

BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Wednesday, March 4, 2009  
Place: Capitol

Time: 8:00 am  
Room: 137

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 525, SB 45, SB 140

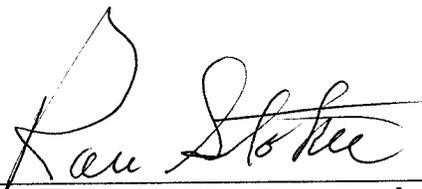
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\_\_\_\_\_

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 140 ~~(P)~~ (BC) \_\_\_\_\_  
SB 35 ~~(DPAA)~~ (BC) \_\_\_\_\_  
SB 40 ~~(DPAA)~~ (BCAA) \_\_\_\_\_  
SB 45 (Failed and tabled) \_\_\_\_\_

**COMMENTS:**

  
\_\_\_\_\_  
REP. Ron Stoker, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 3/4/09

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Rep. Peterson	X	
Rep. Kottel	X	
Rep. Kerns	X	
Rep. Sands	X	
Rep. Bennett	X	
Rep. MacDonald	X	
Rep. More	X	
Rep. Ebinger	X	
Rep. Wagner	X	
Rep. Becker	X	
Rep. Driscoll	X	
Rep. Regier	X	
Rep. McClafferty	X	
Rep. Howard	X	
Rep. Blewett	X	
Rep. Warburton	X	
Rep. Menahan	X	
Rep. Stoker	X	



## HOUSE STANDING COMMITTEE REPORT

March 4, 2009

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 40** (third reading copy – blue) be concurred in as amended.

Signed: \_\_\_\_\_

Handwritten signature of Ron Stoker in black ink.

*Representative Ron Stoker, Chair*

To be carried by Representative Deborah Kottel

**And, that such amendments read:**

1. Title, line 6.

**Following:** ";"

**Insert:** "REQUIRING A FINDING THAT THERE IS A PERSON WILLING AND ABLE TO SERVE AS A FRIEND OF RESPONDENT AND CONSENT OF THE RESPONDENT PRIOR TO APPOINTMENT OF A FRIEND OF RESPONDENT;"

2. Title, line 7.

**Following:** "RESPONDENT"

**Insert:** "AT THE REQUEST OF THE RESPONDENT OR"

3. Page 4, line 2.

**Strike:** "and a friend of respondent"

4. Page 4, lines 6 and 7.

**Strike:** "The desires" on line 6 through "respondent" on line 7

**Insert:** "If the court finds that an appropriate person is willing and able to perform the functions of a friend of respondent as set out in this part and the respondent personally or through counsel consents, the court shall appoint the person as the friend of respondent"

5. Page 4, lines 8 and 9.

**Committee Vote:**

**Yes 16, No 2**

Fiscal Note Required

SB0040001SC05184.hjd

**Strike:** "to perform the functions of a friend of respondent set out in this part"

6. Page 4, line 12.

**Following:** the second "respondent"

**Insert:** "at the request of the respondent or"

- END -



**HOUSE STANDING COMMITTEE REPORT**

**March 4, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 140** (third reading copy – blue) **be concurred in.**

Signed:

A handwritten signature in cursive script, appearing to read "Ron Stoker".

*Representative Ron Stoker, Chair*

To be carried by Representative Mike Menahan

- END -

**Committee Vote:**

**Yes 11, No 7**

Fiscal Note Required

SB0140001SC06475.hjd



**HOUSE STANDING COMMITTEE REPORT**

**March 4, 2009**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 35** (third reading copy – blue) be **concurrent in**.

Signed: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Ron Stoker", written over a horizontal line.

*Representative Ron Stoker, Chair*

To be carried by Representative Robyn Driscoll

- END -

**Committee Vote:**

**Yes 18, No 0**

Fiscal Note Required

SB0035001SC03852.hjd

**COMMITTEE FILE COPY**

**TABLED BILL**

The **HOUSE JUDICIARY COMMITTEE** TABLED **SB 45**, by motion, on **Wednesday, March 4, 2009**.

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(For the Committee)



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(Chief Clerk of the House)

\_\_\_\_\_/\_\_\_\_\_  
(Time)



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(Date)

March 4, 2009

Jennifer L. Eck, Secretary

Phone: 444-4832

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3/4/09 BILL NO SB140 MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_  
SB 140 BE CONCURRED IN.

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u>
Ken Peterson		X	
Deborah Kottel	X		X
Krayton Kerns		X	
Diane Sands	X		
Gerald Bennett		X	
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier		X	
Edith McClafferty	X		
David Howard		X	
Anders Blewett	X		X
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3/4/09 BILL NO SB 40 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

SB 40 BE CONCURRED IN AS AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More		X	
Bob Ebinger	X		
Bob Wagner		X	
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		X
David Howard	X		
Anders Blewett	X		
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE \_\_\_\_\_ BILL NO \_\_\_\_\_ MOTION NO. \_\_\_\_\_

MOTION: \_\_\_\_\_  
DO DELAY ACTION ON SB 35

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel		X	X
Krayton Kerns	X		
Diane Sands		X	
Gerald Bennett	X		
Margaret MacDonald		X	
Michael More	X		
Bob Ebinger		X	
Bob Wagner	X		
Arlene Becker		X	
Robyn Driscoll		X	
Keith Regier	X		
Edith McClafferty		X	
David Howard		X	
Anders Blewett		X	X
Wendy Warburton	X		
Mike Menahan		X	
Ron Stoker	X		

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3/4/09 BILL NO SB35 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

DO CONCUR IN SB 35.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson	X		
Deborah Kottel	X		
Krayton Kerns	X		
Diane Sands	X		
Gerald Bennett	X		
Margaret MacDonald	X		
Michael More	X		
Bob Ebinger	X		
Bob Wagner	X		
Arlene Becker	X		
Robyn Driscoll	X		
Keith Regier	X		
Edith McClafferty	X		
David Howard	X		
Anders Blewett	X		X
Wendy Warburton	X		
Mike Menahan	X		
Ron Stoker	X		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE 3/4/09 BILL NO SB 45 MOTION NO. \_\_\_\_\_  
 MOTION: \_\_\_\_\_

SB 45 BE CONCURRED IN.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
Ken Peterson		✓	
Deborah Kottel	✓		
Krayton Kerns		✓	
Diane Sands	✓		
Gerald Bennett		✓	
Margaret MacDonald		✓	
Michael More		✓	
Bob Ebinger	✓		
Bob Wagner	✓		
Arlene Becker		✓	
Robyn Driscoll		✓	
Keith Regier		✓	
Edith McClafferty	✓		✓
David Howard		✓	
Anders Blewett		✓	
Wendy Warburton		✓	
Mike Menahan		✓	
Ron Stoker		✓	

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## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:  
Diane Sands ?

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 40 Amc	✓	
SB 42	X	
SB 45	X	

BILL/AMENDMENT	AYE	NO

Rep. Edith Mc Clafferty  
(Signature)

Date 3/4/09

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:  
Alan Sand

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
S <del>SB</del> 110	X	
11-7 passed		
SB 35		
Constitutional Amendment held		
Delay		X

BILL/AMENDMENT	AYE	NO

Rep. Kotel  
(Signature) KOTTEL

Date 3-5-09

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Diace Andrews

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
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SB 140	X	
11-7 passed		
SB 35	X	
Conductive Amendment		
Debra		X
SB 40 Am	X	


Rep. Paul Blunt  
(Signature)

Date 3-5-09





