

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on April 14, 1997, at
5 PM, 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 (R)

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

Committee Business Summary:

Executive Action: SB 374, BE CONCURRED IN AS
AMENDED
SB 110, TO RECONSIDER, FAILED

EXECUTIVE ACTION ON SB 374

Amendments: John MacMaster explained the subcommittee EXHIBIT 1 amendments. {Tape: 1; Side: A; Approx. Time Count: 2.0; Comments: This set of minutes is recorded on three 60-minute tapes.}

Motion: REP. MCGEE moved SB 374 BE CONCURRED IN.
{Tape: 1; Side: A; Approx. Time Count: 6.5}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 7.3-18.6}

Motion: REP. MCGEE moved the subcommittee amendments.
{Tape: 1; Side: A; Approx. Time Count: 18.7}

Discussion:
{Tape: 1; Side: A; Approx. Time Count: 18.9-26.3}

Vote: The motion carried 19 - 0.

Motion: REP. MCGEE moved SB 374 BE CONCURRED IN AS AMENDED.
{Tape: 1; Side: A; Approx. Time Count: 27.2}

Motion: REP. BOHARSKI moved a conceptual amendment as a legislative findings and purpose clause to say that "where the legislature finds that it had done its best to comply with 42USC666; however, the constitutional oath to uphold article 2, sections 10, 11 and 26 of the Montana Constitution prevented us from complying with all of the provisions of this act and therefore the sections dealing with new hire reporting, the financial institution data match and the social security requirement on all license applications were amended out."
{Tape: 1; Side: A; Approx. Time Count: 27.6-Tape 1; Side B; 2.9}

Discussion:
{Tape: 1; Side: B; Approx. Time Count: 3.1-Tape 2; Side A; 9.0}

Vote: The motion failed by voice vote.
{Tape: 2; Side: A; Approx. Time Count: 9.3}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 9.5-14.5}

Motion: REP. MOLNAR moved to amend SB 374 with a conceptual amendment requiring the Attorney General to seek a court finding regarding this bill's potential to violate the 10th amendment of the Montana Constitution.
{Tape: 2; Side: A; Approx. Time Count: 14.7.}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 15.8}

Vote: The motion failed 7 - 10; REPS. MOLNAR, BERGMAN, MCGEE, BOHARSKI, GRIMES, CURTISS and CLARK voting aye.
{Tape: 2; Side: A; Approx. Time Count: 16.6}

Discussion:
{Tape: 2; Side: A; Approx. Time Count: 17.5-21.9}

Vote: The motion to concur in SB 374 as amended failed 6 - 14 by roll call vote. **EXHIBIT 2**

Motion: REP. BOHARSKI moved amend out of the bill all new hire, financial reporting, and social security number information and the no jury provisions.

{Tape: 2; Side: A; Approx. Time Count: 23 Comments: The Chairman noted that the bill had already been defeated and REP. BOHARSKI withdrew his motion.}

Motion: REP. BOHARSKI moved SB 374 BE CONCURRED IN and the above-mentioned amendment.

{Tape: 2; Side: A; Approx. Time Count: 24; Comments: It was noted that the proper motion would be to reconsider. REP. BOHARSKI withdrew his motion.}

Motion/Vote: REP. BOHARSKI moved to reconsider the bill for purposes of amendment. The motion carried by voice vote.

{Tape: 2; Side: A; Approx. Time Count: 27.6}

Motion: REP. BOHARSKI moved his amendment.

{Tape: 2; Side: A; Approx. Time Count: 28.9}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 19.0-Tape 2; Side B; 0.1}

Vote: The motion to amend carried 13 - 6. REPS. WYATT, SANDS, MC CULLOCH, PEASE, HURDLE and KOTTEL voting no.

Motion/Vote: REP. MOLNAR moved to table SB 374 as amended. The motion failed by voice vote.

Motion/Vote: REP. BOHARSKI moved SB 374 BE CONCURRED IN AS AMENDED. The motion carried 11 - 9 by roll call vote. **EXHIBIT 3**

{Tape: 2; Side: B; Approx. Time Count: 1.3}

EXECUTIVE ACTION ON SB 110

Motion: REP. SMITH moved to reconsider SB 110.

{Tape: 2; Side: B; Approx. Time Count: 3.7}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 4.8}

Vote: The motion carried 12 - 8 by roll call vote. **EXHIBIT 4**

{Tape: 2; Side: B; Approx. Time Count: 7.8}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 7.9} **EXHIBIT 5**

Motion: REP. SMITH moved the amendments (Exhibit 5).

{Tape: 2; Side: B; Approx. Time Count: 9.5}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 9.8-20.8}

Vote: The motion carried by voice vote.

{Tape: 2; Side: B; Approx. Time Count: 25.9}

Motion: REP. SMITH moved SB 110 BE CONCURRED IN AS AMENDED.

{Tape: 2; Side: B; Approx. Time Count: 26.3}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 26.5-Tape 3; Side A; 4.6}

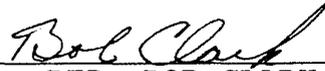
Vote: The motion failed 10 - 10 by roll call vote. EXHIBIT 6

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

Motion: REP. MOLNAR moved to table SB 110 by reversing the vote.
The motion failed since the previous vote was a tie vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 7 PM.



REP. BOB CLARK, Chairman



JOANNE GUNDERSON, Secretary

BC/jg