

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on February 7, 1997, at 8:15 AM, in Room 312-2.

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. H.S. "Sonny" Hanson (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Brad Molnar (R)
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) until 10:30 AM

Members Absent: Rep. Duane Grimes (R)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 299, HB 303, HB 325
POSTED 1/28/97

HEARING ON HB 299 and 303Opening Statement by Sponsor: REP. BILL BOHARSKI

{Tape: 1; Side: A; Approx. Time Count: 5.5; Comments: This set of minutes is recorded on 90-minute tapes. IT SHOULD BE NOTED THAT SEVERAL PROPONENTS AND OPPONENTS FOR HB 299 AND 303 SIGNED THE VISITOR REGISTER FOR HB 325 AND VICE VERSA.}

Proponents' Testimony:

LISA MORRIS

{Tape: 1; Side: A; Approx. Time Count: 12.5; Comments: See written testimony submitted following the hearing as Exhibit 36.}

LAURIE KOUTNIK, Christian Coalition of Montana

EXHIBIT 1

{Tape: 1; Side: A; Approx. Time Count: 18.3}

ARLETTE RANDASH, Eagle Forum

{Tape: 1; Side: A; Approx. Time Count: 21.6}

Opponents' Testimony:

JOHN MORALES, Fort Peck Tribal Executive Board

EXHIBIT 2

{Tape: 1; Side: A; Approx. Time Count: 27.1}

THOMAS "STONE" ANKETELL, Councilman, Assiniboine and Sioux Tribes of the Fort Peck Reservation

EXHIBIT 3

{Tape: 1; Side: A; Approx. Time Count: 28.5}

KATE CHOLEWA, Montana Women's Lobby

EXHIBIT 4 AND 4A

{Tape: 1; Side: A; Approx. Time Count: 35.7}

CHRISTINE KAUFMANN, Montana Human Rights Network

EXHIBIT 5

{Tape: 1; Side: A; Approx. Time Count: 38.2}

TRUDY MILLER, ACLU

EXHIBIT 6

{Tape: 1; Side: A; Approx. Time Count: 43.2}

LOREN STIFFARM, Montana Indian Education Association

{Tape: 1; Side: B; Approx. Time Count: 0.8}

SHARON HOFF, Montana Catholic Conference

EXHIBIT 7

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

CAROLE LANDFORD, Confederated Salish and Kootenai Tribes

EXHIBITS 8 and 9

{Tape: 1; Side: B; Approx. Time Count: 9.2}

STAN JUNEAU, Heart Butte

{Tape: 1; Side: B; Approx. Time Count: 8.7}

EARL OLD PERSON, Chairman, Blackfeet Nation

EXHIBIT 10 AND 10A

{Tape: 1; Side: B; Approx. Time Count: 12.0}

TARA MELE, Montana PIRG EXHIBIT 11
{Tape: 1; Side: B; Approx. Time Count: 16.8}

HELEN IKE, Montana Minority Business Association EXHIBIT 12
{Tape: 1; Side: B; Approx. Time Count: 18.0}

CORLANN GEE BUSH, Montana Association for Civil Rights and Affirmative Action EXHIBIT 13
{Tape: 1; Side: B; Approx. Time Count: 19.5}

FRANK BUCK, MSU, Billings EXHIBITS 14 and 14A
{Tape: 1; Side: B; Approx. Time Count: 22.2}

ARNOLD CALF BOSS RIBS, MSU Bozeman EXHIBITS 15
{Tape: 1; Side: B; Approx. Time Count: 24.5}

JUANITA WAGNER, Montana United Indian Association
{Tape: 1; Side: B; Approx. Time Count: 28.5}

FLORENCE BUSTWICK, Blackfeet Community College
{Tape: 1; Side: B; Approx. Time Count: 28.9}

RICHARD CROFTS, Office of Higher Education EXHIBIT 15A
{Tape: 1; Side: B; Approx. Time Count: 29.7; Comments: This exhibit was sent to the committee following the hearing.}

MICHAEL TODD, Ft. Peck Community College EXHIBIT 16
{Tape: 1; Side: B; Approx. Time Count: 30.0; Comments: From this point on, times were not recorded as witnesses merely stated their names as opponents.}

DUSTIN MC GEE, Blackfeet Community College

PAULA HEALY, Ft. Belknap College EXHIBIT 17

LOREN BIRD RATTLER, Blackfeet Community College

RUSSELL HILL, Montana Trial Lawyers Association EXHIBIT 18

BRAD MARTIN, Montana Democratic Party

ELLEN SWANEY, Office of Commission on Higher Education EXHIBITS 19 through 19C

BETTY WADDELL, Montana Association of Churches EXHIBITS 20 and 20A

JASON THIELMAN, Student Body President, U of M, Missoula

JEREMY FRITZ, Association of MSU Students

MARLENE BEAR WALKER, Blackfeet Tribal Business Council

GAIL WHITFORD

ANGELA McDANNEL

WYMAN McDONALD, Coordinator, Office of Indian Affairs, Office of
the Governor

DARRELL HOLZER, AFL/CIO

MIKE LA MERE, MSU

EXHIBIT 21

RODNEY JARVIS, Blackfeet Tribe

GEORGE JUMPS NOW, Assiniboine Tribe

SHARON RUIZ, Montana People's Action

EXHIBIT 22

DALLAS FALCON, MSU, Northern

CONNIE FILESTEEL, Ft. Belknap/MSU, Northern

LOUISE MOORE, Interdepartmental Coordinating Committee
for Women

EXHIBIT 23

FAYE RED FOX, MSU/Northern, Multi-Cultural Coordinator EXHIBIT 24

BRUCE SUNCHILD, Chippewa Cree Business Committee EXHIBITS 25-25A

HELEN WINDY BOY, Stone Child College

EXHIBIT 26

BECKY DE AREE, Stone Child College

EXHIBIT 27

RENEE HOWLEY, MSU, Northern

GRETCHEN BRIEN, MSU, Billings

JOLISA BAHR, MSU Billings

MICHAEL BLACK WOLF, Ft. Belknap College

EXHIBIT 28

JOHN MURRAY, Blackfeet Community College

BILL DAEHLING, MSU, Northern

ARICKA DENNY, Students for Proactive Legislation

EXHIBIT 29

TARA LONGTREE, Ft. Peck Community College

EXHIBIT 30

UNIDENTIFIED WITNESS, Ft. Peck Community College

UNIDENTIFIED WITNESS, Assiniboine Tribe

*{Tape: 2; Side: A; Approx. Time Count: 0.1; Comments: Tape was
changed between witnesses reporting too quickly to record while
changing tapes.}*

MICHAEL DURGLO, Salish Kootenai Tribes

ROBERT MAD PLUME, Blackfeet Community College

MICHELE LEWIS, REGISTRAR/ADMISSIONS OFFICER
Ft. Belknap College

EXHIBIT 31

HEATHER RYAN, MSU, Bozeman

FREDERICA LEFTHAND, MSU, Bozeman

HARVETTA TROMBLEY, Blackfeet Tribe, Blackfeet Community College

HARLAN TROMBLEY, Blackfeet Tribe, Blackfeet Community College

SYLVESTER SPOTTED BEAR, MSU, Billings

UNIDENTIFIED WITNESS, Blackfeet Community College

HOWARD RIDES AT THE DOOR, Blackfeet Tribe

NETA OLD ELK, Montana Tech

AART DOLMAN

EXHIBIT 32

LYLE MacDONALD, Stone Child College

PAUL MARINO, Stone Child College

EXHIBIT 32A

{Tape: 2; Side: A; Approx. Time Count: 4.3; Comments: This exhibit was sent to the committee following the hearing.}

