

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 13, 1997, at 8:00 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. 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 270, HB 323, HB 432  
POSTED 2/5/97  
Executive Action: HB 432 TABLED  
HB 325 DO PASS  
HB 415 ACTION POSTPONED

**HEARING ON HB 270**

**Opening Statement by Sponsor:** REP. "BOB" REAM EXHIBIT 1  
{Tape: 1; Side: A; Approx. Time Count: 4.4; Comments: This set of minutes was recorded on 90-minute tapes.}

Proponents' Testimony:

REP. JOHN BOHLINGER  
{Tape: 1; Side: A; Approx. Time Count: 11.2}

JOYCE GALSTER, P-FLAG, Butte EXHIBIT 2  
{Tape: 1; Side: A; Approx. Time Count: 14.4}

CONNIE YOUNKIN, Billings EXHIBIT 3  
{Tape: 1; Side: A; Approx. Time Count: 16.9}

GAIL WILLIAMS EXHIBIT 4  
{Tape: 1; Side: A; Approx. Time Count: 19.1}

REBECCA BARKER  
{Tape: 1; Side: A; Approx. Time Count: 22.7}

SHIRLEY WIDEMAN, P-FLAG, Great Falls EXHIBIT 5  
{Tape: 1; Side: A; Approx. Time Count: 25.0}

DR. STARSHINE EXHIBIT 6  
{Tape: 1; Side: A; Approx. Time Count: 28.9}

REV. ROBERT MILLER EXHIBIT 7  
{Tape: 1; Side: A; Approx. Time Count: 30.8}

SANDRA HALE, PRIDE EXHIBIT 8  
{Tape: 1; Side: A; Approx. Time Count: 33.9}

CARL DONOVAN, FDH & Associates EXHIBIT 9  
{Tape: 1; Side: A; Approx. Time Count: 37.3}

JESSE JAEGER, Unitarian Universalist Association EXHIBIT 10  
{Tape: 1; Side: A; Approx. Time Count: 42.7}

JONATHAN PROCTOR  
{Tape: 1; Side: A; Approx. Time Count: 43.0; Comments: The time  
for proponents expired, the balance of the names listed will not  
have a time count.}

CHRISTINE KAUFMANN, Human Rights Network EXHIBIT 11 and 11A

KATE CHOLEWA, Montana Women's Lobby

SCOTT CRICHTON, ACLU

CORKIE SMITH, P-FLAG

DR. JEFF FEATHERGILL

GARY STALLINGS  
{Tape: 1; Side: B; Comments: This witness did not sign in and  
name is unclear. The tape was changed at this point and the name

*of this person and the next two following are taken from written notes and some may not be accurately spelled.}*

E. MacDOUGALL PALMER

C. MONTAGNE

SANDRA BOGGS

CRISANNE HAZEN

CHRIS BURN

KATHLENE FLECKENSTEIN

ELIZABETH DE LOACH, P-FLAG, Great Falls

CHUCK WALTER

GEORGIA WALTER

Opponents' Testimony:

STEVE WHITE

EXHIBIT 12

*{Tape: 1; Side: B; Approx. Time Count: 1.4}*

LAURIE KOUTNIK, Montana Christian Coalition

*{Tape: 1; Side: B; Approx. Time Count: 5.2}*

ARLETTE RANDASH, Eagle Forum

EXHIBIT 13 and 13A

*{Tape: 1; Side: B; Approx. Time Count: 17.2}*

SHARON HOFF, Montana Catholic Conference

*{Tape: 1; Side: B; Approx. Time Count: 21.1}*

Proponents' Testimony continued:

JESSE JAEGER, Unitarian Universalist Association

*{Tape: 1; Side: B; Approx. Time Count: 24.6; Comments: The opponents yielded the balance of their time to the proponents for testimony.}*

JONATHAN PROCTOR

JULIE CHRISKE

REV. DAVID ORENDORFF, St. Paul's Methodist Church

*{Tape: 1; Side: B; Approx. Time Count: 30.5; Comments: This witness did not sign in for HB 270.}*

Informational Testimony:

ANNE MacINTYRE, Human Rights Commission

*{Tape: 1; Side: B; Approx. Time Count: 31.5}*

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 32.0-Tape 2; Side A; 30.7}

Closing by Sponsor: REP. REAM

{Tape: 2; Side: A; Approx. Time Count: 30.8 - end of side A}

HEARING ON HB 323

Opening Statement by Sponsor: REP. BILL BOHARSKI

{Tape: 2; Side: B; Approx. Time Count: 0.1}

Proponents' Testimony:

ARLETTE RANDASH, Eagle Forum

{Tape: 2; Side: B; Approx. Time Count: 10.6}

STEVE WHITE

{Tape: 2; Side: B; Approx. Time Count: 19.5}

LAURIE KOUTNIK, Montana Christian Coalition

{Tape: 2; Side: B; Approx. Time Count: 23.5}

EXHIBIT 14

LINDA FRIEND

{Tape: 2; Side: B; Approx. Time Count: 30.4}

SHARON HOFF, Montana Catholic Conference

{Tape: 2; Side: B; Approx. Time Count: 30.7}

Opponents' Testimony:

SANDRA HALE, PRIDE

{Tape: 2; Side: B; Approx. Time Count: 31.6}

EXHIBIT 15

DR. JEFF FEATHERGILL, Attorney/PRIDE

{Tape: 2; Side: B; Approx. Time Count: 34.3}

EXHIBIT 16

SANDRA BOGGS

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

ROBIN CHILDERS and DENISE M. CHUMRAU

{Tape: 3; Side: A; Approx. Time Count: 1.3}

EXHIBIT 17

CHUCK WALTER

{Tape: 3; Side: A; Approx. Time Count: 4.5}

EXHIBIT 18

LANCE KALDER and BRUCE CHRISTOPHERSON

{Tape: 3; Side: A; Approx. Time Count: 6.5}

EXHIBIT 19

SHIRLEY WIDEMAN, P-FLAG

{Tape: 3; Side: A; Approx. Time Count: 9.3}

EXHIBIT 20 and 20A

KATHLENE FLECKENSTEIN

{Tape: 3; Side: A; Approx. Time Count: 10.5}

EXHIBIT 21

JOYCE GALSTER, P-FLAG EXHIBIT 22  
{Tape: 3; Side: A; Approx. Time Count: 14.3}

LINDA GRYCZAN EXHIBIT 23  
{Tape: 3; Side: A; Approx. Time Count: 16.8; Comments: Read  
testimony for Rev. Orendorff, did not testify on own behalf.}

DR. STARSHINE EXHIBIT 24  
{Tape: 3; Side: A; Approx. Time Count: 22.1}

DONAY HANSON, Montana Universalist Association  
{Tape: 3; Side: A; Approx. Time Count: 23.7}

KATE CHOLEWA, Montana Women's Lobby  
{Tape: 3; Side: A; Approx. Time Count: 24.7}

CARL DONOVON, Black Eagle  
{Tape: 3; Side: A; Approx. Time Count: 25.0}

CHRISTINE KAUFMANN, Human Rights Network EXHIBIT 25  
{Tape: 3; Side: A; Approx. Time Count: 26.2}

CORKIE SMITH  
{Tape: 3; Side: A; Approx. Time Count: 28.2}

CONNIE YOUNKIN EXHIBIT 26  
{Tape: 3; Side: A; Approx. Time Count: 29.8; Comments: Read  
letter from F. David Herrera.}

SCOTT CRICHTON, ACLU  
{Tape: 3; Side: A; Approx. Time Count: 30.1}

PROPONENT:

KATHY ROCCHIO, Boulder  
{Tape: 3; Side: A; Approx. Time Count: 32.5; Comments: Opponents'  
time was expired, additional time was used for proponents.}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 33.0-Tape 3; Side B; 17.9}

Closing by Sponsor: REP. BOHARSKI

{Tape: 3; Side: B; Approx. Time Count: 18.0}

HEARING ON HB 432

Opening Statement by Sponsor: REP. DEB KOTTEL

{Tape: 3; Side: B; Approx. Time Count: 22.3; Comments: Sponsor  
asked that the bill be tabled.}

EXECUTIVE ACTION ON HB 432

Motion/Vote: REP. MC GEE moved HB 432 be tabled. The motion carried by unanimous voice vote.

EXECUTIVE ACTION ON HB 325

Motion/Vote: REP. KOTTEL moved HB 325 be reconsidered. The motion carried 12 - 1.

*{Tape: 3; Side: B; Approx. Time Count: 30.6; Comments: This action was taken since the amendments passed previously were in error, John MacMaster explained the reason for the need for change.}*

Motion/Vote: REP. "SONNY" HANSON moved HB 325 DO PASS.

Motion/Vote: REP. HANSON moved to strike the previous committee amendment of 2/12/97. The motion carried 13-0.

Motion/Vote: REP. HANSON moved HB 325 DO PASS amended to its original form. The motion carried 10-3, REPS. ELLINGSON, HURDLE and WYATT voting no.

*{Tape: 3; Side: B; Approx. Time Count: 32.0}*

*{Tape: 3; Side: B; Approx. Time Count: 32.1; Comments: REP. HANSON made a point of personal privilege.}*

EXECUTIVE ACTION ON HB 415

Motion: REP. CURTISS moved to reconsider HB 415.

Discussion:

*{Tape: 3; Side: B; Approx. Time Count: 33.0; Comments: REP. CURTISS withdrew her motion and it was decided to delay action to replace HB 415 with a committee resolution.}* EXHIBIT 27

Motion/Vote: REP. HANSON moved to adjourn. The motion carried by unanimous voice vote.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 12:05 PM.

*Bob Clark*

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REP. BOB CLARK, Chairman

*Joanne Gunderson*

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JOANNE GUNDERSON, Secretary

BC/jg