

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on March 21, 1997, at
7:00 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. 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)

Members Excused: Rep. Chris Ahner

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 283, SB 314, SB 383, SB 308
POSTED 3/7/97
Executive Action: HB 163 action suspended

EXECUTIVE ACTION ON HB 163

Amendments/Discussion:

{Tape: 1; Side: A; Approx. Time Count: 1.0; Comments: This set of minutes is recorded on six 60-minute tapes.}

Motion: REP. WYATT moved HB 163 DO PASS.
{Tape: 1; Side: A; Approx. Time Count: 1.8}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 3.4}

Motion: REP. SOFT moved both sets of amendments. EXHIBITS 1-2
{Tape: 1; Side: A; Approx. Time Count: 5.0}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 5.3; Comments: REP. SOFT
withdrew his motion.}

Motion: REP. SOFT moved the first set of amendments.
{Tape: 1; Side: A; Approx. Time Count: 5.9; Comments: EXHIBIT 1}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 7.3 - 15.5; Comments: Ann
Gilkey explained the amendments without objection from the
committee.}

Vote: The motion carried 15 - 0. REPS. AHNER, MOLNAR, SMITH,
BOHARSKI and GRIMES were absent for the vote.

Motion: REP. SOFT moved the second set of amendments.
{Tape: 1; Side: A; Approx. Time Count: 16.0; Comments: EXHIBIT 2.}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 16.5-Tape 1; Side B; 21.1}

Motion/Vote: REP. MOLNAR moved to table HB 163. The motion
failed 6 - 11; REPS. MCGEE, MOLNAR, BERGMAN, CURTISS, CLARK and
BOHARSKI (by proxy) voting aye. REPS. SMITH, AHNER, and GRIMES
were absent for the vote.
{Tape: 1; Side: B; Approx. Time Count: 21.6}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 21.8}

Motion: REP. MCGEE moved to have every reference to "putative"
changed to "natural or presumed."
{Tape: 1; Side: B; Approx. Time Count: 23.5}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 23.6 - 24.1}

Vote: The motion failed by voice vote.

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 25.0}

Motion: REP. MOLNAR made a substitute motion that HB 163 DO NOT
PASS.
{Tape: 1; Side: B; Approx. Time Count: 28.1}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 0.1-6.4; Comments: At beginning of discussion the tape broke, some testimony was lost.}

Vote: The motion failed 7 - 11 by roll call vote. REPS. BOHARSKI and HURDLE voted by proxy. REPS. AHNER and SMITH were absent for the vote. EXHIBIT 3

{Tape: 2; Side: A; Approx. Time Count: 6.5}

Motion: REP. KOTTEL moved a conceptual amendment to HB 163 on page 42 to clarify language between lines 6 and 15 regarding a non-state evaluator.

{Tape: 2; Side: A; Approx. Time Count: 9.0; Comments: John MacMaster clarified the language of the amendment.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 9.8}

Motion: REP. MC GEE moved to suspend action on HB 163.

{Tape: 2; Side: A; Approx. Time Count: 10.4; Comments: CHAIRMAN CLARK ruled that that motion was not in order.}

Vote: The motion on the Kottel amendment carried by voice vote.

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 11.4; Comments: The subcommittee amendments had not been adopted. REP. MOLNAR requested that further time be given to the subcommittee to complete their charge to examine and amend the bill beyond page 30 and requested a motion to table; the chairman did not entertain the motion because the committee was discussing the amendments. REP. BOHARSKI requested that a copy of the bill be prepared reflecting the amendments. John MacMaster responded regarding the options available to answer this request.}

Vote: The motion on the subcommittee amendments carried 17 - 1; REP. McGEE voting no.

{Tape: 2; Side: A; Approx. Time Count: 17.7 - 23.5; Comments: REP. GRIMES requested that further action be suspended; REP. WYATT voiced her objection. REP. MOLNAR suggested a table motion until the subcommittee could complete their action. The chairman ruled to reconvene the subcommittee with REP. SOFT replacing REP. AHNER as chair due to her illness and reappointed REPS. GRIMES, MOLNAR, KOTTEL and SANDS as members. The subcommittee planned to reconvene Saturday following floor action.}

HEARING ON SB 283

Opening Statement by Sponsor: SEN. JIM BURNETT EXHIBITS 4-4M
{Tape: 2; Side: A; Approx. Time Count: 25.8-Tape 2; Side B; 12.5}

Proponents' Testimony:

HANK HUDSON, Department of Public Health and Human Services
{Tape: 2; Side: B; Approx. Time Count: 12.6; Comments: This witness did not sign in.}

MARY ALICE COOK, Advocate for Children and Families
{Tape: 2; Side: B; Approx. Time Count: 16.1}

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 17.0-end of tape}

Closing by Sponsor: SEN. BURNETT

{Tape: 3; Side: A; Approx. Time Count: 0.1}

HEARING ON SB 308

Opening Statement by Sponsor: SEN. TOM BECK EXHIBIT 5-5A
{Tape: 3; Side: A; Approx. Time Count: 8.4}

Proponents' Testimony:

STEVE PILCHER, Western Montana Environmental Trade Association
{Tape: 3; Side: A; Approx. Time Count: 11.2}

WILLIAM SPILKER, Montana Association of Realtors EXHIBIT 6
{Tape: 3; Side: A; Approx. Time Count: 15.0}

ANDY SKINNER EXHIBIT 7
{Tape: 3; Side: A; Approx. Time Count: 18.4}

DENNIS "BUD" WILLIAMS, Montana Manufactured Housing & RV
Association {Tape: 3; Side: A; Approx. Time Count: 19.5}

DON CHANCE, Montana Building Industry Association
{Tape: 3; Side: A; Approx. Time Count: 22.2}

JIM TAYLOR, Consulting Engineer
{Tape: 3; Side: A; Approx. Time Count: 26.5}

Opponents' Testimony:

DAVE WOODGERD, Department of Revenue, Department of
Administration, Office of the Governor EXHIBIT 8
{Tape: 3; Side: A; Approx. Time Count: 29.0-Tape 3; Side B; 7.0}

ALEC HANSON, Montana League of Cities and Towns
{Tape: 3; Side: B; Approx. Time Count: 7.1}

GORDON MORRIS, Montana Association of Counties
{Tape: 3; Side: B; Approx. Time Count: 15.3}

MARY PHIPPEN, Montana Association of Clerks of District Court
{Tape: 3; Side: B; Approx. Time Count: 17.8} EXHIBIT 9

EMILE KIMMET, Teton County Clerk of District Court EXHIBIT 10-10B
{Tape: 3; Side: B; Approx. Time Count: 22.6}

ROBERT THROSSELL, Montana Association of Clerks and Recorders
{Tape: 3; Side: B; Approx. Time Count: 24.7}

TIM BURTON, Lewis & Clark County Commission
{Tape: 3; Side: B; Approx. Time Count: 25.8}

JIM KEMBEL, City of Billings
{Tape: 4; Side: A; Approx. Time Count: 0.5}

Proponents' Testimony:

{Tape: 4; Side: A; Approx. Time Count: 1.2 - 19.7; Comments:
Because of rescheduling the order of hearing of bills, the
following proponents were allowed to testify out of the usual
order. Some of these witnesses did not sign in.}

BILL PEARCE

EXHIBIT 11

JIM HART

RON BAUER

JERRY HAMLIN, Hamlin Construction

MIKE SKINNER

Questions From Committee Members and Responses:

{Tape: 4; Side: A; Approx. Time Count: 19.8-Tape 4; Side B; 10.7}

Closing by Sponsor: SEN. BECK

{Tape: 4; Side: B; Approx. Time Count: 12.7; Comments: Described
the intent of the bill. Said REP. ANDERSON agreed to carry it.}

HEARING ON SB 383

Opening Statement by Sponsor: SEN. BRUCE CRIPPEN

{Tape: 4; Side: B; Approx. Time Count: 14.8}

Proponents' Testimony:

MARY ALICE COOK, Advocate for Children and Families
{Tape: 5; Side: A; Approx. Time Count: 1.6}

DETECTIVE JEFF BEECROFT, State Police Association
{Tape: 5; Side: A; Approx. Time Count: 3.2}

