

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 16, 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. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClaflafferty (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: Rep. David Howard (R)

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 252, 2/12/2009; HB 477,
2/12/2009; HB 241, 2/12/2009;
HB 431, 2/12/2009; HB 457,
2/12/2009

Executive Action: HB 322, HB 419, HB 401, HB 473,
HB 241

HEARING ON HB 241

Opening Statement by Sponsor:

00:02:11 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 241, Negligent vehicular homicide.

Proponents' Testimony:

00:03:47 Pat Tucker

EXHIBIT(juh36a01)

00:11:51 Chairman Stoker

00:12:12 Jamie Tucker-Robbins

00:14:26 Bob Cushman

00:16:34 Chairman Stoker

00:16:50 Barbara Tucker

00:21:12 Chairman Stoker

00:21:24 Dale Robbins

00:23:21 Bob Starr

00:25:07 Rhonda Dover

00:28:22 Don Ferrel

00:30:23 Brent Linneweber

00:34:56 Chairman Stoker

Opponents' Testimony: None

Additional Proponents' Testimony:

00:35:17 Fred Van Valkenburg, Missoula County Attorney

00:40:02 Karen Townsend, Prosecutor, Missoula County Attorney's
Office

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:42:56 Rep. Kottel

00:43:00 Rep. Howard joined the meeting.

HEARING ON HB 477

Opening Statement by Sponsor:

00:48:04 Rep. Mike Menahan (D), HD 82, opened the hearing on
HB 477, Uniform adult guardianship and protective
proceedings jurisdiction act.

00:54:57 Chairman Stoker passed gavel to Rep. Peterson.

Proponents' Testimony:

00:55:35 Claudia Clifford, AARP of Montana

00:57:08 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 431

Opening Statement by Sponsor:

00:58:21 Rep. Anders Blewett (D), HD 21, opened the hearing on
HB 431, Revise dog bite laws.

01:04:36 Chairman Peterson

Proponents' Testimony:

01:05:12 Shelley Wittman

[EXHIBIT\(juh36a02\)](#)

01:08:11 Rep. Don Roberts

01:09:28 Douglas Ruebki

[EXHIBIT\(juh36a03\)](#)

[EXHIBIT\(juh36a04\)](#)

01:13:25 Chairman Peterson

01:13:29 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony:

01:15:09 Greg Van Horssen, State Farm Insurance

01:20:19 Chairman Peterson

01:20:29 Tim Ravndal

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:22:40 Rep. Blewett

01:24:59 Chairman Peterson

01:25:18 Recess

01:36:34 Reconvene

01:36:35 Chairman Peterson

HEARING ON HB 252

Opening Statement by Sponsor:

01:37:20 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 252, Sexual orientation and gender identity in human rights and government practices.

01:40:17 Chairman Peterson

Proponents' Testimony:

01:40:59 Kathy Sather, Parents and Friends of Lesbians and Gays (PFLAG)

EXHIBIT(juh36a05)

01:44:15 Kryssa Bowman

EXHIBIT(juh36a06)

01:46:51 Bill Warren, United Methodist pastor

01:50:32 Diane Keefauver

01:53:27 Wilmot Collins

01:56:10 Michael Moran

01:57:24 Teresa Moran

01:59:38 Shawn Schilke, Lambda Alliance, University of Montana

02:00:02 Mania Baehr

02:00:42 Nick Engler

EXHIBIT(juh36a07)

02:05:16 Marlena Harper

02:05:28 Niki Zupanic, American Civil Liberties Union of Montana

02:05:41 Kim Abbott, Montana Human Rights Network

02:05:55 Beth Brenneman, Disability Rights Montana

02:06:12 Angie Wagenhals, NARAL Pro-Choice Montana

02:06:26 Lindsey Love, Planned Parenthood of Montana

02:06:39 Lucas Hamilton, Associated Students of the University of Montana

02:06:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

02:07:06 Andrea Olsen, Montana Trial Lawyers Association

02:07:35 Maureen Weiland, Associated Students of Montana State University

02:07:50 Rep. Diane Sands, HD 95, Missoula

02:08:56 Linda Gryczan, Equality Project

Opponents' Testimony:

02:09:30 Roger Halver, Montana Landlords Association

02:13:11 Jeanette Zentgraf

EXHIBIT(juh36a08)

02:18:43 Jeff Laszloffy, Montana Family Foundation

EXHIBIT(juh36a09)

02:20:35 Harris Himes, pastor, Big Sky Christian Center

02:22:11 Brandon Fadely

EXHIBIT(juh36a10)

02:24:47 Richard Bennett

EXHIBIT(juh36a11)

