

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 9, 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 496, HB 543, HB 466, HB 554, HB 563, HB 548, 2/2/2007
Executive Action: HB 340

HEARING ON HB 466

Opening Statement by Sponsor:

00:01:30 Rep. Rick Jore (C), HD 12, opened the hearing on HB 466, Revise criminal accountability.

Proponents' Testimony:

00:04:43 Allan J. Doyle, Under-Sheriff, Lake County Sheriff Department, Deputy Coroner, Lake County
00:10:25 Joan Sherman, Mother of hit and run victim
00:12:18 Leeann Larson, Cousin of hit and run victim
00:17:21 Rep. Janna Taylor, HD 11

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:18:07 Rep. Jore

HEARING ON HB 548

Opening Statement by Sponsor:

00:20:18 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 548, Revise parental rights and foster child laws.

Proponents' Testimony:

00:24:30 Jim Hunt, Attorney, Foster Parent
00:26:39 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana
00:27:44 Jane Hammon, retired Social Worker, Foster Parent

Opponents' Testimony: None

Informational Testimony:

00:29:16 Ryan Tofflemire, Program Bureau Chief, Child and Family Services, Department of Public Health and Human Services, State of Montana

Questions from Committee Members and Responses:

00:30:21 Rep. Stoker
00:30:59 Mr. Hunt
00:32:26 Mr. Tofflemire
00:34:44 Mr. Hunt
00:35:01 Rep. Gallik
00:35:49 Rep. Himmelberger

Closing by Sponsor:

00:37:00 Rep. Himmelberger
00:37:44 Ms. Bucy

HEARING ON HB 496

Opening Statement by Sponsor:

00:38:23 Rep. Julie French (D), HD 36, opened the hearing on HB 496, APRN authority to complete driver medical exams.

Proponents' Testimony:

00:40:56 Rep. Eve Franklin, HB 24, Montana Nurses Association
00:43:12 Laura Lanscribner, Montana Nurses Association, Licensed Nurse Practitioner
00:45:09 Margaret Morgan, Certified Registered Nurse Anaesthetists, Advanced Practice Registered Nurse, (APRN)
00:46:13 Don Judge, Montana Nurses Association
[EXHIBIT \(juh29a01\)](#)
00:48:36 Casey Blumenthal, Montana Hospital Association
00:49:58 Theresa Henry, Advanced Practice Registered Nurse (APRN)

Opponents' Testimony:

00:50:54 Pat Melby, Montana Medical Association

Informational Testimony:

00:55:10 Mark Cadwallader, Attorney, Department of Labor and Industry, State of Montana

Questions from Committee Members and Responses:

00:55:57 Rep. Gallik
00:56:38 Mr. Melby

00:57:56 Rep. Franklin
01:00:27 Rep. Koopman
01:01:28 Mr. Melby
01:02:37 Rep. Franklin
01:05:23 Rep. Everett
01:05:50 Ms. Morgan

Closing by Sponsor:

01:08:02 Rep. French

HEARING ON HB 543

Opening Statement by Sponsor:

01:09:39 Rep. Dave Gallik (D), HD 79, opened the hearing on HB 543, Disclosure of limits on liability insurance.

Proponents' Testimony:

01:17:37 Jim Hunt, Attorney
01:21:55 Mike Sands, Attorney
01:23:35 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony:

01:26:58 Greg VanHorsen, State Farm Insurance
01:29:30 Jacqueline Lenmark, American Insurance Association
01:34:24 Frank Cote, Farmers Union Mutual Insurance Company
01:36:58 John Alke, Montana Defense Trial Lawyers Association
01:42:30 John Metropoulis, Farmers Insurance Company
01:44:27 Bob Worthington, Montana Municipal Insurance Authority
01:45:45 Larry Kibbee, Property Casualty Insurers Association
01:46:10 John Bening, Montana Chamber of Commerce
01:46:32 Amy Minto, Attorneys Liability Protection Society

Informational Testimony: None

Questions from Committee Members and Responses:

01:47:00 Rep. Koopman
01:48:02 Rep. Gallik
01:49:52 Rep. Peterson
01:50:19 Mr. Alke
01:52:21 Rep. Peterson
01:52:51 Ms. Lenmark

Closing by Sponsor:

02:00:55 Rep. Gallik

02:09:16 Break

02:24:04 Reconvene

HEARING ON HB 554

Opening Statement by Sponsor:

02:25:56 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 554, Child passenger safety violation as primary offense.

