

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By Vice-Chair Ron Stoker on March 22, 2007 at 8:05 A.M., in Room 172 Capitol.

ROLL CALL

Members Present:

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: Rep. Diane Rice, (R)
Rep. Dave Gallik, (D)

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: SB 254, SB 278, SB 282, SB 294, SB 318, SB 326 3/15/2007
Executive Action: None

HEARING ON SB 318**Opening Statement by Sponsor:**

00:01:29 Sen. Jim Peterson (R), SD 15, opened the hearing on SB 318, Extend recreational use immunity to aircraft.

Proponents' Testimony:

00:05:53 Rep. Janna Taylor, HD 11

00:06:30 Debbie Alke, Administrator, Aeronautics Division,
Department of Transportation, State of Montana

00:08:05 Dan Prill, Pilot, Owner, Airstrip, Sand Coulee, Montana

EXHIBIT (juh61a01)

00:09:54 John McKenna, President, Recreational Aviation
Foundation of Montana, Bozeman, Montana

EXHIBIT (juh61a02)

EXHIBIT (juh61a03)

00:12:33 Jerome Cain, CAIN Ranch Airstrip, Aircraft and
Owners and Pilots Association, Command Pilot, Angel
Flight West, AOPA Airport Support Network
Volunteer, Recreational Aviation Foundation of
Montana, Bozeman, Montana

EXHIBIT (juh61a04)

00:15:45 Bob Gilbert, Montana Aviation Trades Association

00:16:24 Mike Ferguson, President, Northwest Region Aircraft
Owners and Pilots Association

00:19:01 Jim Lewis, Montana Flying Farmers and Ranchers
Association

00:20:52 Bill Gallea, MD, President, Montana Pilots Association,
Vigilante Chapter, Emergency Room Physician

EXHIBIT (juh61a05)

00:21:26 Gloria Hermanson, Licensed Private Pilot, Montana
Pilots Association

00:21:54 Walter Mehnke, Pilot

00:22:15 Kerry Duncan, Pilot,

00:22:57 Marilyn Lewis, Montana Flying Farmers, Secretary,
Aviation Associations of Montana

Opponents' Testimony:

00:23:34 Andrea Olsen, Montana Trial Lawyers Association

EXHIBIT (juh61a06)

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:37 Rep. French
00:31:54 Ms. Alke
00:32:37 Rep. Ward
00:32:53 Sen. Peterson
00:36:27 Rep. Raser
00:37:12 Sen. Peterson
00:38:38 Ms. Alke
00:40:53 Mr. Cain
00:42:35 Rep. Kottel
00:43:21 Ms. Alke
00:45:05 Rep. Stoker
00:45:20 Ms. Alke
00:46:48 Rep. Ward

Closing by Sponsor:

00:47:41 Sen. Peterson

HEARING ON SB 254**Opening Statement by Sponsor:**

00:53:31 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 254, Require collective bargaining neutrality agreement in state services contracts.

Proponents' Testimony:

00:58:35 Melissa Case, Organizing Director, MEA-MFT

[EXHIBIT \(juh61a07\)](#)

[EXHIBIT \(juh61a08\)](#)

[EXHIBIT \(juh61a09\)](#)

[EXHIBIT \(juh61a10\)](#)

[EXHIBIT \(juh61a11\)](#)

[EXHIBIT \(juh61a12\)](#)

01:11:36 Keith Allen, International Brotherhood Union, Local #233

01:13:30 Jason Miller, AFL-CIO

Opponents' Testimony:

01:14:19 John Benion, Montana Chamber of Commerce

01:17:20 Margaret Morgan, Greater Montana Independent Electrical Workers Union

01:21:12 Steve Richards, Human Resource Director, Nightingale Nursing, Montana Health Systems

01:25:02 Gail Abercrombie, Montana Contractors Association

01:27:25 John Hegen, Montana Citizens Right to Work
[EXHIBIT\(juh61a13\)](#)

01:28:04 Bill Witte, Montana Health Solutions

Informational Testimony: None

Questions from Committee Members and Responses:

01:29:03 Rep. French
01:29:41 Ms. Case
01:34:28 Rep. Ward
01:34:54 Sen. Wanzenreid
01:35:24 Rep. Koopman
01:35:30 Mr. Benion
01:40:51 Ms. Case
01:45:40 Rep. Koopman
01:45:57 Rep. Kottel
01:47:19 Ms. Case

Closing by Sponsor:

01:48:26 Sen. Wanzenreid

HEARING ON SB 282

Opening Statement by Sponsor:

01:52:30 Sen. Greg Lind (D), SD 50, opened the hearing on SB 282, Revise law on implied consent for recording of conversations.

[EXHIBIT\(juh61a14\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:56:05 Rep. Ward
01:56:19 Sen. Lind
01:57:30 Rep. Jore
01:57:32 Sen. Lind
01:58:19 Rep. O'Hara
01:58:32 Sen. Lind
01:59:16 Rep. Stoker
01:59:20 Sen. Lind

01:59:50 Rep. Koopman
02:00:55 Sen. Lind
02:01:02 Rep. Stoker

Closing by Sponsor:

02:01:25 Sen. Lind

02:01:40 Break
02:21:05 Reconvene

HEARING ON SB 294

Opening Statement by Sponsor:

02:21:16 Sen. Dan Harrington (D), SD 38, opened the hearing on SB 294, Clarify state agency guardianship responsibilities.

Proponents' Testimony:

02:24:56 Rick Bartos, Adult Protective Services, Department of Public Health and Human Services, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:32:17 Rep. Kottel
02:33:19 Mr. Bartos
02:34:30 Rep. McGillvray
02:34:44 Mr. Bartos
02:41:24 Rep. Kottel
02:42:19 Mr. Bartos
02:44:22 Rep. French
02:45:10 Mr. Bartos
02:48:02 Rep. McGillvray
02:48:21 Mr. Bartos
02:50:11 Rep. Stoker
02:50:19 Mr. Bartos
02:54:55 Rep. Koopman

Closing by Sponsor:

02:57:20 Sen. Harrington

HEARING ON SB 278

Opening Statement by Sponsor:

02:58:52 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 278, Educational support orders.

EXHIBIT (juh61a15)

Proponents' Testimony:

03:07:08 Jessica LaRoche, President, Associated Student Body, Montana State University, Bozeman, Montana

03:08:13 Jacqueline Lenmark, Mediator/Attorney

03:14:40 Scott Martin, Montana State University-Northern and Western

Opponents' Testimony:

03:15:59 John Pickett, self

03:26:26 Rachel Roberts, Montana Family Foundation

Informational Testimony: None

Questions from Committee Members and Responses:

03:30:32 Rep. Driscoll

03:30:38 Mr. Pickett

03:33:12 Rep. Raser

03:33:41 Ms. Lenmark

03:36:41 Rep. Koopman

03:38:28 Sen. Gillan

03:46:15 Rep. Koopman

03:46:35 Ms. Roberts

03:46:56 Rep. Gillan

03:47:31 Ms. Lenmark

Closing by Sponsor:

03:51:52__Sen. Gillan

HEARING ON SB 326**Opening Statement by Sponsor:**

03:55:05 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SB 326, Prescription drug monitoring plan.

Proponents' Testimony:

04:00:18 Starla Blank, Pharmacist, Executive Director, Board of Pharmacy
04:08:42 Mark Meredith, President, Montana Board of Pharmacy, Pharmacist, St. Peter's Hospital, Helena, Montana
04:09:15 Brian Heeney, Pharmacist, St. Peter's Hospital, Helena, Montana
04:10:53 Tom Mensing, Pharmacist
04:14:39 Jim Smith, Montana Pharmacy Association, Montana Sheriffs and Peace Officers Association
04:18:15 Jim Kembel, Montana Association of Chiefs of Police
04:18:58 Don Hargrove, Montana Addiction Services Providers

Opponents' Testimony: None

Informational Testimony:

04:20:25 Kathy Day, ACLU
[EXHIBIT\(juh61a16\)](#)

Questions from Committee Members and Responses:

04:22:12 Rep. Peterson
04:24:43 Sen. Schmidt
04:25:18 Mark Cadwallader, Staff Attorney, Department of Labor and Industry, State of Montana
04:29:36 Sen. Schmidt

Closing by Sponsor:

04:30:31 Sen. Schmidt
[EXHIBIT\(juh61a17\)](#)

ADDITIONAL EXHIBITS:

Exhibit Received at the Conclusion of SB 326:
[EXHIBIT\(juh61a18\)](#)

Exhibit Received at the Conclusion of Committee Hearing For SB 125 heard on March 21, 2007:
EXHIBIT (19)

ADJOURNMENT

Adjournment: 12:35 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh61aad.pdf](#))