

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 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. Chris Ahner (R)
Rep. Shiell W. Anderson (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Aubyn A. Curtiss (R)
Rep. Duane Grimes (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Gerald Pease (D)
Rep. Diane Sands (D)
Rep. Liz Smith (R)
Rep. Bill Tash (R)

Members Excused: Rep. Jon Ellingson (D)
Rep. Brad Molnar (R)
Rep. Loren L. Soft (R)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 163, HB 234, POSTED 1/15/97
Executive Action: HB 168 DO PASS AS AMENDED
HB 137 DO PASS AS AMENDED

HEARING ON HB 163

Opening Statement by Sponsor: REP. JOHN JOHNSON

{Tape: 1; Side: A; Approx. Time Count: 1.5; Comments: This is set of minutes is recorded on 90-minute tapes.}

Proponents' Testimony:

HANK HUDSON, Administrator, Child and Family Services, Department of Health and Human Resources (DHHS)

{Tape: 1; Side: A; Approx. Time Count: 4.4}

ANN GILKEY, Attorney, DHHS - EXHIBITS 1, 2, 3, 4 and 5

{Tape: 1; Side: A; Approx. Time Count: 9.6}

MARILYN MC KIBBEN, Catholic Social Services - EXHIBIT 6

{Tape: 1; Side: A; Approx. Time Count: 20.3}

MARK RICKS, LDS Social Services

{Tape: 1; Side: A; Approx. Time Count: 22.7}

LYNN FAGENSTROM, Lutheran Social Services

{Tape: 1; Side: A; Approx. Time Count: 23.9}

LAURIE KOUTNIK, Christian Coalition

{Tape: 1; Side: A; Approx. Time Count: 26.4}

JEFF MANGAN, Adoption Task Force

{Tape: 1; Side: A; Approx. Time Count: 28.1}

JAN WEBER, Catholic Social Services - EXHIBIT 7

{Tape: 1; Side: A; Approx. Time Count: 32.5}

KIMBERLY KRADOLFER

{Tape: 1; Side: A; Approx. Time Count: 36.7}

FRED FISHER, Casey Program

{Tape: 1; Side: A; Approx. Time Count: 43.7}

ROBERT TORRES, Montana Chapter, National Association of Social Workers {Tape: 1; Side: B; Approx. Time Count: 0.5}

DARCY CRUM, Attorney, Adoption Task Force

{Tape: 1; Side: B; Approx. Time Count: 1.9}

BILL DRISCOLL - EXHIBIT 8

{Tape: 1; Side: B; Approx. Time Count: 4.4}

LARRY LOBERG, MFAPA Secretary

{Tape: 1; Side: B; Approx. Time Count: 5.7}

LINDA GALLOWAY, Foster Parent/Adoptive Parent

{Tape: 1; Side: B; Approx. Time Count: 6.5}

BETSY STIMATZ, DHHS

{Tape: 1; Side: B; Approx. Time Count: 11.1}

ARDIS LOBERG, Foster Parent

{Tape: 1; Side: B; Approx. Time Count: 12.4}

EXHIBIT 9 - Provided to the committee prior to the hearing.

Questions From Committee Members and Responses:

{Tape:1; Side:B; Approx. Time Count: 13.4 - Tape 2; Side A; 30.0}

Closing by Sponsor: REP. JOHNSON

{Tape: 2; Side: A; Approx. Time Count: 30.1}

HEARING ON HB 234

Opening Statement by Sponsor: REP. ROD BITNEY - EXHIBIT 10

{Tape: 2; Side: A; Approx. Time Count: 31.6}

Proponents' Testimony:

RICK DAY, Director, Department of Corrections

{Tape: 2; Side: A; Approx. Time Count: 38.8}

Opponents' Testimony:

RON WATERMAN - EXHIBIT 11

{Tape:2; Side: A; Approx. Time Count: 42.6 - Tape 2; Side B; 1.7}

BETTY WADDELL, Montana Association of Churches

{Tape: 2; Side: B; Approx. Time Count: 1.8}

CHRIS IMHOFF, Montana League of Women Voters - EXHIBIT 12

{Tape: 2; Side: B; Approx. Time Count: 7.5}

RUSSELL HILL, Montana Trial Lawyers Association

{Tape: 2; Side: B; Approx. Time Count: 10.0}

MARILYN PARKER - EXHIBIT 13

{Tape: 2; Side: B; Approx. Time Count: 13.7}

Questions From Committee Members and Responses:

{Tape: 2; Side: B; Approx. Time Count: 15.3 - 27.0}

Closing by Sponsor: REP. BITNEY

{Tape: 2; Side: B; Approx. Time Count: 27.1}

EXECUTIVE ACTION ON HB 168

Motion: REP. DIANE SANDS moved HB 168 DO PASS.

Motion/Vote: REP. SANDS moved the amendments presented on 1/21/97. The motion carried 16 - 1, REP MC GEE voting no.

Motion/Vote: REP. SANDS moved further amendments, EXHIBIT 14.

The motion carried 15 - 2, REPS. MC GEE and CLARK voting no.

{Tape: 2; Side: B; Approx. Time Count: 32.9}

Motion: REP. SANDS moved HB 168 DO PASS AS AMENDED.

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 33.8 - 36.3}

Motion: REP. BOHARSKI moved to amend HB 168 to strike "may" and insert "shall" as indicated and determined appropriate to the intent of the amendment.

{Tape: 2; Side: B; Approx. Time Count: 36.4}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 36.7-Tape 3, Side A; 1.3}

Vote: The motion carried by unanimous vote.

{Tape: 3; Side: A; Approx. Time Count: 1.4}

Motion: REP. DEB KOTTEL moved HB 168 DO PASS AS AMENDED.

{Tape: 3; Side: A; Approx. Time Count: 1.7}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 2.1 - 2.9}

Vote: The motion carried 14 - 5, REPS. MC GEE, BOHARSKI, CLARK, MC CULLOCH and ELLINGSON voting no. (REPS. SOFT [aye vote], MC CULLOCH and ELLINGSON [no votes] voted by proxy.)

EXECUTIVE ACTION ON HJR 5

EXHIBIT 15 was distributed for the committee's information.

Motion: REP. BOHARSKI moved HJR 5 DO NOT PASS.

Motion/Vote: REP. ANDERSON moved a substitute motion that HJR 5 be tabled. The motion carried by unanimous vote.

{Tape: 3; Side: A; Approx. Time Count: 6.9}

EXECUTIVE ACTION ON HB 239

Motion: REP. SANDS moved HB 239 DO PASS.

{Tape: 3; Side: A; Approx. Time Count: 7.4}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 7.4 - 9.0}

Motion/Vote: REP. MC GEE moved HB 239 be tabled until amendments were prepared. The motion carried 15 - 3, REPS. WYATT, ELLINGSON and MC CULLOCH voting no. (REPS. ELLINGSON and MC CULLOCH voted by proxy.)

EXECUTIVE ACTION ON HB 137

Motion/Vote: REP. LIZ SMITH moved that HB 137 be removed from the table. The motion carried, 12 - 6, REPS. WYATT, MC CULLOCH, ANDERSON, BOHARSKI, HURDLE and ELLINGSON voting no. (REPS. ELLINGSON and MC CULLOCH by proxy.)

{Tape: 3; Side: A; Approx. Time Count: 9.1}

Motion: REP. SMITH moved HB 137 DO PASS.

Motion/Vote: REP. SMITH moved amendments to HB 137. EXHIBIT 16
The motion carried 17 - 1, REP. MC GEE voting no.

Motion/Vote: REP. SMITH moved HB 137 DO PASS AS AMENDED. The
motion carried 11 - 7, REPS. WYATT, MC GEE, ELLINGSON, ANDERSON,
BOHARSKI, MC CULLOCH and HURDLE voting no. (REPS. ELLINGSON and
MC CULLOCH voted by proxy.)

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

Motion/Vote: REP. MC GEE moved to adjourn. The motion carried
by unanimous vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:20 AM.

Bob Clark

REP. BOB CLARK, Chairman

Joanne Gunderson

JOANNE GUNDERSON, Secretary

BC/jg