

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on February 6, 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)

Members Excused: REP. BOHARSKI was excused until 10:30 AM.
REP. ELLINGSON was excused until 9:00 AM.

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 243, HB 337, SB 103 POSTED
1/28/97
Executive Action: SB 103 BE CONCURRED IN
HB 343 DO PASS AS AMENDED
HB 231 TABLED

HEARING ON HB 243Opening Statement by Sponsor: REP. MATT DENNY

{Tape: 1; Side: A; Approx. Time Count: 2.1; Comments: This set of minutes is recorded on 90-minute tapes.}

Proponents' Testimony:

BRAD GRIFFIN, Montana Retail Association

{Tape: 1; Side: A; Approx. Time Count: 3.5}

ARIC CURTISS, ShopKo - Helena

{Tape: 1; Side: A; Approx. Time Count: 5.3}

BERNARD JAKEWAY, ShopKo - Great Falls

{Tape: 1; Side: A; Approx. Time Count: 8.2}

JEFF KOCH, Montana Collectors Association/Associated Credit

Bureaus of Montana

EXHIBIT 1

{Tape: 1; Side: A; Approx. Time Count: 9.7}

CHRIS GALLUS, Montana Chamber of Commerce

{Tape: 1; Side: A; Approx. Time Count: 13.1}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 14.1 - 31.0}

Closing by Sponsor: REP. DENNY

{Tape: 1; Side: A; Approx. Time Count: 31.1}

HEARING ON SB 103Opening Statement by Sponsor: SENATOR FRED VAN VALKENBURG

{Tape: 1; Side: A; Approx. Time Count: 34.3}

Proponents' Testimony:

MICHAEL MC CABE, Staff Judge Advocate General,

Department of Military Affairs

EXHIBITS 2 and 3

{Tape: 1; Side: B; Approx. Time Count: 5.4}

BILL GIANOULIAS, Chief Counsel, Department of Administration

{Tape: 1; Side: B; Approx. Time Count: 5.5}

ROGER HAGAN, Officer and Enlisted Associations of

Montana National Guard

EXHIBIT 4

{Tape: 1; Side: B; Approx. Time Count: 6.0}

Opponents' Testimony:

JAMIE TOWE, Attorney

EXHIBIT 5

{Tape: 1; Side: B; Approx. Time Count: 11.7}

JAMES TRANKEL

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

RUSSELL HILL, Montana Trial Lawyers Association

{Tape: 1; Side: B; Approx. Time Count: 27.6}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 28.9-Tape 2; Side A; 0.4}

Closing by Sponsor: SEN VAN VALKENBURG

{Tape: 2; Side: A; Approx. Time Count: 0.5}

HEARING ON HB 337

Opening Statement by Sponsor: REP. JOHN BOHLINGER

EXHIBIT 6

{Tape: 2; Side: A; Approx. Time Count: 8.3}

Proponents' Testimony:

JOAN MILES, Lewis & Clark County Health Department

EXHIBIT 7

{Tape: 2; Side: A; Approx. Time Count: 13.1}

MARY MC CUE, Montana Dental Association

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

MARY ALICE COOK, Advocate for Children and Families

{Tape: 2; Side: A; Approx. Time Count: 23.7}

JERRY LOENDORF, Montana Medical Association

{Tape: 2; Side: A; Approx. Time Count: 25.4}

RUSSELL HILL, Montana Trial Lawyers Association

{Tape: 2; Side: A; Approx. Time Count: 28.1}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 28.7 - 38.5}

Closing by Sponsor: REP. BOHLINGER

{Tape: 2; Side: A; Approx. Time Count: 38.6}

EXECUTIVE ACTION ON HB 231

Motion: REP. DIANA WYATT moved HB 231 DO PASS. EXHIBITS 8 and 9

{Tape: 2; Side: B; Approx. Time Count: 0.2}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 0.4 - 37.4}

Motion/Vote: REP. DUANE GRIMES moved HB 231 BE TABLED. The motion carried 10 - 7, REPS. WYATT, MC CULLOCH, PEASE, SANDS and KOTTEL voting no. (REPS. MOLNAR, HANSON and TASH voted aye to table by proxy.)

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 38.5 - end of tape.}

Motion: REP. WYATT moved that a subcommittee be formed to work out amendments to HB 231. The motion carried and Chairman Clark appointed RESP. ELLINGSON, SOFT, GRIMES and MC CULLOCH to that subcommittee.

{Tape: 3; Side: A; Approx. Time Count: 0.1}

EXECUTIVE ACTION ON SB 103

Motion: REP. AHNER moved SB 103 BE CONCURRED IN.

{Tape: 3; Side: A; Approx. Time Count: 2.6}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 4.0 - 14.3}

Vote: The motion carried 18 - 1, REP. BOHARSKI voting no.

EXECUTIVE ACTION ON HB 343

Motion: REP. AHNER moved HB 343 DO PASS. EXHIBITS 10 and 11

{Tape: 3; Side: A; Approx. Time Count: 17.0}

Motion/Vote: REP. GRIMES moved the amendments of 1/27/97. The motion carried 18 - 1, REP. MC GEE voting no.

Motion: REP. GRIMES moved HB 343 DO PASS AS AMENDED.

Motion: REP. ANDERSON moved further amendments to HB 343.

{Tape: 3; Side: A; Approx. Time Count: 20.8}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 21.3 - 25.9}

Vote: The motion failed by voice vote.

{Tape: 3; Side: A; Approx. Time Count: 26.5}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 27.0 - 32.3}

Motion: REP. MC GEE moved to amend HB 343 by striking "primary aggressor" in section 8.

{Tape: 3; Side: A; Approx. Time Count: 33.8}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 33.8-Tape 3; Side B; 3.5}

Vote: The motion failed by voice vote.

Motion: REP. JON ELLINGSON moved HB 343 DO PASS AS AMENDED.

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 4.7}

Vote: The motion carried 16 - 2. REPS. MOLNAR and MC GEE voting no. (REPS. MC CULLOCH and SMITH voted aye by proxy.) (REPS. HANSON and BOHARSKI were absent and did not vote.)

MOTION/VOTE: REP. MC GEE MOVED TO ADJOURN. THE MOTION CARRIED by unanimous voice vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:55 AM.

Bob Clark

REP. BOB CLARK, Chairman

Joanne Gunderson

JOANNE GUNDERSON, Secretary

BC/jg