MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DIANE RICE**, on February 16, 2005 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:
Rep. Diane Rice, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Roger Koopman (R)
Rep. Michael Lange (R)
Rep. Tom McGillvray (R)
Rep. Mark E. Noennig (R)
Rep. Art Noonan (D)
Rep. John Parker (D)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Bill Wilson (D)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

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

Committee Business Summary:
Hearing & Date Posted: HB 637,641,614,656,659, 2/9/2005
Executive Action: HB 596,656-Tabled; HB 614-Do Pass, HB 615, 637, 611-Do Pass As Amended

HEARING ON HB 656

Sponsor: **REP. RICK MAEDJE, HD 2, FORTINE**

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 656,** Right to counsel prior to blood alcohol test. **REP. MAEDJE** elaborated on this bill's concept to allow the driver of a vehicle to have the right to contact an attorney before submitting to a BAC test.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 54}

Proponents' Testimony:

Kandi Matthews-Jenkins, self rose in support of HB 656. She stated, "When a right or a liberty is at risk, a person should be able to talk to an attorney."
{Tape: 1; Side: A; Approx. Time Counter: 54 - 65}

Opponents' Testimony:

John Connor, Chief Criminal Prosecutor-Assistant Attorney General, spoke in opposition to HB 656. He spoke about a conversation he had the previous evening with his wife, Public Defender, Randi Hood. They both agree that a person should have the right to counsel without incriminating themselves; however, from a public defender's viewpoint, "...it would be a nightmare."

From a defense viewpoint here are some of the problems that may occur:

1) Most of the time, these incidents happen at night.
2) Most of the time, the person does not have a relationship with legal counsel established.
   - 2a) It would be discriminating for the indigent offender who does not have an attorney.
   - 2b) An attorney would not advise anyone over the phone to take or refuse to take a BAC test without that attorney having all the facts.

Mr. Connor stated that this bill does not indicate how many phone calls a person could make, or the time frame in which phone calls would be allowed. At the end of his testimony, **Mr. Connor** stated, "...an offender must accept responsibility for his acts."
{Tape: 1; Side: A; Approx. Time Counter: 65 - 155}

Dennis Paxinos, Yellowstone County Attorney, Montana County Attorneys Association, rose in opposition to HB 656. He stated that driving is a privilege, not a right. If an alleged offender is stopped by an officer; according to the information on your drivers license, you must submit to a BAC test. The incriminating information will be on the officer's video tape and will show the impairment of the offender.
{Tape: 1; Side: A; Approx. Time Counter: 155 - 215}

Mark Muir, Missoula Police Department, spoke in opposition to HB 656. As a street officer, he is the one who stops vehicles, makes the arrests, may at times drive the alleged offender home; and if this bill were to pass, it would take time for the offender to call attorneys and the officer would then finally write the report of the incident. The whole process takes hours to complete. This bill would strip implied consent, would allow one more loophole for the offenders and would interfere with the investigative process.
{Tape: 1; Side: A; Approx. Time Counter: 215 - 286}

Jim Kembel, Montana Association of Chiefs of Police, rose in opposition to HB 656.
{Tape: 1; Side: A; Approx. Time Counter: 286 - 294}

Bill Muhs, MADD, rose in opposition to HB 656 and stated for the committee that implied consent is the basic premise in all laws.
{Tape: 1; Side: A; Approx. Time Counter: 294 - 313}

Al Recke, Cascade County DUI Task Force, rose in opposition to HB 656 and spoke briefly about the implied consent in the law.
{Tape: 1; Side: A; Approx. Time Counter: 313 - 329}

Roger Curtiss, Gateway Recovery Center-Great Falls, spoke to the committee about how this bill, if passed, would be detrimental for the safety of all.
{Tape: 1; Side: A; Approx. Time Counter: 329 - 345}

Kris Minard, self, rose in opposition to HB 656 and stated that this will add another loophole for the offenders.
{Tape: 1; Side: A; Approx. Time Counter: 345 - 357}

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. MAEDJE closed the hearing on HB 656 and stated, "...constitutional protection is not a loophole and this is not about DUIs, it is about constitutional protections."
The sponsor further stated, "...that a guy has a couple of drinks and doesn't know what he is doing [regarding making the decision to take a BAC test]...."
{Tape: 1; Side: A; Approx. Time Counter: 357 - 409}

HEARING ON HB 641

Sponsor: **REP. DIANE RICE, HD 71, HARRISON**

Opening Statement by Sponsor:

REP. DIANE RICE (R), HD 71, opened the hearing on **HB 641**, Right to jury trial in hearing determining termination of parental rights. The sponsor stated to the committee that, "...families are the most basic form of civilization" and with that a jury trial must be done before terminating a parent's rights. **REP. RICE** stated that she did not sign the fiscal note as she does not agree with the numbers that are shown.
{Tape: 1; Side: A; Approx. Time Counter: 409 - 462}

Proponents' Testimony:

Kandi Matthew-Jenkins, Montana Families, rose in support of HB 641 and stated that the Montana Constitution upholds the right to a jury trial. **Ms. Matthew-Jenkins** further stated, "...murderers get jury trials and parents do not...."
{Tape: 1; Side: A; Approx. Time Counter: 462 - 500}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 56}

Melissa Worland, self, rose in support of HB 641.
{Tape: 1; Side: B; Approx. Time Counter: 56 - 74}

Eric Scheidermeyer, Montana Catholic Conference, rose in support of HB 641 and stated that he is in favor of the utmost caution in preserving families.
{Tape: 1; Side: B; Approx. Time Counter: 74 - 96}

Harris Himes, Montana Family Coalition, supports in concept HB 641.
{Tape: 1; Side: B; Approx. Time Counter: 96 - 126}

David Cook, Pastor, rose in support of HB 641 and proceeded to show the committee a picture of his (7) children, all of whom have been removed from his care. He stated that one of his sons who is a predator, has victimized 39 children and Mr. Cook has not seen him since 1998.
{Tape: 1; Side: B; Approx. Time Counter: 126 - 189}

Rachel Roberts, Montana Family Foundation, rose in support of HB 641 and stated that as the fiscal note states: more than 700 children in Montana have been removed from their parents' care. The Montana Constitution states that people are guaranteed a speedy, jury trial just as in civil and criminal cases.
{Tape: 1; Side: B; Approx. Time Counter: 198 - 221}

Opponents' Testimony:

Shirley Brown, Department of Public Health and Human Services, rose in opposition to HB 641 and proceeded to discuss with the committee that her department must balance the rights of the parents and the rights of the children. **Ms. Brown** stated that she has never heard a child's attorney argue for a jury trial. A child's rights are paramount and those rights include:

1) The privacy of the child -- she elaborated on how traumatic it would be for them to go through a lengthy legal battle.
2) Permanency in that child's life.

Ms. Brown continued with her testimony in relation to the overflowing dockets of the courts and how that would affect a child's permanency while waiting for a jury to be impaneled if this bill were to pass. She stated that six other states have jury trials for parental termination of rights hearings and in those states the trial process has been significantly delayed.

Ms. Brown continued her testimony before the committee and stated that termination of rights trials are legally technical and that quality of the decision to terminate a parent's rights are better left to a judge to determine. Judges have been trained and they have all the information, expertise and experience to make a qualified decision.

Ms. Brown explained that the delay for a jury trial to be impaneled would seriously affect the 24 months that is the amount of time when adoptions are usually completed.
{Tape: 1; Side: B; Approx. Time Counter: 221 - 290}

Dennis Paxinos, Yellowstone County Attorney, Montana County Attorneys Association, rose in "gentle" opposition to HB 641. He suggested that a study be done that could be the basis for implementation of this bill if the study was favorable.

Mr. Paxinos listed several reasons why this bill would not work:

1) This bill is focusing on the parent's rights; not the rights of a child with the language that "any party can request."
2) "Finders of Fact" would be up to the jury; i.e., lay people who do not know what has happened before this time would be lost to bring these jury participants up to date.
3) The "voir dire" of potential jury panelists would require that 50 people be chosen to interview.
4) Who would get the trial; what about mothers who have different fathers for each of the children involved?
5) What if a parent did not show up; the clock would be ticking for the entire time. These parents are not the "Wally and June Cleavers" of the world; they are the "Mr. and Mrs. Meth" parents of society.
6) Finally, who would pay for all of this?

Mr. Paxinos stated that in his jurisdiction there is a drug court with a judge appointed, attorneys for the prosecution and the defense and the Court Appointed Special Advocate (CASA) for the child; all of whom are trying to get the parents involved in treatment for their addictions.
{Tape: 1; Side: B; Approx. Time Counter: 290 - 500}
{Tape: 2; Side: A; Approx. Time Counter: 0 - 55}

Informational Testimony:

Juli Pierce, Child and Family Services Division-Deputy Yellowstone County Attorney, rose to speak to the committee about the statistics from Yellowstone County. She stated that in 2004 there were 101 child abuse cases involving 149 children. More than 700 child abuse investigations were conducted with 15 hearings for parental termination on the court dockets. There were hearings for initial temporary custody hearings (127), extended temporary custody hearings (84), and permanent custody hearings (86).

Ms. Pierce stated that there are four circumstances where a parent's rights may be terminated:

1) Abandonment of the child(ren).
2) Failure to complete a treatment plan.
3) Relinquishment of the child by the parent.
4) Sexual offenses by the parent.

{Tape: 2; Side: A; Approx. Time Counter: 55 - 92}

Questions from Committee Members and Responses:

REP. WINDHAM began the questioning of Ms. Brown. They discussed the states that have jury trials for terminations.

Ms. Brown then explained how the evaluation process is completed. The state appoints a psychologist. The parents may also request an independent psychologist if court ordered in their treatment plan. The parents will have a public defender appointed at the termination phase if they do not have an attorney already or in some counties in Montana a public defender may be appointed earlier in legal proceedings.

REP. WINDHAM queried Mr. Paxinos about the appointment of attorneys. **Mr. Paxinos** stated that the judge will appoint the attorney for the parents and then proceeded to explain the procedure for securing the psychiatric evaluation. If the parents live in an urban area; there may be a number of qualified evaluators that can complete the evaluation.

REP. EVERETT and **REP. KOOPMAN** both decided to discuss with Paster Cook the reasons why his children were removed from his care, if he had representation and what his feelings were regarding jury trials. **REP. KOOPMAN** then questioned Ms. Brown regarding the what the role of CPS is with **Ms. Brown** replying, "...to protect the children...." The REPRESENTATIVE then asked Ms. Brown to address the problem of rogue social workers. **Ms. Brown** stated that she does not see there being a problem of rogue social workers, and advised the REPRESENTATIVE that the district court judges do not see a problem there either.

REP. CLARK began his questioning of Ms. Brown regarding the social workers and their accountability, "Where are the "checks and balances?" **Ms. Brown** stated that the social workers have law enforcement, school officials and two social workers work who together. There is also a centralized intake system that "fields" the calls. The REPRESENTATIVE then wanted Ms. Brown to explain the protocol in the cases of legal proceedings.

Ms. Brown stated that when a report is received and the case warrants it, the county attorney will be contacted, then an initial hearing is held in front of the judge within 20 days. The Foster Review Committee becomes involved and along with the CASA/GAL (Guardian Ad Litem) who is appointed for the child, there are many court hearings and status review hearings before the case ever advances to a termination of parental rights hearing.

REP. MACGILLVRAY asked Ms. Pierce in her opinion how many parents would request a jury trial. **Ms. Pierce** replied that in her opinion; possibly one-half of the parents would choose a jury trial. She further stated that in her area; 70-75% of the parents involved in child abuse cases are involved with "meth."
{Tape: 2; Side: A; Approx. Time Counter: 92 - 500}
{Tape: 2; Side: B; Approx. Time Counter: 0 - 214}

Closing by Sponsor:

REP. RICE concluded the hearing on HB 641 and spoke to the comment that had been made earlier about trauma for a child's privacy. The REPRESENTATIVE stated, "...what could be more traumatic then having no parent?"
{Tape: 2; Side: B; Approx. Time Counter: 214 - 263}

HEARING ON HB 659

Opening Statement by Sponsor:

REP. JOHN SINRUD (R), HD 67, opened the hearing on **HB 659,** Campaign limits for supreme court elections. **REP. SINRUD** explained and commented on the eight exhibits that were handed out to the committee members.
EXHIBIT(juh38a01)
EXHIBIT(juh38a02)
EXHIBIT(juh38a03)
EXHIBIT(juh38a04)
EXHIBIT(juh38a05)
EXHIBIT(juh38a06)
EXHIBIT(juh38a07)
EXHIBIT(juh38a08)
{Tape: 2; Side: B; Approx. Time Counter: 263 - 500}
{Tape: 3; Side: A; Approx. Time Counter: 0 - 25}

Proponents' Testimony:

John Metropolis, attorney, self, rose in strong support of HB 659. **Mr. Metropolis** spoke in support of the bill and stated that the common voter needs to have trust in the electoral system so that there is not the appearance or perception of bias. He also suggested that a severability clause may be a good idea. ***{Tape: 3; Side: A; Approx. Time Counter: 25 - 121}***

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. NOONAN began his questions of the sponsor of HB 659. The REPRESENTATIVE asked REP. SINRUD why this bill only addresses the Supreme Court; and why it does not address the whole system. **REP. SINRUD** stated that the legislature already imposes limits: $1,300 donation per person for a representative and $2,600 donation per person for a senator.

They discussed the Political Action Committee (PAC) donations and the inequities that the sponsor perceives there to be. The sponsor does not dispute that they make donations; the concern is that one side gives more than the other side. **REP. NOONAN** posed this question to REP. SINRUD: "...would this bill have been brought forward if Ms. Younkin had raised an equal amount of money as her opponent in the Supreme Court Race?" **REP. SINRUD** replied, "Yes, this would have been brought no matter what." The REPRESENTATIVE then queried the sponsor about the $70,000 that was given to Ms. Younkin from a PAC. **REP. SINRUD** said that he could not find that information.

REP. NOENNIG began with his questions of REP. SINRUD. **REP. NOENNIG** was interested in the sponsor's opinion regarding the limitation on donations for the Supreme Court races; if this would "spill over" to the District Court races also. **REP. SINRUD** replied that the Supreme Court races are more "hotly contested" but he would not have an objection to including the District Court judges.

REP. WINDHAM continued with the questioning of REP. SINRUD. She asked the sponsor if in his opinion, the more money spent in a campaign race determines who will win. **REP. SINRUD** replied, "Yes."

REP. WINDHAM then asked the sponsor if he was aware of the Martz/O'Keefe gubernatorial race. **REP. SINRUD**, replied, "Yes." **REP. WINDHAM** stated, "...Martz put in less money; however, she won...."

The REPRESENTATIVE and the sponsor discussed the Supreme Court races, the integrity of the justices as to perception and if there is any perceived corruption in the Supreme Court.
{Tape: 3; Side: A; Approx. Time Counter: 121 - 409}

Closing by Sponsor:

REP. SINRUD closed the hearing on HB 659 and stated, "...how is justice perceived...?"
{Tape: 3; Side: A; Approx. Time Counter: 409 - 440}

HEARING ON HB 614

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS (D), HD 66, opened the hearing on **HB 614**, County courthouse restoration act. The sponsor informed the committee that most of the county courthouses were built in the 19th century and they are in dire need of refurbishing. **REP. HARRIS** stated that at the invitation of each county commissioner; the Montana Historical Society will assist in writing grants for these restorations.
EXHIBIT(juh38a09)
{Tape: 3; Side: A; Approx. Time Counter: 440 - 500}
{Tape: 3; Side: B; Approx. Time Counter: 0 - 31}

Proponents' Testimony:
Arnold Olson, Montana Historical Society (MHS), spoke to the committee about the 56 county courthouses and that 48 of these courthouses are historic. Each county separately does not have the expertise to restore or the money to restore these historic landmarks.
EXHIBIT(juh38a10)
EXHIBIT(juh38a11)
{Tape: 3; Side: B; Approx. Time Counter: 31 - 92}

Bill Kennedy, Montana Association of Counties (MACo), rose in support of HB 614 and stated that these restorations will make these county courthouses Americans with Disabilities Act (ADA) accessible.
{Tape: 3; Side: B; Approx. Time Counter: 92 - 106}

Brad Clark, Cascade County, rose in support of HB 614 and stated that the assistance provided by the MHS would be invaluable in the writing of grants, etc.
EXHIBIT(juh38a12)
{Tape: 3; Side: B; Approx. Time Counter: 106 - 163}

Phil Hohenlohe, Montana Advocacy Program, rose in support of HB 614. He stated that according to Title 2 of the ADA laws; all public buildings must be readily usable and accessible to all. **Mr. Hohenlohe** spoke of the recent lawsuits that have occurred due to inaccessibility.
{Tape: 3; Side: B; Approx. Time Counter: 163 - 213}

Chere Justo, Montana Historical Society, rose in support of HB 614.
EXHIBIT(juh38a13)
EXHIBIT(juh38a14)
{Tape: 3; Side: B; Approx. Time Counter: 213 - 257}

Alec Hansen, Butte/Silverbow County, Montana Association of Counties (MACO), rose in support of HB 614 and asked the committee members, "... to think of this very building we are in 10 years ago."

Jean Curtiss, Missoula County Commissioner, rose in support of HB 614.
EXHIBIT(juh38a15)
{Tape: 3; Side: B; Approx. Time Counter: 257 - 265}

Kathy Bessette, Hill County Commissioner, rose in support of HB 614.
{Tape: 3; Side: B; Approx. Time Counter: 265 - 267}

Allan Underdal, Toole County Commissioner, rose in support of HB 614.
{Tape: 3; Side: B; Approx. Time Counter: 267 - 278}

Jim Kembel, American Institute of Architects, rose in support of HB 614.
{Tape: 3; Side: B; Approx. Time Counter: 278 - 279}

Mary Allen, Granite and Powell Counties, rose in support of HB 614.
{Tape: 3; Side: B; Approx. Time Counter: 279 - 294}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REPS. SONJU and **KOOPMAN** asked the sponsor to explain why there was a fiscal note and why each county can't find their own grant money. **REP. HARRIS** stated each county does not have the expertise to write grants and locate the sources of money individually.
{Tape: 3; Side: B; Approx. Time Counter: 294 - 372}

Closing by Sponsor:

REP. HARRIS closed the hearing on HB 614 and stated that the MHS has the expertise in writing grants that would be very beneficial to each of the Montana counties.
{Tape: 3; Side: B; Approx. Time Counter: 372 - 380}

HEARING ON HB 637

Sponsor: **REP. ELSIE ARNTZEN, HD 53, BILLINGS**

Opening Statement by Sponsor:

REP. ELSIE ARNTZEN (R), HD 53, opened the hearing on **HB 637,** Authorize wardens to cite minor in possession in state parks & FAS.
EXHIBIT(juh38a16)
{Tape: 3; Side: B; Approx. Time Counter: 380 - 456}

Proponents' Testimony:

Jim Kropp, Montana Fish, Wildlife and Parks (FWP), spoke in support of HB 637 and stated that the game wardens would be authorized to write tickets.
EXHIBIT(juh38a17)
EXHIBIT(juh38a18)
{Tape: 3; Side: B; Approx. Time Counter: 456 - 500}

Jim Smith, Montana Sheriff and Peace Officers Association, rose in support of HB 637.
{Tape: 4; Side: A; Approx. Time Counter: 0 - 18}

David Phillips, Cascade County Sheriff, rose in support of HB 637 and stated that the deputies are doing (writing tickets) that the game wardens could be doing.
{Tape: 4; Side: A; Approx. Time Counter: 18 - 26}

Allen Recke, Cascade County Sheriff, DUI Task Force, rose in support of HB 637 and stated for the committee that, "...keggers are not rites of passage...."
{Tape: 4; Side: A; Approx. Time Counter: 26 - 42}

Dan Haffey, Butte/Silverbow County, rose in support of HB 637 and stated that in Butte/Silverbow County, 250 Minor in Possession (MIP) citations were written in 2003 but less than 100 MIP citations were written in 2004 due to a lack of manpower.
{Tape: 4; Side: A; Approx. Time Counter: 42 - 67}

Bill Muhs, MADD, rose in support of HB 637.
{Tape: 4; Side: A; Approx. Time Counter: 67 - 87}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. LANGE posed his questions to Mr. Kropp. The REPRESENTATIVE was interested in how many game wardens are in Montana. **Mr. Kropp** replied that there are 70 game wardens in Montana and spoke to the committee about procedures for these game wardens when a MIP citation is issued and how the game wardens would be able to "handle" the increased work load if this bill were to pass.

REP. GUTSCHE continued her questions to Mr. Kropp. She wanted to know how big this problem is and when the busy season occurs. **Mr. Kropp** said that in the early spring and summer are the busiest times. He continued to explain how his game wardens deal with the situations that now occur. **Mr. Kropp** explained that presently the game wardens contact the local sheriffs and detain the youths until law enforcement arrives.

REP. CLARK discussed with Mr. Kropp the game warden's ability to write citations now and what those citations would be for. **Mr. Kropp** explained that the citations would be for vandalism, FWP violations, state laws, criminal trespassing, littering, etc.

REP. LANGE was interested in how much time the game wardens would need to spend in courtrooms and if FWP would be supportive of a sunset date inserted in the bill. **Mr. Kropp** stated that he would get back to the REPRESENTATIVE with the information he requested and that FWP would be "ok" with the sunset criteria and reporting back to the legislature.
{Tape: 4; Side: A; Approx. Time Counter: 87 - 369}

Closing by Sponsor:

REP. ARNTZEN hearing on HB 637 and stated that this bill would allow an agreeable solution in the prevention of kids drinking, vandalism and possible bodily harm at the "keggers." This bill would also help the already overloaded sheriffs in the counties; policing the 50 state parks and 320 fishing access sites.
{Tape: 4; Side: A; Approx. Time Counter: 369 - 432}

(Please Note: Tape 5 was started at this point for Executive Action)

EXECUTIVE ACTION ON HB 637

Motion: **REP. WILSON moved that HB 637 DO PASS.**

Discussion:

REP. EVERETT discussed the possible application of a citizen's arrest in certain situations.

Motion/Vote: **REP. LANGE moved that HB 637 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO INSERT "TWO-YEAR SUNSET."**

Substitute Motion/Vote: **REP. NOENNIG made a substitute motion to SET THE SUNSET DATE "7/1/07" IN HB 637. Substitute motion carried 14-4 by voice vote with REP. GUTSCHE, REP. MCGILLVRAY, REP. RICE, and REP. WILSON voting no.**

Motion/Vote: **REP. STOKER moved that HB 637 DO PASS AS AMENDED. Motion carried 14-4 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. RICE, and REP. SONJU voting no.**
{Tape: 5; Side: A; Approx. Time Counter: 0 - 144}

EXECUTIVE ACTION ON HB 656

Motion: **REP. SONJU moved that HB 656 DO PASS.**

Substitute Motion/Vote: **REP. PARKER made a substitute motion that HB 656 BE TABLED. Substitute motion carried 15-3 by roll call vote with REP. KOOPMAN, REP. RICE, and REP. WILSON voting no.**
{Tape: 5; Side: A; Approx. Time Counter: 144 - 163}

EXECUTIVE ACTION ON HB 614

Motion/Vote: REP. HARRIS moved that HB 614 DO PASS. Motion carried 14-4 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. RICE, and REP. WARD voting no.
{Tape: 5; Side: A; Approx. Time Counter: 163 - 189}

EXECUTIVE ACTION ON HB 659

Motion: REP. LANGE moved that HB 659 DO PASS.

