

**MINUTES**

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

**COMMITTEE ON JUDICIARY**

**Call to Order:** By Chairman Diane Rice, on March 28, 2007 at 8:00 A.M., in Room 137 Capitol.

**ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Ron Stoker, Vice Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
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 411, SB 547, SJR 2, SJR, 6, SJR, 7, SJR 24, 3/19/2007  
Executive Action: SJR 24, SJR 7, SJR 2, SJR 6, SB 294

**HEARING ON SB 411**

**Opening Statement by Sponsor:**

00:01:17 Sen. Rick Laible (R), SD 44, opened the hearing on SB 411, Expand order of protection to victims of assault.

**Proponents' Testimony:**

00:05:37 Jennifer Hill-Hart, Montana Coalition Against Domestic and Sexual Violence

**EXHIBIT (1)**

00:07:42 Ali Bovington, Assistant Attorney General, Department of Justice, State of Montana

00:09:00 Nanette Gilbertson, Montana County Attorneys Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:54 Rep. Everett  
00:10:58 Rep. Rice  
00:11:09 Ms. Bovington  
00:11:36 Rep. Gallik  
00:12:54 Sen. Laible  
00:13:29 Rep. McGillvray  
00:13:53 Ms. Bovington  
00:15:45 Rep. Stoker  
00:16:08 Ms. Bovington  
00:17:50 Rep. Rice  
00:18:02 Sen. Laible  
00:19:45 Rep. Peterson  
00:19:58 Sen. Laible

**Closing by Sponsor:**

00:20:34 Sen. Laible

00:21:50 Rep. Kottel

00:22:27 David Niss, Legislative Services

**HEARING ON SJR 24**

**Opening Statement by Sponsor:**

00:23:33 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SJ 24, Study prison population growth and alternative sentencing.

**Proponents' Testimony:**

00:25:59 Mike Ferriter, Director, Department of Corrections, State of Montana

00:27:40 Scott Crichton, Executive Director, ACLU

**EXHIBIT (2)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:31:02 Rep. McGillvray

00:31:31 Sen. Laslovich

00:31:50 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

00:33:15 Rep. Peterson

00:34:29 Ms. Koch

00:35:39 Sen. Laslovich

**Closing by Sponsor:**

00:37:45 Sen. Laslovich

**HEARING ON SB 547**

**Opening Statement by Sponsor:**

00:39:09 Sen. Gary Perry (R), SD 35, opened the hearing on SB 547, Revise laws on sentencing, registration, and treatment of sexual offenders.

**Proponents' Testimony:**

00:51:41 Sen. Linda Moss, SD 26

00:53:57 Mike Ferriter, Director, Department of Corrections, State of Montana

00:55:12 Ali Bovington, Assistant Attorney General, Department  
of Justice, State of Montana

**EXHIBIT (3)**

**EXHIBIT (4)**

**EXHIBIT (5)**

01:05:15 Jennifer Hill-Hart, Montana Coalition Against Domestic  
and Sexual Violence

01:06:57 Linda Gryczan, Montana Women's Lobby

01:08:21 Mike Mahoney, Warden, Montana State Prison

01:09:12 Rachel Roberts, Montana Family Foundation

01:10:00 Pam Bunke, Director, Adult Community Corrections  
Services, Department of Correction, State of Montana

01:14:19 Nanette Gilbertson, Montana County Attorneys  
Association

**Opponents' Testimony:**

01:15:10 J.C. Weingartner, MEA-MFT

01:25:01 Scott Crichton, Executive Director, ACLU

**EXHIBIT (6)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:30:06 Rep. Stoker

01:30:22 Ms. Bovington

01:31:47 Dir. Ferriter

01:37:09 Rep. Kottel

01:37:38 Ms. Bovington

01:40:19 Rep. French

01:40:50 Ms. Bovington

01:43:45 Rep. Driscoll

01:44:59 Dir. Ferriter

01:48:55 Rep. O'Hara

01:49:18 Warden Mahoney

01:50:59 Rep. Jore

01:51:20 Sen. Perry

01:57:30 Ms. Bovington

01:59:40 Rep. Peterson

02:01:23 Dir. Ferriter

02:04:24 Rep. Gallik

02:06:15 Ms. Bovington

02:08:25 Rep. French

02:08:42 Ms. Bovington

02:08:58 Ms. Koch

02:09:58 Sen. Perry

02:11:45 Ms. Bovington

02:12:06 Rep. Rice

02:12:19 Ms. Bovington

02:14:39 Rep. Peterson

**Closing by Sponsor:**

02:15:25 Sen. Perry

02:19:28 Break

02:47:00 Reconvene

**HEARING ON SJR 7**

**Opening Statement by Sponsor:**

02:47:08 Sen. Greg Lind (D), SD 50, opened the hearing on SJR 7, Study requiring background checks for direct care workers.

**Proponents' Testimony:**

02:48:58 Mike Hanshew, Montana Health Solutions, Missoula, Montana, DBA-Nightingale Services

02:52:07 Robert Speirer, AARP-Montana

**EXHIBIT (7)**

02:55:13 Betty Beverly, Director, Montana Senior Citizens Association

02:55:56 Beth Brenneman, Montana Advocacy Program

**Opponents' Testimony:** None

**Informational Testimony:**

02:57:05 Jeff Buska, Administrator, Quality Assurance Division, Department of Public Health and Human Services, State of Montana

**Questions from Committee Members and Responses:**

02:57:58 Rep. O'Hara

02:58:30 Sen. Lind

02:59:15 Mr. Hanshew

03:01:15 Rep. Rice

03:01:21 Mr. Hanshew

**Closing by Sponsor:**

03:04:27 Sen. Lind

**HEARING ON SJR 2**

**Opening Statement by Sponsor:**

03:04:59 Sen. Frank Smith (D), SD 16, opened the hearing on SJR 2, Study DUI laws.

**Proponents' Testimony:**

03:06:52 Don Hargrove, Montana Addiction Services Providers

03:08:45 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association, Montana County Attorneys Association

03:09:53 Keith Allen, International Brotherhood of Electrical Workers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:10:44 Rep. Jore

03:11:11 Rep. Kottel

03:11:56 Rep. Raser

03:12:03 Sen. Smith

**Closing by Sponsor:**

03:13:09 Sen. Smith

**HEARING ON SJR 6**

**Opening Statement by Sponsor:**

03:14:37 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SJR 6, Juvenile justice interim study resolution.

**Proponents' Testimony:**

03:16:41 Steve Gibson, Director, Youth Services, Department of Corrections, State of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

03:18:16 Sen. Schmidt

**EXECUTIVE ACTION ON SJR 24**

03:20:06 **Motion:** Rep. Stoker moved that **SJR 24 BE CONCURRED IN.**

**Discussion:**

03:21:04 Rep. Jore  
03:22:15 Rep. Kottel  
03:23:47 Rep. Jore  
03:25:26 Rep. McGillvray  
03:26:39 Rep. Peterson

03:27:55 **Vote:** Motion that **SJR 24 BE CONCURRED IN** carried 10-7 by roll call vote with Reps. Stoker, Everett, Koopman, Kerns, Peterson, Jore, and Rice voting no. Reps. Everett and Kerns voted by proxy. Rep. McGillvray to on carry on the House Floor.

**EXECUTIVE ACTION ON SJR 7**

03:29:38 **Motion:** Rep. McGillvray moved that **SJR 7 BE CONCURRED IN.**

**Discussion:**

03:29:53 Rep. Peterson  
03:30:24 Rep. Raser  
03:30:58 Rep. O'Hara  
03:31:29 Rep. French

03:31:59 **Vote:** Motion that **SJR 7 BE CONCURRED IN** carried 9-8 by roll call vote with Reps. Stoker, Everett, Koopman, Kerns, Peterson, McGillvray, Jore, and Rice voting no. Reps. Everett and Kerns voted by proxy. Rep. Raser to carry on the House Floor.

**EXECUTIVE ACTION ON SJR 2**

03:33:01 **Motion:** Rep. Stoker moved that **SJR 2 BE CONCURRED IN.**

**Discussion:**

03:33:17 Rep. Stoker  
03:33:29 Rep. Gallik  
03:33:50 Rep. Peterson

03:34:53 Rep. O'Hara  
03:35:26 Rep. Ebinger

03:35:48 **Vote:** Motion that **SJR 2 BE CONCURRED IN** carried 9-8 by roll call vote with Reps. Stoker, Everett, Koopman, Kerns, McGillvray, Ward, Jore, and Rice voting no. Reps. Everett and Kerns voted by proxy. Rep. Cohenour to carry on the House Floor.

**EXECUTIVE ACTION ON SJR 6**

03:36:58 **Motion:** Rep. Stoker moved that **SJR 6 BE CONCURRED IN.**

**Discussion:**

03:37:13 Rep. Ebinger  
03:37:50 Rep. Raser  
03:38:44 Rep. French  
03:39:13 Rep. Peterson

03:39:58 **Vote:** Motion that **SJR 6 BE CONCURRED IN** carried 11-6 by voice vote with Reps. Stoker, Koopman, McGillvray, Jore, Everett, and Kerns voting no. Reps. Everett and Kerns voted by proxy. Rep. Ebinger to carry on the House Floor.

**EXECUTIVE ACTION ON SB 294**

03:41:20 **Motion:** Rep. Stoker moved that **SB 294 BE CONCURRED IN.**

**Discussion:**

03:41:51 Rep. Stoker  
03:42:27 Rep. Kottel  
03:43:57 Rep. Peterson  
03:44:36 Rep. Kottel  
03:46:07 Rep. Peterson  
03:46:27 Rep. Rice

03:46:49 **Vote:** Motion that **SJR 294 BE CONCURRED IN** failed 8-9 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, O'Hara, Kottel, and Ebinger voting aye. Reps. Everett and Kerns voted by proxy.

03:47:40 **Motion/Vote:** Rep. Stoker moved that **SB 294 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Reps. Everett and Kerns voted by proxy.

**ADDITIONAL EXHIBITS:**

Exhibit Received at the Conclusion of Hearing today RE: SB 142  
heard in Committee March 16, 2007:

**EXHIBIT (8)**

Exhibit Received at the Conclusion of Hearing today RE: SB 486  
heard in Committee March 27, 2007:

**EXHIBIT (9)**

Exhibit Received at the Conclusion of Hearing today RE: SB 486  
heard in Committee March 27, 2007:

**EXHIBIT (10)**

**ADJOURNMENT**

Adjournment: 11:48 A.M.

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REP. DIANE RICE, Chairman

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PAM SCHINDLER, Secretary

DR/ps