

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 20, 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. 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. Wendy Warburton (R)

Members Excused: Rep. Bob Wagner (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:

Hearing & Date Posted: None

Executive Action: HB 362; HB 517; HB 503; HB 504;
HB 347; HB 534; HB 552; HB 554;
HB 574; HB 628; HB 457

EXECUTIVE ACTION ON HB 628

00:02:14 Chairman Stoker

00:02:30 **Motion/Vote:** Rep. Peterson moved that **HB 628 DO PASS.**
Motion carried unanimously by voice vote. Rep. Wagner
voted by proxy.

EXECUTIVE ACTION ON HB 347

00:03:14 **Motion:** Rep. Peterson moved that **HB 347 BE TABLED.**

00:03:23 Chairman Stoker

00:03:27 **Vote:** Motion carried unanimously by voice vote. Rep.
Wagner voted by proxy.

EXECUTIVE ACTION ON HB 503

00:04:04 Chairman Stoker

00:04:07 **Motion:** Rep. Peterson moved that **HB 503 DO PASS.**

00:04:13 Chairman Stoker

00:04:25 Rep. Sands called the question.

00:04:40 Chairman Stoker

00:05:52 **Vote:** Motion failed 2-16 by roll call vote with Rep.
Driscoll and Rep. More voting aye. Rep. Wagner voted
by proxy.

00:07:04 **Motion/Vote:** Rep. Sands moved that **HB 503 BE TABLED
AND THE VOTE REVERSED.** Motion carried unanimously by
voice vote. Rep. Wagner voted by proxy.

EXECUTIVE ACTION ON HB 504

00:07:27 **Motion:** Rep. Peterson moved that **HB 504 DO PASS.**

00:07:32 Chairman Stoker

00:07:45 Rep. Driscoll called the question.

00:07:52 **Vote:** Motion carried 10-8 by roll call vote with Rep.
Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep.
Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker
voting no. Rep. Wagner voted by proxy.

00:09:18 Chairman Stoker

EXECUTIVE ACTION ON HB 552

00:09:41 **Motion:** Rep. Peterson moved that **HB 552 DO PASS.**

Discussion:

00:09:49 Chairman Stoker

00:10:22 Rep. Peterson

00:11:43 Rep. Ebinger

00:11:56 Rep. Peterson called the question.

00:12:10 **Vote:** Motion failed 1-17 by roll call vote with Rep. Blewett voting aye. Rep. Wagner voted by proxy.

00:13:54 **Motion/Vote:** Rep. Sands moved that **HB 552 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Wagner voted by proxy.

EXECUTIVE ACTION ON HB 554

00:14:16 **Motion:** Rep. Peterson moved that **HB 554 DO PASS.**

00:14:23 Mr Niss

EXHIBIT(juh40a01)

00:14:26 Chairman Stoker

00:15:01 **Motion:** Rep. Howard moved that **HB 554 BE AMENDED** (refer to Exhibit 1).

Discussion:

00:15:20 Chairman Stoker

00:15:26 Rep. Howard

00:15:35 Rep. Wagner joined the meeting.

00:16:06 Chairman Stoker

00:16:09 **Vote:** Motion that **HB 554 BE AMENDED** carried unanimously by voice vote.

00:16:17 **Motion:** Rep. Peterson moved that **HB 554 DO PASS AS AMENDED.**

Discussion:

00:16:24 Chairman Stoker

00:16:27 Rep. Regier

00:16:46 Rep. Howard

00:17:28 Rep. Kottel

00:20:24 Rep. More
00:21:43 Rep. Howard
00:24:15 Rep. Peterson
00:24:48 Rep. Howard
00:26:38 Chairman Stoker
00:26:46 Rep. Ebinger
00:27:06 Rep. Howard
00:27:14 Rep. MacDonald
00:28:08 Rep. Menahan
00:30:22 Rep. Wagner
00:31:30 Rep. Howard called the question.

00:31:36 **Vote:** Motion that **HB 554 DO PASS AS AMENDED** failed 7-11 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Regier, Rep. Howard, and Rep. Stoker voting aye.

00:32:36 **Motion/Vote:** Rep. Sands moved that **HB 554 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 574

00:33:05 **Motion:** Rep. Peterson moved that **HB 574 DO PASS**.

00:33:06 Mr. Niss

00:33:50 Chairman Stoker decided to postpone Executive Action on HB 574 until the end of the meeting.

EXECUTIVE ACTION ON HB 362

00:34:17 **Motion:** Rep. Peterson moved that **HB 362 DO PASS**.

00:34:21 Mr. Niss

EXHIBIT(juh40a02)

00:34:22 Chairman Stoker

00:34:36 **Motion:** Rep. Becker moved that **HB 362 BE AMENDED** (refer to Exhibit 2).

