

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chairman Ron Stoker, on April 21, 2009 at 10:02  
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)

**Members Excused:** None

**Members Absent:** Rep. Wendy Warburton (R)

**Staff Present:** Jennifer Eck, Committee Secretary  
Jeremy Gersovitz, 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: SJ 39, 4/20/2009

Executive Action: SJ 39

**HEARING ON SJ 39****Opening Statement by Sponsor:**

00:00:54 Sen. John Brueggeman (R), SD 6, opened the hearing on SJ 39, Study DUI laws and enforcement.

00:03:19 Chairman Stoker

**Proponents' Testimony:**

00:03:28 Colonel Mike Tooley, Chief, Montana Highway Patrol  
**EXHIBIT (juh85a01)**

00:06:42 Rebecca Sturdevant

00:08:35 Rep. Warburton joined the meeting.

00:10:12 Mark Taylor, Association of Montana Troopers

00:11:31 Ms. Sturdevant

00:11:48 Pam Bucy, Montana Police Protective Association;  
Montana Association of Chiefs of Police

00:13:00 Chairman Stoker

00:13:05 Jim Smith, Montana County Attorneys Association;  
Montana Sheriffs and Peace Officers Association

00:15:20 Chairman Stoker

00:15:49 Don Judge, Montana Nurses Association

00:19:50 Jacqueline Lenmark, American Insurance Association;  
American Council of Life Insurers

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:21:57 Rep. Peterson

00:22:10 Mr. Tooley

00:22:12 Rep. Peterson

00:23:34 Mr. Tooley

00:24:49 Rep. Peterson

00:25:02 Mr. Tooley

00:25:58 Rep. Peterson

00:26:00 Chairman Stoker

00:26:03 Rep. More

00:26:47 Mr. Tooley

00:27:49 Rep. More

00:28:23 Mr. Tooley

00:28:55 Rep. Warburton

00:29:39 Sen. Brueggeman

00:30:44 Rep. Regier

00:31:00 Mr. Tooley

00:31:33 Rep. Regier  
00:31:40 Mr. Tooley  
00:31:59 Rep. Kottel  
00:32:37 Mr. Tooley  
00:32:47 Rep. Kottel  
00:32:52 Mr. Tooley  
00:32:59 Chairman Stoker  
00:33:09 Rep. Bennett  
00:34:08 Mr. Tooley  
00:35:02 Rep. Peterson  
00:35:44 Mr. Tooley  
00:36:17 Rep. Peterson  
00:36:47 Mr. Tooley  
00:36:50 Rep. Peterson  
00:37:12 Mr. Tooley  
00:38:03 Rep. Peterson  
00:38:03 Chairman Stoker  
00:38:08 Rep. Blewett  
00:38:22 Mr. Tooley  
00:38:35 Rep. Blewett  
00:39:04 Mr. Tooley  
00:39:25 Rep. Wagner  
00:43:22 Mr. Tooley  
00:44:42 Chairman Stoker  
00:45:42 Mr. Tooley  
00:46:22 Chairman Stoker

**Closing by Sponsor:**

00:46:29 Sen. Brueggeman  
00:48:05 Chairman Stoker  
00:48:07 Rep. Howard exited the meeting.

**EXECUTIVE ACTION ON SJ 39**

00:48:32 **Motion:** Rep. Peterson moved that **SJ 39 BE CONCURRED IN.**

**Discussion:**

00:48:36 Chairman Stoker  
00:48:42 Rep. Kerns  
00:48:54 Chairman Stoker  
00:48:59 Rep. Kerns  
00:50:02 Chairman Stoker  
00:52:38 Rep. Peterson  
00:53:45 Rep. Warburton  
00:54:13 Chairman Stoker

00:54:25 Rep. Warburton  
00:54:29 Rep. Kottel  
00:55:40 Rep. Menahan  
00:56:33 Rep. More  
00:56:54 Chairman Stoker  
00:57:05 Rep. More  
00:58:09 Rep. Peterson called the question.  
00:58:12 Chairman Stoker  
  
00:58:49 **Vote:** Motion carried unanimously by voice vote. Rep.  
Howard voted by proxy.  
  
00:59:11 Chairman Stoker  
00:59:32 Rep. Kottel  
00:59:44 Chairman Stoker  
00:59:53 Rep. Regier  
00:59:59 Chairman Stoker  
01:00:10 Rep. Sands  
01:00:12 Rep. Peterson  
01:00:15 Chairman Stoker

**ADJOURNMENT**

01:00:25 Adjournment

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Jennifer Eck, Secretary

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Additional Documents:

**EXHIBIT ([juh85aad.pdf](#))**