

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 17, 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 479, HB 484, HB 495  
POSTED 2/11/97  
HJ 19 POSTED 2/12/97  
Executive Action: DO PASS:  
HB 426, HB 479, HB 495  
DO PASS AS AMENDED: HJ 19  
HB 484 TABLED  
HB 306 TIE VOTE

**HEARING ON HB 479**

**Opening Statement by Sponsor:** REP. CARLEY TUSS EXHIBITS 1 and 2  
{Tape: 1; Side: A; Approx. Time Count: 2.2; Comments: This set of  
minutes was recorded on 90-minute tapes.}

Proponents' Testimony:

NEIL HAIGHT

{Tape: 1; Side: A; Approx. Time Count: 5.1}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 7.3 - 11.4}

Closing by Sponsor: REP. TUSS

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

EXECUTIVE ACTION ON HB 479

Motion: REP. WYATT moved HB 479 DO PASS.

{Tape: 1; Side: A; Approx. Time Count: 13.0}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 14.0}

Vote: The motion carried 20-0.

HEARING ON HB 495

Opening Statement by Sponsor: REP. NORM MILLS

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

Proponents' Testimony:

JOHN SHONTZ, Montana Association of Realtors

{Tape: 1; Side: A; Approx. Time Count: 18.0}

EXHIBIT 3

RONDA CARPENTER, Montana Housing Providers

{Tape: 1; Side: A; Approx. Time Count: 21.5}

SUSAN SCHWEITZER, Montana Association of Realtors

{Tape: 1; Side: A; Approx. Time Count: 22.1}

Informational Testimony:

ANNE MacINTYRE, Human Rights Commission

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

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 38.0}

Closing by Sponsor: REP. MILLS

{Tape: 1; Side: A; Approx. Time Count: 38.1}

EXECUTIVE ACTION ON HB 495

Motion: REP. CHRIS AHNER moved HB 495 DO PASS.

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 43.0-Tape 1; Side B; \*[SEE NOTE BELOW] 4.5}

{NOTE: On Tape: 1; Side: B; Approx. Time Count: 0.2; Comments: REP. WYATT made a point of personal privilege.}

Vote: The motion carried 18 - 2; REPS. KOTTEL and HURDLE voting no. {Tape: 1; Side: B; Approx. Time Count: 6.0}

HEARING ON HJ 19

Opening Statement by Sponsor: REP. JOHN MERCER  
{Tape: 1; Side: B; Approx. Time Count: 6.4}

Proponents' Testimony:

CAPT. JAMES CASHELL, Montana Sheriffs' and Peace Officers' Association (MSPOA) and MaCO  
{Tape: 1; Side: B; Approx. Time Count: 9.1}

CAPT. MIKE O'HARA, Missoula County Sheriff, MSPOA  
{Tape: 1; Side: B; Approx. Time Count: 12.6}

JIM SMITH, MSPOA  
{Tape: 1; Side: B; Approx. Time Count: 14.4}

WINNIE ORE, Department of Commerce  
{Tape: 1; Side: B; Approx. Time Count: 16.8}

CHUCK O'REILLY, Lewis & Clark County Sheriff  
{Tape: 1; Side: B; Approx. Time Count: 17.5}

RILEY JOHNSON, Wackenhut Corrections Corporation  
{Tape: 1; Side: B; Approx. Time Count: 18.0}

Questions From Committee Members and Responses:  
{Tape: 1; Side: B; Approx. Time Count: 19.3 - 31.3}

Closing by Sponsor: REP. MERCER  
{Tape: 1; Side: B; Approx. Time Count: 31.4}

HEARING ON HB 484

Opening Statement by Sponsor: REP. BOB CLARK  
{Tape: 1; Side: B; Approx. Time Count: 34.4; Comments: REP. WYATT took the chair while Chairman Clark presented HB 484.}

Proponents' Testimony:

GARY MARBUT, Montana Shooting Sports Association EXHIBIT 4  
{Tape: 1; Side: B; Approx. Time Count: 37.8-Tape 2; Side A; 13.0}

Opponents' Testimony:

BILL GIANOULIAS

{Tape: 2; Side: A; Approx. Time Count: 13.1}

JOHN CONNOR, Department of Justice and Montana County Attorneys' Association {Tape: 2; Side: A; Approx. Time Count: 19.6}

STAN KALECZYC, Montana Municipal Insurance Authority

{Tape: 2; Side: A; Approx. Time Count: 25.4}

JIM KEMBEL, City of Billings

{Tape: 2; Side: A; Approx. Time Count: 32.5}

MARK CADWALLADER

{Tape: 2; Side: A; Approx. Time Count: 32.8}

BOB GILBERT, Montana Magistrates' Association

{Tape: 2; Side: A; Approx. Time Count: 33.7}

ALEC HANSEN, League of Cities and Towns

{Tape: 2; Side: A; Approx. Time Count: 34.1}

DAVE OHLER, Department of Corrections

{Tape: 2; Side: A; Approx. Time Count: 34.6}

MARY ANN WELLBANK

{Tape: 2; Side: A; Approx. Time Count: 34.9}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 35.2-Tape 2; Side B; 17.0}

Closing by Sponsor: REP. CLARK

{Tape: 2; Side: B; Approx. Time Count: 17.1; Comments: REP. MC GEE took the chair.}

EXECUTIVE ACTION ON HJ 19Motion: REP. WYATT moved HJ 19 DO PASS.Discussion: The bill was discussed by REP. HANSON.Motion: REP. HANSON moved to amend HJ 19 to include building codes compliance.

