

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 20, 1997, at 8:00 AM, in Room 312-1.

ROLL CALL

Members Present:

Rep. Bob 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. Gerald Pease (D)
Rep. Diane Sands (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)

Members Excused: Rep. Brad Molnar (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 195, HB 218, POSTED 1/15/97
Executive Action: HB 41 DO PASS
HB 43 DO PASS
HB 135 DO PASS AS AMENDED
HB 137 TABLE
HB 218 DO PASS

HEARING ON HB 195

Opening Statement by Sponsor: REP. KARL OHS

{Tape: 1; Side: A; Approx. Time Count: 1.5; Comments: REP. OHS presented the bill in the absence of REP. BILL TASH.}

Proponents' Testimony:

MARY PHIPPEN, Montana Association of Clerks of District Court
EXHIBIT 1 and EXHIBIT 1A

{Tape: 1; Side: A; Approx. Time Count: 4.7}

NANCY SWEENEY, Lewis and Clark County Clerk of the District Court
EXHIBIT 2

{Tape: 1; Side: A; Approx. Time Count: 8.9}

EMILY KIMMET, Teton County Clerk of the District Court
EXHIBIT 3

{Tape: 1; Side: A; Approx. Time Count: 16.8}

SHEILA BRUNKHORST, Beaverhead County Clerk of the District Court
EXHIBIT 4

{Tape: 1; Side: A; Approx. Time Count: 18.2}

Informational Testimony:

DAVE WOODGERD, Department of Revenue - EXHIBIT 5

{Tape: 1; Side: A; Approx. Time Count: 20.8}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 23.0 - Tape 1; Side B;
6.9; Comments: Mary Ann Wellbank answered questions without
objection from the committee but took no position on the bill.}

Closing by Sponsor: REP. OHS

{Tape: 1; Side: B; Approx. Time Count: 7.1}

HEARING ON HB 218

Opening Statement by Sponsor: REP. BOB CLARK

{Tape: 1; Side: B; Approx. Time Count: 8.8; Comments: REP WYATT,
assumed the chair}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 13.0}

Closing by Sponsor: REP. BOB CLARK

{Tape: 1; Side: B; Approx. Time Count: 13.8; Following closing by
sponsor, REP. CLARK resumed the chair.}

EXECUTIVE ACTION ON HB 218

Motion/Vote: REP. CHRIS AHNER moved HB 218 DO PASS. The motion
carried by unanimous vote.

{Tape: 1; Side: B; Approx. Time Count: 14.6 - 15.9}

EXECUTIVE ACTION ON HB 41

Motion: REP. DIANA WYATT moved HB 41 DO PASS

{Tape: 1; Side: B; Approx. Time Count: 16.0}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 17.1}

Vote: The motion carried by unanimous vote.

{Tape: 1; Side: B; Approx. Time Count: 17.5}

EXECUTIVE ACTION ON HB 98

Motion: REP. SHIELL ANDERSON moved HB 98 DO PASS.

{Tape: 1; Side: B; Approx. Time Count: 17.9; Comments: CHAIRMAN CLARK agreed to hold further action for amendments.}

EXECUTIVE ACTION ON HB 43

Motion: REP. DANIEL MC GEE moved HB 43 DO PASS.

{Tape: 1; Side: B; Approx. Time Count: 19.9}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 21.4}

Vote: The motion carried by unanimous vote.

EXECUTIVE ACTION ON HB 135

Motion: REP. DIANE SANDS moved HB 135 DO PASS.

{Tape: 1; Side: B; Approx. Time Count: 22.2}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 23.2 - end of tape}

Motion: REP. DEB KOTTEL moved to amend HB 135.

{Tape: 2; Side: A; Approx. Time Count: 0.8}

Motion: REP. LIZ SMITH moved a substitute amendment to HB 135.

{Tape: 2; Side: A; Approx. Time Count: 1.5}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 5.3}

Vote: The motion carried to amend HB 135 14 - 4; REPS. SOFT, SANDS, WYATT and SMITH voting no.

Motion/Vote: REP. BILL BOHARSKI moved HB 135 DO PASS AS AMENDED.

The motion carried by unanimous vote, 18-0.

{Tape: 2; Side: A; Approx. Time Count: 7.4; Comments: Executive Action on HB 159 was postponed.}

EXECUTIVE ACTION ON HB 137

Motion: REP. DEB KOTTEL moved HB 137 DO PASS.

{Tape: 2; Side A; Comments: Executive Action too rapid to note counter.}

Discussion:

{Tape: 2; Side: A; Comments: Counter time was not noted.}

Motion: REP. KOTTEL moved to amend HB 137.

{Tape: 2; Side: A; Approx. Time Count: 13.7}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 13.8}

Motion: REP. SMITH moved a substitute amendment to HB 137.

{Tape: 2; Side: A; Comments: Amendment action was too rapid to note counter.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 22.6}

Vote: The motion to amend HB 137 carried 14 - 4, REPS. WYATT, ELLINGSON, MC GEE and HURDLE voting no.

{Tape: 2; Side: A; Approx. Time Count: 24.0}

Motion: REP. SMITH moved HB 137 DO PASS AS AMENDED.

{Tape: 2; Side: A; Approx. Time Count: 25.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 25.1 - Tape 2, Side B; 4.7.}

Motion/Vote: REP. MC GEE moved to TABLE HB 137. The motion carried 16 - 2; REPS. SMITH and ANDERSON voting no.

{Tape: 2; Side: B; Approx. Time Count: 6.7}

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

ADJOURNMENT

Adjournment: The meeting was adjourned at 9:45 AM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg