

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

00:00:01 **Call to Order:** Chairman Ron Stoker, on February 5, 2009
at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

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. Ron Stoker, Chairman (R) and 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 308, 2/3/2009; SB 103, 2/3/2009

Executive Action: HB 295

Rep. Kottel served as Chairman for this meeting.

HEARING ON HB 308

Opening Statement by Sponsor:

00:00:36 Rep. Shannon Augare (D), HD 16, opened the hearing on
HB 308, Allow donation of food as method of serving
sentence of community service.

00:03:17 Vice Chairwoman Kottel

Proponents' Testimony:

00:03:27 Nancy Luth, Municipal Court Judge, Great Falls

[**EXHIBIT\(juh27a01\)**](#)

00:10:38 Vice Chairwoman Kottel

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:11:04 Rep. More
00:11:37 Ms. Luth
00:12:41 Rep. More
00:12:42 Vice Chairwoman Kottel
00:12:44 Rep. Wagner
00:13:18 Vice Chairwoman Kottel
00:13:26 Rep. Wagner
00:13:41 Ms. Luth
00:13:42 Rep. Wagner
00:13:45 Ms. Luth
00:14:27 Rep. Wagner
00:14:28 Vice Chairwoman Kottel
00:14:29 Rep. Wagner
00:14:53 Ms. Luth
00:16:15 Vice Chairwoman Kottel
00:16:19 Rep. Regier
00:16:48 Rep. Augare
00:16:52 Rep. Regier
00:16:57 Rep. Augare
00:17:27 Rep. Peterson
00:19:02 Ms. Luth
00:22:05 Rep. Peterson
00:22:20 Ms. Luth
00:22:58 Rep. Peterson
00:22:59 Vice Chairwoman Kottel

00:23:02 Rep. McClafferty
00:23:38 Ms. Luth
00:24:43 Vice Chairwoman Kottel
00:24:52 Ms. Luth
00:24:56 Vice Chairwoman Kottel
00:24:57 Rep. Menahan
00:26:25 Ms. Luth
00:26:30 Rep. Kottel passed the gavel to Rep. Peterson and Rep.
Kottel exited the meeting.
00:28:15 Vice Chairman Peterson
00:28:16 Rep. Menahan
00:28:47 Ms. Luth
00:28:47 Rep. Menahan
00:29:47 Ms. Luth
00:32:15 Rep. Wagner
00:33:02 Ms. Luth
00:33:23 Vice Chairman Peterson

Closing by Sponsor:

00:34:27 Rep. Augare
00:35:32 Vice Chairman Peterson

HEARING ON SB 103

Opening Statement by Sponsor:

00:35:52 Sen. Lynda Moss (D), SD 26, opened the hearing on
SB 103, Revise sentencing restrictions.
00:38:14 Vice Chairman Peterson

Proponents' Testimony:

00:38:23 Ali Bovington, Assistant Attorney General, Department
of Justice

EXHIBIT(juh27a02)

00:41:15 Vice Chairman Peterson
00:41:24 Mark Mattioli, Assistant Attorney General, DOJ
00:44:41 Vice Chairman Peterson
00:44:52 Ron Alsbury, Department of Corrections
00:46:28 Vice Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:48 Rep. More
00:47:14 Ms. Bovington
00:47:35 Rep. More
00:47:37 Vice Chairman Peterson
00:48:01 Mr. Mattioli
00:50:41 Vice Chairman Peterson
00:50:49 Mr. Mattioli
00:50:50 Rep. Sands joins meeting.
00:52:18 Vice Chairman Peterson
00:52:23 Rep. Warburton
00:53:06 Mr. Mattioli
00:53:37 Rep. Warburton
00:53:39 Vice Chairman Peterson

Closing by Sponsor:

00:53:55 Sen. Moss

00:54:43 Vice Chairman Peterson
00:54:45 Recess
01:10:04 Reconvene

EXECUTIVE ACTION ON HB 295

01:10:06 Vice Chairman Peterson

01:10:38 **Motion:** Rep. Menahan moved that **HB 295 DO PASS.**

Discussion:

01:10:43 Mr. Niss
[EXHIBIT\(juh27a03\)](#)

01:12:03 **Motion:** Rep. Menahan moved that **HB 295 BE AMENDED.**

Discussion:

01:12:18 Vice Chairman Peterson
01:12:21 Rep. Menahan
01:14:26 Vice Chairman Peterson
01:14:33 Rep. More
01:15:40 Rep. Menahan
01:18:25 Rep. More
01:19:05 Rep. Howard
01:19:46 Rep. Menahan
01:23:29 Vice Chairman Peterson
01:23:36 Rep. Warburton

01:24:09 Rep. Menahan
01:24:56 Rep. Wagner
01:25:25 Rep. Menahan
01:25:35 Rep. Wagner
01:25:35 Rep. Menahan
01:26:53 Vice Chairman Peterson
01:27:01 Rep. Driscoll called the question.

01:27:11 **Vote:** Motion that **HB 295 BE AMENDED** carried 17-1 by voice vote with Rep. More voting no. Rep. Stoker and Rep. Kottel voted by proxy.

01:27:42 Vice Chairman Peterson

01:27:48 **Motion:** Rep. Menahan moved that **HB 295 DO PASS AS AMENDED.**

Discussion:

01:27:59 Vice Chairman Peterson
01:28:09 Rep. Howard
01:29:26 Rep. Blewett
01:29:48 Rep. Menahan
01:32:45 Vice Chairman Peterson
01:32:56 Mr. Niss
01:34:05 Vice Chairman Peterson
01:34:13 Rep. More
01:34:58 Vice Chairman Peterson
01:35:00 Rep. Wagner
01:36:54 Vice Chairman Peterson
01:36:57 Rep. Becker
01:37:22 Rep. Menahan
01:38:37 Rep. Driscoll called the question.
01:38:43 Vice Chairman Peterson
01:39:37 Rep. Menahan
01:40:53 Vice Chairman Peterson
01:40:57 Rep. Warburton
01:41:41 Vice Chairman Peterson
01:41:48 Rep. Blewett
01:42:19 Vice Chairman Peterson

01:42:31 **Vote:** Motion that **HB 295 DO PASS AS AMENDED** carried 13-5 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. More, Rep. Stoker and Rep. Wagner voting no. Rep. Stoker voted by proxy.

01:44:00 Vice Chairman Peterson

DISCUSSION ON HB 308

01:44:40 **Motion:** Rep. Peterson moved that a vote be taken on whether or not to move ahead with an amendment on HB 308.

Discussion:

01:45:10 Rep. Menahan

01:45:21 Mr. Niss

01:45:59 **Vote:** Motion that an amendment on HB 308 be pursued carried 14-4 by a show of hands with Rep. Peterson, Rep. Kerns, Rep. Stoker, and Rep. Bennett voting no. Rep. Stoker and Rep. Sands voted by proxy.

01:46:24 Rep. MacDonald

01:46:40 Rep. Blewett

01:46:50 Vice Chairman Peterson

ADJOURNMENT

01:46:59 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh27aad.pdf](#))