

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 4/2/07

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. RON STOKER, VICE CHAIR	/	
REP. DAVE GALLIK, VICE CHAIR	/	
REP. JULIE FRENCH	/	
REP. GEORGE EVERETT		/
REP. HOLLY RASER	/	
REP. ROGER KOOPMAN	/	
REP. DOUGLAS CORDIER	/	
REP. KRAYTON KERNS	/	
REP. ROBYN DRISCOLL	/	
REP. KEN PETERSON	/	
REP. JESSE O'HARA	/	
REP. TOM MCGILLVRAY	/	
REP. DEBORAH KOTTEL	/	
REP. JOHN WARD	/	
REP. BOB EBINGER	/	
REP. RICK JORE	/	
CHAIRMAN DIANE RICE	/	



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 346** (third reading copy -- blue) **be concurred in.**

Signed:

*Diane Rice*  
Representative Diane Rice, Chair

To be carried by Representative Ken Peterson

- END -

**Committee Vote:**

**Yes 14, No 3**

Fiscal Note Required

710807SC.hjd

*hjd*  
4/3/07



See  
Am  
2/11/03

## HOUSE STANDING COMMITTEE REPORT

April 3, 2007

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 41** (third reading copy -- blue) be concurred in as amended.

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Deborah Kottel

And, that such amendments read:

1. Title, line 6.

**Following:** "SELL"

**Insert:** ", LEASE,"

2. Title, lines 7 and 8.

**Strike:** "WITHIN" on line 7 through "TOWN" on line 8

3. Title, line 10.

**Strike:** "PURPOSE"

**Insert:** "USE"

4. Page 1, lines 17 and 18.

**Strike:** "and purposes"

5. Page 1, line 22.

**Following:** "property"

**Insert:** "with the intent"

**Following:** "sell"

**Insert:** ", lease,"

**Following:** "provide"

**Insert:** "the property"

6. Page 1, lines 22 and 23.

**Strike:** "within" on line 22 through "town" on line 23

**Committee Vote:**

Yes 14, No 3

Fiscal Note Required

711805SC.hjd

*John*  
4/3/07

7. Page 3, line 16.

**Strike:** "purpose"

**Insert:** "use"

8. Page 3, lines 16 and 17.

**Following:** "means"

**Insert:** ":

(a)

**Following:** "a"

**Insert:** "public"

**Strike:** "for" on line 16 through "FUNDS" on line 17

**Insert:** "enumerated in 70-30-102; or

(b) a project financed by the method provided for in 7-15-4288"

9. Page 4, line 1.

**Strike:** "purpose"

**Insert:** "use"

10. Page 4, line 16.

**Strike:** "purpose"

**Insert:** "use"

11. Page 5, line 5.

**Strike:** "purpose"

**Insert:** "use"

12. Page 6, line 16.

**Following:** "property"

**Insert:** "with the intent"

**Following:** "sell"

**Insert:** ", lease,"

**Following:** "provide"

**Insert:** "the property"

13. Page 6, lines 16 and 17.

**Strike:** "within" on line 16 through "town" on line 17

- END -



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 146** (third reading copy -- blue) **be concurred in.**

Signed:

*Diane Rice*  
Representative Diane Rice, Chair

To be carried by Representative Ron Stoker

- END -

**Committee Vote:**

**Yes 15, No 2**

Fiscal Note Required

710809SC.hjd

*Jan*  
4/3/07



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 350** (third reading copy -- blue) **be concurred in.**

Signed:

*Diane Rice*  
Representative Diane Rice, Chair

To be carried by Representative Jesse O'Hara

- END -

**Committee Vote:**

**Yes 9, No 8**

Fiscal Note Required

710810SC.hjd

*for*  
4/3/07



Am  
Am 173

HOUSE STANDING COMMITTEE REPORT

April 4, 2007  
Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 379** (third reading copy -- blue) be concurred in as amended.

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Deborah Kottel

And, that such amendments read:

1. Page 1, lines 15 through 17.

**Strike:** "demonstrates" on line 15 through "that" on line 17

2. Page 1.

**Following:** line 17

**Insert:** "(a) the district court determines that a hearing on the petition is required pursuant to 46-21-201;

(b) the state public defender's office requests appointment of a public defender and demonstrates good cause for the appointment;"

**Renumber:** subsequent subsections

3. Page 1, line 25.

**Strike:** "means"

**Insert:** "includes"

- END -

Committee Vote:

Yes 12, No 5

Fiscal Note Required

721100SC.hjd

*sbw*  
4/4/07



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 523** (third reading copy -- blue) **be concurred in.**

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Ken Peterson

- END -

**Committee Vote:**

**Yes 17, No 0**

Fiscal Note Required

710812SC.hjd

*for*  
4/3/07



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 227** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Ken Peterson

**And, that such amendments read:**

1. Title, line 10 through line 12.

**Strike:** "PROVIDING" on line 10 through ";" on line 12

2. Title, line 13.

**Strike:** "25-31-710,"

3. Page 4, line 27 through page 5, line 8.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

- END -

**Committee Vote:**

**Yes 12, No 5**

Fiscal Note Required

711339SC.hjd

*ibm*  
4/3/07



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 348** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Diane Rice*  
Representative Diane Rice, Chair

To be carried by Representative Bob Ebinger

- END -

**Committee Vote:**

**Yes 14, No 3**

Fiscal Note Required

710813SC.hjd

gbr  
4/3/07



## HOUSE STANDING COMMITTEE REPORT

April 4, 2007  
Page 1 of 3

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 342** (third reading copy -- blue) **be concurred in as amended.**

Signed: *Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Deborah Kottel

**And, that such amendments read:**

1. Page 4, line 16.

**Insert:** "COORDINATION SECTION. **Section 5. Coordination instruction.** If House Bill No. 668 and [this act] are both passed and approved, then the section in [this act] amending 37-22-301 is void and 37-22-301 is amended to read as follows:

"**37-22-301. License requirements -- exemptions.** (1) A license applicant shall satisfactorily complete an examination prescribed by the board.

(2) Before an applicant may take the examination, the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, psychiatrists, or psychologists who have knowledge of the applicant's professional performance and shall demonstrate to the board that the applicant:

(a) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board;

(b) has completed at least 24 months of supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who fails the examination may reapply to take the examination.

(4) An applicant is exempt from the examination requirement if the applicant satisfies the board that the applicant is

**Committee Vote:**

**Yes 10, No 7**

Fiscal Note Required

721054SC.hjd

*dn*  
4/4/07

licensed, certified, or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this chapter and that the applicant has passed an examination similar to that required by the board.

(5) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(6) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied."

**Insert: "COORDINATION SECTION. Section 6. Coordination instruction.** If House Bill No. 668 and [this act] are both passed and approved, then the section amending 37-23-202 in [this act] is void and 37-23-202 is amended to read as follows:

**"37-23-202. Licensure requirements.** (1) An applicant for licensure must have satisfactorily:

(a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b) completed 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must have each supervisor endorse the application for licensure, attesting to the number of hours supervised.

(c) passed an examination prepared and administered by:

(i) the national board of certified counselors; or

(ii) the national academy of certified clinical mental health counselors; and

(d) completed an application.

(2) The board shall provide by rule for licensure of a person who possesses a graduate degree that consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution accredited to offer a graduate program in counseling, by specifying the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in counseling courses in an approved program within a period of 5 years.

(3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(4) If an applicant has a history of criminal convictions,

then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied."

**Renumber:** subsequent section

- END -



**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 382** (third reading copy -- blue) **be concurred in.**

Signed:

*Diane Rice*  
Representative Diane Rice, Chair

To be carried by Representative Dave Gallik

- END -

**Committee Vote:**

**Yes 13, No 4**

Fiscal Note Required

710815SC.hjd

*hon*  
4/13/07



Pam  
4/13/07

**HOUSE STANDING COMMITTEE REPORT**

**April 3, 2007**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 411** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Diane Rice*  
*Representative Diane Rice, Chair*

To be carried by Representative Dave Gallik

- END -

**Committee Vote:**

**Yes 12, No 5**

Fiscal Note Required

710816SC.hjd

*Pam*  
*4/13/07*

*Pam  
Em 173*

**COMMITTEE FILE COPY**

**TABLED BILL**

The HOUSE JUDICIARY COMMITTEE TABLED SB 278, SB 347, SB 383, by motion, on Monday, April 2, 2007.

*PS*

(For the Committee)

*jan*

(Chief Clerk of the House)

*7:10, 4/3*

(Time) (Date)

April 2, 2007

Pamela E. Schindler, Secretary

Phone: 444-4607



**HOUSE OF REPRESENTATIVES  
Roll Call Vote  
JUDICIARY COMMITTEE**

DATE 4/2/07  
MOTION: \_\_\_\_\_

BILL NO. SB346 MOTION NO. 1

*To Reconsider Present: Voting Only*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/	/	
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT	/	/	
REP. HOLLY RASER	/	/	
REP. ROGER KOOPMAN	/		
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS	/		
REP. ROBYN DRISCOLL	/	/	
REP. KEN PETERSON	/		
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY	/	/	
REP. DEBORAH KOTTEL		/	
REP. JOHN WARD	/		
REP. BOB EBINGER	/		
REP. RICK JORE	/	/	
CHAIRMAN DIANE RICE	/		

*10 / 1*

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/2/07 BILL NO. SB346 MOTION NO. 2  
 MOTION: \_\_\_\_\_

*Reconcured In*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/		/
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT	/		/
REP. HOLLY RASER		/	
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS	/		
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON	/		
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY	/		/
REP. DEBORAH KOTTEL	/	/	
REP. JOHN WARD	/		
REP. BOB EBINGER	/		
REP. RICK JORE	/		/
CHAIRMAN DIANE RICE	/		

