MINUTES
MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 10, 2009 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:
- Rep. Ron Stoker, Chairman (R)
- Rep. Deborah Kottel, Vice Chairman (D)
- 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)
- Rep. Wendy Warburton (R)

Members Excused: Rep. Ken Peterson, Vice Chairman (R)

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:

HB 372, 2/3/2009

Executive Action: HB 308; HB 340, HB 349
HEARING ON HB 376

Opening Statement by Sponsor:
00:01:01 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 376, Alcohol/drug test for DUI as condition of probation or sentence.

Proponents' Testimony:
00:05:40 Rebecca Sturdevant

Opponents' Testimony:
00:11:52 Mike Ruppert, CEO, Boyd Andrew Community Services Nonprofit Association; President, Montana Addiction Service Providers
00:14:42 Mike Sehestedt, Montana Association of Counties (MACO)

Informational Testimony:
00:18:56 Tim Reardon, Chief Counsel, Department of Transportation

Additional Opponent Testimony:
00:21:30 Brant Light, Assistant Attorney General

Questions from Committee Members and Responses:
00:24:20 Rep. Warburton
00:24:46 Rep. Taylor

Closing by Sponsor:
00:25:08 Rep. Taylor
00:27:30 Chairman Stoker
HEARING ON HB 372

Opening Statement by Sponsor:

00:28:06 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 372, Revise exemptions from jury duty.

00:31:49 Chairman Stoker

Proponents' Testimony:

00:31:59 Valarie Roche
00:35:36 Chairman Stoker
00:35:45 Boyce Fowler, AARP

EXHIBIT (juh31a03)
00:37:18 Chairman Stoker
00:37:35 Lynn Hellenga

EXHIBIT (juh31a04)
00:39:47 Niki Zupanic, American Civil Liberties Union of Montana
00:40:35 Beth Brenneman, Disability Rights Montana
00:40:45 Rep. Peterson joins meeting.
00:41:29 Chairman Stoker
00:41:38 Shannon McDonald
00:43:01 Chairman Stoker
00:43:08 Deb Stober
00:44:04 Chairman Stoker
00:44:12 Carol Roberts, La Leche League
00:46:27 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:53 Rep. Kottel
00:47:09 Rep. Wilmer
00:47:10 Rep. Kottel
00:47:14 Rep. Wilmer
00:47:30 Rep. Kottel
00:48:03 Rep. Wilmer
00:48:07 Rep. Kottel
00:48:31 Rep. Wilmer
00:48:46 Rep. Kottel
00:49:19 Rep. Wilmer
00:49:54 Rep. Kottel
00:50:55 Rep. Wilmer
00:51:11 Chairman Stoker
Opening Statement by Sponsor:

01:25:08 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 345, Damages for unfair claims settlement practices.
01:34:56 Chairman Stoker

**Proponents' Testimony:**

01:35:09 Mike Wheat

**EXHIBIT (juh31a05)**

01:43:32 Chairman Stoker
01:43:42 Robert Jacobsen
01:45:39 Dan Buckley, attorney, Bozeman, MT
01:54:16 Al Smith, Montana Trial Lawyers Association

**EXHIBIT (juh31a06)**

02:06:40 Chairman Stoker

**Opponents' Testimony:**

02:07:46 Robert Phillips, attorney, Missoula, MT
02:21:01 Chairman Stoker
02:21:17 Dennis Lopach, America's Health Insurance Plans
02:23:46 Chairman Stoker
02:24:05 Kurt Drake, Mountain West Farm Bureau Mutual Insurance
02:28:29 Bob Biskupiak, Independent Insurance Agents Association of Montana
02:29:23 Bruce Spencer, Property Casualty Insurance Association

**EXHIBIT (juh31a07)**

02:31:22 John Bennion, Montana Chamber of Commerce
02:32:16 Greg Van Horssen, State Farm Insurance Company
02:34:04 Frank Cote, Blue Cross and Blue Shield of Montana
02:34:53 Mark Taylor, Montana Hospital Association, Yellowstone Insurance Exchange
02:36:28 Jacqueline Lenmark, American Insurance Association, American Council of Life Insurers
02:38:17 Mike Sehestedt, Montana Association of Counties (MACO)
02:39:00 Bob Worthington, Montana Municipal Insurance Authority
02:39:58 Spook Stang, Executive Vice President, Montana Motor Carriers Association
02:40:45 John Metropoulos, Farmers Insurance Group
02:42:49 Chairman Stoker

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:43:10 Rep. Kottel
02:44:15 Mr. Cote
02:44:25 Rep. Kottel
02:45:25 Mr. Cote
02:46:05 Rep. Kottel
EXECUTIVE ACTION ON HB 349

03:24:07 **Motion**: Rep. Peterson moved that HB 349 DO PASS.


**Discussion:**

03:24:12 Chairman Stoker
03:24:36 Rep. Kerns
03:25:10 Rep. Driscoll
03:25:43 Rep. Peterson
03:26:08 Rep. Blewett
03:26:17 Chairman Stoker
03:26:30 Rep. Regier
03:27:40 Rep. Menahan
03:29:47 Rep. McClafferty
03:30:20 Chairman Stoker


03:31:41 **Motion/Vote:** Rep. Peterson moved that HB 349 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 308**

03:32:45 **Motion:** Rep. Peterson moved that HB 308 DO PASS.

**Discussion:**

03:33:08 Mr. Niss

EXHIBIT (juh31a08)
EXHIBIT (juh31a09)

03:32:47 Chairman Stoker
03:33:32 Mr. Niss

03:35:17 **Motion:** Rep. Kottel moved that HB 308 BE AMENDED (refer to Exhibit 8).

**Discussion:**

03:35:28 Chairman Stoker
03:36:00 Rep. Kottel
03:37:01 Rep. Howard
03:37:29 Rep. MacDonald called the question.

03:37:45 **Vote:** Motion that HB 308 BE AMENDED carried 17-1 by voice vote with Rep. Wagner voting no.
03:38:09 **Motion:** Rep. Peterson moved that **HB 308 DO PASS AS AMENDED.**

03:38:38 Chairman Stoker

03:38:43 **Motion:** Rep. Wagner moved that **HB 308 BE AMENDED** (refer to Exhibit 9).

**Discussion:**

03:38:58 Chairman Stoker
03:39:15 Rep. Wagner
03:40:11 Chairman Stoker
03:40:20 Rep. Driscoll called the question.


03:42:31 Rep. MacDonald
03:44:00 Rep. Peterson
03:44:36 Rep. Regier
03:45:39 Rep. MacDonald
03:48:47 Rep. Wagner
03:51:07 Rep. Sands
03:51:51 Rep. Menahan
03:52:47 Chairman Stoker
03:52:51 Rep. Menahan
03:53:20 Rep. More


03:55:19 Chairman Stoker

**EXECUTIVE ACTION ON HB 340**

03:55:39 **Motion:** Rep. MacDonald moved that **HB 340 DO PASS.**

**Discussion:**

03:55:43 Chairman Stoker
03:55:56 Rep. Warburton
03:56:41 Rep. Peterson
03:57:34 Rep. Ebinger
04:03:57 Rep. Peterson called the question.


04:07:57 Chairman Stoker

04:13:00 Rep. Becker
ADJOURNMENT

04:13:06 Adjournment

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Additional Documents:

EXHIBIT (juh31aad.pdf)