

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 3, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Dan McGee, Vice Chairman (R)

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(s) & Date(s) Posted: SB 63, SB 22, SB 122, SB 155,
2/28/1999

Executive Action: SB 22-Tabled, SB 128-Do Concur
as Amended, SB-155-Do Concur,
SB-54 Do Concur as Amended

HEARING ON SB 63

Sponsor:

Senator Nelson presented SB 63.

{Tape : 1; Side : A; Approx. Time Counter : 29 - 55}

Proponents:

Cathy Kendall, Montana Board of Crime Control

{Tape : 1; Side : A; Approx. Time Counter : 55 - 89}

Beth Baker, Dept. of Justice

{Tape : 1; Side : A; Approx. Time Counter : 89 - 143}

EXHIBIT (juh48a0

1)

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 143 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 55}

Closing by Sponsor:

Senator Nelson made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 55 - 76}

HEARING ON SB 22

Sponsor:

Senator Mohl presented SB 22.

{Tape : 1; Side : B; Approx. Time Counter : 76 - 92}

Proponents:

Rick Day, Dept of Corrections

{Tape : 1; Side : B; Approx. Time Counter : 92 - 122}

Terry Minow, Montana Federation of State Employs

{Tape : 1; Side : B; Approx. Time Counter : 122 - 133}

Tom Schneider, Montana Pubic Employees Association

{Tape : 1; Side : B; Approx. Time Counter : 133 - 148}

Jim Oberhoffer, Montana Board of Crime Control

{Tape : 1; Side : B; Approx. Time Counter : 148 - 160}

Craig Reap, Montana Highway Patrol

{Tape : 1; Side : B; Approx. Time Counter : 160 - 170}

Mary Fay, Dept. of Corrections

{Tape : 1; Side : B; Approx. Time Counter : 170 - 192}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 192 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 55}

Closing by Sponsor:

Senator Mohl made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 55 - 96}

HEARING ON SB 128

Sponsor:

Senator Christiaens presented SB 128.

{Tape : 2; Side : A; Approx. Time Counter : 96 - 135}

EXHIBIT (juh48a0

2)

EXHIBIT (juh48a0

3)

Proponents:

Peter Ohman, Dept. of Commerce

{Tape : 2; Side : A; Approx. Time Counter : 135 - 138}

Beth O'Halloran, State Auditor

{Tape : 2; Side : A; Approx. Time Counter : 138 - 199}

Bob Pfeiffer, Montana Credit Union League

{Tape : 2; Side : A; Approx. Time Counter : 199 - 238}

Steve Bullock, Dept. of Justice

{Tape : 2; Side : A; Approx. Time Counter : 238 - 262}

Lyla Knutson, AARP

{Tape : 2; Side : A; Approx. Time Counter : 262 - 269}

Kelly Hubbard, Montana Senior Citizens Association

{Tape : 2; Side : A; Approx. Time Counter : 269 - 280}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 280 - 394}

Closing by Sponsor:

Senator Christiaens made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 394 - 453}

HEARING ON SB 155

Sponsor:

Senator Berry presented SB 155.

{Tape : 2; Side : A; Approx. Time Counter : 453 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 13}

Proponents:

Zane Sullivan, Montana Association of Realtors

{Tape : 2; Side : B; Approx. Time Counter : 13 - 89}

Al Smith, Montana Trial Lawyers Association

{Tape : 2; Side : B; Approx. Time Counter : 89 - 101}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 101 - 226}

Closing by Sponsor:

Senator Berry made closing statements.

{Tape : 2; Side : B; Approx. Time Counter : 226 - 270}

EXECUTIVE ACTION ON SB 128

Motion: REP. SOFT moved that SB 128 BE CONCURRED IN.

Motion/Vote: REP. YOUNKIN moved that SB 128 BE AMENDED. Motion carried 17-3 with Curtiss, Jore, and Molnar voting no.

Motion/Vote: REP. MOLNAR moved that SB 128 BE AMENDED. Motion failed 4-16 with Curtiss, Jore, Molnar, and Shockley voting aye.

Motion/Vote: REP. YOUNKIN moved that SB 128 BE CONCURRED IN AS AMENDED. Motion carried 18-2 with Jore and Molnar voting no.

(Rep. McGee present during this vote.)

{Tape : 2; Side : B; Approx. Time Counter : 270 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 153}

EXECUTIVE ACTION ON SB 155

Motion/Vote: REP. SHOCKLEY moved that SB 155 BE CONCURRED IN.

Motion carried 18-1 with Jore voting no.

(Rep. McGee absent during this vote.)

{Tape : 3; Side : A; Approx. Time Counter : 153 - 304}

EXECUTIVE ACTION ON SB 22

Motion/Vote: REP. SHOCKLEY moved that SB 22 BE CONCURRED IN.

Motion failed 8-11 with Ahner, Anderson, R. Clark, Curtiss, Facey, Gallus, Williams, and Younkin voting aye.

(Rep. McGee absent during vote.)

{Tape : 3; Side : A; Approx. Time Counter : 304 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 50}

EXECUTIVE ACTION ON SB 54

Motion: REP. HURDLE moved SB 54-RECONSIDER AND REMOVE FROM TABLED BILL STATUS. MOTION PASSED.

EXHIBIT (juh48a0)

4)

Motion/Vote: REP. HURDLE moved that SB 54 BE AMENDED. Motion carried 10-9 with Ahner, Anderson, R. Clark, Curtiss, Eggers, Jore, Molnar, Noennig, and Younkin voting no.

Motion/Vote: REP. HURDLE moved that SB 54 WITH SENATOR HALLIGAN'S AMENDMENT BE CONCURRED IN AS AMENDED. Motion carried 18-1.

(Rep. McGee absent during voting)

EXHIBIT (juh48a0)

5)

Motion/Vote: REP. FACEY moved that SB 54 BE AMENDED. Motion carried 19-0.

(Rep. McGee absent during voting)

Motion: REP. SHOCKLEY moved that SB 54 BE AMENDED AND LATER WITHDREW HIS AMENDMENT.

Motion/Vote: REP. MOLNAR moved that SB 54 BE AMENDED. Motion carried 12-7 with Facey, Gallus, Gutsche, Hurdle, Kitzenberg, Williams, and Wyatt voting no.

(Rep. McGee absent during voting)

Motion/Vote: REP. HURDLE moved that SB 54 BE CONCURRED IN AS AMENDED. Motion carried 16-3 with Jore, Molnar, and Wyatt voting no.

(Rep. McGee absent during voting)

{Tape : 3; Side : B; Approx. Time Counter : 50 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 467}

Meeting adjourned.

ADJOURNMENT

Adjournment: 11:29 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh48aad)