

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** By Chairman Diane Rice, on January 19, 2007 at 8:00 A.M., in Room 137 Capitol.

#### ROLL CALL

**Members Present:**

Rep. Diane Rice, Chairman (R)  
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. Dave Gallik, Vice Chairman (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 83, HB 162, HB 239, HJR 9,  
1/15/2007  
Executive Action: HB 187, HB 234,  
HB 263, HB 28, HB 98, HJR 9

**HEARING ON HB 239****Opening Statement by Sponsor:**

00:01:37 Rep. Mike Phillips (D), HD 66, opened the hearing on HB 239, Increase fines for speeding in school zones -- require posting.

[EXHIBIT \(juh13a01\)](#)

[EXHIBIT \(juh13a02\)](#)

[EXHIBIT \(juh13a03\)](#)

[EXHIBIT \(juh13a04\)](#)

**Proponents' Testimony:**

00:07:19 Randy Walthall, Assistant Principal, Bozeman High School

00:12:22 Mike Tooley, Lt. Colonel, Montana Highway Patrol, Department of Justice

00:14:01 Darryl Rude, Executive Director, School Districts of Montana

00:16:53 Bob Gilbert, Montana Independent School Bus Drivers Association

00:17:20 Bob Vogel, Montana School Boards Association

00:18:50 Joe Lamson, for Linda McCullough, State Superintendent of Public Schools

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:19:42 Rep. Koopman

00:21:05 Mr. Walthall

00:27:38 Rep. Koopman

00:27:55 Lt. Col. Tooley

00:28:36 Rep. Stoker

00:29:05 Lt. Col. Tooley

00:30:03 Rep. Cordier

00:30:40 Lt. Col. Tooley

00:31:19 Rep. Kerns

00:31:41 Lt. Col. Tooley

00:32:19 Rep. Everett

00:32:34 Lt. Col. Tooley

00:33:18 Rep. Kottel

00:33:43 Lt. Col. Tooley

00:34:20 Rep. O'Hara

00:34:54 Lt. Col. Tooley

00:35:27 Rep. Peterson

00:35:45 Lt. Col. Tooley  
00:36:34 Rep. Peterson  
00:37:19 Mr. Walthall

**Closing by Sponsor:**

00:40:53 Rep. Phillips

**HEARING ON HB 83**

**Opening Statement by Sponsor:**

00:42:49 Rep. Cynthia Hiner (D), HD 85, opened the hearing on HB 83, Revise laws on medical parole.

**Proponents' Testimony:**

00:48:09 Liz Ranz, Physician, Montana State Prison, Montana  
Department of Corrections  
01:00:37 Mike Mahoney, Warden, Montana State Prison  
01:04:35 Chesa Sullivan, Senior and Long Time Care Division,  
Department of Public Health and Human Services  
01:11:45 Pam Bunke, Community Corrections Division, Department  
of Public Health and Human Services  
01:12:20 Don Judge, Montana Nurses Association  
01:15:46 Beth Brenneman, Montana Advocacy Program  
01:16:25 Toni Austad, Self

**Opponents' Testimony:** None

**Informational Testimony:**

01:20:48 Jeff Walter, Sr. Administration Officer, Montana Board  
of Pardons and Paroles

**Questions from Committee Members and Responses:**

01:22:40 Rep. O'Hara  
01:23:01 Dr. Ranz

**Closing by Sponsor:**

01:24:08 Rep. Hiner

01:28:30 Chairman Rice

**EXHIBIT (juh13a05)**

01:29:10 Break  
01:49:13 Reconvene

**HEARING ON HB 162**

**Opening Statement by Sponsor:**

01:49:28 Rep. Cynthia Hiner (D), HD 85, opened the hearing on HB 162, Revise requirement for appointment of counsel for developmentally disabled.

**Proponents' Testimony:**

01:50:52 Harry Freebourn, Administrator, State of Montana  
Public Defender Office  
01:51:30 Beth Brenneman, Montana Advocacy Program

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:53:45 Rep. Peterson  
01:54:27 Mr. Freebourn  
01:56:55 Rep. Stoker  
01:57:18 Mr. Freebourn  
01:57:46 Rep. Peterson  
01:58:06 Mr. Freebourn  
01:58:16 Rep. Raser  
01:58:48 Mr. Freebourn  
01:59:07 Ms. Brenneman  
02:00:22 Rep. McGillvray  
02:01:01 Ms. Brenneman  
02:02:17 Rep. Peterson  
02:02:50 Mr. Freebourn  
02:03:50 Rep. Rice  
02:04:23 Mr. Freebourn  
02:07:01 Rep. French  
02:07:24 Mr. Freebourn  
02:07:39 Ms. Brenneman  
02:08:45 Rep. Kottel  
02:09:52 Ms. Brenneman

**Closing by Sponsor:**

02:11:15 Rep. Hiner

**HEARING ON HJR 9**

**Opening Statement by Sponsor:**

02:12:21 Rep. Ken Peterson (R), HD 46, opened the hearing on HJR 9, Interim study of laws relating to recording of easements.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:16:06 Rep. McGillvray  
02:16:31 Rep. Peterson  
02:19:59 Mr. Niss  
02:20:44 Rep. Raser  
02:21:44 Chairman Rice

**Closing by Sponsor:**

02:22:08 Rep. Peterson

**Discussion of Proposed Judicial Review Committee Bill**

02:22:44 Chairman Rice  
02:24:02 Rep. Stoker  
02:24:19 Chairman Rice  
02:24:48 Rep. Jore  
02:30:07 Rep. Kottel  
02:30:37 Chairman Rice  
02:30:57 Rep. Stoker  
02:31:18 Rep. Ward  
02:31:43 Rep. Koopman  
02:32:02 Chairman Rice

**EXECUTIVE ACTION ON HB 28**

02:32:36 **Motion/Vote:** Rep. Koopman moved **HB 28 BE REMOVED FROM THE TABLE**. Motion carried 15-1 (Present and voting only) by roll call vote with Rep. Ward voting no.

02:36:54 **Motion:** Rep. McGillvray moved that **HB 28 DO PASS**.

02:37:02 **Motion:** Rep. Koopman moved that **HB 28 BE AMENDED**. **EXHIBIT** (juh13a06)

**Discussion:**

02:37:15 Rep. Koopman

02:38:58 **Vote:** Motion that **HB 28 BE AMENDED** carried unanimously by voice vote. (Rep. Gallik voted by proxy.)

02:39:26 **Motion:** Rep. Kottel moved that **HB 28 BE AMENDED** with a Conceptual Amendment.

**Discussion:**

02:39:30 Rep. Koopman

00:42:54 **Vote:** Motion that **HB 28 BE AMENDED** carried unanimously by voice vote. (Rep. Gallik voted by proxy.)

02:43:16 **Motion/Vote:** Rep. Stoker moved that **HB 28 DO PASS AS AMENDED**. Motion carried unanimously by roll call vote. (Rep. Gallik voted by proxy.)

**EXECUTIVE ACTION ON HJR 9**

02:44:19 **Motion:** Rep. Raser moved that **HJR 9 DO PASS**.

**Discussion:**

02:44:40 Rep. Peterson

02:52:40 **Vote:** Motion that **HJR 9 DO PASS** carried 15-2 by roll call vote with Reps. Driscoll and Everett voting no. (Rep. Gallik voted by proxy.)

**EXECUTIVE ACTION ON HB 98**

02:53:20 **Motion/Vote:** Rep. McGillvray moved that **HB 98 DO PASS**. Motion carried 11-6 by roll call vote with Reps. Everett, Jore, Kerns, O'Hara, Rice, and Stoker voting no. (Rep. Gallik voted by proxy.)

**EXECUTIVE ACTION ON HB 187**

02:59:19 **Motion:** Rep. Stoker moved that **HB 187 DO PASS**.

**Discussion:**

02:59:32 Rep. Peterson

03:03:46 **Vote:** Motion that **HB 187 DO PASS** failed 4-13 by roll call vote with Reps. Cordier, Driscoll, Ebinger, and French voting aye. (Rep. Gallik voted by proxy.)

03:05:11 **Motion:** Rep. Raser moved that **HB 187 BE TABLED AND THE VOTE REVERSED**. Motion carried.

(Rep. Driscoll absent from the room,)

**EXECUTIVE ACTION ON HB 234**

03:06:00 **Motion/Vote:** Rep. Ward moved that **HB 234 DO PASS**. Motion failed 0-17 by roll call vote. (Rep. Gallik and Driscoll voted by proxy.)

03:07:13 **Motion:** Rep. McGillvray moved that **HB 234 BE TABLED AND THE VOTE REVERSED**. Motion carried.

**EXECUTIVE ACTION ON HB 247**

03:08:51 **Motion:** Rep. Ward moved that **HB 247 DO PASS**.

03:08:58 **Motion:** Rep. Raser moved that **HB 247 BE AMENDED** with Rep. Gallik's amendment (247.01).

[EXHIBIT \(juh13a07\)](#)

[EXHIBIT \(juh13a08\)](#)

**Discussion:**

03:09:40 Rep. Raser

(Reps. Gallik and Driscoll re-enter the room.)

03:09:45 Rep. Kottel

03:10:45 Rep. Gallik **WITHDREW AMENDMENT, ASKED and WAS GRANTED  
REQUEST TO POSTPONED ACTION ON HB 247.**

**EXECUTIVE ACTION ON HB 263**

03:15:43 **Motion/Vote: REP. STOKER moved that HB 263 DO PASS.  
Motion failed 0-17 by roll call vote.**

03:21:47 **Motion: Rep. Ebinger moved that HB 263 BE TABLED AND  
THE VOTE REVERSED. Motion carried.**

03:21:47 Chairman Rice

**ADJOURNMENT**

Adjournment: 11:23 A.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh13aad.pdf](#))**