

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on January 14, 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. 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. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mike Menahan (D)

Members Absent: Rep. Robyn Driscoll (D)
Rep. Michael (Mike) More (R)

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 149, 1/12/2011; HB 199, 1/12/2011; HB 200, 1/12/2011

Executive Action: HB 81, HB 71, HB 194, HB 141

00:00:30 Chairman Peterson
00:01:01 Rep. Driscoll arrived.
01:01:05 Rep. More arrived.
00:05:11 Rep. Sands
00:05:19 Chairman Peterson
00:05:25 Rep. Bangerter
00:06:19 Chairman Peterson
00:06:21 Rep. More
00:06:23 Chairman Peterson

HEARING ON HB 200**Opening Statement by Sponsor:**

00:08:36 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 200, Provide for landlord tenant actions in small claims court.

Proponents' Testimony:

00:11:04 Pat Goodover, property manager, self
00:15:44 Chairman Peterson

Opponents' Testimony: None**Informational Testimony: None**

00:15:59 Mary Phippen, Montana Magistrates' Association

Questions from Committee Members and Responses:

00:17:44 Rep. Wagner
00:18:23 Ms Phippen
00:19:03 Chairman Peterson
00:19:41 Ms Phippen
00:19:51 Chairman Peterson
00:20:42 Ms Phippen
00:21:01 Chairman Peterson
00:21:05 Mr. Goodover
00:21:33 Chairman Peterson
00:22:02 Mr. Goodover
00:22:29 Chairman Peterson
00:23:33 Rep. Loney
00:23:52 Mr. Goodover
00:24:27 Chairman Peterson

Closing by Sponsor:

00:24:40 Rep. O'Hara

HEARING ON HB 199

Opening Statement by Sponsor:

00:24:53 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 199, Establish procedures for landlord tenant actions in justice court.

Proponents' Testimony:

00:25:27 Pat Goodover, property manager, self
00:31:43 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:32:10 Rep. Wagner
00:32:29 Rep. Sands exited.
00:32:40 Mr. Goodover
00:33:18 Chairman Peterson
00:33:27 Rep. Harris
00:33:56 Mr. Goodover
00:34:43 Chairman Peterson
00:35:04 Rep. Read
00:35:59 Mr. Goodover
00:37:27 Chairman Peterson
00:37:34 Rep. Harris
00:38:09 Mr. Goodover
00:38:28 Chairman Peterson
00:39:32 Mr. Goodover
00:39:37 Chairman Peterson
00:40:15 Mr. Goodover
00:40:35 Chairman Peterson
00:41:10 Mr. Goodover
00:41:21 Chairman Peterson
00:41:29 Mr. Goodover
00:41:39 Rep. Driscoll exited.
00:41:52 Chairman Peterson

Closing by Sponsor:

00:42:07 Rep. O'Hara

HEARING ON HB 149

Opening Statement by Sponsor:

00:42:20 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 149, Define real party in interest for landlord tenant contracts.

Proponents' Testimony:

00:42:55 Pat Goodover, self
00:44:25 Rep. Driscoll returned.
00:46:29 Chairman Peterson
00:46:34 Rep. More exited.
00:46:41 Steve Wade, Montana Collectors Association
00:47:11 Chairman Peterson

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:47:40 Chairman Peterson
00:47:48 Mr. Wade
00:48:56 Chairman Peterson
00:49:11 Mr. Wade
00:49:40 Chairman Peterson
00:49:45 Mr. Wade
00:51:03 Chairman Peterson
00:51:25 Mr. Goodover
00:51:49 Chairman Peterson
00:52:02 Mr. Goodover
00:52:48 Chairman Peterson
00:52:53 Mr. Goodover
00:53:02 Chairman Peterson
00:53:08 Rep. Loney
00:53:15 Mr. Goodover
00:53:20 Rep. Sands returned.
00:53:28 Rep. Hansen
00:53:50 Mr. Goodover
00:54:34 Rep. Hansen
00:54:59 Mr. Goodover
00:55:04 Chairman Peterson

Closing by Sponsor:

00:55:17 Rep. O'Hara
00:56:37 Chairman Peterson
00:56:44 Rep. More returned.
00:58:59 Chairman Peterson

00:59:05 Rep Hansen
00:50:08 Chairman Peterson
00:59:16 Mr. Niss
00:59:25 Chairman Peterson
01:00:04 Rep. More
01:00:29 Chairman Peterson
01:00:37 Meeting recessed.
01:14:42 Meeting reconvened with all members present.

EXECUTIVE ACTION ON HB 81

01:16:20 **Motion:** Rep. Kerns moved that **HB 81 DO PASS.**

01:17:18 Mr. Niss

01:17:30 **Motion:** Rep. More moved that **HB 81 BE AMENDED.**
EXHIBIT(juh11a01)

Discussion:

01:17:59 Rep. Regier
01:18:15 Rep. More
01:18:32 Chairman Peterson
01:18:36 Rep. More
01:19:39 Chairman Peterson

01:20:12 **Vote:** Motion carried unanimously by voice vote.

01:20:24 **Motion:** Rep. Kerns moved that **HB 81 DO PASS AS AMENDED.**

Discussion:

01:20:48 Rep. Regier
01:20:53 Chairman Peterson
01:21:09 Rep. Loney
01:21:13 Chairman Peterson
01:21:19 Rep. Loney
01:21:24 Chairman Peterson
01:21:49 Vice Chairman Kerns
01:22:08 Chairman Peterson
01:22:15 Rep. MacDonald
01:22:52 Rep. Menahan
01:24:09 Chairman Peterson
01:24:16 Rep. Wagner
01:25:25 Rep. Bangerter
01:25:48 Rep. Menahan
01:26:05 Rep. Bangerter
01:26:31 Rep. Hansen
01:29:37 Rep. Menahan
01:29:45 Rep. Harris

01:30:38 Rep. Howard
01:32:16 Rep. Sands
01:33:04 Rep. Hansen
01:33:09 Rep. Sands
01:33:34 Rep. Hansen
01:33:38 Rep. Sands
01:34:21 Chairman Peterson
01:34:27 Vice Chairman Kerns
01:35:27 Chairman Peterson
01:36:08 Rep. Driscoll exited.
01:36:48 Rep. Driscoll returned.

01:37:46 **Vote:** Motion carried 12-8 by roll call vote with Rep. Harris, Rep. Howard, Rep. Kerns, Rep. Loney, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no.

EXECUTIVE ACTION ON HB 71

01:39:42 **Motion:** Rep. Kerns moved that **HB 71 DO PASS.**

Discussion:

01:39:56 Rep. Sands
01:41:00 Rep. Driscoll
01:41:35 Rep. Harris
01:42:13 Rep. Menahan
01:43:07 Rep. Driscoll exited.
01:43:53 Rep. Howard
01:44:46 Rep. More
01:45:03 Rep. Driscoll returned
01:45:56 Rep. Hill
01:46:43 Rep. Wagner
01:48:43 Rep. MacDonald
01:50:11 Rep. Harris
01:51:20 Rep. Loney
01:52:32 Rep. More
01:53:15 Rep. Bangerter
01:54:13 Chairman Peterson

01:54:54 **Vote:** Motion carried 13-7 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting no.

01:56:26 Rep. Sands
01:56:31 Rep. More
01:57:04 Rep. Warburton
01:57:51 Chairman Peterson
01:57:57 Rep. Bangerter
01:58:48 Rep. Wagner
02:00:06 Rep. More

02:00:46 Chairman Peterson
02:00:51 Rep. Howard
02:01:11 Chairman Peterson
02:02:01 Rep. Warburton
02:02:17 Rep. Sands
02:02:31 Rep. Warburton
02:02:36 Rep. Loney exited.
02:02:52 Rep Sands
02:03:14 Chairman Peterson
02:03:20 Rep. MacDonald
02:04:14 Chairman Peterson

EXECUTIVE ACTION ON HB 194

02:04:22 **Motion/Vote:** Rep. Kerns moved that **HB 194 BE TABLED AND THE VOTE REVERSED**. Motion carried 19-0 by voice vote with Rep. Loney not present.

EXECUTIVE ACTION ON HB 167

02:05:01 **Motion:** Rep. Kerns moved that **HB 167 DO PASS**

02:05:27 **Motion:** Rep. Sands moved that **HB 167 BE AMENDED**.
[EXHIBIT\(juh11a02\)](#)

Discussion:

02:06:06 Rep. Regier
02:06:13 Rep. Loney returned.
02:06:27 Rep. Sands
02:07:13 Rep. Warburton
02:07:49 Rep. Wagner
02:08:45 Rep. Menahan
02:10:32 Question was called.

02:10:41 **Vote:** Motion failed 7-13 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez, Rep. Regier and Rep. Sands voting aye.

Discussion:

02:12:11 Rep. Regier
02:13:11 Rep. Driscoll
02:13:49 Rep. Hill
02:15:03 Rep. Harris
02:16:07 Rep. Warburton
02:16:49 Chairman Peterson
02:17:04 Rep. MacDonald
02:18:14 Rep. Menahan
02:19:49 Chairman Peterson

02:21:03 **Vote:** Motion carried 15-5 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan and Rep. Sands voting no.

EXECUTIVE ACTION ON HB 141

02:22:24 **Motion:** Rep. Kerns moved that **HB 141 DO PASS.**

Discussion:

02:22:30 Chairman Peterson
02:22:40 Rep. Sands
02:23:00 Rep. O'Hara exited.
02:23:36 Chairman Peterson
02:23:44 Rep. More
02:24:28 Chairman Peterson
02:24:59 Rep. Menahan
02:25:52 Rep. O'Hara returned.
02:27:53 Rep. Menahan
02:28:56 Chairman Peterson

02:30:36 **Vote:** Motion carried unanimously by voice vote.

02:31:05 Rep. Harris
02:31:22 Chairman Peterson
02:31:34 Rep. Regier
02:31:41 Chairman Peterson
02:31:47 Rep. Sands

ADJOURNMENT

02:31:47 Adjournment: 10:31am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh11aad.pdf](#))