

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice on March 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
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 49, SB 119, 3/5/2007
Executive Action:	SB 41, SB 50, SB 62, SB 63, SB 67, SB 73, SB 83, SB 85, SB 104, SB 306

HEARING ON SB 49

Opening Statement by Sponsor:

00:01:21 Sen. John Esp (R), SD 31, opened the hearing on SB 49,
School enrollment by relative caretaker.

Proponents' Testimony:

00:10:05 Bruce Deitle, Division of Child and Family Services,
Department of Public Health and Human Services, State
of Montana
00:11:11 Ann Brodsky, Legal Counsel, for Governor Schweitzer,
State of Montana

Opponents' Testimony:

00:13:30 Lance Melton, Montana School Boards Association
[EXHIBIT\(juh52a01\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:19:47 Rep. Cordier
00:21:03 Sen. Esp
00:25:26 Rep. Kottel
00:25:43 Mr. Melton
00:33:17 Rep. O'Hara
00:33:58 Sen. Esp
00:36:59 Rep. McGillvray
00:37:59 Sen. Esp
00:39:27 Rep. Gallik
00:40:25 Sen. Esp
00:42:25 Rep. Raser
00:42:53 Mr. Melton
00:49:02 Rep. French
00:50:02 Mr. Melton
00:55:58 Rep. Peterson
00:56:32 Mr. Melton
00:57:47 Rep. Kottel
00:58:21 Mr. Melton

Closing by Sponsor:

01:03:55 Sen. Esp

HEARING ON SB 119

Opening Statement by Sponsor:

01:07:53 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 119, Clarify exchange of youth court record info with youth detention facilities.

Proponents' Testimony:

01:09:08 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:11:56 Rep. Jore

01:12:19 Ms. Bovington

Closing by Sponsor:

01:13:41 Sen. Moss

Received in Committee for SB 85:

[EXHIBIT\(juh52a02\)](#)

01:13:57 Break

01:32:49 Reconvene

EXECUTIVE ACTION ON SB 41

01:33:20 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN.**

01:33:43 **Motion:** Rep. Kottel moved that **SB 41 BE AMENDED.**

[EXHIBIT\(juh52a03\)](#)

Discussion:

01:34:45 Rep. Kottel

01:36:23 Rep. Jore

01:36:34 **Vote:** Motion that **SB 41 BE AMENDED** carried unanimously by voice vote. Rep. Koopman voted by proxy.

01:37:00 **Motion:** Rep. Kottel moved that **SB 41 BE CONCURRED IN AS AMENDED.**

01:37:09 **Motion:** Rep. Kottel moved that **SB 41 BE AMENDED.**
[EXHIBIT\(juh52a04\)](#)

Discussion:

01:38:11 Rep. Jore
01:38:55 Rep. Kottel

01:40:05 **Vote:** Motion that **SB 41 BE AMENDED** carried 16-1 by voice vote with Rep. Jore voting no. Rep. Koopman voted by proxy.

01:40:18 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN AS AMENDED.**

Discussion:

01:40:27 **Motion:** Rep. Jore moved that **SB 41 BE AMENDED with a CONCEPTUAL AMENDMENT** to change "use" to "purpose."

01:43:18 Rep. Ward
01:43:33 Rep. Jore
01:44:21 Rep. Peterson
01:45:06 Rep. Kottel
01:46:24 David Niss, Legislative Services
01:47:00 Rep. Gallik
01:47:58 Rep. Stoker
01:49:02 Rep. Jore

01:50:05 **Vote:** Motion that **SB 41 BE AMENDED** carried 15-2 by roll call vote with Rep. Raser and Rep Driscoll voting no. Rep. Koopman voted by proxy.

01:50:58 **Motion:** Rep. Stoker moved that **SB 41 BE CONCURRED IN AS AMENDED.**

Discussion:

01:51:24 Rep. Peterson
01:52:32 Rep. Kottel
01:53:08 Mr. Niss
01:54:35 Rep. Stoker
01:55:14 Rep. Gallik
01:56:27 Rep. Peterson
01:57:32 Rep. Raser
01:58:27 Rep. Jore

01:59:32 Rep. Rice
02:00:19 Rep. Raser
02:00:21 Rep. Kottel
02:00:58 Rep. Gallik

02:01:59 Chairman Rice postponed action on SB 41.

02:02:10 Rep. Ebinger
02:02:20 Rep. Niss

EXECUTIVE ACTION ON SB 50

02:03:05 Rep. Peterson postponed action on SB 50.

