

MINUTES

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

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on February 15, 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. 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: Rep. Jeff Mangan (D)

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: None
Executive Action: **HB 151 - DPAA**
HB 471 - DPAA
HB 261 - DPAA

HB 250 - Table

HB 323 - Table

EXECUTIVE ACTION ON HB 250

Motion: REP. ADAMS moved that HB 250 DO PASS. #1

Motion/Vote: REP. SHOCKLEY moved that HB 250 BE AMENDED. #2
Motion carried 15-4 with Reps. Gutsche, Harris, Hurdle and Newman
voting no. EXHIBIT(juh38a01)

Discussion: Reps. Shockley, Noennig; without objection Rep.
Balyeat; Hurdle, Newman, Peterson.

Motion: REP. ADAMS moved that HB 250 DO PASS AS AMENDED. #3

Discussion: Reps. Rice, Clark, Laszloffy, Hurdle, Gallus, Newman,
Noennig, Harris, Peterson; without objection Rep. Balyeat.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 29.6}

Motion: REP. PETERSON moved that HB 250 BE AMENDED. #4 "The
equality of education opportunity shall be measured solely by the
results of educational programs rather than the amounts,
structure or nature of the resources employed".

Substitute Motion/Vote: REP. NOENNIG made a substitute motion
that HB 250 BE AMENDED. #5 Motion failed 7-13 with Reps.
Laszloffy, Clark, Adams, Clancy, Curtiss, Eggers, Gallus,
Gutsche, Harris, Hurdle, Mangan, Newman and Thomas voting no.

Discussion: Reps. Clark, Peterson.

Vote: Motion #4, Peterson amendment, carried 12-8 with Reps.
Clark, Eggers, Gallus, Gutsche, Harris, Hurdle, Mangan and Newman
voting no.

Motion: REP. YOUNKIN moved that HB 250 DO PASS AS AMENDED. #6

Motion/Vote: REP. YOUNKIN moved that HB 250 BE AMENDED to strike
the words "free from harassment by courts and attorneys", line
28. #7 Motion carried 14-5 with Reps. Clark, Gutsche, Harris,
Hurdle and Newman voting no.

Motion/Vote: REP. ADAMS moved that HB 250 DO PASS AS AMENDED. #8

Motion failed 8-12 with Reps. Clark, Eggert, Gallus, Gutsche, Harris, Hurdle, Mangan, Newman, Noennig, Thomas, Wolery and Younkin voting no.

Motion: REP. NOENNIG moved that HB 250 BE TABLED. #9 Reverse Vote, without objection, carried 12-8 with Reps. Shockley, Laszloffy, Adams, Clancy, Curtiss, Holden, Peterson and Rice voting no.

EXECUTIVE ACTION ON HB 323

Motion: REP. HURDLE moved that HB 323 DO PASS. #10

Discussion: Reps. Hurdle, Peterson, Laszloffy, Adams, Gutsche, Holden, Clark.

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 29.5}

Motion: REP. SHOCKLEY moved that HB 323 BE AMENDED. #11
EXHIBIT (juh38a02)

Discussion: Reps. Shockley, Peterson.

Vote: Shockley amendment, EXHIBIT 2 carried 12-8 with Reps. Clark, Adams, Gutsche, Harris, Hurdle, Mangan, Newman and Noennig voting no.

Motion: REP. SHOCKLEY moved that HB 323 DO PASS AS AMENDED. #12

Discussion: Reps. Harris, Peterson, Holden, Shockley, Newman, Noennig, Gutsche.

Motion: REP. NEWMAN moved that HB 323 BE AMENDED to reinsert the original language, striking out the words "sexual contact" through "same sex or" lines 10 and 11. #13

Discussion: Reps. Newman, Younkin, Mr. MacMaster, Peterson, Holden, Shockley, Hurdle,

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 29.7}

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 4}

Vote: Newman amendment failed on a tie vote 10-10.

Motion/Vote: REP. SHOCKLEY moved that HB 323 DO PASS AS AMENDED. #14. Motion failed 3-17 with Reps. Shockley, Holden and Younkin voting yes

Motion/Vote: REP. PETERSON moved that HB 323 BE TABLED. #15
Reverse vote, without objection. Motion carried 17-3 with Reps.
Shockley, Holden and Younkin voting no.

EXECUTIVE ACTION ON HB 471

Motion: REP. PETERSON moved that HB 471 DO PASS. #16

Motion: REP. PETERSON moved that HB 471 BE AMENDED. #17
EXHIBIT (juh38a03)

Discussion: Reps. Peterson, Mangan, Laszloffy, Shockley, Curtiss,
Clancy, Newman.

Vote: Motion #17, Peterson amendment carried unanimously 20-0.

Motion/Vote: REP. PETERSON moved that HB 471 DO PASS AS AMENDED.
#18. Motion carried unanimously 20-0.

EXECUTIVE ACTION ON HB 313

Discussion: Rep. Newman explained the amendments and concerns
with the professional people.

Reps. Hurdle, Mangan, Clark. At the request of the Chairman,
Rep. Shockley, Reps. Mangan and Clark will work out amendments
and then consideration will be taken on HB 313.

{Tape : 2; Side : B; Approx. Time Counter : 4 - 29.7}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 2.7}

EXECUTIVE ACTION ON HB 151

Motion: REP. HARRIS moved that HB 151 BE TAKEN OFF THE TABLE. #19
Motion carried 14-5 with Reps. Shockley, Laszloffy, Adams,
Curtiss and Rice voting no.

Discussion: Reps. Harris, **EXHIBIT** (juh38a04) Younkin.

Motion/Vote: REP. HARRIS moved that HB 151 DO PASS AS AMENDED.
#20 Motion carried 15-5.

Discussion: Reps. Shockley, Gutsche, Harris, Mangan, Newman,
Laszloffy, Noennig, Clark, Peterson, Younkin.

EXECUTIVE ACTION ON HB 229

Motion: REP. PETERSON moved that HB 229 BE TAKEN OFF THE TABLE.
#21

{Tape : 3; Side : A; Approx. Time Counter : 2.3 - 29.4}

Discussion: Rep. Peterson

Vote: Motion #21 failed 5-15 with Reps. Shockley, Laszloffy, Clark, Adams, Clancy, Curtiss, Eggers, Gallus, Gutsche, Harris, Hurdle, Noennig, Rice, Thomas and Wolery voting no.

EXECUTIVE ACTION ON HB 261

Motion: REP. NEWMAN moved that HB 261 DO PASS. #22

Motion: REP. NEWMAN moved that HB 261 BE AMENDED. #23
EXHIBIT (juh38a05)

Discussion: Rep. Newman explained the amendments. Rep. Noennig to Mr. MacMaster for further explanation. Reps. Harris, Younkin, Clark.

Vote: Newman amendments #23 carried 19-1 with Rep. Gutsche voting no.

Motion: REP. NOENNIG moved that HB 261 DO PASS AS AMENDED. #24

Motion: REP. CLARK moved that HB 261 BE AMENDED to strike Sub 3, Page 1, line 29 and Sub 5, lines 12 thru 16 on Page 2, Page 3, line 6 to change "create a substantial risk of death or serious bodily injury to another". #25

Discussion: Reps. Clark, Noennig, Newman, Harris.

Vote: Motion #25, Clark amendments carried 17-2 with Reps. Gutsche and Mangan voting no.

Motion: REP. NOENNIG moved that HB 261 DO PASS AS AMENDED. #26

Discussion: Rep. Gutsche.

Vote: Motion #26 carried 17-2 with Reps. Gutsche and Hurdle voting no.

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 21}

ADJOURNMENT

Adjournment: 11:10 A.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh38aad)