

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 17, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Krayton Kerns, Vice Chairman (R)

Members Absent: Rep. Kris Hansen (R)
Rep. Jesse O'Hara (R)

Staff Present: Karen Armstrong, 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 15, 3/8/2011; SB 42, 3/8/2011; SB 68, 3/8/2011;
SB 114, 3/4/2011

Executive Action: None

HEARING ON SB 15**Opening Statement by Sponsor:**

00:02:57 Sen. Larry Jent (D), SD 32, opened the hearing on SB 15, Create misdemeanor crime of aggravated DUI.

EXHIBIT(juh60a01)**Proponents' Testimony:**

00:08:44 Steve Bullock, Montana Attorney General (AG)

00:12:56 Rep. Warburton
00:13:13 Mr. Bullock

00:13:52 Scott Twito, Yellowstone County Attorney
00:16:33 Rep. Hansen arrived.
00:17:56 David Carter, Yellowstone County Attorney's Office
00:22:10 Jed Fitch, Beaverhead County Attorney
00:25:00 Becky Sturdevant, Mothers Against Drunk Driving (MADD)
00:26:46 Chris Minard, self

Opponents' Testimony:

00:27:36 Trey Cathey, self

Informational Testimony:

00:32:09 Gary Marbut, self

Questions from Committee Members and Responses:

00:33:50 Rep. Bangerter
00:34:02 Rep. Driscoll exited.
00:34:24 Sen. Jent
00:34:55 Chairman Peterson
00:40:01 Mr. Carter
00:35:37 Rep. Howard exited.
00:35 48 Chairman Peterson
00:37:01 Mr. Carter
00:37:05 Rep. MacDonald exited.
00:38:52 Rep. MacDonald returned.
00:39:52 Vice Chairwoman Sands
00:40:08 Sen. Jent
00:41:55 Vice Chairwoman Sands
00:43:18 Sen. Jent
00:43:36 Vice Chairwoman Sands
00:44:06 Sen. Jent
00:44:22 Rep. Driscoll returned.
00:44:35 Chairman Peterson
00:45:06 Sen. Jent
00:45:12 Rep. Menahan
00:45:59 Mr. Carter
00:46:04 Sen. Menahan
00:46:14 Mr. Carter

00:46:42 Rep. Menahan
00:47:31 Mr. Carter
00:49:01 Rep. O'Hara exited.
00:49:44 Rep. Menahan
00:50:42 Rep. Regier
00:51:07 Sen. Jent
00:51:32 Rep. O'Hara returned.
00:53:24 Rep. Wagner
00:54:14 Rep. Menahan
00:54:21 Rep. Loney exited.
00:54:43 Rep. Wagner
00:54:48 Rep. Skattum exited.
00:55:13 Sen Jent
00:57:02 Chairman Peterson
00:57:10 Sen. Jent

Closing by Sponsor:

00:58:01 Sen. Jent

HEARING ON SB 42**Opening Statement by Sponsor:**

00:58:22 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 42, Authorize warrants to obtain blood or breath test in DUI cases.

00:59:54 Rep. Loney returned.
01:00:18 Rep. Skattum returned.
01:00:24 Rep. Read exited.
01:02:49 Rep. Bangerter exited.

Proponents' Testimony:

01:04:05 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)
01:06:58 Rep. Bangerter returned.
01:08:24 Sen. Larry Jent
01:08:40 Rep. MacDonald exited.
01:09:21 Vice Chairman Kerns arrived.
01:09:34 Rep. MacDonald returned.
01:09:43 Mark Murphy, Montana County Attorneys Association, Montana Association of Chiefs of Police, Montana Police Protective Association.
01:14:54 Scott Twito, Yellowstone County Attorney
01:17:32 Rep. Read returned.
01:18:02 Becky Sturdevant, Mothers Against Drunk Driving (MADD)
01:20:20 Jed Fitch, Beaverhead County Attorney
01:21:18 Rep. Howard returned.
01:24:05 Jessie Luther, Association of Montana Troopers
01:24:33 Rep. Howard exited.
01:24:53 Chris Minard, self

Opponents' Testimony:

01:26:00 Trey Cathey, self

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

01:28:45 Vice Chairwoman Sands
01:29:28 Col. Tooley
01:29:34 Rep. Driscoll exited.
01:30:19 Vice Chairwoman Sands
01:31:25 Sen. Shockley
01:33:50 Vice Chairwoman Sands
01:34:00 Sen. Shockley
01:34:28 Rep. More
01:34:21 Sen. Shockley
01:35:26 Rep. More
01:35:33 Sen. Shockley
01:36:03 Rep. More
01:36:07 Sen. Shockley
01:36:29 Rep. More
01:37:54 Sen. Shockley
01:38:34 Rep. O'Hara exited.
01:38:57 Sen. Shockley
01:40:39 Rep. Menahan
01:41:59 Mr. Fitch
01:42:55 Rep. Menahan
01:45:18 Mr. Fitch
01:45:12 Rep. Menahan
01:45:57 Mr. Fitch
01:47:14 Rep. Wagner
01:48:05 Sen. Shockley
01:51:05 Rep. Hansen exited.
01:51:26 Rep. Regier exited.
01:52:34 Chairman Peterson
01:53:42 Sen. Shockley
01:55:42 Chairman Peterson
01:55:48 Rep. Hansen returned.
01:55:51 Col. Tooley
01:56:24 Vice Chairwoman Sands exited.

Closing by Sponsor:

01:56:51 Sen. Shockley

01:58:23 Rep. Regier returned.
01:59:21 Chairman Peterson
01:59:48 Rep. Hill
02:01:34 Chairman Peterson
02:01:45 Rep. Hansen returned.

HEARING ON SB 68**Opening Statement by Sponsor:**

02:13:00 Sen. Larry Jent (D), SD 32, opened the hearing on SB 68, Clarify duty of driver in accident to remain at the scene.

Proponents' Testimony:

02:19:07 Ali Bovingdon, Attorney General's Office (AG)

EXHIBIT(juh60a02)

02:23:19 Mr. Carter

02:28:39 Rep. Driscoll returned.

02:30:04 Vice Chairwoman Sands returned.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:29:53 Rep. Regier

02:30:15 Sen. Jent

02:31:12 Rep. Regier

02:31:26 Sen. Jent

02:32:02 Rep. Bangerter

02:32:22 Rep. Hansen

02:32:30 Sen. Jent

02:32:37 Rep. Loney

02:33:23 Mr. Carter

Closing by Sponsor:

02:35:01 Sen. Jent

HEARING ON SB 114**Opening Statement by Sponsor:**

02:36:07 Sen. Greg Hinkle (R), SD 7, opened the hearing on SB 114, Federal law enforcement officers should communicate with sheriff.

02:41:27 Rep. Skattum exited.

Proponents' Testimony:

02:44:00 Gary Marbut, Montana Shooting Sports Association (MSSA) Western Montana Fish and Game Association (WMFGA)

EXHIBIT(juh60a03)

02:47:55 Rep. Skattum returned.

02:48:28 Rep. Wagner exited.

02:48:42 Rep. Howard exited.

02:49:20 Daniel Cole, representing Sanders County Sheriff Tom Rummel

02:51:10 Rep. O'Hara exited.

02:51:54 Franklin Shook, Oath Keepers of Montana

02:52:47 Bob Faw, self
02:54:15 Dale Grossfield, self
02:54:29 Rep. Howard returned.
02:54:40 Rep. Wagner returned.
02:55:13 Rep. Howard exited.
02:59:28 Chairman Peterson
03:01:08 Mr. Grossfield
[EXHIBIT\(juh60a04\)](#)
[EXHIBIT\(juh60a05\)](#)
03:01:53 Rep. Read exited.
03:02:23 Rep. Wagner returned.
03:03:16 Chairman Peterson
03:03:20 Kevin McCauley, self
03:04:25 Rep. Howard returned.
03:06:34 Trey Cathey, self
03:08:12 Rep. Read returned.
03:08:44 Tim Ravndal, Lewis and Clark Conservative Tea Party
03:10:43 Rep. O'Hara returned.
03:13:33 Jim Smith, Montana Sheriffs and Peace Officers Association

Opponents' Testimony:

03:16:28 Tom Baird, self
03:16:47 Jamee Greer, Montana Human Rights Network

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

03:17:59 Rep. Wagner
03:18:43 Rep. Bangerter exited.
03:18:52 Rep. Pease-Lopez exited.
03:19:02 Rep. Loney exited.
03:19:42 Rep. Bangerter returned.
03:20:22 Chairman Peterson
03:21:02 Mr. Smith
03:21:36 Rep. Loney returned.
03:21:58 Rep. Wagner
03:23:44 Mr. Smith
03:23:57 Rep. Bangerter exited.
03:24:19 Rep. Wagner
03:24:27 Mr. Smith
03:24:40 Rep. Wagner
03:24:47 Rep. Pease-Lopez returned.
03:24:58 Mr. Smith
03:25:15 Rep. Wagner
03:25:30 Chairman Peterson
03:28:06 Rep. More
03:28:50 Mr. Smith
03:29:01 Rep. Read exited.
03:29:31 Rep. More
03:29:37 Mr. Marbut

03:30:06 Rep. More
03:30:20 Mr. Marbut
03:30:30 Rep. More
03:30:46 Vice Chairwoman Sands
03:30:52 Rep. Harris exited.
03:30:59 Rep. Menahan exited.
03:31:22 Sen. Hinkle
03:31:47 Vice Chairwoman Sands
03:32:21 Sen. Hinkle
03:32:31 Vice Chairwoman Sands
03:33:09 Sen. Hinkle
03:33:40 Vice Chairwoman Sands
03:34:01 Sen. Hinkle
03:34:16 Vice Chairwoman Sands
03:34:25 Sen. Hinkle
03:34:37 Rep. Hill
03:35:12 Sen. Hinkle
03:35:20 Rep. Harris and Rep. Menahan returned.
03:36:36 Chairman Peterson
03:36:43 Rep. Wagner
03:37:18 Chairman Peterson
03:37:24 Rep. Wagner
03:38:06 Rep. Read returned.
03:38:23 Chairman Peterson
03:38:33 Rep. Harris
03:39:48 Chairman Peterson

Closing by Sponsor:

03:40:25 Sen. Hinkle

ADJOURNMENT

03:43:18 Adjournment

Karen Armstrong, Secretary

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Additional Exhibit:
[EXHIBIT\(juh60a06\)](#)

Additional Documents:
[EXHIBIT\(juh60aad.pdf\)](#)