14 / 3

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/2/07 BILL NO 41 MOTION NO. 1  
 MOTION: \_\_\_\_\_

*Be Concurred In*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/		
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT	/		/
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN	/		
REP. DOUGLAS CORDIER	/		
REP. KRAYTON KERNS	/		
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON	/	/	
REP. JESSE O'HARA	/		
REP. TOM MCGILLVRAY	/	/	/
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD	/		
REP. BOB EBINGER		/	
REP. RICK JORE	/		
CHAIRMAN DIANE RICE	/		

14 / 2

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/20/07 BILL NO SB 382 MOTION NO. 1  
 MOTION: \_\_\_\_\_

*Reconcurred In*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR	/		
REP. DAVE GALLIK, VICE CHAIR	/ /		
REP. JULIE FRENCH	/ /		
REP. GEORGE EVERETT	/ /		/
REP. HOLLY RASER	/ /		
REP. ROGER KOOPMAN	/ /		
REP. DOUGLAS CORDIER	/ /		
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/ /		
REP. KEN PETERSON	/ / /		
REP. JESSE O'HARA	/ /		
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/ /		
REP. JOHN WARD	/ /		
REP. BOB EBINGER	/ /		
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

*B / C*

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 4/2/07 BILL NO. SB 278 MOTION NO. 1  
 MOTION: \_\_\_\_\_

*Belmont*

NAME	AYE	NO	If Proxy Vote, check here and include signed Proxy Form with minutes.
REP. RON STOKER, VICE CHAIR		/	
REP. DAVE GALLIK, VICE CHAIR		/	
REP. JULIE FRENCH	/		
REP. GEORGE EVERETT		/	/
REP. HOLLY RASER	/		
REP. ROGER KOOPMAN		/	
REP. DOUGLAS CORDIER		/	
REP. KRAYTON KERNS		/	
REP. ROBYN DRISCOLL	/		
REP. KEN PETERSON		/	
REP. JESSE O'HARA		/	
REP. TOM MCGILLVRAY		/	
REP. DEBORAH KOTTEL	/		
REP. JOHN WARD		/	
REP. BOB EBINGER		/	
REP. RICK JORE		/	
CHAIRMAN DIANE RICE		/	

4 / 13 Res/Tabl

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Jud C 511

Committee because of other commitments. I desire to leave my proxy vote with:  
Gallagher

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 102 to 8.60	X	
SR 407	X	
SA 319	X	

BILL/AMENDMENT	AYE	NO

Rep. Julie E. French  
(Signature)

Date \_\_\_\_\_

## AUTHORIZED COMMITTEE PROXY

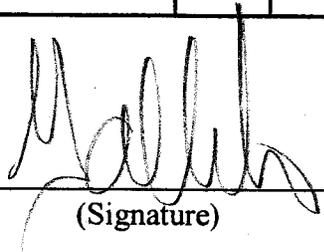
I request to be excused from the Judiciary Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Robyn Driscoll

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
3/19 SB143 concur	✓				
SB163 concur	✓				
SB385 concur	✓				
SB322 concur	✓				
SB50 concur amend	✓				
Amcl SB005001.adn	✓				
<del>4/2 Amcl SB004802.adn</del>	<del>✓</del>				
4/2 SB346 concur	✓				

Rep.  (Signature) Date \_\_\_\_\_





## AUTHORIZED COMMITTEE PROXY

I request to be excused from the \_\_\_\_\_

*House Judiciary*

Committee because of other commitments. I desire to leave my proxy vote with:

*Ran Stoker*

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
<input checked="" type="checkbox"/> SB 346	X	
<input checked="" type="checkbox"/> SB 41	X	
<input checked="" type="checkbox"/> 383 25	X	
<input checked="" type="checkbox"/> <del>SB 383</del> / Take - yes		X
<input checked="" type="checkbox"/> SB 347 / Take - yes		X
<input checked="" type="checkbox"/> SB 146	X	
<input checked="" type="checkbox"/> SB 350		X
<input checked="" type="checkbox"/> SB 37902	X	
<input checked="" type="checkbox"/> SB 379 + A	X	
<input checked="" type="checkbox"/> SB 523	X	
<input checked="" type="checkbox"/> SA 22701	X	
<input checked="" type="checkbox"/> SB 227 + A	X	
<input checked="" type="checkbox"/> SB 348	X	
<input checked="" type="checkbox"/> SB 34201	X	

BILL/AMENDMENT	AYE	NO
<input checked="" type="checkbox"/> SB 342 + A	X	
<input checked="" type="checkbox"/> SB 382	X	
<input checked="" type="checkbox"/> SB 348	X	
<input checked="" type="checkbox"/> SB 411	X	
<input checked="" type="checkbox"/> SB 278		X

Rep. *George Everett*  
(Signature)

Date *4/2/2007*