

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By CHAIRMAN BOB CLARK, on March 10, 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. 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. Loren L. Soft (R)  
Rep. Bill Tash (R)

**Members Excused:** Rep. Diana E. Wyatt, Vice Chairman (Minority)

**Members Absent:** Rep. Liz Smith (R)

**Staff Present:** John MacMaster, Legislative Services Division  
Joanne Gunderson, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 138, SB 141, SB 142, SB 145  
POSTED 2/24/97  
Executive Action: SB 138 BE CONCURRED IN  
SB 141 BE CONCURRED IN  
SB 142 BE CONCURRED IN  
SB 145 BE CONCURRED IN  
SB 79 BE CONCURRED IN AS  
AMENDED

HEARING ON SB 145

Opening Statement by Sponsor: SEN. AL BISHOP  
{Tape: 1; Side: A; Approx. Time Count: 1.6; Comments: This set of minutes is recorded on 90-minute tapes.}

Proponents' Testimony:

BETH BAKER, Department of Justice  
{Tape: 1; Side: A; Approx. Time Count: 10.3}

Questions From Committee Members and Responses:  
{Tape: 1; Side: A; Approx. Time Count: 13.0 - 28.5}

Closing by Sponsor: SEN. BISHOP  
{Tape: 1; Side: A; Approx. Time Count: 28.6}

HEARING ON SB 141

Opening Statement by Sponsor: SEN. KEN MESAROS  
{Tape: 1; Side: A; Approx. Time Count: 29.6}

Proponents' Testimony:

PATRICK GRAHAM, Department of Fish, Wildlife and Parks EXHIBIT 1  
{Tape: 1; Side: A; Approx. Time Count: 34.3}

BETH BAKER, Department of Justice  
{Tape: 1; Side: A; Approx. Time Count: 37.6}

Questions From Committee Members and Responses:  
{Tape: 1; Side: B; Approx. Time Count: 0.1}

Closing by Sponsor: SEN. MESAROS  
{Tape: 1; Side: B; Approx. Time Count: 6.3}

HEARING ON SB 142

Opening Statement by Sponsor: SEN. REINY JABS  
{Tape: 1; Side: B; Approx. Time Count: 7.4}

Questions From Committee Members and Responses:  
{Tape: 1; Side: B; Approx. Time Count: 9.7 - 13.2}

Closing by Sponsor: SEN. JABS  
{Tape: 1; Side: B; Approx. Time Count: 13.3}

HEARING ON SB 138

Opening Statement by Sponsor: SEN. MIKE FOSTER  
{Tape: 1; Side: B; Approx. Time Count: 13.9}

Opponents' Testimony:

CHRISTOPHER MILLER, Powell County Attorney  
{Tape: 1; Side: B; Approx. Time Count: 17.0}

MIKE McGRATH, Lewis and Clark County Attorney  
{Tape: 1; Side: B; Approx. Time Count: 21.9; Comments: Also  
representing County Attorney Association.}

Informational Testimony :

BETH BAKER, Department of Justice  
{Tape: 1; Side: B; Approx. Time Count: 22.6}

EXHIBIT 2

Proponents' Testimony:

GORDON MORRIS, Montana Association of Counties  
{Tape: 1; Side: B; Approx. Time Count: 25.5; Comments: This  
proponent appeared late and was allowed without objection to  
testify as a proponent though that portion of the hearing had  
closed.}

Questions From Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Count: 26.3-Tape 2; Side A; 11.9}

Closing by Sponsor: SEN. FOSTER

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

EXECUTIVE ACTION ON SB 138

Motion: REP. SANDS moved SB 138 BE CONCURRED IN.

{Tape: 2; Side: A; Approx. Time Count: 25.6}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 25.8 - 30.9}

Vote: The motion carried 15 - 2; REPS. AHNER and CLARK voting  
no. REPS. WYATT and GRIMES voted aye by proxy. REP. GRIMES will  
carry SB 138.

EXECUTIVE ACTION ON SB 145

Motion: REP. BOHARSKI moved SB 145 BE CONCURRED IN.

{Tape: 2; Side: A; Approx. Time Count: 31.2}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 31.5-35.5; Comments: John  
MacMaster explained the bill.}

Motion/Vote: REP. MC GEE moved to amend SB 145. The motion  
failed 3 - 14. REPS. MC GEE, CURTISS and CLARK voting aye.

{Tape: 2; Side: A; Approx. Time Count: 38.1}

Vote: The motion to concur in SB 145 carried 15 - 1. REP. MC GEE voting no. REPS. TASH, WYATT and KOTTEL voted aye by proxy. REP. TASH will carry SB 145.

EXECUTIVE ACTION ON SB 141

Motion: REP. BOHARSKI moved SB 141 BE CONCURRED IN.  
{Tape: 2; Side: A; Approx. Time Count: 40.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 42.1-Tape 2; Side B; 1.8}

Vote: The motion carried 15 - 2; REPS. HURDLE and CURTISS voting no. REPS. HANSON, TASH, KOTTEL and WYATT voted aye by proxy. REP. REHBEIN will carry SB 141.

EXECUTIVE ACTION ON SB 142

Motion: REP. BOHARSKI moved SB 142 BE CONCURRED IN.  
{Tape: 2; Side: B; Approx. Time Count: 1.9}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 2.4}

Vote: The motion carried 16 - 0. REPS. WYATT, KOTTEL and TASH voted aye by proxy. REP. PEASE will carry SB 142.

EXECUTIVE ACTION ON SB 79

Motion: REP. ELLINGSON moved SB 79 BE CONCURRED IN.  
{Tape: 2; Side: B; Approx. Time Count: 5.8}

Motion: REP. SOFT moved to amend SB 79  
{Tape: 2; Side: B; Approx. Time Count: 6.3}

EXHIBIT 3

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 7.6 - 15.0}

Vote: The motion carried 16 - 1; REP. MOLNAR voting no. REPS. WYATT, KOTTEL and TASH voted aye by proxy.

Motion: REP. ELLINGSON moved SB 79 BE CONCURRED IN AS AMENDED.  
{Tape: 2; Side: B; Approx. Time Count: 15.4}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 15.5}

Motion/Vote: REP. ANDERSON moved an amendment to provide a sunset clause and require a report to the next session to re-authorize the provision. The motion carried unanimously.  
{Tape: 2; Side: B; Approx. Time Count: 24.5}

Motion/Vote: REP. SANDS moved SB 79 BE CONCURRED IN AS AMENDED.  
The motion carried 14 - 3; REPS. MOLNAR, BOHARSKI and CLARK  
voting no. REPS. TASH, KOTTEL and WYATT voted aye by proxy.  
{Tape: 2; Side: B; Approx. Time Count: 27.5}

EXECUTIVE ACTION ON SB 31

Motion: REP. BOHARSKI moved SB 31 BE CONCURRED IN.  
{Tape: 2; Side: B; Approx. Time Count: 30.0}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 31.5-Tape 3; Side A; 3.8;  
Comments: REP. BOHARSKI withdrew the motion. The chairman ruled  
that action would be postponed. See exhibit 4.} EXHIBIT 4

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

ADJOURNMENT

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



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REP. BOB CLARK, Chairman



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JOANNE GUNDERSON, Secretary

BC/jg