

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 29, 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. 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 231, HB 272, HB 273, POSTED
1/21/97

HEARING ON

Opening Statement by Sponsor: REP. DAN MC GEE

{Tape: 1; Side: A; Approx. Time Count: 1.7; Comments: This set of minutes is recorded on 90-minute tapes.}

Proponents' Testimony:

JUDGE MIKE SALVAGNI

EXHIBIT 1

{Tape: 1; Side: A; Approx. Time Count: 3.3}

SEN. SUE BARTLETT

{Tape: 1; Side: A; Approx. Time Count: 18.4}

BETH BAKER

EXHIBIT 2

{Tape: 1; Side: A; Approx. Time Count: 27.2}

REP. JOHN JOHNSON

{Tape: 1; Side: A; Approx. Time Count: 32.6}

GENE KISER, Board of Crime Control

EXHIBIT 3

{Tape: 1; Side: A; Approx. Time Count: 34.8}

DAVE OHLER, Department of Corrections

{Tape: 1; Side: A; Approx. Time Count: not recorded}

MIKE MC GRATH, Montana County Attorneys' Association

{Tape: 1; Side: A; Approx. Time Count: 37.9}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 42.3-Tape 1; Side B; 34.2;

Comments: REP. WYATT assumed the chair in REP. CLARK's absence.}

Closing by Sponsor: REP. MC GEE

{Tape: 1; Side: B; Approx. Time Count: 34.2 - Tape 2; Side A;

1.3; Comments: REP. CLARK resumed the chair.}

HEARING ON HB 231

Opening Statement by Sponsor: REP. BEVERLY BARNHART

{Tape: 2; Side: A; Approx. Time Count: 2.7}

Proponents' Testimony:

MARS SCOTT, Montana State Bar; Domestic Relations Study
Commission

{Tape: 2; Side: A; Approx. Time Count: 6.3}

CORBIN HOWARD, Attorney, Domestic Relations Study Commission

{Tape: 2; Side: A; Approx. Time Count: 9.3}

SARAH BAXTER, Ph.D., Psychologist

{Tape: 2; Side: A; Approx. Time Count: 22.7}

ANDREW MALCOLM, Governor's Office

{Tape: 2; Side: A; Approx. Time Count: 27.5}

STEPHANIE SCHMIDT

{Tape: 2; Side: A; Approx. Time Count: 29.6}

TIM KUNTZ, Montana Trial Lawyers' Association

EXHIBIT 4

{Tape: 2; Side: A; Approx. Time Count: 31.3}

GAIL GOHEEN, Domestic Relations Commission

{Tape: 2; Side: A; Approx. Time Count: 32.}

CAROL MITCHELL EXHIBIT 5
{Tape: 2; Side: A; Approx. Time Count: 35.3; Comments: REP. WYATT
took the chair in the absence of Chairman CLARK.}

Opponents' Testimony:

NEIL HAIGHT
{Tape: 2; Side: A; Approx. Time Count: 39.3; Comments: Mr. Haight
signed the visitor register for HB 272 in error.}

VIVIAN MARIE, Attorney EXHIBIT 6 and 6A
{Tape: 2; Side: B; Approx. Time Count: 0.5; Comments: Portions of
these exhibits were read into the record.}

JOHN HOLLOW, Attorney EXHIBIT 7
{Tape: 2; Side: B; Approx. Time Count: 3.9; Comments: Exhibit 7
was requested by the committee and was presented after the close
of the hearing.}

Proponents' Testimony:

KERRY NEWCOMER, Domestic Relations Study Commission
{Tape: 2; Side: B; Approx. Time Count: 11.4; Comments: REP. CLARK
resumed the chair; opponents relinquished the balance of their
time for continuation of proponents' testimony.}

ROB TAMELER, Domestic Relations Study Commission
{Tape: 2; Side: B; Approx. Time Count: 16.3}

KYLE CUNNINGHAM, Attorney, Domestic Relations Study Commission
{Tape: 2; Side: B; Approx. Time Count: 20.2}

HANK HUDSON, Administrator, Child and Family Services, Department
of Public Health and Human Services (DPHHS)
{Tape: 2; Side: B; Approx. Time Count: 22.3}

MARY ALICE COOK, Independent Advocate for Children and Families
{Tape: 2; Side: B; Approx. Time Count: 23.6}

EXHIBIT 8

{Comments: This exhibit was presented after the close of the
hearing.}

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 24.2-Tape 3; Side A;
20.3.}

Closing by Sponsor: REP. BARNHART

{Tape: 3; Side: A; Approx. Time Count: 20.4; Comments: Rep.
Wyatt assumed the chair in the absence of Rep. Clark.}

HEARING ON HB 273

Opening Statement by Sponsor: REP. MC GEE

Proponents' Testimony:

BETH BAKER, Department of Justice
{Tape: 3; Side: A; Approx. Time Count: 24.2}

JUDGE MIKE SALVAGNI
{Tape: 3; Side: A; Approx. Time Count: 32.4}

JOHN CONNOR, Montana County Attorneys' Association
{Tape: 3; Side: A; Approx. Time Count: 35.2}

Opponents' Testimony:

SEN. J.D. LYNCH
{Tape: 3; Side: A; Approx. Time Count: 37.1}

Questions From Committee Members and Responses:
{Tape: 3; Side: A; Approx. Time Count: 39.8-end of Side A}

Closing by Sponsor: REP. MC GEE
{Tape: 3; Side: B; Approx. Time Count: 0.1}

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

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:40 PM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg