

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 17, 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. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)

Members Absent: Rep. Diane Sands

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 98, HB 159, POSTED 1/8/97
Executive Action: HB 24, DO PASS
HB 40, DO PASS AS AMENDED
HB 65, DO PASS AS AMENDED
HB 122, DO PASS AS AMENDED

HEARING ON HB 98

Sponsor: REP. BOB CLARK

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Count: 2.6 - 5.4; Comments: Vice Chair Dan McGee took the chair during presentation of HB 98.}

Proponents:

MIKE MAHONEY, Warden, Montana State Prison, Department of Corrections

{Tape: 1; Side: A; Approx. Time Count: 5.5 - 9.9}

CHRIS TWEETEN, Department of Justice - EXHIBIT 1

{Tape: 1; Side: A; Approx. Time Count: 10.1 - 13.6}

Opponents:

ED SHEEHY, Attorney, ACLU

{Tape: 1; Side: A; Approx. Time Count: 14.1 - 21.1}

Informational Testimony:

SHARON HOFF, Montana Catholic Conference - EXHIBIT 2

{Tape: 1; Side: A; Approx. Time Count: 21.4 - 25.5}

BETTY WADDELL, Montana Association of Churches

{Tape: 1; Side: A; Approx. Time Count: 25.6 - 30.3}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 0.3 - 27.5}

Closing by Sponsor: REPRESENTATIVE CLARK

{Tape: 1; Side: B; Approx. Time Count: 27.9 - Tape 2; Side A; 11.8}

HEARING ON HB 159

Sponsor: REP. BEVERLY BARNHART

Opening Statement by Sponsor:

{Tape: 2; Side: A; Approx. Time Count: 12.0 - 15.0}

Proponents:

W. JAMES KEMBEL, City of Billings

{Tape: 2; Side: A; Approx. Time Count: 15.2 - 16.3}

BECKY FLEMING SIEBENALER, Department of Health and Human Services

{Tape: 2; Side: A; Approx. Time Count: 16.4 - 17.8}

GREGORY MOHR, Montana Magistrates Association - EXHIBIT 3

{Tape: 2; Side: A; Approx. Time Count: 17.9 - 20.0; Comments: Appeared as a proponent, signed in as informational witness.}

BOB GILBERT, Montana Magistrates Association

{Tape: 2; Side: A; Approx. Time Count: 20.1; Comments: Appeared as a proponent, signed in as informational witness.}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 21.9 - 27.6}

Closing by Sponsor: REPRESENTATIVE BARNHART

{Tape: 2; Side: A; Approx. Time Count: 27.8 - 28.8}

EXECUTIVE ACTION ON HB 65

Motion: REP. SHIELL ANDERSON moved HB 65 DO PASS.

{Tape: 2; Side: B; Approx. Time Count: 0.1}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 0.2 - 17.0}

Motion/Vote: REP. BOHARSKI moved to Table HB 65. The motion failed, 9 - 11.

Motion: REP. BRAD MOLNAR moved to amend HB 65.

{Tape: 2; Side: B; Approx. Time Count: 19.2 - 24.2}

Discussion:

{Tape: 2; Side B; Approx. Time Count: 24.3 - 26.3}

Vote: The motion failed 1 - 19, REP. MOLNAR voting yes.

Motion: REP. JOAN HURDLE moved to amend HB 65.

{Tape: 2; Side: B; Approx. Time Count: 27.0 - 28.3}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 28.4 - Tape 3; Side A; 1.4}

Vote: The motion failed by tie vote, 10 - 10.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 3.0 - 15.7}

Motion: REP. BOHARSKI moved to amend HB 65 on page 1, line 19 to strike "imprisoned in the state prison" and insert "incarcerated."

{Tape: 3; Side: A; Approx. Time Count: 15.8 - 16.5}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 16.6 - 24.8}

Vote: The motion to amend HB 65 as above carried by unanimous vote.

Motion: REP. BOHARSKI moved HB 65 DO PASS AS AMENDED.
{Tape: 3; Side: A; Approx. Time Count: 26.1 - 26.4}

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 26.5 - 27.5}

Vote: The motion carried by unanimous vote.
{Tape: 3; Side: A; Approx. Time Count: 28.0 - 28.4}

EXECUTIVE ACTION ON HB 24

Motion: REP. ANDERSON MOVED HB 24 DO PASS.
{Tape: 3; Side: B; Approx. Time Count: 0.1 - 0.8}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 0.9 - 1.7}

Vote: The motion carried, 19 - 1, REP. BOHARSKI voted no.

EXECUTIVE ACTION ON HB 122

Motion: REP. DAN MC GEE moved HB 122 DO PASS.
{Tape: 3; Side: B; Approx. Time Count: 2.5 - 2.9}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 3.0 - 12.2}

Motion/Vote: REP. MC GEE moved to amend HB 122. The motion carried 17 - 1, REP. WYATT voted no.
{Tape: 3; Side: B; Approx. Time Count: 13.3; Comments: One representative had left the room and did not vote.}

Motion: REP. MC GEE moved HB 122 DO PASS AS AMENDED.

Motion: REP. KOTTEL moved to amend HB 122 by striking section 1.
{Tape: 3; Side: B; Approx. Time Count: 13.9 - 17.2; Comments: This amendment was later withdrawn as indicated below.}

{Tape: 3; Side: B; Approx. Time Count: 17.3 - 20.9; Comments: Rep. Anderson proposed a substitute amendment and Rep. Kottel withdrew her amendment.}

Motion: REP. MC GEE moved a substitute amendment.
{Tape: 3; Side: B; Approx. Time Count: 21.0}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 21.4 - 23.6}

Vote: The motion on the substitute amendment carried 17 - 1.

Motion: REP. BOHARSKI moved HB 122 DO PASS AS AMENDED.
{Tape: 3; Side: B; Approx. Time Count: 24.3}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 24.4 - Tape 4; Side A; 3.4}

Motion/Vote: REP. MC GEE moved amendments 10 and 12 to HB 122. The motion carried 19 - 1, REP. HURDLE voting no.
{Tape: 4; Side: A; Approx. Time Count: 5.9}

Motion: REP. MC GEE moved HB 122 DO PASS AS AMENDED.
{Tape: 4; Side: A; Comments: Discussion and action occurred too rapidly to note time.}

Discussion:
{Tape: 4; Side: A; Comments: Discussion and action occurred too quickly to note tape counter.}

Motion/Vote: REP. BOHARSKI moved to amend page 4, line 16 to strike "and the" and insert a comma. The motion carried by unanimous vote.
{Tape: 4; Side: A; Comments: Discussion and action occurred too quickly to note time.}

Motion: REP. BOHARSKI moved HB 122 DO PASS AS AMENDED.
{Tape: 4; Side: A; Approx. Time Count: 9.2 - 9.3}

Discussion:
{Tape: 4; Side: A; Approx. Time Count: 9.6 - 13.3}

Vote: The motion carried to pass HB 122 as amended 15 - 5, REPS. WYATT, SANDS, MC CULLOCH, HURDLE and ELLINGSON voting no.

EXECUTIVE ACTION ON HB 40

Motion: REP. JON ELLINGSON moved HB 40 DO PASS.
{Tape: 4; Side: A; Approx. Time Count: 17.0}

Motion/Vote: REP. BOHARSKI moved to amend HB 40 to include a sunset clause of two more years. The motion carried 14 - 6, REPS. WYATT, SANDS, ELLINGSON and HURDLE voting no.
{Tape: 4; Side: A; Comments: Action occurred too quickly to note time.}

Motion: REP. AHNER moved HB 40 DO PASS AS AMENDED.
{Tape: 4; Side: A; Approx. Time Count: 18.9}

Motion: REP. MOLNAR moved to amend HB 40.

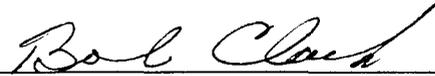
Discussion:
{Tape: 4; Side: A; Approx. Time Count: 19.1 - 19.9}

Vote: The motion failed by voice vote.

Motion/Vote: REP. MC GEE moved HB 40 DO PASS AS AMENDED. The motion carried by unanimous vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:45 AM.



REP. ROBERT C. CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/JG