

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on February 18, 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 528, HB 540, HB 553
POSTED 2/14/97
Executive Action: HB 365 DO PASS
HB 231 DO PASS AS AMENDED

HEARING ON HB 528

**Opening Statement by Sponsor: REP. JACK WELLS
{Tape: 1; Side: A; Approx. Time Count: 3.9}**

EXHIBIT 1

Proponents' Testimony:

AMY ORSER {Tape: 1; Side: A; Approx. Time Count: 14.8}	EXHIBIT 2
GRACE FETTA {Tape: 1; Side: A; Approx. Time Count: 18.9}	EXHIBIT 3
STEVE WHITE, Montana Coalition of Home Educators {Tape: 1; Side: A; Approx. Time Count: 24.3}	EXHIBIT 4
NANCY SCHWEND {Tape: 1; Side: A; Approx. Time Count: 27.0}	EXHIBIT 5
ARLETTE RANDASH, Eagle Forum {Tape: 1; Side: A; Approx. Time Count: 32.4; Comments: From this point on time count was not kept as proponents only stated their name and submitted written testimony.}	EXHIBIT 6
ROBERT LaRUE	
BARBARA LaRUE	
PAULA JERMUNSON	EXHIBIT 7
HELEN OMSBERG	EXHIBIT 8
TERRY FRISCH	
LINDA FRIEND	
LINDA ERICKSON	
PAM KNOWLES	EXHIBIT 9
RUTH BRAY	EXHIBIT 10
JAN HENDERSON	EXHIBIT 11
SUSAN LILES	EXHIBIT 12
REP. DARREL ADAMS {Tape: 1; Side: A; Approx. Time Count: 35.3}	
INEZ HOWETH	
RINNON ZOHNER	EXHIBIT 13
KATHY COLLINS	
IRENE {Comments: This proponent did not sign in and her name cannot be clearly heard on tape.}	

PHILLIP TALEN

Comments: This proponent did not sign in and his name cannot be clearly heard on tape.

LAURIE KOUTNIK

EXHIBIT 14

EXHIBITS 15 through 23

Comments: EXHIBITS 15 through 23 are testimony of proponents and were submitted following the hearing; #22 and #23 are copies of the bill with proponents' names signed on the back.

Opponents' Testimony:

DON WALDRON, Montana Rural Education Association
{Tape: 1; Side: A; Approx. Time Count: 40.0}

LANCE MELTON, Montana School Board Association
{Tape: 1; Side: A; Approx. Time Count: 41.7}

EXHIBIT 24

ERIC FEAVER, Montana Education Association
{Tape: 1; Side: B; Approx. Time Count: 0.1}

REP. KIM GILLAN
{Tape: 1; Side: B; Approx. Time Count: 2.3}

EXHIBIT 25

KIRK BOND, ACLU
{Tape: 1; Side: B; Approx. Time Count: 4.0}

EXHIBIT 26

LORAN FRAZIER
{Tape: 1; Side: B; Approx. Time Count: 8.7}

CHRISTINE PHILLIPS, Montana NARAL
{Tape: 1; Side: B; Approx. Time Count: 10.6}

WADE SIKORSKI
{Tape: 1; Side: B; Approx. Time Count: 12.6}

KATE CHOLEWA
{Tape: 1; Side: B; Approx. Time Count: 13.9}

Informational Testimony:

LAURIE EKANGER, DPHHS
{Tape: 1; Side: B; Approx. Time Count: 14.5}

EXHIBIT 27

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 15.4-Tape 2; Side A; 30.3.}

Closing by Sponsor: REP. WELLS

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

HEARING ON HB 540Opening Statement by Sponsor: REP. SCOTT ORR

{Tape: 2; Side: A; Approx. Time Count: 40.9}

Proponents' Testimony:

EARL PEACE

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

STEVE YEAKEL

{Tape: 2; Side: B; Approx. Time Count: 6.6; Comments: This witness did not sign in.}

