

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on March 7, 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 46, SB 92, SB 110, SB 197  
POSTED 2/24/97  
Executive Action: SB 92 BE CONCURRED IN  
SB 197 BE CONCURRED IN  
SB 46 BE CONCURRED IN AS  
AMENDED  
SB 110 TABLED

**HEARING ON SB 92**

**Opening Statement by Sponsor:** SEN. DOROTHY ECK  
{Tape: 1; Side: A; Approx. Time Count: 3.1; Comments: This set  
of minutes is recorded on 90-minute tapes.}

Proponents' Testimony:

JUDY GARRITY, Prevention Resource Center  
{Tape: 1; Side: A; Approx. Time Count: 9.5}

GENE KIZER, Montana Board of Crime Control  
{Tape: 1; Side: A; Approx. Time Count: 12.8}

Questions From Committee Members and Responses:  
{Tape: 1; Side: A; Approx. Time Count: 13.6-20.5}

Closing by Sponsor: SEN. ECK  
{Tape: 1; Side: A; Approx. Time Count: 20.6}

HEARING ON SB 197

Opening Statement by Sponsor: SEN. LORENTS GROSFIELD  
{Tape: 1; Side: A; Approx. Time Count: 23.1}

Proponents' Testimony:

BILL SQUIRES, Attorney, Montana Telephone Association  
{Tape: 1; Side: A; Approx. Time Count: 32.4}

Questions From Committee Members and Responses:  
{Tape: 1; Side: A; Approx. Time Count: 35.3-Tape 1; Side B; 4.6}

Closing by Sponsor: SEN. GROSFIELD  
{Tape: 1; Side: B; Approx. Time Count: 4.7}

HEARING ON SB 46

Opening Statement by Sponsor: SEN. MIKE SPRAGUE  
{Tape: 1; Side: B; Approx. Time Count: 5.5}

Proponents' Testimony:

BRENDA NORDLAND, Department of Justice  
{Tape: 1; Side: B; Approx. Time Count: 15.6}

EXHIBIT 1

LOIS ADAMS, Department of Corrections  
{Tape: 1; Side: B; Approx. Time Count: 22.3}

Questions From Committee Members and Responses:  
{Tape: 1; Side: B; Approx. Time Count: 23.9-Tape 2; Side A; 15.8}

Closing by Sponsor: SEN. SPRAGUE  
{Tape: 2; Side: A; Approx. Time Count: 15.9}

HEARING ON SB 110

Opening Statement by Sponsor: SEN. TOM BECK  
{Tape: 2; Side: A; Approx. Time Count: 18.6}

Proponents' Testimony:

HANK HUDSON, Department of Health and Human Services (DHHS)  
{Tape: 2; Side: A; Approx. Time Count: 19.9}

MARY ANN WELLBANK, DHHS  
{Tape: 2; Side: A; Approx. Time Count: 28.0}

LOIS ADAMS, Department of Corrections  
{Tape: 2; Side: A; Approx. Time Count: 28.3}

Opponents' Testimony:

REP. BRAD MOLNAR  
{Tape: 2; Side: A; Approx. Time Count: 30.0}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 36.0-Tape 3; Side A; 6.0;  
Comments: Hank Hudson proposed an amendment.} EXHIBIT 2

Closing by Sponsor: SEN. BECK

{Tape: 3; Side: A; Approx. Time Count: 7.7; Comments: Rep. Hanson suggested that the representative designated to carry a bill abstain from questioning witnesses.}

EXECUTIVE ACTION ON SB 92

Motion/Vote: REP. DIANE SANDS moved SB 92 BE CONCURRED IN. The motion carried 16 - 4; REPS. BOHARSKI, MOLNAR, MC GEE, and BERGMAN voting no. (REPS. PEASE and WYATT voted aye by proxy.) REP. SOFT will carry SB 91. EXHIBIT 3  
{Tape: 3; Side: A; Approx. Time Count: 9.1; Comments: Exhibit 3 was submitted as requested by Rep. Sands during the questioning period of the hearing and was distributed at this point.}

EXECUTIVE ACTION ON SB 197

Motion/Vote: REP. ANDERSON moved SB 197 BE CONCURRED IN. The motion carried 20 - 0. (REPS. PEASE and WYATT voted aye by proxy.) REP. SIMON will carry SB 197.  
{Tape: 3; Side: A; Approx. Time Count: 11.3}

EXECUTIVE ACTION ON SB 46

Motion: REP. CHRIS AHNER moved SB 46 BE CONCURRED IN.  
{Tape: 3; Side: A; Approx. Time Count: 13.1}

Motion/Vote: REP. SANDS moved an amendment proposed by REP. MOLNAR to page 3, line 18; and page 7, end of line 13. The motion carried 20 - 0.

Motion: REP. BOHARSKI moved SB 46 BE CONCURRED IN AS AMENDED.  
{Tape: 3; Side: A; Approx. Time Count: 18.1}

Motion/Vote: REP. MOLNAR moved to amend page 3, line 16 and page 7, line 11. The motion carried 20 - 0.

Motion: REP. BOHARSKI moved SB 46 BE CONCURRED IN AS AMENDED.  
{Tape: 3; Side: A; Approx. Time Count: 20.8}

Motion: REP. SANDS moved to amend page 3, lines 9 and 11 to restore to original language.

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 21.5-23.1; Comments: REP. SANDS withdrew the motion.}

Vote: The motion that SB 46 BE CONCURRED IN AS AMENDED carried 20 - 0. (REPS. WYATT and PEASE voted aye by proxy.) REP. MOLNAR will carry SB 46.

{Tape: 3; Side: A; Approx. Time Count: 23.3}

EXECUTIVE ACTION ON SB 110

Motion: REP. WYATT moved SB 110 BE CONCURRED IN.

{Tape: 3; Side: A; Approx. Time Count: 28.5; Comments: Potential amendments were discussed prior to the motion.}

Motion/Vote: REP. MC GEE moved to table SB 110. The motion carried 12 - 7; REPS. WYATT, MC CULLOCH, SANDS, HURDLE, PEASE, ANDERSON and SOFT voting no. (REP. PEASE voted no by proxy.)

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

{Tape: 3; Side: A; Approx. Time Count: 32.0; Comments: Amendments to HB 163 are ready for distribution and the bill will be reconsidered at a later date.}

MOTION/VOTE: REP. MC CULLOCH MOVED TO ADJOURN. The motion carried by unanimous voice vote.

ADJOURNMENT

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

*Bob Clark*

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REP. BOB CLARK, Chairman

*Joanne Gunderson*

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JOANNE GUNDERSON, Secretary

BC/jg