

**MINUTES**

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

**SELECT COMMITTEE ON CORRECTIONS**

**Call to Order:** By CHAIRMAN BERGSAGEL, on March 10, 1997, at 6:10 p.m., in Room 325.

**ROLL CALL**

**Members Present:**

Rep. Ernest Bergsagel, Chairman (R)  
Rep. William T. "Red" Menahan, Vice Chairman (D)  
Sen. B.F. "Chris" Christiaens (D)  
Rep. Gary Feland (R)  
Sen. Delwyn Gage (R)  
Rep. Royal C. Johnson (R)  
Rep. Betty Lou Kasten (R)  
Rep. Matt McCann (D)  
Rep. Daniel W. McGee (R)  
Sen. Charles "Chuck" Swysgood (R)  
Rep. Steve Vick (R)  
Rep. Diana E. Wyatt (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Susan Fox, Legislative Services Division  
Meg Angell, Committee Secretary

**Committee Business Summary:**

Hearing(s) & Date(s) Posted:

Executive Action: SB 48; HB 477; HB 114; HB 113;  
HB 261; HB 327; HB 136;  
HB 544; HB 83

**SB 48**

INTRODUCTION: REP. ROYAL JOHNSON

{Tape: 1; Side: A; Approx. Time Count: 2.5.}

EXPLANATION OF AMENDMENTS: SUSAN FOX

**EXHIBITS 1-3**

{Tape: 1; Side: A; Approx. Time Count: 10.3.}

COMMENTS/QUESTIONS FROM COMMITTEE MEMBERS AND RESPONSES:

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

Clarification for Committee Members continued on Tape 1, Side B.}

**MOTION:** REP. R. JOHNSON MOVED SB 48 BE CONCURRED IN AS AMENDED  
{Tape: 1; Side: B; Approx. Time Count: 28.0.}

**MOTION:** REP. McGEE MOVED THE AMENDMENTS  
{Tape: 2; Side: A; Approx. Time Count: 0.}

EXPLANATION OF SUSPENSION OF DRIVER'S LICENSE  
(SUSAN FOX)  
{Tape: 2; Side: A; Approx. Time Count: .3.}

EXHIBIT 4

**MOTION/VOTE:** REP. WYATT MOVED AMENDMENT #79 (EXHIBIT 2) BE  
SEGREGATED FROM THE REMAINDER OF THE AMENDMENTS. Motion carried  
unanimously.  
{Tape: 2; Side: A; Approx. Time Count: 4.5.}

**MOTION/VOTE:** REP. WYATT MOVED THE REMAINDER OF THE AMENDMENTS.  
Motion carried unanimously.  
{Tape: 2; Side: A; Approx. Time Count: 5.1.}

**MOTION:** REP. McGEE MOVED SB 48 BE CONCURRED IN AS AMENDED.  
{Tape: 2; Side: A; Approx. Time Count: 5.4.}

## DISCUSSION

**MOTION:** SEN. GAGE MOVED A CONCEPTUAL AMENDMENT REGARDING  
TRANSFER OF FUNDS BETWEEN DEPARTMENTS, INCLUDE IN HB 2.  
{Tape: 2; Side: A; Approx. Time Count: 5.7.}

## DISCUSSION

**VOTE:** Motion failed 6-6 with REP. MENAHAN, REP. KASTEN, REP.  
VICK, REP. WYATT, SEN. SWYSGOOD and CHAIRMAN BERGSAGEL voting no.  
{Tape: 2; Side: A; Approx. Time Count: 24.6.}

**MOTION:** REP. JOHNSON MOVED INCLUSION OF AMENDMENT #79.  
{Tape: 2; Side: A; Approx. Time Count: 28.9.}

## DISCUSSION

**VOTE:** Motion failed 2-10 with REP. JOHNSON and REP. McGEE voting  
yes.  
{Tape: 2; Side: B; Approx. Time Count: 2.3.}

**VOTE:** (SB 48 AS AMENDED) Motion carried unanimously.  
{Tape: 2; Side: B; Approx. Time Count: 3.0.}

**MOTION:** REP. JOHNSON MOVED HB 138 BE TABLED. Motion carried  
unanimously.  
{Tape: 2; Side: B; Approx. Time Count: 4.3.}

HB 477

**MOTION: REP. McGEE MOVED HB 477 DO PASS**

*{Tape: 2; Side: B; Approx. Time Count: 4.7.}*

DISCUSSION

**MOTION: REP. McGEE MOVED COORDINATION INSTRUCTIONS ON HB 477 TO CONFORM WITH SB 48.**

*{Tape: 2; Side: B; Approx. Time Count: 6.3.}*

DISCUSSION

**VOTE: Motion carried 8-4 with REP. WYATT, SEN. SWYSGOOD, REP. KASTEN and CHAIRMAN BERGSAGEL voting no.**

*{Tape: 2; Side: B; Approx. Time Count: 8.3.}*

**MOTION/VOTE: REP. McGEE MOVED HB 477 AS AMENDED. Motion failed 5-7 with REP. FELAND, REP. JOHNSON, REP. McGEE, REP. VICK and SEN. GAGE voting yes.**

*{Tape: 2; Side: B; Approx. Time Count: 8.9.}*

**MOTION/VOTE: SEN. SWYSGOOD MOVED HB 477 BE TABLED. Motion carried unanimously.**

*{Tape: 2; Side: B; Approx. Time Count: 9.7.}*

HB 114

**EXPLANATION: SUSAN FOX**

**MOTION: REP. JOHNSON MOVED HB 114 DO PASS.**

*{Tape: 2; Side: B; Approx. Time Count: 12.1.}*

**MOTION: REP. JOHNSON MOVED INCLUSION OF THE COORDINATION INSTRUCTIONS TO COMPLY WITH SB 48.**

*{Tape: 2; Side: B; Approx. Time Count: 12.2.}*

DISCUSSION

**VOTE: Motion carried 11-1 with SEN. SWYSGOOD voting no.**

*{Tape: 2; Side: B; Approx. Time Count: 12.8.}*

FURTHER DISCUSSION OF HB 114 AS AMENDED

**VOTE: Motion carried 9-3 with REP. WYATT, SEN. SWYSGOOD and SEN. GAGE voting no.**

*{Tape: 2; Side: B; Approx. Time Count: 14.8.}*

HB 113

**MOTION: REP. McCANN MOVED HB 113 DO PASS.**

*{Tape: 2; Side: B; Approx. Time Count: 15.4.}*

EXPLANATION OF COORDINATION AMENDMENTS WITH SB 48.

MOTION/VOTE: REP. JOHNSON MOVED THE COORDINATION LANGUAGE TO CONFIRM WITH SB 48. Motion carried 10-2 with REP. VICK and SEN. SWYSGOOD voting no.

{Tape: 2; Side: B; Approx. Time Count: 16.4.}

MOTION: REP. JOHNSON MOVED HB 113 DO PASS AS AMENDED.

{Tape: 2; Side: B; Approx. Time Count: 16.9.}

#### DISCUSSION

VOTE: Motion failed 4-8 with REP. MENAHAN, REP. JOHNSON, REP. WYATT and CHAIRMAN BERGSAGEL voting yes.

{Tape: 2; Side: B; Approx. Time Count: 18.5.}

MOTION/VOTE: REP. KASTEN MOVED HB 113 BE TABLED. Motion carried unanimously.

{Tape: 2; Side: B; Approx. Time Count: 19.2.}

#### HB 261

MOTION: REP. MENAHAN MOVED HB 261 DO PASS.

{Tape: 2; Side: B; Approx. Time Count: 19.6.}

EXPLANATION: SUSAN FOX

SUBSTITUTE MOTION: SEN. SWYSGOOD MOVED HB 261 BE TABLED. Motion carried 10-2 with REP. VICK and REP. McGEE voting no.

{Tape: 2; Side: B; Approx. Time Count: 23.8.}

#### HB 327

MOTION: REP. MENAHAN MOVED HB 327 DO PASS

{Tape: 2; Side: B; Approx. Time Count: 24.6.}

EXPLANATION: SUSAN FOX

#### DISCUSSION

MOTION: REP. MENAHAN MOVED AMENDMENT 032701.

