

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on February 14, 2009 at 7:00 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. 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: Rep. Anders Blewett (D)

Members Absent: None.

Staff Present: Debbie Carlson, 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 and Date Posted: None

Executive Action: HB 301, 227, 427, HJ 14, HR 2, HB 489, HB 407

00:00:03 Chairman Stoker

EXECUTIVE ACTION ON HB 301

00:02:21 **Motion:** Rep. Kottel moved that **HB 301 DO PASS.**

Discussion:

00:02:57 Rep. Peterson

00:03:10 Rep. Menahan

00:03:59 Rep. Kottel

00:05:28 Rep. Peterson

00:06:42 Rep. Sands

00:06:45 **Vote:** Motion carried 12-6 with Reps. Bennett, Moore, Wagner, Regier, Menahan and Chairman Stoker voting no. Rep. Blewett voted by proxy.

EXECUTIVE ACTION ON HB 227

00:10:04 **Motion:** Rep. Peterson moved **HB 277 DO PASS.**

Discussion:

00:10:23 Rep. Peterson

00:12:10 Rep. Kerns

00:12:22 Rep. Peterson

00:12:44 **Vote:** Motion failed unanimously by roll call vote.

00:12:56 **Motion/Vote:** Rep. Becker moved that **HB 277 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blewett voted by proxy.

EXECUTIVE ACTION ON HB 427

00:14:39 **Motion:** Rep Peterson moved **HB 427 DO PASS.**

Discussion:

00:14:51 Rep. Kottel

00:15:00 Rep. Regier

00:15:22 Rep. Sands
00:15:33 Rep. Kerns
00:16:02 Rep. Howard
00:17:09 Rep. Warburton

00:17:46 **Vote:** Motion carried 10-8 by roll call vote with Reps. Kottel, Sands, McDonald, Becker, Driscoll, McClafferty, Blewett, and Menahan voting no. Rep. Blewett voted by proxy.

EXECUTIVE ACTION ON HJ 14

00:19:35 **Motion:** Rep. Peterson moved **HJ 14 DO PASS.**

Discussion:

00:19:45 Rep. Warburton
00:21:09 Rep. Kerns
00:21:46 Rep. Moore
00:22:42 Rep. Bennett
00:23:16 Rep. Peterson
00:23:59 Rep. Ebinger
00:25:34 Rep. Howard

00:26:19 **Vote:** Motion carried 13-5 by roll call vote with Reps. Sands, McDonald, Ebinger, Becker, and Driscoll voting no. Rep. Blewett voted by proxy.

00:27:40 Rep. Ebinger

EXECUTIVE ACTION ON HR 2

00:28:04 **Motion:** Rep. Peterson moved **HR 2 DO PASS.**

Discussion:

00:28:51 **Motion:** Rep. Sands moved **HR 2 BE AMENDED.**
EXHIBIT (juh35a01)

00:29:09 Chairman Stoker

00:29:19 **Vote:** Motion on amendment carried unanimously by voice vote.

00:29:44 **Motion:** Rep. Peterson moved **HR 2 DO PASS AS AMENDED.**

Discussion:

00:29:58 Rep. McClafferty

00:30:40 Rep. Moore
00:33:00 Rep. Sands
00:33:12 Chairman Stoker

00:33:32 **Vote:** Motion **HR 2 DO PASS AS AMENDED** carried 14-4 by roll call vote with Reps. Kerns, Bennett, Moore and Wagner voting no. Rep. Blewett voted by proxy.

EXECUTIVE ACTION ON HB 489

00:35:06 **Motion:** Rep. Kottel moved **HB 489 DO PASS.**

Discussion:

00:35:22 Rep. Kottel
00:37:46 Rep. Peterson
00:40:51 Rep. Regier
00:41:19 Rep. Howard
00:42:58 Rep. Sands
00:44:24 Rep. Kottel

00:44:31 **Vote:** Motion on HB 489 failed 5-13 with Reps. Kottel, MacDonald, Moore, Ebinger and Wagner voting aye. Rep. Blewett voted by proxy.

00:44:40 **Motion/Vote:** Rep. Sands moved that **HB 489 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blewett voted by proxy.

EXECUTIVE ACTION ON HB 407

00:44:44 **Motion:** Rep. Peterson moved **HB 407 DO PASS.**

Discussion:

00:44:59 Rep. McDonald
00:45:27 Rep. Regier
00:45:42 Rep. Howard
00:46:21 Rep. Warburton
00:46:39 Rep. Menahan
00:47:21 Rep. Peterson

00:48:03 **Vote:** Motion carried 17-1 by roll call vote with Rep. Peterson voting no. Rep. Blewett voted by proxy.

ADJOURNMENT

00:54:57 Adjournment: 8:00 A.M.

Debbie Carlson, Secretary

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Additional Documents:

EXHIBIT ([juh35aad.pdf](#))