

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 29, 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 288, 1/21/2009; SB 35, 1/21/2009
Executive Action: HB 130, HB 131, HB 132

00:01:07 Rep. Howard
00:01:14 Rep. Ebinger
00:01:17 Chairman Stoker

HEARING ON SB 35

Opening Statement by Sponsor:

00:01:39 Sen. Larry Jent (D), SD 32, opened the hearing on
SB 35, Committing jurisdiction forward physical and
mental health information to prison.

00:07:02 Chairman Stoker

Proponents' Testimony:

00:07:12 Mike Mahoney, Warden, Montana State Prison
00:07:59 Chairman Stoker
00:08:15 Robert Allen, Executive Director, Montana Nurses
Association
00:08:44 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:09:10 Rep. Sands
00:09:50 Mr. Mahoney
00:10:43 Chairman Stoker
00:10:49 Rep. Regier
00:10:55 Sen. Jent
00:10:56 Rep. Regier
00:11:23 Sen. Jent
00:12:38 Rep. Regier
00:12:56 Sen. Jent
00:13:31 Rep. Regier
00:13:52 Sen. Jent
00:14:14 Chairman Stoker
00:14:17 Rep. MacDonald
00:14:36 Sen. Jent
00:16:09 Chairman Stoker
00:16:12 Rep. Peterson
00:17:11 Sen. Jent
00:18:24 Rep. Peterson
00:18:55 Sen. Jent
00:19:11 Chairman Stoker
00:19:15 Mr. Mahoney

00:19:59 Rep. Peterson
00:20:13 Mr. Mahoney
00:20:33 Chairman Stoker
00:20:40 Rep. Menahan
00:22:02 Sen. Jent
00:23:33 Chairman Stoker
00:24:22 Sen. Jent
00:25:20 Chairman Stoker
00:25:42 Mr. Mahoney
00:26:33 Chairman Stoker

Closing by Sponsor:

00:26:39 Sen. Jent

Informational Discussion:

00:27:07 Chairman Stoker
00:27:32 Rep. Wagner changed vote on SB 125 from no to aye.
00:27:49 Chairman Stoker
00:27:50 Rep. Sands
00:28:02 Chairman Stoker

HEARING ON HB 288

Opening Statement by Sponsor:

00:28:32 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB
288, Ban human cloning.

00:45:34 Chairman Stoker

Proponents' Testimony:

00:45:48 Moe Wosepka, Montana Catholic Conference
00:46:57 Jeff Laszloffy, Montana Family Foundation
00:54:26 Chairman Stoker
00:54:46 Harris Himes
00:59:44 Bill Jones, physician

Opponents' Testimony:

01:00:51 J.D. Lynch, Bio Technology Industry Organization
[EXHIBIT\(juh21a01\)](#)
01:07:11 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

01:07:44 Rep. Bennett
01:08:08 Mr. Lynch
01:08:34 Rep. Bennett
01:09:19 Mr. Lynch
01:09:54 Rep. Bennett
01:10:02 Rep. Wagner
01:10:10 Chairman Stoker
01:10:11 Rep. Wagner
01:10:37 Chairman Stoker
01:10:40 Rep. Wagner
01:12:55 Chairman Stoker
01:13:08 Mr. Lynch
01:13:27 Rep. More
01:14:00 Rep. Kerns
01:14:01 Rep. More
01:14:15 Rep. Kerns
01:14:18 Chairman Stoker
01:14:26 Rep. Becker
01:15:50 Rep. Kerns
01:16:00 Rep. Becker
01:16:35 Rep. Kerns
01:17:19 Rep. Becker
01:17:19 Rep. Kerns
01:17:21 Rep. Becker
01:17:25 Rep. Kerns
01:17:26 Rep. Becker
01:17:37 Rep. Kerns
01:17:44 Rep. Becker
01:17:47 Chairman Stoker
01:17:50 Rep. Howard
01:18:12 Rep. Kerns
01:18:13 Chairman Stoker
01:18:20 Rep. MacDonald
01:19:12 Rep. Kerns
01:19:55 Chairman Stoker
01:20:27 Rep. Kerns
01:20:38 Chairman Stoker
01:20:59 Rep. Wagner
01:21:27 Mr. Himes
01:21:28 Rep. Wagner
01:21:33 Mr. Himes
01:21:47 Rep. Wagner
01:22:14 Mr. Himes
01:24:28 Chairman Stoker
01:24:32 Rep. Wagner
01:24:35 Chairman Stoker

Closing by Sponsor:

01:24:43 Rep. Kerns
01:25:29 Chairman Stoker
01:25:32 Recess
01:46:04 Reconvene
01:46:05 Chairman Stoker

EXECUTIVE ACTION ON HB 130

01:46:06 **Motion:** Rep. Peterson moved that **HB 130 DO PASS.**

Discussion:

01:46:12 Chairman Stoker

01:46:18 **Motion:** Rep. Becker moved that **HB 130 BE AMENDED.**
EXHIBIT(juh21a02)

Discussion:

