

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on February 19, 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 571, HB 572, HB 577, HJ 28  
POSTED 2/18/97  
Executive Action: HJ 28 DO PASS AS AMENDED  
HB 429 DO PASS AS AMENDED  
HB 416 TABLED  
HB 323 DO PASS

**HEARING ON HB 571**

**Opening Statement by Sponsor: REP. HALEY BEAUDRY**

*{Tape: 1; Side: A; Approx. Time Count: 2.3; Comments: This set of minutes was recorded on 90-minute tapes.}*

Proponents' Testimony:

CHRIS GALLUS, Montana Chamber of Commerce/Montana Liability  
Commission (MCC/MLC)

{Tape: 1; Side: A; Approx. Time Count: 7.6}

PAGE DRINGMAN, Montana Municipal Insurance Authority (MMIA)

{Tape: 1; Side: A; Approx. Time Count: 12.4}

ALEC HANSEN, League of Cities and Towns

{Tape: 1; Side: A; Approx. Time Count: 24.6; Comments: This  
witness did not sign in.}

GREG JACKSON, Montana Association of Counties (MAC)

{Tape: 1; Side: A; Approx. Time Count: 26.7}

CARL SCHWEITZER, Montana Contractors' Association (MCA)

{Tape: 1; Side: A; Approx. Time Count: 27.3}

JOHN KEMBEL, City of Billings

{Tape: 1; Side: A; Approx. Time Count: 27.7}

BARBARA RANF, U. S. West Communications (USWC)

{Tape: 1; Side: A; Approx. Time Count: 28.0}

Opponents' Testimony:

RUSSELL HILL, Montana Trial Lawyers Association (MTLA) EXHIBIT 1

{Tape: 1; Side: A; Approx. Time Count: 28.3-Tape 1; Side B; 2.2}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 2.6 - 23.3}

Closing by Sponsor: REP. BEAUDRY

{Tape: 1; Side: B; Approx. Time Count: 23.4}

HEARING ON HB 572Opening Statement by Sponsor: REP. SHIELL ANDERSON

{Tape: 1; Side: B; Approx. Time Count: 27.8}

Proponents' Testimony:

PAGE DRINGMAN, MMIA

{Tape: 1; Side: B; Approx. Time Count: 33.4}

CHRIS GALLUS, MCC/MLC

{Tape: 1; Side: B; Approx. Time Count: 40.0}

ALEC HANSEN, League of Cities and Towns

{Tape: 2; Side: A; Approx. Time Count: 0.5}

NATHAN TUBERGER, City of Billings

{Tape: 2; Side: A; Approx. Time Count: 1.4; Comments: This witness did not register with the Commissioner of Political Practices and his name is illegible on sign-in sheet as well as inaudible on tape so may be misspelled.}

JACQUELINE LENMARK, American Insurance Association (AIA)

{Tape: 2; Side: A; Approx. Time Count: 1.5}

Opponents' Testimony:

RUSSELL HILL, MTLA

{Tape: 2; Side: A; Approx. Time Count: 2.5}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 9.4 - 22.0}

Closing by Sponsor: REP. ANDERSON

{Tape: 2; Side: A; Approx. Time Count: 22.1}

HEARING ON HB 577

Opening Statement by Sponsor: REP. BRAD MOLNAR

{Tape: 2; Side: A; Approx. Time Count: 25.3}

Proponents' Testimony:

REP. COCCHIARELLA

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

EMANUEL HARTMAN, Laurel High School Student

{Tape: 2; Side: A; Approx. Time Count: 32.2}

EXHIBITS 2 and 3

VANESSA HOFFMAN, Laurel High School Student

{Tape: 2; Side: A; Approx. Time Count: 35.9}

RYAN HERSEL, Powell County High School Student

{Tape: 2; Side: A; Approx. Time Count: 37.6}

REP. LIZ SMITH

{Tape: 2; Side: A; Approx. Time Count: 38.9}

Opponents' Testimony:

COL. CRAIG REAP, Montana Highway Patrol

{Tape: 2; Side: A; Approx. Time Count: 42.1}

Informational Testimony:

JERRY WILLIAMS, Montana Police Protective Association

{Tape: 2; Side: B; Approx. Time Count: 0.3}

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 3.9-30.8}

Closing by Sponsor: REP. MOLNAR  
{Tape: 2; Side: B; Approx. Time Count: 30.9}

HEARING ON HJ 28

Opening Statement by Sponsor: REP. AUBYN CURTISS  
{Tape: 2; Side: B; Approx. Time Count: 38.4}

