

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 23, 2009 at 9:03
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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D)

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 158, 3/20/2009

Executive Action: HB 528, HB 541, SB 288, SB 434

HEARING ON SB 158**Opening Statement by Sponsor:**

00:01:50 Sen. Gregory Barkus (R), SD 4, opened the hearing on SB 158, Revise number of judges in judicial districts.

00:05:56 Chairman Stoker

Proponents' Testimony:

00:06:03 Lois Menzies, Court Administrator, Montana Supreme Court

EXHIBIT (juh64a01)

EXHIBIT (juh64a02)

00:09:37 Kitty Curtis, District Judge, 11th Judicial District

EXHIBIT (juh64a03)

00:21:44 Greg Todd, District Judge, 13th Judicial District

00:29:15 Jeff Sherlock, District Judge, 1st Judicial District

00:32:03 Jeff Sealey, Lewis and Clark County Attorney's office

EXHIBIT (juh64a04)

00:33:31 Gordon Morris, Lewis and Clark County Commissioners

00:34:03 Chris Tweeten, State Bar of Montana

00:36:08 Sheryl Wood, Montana Association of Counties

00:36:59 Al Smith, Montana Trial Lawyers Association

00:38:07 Ed Bartlett, Yellowstone County commissioners

00:38:35 Jacqueline Lenmark

00:41:02 Mark Baker, Kalispell Chamber of Commerce

00:42:17 Mary Phippen, Montana Association of Clerks of District Court

Opponents' Testimony: None

Informational Testimony:

00:42:58 Randi Hood, Chief Public Defender

Questions from Committee Members and Responses:

00:43:59 Rep. Becker

00:44:11 Sen. Barkus

00:44:13 Rep. Becker

00:44:42 Sen. Barkus

00:44:44 Rep. Becker

00:45:01 Sen. Barkus

00:45:44 Rep. Becker

00:45:49 Rep. Peterson

00:46:03 Mr. Bartlett

00:46:05 Rep. Peterson

00:46:22 Mr. Bartlett
00:46:39 Rep. Peterson
00:47:06 Ms. Menzies
00:47:29 Rep. Peterson
00:47:59 Ms. Menzies
00:48:29 Rep. Peterson
00:49:19 Ms. Menzies
00:50:06 Rep. Peterson
00:50:25 Ms. Menzies
00:50:49 Rep. Peterson
00:51:01 Ms. Menzies
00:51:24 Rep. Peterson
00:51:29 Rep. Wagner
00:52:05 Mr. Todd
00:52:33 Rep. Wagner
00:53:11 Mr. Todd
00:55:26 Rep. Wagner
00:55:57 Chairman Stoker
00:56:28 Rep. Wagner
00:56:31 Chairman Stoker
00:56:38 Rep. MacDonald
00:57:16 Mr. Todd
00:58:46 Rep. MacDonald
00:59:09 Mr. Todd
00:59:42 Chairman Stoker
00:59:53 Rep. Peterson
01:00:09 Mr. Todd
01:00:10 Rep. Peterson
01:00:39 Mr. Todd
01:02:19 Rep. Peterson
01:02:43 Ms. Menzies
01:03:45 Rep. Peterson
01:04:01 Ms. Menzies
01:05:18 Rep. Peterson
01:05:19 Rep. Ebinger
01:05:25 Sen. Barkus
01:05:26 Rep. Ebinger
01:05:49 Sen. Barkus
01:06:32 Rep. Ebinger
01:06:42 Sen. Barkus
01:06:58 Rep. Ebinger
01:06:59 Rep. More
01:07:28 Ms. Menzies
01:08:33 Rep. More
01:08:58 Ms. Menzies
01:09:36 Rep. More
01:10:33 Ms. Menzies
01:11:50 Rep. Peterson
01:11:58 Chairman Stoker
01:12:00 Rep. Peterson

