

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By VICE-CHAIRMAN DAN MC GEE, on March 14, 1997,
at 8:00 AM, in Room 312-1.

ROLL CALL

Members Present:

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. Jon Ellingson (D)
Rep. Duane Grimes (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. Bob Clark, Chairman (R)

Members Absent: Rep. H.S. "Sonny" Hanson (R)

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 216, SB 232, SB 277
POSTED 2/24/97
Executive Action: SB 44 and SB 216
BE CONCURRED IN AS AMENDED
SB 232 and SB 277
BE CONCURRED IN
HB 122 AMENDMENTS BE
NOT CONCURRED IN

HEARING ON SB 232

Opening Statement by Sponsor: SEN. STEVE BENEDICT EXHIBIT 1
{Tape: 1; Side: A; Approx. Time Count: 1.9; Comments: This set
of minutes is recorded on 60-minute tapes.}

Proponents' Testimony:

TOM HARRISON, Society of CPA'S
{Tape: 1; Side: A; Approx. Time Count: 3.9; Comments: This
proponent did not sign in.}

Opponents' Testimony:

RUSSELL HILL, Montana Trial Lawyers' Association (MTLA)
{Tape: 1; Side: A; Approx. Time Count: 6.4; Comments: This
opponent did not sign in.}

Questions From Committee Members and Responses:
Tape: 1; Side: A; Approx. Time Count: 8.5-19.1}

Closing by Sponsor: SEN. BENEDICT
{Tape: 1; Side: A; Approx. Time Count: 19.2}

HEARING ON SB 216

Opening Statement by Sponsor: SEN. FRED VAN VALKENBURG
{Tape: 1; Side: A; Approx. Time Count: 20.2}

Proponents' Testimony:

BETH BAKER, Department of Justice EXHIBITS 2-3
{Tape: 1; Side: A; Approx. Time Count: 28.6}

Opponents' Testimony:

WILLIAM HANKS, Appellate Defense Office
{Tape: 1; Side: B; Approx. Time Count: 10.7}

MICHAEL DONAHOE
{Tape: 1; Side: B; Approx. Time Count: 23.2}

RUSSELL HILL, MTLA
{Tape: 1; Side: B; Approx. Time Count: 26.8}

Questions From Committee Members and Responses:
{Tape: 2; Side: A; Approx. Time Count: 7.6-Tape 2; Side B; 10.9}

Closing by Sponsor: SEN. VAN VALKENBURG
{Tape: 2; Side: B; Approx. Time Count: 11.0}

HEARING ON SB 277

Opening Statement by Sponsor: SEN. SUE BARTLETT EXHIBITS 4-4A
{Tape: 2; Side: B; Approx. Time Count: 19.2}

Proponents' Testimony:

MIKE MURRAY, Lewis and Clark County Commissioner
{Tape: 2; Side: B; Approx. Time Count: 25.0}

MIKE McGRATH, Lewis and Clark County Attorney
{Tape: 3; Side: A; Approx. Time Count: 0.1}

Closing by Sponsor: SEN. BARTLETT
{Tape: 3; Side: A; Approx. Time Count: 5.5}

EXECUTIVE ACTION ON SB 277

Motion/Vote: REP. AHNER moved SB 277 BE CONCURRED IN. The
motion carried 16 - 0. REP. HURDLE will carry SB 277.

EXECUTIVE ACTION ON SB 232

Motion: REP. ANDERSON moved SB 232 BE CONCURRED IN.
{Tape: 3; Side: A; Approx. Time Count: 7.6}

Motion: REP. MOLNAR moved to amend SB 232
{Tape: 3; Side: A; Approx. Time Count: 8.6 - 9.7; Comments: After
discussion, REP. MOLNAR withdrew the motion to amend.}

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

Motion: REP. MOLNAR proposed another amendment to SB 232.
{Tape: 3; Side: A; Approx. Time Count: 10.2}

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 12.9}

Vote: The motion failed 2 - 14; REPS. MC GEE and MOLNAR voting
aye.

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 15.5}

Motion: REP. MOLNAR moved to amend SB 232 by striking the
language that is bold print on lines 14 and 15.
{Tape: 3; Side: A; Approx. Time Count: 16.3}

Discussion:
{Tape: 3; Side: A; Approx. Time Count: 18.0}

Vote: The motion failed 7 - 10; REPS. WYATT, KOTTEL, MC GEE, GRIMES, MOLNAR, BERGMAN and CURTISS voting aye.