EXECUTIVE ACTION ON SB 62

02:03:50 **Motion:** Rep. Stoker moved that **SB 62 BE CONCURRED IN.**

Discussion:

02:04:04 Rep. Driscoll

02:04:21 **Vote:** Motion that **SB 62 BE CONCURRED IN** carried 10-7 by roll call vote with Reps. Everett, Koopman, Peterson, McGillvray, Ward, Jore, and Rice voting no. Reps. Koopman and O'Hara voted by proxy. Rep. Driscoll to carry on the House Floor.

EXECUTIVE ACTION ON SB 63

02:06:09 **Motion:** Rep. Stoker moved that **SB 63 BE CONCURRED IN.**

Discussion:

02:06:27 Rep. Rice

02:07:20 **Vote:** Motion that **SB 63 BE CONCURRED IN** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Peterson, Kottel, and Ebinger voting aye. Rep. O'Hara voted by proxy.

02:07:27 **Motion/Vote:** Rep. Stoker moved that **SB 63 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. O'Hara voted by proxy.

EXECUTIVE ACTION ON SB 67

02:07:59 **Motion:** Rep. Stoker moved that **SB 67 BE CONCURRED IN.**

Discussion:

02:08:12 Rep. Peterson
02:08:34 Rep. McGillvray
02:09:17 Rep. Ebinger
02:10:33 Rep. Ward
02:11:42 Rep. Ebinger
02:11:58 Rep. French
02:12:52 Rep. Stoker
02:13:53 Rep. Kottel
02:16:42 Rep. Koopman
02:20:48 Rep. Raser
02:21:48 Rep. Peterson
02:22:31 Rep. French
02:22:45 Rep. Gallik

02:24:33 **Vote:** Motion that **SB 67 BE CONCURRED IN** failed 7-10 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ebinger voting aye.

02:25:20 **Motion/Vote:** Rep. Stoker moved that **SB 67 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 73

02:25:48 **Motion/Vote:** Rep. McGillvray moved that **SB 73 BE CONCURRED IN.** Motion carried 16-1 with Rep. Ward voting no. Rep. Peterson to carry on House Floor.

EXECUTIVE ACTION ON SB 83

02:27:10 **Motion:** Rep. Stoker moved that **SB 83 BE CONCURRED IN.**

Discussion:

02:27:53 Rep. Rice
02:28:06 Rep. Gallik
02:28:45 Rep. Peterson
02:29:28 Rep. Stoker

02:30:02 **Vote:** Motion that **SB 83 BE CONCURRED IN** carried 15-2 by roll call vote with Reps. Koopman and Jore voting no. Rep. Gallik to carry on House Floor.

EXECUTIVE ACTION ON SB 85

02:31:40 **Motion:** Rep. Stoker moved that **SB 85 BE CONCURRED IN.**

Discussion:

02:31:52 Rep. Kottel
02:34:14 Rep. French
02:34:39 Rep. Stoker
02:36:47 Rep. Koopman
02:37:35 Rep. Kottel
02:39:41 Rep. Ward
02:40:04 Rep. Gallik
02:42:38 Rep. Raser
02:43:38 Rep. Stoker
02:44:46 Rep. Peterson
02:46:08 Rep. McGillvray
02:46:33 Rep. Rice

02:49:21 **Vote:** Motion that **SB 85 BE CONCURRED IN** carried 15-2 by roll call vote with Reps. Everett and Jore voting no. Rep. O'Hara will carry on the House Floor.

EXECUTIVE ACTION ON SB 104

02:50:31 **Motion:** Rep. McGillvray moved that **SB 104 BE CONCURRED IN.**

Discussion:

02:51:00 Rep. Jore
02:51:39 Rep. Stoker
02:52:10 Rep. Peterson
02:52:41 Rep. Kottel

02:53:38 **Vote:** Motion that **SB 104 BE CONCURRED IN** carried 16-1 by roll call vote with Rep. McGillvray voting no. Rep. Gallik to carry on the House Floor.

EXECUTIVE ACTION ON SB 306

02:54:48 **Motion:** Rep. McGillvray moved that **SB 306 BE CONCURRED IN.**

Discussion:

02:54:57 Rep. Gallik
02:56:10 Rep. McGillvray
03:00:02 Rep. Ward
03:02:18 Rep. Driscoll
03:04:27 Rep. Stoker

03:07:06 **Substitute Motion/Vote:** Rep. Everett made a substitute motion that **SB 306 BE TABLED.** Substitute motion carried 9-8 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, Kottel, Ward, and Ebinger voting no.

03:08:10 Rep. Raser

EXECUTIVE ACTION ON SB 62

03:08:55 Rep. Peterson

Received in Committee for SB 306:

[EXHIBIT\(juh52a05\)](#)

[EXHIBIT\(juh52a06\)](#)

[EXHIBIT\(juh52a07\)](#)

ADJOURNMENT

Adjournment: 12:12 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh52aad.pdf](#))