

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **VICE-CHAIRMAN RON STOKER**, on April 1, 2005 at 8:00 A.M., in Room 137 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: Rep. Michael Lange (R)

Members Absent: None.

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, 4/5/2005
Executive Action: HB 794, SB 199, 200, 429, 430, 468,
493-Tabled; SB-504, 80, 207, 381,
407-Do Concur; SB-146, 452, 119,
344, 122, 196, 279, 406-Do Concur

As Amended, SJR 6, SB 402, 378,
447, 485-Tied

(Please Note: REPS. LANGE, RICE, KOOPMAN, and PARKER absent from the room.)

EXECUTIVE ACTION ON SB 146

Motion: REP. WILSON moved that SB 146 BE CONCURRED IN.

Motion: REP. MCGILLVRAY moved that SB 146 BE AMENDED with an amendment that was distributed at the hearing, 146.08.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 39; Comments: This amendment adds Flathead County to the list of amendments. }

Vote: Motion that SB 146 BE AMENDED carried unanimously by voice vote. (REPS. LANGE, RICE, KOOPMAN and PARKER voted by proxy vote.)

Motion: REP. NOENNIG moved that SB 146 BE AMENDED with an amendment that was distributed at the hearing, 146.20.

{Tape: 1; Side: A; Approx. Time Counter: 39 - 60; Comments: Technical Correction by Sen. McGee to make entitlement share work.}

Vote: Motion that SB 146 BE AMENDED carried unanimously by voice vote. (REPS. LANGE, RICE, KOOPMAN and PARKER voted by proxy vote.)

Motion: REP. MCGILLVRAY moved that SB 146 BE AMENDED with an amendment that was distributed at the hearing, 146.09.

{Tape: 1; Side: A; Approx. Time Counter: 60 - 80; Comments: This is for sharing of the audit costs between co's. and state and ret'd to 50-50.}

Vote: Motion that SB 146 BE AMENDED carried unanimously by voice vote. (REPS. LANGE, RICE, KOOPMAN and PARKER voted by proxy vote.)

(The committee discussed the bill prior to making a motion to Do Concur As Amended.)

Discussion:

REP. GUTSCHE spoke to the committee about the MACo amendment.

SEN. MCGEE was in the room and also discussed the amendments and the bill with the committee members.

Motion: REP. GUTSCHE moved that SB 146 BE AMENDED with an amendment that was distributed at the hearing, MACo amendment.
{Tape: 1; Side: A; Approx. Time Counter: 80 - 220; Comments: For P. 86, L. 27, Strike Sub Sect.7 insert new Sub. Sect. 7}

(Please Note: REP. RICE and REP. KOOPMAN returned to the room.)
(Please Note: REP. WILSON absent from the room.)

Discussion:

The committee continued to discuss the amendment that REP. GUTSCHE had put forth previously.

Motion: REP. NOONAN moved that THE AMENDMENT BE DIVIDED (as a matter of personal right, no vote necessary.) THIS WOULD BE TO 1) SEGREGATE THE DATES TO ONE-HALF (50%) EACH, FROM THE 2) AMOUNT OF PERCENTAGES EACH DATE.

Discussion:

Mr. MacMaster explained what REP. NOONAN would like to accomplish by the division of the amendment.

Vote: Motion that SB 146 BE AMENDED carried 15-3 by voice vote with REP. EVERETT, REP. LANGE, and REP. WARD voting no.
{Tape: 1; Side: A; Approx. Time Counter: 220 - 512; Comments: Change to two dates with 50% each date.} (REPS. LANGE and PARKER voted by proxy vote.)

Vote: Motion that SB 146 BE AMENDED carried 10-8 by roll call vote with REP. BECKER, REP. EVERETT, REP. LANGE, REP. NOONAN, REP. RICE, REP. SONJU, REP. STOKER, and REP. WINDHAM voting no.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 44; Comments: Change to 12.5% from 25% and 25% from 50% each date.} (REPS. LANGE, PARKER and WILSON (REP. WILSON voted with REP. PARKER on amendment) voted by proxy vote.)

Motion: REP. NOENNIG moved that SB 146 BE AMENDED with an amendment that was distributed at the hearing.)

Discussion:

The committee discussed the amendment that would remove Butte as the city that the Public Defenders Headquarters would be located in.

