

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on January 27, 1997, at 10:00 AM, in Room 312-1.

**ROLL CALL**

**Members Present:**

Rep. Bob Clark, Chairman (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. 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)

**Members Excused:** Rep. Chris Ahner (R)  
Rep. Daniel W. McGee, Vice Chair (R)  
Rep. Diana E. Wyatt, Vice Chair (D)

**Members Absent:** Rep. H.S. "Sonny" Hanson (R)

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 199, POSTED 1/20/97  
Executive Action: HB 199 DO PASS  
HB 195 DO PASS AS AMENDED  
HB 234 DO PASS AS AMENDED

**HEARING ON HB 199**

**Opening Statement by Sponsor: REP. DICK KNOX**

*{Tape: 1; Side: A; Approx. Time Count: 1.5; Comments: This set of minutes is recorded on 90-minute tapes.}*

Proponents' Testimony:

BOB GILBERT

{Tape: 1; Side: A; Approx. Time Count: 6.4}

GAIL ABERCROMBIE, Montana Petroleum Association

{Tape: 1; Side: A; Approx. Time Count: 8.5}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 9.6 - 15.3}

Closing by Sponsor: REP. KNOX

{Tape: 1; Side: A; Approx. Time Count: 15.4}

EXECUTIVE ACTION ON HB 199

Motion: REP. BILL BOHARSKI moved HB 199 DO PASS

{Tape: 1; Side: A; Approx. Time Count: 18.1}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 20.1}

Vote: Motion carried that HB 199 DO PASS 17 - 0. (REP. WYATT voted by proxy.)

Motion/Vote: REP. BILL TASH moved HB 195 be removed from the table. The motion carried 16 - 0.

Motion: REP. TASH moved HB 195 DO PASS.

Motion: REP. TASH moved to amend HB 195.

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 22.8 - 28.9}

Vote: The motion to amend HB 195 passed 17 - 0, REP. WYATT voting by proxy.

Motion: REP. TASH moved to further amend HB 195 on page 3, line 6 regarding disposition of fees to the district court.

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 32}

Vote: The motion failed 8 - 9, REPS. PEASE, GRIMES, ANDERSON, TASH, MOLNAR, BERGMAN, HURDLE and SOFT voting aye. (REP. WYATT voting no by proxy.)

{Tape: 1; Side: A; Approx. Time Count: 38.3}

Motion: REP. TASH moved HB 199 DO PASS AS AMENDED.

{Tape: 1; Side: A; Approx. Time Count: 40.0}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 40.1; Comments: 42.1}

Vote: The motion carried 16 - 1, REP. BOHARSKI voting no, REP WYATT voting aye by proxy.

EXECUTIVE ACTION ON HB 159

Motion/Vote: REP. DUANE GRIMES moved HB 159 be referred to a subcommittee. The motion carried by unanimous vote.  
{Tape: 1; Side: B; Approx. Time Count: 0.4}

EXECUTIVE ACTION ON HB 234

Motion: REP. SHIELL ANDERSON moved HB 234 DO PASS.

Motion: REP. ANDERSON moved amendments to HB 234 to the title and line 14.

Discussion:  
{Tape: 1; Side: B; Approx. Time Count: 1.7 - 21.4}

Motion: REP. BOHARSKI moved a substitute amendment to page 1, lines 13 and 14.  
{Tape: 1; Side: B; Approx. Time Count: 21.5}

Discussion:  
{Tape: 1; Side: B; Approx. Time Count: 23.0}

Vote: The motion passed 17 - 0, REP. WYATT voting by proxy.

Motion: REP. BOHARSKI moved HB 234 DO PASS AS AMENDED.  
{Tape: 1; Side: B; Approx. Time Count: 25.8}

Motion: REP. AUBYN CURTISS moved to amend line 22 regarding restitution.

Discussion:  
{Tape: 1; Side: B; Approx. Time Count: 26.0; Comments: REP. CURTISS withdrew the amendment and the committee continued to discuss the bill as amended.}

Motion: REP. DEB KOTTEL moved to amend HB 234 by deleting subsection 2.  
{Tape: 1; Side: B; Approx. Time Count: 32.4}

Discussion:  
{Tape: 1; Side: B; Approx. Time Count: 32.5 - 34.3}

Vote: The motion carried 16 - 0, REP. WYATT voting aye.  
{Tape: 1; Side: B; Approx. Time Count: 34.4; Comments: REP. MOLNAR was absent at the time of the vote. This is recorded for purposes of explaining changes in total numbers voting.}

Motion: REP. BOHARSKI moved HB 234 DO PASS AS AMENDED.

Motion/Vote: REP. CURTISS moved to amend HB 234 on lines 22 and 23. The motion carried 16 - 0, REP. WYATT voting by proxy.  
{Tape: 2; Side: A; Approx. Time Count: 0.2; Comments: REP. MOLNAR was absent at time of vote on this amendment. }

Motion/Vote: REP. BOHARSKI moved HB 234 DO PASS AS AMENDED. The motion carried 16 - 0, REP. WYATT voting by proxy.  
{Tape: 2; Side: A; Approx. Time Count: 1.3; Comments: REP. MOLNAR was absent at time of this vote.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 1.5; Comments: John MacMaster provided the committee information on HB 44.}

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

ADJOURNMENT

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

*Bob Clark*

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REP. BOB CLARK, Chairman

*Joanne Gunderson*

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JOANNE GUNDERSON, Secretary

BC/jg