

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN DIANE RICE**, on January 6, 2005 at
8:00 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Diane Rice, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Ron Stoker, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Roger Koopman (R)
Rep. Tom McGillvray (R)
Rep. Mark E. Noennig (R)
Rep. Art Noonan (D)
Rep. John Parker (D)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Bill Wilson (D)
Rep. Jeanne Windham (D)

Members Excused: None.

Members Absent: Rep. Michael Lange (R)

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None
Executive Action: None

CHAIRMAN RICE opened the hearing by welcoming all the members of House Judiciary to this introductory meeting. **CHAIRMAN RICE** requested each member of the Committee to introduce themselves and give a brief history.

CHAIRMAN RICE introduced Mr. MacMaster, Legal Staffer, and Pam Schindler, Secretary, to House Judiciary Committee members.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 168}

CHAIRMAN RICE proceeded to explain to committee members general "housekeeping" rules regarding: cell phones/pages, microphones, being respectful of one another and respectful of individuals testifying, being prompt and present to committee hearings, etc.

CHAIRMAN RICE further explained to committee members that no tabled bills will be able to be moved back on table unless members are present and voting. No proxy votes can be used regarding this motion. The chairman informed the Committee that due to the new members on the Committee, conceptual amendments will be allowed for the present time.

Members of the Committee were informed that for now, the hearing time on Mondays will be 9:00 a.m. This is to accommodate those members who may need additional time traveling to and from their districts each weekend. This time could change if the Committee becomes too backlogged with bills. **CHAIRMAN RICE** informed the Committee that due to the large number of DUI and open container bills, the House and Senate Judiciary Committees will hold joint hearings.

{Tape: 1; Side: A; Approx. Time Counter: 168 - 206}

CHAIRMAN RICE asked committee members if there were any questions. **REP. CLARK** inquired about the disposition of untabled bills with regard to even votes, leaving bills in "limbo," and how these bills can appear again. **CHAIRMAN RICE** requested that bills that are in Executive Action be motioned "Do Pass." A Substitute Motion for the bill to be "Tabled" can happen after the "Discussion" portion of Executive Action. The Chairman further stated that a "Tabled" bill will require a majority vote.

REP. PARKER inquired whether proxy votes would be permitted in procedural motions; **CHAIRMAN RICE** stated proxy votes can be used in procedural instances, but not to remove a bill from the table.

{Tape: 1; Side: A; Approx. Time Counter: 206 - 256}

CHAIRMAN RICE introduced **Karla Gray, Chief Justice of the Montana Supreme Court**. **Justice Gray** gave a brief history of her days as a lobbyist and testifying before the House Judiciary Committee. She stated that many of the bills this Committee will act upon have far-reaching consequences to the Department of Corrections and the Attorney General's office with regard to appropriations of monies and staffing, etc. **Justice Gray** informed committee members of her direct phone line and her assistant Jim Oppedahl's direct lines for any questions or help committee members need.
{Tape: 1; Side: B; Approx. Time Counter: 256 - 460}

CHAIRMAN RICE introduced **Mike McGrath, Attorney General**, who explained to committee members the various departments of the Attorney General; i.e., prosecutions, investigations, the law enforcement academy, motor vehicle department and the highway patrol. **Mr. McGrath** offered his department's services for the committee members.

{Tape: 1; Side: B; Approx. Time Counter: 41 - 81}

CHAIRMAN RICE introduced **Bill Slaughter, Director of Corrections (DOC)**, who informed the Committee of how his department deals with the financial/personnel/rehabilitation ramifications of this Committee's decisions. He informed the Committee how the offender population in Montana and Montana State Prison has changed for both male and female. Methamphetamine has had a huge impact on Montana. Thereby different modes of treatment, incarceration and community services must be implemented. **Director Slaughter** acknowledged Joe Williams also with DOC. **REPS. WILSON** and **STOKER** asked Director Slaughter questions regarding the cost to keep an offender incarcerated and why the Shelby Corrections Center is full to capacity.

CHAIRMAN RICE asked for anyone in the audience to introduce themselves to the committee members. **Jim Smith, Montana County Attorneys Association** and **Montana Police Officers Association** spoke briefly to the Committee. **Karl Olson, PRIDE**, also introduced himself to the members. **CHAIRMAN RICE** thanked the three attorneys on the Committee, **REPS. NOENNIG, PARKER** and **HARRIS**, for their contributions to the Committee regarding legal matters. **REP. PARKER** spoke briefly regarding the Montana Code Annotated(MCA)books that are available to the Committee members.
{Tape: 1; Side: B; Approx. Time Counter: 81 - 307}

ADJOURNMENT

Adjournment: 9:01 A.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/PS

Additional Exhibits:

EXHIBIT ([juh04aad0.PDF](#))