

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 18, 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. 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) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)

Members Excused: Rep. Ken Peterson, Vice Chairman (R), Rep.
Wendy Warburton (R)

Members Absent: Rep. David Howard (R)

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 492, 2/16/2009; HB 497,
2/16/2009; HB 517, 2/16/2009;
HJ 20, 2/16/09

Executive Action: HB 492, HB 370, HB 515, HB 457,
HB 497, HJ 20

HEARING ON HB 497

Opening Statement by Sponsor:

00:01:50 Rep. John Fleming (D), HD 12, opened the hearing on
HB 497, Create misdemeanor for passenger of driver who
fails to stop at accident.

[EXHIBIT\(juh38a01\)](#)

[EXHIBIT\(juh38a02\)](#)

Proponents: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:04:43 Rep. Sands
00:05:04 Rep. Fleming
00:05:21 Chairman Stoker
00:05:46 Mr. Niss
00:06:13 Chairman Stoker
00:06:15 Rep. Kottel
00:06:26 Rep. Fleming
00:06:32 Rep. Kottel
00:07:13 Rep. Fleming
00:07:25 Chairman Stoker
00:08:00 Rep. Fleming
00:08:37 Chairman Stoker
00:08:42 Rep. Menahan
00:09:02 Rep. Fleming
00:09:10 Rep. Menahan
00:09:13 Rep. Fleming
00:09:28 Chairman Stoker

Closing by Sponsor:

00:09:36 Rep. Fleming

00:10:00 Chairman Stoker

HEARING ON HB 517

Opening Statement by Sponsor:

00:10:10 Rep. Galen Hollenbaugh (D), HD 81, opened the hearing
on HB 517, Critical incident debriefing.

Proponents' Testimony:

00:11:58 Carl Seilstad, Fergus County Commissioner
00:12:51 Jim Detienne, Department of Health and Human Services
00:14:30 Darcy Dahle, Billings Police Department

EXHIBIT(juh38a03)

00:22:31 Mike Batista, Administrator, Division of Criminal
Investigation, Department of Justice
00:26:20 Gordon Morris, Lewis and Clark County Commissioners
00:27:22 Tim Shanks, Captain, Great Falls Police Department
00:29:17 Tom Schneider, Montana Public Employees Association
00:29:57 Sheryl Wood, Montana Association of Counties
00:32:12 Bob Worthington, Montana Municipal Insurance Authority
00:33:01 Jim Smith, Montana Sheriffs and Peace Officers
Association; Montana County Attorneys Association
00:33:47 Russell Genaw, law enforcement and jail chaplain

EXHIBIT(juh38a04)

00:35:25 Doug Neil, Montana State Firemen's Association
00:37:27 Chas Perkins, Montana State Council of Professional
Firefighters
00:39:01 Pam Bucy, Police Protective Association; Chiefs of
Police Association

EXHIBIT(juh38a05)

Opponents' Testimony:

00:43:33 Al Smith, Montana Trial Lawyers Association
00:50:26 John Barrows, Executive Director, Montana Newspaper
Association

Informational Testimony:

00:53:48 Mike McCarthy, Montana Law Enforcement Academy

Questions from Committee Members and Responses:

00:54:30 Rep. Kottel
00:55:23 Ms. Bucy
00:56:03 Rep. Kottel
00:57:00 Rep. Peterson joined the meeting.
00:57:10 Ms. Bucy
00:57:56 Rep. Kottel
00:59:26 Ms. Bucy
01:00:26 Rep. Kottel
01:00:28 Chairman Stoker
01:00:31 Rep. Wagner
01:01:46 Ms. Bucy
01:03:55 Rep. Wagner
01:04:41 Ms. Bucy

01:05:28 Rep. Wagner
01:05:30 Rep. More
01:06:23 Ms. Bucy
01:07:00 Rep. More
01:07:16 Ms. Bucy
01:08:11 Rep. More
01:08:37 Ms. Bucy
01:09:06 Rep. Becker
01:09:31 Ms. Bucy
01:10:20 Chairman Stoker

Closing by Sponsor:

01:10:29 Rep. Hollenbaugh

HEARING ON HJ 20

Opening Statement by Sponsor:

01:12:16 Rep. Mike Menahan (D), HD 82, opened the hearing on
HJ 20, Urge federal right of privacy.

Proponents' Testimony:

01:27:14 Al Smith, Montana Trial Lawyers Association
01:28:52 Beth Brenneman, Disability Rights Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:30:49 Rep. Menahan

HEARING ON HB 492

Opening Statement by Sponsor:

01:31:06 Rep. Gerald Bennett (R), HD 1, opened the hearing on
HB 492, Venue against facility in county in which
facility is located.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

01:31:38 Chairman Stoker

01:31:45 Recess

01:52:12 Rep. Warburton and Rep. Peterson joined meeting.

01:52:13 Reconvene

EXECUTIVE ACTION ON HB 492

01:55:10 **Motion:** Rep. Peterson moved that **HB 492 DO PASS.**

01:55:21 **Substitute Motion/Vote:** Rep. Peterson made a substitute motion that **HB 492 BE TABLED.** Substitute motion carried unanimously by voice vote. Rep. Howard voted by proxy.

EXECUTIVE ACTION ON HB 370

01:55:39 **Motion:** Rep. Peterson moved that **HB 370 DO PASS.**

01:55:45 **Motion:** Rep. Kottel moved that **HB 370 BE AMENDED.**

Discussion:

01:56:16 Chairman Stoker

01:56:18 Rep. Kottel

01:57:01 Chairman Stoker

01:57:05 Rep. Wagner

01:58:22 Chairman Stoker

01:58:29 Rep. Becker

01:58:44 Rep. Kottel

01:58:57 Mr. Niss

01:59:16 Rep. Ebinger

01:59:33 Chairman Stoker

01:59:44 Rep. Wagner

02:00:25 Chairman Stoker

02:00:30 Rep. Sands called the question.

02:00:37 **Vote:** Motion carried 16-2 by voice vote with Rep. More and Rep. Wagner voting no. Rep. Howard voted by proxy.

02:00:54 **Motion:** Rep. Peterson moved that **HB 370 DO PASS AS AMENDED.**

Discussion:

02:01:02 Rep. Bennett
02:02:04 Rep. Kottel
02:03:53 Rep. Warburton
02:03:59 Chairman Stoker
02:04:30 Rep. Wagner
02:05:40 Rep. Peterson
02:06:09 Rep. Kottel called the question.
02:06:13 Chairman Stoker

02:06:14 **Vote:** Motion carried 10-8 by roll call vote with Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Becker, Rep. Regier, Rep. Warburton, and Rep. Stoker voting no. Rep. Howard voted by proxy.

02:07:10 Chairman Stoker

EXECUTIVE ACTION ON HB 515

02:07:25 **Motion:** Rep. Peterson moved that **HB 515 DO PASS.**

02:07:31 Chairman Stoker
02:07:58 Rep. Sands called the question.

02:08:06 **Vote:** Motion that **HB 515 DO PASS** carried 17-1 by voice vote with Rep. Peterson voting no. Rep. Howard voted by proxy.

02:08:16 Chairman Stoker
02:08:19 Rep. Peterson

EXECUTIVE ACTION ON HB 457

02:08:34 **Motion:** Rep. Peterson moved that **HB 457 DO PASS.**

02:08:44 Mr. Niss
[EXHIBIT\(juh38a06\)](#)

02:08:51 **Motion:** Rep. Kottel moved that **HB 457 BE AMENDED.**

Discussion:

02:09:05 Chairman Stoker
02:09:44 Rep. Kottel
02:14:41 Chairman Stoker
02:14:44 Rep. Peterson called the question.

02:14:50 **Vote:** Motion that **HB 457 BE AMENDED** carried unanimously by voice vote. Rep. Howard voted by proxy.

02:14:59 Chairman Stoker

02:15:03 **Motion:** Rep. Peterson moved that **HB 457 DO PASS AS AMENDED.**

Discussion:

02:15:09 Rep. Menahan

02:16:39 Rep. Blewett

02:16:49 Rep. Kottel

02:17:06 Chairman Stoker

02:17:24 Rep. Becker

02:17:44 Chairman Stoker

02:17:49 Rep. Kottel

02:18:19 Chairman Stoker

02:18:43 Rep. Sands called the question.

02:18:48 **Vote:** Motion failed 5-13 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Becker, and Rep. Driscoll voting aye. Rep. Howard voted by proxy.

02:19:42 **Substitute Motion:** Rep. Kerns made a substitute motion that **HB 457 BE TABLED AND THE VOTE REVERSED.**

02:19:47 Chairman Stoker

02:19:50 **Vote:** Motion carried unanimously by voice vote. Rep. Howard voted by proxy.

EXECUTIVE ACTION ON HJ 20

02:20:13 **Motion:** Rep. Peterson moved that **HJ 20 DO PASS.**

Discussion:

02:20:17 Chairman Stoker

02:20:33 Rep. Sands called the question.

02:20:41 Chairman Stoker

02:20:56 **Vote:** Motion carried 15-3 by voice vote with Rep. Kerns, Rep. Regier, and Rep. Warburton voting no. Rep. Howard voted by proxy.

02:21:19 Chairman Stoker

EXECUTIVE ACTION ON HB 497

02:21:40 **Motion:** Rep. Peterson moved that **HB 497 DO PASS.**

Discussion:

02:21:48 Rep. Kottel

02:22:28 Chairman Stoker

02:22:34 Rep. Kottel

02:22:56 Rep. Peterson

02:24:10 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion that **HB 497 BE TABLED.** Substitute motion carried 13-5 by roll call vote with Rep. Kottel, Rep. MacDonald, Rep. Ebinger, Rep. Driscoll, and Rep. McClafferty voting no. Rep. Howard voted by proxy.

02:26:19 Chairman Stoker

02:26:22 Rep. Driscoll

02:26:26 Chairman Stoker

02:26:32 Rep. Ebinger

02:26:54 Chairman Stoker

ADJOURNMENT

02:27:05 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT(juh38a07) Letter from Jo Kimery in support of HB 517

Additional Documents:

EXHIBIT(juh38aad.pdf)