01:53:24 Chairman Stoker
01:53:28 Rep. Regier
01:54:00 Rep. Becker
01:55:15 Chairman Stoker
01:55:48 Sheri Heffelfinger, Legislative Services Division
01:56:13 Chairman Stoker
01:56:56 Ms. Heffelfinger
01:58:14 Chairman Stoker
01:58:27 Ms. Heffelfinger
01:59:08 Chairman Stoker
01:59:10 Ms. Heffelfinger
02:00:10 Chairman Stoker
02:00:13 Ms. Heffelfinger
02:01:14 Chairman Stoker
02:01:18 Rep. More
02:01:30 Chairman Stoker
02:02:17 Rep. Peterson
02:02:57 Rep. Becker
02:02:58 Ms. Heffelfinger
02:04:12 Rep. Peterson
02:04:42 Ms. Heffelfinger
02:05:11 Rep. Peterson
02:05:28 Ms. Heffelfinger
02:05:52 Rep. Peterson
02:06:08 Chairman Stoker
02:06:17 Bill Kennedy, Yellowstone County Commissioner
02:07:50 Rep. Peterson
02:07:50 Chairman Stoker

02:08:15 Mr. Kennedy
02:08:20 Chairman Stoker
02:08:26 Mr. Kennedy
02:12:47 Chairman Stoker
02:13:13 Mr. Kennedy
02:13:24 Chairman Stoker
02:13:36 Bob Ross, Executive Director, South Central Montana
Regional Mental Health Center, Billings
02:14:49 Chairman Stoker
02:14:54 Mr. Kennedy
02:15:36 Chairman Stoker
02:15:50 Rep. MacDonald
02:16:23 Rep. Becker
02:16:46 Chairman Stoker
02:16:52 Rep. Menahan
02:18:36 Rep. MacDonald
02:20:05 Rep. Wagner
02:22:47 Chairman Stoker
02:22:52 Rep. Wagner
02:23:17 Chairman Stoker
02:23:39 Mr. Kennedy
02:25:57 Chairman Stoker
02:27:34 Rep. Peterson
02:28:15 Chairman Stoker
02:28:32 Rep. Becker
02:28:43 Rep. Peterson
02:28:48 Chairman Stoker
02:28:55 Ms. Heffelfinger
02:30:10 Chairman Stoker
02:30:26 Rep. Peterson
02:30:45 Chairman Stoker
02:30:50 Rep. Driscoll called the question.
02:30:51 Chairman Stoker

02:31:02 **Vote:** Motion that **HB 130 BE AMENDED** carried 12-6 by
roll call vote with Rep. Kerns, Rep. Bennett, Rep.
More, Rep. Wagner, Rep. Regier, and Rep. Howard voting
no.

02:32:18 **Motion:** Rep. Peterson moved that **HB 130 DO PASS AS
AMENDED.**

Discussion:

02:32:30 Chairman Stoker
02:32:43 Rep. Warburton
02:33:20 Chairman Stoker
02:36:10 Rep. Sands

EXHIBIT(juh21a03)

02:37:01 Chairman Stoker
 02:37:06 Rep. More
 02:38:20 Chairman Stoker
 02:38:30 Rep. More
 02:40:03 Chairman Stoker
 02:40:08 Rep. Peterson
 02:40:55 Chairman Stoker
 02:40:58 Rep. Ebinger
 02:41:25 Chairman Stoker
 02:41:29 Rep. Howard
 02:42:34 Rep. Peterson called the question.

02:42:36 **Vote:** Motion that **HB 130 DO PASS AS AMENDED** carried 12-6 by roll call vote with Rep. Bennett, Rep. Kerns, Rep. More, Rep. Wagner, Rep. Regier, and Rep. Howard voting no.

02:43:49 Chairman Stoker

EXECUTIVE ACTION ON HB 131

02:43:58 **Motion:** Rep. Peterson moved that **HB 131 DO PASS.**

Discussion:

02:43:59 Chairman Stoker
 02:44:26 Rep. Peterson
 02:44:55 Chairman Stoker
 02:45:35 Rep. Peterson
 02:45:47 Chairman Stoker
 02:46:16 Rep. Peterson
 02:46:17 Chairman Stoker
 02:46:21 Rep. Sands called the question.

02:46:30 **Vote:** Motion that **HB 131 DO PASS** carried 10-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, and Rep. Warburton voting no.

02:47:40 Chairman Stoker
 02:47:41 Rep. Sands exited meeting.

EXECUTIVE ACTION ON HB 132

02:47:50 **Motion:** Rep. Peterson moved that **HB 132 DO PASS.**

Discussion:

02:47:54 Chairman Stoker

02:48:10 Rep. Peterson
02:48:36 Rep. More
02:49:09 Rep. Kottel
02:50:43 Chairman Stoker
02:50:49 Rep. Peterson called the question.

02:50:54 **Vote:** Motion that **HB 132 DO PASS** carried 11-7 by roll
call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett,
Rep. Wagner, Rep. Regier, Rep. Howard, and Rep.
Warburton voting no. Rep. Sands voted by proxy.

02:52:09 Chairman Stoker

ADJOURNMENT

02:52:46 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

EXHIBIT ([juh21aad.pdf](#))