

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on February 10, 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 292, HB 416, HB 415
POSTED 2/5/97
Executive Action: HB 163 TABLED
HB 243 DO PASS AS AMENDED

HEARING ON HB 292

Opening Statement by Sponsor: REP. EDWARD J. "ED" GRADY
{Tape: 1; Side: A; Approx. Time Count: 1.4} EXHIBIT 1

Proponents' Testimony:

LARRY CLIFFORD, East Helena Police
{Tape: 1; Side: A; Approx. Time Count: 1.0}

JIM OBERHOFFER, Board of Crime Control
{Tape: 1; Side: A; Approx. Time Count: 12.5; Comments: This set
of minutes was recorded on 90-minute tapes.}

Questions From Committee Members and Responses:
{Tape: 1; Side: A; Approx. Time Count: 14.0}

Closing by Sponsor: REP. GRADY
{Tape: 1; Side: A; Approx. Time Count: 17.2}

EXECUTIVE ACTION ON HB 243

Motion: REP. DIANA WYATT moved HB 243 DO PASS.
{Tape: 1; Side: A; Approx. Time Count: 20.0; Comments: The time
count was not recorded for the balance of executive action.}

Discussion: Amendments by REP. DENNY were discussed.

Motion/Vote: REP. BILL BOHARSKI moved the amendments. The
motion carried 20 - 0.

Motion/Vote: REP. BOHARSKI moved HB 243 DO PASS AS AMENDED. The
motion carried 20 - 0.

HEARING ON HB 416

Opening Statement by Sponsor: REP. WES PROUSE EXHIBITS 2 and 3
{Tape: 1; Side: A; Approx. Time Count: 24.1}

Proponents' Testimony:

GARY MARBUT, Montana Shooting Sports Association EXHIBITS 3A-3B
{Tape: 1; Side: A; Approx. Time Count: 31.9; Comments: These
exhibits were mailed in after the close of the hearing.}

BUD ELWELL, Northwest Arms Collectors
{Tape: 1; Side: A; Approx. Time Count: 41.3}

RICHARD OVERCAST, Missoula Businessman
{Tape: 1; Side: A; Approx. Time Count: 41.8}

Opponents' Testimony:

KATHY MCGOWAN, Montana Peace Officers Association
{Tape: 1; Side: B; Approx. Time Count: 1.4}

MIKE BATISTA, Department of Justice
{Tape: 1; Side: B; Approx. Time Count: 1.5}

KATE CHOLEWA, Montana Women's Lobby
{Tape: 1; Side: B; Approx. Time Count: 3.5}

JOHN WHITESINGER
{Tape: 1; Side: B; Approx. Time Count: 4.4}

EXHIBIT 4

JERRY WILLIAMS, Montana Association of Chiefs of Police
& Montana Police Protective Association
{Tape: 1; Side: B; Approx. Time Count: 6.0}

BETTY WADDELL, Montana Association of Churches
{Tape: 1; Side: B; Approx. Time Count: 7.4}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 9.8-Tape 2; Side A; 15.9}

Closing by Sponsor: REP. PROUSE

EXHIBIT 5

{Tape: 1; Side: B; Approx. Time Count: 16.0 - 27.4}

HEARING ON HB 415

Opening Statement by Sponsor: REP. AUBYN CURTISS

{Tape: 1; Side: B; Approx. Time Count: 27.5}

EXHIBITS 6-6C

Proponents' Testimony:

REP. MATT BRAINARD

EXHIBIT 7

{Tape: 1; Side: B; Approx. Time Count: 34.2}

GARY MARBUT, Montana Shooting Sports Association

EXHIBIT 8-8P

{Tape: 1; Side: B; Approx. Time Count: 39.6-Tape 2; Side A; 8.4}

MIKE HANKINS, National Volunteer Militia

{Tape: 2; Side: A; Approx. Time Count: 8.5}

R. L. "STONE" BURK, Attorney

{Tape: 2; Side: A; Approx. Time Count: 12.8}

WALTER HAMMERMEISTER

{Tape: 2; Side: A; Approx. Time Count: 16.2; Comments: Read from
an article in "Montana Stockgrowers" publication.}

ROB DAVIES

{Tape: 2; Side: B; Approx. Time Count: 18.1; Comments: This
witness did not sign in.}

Opponents' Testimony:

SHERIFF CHUCK O'REILLY, Lewis and Clark County

EXHIBIT 9

{Tape: 2; Side: B; Approx. Time Count: 21.1}

JOHN CONNOR, Department of Justice

{Tape: 2; Side: B; Approx. Time Count: 27.8; Comments: Judy
Browning, Office of the Governor, left message to be read.}

JERRY WILLIAMS, Montana Police Protective Association and
Montana Police Chief's Association

{Tape: 2; Side: B; Approx. Time Count: 35.4}

Further Proponents:

DUANE SPETHMAN

{Tape: 2; Side: B; Approx. Time Count: 36.7 - end of tape}

RICHARD OVERCAST

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

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 1.0 - 38.2; Comments:
Exhibits 10 and 11 were distributed during the question portion
of the hearing.} EXHIBITS 10 and 11

Closing by Sponsor: REP. CURTISS

{Tape: 3; Side: A; Approx. Time Count: 38.3}

EXECUTIVE ACTION ON HB 163

Motion: REP. BOHARSKI moved HB 163 DO NOT PASS.

{Tape: 3; Side: B; Approx. Time Count: 0.1; Comments: REP. MC GEE
assumed the chair.}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 1.2 - 6.3; Comments:
Exhibit was distributed during the discussion period.} EXHIBIT 12

Motion/Vote: REP. DEB KOTTEL moved to table HB 163. The motion
carried 19 - 1, REP. MC CULLOCH voting no. (REPS. HANSON, AHNER,
CLARK, TASH, and WYATT voted aye by proxy.)

EXECUTIVE ACTION ON HB 222

Motion: REP. SHIELL ANDERSON moved HB 222 DO PASS.

{Tape: 3; Side: B; Approx. Time Count: 10.9}

Motion/Vote: REP. GRIMES moved to amend HB 222. EXHIBIT 13
The motion carried by unanimous voice vote.

Motion: REP. ANDERSON moved HB 222 DO PASS AS AMENDED.

{Tape: 3; Side: B; Approx. Time Count: 12.6}

Discussion:

{Tape: 3; Side: B; Comments: The tape machine was unplugged, time
count no longer accurate for Tape 3, Side B.}

Motion: REP. KOTTEL moved to amend HB 222.

Discussion:

{Tape: 3; Side: B; to Tape 4; Side A; 1.1 Comments: This set of
minutes is completed on a 60-minute tape. Chairman Clark resumed
the chair.}

Motion: REP. SMITH moved a substitute amendment changing the number of days of elapsed time from 180 to 120 and retain lines 2 and 3 on page 2.

{Tape: 4; Side: A; Approx. Time Count: 3.2}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 7.1 - 11.9}

Vote: The motion failed by voice vote. (REP. WYATT voted by proxy.)

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 12.4; Comments: The chairman postponed further action until 7 AM the next day.}

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

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:45 AM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg