

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on March 25, 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 Absent: Rep. Chris Ahner
Rep. William Boharski until 8:00 AM
Rep. Diana Wyatt until 8:15 AM
Rep. Liz Smith until 7:30 AM

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 289, SB 329, SB 382
POSTED 3/6; 3/13 AND 3/20
Executive Action: HB 163 DO PASS AS AMENDED
SB 308 BE CONCURRED IN

EXECUTIVE ACTION ON HB 163

Motion: REP. SOFT moved to amend HB 163. EXHIBIT 1
{Tape: 1; Side: A; Approx. Time Count: 4.1; Comments: The previous action on HB 163 had been suspended. The motion to amend followed an explanation of the amendments by REP. SOFT. This set of minutes is recorded on five 60-minute tapes.}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 4.5}

Vote: The motion carried 17 - 0. REPS. ELLINGSON and WYATT voted aye by proxy. REPS. SMITH, WYATT, AHNER, ELLINGSON and BOHARSKI were absent.

Motion: REP. SOFT moved HB 163 DO PASS AS AMENDED.
{Tape: 1; Side: A; Approx. Time Count: 7.2}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 7.3-Tape 1; Side B; 8.5}

Vote: The motion carried 15 - 4; REPS. MCGEE, MOLNAR, CURTISS and CLARK voting no. REPS. WYATT, ELLINGSON, TASH and AHNER voted aye by proxy. REP. BOHARSKI was absent and left no proxy.

EXECUTIVE ACTION ON SB 308

Motion: REP. CURTISS moved SB 308 BE CONCURRED IN.
{Tape: 1; Side: B; Approx. Time Count: 9.2}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 9.9 - 25.5; Comments: REP. GRIMES requested that his comments regarding the intent of the committee, the intent of the legislation as well as the intended meaning of "other written authority" on page 2, line 21. REP. McCULLOCH commented on the fiscal impact.}

Motion/Vote: REP. HURDLE moved to table SB 308. The motion failed by voice vote.
{Tape: 1; Side: B; Approx. Time Count: 27.8}

Vote: The motion to concur in SB 308 carried 13 - 7; REPS. HURDLE, McCULLOCH, PEASE, SANDS, WYATT, ELLINGSON and KOTTEL voting no. REPS. AHNER and TASH voted aye by proxy. REPS. WYATT and ELLINGSON voted no by proxy.

HEARING ON SB 329

Opening Statement by Sponsor: SEN. MIKE HALLIGAN EXHIBIT 2
{Tape: 2; Side: A; Approx. Time Count: 0.1}

Proponents' Testimony:

PROF. ELAINE GAGLIARDI, Montana Bar, Montana School of Law
{Tape: 2; Side: A; Approx. Time Count: 1.3}

Questions From Committee Members and Responses:

{Tape: 2; Side: A; Approx. Time Count: 13.3-Tape 2; Side B; 11.0}

Closing by Sponsor: SEN. HALLIGAN

{Tape: 2; Side: B; Approx. Time Count: 11.1}

HEARING ON SB 289Opening Statement by Sponsor: SEN. DOROTHY ECK

{Tape: 2; Side: B; Approx. Time Count: 13.1}

Proponents' Testimony:

GENE KISER, Montana Board of Crime Control
{Tape: 2; Side: B; Approx. Time Count: 16.9}

GLORIA EDWARDS, Gallatin County Victim/Witness Program
{Tape: 2; Side: B; Approx. Time Count: 18.1} EXHIBITS 3-3B

MIKE CRONIN, Department of Corrections
{Tape: 2; Side: B; Approx. Time Count: 22.1}

Opponents' Testimony:

BOB GILBERT, Montana Magistrates Association/Montana Tax
Collectors' Association
{Tape: 2; Side: B; Approx. Time Count: 22.9}

KAREN BRYSON, Helena City Court
{Tape: 2; Side: B; Approx. Time Count: 27.8; Comments: Tape
broke and part of testimony was lost while replacing it.}

Questions From Committee Members and Responses:

Tape: 3; Side: A; Approx. Time Count: 0.8 - 13.2}

Closing by Sponsor: SEN. ECK

{Tape: 3; Side: A; Approx. Time Count: 12.4}

HEARING ON SB 382Opening Statement by Sponsor: SEN. JOHN HARP

{Tape: 3; Side: A; Approx. Time Count: 15.0; Comments: CHAIRMAN
CLARK limited testimony to 30 minutes per side.}

Proponents' Testimony:

JANICE REHBERG, Crowley Law Firm/Semi-Tool
{Tape: 3; Side: A; Approx. Time Count: 24.8} EXHIBIT 4

ALLAN KARELL, Semi-Tool EXHIBITS 5-5B
{Tape: 3; Side: B; Approx. Time Count: 0.1}

JOHN SULLIVAN, Chief Financial Officer, Semi-Tool
{Tape: 3; Side: B; Approx. Time Count: 13.4}

MOE WOSEPKA, Kalispell Chamber of Commerce
{Tape: 3; Side: B; Approx. Time Count: 17.2}

DAVID DENNIS, D. A. Davidson
{Tape: 3; Side: B; Approx. Time Count: 19.0; Comments: This
witness did not sign in.}

JOHN OITZINGER
{Tape: 3; Side: B; Approx. Time Count: 22.2}

TOM HARRISON, CPA Society
{Tape: 3; Side: B; Approx. Time Count: 23.6; Comments: This
witness did not sign in.}

Opponents' Testimony:

BETH O'HALLORAN, State Auditor's Office, Securities Division
{Tape: 3; Side: B; Approx. Time Count: 25.0 - Tape 4; Side A;
5.2; Comments: REP. WYATT assumed the chair.}

PAT MC GARRELL, Darby
{Tape: 4; Side: A; Approx. Time Count: 5.3}

IRENE THEURER, AARP EXHIBIT 6
{Tape: 4; Side: A; Approx. Time Count: 8.7}

VERN BERTELSEN, Montana Senior Citizens' Association EXHIBIT 7
{Tape: 4; Side: A; Approx. Time Count: 11.0}

PAUL STAHL, Lewis and Clark County
{Tape: 4; Side: A; Approx. Time Count: 13.5}

RUSSELL HILL, Montana Trial Lawyers Association
{Tape: 4; Side: A; Approx. Time Count: 17.2}

LINDA DEOLA
{Tape: 4; Side: A; Approx. Time Count: 28.4}

Questions From Committee Members and Responses:

{Tape: 4; Side: A; Approx. Time Count: 29.8-Tape 5; Side A; 13.0;
Comments: CHAIRMAN CLARK resumed the chair.}

Closing by Sponsor: SEN. HARP

{Tape: 5; Side: A; Approx. Time Count: 13.4}

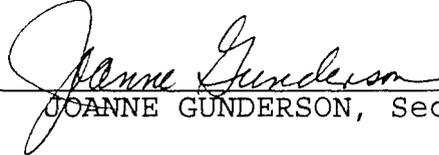
Motion: REP. MC GEE moved to adjourn. The meeting was adjourned.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:15 AM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg