

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 20, 2009 at 8:07
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. 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: Rep. Edith (Edie) McClafferty (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 327, 3/17/2009; SB 476,
3/17/2009; SB 497, 3/17/2009

Executive Action: SB 382, SB 434, SB 441, SB 447,
SJ 29

HEARING ON SB 327

Opening Statement by Sponsor:

00:00:38 Sen. Aubyn Curtiss (R), SD 1, opened the hearing on SB 327, Protection for mothers to be.

Proponents' Testimony:

00:01:36 Jeff Laszloffy, Montana Family Foundation
00:03:45 Dallas Erickson, Montana Citizens for Decency Through Law

EXHIBIT (juh62a01)

00:07:49 Doug Nulle
00:10:51 Harris Himes, pastor, Big Sky Christian Center
00:12:35 Moe Wosepka, Montana Catholic Conference
00:13:21 B.G. Stumberg, Canyon Ferry Road Baptist Church

Opponents' Testimony:

00:13:57 Niki Zupanic, American Civil Liberties Union of Montana
00:18:59 Stacy Anderson, Planned Parenthood of Montana
00:21:44 Angie Wagenhals, NAHRAL Montana
00:22:59 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:05 Rep. Warburton
00:25:13 Mr. Nulle
00:25:15 Rep. Warburton
00:25:36 Mr. Nulle
00:25:49 Rep. Warburton
00:25:55 Mr. Nulle
00:26:25 Rep. Menahan
00:27:15 Ms. Zupanic
00:27:50 Rep. Menahan
00:28:36 Ms. Zupanic
00:28:59 Rep. Menahan
00:29:52 Ms. Zupanic
00:29:54 Rep. Menahan
00:30:03 Rep. More
00:30:10 Ms. Zupanic
00:30:12 Rep. More
00:30:24 Ms. Zupanic
00:30:43 Rep. More
00:31:01 Ms. Zupanic

00:31:18 Rep. More
00:31:30 Ms. Zupanic
00:32:37 Rep. More
00:32:53 Ms. Young
00:32:53 Rep. More
00:33:00 Ms. Young
00:33:04 Rep. More
00:33:24 Ms. Young
00:34:56 Rep. More
00:35:10 Ms. Young
00:35:15 Rep. More
00:35:30 Ms. Young
00:35:32 Rep. More
00:35:41 Ms. Young
00:35:44 Rep. More
00:35:50 Ms. Young
00:36:02 Rep. Ebinger
00:36:06 Chairman Stoker
00:36:24 Rep. Warburton
00:36:41 Mr. Erickson
00:36:43 Rep. Warburton
00:37:09 Mr. Erickson
00:37:28 Mr. Himes
00:37:38 Rep. Warburton
00:37:57 Mr. Himes
00:38:47 Rep. Warburton
00:38:59 Mr. Himes
00:39:08 Rep. Warburton
00:39:12 Rep. Ebinger
00:39:18 Sen. Curtiss
00:39:20 Rep. Ebinger
00:39:52 Sen. Curtiss
00:40:22 Rep. Ebinger
00:40:29 Sen. Curtiss
00:40:58 Rep. Ebinger
00:41:13 Rep. Peterson
00:41:27 Ms. Zupanic
00:41:28 Rep. Peterson
00:41:42 Ms. Zupanic
00:42:04 Rep. Peterson
00:42:14 Chairman Stoker
00:42:24 Ms. Zupanic
00:42:25 Chairman Stoker
00:43:05 Ms. Zupanic
00:43:32 Chairman Stoker

Closing by Sponsor:

00:43:41 Sen. Curtiss

00:44:39 Chairman Stoker
00:45:00 Sen. Curtiss
00:45:45 Chairman Stoker

00:47:00 Recess
01:00:38 Reconvene

HEARING ON SB 476

Opening Statement by Sponsor:

01:01:00 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 476, Increase monetary amount threshold for felony.

01:02:15 Chairman Stoker

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:51 Chairman Stoker
01:02:54 Sen. Shockley
01:02:58 Chairman Stoker
01:03:15 Sen. Shockley
01:03:19 Chairman Stoker
01:03:22 Sen. Shockley
01:03:31 Rep. Menahan
01:04:01 Sen. Shockley
01:04:32 Rep. Menahan
01:04:58 Sen. Shockley
01:05:20 Rep. Warburton
01:05:35 Sen. Shockley
01:05:46 Rep. Warburton
01:05:52 Rep. Wagner
01:05:59 Sen. Shockley
01:06:01 Rep. Wagner
01:06:08 Sen. Shockley
01:06:12 Rep. Wagner
01:06:41 Sen. Shockley
01:07:00 Rep. Howard
01:07:07 Sen. Shockley
01:08:19 Rep. Howard
01:08:20 Sen. Shockley
01:08:24 Chairman Stoker
01:08:26 Rep. Peterson

01:08:54 Sen. Shockley
01:09:15 Rep. Peterson
01:09:22 Sen. Shockley
01:09:23 Rep. Peterson

Closing by Sponsor:

01:09:32 Sen. Shockley
01:09:36 Chairman Stoker

HEARING ON SB 497

Opening Statement by Sponsor:

01:09:47 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 497, Creating the crime of obstructing a protest at a health care facility.

01:10:05 Chairman Stoker
01:10:11 Sen. Shockley
01:12:13 Chairman Stoker

Proponents' Testimony:

01:12:20 Jeff Laszloffy, Montana Family Foundation
01:13:32 Doug Nulle
01:14:41 Harris Himes, pastor, Big Sky Christian Center
01:16:10 Dallas Erickson, Montana Citizens for Decency Through Law

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:07 Rep. Regier
01:17:16 Sen. Shockley
01:17:18 Rep. Regier
01:17:46 Sen. Shockley
01:18:22 Chairman Stoker
01:18:50 Sen. Shockley
01:19:12 Chairman Stoker
01:19:14 Rep. Menahan
01:19:21 Chairman Stoker
01:19:26 Rep. Menahan
01:20:17 Sen. Shockley
01:20:33 Chairman Stoker

Closing by Sponsor:

01:20:57 Sen. Shockley

01:21:49 Chairman Stoker

EXECUTIVE ACTION ON SB 382

01:22:18 **Motion:** Rep. Peterson moved that **SB 382 BE CONCURRED IN.**

Discussion:

01:22:22 Chairman Stoker

01:22:58 Rep. Kottel

01:24:39 Chairman Stoker

01:24:59 Rep. Kottel

01:25:27 Chairman Stoker

01:25:45 Rep. Kottel

01:25:58 Chairman Stoker

01:26:09 Rep. Peterson

01:27:04 Chairman Stoker

01:27:30 Rep. Bennett called the question.

01:27:34 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Sands and Rep. McClafferty voted by proxy.

01:28:42 Chairman Stoker

EXECUTIVE ACTION ON SB 434

01:28:58 **Motion:** Rep. Peterson moved that **SB 434 BE CONCURRED IN.**

01:29:00 Chairman Stoker

01:29:09 Mr. Niss

01:29:13 Rep. Regier

01:29:15 Chairman Stoker

01:29:20 **Motion:** Rep. Regier moved that **SB 434 BE AMENDED.**
EXHIBIT (juh62a02)

Discussion:

01:29:55 Chairman Stoker

01:29:57 Rep. Regier

01:30:26 Chairman Stoker
01:30:30 Rep. More
01:30:42 Rep. Peterson called the question.
01:30:44 Chairman Stoker
01:30:47 Rep. Blewett
01:31:01 Chairman Stoker
01:31:07 Rep. Regier
01:31:25 Rep. Blewett
01:31:28 Chairman Stoker
01:31:38 Rep. Bennett
01:31:49 Chairman Stoker
01:32:24 Mr. Niss
01:33:05 Chairman Stoker
01:34:51 Rep. Driscoll
01:34:57 Chairman Stoker
01:35:03 Rep. Driscoll
01:35:23 Rep. Howard
01:35:31 Chairman Stoker decided to postpone action on SB 434.

EXECUTIVE ACTION ON SB 441

01:36:00 **Motion:** Rep. Peterson moved that **SB 441 BE CONCURRED IN.**

Discussion:

01:36:04 Chairman Stoker
01:36:19 Rep. Peterson
01:37:26 Chairman Stoker
01:37:33 Rep. Peterson
01:37:43 Chairman Stoker
01:37:48 Rep. Kerns called the question.

01:37:52 **Vote:** Motion carried unanimously by voice vote. Rep. Sands and Rep. McClafferty voted by proxy.

01:38:23 Chairman Stoker

EXECUTIVE ACTION ON SB 434, Continued

01:39:42 **Substitute Motion:** Rep. Peterson made a substitute motion that **SB 434 BE INDEFINITELY POSTPONED.**

01:40:00 Chairman Stoker
01:40:16 Mr. Niss
01:42:43 Chairman Stoker

01:42:48 **Vote:** Motion carried unanimously by voice vote. Rep. Sands and Rep. McClafferty voted by proxy.

01:43:23 Chairman Stoker
01:43:28 Rep. Bennett
01:43:32 Chairman Stoker

EXECUTIVE ACTION ON SB 447

01:44:24 **Motion:** Rep. Peterson moved that **SB 447 BE CONCURRED IN.**

Discussion:

01:44:26 Chairman Stoker
01:44:29 Rep. Ebinger exited the meeting.
01:44:31 Rep. Menahan
01:50:02 Rep. Kottel
01:50:12 Chairman Stoker
01:50:13 Rep. Kottel
01:50:42 Rep. Menahan
01:50:58 Chairman Stoker
01:51:00 Mr. Niss
01:51:15 Rep. Howard
01:52:07 Rep. Kottel
01:53:15 Chairman Stoker
01:53:21 Rep. Warburton
01:53:56 Rep. Peterson
01:54:35 Rep. Menahan
01:55:47 Rep. Kottel
01:56:05 Rep. MacDonald
01:57:14 Chairman Stoker
01:57:16 Rep. Peterson called the question.

01:57:21 **Vote:** Motion carried 11-7 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Howard and Rep. Warburton voting no. Rep. Sands, Rep. Ebinger, and Rep. McClafferty voted by proxy.

01:58:27 Chairman Stoker
01:58:47 Rep. Driscoll
01:59:02 Chairman Stoker

EXECUTIVE ACTION ON SJ 29

01:59:41 **Motion:** Rep. Peterson moved that **SJ 29 BE CONCURRED IN.**

Discussion:

01:59:44 Chairman Stoker
02:00:17 Rep. More
02:00:32 Chairman Stoker
02:00:41 Rep. Menahan
02:03:36 Rep. Peterson
02:04:13 Chairman Stoker
02:04:21 Rep. Warburton
02:05:01 Rep. Peterson called the question.

02:05:05 **Vote:** Motion carried 11-7 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Becker, Rep. Regier, and Rep. Howard voting no. Rep. Sands, Rep. Ebinger, and Rep. McClafferty voted by proxy.

02:06:09 Chairman Stoker
02:08:49 Rep. Becker
02:08:54 Chairman Stoker

ADJOURNMENT

02:10:24 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT (juh62a03) Letter from Shirley Harryman opposing SB 327

EXHIBIT (juh62a04) Letter from Catherine L. Billie opposing SB 327

EXHIBIT (juh62a05) Packet: "Constitutional Challenges to State Unborn Victims (Fetal Homicide) Laws", regarding SB 327

EXHIBIT (juh62a06) Testimony on behalf of Blue Mountain Clinic in opposition to SB 497

Additional Documents:

EXHIBIT (juh62aad.pdf)