

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on February 12, 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
Dee Barfknecht, 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: HB 549, HB 550, HJ 26
Executive Action: HB 420, HB 185, HB 256, HB 305

HEARING ON HB 550

Opening Statement by Sponsor:

00:01:31 Rep. Norma Bixby (D), HD 41, opened the hearing on HB 550, Review crime and sentence data.

[EXHIBIT\(juh31a01\)](#)

[EXHIBIT\(juh31a02\)](#)

[EXHIBIT\(juh31a03\)](#)

[EXHIBIT\(juh31a04\)](#)

[EXHIBIT\(juh31a05\)](#)

Proponents' Testimony:

00:15:38 Pam Bucy, Department of Justice

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:19:21 Rep. Kottel
00:20:36 Ms. Bucy
00:20:58 Rep. Kottel
00:21:42 Ms. Bucy
00:22:25 Rep. Kottel
00:23:10 Ms. Bucy
00:23:30 Rep. Everett
00:23:49 Ms. Bucy
00:23:55 Rep. Everett
00:24:04 Ms. Bucy
00:24:41 Rep. Everett
00:24:55 Ms. Bucy
00:25:23 Rep. Everett
00:25:35 Ms. Bucy
00:27:12 Rep. Everett
00:27:23 Ms. Bucy
00:27:30 Rep. Stoker
00:28:22 Ms. Bucy
00:29:13 Rep. Stoker
00:29:50 Ms. Bucy
00:30:20 Rep. Peterson
00:30:33 Ms. Bucy
00:30:39 Rep. Peterson
00:31:49 Ms. Bucy
00:33:02 Rep. Peterson
00:33:22 Ms. Bucy

Closing by Sponsor:

00:34:01 Rep. Bixby
[EXHIBIT\(juh31a06\)](#)

HEARING ON HB 549

Opening Statement by Sponsor:

00:39:57 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 549, English proficiency to acquire driver license.

Proponents' Testimony: None

Opponents' Testimony:

00:47:20 Cathy Day, ACLU of Montana
[EXHIBIT\(juh31a07\)](#)

Informational Testimony:

00:50:06 Brenda Nordlund, Department of Justice
00:56:07 Tara Veazey

Questions from Committee Members and Responses:

00:57:46 Rep. Kottel
00:58:25 Rep. Himmelberger
00:58:45 Rep. Kottel
00:59:56 Rep. Himmelberger
01:00:15 Rep. Kottel
01:00:55 Rep. Himmelberger
01:01:46 Rep. Kerns
01:02:11 Ms. Nordlund
01:03:05 Rep. French
01:03:34 Ms. Nordlund
01:06:01 Rep. French
01:06:16 Ms. Nordlund
01:06:23 Rep. Koopman
01:07:57 Ms. Nordlund
01:09:21 Rep. Koopman
01:09:42 Ms. Nordlund
01:10:08 Rep. Koopman
01:10:48 Ms. Nordlund
01:12:18 Rep. Koopman
01:12:27 Ms. Nordlund

01:12:32 Rep. McGillvray
01:13:04 Ms. Nordlund
01:13:35 Rep. McGillvray
01:13:55 Ms. Nordlund
01:14:04 Rep. McGillvray
01:14:12 Ms. Nordlund
01:14:52 Rep. McGillvray
01:15:10 Ms. Nordlund
01:15:27 Rep. McGillvray
01:15:48 Ms. Nordlund
01:16:46 Rep. McGillvray
01:16:57 Rep. Himmelberger
01:17:14 Rep. McGillvray
01:17:25 Rep. Himmelberger
01:17:33 Rep. Peterson
01:17:53 Dean Roberts, Motor Vehicle Division
01:18:28 Rep. Peterson
01:18:42 Mr. Roberts
01:18:49 Rep. Peterson
01:18:54 Mr. Roberts
01:18:59 Rep. Peterson
01:19:16 Mr. Roberts
01:19:30 Rep. Peterson
01:20:05 Mr. Roberts
01:20:22 Rep. Peterson
01:20:35 Mr. Roberts
01:20:43 Rep. Kottel
01:21:19 Ms. Nordlund
01:22:01 Rep. Kottel
01:22:37 Ms. Nordlund
01:22:53 Rep. Kottel
01:23:28 Rep. Himmelberger
01:24:05 Rep. Kottel
01:24:10 Rep. Himmelberger
01:24:56 Rep. Kottel
01:25:38 Rep. Himmelberger
01:25:45 Rep. McGillvray
01:27:01 Rep. Himmelberger
01:27:41 Rep. McGillvray
01:28:02 Rep. Himmelberger
01:28:15 Rep. Stoker
01:28:39 Ms. Nordlund
01:29:46 Rep. Stoker
01:30:11 Ms. Nordlund

