

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chairman Ken Peterson, on January 11, 2011 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Liz Bangerter (R)  
Rep. Robyn Driscoll (D)  
Rep. Kris Hansen (R)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Mike Menahan (D)  
Rep. Michael (Mike) More (R)  
Rep. Jesse O'Hara (R)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Carolyn Pease-Lopez (D)

**Members Absent:** None

**Staff Present:** Karen Armstrong, 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 65, 1/7/2011; HB 114, 1/7/2011; HB 167, 1/7/2011

Executive Action: HB 65, HB 96, HB 97

00:00:11 Chairman Peterson

**HEARING ON HB 65**

**Opening Statement by Sponsor:**

00:04:57 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 65, Revise payment for court interpretation services.

00:08:29 Chairman Peterson

**Proponents' Testimony:**

00:08:37 Lois Menzies, Court Administrator for the Supreme Court

00:09:56 Chairman Peterson

00:10:02 Beth Brenneman, Disability Rights Montana

00:10:26 Chairman Peterson

**Opponents' Testimony:**

**Informational Testimony:**

**Questions from Committee Members and Responses:**

**Closing by Sponsor:**

00:10:51 Rep. Menahan

**HEARING ON HB 114**

**Opening Statement by Sponsor:**

00:11:06 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 114, Amend Montana crime victims compensation act.

00:13:51 Chairman Peterson

**Proponents' Testimony:**

00:14:01 Ali Bovington, on behalf of Attorney General's Office (AG)

[EXHIBIT\(juh08a01\)](#)

00:17:59 Chairman Peterson

[EXHIBIT\(juh08a02\)](#)

00:21:45 Chairman Peterson

00:21:56 Kelsen Young, Executive Director of Montana Coalition Against Domestic and Sexual Violence

00:23:06 Chairman Peterson  
00:23:18 Marietta Jaeger-Lane, Three Forks, Montana, mother of homicide victim  
00:27:47 Chairman Peterson  
00:27:53 Jim Smith, Montana Sheriff's and Peace Officers Association and Montana  
County Attorney's Association  
00:28:49 Chairman Peterson  
00:29:00 Beth Breneman, Disability Rights Montana  
00:29:25 Chairman Peterson  
00:29:29 Katie McKeown, Montana Family and Friends of Homicide Victims  
00:30:59 Chairman Peterson

**Opponents' Testimony:**

**Informational Testimony:**

**Questions from Committee Members and Responses:**

00:31:25 Rep. More  
00:32:00 Ms Bovingdon, AG  
00:32:16 Rep. More  
00:32:20 Chairman Peterson  
00:32:25 Rep. Warburton  
00:32:52 Ms Bovingdon  
00:34:30 Chairman Peterson  
00:34:34 Rep. Harris exited.  
00:34:36 Vice Chairman Kerns  
00:34:47 Ms Bovingdon  
00:34:58 Matthew Dale, Director, Department of Justice, Office of Consumer Protection  
and Victim Services (DOJ)  
00:35:35 Vice Chairman Kerns  
00:35:40 Chairman Peterson  
00:35:43 Vice Chairman Kerns  
00:35:49 Mr. Dale, DOJ  
00:35:56 Chairman Peterson  
00:36:06 Rep. Howard  
00:36:14 Ms Bovingdon  
00:36:18 Rep. Pease-Lopez entered.  
00:37:59 Chairman Peterson  
00:38:44 Ms Bovingdon  
00:38:56 Chairman Peterson  
00:39:00 Mr. Dale  
00:39:50 Chairman Peterson  
00:39:54 Mr. Dale  
00:40:06 Chairman Peterson  
00:40:09 Mr. Dale  
00:40:21 Chairman Peterson  
00:40:24 Rep. Menahan  
00:40:38 Chairman Peterson  
00:40 40 Rep. Harris returned.

**Closing by Sponsor:**

00:40:52 Rep. O'Hara

**HEARING ON HB 167**

**Opening Statement by Sponsor:**

00:41:33 Rep. Keith Regier (R), HD 5, opened the hearing on HB 167, Criminalize offense involving death to an unborn child.

00:44:39 Rep. Hansen exited.

**Proponents' Testimony:**

00:47:21 Chairman Peterson  
00:47:24 Greg Trude, Executive Director, Right to Life in Montana  
00:48:11 Chairman Peterson  
00:48:19 Jeff Laszloffy, President, Montana Family Foundation  
00:50:32 Chairman Peterson  
00:50:38 Dallas Erickson, Montana Citizens for Decency through Law  
00:51:14 Rep. Howard exited.  
00:54:27 Chairman Peterson  
00:54:30 Rep. Hansen returned.  
00:54:32 Harris Himes, Hamilton, Montana Eagle Forum, Pastor  
00:55:42 Rep. Menahan  
00:55:43 Rep. Wagner exited.  
00:55:49 Chairman Peterson  
00:55:52 Mr. Himes  
00:56:37 Chairman Peterson

**Opponents' Testimony:**

00:57:17 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)  
00:59:04 Chairman Peterson  
00:59:07 Alex Corcoran, Natural Abortion Rights Action League Pro-Choice Montana (NARAL)  
00:59:42 Rep. Wagner returned.  
01:00:22 Chairman Peterson  
01:00:27 Lindsey Love, Planned Parenthood of Montana  
01:04:11 Chairman Peterson  
01:04:16 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence  
01:05:24 Chairman Peterson

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:05:51 Rep. Warburton  
01:06:02 Rep. Howard returned.  
01:06:09 Mr. Trude  
01:06:17 Rep. Warburton  
01:06:26 Mr. Trude  
01:06:34 Rep. Warburton  
01:06:43 Mr. Trude  
01:06:50 Rep. Warburton  
01:07:11 Mr. Trude  
01:07:16 Rep. Sands  
01:07:22 Rep. Regier  
01:07:28 Rep. Sands  
01:08:02 Rep. Regier  
01:08:28 Rep. Sands  
01:08:50 Chairman Peterson  
01:08:54 Rep. Harris  
01:09:01 Ms Love  
01:09:10 Rep. Harris  
01:10:13 Ms Love  
01:11:23 Rep. Harris  
01:11:53 Ms Love  
01:12:43 Rep. Harris  
01:13:18 Ms Love  
01:13:22 Chairman Peterson  
01:13:25 Rep. Driscoll  
01:13:29 Rep. Regier  
01:13:35 Rep. Driscoll  
01:13:57 Rep. Regier  
01:14:10 Rep. Driscoll  
01:14:13 Chairman Peterson  
01:14:15 Rep. Hill  
01:14:20 Mr. Erickson  
**EXHIBIT(juh08a03)**  
01:14:32 Rep. Hill  
01:14:43 Mr. Erickson  
01:15:02 Rep. Hill  
01:15:08 Mr. Himes  
01:15:39 Rep. Hill  
01:15:43 Mr. Himes  
01:15:47 Rep. Hill  
01:16:05 Mr. Himes  
01:16:20 Rep. Hill  
01:16:23 Mr. Himes  
01:16:44 Rep. Hill  
01:16:47 Chairman Peterson  
01:16:51 Rep. O'Hara  
01:16:57 Ms Love  
01:17:09 Rep. O'Hara

01:17:36 Ms Love  
01:17:50 Rep. O'Hara  
01:17:55 Chairman Peterson  
01:17:57 Rep. Bangerter  
01:18:04 Ms Zupanic, ACLU  
01:18:15 Rep. Bangerter  
01:18:37 Ms Zupanic  
01:19:19 Rep. Bangerter  
01:19:24 Chairman Peterson  
01:19:29 Rep. Bangerter  
01:19:42 Ms Zupanic  
01:20:48 Rep. Bangerter  
01:20:53 Chairman Peterson  
01:20:55 Rep. Menahan  
01:21:34 Mr. Trude  
01:22:25 Rep. Menahan  
01:22:33 Rep. O'Hara exited.  
01:22:54 Mr. Trude  
01:23:34 Rep. Menahan  
01:23:38 Chairman Peterson  
01:23:41 Rep. Hansen  
01:25:03 Ms Zupanic  
01:25:30 Rep. O'Hara returned.  
01:26:18 Chairman Peterson  
01:26:28 Rep. Skattum  
01:26:39 Ms Love  
01:26:42 Rep. Skattum  
01:27:22 Ms Love  
01:27:26 Rep. Skattum  
01:27:31 Ms. Love  
01:28:05 Rep. Skattum  
01:28:09 Chairman Peterson  
01:28:11 Rep. Skattum  
01:28:48 Ms Love  
01:29:08 Rep. Skattum  
01:29:13 Chairman Peterson  
01:29:16 Ms Zupanic  
01:29:42 Rep. Skattum  
01:30:01 Ms Zupanic  
01:31:01 Rep Skattum  
01:31:06 Ms Zupanic  
01:31:10 Chairman Peterson  
01:31:12 Rep. Hansen  
01:31:17 Rep. Regier  
01:31:24 Rep. Hansen  
01:31:48 Rep. Regier  
01:31:51 Chairman Peterson  
01:32:09 Rep. Harris  
01:32:26 Ms Zupanic  
01:32:35 Chairman Peterson

01:32:45 Rep. Harris  
01:34:09 Ms Zupanic  
01:35:10 Rep. Harris  
01:35:16 Chairman Peterson  
01:35:17 Rep. Harris  
01:35:40 Ms. Zupanic  
01:35:54 Chairman Peterson  
01:36:00 Rep. Loney  
01:36:06 Ms Love  
01:36:14 Rep. Loney  
01:36:24 Ms. Love  
01:36:56 Chairman Peterson  
01:37:00 Vice Chairman Kerns  
01:37:23 Ms Zupanic  
01:38:08 Vice Chairman Kerns  
01:38:13 Chairman Peterson  
01:38:17 Ms Zupanic  
01:38:23 Chairman Peterson  
01:38:28 Ms Zupanic  
01:38:54 Chairman Peterson  
01:39:10 Ms Zupanic  
01:39:37 Chairman Peterson  
01:39:42 Ms Zupanic  
01:39:45 Chairman Peterson  
01:39:56 Ms Zupanic  
01:41:29 Chairman Peterson  
01:41:34 Ms Zupanic

**Closing by Sponsor:**

01:41:50 Rep. Regier  
**EXHIBIT(juh08a04)**  
01:43:53 Hearing closed  
  
01:44:10 Meeting recessed.  
02:00:28 Meeting reconvened.

**EXECUTIVE ACTION ON HB 96**

02:03:00 **Motion:** Rep. Menahan moved that **HB 96 DO PASS.**

**Discussion:**

02:03:18 Rep. Menahan  
02:05:28 Chairman Peterson  
02:05:34 Rep. Regier  
02:05:59 Rep. Menahan  
02:06:20 Chairman Peterson  
02:06:22 Rep. Hansen  
02:07:18 Rep. Menahan

02:08:37 Chairman Peterson  
02:10:00 Rep. Sands  
02:10:15 Rep. Menahan  
02:10:21 Rep. Sands  
02:10:27 Rep. Menahan  
02:11:03 Chairman Peterson  
02:11:30 Rep. Hansen  
02:12:02 Rep. Menahan  
02:12:07 Rep. Hansen  
02:12:10 Rep. Menahan  
02:12:43 Rep. Hansen  
02:12:49 Rep. Menahan  
02:12:51 Rep. Hansen  
02:12:56 Rep. Menahan  
02:13:15 Rep. Hansen  
02:13:18 Chairman Peterson  
02:14:02 Rep. Sands called the question.

02:14: 06 Vote: Motion carried 16-4 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Skattum and Rep. Wagner voting no.

02:17:09 Chairman Peterson  
02:17:11 Rep. Sands  
02:17:42 Rep. Hansen  
02:17:50 Chairman Peterson  
02:19:01 Rep. Sands  
02:19:20 Rep. Hansen

02:19:22 Motion: Rep. Sands moved to **RECONSIDER THE MOTION** on **HB 96**.

02:18:25 Rep. Menahan voiced no objection

**Discussion:**

02:18:01 Rep. More  
02:18:55 Chairman Peterson  
02:19:06 Rep. O'Hara  
02:19:28 Chairman Peterson

02:19:30 Vote: Motion failed 9-11 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez, Rep. Sands and Rep. Wagner voting aye.

02:22:53 Rep. Sands  
02:23:04 Chairman Peterson

**EXECUTIVE ACTION ON HB 97**

02:23:14      **Motion:** Rep. Menahan moved that **HB 97 DO PASS.**

**Discussion:**

02:23:43      Rep. Hansen  
02:23:47      Chairman Peterson

02:23:43      **Motion:** Rep. Hansen moved that **HB 97 BE AMENDED.**  
**EXHIBIT(juh08a05)**

**Discussion:**

02:24 12      Chairman Peterson  
02:24:16      Rep. Hansen  
02:26:14      Rep. Sands  
02:26:38      Mr. Niss  
02:26:42      Rep. Sands  
02:26:53      Chairman Peterson  
02:26:56      Rep. Menahan

02:27:15      **Vote:** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Loney, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez and Rep. Sands voting no.

02:30:22      **Motion:** Rep. Menahan moved that **HB 97 DO PASS AS AMENDED.**

02:30:47      Chairman Peterson  
02:30:50      Rep. Warburton  
02:30:55      Rep. Menahan  
02:33:00      Rep. Warburton  
02:33:10      Rep. Menahan  
02:33:53      Chairman Peterson  
02:34:09      Rep. Menahan  
02:35:13      Chairman Peterson  
02:35:19      Rep. Menahan

02:35:30      **Vote:** Motion carried unanimously by roll call vote.

02:36:55      Rep. Sands  
02:37:01      Chairman Peterson  
02:37:09      Rep. Sands  
02:37:12      Rep. Menahan

**EXECUTIVE ACTION ON HB 65**

02:37:21 **Motion:** Rep. Menahan moved that **HB 65 DO PASS.**

**Discussion:**

02:37:34 Rep. Howard  
02:37:52 Rep. Menahan  
02:38:38 Rep. Howard  
02:38:45 Rep. Harris  
02:39:04 Chairman Peterson  
02:39:21 Rep. Menahan  
02:39:48 Chairman Peterson

02:39:55 **Vote:** Motion carried unanimously by voice vote.

02:40:17 Chairman Peterson  
02:40:45 Mr. Niss  
02:41:47 Chairman Peterson  
02:41:50 Rep Sands  
02:42:02 Chairman Peterson  
02:42:16 Rep. Howard  
02:42:23 Chairman Peterson  
02:42:36 Rep. Sands

**EXECUTIVE ACTION ON HB 114**

02:43:41 **Motion:** Rep. O'Hara moved that **HB 114 DO PASS.**

02:43:44 Rep. Warburton  
02:43:53 Chairman Peterson  
02:43:59 Rep. O'Hara withdrew his motion.

**ADJOURNMENT**

02:43:59      Adjournment: 10:54 am

---

Karen Armstrong, Secretary

ka