REP. NOENNIG without objection WITHDREW THE AMENDMENT.
{Tape: 1; Side: B; Approx. Time Counter: 44 - 145}

Motion/Vote: REP. STOKER moved that SB 146 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. (REPS. LANGE, PARKER and WILSON voted by proxy vote.) (REP. PARKER to carry.)
{Tape: 1; Side: B; Approx. Time Counter: 145 - 160}

EXECUTIVE ACTION ON SB 80

Motion: REP. STOKER moved that SB 80 BE CONCURRED IN.

Discussion:

REP. HARRIS proposed to postpone action on SB 80 until HB 91 is resolved. CHAIRMAN RICE ruled to go ahead with Executive Action on SB 80 now.

Motion: REP. HARRIS moved that SB 80 BE AMENDED.
[EXHIBIT](#) (juh69a01)

Discussion:

There was discussion among the committee members about the amendment.

{Tape: 1; Side: B; Approx. Time Counter: 160 - 295}

Vote: Motion that SB 80 BE AMENDED failed 8-10 by roll call vote with REP. CLARK, REP. GUTSCHE, REP. HARRIS, REP. MCGILLVRAY, REP. NOENNIG, REP. NOONAN, REP. PARKER, and REP. WINDHAM voting aye. (REPS. LANGE, PARKER and WILSON voted by proxy vote.)

Vote: Motion that SB 80 BE CONCURRED IN carried 11-7 by roll call vote with REP. CLARK, REP. EVERETT, REP. KOOPMAN, REP. RICE, REP. SONJU, REP. WARD, and REP. WINDHAM voting no. (REPS. LANGE, PARKER and WILSON voted by proxy vote.) (REP. HARRIS to carry.)
{Tape: 1; Side: B; Approx. Time Counter: 295 - 335}

EXECUTIVE ACTION ON SB 504

Motion/Vote: REP. STOKER moved that SB 504 BE CONCURRED IN. Motion carried 17-1 by voice vote with REP. WINDHAM voting no. (REPS. LANGE, PARKER and WILSON voted by proxy vote.) (REP. STOKER to carry.)
{Tape: 1; Side: B; Approx. Time Counter: 335 - 372}

EXECUTIVE ACTION ON SJR 6

Motion: REP. DRISCOLL moved that SJR 6 BE CONCURRED IN.

Motion: REP. NOONAN moved that SJR 6 BE AMENDED with a CONCEPTUAL AMENDMENT TO ADD ANOTHER STUDY OF "AT-RISK" FAMILIES.

Discussion:

Mr. MacMaster explained the amendment to the committee.

Vote: Motion that SJR 6 BE AMENDED carried 10-8 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WINDHAM voting no. (REPS. LANGE, PARKER and WILSON voted by proxy vote.)
{Tape: 1; Side: B; Approx. Time Counter: 372 - 454}

REP. NOENNIG requested that Mr. MacMaster explain the other amendment (06-02) that SEN. WHEAT had presented to Mr. MacMaster.
[EXHIBIT\(juh69a02\)](#)

Motion/Vote: REP. NOENNIG moved that SJR 6 BE AMENDED. Motion carried 10-8 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no. (REPS. LANGE, PARKER and WILSON voted by proxy vote.)
{Tape: 1; Side: B; Approx. Time Counter: 454 - 500}
{Tape: 2; Side: A; Approx. Time Counter: 0 - 11}

Motion: REP. NOENNIG moved that SJR 6 BE CONCURRED IN AS AMENDED.

Discussion:

(Please Note: REP. WILSON returned to the room.)

The committee discussed the bill as to the costs of studies to be done by Interim Committees.

Vote: Motion that SJR 6 BE CONCURRED IN AS AMENDED failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOENNIG, REP. NOONAN, REP. PARKER, and REP. WILSON voting aye. (REPS. HARRIS, LANGE and PARKER voted by proxy vote.)
{Tape: 2; Side: A; Approx. Time Counter: 11 - 88}

EXECUTIVE ACTION ON SB 279

Motion: REP. MCGILLVRAY moved that SB 279 BE CONCURRED IN.

Motion: REP. MCGILLVRAY moved that SB 279 BE AMENDED.

[EXHIBIT](#)(juh69a03)

(Please Note: REP. HARRIS returned to the room.)

Discussion:

Mr. MacMaster explained the amendment to the committee members.

Vote: Motion that SB 279 BE AMENDED carried unanimously by voice vote. (REPS. LANGE and PARKER voted by proxy vote.)

Motion/Vote: REP. MCGILLVRAY moved that SB 279 BE CONCURRED IN AS AMENDED. Motion carried 14-4 by roll call vote with REP. LANGE, REP. NOENNIG, REP. STOKER, and REP. WARD voting no. (REPS. LANGE and PARKER voted by proxy vote.) (REP. DRISCOLL to carry.)
{Tape: 2; Side: A; Approx. Time Counter: 95 - 237}

EXECUTIVE ACTION ON SB 402

Motion/Vote: REP. WARD moved that SB 402 BE CONCURRED IN. Motion failed 9-9 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. NOENNIG, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting aye. (REPS. KOOPMAN, LANGE, PARKER and WILSON voted by proxy vote.)
{Tape: 2; Side: A; Approx. Time Counter: 237 - 362}

EXECUTIVE ACTION ON SB 406

Motion: REP. GUTSCHE moved SB 406 BE CONCURRED IN.

Motion: REP. WINDHAM moved that SB 406 BE AMENDED with a CONCEPTUAL AMENDMENT TO STRIKE SECTIONS 3 AND 4.

Vote: Motion that SB 406 BE AMENDED carried 17-1 by voice vote with REP. GUTSCHE voting no. (REPS. LANGE, PARKER, WILSON, and KOOPMAN voted by proxy.)

Motion/Vote: REP. MCGILLVRAY moved that SB 406 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. (REPS. KOOPMAN, LANGE, PARKER and WILSON voted by proxy vote.) (REP. WILSON voted with REP. PARKER.) (REP. MCGILLVRAY to carry.)

{Tape: 2; Side: A; Approx. Time Counter: 362 - 500}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 36}

EXECUTIVE ACTION ON SB 196

(Please Note: REP. WILSON returned to the room.)

Motion: REP. HARRIS moved that SB 196 BE CONCURRED IN.

Motion: REP. NOENNIG moved that SB 196 BE AMENDED with a GREY BILL.

[EXHIBIT\(juh69a04\)](#)

[EXHIBIT\(juh69a05\)](#)

Discussion:

Mr. MacMaster explained the amendment and Grey Bill to the committee members. There was much discussion among the committee members.

(Please Note: A Grey Bill is what a bill looks like after the amendments are added in.)

Vote: Motion that SB 196 BE AMENDED carried unanimously by voice vote. (REPS. KOOPMAN, LANGE and PARKER voted by proxy votes.)

{Tape: 2; Side: B; Approx. Time Counter: 36 - 305}

Discussion:

There was discussion among the committee members about the amendments and the Grey Bill implications, its passage through Conference Committees and finally, the House Floor. REP. NOENNIG explained to the committee that SEN. WHEAT will accept the amendments and the process in which SB 196 will pass through.

(Please Note: REP. GUTSCHE absent from the room.)

Motion/Vote: REP. HARRIS moved that SB 196 BE CONCURRED IN AS AMENDED. Motion carried 13-5 by roll call vote with REP. GUTSCHE, REP. LANGE, REP. RICE, REP. SONJU, and REP. STOKER voting no. (REPS. GUTSCHE, KOOPMAN, LANGE and PARKER voted by proxy votes.) (REP. HARRIS to carry.)

{Tape: 2; Side: B; Approx. Time Counter: 305 - 419}

EXECUTIVE ACTION ON SB 468

Motion: REP. EVERETT moved that SB 468 BE CONCURRED IN.

Motion: REP. NOENNIG moved that SB 468 BE AMENDED with a CONCEPTUAL AMENDMENT.

(Please REP. GUTSCHE returned to the room.)

Discussion:

Mr. MacMaster explained the amendment to the committee members. The amendment would be for Page 1, Line 21, after the words "extracurricular activities," insert, "unless one of the following agrees..."

{Tape: 3; Side: A; Approx. Time Counter: 0 - 18; Comments: Mr. MacMaster explained the amendment more fully to the committee members.}

Vote: Motion that SB 468 BE AMENDED carried 11-7 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, and REP. WINDHAM voting no. (REPS. KOOPMAN, LANGE, PARKER voted by proxy vote.) NOTE: Discrepancy between recorded vote and proxy for REP. LANGE.

Motion: REP. STOKER moved that SB 468 BE CONCURRED IN AS AMENDED.

Substitute Motion/Vote: REP. MCGILLVRAY made a substitute motion that SB 468 BE TABLED. Substitute motion carried 17-1 by voice vote with REP. GUTSCHE voting no. (REPS. KOOPMAN, LANGE, PARKER voted by proxy vote.)

{Tape: 3; Side: A; Approx. Time Counter: 18 - 52}

EXECUTIVE ACTION ON SB 200

Motion: REP. DRISCOLL moved that SB 200 BE CONCURRED IN.

Substitute Motion/Vote: REP. SONJU made a substitute motion that SB 200 BE TABLED. Substitute motion carried 11-7 by roll call vote with REP. BECKER, REP. CLARK, REP. GUTSCHE, REP. HARRIS, REP. PARKER, REP. WILSON, and REP. WINDHAM voting no. (REPS. KOOPMAN, LANGE, PARKER voted by proxy vote.)

{Tape: 3; Side: A; Approx. Time Counter: 52 - 100}

EXECUTIVE ACTION ON SB 122

Motion: REP. DRISCOLL moved that SB 122 BE CONCURRED IN.

Motion: REP. WINDHAM moved that SB 122 BE AMENDED.

[EXHIBIT](#)(juh69a06)

REP. NOENNIG explained the amendment regarding a structured settlement to the committee members.

{Tape: 3; Side: A; Approx. Time Counter: 100 - 145}

Vote: Motion that SB 122 BE AMENDED carried unanimously by voice vote.

Motion/Vote: REP. DRISCOLL moved that SB 122 BE CONCURRED IN AS AMENDED. Motion carried 10-8 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no. (REPS. KOOPMAN, LANGE, PARKER voted by proxy vote.) (REP. NOONAN to carry.)

{Tape: 3; Side: A; Approx. Time Counter: 145 - 194}

EXECUTIVE ACTION ON SB 207

(Please Note: REP. PARKER returned to the room.)

Motion/Vote: REP. MCGILLVRAY moved that SB 207 BE CONCURRED IN.

Motion carried unanimously by voice vote. (REPS. KOOPMAN and LANGE voted by proxy vote.) (REP. SONJU to carry.)

{Tape: 3; Side: A; Approx. Time Counter: 194 - 238}

EXECUTIVE ACTION ON SB 378

Motion: REP. HARRIS moved that SB 378 BE CONCURRED IN.

Substitute Motion/Vote: REP. STOKER made a substitute motion that SB 378 BE TABLED. Substitute motion failed 9-9 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. NOENNIG, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting aye. (REPS. KOOPMAN, LANGE and WILSON voted by proxy vote.)

(Please Note: REP. CLARK absent from the room.)

Vote: Motion that SB 378 BE CONCURRED IN failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye. (REPS. CLARK, KOOPMAN, LANGE AND WILSON voted by proxy vote.)

{Tape: 3; Side: A; Approx. Time Counter: 238 - 351}

EXECUTIVE ACTION ON SB 381

Motion/Vote: REP. WINDHAM moved that SB 381 BE CONCURRED IN.
Motion carried unanimously by voice vote. (REPS. CLARK, KOOPMAN,
LANGE AND WILSON voted by proxy vote.) (REP. NOENNIG to carry.)
{Tape: 3; Side: A; Approx. Time Counter: 351 - 388}

EXECUTIVE ACTION ON SB 199

Motion: REP. WINDHAM moved that SB 199 BE CONCURRED IN.

(Please Note: REPS. BECKER, NOONAN, WARD absent from the room,
REP. CLARK returned to the room.)

Discussion:

REP. WINDHAM informed the committee that she had spoken with the
sponsor, SEN. TOOLE, who stated that he would not accept any
amendments and would rather, "allow the bill to die."

Substitute Motion/Vote: REP. WINDHAM made a substitute motion
that SB 199 BE TABLED. Substitute motion carried 10-8 by roll
call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP.
GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, and REP. WILSON
voting no. (REPS. BECKER, KOOPMAN, LANGE, NOONAN, WARD, and
WILSON voted by proxy vote.)
{Tape: 3; Side: A; Approx. Time Counter: 388 - 445}

EXECUTIVE ACTION ON SB 430

Motion: REP. DRISCOLL moved that SB 430 BE CONCURRED IN.

(Please Note: REP. BECKER returned to the room.)

Discussion:

The committee discussed the bill briefly.

Substitute Motion/Vote: REP. SONJU made a substitute motion that
SB 430 BE TABLED. Substitute motion carried 17-1 by voice vote
with REP. BECKER voting no. (REPS. KOOPMAN, LANGE, NOONAN, WARD,
and WILSON voted by proxy vote.)
{Tape: 3; Side: A; Approx. Time Counter: 445 - 500}
{Tape: 3; Side: B; Approx. Time Counter: 0 - 20}

EXECUTIVE ACTION ON SB 452

(Please Note: REPS. NOONAN and WARD returned to room.)

Motion: REP. STOKER moved that SB 452 BE CONCURRED IN.

Motion: REP. DRISCOLL moved that SB 452 BE AMENDED with a CONCEPTUAL AMENDMENT FOR PAGE 2, LINE 7.

{Tape: 3; Side: B; Approx. Time Counter: 20 - 118; Comments: The amendment would be to change 36 hours back to 72 hours.}

Vote: Motion that SB 452 BE AMENDED carried unanimously by voice vote. (REPS. KOOPMAN, LANGE and WILSON voted by proxy vote.)

Motion: REP. WINDHAM moved that SB 452 BE CONCURRED IN AS AMENDED.

Discussion:

REP. CLARK proposed an amendment to change the words "up to" on Page 2, Line 13 and Page 2, Line 7.

Motion: REP. CLARK moved that SB 452 BE AMENDED with a CONCEPTUAL AMENDMENT.

Discussion:

The committee discussed the amendment briefly.

{Tape: 3; Side: B; Approx. Time Counter: 118 - 175}

Vote: Motion that SB 452 BE AMENDED carried 15-3 by voice vote with REP. NOENNIG, REP. STOKER, and REP. WARD voting aye. (REPS. KOOPMAN, LANGE and WILSON voted by proxy vote.)

(Please Note: REP. WILSON returned to the room.)

Vote: Motion that SB 452 BE CONCURRED IN AS AMENDED carried 17-1 by roll call vote with REP. RICE voting no. (REPS. KOOPMAN and LANGE voted by proxy vote.) (REP. WINDHAM to carry.)

{Tape: 3; Side: B; Approx. Time Counter: 175 - 244}

EXECUTIVE ACTION ON SB 429

Motion: REP. STOKER moved that SB 429 BE CONCURRED IN.

Motion/Vote: REP. NOENNIG moved that SB 429 BE AMENDED. Motion carried unanimously by voice vote. (REPS. KOOPMAN and LANGE voted by proxy vote.)

[EXHIBIT](#)(juh69a07)

{Tape: 3; Side: B; Approx. Time Counter: 244 - 281}

(Please Note: REP. WILSON absent from the room.)

Motion/Vote: REP. STOKER moved that SB 429 BE CONCURRED IN AS AMENDED. Motion failed 7-11 by roll call vote with REP. BECKER, REP. DRISCOLL, REP. HARRIS, REP. NOENNIG, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye. (REPS. KOOPMAN, LANGE and WILSON voted by proxy vote.)

Motion/Vote: REP. WINDHAM moved that SB 429 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously.

{Tape: 3; Side: B; Approx. Time Counter: 281 - 350}

(Please Note: REP. KOOPMAN AND WILSON returned to the room.)

EXECUTIVE ACTION ON SB 344

Motion: REP. PARKER moved that SB 344 BE CONCURRED IN.

Motion/Vote: REP. PARKER moved that SB 344 BE AMENDED. Motion carried unanimously by voice vote. (REP. LANGE voted by proxy vote.)

[EXHIBIT](#)(juh69a08)

{Tape: 3; Side: B; Approx. Time Counter: 350 - 405}

Motion: REP. WINDHAM moved that SB 344 BE CONCURRED IN AS AMENDED.

Motion: REP. NOENNIG moved that SB 344 BE AMENDED with a CONCEPTUAL AMENDMENT to STRIKE THE LANGUAGE ON PAGE 1, LINE 29 THROUGH PAGE 2, LINE 5.

{Tape: 3; Side: B; Approx. Time Counter: 405 - 446}

Discussion:

The committee discussed the bill as to "what is left of the bill?" REP. NOONAN stated, "...if this amendment is passed, the truckers and the Chambers of Commerce will be lost [as supporters]."