02:27:50 Dallas Erickson, Montana Citizens for Decency Through
Law

EXHIBIT(juh36a12)

02:30:39 Gordon Rubard, Boy Scouts of America

02:31:41 Jim Jacobson, American Legion

02:32:06 Elijah Walker, Boy Scout Troop 211

EXHIBIT(juh36a13)

02:32:23 Josiah Walker, Boy Scout Troop 211

02:32:45 Andrea Walker

EXHIBIT(juh36a14)

02:33:04 John Manz

EXHIBIT(juh36a15)

02:33:16 Tim Walker, Assistant Scout Master, Boy Scout Troop 211

02:33:41 Rep. Michael More, HD 70, Gallatin Gateway

Informational Testimony:

02:34:39 Catharine Kountz, Human Rights Network

Questions from Committee Members and Responses:

02:35:03 Rep. Driscoll

02:35:45 Ms. Zupanic

02:36:48 Chairman Peterson

02:36:52 Rep. MacDonald

02:37:19 Ms. Zupanic

02:40:13 Rep. Wagner

02:40:51 Ms. Zupanic

02:40:57 Rep. Wagner

02:41:04 Ms. Zupanic

02:41:29 Rep. Wagner

02:41:44 Ms. Zupanic

02:41:57 Rep. Wagner

02:42:21 Ms. Zupanic

02:42:32 Rep. Wagner

02:43:48 Ms. Zupanic

02:44:48 Rep. Wagner
02:46:25 Ms. Zupanic
02:48:23 Chairman Peterson

Closing by Sponsor:

02:48:31 Rep. Campbell
02:51:09 Chairman Peterson

HEARING ON HB 457

Opening Statement by Sponsor:

02:52:00 Rep. Jill Cohenour (D), HD 78, opened the hearing on
HB 457, Revise uniform power of attorney act.
02:57:30 Chairman Stoker

Proponents' Testimony:

02:57:36 Rep. Kottel
02:59:34 Claudia Clifford, AARP of Montana

Opponents' Testimony:

03:00:52 Aimee Grmoljez, Montana Bankers' Association
03:03:21 Steve Yeakel, Montana Independent Bankers
03:03:40 Donya Parrish, Montana Credit Union Network

Informational Testimony: None

Questions from Committee Members and Responses:

03:04:42 Chairman Peterson

Closing by Sponsor:

03:04:59 Rep. Cohenour
03:05:17 Chairman Peterson
03:05:35 Recess
03:19:00 Reconvene
03:19:00 Rep. Stoker rejoined the meeting and resumed as chair.

EXECUTIVE ACTION ON HB 322

03:19:17 **Motion:** Rep. Peterson moved that **HB 322 DO PASS.**

03:19:27 Chairman Stoker

03:19:34 Rep. Blewett

[EXHIBIT\(juh36a16\)](#)

03:20:45 **Motion:** Rep. Blewett moved that **HB 322 BE AMENDED.**

Discussion:

03:21:02 Chairman Stoker

03:21:07 Rep. Blewett

03:22:06 Rep. Peterson called the question.

03:22:12 Chairman Stoker

03:22:16 **Vote:** Motion that **HB 322 BE AMENDED** carried
unanimously by voice vote.

03:22:26 **Motion:** Rep. Peterson moved that **HB 322 DO PASS AS
AMENDED.**

Discussion:

03:22:37 Rep. Peterson

03:23:23 Rep. More

03:23:47 Rep. Blewett

03:25:04 Chairman Stoker

03:25:13 Rep. Sands called the question.

03:25:18 **Vote:** Motion that **HB 322 DO PASS AS AMENDED** carried
17-1 by voice vote with Rep. Wagner voting no.

EXECUTIVE ACTION ON HB 419

03:25:44 **Motion:** Rep. Peterson moved that **HB 419 DO PASS.**

Discussion:

03:26:16 Rep. Peterson

03:27:09 Rep. Sands

03:27:44 Rep. Peterson called the question.

03:27:51 Chairman Stoker

03:28:33 **Vote:** Motion that **HB 419 DO PASS** tied 9-9 by roll call
vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep.
More, Rep. Wagner, Rep. Regier, Rep. Howard,
Rep. Warburton, and Rep. Stoker voting aye.

03:29:22 **Motion:** Rep. Kottel moved that **HB 419 BE TABLED.**

03:29:54 Chairman Stoker

03:30:07 Rep. Kottel withdrew her motion to table HB 419.

EXECUTIVE ACTION ON HB 401

03:30:36 **Motion:** Rep. Peterson moved that **HB 401 DO PASS.**

03:30:45 Chairman Stoker

03:30:57 Mr. Niss

EXHIBIT(juh36a17)

03:31:11 **Motion:** Rep. Sands moved that **HB 401 BE AMENDED.**

03:31:15 Chairman Stoker

03:31:33 Mr. Niss

03:32:26 **Substitute Motion:** Rep. Sands made a substitute motion that **HB 401 BE AMENDED with an alternate amendment.**

Discussion:

03:32:30 Mr. Niss

03:35:08 Chairman Stoker

03:35:30 Mr. Niss

03:38:24 Chairman Stoker

03:40:09 Mary Caferro, HD 80, Helena

03:40:57 Chairman Stoker

03:41:09 Rep. Peterson called the question.

03:41:16 **Vote:** Motion that **HB 401 BE AMENDED** carried unanimously by voice vote.

03:41:30 **Motion:** Rep. Peterson moved that **HB 401 DO PASS AS AMENDED.**

Discussion:

03:41:43 Rep. Driscoll

03:42:11 Rep. Kerns

03:42:25 Rep. Caferro

03:42:26 Rep. Kerns

03:42:33 Rep. Caferro

03:44:22 Rep. Kerns

03:44:30 Chairman Stoker

03:44:44 Rep. Caferro

03:44:59 Chairman Stoker

03:45:27 Rep. Caferro

03:45:57 Chairman Stoker

03:46:08 Rep. Caferro
03:46:14 Rep. Regier
03:46:22 Chairman Stoker
03:46:24 Rep. Caferro
03:46:25 Rep. Regier
03:46:36 Rep. Caferro
03:47:15 Rep. Regier
03:47:43 Rep. Caferro
03:48:05 Rep. Peterson
03:48:31 Rep. Caferro
03:49:35 Rep. Peterson
03:49:38 Rep. Warburton
03:50:29 Chairman Stoker
03:51:27 Rep. Caferro
03:53:00 Chairman Stoker
03:54:09 Rep. Driscoll called the question.

03:54:15 **Vote:** Motion that **HB 401 DO PASS AS AMENDED** carried 13-5 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. More, Rep. Wagner, and Rep. Howard voting no. Rep. Becker voted by proxy.

EXECUTIVE ACTION ON HB 473

03:55:39 **Motion:** Rep. Peterson moved that **HB 473 DO PASS.**

03:56:00 Chairman Stoker
03:56:16 Rep. Driscoll called the question.

03:56:26 **Vote:** Motion that **HB 473 DO PASS** tied 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye.

EXECUTIVE ACTION ON HB 241

03:57:28 **Motion:** Rep. Kottel moved that **HB 241 DO PASS.**

03:57:32 Chairman Stoker

03:57:46 **Motion:** Rep. Kottel moved that **COMMITTEE BILL BE ADOPTED.**

03:58:47 Chairman Stoker
03:58:53 Rep. Kottel
03:59:03 Rep. Peterson
03:59:46 Rep. MacDonald called the question.
03:59:53 Chairman Stoker
04:00:07 Mr. Niss

04:00:38 Chairman Stoker

04:00:54 Mr. Niss

04:01:01 Chairman Stoker

04:01:06 Rep. Kottel

04:01:15 Chairman Stoker

04:01:19 **Vote:** Motion that **COMMITTEE BILL BE ADOPTED** carried 16-2 by voice vote with Rep. Wagner and Rep. Driscoll voting no. Rep. Becker voted by proxy.

04:01:39 **Motion:** Rep. Kottel moved that **HB 241 DO PASS.**

04:01:46 Chairman Stoker

04:01:50 **Substitute Motion:** Rep. Kottel made a substitute motion that **HB 241 BE TABLED.**

04:01:58 Rep. Sands called the question.

04:02:02 **Vote:** Motion that **HB 241 BE TABLED** carried unanimously by voice vote.

04:02:18 Chairman Stoker

04:02:33 Rep. Driscoll

04:02:44 Rep. Kottel

04:03:20 Mr. Niss

04:03:32 Chairman Stoker

04:04:18 Rep. Sands

04:04:21 Chairman Stoker

ADJOURNMENT

04:05:01 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

[EXHIBIT\(juh36a18\)](#)
[EXHIBIT\(juh36a19\)](#)
[EXHIBIT\(juh36a20\)](#)
[EXHIBIT\(juh36a21\)](#)
[EXHIBIT\(juh36a22\)](#)
[EXHIBIT\(juh36a23\)](#)
[EXHIBIT\(juh36a24\)](#)
[EXHIBIT\(juh36a25\)](#)
[EXHIBIT\(juh36a26\)](#)
[EXHIBIT\(juh36a27\)](#)

Additional Documents:

EXHIBIT([juh36aad.pdf](#))