ANDY LEWIS, Montana Minority Business Association

DEBRA WUVODA, Montana Minority Business Association

GARY STEVENS, Salish Kootenai Tribe

JANET ROBIDEAU, Montana People's Action

TOM SHAVER, District Organizer, Montana People's Action, Billings

GENE GRANT, Blackfeet Tribe, Compliance Officer for Employment

CATHLEEN FLEURY, Attorney for Blackfeet Nation

MARGARET CAMPBELL, Ft. Peck Community College

EXHIBIT 33

DESIREE KIRN LAMBERT, Director Education Department
Ft. Peck Reservation

EXHIBIT 34

THERESE HETZEL, Missoula District Organizer, Montana People's
Action

UNIDENTIFIED WITNESS, Blackfeet Nation

{Tape: 2; Side: A; Approx. Time Count: 7.3; Comments: Could not clearly hear this witnesses name on tape.}

EXHIBITS 35 and 36

{Comments: These exhibits were submitted following the hearing.}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 7.6 - Tape 2; Side B; 5.2}

Closing by Sponsor: REP. BOHARSKI

{Tape: 2; Side: B; Approx. Time Count: 5.3 - 17.7}

HEARING ON HB 325

Opening Statement by Sponsor: REP. MATT BRAINARD

{Tape: 2; Side: B; Approx. Time Count: 20.0} EXHIBIT 37 - 37E

Proponents' Testimony:

PAUL BEFUMO, Montanans for Due Process

EXHIBIT 38

{Tape: 2; Side: B; Approx. Time Count: 28.9}

CHARLES LORENTZEN

EXHIBIT 39

{Tape: 2; Side: B; Approx. Time Count: 36.3}

WALT DUPEA

{Tape: 2; Side: B; Approx. Time Count: 39.0}

DICK GREEN

{Tape: 2; Side: B; Approx. Time Count: 41.1}

MIKE COLLINS, Independent Montana Miners

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

RICHARD MAUZEY

{Tape: 3; Side: A; Approx. Time Count: 0.9}

LOUISE BOWMAN

{Tape: 3; Side: A; Approx. Time Count: 2.4}

CAROL BANCROFT

{Tape: 3; Side: A; Approx. Time Count: 3.3}

KAMALA WEBB

{Tape: 3; Side: A; Approx. Time Count: 5.4}

LORON DON HERBERT

{Tape: 3; Side: A; Approx. Time Count: 7.3}

BOBBIE ROSSIGNOL

{Tape: 3; Side: A; Approx. Time Count: 10.4}

TOM FARRENKOPF

{Tape: 3; Side: A; Approx. Time Count: 10.8}

STEVE HAIGE

{Tape: 3; Side: A; Approx. Time Count: 11.7}

CLAYTON STOTLER

{Tape: 3; Side: A; Approx. Time Count: 12.1}

DICK ROSSIGNOL

{Tape: 3; Side: A; Approx. Time Count: 13.8}

EXHIBIT 40

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

Opponents' Testimony:

CHRISTINE KAUFMANN, Montana Human Rights Network EXHIBITS 41-41A

{Tape: 3; Side: A; Approx. Time Count: 14.7}

RUSSELL HILL, Montana Trial Lawyers Association

{Tape: 3; Side: A; Approx. Time Count: 18.4; Comments: Objected to language on lines 17 and 18, otherwise did not object to bill}

Informational Testimony:

JOHN CONNOR, County Attorneys' Association

{Tape: 3; Side: A; Approx. Time Count: 19.6; Comments: Said there was little to object to on the face of the bill.}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 33.3-Tape 3; Side B; 19.1}

Closing by Sponsor: REP. BRAINARD

{Tape: 3; Side: A; Approx. Time Count: 19.2}

ADJOURNMENT

Adjournment: The meeting was adjourned at 12:45 PM.

Bob Clark

REP. BOB CLARK, Chairman

Joanne Gunderson

JOANNE GUNDERSON, Secretary

BC/jg