

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on January 27, 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. 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: SB 10, 1/21/2009; HB 236, 1/21/2009
Executive Action: HB 55, HB 150

HEARING ON SB 10

Opening Statement by Sponsor:

00:00:41 Sen. Gary Perry (R), SD 35, opened the hearing on
SB 10, Correct federal funding of drug treatment court.
00:01:22 Chairman Stoker

Proponents' Testimony:

00:01:25 Lois Menzies, Supreme Court Administrator
00:04:05 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:04:25 Rep. MacDonald
00:04:56 Ms. Menzies
00:05:31 Chairman Stoker
00:05:32 Rep. Peterson
00:05:56 Ms. Menzies

Closing by Sponsor:

00:06:35 Sen. Perry
00:06:41 Chairman Stoker

HEARING ON HB 236

Opening Statement by Sponsor:

00:06:54 Rep. Deborah Kottel (D), HD 20, opened the hearing on
HB 236, Require landlord to test private water source
for fecal and E coli.

00:12:32 Chairman Stoker

Proponents' Testimony:

00:12:45 Ken Crisp
EXHIBIT(juh19a01)
00:23:09 Chairman Stoker
00:23:18 Paul Andrews, Rural Dynamics Inc.
00:24:15 Chairman Stoker

Opponents' Testimony:

00:24:35 Roger Halver, Montana Landlords' Association
00:25:13 Chairman Stoker
00:25:19 Mr. Halver
00:25:33 Chairman Stoker
00:25:35 Mr. Halver
00:29:14 Chairman Stoker
00:29:23 Jon Van Norman, Member, Montana Landlords' Association
00:31:31 Chairman Stoker

Informational Testimony: None

Questions from Committee Members and Responses:

00:31:48 Rep. Driscoll
00:32:14 Mr. Crisp
00:33:15 Chairman Stoker
00:33:19 Rep. Driscoll
00:33:22 Chairman Stoker
00:33:25 Rep. Kerns
00:33:40 Mr. Crisp
00:33:41 Rep. Kerns
00:33:47 Mr. Crisp
00:33:49 Rep. Kerns
00:33:56 Mr. Crisp
00:36:09 Rep. Kerns
00:36:12 Chairman Stoker
00:36:21 Rep. Regier
00:36:28 Rep. Kottel
00:36:29 Rep. Regier
00:36:36 Rep. Kottel
00:37:31 Rep. Regier
00:37:32 Chairman Stoker
00:37:35 Rep. More
00:37:45 Chairman Stoker
00:37:50 Rep. More
00:38:07 Rep. Kottel
00:38:08 Rep. More
00:38:22 Rep. Kottel
00:38:26 Rep. More
00:38:29 Chairman Stoker
00:38:31 Mr. Crisp
00:39:41 Rep. More
00:39:54 Mr. Crisp
00:40:12 Rep. More
00:40:26 Mr. Crisp
00:41:17 Chairman Stoker
00:41:21 Rep. Peterson
00:41:50 Mr. Crisp

00:41:52 Rep. Peterson
00:41:56 Mr. Crisp
00:42:05 Rep. Peterson
00:42:15 Mr. Crisp
00:42:29 Rep. Peterson
00:42:38 Mr. Crisp
00:43:00 Rep. Peterson
00:43:18 Mr. Crisp
00:44:19 Rep. Peterson
00:44:21 Chairman Stoker
00:44:24 Rep. Kerns
00:44:44 Mr. Halver
00:44:51 Rep. Kerns
00:44:57 Chairman Stoker
00:45:01 Rep. Wagner
00:45:24 Mr. Crisp
00:45:26 Rep. Wagner
00:45:46 Mr. Crisp
00:45:56 Rep. Wagner
00:46:18 Mr. Crisp
00:47:29 Rep. Wagner
00:48:15 Mr. Crisp
00:49:59 Rep. Wagner
00:50:30 Rep. Sands exited meeting.
00:50:32 Mr. Crisp
00:50:52 Rep. Wagner
00:51:09 Mr. Crisp
00:51:37 Rep. Wagner
00:51:46 Chairman Stoker
00:52:09 Rep. Wagner
00:52:13 Chairman Stoker
00:52:25 Rep. Howard
00:52:34 Mr. Crisp
00:52:34 Rep. Howard
00:53:04 Mr. Crisp
00:53:05 Rep. Howard
00:53:14 Mr. Crisp
00:53:15 Rep. Howard
00:53:24 Mr. Crisp
00:53:33 Rep. Howard
00:53:48 Mr. Crisp
00:54:11 Rep. Howard
00:54:12 Chairman Stoker
00:54:18 Rep. Bennett
00:54:21 Chairman Stoker
00:54:23 Rep. Bennett
00:54:53 Chairman Stoker
00:55:03 Mr. Crisp
00:55:26 Rep. Bennett
00:55:29 Chairman Stoker

