

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY**

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on February 7, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: **HB 402 - 2-01-01**
HB 419 - 2-01-01
HB 412 - 2-01-01

HB 431 - 2-01-01

Executive Action: **HB 412 - Do Pass**
HB 402 - Do Pass
HB 171 - Table

HEARING ON HB 402

Sponsor: Rep. Jeff Mangan, HD 45, Great Falls said this Bill is an off-shoot from last Session's HB 482 which basically did two things. It exempted juvenile detention center officers from attending the Montana Law Enforcement Academy's basic detention officers' training if they participated in a pilot program which was the development of the curriculum **EXHIBIT(juh31a01)** **EXHIBIT(juh31a02)** **EXHIBIT(juh31a03)** and participated in that training process. It was not mandatory, it was permissive. The second part of HB 482, from last session, basically said "you will design a curriculum based on the needs of juveniles within a detention center and to train your staff".

Rep. Mangan explained HB 402 by saying a juvenile detention officer either needs to participate in training through the curriculum (EXHIBITS ABOVE) within that facility or they need to go through the State Detention Center Officer curriculum at the Montana Law Enforcement Academy. It is not open ended. They have to do either one or the other.

He has followed this Bill very closely for the last two years and is proud of the work that has been done and knows there is still a lot of work to be done.

Proponents: Jim Oberhofer, Montana Board of Crime Control, Helena

Jani McCall, Chair, Montana Youth Justice Council and Montana Board of Crime Control.

Bill Slaughter, served as Co-Chair, Montana Youth Justice Council.

Bill Kennedy, Yellowstone County Commissioner

Valarie Weber, Director, Yellowstone County, Ted Lechner Youth Services Center. explained the (EXHIBITS ABOVE)

{Tape : 1; Side : A; Approx. Time Counter : 0 - 25.7}

Colleen Murphy, Executive Director, Executive Director, Montana Chapter National Association of Social Workers.

Gordon Morris, Director, Montana Association of Counties.

Opponents: None

Questions from Committee Members and Responses: Reps. Rice, Clark to Ms. Murphy, Ms. Weber.

{Tape : 1; Side : A; Approx. Time Counter : 25.7 - 29.7}

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 1.2}

Closing by Sponsor: Rep. Mangan closed the Hearing on HB 402.

{Tape : 1; Side : B; Approx. Time Counter : 1.2 - 5.3}

HEARING ON HB 412

Sponsor: Rep. Merlin Wolery, HD 90, Hill County said this Bill increases the homestead exemption from \$60,000 to \$100,000. He believes \$100,000 more accurately reflects the current value of an average home in Montana.

Proponents: Bob Pancich, Helena, AARP

Roger Halver, Montana Association of Realtors.

Opponents: None

Questions from Committee Members and Responses: Rep. Laszloffy to Mr. Halver.

Closing by Sponsor: Rep. Wolery closed the Hearing on HB 412

HEARING ON HB 431

Sponsor: Rep. Brad Newman, HD 38, Butte said this Bill addresses a situation that the State of Montana and the Montana Legislature has already recognized as a serious problem. HB 431 seeks to amend the statute, Section 45-08-361, in order to more effectively respond to this threat to our school children. Our schools should be safe havens for our children and for those people who educate our children. Students and teachers should be free to explore the wonders of reading, math, science, history, free from the threat of violence. Weapons, with limited exceptions, should not belong in this school environment. Statistics do indicate that our children, and the people who

educate our children, are actually safer at school than they are at the community at large. There is still too much violence in our schools, too many injuries, too many deaths, too many weapons.

{Tape : 1; Side : B; Approx. Time Counter : 5.3 - 29.9}

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 1.4}

Proponents: Kate Stetzner, Superintendent of Schools, School District #1, Butte

John Connor, Montana County Attorney's Association

Rick Chiotti, Office of Public Instruction

EXHIBIT (juh31a04)

Steve Bullock, Legislative Director, Department of Justice, Helena.

Sharon Hoff Brodowy, Montana Catholic Conference, Helena.

Lance Melton, Director, Montana School Boards Association.

Terry Minow, MEA-MFT, Boulder

Opponents: Gary Marbut, Missoula, President, Montana Shooting Sports Association, Western Montana Fish and Game Association, National Rifle Association and others. **EXHIBIT** (juh31a05)
EXHIBIT (juh31a06)

{Tape : 2; Side : A; Approx. Time Counter : 1.4 - 32.8}

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 2.1}

Questions from Committee Members and Responses: Reps. Curtiss, Rice, Adams, Clark, Holden, Hurdle, Peterson to Mr. Marbut, Ms. Stetzner, Mr. Melton for clarification. **EXHIBIT** (juh31a07)

{Tape : 2; Side : B; Approx. Time Counter : 2.1 - 29.8}

Closing by Sponsor: Rep. Newman closed the Hearing on HB 431 by saying this law will erect some kind of invisible but impenetrable barrier for weapons on school grounds. The thesis behind HB 431 is that we have a good state policy already in law and we need to make it better.

We know there is violence on school campuses and we have an obligation to deal with it. Why have the law? We have the law because it is an important statement of the policy of the State of Montana. We have the law to afford law enforcement tools to deal with those people who behave in an unreasonable and illegal fashion. This is not an anti-gun Bill. This is not a Bill to designed to prohibit or ban the lawful use or possession of firearms or any other weapon. This Bill prohibits dangerous, unreasonable or illegal conduct.

