

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 12, 2009 at 9:00
A.M., in Room 152 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

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 188, HB 322, HB 490, 3/5/2009

Executive Action: None

HEARING ON HB 322

Opening Statement by Sponsor:

00:01:37 Rep. Anders Blewett (D), HD 21, opened the hearing on
HB 322, Fair arbitrators act.

[EXHIBIT\(jus55a01\)](#)

[EXHIBIT\(jus55a02\)](#)

Proponents' Testimony:

00:12:46 John Doubek, Attorney, Helena

00:18:35 Sheena Rice, Montana Public Interest Research Group
(MontPIRG)

00:19:38 Andrea Olsen, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:21:56 Sen. Shockley

00:22:26 Mr. Doubek

00:23:06 Sen. Larsen

00:23:21 Rep. Blewett

00:23:58 Sen. Perry

00:24:30 Rep. Blewett

00:25:47 Sen. Shockley

00:25:57 Rep. Blewettt

Closing by Sponsor:

00:27:33 Rep. Blewett

HEARING ON HB 188

Opening Statement by Sponsor:

00:28:20 Rep. Deborah Kottel (D), HD 20, opened the hearing on HB 188, Double damages for wrongful withholding of security deposits.

Proponents' Testimony:

00:37:13 Lucas Hamilton, President, Associated Students of the University of Montana (ASUM)

[EXHIBIT\(jus55a03\)](#)

[EXHIBIT\(jus55a04\)](#)

00:39:11 Sheena Rice, MontPIRG

00:42:46 Maureen Weiland, Associated Students of Montana State University (ASMSU)

00:43:14 Andrea Olsen, MTLA

00:46:18 Roger Halver, Montana Landlords Association

00:49:33 John Van Norman, Past Pres, Montana Landlords Association; currently, Treasurer, Montana Landlords Association, Billings

Opponents' Testimony:

00:51:16 Klaas Tuininga, Bozeman

00:53:30 Jean Nedrud, Bozeman Landlords Association, Bozeman; also for Sally Brown, Bozeman

[EXHIBIT\(jus55a05\)](#)

[EXHIBIT\(jus55a06\)](#)

00:59:31 Cleora Lodge, self

01:05:52 Sharon Lodge, Bozeman Landlords Association, Bozeman

01:11:35 Ken Champion, self

Informational Testimony:

01:15:41 Roger Halver, former member, Board of Realty Regulations/Investigations

(Mr. Halver was allowed by Chairman Perry to testify again.)

Questions from Committee Members and Responses:

01:19:49 Sen. Moss

01:20:49 Mr. Halver

01:21:22 Mr. Van Norman

01:22:12 Sen. Moss
01:22:30 Mr. Halver
01:23:24 Sen. Moss
01:23:56 Rep. Kottel
01:24:58 Sen. McGee
01:25:12 Rep. Kottel
01:25:52 Sen. Perry
01:26:05 Ms. Rice
01:28:26 Sen. Perry
01:28:30 Ms. Olsen
01:33:00 Sen. Perry
01:33:42 Ms. Nedrud
01:34:31 Sen. Curtiss
01:35:00 Ms. Rice

Closing by Sponsor:

01:36:22 Rep. Kottel

**Distributed to the Committee Members after the hearing on HB 188:
[EXHIBIT\(jus55a07\)](#)**

01:42:10 break

HEARING ON HB 490

Opening Statement by Sponsor:

01:55:25 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on
HB 490, Revise jury selection law.

Proponents' Testimony:

01:57:05 Brenda Nordlund, Acting Administrator, Motor Vehicle
Division, Department of Justice (DOJ)
02:01:06 Jorge Quintana, Chief Legal Council, Office of the
Secretary of State
02:01:50 Mary "Marty" Phippen, Montana Association of Clerks of
District Court; Montana Magistrates Association

[EXHIBIT\(jus55a08\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:04:07 Sen. McGee
02:06:32 Rep. Van Dyke
02:07:13 Sen. McGee
02:07:17 Ms. Nordlund
02:10:11 Sen. Esp
02:10:22 Ms. Nordlund
02:11:19 Sen. Esp
02:11:29 Ms. Phippen
02:14:01 Sen. Laslovich
02:14:28 Ms. Phippen
02:15:14 Sen. Laslovich
02:15:55 Ms. Nordlund
02:21:48 Sen. Shockley
02:22:37 Ms. Phippen
02:24:45 Sen. Jent
02:25:24 Ms. Phippen
02:25:50 Sen. Jent
02:25:59 Mr. Quintana
02:29:09 Sen. Shockley
02:29:25 Mr. Quintana
02:30:58 Sen. McGee
02:31:24 Rep. Van Dyke
02:31:50 Sen. McGee
02:32:01 Ms. Nordlund
02:34:26 Sen. Hinkle
02:35:15 Ms. Nordlund
02:37:46 Sen. Curtiss
02:38:04 Mr. Quintana
02:40:22 Sen. Curtiss
02:40:48 Ms. Nordlund
02:41:38 Sen. Laslovich
02:43:12 Sen. Perry
02:43:17 Sen. Laslovich
02:43:37 Sen. Perry
02:43:58 Ms. Phippen
02:49:25 Sen. Perry
02:49:33 Mr. Quintana

Closing by Sponsor:

02:52:57 Rep. Van Dyke

ADJOURNMENT

Adjournment: 11:55 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus55aad.pdf](#))