

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 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)

Members Excused: None.

Members Absent: Rep. John Ward (R)

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: SB 20, SB 31, SB 41, SB 48,
2/27/2007
Executive Action: SB 40, SB 39, SB 8, SB 20, HB 180

HEARING ON SB 20

Opening Statement by Sponsor:

00:01:07 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 20, Clarify authority for temporary conservatorship.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:03:51 Sen. Shockley

HEARING ON SB 31

Opening Statement by Sponsor:

00:04:13 Sen. John Esp (R), SD 31, opened the hearing on SB 31, Caretaker relative and continuing custody affidavit.

Proponents' Testimony:

00:18:32 Sandy Bailey, Director, Family and Human Development, Montana State University Extension, Executive Director, Grandparents Raising Grandchildren Project

00:20:43 Fonda Porterfield, Student, Montana State University, Grandparents Raising Grandchildren Project

00:21:53 Rae Lund, Grandmother

[EXHIBIT\(juh48a01\)](#)

Opponents' Testimony: None

Informational Testimony:

00:26:30 Ryan Tofflemire, Child and Family Services, Department of Public Health and Human Services, State of Montana

Questions from Committee Members and Responses:

00:26:54 Rep. Gallik

00:28:24 Sen. Esp

00:37:08 Rep. Peterson

00:40:48 Sen. Esp

00:45:50 Rep. Koopman

00:46:49 Sen. Esp

Closing by Sponsor:

00:51:26 Sen. Esp

HEARING ON SB 48

Opening Statement by Sponsor:

00:52:45 Sen. John Esp (R), SD 31, opened the hearing on SB 48, Caretaker relative consent to medical care.

Proponents' Testimony:

00:56:57 Sandy Bailey, Director, Family and Human Development, Montana State University Extension, Executive Director, Grandparents Raising Grandchildren Project

00:57:52 Rae Lund, Grandparent

00:59:00 Jackie Boyle, AARP, Montana

01:01:09 Ryan Tofflemire, Child and Family Services, Department of Public Health and Human Services, State of Montana

01:02:03 Fonda Porterfield, Student, Montana State University, Grandparents Raising Grandchildren

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:03:02 Rep. Kottel

01:04:26 Sen. Esp

01:05:46 Rep. Koopman

01:06:36 Sen. Esp

Closing by Sponsor:

01:08:00 Sen. Esp

HEARING ON SB 41

Opening Statement by Sponsor:

01:09:31 Sen. Jim Elliot (D), SD 7, opened the hearing on SB
41, Narrow uses for eminent domain.

Proponents' Testimony:

01:13:31 John Youngberg, Montana Farm Bureau
01:16:36 Riley Johnson, National Federation of Independent
Business

EXHIBIT(juh48a02)

EXHIBIT(juh48a03)

01:20:18 Tim Ravendal, Montanans for Multiple Use
01:21:46 Rachel Roberts, Montana Family Foundation
01:23:17 Pat Torgerson, Women Involved in Farm Economics
01:24:38 Katie Kassmier, Montana Farmers Union
01:25:20 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony:

01:26:56 Alec Hansen, Montana League of Cities and Towns
01:35:01 Chris Behen, City of Missoula Redevelopment Agency,
Montana Association of Planners

Informational Testimony:

01:40:52 Janet Ellis, Montana Audubon Society

Questions from Committee Members and Responses:

01:41:20 Rep. Kottel
01:42:05 Sen. Elliot
01:44:48 Rep. McGillvray
01:45:24 Mr. Hansen
01:47:54 Rep. Gallik
01:49:19 Sen. Elliot
01:50:02 Rep. Peterson
01:50:28 Sen. Elliot
01:52:23 Mr. Youngberg
01:56:22 Rep. Koopman
01:57:15 Sen. Elliot
01:59:48 Mr. Youngberg
02:01:27 Rep. Ebinger
02:02:25 Sen. Elliot
02:02:51 Rep. Kottel
02:03:33 Sen. Elliot

02:09:23 Rep. Rice
02:09:57 Mr. Hansen
02:13:16 Rep. Peterson
02:14:12 Sen. Elliot

Closing by Sponsor:

02:14:50 Sen. Elliot

02:17:48 Break
02:31:48 Reconvene

EXECUTIVE ACTION ON SB 40

02:32:38 **Motion/Vote:** Rep. Stoker moved that **SB 40 BE CONCURRED IN**. Motion carried 16-1 by voice vote with Rep. Jore voting no. Reps. Raser, O'Hara, Koopman, and Ward voted by proxy. Rep. French will carry on House Floor.

