

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 12, 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. Boharski was 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 365, HB 396; POSTED 2/6/97  
Executive Action: HB 396 DO PASS  
HB 337 DO PASS AS AMENDED  
HB 352 DO PASS AS AMENDED  
HB 346, HB 415 TABLED  
HB 325, DO PASS AS AMENDED\*

**EXECUTIVE ACTION ON HB 352**

**Motion:** REP. ANDERSON moved HB 352 DO PASS.

*{Tape: 1; Side: A; Approx. Time Count: 4.3; Comments: This set of minutes is recorded on 90-minute tapes.}*

Motion: REP. MC GEE moved to amend HB 352 to strike "original" on lines 4 and 13 and strike remainder of line 16 through "weapon and insert "property taken" and replace "weapon" with "property."

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 4.8}

Vote: The motion carried 11 - 7; REPS. WYATT, MC CULLOCH, PEASE, KOTTEL, SANDS, ELLINGSON and HURDLE voting no.

Motion/Vote: REP. MC GEE moved HB 352 DO PASS AS AMENDED. The motion carried 11 - 7; REPS. WYATT, MC CULLOCH, PEASE, KOTTEL, SANDS, ELLINGSON and HURDLE voting no. (REPS. BOHARSKI and GRIMES were not present and did not vote.)

{Tape: 1; Side: A; Approx. Time Count: 10.8; Comments: The motion and vote were preceded only by clarification discussion.}

EXECUTIVE ACTION ON HB 415

Motion: REP. CURTISS moved HB 415 DO PASS.

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 11.5}

Motion/Vote: REP. ANDERSON moved to table HB 415. The motion carried 12 - 6; REPS. WYATT, CURTISS, AHNER, BERGMAN, SMITH and CLARK voting no. (REPS. BOHARSKI and GRIMES were not present and did not vote.)

EXECUTIVE ACTION ON HB 346

Motion: REP. DIANA WYATT moved HB 346 DO PASS.

{Tape: 1; Side: A; Approx. Time Count: 15.4}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 15.5 - 17.6}

Motion: REP. WYATT moved the Department of Justice amendments.

{Tape: 1; Side: A; Approx. Time Count: 17.7}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 17.8}

Motion/Vote: REP. GRIMES moved to table HB 346. The motion carried 19 - 0.

EXECUTIVE ACTION ON HB 337

Motion: REP. LOREN SOFT moved HB 337 DO PASS.

{Tape: 1; Side: A; Approx. Time Count: 23.8}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 24.0}

Motion: REP. AHNER moved the amend HB 337 by striking references to physicians.

{Tape: 1; Side: A; Approx. Time Count: 40.2}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 42.1}

Vote: The motion carried 14 - 5; REPS. MOLNAR, MC CULLOCH, PEASE, GRIMES and AHNER voting no.

Motion/Vote: REP. AHNER moved HB 337 DO PASS AS AMENDED. The motion carried 19 - 0.

{Tape: 1; Side: A; Approx. Time Count: 43.0}

EXECUTIVE ACTION ON HB 325

Motion: REP. BERGMAN moved HB 325 DO PASS.

{Tape: 1; Side: B; Approx. Time Count: 0.1}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 0.3}

Motion/Vote: REP. KOTTEL moved to amend HB 325 to include the requirement of a two-thirds vote. The motion carried 19 - 0.

Motion: REP. KOTTEL moved HB 325 DO PASS AS AMENDED.

Discussion:

{Tape: 1; Side: B; Approx. Time Count: Not recorded}

Vote: The motion carried 13 - 6; REPS. ELLINGSON, HURDLE, PEASE, SANDS, MC CULLOCH and WYATT voting no. (REP. BOHARSKI was excused and had not left a proxy vote.) \*NOTE: HB 325 was not signed out of committee on 2/12/97. See minutes for 2/13/97.

HEARING ON HB 365

Opening Statement by Sponsor: REP. DAN MC GEE

{Tape: 1; Side: B; Approx. Time Count: 7.5}

Proponents' Testimony:

ROBERT M. ST. JOHN, MD

{Tape: 1; Side: B; Approx. Time Count: 13.4}

EXHIBITS 1 - 1D

LENNIE THOMPSON

{Tape: 1; Side: B; Approx. Time Count: 24.0}

EXHIBIT 2

CHRISTINE HELVIK

{Tape: 1; Side: B; Approx. Time Count: 25.2}

CHARLES LORENTZEN

{Tape: 1; Side: B; Approx. Time Count: 26.9}

EXHIBIT 3

DAVID VENTERS, Flathead ProLife EXHIBIT 4 & 4A  
{Tape: 1; Side: B; Approx. Time Count: 27.5}

GLENN CANFIELD EXHIBIT 5  
{Tape: 1; Side: B; Approx. Time Count: 33.0}

MARY PRINCE, Ravalli County Teens for Life EXHIBIT 6  
{Tape: 1; Side: B; Approx. Time Count: 35.4}

PAMELA PRINCE, Crisis Pregnancy Center EXHIBIT 7  
{Tape: 1; Side: B; Approx. Time Count: 38.0}

SHARON HOFF, Montana Catholic Conference EXHIBIT 8  
{Tape: 2; Side: A; Approx. Time Count: 0.6}

SUSAN GOOD, Montana Right to Life  
{Tape: 2; Side: a; Approx. Time Count: 3.0}

WALTER DUPEA  
{Tape: 2; Side: A; Approx. Time Count: 3.5}

REP. ALLAN WALTERS  
{Tape: 2; Side: A; Approx. Time Count: 3.9}

MICHELLE STRICKLAND EXHIBIT 9  
{Tape: 2; Side: A; Approx. Time Count: 4.0; Comments: The  
proponents' time was expired for testimony.}

ANNA "LUKE" KEATING

LAURIE KOUTNIK, Montana Christian Coalition EXHIBITS 10 and 10A

ARLETTE RANDASH, Eagle Forum

JERRY CHRISTESEN

JAMES GOTTFRIED

LUKE VENTERS

DEAN G  
{Comments: This witness did not sign in and name was inaudible.}

LINDA FRIEND

KATHY ROCCHIO

Opponents' Testimony:

CHRISTINE PHILLIPS, Montana National Abortion and  
Reproductive Rights Action League EXHIBIT 11  
{Tape: 2; Side: A; Approx. Time Count: 7.2}

EILEEN SULLIVAN

{Tape: 2; Side: A; Approx. Time Count: 10.3; Comments: This witness did not sign in.}

DEBORAH FRANDBEN, Planned Parenthood

EXHIBITS 12 - 12B

{Tape: 2; Side: A; Approx. Time Count: 17.8}

KATE CHOLEWA, Montana Women's Lobby

EXHIBIT 13

{Tape: 2; Side: A; Approx. Time Count: 20.6}

DEVON HARTMAN, Intermountain Planned Parenthood EXHIBITS 14 - 14A

{Tape: 2; Side: A; Approx. Time Count: 24.5}

JANET CREPPS, Center for Reproductive Law and Policy

EXHIBIT 15

{Tape: 2; Side: A; Approx. Time Count: 26.7; Comments: This witness did not sign in.}

KIRK BOND, ACLU

EXHIBIT 16

{Tape: 2; Side: A; Approx. Time Count: 33.0}

MARY ANNE GUGGENHEIM, MD

{Tape: 2; Side: A; Approx. Time Count: 34.4}

SHEENA WILSON

EXHIBIT 17

{Tape: 2; Side: A; Approx. Time Count: 35.7}

GAIL GUTSCHE

EXHIBIT 18

{Tape: 2; Side: A; Approx. Time Count: 36.9}

CHRISTIE SCHWEITZER

{Tape: 2; Side: A; Approx. Time Count: 38.7}

GRADEN OEHLERICH

EXHIBIT 19

{Tape: 2; Side: A; Approx. Time Count: 39.1; Comments: The opponents' time expired for testimony.}

JAN DONALDSON, RN

SANDRA BOSK

{Comments: This witness did not sign in.}

CHRIS LARSON

{Comments: This witness did not sign in.}

ELIZA FRAZER

KAGAN OWENS

ANN BROADSKI

{Comments: This witness did not sign in.}

VIVIAN MANUEL

KATHERINE FRIEMOND

*{Comments: This witness did not sign in and name was unclear.}*

CAROL LOVE

*{Comments: This witness did not sign in and name was unclear.}*

CATHERINE MUDD

LARA RAE

TERRI TARVER, RN

*{Comments: This witness did not sign in and name was unclear.}*

MARY ELLEN HALVORSON

MATT THOMAS

EXHIBIT 20

DAVID HAVLICK

EXHIBIT 21

ALICIA PICHETTE

COLLEEN ROGERS

EXHIBIT 22

DD DOWDEN

MAGGIE AAGENES

*{Comments: This witness did not sign in and name was unclear.}*

KIM B. HURTLE

EXHIBIT 23

BEATRICE VOGEL

Questions From Committee Members and Responses:

*{Tape: 2; Side: B; Approx. Time Count: 0.1 - Tape 3; Side A; 5.5;  
Comments: This exhibit was distributed after close of testimony.}*

EXHIBIT 24

Closing by Sponsor: REP. MC GEE

*{Tape: 3; Side: A; Approx. Time Count: 5.6}*

HEARING ON HB 396

Opening Statement by Sponsor: REP. DUANE GRIMES

*{Tape: 3; Side: A; Approx. Time Count: 18.5}*

Proponents' Testimony:

JERRY LOENDORF, Montana Medical Association

*{Tape: 3; Side: A; Approx. Time Count: 19.3}*

ROSE HUGHES, Montana Podiatric Medical Association

EXHIBIT 25

*{Tape: 3; Side: A; Approx. Time Count: 21.6}*

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 24.2 - 27.3}

Closing by Sponsor: REP. GRIMES

{Tape: 3; Side: A; Approx. Time Count: 27.4}

EXECUTIVE ACTION ON HB 396

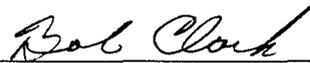
Motion/Vote: REP. GRIMES moved HB 396 DO PASS. The motion carried 16-0. (REPS. BOHARSKI, TASH, AHNER and HANSON were absent for the vote.)

CHAIRMAN CLARK appointed REPS. AHNER, MOLNAR, SOFT, SANDS and KOTTEL to the subcommittee for HB 163.

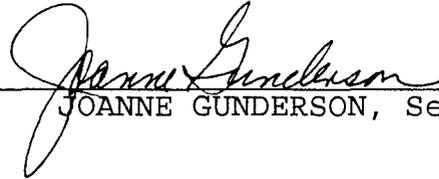
MOTION/VOTE: REP. WYATT MOVED TO ADJOURN. THE MOTION CARRIED BY unanimous voice vote.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 10:45 AM.



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REP. BOB CLARK, Chairman



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JOANNE GUNDERSON, Secretary

BC/jg