00:55:31 Rep. MacDonald
00:56:01 Mr. Halver
00:57:53 Rep. MacDonald
00:58:07 Mr. Halver
00:58:28 Rep. MacDonald
00:58:31 Chairman Stoker
00:58:39 Rep. Warburton
00:59:04 Rep. Kottel
01:00:27 Rep. Warburton
01:00:49 Rep. Kottel
01:01:37 Chairman Stoker
01:01:43 Rep. Wagner
01:02:05 Chairman Stoker
01:02:15 Mr. Andrews
01:02:32 Rep. Wagner
01:03:18 Mr. Andrews
01:03:50 Rep. Wagner
01:04:08 Mr. Andrews
01:04:14 Chairman Stoker

Closing by Sponsor:

01:04:21 Rep. Kottel
EXHIBIT (juh19a02)
01:09:48 Chairman Stoker
01:09:49 Recess
01:28:46 Reconvene

EXECUTIVE ACTION ON HB 55

01:28:47 Chairman Stoker
01:32:10 **Motion:** Rep. Peterson moved that **HB 55 DO PASS.**

Discussion:

01:32:16 Chairman Stoker
01:32:19 Rep. Menahan
01:32:25 Chairman Stoker
01:32:29 Rep. Menahan
EXHIBIT (juh19a03)

01:32:58 **Motion:** Rep. Menahan moved that **HB 55 BE AMENDED.**

Discussion:

01:33:02 Chairman Stoker
01:33:10 Rep. Menahan
01:34:43 Chairman Stoker
01:34:52 Rep. Peterson called the question.

01:34:55 **Vote:** Motion that **HB 55 BE AMENDED** carried 17-1 by voice vote with Rep. Warburton voting no. Rep. Sands voted by proxy.

01:35:18 **Motion:** Rep. Peterson moved that **HB 55 DO PASS AS AMENDED.**

Discussion:

01:35:27 Chairman Stoker

01:35:29 Rep. McClafferty

01:35:33 Chairman Stoker

EXHIBIT (juh19a04)

01:36:17 Rep. McClafferty

01:37:35 Chairman Stoker

01:37:43 Rep. Howard

01:38:14 Rep. Peterson

01:38:58 Chairman Stoker

01:39:01 Rep. Regier

01:40:05 Rep. Menahan

01:43:25 Chairman Stoker

01:43:30 Steve Gibson, Department of Corrections

01:43:44 Rep. Menahan

01:44:08 Mr. Gibson

01:45:01 Rep. Menahan

01:45:14 Mr. Gibson

01:46:23 Rep. Menahan

01:46:35 Mr. Gibson

01:47:26 Chairman Stoker

01:47:33 Mr. Niss

01:50:00 Chairman Stoker

01:50:07 Rep. Peterson

01:50:40 Chairman Stoker

01:50:45 Rep. Sands rejoined meeting.

01:50:53 Rep. Peterson

01:51:06 Chairman Stoker

01:51:07 Rep. Peterson

01:51:34 Rep. Warburton

01:52:27 Chairman Stoker

01:52:45 Mr. Niss

01:52:59 Rep. Warburton

01:53:10 Chairman Stoker

01:54:14 Rep. Warburton

01:54:30 Chairman Stoker

01:54:38 Rep. Warburton

01:54:39 Mr. Niss

01:55:48 Chairman Stoker

01:55:57 Rep. Warburton

01:56:02 Rep. McClafferty

01:56:09 Chairman Stoker
01:56:13 Rep. Regier
01:56:46 Chairman Stoker
01:57:28 Rep. MacDonald
01:57:62 Rep. More
01:58:38 Chairman Stoker
01:58:44 Mr. Niss
01:58:50 Rep. More
01:59:18 Chairman Stoker
01:59:25 Mr. Gibson
02:02:45 Chairman Stoker
02:02:54 Rep. Warburton
02:03:48 Chairman Stoker
02:04:25 Mr. Gibson
02:06:23 Chairman Stoker
02:06:26 Mr. Gibson
02:06:34 Chairman Stoker
02:06:52 Rep. Peterson
02:07:58 Chairman Stoker
02:08:12 Mr. Gibson
02:08:58 Chairman Stoker
02:09:19 Mr. Gibson
02:09:45 Chairman Stoker
02:09:52 Rep. Peterson called the question.
02:09:53 Rep. Howard
02:10:09 Chairman Stoker
02:10:31 Rep. Howard
02:10:42 Chairman Stoker
02:10:45 Rep. Howard
02:10:51 Rep. MacDonald
02:11:20 Chairman Stoker
02:12:04 Rep. Menahan
02:12:53 Rep. MacDonald
02:12:55 Rep. Menahan
02:13:45 Rep. MacDonald
02:14:34 Rep. Menahan
02:15:22 Rep. Peterson
02:16:35 Chairman Stoker
02:16:40 Rep. Wagner
02:16:57 Chairman Stoker
02:17:30 Rep. Wagner
02:17:37 Rep. McClafferty
02:18:00 Mr. Niss
02:18:05 Rep. Sands exits meeting.
02:22:48 Mr. Gibson
02:23:15 Chairman Stoker
02:23:54 Rep. Peterson called the question.

02:24:00 **Vote:** Motion that **HB 55 BE AMENDED** carried 10-8 by
roll call vote with Rep. Peterson, Rep. Kerns, Rep.

Bennett, Rep. More, Rep. Wagner, Rep. Regier, Rep. Menahan, and Rep. Stoker voting no. Rep. Sands voted by proxy.

02:25:57 Chairman Stoker

02:25:58 **Motion:** Rep. Peterson moved that **HB 55 DO PASS AS AMENDED.**

Discussion:

02:26:08 Chairman Stoker

02:26:13 Rep. More

02:26:45 Chairman Stoker

02:26:50 Rep. Peterson called the question.

02:26:57 Rep. Wagner

02:30:41 Chairman Stoker

02:30:44 Rep. Becker

02:30:47 Chairman Stoker

02:30:49 Rep. Warburton

02:30:59 Chairman Stoker

02:31:11 Rep. Warburton

02:32:22 Chairman Stoker

02:32:26 Rep. Peterson called the question.

02:32:33 Rep. Wagner

02:32:39 Chairman Stoker

02:32:43 Rep. Wagner

02:34:25 Rep. Peterson called the question.

02:34:31 Chairman Stoker

02:34:36 **Vote:** Motion that **HB 55 DO PASS AS AMENDED** carried 12-6 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. More, Rep. Wagner, and Rep. Becker voting no. Rep. Sands voted by proxy.

02:35:54 Chairman Stoker

EXECUTIVE ACTION ON HB 150

02:37:02 **Motion:** Rep. Peterson moved that **HB 150 DO PASS.**

Discussion:

02:37:09 Chairman Stoker

02:37:20 Rep. Blewett

02:45:19 Rep. Kottel

02:50:33 Rep. Kerns

02:51:14 Rep. More

02:52:26 Rep. Blewett

02:53:05 Chairman Stoker
02:53:10 Rep. Blewett
02:53:32 Chairman Stoker
02:53:39 Rep. Blewett
02:54:36 Chairman Stoker
02:55:25 Rep. Ebinger
02:56:20 Rep. Howard
02:58:25 Rep. Driscoll called the question.
02:58:35 Chairman Stoker

02:58:40 **Vote:** Motion that **HB 150 DO PASS** carried 10-8 by roll call vote with Rep. Peterson, Rep. MacDonald, Rep. Becker, Rep. Driscoll, Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting no. Rep. Sands voted no by proxy.

03:00:28 Chairman Stoker
03:01:04 Rep. Ebinger
03:01:05 Chairman Stoker

ADJOURNMENT

03:01:22 Adjournment

JENNIFER ECK, Secretary

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Additional Documents:
[EXHIBIT \(juh19a05\)](#)

Additional Documents:
[EXHIBIT \(juh19aad.pdf\)](#)