MINUTES

MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 16, 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. 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. 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. David Howard (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:


Executive Action: HB 322, HB 419, HB 401, HB 473, HB 241
HEARING ON HB 241

Opening Statement by Sponsor:

00:02:11  Rep. Deborah Kottel (D), HD 20, opened the hearing on HB 241, Negligent vehicular homicide.

Proponents' Testimony:

00:03:47  Pat Tucker

EXHIBIT (juh36a01)

00:11:51  Chairman Stoker
00:12:12  Jamie Tucker-Robbins
00:14:26  Bob Cushman
00:16:34  Chairman Stoker
00:16:50  Barbara Tucker
00:21:12  Chairman Stoker
00:21:24  Dale Robbins
00:23:21  Bob Starr
00:25:07  Rhonda Dover
00:28:22  Don Ferrel
00:30:23  Brent Linneweber
00:34:56  Chairman Stoker

Opponents' Testimony: None

Additional Proponents' Testimony:

00:35:17  Fred Van Valkenburg, Missoula County Attorney
00:40:02  Karen Townsend, Prosecutor, Missoula County Attorney's Office

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:42:56  Rep. Kottel

00:43:00  Rep. Howard joined the meeting.

HEARING ON HB 477

Opening Statement by Sponsor:

00:48:04  Rep. Mike Menahan (D), HD 82, opened the hearing on HB 477, Uniform adult guardianship and protective proceedings jurisdiction act.
00:54:57 Chairman Stoker passed gavel to Rep. Peterson.

Proponents' Testimony:

00:55:35 Claudia Clifford, AARP of Montana
00:57:08 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

HEARING ON HB 431

Opening Statement by Sponsor:

00:58:21 Rep. Anders Blewett (D), HD 21, opened the hearing on HB 431, Revise dog bite laws.

01:04:36 Chairman Peterson

Proponents' Testimony:

01:05:12 Shelley Wittman
EXHIBIT(juh36a02)
01:08:11 Rep. Don Roberts
01:09:28 Douglas Ruebki
EXHIBIT(juh36a03)
EXHIBIT(juh36a04)

01:13:25 Chairman Peterson
01:13:29 Al Smith, Montana Trial Lawyers Association

Opponents' Testimony:

01:15:09 Greg Van Horssen, State Farm Insurance
01:20:19 Chairman Peterson
01:20:29 Tim Ravndal

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

Opening Statement by Sponsor:


Proponents' Testimony:

01:40:59 Kathy Sather, Parents and Friends of Lesbians and Gays (PFLAG)

EXHIBIT (juh36a05)
01:44:15 Kryssa Bowman

EXHIBIT (juh36a06)
01:46:51 Bill Warren, United Methodist pastor
01:50:32 Diane Keefauver
01:53:27 Wilmot Collins
01:56:10 Michael Moran
01:57:24 Teresa Moran
01:59:38 Shawn Schilke, Lambda Alliance, University of Montana
02:00:02 Mania Baehr
02:00:42 Nick Engler

EXHIBIT (juh36a07)
02:05:16 Marlena Harper
02:05:28 Niki Zupanic, American Civil Liberties Union of Montana
02:05:41 Kim Abbott, Montana Human Rights Network
02:05:55 Beth Brenneman, Disability Rights Montana
02:06:12 Angie Wagenhals, NARAL Pro-Choice Montana
02:06:26 Lindsey Love, Planned Parenthood of Montana
02:06:39 Lucas Hamilton, Associated Students of the University of Montana
02:06:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
02:07:06 Andrea Olsen, Montana Trial Lawyers Association
02:07:35 Maureen Weiland, Associated Students of Montana State University
02:07:50 Rep. Diane Sands, HD 95, Missoula
02:08:56 Linda Gryczan, Equality Project
Opponents' Testimony:

02:09:30 Roger Halver, Montana Landlords Association
02:13:11 Jeanette Zentgraf
EXHIBIT(juh36a08)
02:18:43 Jeff Laszloffy, Montana Family Foundation
EXHIBIT(juh36a09)
02:20:35 Harris Himes, pastor, Big Sky Christian Center
02:22:11 Brandon Fadely
EXHIBIT(juh36a10)
02:24:47 Richard Bennett
EXHIBIT(juh36a11)
02:27:50 Dallas Erickson, Montana Citizens for Decency Through Law
EXHIBIT(juh36a12)
02:30:39 Gordon Rubard, Boy Scouts of America
02:31:41 Jim Jacobson, American Legion
02:32:06 Elijah Walker, Boy Scout Troop 211
EXHIBIT(juh36a13)
02:32:23 Josiah Walker, Boy Scout Troop 211
02:32:45 Andrea Walker
EXHIBIT(juh36a14)
02:33:04 John Manz
EXHIBIT(juh36a15)
02:33:16 Tim Walker, Assistant Scout Master, Boy Scout Troop 211

Informational Testimony:

02:34:39 Catharine Kountz, Human Rights Network

Questions from Committee Members and Responses:

02:35:03 Rep. Driscoll
02:35:45 Ms. Zupanic
02:36:48 Chairman Peterson
02:36:52 Rep. MacDonald
02:37:19 Ms. Zupanic
02:40:13 Rep. Wagner
02:40:51 Ms. Zupanic
02:40:57 Rep. Wagner
02:41:04 Ms. Zupanic
02:41:29 Rep. Wagner
02:41:44 Ms. Zupanic
02:41:57 Rep. Wagner
02:42:21 Ms. Zupanic
02:42:32 Rep. Wagner
02:43:48 Ms. Zupanic
02:44:48 Rep. Wagner
02:46:25 Ms. Zupanic
02:48:23 Chairman Peterson

**Closing by Sponsor:**

02:48:31 Rep. Campbell
02:51:09 Chairman Peterson

**HEARING ON HB 457**

**Opening Statement by Sponsor:**

02:52:00 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 457, Revise uniform power of attorney act.

02:57:30 Chairman Stoker

**Proponents' Testimony:**

02:57:36 Rep. Kottel
02:59:34 Claudia Clifford, AARP of Montana

**Opponents' Testimony:**

03:00:52 Aimee Grmoljez, Montana Bankers' Association
03:03:21 Steve Yeakel, Montana Independent Bankers
03:03:40 Donya Parrish, Montana Credit Union Network

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:04:42 Chairman Peterson

**Closing by Sponsor:**

03:04:59 Rep. Cohenour
03:05:17 Chairman Peterson
03:05:35 Recess
03:19:00 Reconvene
03:19:00 Rep. Stoker rejoined the meeting and resumed as chair.

**EXECUTIVE ACTION ON HB 322**

03:19:17 **Motion:** Rep. Peterson moved that **HB 322 DO PASS.**
03:20:45 **Motion:** Rep. Blewett moved that **HB 322 BE AMENDED.**

**Discussion:**

03:21:02 Chairman Stoker
03:22:06 Rep. Peterson called the question.
03:22:12 Chairman Stoker

03:22:16 **Vote:** Motion that **HB 322 BE AMENDED** carried unanimously by voice vote.

03:22:26 **Motion:** Rep. Peterson moved that **HB 322 DO PASS AS AMENDED.**

**Discussion:**

03:22:37 Rep. Peterson
03:25:04 Chairman Stoker

03:25:18 **Vote:** Motion that **HB 322 DO PASS AS AMENDED** carried 17-1 by voice vote with Rep. Wagner voting no.

**EXECUTIVE ACTION ON HB 419**

03:25:44 **Motion:** Rep. Peterson moved that **HB 419 DO PASS.**

**Discussion:**

03:26:16 Rep. Peterson
03:27:09 Rep. Sands
03:27:51 Chairman Stoker


03:29:22 **Motion:** Rep. Kottel moved that **HB 419 BE TABLED.**
Rep. Kottel withdrew her motion to table HB 419.

EXECUTIVE ACTION ON HB 401

Motion: Rep. Peterson moved that HB 401 DO PASS.

Chairman Stoker

Mr. Niss

EXHIBIT (juh36a17)

Motion: Rep. Sands moved that HB 401 BE AMENDED.

Chairman Stoker

Mr. Niss

Substitute Motion: Rep. Sands made a substitute motion that HB 401 BE AMENDED with an alternate amendment.

Discussion:

Mr. Niss

Chairman Stoker

Mr. Niss

Chairman Stoker

Mary Caferro, HD 80, Helena

Chairman Stoker

Rep. Peterson called the question.

Vote: Motion that HB 401 BE AMENDED carried unanimously by voice vote.

Motion: Rep. Peterson moved that HB 401 DO PASS AS AMENDED.

Discussion:

Rep. Driscoll

Rep. Kerns

Rep. Caferro

Rep. Kerns

Rep. Caferro

Rep. Kerns

Chairman Stoker

Rep. Caferro

Chairman Stoker

Rep. Caferro

Chairman Stoker

Rep. Caferro

Chairman Stoker
03:46:08 Rep. Caferro
03:46:14 Rep. Regier
03:46:22 Chairman Stoker
03:46:24 Rep. Caferro
03:46:25 Rep. Regier
03:46:36 Rep. Caferro
03:47:15 Rep. Regier
03:47:43 Rep. Caferro
03:48:05 Rep. Peterson
03:48:31 Rep. Caferro
03:49:35 Rep. Peterson
03:49:38 Rep. Warburton
03:50:29 Chairman Stoker
03:51:27 Rep. Caferro
03:53:00 Chairman Stoker
03:54:09 Rep. Driscoll called the question.


**EXECUTIVE ACTION ON HB 473**

03:55:39 **Motion:** Rep. Peterson moved that HB 473 DO PASS.

03:56:00 Chairman Stoker
03:56:16 Rep. Driscoll called the question.


**EXECUTIVE ACTION ON HB 241**

03:57:28 **Motion:** Rep. Kottel moved that HB 241 DO PASS.

03:57:32 Chairman Stoker

03:57:46 **Motion:** Rep. Kottel moved that COMMITTEE BILL BE ADOPTED.

03:58:47 Chairman Stoker
03:59:03 Rep. Peterson
03:59:46 Rep. MacDonald called the question.
03:59:53 Chairman Stoker
04:00:07 Mr. Niss

04:01:39 **Motion:** Rep. Kottel moved that HB 241 DO PASS.

04:01:50 **Substitute Motion:** Rep. Kottel made a substitute motion that HB 241 BE TABLED.

04:01:58 Rep. Sands called the question.

04:02:02 **Vote:** Motion that HB 241 BE TABLED carried unanimously by voice vote.
ADJOURNMENT

04:05:01 Adjournment

Jennifer Eck, Secretary

Additional Exhibits:

EXHIBIT (juh36a18)
EXHIBIT (juh36a19)
EXHIBIT (juh36a20)
EXHIBIT (juh36a21)
EXHIBIT (juh36a22)
EXHIBIT (juh36a23)
EXHIBIT (juh36a24)
EXHIBIT (juh36a25)
EXHIBIT (juh36a26)
EXHIBIT (juh36a27)

Additional Documents:

EXHIBIT (juh36aad.pdf)