

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

00:00:20 **Call to Order:** By Chairman Ron Stoker, on January 13, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

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: HB 150; 1/9/2009
Executive Action: HB 149, HB 122

HEARING ON HB 150**Opening Statement by Sponsor:**

00:01:21 **REP. DEE BROWN (R), HD 3**, opened the hearing on **HB 150**,
Montana recreation safety act.

Proponents' Testimony:

00:04:28 Chairman Stoker
00:06:16 Jay Robson, Missoula Convention and Visitors Bureau and
Glacier Country Regional Tourism Board
00:07:29 Chairman Stoker
00:08:54 Tracey Knutson, Attorney, Recreation and Adventure
Sports
00:09:51 Chairman Stoker
00:09:55 Ms. Knutson
00:10:08 Chairman Stoker
00:10:10 Ms. Knutson
00:18:33 Chairman Stoker
00:18:56 Rep. Peterson
00:19:06 Ms. Knutson
00:19:13 Rep. Peterson
00:19:15 Chairman Stoker
00:19:16 Rep. Peterson
00:19:20 Ms. Knutson
00:19:24 Rep. Peterson
00:19:25 Chairman Stoker
00:19:28 Rep. Peterson
00:19:35 Ms. Knutson
00:20:13 Rep. Peterson
00:20:14 Chairman Stoker
00:20:15 Rep. Peterson
00:20:27 Ms. Knutson
00:20:41 Rep. Peterson
00:20:44 Chairman Stoker
00:21:11 Rep. Blewett
00:21:25 Ms. Knutson
00:21:41 Chairman Stoker
00:21:47 Rep. Blewett
00:21:50 Chairman Stoker
00:21:54 Rep. Blewett
00:22:16 Ms. Knutson
00:24:11 Chairman Stoker
00:24:17 Rep. Blewett
00:25:36 Ms. Knutson

00:28:00 Chairman Stoker
00:28:13 Rep. Knutson
00:28:21 Chairman Stoker
00:28:44 Bob Jordan, licensed outfitter and certified recreation therapist

EXHIBIT (juh07a01)

Rep. Sands leaves meeting.

00:33:53 Chairman Stoker
00:34:02 Cory Swanson, Citizens for Balanced Use
00:39:00 Chairman Stoker
00:39:05 David Smith, Bozeman Chamber of Commerce
00:40:06 Chairman Stoker
00:40:10 Stuart Doggett, Montana Innkeepers Association
00:41:42 Chairman Stoker
00:41:51 Ronda Wiggers, Montana Snowmobile Association
00:44:09 Chairman Stoker
00:44:27 Jean Johnson, Montana Outfitters and Guides Association

EXHIBIT (juh07a02)

00:48:32 Chairman Stoker
00:48:38 Ms. Johnson
00:48:40 Chairman Stoker
00:48:46 Robin Cunningham, Fishing Outfitters Association of Montana
00:50:41 Chairman Stoker

Opponents' Testimony:

00:51:10 Al Smith, Executive Director, Montana Trial Lawyers Association

EXHIBIT (juh07a03)

01:09:23 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

01:09:47 Chairman Stoker
01:09:48 Rep. Bennett
01:09:52 Chairman Stoker
01:10:28 Mr. Smith
01:10:50 Rep. Bennett
01:10:51 Chairman Stoker
01:10:53 Rep. Bennett
01:11:02 Mr. Smith