Discussion:

Mr. MacMaster explained the amendments on Page 1, Lines 18, 19, Page 1 Line 25, Page 1, Line 30.

Substitute Motion/Vote: REP. HARRIS made a substitute motion that HB 659 BE TABLED. Substitute motion failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye.

Motion: REP. LANGE moved that HB 659 BE AMENDED with a CONCEPTUAL AMENDMENT FOR PAGE 1,LINES 18-19, 25, 30.

Substitute Motion/Vote: REP. STOKER moved THE 1ST SEGREGATED SECTION "13-7-216,"FROM LINE 30 TO LINE 28. Motion failed 9-9 by voice vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, AND REP. WINDHAM voting aye.

Substitute Motion/Vote: REP. STOKER moved THE 2ND SEGREGATED SECTION "13-37-21 TO $500." Motion failed 9-9 by voice vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye.

Vote: Motion that HB 659 DO PASS failed 9-9 by roll call vote with REP. STOKER, REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. NOENNIG, REP. SONJU, REP. WARD, REP. RICE voting aye.
{Tape: 5; Side: A; Approx. Time Counter: 189 - 500}

EXECUTIVE ACTION ON HB 615

Motion: REP. HARRIS moved that HB 615 DO PASS.

Motion: REP. HARRIS moved that HB 615 BE AMENDED by amendment 615-01.
EXHIBIT(juh38a19)

Discussion:

Mr. MacMaster explained the amendment for Page 1, Line 11 and Page 1, Line 14.

Vote: Motion that HB 615 BE AMENDED carried 17-1 by voice vote with REP. EVERETT voting no.

Motion: REP. HARRIS moved that HB 615 DO PASS AS AMENDED.

Vote: The motion carried 10-8 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no.
{Tape: 5; Side: B; Approx. Time Counter: 0 - 55}

EXECUTIVE ACTION ON HB 596

Motion: REP. KOOPMAN moved that HB 596 DO PASS.

Motion: REP. KOOPMAN moved that HB 596 BE AMENDED ON LINE 27, SUBSECTION 4.

Discussion:

Mr. MacMaster explained the amendment that states: "must mail to person at last known address within 24 hours."

Vote: Motion that HB 596 BE AMENDED carried 11-7 by voice vote with REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. NOONAN, REP. PARKER, REP. STOKER, and REP. WILSON voting no.

Motion: REP. KOOPMAN moved that HB 596 DO PASS AS AMENDED.

Substitute Motion/Vote: REP. WINDHAM made a substitute motion that HB 596 BE TABLED. Substitute motion carried 16-2 by roll call vote with REP. KOOPMAN and REP. MCGILLVRAY voting no.
{Tape: 5; Side: B; Approx. Time Counter: 55 - 290}

(Please Note: REP. GUTSCHE left the room)

EXECUTIVE ACTION ON HB 611

Motion: REP. WINDHAM moved that HB 611 DO PASS.

Motion: REP. WINDHAM moved that HB 611 BE AMENDED by amendment 611-01.
EXHIBIT(juh38a20)

Discussion:

Mr. MacMaster explained the amendment to the committee.

Vote: Motion that HB 611 BE AMENDED carried 14-4 by voice vote with REP. KOOPMAN, REP. RICE, REP. SONJU, and REP. STOKER voting no. (REP. GUTSCHE voted by proxy vote.)

Motion/Vote: REP. WINDHAM moved that HB 611 DO PASS AS AMENDED. Motion carried 10-8 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no. (REP. GUTSCHE voted by proxy vote.)
{Tape: 5; Side: B; Approx. Time Counter: 290 - 350}

ADJOURNMENT

Adjournment: 12:45 P.M.

_____
REP. DIANE RICE, Chairman

_____
PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT(juh38aad0.PDF)