

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on March 23, 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: SB 342, 346, 347, 348, 350, 363,  
3/15/2007  
Executive Action: SB 164, SB 170, SB 318

**HEARING ON SB 342**

**Opening Statement by Sponsor:**

00:01:12 Sen. Carolyn Squires (D), SD 48, opened the hearing on SB 342, Fingerprint criminal background checks for social workers and counselors.

[EXHIBIT\(juh62a01\)](#)

[EXHIBIT\(juh62a02\)](#)

**Proponents' Testimony:**

00:08:30 Sen. Jim Shockley, SD 45

00:09:02 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

**Opponents' Testimony:** None

**Informational Testimony:**

00:11:36 Cindy Breen, Program Manager, Licensure of Social Workers, Department of Labor, State of Montana

**Questions from Committee Members and Responses:**

00:12:06 Rep. Stoker

00:13:07 Sen. Squires

**Closing by Sponsor:**

00:13:12 Sen. Squires

**HEARING ON SB 346**

**Opening Statement by Sponsor:**

00:14:06 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 346, Prohibiting certain contracts with illegal aliens.

[EXHIBIT\(juh62a03\)](#)

**Proponents' Testimony:**

00:20:34 Keith Allen, Local #333, Brotherhood of Electrical Workers

00:21:48 J.D. Lynch, Montana State Building Trades Union

00:23:06 Jim McGarvey, Montana AFL-CIO

00:24:02 Paul Nachman, self

[EXHIBIT\(juh62a04\)](#)

00:29:00 Mary Beveridge, self, Business Owner

00:31:15 Lynn Stumberg, Eagle Forum

**Opponents' Testimony:**

00:33:01 Gail Abercrombie, Montana Contractors Association=  
[EXHIBIT\(juh62a05\)](#)

00:39:53 Marty Schuma, Vice-President, Dick Anderson  
Construction

00:43:23 John Benion, Montana Chamber of Commerce

00:45:58 Kathy Day, ACLU

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:48:10 Rep. Kerns

00:48:28 Sen. Shockley

00:49:40 Rep. Koopman

00:51:37 Sen. Shockley

00:56:17 Rep. Koopman

00:57:03 Mr. Schuma

00:58:39 Rep. Stoker

00:59:02 Ms. Day

01:00:04 Rep. Jore

01:00:38 Ms. Abercrombie

[EXHIBIT\(juh62a06\)](#)

[EXHIBIT\(juh62a07\)](#)

01:01:39 Sen. Shockley

01:02:44 Rep. Ward

01:04:17 Sen. Shockley

01:06:40 Rep. Rice

01:09:19 Mr. Schuma

01:09:35 Rep. Ward

**Closing by Sponsor:**

01:09:44 Sen. Shockley

**HEARING ON SB 347**

**Opening Statement by Sponsor:**

01:13:51 Sen. Jim Shockley (R), SD 45, opened the hearing on sb  
347, Conservation easement enforcement.

**Proponents' Testimony:**

01:15:43 Ali Bovington, Assistant Attorney General, Department  
of Justice, State of Montana  
01:17:01 Glen Marks, Montana Association of Land Trusts

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:19:36 Rep. Everett  
01:19:49 Mr. Marks  
01:23:02 Rep. Kottel  
01:23:21 Mr. Marks  
01:26:22 Ms. Bovington  
01:30:53 Rep. French  
01:31:18 Ms. Bovington  
01:31:36 Mr. Marks  
01:33:29 Rep. Koopman  
01:37:23 Rep. Stoker  
01:38:12 Sen. Stoker  
01:42:10 Rep. Rice  
01:42:36 Ms. Bovington  
01:44:36 Sen. Shockley

**Closing by Sponsor:**

01:48:14 Sen. Shockley  
  
01:51:36 Break  
02:05:02 Reconvene

**HEARING ON SB 348**

**Opening Statement by Sponsor:**

02:05:31 Sen. Steven Gallus (D), SD 37, opened the hearing on SB  
348, Delete appointment of attorney for guardian ad  
litem.

**Proponents' Testimony:**

02:06:53 Larry Murphy, Contract Manager, Office of Public  
Defender, State of Montana, Butte, Montana

**Opponents' Testimony:** None

**Informational Testimony:**

02:08:49 Shirley Brown, Division Administrator, Child and Family  
Services, Department of Public Health and Human  
Services, State of Montana

**Questions from Committee Members and Responses:**

02:09:19 Rep. Stoker  
02:09:35 Mr. Murphy  
02:12:14 Rep. Ebinger  
02:12:26 Sen. Gallus  
02:13:24 Rep. Peterson  
02:14:05 Sen. Gallus  
02:14:46 Rep. Stoker

**Closing by Sponsor:**

02:15:26 Sen. Gallus

**HEARING ON SB 350**

**Opening Statement by Sponsor:**

02:15:53 Sen. Gary Perry (R), SD 35, opened the hearing on SB  
350, Crime of tampering with or destroying  
communication equipment.

