

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 11, 1997, at 7:00 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. WYATT, REP. BOHARSKI and REP. TASH were excused until 8:00 AM.

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 389, HB 419, HB 411, HB 401  
POSTED 2/5/97  
Executive Action: HB 222 DO PASS AS AMENDED  
HB 292 DO PASS AS AMENDED  
HB 401 DO PASS AS AMENDED  
HB 411 DO PASS AS AMENDED  
HB 276, 306, 419, 389 TABLED

EXECUTIVE ACTION ON HB 276

Motion: REP. DEB KOTTEL moved HB 276 DO PASS EXHIBITS 1 and 2  
{Tape: 1; Side: A; Approx. Time Count: 1.9; Comments; This set of minutes was recorded on 90-minute tapes.}

Discussion:  
{Tape: 1; Side: A; Approx. Time Count: 2.0 - 9.5}

Motion/Vote: REP. KOTTEL moved amendments to HB 276 EXHIBIT 3  
{Tape: 1; Side: A; Approx. Time Count: 9.6}

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

Vote: The motion carried 16 - 2. REPS. MC GEE and TASH voting no.  
{Tape: 1; Side: A; Approx. Time Count: 14.3}

Motion: REP. KOTTEL moved HB 276 DO PASS AS AMENDED.  
{Tape: 1; Side: A; Approx. Time Count: 14.8}

Discussion:  
{Tape: 1; Side: A; Approx. Time Count: 14.9 - 39.3}

Vote: The motion failed 9 - 11 by roll call vote. EXHIBIT 4

Motion/Vote: REP. SANDS moved HB 276 be tabled. The motion carried 16 - 0.  
{Tape: 1; Side: A; Approx. Time Count: 41.2; Comments: REPS. BOHARSKI, WYATT TASH and McCULLOCH were absent.}

EXECUTIVE ACTION ON HB 292

Motion: REP. DAN MC GEE moved HB 292 DO PASS.  
{Tape: 1; Side: A; Approx. Time Count: 42.0}

Motion/Vote: REP. SANDS moved amendments from the Board of Crime Control. The motion carried 16 - 0.  
{Tape: 1; Side: A; Approx. Time Count: 42.1}

Motion/Vote: REP. SANDS moved HB 292 DO PASS AS AMENDED. The motion carried 16 - 1; REP. HURDLE voting no. (REPS. WYATT and BOHARSKI voted aye by proxy; REPS. TASH and MC CULLOCH and AHNER were absent and did not vote.)  
{Tape: 1; Side: A; Approx. Time Count: 43.1}

EXECUTIVE ACTION ON HB 306

Motion: REP. ANDERSON moved HB 306 DO PASS.  
{Tape: 1; Side: A; Approx. Time Count: 44.5}

Motion/Vote: REP. ANDERSON moved to amend HB 306 on line 20, page 1. The motion carried 13 - 4; REPS. SANDS, KOTTEL, HURDLE and ELLINGSON voting no. (REPS. BOHARSKI, TASH and KOTTEL were absent and did not vote.)

*{Tape: 1; Side: B; Approx. Time Count: 0.4}*

Motion: REP. CURTISS moved to amend HB 306

EXHIBIT 5

*{Tape: 1; Side: B; Approx. Time Count: 4.0}*

Discussion:

*{Tape: 1; Side: B; Approx. Time Count: 4.9 - 13.1}*

Vote: The motion failed by voice vote.

Motion: REP. ANDERSON moved to amend HB 306.

Motion: REP. DUANE GRIMES moved to table HB 306. The motion carried 15 - 2; REPS. CURTISS and ANDERSON voting no.

HEARING ON HB 389

Opening Statement by Sponsor: REP. BRUCE SIMON

*{Tape: 1; Side: B; Approx. Time Count: 18.0-Tape 2; Side A; 6.0}*

Opponents' Testimony:

MARTIN JACOBSON, Attorney, Public Service Commission

EXHIBIT 6

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

RUSSELL CATER, Chief Legal Counsel, Department of Public Health and Human Services

EXHIBITS 7 and 7A

*{Tape: 2; Side: A; Approx. Time Count: 17.8; Comments: Said he spoke on behalf of all state agencies.}*

LEROY SCHRAMM, Montana University Systems

*{Tape: 2; Side: A; Approx. Time Count: 25.4; Comments: This witness did not sign in.}*

Informational Testimony:

BETH BAKER, Department of Justice

EXHIBIT 8

*{Tape: 2; Side: A; Approx. Time Count: 31.1}*

LANCE MELTON, Montana School Boards Association

EXHIBIT 9

*{Tape: 2; Side: A; Approx. Time Count: 40.1}*

Questions From Committee Members and Responses:

*{Tape: 2; Side: A; Approx. Time Count: 42.9-Tape 2; Side B; 15.7}*

Closing by Sponsor: REP. SIMON

*{Tape: 2; Side: B; Approx. Time Count: 15.8}*

*{Comments: This exhibit came after the hearing.}*

EXHIBIT 9A

HEARING ON HB 419

Opening Statement by Sponsor: REP. BRUCE SIMON  
{Tape: 2; Side: B; Approx. Time Count: 25.1}

Questions From Committee Members and Responses:  
{Tape: 2; Side: B; Approx. Time Count: 28.9; Comments: There were no witnesses testifying as proponents or opponents on this bill.}

Closing by Sponsor: REP. SIMON  
{Tape: 2; Side: B; Approx. Time Count: 31.6}

HEARING ON HB 411

Opening Statement by Sponsor: REP. CHRIS AHNER  
EXHIBITS 10 and 11

Proponents' Testimony:

MITZI SCHWAB, Department of Health and Human Services EXHIBIT 12  
{Tape: 2; Side: B; Approx. Time Count: 35.1}

CLARK PINKERTON  
{Tape: 2; Side: B; Approx. Time Count: 36.7}

REP. AHNER EXHIBIT 13  
{Tape: 2; Side: B; Approx. Time Count: 37.5 - Tape 3; Side A; 2.5; Comments: Rep. Ahner read statement of witness as shown in Exhibit 13.}

Questions From Committee Members and Responses:  
{Tape: 3; Side: A; Approx. Time Count: 3.0 - 24.3; Comments: This exhibit was distributed during questions portion of the hearing.}

EXHIBIT 14

Closing by Sponsor: REP. AHNER  
{Tape: 3; Side: A; Approx. Time Count: 24.4}

HEARING ON HB 401

Opening Statement by Sponsor: REP. JOE BARNETT  
{Tape: 3; Side: A; Approx. Time Count: 26.7}

Proponents' Testimony:

SCOTT RESTVEDT, Bail Bondsman, Belgrade  
{Tape: 3; Side: A; Approx. Time Count: 32.9}

MARY JO FOX, Governor's Office  
{Tape: 3; Side: A; Approx. Time Count: 38.6}

DEAN CROW, Bail Bondsman  
{Tape: 3; Side: A; Approx. Time Count: 39.5}

EARL ROWE, Bail Bondsman

{Tape: 3; Side: A; Approx. Time Count: 39.9}

Opponents' Testimony:

BOB GILBERT, Montana Magistrates Association

{Tape: 3; Side: A; Approx. Time Count: 40.6; Comments: Opposed time allotment.}

JOHN CONNOR, Montana County Attorneys Association

{Tape: 3; Side: A; Approx. Time Count: 41.6; Comments: Opposed time allotment.}

Questions From Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Count: 0.2 - 7.4}

Closing by Sponsor: REP. BARNETT

{Tape: 3; Side: B; Approx. Time Count: 7.5}

EXECUTIVE ACTION ON HB 222

Motion/Vote: REP. ANDERSON moved HB 222 DO PASS AS AMENDED. The motion carried 11 - 8; REPS. WYATT, SANDS, MC CULLOCH, PEASE, ELLINGSON, HURDLE, BOHARSKI and KOTTEL voting no. (REP. KOTTEL voted by proxy, REP. BERGMAN was not present for the vote.)

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

EXECUTIVE ACTION ON HB 419

Motion: REP. ANDERSON moved HB 419 DO PASS.

{Tape: 3; Side: B; Approx. Time Count: 14.5}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: Not recorded}

Motion: REP. ELLINGSON moved to amend HB 419 by striking subsection e on line 20, page 1.

Discussion:

{Tape: 3; Side: B; Approx. Time Count: Not recorded}

Motion/Vote: REP. MC GEE moved to table HB 419. The motion carried 19 - 0. (REP. KOTTEL was not present for the vote.)

{Tape: 3; Side: B; Approx. Time Count: 23.0 - 24.1; Comments: Committee discussion and point of personal privilege by REP. AHNER.}

EXECUTIVE ACTION ON HB 389

Motion: REP. BOHARSKI moved HB 389 DO NOT PASS.

{Tape: 3; Side: B; Approx. Time Count: 24.2}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 24.3 - 26.9}

Motion/Vote: REP. HANSON moved to table HB 389. The motion carried 16 - 4; REPS. BOHARSKI, CLARK, MOLNAR and MC GEE voting no.

{Tape: 3; Side: B; Approx. Time Count: 27.0}

EXECUTIVE ACTION ON HB 401

Motion: REP. ANDERSON moved HB 401 DO PASS.

Motion: REP. ANDERSON moved the amendments proposed by the sponsor.

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 28.5 - 29.9}

Vote: The motion carried by unanimous voice vote.

Motion: REP. AHNER moved HB 401 DO PASS AS AMENDED.

{Tape: 3; Side: B; Approx. Time Count: 30.3}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 30.5}

Motion: REP. ANDERSON moved to amend HB 401 to 60 days.

{Tape: 3; Side: B; Approx. Time Count: 31.0}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 31.5}

Vote: The motion to further amend HB 401 failed by voice vote.

{Tape: 3; Side: B; Approx. Time Count: 33.0}

Vote: The motion DO PASS AS AMENDED carried 20-0.

EXECUTIVE ACTION ON HB 411

Motion: REP. BOHARSKI moved HB 411 DO PASS.

{Tape: 3; Side: B; Approx. Time Count: 33.7}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 34.0 - 39.8}

Motion: REP. BOHARSKI moved proposed amendments.

{Tape: 3; Side: B; Approx. Time Count: 39.9}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 40.1 - Tape 4; Side A; 2.0}

Vote: The motion failed by voice vote.

Motion: REP. BOHARSKI moved to amend HB 411 with an immediate effective date. The motion carried 15 - 5; REPS. WYATT, MOLNAR, MC CULLOCH, SANDS and HURDLE voting no.

*{Tape: 4; Side: A; Approx. Time Count: 2.6}*

Motion: REP. BOHARSKI moved HB 411 DO PASS AS AMENDED.

Discussion:

*{Tape: 4; Side: A; Approx. Time Count: 3.4}*

Vote: The motion carried 13 - 7; REPS. WYATT, MC CULLOCH, SANDS, KOTTEL, ELLINGSON, HURDLE and SOFT voting no.

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

ADJOURNMENT

**Adjournment:** The meeting was adjourned at noon.



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REP. BOB CLARK, Chairman



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JOANNE GUNDERSON, Secretary

BC/jg