MINUTES

MONTANA HOUSE OF REPRESENTATIVES
60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN DIANE RICE, on February 6, 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. 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: None.

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:
Executive Action: HB 306, HB 323, HB 334, HB 370, HB 375, HB 382, HB 402
HEARING ON HB 449

Opening Statement by Sponsor:

00:01:24 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 449, Reclassify buprenorphine.

Proponents' Testimony:

00:04:00 Bill Sybrant, Compliance Officer, Montana Board of Pharmacy
00:04:53 Jim Smith, Montana Hospital Association

Opponents' Testimony: None

Informational Testimony:

00:05:28 Mark Cadwallader, Attorney, Montana Department of Labor and Industry

Questions from Committee Members and Responses:

00:05:59 Rep. Koopman
00:06:23 Mr. Sybrant

Closing by Sponsor:

00:07:47 Rep. Pomnichowski

HEARING ON HB 435

Opening Statement by Sponsor:

00:08:21 Rep. John Parker (D), HD 23, opened the hearing on HB 435, Prohibit criminals from profiting from their own crime.

Proponents' Testimony:

00:10:09 Brant Light, Cascade County Attorney
00:13:40 Jim Smith, Montana County Attorneys Association
00:14:00 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana
00:15:14 Mike Mahoney, Warden, Montana State Prison

Opponents' Testimony: None

Informational Testimony: None
Questions from Committee Members and Responses:

00:16:20  Rep. Everett
00:16:32  Mr. Light
00:17:07  Rep. O'Hara
00:17:23  Mr. Light
00:18:28  Rep. Stoker
00:18:42  Mr. Mahoney
00:20:36  Rep. Driscoll
00:20:47  Mr. Mahoney
00:20:59  Rep. Raser
00:21:21  Rep. Parker
00:23:23  Rep. Peterson
00:24:12  Mr. Light
00:24:44  Ms. Bovington
00:28:18  Rep. Parker
00:31:06  Rep. Kottel
00:31:42  Rep. Parker
00:35:12  Rep. Rice
00:35:33  Mr. Light

Closing by Sponsor:

00:36:50  Rep. Parker

HEARING ON HB 486

Opening Statement by Sponsor:

00:37:30  Rep. Bill Beck (R), HD 6, opened the hearing on HB 486, Revise requirements for motor vehicle liability insurance.

EXHIBIT (juh26a01)

Proponents' Testimony:

00:42:33  Dean Roberts, Administrator, Motor Vehicle Division, Department of Transportation, State of Montana

Opponents' Testimony:

00:48:56  Roger McGlenn, Executive Director, Independent Insurance Agents of Montana
00:52:58  Rhonda Wiggers, Montana County Treasurers Association
00:54:07  Joseph Tornberg, American International Group

Informational Testimony: None
Questions from Committee Members and Responses:

00:55:44 Rep. Gallik
00:56:49 Rep. Beck
00:57:55 Rep. McGillvray
00:58:59 Mr. Roberts

Closing by Sponsor:

01:00:41 Rep. Beck

HEARING ON HB 453

Opening Statement by Sponsor:

01:03:16 Rep. Brady Wiseman (D), HD 65, opened the hearing on HB 453, Citizen data protection act.

EXHIBIT(juh26a02)

Proponents' Testimony: None

Opponents' Testimony:

01:10:02 David Gibson, President, Qwest of Montana
01:14:29 Mark Baker, Bresnan Communications, Attorney, Anderson & Baker

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:22 Rep. Stoker
01:18:31 Rep. Wiseman
01:24:32 Mr. Gibson
01:26:02 Rep. Wiseman
01:28:11 Rep. Wiseman
01:31:17 Rep. Rice
01:31:34 Rep. Wiseman

Closing by Sponsor:

01:32:04 Rep. Wiseman

01:33:04 Break
01:49:07 Reconvene
HEARING ON HB 379

Opening Statement by Sponsor:

01:49:31 Rep. Gary MacLaren (R), HD 89, opened the hearing on HB 379, Apply risk designation to registered but undesignated sex offenders.

Proponents' Testimony:

01:51:37 Mike Ferriter, Director, Department of Corrections, State of Montana
01:54:08 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

Opponents' Testimony: None

Informational Testimony:

02:03:29 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

Questions from Committee Members and Responses:

02:08:43 Rep. Kottel
02:09:08 Ms. Bovington
02:13:33 Rep. Everett
02:14:00 Ms. Koch
02:16:56 Rep. Gallik
02:18:57 Ms. Bovington
02:20:51 Rep. Stoker
02:21:18 Ms. Koch
02:22:25 Ms. Bovington
02:22:52 Rep. Peterson
02:23:13 Rep. MacLaren
02:25:18 Ms. Bovington
02:27:03 Rep. Kottel
02:28:00 Ms. Bovington
02:30:05 David Niss, Legislative Services
02:31:14 Ms. Koch

Closing by Sponsor:

02:32:25 Rep. MacLaren
Conversation regarding Fiscal Note on HB 68:

02:33:03 Rep. Rice
02:34:08 Rep. Kottel
02:35:12 Mr. Niss
02:35:17 Rep. Kottel

SUB-COMMITTEE REPORT ON HB 217:

02:35:54 Rep. Peterson

EXECUTIVE ACTION ON HB 306

02:37:39 Motion: Rep. Jore moved that HB 306 DO PASS.

Discussion:

02:37:51 Rep. Jore
02:39:50 Rep. French
02:40:11 Rep. Kottel
02:44:23 Rep. Rice
02:44:41 Rep. Jore
02:49:24 Rep. Peterson
02:53:47 Rep. Raser
02:54:17 Rep. Jore
02:54:56 Rep. Cordier
02:56:59 Rep. Gallik
02:58:25 Rep. Peterson
03:00:02 Rep. Stoker
03:00:54 Rep. Jore
03:01:23 Rep. Ebinger
03:01:57 Rep. Jore
03:02:28 Rep. French
03:02:58 Rep. Raser
03:03:37 Rep. Jore
03:04:50 Rep. Peterson
03:05:43 Rep. Jore

03:07:05 Vote: Motion that HB 306 DO PASS carried 10-7 by roll call vote with Reps. French, Raser, Cordier, Driscoll, Kottel, Ebinger, and Gallik voting no.

03:07:48 Rep. French
EXECUTIVE ACTION ON HB 323

03:08:32 Motion: Rep. McGillvray moved that HB 323 DO PASS.

03:09:02 Motion: Rep. Gallik moved that HB 323 BE AMENDED.

EXHIBIT (juh26a03)

Discussion:

03:09:23 Substitute Motion: Rep. Gallik made a substitute motion for HB 323 to SEGREGATE SECTIONS 1 AND 2 FROM 3, 4 AND 5.

Discussion:

03:15:31 Vote: Motion that HB 323 BE AMENDED with SEGREGATED SECTIONS 3, 4 AND 5 carried unanimously by voice vote.

03:15:57 Motion: Rep. McGillvray moved that HB 323 DO PASS AS AMENDED.

03:16:17 Motion/Vote: Rep. Ward moved that HB 323 BE AMENDED (with amendment from hearing, 1/31/07). Motion carried unanimously by voice vote.

03:17:56 Motion: Rep. Stoker moved that HB 323 DO PASS AS AMENDED.

Discussion:

03:18:11 Motion: Rep. Gallik moved that HB 323 BE AMENDED with a conceptual amendment, "exemptions".

EXHIBIT (juh26a04)

Discussion:

03:19:51 Rep. Everett
03:20:08 Rep. Gallik
03:20:38 Steve Yeakel, Montana Funeral Directors Association
03:22:36 Mr. Niss
03:24:04 Mr. Yeakel
03:24:48 Rep. Ebinger
03:26:16 Rep. Peterson
03:26:19 Rep. Gallik
03:26:55 **Vote:** Motion that **HB 323 BE AMENDED** with a conceptual amendment "exemptions" carried unanimously by voice vote.

