

**MINUTES**

**MONTANA SENATE  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN BRUCE D. CRIPPEN**, on February 19, 1997, at 9:00 a.m., in the Senate Judiciary Chambers of the State Capitol, Helena, Montana.

**ROLL CALL**

**Members Present:**

Sen. Bruce D. Crippen, Chairman (R)  
Sen. Lorents Grosfield, Vice Chairman (R)  
Sen. Al Bishop (R)  
Sen. Sue Bartlett (D)  
Sen. Steve Doherty (D)  
Sen. Sharon Estrada (R)  
Sen. Mike Halligan (D)  
Sen. Ric Holden (R)  
Sen. Reiny Jabs (R)  
Sen. Walter L. McNutt (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Services Division  
Jody Bird, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: None  
Executive Action: SB 369, SB 291

**EXECUTIVE ACTION ON SB 369**

**Motion/Vote:** SEN. MIKE HALLIGAN MOVED SB 369 DO PASS. THE MOTION CARRIED UNANIMOUSLY (EXHIBITS #a AND #b).

**DISCUSSION OF PRIOR EXECUTIVE ACTION ON SB 321**

**Amendments:** sb032106.av1 (EXHIBIT #1)

**Discussion:** SEN. HALLIGAN advised the Committee he had amendments drafted to address the concerns of committee members which were expressed during executive action on the bill on February 17, 1997. He explained that the amendments would

tighten up the parameters for the ombudsman, and would be presented on the Senate floor on February 20, 1997.

{Tape: 1; Side: A; Approx. Time Count: #8.7, 9:17 a.m.; Comments: None.}

EXECUTIVE ACTION ON SB 291

Amendments: sb029101.avl (EXHIBIT #2)

Discussion: Valencia Lane. In the amendments, 45-5-221, MCA, would be left in statute, and the laundry list of groups would be eliminated. The effect is to take the focus from the victim to the defendants who are biased against a group.

SEN. VIVIAN BROOKE. I have looked at the amendments. There is no case law in Texas for guidance right now as to whether one can prosecute successfully. Prosecutors say "group" is very broad in definition, so I would resist the amendments based on my experience over the course of history of these groups being targeted for intimidation.

Laurie Koutnik, Montana Christian Coalition. We have no objection to the suggested amendments. I do know whether the Constitution affords protection for these groups. Sexual orientation is a behavior, however, and no protection is offered for behavior.

CHAIRMAN BRUCE CRIPPEN. I believe the opponents have more to lose with these amendments than the proponents, so I will not offer them.

SEN. RIC HOLDEN. You ought to think about whether this bill would expand the amount of groups which can be discriminated against. I'm surprised you oppose the amendment. SEN. BROOKE. I grew up in the segregated South, as a protestant, and I believe it is important to retain this language. Also, the Wisconsin statute has withstood the Supreme Court test.

Motion/Vote: SEN. HALLIGAN MOVED SB 291 DO PASS. THE MOTION FAILED IN A VOICE VOTE SENATORS HALLIGAN, BARTLETT, AND DOHERTY VOTING AYE, AND ALL OTHERS VOTING NO.

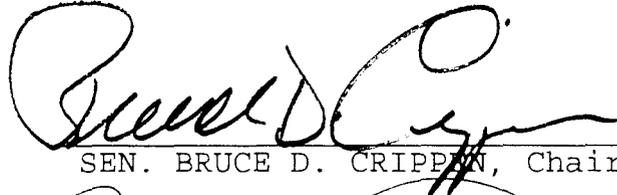
Motion/Vote: SEN. GROSFIELD MOVED SB 291 BE TABLED. THE MOTION CARRIED ON A REVERSE VOTE.

CHAIRMAN CRIPPEN. I will reserve the right to put the amendments on during the floor session if the bill comes out.

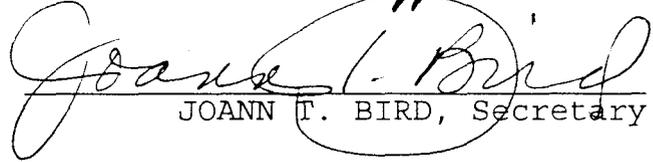
I want to hear and dispose of four bills on Thursday, February 20. In the coming weeks we may hear bills for two days, and then have executive action for a day, while testimony is still fresh in our minds.

ADJOURNMENT

Adjournment: 9:27 a.m.

A handwritten signature in cursive script, appearing to read "Bruce D. Crippen", written over a horizontal line.

SEN. BRUCE D. CRIPPEN, Chairman

A handwritten signature in cursive script, appearing to read "Joann T. Bird", written over a horizontal line.

JOANN T. BIRD, Secretary

BDC/JTB