

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 6, 2009 at 8:05
P.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. 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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Arlene Becker (D)

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: SB 171, 3/3/2009; SB 182, 3/3/2009

Executive Action: SB 121, SB 171, SB 182

HEARING ON SB 182

Opening Statement by Sponsor:

00:00:36 Sen. John Esp (R), SD 31, opened the hearing on SB 182,
Revise grandparent-grandchild contact law.
[EXHIBIT\(juh50a01\)](#)

Proponents' Testimony:

00:02:40 Shirley Brown, Child and Family Services

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:03:38 Sen. Esp

00:03:42 Chairman Stoker

00:03:45 Rep. Becker joined the meeting.

HEARING ON SB 171

Opening Statement by Sponsor:

00:03:58 Sen. Gregory Barkus (R), SD 4, opened the hearing on
SB 171, Criminal damage to rental property.

Proponents' Testimony:

00:07:26 Chairman Stoker

00:07:34 Roger Halver, Montana Landlords Association

00:09:55 Jim Smith, Montana County Attorneys Association

00:11:48 Chairman Stoker

Opponents' Testimony:

00:12:08 Lucas Hamilton, Associated Students of the University
of Montana

[EXHIBIT\(juh50a02\)](#)

00:16:18 Chairman Stoker

00:16:23 Nikki Zupanic, American Civil Liberties Union

00:17:27 Chairman Stoker

00:17:46 Kelsen Young, Coalition Against Domestic and Sexual
Violence

00:19:51 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:12 Rep. Kottel
 00:20:22 Sen. Barkus
 00:20:22 Rep. Kottel
 00:21:08 Sen. Barkus
 00:21:33 Chairman Stoker
 00:21:34 Rep. Kottel
 00:21:47 Sen. Barkus
 00:21:49 Rep. Kottel
 00:23:09 Sen. Barkus
 00:24:29 Rep. Kottel
 00:24:57 Sen. Barkus
 00:25:02 Chairman Stoker
 00:25:06 Rep. Wagner
 00:25:17 Ms. Zupanic
 00:25:18 Rep. Wagner
 00:26:13 Ms. Zupanic
 00:27:04 Chairman Stoker
 00:27:16 Rep. Wagner
 00:27:20 Mr. Hamilton
 00:27:42 Rep. Wagner
 00:28:20 Mr. Hamilton
 00:28:57 Rep. Wagner
 00:30:13 Mr. Hamilton
 00:30:58 Rep. Wagner
 00:31:46 Mr. Hamilton
 00:32:15 Chairman Stoker
 00:32:17 Rep. Menahan
 00:33:10 Chairman Stoker
 00:33:19 Rep. Menahan
 00:34:03 Mr. Hamilton
 00:34:31 Rep. Menahan
 00:34:43 Ms. Zupanic
 00:34:43 Rep. Menahan
 00:35:55 Ms. Zupanic
 00:37:42 Rep. Menahan
 00:38:36 Ms. Zupanic
 00:38:59 Chairman Stoker
 00:39:06 Rep. More
 00:40:18 Mr. Halver
 00:42:06 Rep. More
 00:42:12 Mr. Halver
 00:42:21 Rep. More
 00:42:27 Sen. Barkus
 00:42:29 Rep. Peterson

00:42:55 Sen. Barkus
00:42:58 Chairman Stoker

Closing by Sponsor:

00:43:04 Sen. Barkus
00:43:55 Chairman Stoker
00:44:28 Recess
01:05:17 Reconvene

EXECUTIVE ACTION ON SB 171

01:06:26 **Motion:** Rep. Peterson moved that **SB 171 BE CONCURRED IN.**

Discussion:

01:06:33 Chairman Stoker
01:06:38 Rep. Peterson
01:07:35 Rep. Menahan
01:09:57 Rep. Bennett
01:10:25 Rep. More
01:11:11 Rep. Kottel
01:12:27 Rep. Howard
01:14:35 Rep. Ebinger
01:15:00 Rep. Blewett
01:16:07 Rep. Regier
01:17:08 Rep. Driscoll
01:18:06 Rep. Menahan
01:19:20 Rep. Peterson
01:20:35 Rep. Sands called the question.
01:20:40 Chairman Stoker

01:21:35 **Vote:** Motion failed 7-11 by roll call vote with Rep. Kottel, Rep. More, Rep. Ebinger, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Menahan voting aye.

01:22:44 **Motion/Vote:** Rep. Sands moved that **SB 171 BE TABLED AND THE VOTE REVERSED.** Motion carried 17-1 by voice vote with Rep. Wagner voting no.

01:23:05 Rep. Menahan
01:23:15 Mr. Niss
01:23:25 Chairman Stoker

EXECUTIVE ACTION ON SB 121

01:23:56 **Motion:** Rep. Peterson moved that **SB 121 BE CONCURRED IN.**

Discussion:

01:24:00 Chairman Stoker

01:24:08 Rep. Warburton

01:24:34 Chairman Stoker

01:24:37 Rep. Howard

01:24:52 Chairman Stoker

01:24:54 Rep. Wagner

01:25:28 Rep. Becker

01:26:21 Rep. Menahan

01:27:28 Rep. Peterson

01:28:28 Chairman Stoker

01:28:31 Rep. Kerns called the question.

01:28:34 **Vote:** Motion failed 8-10 by roll call vote with Rep. Kottel, Rep. Sands, Rep. MacDonald, Rep. Ebinger, Rep. Becker, Rep. Driscoll, Rep. Blewett, and Rep. Menahan voting aye.

01:29:26 **Motion/Vote:** Rep. Sands moved that **SB 121 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 182

01:30:02 **Motion:** Rep. Peterson moved that **SB 182 BE CONCURRED IN.**

Discussion:

01:30:04 Chairman Stoker

01:30:30 Rep. MacDonald

01:30:42 Rep. Kottel

01:31:09 Rep. Peterson

01:32:23 Rep. Regier

01:32:43 Rep. Peterson

01:32:49 Rep. Regier

01:32:56 Rep. Bennett called the question.

01:33:03 Chairman Stoker

01:33:16 Rep. Bennett

01:33:24 Chairman Stoker

01:33:30 **Vote:** Motion carried unanimously by roll call vote.

01:34:13 Chairman Stoker

01:37:57 Rep. Ebinger

01:38:09 Chairman Stoker

01:38:21 Rep. Kottel

01:38:29 Chairman Stoker

01:38:33 Rep. Ebinger

01:38:43 Chairman Stoker

01:39:35 Rep. Becker

ADJOURNMENT

01:39:48 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh50aad.pdf](#))