

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 22, 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)
Rep. Bill Tash (R)

Members Excused: Rep. Brad Molnar (R)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 208, HB 239, POSTED 1/15/97
Executive Action: HB 42 DO PASS AS AMENDED
HB 111 DO PASS AS AMENDED
HB 195 TABLED

HEARING ON HB 208

Opening Statement by Sponsor: REP. ROD MARSHALL - EXHIBITS 1, 2
{Tape: 1; Side: A; Approx. Time Count: 1.1}

Proponents' Testimony:

COL. CRAIG REAP, Chief, Montana Highway Patrol - EXHIBIT 3
{Tape: 1; Side: A; Approx. Time Count: 8.5}

CHARLES BROOKS, Statewide DUI Task Force
{Tape: 1; Side: A; Approx. Time Count: 10.8}

RUSSELL HILL, Montana Trial Lawyer Association
{Tape: 1; Side: A; Approx. Time Count: 12.6}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 15.8 - Tape 1; Side B; 2.6}

Closing by Sponsor: REP. MARSHALL

{Tape: 1; Side: B; Approx. Time Count: 2.7}

EXHIBIT 4 was distributed at the close of the hearing for the committee's information.

HEARING ON HB 239

Opening Statement by Sponsor: REP. JOE TROPILA

{Tape: 1; Side: B; Approx. Time Count: 5.1}

Proponents' Testimony:

JOE KERWIN, Secretary of State's Office
{Tape: 1; Side: B; Approx. Time Count: 7.2}

BELINDA FARGHER, NNA
{Tape: 1; Side: B; Approx. Time Count: 8.7}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 10.5 - 15.2}

Closing by Sponsor: REP. TROPILA

{Tape: 1; Side: B; Approx. Time Count: 15.3}

EXECUTIVE ACTION ON HB 42

Motion: REP. SHIELL ANDERSON moved HB 42 DO PASS.

{Tape: 1; Side: B; Approx. Time Count: 16.3}

Motion: REP. DIANE SANDS moved to amend HB 42 - EXHIBIT 5

{Tape: 1; Side: B; Approx. Time Count: 16.4}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 16.8 - 18.6}

Vote: The motion to amend HB 42 carried by unanimous vote.

{Tape: 1; Side: B; Approx. Time Count: 18.7}

Motion: REP. DEB KOTTEL moved HB 42 DO PASS AS AMENDED.
{Tape: 1; Side: B; Approx. Time Count: 20.0}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 20.2 - 21.6}

Vote: The motion carried 18 - 1; REP. BOHARSKI voting no.
{Tape: 1; Side: B; Approx. Time Count: 21.7}

EXECUTIVE ACTION ON HB 195

Motion: REP. BILL TASH moved HB 195 DO PASS.
{Tape: 2; Side: A; Approx. Time Count: 0.1}

Motion/Vote: REP. DUANE GRIMES moved the amendments to HB 195 - EXHIBIT 6. The motion carried by unanimous vote.

Motion: REP. TASH moved HB 195 DO PASS AS AMENDED.
{Tape: 2; Side: A; Approx. Time Count: 1.0}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 1.2 - 3.0}

Motion/Vote: REP. TASH moved to Table HB 195. The motion carried 18 - 1, REP. MC GEE voting no.

EXECUTIVE ACTION ON HB 111

Motion: REP. SHIELL ANDERSON moved HB 111 DO PASS.

Motion: REP. ANDERSON moved amendments to HB 111. EXHIBITS 7, 8
{Tape: 2; Side: A; Approx. Time Count: 7.0}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 8.1 - 13.4}

Vote: The motion carried by unanimous vote.

Motion: REP. DIANA WYATT moved to amend HB 111 by striking the immunity clause in Section 14.
{Tape: 2; Side: A; Approx. Time Count: 22.3}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 22.6 - Tape 2; Side B; 1.9}

Motion: REP. CHRIS AHNER moved a substitute amendment to insert "good faith" before "discretionary."
{Tape: 1; Side: B; Approx. Time Count: 2.0}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 2.1 - 8.3}

Vote: The motion carried by unanimous vote.

Motion: REP. "SONNY" HANSON moved HB 111 DO PASS AS AMENDED.
{Tape: 2; Side: B; Approx. Time Count: 8.8}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 8.9 - 20.9; Comments:
Chairman Clark relinquished the chair to Vice Chair Mc Gee.}

Motion: REP. WILLIAM BOHARSKI moved to amend page 19, line 17 following "negligence" to insert ", except gross negligence or willful or wanton misconduct,."

{Tape: 2; Side: B; Approx. Time Count: 21}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 21.2}

Vote: The motion carried 17 - 2, REPS. WYATT and HURDLE voting no.

Motion: REP. ANDERSON moved HB 111 DO PASS AS AMENDED.

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 22.6 - Tape 3; Side A; 8.6}

Motion/Vote: REP. BOHARSKI moved to amend HB 111 by striking section 14 and insert "[this act]" on lines 26 and 28. The motion carried 17 - 2, REPS. SOFT and SMITH voting no.

{Tape: 3; Side: A; Approx. Time Count: 8.7 - 11.5}

Motion: REP. BOHARSKI moved HB 111 DO PASS AS AMENDED.

{Tape: 3; Side: A; Approx. Time Count: 11.6}

Discussion:

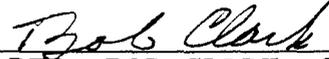
{Tape: 3; Side: A; Approx. Time Count: 11.7 - 13.3; Comments:
Representative Clark resumed the Chair.}

Vote: The motion carried 14 - 5, REPS. WYATT, PEASE, SANDS, ELLINGSON and HURDLE voting no.

Motion/Vote: REP. WYATT moved for adjournment. The motion carried by unanimous vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 10:30 AM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg