

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 14, 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. 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. Diane Sands (D)  
Rep. Liz Smith (R)  
Rep. Loren L. Soft (R)  
Rep. Bill Tash (R)

**Members Excused:** Rep. William E. Boharski (R)  
Rep. Gerald Pease (D)

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 453, HB 454, HB 429, HB 426  
POSTED 2/6/97

**HEARING ON HB 453**

**Opening Statement by Sponsor:** REP. PEGGY ARNOTT EXHIBITS 1-3  
{Tape: 1; Side: A; Approx. Time Count: 3.9; Comments: This set of minutes is recorded on 90-minute tapes.}

**Proponents' Testimony:**

JAN LaRUE, National Law Center  
{Tape: 1; Side: A; Approx. Time Count: 10.9}

EXHIBIT 4

TONYA FLYNT-VEGA

EXHIBIT 5

{Tape: 1; Side: A; Approx. Time Count: 19.3}

ARLETTE RANDASH, Eagle Forum

{Tape: 1; Side: A; Approx. Time Count: 26.7; Comments: Exhibits were distributed and then collected for distribution at the Senate hearings and are not included with this set of minutes but will instead be a part of the minutes for the Senate hearing.}

MARK MOZER, Ph.D., consulting psychologist at MSP

EXHIBIT 6

{Tape: 1; Side: A; Approx. Time Count: 28.2}

REP. LOREN SOFT

{Tape: 1; Side: A; Approx. Time Count: 29.4}

CAROLE ALLISON, Billings

{Tape: 1; Side: A; Approx. Time Count: 34.3}

SHARON HOBLITT, Darby

EXHIBIT 7

{Tape: 1; Side: A; Approx. Time Count: 37.0}

CARROLL SMITH, Billings

{Tape: 1; Side: A; Approx. Time Count: 39.7}

ROBIN JEPPESEN-BARTLETT, Cascade

EXHIBIT 8

{Tape: 1; Side: A; Approx. Time Count: 40.6}

SUSAN DUROVEY, Stevensville

{Tape: 1; Side: A; Approx. Time Count: 42.4}

CHARLES LORENTZEN, Kalispell

{Tape: 1; Side: B; Approx. Time Count: 0.1; Comments: From this point on proponents just stated their names.}

LAURIE KOUTNIK, Montana Christian Coalition

{Tape: 1; Side: B; Comments: She also brought a message from Mary Jo Fox of the Governor's Office that the Governor is generally favorable to both HB 453 and HB 454 though he hadn't had time to fully study them.}

WALT DUPEA, Big Fork

VERDELL JACKSON, Kalispell

EXHIBIT 9-9A

LINDA FRIEND, Helena

BARBARA LaRUE, Helena

JOLYN KARP, East Helena

KAREN WEBB, Native Montanan, former social worker in New York City

JILL GUTHRIE, Helena

SHARON TURNER, Helena, mother and teacher

RICHARD MAUZREY, Kalispell

MARC CRAMER, Helena father, grandfather, pastor, businessman

LINDA JACKSON, Secretary, Flathead County Citizens for Decency  
Through Law (MCDL)

NICK LANCETTE, Helena businessman and educator

CHRISTINE LANCETTE, Helena

HAROLD BLALOCK, Great Falls

LANA WHITING, Stevensville

EXHIBIT 10

HELEN HACKETT, Cascade County MCDL

BONNIE PARRETT, Helena retired nurse

STEVE HAAG, Big Fork

CLAUDIA LANCETTE, Helena mother and grandmother and businesswoman

LOU KEATING, Billings

TERRI DONALDSON, Clancy mother and grandmother

JERRY CHRISTISON, Helena businessman, father and grandfather

KRAIG HITESMAN, Helena

GLADYS ANDERSON, Stevensville mother and grandmother, board  
member MCDL

LOUISE FOURNIER, Helena

DON MULLIN, Stevensville

DALE ANDERSON, Stevensville father and grandfather

BOB JONES, Billings

DALLAS ERICKSON, President, MCDL

EXHIBIT 11-11(O)

REP. CHRIS AHNER

Opponents' Testimony:

JACQUELINE LENMARK, Montana Coalition for Free Expression

{Tape: 1; Side: B; Approx. Time Count: 6.1}

EXHIBITS 12-12A

JIM HECKEL, President, Montana Library Association/  
Great Falls Library EXHIBIT 13  
{Tape: 1; Side: B; Approx. Time Count: 17.0}

KAREN STREGE, Montana State Librarian, Montana State Library  
Commission {Tape: 1; Side: B; Approx. Time Count: 20.0}

GARY DUPUIS, President, Montana Association of Theater  
Owners EXHIBITS 14-14B  
{Tape: 1; Side: B; Approx. Time Count: 22.1}

KIM DeLONG, Carroll College EXHIBIT 15  
{Tape: 1; Side: B; Approx. Time Count: 24.5}

MIKE VOELLER, Lee Newspapers of Montana  
{Tape: 1; Side: B; Approx. Time Count: 26.1}

RILEY JOHNSON, Montana Broadcasters Association  
{Tape: 1; Side: B; Approx. Time Count: 27.6}

STAN KALEZYCK, Motion Picture Association EXHIBIT 16  
{Tape: 1; Side: B; Approx. Time Count: 29.9}

ARNIE MALINA, Helena Presents/Myrna Loy Theater  
{Tape: 1; Side: B; Approx. Time Count: 32.5}

JOE FLOREEN, Northwest News  
{Tape: 1; Side: B; Approx. Time Count: 33.5}

MICHAEL FELLOWS, Montana Libertarian Party EXHIBIT 17-17A  
{Tape: 1; Side: B; Approx. Time Count: 35.4; Comments: Said he  
represented "The Tolerance Party."}

DAVE BROWN, Butte former legislator  
{Tape: 1; Side: B; Approx. Time Count: 36.5; Comments: The  
following opponents only stated their names.}

LOIS FITZPATRICK, Director of Library at Carroll College

CYNTHIA SMITH, Montana Coalition for Free Expression EXHIBIT 18

JERRY SKILLMAN, President, Montana Chapter of Video and Software  
Dealers' Association

CINDY SHOTT, President, Art Museum of Missoula Board EXHIBIT 19

CATHY HUBBELL, Missoula, mother and grandmother and businesswoman

DAN CEDERBERG, Missoula EXHIBIT 20  
{Tape: 2; Side: A; Approx. Time Count: 0.1}

Questions From Committee Members and Responses:  
{Tape: 2; Side: A; Approx. Time Count: 0.5- 32.1}

Closing by Sponsor: REP. ARNOTT  
{Tape: 2; Side: A; Approx. Time Count: 32.2}

HEARING ON HB 454

Opening Statement by Sponsor: REP. WES PROUSE  
{Tape: 2; Side: A; Approx. Time Count: 39.8}

Proponents' Testimony:

JAN LARUE, National Law Center for Children and Families  
{Tape: 2; Side: A; Approx. Time Count: 41.8}

ARLETTE RANDASH, Eagle Forum  
{Tape: 2; Side: B; Approx. Time Count: 5.2; Comments: This  
proponent distributed a video to members of the committee to view  
individually during the hearing as evidence to support HB 454.}

MARK MOZER, Ph.D., consulting psychologist at MSP EXHIBIT 21  
{Tape: 2; Side: B; Approx. Time Count: 7.4}

SUSAN DUROVEY, Stevensville EXHIBIT 22  
{Tape: 2; Side: B; Approx. Time Count: 8.8}

BOB JONES, Billings EXHIBITS 23-23B  
{Tape: 2; Side: B; Approx. Time Count: 10.9}

HAROLD BLAYLOCK, Cascade County EXHIBIT 24  
{Tape: 2; Side: B; Approx. Time Count: 14.4}

CHARLES LORENTZEN, Kalispell EXHIBIT 25  
{Tape: 2; Side: B; Approx. Time Count: 15.9}

LINDA FRIEND, Helena  
{Tape: 2; Side: B; Approx. Time Count: 16.6}

WALT DUPEA, Big Fork  
{Tape: 2; Side: B; Approx. Time Count: 16.8}

JERRY CHRISTISON, Helena foster parent  
{Tape: 2; Side: B; Approx. Time Count: 17.9}

ALEX MARTIN, Belgrade husband and father

SHARON TURNER, Helena  
{Tape: 2; Side: B; Approx. Time Count: 18.1; Comments: The  
following proponents stated their names only.}

KRAIG HITESMAN, Helena

A.T. ANDERSON, Helena

LANA WHITING, Stevensville

ROBIN JEPPESEN-BARTLETT, Cascade EXHIBIT 26

HELEN HACKETT, Great Falls

KAREN WEBB, Helena

DAVE WOOD, Helena

FLORENCE WILSON, RN, Bozeman

LOUISE FOURNIER, Helena

Opponents' Testimony:

JACQUELINE LENMARK, Montana Coalition for Free  
Expression EXHIBIT 27-27C  
{Tape: 2; Side: B; Approx. Time Count: 20.2}

SAMANTHA SANCHEZ, ACLU EXHIBIT 28  
{Tape: 2; Side: B; Approx. Time Count: 25.4}

JIM HECKEL, Director of Great Falls Public Library  
{Tape: 2; Side: B; Approx. Time Count: 30.2}

RON SILVERS, Director, Outpatient Sex Offender  
Treatment Program EXHIBIT 29  
{Tape: 2; Side: B; Approx. Time Count: 30.6}

BOB CAMPBELL, Member of the Constitutional Convention  
{Tape: 2; Side: B Comments: THIS WITNESS'S COMMENTS ARE NOT BE TO  
CONSIDERED AS OFFICIAL TESTIMONY AS RULED BY CHAIRMAN BOB CLARK.  
During the question and answer period, this witness was asked to  
leave the room and all testimony and comments were to be stricken  
from the record. [see notes on pages 7 and 8 of these minutes].}

DAVE BROWN, Former Legislator  
{Tape: 2; Side: B; Approx. Time Count: 40.0}

RUSSELL HILL, Montana Trial Lawyers' Association  
{Tape: 3; Side: A; Approx. Time Count: 0.5; Comments: The  
following opponents simply stated their names since their  
allotted time had expired.}

JERRY SKILLMAN, President, Montana Video Software  
Dealers Association EXHIBIT 30  
{Tape: 3; Side: A; Approx. Time Count: 1.3}

MICHAEL FELLOWS, Montana Libertarian Party EXHIBIT 31

MIKE VOELLER, Lee Newspapers of Montana EXHIBIT 32

GARY DUPUIS, Theater Owners of Montana

CYNTHIA SMITH, Montana Coalition for Free Expression

LOIS FITZPATRICK, Montana Library Association

WILLIE HERMANSEN, Helena

DAN CEDERBERG, Missoula

CINDY SHOTT, Missoula

DAN COMPTON, Dillon

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 4.1-Tape 3; Side B; 2.1; Comments: Rep. Molnar requested that Mr. Campbell's remarks be stricken from the record as Mr. Campbell's remarks fell outside the scope of the bill and promoted religious bigotry. Chairman Clark ruled that Mr. Campbell's remarks were out of order and asked that Mr. Campbell leave the room.}

Closing by Sponsor: REP. PROUSE

{Tape: 3; Side: B; Approx. Time Count: 2.2; Comments: REP. MC CULLOCH made a public apology to the committee and to Mrs. Randash for remarks made in a previous hearing.}

{Comments: This exhibit was submitted following the hearing.}

EXHIBIT 33

HEARING ON HB 426

Opening Statement by Sponsor: REP. DEB KOTTEL EXHIBIT 34

{Tape: 3; Side: B; Comments: Secretary was absent at the beginning of the hearing so the tape machine was turned off during the opening remarks.}

Proponents' Testimony:

JOE MAZUREK, Attorney General

EXHIBITS 35-35W

{Tape: 3; Side: B; Approx. Time Count: 14.0}

EXHIBITS 36-36P

DAVID DENNIS, DA Davidson

{Tape: 3; Side: B; Approx. Time Count: 22.2}

BETH O'HALLORAN, State Auditor's Office

{Tape: 3; Side: B; Approx. Time Count: 22.8}

Questions From Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Count: 23.3-25.4}

Closing by Sponsor: REP. KOTTEL

{Tape: 3; Side: B; Approx. Time Count: 25.5}

HEARING ON HB 429

Opening Statement by Sponsor: REP. JACK WELLS EXHIBIT 37  
{Tape: 3; Side: B; Approx. Time Count: 26.0}

Proponents' Testimony:

ALFRED ELWELL, Northwest Arms Collectors EXHIBIT 38  
{Tape: 3; Side: B; Approx. Time Count: 38.7}

ROGER CAREY, EXHIBITS 39-39A  
{Tape: 4; Side: A; Approx. Time Count: 4.9}

JERRY SPLAWN  
{Tape: 4; Side: A; Approx. Time Count: 14.6}

JIM SMITH, Montana Sheriffs and Peace Officers  
{Tape: 4; Side: A; Approx. Time Count: 15.7}

Questions From Committee Members and Responses:  
{Tape: 4; Side: A; Approx. Time Count: 19.0 - 26.7}

Closing by Sponsor: REP. WELLS  
{Tape: 4; Side: A; Approx. Time Count: 26.8}

REP. MOLNAR offered remarks concerning a committee bill relating to minors in possession.

Motion/Vote: REP. MOLNAR moved that the committee draft such a bill. The motion carried by unanimous voice vote.  
{Tape: 4; Side: A; Approx. Time Count: 29.4}

CHAIRMAN CLARK commented on the conduct of Mr. Campbell during the hearing. He agreed with REP. MOLNAR's request to strike Mr. Campbell's testimony from the hearing and so ruled.  
{Tape: 4; Side: A; Approx. Time Count: 30.1}

REP. CURTISS discussed the status of the joint resolution on HB 415.

Motion/Vote: REP. CURTISS moved that the committee draft a resolution in place of HB 415. The motion carried by unanimous voice vote.  
{Tape: 4; Side: A; Approx. Time Count: 32.0}

REP. HANSON suggested that the committee be restricted to two questions each during hearings due to time restraints in order to allow each committee member has opportunity to question witnesses.  
{Tape: 4; Side: A; Approx. Time Count: 32.8}

MOTION/VOTE: REP. MOLNAR MOVED THE MEETING BE ADJOURNED. THE motion carried by unanimous voice vote.

ADJOURNMENT

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

*Bob Clark*

\_\_\_\_\_  
REP. BOB CLARK, Chairman

*Joanne Gunderson*

\_\_\_\_\_  
JOANNE GUNDERSON, Secretary

BC/jg