

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 18, 2009 at 8:04
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
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. 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. Deborah Kottel, Vice Chairman (D), Rep.
Edith (Edie) McClafferty (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: SB 434, 3/12/2009; SB 441,
3/12/2009; SB 447, 3/12/2009;
SB 468, 3/12/2009; SJ 29, 3/12/2009

Executive Action: SB 311, SB 405, SB 400

HEARING ON SB 447**Opening Statement by Sponsor:**

00:01:29 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 447, Clarify preservation of DNA in felony cases.

Proponents' Testimony:

00:02:53 Jessie McQuillan, Executive Director, Montana Innocence Project

EXHIBIT (juh60a01)

00:06:54 Julie Johnson, attorney, Helena, Montana

00:08:52 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None**Informational Testimony:**

00:10:17 Ali Bovingdon, Department of Justice

Questions from Committee Members and Responses:

00:12:11 Rep. More
00:12:47 Ms. Johnson
00:13:17 Rep. More
00:13:31 Ms. Johnson
00:13:47 Rep. More
00:13:59 Ms. Johnson
00:14:00 Chairman Stoker
00:14:09 Rep. Bennett
00:14:38 Ms. McQuillan
00:16:17 Rep. Bennett
00:16:22 Chairman Stoker
00:16:29 Rep. Howard
00:16:34 Sen. Moss
00:16:37 Rep. Howard
00:16:57 Sen. Moss
00:17:20 Chairman Stoker
00:17:28 Ms. Bovingdon
00:18:21 Rep. Sands exited the meeting.
00:18:57 Chairman Stoker
00:19:32 Ms. Bovingdon
00:19:40 Chairman Stoker
00:19:45 Ms. Johnson
00:19:50 Chairman Stoker
00:19:54 Ms. Johnson
00:20:06 Chairman Stoker

00:20:38 Ms. Bovingdon
00:20:46 Chairman Stoker
00:20:53 Ms. Bovingdon
00:20:59 Chairman Stoker
00:21:02 Rep. Peterson
00:21:12 Sen. Moss
00:21:14 Rep. Peterson
00:21:44 Sen. Moss
00:21:56 Rep. Peterson
00:22:10 Sen. Moss
00:22:27 Rep. Peterson
00:23:09 Sen. Moss
00:23:18 Chairman Stoker
00:23:22 Ms. McQuillan
00:24:40 Rep. Peterson
00:24:49 Ms. McQuillan
00:25:17 Rep. Peterson
00:25:31 Ms. McQuillan
00:25:33 Chairman Stoker
00:25:48 Ms. McQuillan
00:26:00 Chairman Stoker
00:26:02 Ms. McQuillan
00:26:18 Chairman Stoker passed the gavel to Rep. Peterson.
00:26:48 Vice Chairman Peterson
00:26:56 Rep. Warburton
00:27:05 Ms. Bovingdon
00:27:06 Rep. Warburton
00:28:02 Ms. Bovingdon
00:28:31 Rep. Warburton
00:28:42 Ms. Bovingdon
00:28:44 Rep. Warburton
00:28:57 Ms. Bovingdon
00:29:25 Vice Chairman Peterson

Closing by Sponsor:

00:29:36 Sen. Moss

00:30:01 Vice Chairman Peterson

HEARING ON SJ 29

Opening Statement by Sponsor:

00:30:13 Sen. Lynda Moss (D), SD 26, opened the hearing on SJ 29, Study retention of DNA evidence by state and local law enforcement agencies.

Proponents' Testimony:

00:32:03 Jessie McQuillan, Executive Director, Montana Innocence Project

EXHIBIT (juh60a02)

00:34:58 Ms. Johnson

00:35:49 Ali Bovingdon, Assistant Attorney General, Attorney General's Office

00:37:18 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:39:32 Vice Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:40:13 Vice Chairman Peterson

00:40:25 Ms. Bovingdon

00:40:26 Vice Chairman Peterson

00:40:57 Ms. Bovingdon

00:41:31 Vice Chairman Peterson

00:41:47 Ms. Bovingdon

00:42:28 Vice Chairman Peterson

Closing by Sponsor:

00:42:40 Sen. Moss

00:43:36 Vice Chairman Peterson

HEARING ON SB 441

Opening Statement by Sponsor:

00:43:50 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 441, Revise laws related to judgments and collections.

Proponents' Testimony:

00:48:23 Michael Moore, Montana Collectors Association

00:52:03 David Hull

00:53:06 Vice Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:53:23 Rep. Wagner
00:54:11 Mr. Moore
00:54:24 Rep. Wagner
00:55:00 Mr. Moore
00:56:15 Rep. Wagner
00:56:28 Mr. Moore
00:56:41 Rep. Wagner
00:56:48 Vice Chairman Peterson
00:57:08 Mr. Moore
00:57:09 Vice Chairman Peterson
00:57:34 Mr. Moore
00:57:47 Vice Chairman Peterson
00:57:51 Mr. Moore
00:57:55 Vice Chairman Peterson

Closing by Sponsor:

00:58:05 Sen. Laslovich

00:59:57 Vice Chairman Peterson
01:00:09 Chairman Stoker resumed as Chair.

HEARING ON SB 468**Opening Statement by Sponsor:**

01:00:40 Sen. Gregory Barkus (R), SD 4, opened the hearing on SB 468, Admissibility in evidence of seat belt use.

Proponents' Testimony:

01:04:57 John Sullivan, Montana Defense Trial Lawyers Association
01:09:07 Spook Stang, Montana Motor Carriers Association
01:12:33 Rebecca Sturdevant
01:13:06 John Bennion, Montana Chamber of Commerce
01:14:34 Steve Yeakel, Montana Council for Maternal and Child Health
01:15:23 Jane Hamman, Montana Traffic Education Association
01:16:13 Jessie Luther, Montana Contractors Association
01:16:56 Jacqueline Lenmark, American Insurance Association

Opponents' Testimony:

01:18:33 Greg Pinski
[EXHIBIT \(juh60a03\)](#)

01:23:44 Al Smith, Montana Trial Lawyers Association

[EXHIBIT \(juh60a04\)](#)

[EXHIBIT \(juh60a05\)](#)

01:29:35 Chairman Stoker exited meeting and gave the gavel to
Vice Chairman Peterson.

01:34:50 Vice Chairman Peterson

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:06 Rep. Regier

01:35:34 Mr. Smith

01:35:57 Rep. Regier

01:36:11 Mr. Smith

01:36:38 Rep. Regier

01:36:41 Rep. More

01:36:57 Mr. Smith

01:37:04 Rep. More

01:37:06 Rep. Howard

01:37:11 Vice Chairman Peterson

01:37:15 Rep. Howard

01:37:24 Mr. Smith

01:37:39 Rep. Howard

01:38:12 Mr. Smith

01:38:16 Rep. Howard

01:38:19 Rep. Wagner

01:39:04 Mr. Pinski

01:39:54 Rep. Wagner

01:41:56 Mr. Pinski

01:44:59 Vice Chairman Peterson

01:45:03 Rep. Wagner

01:46:53 Mr. Sullivan

01:47:36 Rep. Wagner

01:47:38 Vice Chairman Peterson

01:47:49 Mr. Sullivan

01:47:50 Vice Chairman Peterson

01:47:57 Mr. Sullivan

01:47:59 Vice Chairman Peterson

01:48:00 Mr. Sullivan

01:48:01 Vice Chairman Peterson

01:48:05 Mr. Sullivan

01:48:07 Vice Chairman Peterson

01:48:08 Mr. Sullivan

01:48:13 Vice Chairman Peterson

01:48:16 Mr. Sullivan

01:48:18 Vice Chairman Peterson

01:48:33 Mr. Sullivan

01:48:33 Vice Chairman Peterson

01:48:47 Mr. Sullivan
01:50:45 Vice Chairman Peterson
01:50:54 Mr. Sullivan
01:51:30 Vice Chairman Peterson
01:51:42 Mr. Sullivan
01:52:48 Vice Chairman Peterson
01:52:56 Mr. Sullivan
01:52:59 Vice Chairman Peterson
01:53:04 Rep. Bennett
01:53:26 Mr. Sullivan
01:53:39 Vice Chairman Peterson
01:53:43 Mr. Sullivan
01:54:17 Rep. Howard
01:55:04 Mr. Sullivan
01:55:29 Rep. Howard
01:55:32 Mr. Sullivan
01:56:21 Rep. Howard
01:56:46 Mr. Sullivan
01:56:53 Rep. Howard
01:56:56 Mr. Sullivan
01:57:23 Rep. Howard
01:57:37 Mr. Sullivan
01:57:38 Rep. Howard
01:57:46 Mr. Sullivan
01:58:12 Rep. Sands joined the meeting.
01:58:18 Rep. Howard
01:58:20 Vice Chairman Peterson
01:58:44 Mr. Smith
01:59:33 Vice Chairman Peterson
01:59:40 Rep. Wagner
01:59:46 Sen. Barkus
01:59:48 Rep. Wagner
02:00:13 Sen. Barkus
02:00:45 Rep. Wagner
02:01:11 Sen. Barkus
02:01:27 Vice Chairman Peterson
02:01:34 Rep. Warburton
02:02:36 Mr. Smith
02:02:54 Vice Chairman Peterson

Closing by Sponsor:

02:03:01 Sen. Barkus
02:07:34 Vice Chairman Peterson
02:07:48 Recess
02:29:11 Reconvene
02:29:13 Chairman Stoker resumed as Chair.

HEARING ON SB 434**Opening Statement by Sponsor:**

02:29:26 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SB 434, Limit governmental liability for rodeo events.

02:30:55 Chairman Stoker gave gavel to Vice Chairman Peterson.

Proponents' Testimony:

02:31:08 John Ostlund, Vice President, Montana Association of Counties (MACO)

02:32:58 Rep. Diane Sands, HD 95, Missoula

Opponents' Testimony:

02:33:51 Al Smith, Montana Trial Lawyers Association

02:39:01 Vice Chairman Peterson

Informational Testimony: None

Questions from Committee Members and Responses:

02:39:21 Chairman Stoker resumed as Chair.

02:39:29 Rep. Ebinger

02:39:37 Mr. Ostlund

02:39:42 Rep. Ebinger

02:40:18 Mr. Ostlund

02:42:10 Rep. Ebinger

02:42:25 Mr. Ostlund

02:43:03 Rep. Ebinger

02:43:06 Chairman Stoker

02:43:43 Rep. Howard

02:43:50 Mr. Ostlund

02:43:51 Rep. Howard

02:44:50 Mr. Ostlund

02:44:55 Rep. Howard

02:44:57 Mr. Ostlund

02:46:09 Rep. Howard

02:46:18 Mr. Ostlund

02:46:25 Rep. Regier

02:46:29 Sen. Gebhardt

02:46:30 Rep. Regier

02:46:51 Sen. Gebhardt

02:47:21 Chairman Stoker

02:47:32 Rep. Peterson

02:47:40 Mr. Ostlund
02:47:41 Rep. Peterson
02:47:56 Mr. Ostlund
02:48:06 Rep. Peterson
02:48:08 Chairman Stoker
02:48:14 Rep. Blewett
02:48:22 Mr. Ostlund
02:48:24 Rep. Blewett
02:48:44 Mr. Ostlund
02:48:47 Rep. Blewett
02:48:56 Mr. Ostlund
02:49:18 Chairman Stoker
02:49:25 Rep. Blewett
02:49:39 Mr. Ostlund
02:49:45 Chairman Stoker

Closing by Sponsor:

02:49:53 Sen. Gebhardt
02:50:50 Chairman Stoker

EXECUTIVE ACTION ON SB 311

02:52:13 **Motion:** Rep. Peterson moved that **SB 311 BE CONCURRED IN.**

02:52:18 Chairman Stoker
02:52:26 Rep. Sands called the question.
02:52:38 Chairman Stoker

02:52:55 **Vote:** Motion carried unanimously by voice vote. Rep. McClafferty, Rep. Wagner, and Rep. Kottel voted by proxy.

02:53:15 Chairman Stoker
02:53:28 Rep. Peterson
02:53:36 Rep. Becker
02:53:45 Chairman Stoker

EXECUTIVE ACTION ON SB 405

02:54:04 **Motion:** Rep. Peterson moved that **SB 405 BE CONCURRED IN.**

02:54:10 Chairman Stoker
02:54:28 Rep. Driscoll called the question.
02:54:30 Rep. Wagner joined the meeting.

02:54:33 **Vote:** Motion carried unanimously by voice vote. Rep. Kottel and Rep. McClafferty voted by proxy.

02:55:01 Chairman Stoker

02:55:09 Rep. Becker

02:55:18 Chairman Stoker

EXECUTIVE ACTION ON SB 400

02:55:33 **Motion:** Rep. Peterson moved that **SB 400 BE CONCURRED IN.**

02:55:37 Chairman Stoker

02:55:54 Rep. Peterson

02:56:44 Chairman Stoker

02:56:50 Rep. Bennett called the question

02:56:58 **Vote:** Motion carried unanimously by voice vote. Rep. McClafferty and Rep. Kottel voted by proxy.

02:57:14 Chairman Stoker

ADJOURNMENT

03:00:41 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

[EXHIBIT \(juh60a06\)](#) Email from Sheryl Wood regarding SB 434
[EXHIBIT \(juh60a07\)](#) Email from Kevin Gillen to Harold Blattie
regarding SB 434

Additional Documents:

[EXHIBIT \(juh60aad.pdf\)](#)