{Tape: 3; Side: B; Approx. Time Counter: 446 - 500; Comments: The committee continued to discuss and ask questions about SB 344.}

REP. STOKER and REP. NOENNIG discussed the amendment as to the "vicarious liability" and "direct liability" of the employer and if either of the liabilities apply towards punitive damages.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 36}

Vote: Motion that SB 344 BE AMENDED failed by voice vote.

CHAIRMAN RICE ruled the motion failed on a voice vote without a specific voice count.

Vote: Motion that SB 344 BE CONCURRED IN AS AMENDED carried 10-8 by roll call vote with REP. CLARK, REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, and REP. STOKER voting no. (REP. LANGE voted by proxy vote.) (REP. PARKER to carry.)

{Tape: 4; Side: A; Approx. Time Counter: 36 - 73}

EXECUTIVE ACTION ON SB 493

Motion: REP. DRISCOLL moved that SB 493 BE CONCURRED IN.

Motion: REP. KOOPMAN moved that SB 493 BE AMENDED.

EXHIBIT (juh69a09)

Discussion:

REP. KOOPMAN explained the amendment to the committee regarding the automatic suspension of the drivers license. The committee discussed the amendment as to the ramifications of civil liberties, the survey that would be mandatory and the reporting of the violation.

{Tape: 4; Side: A; Approx. Time Counter: 73 - 144}

CHAIRMAN RICE ruled the motion failed on a voice vote without a specific voice count.

Motion: REP. MCGILLVRAY moved that SB 493 BE AMENDED with a CONCEPTUAL AMENDMENT TO STRIKE ALL OF SECTION 1.

Discussion:

REP. NOENNIG queried Mr. MacMaster about the striking of Section 1 and would the would Section 2 need to be stricken also.

(Please Note: REP. HARRIS was absent from the room.)

REP. MCGILLVRAY, without objection, WITHDREW THE AMENDMENT.

{Tape: 4; Side: A; Approx. Time Counter: 144 - 160}

Substitute Motion/Vote: REP. EVERETT made a substitute motion that SB 493 BE TABLED. Substitute motion carried 10-8 by roll call vote with REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. MCGILLVRAY, REP. NOENNIG, REP. PARKER, REP. SONJU, and REP. WILSON voting no. (REPS. HARRIS and LANGE voted by proxy vote.)

{Tape: 4; Side: A; Approx. Time Counter: 160 - 210}

EXECUTIVE ACTION ON HB 794

Motion/Vote: REP. STOKER moved that HB 794 BE TABLED. Motion carried 17-1 by voice vote with REP. NOONAN voting no. (REPS. HARRIS and LANGE voted by proxy vote.)

{Tape: 4; Side: A; Approx. Time Counter: 210 - 243}

EXECUTIVE ACTION ON SB 447

(Please Note, REP. HARRIS returned to the room, REP. CLARK is absent from the room.)

Motion: REP. DRISCOLL moved that SB 447 BE CONCURRED IN.

Motion: REP. NOONAN moved that SB 447 BE AMENDED.

Discussion:

Mr. MacMaster informed the committee that there was an amendment distributed at the hearing that has since been changed.

{Tape: 4; Side: A; Approx. Time Counter: 243 - 319}

Substitute Motion/Vote: REP. STOKER made a substitute motion that SB 447 BE TABLED. Substitute motion failed 9-9 by roll call vote with REPS. STOKER, EVERETT, KOOPMAN, LANGE, MCGILLVRAY, NOENNIG, SONJU, WARD AND RICE voting aye. (REPS. CLARK and LANGE voted by proxy vote.)

{Tape: 4; Side: A; Approx. Time Counter: 319 - 338}

REP. NOONAN without objection, WITHDREW AMENDMENT.

(Please Note: REP. CLARK returned to the room.)

Vote: Motion that SB 447 BE CONCURRED IN failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye. (REP. LANGE voted by proxy vote.)
{Tape: 4; Side: A; Approx. Time Counter: 338 - 387}

EXECUTIVE ACTION ON SB 119

Motion/Vote: REP. GUTSCHE moved that SB 119 BE CONCURRED IN AS AMENDED. Motion carried 10-8 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no. (REP. LANGE voted by proxy vote.) (REP. GUTSCHE to carry.)
{Tape: 4; Side: A; Approx. Time Counter: 387 - 455; Comments: The amendment was added at the time of the hearing that addressed the parents "getting a fair shot."}

EXECUTIVE ACTION ON SB 407

Motion: REP. MCGILLVRAY moved that SB 407 BE CONCURRED IN.

