

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on March 30, 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. Tom McGillvray (R)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Holly Raser (D)  
Rep. John Ward (R)

**Members Excused:** Rep. Deborah Kottel (D)

**Members Absent:** None.

**Staff Present:** David Niss, Legislative Branch  
Cynthia A. Peterson, Acting 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 393, SB 110, 3/23/2007  
Executive Action: SB 133, SB 27, SB 31

**HEARING ON SB 393**

**Opening Statement by Sponsor:**

00:01:07 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 393, require mediation of custody in dissolution of marriage.

**Proponents' Testimony:**

00:06:40 Kerry Newcomer, President, Montana Mediation Association

**EXHIBIT (juh68a01)**

00:09:27 Moe Wosepka, Montana Catholic Conference

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:11:26 Rep. Peterson  
00:11:56 Mr. Newcomer  
00:16:25 Rep. O'Hara  
00:16:47 Mr. Newcomer  
00:19:34 Rep. Cordier  
00:21:07 Sen. Gillan  
00:22:56 Rep. Stoker  
00:23:14 Sen. Gillan  
00:24:15 Rep. Koopman  
00:26:17 Mr. Newcomer  
00:32:32 Rep. Gallik  
00:33:59 Sen. Gillan  
00:39:01 Rep. Peterson  
00:41:35 Sen. Gillan  
00:42:07 Mr. Newcomer  
00:48:51 Rep. Stoker  
00:48:59 Mr. Newcomer  
00:49:45 Rep. Rice

**Closing by Sponsor:**

00:50:23\_\_Sen. Gillan

**Point of Personal Privilege:**

00:53:30 Rep. Ebinger

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**HEARING ON SB 110****Opening Statement by Sponsor:**

00:54:39 Sen. Rick Laible (R), SD 44, opened the hearing on SB 110, revise land use laws.

**EXHIBIT(juh68a02)**

**Proponents' Testimony:**

01:00:09 Michael Kakuk, Montana Association of Realtors

**EXHIBIT(juh68a03)**

01:07:20 Tim Davis, Montana Smart Growth Coalition

01:09:43 Harold Blattie, Executive Director, Montana Association of Counties

01:12:36 Linda Stoll, Montana Association of Planners

**Opponents' Testimony:**

01:13:23 Brian Troth, self

**Informational Testimony:**

01:19:18 Steve White, Gallatin County Commissioner

**Questions from Committee Members and Responses:**

01:20:05 Rep. Stoker

01:20:29 Sen. Laible

01:21:37 Mr. Kakuk

01:24:16 Rep. Koopman

01:25:09 Mr. White

01:27:19 Rep. Koopman

01:28:57 Mr. White

01:29:55 Rep. Koopman

01:30:20 Mr. White

01:31:28 Rep. Koopman

01:33:13 Sen. Laible

01:35:47 Rep. Koopman

01:36:56 Sen. Laible

01:38:00 Rep. Koopman

01:38:13 Mr. Troth

01:38:41 Rep. Koopman

01:39:35 Mr. Troth

01:42:14 Rep. Peterson

01:42:49 Mr. Kakuk

01:43:03 Rep. Peterson

01:43:11 Mr. Kakuk

01:43:47 Rep. Peterson

01:44:05 Mr. Kakuk  
01:44:11 Rep. Peterson  
01:44:40 Mr. Kakuk  
01:44:47 Rep. Peterson  
01:47:14 Mr. Kakuk  
01:48:05 Rep. Peterson  
01:48:12 Mr. Kakuk  
01:48:21 Rep. Peterson  
01:49:39 Mr. Kakuk  
01:51:05 Rep. Peterson  
01:51:30 Mr. Kakuk  
01:51:46 Rep. Raser  
01:52:35 Mr. Troth  
01:53:00 Rep. Raser  
01:53:10 Mr. White  
01:53:23 Rep. Raser  
01:53:33 Mr. White  
01:53:48 Rep. Raser  
01:54:09 Sen. Laible  
01:56:01 Rep. Raser  
01:56:38 Sen. Laible  
01:56:50 Rep. Raser  
01:57:01 Sen. Laible  
01:58:13 Rep. Raser  
01:58:35 Sen. Laible  
01:59:32 Rep. Raser  
02:00:20 Sen. Laible  
02:06:21 Rep. Raser  
02:06:41 Sen. Laible  
02:07:47 Rep. Ward  
02:07:56 Rep. Ebinger  
02:08:43 Mr. Kakuk  
02:10:07 Rep. Ebinger  
02:10:30 Mr. Kakuk  
02:11:02 Rep. Stoker  
02:11:55 Mr. Kakuk  
02:12:57 Rep. Stoker  
02:13:15 Mr. Kakuk  
02:15:23 Rep. Stoker  
02:15:39 Mr. Kakuk  
02:15:50 Rep. Ebinger  
02:16:07 Mr. Kakuk

**Closing by Sponsor:**

02:16:33 Sen. Laible  
  
02:25:28 Break  
02:46:00 Reconvene

**EXECUTIVE ACTION ON SB 133**

02:47:36 **Motion:** Rep. McGillvray moved that SB 133 **BE CONCURRED IN**.

02:47:56 **Motion:** Rep. Koopman moved that SB 133 **BE AMENDED**.  
**EXHIBIT (juh68a04)**

**Discussion:**

02:48:13 Rep. Koopman  
02:50:19 Rep. Ebinger  
02:50:36 Rep. Koopman  
02:51:35 Rep. Ebinger  
02:51:47 Rep. Koopman  
02:52:41 Rep. Gallik

02:54:13 **Substitute Motion:** Rep. Gallik made a substitute motion that the amendment to SB 133 **BE AMENDED CONCEPTUALLY** by adding "of the cash value" after "\$2,000."

**Discussion:**

02:54:35 Mr. Niss  
02:54:56 Rep. Gallik  
02:55:21 Rep. McGillvray  
02:56:08 Rep. Koopman  
02:56:16 Rep. Peterson  
02:57:46 Rep. McGillvray  
02:58:29 Rep. Gallik  
02:59:24 Rep. Koopman  
03:00:29 Rep. Peterson

03:02:00 **Vote:** Motion carried 10-7 by roll call vote with Rep. Driscoll, Rep. Ebinger, Rep. French, Rep. McGillvray, Rep. Peterson, and Rep. Raser, and Rep. Kottel voting no. Rep. Kottel and Rep. O'Hara voted by proxy.

03:03:13 **Motion:** Rep. Ebinger moved that SB 133 **BE CONCURRED IN AS AMENDED**.

**Discussion:**

03:03:28 Rep. Ebinger  
03:04:04 Rep. McGillvray

03:04:45 **Vote:** Motion carried unanimously by roll call vote with Rep. O'Hara, Rep. Kottel, and Rep. Jore voting by proxy. Rep. McGillvray will carry SB 133 on the House floor.

03:05:10 Break

03:14:45 Reconvene

**EXECUTIVE ACTION ON SB 27**

03:14:57 **Motion:** Rep. McGillvray moved that SB 27 **BE CONCURRED IN.**

03:16:03 **Motion:** Rep. Stoker moved that SB 27 **BE AMENDED.**  
**EXHIBIT (juh68a05)**

**Discussion:**

03:16:29 Mr. Niss

03:27:15 Rep. Peterson

03:28:26 Mr. Niss

03:28:55 Rep. Ebinger

03:29:53 Mr. Niss

03:30:12 Rep. Peterson

03:31:10 Mr. Niss

03:31:54 Rep. Peterson

03:32:19 Rep. Niss

03:32:47 Rep. Peterson

03:32:52 Rep. Gallik

03:33:44 Mr. Niss

03:42:40 **Vote:** Motion carried unanimously by voice vote with Rep. Jore, Rep. Koopman, Rep. Raser and Rep. Kottel voting by proxy.

03:43:32 **Motion/Vote:** Rep. French moved that SB 27 **BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote with Rep. Koopman, Rep. Jore, Rep. Raser and Rep. Kottel voting by proxy. Rep. Stoker will carry the bill on the House floor.

**EXECUTIVE ACTION ON SB 31**

03:45:01 **Motion:** Rep. Stoker moved that SB 31 **BE CONCURRED IN.**

03:45:20 **Motion:** Rep. Gallik moved that SB 31 **BE AMENDED.**  
**EXHIBIT (juh68a06)**

**Discussion:**

03:45:37 Rep. Gallik  
03:48:15 Rep. Ward  
03:48:40 Mr. Niss  
03:51:21 Rep. Stoker  
03:52:22 Mr. Niss  
03:53:47 Rep. Gallik  
03:54:54 Mr. Niss  
03:55:21 Rep. Gallik  
03:55:26 Rep. Stoker

03:55:30 **Substitute Motion/Vote:** Rep. Peterson made a substitute motion that SB 31 **BE CONCEPTUALLY AMENDED** by changing the reference to "12-point" in proposed Amendment 4, Page 2, Exhibit 6, to "14-point." Substitute motion carried unanimously by voice vote, with Rep. Koopman, Rep. Jore, Rep. Raser and Rep. Kottel voting by proxy.

03:56:31 **Motion/Vote:** Rep. Stoker moved that SB 31 **BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote with Rep. Koopman, Rep. Jore, Rep. Raser and Rep. Kottel voting by proxy. Rep. Gallik will carry the bill on the House floor.

03:58:04 Rep. Ebinger

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**ADJOURNMENT**

03:59:44 Adjournment: 12:00 P.M.

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REP. DIANE RICE, Chairman

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CYNTHIA A. PETERSON, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh68aad.pdf](#))**