[EXHIBIT \(juh29a02\)](#)

[EXHIBIT \(juh29a03\)](#)

[EXHIBIT \(juh29a04\)](#)

[EXHIBIT \(juh29a05\)](#)

[EXHIBIT \(juh29a06\)](#)

Proponents' Testimony:

02:29:07 Jim Kembel, Montana Association of Chiefs of Police
02:29:36 Pat Melby, Montana Medical Association
02:30:02 Steve Yeakel, Montana Advocates for Children, Montana Council for Maternal and Child Health
02:30:35 Bob Gilbert, self
02:31:37 Greg VanHorsen, State Farm Insurance
02:31:52 Bruce Spencer, Montana Automobile Dealers Association
02:33:05 Jane Hamman, Montana Traffic Educators Association, AAA-MountainWest
02:34:48 Dwight Easton, Farmers Insurance Group
02:35:43 Casey Blumenthal, Montana Hospital Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:36:16 Rep. O'Hara
02:37:02 Rep. Ward
02:37:37 Rep. Cohenour
02:39:23 Rep. Peterson

Closing by Sponsor:

02:40:02 Rep. Cohenour

HEARING ON HB 563

Opening Statement by Sponsor:

02:42:33 Rep. William Jones (R), HD 9, opened the hearing on HB 563, Testing of bodily fluids for pathogens.

[EXHIBIT \(juh29a07\)](#)

Proponents' Testimony:

02:52:51 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana

02:58:11 Casey Blumenthal, Montana Hospital Association

02:59:34 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony:

03:04:08 Scott Crichton, Executive Director, ACLU

[EXHIBIT \(juh29a08\)](#)

Informational Testimony:

03:09:12 Mark Cadwallader, Attorney, Department of Labor, State of Montana

Questions from Committee Members and Responses:

03:10:06 Rep. Driscoll

03:10:53 Rep. Jones

03:12:31 Rep. Kottel

03:13:18 Ms. Bucy

03:16:05 Rep. Rice

03:16:25 Ms. Young

03:17:46 Ms. Bucy

03:18:13 Rep. Stoker

03:18:52 Ms. Bucy

03:21:16 Rep. Kottel

03:22:41 Ms. Bucy

03:23:17 Rep. French

03:23:44 Ms. Bucy

Closing by Sponsor:

03:25:15 Rep. Jones

EXECUTIVE ACTION ON HB 340

03:31:02 Chairman Rice
03:31:33 David Niss, Legislative Staffer

03:31:51 **Motion:** Rep. Stoker moved that **HB 340 DO PASS AS AMENDED.** (From Executive Action that was postponed on 2/8/07)

Discussion:

03:33:05 Rep. Gallik
03:34:41 Rep. Rice
03:35:23 Rep. Kottel
03:35:54 Rep. Koopman
03:36:05 Rep. Gallik
03:36:59 Rep. Rice

03:37:12 **Motion:** Rep. Koopman moved that **HB 340 BE AMENDED. EXHIBIT (juh29a09)**

Discussion:

03:37:25 Rep. Koopman
03:39:32 Rep. Peterson
03:40:19 Rep. Kottel
03:42:42 Rep. Stoker

03:43:26 **Motion:** Rep. Stoker moved to **SEGREGATE PARAGRAPHS 1 AND 2** from the Amendment. (Exhibit 9)

03:43:56 **Vote:** Motion to **SEGREGATE PARAGRAPHS 1 AND 2 FROM AMENDMENT** (Exhibit 9) carried by voice vote 11-6 with Reps. Everett, Peterson, Koopman, McGillvray, Gallik, and Ebinger voting no.

03:44:28 **Motion/Vote:** Rep. Stoker moved **TO ADOPT PARAGRAPH 1 of the AMENDMENT.** Motion carried by voice vote 15-2 with Reps. Everett and Peterson voting no.

03:45:16 **Motion:** Rep. Stoker moved **PARAGRAPH 2 OF THE AMENDMENT BE ADOPTED.**

Discussion:

03:45:45 Rep. Koopman
03:46:41 Rep. Stoker
03:47:02 Rep. Jore
03:47:40 Rep. McGillvray
03:48:22 Rep. Peterson

(Rep. Raser absent from the room.)

03:48:44 **Vote:** Motion for **PARAGRAPH 2 FROM THE AMENDMENT TO BE ADOPTED** failed by roll call 8-9 Reps. Gallik, French, Everett, Raser, Koopman, Cordier, Driscoll, and Ebinger voting aye. (Rep. Raser voted by proxy.)

03:49:43 **Motion:** Rep. Stoker moved that **HB 340 BE AMENDED. EXHIBIT (juh29a10)**

03:49:51 **Motion:** Rep. Stoker moved **TO RECONSIDER AMENDMENT (SECTION 5) FROM AMENDMENT** (Exhibit 10).

(Rep. Raser returns to room.)

Discussion:

03:50:41 Rep. Koopman
03:52:28 Rep. Kottel
03:55:05 Rep. Koopman
03:55:41 Rep. French
03:56:47 Rep. Everett
03:57:06 Rep. Kottel
03:58:09 Rep. Peterson
03:59:26 Rep. Koopman
03:59:48 Rep. Stoker

04:00:31 **Vote:** Motion to **RECONSIDER SECTION 5 FROM AMENDMENT 34006 FROM** previous Executive Action on 2/8/07 failed by roll call vote 8-9 with Reps. Stoker, Koopman, Kerns, Peterson, O'Hara, McGillvray, Jore, and Rice voting aye.

04:01:46 **Motion:** Rep. Stoker moved that **HB 340 DO PASS AS AMENDED.**

Discussion:

04:02:03 Rep. Ebinger

04:02:57 Rep. Stoker

04:03:38 Rep. Ward

04:04:53 **Motion:** Rep. Kottel moved that **HB 340 BE AMENDED with a CONCEPTUAL AMENDMENT for PAGE 3, LINE 21, INSERT "to a licensed firearm dealer."**

(Rep. Everett absent from room.)

04:05:38 Rep. Peterson

04:05:59 Rep. Stoker

04:06:35 Rep. Peterson

04:06:48 Rep. Koopman

04:07:08 **Vote:** Motion that **HB 340 BE AMENDED** carried by voice vote 11-6 with Reps. Peterson, Koopman, McGillvray, Jore, Kerns, and Rice voting no. (Rep. Everett voted by proxy vote.)

04:08:09 **Motion:** Rep. Stoker that **HB 340 DO PASS AS AMENDED.**

Discussion:

04:09:11 Rep. Gallik

04:11:39 Rep. Ward

04:12:07 Rep. Ebinger

04:12:52 Rep. Peterson

04:13:19 Rep. French

04:13:39 **Vote:** Motion that **HB 340 DO PASS AS AMENDED** carried by voice vote 16-1 with Rep. Driscoll voting no. (Rep. Everett voted by proxy vote.)

EXHIBIT (juh29a11)

Received at conclusion of hearing: regarding HB 527 heard on 2/8/07

EXHIBIT (juh29a12)

Received at conclusion of hearing: regarding HB 464 heard on 2/8/07

ADJOURNMENT

Adjournment: 12:15 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh29aad.pdf](#))