

MINUTES

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

SELECT COMMITTEE ON CORRECTIONS

Call to Order: By CHAIRMAN BERGSAGEL, on March 7, 1997, at 7:05 p.m., in Room 325.

ROLL CALL

Members Present:

Rep. Ernest Bergsagel, Chairman (R)
Rep. William T. "Red" Menahan, Vice Chairman (D)
Sen. Delwyn Gage (R)
Rep. Royal C. Johnson (R)
Rep. Betty Lou Kasten (R)
Rep. Matt McCann (D)
Rep. Daniel W. McGee (R)
Sen. Charles "Chuck" Swysgood (R)
Rep. Steve Vick (R)
Rep. Diana E. Wyatt (D)

Members Excused: Sen. B.F. "Chris" Christiaens (D)
Rep. Gary Feland (R)

Members Absent: None

Staff Present: Susan Fox, Legislative Services Division
Meg Angell, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 544 (3/4/97)
Executive Action: HB 100; HB 208;
SB 106; SB 222; SB 559; SB 303

HEARING ON HB 544

Opening Statement by Sponsor: REP. ED GRADY, HD 55
{Tape: 1; Side: A; Approx. Time Count: 2.5.}

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Count: 5.1; Comments: Proponents' Testimony continued through Tape 1 Side B, Count approximately 2.8.}

Support for HB 544 was provided by:

DON PEEPLES, Montana Energy Research and Development (MERDI)

EXHIBIT 1

- SEN. J.D. LYNCH, SD 19
- SEN. BEA McCARTHY, SD 29
- REP. JOE QUILICI, HD 36
- REP. BOB PAVLOVICH, HD 37
- REP. DAN HARRINGTON, HD 38
- REP. HALEY BEAUDRY, HD 35
- GENE VUCKOVICH, Montana Rural Development Partnership
- MIKE KERNS, Butte/SilverBow County Commissioner
- WAYNE TERNES, Anaconda/Deer Lodge County Commissioner
- JOHN McPHERSON, Butte/SilverBow Sheriff
- GARY RUE, MERDI
- MIKE THATCHER, Community, Counseling & Correctional Services
- ANN SHEA, Butte/SilverBow County Attorney's Office
- JIM DAVIDSON, Anaconda Local Development
- DAVE OHLER, Department of Corrections
- JAY GRANT, Butte resident
- JOHN O'DONNELL, Anaconda resident
- JAKE MACIAC, Anaconda resident
- CON MALU, Anaconda/Deer Lodge Planning Board
- STEVE McARTHUR, Butte resident
- JIM KAMBISH, MERDI

Opponents' Testimony: None

Questions from Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 3.2.}

Close by Sponsor: REP. ED GRADY

{Tape: 2; Side: A; Approx. Time Count: 3.6.}

PRESENTATION: SENTENCING COMMISSION (HB 272)

REP. DAN McGEE

{Tape: 2; Side: A; Approx. Time Count: 6.1; Comments: This bill has already been heard in Judiciary - this presentation is informational for committee in preparation for Executive Action.}

QUESTIONS:

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

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EXECUTIVE ACTION

DISCUSSION OF DUI BILLS - EXPLANATION OF COORDINATION:

BRENDA NORDLUND, Montana Department of Justice

EXHIBITS 2-10

HB 100

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

MOTION: REP. R. JOHNSON MOVED HB 100 DO PASS.

{Tape: 2; Side: B; Approx. Time Count: 18.4.}

MOTION: REP. R. JOHNSON MOVED AMENDMENTS 0100
{Tape: 2; Side: B; Approx. Time Count: 19.4.}

DISCUSSION

VOTE: Motion carried 10-0.

MOTION: REP. R. JOHNSON MOVED THE DOC AMENDMENTS AS REQUESTED BY REP. SOFT.
{Tape: 2; Side: B; Approx. Time Count: 21.4.}

DISCUSSION

VOTE: Motion carried 10-0.

MOTION/VOTE: REP. McGEE MOVED HB 100 AS AMENDED. Motion carried 10-0.
{Tape: 2; Side: B; Approx. Time Count: 27.0.}

HB 208

{Tape: 2; Side: B; Approx. Time Count: 27.3.}

MOTION: REP. McGEE MOVED HB 208 DO PASS.

