

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Diane Rice, on March 29, 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 424, SB 433, SB 437, 3/21/2007
Executive Action: SB 309, SB 318, SB 481, SB 486

HEARING ON SB 437

Opening Statement by Sponsor:

00:01:12 Sen. Jim Elliott (D), SD 7, opened the hearing on SB 437, Establish criteria for the office of sheriff.

Proponents' Testimony:

00:04:58 Jim Cashell, Gallatin County Sheriff Montana Sheriffs and Peace Officers Association

00:08:15 Rube Wrightsman, Undersheriff, Gallatin County Sheriff

Opponents' Testimony: None

Informational Testimony:

00:15:57 Kevin Olson, Administrator, Montana Law Enforcement Academy

Questions from Committee Members and Responses:

00:16:11 Rep. Jore
00:17:38 Sen. Elliott
00:19:38 Rep. Cordier
00:20:14 Sheriff Cashell
00:21:17 Rep. Kottel
00:21:40 Mr. Olson
00:27:34 Sheriff Cashell
00:34:58 Rep. French
00:35:46 Sheriff Cashell
00:43:59 Rep. Stoker
00:44:20 Mr. Olson
00:48:05 Rep. Gallik
00:48:26 Mr. Olson
00:51:53 Rep. Koopman
00:53:37 Sheriff Cashell
01:00:04 Rep. Ebinger
01:00:17 Sheriff Cashell
01:01:10 Rep. Peterson
01:03:02 Sen. Elliott
01:04:17 Rep. Rice
01:04:57 Sen. Elliott

Closing by Sponsor:

01:06:24__Sen. Elliott

HEARING ON SB 433

Opening Statement by Sponsor:

01:13:53 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 433, Allow termination of deferred or suspended sentences.

Proponents' Testimony:

01:27:31 Ron Alsbury, Bureau Chief, Parole and Probation Division, Department of Corrections, State of Montana
01:29:50 Larry Cutrone, for wife Rose LaFontise (ill and unable to attend)

EXHIBIT (juh67a01)

01:38:57 Diana Koch, Chief Legal Counsel, Department of Corrections, State of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:39:31 Rep. Stoker
01:40:08 Sen. Laslovich
01:41:34 Rep. McGillvray
01:41:53 Sen. Laslovich
01:42:15 Rep. Koopman
01:43:04 Sen. Laslovich
01:44:50 Rep. Peterson
01:45:19 Sen. Laslovich
01:49:42 Ms. Koch
01:50:38 Rep. Jore

Closing by Sponsor:

01:51:16__Sen. Laslovich

01:53:15__Break
02:15:30 Reconvene

HEARING ON SB 424

Opening Statement by Sponsor:

02:15:36 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 424, Revised uniform management of institutional funds.
EXHIBIT(juh67a02)

Proponents' Testimony:

02:20:52 Dan McLean, self, Attorney, Board Member of Montana Community Foundation

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:28:12 Rep. Kottel
02:29:11 Mr. McLean
02:43:52 Rep. Stoker
02:44:09 Mr. McLean
02:45:22 Rep. McGillvray
02:52:10 Rep. Stoker
02:52:56 Mr. McLean

Closing by Sponsor:

02:54:41 Sen. Moss

ADDITIONAL EXHIBIT:

Exhibit received for SB 547 heard in Committee on March 28, 2007
EXHIBIT(juh67a03)

EXECUTIVE ACTION ON SB 309

02:58:07 **Motion:** Rep. Stoker moved that **SB 309 BE CONCURRED IN.**

Discussion:

02:58:21 Rep. French
02:59:22 Rep. Rice

02:59:47 **Motion:** Rep. Peterson moved that **SB 309 BE AMENDED.**
EXHIBIT(juh67a04)

03:01:46 **Vote:** Motion that **SB 309 BE AMENDED** carried unanimously by voice vote. Reps. Gallik and Cordier voted by proxy.

03:02:00 **Motion:** Rep. Stoker moved that **SB 309 BE CONCURRED IN AS AMENDED.**

03:02:31 Rep. Driscoll

03:02:38 Rep. Peterson

03:03:02 Rep. Ebinger

03:03:44 **Vote:** Motion that **SB 309 BE CONCURRED IN AS AMENDED** carried 14-3 by roll call vote with Reps. Gallik, Cordier and Driscoll voting no. Reps. Gallik and Cordier voted by proxy. Rep. Peterson to carry on House Floor.

Rep. Cordier returned to the room; Chairman Rice allowed Rep. Cordier the option to change his vote. Rep. Cordier did change his vote to aye at that time. Therefore the recorded vote will be 15-2.

EXECUTIVE ACTION ON SB 318

03:05:21 **Motion:** Rep. Stoker moved that **SB 318 BE CONCURRED IN.**

Discussion:

03:05:36 Rep. Peterson

03:06:09 Rep. Raser

03:07:38 Rep. Kerns

03:08:45 Rep. Peterson

03:09:16 Rep. Kerns

03:09:43 Rep. Kottel

03:09:57 **Vote:** Motion that **SB 318 BE CONCURRED IN** carried 13-4 by roll call vote with Reps. Gallik, Raser, Driscoll, and Peterson voting no. Reps. Gallik and French voted by proxy. Rep. Kerns to carry on House Floor.

EXECUTIVE ACTION ON SB 481

03:12:14 **Motion:** Rep. Stoker moved that **SB 481 BE CONCURRED IN.**

03:13:04 **Motion:** Rep. Koopman moved that **SB 481 BE AMENDED.**

EXHIBIT(juh67a05)

Discussion:

03:16:35 David Niss, Legislative Services
03:18:06 Rep. Raser
03:19:35 Rep. Driscoll
03:20:22 Rep. Cordier

03:22:48 **Substitute Motion:** Rep. Koopman made a **SUBSTITUTE MOTION that SB 481 BE AMENDED in PARAGRAPH 8, STRIKE "ACKNOWLEDGMENT."**

Discussion:

03:23:22 Rep. Ebinger
03:24:38 Rep. French
03:24:47 Mr. Niss
03:25:21 Rep. Koopman
03:25:24 Rep. Stoker
03:25:44 Rep. Kottel

03:26:30 **Vote:** Motion that **SB 481 BE AMENDED** carried 13-4 by roll call vote with Reps. Gallik, French, Cordier, and Driscoll coting no. Rep. Gallik voted by proxy.

03:27:23 **Motion:** Rep. Stoker moved that **SB 481 BE CONCURRED IN AS AMENDED.**

Discussion:

03:27:36 Rep. Ward
03:28:33 Rep. Peterson
03:30:03 Rep. French
03:31:56 Rep. McGillvray
03:33:13 Rep. Kottel
03:36:19 Rep. Koopman

03:37:09 **Vote:** Motion that **SB 481 BE CONCURRED IN AS AMENDED** failed 6-11 by roll call vote with Reps. Gallik, French, Raser, Cordier, Driscoll, and Kottel voting aye. Rep. Gallik voting by proxy.

03:37:54 **Motion/Vote:** Rep. Stoker moved that **SB 481 BE TABLED AND THE VOTE REVERSED.** Motion carried 11-6 by voice vote with Reps. Gallik, French, Raser, Cordier, Driscoll, and Kottel voting no. Rep. Gallik voted by proxy.

EXECUTIVE ACTION ON SB 486

03:38:33 **Motion:** Rep. Stoker moved that **SB 486 BE CONCURRED IN.**

03:38:35 Chairman Rice postponed action on SB 486.

Additional Exhibits:

Exhibit received at the conclusion of the Hearing today for SB
337 heard on 3/26/07

EXHIBIT(juh67a06)

ADJOURNMENT

Adjournment: 11:39 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh67aad.pdf](#))