Vote: The motion to concur in SB 232 carried 14 - 4; REPS. MOLNAR, GRIMES, CURTISS and MC GEE voting no. REP. MC CULLOCH voted aye by proxy. REP. ANDERSON will carry SB 232

EXECUTIVE ACTION ON SB 216

Motion: REP. ANDERSON moved SB 216 BE CONCURRED IN.
{Tape: 3; Side: A; Approx. Time Count: 25.4}

Motion: REP. ANDERSON moved the coordinating amendments for SB 216. {Tape: 3; Side: A; Approx. Time Count: 25.6}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 26.4-Tape 3; Side B; 2.8}

Vote: The motion carried 11 - 7; REPS. ELLINGSON, HURDLE, WYATT, MC CULLOCH (proxy); PEASE, SANDS and KOTTEL voting no. REP. GRIMES voted aye by proxy.

Motion: REP. ANDERSON moved SB 216 BE CONCURRED IN AS AMENDED.
{Tape: 3; Side: B; Approx. Time Count: 3.7}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 3.8-end of tape}

Vote: The motion carried 10 - 8; REPS. MOLNAR, ELLINGSON, HURDLE, SANDS, KOTTEL, MC CULLOCH, PEASE and WYATT voting no. REP. ANDERSON will carry SB 216.

{Tape: 4; Side: A; Approx. Time Count: 0.1; Comments: REP. MC CULLOCH had returned to the committee at this point in the meeting.}

EXECUTIVE ACTION ON HB 122

Amendment:

EXHIBITS 5-5B

Motion: REP. BOHARSKI moved to reject the Senate amendments.
{Tape: 4; Side: A; Approx. Time Count: 2.5}

Discussion: Brief discussion, time not noted on tape.

Vote: The motion carried 10 - 6; REPS. WYATT, MC CULLOCH, PEASE, SANDS, ELLINGSON, and HURDLE voting no.

{Tape: 4; Side: A; Approx. Time Count: 6.5}

{Tape: 4; Side: A; Approx. Time Count: 7.0; Comments: Exhibit for SB 374 was distributed for the committee's information.} EXHIBIT 6

{Tape: 4; Side: A; Approx. Time Count: 7.1; Comments: REP. HURDLE objected to the order and procedure being taken in considering bills for executive action.}

EXECUTIVE ACTION ON SB 44

Motion: REP. ANDERSON moved SB 44 be reconsidered.
{Tape: 4; Side: A; Approx. Time Count: 7.4}

Discussion:
{Tape: 4; Side: A; Approx. Time Count: 7.5-22.9}

Vote: The motion carried 10 - 9; REPS. WYATT, ELLINGSON, MC CULLOCH, SANDS, PEASE, KOTTEL, MOLNAR, MC GEE and HURDLE voting no. REP. HANSON voted aye by proxy.

Motion: REP. BOHARSKI moved to reconsider the ELLINGSON amendments which were introduced before the previous action to table SB 44 on 3/6/97.
{Tape: 4; Side: A; Approx. Time Count: 26.1}

Discussion:
{Tape: 4; Side: A; Approx. Time Count: 26.3-Tape 4; Side B; 3.3}

Vote: The motion failed 5 - 13; REPS. BERGMAN, SOFT, TASH, ANDERSON and GRIMES voting aye.

Motion/Vote: REP. MOLNAR moved SB 44 BE CONCURRED IN AS AMENDED. The motion carried 16 - 4; REPS. MC GEE, CLARK (proxy), GRIMES and SOFT voting no. REP. HANSON voted aye by proxy. REP. ANDERSON will carry SB 44.

EXECUTIVE ACTION ON HB 163

Discussion:
{Tape: 4; Side: B; Approx. Time Count: 9.8 - 12.4; Comments: Amendments were discussed and further action was postponed by direction of the chairman.}

EXECUTIVE ACTION ON SB 168

Motion: REP. KOTTEL moved to table SB 168. The motion was not entertained by VICE CHAIR MC GEE by instruction from the chairman.
{Tape: 4; Side: B; Approx. Time Count: 12.5}

MOTION/VOTE: REP. WYATT MOVED TO ADJOURN. THE MOTION CARRIED BY unanimous voice vote.

ADJOURNMENT

Adjournment: The meeting was adjourned at 11:50 AM.



REP. DAN MC GEE Vice Chairman



JOANNE GUNDERSON, Secretary

DMcG/jg