

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on January 15, 1997, at 8:00 AM, in Room 312-1.

**ROLL CALL**

**Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Daniel W. McGee, Vice Chairman (Majority) (R)  
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)  
Rep. Chris Ahner (R)  
Rep. Shiell W. Anderson (R)  
Rep. Ellen Bergman (R)  
Rep. William E. Boharski (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Jon Ellingson (D)  
Rep. Duane Grimes (R)  
Rep. H.S. "Sonny" Hanson (R)  
Rep. Joan Hurdle (D)  
Rep. Deb Kottel (D)  
Rep. Linda McCulloch (D)  
Rep. Brad Molnar (R)  
Rep. Gerald Pease (D)  
Rep. Diane Sands (D)  
Rep. Liz Smith (R)  
Rep. Loren L. Soft (R)  
Rep. Bill Tash (R)

**Staff Present:** John MacMaster, Legislative Services Division  
Joanne Gunderson, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 24, HB 68, HB 122; POSTED  
1/8/97

Executive Action: HB 141, DO PASS

**HEARING ON HB 68**

**Sponsor:** REP. DANIEL MC GEE

**Opening Statement by Sponsor:**

*{Tape: 1; Side: A; Approx. Time Count: 3.0 - 6.4; Comments: This is a 60-minute tape.}*

Proponents:

RICK DAY, Director, Department of Corrections - EXHIBITS 1 and 2  
{Tape: 1; Side: A; Approx. Time Count: 6.5 - 11.4}

RON WATERMAN, Attorney  
{Tape: 1; Side: A; Approx. Time Count: 11.6 - 15.6; Comments:  
Supported with reservations.}

Opponents:

RUSSELL HILL, Montana Trial Lawyers - EXHIBIT 3  
{Tape: 1; Side: A; Approx. Time Count: 15.9 - 22.1}

SCOTT CRICHTON, ACLU  
{Tape: 1; Side: A; Approx. Time Count: 22.3 - 24.5}

MIKE COK, Attorney  
{Tape: 1; Side: A; Approx. Time Count: 24.7 - Tape 1; Side B;  
12.3; Comments: Referenced Judge Mizner's summary judgment.}

ED SHEEHY, Jr., Attorney  
{Tape: 1; Side: B; Approx. Time Count: 12.6 - 19.4}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 19.7 - Tape 2; Side A;  
8.8; Comments: This is a 90-minute tape.}

EXHIBIT 4

{Tape: 2; Side: A; Approx. Time Count: 8.9 - 16.4; Comments: Mr.  
Hill, at the request of Rep. Kottel, proposed an amendment.}

EXHIBIT 5

{Tape: 2; Side: A; Approx. Time Count: 21.5 - 24.1; Comments: Rep.  
Sands requested a report from Mr. Crichton which was delivered at  
a later date and is included as Exhibit 5.}

{Tape: 2; Side: A; Approx. Time Count: 24.2 - Tape: 2; Side B;  
8.0; Comments: Questions continued from the committee.}

Closing by Sponsor: REPRESENTATIVE MC GEE

{Tape: 2; Side: b; Approx. Time Count: 8.1 - 14.1}

HEARING ON HB 122

Sponsor: REP. DANIEL MC GEE

Opening Statement by Sponsor: EXHIBIT 6

{Tape: 2; Side: B; Approx. Time Count: 16.2 - 22.7}

Proponents:

DAVE OHLER, Department of Corrections - EXHIBIT 7  
{Tape: 2; Side: B; Approx. Time Count: 22.9 - 27.8}

Opponents:

SCOTT CRICHTON, ACLU - EXHIBIT 8

{Tape: 2; Side: B; Approx. Time Count: 28.0 - 32.8}

SCOTT WOOSTER, ACLU

{Tape: 2; Side: B; Approx. Time Count: 32.9 - Tape 3; Side A; 9.0}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 10.0 - 20.2}

Closing by Sponsor: REPRESENTATIVE MC GEE

{Tape: 3; Side: A; Approx. Time Count: 20.3 - 24.3}

HEARING ON HB 24

Sponsor: REP. ANTOINETTE HAGENER

Opening Statement by Sponsor:

{Tape: 3; Side: A; Approx. Time Count: 24.8 - 28.1}

Proponents:

ALVE THOMAS, AARP

{Tape: 3; Side: A; Approx. Time Count: 28.4 - 29.1}

EVELYN HARSKJOLD, HILL COUNTY AGING SERVICES DIRECTOR

{Tape: 3; Side: A; Approx. Time Count: 29.2 - Tape 3; Side B; 0.6}

JOHN SHONTZ, MONTANA ASSOCIATION OF REALTORS - EXHIBIT 9

{Tape: 3; Side: B; Approx. Time Count: 0.7 - 2.6}

Questions From Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Count: 2.8 - 11.7}

Closing by Sponsor: REPRESENTATIVE HAGENER

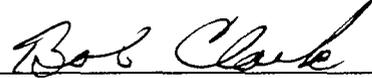
{Tape: 3; Side: B; Approx. Time Count: 11.9 - 12.2}

EXECUTIVE ACTION ON HB 141

Motion/Vote: REPRESENTATIVE MC GEE moved HB 141 DO PASS. Motion carried by unanimous vote.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 11:15 AM.



REP. ROBERT C. CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg