

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: **CHAIRMAN RON STOKER**, on January 21, 2009 at 9:00
A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (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. Deborah Kottel, Vice Chairman (D), Rep.
Ken Peterson, Vice Chairman (R), Rep. Bob Ebinger (D).

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 133; HB 175; HB 216

EXECUTIVE ACTION ON HB 133

00:01:06 **Motion:** Rep. Kerns moved that **HB 133 DO PASS.**

Discussion:

00:01:07 Chairman Stoker

EXHIBIT(juh14a01)

00:03:07 **Motion:** Rep. Sands moved that **HB 133 BE AMENDED.**

Discussion:

00:03:17 Chairman Stoker

00:03:38 Rep. Sands called the question.

00:03:42 Rep. Regier

00:03:48 Chairman Stoker

00:03:51 Rep. Regier

00:04:03 Chairman Stoker

00:04:23 Amy Pfeifer, Child Support Enforcement Division

00:06:30 Chairman Stoker

00:06:35 Ms. Pfeifer

00:06:52 Chairman Stoker

00:06:58 Rep. Howard

00:06:59 Rep. Peterson joined meeting.

00:07:04 Chairman Stoker

00:07:15 Rep. Howard

00:08:10 Chairman Stoker

00:08:31 Ms. Pfeifer

00:10:04 Chairman Stoker

00:10:06 Rep. Howard

00:11:06 Chairman Stoker

00:11:18 Ms. Pfeifer

00:11:37 Chairman Stoker

00:12:11 Ms. Pfeifer

00:12:54 Chairman Stoker

00:12:57 Rep. Menahan

00:13:08 Chairman Stoker

00:13:09 Rep. Menahan

00:13:19 Ms. Pfeifer

00:13:24 Rep. Menahan

00:13:47 Ms. Pfeifer

00:14:16 Chairman Stoker

00:14:19 Rep. Peterson

00:14:58 Chairman Stoker

00:15:01 **Substitute Motion:** Rep. Becker made a substitute motion **TO SEGREGATE AMENDMENT 2** (refer to Exhibit 1).

Discussion:

00:15:21 Chairman Stoker

00:15:50 Rep. Becker

00:16:00 Chairman Stoker

00:16:10 **Vote:** Substitute motion **TO SEGREGATE AMENDMENT 2**
carried 15-3 by voice vote with Rep. Sands, Rep.
Peterson, and Rep. Menahan voting no. Rep. Kottel and
Rep. Ebinger voted by proxy.

00:16:34 **Motion:** Rep. Becker moved that **HB 133 BE AMENDED**
(refer to Exhibit 1, Amendment 2).

Discussion:

00:16:51 Chairman Stoker

00:17:49 Rep. Becker

00:17:55 Chairman Stoker

00:18:18 Rep. Becker

00:18:23 Chairman Stoker

00:19:06 Rep. Warburton

00:19:08 Rep. Stoker

00:19:09 Rep. Warburton

00:19:23 Chairman Stoker

00:19:24 Rep. Warburton

00:20:06 Chairman Stoker

00:20:15 Rep. Warburton

00:20:37 Chairman Stoker

00:21:06 Rep. Warburton

00:21:29 Chairman Stoker

00:21:55 Ms. Pfeifer

00:23:12 Chairman Stoker

00:23:27 Rep. Warburton

00:23:31 Chairman Stoker

00:23:45 **Substitute Motion:** Rep. Peterson made a substitute
motion that **HB 133 BE AMENDED** (refer to Exhibit 1,
Amendments 1, 3, and 4).

Discussion:

00:24:03 Chairman Stoker

00:24:09 Rep. Kerns called the question.

00:24:12 Chairman Stoker

00:24:22 Rep. Warburton

00:24:25 Mr. Niss

00:24:49 Chairman Stoker

00:24:52 Mr. Niss

00:26:14 Rep. Peterson

00:26:16 Chairman Stoker

00:27:46 Rep. Peterson

00:27:55 **Vote:** Motion that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendments 1, 3, and 4) carried unanimously by roll call vote. Rep. Kottel and Rep. Ebinger voted by proxy.

00:28:06 **Motion:** Rep. Peterson moved that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendment 2).

Discussion:

00:28:08 Chairman Stoker

00:28:57 Rep. Howard

00:29:07 Chairman Stoker

00:29:19 Rep. Sands

00:29:25 Rep. Howard

00:29:29 Rep. Sands

00:25:54 Chairman Stoker

00:26:00 Rep. Kottel joined meeting.

00:29:32 Chairman Stoker

00:29:49 Rep. Peterson

00:30:03 **Vote:** Motion that **HB 133 BE AMENDED** (refer to Exhibit 1, Amendment 2) carried 11-7 by roll call vote with Rep. Bennett, Rep. Wagner, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Howard, and Rep. Warburton voting no. Rep. Ebinger voted by proxy.

00:31:30 Chairman Stoker

00:31:40 **Motion:** Rep. Peterson moved that **HB 133 DO PASS AS AMENDED.**

Discussion:

00:31:47 Chairman Stoker

00:31:55 **Substitute Motion:** Rep. Warburton made a substitute motion **TO STRIKE SUBSECTION (2) (f)** of Amendment 4 (refer to Exhibit 1).

Discussion:

00:32:24 Chairman Stoker

00:32:45 Rep. Warburton

00:33:21 Chairman Stoker
 00:33:45 Rep. Warburton
 00:33:50 Chairman Stoker
 00:33:54 Rep. Warburton
 00:34:12 Chairman Stoker
 00:34:31 Rep. Warburton
 00:34:48 Chairman Stoker
 00:35:15 Rep. Warburton
 00:35:22 Chairman Stoker
 00:36:26 Ms. Pfiefer
 00:37:56 Rep. Peterson
 00:37:57 Chairman Stoker

00:37:58 **Substitute Motion:** Rep. Peterson made a substitute motion that **THE VOTE ON HB 133 BE DELAYED.**

Discussion:

00:38:27 Chairman Stoker
 00:39:01 Rep. Driscoll
 00:39:19 Chairman Stoker
 00:39:22 Mr. Niss
 00:39:32 Chairman Stoker
 00:39:39 Rep. Sands
 00:40:12 Chairman Stoker
 00:40:26 Rep. Peterson reiterated substitute motion to delay action on HB 133.
 00:40:49 Chairman Stoker
 00:41:09 Rep. MacDonald
 00:41:30 Chairman Stoker
 00:42:32 Rep. Sands called the question.

00:42:34 **Vote:** Substitute motion **TO DELAY ACTION ON HB 133** carried 17-1 by roll call vote with Rep. Driscoll voting no. Rep. Ebinger voted by proxy.

00:44:04 Chairman Stoker

EXECUTIVE ACTION ON HB 175

00:45:14 Chairman Stoker

00:45:15 **Motion:** Rep. Kottel moved that **HB 175 DO PASS.**

Discussion:

00:45:16 Chairman Stoker
 00:45:39 Rep. Kottel
 00:45:49 Mr. Niss

00:46:16 Chairman Stoker
00:46:22 Rep. Peterson
00:47:19 Chairman Stoker
00:47:21 Rep. Kottel
00:50:02 Chairman Stoker
00:50:04 Rep. Howard
00:50:26 Rep. Kottel
00:50:56 Rep. Howard
00:51:04 Rep. Kottel
00:52:19 Chairman Stoker
00:52:20 Rep. Blewett
00:53:34 Chairman Stoker
00:53:47 Rep. Blewett
00:53:51 Chairman Stoker
00:53:53 Rep. Peterson
00:54:37 Chairman Stoker
00:54:41 Rep. Bennett
00:55:20 Chairman Stoker
00:55:24 Rep. Wagner
00:58:00 Chairman Stoker
00:58:05 Rep. Peterson called the question.
00:58:08 Chairman Stoker

00:59:35 **Vote:** Motion that **HB 175 DO PASS** tied 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, Rep. Menahan voting aye. Rep. Ebinger voted by proxy.

00:59:46 **Motion/Vote:** Rep. Peterson moved that **HB 175 BE TABLED**. Motion carried 16-2 with Rep. Becker and Rep. Driscoll voting no. Rep. Ebinger voted by proxy.

01:01:08 Chairman Stoker
01:01:15 Recess
01:17:06 Reconvene
01:17:07 Rep. Ebinger joined meeting.
01:17:41 Mr. Niss
01:19:41 Chairman Stoker

EXECUTIVE ACTION ON HB 216

01:21:04 Chairman Stoker
01:21:07 **Motion:** Rep. Peterson moved that **HB 216 DO PASS**.

Discussion:

01:21:12 Chairman Stoker
01:21:18 Rep. Kerns

01:21:27 Rep. Menahan

01:24:07 Chairman Stoker

01:24:37 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion **TO POSTPONE HB 216** . Substitute motion carried unanimously by voice vote.

01:24:55 Chairman Stoker

01:25:55 Rep. Menahan

01:26:52 Chairman Stoker

ADJOURNMENT

01:26:59 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:

EXHIBIT ([juh14aad.pdf](#))