

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON HOUSE BILL 346

Call to Order: By CHAIRMAN RIC HOLDEN, on April 14, 1997, at  
9:00 A.M., in ROOM 108.

ROLL CALL

Members Present:

Rep. William E. Boharski (R)  
Rep. Gay Ann Masolo (R)  
Rep. Joe Tropila (D)  
Sen. Steve Doherty (D)  
Sen. Ric Holden (R)

Members Excused: None

Members Absent: Sen. Sharon Estrada

Staff Present: Valencia Lane, Staff Attorney  
Jaelene Racicot, Secretary

EXECUTIVE ACTION ON HB 346

Discussion:

SEN. RIC HOLDEN explained the reason HB 346 was in a conference committee. {Tape: 1; Side: A; Approx. Time Count: .2.}

REP. TROPILA stated that the objection came from REP. BOHARSKI and wanted him to comment on it. {Tape: 1; Side: A; Approx. Time Count: 1.2.}

REP. BOHARSKI stated someone could get a conviction at the age of 15 for not having liability insurance and then get another one at 35 years of age. The conviction would carry with a person throughout one's life. He explained a time limit would be a preferable vehicle such as a 5 year period. In addition, REP. BOHARSKI explained that in order to amend the bill with his amendment the committee would need to be a free conference committee instead of a conference committee. {Tape: 1; Side: A; Approx. Time Count: 1.4.}

Valencia Lane explained the Boharski amendment {Tape: 1; Side: A; Approx. Time Count: 3.2.}

REP. BOHARSKI asked Valencia Lane if the Tropila amendment would apply to the fourth offense and what would apply to the second and third offense. *{Tape: 1; Side: A; Approx. Time Count: 4.0.}*

Brenda Norlund, Department of Justice, commented on the amendments. *{Tape: 1; Side: A; Approx. Time Count: 5.7.}*

SEN. HOLDEN clarified the committee was a conference committee they would not take any action. He further explained the amendments the Senate propose were agreed upon by all and nothing would change from the Senate. *{Tape: 1; Side: A; Approx. Time Count: 6.5.}*

SEN. HOLDEN asked REP. BOHARSKI to explained the intent of his amendment to the committee. *{Tape: 1; Side: A; Approx. Time Count: 7.6.}*

SEN. HOLDEN asked REP. BOHARSKI if he had read the TROPILA amendment. REP. BOHARSKI stated he had and that the TROPILA amendment would only apply to the fourth offense. *{Tape: 1; Side: A; Approx. Time Count: 9.0.}*

SEN. HOLDEN asked REP. TROPILA to comment. *{Tape: 1; Side: A; Approx. Time Count: 9.4.}*

SEN. HOLDEN asked Valencia Lane to comment. *{Tape: 1; Side: A; Approx. Time Count: 10.3.}*

REP. TROPILA stated the fourth offense they wanted to take the driver's license. *{Tape: 1; Side: A; Approx. Time Count: 10.7.}*

Valencia Lane explained the window and they needed to limit sub section 2 to a five year window. *{Tape: 1; Side: A; Approx. Time Count: 11.0.}*

Brenda Norlund stated the better language was in the middle of the Boharski amendment. *{Tape: 1; Side: A; Approx. Time Count: 11.9.}*

Valencia Lane explained the five year window. *{Tape: 1; Side: A; Approx. Time Count: 12.4.}*

SEN. DOHERTY asked about four convictions and if they would make it a "lifetime ramification". *{Tape: 1; Side: A; Approx. Time Count: 12.9.}*

Valencia Lane stated commented on the "unless clause". *{Tape: 1; Side: A; Approx. Time Count: 14.7.}*

SEN. DOHERTY explained that one could have a wild youth between 18 - 21 years of age and then 20 years later that person would let their insurance lapse and they would be finished driving. *{Tape: 1; Side: A; Approx. Time Count: 15.3.}*

SEN. HOLDEN stated how the amendment would read, new sub section 6, "An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction." *{Tape: 1; Side: A; Approx. Time Count: 15.9.}*

**Motion:** SEN. DOHERTY MOVED TO HAVE THE CONFERENCE COMMITTEE DISSOLVED AND THEN CREATE A FREE CONFERENCE COMMITTEE WITH THE SAME MEMBERS. *{Tape: 1; Side: A; Approx. Time Count: 16.7.}*

**Discussion:**

REP. BOHARSKI stated he had a concern about delaying this proposed bill until October. *{Tape: 1; Side: A; Approx. Time Count: 17.5.}*

Brenda Norlund stated she did not have a fiscal note illustrating the amount of programming required to implement a 5 year window. *{Tape: 1; Side: A; Approx. Time Count: 17.8.}*

REP. BOHARSKI stated that on line 30 it was mandatory and the court could not waive it and that was why he did not want to wait 6 months. *{Tape: 1; Side: A; Approx. Time Count: 18.6.}*

SEN. HOLDEN asked REP. BOHARSKI if he would like to add another amendment. He replied that he would. *{Tape: 1; Side: A; Approx. Time Count: 19.6.}*

SEN. DOHERTY asked the Brenda Norlund what date would be preferred. Ms. Norlund stated July 1, 1997. *{Tape: 1; Side: A; Approx. Time Count: 20.4.}*

**Motion/Vote:** SEN. DOHERTY MOVED TO HAVE JULY 1, 1997 AS THE EFFECTIVE DATE. THE MOTION CARRIED UNANIMOUSLY WITH NO PROXY FROM SEN. ESTRADA. *{Tape: 1; Side: A; Approx. Time Count: 21.1.}*

ADJOURNMENT

Adjournment: 9:31 A.M.

*Sen. Ric Holden*

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SEN. RIC HOLDEN, Chairman

*Jaelene Racicot*

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JAELENE RACICOT, Secretary

RH/JR