SGT. KEN DOVE, Billings Police Department
{Tape: 5; Side: A; Approx. Time Count: 5.0}

JIM KEMBEL, City of Billings
{Tape: 5; Side: A; Approx. Time Count: 6.2}

JOHN CONNOR, Department of Justice/Montana County Attorneys'
Association
{Tape: 5; Side: A; Approx. Time Count: 6.8}

CHARLES BROOKS, Yellowstone County Commissioners
{Tape: 5; Side: A; Approx. Time Count: 7.5}

KATHY MCGOWAN, Montana Peace Officers' and Sheriffs' Association
{Tape: 5; Side: A; Approx. Time Count: 7.9}

Questions From Committee Members and Responses:
{Tape: 5; Side: A; Approx. Time Count: 8.8-27.8}

Closing by Sponsor: SEN. CRIPPEN
{Tape: 5; Side: A; Approx. Time Count: 27.9}

HEARING ON SB 314

Opening Statement by Sponsor: SEN. BRUCE CRIPPEN
{Tape: 5; Side: B; Approx. Time Count: 0.1; Comments: REP. MCGEE
assumed the chair.}

Proponents' Testimony:

RUSS RITTER, Washington Corporation
{Tape: 5; Side: B; Approx. Time Count: 9.8; Comments: CHAIRMAN
CLARK reassumed the chair.}

PAGE DRINGMAN, Burlington Northern/Santa Fe Railroad
{Tape: 5; Side: B; Approx. Time Count: 13.4}

DAVID HOFFMAN, Union Pacific Railroad
{Tape: 5; Side: B; Approx. Time Count: 22.8}

CHARLES CLARK, Union Pacific Railroad
{Tape: 6; Side: A; Approx. Time Count: 0.1}

DON ALLEN, Montana Wood Products Association
{Tape: 6; Side: A; Approx. Time Count: 3.3}

CARL SCHWEITZER, Montana Contractors' Association
{Tape: 6; Side: A; Approx. Time Count: 4.4; Comments: This
witness did not sign in.}

JOHN FITZPATRICK, Pegasus Gold
{Tape: 6; Side: A; Approx. Time Count: 4.8}

CHRIS GALLUS, Montana Chamber of Commerce
{Tape: 6; Side: A; Approx. Time Count: 5.4}

ANGELA JANACARO, Montana Mining Association
{Tape: 6; Side: A; Approx. Time Count: 5.6}

GAIL ABERCROMBIE, Montana Petroleum Association
{Tape: 6; Side: A; Approx. Time Count: 5.7}

Opponents' Testimony:

RUSSELL HILL, Montana Trial Lawyers Association
{Tape: 6; Side: A; Approx. Time Count: 6.1}

EXHIBIT 12

DON JUDGE, ALF/CIO
{Tape: 6; Side: A; Approx. Time Count: 12.5}

FRAN MARCEAU, UTU
{Tape: 6; Side: A; Approx. Time Count: 18.4}

JAMES MILLAR, Transportation Union
{Tape: 6; Side: A; Approx. Time Count: 20.3}

TED LANGE, Northern Pacific
{Tape: 6; Side: A; Approx. Time Count: 23.2}

CRAIG GILCHRIST, Burlington Northern
{Tape: 6; Side: A; Approx. Time Count: 23.8}

WAYNE YOUNG, BMW
{Tape: 6; Side: A; Approx. Time Count: 24.9}

JAMIE TOWE
{Tape: 6; Side: A; Approx. Time Count: 26.5}

Questions From Committee Members and Responses:

{Tape: 6; Side: A; Approx. Time Count: 29.7-Tape 6; Side B; 15.2}

{Tape: 6; Side: B Comments: EXHIBITS 13 and 14 were distributed
to the committee.}

EXHIBITS 13-14

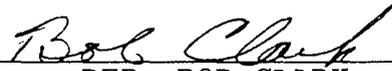
Closing by Sponsor: SEN. CRIPPEN

{Tape: 6; Side: B; Approx. Time Count: 15.3}

Motion: REP. MCGEE moved to adjourn. The meeting was adjourned.

ADJOURNMENT

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



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg