

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 7, 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:

Hearing & Date Posted: HB 60, HB 305, HB 455, HB 462, HB 468, 1/31/2007
Executive Action: HB 403, HB 437, HB 449, HB 422, HB 435

HEARING ON HB 305

Opening Statement by Sponsor:

00:01:29 Rep. Bill Thomas (D), HD 26, opened the hearing on HB 305, Limit liability for sponsored off-highway vehicle activity.

Proponents' Testimony:

00:02:34 Roger Hagen, Montana Trail Vehicle Riders Association
00:04:46 Rus Ehnes, President, Montana Trail Vehicle Riders Association, National Off-Highway Vehicle Council

EXHIBIT (juh27a01)

00:13:04 Rep. Llew Jones, HD 27
00:17:14 Rhonda Wiggers, Montana Snowmobile Association
00:18:32 Mona Ehnes, Montana Trail Riders Association

Opponents' Testimony:

00:18:52 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:54 Rep. Ebinger
00:31:26 Mr. Ehnes
00:32:46 Rep. Koopman
00:34:10 Mr. Smith
00:39:01 Mr. Ehnes
00:40:03 Rep. Stoker
00:40:27 Mr. Smith
00:40:58 Rep. Jore
00:42:02 Mr. Smith
00:42:31 Rep. Kottel
00:43:00 Mr. Smith

Closing by Sponsor:

00:50:38 Rep. Thomas

HEARING ON HB 60

Opening Statement by Sponsor:

00:52:57 Rep. John Parker (D), HD 23, opened the hearing on HB 60, Access to civil justice act, self-help law program.

Proponents' Testimony:

00:56:26 Tara Veazey, Attorney, Montana Legal Services Association

[EXHIBIT\(juh27a02\)](#)

[EXHIBIT\(juh27a03\)](#)

[EXHIBIT\(juh27a04\)](#)

[EXHIBIT\(juh27a05\)](#)

[EXHIBIT\(juh27a06\)](#)

[EXHIBIT\(juh27a07\)](#)

[EXHIBIT\(juh27a08\)](#)

01:04:54 John Brown, Judge

[EXHIBIT\(juh27a09\)](#)

[EXHIBIT\(juh27a10\)](#)

01:04:56 Jonathon Marvel, self

01:08:50 Judy Meadows, Montana Supreme Court Self-Represented Litigants Commission

01:10:19 Neil Haight, AARP

[EXHIBIT\(juh27a11\)](#)

01:13:11 Susan Kidd, WEEL (Working for a Equality and Economic Liberty)

01:15:32 Michelle Snowberger, Belgrade City Court Judge, Montana Supreme Court Self-Represented Litigants Commission

[EXHIBIT\(juh27a12\)](#)

01:16:26 Vanessa McNeil, self

01:19:01 Brian Coplin, self

01:20:30 Pam Bucy, Assistant Attorney General, Department of Justice, State of Montana, Past-Chair, Supreme Court Equal Justice Program

01:21:12 Janice Doggett, self

01:22:40 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence, Self-Help Legal Workshop

[EXHIBIT\(juh27a13\)](#)

01:24:01 Kathy Dean, ACLU

01:24:17 Nancy Sweeney, County Clerk of District Court, Lewis and Clark County, Montana Supreme Court Equal Justice Commission

[EXHIBIT\(juh27a14\)](#)

01:26:00 Kristin Best, Program Manager, Legal Services, God's Love

[EXHIBIT\(juh27a15\)](#)

01:27:45 Ed Bartlett, State Bar of Montana

01:28:15 Ann Gilkey, Equal Justice Coordinator, State Bar of
Montana

[EXHIBIT\(juh27a16\)](#)

[EXHIBIT\(juh27a17\)](#)

01:28:58 Al Smith, Montana Trial Lawyers Association

01:29:20 Mary Caferro, self

Opponents' Testimony: None

Informational Testimony:

01:30:00 John McCrea, Legal Services Developer, Aging Services,
Department of Health and Human Services, State of
Montana

Questions from Committee Members and Responses:

01:30:34 Rep. Stoker

01:30:53 Ms. Veazey

01:31:55 Rep. Parker

01:33:28 Rep. Gallik

01:33:53 Rep. Parker

01:35:57 Rep. Koopman

01:36:46 Ms. Veazey

[EXHIBIT\(juh27a18\)](#)

Closing by Sponsor:

01:39:45 Rep. Parker

01:42:24 Break

01:54:59 Reconvene

HEARING ON HB 462

Opening Statement by Sponsor:

01:55:30 Rep. Diane Sands (D), HD 95, opened the hearing on HB
462, Regulate constituent accounts.

[EXHIBIT\(juh27a19\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:04:44 Rep. O'Hara
02:04:59 Rep. Sands
02:05:27 Rep. McGillvray
02:05:53 Rep. Sands
02:14:35 Rep. Peterson
02:15:06 Rep. Sands
02:19:14 Rep. Driscoll
02:20:49 Rep. Raser
02:21:27 Rep. Gallik
02:22:20 Rep. Sands

Closing by Sponsor:

02:22:59 Rep. Sands

HEARING ON HB 455

Opening Statement by Sponsor:

02:24:20 Rep. Ron Stoker (R), HD 87, opened the hearing on HB 455, Allow courts of limited jurisdiction to collect fines over time.

Proponents' Testimony:

02:25:53 Mary Phippen, Montana Magistrates Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:26:30 Rep. Peterson
02:26:56 Rep. Stoker
02:27:18 Rep. Gallik
02:27:46 Rep. Stoker

Closing by Sponsor:

02:29:21 Rep. Stoker

HEARING ON HB 468

Opening Statement by Sponsor:

02:29:46 Rep. Tom McGillvray (R), HD 50, opened the hearing on
HB 468, Confidentiality of physician assistance
program.

Proponents' Testimony:

02:31:58 Pat Melby, Chief Counsel, Montana Medical Association
02:37:44 Michael Ramirez, Clinical Coordinator, Montana Medical
Association, Montana Physicians Assistance Program
02:41:58 Greg VanHorssen, Attorney

Opponents' Testimony:

02:44:31 Al Smith, Montana Trial Lawyers Association

Informational Testimony:

02:53:47 Jeannie Worsech, Director, Montana Board of Medical
Examiners

Questions from Committee Members and Responses:

02:54:14 Rep. O'Hara
02:54:26 Mr. Melby
02:57:08 Rep. French
02:57:23 Mr. Melby
03:04:26 Mr. Ramirez
03:15:51 Rep. Gallik
03:19:48 Mr. Melby
03:21:07 Rep. Driscoll
03:21:32 Ms. Worsech
03:23:44 Mr. Ramirez
03:25:22 Mr. Melby
03:30:59 Rep. Peterson
03:32:59 Mr. Melby
03:37:27 Rep. Kottel
03:38:28 Mr. Melby
03:42:16 Rep. Peterson
03:43:04 Mr. Melby

Closing by Sponsor:

03:44:25 Rep. McGillvray

EXECUTIVE ACTION ON HB 449

03:47:24 **Motion/Vote:** Rep. Everett moved that **HB 449 DO PASS**. Motion carried 15-2 by voice vote with Reps. Koopman and McGillvray voting no. Reps. Raser and Stoker voted by proxy.

EXECUTIVE ACTION ON HB 435

03:49:29 Committee postponed Executive Action on HB 435; an amendment needs to be compiled.

EXECUTIVE ACTION ON HB 422

03:50:58 **Motion:** Rep. Everett moved that **HB 422 DO PASS**.

Discussion:

03:51:22 Rep. McGillvray

03:51:52 **Motion/Vote:** Rep. Gallik moved that **HB 422 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Raser by proxy vote.

EXHIBIT(juh27a20)

03:53:03 **Motion:** Rep. Stoker moved that **HB 422 DO PASS AS AMENDED**.

Discussion:

03:53:23 Rep. Peterson

03:53:49 **Vote:** Motion that **HB 422 DO PASS AS AMENDED** failed 5-12 by roll call vote with Reps. Gallik, Cordier, French, Ebinger and Raser voting aye. Rep. Raser voted by proxy.

03:54:15 **Motion/Vote:** Rep. Stoker moved that **HB 422 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Raser voted by proxy.

EXECUTIVE ACTION ON HB 403

03:55:10 **Motion:** Rep. Jore moved that **HB 403 DO PASS**.

03:55:20 **Motion:** Rep. Jore moved that **HB 403 BE AMENDED**.

EXHIBIT(juh27a21)

03:56:29 **Vote:** Motion that **HB 403 BE AMENDED** carried 12-5 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, and Raser voting no. Rep. Raser voted by proxy.

03:57:34 **Motion:** Rep. Stoker moved that **HB 403 DO PASS AS AMENDED.**

Discussion:

03:57:56 Rep. Everett
03:58:52 Rep. French
03:59:49 Rep. Koopman
04:00:54 Rep. Cordier
04:01:03 Rep. Gallik
04:02:24 Rep. Peterson
04:03:41 Rep. Ebinger
04:03:51 Rep. Jore

04:09:05 **Vote:** Motion that **HB 403 DO PASS AS AMENDED** carried 10-7 by roll call vote with Reps. Cordier, Driscoll, Ebinger, French, Gallik, Kottel, and Raser voting no. Rep. Raser voted by proxy.

EXECUTIVE ACTION ON HB 437

04:09:28 **Motion:** Rep. Gallik moved that **HB 437 DO PASS.**

04:09:40 **Motion/Vote:** Rep. Gallik moved that **HB 437 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Raser voted by proxy.

EXHIBIT(juh27a22)

04:10:41 **Motion:** Rep. Stoker moved that **HB 437 DO PASS AS AMENDED.**

Discussion:

04:11:00 Rep. Peterson
04:11:36 Rep. Gallik

04:13:39 **Vote:** Motion that **HB 437 DO PASS AS AMENDED** carried unanimously by voice vote. Rep. Raser voted by proxy.

Committee Business:

04:14:20 Chairman Rice
04:14:40 Mr. Niss

EXHIBIT(juh27a23)

ADJOURNMENT

Adjournment: 12:14 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh27aad.pdf](#))