

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 11, 2009 at 8:04
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. 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: Rep. Robyn Driscoll (D)

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: SB 382, 3/5/2009; SB 374, 3/5/2009;
SB 381, 3/5/2009

Executive Action: SB 209, SB 250, SB 323

HEARING ON SB 381

Opening Statement by Sponsor:

00:01:51 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 381, Direct department of justice to enter MOU on enforcement of alien laws.

Proponents' Testimony:

00:05:47 Paul Nachman
00:11:13 Kelly Wood
00:24:00 Rep. Driscoll joined the meeting.
00:24:06 Gilda Clancy, Montana Eagle Forum
00:25:28 Gene Williams
00:27:15 Harris Himes
00:27:44 Daniel Cox

Opponents' Testimony:

00:28:17 Shahid Haque-Hausrath
00:39:08 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

EXHIBIT(juh54a01)

00:42:27 Rep. Mary Caferro, HD 80, Helena; Montana Democratic Women's Caucus

EXHIBIT(juh54a02)

00:43:58 Jaimee Greer, Montana Human Rights Network
00:46:19 Niki Zupanic, American Civil Liberties Union of Montana

Informational Testimony:

00:50:36 Mike Tooley, Colonel, Montana Highway Patrol

Questions from Committee Members and Responses:

00:54:24 Rep. MacDonald
00:54:40 Mr. Wood
00:54:42 Rep. MacDonald
00:55:01 Mr. Wood
00:55:05 Rep. MacDonald
00:55:09 Mr. Wood
00:55:18 Rep. MacDonald
00:55:20 Mr. Wood
00:55:22 Rep. MacDonald
00:55:25 Rep. Regier
00:56:01 Mr. Tooley
00:56:44 Chairman Stoker
00:56:47 Rep. More

00:56:59 Mr. Haque-Hausrath
00:57:00 Rep. More
00:57:09 Mr. Haque-Hausrath
00:57:11 Rep. More
00:57:24 Mr. Haque-Hausrath
00:59:09 Rep. More
00:59:19 Mr. Haque-Hausrath
00:59:40 Rep. More
00:59:46 Rep. Bennett
00:59:57 Mr. Haque-Hausrath
01:00:07 Rep. Bennett
01:00:22 Mr. Haque-Hausrath
01:00:42 Rep. Bennett
01:00:48 Rep. Regier
01:00:56 Mr. Haque-Hausrath
01:01:11 Rep. Wagner
01:02:59 Mr. Haque-Hausrath
01:06:14 Rep. Wagner
01:06:58 Mr. Haque-Hausrath
01:08:19 Chairman Stoker
01:08:27 Rep. Wagner
01:08:46 Chairman Stoker
01:08:49 Rep. Wagner
01:09:07 Chairman Stoker
01:09:11 Mr. Haque-Hausrath
01:09:23 Rep. Wagner
01:09:29 Chairman Stoker
01:09:32 Rep. Wagner
01:09:35 Mr. Haque-Hausrath
01:11:09 Rep. Wagner
01:11:18 Rep. Peterson
01:11:38 Mr. Haque-Hausrath
01:11:52 Rep. Peterson
01:11:59 Mr. Tooley
01:12:02 Rep. Peterson
01:12:35 Mr. Tooley
01:12:52 Rep. Peterson
01:13:33 Rep. Menahan
01:13:57 Chairman Stoker
01:14:00 Rep. Menahan
01:14:06 Mr. Tooley
01:15:00 Rep. Menahan
01:15:22 Mr. Tooley
01:15:51 Rep. Menahan
01:16:31 Mr. Tooley
01:17:08 Chairman Stoker
01:17:10 Rep. Howard
01:17:15 Mr. Tooley
01:17:16 Rep. Howard
01:17:41 Mr. Tooley

01:18:11 Rep. Howard
01:18:25 Mr. Tooley
01:18:41 Rep. Howard
01:18:48 Rep. Wagner
01:19:27 Mr. Tooley
01:19:45 Chairman Stoker

Closing by Sponsor:

01:20:09 Sen. Shockley

01:26:36 Chairman Stoker

01:26:48 Recess
01:41:10 Reconvene

HEARING ON SB 382

Opening Statement by Sponsor:

01:41:38 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 382, Prohibit noncooperation practices concerning
illegal aliens.

Proponents' Testimony:

01:44:41 Kelly Wood
01:50:31 Paul Nachman
01:53:51 Gene Williams
01:55:54 Gilda Clancy, Montana Eagle Forum
01:56:12 Harris Himes, pastor, Big Sky Christian Center
01:57:04 Daniel Cox

Opponents' Testimony:

01:58:41 Shahid Haque-Hausrath
02:07:50 Jaimee Greer, Montana Human Rights Network
02:08:53 Niki Zupanic, American Civil Liberties Union of Montana
02:12:03 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

02:12:14 Rep. More
02:12:26 Sen. Shockley
02:12:28 Rep. More
02:12:34 Sen. Shockley
02:12:58 Rep. More

02:13:20 Sen. Shockley
 02:13:27 Rep. More
 02:14:43 Sen. Shockley
 02:14:48 Chairman Stoker
 02:14:54 Sen. Shockley
 02:15:42 Chairman Stoker
 02:15:45 Sen. Shockley
 02:15:51 Rep. Wagner
 02:16:10 Sen. Shockley
 02:16:13 Chairman Stoker
 02:16:16 Rep. Wagner
 02:18:13 Mr. Haque-Hausrath
 02:19:37 Rep. Wagner
 02:20:15 Mr. Haque-Hausrath
 02:20:54 Rep. Wagner
 02:21:56 Mr. Haque-Hausrath
 02:23:25 Rep. Wagner
 02:24:20 Mr. Haque-Hausrath
 02:24:51 Rep. Wagner

Closing by Sponsor:

02:25:01 Sen. Shockley
 02:25:13 Chairman Stoker
 02:25:14 Sen. Shockley
 02:29:40 Chairman Stoker

HEARING ON SB 374

Opening Statement by Sponsor:

02:29:56 Sen. Gary Perry (R), SD 35, opened the hearing on
 SB 374, Revise parental notification law.

Proponents' Testimony:

02:34:49 Greg Trude, Right to Life of Montana
 02:37:45 Susan Gliko, Montana Catholic Conference; Rachel's
 Hope

EXHIBIT (juh54a03)

02:41:57 B.J. Stumberg, pastor, Canyon Ferry Road
 Baptist Church
 02:46:03 Jeff Laszloffy, Montana Family Foundation
 02:49:04 Dallas Erickson, Montana Citizens for Decency Through
 the Law
 02:49:29 Gilda Clancy, Montana Eagle Forum
 02:50:14 Gene Williams
 02:51:31 Rep. Gerald Bennett, HD 1, Libby
 02:52:07 Daniel Cox

02:52:48 Harris Himes, pastor, Big Sky Christian Center

Opponents' Testimony:

02:54:07 Niki Zupanic, American Civil Liberties Union of Montana

03:02:36 Kelsen Young, Montana Coalition Against Domestic and
Sexual Violence

EXHIBIT(juh54a04)

03:06:55 Stacy Anderson, Planned Parenthood of Montana

03:13:25 Angie Wagenhals, NARAL Pro-Choice Montana

03:15:59 Jaimee Greer, Montana Human Rights Network

Informational Testimony: None

Questions from Committee Members and Responses:

03:16:37 Rep. Warburton

03:16:52 Ms. Zupanic

03:16:54 Rep. Warburton

03:17:09 Ms. Zupanic

03:17:52 Rep. Warburton

03:17:59 Ms. Zupanic

03:18:26 Rep. Warburton

03:18:38 Rep. More

03:18:50 Ms. Anderson

03:18:51 Rep. More

03:19:28 Ms. Anderson

03:20:35 Rep. More

03:20:45 Ms. Anderson

03:21:00 Rep. More

03:21:14 Rep. Warburton

03:21:53 Rep. Driscoll

03:22:00 Chairman Stoker

03:22:05 Rep. Warburton

03:22:12 Chairman Stoker

03:22:20 Rep. Warburton

03:22:40 Chairman Stoker

03:22:52 Ms. Gliko

Closing by Sponsor:

03:23:25 Sen. Perry

03:33:35 Chairman Stoker

EXECUTIVE ACTION ON SB 209

03:34:21 **Motion:** Rep. Peterson moved that **SB 209 BE CONCURRED
IN.**

Discussion:

03:34:31 Chairman Stoker
03:34:47 Rep. Blewett
03:37:05 Chairman Stoker
03:37:13 Rep. Peterson called the question.

03:37:18 **Vote:** Motion carried unanimously by voice vote. Rep.
Sands and Rep. Menahan voted by proxy.

03:37:37 Chairman Stoker

EXECUTIVE ACTION ON SB 250

03:37:50 **Motion:** Rep. Peterson moved that **SB 250 BE CONCURRED
IN.**

Discussion:

03:37:55 Chairman Stoker
03:38:34 Rep. More
03:39:19 Chairman Stoker
03:39:22 Rep. Ebinger
03:39:55 Chairman Stoker
03:40:05 Rep. Ebinger
03:40:08 Chairman Stoker
03:40:14 Rep. Kottel
03:41:49 Rep. Warburton
03:42:39 Rep. Blewett
03:43:22 Rep. Peterson called the question.

03:43:32 **Vote:** Motion carried 15-3 by voice vote with Rep.
More, Rep. Wagner, and Rep. Warburton voting no. Rep.
Sands and Rep. Menahan voted by proxy.

EXECUTIVE ACTION ON SB 323

03:44:41 **Motion:** Rep. Peterson moved that **SB 323 BE CONCURRED
IN.**

Discussion:

03:44:48 Chairman Stoker
03:45:10 Rep. Kottel
03:48:41 Chairman Stoker
03:49:12 Rep. Kottel
03:50:06 Rep. Howard
03:50:33 Rep. Kottel

03:52:42 Rep. Wagner
03:53:45 Rep. Kottel
03:54:07 Rep. Warburton
03:55:08 Rep. Kottel
03:56:24 Rep. Warburton
03:56:49 Rep. Kottel
03:57:08 Chairman Stoker
03:57:51 Rep. Kottel
03:58:36 Rep. More
03:59:07 Rep. Howard
03:59:32 Rep. Kottel
04:00:07 Rep. Regier
04:00:30 Rep. Kottel
04:01:04 Rep. Regier
04:01:05 Rep. Kottel
04:01:22 Chairman Stoker
04:01:26 Rep. Kottel
04:01:35 Rep. Regier
04:01:52 Rep. Kottel
04:02:34 Rep. MacDonald called the question.
04:02:37 Rep. Peterson
04:03:06 Chairman Stoker
04:03:38 Rep. Peterson
04:04:05 Rep. Blewett
04:04:34 Rep. Kottel
04:04:56 Rep. Blewett

04:05:03 **Vote:** Motion carried 10-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. Wagner, Rep. Driscoll, Rep. Regier, Rep. Howard, and Rep. Warburton voting no. Rep. Sands voted by proxy.

04:05:57 Chairman Stoker

ADJOURNMENT

04:06:10 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT(juh54a05) Letter from Catherine Billie opposing SB 374

Additional Documents:

EXHIBIT(juh54aad.pdf)