

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 3, 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. 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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. David Howard (R), Rep. Anders Blewett (D),
Rep. Diane Sands (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:

Hearing & Date Posted: HB 303, 1/29/2009; SB 108,
1/29/2009; HB 339, 1/29/2009

Executive Action: HB 209; HB 95

HEARING ON SB 108

Opening Statement by Sponsor:

00:00:53 Sen. Larry Jent (D), SD 32, opened the hearing on SB 108, Revise child custody statutes regarding military service.

[Rep. Sands joined meeting.]

00:10:54 Chairman Stoker

00:10:59 Sen. Jent

00:11:06 Chairman Stoker

Proponents' Testimony:

00:11:21 Stan Putnam, Brigadier General, U.S. Military

[EXHIBIT\(juh25a01\)](#)

00:13:21 Chairman Stoker

00:13:26 Michael Creeden, Lieutenant, U.S. Military

00:15:42 Chairman Stoker

00:15:46 Mr. Creeden

00:15:52 Chairman Stoker

00:16:07 Roger Hagan, Montana National Guard Association

[EXHIBIT\(juh25a02\)](#)

00:17:42 Chairman Stoker

00:17:47 Mr. Hagan

00:17:50 Chairman Stoker

Opponents' Testimony: None

Informational Testimony:

00:18:11 James Moran, Montana National Guard, Legal Assistance Officer

[Rep. Blewett joined meeting.]

00:21:34 Chairman Stoker

Questions from Committee Members and Responses:

00:21:52 Rep. Wagner

00:22:04 Mr. Putnam

00:22:06 Rep. Wagner

00:22:33 Mr. Putnam

00:22:48 Rep. Wagner

00:23:06 Mr. Putnam

00:23:52 Rep. Wagner
00:24:12 Mr. Putnam
00:25:05 Rep. Kottel
00:25:12 Sen. Jent
00:25:14 Rep. Kottel
00:27:10 Sen. Jent
00:29:14 Rep. Kottel
00:30:42 Sen. Jent
00:32:59 Chairman Stoker
00:33:01 Rep. Peterson
00:33:20 Sen. Jent
00:33:28 Rep. Peterson
00:33:41 Sen. Jent
00:35:02 Chairman Stoker

Closing by Sponsor:

00:35:09 Sen. Jent
[EXHIBIT\(juh25a03\)](#)
00:35:41 Chairman Stoker

HEARING ON HB 303

Opening Statement by Sponsor:

00:36:47 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 303, Revise limited liability company act.

00:39:11 Chairman Stoker

Proponents' Testimony:

00:39:16 Karen Powell, Montana's Uniform Law Commission (NCCUSL)
00:42:10 Chairman Stoker
00:42:20 Harry Haynsworth, Commissioner on Uniform State Laws,
Minnesota
[EXHIBIT\(juh25a04\)](#)
[EXHIBIT\(juh25a05\)](#)

[Rep. Howard joined meeting.]

01:01:45 Chairman Stoker exited meeting and gave gavel to Rep.
Peterson.

Opponents' Testimony: None

Informational Testimony:

01:01:51 Jorge Quintana, Legal Counsel, Secretary of State's
Office
01:04:03 Vice Chairman Peterson
01:04:18 Brenda Gilmer, Attorney, Montana Department of Revenue
(DOR)
01:06:40 Vice Chairman Peterson

Questions from Committee Members and Responses:

01:07:24 Vice Chairman Peterson
01:07:28 Mr. Haynsworth
01:07:31 Vice Chairman Peterson
01:08:14 Mr. Haynsworth
01:08:24 Vice Chairman Peterson
01:08:31 Mr. Haynsworth
01:08:38 Vice Chairman Peterson
01:08:50 Mr. Haynsworth
01:09:06 Vice Chairman Peterson
01:09:10 Mr. Haynsworth
01:11:17 Vice Chairman Peterson
01:11:31 Mr. Haynsworth
01:11:59 Vice Chairman Peterson
01:12:46 Mr. Haynsworth
01:13:07 Vice Chairman Peterson
01:13:14 Mr. Haynsworth
01:13:24 Vice Chairman Peterson
01:13:57 Mr. Haynsworth
01:17:13 Vice Chairman Peterson
01:17:20 Rep. Kottel
01:17:25 Vice Chairman Peterson

Closing by Sponsor:

01:18:07 Rep. Kottel
01:19:20 Chairman Stoker
Recess
01:33:49 Recovene
01:33:49 Vice Chairman Peterson

[Chairman Stoker resumed as Chair.]

