

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on March 6, 1997, at 8 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: SB 16, SB 32, SB 33, SB 31  
POSTED 2/21/97  
Executive Action: BE CONCURRED IN:  
SB 16, SB 32, SB 33  
BE CONCURRED IN AS AMENDED:  
SB 54, SB 212  
TABLED: SB 44

**HEARING ON SB 16**

**Opening Statement by Sponsor: SEN. MIKE HALLIGAN**  
**{Tape: 1; Side: A; Approx. Time Count: 2.0}**

Proponents' Testimony:

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 5.3}

CORBIN HOWARD, Attorney

{Tape: 1; Side: A; Approx. Time Count: 10.0}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 12.1}

HEARING ON SB 32Opening Statement by Sponsor: SEN. MIKE HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 12.7}

Proponents' Testimony:

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 15.1}

KERRY NEWCOMER, Attorney

{Tape: 1; Side: A; Approx. Time Count: 16.9}

Questions From Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Count: 19.7 - 27.7}

Closing by Sponsor: SEN. HALLIGAN

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

HEARING ON SB 33Opening Statement by Sponsor: SEN. MIKE HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 28.5}

Proponents' Testimony:

CORBIN HOWARD, Attorney

{Tape: 1; Side: A; Approx. Time Count: 31.4}

MARS SCOTT, Attorney

{Tape: 1; Side: A; Approx. Time Count: 33.5}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 1; Side: A; Approx. Time Count: 36.0}

EXECUTIVE ACTION ON SB 33Motion: REP. WYATT moved SB 33 BE CONCURRED IN.

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

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 38.2-Tape 1; Side B; 8.0}

**Vote:** The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) **REP. ELLINGSON will carry SB 33.**

**EXECUTIVE ACTION ON SB 16**

**Motion/Vote:** REP. ANDERSON moved SB 16 BE CONCURRED IN. The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) **REP. ELLINGSON will carry SB 16.**

**EXECUTIVE ACTION ON SB 32**

**Motion:** REP. WYATT moved SB 32 BE CONCURRED IN.  
{Tape: 1; Side: B; Approx. Time Count: 13.6}

**Discussion:**  
{Tape: 1; Side: B; Approx. Time Count: 14.0}

**Vote:** The motion carried 14 - 3; REPS. BOHARSKI, MC GEE and CLARK voting no. (REP. AHNER voted aye by proxy; REP. MC GEE voted no by proxy. REPS. SMITH, MOLNAR and KOTTEL were not present for the vote and left no proxy votes.) **REP. ELLINGSON will carry SB 32.**

**EXECUTIVE ACTION ON SB 54**

**Motion:** REP. WYATT moved SB 54 BE CONCURRED IN.  
{Tape: 1; Side: B; Approx. Time Count: 19.0}

**Discussion:**  
{Tape: 1; Side: B; Approx. Time Count: 20.5 - 24.6}

**Motion/Vote:** REP. BOHARSKI moved to amend by striking subsection 3 and inserting corresponding language from HB 540. The motion carried 16 - 0. (REPS. AHNER, MC GEE, KOTTEL and MOLNAR were not present for the vote and left no proxy votes.)

**Motion/Vote:** REP. HANSON moved SB 54 BE CONCURRED IN AS AMENDED. The motion carried 16 - 0. (REPS. AHNER, MC GEE, KOTTEL and MOLNAR were not present for the vote and left no proxy votes.) **REP. MC CULLOCH will carry SB 54.**

**EXECUTIVE ACTION ON SB 79**

**Motion:** REP. SANDS moved SB 79 BE CONCURRED IN.  
{Tape: 1; Side: B; Approx. Time Count: 28.2}

**Discussion:**  
{Tape: 1; Side: B; Approx. Time Count: 28.8-31.5; Comments: REP. SANDS withdrew the motion pending further information.}

EXECUTIVE ACTION ON SB 44

Motion: REP. BOHARSKI moved SB 44 BE CONCURRED IN.  
{Tape: 1; Side: B; Approx. Time Count: 31.6}

Discussion:  
{Tape: 1; Side: B; Approx. Time Count: 31.7 - 38.1}

Motion: REP. ELLINGSON moved a conceptual amendment that uninsured and underinsured coverage would follow the person and not the automobile.