00:34:43 Chairman Stoker

00:35:41 Rep. Becker

00:35:44 Mr. Niss

00:40:49 Chairman Stoker

00:40:58 Mr. Niss

00:41:01 Chairman Stoker

00:41:08 Mr. Niss

00:41:15 Rep. Becker

00:41:22 Mr. Niss

00:41:25 Chairman Stoker
00:41:34 Mr. Niss
00:43:45 Chairman Stoker
00:43:55 Rep. Becker called the question.

00:43:57 **Vote:** Motion that **HB 362 BE AMENDED** carried 16-2 by voice vote with Rep. Peterson and Rep. Stoker voting no.

00:44:25 **Motion:** Rep. Peterson moved that **HB 362 DO PASS AS AMENDED.**

Discussion:

00:44:33 Chairman Stoker
00:44:35 Rep. Regier
00:44:40 Rep. Wagner exited the meeting.
00:45:07 Chairman Stoker
00:45:18 Rep. Kottel
00:45:24 Mr. Niss
00:48:04 Rep. Becker
00:50:13 Rep. Peterson
00:52:43 Rep. MacDonald
00:53:45 Rep. Regier
00:54:34 Rep. Sands called the question.
00:54:39 Chairman Stoker

00:55:19 **Vote:** Motion failed 8-10 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. Regier, Rep. McClafferty voting aye. Rep. Wagner voted by proxy.

00:56:11 **Motion/Vote:** Rep. Sands moved that **HB 362 BE TABLED AND THE VOTE REVERSED.** Motion carried 16-2 by voice vote with Rep. Becker and Rep. Ebinger voting no. Rep. Wagner voted by proxy.

00:57:14 Chairman Stoker
00:57:28 Recess
01:16:16 Reconvene. Rep. Wagner rejoined meeting.

EXECUTIVE ACTION ON HB 517

01:16:17 Chairman Stoker
01:16:34 **Motion:** Rep. Peterson moved that **HB 517 DO PASS.**
01:16:44 Chairman Stoker

01:16:52 **Motion:** Rep. Kottel moved that **HB 517 BE AMENDED**
(refer to Exhibit 3).

EXHIBIT(juh40a03)

Discussion:

01:17:27 Chairman Stoker
01:17:35 Rep. Kottel
01:19:28 Rep. Peterson called the question.
01:19:37 Chairman Stoker
01:20:24 Rep. Kottel
01:20:40 Chairman Stoker
01:20:48 Rep. Regier
01:20:59 Rep. Kottel
01:21:00 Rep. Regier
01:21:10 Rep. Kottel

01:22:12 **Vote:** Motion that **HB 517 BE AMENDED** carried 17-1 by
voice vote with Rep. More voting no.

01:22:33 **Motion:** Rep. Kottel moved that **HB 517 DO PASS AS**
AMENDED.

01:22:41 Chairman Stoker

01:22:41 **Motion:** Rep. Kottel moved that **HB 517 BE AMENDED**
(refer to Exhibit 4).

EXHIBIT(juh40a04)

Discussion:

01:22:47 Chairman Stoker
01:22:55 Rep. Kottel
01:24:38 Chairman Stoker
01:24:59 Rep. Kottel
01:25:01 Chairman Stoker
01:25:05 Rep. Kottel
01:25:39 Rep. Peterson
01:26:37 Chairman Stoker
01:26:41 Rep. Regier
01:27:12 Chairman Stoker
01:27:16 Rep. Kottel
01:29:05 Rep. MacDonald
01:30:16 Rep. Blewett
01:31:01 Rep. Peterson
01:31:32 Rep. McClafferty
01:31:59 Rep. Becker
01:32:23 Chairman Stoker
01:32:30 Rep. Kottel

01:33:49 Rep. Regier
 01:34:21 Chairman Stoker
 01:34:32 Rep. Kottel
 01:35:22 Rep. Peterson called the question.

 01:35:28 **Vote:** Motion that **HB 517 BE AMENDED** carried 15-3 by roll call vote with Rep. MacDonald, Rep. Becker, and Rep. Regier voting no.

 01:36:24 **Motion:** Rep. Peterson moved that **HB 517 DO PASS AS AMENDED.**

Discussion:

01:36:49 Rep. More
 01:37:43 Rep. Blewett
 01:38:19 Rep. Peterson called the question.

 01:38:23 **Vote:** Motion carried 14-4 by roll call vote with Rep. Kerns, Rep. Bennett, Rep. More, and Rep. Wagner voting no.

EXECUTIVE ACTION ON HB 534

01:39:21 Chairman Stoker
 01:39:29 Mr. Niss
EXHIBIT(juh40a05)
 01:40:57 Chairman Stoker

 01:41:00 **Motion:** Rep. Peterson moved that **HB 534 DO PASS.**

 01:41:03 Chairman Stoker

 01:41:12 **Motion:** Rep. Menahan moved that **HB 534 BE AMENDED** (refer to Exhibit 5).

Discussion:

01:41:20 Chairman Stoker
 01:41:27 Rep. Menahan
 01:50:07 Chairman Stoker
 01:50:10 Rep. Peterson
 01:51:24 Rep. Menahan
 01:51:58 Rep. Peterson
 01:52:15 Rep. Bennett
 01:52:56 Rep. Menahan
 01:53:23 Rep. Howard
 01:55:40 Rep. Kottel called the question.

01:55:46 **Vote:** Motion that **HB 534 BE AMENDED** carried unanimously by roll call vote.

01:56:34 **Motion:** Rep. Peterson moved that **HB 534 DO PASS AS AMENDED.**

Discussion:

01:56:40 Chairman Stoker
01:56:44 Rep. Howard
01:59:26 Rep. Ebinger
01:59:58 Rep. Menahan
02:01:40 Rep. Kottel
02:03:37 Chairman Stoker
02:03:43 Rep. Peterson called the question.

02:03:45 **Vote:** Motion carried 14-4 by roll call vote with Rep. Kerns, Rep. Regier, Rep. Howard, and Rep. Stoker voting no.

EXECUTIVE ACTION ON HB 574

02:04:49 Mr. Niss
02:04:55 Chairman Stoker

02:04:58 **Motion:** Rep. Peterson moved that **HB 574 DO PASS.**

02:05:10 **Motion:** Rep. Menahan moved that **HB 574 BE AMENDED** (refer to Exhibit 6).

EXHIBIT (juh40a06)

Discussion:

02:05:32 Chairman Stoker
02:05:36 Rep. Menahan
02:05:45 Rep. Wagner exited the meeting.
02:07:43 Rep. Sands
02:08:02 Chairman Stoker
02:08:03 Rep. Menahan
02:09:01 Chairman Stoker
02:09:10 Mr. Niss
02:14:04 Chairman Stoker
02:14:57 Mr. Niss
02:15:01 Rep. More
02:15:18 Mr. Niss
02:15:21 Rep. Menahan
02:15:33 Mr. Niss
02:15:34 Rep. Menahan
02:15:46 Chairman Stoker

02:15:52 Rep. Peterson called the question.
02:15:56 Chairman Stoker

02:16:01 **Vote:** Motion that **HB 574 BE AMENDED** carried 17-1 by voice vote with Rep. Wagner voting no. Rep. Wagner voted by proxy.

02:16:34 **Motion:** Rep. Peterson moved that **HB 574 DO PASS AS AMENDED.**

02:16:45 Chairman Stoker
02:16:54 Rep. Peterson called the question.

02:16:55 **Vote:** Motion carried 17-1 by voice vote with Rep. Wagner voting no. Rep. Wagner voted by proxy.

02:17:28 Chairman Stoker

EXECUTIVE ACTION ON HB 457

02:17:29 **Motion:** Rep. Kottel made a motion that **HB 457 BE TAKEN FROM THE TABLE.**

02:18:06 Chairman Stoker

02:18:49 **Vote:** Motion that HB 457 carried 9-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting no.

02:20:18 Chairman Stoker

02:20:22 **Motion:** Rep. Kottel moved that **HB 457 BE AMENDED** (refer to Exhibit 7).

EXHIBIT (juh40a07)

Discussion:

02:20:49 Chairman Stoker
02:20:55 Rep. Wagner rejoined the meeting.
02:20:56 Rep. Kottel
02:21:59 Rep. More
02:22:28 Chairman Stoker
02:22:33 Rep. Kottel
02:23:21 Chairman Stoker
02:24:18 Rep. Peterson
02:24:48 Rep. Kottel
02:25:45 Rep. Sands
02:26:00 Rep. Kottel

02:26:04 Rep. Menahan
02:26:55 Chairman Stoker
02:26:59 Rep. Peterson called the question.

02:27:06 **Vote:** Motion that **HB 457 BE AMENDED** carried 10-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting no.

02:28:20 **Motion:** Rep. Kottel moved that **HB 457 DO PASS AS AMENDED.**

Discussion:

02:28:29 Rep. Peterson
02:29:33 Rep. Sands
02:30:15 Rep. Menahan
02:31:05 Rep. Kottel
02:32:15 Rep. Peterson called the question.

02:32:19 **Vote:** Motion failed 9-9 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting aye.

02:33:04 Chairman Stoker
02:33:18 Rep. Sands
02:33:29 Chairman Stoker
02:33:50 Rep. Ebinger

ADJOURNMENT

02:34:30 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh40aad.pdf](#))