TIM OBERHOFFER, Board of Crime Control

{Tape: 2; Side: B; Approx. Time Count: 7.7}

REP. AUBYN CURTISS

{Tape: 2; Side: B; Approx. Time Count: 8.4}

JOHN CONNOR, Department of Justice

{Tape: 2; Side: B; Approx. Time Count: 9.1; Comments: Mentioned potential amendments to page 6, line 19.}

Opponents' Testimony:

SCOTT CRICHTON, ACLU

{Tape: 2; Side: B; Approx. Time Count: 13.2}

Informational Testimony:

MARY FAY, Department of Corrections

{Tape: 2; Side: B; Approx. Time Count: 18.3}

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 21.6 - 33.9}

Closing by Sponsor: REP. ORR

{Tape: 2; Side: B; Approx. Time Count: 34.0}

HEARING ON HB 553Opening Statement by Sponsor: REP. JAY STOVALL

{Tape: 2; Side: B; Approx. Time Count: 35.8}

Proponents' Testimony:

FRANK CROWLEY

{Tape: 2; Side: B; Approx. Time Count: 41.2; Comments: This witness did not sign in.}

REP. BILL TASH

{Tape: 3; Side: A; Approx. Time Count: 5.9; Comments: This witness did not sign in.}

REP. LIZ SMITH

{Tape: 3; Side: A; Approx. Time Count: 8.1 Comments: This witness did not sign in.}

Opponents' Testimony:

RUSSELL HILL, Montana Trial Lawyers Association

EXHIBIT 28

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

Informational Testimony:

BILL GIANOULIAS, Department of Administration

{Tape: 3; Side: A; Approx. Time Count: 10.4; Comments: This witness did not sign in.}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 13.4 - 21.4}

Closing by Sponsor: REP. STOVALL

EXHIBIT 29

{Tape: 3; Side: A; Approx. Time Count: 21.5}

EXHIBIT 30

{Comments: This exhibit was distributed during the hearing, but it is unclear who supplied it.}

EXECUTIVE ACTION ON HB 365

Motion: REP. GRIMES moved HB 365 DO PASS.

{Tape: 3; Side: A; Approx. Time Count: 25.2}

Discussion:

EXHIBIT 31

{Tape: 3; Side: A; Approx. Time Count: 25.3 - 27.5}

Motion: REP. ANDERSON moved a conceptual amendment.

{Tape: 3; Side: A; Approx. Time Count: 27.6}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 27.6 - 36.2}

Vote: The motion failed by voice vote.

{Tape: 3; Side: A; Approx. Time Count: 36.3}

Motion/Vote: REP. MOLNAR moved HB 553 DO PASS. The motion carried 12 - 8; REPS. WYATT, MC CULLOCH, PEASE, SANDS, KOTTEL, ANDERSON, ELLINGSON and HURDLE voting no.

EXECUTIVE ACTION ON HB 231

Motion/Vote: REP. GRIMES moved HB 231 be reconsidered. The motion carried 16 - 3; REPS. SMITH, MC GEE and BOHARSKI voting no. {Tape: 3; Side: B; Approx. Time Count: 1.1; Comments: Prior to this action there was discussion of the bill and proposed amendments from 39.0 on Side A to this point on Side B.}

Motion: REP. GRIMES moved HB 231 DO PASS.

Motion/Vote: REP. GRIMES moved amendments.
The motion carried 20 - 0.

EXHIBIT 32

Motion: REP. GRIMES moved to further amend page 20 by striking subsection 5.

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 4.4}

Motion/Vote: REP. GRIMES moved a substitute amendment to modify the previous amendment. The motion carried 20 - 0.

Motion: REP. AHNER moved HB 231 DO PASS AS AMENDED.
{Tape: 3; Side: B; Approx. Time Count: 5.6}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 5.7 - 9.8}

Vote: The motion carried 14 - 6; REPS. MC GEE, SMITH, BOHARSKI, CURTISS, BERGMAN and CLARK voting no.
{Tape: 3; Side: B; Approx. Time Count: 10.0}

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

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:45 AM.

Bob Clark

REP. BOB CLARK, Chairman

Joanne Gunderson

JOANNE GUNDERSON, Secretary

BC/jg