Closing by Sponsor:

01:30:42 Rep. Himmelberger

01:32:29 Break
01:42:17 Reconvene

HEARING ON HJ 26

Opening Statement by Sponsor:

01:42:36 Rep. Tim Callahan (D), HD 21, opened the hearing on HJ 26, Study mental health issues in criminal and juvenile justice systems.

Proponents' Testimony:

01:48:35 Rep. John Parker
01:51:57 Deb Matteucci, Department of Public Health and Human Services
01:54:28 Jani McCall, Montana Children's Services Association
01:56:25 Anita Rossman, Montana Advocacy Program

EXHIBIT(juh31a08)

02:00:13 Pam Bucy, Department of Justice
02:01:51 Steve Gibson, Administrator, Department of Corrections, Child Services
02:02:16 Cathy Day, ACLU

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:02:42 Rep. Everett
02:03:08 Ms. McCall
02:03:14 Rep. Everett
02:03:33 Ms. McCall
02:04:03 Rep. Everett
02:04:29 Ms. McCall
02:05:22 Rep. Koopman
02:06:22 Rep. Callahan
02:08:23 Rep. Koopman
02:09:16 Rep. Callahan
02:11:54 Rep. Jore
02:12:54 Rep. Parker
02:17:17 Rep. Jore
02:18:04 Rep. Parker
02:19:24 Rep. Gallik
02:21:11 Rep. Callahan
02:21:25 Rep. Peterson

02:22:35 Rep. Parker
02:23:09 Rep. Peterson
02:23:42 Rep. Parker
02:24:56 Rep. Rice
02:25:20 Ms. Rossman

Closing by Sponsor:

02:28:49 Rep. Callahan

EXECUTIVE ACTION ON HB 420

02:31:06 **Motion:** Rep. Koopman moved that **HB 420 DO PASS.**

Discussion:

02:31:21 Rep. Koopman
02:35:21 Rep. Kottel
02:39:31 Rep. Gallik
02:40:02 Rep. Peterson
02:41:22 Rep. Kottel
02:42:13 Rep. Koopman

02:42:43 **Vote:** Motion carried by roll call vote 16-1. Rep. Driscoll voted no. Rep. French voted by proxy.

EXECUTIVE ACTION ON HB 185

02:44:42 **Motion:** Rep. Gallik moved that **HB 185 DO PASS.**

02:45:01 **Motion:** Rep. Gallik moved that **HB 185 BE AMENDED.**
EXHIBIT(juh31a09)

Discussion:

02:45:08 Rep. Gallik
02:48:17 Rep. Rice
02:48:21 Rep. Gallik
02:48:26 Rep. Peterson
02:49:06 Rep. Gallik
02:49:29 Rep. Cordier
02:50:00 Rep. Gallik
02:50:36 Rep. McGillvray
02:50:55 Rep. Gallik

02:51:27 **Vote:** Motion that **HB 185 BE AMENDED** carried by roll call vote 11-6. Reps. Koopman, Kerns, Peterson, McGillvray, Jore and Rice voted no. Rep. French and Driscoll voted by proxy.

02:52:55 **Motion:** Rep. Gallik moved that **HB 185 BE FURTHER AMENDED.**
EXHIBIT(juh31a10)

Discussion:

02:53:09 Rep. Gallik
02:54:10 David Niss
02:54:40 Rep. Gallik
02:54:44 Mr. Niss
02:54:47 Rep. Gallik
02:55:07 Mr. Niss
02:55:16 Rep. Gallik withdrew his motion on the Amendment, Exhibit 10.

02:5548 **Motion:** Rep. Gallik moved that **HB 185 DO PASS AS AMENDED.**

Discussion:

02:55:48 Rep. Kottel
02:58:00 Rep. Jore
02:59:30 Rep. French
03:00:05 Rep. Gallik
03:01:19 Rep. Peterson
03:01:54 Rep. Ebinger
03:02:31 Mr. Niss

03:05:13 **Vote:** Motion that **HB 185 DO PASS AS AMENDED** failed by roll call vote 7-10. Reps. Gallik, French, Everett, Raser, Cordier, Ebinger and Jore voted aye.

03:06:36 **Substitute Motion/Vote:** Rep. McGillvray made a substitute motion that **HB 185 BE TABLED.** The motion carried unanimously by voice vote, 17-0.

EXECUTIVE ACTION ON HB 256

03:07:11 **Motion:** Rep. McGillvray moved that **HB 256 DO PASS.**

03:07:53 **Motion:** Rep. Stoker moved that **HB 256 BE AMENDED.**
EXHIBIT(juh31a11)

Discussion:

03:08:09 Rep. Stoker
03:09:46 Rep. Ebinger
03:10:20 Rep. Stoker
03:13:06 Rep. Peterson
03:15:13 Rep. Kottel
03:17:44 Rep. Stoker
03:18:16 Rep. Kottel
03:18:46 Rep. Stoker
03:19:20 Rep. Rice
03:19:28 Rep. Stoker
03:19:56 Rep. Gallik
03:21:15 Rep. Stoker, without objection the committee agreed to
postpone HB 256.

EXECUTIVE ACTION ON HB 305

03:21:27 **Motion:** Rep. McGillvray moved that **HB 305 DO PASS.**

03:23:14 **Motion:** Rep. Gallik moved that **HB 305 BE AMENDED.**
EXHIBIT(juh31a12)

Discussion:

03:23:27 Rep. Gallik
03:25:30 Rep. Kerns
03:25:58 Rep. Gallik
03:26:41 Rep. Kerns
03:26:45 Rep. Gallik
03:27:23 Rep. Raser
03:28:04 Rep. Kerns
03:28:18 Rep. Raser
03:28:57 Rep. Kerns
03:29:11 Rep. Raser
03:29:50 Rep. Rice
03:30:06 Rep. Raser
03:30:35 Mr. Niss

03:33:56 **Motion:** Rep. Raser moved to add a Conceptual Amendment.

Discussion:

03:35:29 Rep. Kottel
03:36:53 Rep. McGillvray
03:36:59 Rep. Ebinger
03:37:23 Rep. Rice
03:37:32 Rep. Raser withdrew the motion on the Conceptual Amendment.

03:37:43 **Motion:** Rep. Gallik moved to add a Conceptual Amendment.

Discussion:

03:38:46 Rep. Rice
03:38:50 Rep. Stoker
03:38:58 Rep. Gallik
03:39:23 Rep. Stoker
03:39:45 Rep. Rice
03:39:51 Rep. Raser
03:40:44 Rep. Rice
03:40:58 Rep. Gallik
03:40:04 Rep. Raser without objection the committee agreed to postpone HB 305.

Additional Exhibits:

Document Pertaining to HB 548, Hearing 02/09/07
[EXHIBIT\(juh31a13\)](#)

Document Pertaining to HB 550, Hearing 02/12/07
[EXHIBIT\(juh31a14\)](#)

ADJOURNMENT

03:41:51 Adjournment

REP. DIANE RICE, Chairman

DEE BARFKNECHT, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh31aad.pdf](#))