01:11:31 Rep. Bennett
01:11:32 Chairman Stoker
01:11:33 Rep. Bennett
01:11:51 Mr. Smith
01:12:02 Rep. Bennett
01:12:04 Chairman Stoker
01:12:09 Rep. Wagner
01:13:52 Chairman Stoker
01:13:55 Rep. Wagner
01:14:16 Mr. Smith
01:16:07 Chairman Stoker
01:16:12 Rep. Blewett
01:16:47 Mr. Smith
01:18:28 Chairman Stoker
01:18:33 Rep. Blewett
01:20:13 Chairman Stoker
01:20:28 Mr. Smith
01:21:24 Chairman Stoker
01:21:27 Rep. Kottel
01:22:25 Mr. Smith
01:23:14 Chairman Stoker
01:23:16 Rep. Kottel
01:23:47 Mr. Smith
01:23:50 Rep. Kottel
01:23:53 Chairman Stoker
01:23:55 Rep. Kottel
01:24:00 Mr. Smith
01:24:14 Chairman Stoker
01:24:19 Rep. Kottel
01:25:02 Chairman Stoker
01:25:04 Rep. Kottel
01:25:17 Mr. Smith
01:26:21 Chairman Stoker
01:26:27 Rep. Wagner
01:26:41 Mr. Smith
01:27:04 Rep. Wagner
01:27:06 Chairman Stoker
01:27:08 Rep. Wagner
01:27:53 Chairman Stoker
01:27:58 Mr. Smith
01:28:44 Chairman Stoker
01:28:50 Rep. Peterson
01:28:58 Mr. Cunningham
01:29:23 Rep. Peterson
01:29:25 Mr. Cunningham
01:29:29 Rep. Peterson
01:29:31 Mr. Cunningham
01:30:05 Rep. Peterson
01:30:08 Chairman Stoker
01:30:09 Rep. Peterson

01:30:23 Mr. Cunningham
01:30:29 Rep. Peterson
01:30:31 Chairman Stoker
01:30:35 Rep. Menahan
01:30:47 Chairman Stoker
01:30:49 Rep. Menahan
01:31:28 Rep. Brown
01:33:58 Rep. Menahan
01:33:59 Chairman Stoker
01:34:01 Rep. Menahan
01:34:31 Rep. Brown
01:34:49 Chairman Stoker
01:35:02 Rep. Regier
01:35:07 Rep. Brown
01:35:15 Rep. Regier
01:35:40 Rep. Brown
01:36:10 Rep. Regier
01:36:11 Chairman Stoker
01:36:12 Rep. Regier
01:36:22 Rep. Brown
01:36:46 Chairman Stoker
01:36:51 Rep. Wagner
01:38:23 Rep. Brown
01:39:31 Chairman Stoker
01:39:36 Rep. More
01:40:00 Chairman Stoker
01:40:06 Rep. More
01:40:18 Chairman Stoker

Rep. Sands returns to room.

Closing by Sponsor:

01:40:39 Rep. Brown
01:41:44 Chairman Stoker

Recess: mics muted.

02:03:20 Chairman Stoker
02:04:57 Rep. MacDonald
02:05:03 Chairman Stoker
02:05:08 Rep. MacDonald
02:05:16 Chairman Stoker
02:05:25 Rep. MacDonald
02:05:27 Chairman Stoker

EXECUTIVE ACTION ON HB 149

02:06:06 **Motion:** Rep. Peterson moved that **HB 149 DO PASS.**

Discussion:

02:06:13 Chairman Stoker

02:06:30 Rep. Sands

02:06:43 Chairman Stoker

02:06:55 **Motion:** Rep. Kottel moved that **HB 149 BE AMENDED.**

EXHIBIT (juh07a04)

Discussion:

02:07:39 Chairman Stoker

02:07:42 Rep. Kottel

02:07:54 Mr. Niss

02:07:56 Rep. Kottel

02:08:39 Chairman Stoker

02:09:05 Rep. Peterson

02:09:18 Rep. Kottel

02:09:19 Rep. Peterson

02:09:28 Rep. Kottel

02:09:39 Rep. Peterson

02:09:45 Chairman Stoker

02:09:55 Rep. Kottel

02:09:58 Chairman Stoker

02:10:02 Rep. Sands called the question on the motion.

02:10:06 Chairman Stoker

02:10:29 **Vote:** Motion carried unanimously by roll call vote.

