

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 16, 1997, at 8:10 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 40, HB 41, HB 42, POSTED
1/8/97
Executive Action: HB 44 - TABLED
HB 38 - DO PASS AS AMENDED

HEARING ON HB 40

Sponsor: REP. JOHN COBB

Opening Statement by Sponsor: EXHIBITS 1, 2, 3
{Tape: 1; Side: A; Approx. Time Count: 0.7 - 4.6}

Proponents:

CHRIS TWEETEN, Department of Justice - EXHIBIT 4
{Tape: 1; Side: A; Approx. Time Count: 4.7 - 10.9}

DAVID ASHLEY, Department of Administration - EXHIBIT 5
{Tape: 1; Side: A; Approx. Time Count: 11.0 - 12.2}

DAVE WOODGERD, Department of Revenue - EXHIBIT 6
{Tape: 1; Side: A; Approx. Time Count: 12.3 - 14.0; Comments:
Exhibit 6 was submitted on 1/20/97 as information.}

KEVIN BRAUN, Department of Labor and Industry
{Tape: 1; Side: A; Approx. Time Count: 14.2 - 14.8}

LAURENCE HUBBARD, State Fund
{Tape: 1; Side: A; Approx. Time Count: 15.0 - 15.4}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 15.8 - Tape 1; Side B;
11.3}

Closing by Sponsor: REPRESENTATIVE COBB
{Tape: 1; Side: B; Approx. Time Count: 11.6 - 11.9}

HEARING ON HB 41

Sponsor: REPRESENTATIVE JOHN COBB

Opening Statement by Sponsor:
{Tape: 1; Side: B; Approx. Time Count: 12.7 - end of Side B}

Questions From Committee Members and Responses:
{Tape: 2; Side: A; Approx. Time Count: 0.4 - Tape 2; Side B; 1.9}

Closing by Sponsor: REPRESENTATIVE COBB
{Tape: 2; Side: B; Approx. Time Count: 2.0}

HEARING ON HB 42

Sponsor: REPRESENTATIVE JOHN COBB

Opening Statement by Sponsor: EXHIBIT 7
{Tape: 2; Side: b; Approx. Time Count: 2.3 - 10.2}

Proponents:

CHRIS GALLUS, Montana Chamber of Commerce
{Tape: 2; Side: B; Approx. Time Count: 10.5 - 12.3}

Opponents:

DEBBIE SMITH, Montana Common Cause

{Tape: 2; Side: B; Approx. Time Count: 12.6 - 24.8; Comments: Cited bill as unconstitutional, urged committee to table bill.}

TED LANGE, Northern Plains Resource Council

{Tape: 2; Side: B; Approx. Time Count: 25.2 - 27.9}

ANNE HEDGES, Montana Environmental Information Council

{Tape: 2; Side: B; Approx. Time Count: 28.0 - 28.9}

JESSE LONG

{Tape: 2; Side: B; Approx. Time Count: 29.2 - Tape 3, Side A; 0.7}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 0.8 - end of Side A}

Closing by Sponsor: REPRESENTATIVE COBB

{Tape: 3; Side: B; Approx. Time Count: 1.8 - 2.1}

EXECUTIVE ACTION ON HB 38

Motion: REPRESENTATIVE LOREN SOFT moved HB 38 DO PASS.

Amendments:

{Tape: 3; Side: B; Approx. Time Count: 3.2 - 6.3; Comments: Amendments were proposed and explained.}

Motion: REPRESENTATIVE DANIEL MC GEE moved the amendments be adopted. EXHIBIT 8

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 6.5 - 9.6; Comments: The amendments were discussed.}

Vote: Motion to adopt amendments carried 17 - 2, REPRESENTATIVES ANDERSON and BOHARSKI voting no; REPRESENTATIVE TASH, absent.

{Tape: 3; Side: B; Approx. Time Count: 10.0 - 11.2}

Motion: REPRESENTATIVE JOAN HURDLE moved to amend the bill at lines 15 and 16 with "for a term not to exceed six months or other alternative sentences as may be available in the local community."

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 12.6 - 24.0}

Vote: The motion failed by tie vote, 9 - 9

{Tape: 3; Side: B; Approx. Time Count: 24.1; Comments: Two committee members were absent at the time of the vote.}

Motion: REP. BRAD MOLNAR moved HB 38 DO PASS AS AMENDED.
{Tape: 3; Side: B; Approx. Time Count: 25.9}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 26.4}

Motion: REP. MOLNAR moved to Table HB 38.
{Tape: 3; Side: B; Approx. Time Count: 27.8 - Tape 4; Side A; 2.8; Comments: Table motion was not accepted pending further discussion and was later entertained by the Chairman.}

Vote: The motion to Table failed by voice vote.
{Tape: 4; Side: A; Approx. Time Count: 2.9; Comments: Further discussion followed.}

Motion/Vote: REP. MOLNAR moved HB 38 DO PASS AS AMENDED. The motion carried 13 - 6, REPRESENTATIVES WYATT, KOTTEL, BERGMAN, AHNER, HURDLE and SMITH voting no.
{Tape: 4; Side: A; Approx. Time Count: 4.2 - 4.9}

EXECUTIVE ACTION ON HB 43

Motion: REPRESENTATIVE BILL BOHARSKI MOVED HB 43 DO PASS.
{Tape: 4; Side: A; Approx. Time Count: 5.0 - 7.5}

Discussion: Executive Action on HB 43 was postponed.
{Tape: 4; Side: A; Approx. Time Count: 7.6 - 7.9}

EXECUTIVE ACTION ON HB 44

Motion: REP. ANDERSON moved HB 44 DO PASS, REP. HANSON seconded.
{Tape: 4; Side: A; Approx. Time Count: 8.1 - 8.5}

Motion/Vote: REP. ANDERSON moved to amend HB 44 to insert "transact without permission of the department" on page 1, line 1. The motion carried 16 - 3, REPS. ELLINGSON, HURDLE and WYATT voting no.
{Tape: 4; Side: A; Approx. Time Count: 8.6 - 10.1}

Motion/Vote: REP. ANDERSON moved to amend HB 44 with a conceptual amendment regarding confidentiality. The motion carried by unanimous vote.
{Tape: 4; Side: A; Approx. Time Count: 15.2 - 15.5}

Discussion: REP. CLARK
{Tape: 4; Side: A; Approx. Time Count: 15.6 - 16.0; Comments: clarification of portions of the bill.}

Motion: REP. SANDS moved to amend HB 44 to delete Section 1.
{Tape: 4; Side: A; Approx. Time Count: 16.1 - 17.5}

Discussion:
{Tape: 4; Side: A; Approx. Time Count: 17.6 - Tape 4; Side B: 8.5}

Motion/Vote: REP. MC GEE moved to Table HB 44. The motion carried 17 - 1, REP. ANDERSON voted no, REPS. TASH and AHNER were absent.

Motion/Vote: REP. MC CULLOCH moved to adjourn. REP. WYATT seconded. The motion carried by unanimous vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:30 AM.



REP. ROBERT C. CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/JG