EXECUTIVE ACTION ON SB 39

02:33:48 **Motion/Vote:** Rep. Stoker moved that **SB 39 BE CONCURRED IN**. Motion carried 16-1 by voice vote with Rep. Jore voting no. Reps. Raser, O'Hara, Koopman, and Ward voted by proxy. Rep. Kerns will carry on House Floor.

EXECUTIVE ACTION ON SB 8

02:35:03 **Motion:** Rep. Everett moved that **SB 8 BE CONCURRED IN**.

Discussion:

02:35:13 Rep. French
02:35:55 Rep. Stoker
02:36:16 Rep. Rice
02:36:31 Rep. everett
02:37:20 Rep. Jore
02:37:44 Rep. Stoker
02:39:31 Rep. French
02:40:28 Rep. Rice
02:40:49 Rep. Everett

02:41:25 **Vote:** Motion that **SB 8 BE CONCURRED IN** carried 13-4 by roll call vote with Reps. Everett, Koopman, Jore and Rice voting no. Reps. Raser, O'Hara and Ward voted by proxy. Rep. Stoker to carry on House Floor.

EXECUTIVE ACTION ON SB 20

02:42:51 **Motion:** Rep. Stoker moved that **SB 20 BE CONCURRED IN.**

Discussion:

02:42:59 Rep. Peterson

02:43:30 Rep. Jore

02:45:19 Rep. Kottel

02:46:16 **Vote:** Motion that **SB 20 BE CONCURRED IN** carried 14-3 by voice vote with Reps. Driscoll, Everett, and Jore voting no. Reps. Raser and Ward voted by proxy. Rep. Peterson to carry on House Floor.

EXECUTIVE ACTION ON HB 180

02:47:33 **Motion:** Rep. Stoker moved that **HB 180 DO PASS.**

02:47:41 **Motion:** Rep. Cordier moved that **HB 180 BE AMENDED.**
EXHIBIT(juh48a04)

Discussion:

02:51:12 Rep. Kottel

02:51:59 **Vote:** Motion that **HB 180 BE AMENDED** carried 16-1 by voice vote with Rep. McGillvray voting no. Reps. Raser and Ward voted by proxy.

02:52:25 **Motion:** Rep. Stoker moved that **HB 180 DO PASS AS AMENDED.**

Discussion:

02:52:41 Rep. O'Hara

02:53:05 **Motion:** Rep. French moved that **HB 180 BE AMENDED.**
EXHIBIT(juh48a05)

02:55:46 Rep. Jore

02:56:01 Rep. Rice

02:56:13 Rep. Kottel

02:56:23 Rep. French

02:56:31 David Niss, Legislative Services

02:57:40 Rep. Kottel

02:59:52 **Substitute Motion/Vote:** Rep. French made a substitute motion that **HB 180 BE AMENDED** by striking the second "not" on Paragraph 8 of amendment and on Page 3. Substitute motion carried unanimously by voice vote.

03:00:38 **Vote:** Motion that **HB 180 BE AMENDED** carried unanimously by voice vote. Reps. Raser and Ward voted by proxy.

03:01:41 **Motion:** Rep. Stoker moved that **HB 180 DO PASS AS AMENDED**.

Discussion:

03:01:53 Rep. Jore
03:02:35 Rep. Rice
03:04:20 Rep. Gallik
03:05:07 Rep. Rice
03:06:02 Rep. Jore

03:06:33 **Vote:** Motion that **HB 180 DO PASS AS AMENDED** failed 5-12 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll voting aye. Reps. Raser and Ward voted by proxy.

03:07:16 **Motion/Vote:** Rep. Stoker moved that **HB 180 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Reps. Raser and Ward voted by proxy.

Committee Business:

03:07:42 Rep. Ebinger

ADJOURNMENT

Adjournment: 11:08 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh48aad.pdf](#))