01:12:07 Ms. Menzies
01:12:09 Rep. Peterson
01:13:00 Ms. Menzies
01:13:13 Rep. Peterson
01:13:17 Chairman Stoker
01:13:45 Ms. Menzies
01:14:15 Chairman Stoker
01:14:57 Ms. Menzies
01:15:42 Chairman Stoker
01:16:19 Ms. Menzies
01:17:15 Chairman Stoker
01:18:11 Sen. Barkus
01:18:31 Chairman Stoker
01:19:15 Sen. Barkus
01:19:37 Chairman Stoker
01:19:39 Sen. Barkus
01:19:44 Chairman Stoker
01:20:01 Sen. Barkus
01:20:04 Chairman Stoker

Closing by Sponsor:

01:20:10 Sen. Barkus

01:21:26 Chairman Stoker
01:21:59 Recess
01:58:22 Reconvene

EXECUTIVE ACTION ON HB 528

01:58:33 **Motion:** Rep. Peterson moved that **HB 528 DO PASS.**

Discussion:

01:58:40 Chairman Stoker
01:58:55 Mr. Niss
01:59:21 Chairman Stoker

01:59:36 **Substitute Motion:** Rep. Driscoll made a substitute motion that **HB 528 BE TABLED.**

02:00:17 Chairman Stoker
02:00:29 Rep. Driscoll
02:00:34 Chairman Stoker

02:00:52 **Vote:** Substitute motion carried 11-7 by roll call vote with Rep. Peterson, Rep. Kottel, Rep. Sands, Rep. More, Rep. Ebinger, Rep. Warburton, and Rep. Stoker voting no. Rep. Sands voted by proxy.

02:01:57 Chairman Stoker

EXECUTIVE ACTION ON HB 541

02:02:06 Mr. Niss

EXHIBIT (juh64a05)

02:02:12 **Motion:** Rep. Peterson moved that **HB 541 DO PASS.**

02:02:17 Chairman Stoker

02:02:49 **Motion:** Rep. Ebinger moved that **HB 541 BE AMENDED**
(refer to Exhibit 5).

Discussion:

02:04:05 Chairman Stoker

02:04:17 Rep. MacDonald

02:05:04 Mr. Niss

02:07:30 Chairman Stoker

02:07:32 Rep. MacDonald

02:08:00 Mr. Niss

02:08:45 Chairman Stoker

02:09:30 Mr. Niss

02:10:17 Chairman Stoker

02:10:37 Mr. Niss

02:11:36 Chairman Stoker

02:11:43 Rep. Peterson

02:12:08 Chairman Stoker

02:12:18 Rep. Ebinger called the question.

02:12:24 Chairman Stoker

02:12:30 **Vote:** Motion that **HB 541 BE AMENDED** carried 17-1 by
voice vote with Rep. Howard voting no. Rep. Sands
voted by proxy.

02:12:50 Chairman Stoker

02:12:51 **Motion:** Rep. Peterson moved that **HB 541 DO PASS AS
AMENDED.**

02:13:04 Chairman Stoker

02:13:07 **Motion:** Rep. Menahan moved that **HB 541 BE AMENDED.**
EXHIBIT (juh64a06)

Discussion:

02:17:53 Chairman Stoker

02:17:56 Rep. Peterson called the question.
02:18:02 Chairman Stoker
02:18:08 **Vote:** Motion that **HB 541 BE AMENDED** (refer to Exhibit 6) carried 17-1 by voice vote with Rep. Howard voting no. Rep. Sands voted by proxy.
02:18:27 Chairman Stoker
02:18:35 **Motion:** Rep. Peterson moved that **HB 541 DO PASS AS AMENDED.**

Discussion:

02:18:43 Chairman Stoker
02:18:49 Rep. Peterson
02:19:39 Rep. Wagner
02:20:20 Rep. Regier
02:20:49 Rep. Kottel
02:22:22 Rep. Menahan
02:23:33 Chairman Stoker
02:23:43 Rep. Menahan
02:24:30 Rep. Howard
02:25:19 Rep. More
02:26:41 Rep. Wagner
02:28:42 Rep. Peterson called the question.
02:29:10 Chairman Stoker
02:29:12 **Vote:** Motion that **HB 541 DO PASS AS AMENDED** 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. Sands voted by proxy.
02:30:00 Chairman Stoker

EXECUTIVE ACTION ON SB 288

02:30:12 **Motion:** Rep. Peterson moved that **SB 288 BE CONCURRED IN.**
02:30:16 Mr. Niss
[EXHIBIT \(juh64a07\)](#)
02:30:27 **Motion:** Rep. Peterson moved that **SB 288 BE AMENDED** (refer to Exhibit 7).

Discussion:

02:30:37 Chairman Stoker

02:30:57 Rep. Peterson
02:33:32 Rep. McClafferty
02:33:39 Chairman Stoker
02:33:41 Rep. McClafferty
02:34:01 Rep. Peterson
02:34:12 Chairman Stoker
02:34:56 Rep. Peterson
02:35:10 Mr. Niss
02:37:57 Chairman Stoker
02:38:01 Rep. Warburton
02:38:12 Rep. Peterson
02:38:34 Chairman Stoker
02:38:49 Rep. Peterson called the question.
02:38:49 Chairman Stoker

02:38:56 **Vote:** Motion that **SB 288 BE AMENDED** carried
unanimously by voice vote. Rep. Sands voted by proxy.

02:39:17 Chairman Stoker

02:39:20 **Motion:** Rep. Peterson moved that **SB 288 BE CONCURRED
IN AS AMENDED.**

Discussion:

02:39:28 Chairman Stoker
02:39:33 Rep. Wagner
02:39:58 Rep. Kottel
02:41:54 Rep. Howard
02:42:54 Chairman Stoker
02:43:01 Rep. Peterson
02:44:17 Rep. MacDonald
02:45:12 Chairman Stoker
02:45:18 Rep. MacDonald
02:46:41 Rep. Kottel
02:48:19 Rep. More
02:49:39 Rep. Peterson called the question.
02:49:41 Rep. Regier
02:50:06 Rep. Kottel
02:51:35 Chairman Stoker

02:51:45 **Vote:** Motion that **SB 288 BE CONCURRED IN AS AMENDED**
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. Sands voted by proxy.

02:52:31 Chairman Stoker

EXECUTIVE ACTION ON SB 434

02:52:41 **Motion:** Rep. Peterson moved that **SB 434 BE CONCURRED IN.**

02:52:45 Chairman Stoker

02:52:52 **Motion:** Rep. Regier moved that **SB 434 BE AMENDED. EXHIBIT (juh64a08)**

Discussion:

02:53:20 Chairman Stoker

02:53:38 Rep. Peterson called the question.

02:53:46 **Vote:** Motion that **SB 434 BE AMENDED** carried 17-1 by voice vote with Rep. Blewett voting no. Rep. Sands voted by proxy.

02:54:13 **Motion:** Rep. Peterson moved that **SB 434 BE CONCURRED IN AS AMENDED.**

Discussion:

02:54:21 Chairman Stoker

02:54:27 Rep. Warburton

02:54:44 Chairman Stoker

02:54:53 Rep. Blewett

02:55:57 Rep. Ebinger

02:56:31 Rep. Kottel

02:57:22 Rep. Peterson called the question.

02:57:27 **Vote:** Motion that **SB 434 BE CONCURRED IN AS AMENDED** failed 9-9 by roll call vote with Rep. Kerns, Rep. Sands, Rep. Bennett, Rep. Ebinger, Rep. Regier, Rep. McClafferty, Rep. Howard, Rep. Menahan, and Rep. Stoker voting aye. Rep. Sands voted by proxy.

02:58:28 Chairman Stoker

03:00:52 Rep. Ebinger

03:01:22 Chairman Stoker

03:02:51 Rep. Kerns

ADJOURNMENT

03:02:59 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT (juh64a09) Montana District Courts Need Model: 2006 (SB
158)

Additional Documents:

EXHIBIT (juh64aad.pdf)