{Tape: 2; Side: B; Approx. Time Count: 26.1}

Discussion: REP. ELLINGSON discussed the proposed amendment.Vote: The motion carried by unanimous vote.

{Tape: 2; Side: B; Approx. Time Count: 27.9}

Motion: REP. ANDERSON moved HJ 19 DO PASS AS AMENDED.

{Tape: 2; Side: B; Approx. Time Count: 28.2}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 28.5}

Motion: REP. LOREN SOFT moved to amend HJ 19 on page 2, line 19 by inserting "a complete set of proposed minimum standards and"

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

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 33.2-Tape 3; Side A; 3.5}

Vote: The motion carried 10 - 7; REPS. ANDERSON, TASH, HANSON, BOHARSKI, AHNER, SMITH and MC GEE voting no.

Motion: REP. WYATT moved HJ 19 DO PASS AS AMENDED.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 5.4 - 6.8}

Vote: The motion carried 15 - 2; REPS. SMITH and BOHARSKI voting no.

{Tape: 3; Side: A; Approx. Time Count: 6.9}

EXECUTIVE ACTION ON HB 426

Motion: REP. ELLINGSON moved HB 426 DO PASS.

{Tape: 3; Side: A; Approx. Time Count: 8.9}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 9.1}

EXHIBIT 5

Vote: The motion carried 16 - 2; REPS. BOHARSKI and ANDERSON voting no.

EXECUTIVE ACTION ON HB 484

Motion: REP. BOHARSKI moved HB 484 DO PASS.

Motion/Vote: REP. AHNER moved to table HB 484. The motion carried 15 - 4; REPS. CURTISS, MC GEE, BOHARSKI and CLARK voting no. (REP. CLARK voted no by proxy, REP. MOLNAR was not present for the vote.)

{Tape: 3; Side: A; Approx. Time Count: 23.4}

EXECUTIVE ACTION ON HB 306

Motion/Vote: REP. CURTISS moved that HB 306 be reconsidered.

The motion carried 11 - 8; REPS. WYATT, SMITH, ELLINGSON, HURDLE, MC CULLOCH, PEASE, SANDS and KOTTEL voting no.

{Tape: 3; Side: A; Approx. Time Count: 27.8}

Motion: REP. CURTISS moved the amendments on page 3 of the exhibit.

EXHIBIT 6

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

**Motion:** REP. ANDERSON moved to segregate amendments 1 from 2, 3, and 4. Vice Chair so ordered to consider amendments 1, 5, 6, 7 - 11 as the first action.

**Motion:** REP. ANDERSON moved a substitute amendment to include the word, "or morals" in amendment 6.

**Vote:** The motion carried 10 - 8 to adopt amendments 1 and 5 - 11 with the substitution to amendment 6; REPS. SANDS, KOTTEL, CURTISS, HURDLE, WYATT, MC CULLOCH, PEASE and ELLINGSON voting no.

**Discussion:**

{Tape: 3; Side: A; Approx. Time Count: 38.7; Comments: Amendments 2-4.}

**Vote:** The motion on adoption of amendments 2 through 4 failed 0 - 18.

**Motion:** REP. WYATT moved to further amend HB 306.

{Tape: 3; Side: A; Approx. Time Count: 40.0}

**Discussion:**

{Tape: 3; Side: A; Approx. Time Count: 41.2-Tape 3; Side B; 1.2}

**Vote:** The motion failed 7 - 13; REPS, WYATT, MC CULLOCH, SANDS, PEASE, KOTTEL, ELLINGSON, HURDLE voting aye. (REPS. HANSON and CLARK voted no by proxy.)

{Tape: 3; Side: B; Approx. Time Count: 1.4}

**Discussion:**

{Tape: 3; Side: B; Approx. Time Count: 2.0}

**Vote:** The motion that HB 306 DO PASS AS AMENDED failed by a tie vote 10 - 10; REPS. WYATT, MC CULLOCH, PEASE, SANDS, KOTTEL, SOFT, HURDLE, ELLINGSON, BERGMAN and MOLNAR voting no.

{Tape: 3; Side: B; Approx. Time Count: 4.2}

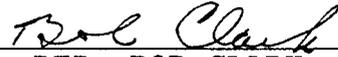
**Motion/Vote:** REP. ANDERSON moved to invert the vote and to table HB 306.

{Tape: 3; Side: B; Approx. Time Count: 4.8; Comments: Because the table motion was also 10 - 10, the bill was not tabled.}

**Motion/Vote:** REP. BOHARSKI MOVED TO ADJOURN.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 11:55 AM.



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REP. BOB CLARK, Chairman



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JOANNE GUNDERSON, Secretary

BC/jg