02:11:40 Chairman Stoker

02:12:08 Rep. Sands

02:12:12 Chairman Stoker

02:12:29 **Motion:** Rep. Kottel moved that **HB 149 BE AMENDED.**

EXHIBIT (juh07a05)

Discussion:

02:12:35 Chairman Stoker

02:12:46 Rep. Kottel

02:14:24 Chairman Stoker

02:14:53 Rep. Kottel

02:15:01 Chairman Stoker

02:15:02 Rep. Driscoll

02:15:13 Rep. Menahan

02:18:42 Chairman Stoker

02:18:44 Rep. Peterson
02:19:28 Rep. Kottel called the question on the motion.
02:19:31 Chairman Stoker

02:20:14 **Vote:** Motion carried unanimously, by roll call vote,
with Rep. Sands voting aye by proxy.

02:21:38 **Motion:** REP. KOTTEL moved that **HB 149 DO PASS AS
AMENDED.**

Discussion:

02:21:49 Chairman Stoker
02:22:08 Rep. Menahan
02:22:14 Rep. Peterson called the question on the motion.
02:22:16 Chairman Stoker

02:22:18 **Vote:** Motion that **HB 149 DO PASS AS AMENDED** carried
unanimously by voice vote, with Rep. Sands voting aye
by proxy.

EXECUTIVE ACTION ON HB 122

02:23:40 Chairman Stoker
02:23:46 **Motion:** Rep. Peterson moved that **HB 122 DO PASS.**

Discussion:

02:23:47 Chairman Stoker

02:23:57 **Motion:** Rep. Menahan moved that **HB 122 BE AMENDED.**
EXHIBIT ([juh07a06](#))

Discussion:

02:24:10 Chairman Stoker
02:24:25 Rep. Menahan
02:28:26 Chairman Stoker
02:28:42 Rep. Regier
02:29:10 Chairman Stoker
02:29:49 Rep. Kottel
02:29:52 Chairman Stoker
02:29:53 Rep. Kottel
02:30:25 Chairman Stoker
02:30:31 Mr. Niss
02:30:44 Rep. Kottel
02:30:52 Chairman Stoker
02:31:17 Rep. Menahan
02:32:26 Chairman Stoker

02:32:31 Rep. Regier
02:32:52 Chairman Stoker
02:33:00 Rep. Regier
02:33:08 Chairman Stoker
02:33:11 Rep. Peterson
02:33:55 Rep. Menahan
02:35:32 Rep. Peterson
02:35:38 Chairman Stoker
02:35:47 Rep. Menahan called the question on the motion.
02:35:53 Chairman Stoker

02:36:09 **Vote:** Motion carried unanimously by voice vote, with Rep. Sands voting aye by proxy.

02:36:23 **Motion:** Rep. Peterson moved that **HB 122 DO PASS AS AMENDED.**

Discussion:

02:36:27 Chairman Stoker
02:36:37 Rep. Peterson
02:37:19 Rep. Menahan
02:37:27 Chairman Stoker
02:37:29 Rep. Menahan
02:39:42 Chairman Stoker
02:39:43 Rep. Kottel
02:40:10 Chairman Stoker
02:40:12 Rep. Peterson
02:41:04 Chairman Stoker
02:41:11 Rep. Ebinger
02:41:49 Mr. Niss
02:42:50 Chairman Stoker
02:42:56 Rep. Ebinger
02:43:05 Rep. Menahan
02:43:10 Mr. Niss
02:43:19 Rep. Ebinger
02:43:28 Chairman Stoker
02:43:39 Rep. Peterson called the question on the motion.
02:43:50 Chairman Stoker

02:44:15 **Vote:** Motion that **HB 122 DO PASS AS AMENDED** carried unanimously by voice vote, with Rep. Sands voting aye by proxy.

02:45:12 Chairman Stoker

ADJOURNMENT

02:47:58 Adjournment

JENNIFER ECK, Secretary

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Additional Exhibits:

[EXHIBIT \(juh07a07\)](#)

[EXHIBIT \(juh07a08\)](#)

Additional Documents:

[EXHIBIT \(juh07aad.pdf\)](#)