

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 4, 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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D)

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 276, 2/3/2009; HB 293, 2/3/2009
Executive Action: HB 177; HB 236

HEARING ON HB 293

Opening Statement by Sponsor:

00:01:12 Rep. Cynthia Hiner (D), HD 85, opened the hearing on HB 293, Law enforcement certification for certain former military personnel.

00:03:15 Chairman Stoker

Proponents' Testimony:

00:03:28 Paul Harris, Captain, United States Army Reserves, Military Police

00:05:30 Jim Jacobson, American Legion

00:06:28 Dennis McCave, Yellowstone County Sheriff's Department

00:07:08 Dan Antonietti, Veterans of Foreign Wars

00:07:38 Jim Smith, Montana Sheriffs and Peace Officers Association

Opponents' Testimony: None

Informational Testimony:

00:08:18 Wayne Ternes, Director, Montana Public Safety Officers Standards of Training Council

00:08:42 Kevin Olson, Administrator, Montana Law Enforcement Academy

Questions from Committee Members and Responses:

00:09:01 Rep. Bennett

00:09:11 Rep. Hiner

00:09:13 Rep. Bennett

00:09:26 Rep. Hiner

00:09:33 Rep. Bennett

00:09:45 Mr. Olson

00:09:49 Rep. Bennett

00:09:56 Mr. Olson

00:10:02 Rep. Bennett

00:10:06 Rep. Howard

00:10:26 Mr. Harris

00:10:28 Rep. Howard

00:11:03 Mr. Harris

00:12:25 Rep. Howard

00:12:29 Chairman Stoker

Closing by Sponsor:

00:12:36 Rep. Hiner
00:13:06 Chairman Stoker
00:13:17 Rep. Peterson takes the chair.

HEARING ON HB 276

Opening Statement by Sponsor:

00:14:01 **Rep. Ron Stoker (R), HD 87**, opened the hearing on HB 276, Clarify responsibility for persons injured by law enforcement.

00:19:38 Vice Chairman Peterson

Proponents' Testimony:

00:20:32 Mike Foster, Catholic Hospitals of Montana
[EXHIBIT\(juh26a01\)](#)
00:27:40 Vice Chairman Peterson
00:27:45 Tom Ebzery, Attorney, Billings
00:38:35 Vice Chairman Peterson
00:38:46 Erin MacLean, Montana Medical Association
00:39:56 Vice Chairman Peterson

Opponents' Testimony:

00:40:35 Dennis Paxinos, Yellowstone County Attorney
[EXHIBIT\(juh26a02\)](#)
00:48:48 Vice Chairman Peterson
00:48:56 Jim Reno, Yellowstone County Commissioner
00:51:22 Mike McGinley, President of the Montana Association of Counties
[EXHIBIT\(juh26a03\)](#)
[EXHIBIT\(juh26a04\)](#)
00:53:46 Vice Chairman Peterson
00:54:07 Mike Sehestedt, Montana Association of Counties
[EXHIBIT\(juh26a05\)](#)
00:57:13 Vice Chairman Peterson
00:57:18 Dennis McCave, Yellowstone County Sheriffs Department
[EXHIBIT\(juh26a06\)](#)
01:02:21 Vice Chairman Peterson
01:02:29 Jay Hansen, Beaverhead County Sheriff
01:05:39 Vice Chairman Peterson
01:05:45 Sheryl Wood, Montana Association of Counties
01:09:34 Bob Gilbert, Rosebud County, Dawson County, Musselshell County
01:10:37 Vice Chairman Peterson

01:10:46 Leo Gallagher, Montana County Attorneys Association

01:16:23 Vice Chairman Peterson

01:16:30 John Jensen, Commissioner, Fergus County

EXHIBIT (juh26a07)

01:19:32 Vice Chairman Peterson

01:19:37 Jay Bell, Yellowstone County

01:20:55 Vice Chairman Peterson

01:20:59 Jim Cashell, Gallatin County Sheriff

01:23:47 Vice Chairman Peterson

01:23:51 Merle Raph, Montana County Attorneys Association

01:24:34 Chris Hoffman, Sheriff, Ravalli County

01:28:38 Vice Chairman Peterson

01:28:45 Greg Chilcott, Commissioner, Ravalli County

01:30:19 Vice Chairman Peterson

01:30:25 Cynthia Johnson, Pondera County Commissioner

01:32:18 Frank Smith, Roosevelt County, Valley County, Blaine County, Phillips County

01:34:17 David Reinhardt, Valley County Commissioner

EXHIBIT (juh26a08)

01:35:21 Gary Amestoy, Richland County Commissioners

01:36:11 Jean Adams, Deputy County Attorney, Fergus and Petroleum Counties

01:37:57 Maureen Davy, Commissioner, Stillwater County

EXHIBIT (juh26a09)

01:39:48 Vice Chairman Peterson

01:39:54 Freedom Crawford, Sheriff, Roosevelt County

EXHIBIT (juh26a10)

01:42:20 Vice Chairman Peterson

01:42:24 Dave Schultz, Commissioner, Madison County

01:42:43 Vice Chairman Peterson

01:42:46 Phillip Hathaway, Commissioner, Sweetgrass County

Informational Testimony: None

Questions from Committee Members and Responses:

01:43:27 Rep. Driscoll

01:44:20 Mr. Paxinos

01:46:07 Rep. Driscoll

01:47:17 Mr. Ebzery

01:48:07 Rep. Driscoll

01:48:10 Vice Chairman Peterson

01:48:14 Rep. Kottel

01:48:59 Ms. Adams

01:49:17 Rep. Kottel

01:49:50 Mr. Paxinos

01:49:53 Rep. Kottel

01:50:18 Mr. Paxinos

01:51:09 Rep. Kottel
01:51:37 Mr. Paxinos
01:51:53 Rep. Kottel
01:52:52 Mr. Paxinos
01:53:52 Rep. Kottel
01:54:25 Mr. Paxinos
01:54:35 Vice Chairman Peterson
01:54:43 Rep. Becker
01:55:41 Vice Chairman Peterson
01:55:48 Mr. Ebzery
01:57:04 Rep. Becker
01:57:07 Rep. Stoker
01:57:13 Rep. Wagner
01:58:20 Mr. McGinley
01:58:51 Vice Chairman Peterson
01:58:55 Rep. Wagner
01:59:13 Mr. McGinley
01:59:46 Rep. Wagner
01:59:48 Vice Chairman Peterson
01:59:53 Rep. Becker
02:00:39 Mr. Foster
02:01:33 Rep. Becker
02:02:00 Mr. Foster
02:04:10 Vice Chairman Peterson
02:04:30 Mr. Foster
02:05:39 Vice Chairman Peterson
02:06:11 Mr. Foster
02:06:43 Vice Chairman Peterson
02:07:33 Mr. Paxinos
02:08:15 Vice Chairman Peterson
02:08:20 Mr. Paxinos
02:08:40 Vice Chairman Peterson
02:08:44 Rep. MacDonald
02:09:22 Mr. Paxinos
02:12:05 Vice Chairman Peterson

Closing by Sponsor:

02:12:15 Rep. Stoker
02:19:07 Vice Chairman Peterson

Recess: mics muted.

02:38:18 Meeting reconvened. Rep. Stoker resumed as chairman.

EXECUTIVE ACTION ON HB 177

02:38:52 **Motion:** Rep. Peterson moved that **HB 177 DO PASS.**

02:38:55 **Motion:** Rep. Kottel moved that **HB 177 BE AMENDED.**
EXHIBIT(juh26a11)

Discussion:

02:44:33 Chairman Stoker

02:44:39 Rep. Peterson

02:45:07 Chairman Stoker

02:45:16 **Vote:** Motion that **HB 177 BE AMENDED** carried
unanimously by voice vote. Rep. Sands voted aye by
proxy.

02:45:41 **Motion:** Rep. Peterson moved that **HB 177 DO PASS AS**
AMENDED.

Discussion:

02:45:47 Chairman Stoker

02:45:52 Rep. Kottel

02:47:28 Chairman Stoker

02:47:32 Rep. Peterson

02:48:13 Chairman Stoker

02:48:18 **Vote:** Motion that **HB 177 DO PASS AS AMENDED** carried
unanimously by voice vote. Rep. Sands voted aye by
proxy.

EXECUTIVE ACTION ON HB 236

02:48:48 **Motion:** Rep. Peterson moved that **HB 236 DO PASS.**

Discussion:

02:48:51 Chairman Stoker

02:48:57 Rep. Kottel

02:51:25 Chairman Stoker

02:51:29 Rep. Kerns

02:52:22 Rep. Peterson

02:53:44 Rep. MacDonald

02:55:15 Rep. Bennett

02:55:53 Rep. More

02:56:49 Rep. Howard called the question.

02:57:01 Rep. Peterson

02:57:40 Chairman Stoker

02:57:45 Rep. McClafferty

02:58:25 Chairman Stoker

03:01:56 **Vote:** Motion that **HB 236 DO PASS** failed 8-10 by roll call vote with Rep. Kottel, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting aye. Rep. Sands voted aye by proxy.

03:03:15 **Motion/Vote:** Rep. Peterson moved that **HB 236 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Sands voted aye by proxy.

Further Discussion:

03:03:48 Chairman Stoker

03:06:15 Mr. Niss

03:06:48 Rep. Kottel

03:06:49 Mr. Niss

03:06:54 Chairman Stoker

ADJOURNMENT

03:07:07 Adjournment

Jennifer Eck, Secretary

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Additional Documents

Additional Documents:

EXHIBIT ([juh26aad.pdf](#))