03:27:12 **Motion:** Rep. Stoker moved that **HB 323 DO PASS AS AMENDED**.

**Discussion:**

03:28:58 Rep. French
03:30:46 Rep. Peterson

03:33:17 **Vote:** Motion that **HB 323 DO PASS AS AMENDED** failed 7-10 by roll call vote with Reps. French, Cordier, O'Hara, Ward, Ebinger, Gallik, and Rice voting aye.

03:34:10 **Motion/Vote:** Rep. Ward moved that **HB 323 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 334**

03:35:14 **Motion:** Rep. McGillvray moved that **HB 334 DO PASS.**

03:35:56 **Motion:** Rep. Cordier moved that **HB 334 BE AMENDED.**

**EXHIBIT** (juh26a05)

**Discussion:**

03:36:11 Rep. Cordier
03:37:30 Rep. Rice
03:38:19 Mr. Niss

03:38:57 **Vote:** Motion that **HB 334 BE AMENDED** carried unanimously by voice vote.

03:39:05 **Motion:** Rep. Stoker moved that **HB 334 DO PASS AS AMENDED.**


Discussion

03:40:27 Rep. Gallik

(Rep. Raser absent from room.)


(Rep. Raser re-enters room.)

EXECUTIVE ACTION ON HB 370

03:46:08 Motion: Rep. McGillvray moved that HB 370 DO PASS.

03:46:25 Motion: Rep. Kottel moved that HB 370 BE AMENDED.

EXHIBIT (juh26a06)

Discussion:

03:47:00 Mr. Niss

03:51:03 Vote: Motion that HB 370 BE AMENDED carried unanimously by voice vote.

03:51:10 Motion: Rep. Stoker moved that HB 370 DO PASS AS AMENDED.

Discussion:

03:51:16 Rep. French
03:51:54 Rep. Kottel
03:52:07 Rep. Peterson
03:53:35 Rep. O'Hara
03:54:09 Rep. Koopman
03:54:42 **Substitute Motion/Vote:** Rep. Stoker made a substitute motion that **HB 370 BE TABLED.** Substitute motion carried 12-5 by voice vote with Reps. Cordier, Driscoll, Ebinger, Kottel, and Raser voting no.

**EXECUTIVE ACTION ON HB 375**

03:55:31 **Motion:** Rep. McGillvray moved that **HB 375 DO PASS.**

03:56:09 **Motion/Vote:** Rep. McGillvray moved that **HB 375 BE AMENDED.** Motion carried unanimously by voice vote.

**EXHIBIT (juh26a07)**

03:57:14 **Motion:** Rep. Stoker moved that **HB 375 DO PASS AS AMENDED.**

**Discussion:**

03:57:28 Rep. Ebinger
03:58:43 Rep. Kottel
04:03:29 Rep. French
04:06:15 Rep. Gallik
04:07:04 Rep. Raser
04:07:21 Rep. Peterson

04:08:12 **Vote:** Motion that **HB 375 DO PASS AS AMENDED** failed 3-14 by roll call vote with Reps. Jore, Kerns, and McGillvray voting aye.

04:09:14 **Motion/Vote:** Rep. Stoker moved that **HB 375 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 382**

04:09:52 **Motion:** Rep. McGillvray moved that **HB 382 DO PASS.**

**Discussion:**

04:10:30 Rep French
04:10:40 Rep. Kerns

04:10:50 **Vote:** Motion that **HB 382 DO PASS** failed unanimously by voice vote.
04:11:18 **Motion/Vote:** Rep. Cordier moved that HB 382 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 402**

04:11:42 **Motion:** Rep. Stoker moved that HB 402 DO PASS.

**Discussion:**

04:11:58 Rep. Peterson

04:12:15 **Vote:** Motion that HB 402 DO PASS carried 13-4 by voice vote with Reps. Everett, Jore, and Koopman voting no.
ADJOURNMENT

Adjournment:  12:12 P.M.

________________________________
REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT( juh26aad.pdf )