Discussion:  
{Tape: 2; Side: a; Approx. Time Count: 0.1 - 6.0}

Vote: The motion carried 8 - 6; REPS. GRIMES, HANSON, ANDERSON, TASH, BOHARSKI and CLARK voting no. (REP. HURDLE voted aye by proxy.)

{Tape: 2; Side: A; Approx. Time Count: 6.1}

Motion: REP. SANDS moved SB 44 BE CONCURRED IN AS AMENDED.  
{Tape: 2; Side: A; Approx. Time Count: 7.2}

Discussion:  
{Tape: 2; Side: A; Approx. Time Count: 7.5}

Motion/Vote: REP. GRIMES moved to table SB 44. The motion carried 14 - 1; REP. ANDERSON voting no. (REP. HURDLE voted aye by proxy.)

EXECUTIVE ACTION ON SB 212

Motion: REP. ANDERSON moved SB 212 BE CONCURRED IN.  
{Tape: 2; Side: A; Approx. Time Count: 11.4}

Discussion:  
{Tape: 2; Side: A; Approx. Time Count: 13.0}

EXHIBIT 1

Motion: REP. BOHARSKI moved a conceptual amendment to page 2, line 1.  
{Tape: 2; Side: A; Approx. Time Count: 31.3}

Discussion:  
{Tape: 2; Side: A; Approx. Time Count: 32.0}

Vote: The motion carried 8 - 7; REPS. ELLINGSON, PEASE, KOTTEL, SANDS, HURDLE, WYATT and MC CULLOCH voting no. (REPS. SANDS and HURDLE voted by proxy.)

Motion: REP. BOHARSKI moved SB 212 BE CONCURRED IN AS AMENDED.

Discussion:  
{Tape: 2; Side: A; Approx. Time Count: 33.3}

Motion: REP. GRIMES moved to amend SB 212 with an immediate effective date.

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

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 34.5}

Motion/Vote: REP. GRIMES moved substitute amendment language. The motion carried 8 - 7; REPS. WYATT, HURDLE, SANDS, MC CULLOCH, PEASE, KOTTEL and ELLINGSON voting no. (REPS. SANDS and HURDLE voted by proxy.)

{Tape: 2; Side: A; Approx. Time Count: 36.0}

Motion: REP. BOHARSKI moved SB 212 BE CONCURRED IN AS AMENDED.

{Tape: 2; Side: A; Approx. Time Count: 37.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 37.1}

Vote: The motion carried 9 - 8; REPS. WYATT, HURDLE, SANDS, MC CULLOCH, PEASE, KOTTEL, BERGMAN and ELLINGSON voting no. (REPS. SANDS and HURDLE voted by proxy.) REP. ANDERSON will carry SB 212. {Tape: 2; Side: A; Approx. Time Count: 42.7}

HEARING ON SB 31

Opening Statement by Sponsor: SEN. LOREN JENKINS EXHIBITS 2-6  
{Tape: 2; Side: B; Approx. Time Count: 1.3}

Opponents' Testimony:

CORY LAIRD, Montana Catholic Conference EXHIBITS 7 and 8  
{Tape: 2; Side: b; Approx. Time Count: 16.3}

Informational Testimony:

SANDY HEATON, Department of Corrections  
{Tape: 2; Side: B; Approx. Time Count: 18.6}

NORMA JEAN BOLES, Department of Corrections  
{Tape: 2; Side: B; Approx. Time Count: 22.2}

Questions From Committee Members and Responses:  
{Tape: 2; Side: B; Approx. Time Count: 24.5 - 29.2}

Closing by Sponsor: SEN. JENKINS  
{Tape: 2; Side: B; Approx. Time Count: 29.3}

Motion/Vote: REP. MC CULLOCH MOVED TO ADJOURN.

ADJOURNMENT

**Adjournment:** The meeting was adjourned at 12:40 PM.

*Bob Clark*

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

*Joanne Gunderson*

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

BC/jg