

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on March 24, 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. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Shiell W. Anderson (R)
Rep. Ellen Bergman (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
Rep. William E. Boharski
Rep. H.S. "Sonny" Hanson until 9:45 AM

Members Absent: Rep. Diane Sands until 9:30 AM

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 320, SB 341, SB 369
POSTED 3/6; 3/13 and 3/20
Executive Action: SB 167 BE CONCURRED IN
SB 341 BE CONCURRED IN
SB 168 TABLED
SB 270 BE CONCURRED IN
AS AMENDED
SB 383 ACTION POSTPONED

HEARING ON SB 320

Opening Statement by Sponsor: SEN. VIVIAN BROOKE EXHIBITS 1-2
{Tape: 1; Side: A; Approx. Time Count: 1.6; Comments: This set of minutes is recorded on four 60-minute tapes.}

Proponents' Testimony:

SEN. DEL GAGE

{Tape: 1; Side: A; Approx. Time Count: 7.0}

KEVIN KEENAN

{Tape: 1; Side: A; Approx. Time Count: 10.6}

EXHIBITS 3-5A

SHERI SCHOFIELD

{Tape: 1; Side: A; Approx. Time Count: 20.6}

EXHIBITS 6-6B

JOHN SMART

{Tape: 1; Side: A; Approx. Time Count: 30.0}

EXHIBIT 7

LUELLE SCHULTZ

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

EXHIBIT 8

TOM SCHNEIDER, Montana Federation of State Employees

{Tape: 1; Side: B; Approx. Time Count: 9.1}

Opponents' Testimony:

LEROY SCHRAMM, Montana University System

{Tape: 1; Side: B; Approx. Time Count: 10.8; Comments: This witness did not sign in.}

EXHIBIT 9

MARK CRESS, Administrator, State Personnel, Department of Administration, and the Governor' Office

{Tape: 1; Side: B; Approx. Time Count: 24.2}

EXHIBIT 10

JOHN FITZPATRICK, Pegasus Gold

{Tape: 2; Side: A; Approx. Time Count: 2.1}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 7.4-Tape 2; Side B; 16.0}

Closing by Sponsor: SEN. BROOKE

{Tape: 2; Side: B; Approx. Time Count: 16.2}

HEARING ON SB 341Opening Statement by Sponsor: SEN. BARRY "SPOOK" STANG

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

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 24.5-Tape 3; Side A; 3.9}

Closing by Sponsor: SEN. STANG

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

HEARING ON SB 369

Opening Statement by Sponsor: SEN. CHARLES "CHUCK" SWYSGOOD

{Tape: 3; Side: A; Approx. Time Count: 5.3; Comments: REP. MCGEE assumed the chair.}

Proponents' Testimony:

BETTY WADDELL, Montana Association of Churches

{Tape: 3; Side: A; Approx. Time Count: 13.1}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 16.7-Tape 3; Side B; 1.5; Comments: CHAIRMAN CLARK resumed the chair.}

Closing by Sponsor: SEN. SWYSGOOD

EXHIBIT 11

{Tape: 3; Side: B; Approx. Time Count: 1.8}

EXECUTIVE ACTION ON SB 383

Motion: REP. WYATT moved SB 383 BE CONCURRED IN.

{Tape: 3; Side: B; Approx. Time Count: 5.3}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 6.0 - 10.8; Comments: REP. WYATT withdrew motion, action was postponed.}

EXECUTIVE ACTION ON SB 270

Motion: REP. MCGEE moved SB 270 BE CONCURRED IN.

{Tape: 3; Side: B; Approx. Time Count: 11.6}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 12.3}

Motion: REP. MCGEE moved to amend SB 270 with sponsor's amendments.

{Tape: 3; Side: B; Approx. Time Count: 13.3}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 14.5}

Motion/Vote: REP. McGEE moved to segregate amendments 1 and 2 from 3. The motion to adopt amendments 1 and 2 carried 17 - 0.
{Tape: 3; Side: B; Approx. Time Count: 22.1}

Motion: REP. McGEE moved SB 270 BE CONCURRED IN AS AMENDED.

Motion: REP. McGEE moved a conceptual amendment for section 3.
{Tape: 3; Side: B; Approx. Time Count: 23.2}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 23.5-Tape 4; Side A; 1.9}

Motion: REP. KOTTEL moved a substitute amendment.

Vote: The motion carried 17 - 0.

Motion: REP. McGEE moved SB 270 BE CONCURRED IN AS AMENDED.

Motion: REP. McGEE moved to amend page 1, line 19 to change "are" to "may be."

Motion: REP. McGEE moved a substitute amendment to leave "are" in and insert "or may be" after "are."
{Tape: 4; Side: A; Approx. Time Count: 2.7; Comments: Substitute language suggested by REP. ANDERSON.}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 3.5; Comments: After discussion, REP. McGEE withdrew his amendment.}

Motion/Vote: REP. KOTTEL moved to amend by inserting "and prevention" on line 17 of page 1 and insert "insurance and securities fraud" on line 19." The motion carried 17 - 0.
{Tape: 4; Side: A; Approx. Time Count: 5.9}

Motion: REP. McGEE moved SB 270 BE CONCURRED IN AS AMENDED.
{Tape: 4; Side: A; Approx. Time Count: 6.2}

Discussion:

{Tape: 4; Side: A; Approx. Time Count: 6.4 - 10.1}

Vote: The motion carried 16 - 0. REP. KOTTEL will carry SB 270.
{Tape: 4; Side: A; Approx. Time Count: 10.2}

EXECUTIVE ACTION ON SB 168

Motion/Vote: REP. McGEE moved SB 168 be tabled. The motion carried 14 - 3; REPS. WYATT, HANSON and SOFT voting no. REP. SOFT voted by proxy.
{Tape: 4; Side: A; Approx. Time Count: 16.2}

EXECUTIVE ACTION ON SB 341

MOTION/VOTE: REP. SMITH MOVED SB 341 BE CONCURRED IN. THE motion carried 17 - 0. REP. SOFT voted aye by proxy. REP. BOOKOUT will carry SB 341.
{Tape: 4; Side: A; Approx. Time Count: 18.4}

EXECUTIVE ACTION ON SB 167

Motion: REP. SANDS moved SB 167 BE CONCURRED IN.
{Tape: 4; Side: A; Approx. Time Count: 19.4}

Discussion:
{Tape: 4; Side: A; Approx. Time Count: 19.5}

Vote: The motion carried 16 - 1; REP. MCGEE voting no. REP. SOFT voted aye by proxy. REP. RYAN will carry SB 167.
{Tape: 4; Side: A; Approx. Time Count: 20.9}

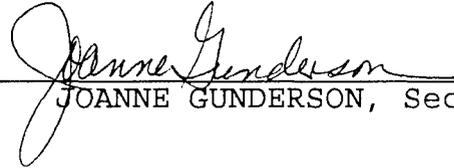
Motion: REP. HANSON moved to adjourn. The meeting was adjourned.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:30 AM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg