

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 30, 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. 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. 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)

Members Absent: Rep. Linda McCulloch (D)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 187 SB 24, POSTED 1/21/97
HB 352, POSTED 1/27/97
Executive Action: SB 24 BE CONCURRED IN
HB 159 TABLE
HB 257 DO PASS
HB 208 DO PASS AS AMENDED
HB 239 DO PASS AS AMENDED

HEARING ON SB 24

Opening Statement by Sponsor: SEN. WALTER MC NUTT
{Tape: 1; Side: A; Approx. Time Count: 2.3}

Proponents' Testimony:

GEN. GARY HINDOIEN, Department of Military Affairs
{Tape: 1; Side: A; Approx. Time Count: 3.0}

ROGER HAGAN, Officer and Enlisted Association
{Tape: 1; Side: A; Approx. Time Count: 4.9}

EXHIBIT 1

Questions From Committee Members and Responses:
{Tape: 1; Side: A; Approx. Time Count: 5.4 - 16.0}

Closing by Sponsor: SEN. MC NUTT
{Tape: 1; Side: A; Approx. Time Count: 16.1}

HEARING ON HB 187

Opening Statement by Sponsor: REP. ALLAN WALTERS
{Tape: 1; Side: A; Approx. Time Count: 16.7}

Proponents' Testimony:

WENDY EWING
{Tape: 1; Side: A; Approx. Time Count: 19.7}

EXHIBIT 2

RUSSELL HILL
{Tape: 1; Side: A; Approx. Time Count: 23.7}

Opponents' Testimony:

REP. DAN MC GEE
{Tape: 1; Side: A; Approx. Time Count: 24.8; Comments: REP. MC GEE read Exhibit 3 for the record.}

EXHIBIT 3

Questions From Committee Members and Responses:
{Tape: 1; Side: A; Approx. Time Count: 28.5 - End of Side A}

Closing by Sponsor: REP. WALTERS
{Tape: 1; Side: B; Approx. Time Count: 0.1}

HEARING ON HB 352

Opening Statement by Sponsor: REP. PAUL SLITER
{Tape: 1; Side: B; Approx. Time Count: 2.8}

EXHIBITS 4 & 5

Proponents' Testimony:

A. ELWELL, Northwest Arms Collectors, Weapons Collectors of Montana
{Tape: 1; Side: B; Approx. Time Count: 13.2}

HENRY ELLIOTT, Law Enforcement

{Tape: 1; Side: B; Approx. Time Count: 16.2}

Opponents' Testimony:

RUSSELL HILL, Montana Trial Lawyers Association

EXHIBIT 6

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

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 24.3 - Tape 2; Side A;
43.2}

Closing by Sponsor: REP. SLITER

{Tape: 2; Side: A; Approx. Time Count: 43.3 - Tape 2; Side A;
1.4}

EXECUTIVE ACTION ON SB 24

Motion/Vote: REP. WYATT moved SB 24 BE CONCURRED IN. The motion carried 16 - 0. REP TASH will carry the bill.

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

EXECUTIVE ACTION ON HB 239

Motion: REP. DAN MC GEE moved HB 239 DO PASS.

{Tape: 2; Side: B; Approx. Time Count: 3.5}

Motion/Vote: REP. MC GEE moved amendments to HB 239. EXHIBIT 7
The motion carried by unanimous voice vote.

Motion/Vote: REP. MC GEE moved substitute wording of the amendments to strike "his or her own signature." and insert, "the notary's own signature." The motion carried by unanimous voice vote.

Motion/Vote: REP. MC GEE moved HB 239 DO PASS AS AMENDED. The motion carried 16 - 0.

EXECUTIVE ACTION ON HB 208

Motion: REP. DEB KOTTEL moved HB 208 DO PASS.

EXHIBIT 8

{Tape: 2; Side: B; Approx. Time Count: 7.7; Comments: Exhibit 8 was distributed concurrent with Executive Action as information.}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 10.1; Comments: The committee delayed action on the bill pending a comparison with HB 100 and considered referring it to the Select Committee on Corrections for consideration.}

EXECUTIVE ACTION ON HB 159

Motion: REP. DUANE GRIMES moved HB 159 DO PASS.

{Tape: 2; Side: B; Approx. Time Count: 14.7}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 14.8}

Motion/Vote: REP. KOTTEL moved HB 159 be TABLED. The motion carried 14 - 2, REPS. WYATT and HURDLE voting no.

{Tape: 2; Side: B; Approx. Time Count: 15.0}

EXECUTIVE ACTION ON HB 208

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 16.1 - 20.7; Comments: The committee resumed action on HB 208 by comparing it with HB 100.}

Motion: REP. SHIELL ANDERSON moved to amend HB 208.

{Tape: 2; Side: B; Approx. Time Count: 22.4; Comments: REP. ANDERSON later withdrew the motion (approx. 24.3).}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 25.2 - 29.3; Comments: Discussion on the bill.}

Motion: REP. ANDERSON moved to amend line 14 on page 3 and line 11 on page 6 to strike "than" and insert "not less than \$100 or more than".

{Tape: 2; Side: B; Approx. Time Count: 29.4}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 32.0 - 35.7}

Vote: The motion carried 11 - 8, REPS. CLARK, SANDS, GRIMES, BERGMAN, BOHARSKI, SOFT, HURDLE and AHNER voting no.

Motion: REP. BRAD MOLNAR moved HB 208 DO PASS AS AMENDED.

{Tape: 3; Side: A; Approx. Time Count: 3.1}

Motion: REP. SANDS moved to amend HB 208.

{Tape: 3; Side: A; Approx. Time Count: 3.5}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 4.6 - 9.2; Comments: REP. SANDS withdrew her motion.}

Vote: The motion that HB 208 DO PASS AS AMENDED carried 18 - 0.

EXECUTIVE ACTION ON HB 257

Motion/Vote: REP. ELLINGSON moved HB 257 DO PASS. The motion carried 17-1, REP. BOHARSKI voting no.

Motion/Vote: REP. BERGMAN moved the meeting be adjourned. The motion carried by unanimous voice vote.

ADJOURNMENT

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



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg