

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 13, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairwoman (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. Wendy Warburton (R)

Members Excused: Rep. Bob Wagner (R)

Members Absent: Rep. Diane Sands (D)

Staff Present: Katie Butcher, 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: HB 401, HB 407, HB 419, HR 2,
HB 473
Executive Action: None

00:00:01 Call to order

HEARING ON HB 407

Opening Statement by Sponsor:

00:01:50 Rep. Margaret MacDonald (D), HD 54, opened the hearing on HB 407, Protect children from sexual exploitation and abuse.

(Rep. Sands arrived)

Proponents' Testimony:

00:06:20 Steve Bullock, Montana Attorney General

EXHIBIT (juh34a01)

00:09:59 Harris Himes, Big Sky Christian Center

00:10:32 Dallas Erickson, Montana Citizens for Decency

EXHIBIT (juh34a02)

00:12:23 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

00:13:14 Rep. Bennett

00:13:48 Rep. MacDonald

00:13:58 Mr. Bullock

00:14:45 Rep. Regier

00:15:36 Mr. Bullock

00:17:05 Rep. Peterson

00:17:40 Mr. Bullock

00:18:22 Chairman Stoker

00:18:32 Mr. Bullock

Closing by Sponsor:

00:18:58 Rep. MacDonald

HEARING ON HR 2

Opening Statement by Sponsor:

00:19:45 Rep. Tom McGillvray (R), HD 50, opened the hearing on HR 2, Antibullying in schools resolution.

Proponents' Testimony:

00:21:26 Donald Harr

00:25:09 Allison Harr-Schmaltz, School Counselor, Elrod School;
Kalispell, Montana

EXHIBIT (juh34a03)

00:34:44 Marlene Snyder, Whitefish, Montana

EXHIBIT (juh34a04)**EXHIBIT (juh34a05)**

00:48:40 Linda Gryczan, Equality Project, Montana Human Rights
Network

00:50:15 Dallas Erickson, Montana Citizens for Decency

00:52:15 Harris Himes, Big Sky Christian Center

00:53:20 Scott Crichton, American Civil Liberties Union

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:54:35 Rep. Driscoll

00:54:54 Ms. Harr-Schmaltz

00:55:19 Rep. Peterson

00:56:16 Ms. Harr-Schmaltz

00:58:17 Chairman Stoker

00:59:45 Ms. Snyder

01:02:42 Rep. Sands

01:03:21 Ms. Snyder

01:07:16 Rep. More

01:07:39 Ms. Snyder

01:07:42 Chairman Stoker

01:07:46 Rep. More

01:07:58 Chairman Stoker

01:08:00 Rep. More

01:08:13 Ms. Snyder

Closing by Sponsor:

01:08:46 Rep. McGillvray

01:09:43 Break

01:22:47 Reconvene

HEARING ON HB 419

Opening Statement by Sponsor:

01:23:21 Rep. Tom McGillvray (R), HD 50, opened the hearing on
HB 419, Restore fault to dissolution of marriage.
EXHIBIT (juh34a06)

Proponents' Testimony:

01:43:16 Jeff Laszloffy, Montana Family Foundation
01:46:39 Rep. David Howard, HD 60, Park City, Montana
01:53:08 Donald Harr, Montana Psychiatric Association
01:55:18 Larry Goll, Minister, Christ's Church; Clancy, Montana
01:58:00 Moe Wosepka, Executive Director, Montana Catholic
Conference
01:59:36 Harris Himes, Minister, Big Sky Christian Center
02:01:18 Mike Glueckert
02:03:29 Dallas Erickson, Montana Citizens for Decency
EXHIBIT (juh34a07)
02:05:40 Steve Yeakel

Opponents' Testimony:

02:07:19 Kelsen Young, Montana Coalition Against Domestic and
Sexual Violence
EXHIBIT (juh34a08)
02:09:10 Amy Hall, Montana Legal Services Association
02:24:06 Jamee Greer, Montana Human Rights Network
02:24:53 Linda Gryczan, Equality Project, Montana Human Rights
Network
02:26:36 Chris Lindsey, Divorce Attorney, Helena, Montana
02:28:41 Randy Spaulding, District Judge, Montana 14th
District Court

Informational Testimony: None

Questions from Committee Members and Responses:

02:31:17 Rep. Peterson
02:31:38 Mr. Spaulding
02:31:40 Rep. Peterson
02:31:49 Mr. Spaulding
02:31:55 Rep. MacDonald
02:32:28 Ms. Hall
02:33:29 Rep. MacDonald
02:34:23 Ms. Hall
02:34:49 Rep. MacDonald
02:34:55 Rep. Regier

02:35:00 Rep. McGillvray
02:35:02 Rep. Regier
02:35:44 Rep. McGillvray
02:36:10 Chairman Stoker
02:36:20 Rep. More
02:36:56 Ms. Hall
02:37:05 Rep. Hall
02:37:06 Chairman Stoker

Closing by Sponsor:

02:37:17 Rep. McGillvray

02:49:29 Break
03:08:30 Reconvene

HEARING ON HB 473

Opening Statement by Sponsor:

03:09:13 Rep. Tom Berry (R), HD 45, opened the hearing on
HB 473, Revise medical marijuana laws.

Proponents' Testimony:

03:13:08 Randy Spaulding, District Judge, Montana 14th
District Court
03:26:47 Andrew Paul, Deputy County Attorney, Missoula County
03:30:29 Craig Campbell, Detective, Helena Police Department
03:33:17 Pam Bucy, Montana Association of Chiefs of Police
03:33:47 Brenda Elias, Department of Corrections

Opponents' Testimony:

03:35:11 Tom Daubert, Patients and Families United
[EXHIBIT \(juh34a09\)](#)
03:44:25 Chris Lindsey
03:49:06 Eric Billings, Lewistown, Montana
03:52:16 May Simmons, Hamilton, Montana
03:53:13 Eric Luther, Three Forks, Montana
03:57:03 Scott Crichton, American Civil Liberties Union
[EXHIBIT \(juh34a10\)](#)
03:59:48 Bruce Scharf, Helena, Montana

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:01:56 Rep. Berry

HEARING ON HB 401

Opening Statement by Sponsor:

04:05:28 Rep. Mary Caferro (D), HD 80, opened the hearing on
HB 401, Revise methamphetamine clean up laws.

[EXHIBIT\(juh34a11\)](#)

[EXHIBIT\(juh34a12\)](#)

Proponents' Testimony:

04:12:13 Cathy Belling

04:17:26 Mark Morehead

04:19:00 Craig Campbell, Detective, Helena Police Department

04:20:26 Pam Bucy, Montana Police Protective Association

04:21:17 Arlene Thurston, Helena, Montana

04:24:46 Al Smith, Montana Trial Lawyers Association

04:25:50 Cheryl Frickle, Billings, Montana

Opponents' Testimony:

04:28:59 Roger Halver, Montana Landlords Association

04:33:27 Joe Roberts, Montana Association of Realtors

Informational Testimony:

04:38:32 Ed Thamke, Montana Department of Environmental Quality

[EXHIBIT\(juh34a13\)](#)

Questions from Committee Members and Responses:

04:39:23 Rep. MacDonald

04:39:52 Rep. Caferro

04:41:05 Rep. Warburton

04:41:20 Mr. Thamke

04:41:42 Chairman Stoker

04:42:00 Rep. Regier

04:42:17 Rep. Caferro

04:42:27 Rep. MacDonald

04:42:49 Rep. Caferro

04:43:05 Chairman Stoker

04:43:25 Rep. Caferro
04:43:59 Chairman Stoker

Closing by Sponsor:

04:44:06 Rep. Caferro

ADJOURNMENT

04:46:00 Adjournment

Katie Butcher, Secretary

kb

Additional Documents:

EXHIBIT ([juh34aad.pdf](#))