

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 19, 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 164, SB 300, SB 309, 3/12/2007
Executive Action: SB 50, SB 119, SB 124, SB 141, SB
163, SB 322, SB 385

HEARING ON SB 300

Opening Statement by Sponsor:

00:01:14 Sen. Mike Cooney (D), SD 40, opened the hearing on SB 300, Primary seatbelt and child passenger safety law.

Proponents' Testimony:

00:03:07 Jim Lynch, Director, Montana Department of Transportation, State of Montana

EXHIBIT(juh58a01)

00:14:17 Paul Grimstad, Colonel, Montana Highway Patrol, State of Montana

00:16:28 Sen. Frank Smith, SD 16

00:19:28 Rehanna Olson, self, Missoula, Montana

EXHIBIT(juh58a02)

00:23:21 Jim Bentler, Emergency Room Physician, St. Vincent's Hospital, Billings, Montana

00:27:21 Tiffany McGerk, self, Hardin, Montana

00:29:52 Barry "Spook" Stang, Executive Vice President, Montana Motor Carriers Association

EXHIBIT(juh58a03)

EXHIBIT(juh58a04)

00:34:50 Claudia Wevers, self, Mother of vehicular fatality victim

00:37:13 Matthew Kohn, Montana State Fund

00:37:49 Dennis Maier, Physician, Chairman, American College of Trauma Surgeons, Trauma Medical Director, St. Vincent's Hospital, Billings, Montana

EXHIBIT(juh58a05)

00:40:21 David Huff, Director, Traffic Education, Office of Public Instruction, State of Montana

00:42:12 Nolan Scott, Vehicle Safety Division, Officer, Great Falls Police Department, Great Falls, Montana

00:43:20 Jim Aherns, President, Montana Hospital Association, Montana Medical Association

00:43:40 Carry Hegreberg, Montana Contractors Association

00:45:15 Jim Detienne, Supervisor, Emergency Medical Services and Trauma Systems, Department of Public Health and Human Services, State of Montana

EXHIBIT(juh58a06)

00:47:55 Jason Todhunter, Montana Logging Association

00:48:16 Marilyn Olson, Executive Director, Montana Auto Dealers Association

00:48:36 Jani McCall, Billings Clinic, Billings, Montana

EXHIBIT(juh58a07)

00:49:10 Amy Grmoljez, Montana Troopers Association

00:49:42 Tom Ebzery, St. Vincent Healthcare, St. James
Healthcare, Holy Rosary Healthcare, Wheatland Memorial
Hospital
00:50:19 Jane Hamman, AAA-MontanaWest, Montana Traffic
Education Association
00:50:54 Gordon Morris, Lewis and Clark County Commissioners,
Lewis and Clark County Sheriffs and Health Department,
Helena, Montana
00:51:29 Nanette Gilbertson, Montana Sheriffs and Peace
Officers Association
00:51:58 Jim Kembel, Montana Association of Chiefs of Police
00:52:10 Roger McGlenn, Executive Director, Independent
Insurance Association
00:52:29 Jessica Sikorsky, self, Stevensville, Montana
00:56:36 Puanani Wevers, sister of vehicular fatality victim
00:59:25 Steve Yeakel, Montana Council Maternal and Child Health
01:00:00 Daniel Blair, self
01:00:24 Todd Olson, self, Missoula, Montana
01:01:57 Andrea Olson, Montana Trial Lawyers Association

Exhibits received at conclusion of Proponents' Testimony:

[EXHIBIT\(juh58a08\)](#)

[EXHIBIT\(juh58a09\)](#)

*See below for additional Proponent testimony within the
Informational Testimony Section

Opponents' Testimony:

01:02:41 Marissa Stockton, self

[EXHIBIT\(juh58a10\)](#)

[EXHIBIT\(juh58a11\)](#)

[EXHIBIT\(juh58a12\)](#)

[EXHIBIT\(juh58a13\)](#)

[EXHIBIT\(juh58a14\)](#)

01:07:26 Becky Stockton, self

[EXHIBIT\(juh58a15\)](#)

Informational Testimony:

01:12:07 Patty Carrell, Coordinator, Safe Kids-Montana

[EXHIBIT\(juh58a16\)](#)

[EXHIBIT\(juh58a17\)](#)

[EXHIBIT\(juh58a18\)](#)

[EXHIBIT\(juh58a19\)](#)

[EXHIBIT\(juh58a20\)](#)

* At conclusion of Ms. Carrell's testimony, Chairman Rice ruled Ms. Carrell as a Proponent.

Exhibit Received at Conclusion of Informational Testimony:

[EXHIBIT\(juh58a21\)](#)

Questions from Committee Members and Responses:

01:19:33 Rep. Kottel
01:20:56 Brenda Nordlund, Assistant Attorney General, Department
of Justice, State of Montana
01:25:46 Colonel Grimstad
01:28:08 Rep. Stoker
01:29:07 Dir. Lynch
01:35:08 Rep. Gallik
01:35:25 Sen. Cooney
01:36:58 Dir. Lynch
01:38:46 Rep. Peterson
01:39:19 Ms. Nordlund
01:41:26 Ms. Olson
01:41:41 Rep. Rice
01:41:55 Col. Grimstad
01:43:54 Rep. Gallik
01:44:35 Col. Grimstad

Closing by Sponsor:

01:47:00 Sen. Cooney

Exhibit Received at Conclusion of Hearing SB 300:

[EXHIBIT\(juh58a22\)](#)

01:53:41 Break
02:04:08 Reconvene

HEARING ON SB 309

Opening Statement by Sponsor:

02:04:30 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB
309, Prohibit confiscation of firearms during period of
declared emergency.

[EXHIBIT\(juh58a23\)](#)

[EXHIBIT\(juh58a24\)](#)

Proponents' Testimony:

02:09:16 Gary Marbut, Montana Shooting Sports Association
02:12:01 Doug Nulle, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:14:09 Rep. McGillvray
02:14:38 Sen. Balyeat
02:15:17 Mr. Marbut
02:16:21 Rep. French
02:16:52 Rep. Cordier
02:17:19 Sen. Balyeat
02:17:44 Mr. Marbut
02:18:12 Rep. Gallik
02:19:02 Mr. Marbut
02:19:44 Sen. Balyeat
02:22:05 Rep. Peterson
02:22:55 Sen. Balyeat
02:23:08 Rep. Rice
02:23:18 Sen. Balyeat

Closing by Sponsor:

02:26:19 Sen. Balyeat

HEARING ON SB 164

Opening Statement by Sponsor:

02:27:20 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 164, Clarify role of counsel and guardian ad litem to prevent conflict of interest.

Proponents' Testimony:

02:28:25 Randi Hood, Chief Public Defender, Office of Public Defender, State of Montana, Butte, Montana
02:30:11 Beth Brenneman, Attorney, Montana Advocacy Program

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:31:40 Rep. Stoker
02:32:45 Ms. Hood
02:33:26 Rep. Peterson
02:33:47 Ms. Brenneman

Closing by Sponsor:

02:34:20 Sen. Gallus

EXECUTIVE ACTION ON SB 143

02:36:36 **Motion:** Rep. Stoker moved that **SB 143 BE CONCURRED IN.**

Discussion:

02:36:53 Rep. Driscoll
02:37:30 Rep. Kottel
02:38:40 Rep. Peterson
02:39:50 Rep. Koopman
02:40:18 Rep. Peterson
02:41:05 Rep. Kottel
02:43:14 Rep. Ward
02:43:50 Rep. Cordier
02:45:24 Rep. French
02:45:34 Rep. Koopman
02:46:20 Rep. Rice

02:46:45 **Vote:** Motion that SB 143 **BE CONCURRED IN** failed 5-12 by roll call vote Reps. Gallik, Cordier, Peterson, O'Hara, McGillvray and Kottel voting aye. Rep. Gallik voted by proxy.

02:47:15 **Motion/Vote:** Rep. Stoker moved that **SB 143 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Gallik voted by proxy.

EXECUTIVE ACTION ON SB 163

02:48:35 **Motion/Vote:** Rep. Stoker moved that **SB 163 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Gallik voted by proxy. Rep. Peterson to carry on House Floor.

EXECUTIVE ACTION ON SB 385

02:49:42 **Motion:** Rep. McGillvray moved that **SB 385 BE CONCURRED IN.**

Discussion:

02:49:53 Rep. Stoker
02:50:07 Rep. French

02:50:16 **Vote:** Motion that **SB 385 BE CONCURRED IN** carried unanimously by voice vote. Rep. Gallik voted by proxy. Rep. French to carry on House Floor.

EXECUTIVE ACTION ON SB 322

02:51:01 **Motion/Vote:** Rep. McGillvray moved that **SB 322 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gallik voted by proxy. Rep. Taylor to carry on House Floor.

EXECUTIVE ACTION ON SB 50

02:52:27 **Motion:** Rep. Peterson moved that **SB 50 BE CONCURRED IN**.

02:52:53 **Motion:** Rep. Peterson moved that **SB 50 BE AMENDED**. [EXHIBIT \(juh58a25\)](#)

Discussion:

02:53:37 Rep. Peterson

02:54:26 Rep. Stoker

02:54:59 **Vote:** Motion that **SB 50 BE AMENDED** carried unanimously by voice vote. Rep. Gallik voted by proxy.

02:55:09 **Motion/Vote:** Rep. Stoker moved that **SB 50 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Gallik voted by proxy.

EXECUTIVE ACTION ON SB 119

02:56:05 **Motion:** Rep. Stoker moved that **SB 119 BE CONCURRED IN**.

Discussion:

02:56:31 Rep. Rice

02:56:40 **Vote:** Motion that **SB 119 BE CONCURRED IN** carried unanimously by voice vote. Rep. Kottel to carry on House Floor.

EXECUTIVE ACTION ON SB 124

02:57:30 **Motion:** Rep. Stoker moved that **SB 124 BE CONCURRED IN.**

Discussion:

02:57:48 Rep. Peterson

02:58:12 Rep. Rice

02:58:55 Rep. Stoker

02:59:36 Rep. Peterson

03:01:13 Rep. Stoker

03:01:21 Rep. French

03:02:23 Rep. Cordier

03:03:46 **Vote:** Motion that **SB 124 BE CONCURRED IN** carried 14-3 by voice vote with Reps. Jore, McGillvray and Peterson voting no. Rep. French to carry on House Floor.

EXECUTIVE ACTION ON SB 141

03:05:37 **Motion:** Rep. Stoker moved that **SB 141 BE CONCURRED IN.**

Discussion:

03:05:49 Rep. Peterson

03:06:12 Rep. Gallik

03:06:48 **Vote:** Motion that **SB 141 BE CONCURRED IN** carried unanimously by voice vote. Rep. Kottel to carry on House Floor. Rep. Ward voted by proxy.

Committee Business:

03:07:31 Rep. Rice

03:07:34 Rep. Ebinger

Exhibit received later (DVD) for SB 300.

[EXHIBIT \(juh58a26\)](#)

ADJOURNMENT

Adjournment: 12:09 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh58aad.pdf](#))