

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 13, 2009 at 8:06
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. 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. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

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: SB 46, 3/5/2009; HB 528, 3/5/2009

Executive Action: HB 276

HEARING ON HB 528

Opening Statement by Sponsor:

00:02:15 Rep. Dee Brown (R), HD 3, opened the hearing on HB 528, Enhanced penalties for teachers convicted of sex crimes with minors.

00:03:44 Chairman Stoker

Proponents' Testimony:

00:04:41 Suzanne Brooks

00:05:15 Vivienne McNeme

00:06:01 Dallas Erickson, Montana Citizens for Decency Through the Law

00:07:13 Annie Bukacek, physician, Kalispell

00:07:58 Glenda Dylina-Brown, clinical counselor

00:09:59 Liann Bear, Montana Pro-life Coalition

00:10:50 Roland Horst

00:11:20 Harris Himes, pastor, Big Sky Christian Center

Opponents' Testimony:

00:11:53 J.C. Weingartner, MEA-MFT

00:15:17 Niki Zupanic, American Civil Liberties Union of Montana

Informational Testimony: None

Questions from Committee Members and Responses:

00:17:38 Rep. Sands

00:17:45 Rep. Brown

00:17:45 Rep. Sands

00:18:19 Rep. Brown

00:18:55 Rep. Sands

00:19:58 Rep. Brown

00:20:26 Rep. Sands

00:20:38 Chairman Stoker

00:20:45 Rep. Wagner

00:21:00 Ms. Zupanic

00:21:02 Rep. Wagner

00:21:21 Ms. Zupanic

00:21:59 Rep. Wagner

00:22:40 Ms. Zupanic

00:23:04 Rep. Bennett

00:23:26 Ms. Zupanic

00:23:44 Rep. Bennett

00:23:48 Rep. More

00:24:15 Rep. Brown

00:24:27 Rep. More

Closing by Sponsor:

00:24:37 Rep. Brown

00:25:58 Chairman Stoker

HEARING ON SB 46

Opening Statement by Sponsor:

00:27:11 Sen. Dan McGee (R), SD 29, opened the hearing on SB 46,
Protection of unborn life as compelling state interest.

EXHIBIT(juh56a01)

00:30:40 Rep. Menahan joined the meeting.

Proponents' Testimony:

00:45:21 Gilda Clancy, Montana Eagle Forum

00:46:01 B.G. Stumburg, Canyon Ferry Road Baptist Church

00:47:47 Rick Komenda, Montana ProLife Coalition

00:50:38 Charlotte Komenda, Montana ProLife Coalition

00:52:24 Suzanne Brooks, Montana ProLife Coalition

00:54:08 Annie Bukacek, President, Montana ProLife Coalition

EXHIBIT(juh56a02)

00:56:52 Lee Ann Bear

EXHIBIT(juh56a03)

00:59:04 David Beaulieu

01:00:09 Christina Hayden

EXHIBIT(juh56a04)

01:04:27 Robert Krebs

01:04:44 Angela Krebs

01:05:07 Vivian McNeme

01:05:38 Roland Horst, Montana ProLife Coalition

EXHIBIT(juh56a05)

01:06:53 Michael Eayrs

01:07:12 Cathline Sipes, Montana ProLife Coalition

01:08:10 Mike Kecskes

01:09:20 Gale Asbury

EXHIBIT(juh56a06)

01:12:06 Tere Estus

01:12:26 Elise Estus

01:12:44 Catherine Estus

01:13:02 Susan Bodner

01:15:13 Moe Wosepka, Montana Catholic Conference

01:15:59 Jeff Laszloffy, Montana Family Foundation

01:17:14 Harris Himes, Pastor, Big Sky Christian Center

01:17:43 Gregory DePuydt, Queen of Victory Radio
01:18:51 Tim Schroeder
01:20:07 Kim Coleman
01:22:06 Linda Jackson, Flathead Valley Lutherans for Life
01:22:55 Jill Knoll
01:23:07 Olivia Knoll
01:23:20 Glenda Dylina-Brown
01:26:48 Collin Barth
01:27:41 Bridget Ervin
01:29:50 Amy Skryja
01:32:12 Kensey Lombardi
01:34:28 Sen. Verdell Jackson, SD 5, Kalispell
01:36:48 Marissa Stockton
01:37:07 Becky Stockton
01:37:27 Jonene Bernhardt
01:38:01 Barbara LaRue
01:38:21 Leah Michel
01:39:20 William Fausett
01:40:26 Melda Freeman
01:41:15 Rita Senkler
01:41:28 Greg Trude, Right to Life Montana
01:42:10 Lincoln Dziekonski
01:42:46 Julie Zdenek
01:43:24 Dallas Erickson, Montana Citizens for Decency Through
Law

EXHIBIT(juh56a07)

01:43:58 Rick Jore

EXHIBIT(juh56a08)

01:44:47 Katie French

01:45:58 Recess

01:59:21 Reconvene

01:59:22 Chairman Stoker

Opponents' Testimony:

02:09:38 Niki Zupanic, American Civil Liberties Union of Montana

EXHIBIT(juh56a09)

02:17:11 Kelsen Young, Montana Coalition Against Domestic and
Sexual Violence

02:19:57 Beth Brenneman, Disability Rights Montana

02:27:50 Judy Reel

02:31:34 John Arrigo

02:37:24 Rita Blouke, Helena Area League of Women Voters

02:40:13 Stacy Anderson, Planned Parenthood of Montana

02:44:14 Anita Kuennen, Blue Mountain Clinic

02:46:31 Angie Wagenhals, NARAL Pro Choice Montana

02:48:38 Richard Weaver, pastor, Plymouth Congregational United
Church of Christ
02:50:14 Karen Eddy
02:55:13 Tannis Hargrove
02:55:56 Cathy Barker
02:57:34 Anne Kron
02:59:50 Angel Nordquist
03:00:13 Stacy James, CEO, Planned Parenthood of Montana
03:01:00 Kate Everhart
03:01:28 Lana Rae
03:02:51 Mike Smith
03:04:15 Laurel Olsonoski
03:04:29 Bethany Eldridge
03:05:12 Beth Cogswell
03:06:16 Jaimee Greer, Montana Human Rights Network
03:06:49 Lindsay Love
03:07:35 Abby Johnson

Informational Testimony: None

Questions from Committee Members and Responses:

03:08:22 Rep. More
03:08:29 Chairman Stoker
03:08:41 Ms. Zupanic
03:08:44 Rep. More
03:08:57 Ms. Zupanic
03:09:31 Rep. More
03:10:10 Ms. Zupanic
03:10:33 Rep. More
03:10:49 Ms. Zupanic
03:11:24 Rep. More
03:11:30 Rep. Warburton
03:11:41 Chairman Stoker
03:11:43 Rep. Warburton
03:12:03 Ms. James
03:12:14 Rep. Warburton
03:12:22 Ms. James
03:12:39 Rep. Warburton
03:12:50 Ms. James
03:12:55 Rep. Regier
03:13:18 Ms. Young
03:14:07 Rep. Regier
03:14:15 Ms. Young
03:15:18 Rep. Wagner
03:16:13 Mr. Weaver
03:16:20 Rep. Wagner
03:17:00 Mr. Weaver
03:17:10 Rep. Wagner
03:17:21 Chairman Stoker

03:17:26 Rep. Wagner
 03:18:01 Mr. Weaver
 03:18:21 Rep. Wagner
 03:19:14 Mr. Weaver
 03:19:24 Rep. Bennett
 03:19:39 Ms. Bucancek
 03:19:41 Rep. Bennett
 03:20:04 Ms. Bucancek
 03:20:09 Rep. Bennett
 03:20:17 Ms. Bucancek
 03:20:28 Chairman Stoker
 03:20:31 Rep. Bennett
 03:21:01 Ms. Bucancek
 03:21:31 Chairman Stoker

Closing by Sponsor:

03:21:39 Sen. McGee

 03:30:22 Chairman Stoker
 03:30:57 Rep. Wagner

 03:30:57 Recess
 03:37:30 Reconvene

 03:37:33 Chairman Stoker
 03:38:41 Sen. McGee
 03:39:14 Mr. Komenda
 03:40:11 Sen. McGee
 03:40:25 Chairman Stoker

EXECUTIVE ACTION ON HB 276

03:40:49 **Motion:** Rep. Peterson moved that **HB 276 DO PASS.**

03:40:54 Chairman Stoker
 03:41:01 Rep. Peterson
EXHIBIT(juh56a10)
 03:41:23 Chairman Stoker

03:42:44 **Motion:** Rep. Peterson moved that **HB 276 BE AMENDED**
 (refer to Exhibit 10).

Discussion:

03:44:31 Chairman Stoker
 03:45:09 Rep. Kottel
 03:50:00 Rep. Becker
 03:50:59 Rep. Kottel

03:51:44 Chairman Stoker
03:52:11 Rep. Peterson
03:54:38 Rep. MacDonald
03:55:08 Rep. Peterson
03:55:11 Mr. Niss
03:55:40 Rep. Ebinger
03:55:49 Rep. Peterson
03:55:49 Rep. Ebinger
03:56:16 Rep. Peterson
03:56:36 Rep. Ebinger
03:56:48 Rep. Peterson
03:57:00 Rep. Ebinger
03:57:30 Chairman Stoker
03:57:36 Mr. Niss
03:58:23 Rep. Ebinger
03:58:42 Chairman Stoker
03:58:43 Rep. Kottel
03:58:53 Rep. Ebinger
03:58:56 Rep. Menahan
03:59:01 Chairman Stoker
03:59:05 Rep. Menahan
03:59:58 Rep. Sands

04:01:13 **Substitute Motion:** Rep. Peterson made a substitute motion **TO SEGREGATE AMENDMENTS 1-6 AND 8** (refer to Exhibit 10).

04:02:21 Chairman Stoker
04:02:26 Rep. Sands
04:02:41 Rep. Peterson
04:03:13 Chairman Stoker

04:03:29 **Vote:** Substitute motion **TO SEGREGATE AMENDMENTS 1-6 and 8** (refer to Exhibit 10) carried 17-1 by voice vote with Rep. Driscoll voting no.

04:03:56 **Motion/Vote:** Rep. Peterson moved that **HB 276 BE AMENDED** (refer to Exhibit 10, Amendments 1-6 and 8). Motion carried 17-1 by voice vote with Rep. McClafferty voting no.

04:04:49 **Motion:** Rep. Peterson moved that **HB 276 DO PASS AS AMENDED.**

Discussion:

04:04:58 Chairman Stoker
04:05:13 Rep. Kerns
04:05:25 Chairman Stoker

04:05:34 Rep. Kerns
04:05:53 Chairman Stoker
04:05:59 Rep. Kottel
04:06:12 Chairman Stoker
04:06:16 Rep. Kottel
04:09:00 Rep. Sands
04:09:48 Rep. Menahan
04:11:26 Rep. Peterson
04:12:31 Chairman Stoker
04:12:40 Rep. Kottel
04:13:54 Rep. More
04:15:40 Rep. Becker
04:16:45 Chairman Stoker
04:16:58 Rep. Becker
04:17:03 Rep. Ebinger
04:17:16 Chairman Stoker
04:18:08 Rep. Becker
04:18:15 Chairman Stoker
04:18:23 Rep. Peterson
04:19:26 Chairman Stoker
04:19:36 Rep. Becker
04:20:01 Rep. Peterson
04:20:30 Rep. Blewett
04:21:32 Mr. Niss
04:23:10 Rep. Howard
04:23:44 Rep. Kottel
04:24:03 Rep. Howard
04:24:22 Rep. Kottel
04:24:36 Rep. Kerns
04:25:06 Rep. Kottel
04:25:53 Rep. Sands
04:26:56 Rep. Wagner
04:28:04 Rep. Driscoll called the question.
04:28:07 Chairman Stoker
04:29:21 Rep. Blewett
04:29:59 Rep. Menahan
04:30:50 Chairman Stoker
04:31:05 Mr. Niss
04:31:17 Chairman Stoker
04:31:18 Rep. Kottel
04:31:54 Rep. Menahan
04:32:47 Rep. Peterson
04:33:31 Rep. Kottel
04:33:35 Rep. Peterson
04:33:38 Chairman Stoker
04:33:40 Rep. More
04:33:53 Rep. Driscoll called the question.
04:34:00 Chairman Stoker

04:34:03 **Vote:** Motion failed 6-12 by roll call vote with Rep. Peterson, Rep. Kottel, Rep. Sands, Rep. More, Rep. Driscoll, and Rep. Stoker voting aye.

04:35:14 **Motion:** Rep. Sands moved that **HB 276 BE TABLED AND THE VOTE REVERSED.**

04:36:02 Chairman Stoker

04:36:51 Rep. Ebinger

04:36:58 Chairman Stoker

04:37:02 **Vote:** Motion that **HB 276 BE TABLED AND THE VOTE REVERSED** failed 6-12 by roll call vote with Rep. Wagner, Rep. Becker, Rep. Regier, Rep. McClafferty, Rep. Howard, and Rep. Menahan voting aye.

04:38:27 Chairman Stoker

ADJOURNMENT

04:38:33 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT(juh56a11) Letter from Lynn Jonek in support of HB 46 &
HB 406

Additional Documents:

EXHIBIT(juh56aad.pdf)