MOTION: REP. R. JOHNSON MOVED AMENDMENT #2020801
{Tape: 2; Side: B; Approx. Time Count: 27.4.}

DISCUSSION

SUBSTITUTE MOTION: REP McGEE MOVED A CONCEPTUAL AMENDMENT THAT THERE BE COMMUNITY SERVICE AND IT BE WORKED OFF AT A CERTAIN RATE TO BE WORKED OUT.
{Tape: 2; Side: B; Approx. Time Count: 28.3.}

DISCUSSION

SUBSTITUTE MOTION WITHDRAWN.
{Tape: 2; Side: B; Approx. Time Count: 30.8.}

DISCUSSION

SUBSTITUTE MOTION: REP. McGEE MOVED TO STRIKE THE MINIMUM OF \$40.00 PER 8-HOUR DAY (IT WOULD BE TAKEN OUT OF THE BILL IN THREE PLACES) AND IT WOULD BE LEFT TO THE DISCRETION OF THE JUDGE TO DETERMINE THAT AMOUNT OF COMMUNITY SERVICE.
{Tape: 2; Side: B; Approx. Time Count: 32.5.}

VOTE: Substitute motion carried 10-0.

MOTION/VOTE: REP. R. JOHNSON MOVED HB 208 AS AMENDED. Motion carried 8-2 with SEN. SWYSGOOD and REP. KASTEN voting no.
{Tape: 2; Side: B; Approx. Time Count: 35.1; Comments:.}

SB 106

{Tape: 2; Side: B; Approx. Time Count: 35.6.}

MOTION/VOTE: REP. MENAHAN MOVED SB 106 BE CONCURRED IN. Motion carried 9-1 with SEN. SWYSGOOD voting no.

SB 222

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

MOTION: REP. MENAHAN MOVED SB 222 BE CONCURRED IN.

DISCUSSION

SUBSTITUTE MOTION: REP. MCGEE MOVED SB 222 BE TABLED.

{Tape: 2; Side: B; Approx. Time Count: 39.5.}

DISCUSSION

SUBSTITUTE MOTION WITHDRAWN.

{Tape: 3; Side: A; Approx. Time Count: 3.1.}

VOTE: Motion carried 7-3 with REP. VICK, REP. MCGEE and REP. KASTEN voting no.

HB 559

{Tape: 3; Side: A; Approx. Time Count: 4.0.}

MOTION: REP. KASTEN MOVED HB 559 DO PASS.

MOTION/VOTE: REP. KASTEN MOVED THE AMENDMENTS AS REVISED BY BRENDA NORDLUND. HB 055901. Motion carried 10-0.

MOTION/VOTE: REP. KASTEN MOVED HB 559 DO PASS AS AMENDED. Motion carried 8-2 with REP. WYATT and SEN. SWYSGOOD voting no.

SB 303

{Tape: 3; Side: A; Approx. Time Count: 5.9.}

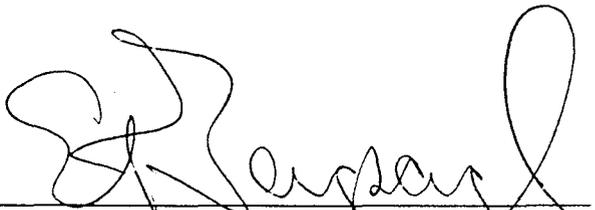
MOTION/VOTE: REP. MENAHAN MOVED SB 303 BE CONCURRED IN. Motion carried 10-0.

COMMITTEE BUSINESS

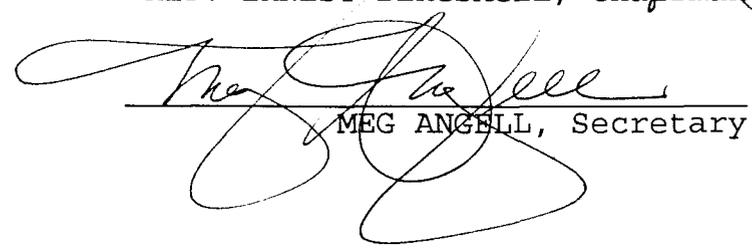
{Tape: 3; Side: A; Approx. Time Count: 6.5.}

ADJOURNMENT

Adjournment: 10:30 p.m.



REP. ERNEST BERGSAGEL, Chairman



MEG ANGELL, Secretary

eb/ma

Minutes taped on Sony BM 89-T.