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

#### DISCUSSION

VOTE: Motion carried 8-4 with SEN. CHRISTIAENS, SEN. GAGE, SEN. SWYSGOOD and REP. WYATT voting no.

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

MOTION/VOTE: REP. McGEE MOVED HB 327 DO PASS AS AMENDED. Motion failed 5-7 with REP. JOHNSON, REP. KASTEN, REP. McCANN, REP. McGEE, and REP. MENAHAN voting yes.

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

MOTION: SEN. CHRISTIAENS MOVED HB 327 BE TABLED. Motion carried unanimously.

{Tape: 3; Side: A; Approx. Time Count: 3.3.}

HB 136

**MOTION: REP. McGEE MOVED HB 136 DO PASS.**

{Tape: 3; Side: A; Approx. Time Count: 8.0.}

## DISCUSSION

**MOTION: SEN. SWYSGOOD MOVED THE AMENDMENTS**

{Tape: 3; Side: A; Approx. Time Count: 14.7.}

## DISCUSSION

{Tape: 3; Side: A; Approx. Time Count: 15.2; Comments:  
Discussion/clarification continued on Tape 3, Side B.}

**VOTE: Motion on amendments carried unanimously.**

{Tape: 3; Side: B; Approx. Time Count: 6.1 .}

**MOTION: REP. MENAHAN MOVED HB 136 DO PASS AS AMENDED.**

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

**VOTE: Motion carried 8-4 with REP. KASTEN, REP. McCANN, REP. VICK and SEN. SWYSGOOD voting no.**

{Tape: 3; Side: B; Approx. Time Count: 8.6.}

HB 544

**MOTION/VOTE: REP. JOHNSON MOVED THE COMMITTEE RECONSIDER HB 544.**

**Motion carried 11-1 with REP. KASTEN voting no.**

{Tape: 3; Side: B; Approx. Time Count: 10.0.}

**MOTION: REP. JOHNSON MOVED HB 544 DO PASS.**

{Tape: 3; Side: B; Approx. Time Count: 10.4.}

## DISCUSSION

EXHIBITS 5 &amp; 6

**MOTION/VOTE: REP. JOHNSON MOVED AMENDMENT #13 OF 54401 BE SEGREGATED AS IT HAD BEEN ACTED ON PREVIOUSLY. THE REST OF THE AMENDMENTS ARE MOVED. Motion carried unanimously.**

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

## DISCUSSION

{Tape: 3; Side: B; Approx. Time Count: 12.6; Comments: Discussion continued on Tape 4, Side A.}

**MOTION: REP. KASTEN MOVED AMENDMENTS 54402.**

{Tape: 4; Side: A; Approx. Time Count: 4.5.}

## DISCUSSION

**SUBSTITUTE MOTION/VOTE: SEN. SWYSGOOD MOVED AMENDMENTS 54402 DO NOT PASS. Motion carried 9-3 with REP. KASTEN, REP. VICK and REP. McCANN voting no.**

{Tape: 4; Side: A; Approx. Time Count: 6.8.}

**MOTION: REP. JOHNSON MOVED HB 544 AS AMENDED.**

*{Tape: 4; Side: A; Approx. Time Count: 7.3.}*

DISCUSSION

**MOTION: SEN CHRISTIAENS MOVED A CONCEPTUAL AMENDMENT WHICH WOULD PREVENT OUT OF STATE INMATES FROM BEING ACCEPTED IN REGIONAL JAILS.**

*{Tape: 4; Side: A; Approx. Time Count: 14.8.}*

DISCUSSION

**VOTE: Motion failed 3-9 with REP. WYATT, SEN. CHRISTIAENS and CHAIRMAN BERGSAGEL voting yes.**

*{Tape: 4; Side: A; Approx. Time Count: 19.6.}*

**VOTE: (HB 544 AS AMENDED) Motion passed 8-4 with REP. KASTEN, REP. McCANN, REP. VICK and REP. WYATT voting no.**

*{Tape: 4; Side: A; Approx. Time Count: 21.3.}*

**HB 83**

**MOTION: SEN. SWYSGOOD MOVED HB 83 DO PASS.**

*{Tape: 4; Side: A; Approx. Time Count: 22.7.}*

DISCUSSION

EXPLANATION OF AMENDMENTS  
(MIKE WINGARD)

EXHIBITS 7 - 9

**MOTION: REP. McGEE MOVED AMENDMENTS 8302.**

*{Tape: 4; Side: B; Approx. Time Count: 12.6.}*

DISCUSSION

**SUBSTITUTE MOTION: REP. JOHNSON MOVED A CONCEPTUAL AMENDMENT TO ENSURE CONTRACT LENGTHS ARE CONSISTENT WITH HB 544. Motion carried 8-4 with REP. WYATT, REP. VICK, REP. McGEE and REP. KASTEN voting no.**

*{Tape: 4; Side: B; Approx. Time Count: 17.0.}*

**VOTE: (AMENDMENTS 8302) Motion carried unanimously.**

*{Tape: 4; Side: B; Approx. Time Count: 17.6.}*

**MOTION: REP. McGEE MOVED HB 83 AS AMENDED.**

*{Tape: 4; Side: B; Approx. Time Count: 17.7.}*

DISCUSSION

**MOTION: REP. JOHNSON MOVED TO STRIKE PAGE 2, LINES 3 AND 4 OF THE BILL.**

*{Tape: 4; Side: B; Approx. Time Count: 18.2.}*

DISCUSSION

VOTE: Motion carried 7-5 with SEN. CHRISTIAENS, REP. WYATT, REP. VICK, REP. MCGEE and CHAIRMAN BERGSAGEL voting no.

{Tape: 4; Side: B; Approx. Time Count: 19.9.}

MOTION: SEN. CHRISTIAENS MOVED AN AMENDMENT TO THE BILL THAT MEMBERS OF THE BLACKFEET NATION BE ALLOWED THE OPPORTUNITY TO PARTICIPATE IN HOUSING OF NATIVE AMERICAN OFFENDERS ON THE BLACKFEET RESERVATION.

{Tape: 4; Side: B; Approx. Time Count: 20.4.}

DISCUSSION

VOTE: Motion failed 5-7 with SEN. GAGE, REP. WYATT, SEN. CHRISTIAENS, REP. VICK and REP. JOHNSON voting yes.

{Tape: 4; Side: B; Approx. Time Count: 25.4.}

MOTION/VOTE: REP. MCGEE MOVED HB 83 AS AMENDED. MOTION CARRIED 11-1 with REP. WYATT voting no.

{Tape: 4; Side: B; Approx. Time Count: 26.1.}

HB 272

MOTION: REP. MCGEE MOVED TO RECONSIDER HB 272.

{Tape: 4; Side: B; Approx. Time Count: 26.6.}

DISCUSSION

VOTE: Motion failed 6-6 with REP. FELAND, REP. KASTEN, REP. WYATT, SEN. GAGE, SEN. SWYSGOOD and SEN. CHRISTIAENS voting no.

{Tape: 5; Side: A; Approx. Time Count: 8.5.}

HB 261

MOTION: REP. FELAND MOVED TO RECONSIDER HB 261.

{Tape: 5; Side: A; Approx. Time Count: 9.8.}

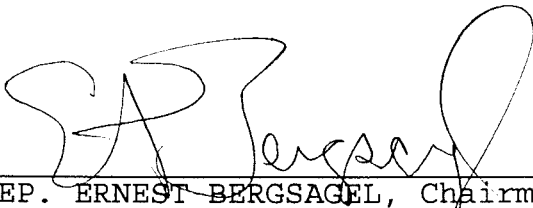
DISCUSSION

VOTE: Motion failed 6-6 with REP. JOHNSON, REP. KASTEN, REP. WYATT, SEN. SWYSGOOD, SEN. CHRISTIAENS, and CHAIRMAN BERGSAGEL voting no.

{Tape: 5; Side: A; Approx. Time Count: 15.3.}

ADJOURNMENT

Adjournment: 10:40 p.m.

  
\_\_\_\_\_  
REP. ERNEST BERGSAGEL, Chairman

  
\_\_\_\_\_  
MEG ANGELL, Secretary

eb/ma

Minutes recorded on Sony BM 89-T.