

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** By Chairman Diane Rice, on January 26, 2007 at 8:00 A.M., in Room 137 Capitol.

#### ROLL CALL

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Douglas Cordier (D)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. George Everett (R)  
Rep. Julie French (D)  
Rep. Rick Jore (C)  
Rep. Krayton Kerns (R)  
Rep. Roger Koopman (R)  
Rep. Deborah Kottel (D)  
Rep. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 233, HB 256, HB 353, HB 322, HB 397, 1/22/2007

Executive Action: HB 287, HB 384, HB 322, HB 162

**HEARING ON HB 233****Opening Statement by Sponsor:**

00:01:15 Rep. Bob Lake (R), HD 88, opened the hearing on HB 233,  
Restrict cell phone use in driving in certain areas.

[EXHIBIT\(juh18a01\)](#)

**Proponents' Testimony:**

00:06:29 Larry Straight, Attorney

00:13:21 Mike Tooley, Lt. Colonel Montana Highway Patrol,  
Department of Justice

**Opponents' Testimony:**

00:15:10 Margaret Morgan, Alltel

00:20:10 Bob Gilbert, Montana Tow Truck Association, Montana  
School Bus Contractors Association

00:22:03 Jim Kembel, Montana Association of Chiefs of Police

00:22:44 Amy Grmoljez, Verizon Wireless

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:25:39 Rep. Gallik

00:26:00 Ms. Morgan

00:26:10 Rep. Ward

00:26:34 Lt. Col. Tooley

00:27:04 Rep. Everett

00:27:33 Rep. Lake

00:27:49 Rep. McGillvray

00:28:07 Rep. Lake

00:30:44 Rep. O'Hara

00:31:07 Rep. Lake

00:32:37 Rep. Kottel

00:33:48 Rep. Lake

00:37:51 Rep. Koopman

00:40:17 Lt. Col. Tooley

00:45:05 Rep. Ebinger

00:45:59 Rep. Lake

00:47:13 Rep. Peterson

00:49:26 Rep. Lake

00:52:49 Rep. Rice

00:53:23 Lt. Col. Tooley

**Closing by Sponsor:**

00:54:29 Rep. Lake

**HEARING ON HB 256****Opening Statement by Sponsor:**

00:56:59 Rep. Bob lake (R), HD 88, opened the hearing on HB 256, Revise realty laws regarding tenancies in common.

**Proponents' Testimony:**

01:01:05 Jeff Warr, Attorney  
01:09:05 Al Mancel, President, National Association of Realtors  
01:16:48 Glen Oppel, Montana Association of Realtors  
01:18:05 Colin Bangs, President, Political Affairs Committee, Montana Association of Realtors  
01:20:45 Mark Macek, Commercial Real Estate Broker, Great Falls  
01:24:36 Fred Rogers, Real Estate Broker, Billings

**Opponents' Testimony:**

01:26:15 Patricia DelRosso, Inland Real Estate Exchange, President, Tenant in Common Association  
01:44:13 Rick Ahmann, Montana Association of Realtors, Tenant in Common Association, Realtor/Broker, Securities License Holder, Helena  
01:48:10 Justin Todd, Sunny/Todd Real Estate, Securities License Holder, Big Timber  
01:49:28 Ray Peterson, Certified Public Accountant, Anderson, ZurMuehlen & Co., Butte  
01:51:24 Donovan Kelly, Realtor, Billings

**Informational Testimony:**

01:52:50 Gene Allison Chief Legal Counsel, Business Services Division, Department of Labor  
01:53:05 Lynn Egan, Deputy Securities Commissioner

**Questions from Committee Members and Responses:**

01:54:03 Rep. Stoker  
01:54:44 Mr. Oppel  
01:55:14 Rep. Stoker  
01:55:49 Mr. Warr  
01:57:08 Rep. Stoker  
01:57:12 Mr. Oppel  
01:57:26 Rep. Kottel

01:57:53 Mr. Warr  
02:00:52 Rep. Gallik  
02:01:45 Mr. Ahhmann

**Closing by Sponsor:**

02:03:35 Rep. Lake  
  
02:07:16 Break  
02:22:02 Reconvene

**HEARING ON HB 322**

**Opening Statement by Sponsor:**

02:22:10 Rep. John Sinrud (R), HD 67, opened the hearing on HB 322, Clarify legislative entities that can request Attorney General opinions.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:23:30 Rep. Stoker  
02:23:40 Rep. Sinrud  
02:24:43 Rep. Gallik  
02:25:19 Rep. Sinrud  
02:26:30 Rep. Kottel  
02:26:55 Rep. Sinrud  
02:27:18 Rep. Gallik  
02:27:36 Rep. Sinrud

**Closing by Sponsor:**

02:29:35 Rep. Sinrud

---

**HEARING ON HB 397****Opening Statement by Sponsor:**

02:30:47 Rep. John Ward (R), HD 84, opened the hearing on HB 397, Expand lien on vehicle to include certain personal property inside vehicle.

**Proponents' Testimony:**

02:35:18 Bob Gilbert, Montana Tow Truck Association  
02:36:08 Casey Collins, A-1 Towing Company  
02:37:54 Jim Dusenberry, President, Montana Tow Truck Association

[EXHIBIT \(juh18a02\)](#)

[EXHIBIT \(juh18a03\)](#)

[EXHIBIT \(juh18a04\)](#)

02:42:07 Carl Halcro, Carl's Towing, President Great Falls Tow Truck Association  
02:43:29 Bruce Spencer, Montana Automobile Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:45:37 Rep. McGillvray  
02:46:15 Mr. Dusenberry  
02:47:14 Rep. Koopman  
02:47:46 Mr. Dusenberry  
02:50:47 Rep. Peterson  
02:51:19 Mr. Dusenberry  
02:53:56 Rep. Kottel  
02:54:40 Mr. Dusenberry  
02:55:35 Rep. Rice  
02:56:12 Mr. Gilbert  
02:56:49 Mr. Spencer  
02:58:59 Mr. Dusenberry

**Closing by Sponsor:**

03:00:53 Rep. Ward

**HEARING ON HB 353**

**Opening Statement by Sponsor:**

03:03:01 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 353, Revise recording requirements for electronic search warrants.

**Proponents' Testimony:**

03:04:56 Mark Murphy, Chief Criminal Deputy, Yellowstone County Attorney

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:08:14 Rep. French  
03:08:40 Mr. Murphy  
03:10:12 Rep. Kottel  
03:10:28 Mr. Murphy  
03:12:03 Rep. Peterson  
03:12:47 Mr. Murphy  
03:13:24 Rep. Gallik  
03:14:01 Rep. McGillvray  
03:15:08 Rep. Stoker  
03:15:30 Mr. Murphy  
03:16:22 Rep. Peterson  
03:16:59 Mr. Murphy

**Closing by Sponsor:**

03:18:57 Rep. McGillvray

**General Judiciary Committee Business**

03:19:38 Chairman Rice  
03:20:51 Rep. Gallik  
03:21:17 Chairman Rice  
03:21:2 Rep. Gallik  
03:22:28 Chairman Rice

**EXECUTIVE ACTION ON HB 287**

03:25:03 **Motion:** Rep. Stoker moved that **HB 287 DO PASS.**

03:25:18 **Discussion:**

03:26:41 **Vote:** Motion that **HB 287 DO PASS** carried unanimously by roll call vote.

**EXECUTIVE ACTION ON HB 384**

03:26:47 **Motion:** Rep. Stoker moved that **HB 384 DO PASS.**

03:26:56 **Discussion:**

03:35:45 **Motion:** Rep. Gallik moved that **HB 384 BE AMENDED. with a CONCEPTUAL AMENDMENT** to add a "severability clause."

03:37:15 **Discussion:**

03:43:07 **Vote:** Motion that **HB 384 BE AMENDED** failed 4-13 by roll call vote with Reps. Driscoll, Ebinger, French, and Gallik voting aye.

03:44:17 **Discussion:**

03:48:07 **Vote:** Motion that **HB 384 DO PASS** carried unanimously by roll call vote.

**EXECUTIVE ACTION ON HB 322**

03:49:27 **Motion:** Rep. Stoker moved that **HB 322 DO PASS.**

03:49:40 **Discussion:**

03:51:00 **Vote:** Motion that **HB 322 DO PASS** carried unanimously.

**EXECUTIVE ACTION ON HB 162**

03:52:22 **Motion:** Rep. Stoker moved that **HB 162 DO PASS.**

03:55:35 **Vote:** Motion that **HB 162 DO PASS** carried 13-4 by roll call vote with Reps. Jore, Kerns, Koopman, and Rice voting no.

03:56:42 Rep. Gallik

03:56:56 Chairman Rice



**ADJOURNMENT**

Adjournment: 11:57 A.M.

---

REP. DIANE RICE, Chairman

---

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh18aad.pdf](#))**