HEARING ON HB 419

Sponsor: Rep. Jim Shockley, HD 61, Northern Portion of Ravalli County said this is a constituents' Bill. This Bill provides an enforcement mechanism for enforcement people in the Attorney General's office. It provides for an investigator but there is no money for that so it will be amended out. The Bill will create in the office of the Attorney General a program for the investigation and prosecution of violations of agriculture, wildlife, and natural resources laws.

The way the statutes are written now, DNRC has prosecutorial discretion.

Proponents: Jeff Barber, Montana Wildlife Federation

Opponents: John Bloomquist, Attorney, Montana Stockgrowers Association.

Patrick Heffernan, Staff Forester, Montana Logging Association, Kalispell.

Mike Murphy, Montana Water Resources Association.

John Semple, Association of Montana Aerial Applicators and the Montana Cattlewomen.

Cary Hegreberg, Montana Wood Products Association.

Nancy Schlepp, Montana Farm Bureau

Don Allen, Western Environmental Trade Association.

Informational Witness: John Connor, Assistant Attorney General, Department of Justice. Vice-Chairman Clark classified Mr. Connor as a proponent.

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 29}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 3.4}

Questions from Committee Members and Responses: Reps. Holden, Younkin, Laszloffy, Gutsche, Hurdle, Noennig, Peterson, Clark to Mr. Bloomquist, Mr. Connor; Don McIntyre, Chief Legal Counsel, Montana Department of Natural Resources and Conservation **EXHIBIT** (juh31a08); Jack Stults, Water Resources Association; Chris Smith, Chief of Staff, Fish, Wildlife and Parks, for clarification.

{Tape : 3; Side : B; Approx. Time Counter : 3.4 - 27.3}

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 19.4}

Closing by Sponsor: Rep. Shockley closed the Hearing on HB 419 and explained the amendment **EXHIBIT** (juh31a09).

{Tape : 4; Side : A; Approx. Time Counter : 18.7 - 27}

Chairman Shockley asked for discussion and input for meeting times in order to expedite executive action.

{Tape : 4; Side : A; Approx. Time Counter : 27 - 32.5}

EXECUTIVE ACTION ON HB 402

Motion: REP. MANGAN moved that HB 402 DO PASS. #1

Discussion: Reps. Peterson, Mangan, Adams, Rice, Younkin, Newman

Vote: Motion #1 carried unanimously 20-0.

EXECUTIVE ACTION ON HB 412

Motion: REP. WOLERY moved that HB 412 DO PASS. #2

Discussion: Reps. Noennig, Gutsche, Peterson, Wolery, Younkin.

Vote: Motion #2 carried unanimously 20-0.

{Tape : 4; Side : B; Approx. Time Counter : 0.1 - 15.8}

EXECUTIVE ACTION ON HB 202

Motion: REP. CLANCY moved that HB 202 BE TAKEN OFF THE TABLE. #3

Discussion: Rep. Clancy.

Vote: Motion #3 carried 12-8 with Reps. Eggers, Gallus, Gutsche, Harris, Hurdle, Mangan, Noennig and Peterson voting no.

Motion: REP. CLANCY moved that HB 202 DO PASS AS AMENDED. #4

Discussion: Reps. Younkin, Mangan, Clark, Peterson, Newman, Laszloffy, Shockley, Mr. MacMaster.

Vote: Motion #4 failed on a tie vote 10-10.

Motion/Vote: REP. NOENNIG moved that HB 202 BE TABLED. #5
Motion carried unanimously 20-0

EXECUTIVE ACTION ON HB 419

Motion: REP. CLARK moved that HB 419 DO PASS. #6

{Tape : 4; Side : B; Approx. Time Counter : 15.8 - 29.4}

Discussion: Rep. Clark.

Motion/Vote: REP. NEWMAN moved that HB 419 BE AMENDED. #7
Motion carried unanimously 20-0.

Motion: REP. NEWMAN moved that HB 419 DO PASS AS AMENDED. #8

Discussion: Reps. Clark, Shockley, Younkin, Rice, Holden, Laszloffy, Noennig, Hurdle, Harris, Thomas, Newman.

Rep. Clark recommended the Committee postpone action until they get a fiscal note. The chairman agreed.

EXECUTIVE ACTION ON HB 171

Motion: REP. NEWMAN moved that HB 171 DO PASS. #9

Motion: REP. NEWMAN moved that HB 171 BE AMENDED. #10
EXHIBIT (juh31a10)

Discussion: Rep. Newman explained the amendments.

{Tape : 5; Side : A; Approx. Time Counter : 0.1 - 29.9}

{Tape : 5; Side : B; Approx. Time Counter : 0.1 - 2.1}

Vote: Motion #10 carried 17-2 with Reps. Shockley and Thomas voting no.

Motion: REP. NEWMAN moved that HB 171 DO PASS AS AMENDED. #11

Discussion: Reps. Newman, Mangan, Peterson, Noennig, Curtiss, Laszloffy, Thomas.

Vote: Motion #11 failed 8-12 with Reps. Shockley, Laszloffy, Adams, Clancy, Curtiss, Holden, Noennig, Peterson, Rice, Thomas, Wolery and Younkin voting no.

Motion: REP. LASZLOFFY moved that HB 171 BE TABLED on a Reverse Vote 12-8 with Reps. Clark, Eggers, Gutsche, Harris, Hurdle, Mangan and Newman voting no.

{Tape : 5; Side : B; Approx. Time Counter : 1.8 - 14.8}

ADJOURNMENT

Adjournment: 12:50 P.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh31aad)