

MINUTES

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

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on January 15, 2007 at 9:00 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. 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. Robyn Driscoll (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: HB 165, HB 208, 1/10/2007
Executive Action: HB 17, HB 28

HEARING ON HB 165**Opening Statement by Sponsor:**

00:01:41 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 165, Revise requirements for district court judges.

Proponents Testimony:

00:10:39 Harris Himes, Attorney

Opponents Testimony:

00:12:49 Joseph Nevin, Attorney
00:17:18 Rep. Joey Jayne, HD 15, Attorney
00:23:57 Dorothy McCarter, Judge-1st Judicial District Court
(Helena), Montana Judges Association
00:26:04 Kimberly Kradolfer, Attorney
00:31:04 Gordon Bennett, Retired-Montana Supreme Court Justice

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:11 Rep. Kottel
00:36:29 Rep. Peterson
00:39:30 Rep. McGillvray
00:39:49 Rep. Peterson
00:40:10 Rep. Everett
00:40:20 Rep. Peterson
00:40:27 Rep. Jore
00:41:35 Judge McCarter
00:42:54 Rep. French
00:43:50 Rep. Peterson
00:44:33 Rep. Ward
00:45:27 Rep. Peterson
00:46:28 Rep. Gallik
00:48:09 Rep. Peterson
00:49:08 Rep. Koopman
00:49:52 Rep. Peterson
00:54:05 Rep. Cordier
00:54:25 Judge McCarter
00:55:07 Mr. Bennett
00:56:45 Mr. Himes
00:59:07 Rep. Stoker
00:59:22 Rep. Peterson
01:00:54 Rep. Gallik
01:01:51 Rep. Peterson

Closing by Sponsor:

01:03:21 Rep. Peterson

01:03:56 Break

01:22:55 Reconvene

HEARING ON HB 208

Opening Statement by Sponsor:

01:22:58 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 208, Vehicle forfeitures for DUI.

Proponents Testimony: None

Opponents Testimony:

01:32:41 Chris Gallus, Montana Tavern Association

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:27 Rep. Cordier

01:36:19 Rep. Peterson

01:38:12 Rep. Kottel

01:38:55 Rep. Peterson

01:44:37 Rep. Stoker

01:44:49 Rep. Peterson

01:45:53 Rep. Everett

01:46:00 Rep. Peterson

01:46:28 Rep. French

01:46:47 Rep. Peterson

01:47:22 Rep. Kottel

01:47:50 Rep. McGillvray

01:48:03 Rep. Peterson

Closing by Sponsor:

01:49:52 Rep. Peterson

EXECUTIVE ACTION ON HB 17

01:52:47 **Motion:** Rep. Stoker moved that **HB 17 DO PASS.**

Motion: Rep. Koopman moved that **HB 17 BE AMENDED.**

[EXHIBIT\(juh09a01\)](#)

[EXHIBIT\(juh09a02\)](#)

Vote: Motion that **HB 17 BE AMENDED** carried 16-2 by voice vote with Rep. Cordier and Rep. French voting no. (Rep. Driscoll voted by proxy.)

Motion: Rep. Stoker moved that **HB 17 DO PASS AS AMENDED.**

Vote: Motion that **HB 17 DO PASS AS AMENDED** failed 3-15 by roll call vote with Rep. Everett, Rep. Gallik, and Rep. O'Hara voting aye. (Rep. Driscoll voted by proxy.)

Motion/Vote: Rep. Stoker moved that **HB 17 BE TABLED AND THE VOTE REVERSED 15-3.**

EXECUTIVE ACTION ON HB 28

02:03:51 **Motion:** **REP. STOKER** moved that **HB 28 DO PASS.**

Motion: **REP. GALLIK** moved that **HB 28 BE AMENDED.**

[EXHIBIT\(juh09a03\)](#)

Vote: Motion that **HB 28 BE AMENDED** carried 17-1 by voice vote with Rep. Koopman voting no. (Rep. Hamilton voted by proxy.)

Motion: Rep. Stoker moved that **HB 28 DO PASS AS AMENDED.**

Vote: Motion that **HB 28 DO PASS AS AMENDED** failed 3-15 by roll call vote with Rep. Gallik, Rep. Peterson, and Rep. Ward voting aye. (Rep. Driscoll voted by proxy.)

Motion/Vote: Rep. Stoker moved that **HB 28 BE TABLED AND THE VOTE REVERSED.** Motion carried.

02:15:31

ADJOURNMENT

Adjournment: 10:16 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh09aad.pdf](#))