HEARING ON HB 339

Opening Statement by Sponsor:

01:33:59 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 339, Revise limited partnership act.

Proponents' Testimony:

01:35:18 Chairman Stoker
01:35:30 Karen Powell, Montana's Uniform Law Commission
01:37:59 Chairman Stoker
01:38:07 Harry Haynsworth, Commissioner on Uniform State Laws,
Minnesota

[EXHIBIT\(juh25a06\)](#)

[EXHIBIT\(juh25a07\)](#)

01:51:53 Chairman Stoker

Opponents' Testimony: None

Informational Testimony:

01:52:26 Brenda Gilmer, Department of Revenue (DOR)
01:53:57 Chairman Stoker
01:54:07 Jorge Quintana, Secretary of State's office
01:56:00 Chairman Stoker

Questions from Committee Members and Responses:

01:56:11 Rep. Menahan
01:56:34 Mr. Haynsworth
01:56:35 Rep. Menahan
01:57:12 Mr. Haynsworth
02:02:33 Chairman Stoker
02:02:41 Rep. Ebinger
02:02:48 Mr. Quintana
02:02:49 Rep. Ebinger
02:02:59 Mr. Quintana
02:03:13 Chairman Stoker
02:03:16 Rep. McClafferty
02:03:43 Mr. Haynsworth
02:03:51 Rep. McClafferty
02:04:19 Mr. Haynsworth
02:04:36 Rep. McClafferty
02:04:38 Chairman Stoker

Closing by Sponsor:

02:04:51 Rep. Kottel
02:06:31 Chairman Stoker
02:06:40 Rep. Kottel
[EXHIBIT\(juh25a08\)](#)
02:07:02 Chairman Stoker

EXECUTIVE ACTION ON HB 209

02:08:32 **Motion:** Rep. Kottel moved that **HB 209 DO PASS.**

Discussion:

02:08:46 Chairman Stoker
02:09:08 Rep. Becker
02:11:57 Chairman Stoker
02:12:00 Rep. Regier
02:12:49 Chairman Stoker
02:12:50 Rep. Peterson
02:14:24 Chairman Stoker
02:14:27 Rep. Howard
02:16:47 Chairman Stoker
02:16:50 Rep. Warburton
02:17:43 Chairman Stoker
02:17:47 Rep. More
02:18:52 Rep. Peterson called the question.

02:18:54 **Vote:** Motion that **HB 209 DO PASS** carried 10-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting no. Rep. Sands voted by proxy.

EXECUTIVE ACTION ON HB 95

02:20:20 Chairman Stoker

02:20:23 **Motion:** Rep. Peterson moved that **HB 95 DO PASS.**

Discussion:

02:20:28 Chairman Stoker
02:20:45 Mr. Niss
EXHIBIT(juh25a09)
02:20:55 Chairman Stoker

02:20:59 **Motion:** Rep. Menahan moved that **HB 95 BE AMENDED.**

Discussion:

02:21:21 Chairman Stoker
02:21:22 Rep. Menahan
02:22:41 Rep. Ebinger
02:22:48 Rep. Menahan
02:22:51 Rep. Ebinger
02:22:52 Chairman Stoker
02:22:59 Rep. Peterson called the question.

02:23:07 **Vote:** Motion that **HB 95 BE AMENDED** carried unanimously by voice vote. Rep. Sands voted by proxy.

02:23:27 **Motion:** Rep. Peterson moved that **HB 95 DO PASS AS AMENDED.**

02:23:35 Chairman Stoker

02:23:42 Rep. Peterson called the question on HB 95.

02:23:47 **Vote:** Motion that **HB 95 DO PASS AS AMENDED** carried unanimously by voice vote. Rep. Sands voted by proxy.

02:23:53 Chairman Stoker

ADJOURNMENT

02:25:26 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh25aad.pdf](#))