

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chairman Ron Stoker, on February 6, 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: HB 318, 2/3/2009; HB 340, 2/3/2009  
HB 349, 2/3/2009

Executive Action: HB 246, HB 298

**HEARING ON HB 318****Opening Statement by Sponsor:**

00:01:09 **Rep. Deborah Kottel (D), HD 20**, opened the hearing on HB 318, Regulate debt settlement companies.

00:04:33 Chairman Stoker

**Proponents' Testimony:**

00:05:27 Tim Robbins, Consumer Credit Counseling Service of Montana

**EXHIBIT (juh28a01)**

00:09:05 Chairman Stoker

00:09:10 Michael Moore, Montana Collectors' Association

00:11:19 Angela Heffern, Branch Director, Consumer Credit Counseling

00:14:46 Stacy McCoy

00:17:13 Robert Linderman, Freedom Debt Relief

00:19:55 Tom Jacobson, Consumer Credit Counseling Service of Montana

00:23:31 Bruce Spencer

00:27:17 Joy Bruck, AARP Montana

**EXHIBIT (juh28a02)****Opponents' Testimony:**

00:28:35 Jenna Keehnen, The United States Organizations for Bankruptcy Alternatives, (USOBA)

**EXHIBIT (juh28a03)**

00:31:12 Heather Carmichael, Credit Solutions

00:35:44 Chairman Stoker

**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:36:07 Rep. Wagner

00:36:43 Ms. Carmichael

00:36:52 Rep. Wagner

00:37:44 Ms. Carmichael

00:38:14 Chairman Stoker

00:38:25 Rep. Peterson

00:40:21 Ms. Carmichael

00:42:20 Rep. Peterson

00:42:42 Ms. Carmichael

00:43:22 Rep. Peterson

00:43:31 Ms. Carmichael

00:43:43 Rep. Peterson

**Closing by Sponsor:**

00:43:52 Rep. Kottel

00:47:03 Chairman Stoker

**HEARING ON HB 349**

**Opening Statement by Sponsor:**

00:48:00 **Rep. Dan Villa (D), HD 86**, opened the hearing on HB 349, Revise animal cruelty laws.

00:52:29 Chairman Stoker

**Proponents' Testimony:**

00:52:58 Ingrid Rosenquist, Deputy County Attorney, Yellowstone County

**EXHIBIT (juh28a04)**

00:57:31 Dave Pauli, Humane Society of the United States

**EXHIBIT (juh28a05)**

**EXHIBIT (juh28a06)**

01:01:58 Chairman Stoker

01:02:36 Jane Heath, Montana Horse Sanctuary

**EXHIBIT (juh28a07)**

01:06:03 Chairman Stoker

01:06:08 Phyllis Ruana, Animal Services, Butte

01:08:32 Chairman Stoker

01:08:35 Chuck Cerny

01:11:19 Chairman Stoker

01:11:25 Tyler Kechely, Lewis and Clark Humane Society

**EXHIBIT (juh28a08)**

01:16:49 Connie Ternis Daniels

01:19:21 Merdys Petersen

**EXHIBIT (juh28a09)**

01:24:13 Chairman Stoker

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:24:47 Rep. Peterson

01:26:04 Rep. Villa

01:27:14 Rep. Peterson

01:27:54 Rep. Villa

01:28:19 Rep. Peterson  
01:28:27 Rep. Warburton  
01:29:15 Rep. Villa  
01:30:10 Chairman Stoker  
01:30:13 Rep. Kerns  
01:33:13 Chairman Stoker  
01:33:24 Rep. More  
01:34:12 Rep. Villa  
01:34:37 Ms. Rosenquist  
01:36:00 Rep. More  
01:36:04 Rep. Wagner  
01:37:17 Chairman Stoker  
01:37:24 Mr. Pauli  
01:38:04 Rep. Wagner  
01:38:48 Mr. Pauli  
01:39:33 Rep. Kerns  
01:40:05 Chairman Stoker  
01:40:07 Joan Specking, Horse Sanctuary  
01:40:28 Rep. Kerns  
01:40:37 Ms. Specking  
01:40:50 Rep. Kerns  
01:41:08 Ms. Specking  
01:41:39 Rep. Kerns  
01:41:50 Ms. Specking  
01:42:13 Rep. Kerns  
01:42:21 Ms. Specking  
01:43:08 Chairman Stoker  
01:44:21 Ms. Specking  
01:45:53 Chairman Stoker  
01:46:03 Rep. Menahan  
01:46:21 Ms. Rosenquist  
01:46:21 Rep. Menahan  
01:46:39 Ms. Rosenquist  
01:46:40 Rep. Menahan  
01:46:51 Ms. Rosenquist  
01:46:59 Rep. Menahan  
01:47:48 Ms. Rosenquist  
01:48:43 Rep. Menahan  
01:49:21 Ms. Rosenquist  
01:49:26 Rep. Menahan  
01:49:48 Ms. Rosenquist  
01:51:25 Rep. Menahan  
01:51:32 Rep. Villa  
01:51:37 Rep. Menahan  
01:52:35 Rep. Villa  
01:52:57 Chairman Stoker  
01:53:01 Rep. Howard  
01:53:50 Ms. Rosenquist  
01:54:07 Rep. Howard  
01:54:11 Chairman Stoker

01:54:20 Rep. Warburton  
01:54:27 Rep. Villa  
01:54:28 Rep. Warburton  
01:56:30 Rep. Villa  
01:58:22 Chairman Stoker

**Closing by Sponsor:**

01:58:28 Rep. Villa  
02:00:35 Chairman Stoker  
  
02:02:22 Rossiter School children

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**HEARING ON HB 340**

**Opening Statement by Sponsor:**

02:24:23 Chairman Stoker  
  
02:24:40 **Rep. Margaret MacDonald (D), HD 54**, opened the hearing on HB 340, Establish the 3rd Saturday in June as Juneteenth National Freedom Day.

**EXHIBIT (juh28a10)**

02:31:16 Chairman Stoker

**Proponents' Testimony:**

02:31:30 Jaimee Greer, Montana Human Rights Network  
02:33:14 Wilmot Collins  
02:36:18 Chairman Stoker  
02:36:29 Nikki Zupanic, American Civil Liberties Union of Montana  
  
02:37:34 Chairman Stoker  
02:37:46 Alison James  
02:38:28 Chairman Stoker  
02:38:47 Jowi McMillan  
02:42:34 Chairman Stoker  
02:42:57 Rep. Driscoll

**EXHIBIT (juh28a11)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

02:45:08 Rep. MacDonald

**EXHIBIT(juh28a12)**

02:47:59 Chairman Stoker

**EXECUTIVE ACTION ON HB 246**

02:48:24 Chairman Stoker

02:48:44 **Motion:** Rep. Peterson moved that **HB 246 DO PASS.**

02:48:49 Chairman Stoker

02:48:58 **Motion:** Rep. Menahan moved that **HB 246 BE AMENDED.****Discussion:**

02:49:57 Rep. Kottel

02:50:01 Rep. Menahan

02:50:06 Chairman Stoker

02:50:07 Rep. Menahan

02:52:06 Chairman Stoker

02:52:12 Rep. Kerns

02:52:23 Rep. Menahan

02:52:26 Rep. Peterson

02:53:23 Rep. Kottel

02:54:12 Rep. Menahan

02:54:54 Rep. Howard

02:55:49 Chairman Stoker

02:55:53 Rep. Wagner

02:56:32 Rep. Menahan

02:57:37 Rep. Blewett

02:58:03 Rep. Peterson

02:58:47 Chairman Stoker

02:59:27 Rep. Menahan

03:00:01 Rep. Peterson called the question.

03:00:08 Chairman Stoker

03:00:12 **Vote:** Motion that **HB 246 BE 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 yes.

03:01:28 Chairman Stoker

03:01:45 Mr. Niss

03:02:23 Chairman Stoker

03:02:27 Rep. Peterson called the question.

03:02:31 Chairman Stoker

03:02:34 **Vote:** Motion that **HB 246 DO PASS** 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 yes.

**EXECUTIVE ACTION ON HB 298**

03:04:01 **Motion:** Rep. Kottel moved that **HB 298 DO PASS**.

**Discussion:**

03:05:09 Chairman Stoker

03:06:06 Rep. Blewett

03:08:21 Chairman Stoker

03:08:22 Rep. Ebinger

03:08:50 Rep. Blewett

03:09:58 Rep. Wagner

03:11:16 Rep. Peterson

03:12:29 Rep. Blewett

03:13:05 Rep. Peterson called the question.

03:13:12 **Vote:** Motion that **HB 298 DO PASS** carried 16-2 by roll call vote with Rep. More and Rep. Wagner voting no.

03:13:58 Chairman Stoker

**Informational Discussion:**

03:14:02 Rep. Menahan

03:14:56 Chairman Stoker

03:15:19 Rep. Kottel

03:15:25 Chairman Stoker

03:17:08 Mr. Niss

03:18:16 Rep. Ebinger

**ADJOURNMENT**

03:18:55 Adjournment

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Jennifer Eck, Secretary

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Additional Documents:

**EXHIBIT ([juh28aad.pdf](#))**