Informational Testimony:

GENE KIZER, Board of Crime Control  
{Tape: 3; Side: A; Approx. Time Count: 0.4; Comments: This witness did not sign in.}

Closing by Sponsor: REP. CURTISS  
{Tape: 3; Side: A; Approx. Time Count: 2.1}

EXECUTIVE ACTION ON HJ 28

Motion: REP. WYATT moved HJ 28 DO PASS.  
{Tape: 3; Side: A; Approx. Time Count: 3.7}

Discussion: There was discussion to clarify the bill.

Motion/Vote: REP. ANDERSON moved an amendment to strike ", including information from" and to insert "reported by" and following "Sheriffs," "including reported information" . The motion carried by unanimous voice vote.

Motion/Vote: REP. BOHARSKI moved HJ 28 DO PASS AS AMENDED. The motion carried 15 - 2; REPS. PEASE and HURDLE voting no. (REPS. MC CULLOCH, SMITH and BERGMAN were not present for the vote.)

EXECUTIVE ACTION ON HB 429

Motion: REP. BOHARSKI moved HB 429 DO PASS.  
{Tape: 3; Side: A; Approx. Time Count: 7.7}

Motion: REP. ANDERSON moved the amendments of 2/13/97 numbers 1 through 7.

Discussion:  
{Tape: 3; Side: A; Approx. Time Count: 8.8 - 17.9}

Motion/Vote: REP. BOHARSKI moved a substitute amend number 5 to strike "in a room" and to strike, after "parole office" ", bank, credit union or similar institution". The motion carried 12 - 7; REPS. WYATT, PEASE, SANDS, KOTTEL, GRIMES, HURDLE and SOFT voting no. {Tape: 3; Side: A; Approx. Time Count: 21.0; Comments: The wording of this amendment was reworked by the staff attorney to comply with law and the intent of the author.}

Motion: REP. BOHARSKI moved HB 429 DO PASS AS AMENDED.  
{Tape: 3; Side: A; Approx. Time Count: 22.3}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 22.6}

Vote: The motion carried 16 - 3; REPS. ELLINGSON, SANDS and HURDLE voting no. (REP. MC CULLOCH was absent for the vote.)

EXECUTIVE ACTION ON HB 416

Motion: REP. BOHARSKI moved HB 416 DO PASS.

Motion/Vote: REP. MC GEE moved HB 416 be tabled. The motion carried 14 - 6; REPS. WYATT, MC CULLOCH, HANSON, MOLNAR, BOHARSKI and CLARK voting no.

Discussion: HB 163 was discussed and action postponed.

EXECUTIVE ACTION ON HB 323

Motion: REP. MC GEE moved HB 323 DO PASS.

{Tape: 3; Side: A; Approx. Time Count: 28.7}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 29.1 - 30.6}

Motion: REP. DIANE SANDS moved to amend HB 323

EXHIBIT 4

{Tape: 3; Side: A; Approx. Time Count: 30.7}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 30.8 - 37.2; Comments: Discussion included whether the amendment was outside the scope of the title of the bill.}

Vote: The motion failed 7 - 14; REPS. WYATT, MC CULLOCH, PEASE, KOTTEL, HURDLE, SANDS and ELLINGSON voting aye.

{Tape: 3; Side: A; Approx. Time Count: 37.3}

Motion: REP. ELLINGSON moved amendments to HB 323.

EXHIBIT 5

{Tape: 3; Side: A; Approx. Time Count: 38.6}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 39.3-Tape 3; Side B; 4.3}

Vote: The motion failed 6 - 14. REPS. ELLINGSON, PEASE, HURDLE, SANDS, KOTTEL and MC CULLOCH voting aye.

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 5.2}

Vote: The motion to DO PASS HB 323 carried 15 - 5; REPS. PEASE, SANDS, KOTTEL, ELLINGSON, and HURDLE voting no.

Motion/Vote: REP. MC GEE MOVED TO ADJOURN. The motion carried by unanimous voice vote.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at noon.

*Bob Clark*

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REP. BOB CLARK, Chairman

*Joanne Gunderson*

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JOANNE GUNDERSON, Secretary

BC/jg