

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on January 22, 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. 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:**

Hearing & Date Posted: HB 172, HB 53, HB 174, 1/16/2007  
Executive Action: HB 165, Committee Bill Draft

**HEARING ON HB 172****Opening Statement by Sponsor:**

00:01:13 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 172, Electronic recording of custodial questioning.

[EXHIBIT \(juh14a01\)](#)

[EXHIBIT \(juh14a02\)](#)

[EXHIBIT \(juh14a03\)](#)

**Proponents' Testimony:**

00:07:13 Dan Donovan, Lawyer

[EXHIBIT \(juh14a04\)](#)

00:16:14 Ed Sheehy, Public Defender, Regional Office

00:22:09 Amanda Arnold, Montana Human Rights Network

00:22:53 Beth Brenneman, Montana Advocacy Program

00:25:02 Scott Crichton, ACLU

00:25:46 Rep. Joey Jayne, HD 15

00:27:17 John Rhodes, Attorney, Branch Chief, Federal Defenders of Montana

**Opponents' Testimony:**

00:31:53 Mike Brady, Detective Lieutenant, Missoula Police Department

00:34:13 Mark Johnson, Montana Association of Chiefs of Police, Police Officer, City of Bozeman

00:35:57 Jim Nugent, City Attorney, City of Missoula

[EXHIBIT \(juh14a05\)](#)

00:42:05 Brett Linneweber, Park County Attorney, Montana County Attorneys Association

00:51:26 Jim Cashell, Gallatin County Sheriff, Board Member Montana Peace Officers Association

00:58:12 Jani McCall, City of Billings

00:59:12 Pam Bucy, Assistant Attorney General, Department of Justice

01:01:00 Charles Brooks, Yellowstone County Commissioners

01:02:06 Harold Blattie, Executive Director, Montana Association of Counties

01:03:54 Gordon Morris, Lewis and Clark County Commissioners

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:04:47 Rep. Kottel  
01:05:13 Mr. Donovan  
01:15:21 Rep. Koopman  
01:16:32 Mr. Sheehy  
01:16:20 Rep. Peterson  
01:17:00 Mr. Donovan  
01:18:04 Rep. Gallik  
01:18:30 Mr. Linnweber  
01:18:46 Rep. Driscoll  
01:19:04 Mr. Linnweber  
01:19:25 Rep. Raser  
01:19:47 Mr. Johnson

**Closing by Sponsor:**

01:20:06 Rep. Campbell  
  
01:34:55 Break  
01:45:00 Reconvene

**HEARING ON HB 53****Opening Statement by Sponsor:**

01:45:30 Rep. Norma Bixby (D), HD 41, opened the hearing on HB 53, Revise Uniform Child Custody Jurisdiction Act.

**EXHIBIT (juh14a06)**

**Proponents' Testimony:**

01:48:32 Pam Bucy, Assistant Attorney General, Department of Justice  
01:50:11 Robert McLean, Self, Lame Deer, Montana  
01:56:45 Joseph Nasci metto, Self, Attorney

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:59:45 Rep. Ward  
02:00:12 Ms. Bucy  
02:01:33 Rep. Peterson  
02:01:38 Ms. Bucy  
02:02:58 Sarah Bond, Assistant Attorney General, Indian Jurisdiction Bureau

**Closing by Sponsor:**

02:06:36 Rep. Bixby

**HEARING ON HB 174**

**Opening Statement by Sponsor:**

02:08:37 Rep. Carol Lambert (R), HD 39, opened the hearing on HB 174, Revise reimbursement of counties for detention costs.

[EXHIBIT \(juh14a07\)](#)

**Proponents' Testimony:**

02:14:20 Harold Blattie, Montana Association of Counties

[EXHIBIT \(juh14a08\)](#)

[EXHIBIT \(juh14a09\)](#)

02:20:58 John Prinkki, Carbon County Commissioner, Montana Association of Counties

02:22:45 Linda Stoll, Missoula County

02:24:29 J.D. Lynch, Butte-Silver Bow Counties

02:25:01 Jim Smith, Montana Sheriffs and Peace Officers Association, Montana Association of County Attorneys

**Opponents' Testimony:** None

**Informational Testimony:**

02:27:09 Mike Ferriter, Director, Montana Department of Corrections

**Questions from Committee Members and Responses:**

02:32:51 Rep. Peterson

02:33:49 Dir. Ferriter

02:36:58 Rep. Koopman

02:37:23 Dir. Ferriter

02:41:17 Rep. Stoker

02:41:50 Dir. Ferriter

02:43:40 Rep. Peterson

02:44:25 Mr. Blattie

02:45:04 Rep. Gallik

02:45:29 Mr. Blattie

02:47:15 Rep. Raser

02:47:30 Dir. Ferriter

02:50:40 Rep. Stoker

02:50:35 Dir. Ferriter

02:50:49 Rep. Rice

02:50:55 Dir. Ferriter

**Closing by Sponsor:**

02:51:20 Rep. Lambert

**Report from Sub-Committee regarding Judicial Committee Bill  
Proposal**

02:53:14 Rep. Ward

**EXECUTIVE ACTION ON COMMITTEE BILL**

02:56:35 **Motion:** Rep. Ward moved to **DRAFT A COMMITTEE BILL.**

02:57:15 **Discussion:**

02:56:11 **Vote:** Motion for **DRAFTING OF A COMMITTEE BILL**  
carried 13-4 by roll call vote with Reps.  
Driscoll, Peterson, Ebinger and Gallik voting no.  
(Rep. Stoker voted by proxy.)

**EXECUTIVE ACTION ON HB 165**

03:07:50 **Motion:** Rep. Peterson moved that **HB 165 DO PASS.**

03:08:06 **Motion:** Rep. Peterson moved that **HB 165 BE AMENDED.**  
**EXHIBIT** (juh14a10)

03:08:16 **Discussion:**

03:11:43 **Vote:** Motion that **HB 165 BE AMENDED** passed 16-1  
by voice vote with Rep. Kottel voting no. (Rep. Stoker  
voted by proxy.)

03:12:54 **Motion:** Rep. Peterson moved that **HB 165 DO PASS AS  
AMENDED.**

03:13:03 **Discussion:**

03:18:23 **Vote:** Motion that **HB 165 DO PASS AS AMENDED** failed 1-  
16 by roll call vote with Rep. Peterson voting aye.  
(Rep. Stoker voted by proxy.)

03:18:23 **Vote:** Motion that **HB 165 BE TABLED AND THE VOTE  
REVERSED** carried unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 12:20 P.M.

---

REP. DIANE RICE, Chairman

---

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh14aad.pdf](#))**