

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 27, 2009 at 8:06
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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

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: HJ 31, 3/23/2009

Executive Action: SB 327, SB 46, SB 406, HB 661,
SB 158

HEARING ON HJ 31

Opening Statement by Sponsor:

00:00:33 Rep. Tom McGillvray (R), HD 50, opened the hearing on
HJ 31, Study marriage laws.

00:20:37 Chairman Stoker

Proponents' Testimony:

00:20:48 Moe Wosepka, Executive Director, Montana Catholic
Conference

00:26:59 Steve Yeakel

00:30:16 Rep. Gerald Bennett, HD 1, Libby

Opponents' Testimony: None

Informational Testimony:

00:33:29 Mary Phippen, Montana Association of Clerks of District
Court

Questions from Committee Members and Responses:

00:34:13 Rep. Regier
00:34:23 Rep. McGillvray
00:34:24 Rep. Regier
00:34:46 Rep. McGillvray
00:35:11 Rep. Ebinger
00:35:22 Mr. Wosepka
00:35:24 Rep. Ebinger
00:36:34 Mr. Wosepka
00:37:44 Rep. Ebinger
00:37:50 Mr. Wosepka
00:38:13 Rep. Ebinger
00:38:27 Mr. Wosepka
00:39:27 Rep. Ebinger
00:39:32 Rep. MacDonald
00:39:37 Rep. McGillvray
00:39:38 Rep. MacDonald
00:41:55 Rep. McGillvray
00:43:05 Chairman Stoker
00:43:20 Rep. Howard
00:43:26 Rep. McGillvray
00:43:29 Rep. Howard
00:43:49 Rep. McGillvray
00:44:24 Rep. Howard
00:44:34 Chairman Stoker

00:44:36 Rep. Sands
00:44:44 Rep. McGillvray
00:44:45 Rep. Sands
00:45:14 Rep. McGillvray
00:45:51 Chairman Stoker
00:45:54 Rep. McGillvray
00:46:04 Rep. Warburton
00:46:14 Mr. Wosepka
00:46:16 Rep. Warburton
00:47:07 Mr. Wosepka
00:48:00 Rep. Stoker turned the gavel over to Rep. Peterson and
exited the meeting.
00:49:25 Rep. Warburton
00:49:43 Mr. Wosepka
00:50:26 Rep. Warburton
00:50:33 Rep. Sands
00:50:37 Rep. McGillvray
00:50:39 Rep. Sands
00:51:01 Rep. McGillvray
00:51:39 Rep. Sands
00:51:43 Rep. McGillvray
00:52:06 Rep. Sands
00:52:17 Rep. McGillvray
00:52:23 Rep. Sands
00:53:32 Rep. McGillvray
00:55:38 Rep. Sands
00:57:09 Rep. McGillvray
00:57:14 Rep. Sands
00:58:20 Rep. McGillvray
00:58:43 Rep. Sands
00:58:59 Rep. McGillvray
00:59:01 Rep. Sands
00:59:03 Rep. MacDonald
00:59:14 Mr. Wosepka
00:59:16 Rep. MacDonald
01:00:19 Mr. Wosepka
01:01:13 Rep. Ebinger
01:01:36 Vice Chairman Peterson

Closing by Sponsor:

01:01:46 Rep. McGillvray
01:06:55 Vice Chairman Peterson
01:07:22 Recess
01:23:15 Reconvene

EXECUTIVE ACTION ON SB 158

01:23:47 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN.**

01:23:52 Vice Chairman Peterson

01:23:59 Mr. Niss

[EXHIBIT\(juh68a01\)](#)

[EXHIBIT\(juh68a02\)](#)

01:24:40 **Motion:** Rep. Peterson moved that **SB 158 BE AMENDED**
(refer to Exhibit 1).

Discussion:

01:26:26 Rep. Regier

01:26:37 Vice Chairman Peterson

01:26:56 Rep. Regier

01:27:04 Vice Chairman Peterson

01:27:09 Rep. Regier

01:27:12 Vice Chairman Peterson

01:27:17 Rep. Regier

01:27:41 Vice Chairman Peterson

01:28:01 Beth McLaughlin, Court Services Director

01:28:39 Vice Chairman Peterson

01:28:44 Rep. Regier

01:28:49 Vice Chairman Peterson

01:29:08 Rep. Menahan

01:29:51 Vice Chairman Peterson

01:30:11 Rep. Sands called the question.

01:30:16 Vice Chairman Peterson

01:31:23 **Vote:** Motion carried 17-1 by voice vote with Rep. More
voting no. Rep. Stoker voted by proxy.

01:31:55 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN
AS AMENDED.**

01:32:04 **Motion:** Rep. Menahan moved that **SB 158 BE AMENDED**
(refer to Exhibit 2).

Discussion:

01:32:18 Rep. Warburton

01:32:35 Rep. Menahan

01:35:20 Rep. Becker

01:35:45 Rep. Menahan

01:36:02 Rep. Becker

01:36:12 Rep. Menahan

01:36:23 Rep. Kottel

01:36:36 Rep. Blewett
01:36:52 Rep. Regier
01:37:09 Rep. Menahan
01:37:34 Rep. Blewett
01:37:59 Rep. Menahan
01:38:22 Vice Chairman Peterson
01:38:54 Rep. Bennett called the question.
01:38:59 Rep. Sands

01:39:17 **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. Rep. Stoker voted by proxy.

01:40:12 Vice Chairman Peterson

01:40:15 **Motion:** Rep. Kottel moved that **SB 158 BE CONCURRED IN AS AMENDED.**

Discussion:

01:40:22 Vice Chairman Peterson
01:40:32 Rep. More
01:42:00 Vice Chairman Peterson
01:42:08 Rep. Kottel
01:43:10 Rep. Blewett
01:43:50 Vice Chairman Peterson
01:44:23 Rep. Wagner
01:45:32 Rep. Howard
01:46:26 Vice Chairman Peterson
01:46:42 Rep. Howard
01:46:54 Vice Chairman Peterson
01:46:57 Rep. MacDonald called the question.

01:46:59 **Vote:** Motion carried unanimously by voice vote. Rep. Stoker voted by proxy.

01:47:14 Vice Chairman Peterson

EXECUTIVE ACTION ON SB 327

01:47:51 **Motion:** Rep. Kottel moved that **SB 327 BE CONCURRED IN.**

Discussion:

01:48:18 Rep. Sands called the question.
01:48:24 Vice Chairman Peterson
01:49:00 Rep. More

01:49:20 Rep. Warburton
 01:50:22 Rep. MacDonald
 01:50:58 Rep. Menahan
 01:54:44 Rep. Regier
 01:54:59 Rep. Menahan
 01:55:33 Rep. Regier
 01:55:49 Rep. Menahan
 01:56:36 Vice Chairman Peterson
 01:56:45 Rep. Menahan
 01:56:52 Rep. Blewett
 01:58:05 Rep. Menahan
 01:58:13 Rep. More
 01:58:34 Rep. Menahan
 01:59:54 Rep. More
 02:00:07 Rep. Menahan
 02:00:20 Vice Chairman Peterson
 02:00:30 Rep. Warburton
 02:00:46 Rep. Menahan
 02:01:12 Rep. Howard
 02:02:27 Rep. Sands
 02:03:02 Rep. Wagner
 02:04:12 Rep. Menahan
 02:05:19 Rep. Kerns
 02:05:39 Vice Chairman Peterson
 02:05:44 Rep. Driscoll called the question.

 02:05:49 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

 02:06:41 Vice Chairman Peterson

EXECUTIVE ACTION ON HB 661

02:06:53 **Motion:** Rep. Kottel moved that **HB 661 BE CONCURRED IN.**

Discussion:

02:07:00 Vice Chairman Peterson
 02:07:20 Rep. Sands
 02:08:08 Vice Chairman Peterson
 02:08:11 Rep. Ebinger
 02:09:11 Rep. McClafferty
 02:09:37 Rep. Warburton
 02:10:32 Rep. More
 02:11:43 Rep. Kottel called the question.

02:11:48 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:12:44 Vice Chairman Peterson

EXECUTIVE ACTION ON SB 46

02:12:51 **Motion:** Rep. Kottel moved that **SB 46 BE CONCURRED IN.**

Discussion:

02:12:59 Vice Chairman Peterson
02:13:05 Rep. More
02:14:19 Rep. Regier
02:15:28 Rep. MacDonald
02:18:16 Rep. Wagner
02:20:33 Rep. Warburton
02:21:22 Rep. Howard
02:21:52 Rep. Kottel
02:22:36 Rep. Sands
02:23:46 Rep. Menahan
02:26:01 Rep. More
02:27:54 Rep. McClafferty called the question.
02:27:56 Vice Chairman Peterson

02:29:22 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:30:13 Vice Chairman Peterson

EXECUTIVE ACTION ON SB 406

02:30:18 **Motion:** Rep. Kottel moved that **SB 406 DO PASS.**

Discussion:

02:30:23 Vice Chairman Peterson
02:30:40 Rep. Driscoll called the question.
02:30:45 Rep. Warburton
02:33:09 Rep. Kottel called the question.
02:33:15 Vice Chairman Peterson

02:33:50 **Vote:** Motion failed 9-9 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Howard, Rep. Warburton, and Rep. Stoker voting aye. Rep. Stoker voted by proxy.

02:34:44 Vice Chairman Peterson

ADJOURNMENT

02:35:08 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh68aad.pdf](#))