Discussion:

There was much discussion among the committee members about SB 407. REP. MCGILLVRAY shared with the members about his daughter who received an MIP and his requirement that she write a 10,000 word essay on the perils of drinking, etc.

Vote: Motion SB 407 BE CONCURRED IN carried 11-7 by roll call vote with REP. BECKER, REP. EVERETT, REP. KOOPMAN, REP. NOONAN, REP. RICE, REP. SONJU, and REP. WARD voting no. (REP. LANGE voted by proxy vote.) (REP. MCGILLVRAY to carry.)
{Tape: 4; Side: A; Approx. Time Counter: 455 - 500}
{Tape: 4; Side: B; Approx. Time Counter: 0 - 32}

EXECUTIVE ACTION ON SB 485

Motion: REP. WINDHAM moved that SB 485 BE CONCURRED IN.

Motion: REP. WINDHAM moved that SB 485 BE AMENDED.

Discussion:

This amendment is 485.01avl distributed at the hearing.

{Tape: 4; Side: B; Approx. Time Counter: 32 - 53; Comments: The amendment addressed the concerns of the Dept. of Corr.}

Vote: Motion that SB 485 BE AMENDED carried unanimously by voice vote.

Motion: REP. WINDHAM moved that SB 485 BE CONCURRED IN AS AMENDED.

Motion: REP. GUTSCHE moved that SB 485 BE AMENDED.
[EXHIBIT](#)(juh69a10)

Discussion:

This is amendment 485.01 ajm (second 485.01) **Mr. MacMaster** explained the amendment to the committee members.

(Please Note: REP. KOOPMAN absent from the room.)

{Tape: 4; Side: B; Approx. Time Counter: 53 - 98}

Vote: Motion that SB 485 BE AMENDED carried 10-8 by voice vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting no. (REPS. LANGE and KOOPMAN voted by proxy vote.)

Motion: REP. GUTSCHE moved that SB 485 BE AMENDED.
[EXHIBIT](#)(juh69a11)

Discussion:

There was discussion between REP. GUTSCHE and REP. STOKER about the language already in the MCA.

{Tape: 4; Side: B; Approx. Time Counter: 98 - 131; Comments: Adds on Page 2, Line 10, which must include a definition of next-of-kin.}

Substitute Motion/Vote: REP. STOKER made a substitute motion that SB 485 BE TABLED. Substitute motion failed 9-9 by roll call vote with REP. EVERETT, REP. KOOPMAN, REP. LANGE, REP. MCGILLVRAY, REP. NOENNIG, REP. RICE, REP. SONJU, REP. STOKER, and REP. WARD voting aye. (REPS. LANGE and KOOPMAN voted by proxy vote.)

{Tape: 4; Side: B; Approx. Time Counter: 131 - 144}

Motion: REP. STOKER moved for adjournment.

Discussion: CHAIRMAN RICE denied the motion.

Vote: Motion that SB 485 BE AMENDED failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye. (REPS. LANGE and KOOPMAN voted by proxy vote.)

Vote: Motion that SB 485 BE CONCURRED IN AS AMENDED failed 9-9 by roll call vote with REP. BECKER, REP. CLARK, REP. DRISCOLL, REP. GUTSCHE, REP. HARRIS, REP. NOONAN, REP. PARKER, REP. WILSON, and REP. WINDHAM voting aye. (REPS. LANGE and KOOPMAN voted by proxy vote.)

{Tape: 4; Side: B; Approx. Time Counter: 144 - 166}

REP. GUTSCHE requested a Point of Order; regarding outstanding bills that still need Executive Action.

CHAIRMAN RICE ruled that House Judiciary Committee would meet at 7:00 A.M. the next day, Saturday, April 2, 2005.

{Tape: 4; Side: B; Approx. Time Counter: 166 - 200}

ADJOURNMENT

Adjournment: 12:30 P.M.

REP. DIANE RICE, Chairman

PAM SCHINDLER, Secretary

DR/ps

Additional Exhibits:

EXHIBIT ([juh69aad0.PDF](#))