

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 19, 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. David Howard (R)
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. Bob Ebinger (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 347, 2/17/09; HB 503, 2/16/2009;
HB 504, 2/16/2009; HB 534,
2/16/2009; HB 552, 2/16/2009;
HB 554, 2/16/2009; HB 574, 2/17/09;
HB 628, 2/17/09

Executive Action: None

HEARING ON HB 534

Opening Statement by Sponsor:

00:02:08 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 534, Require audio-video recording of custodial interrogations.

EXHIBIT(juh39a01)

00:07:45 Chairman Stoker

Proponents' Testimony:

00:08:16 Jessie McQuillan, Executive Director, Montana Innocence Project

EXHIBIT(juh39a02)

00:15:53 Andrew Vail

Rep. Ebinger joined the meeting.

00:25:49 Chairman Stoker

00:26:05 Bill Hooks, Montana Association of Criminal Defense Lawyers

00:28:44 Dan Gengler, Montanans for Justice

00:31:20 Frank Crowley

00:33:08 Robert Kolar, Montanans for Justice

00:33:31 Beth Brenneman, Disability Rights Montana

EXHIBIT(juh39a03)

00:36:01 Doug Lowney, Montanans for Justice

Opponents' Testimony:

00:39:47 Marty Lambert, Gallatin County Attorney

00:57:02 Leo Dutton, Montana Sheriffs and Peace Officers Association

01:02:31 Sheryl Wood, Montana Association of Counties

Informational Testimony:

01:05:55 Pam Bucy, Montana Association of Chiefs of Police; Montana Police Protective Association

01:07:58 Mike Batista, Department of Justice

01:09:10 Rep. Kottel

01:09:18 Mr. Batista

01:09:24 Rep. Kottel

01:09:33 Mr. Batista

Questions from Committee Members and Responses:

01:10:19 Rep. Kottel

01:10:28 Mr. Vail

01:10:30 Rep. Kottel
 01:10:39 Mr. Vail
 01:10:58 Rep. Kottel
 01:11:23 Mr. Vail
 01:11:25 Rep. Kottel
 01:11:39 Mr. Vail
 01:12:00 Rep. Kottel
 01:12:36 Mr. Vail
 01:13:33 Rep. Kottel
 01:13:47 Ms. Wood
 01:13:49 Rep. Kottel
 01:14:21 Ms. Wood
 01:15:14 Chairman Stoker
 01:15:16 Rep. Menahan
 01:15:51 Mr. Vail
 01:16:04 Rep. Menahan
 01:16:44 Mr. Vail
 01:17:01 Rep. Menahan
 01:17:45 Mr. Vail
 01:18:02 Rep. Menahan
 01:19:26 Mr. Vail
 01:19:37 Rep. Peterson
 01:19:55 Mr. Lambert
 01:20:03 Rep. Peterson
 01:21:00 Mr. Lambert
 01:21:55 Chairman Stoker
 01:22:00 Rep. Howard
 01:22:55 Mr. Lambert
 01:24:00 Rep. More
 01:24:31 Mr. Lambert

Closing by Sponsor:

01:26:05 Rep. Campbell
 01:31:20 Chairman Stoker

HEARING ON HB 574

Opening Statement by Sponsor:

01:32:23 Rep. Chas Vincent (R), HD 2, opened the hearing on
 HB 574, Revise burglary law.

Proponents' Testimony:

01:35:53 Marty Lambert, Gallatin County Attorney
 01:40:52 Molly Kirk
 01:44:12 Lisa Kirk

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:49:06 Rep. Warburton
01:49:44 Rep. Vincent
01:49:52 Mr. Lambert
01:50:59 Rep. Wagner
01:51:14 Mr. Lambert
01:51:40 Rep. Wagner
01:51:48 Mr. Lambert
01:51:49 Rep. Wagner
01:51:57 Mr. Lambert
01:52:12 Rep. Wagner
01:52:18 Chairman Stoker
01:52:31 Molly Kirk

EXHIBIT(juh39a04)

Closing by Sponsor:

01:53:08 Rep. Vincent
01:54:35 Chairman Stoker
01:54:49 Recess
02:18:28 Reconvene
02:18:29 Chairman Stoker

HEARING ON HB 503

Opening Statement by Sponsor:

02:18:47 Rep. Bill McChesney (D), HD 40, opened the hearing on
HB 503, Revise law on parimutuel wagering on fantasy
sports.

EXHIBIT(juh39a05)

02:22:20 Chairman Stoker
02:22:25 Rep. McChesney

EXHIBIT(juh39a06)

Proponents' Testimony:

02:28:34 John Tooke, Goldern Spur Casino, Miles City, Montana

Opponents' Testimony:

02:39:35 Sherry Meader, Attorney, Montana Board of Horse Racing
02:49:42 Ryan Sherman, Executive Secretary, Montana Board of
Horse Racing
02:52:30 Al Carruthers, Chairman, Montana Board of Horse Racing
02:53:48 John Ostlund, Yellowstone County Commissioner
02:55:20 Larry Jordan, Montana Horse Breeders Association
02:56:45 George Parisot, Montana Lottery
EXHIBIT(juh39a07)
03:00:48 Ray Thares, Papa Ray's Casino
03:02:16 Keith Allen, International Brotherhood of Electrical
Workers

Informational Testimony:

03:03:43 Rick Ask, Bureau Chief, Gambling Control, Department of
Justice
03:04:11 Mike Manion, Chief Legal Counsel, Department of
Administration

Questions from Committee Members and Responses: None

Closing by Sponsor:

03:05:23 Rep. McChesney
03:12:08 Chairman Stoker
03:13:09 Recess
03:15:06 Reconvene
03:15:07 Chairman Stoker

HEARING ON HB 347

Opening Statement by Sponsor:

03:15:28 Rep. Scott Mendenhall (R), HD 77, opened the hearing on
HB 347, Revise third-party bad faith litigation.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 504

Opening Statement by Sponsor:

03:15:50 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 504, Revise laws on guardianship of incapacitated person.

Proponents' Testimony:

03:19:06 Ann Brodsky, Chief Legal Counsel, Governor's Office

03:22:20 Beth Brenneman, Disability Rights Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:24:24 Rep. More
03:24:30 Rep. Reinhart
03:24:31 Rep. More
03:24:55 Rep. Reinhart
03:26:38 Rep. More
03:26:46 Rep. Reinhart
03:26:54 Rep. Wagner
03:27:20 Rep. Reinhart
03:27:28 Rep. Wagner
03:27:42 Rep. Reinhart
03:27:48 Ms. Brenneman
03:29:17 Rep. Wagner
03:29:38 Ms. Brenneman
03:30:03 Rep. Wagner
03:30:04 Chairman Stoker
03:30:23 Ms. Brenneman
03:30:36 Chairman Stoker
03:30:44 Ms. Brenneman
03:31:05 Chairman Stoker
03:31:21 Ms. Brenneman
03:31:26 Chairman Stoker
03:32:09 Ms. Brenneman
03:33:10 Chairman Stoker
03:33:20 Ms. Brenneman
03:33:38 Chairman Stoker

Closing by Sponsor:

03:33:44 Rep. Reinhart

HEARING ON HB 552

Opening Statement by Sponsor:

03:34:32 Rep. Robert Mehlhoff (D), HD 26, opened the hearing on HB 552, Regulate location of sexual offenders at prerelease centers.

Proponents' Testimony: None

Opponents' Testimony:

03:44:23 Kelly Speer, Department of Corrections

EXHIBIT(juh39a08)

03:49:29 Sheryl Wood, Montana Association of Counties

03:51:38 John Ostlund, Montana Association of Counties

03:52:12 Curtis Thompson, Great Falls Prerelease Center

03:58:34 Michael Sullivan, Montana Sex Offender Treatment Association

04:01:48 Pat Keim, Alternatives, Inc.

04:04:26 Sue Wilkins, Missoula Correctional Services

04:07:04 Scott Crichton, Executive Director, American Civil Liberties Union of Montana

EXHIBIT(juh39a09)

04:07:42 Craig Thomas, Board of Pardons and Parole

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:08:35 Rep. Mehlhoff

HEARING ON HB 554

Opening Statement by Sponsor:

04:11:52 Rep. David Howard (R), HD 60, opened the hearing on HB 554, Verify alien status of prisoners.

EXHIBIT(juh39a10)

Proponents' Testimony:

04:13:13 Paul Nachman

Opponents' Testimony:

04:15:59 Shahid Haque-Hausrath

04:23:22 Scott Crichton, Executive Director, American Civil
Liberties Union of Montana

EXHIBIT(juh39a11)

04:30:04 Jaimee Greer, Montana Human Rights Network

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:31:25 Rep. Howard

04:31:52 Rep. Stoker gave the gavel to Rep. Peterson.

HEARING ON HB 628

Opening Statement by Sponsor:

04:32:05 Rep. Ron Stoker (R), HD 87, opened the hearing on
HB 628, Careless and reckless driving resulting in
death.

Proponents' Testimony:

04:34:01 Pat Tucker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:36:18 Rep. Stoker

ADJOURNMENT

04:37:31 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT(juh39a12) Proposed Amendments for HB 362
EXHIBIT(juh39a13) Testimony of Pat Keim on HB 552
EXHIBIT(juh39a14) Witness statement from Marlehna Harper on HB
252

Additional Documents:

EXHIBIT(juh39aad.pdf)