MINUTES
MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION
COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 18, 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. 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: Rep. Ken Peterson, Vice Chairman (R), Rep. Wendy Warburton (R)

Members Absent: Rep. David Howard (R)

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: HB 492, 2/16/2009; HB 497, 2/16/2009; HB 517, 2/16/2009; HJ 20, 2/16/09

Executive Action: HB 492, HB 370, HB 515, HB 457, HB 497, HJ 20
HEARING ON HB 497

Opening Statement by Sponsor:

00:01:50 Rep. John Fleming (D), HD 12, opened the hearing on HB 497, Create misdemeanor for passenger of driver who fails to stop at accident.

EXHIBIT (juh38a01)
EXHIBIT (juh38a02)

Proponents: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:04:43 Rep. Sands
00:05:04 Rep. Fleming
00:05:21 Chairman Stoker
00:05:46 Mr. Niss
00:06:13 Chairman Stoker
00:06:15 Rep. Kottel
00:06:26 Rep. Fleming
00:06:32 Rep. Kottel
00:07:13 Rep. Fleming
00:07:25 Chairman Stoker
00:08:00 Rep. Fleming
00:08:37 Chairman Stoker
00:08:42 Rep. Menahan
00:09:02 Rep. Fleming
00:09:10 Rep. Menahan
00:09:13 Rep. Fleming
00:09:28 Chairman Stoker

Closing by Sponsor:

00:09:36 Rep. Fleming
00:10:00 Chairman Stoker

HEARING ON HB 517

Opening Statement by Sponsor:

00:10:10 Rep. Galen Hollenbaugh (D), HD 81, opened the hearing on HB 517, Critical incident debriefing.
Proponents' Testimony:

00:11:58 Carl Seilstad, Fergus County Commissioner
00:12:51 Jim Detienne, Department of Health and Human Services
00:14:30 Darcy Dahle, Billings Police Department

EXHIBIT (juh38a03)

00:22:31 Mike Batista, Administrator, Division of Criminal Investigation, Department of Justice
00:26:20 Gordon Morris, Lewis and Clark County Commissioners
00:27:22 Tim Shanks, Captain, Great Falls Police Department
00:29:17 Tom Schneider, Montana Public Employees Association
00:29:57 Sheryl Wood, Montana Association of Counties
00:32:12 Bob Worthington, Montana Municipal Insurance Authority
00:33:01 Jim Smith, Montana Sheriffs and Peace Officers Association; Montana County Attorneys Association
00:33:47 Russell Genaw, law enforcement and jail chaplain

EXHIBIT (juh38a04)

00:35:25 Doug Neil, Montana State Firemen's Association
00:37:27 Chas Perkins, Montana State Council of Professional Firefighters
00:39:01 Pam Bucy, Police Protective Association; Chiefs of Police Association

EXHIBIT (juh38a05)

Opponents' Testimony:

00:43:33 Al Smith, Montana Trial Lawyers Association
00:50:26 John Barrows, Executive Director, Montana Newspaper Association

Informational Testimony:

00:53:48 Mike McCarthy, Montana Law Enforcement Academy

Questions from Committee Members and Responses:

00:54:30 Rep. Kottel
00:55:23 Ms. Bucy
00:56:03 Rep. Kottel
00:57:00 Rep. Peterson joined the meeting.
00:57:10 Ms. Bucy
00:57:56 Rep. Kottel
00:59:26 Ms. Bucy
01:00:26 Rep. Kottel
01:00:28 Chairman Stoker
01:00:31 Rep. Wagner
01:01:46 Ms. Bucy
01:03:55 Rep. Wagner
01:04:41 Ms. Bucy
HEARING ON HJ 20

Opening Statement by Sponsor:

01:12:16 Rep. Mike Menahan (D), HD 82, opened the hearing on HJ 20, Urge federal right of privacy.

Proponents' Testimony:

01:27:14 Al Smith, Montana Trial Lawyers Association
01:28:52 Beth Brenneman, Disability Rights Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:30:49 Rep. Menahan

HEARING ON HB 492

Opening Statement by Sponsor:

01:31:06 Rep. Gerald Bennett (R), HD 1, opened the hearing on HB 492, Venue against facility in county in which facility is located.

Proponents' Testimony: None

Opponents' Testimony: None
Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

01:31:38 Chairman Stoker

01:31:45 Recess
01:52:13 Reconvene

EXECUTIVE ACTION ON HB 492

01:55:10 Motion: Rep. Peterson moved that HB 492 DO PASS.


EXECUTIVE ACTION ON HB 370

01:55:39 Motion: Rep. Peterson moved that HB 370 DO PASS.

01:55:45 Motion: Rep. Kottel moved that HB 370 BE AMENDED.

Discussion:

01:56:16 Chairman Stoker
01:56:18 Rep. Kottel
01:57:01 Chairman Stoker
01:57:05 Rep. Wagner
01:58:22 Chairman Stoker
01:58:44 Rep. Kottel
01:58:57 Mr. Niss
01:59:16 Rep. Ebinger
01:59:33 Chairman Stoker
01:59:44 Rep. Wagner
02:00:25 Chairman Stoker
02:00:30 Rep. Sands called the question.


02:00:54 Motion: Rep. Peterson moved that HB 370 DO PASS AS AMENDED.
Discussion:

02:01:02 Rep. Bennett
02:02:04 Rep. Kottel
02:03:53 Rep. Warburton
02:03:59 Chairman Stoker
02:04:30 Rep. Wagner
02:05:40 Rep. Peterson
02:06:09 Rep. Kottel called the question.
02:06:13 Chairman Stoker


02:07:10 Chairman Stoker

**EXECUTIVE ACTION ON HB 515**

02:07:25 **Motion:** Rep. Peterson moved that **HB 515 DO PASS**.

02:07:31 Chairman Stoker
02:07:58 Rep. Sands called the question.

02:08:06 **Vote:** Motion that **HB 515 DO PASS** carried 17-1 by voice vote with Rep. Peterson voting no. Rep. Howard voted by proxy.

02:08:16 Chairman Stoker
02:08:19 Rep. Peterson

**EXECUTIVE ACTION ON HB 457**

02:08:34 **Motion:** Rep. Peterson moved that **HB 457 DO PASS**.

02:08:44 Mr. Niss

EXHIBIT(juh38a06)

02:08:51 **Motion:** Rep. Kottel moved that **HB 457 BE AMENDED**.

Discussion:

02:09:05 Chairman Stoker
02:09:44 Rep. Kottel
02:14:41 Chairman Stoker
02:14:44 Rep. Peterson called the question.
02:14:50 **Vote:** Motion that HB 457 BE AMENDED carried unanimously by voice vote. Rep. Howard voted by proxy.

02:14:59 Chairman Stoker

02:15:03 **Motion:** Rep. Peterson moved that HB 457 DO PASS AS AMENDED.

**Discussion:**

02:15:09 Rep. Menahan
02:16:49 Rep. Kottel
02:17:06 Chairman Stoker
02:17:24 Rep. Becker
02:17:44 Chairman Stoker
02:17:49 Rep. Kottel
02:18:19 Chairman Stoker
02:18:43 Rep. Sands called the question.


02:19:42 **Substitute Motion:** Rep. Kerns made a substitute motion that HB 457 BE TABLED AND THE VOTE REVERSED.

02:19:47 Chairman Stoker

02:19:50 **Vote:** Motion carried unanimously by voice vote. Rep. Howard voted by proxy.

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**EXECUTIVE ACTION ON HJ 20**

02:20:13 **Motion:** Rep. Peterson moved that HJ 20 DO PASS.

**Discussion:**

02:20:17 Chairman Stoker
02:20:33 Rep. Sands called the question.
02:20:41 Chairman Stoker


02:21:19 Chairman Stoker
EXECUTIVE ACTION ON HB 497

02:21:40 **Motion:** Rep. Peterson moved that HB 497 DO PASS.

**Discussion:**

02:22:28 Chairman Stoker
02:22:34 Rep. Kottel
02:22:56 Rep. Peterson


02:26:19 Chairman Stoker
02:26:22 Rep. Driscoll
02:26:26 Chairman Stoker
02:26:32 Rep. Ebinger
02:26:54 Chairman Stoker
02:27:05  Adjournment

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Additional Exhibits:

EXHIBIT (juh38a07) Letter from Jo Kimery in support of HB 517

Additional Documents:

EXHIBIT (juh38aad.pdf)