. He went on to explain some of the laws that will not be included in the code.

Representatives Roth and Iverson came in.

There was general discussion about changing the term, execution debtor and mortgage debtor. Mr. Cogley explained that execution debtor does include mortgage debtor.

The question was raised as to the meaning of the word "agister" and he explained that it is a person who has charge of another persons property.

There was no other discussion and the hearing closed on Senate Bill 4.

SENATE BILL NO. 25:

Senator Galt introduced Dave Cogley who went through the bill and explained it. There was some discussion about the minor changes in the bill. The bill revises and clarifies the laws relating to alcohol and tobacco.

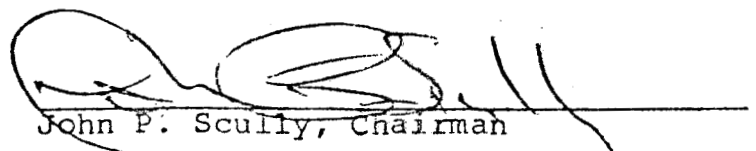
The hearing closed on Senate Bill 25.

HOUSE BILL NO. 167:

Representative Kvaalen introduced Randy McDonald who said this bill was introduced to revise and clarify the law relating to the family. He went through the bill and pointed out the places that had been clarified to make it more clear.

There was no discussion and the hearing closed on House Bill 167.

The meeting adjourned at 9:05 a.m. and the committee went into executive session.



John P. Scully, Chairman

Mary Ellen Connelly, Secretary