**EXHIBIT(juh62a08)**

**Proponents' Testimony:**

02:16:57 Judy Wang, Assistant City Attorney, City of  
Missoula, Montana

**EXHIBIT(juh62a09)**

02:21:07 Jenny Daniel, Coordinator, Missoula Crime Victim  
Advocate Program, Missoula, Montana

02:21:57 Jim Smith, Montana County Attorneys Association

02:24:26 Cynthia Wolken, Attorney, Montana Legal Services

**EXHIBIT(juh62a10)**

02:27:13 Ali Bovington, Assistant Attorney General, Department  
of Justice, State of Montana

02:28:58 Kelsen Young, Executive Director, Montana Coalition  
Against Domestic and Sexual Violence

**EXHIBIT(juh62a11)**

**EXHIBIT(juh62a12)**

**EXHIBIT(juh62a13)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:30:00 Rep. Stoker  
02:30:38 Ms. Wang  
02:31:36 Rep. Peterson  
02:32:35 Ms. Wang  
02:34:09 Rep. Kottel  
02:34:36 Sen. Perry  
02:36:54 Rep. Gallik  
02:37:46 Sen. Perry  
02:40:40 Ms. Wang  
02:45:54 Rep. Cordier  
02:46:47 Ms. Wang  
02:47:27 Rep. Peterson  
02:49:44 Ms. Wang  
02:50:10 Rep. Stoker  
02:51:18 David Niss, Legislative Services  
02:53:14 Rep. Kottel  
02:56:25 Ms. Wang  
02:57:33 Rep. Rice  
02:57:37 Ms. Wang  
02:58:59 Rep. Ebinger  
02:59:47 Ms. Wolken

**Closing by Sponsor:**

03:01:01 Sen. Perry

**HEARING ON SB 363**

**Opening Statement by Sponsor:**

03:02:14 Sen. Christine Kaufmann (D), SD 41, opened the hearing  
on SB 363, Revise eminent domain law.

[\*\*EXHIBIT\(juh62a14\)\*\*](#)

**Proponents' Testimony:**

03:07:05 Michael Kakuk, Montana Association of Realtors  
03:09:43 Alec Hansen, Montana League of Cities and Towns  
03:14:29 Janet Ellis, Montana Audubon

[\*\*EXHIBIT\(juh62a15\)\*\*](#)

03:17:24 John Youngberg, Montana Farm Bureau  
03:18:36 Rachel Roberts, Montana Family Foundation  
03:19:43 Riley Johnson, National Federation of Business (NFIB)

03:22:32 Rev. Brady Vardeman, Montana Association of Churches  
03:24:10 Pat Torgerson, Women Involved in Farm Economics (WIFE)  
03:25:37 Al Smith, Montana Trial Lawyers Association  
03:26:18 Tim Davis, Montana Smart Growth Coalition

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:28:34 Rep. Stoker  
03:28:59 Mr. Johnson  
03:30:04 Mr. Kakuk  
03:30:13 Mr. Hansen  
03:30:36 Rep. Koopman  
03:31:49 Mr. Hansen  
03:36:55 Rep. Peterson  
03:37:40 Rep. Cordier  
03:38:29 Mr. Hansen

**Closing by Sponsor:**

03:40:12 Sen. Kaufmann  
[EXHIBIT\(juh62a16\)](#)  
03:42:24 Rep. Kottel

**EXECUTIVE ACTION ON SB 164**

03:43:57 **Motion:** Rep. Stoker moved that **SB 164 BE CONCURRED IN.**

**Discussion:**

03:44:16 Rep. Cordier  
03:44:33 **Vote:** Motion that **SB 164 BE CONCURRED IN** carried unanimously by voice vote. Reps. Raser, Ward and Everett voted by proxy. Rep. Cordier will carry on House Floor.

**EXECUTIVE ACTION ON SB 170**

03:46:22 **Motion/Vote:** Rep. McGillvray moved that **SB 170 BE CONCURRED IN.** Motion carried 14-3 by voice vote with Reps. Jore, Rice and Koopman voting no. Reps. Raser, Everett and Ward voted by proxy. Rep. Driscoll to carry on House Floor.

**EXECUTIVE ACTION ON SB 318**

03:48:09 **Motion:** Rep. French moved that **SB 318 BE CONCURRED IN.**

**Discussion:**

03:49:27 Rep. French  
03:49:30 Rep. Peterson  
03:49:59 Rep. Kerns  
03:50:25 Rep. Koopman  
03:51:04 Rep. Raser  
03:52:04 Rep. Ebinger  
03:52:36 Rep. Kerns  
03:53:05 Rep. Gallik  
03:53:30 Rep. Kerns  
03:54:46 Rep. Stoker  
03:55:59 Rep. Raser  
03:57:28 Rep. French  
03:58:02 Rep. Gallik  
03:59:43 Rep. Stoker  
04:00:10 Rep. Kerns  
04:00:23 Rep. McGillvray  
04:00:31 Rep. Raser  
04:00:42 Rep. Ebinger

04:01:21 Chairman Rice postponed Executive Action on SB 318.

**ADJOURNMENT**

Adjournment: 12:01 P.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

**EXHIBIT ([juh62aad.pdf](#))**