

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on January 17, 2011 at 9:00 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. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Michael (Mike) More (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. David Howard (R)  
Rep. Jesse O'Hara (R)

**Members Absent:** Rep. Robyn Driscoll (D)  
Rep. Mike Menahan (D)

**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 18, 1/13/2011; HB 235, 1/13/2011; HB 240, 1/13/2011

Executive Action: HB 149, HB 199, HB 200

00:02:52 Rep. Driscoll entered.  
00:05:08 Rep. Menahan entered.  
00:05:41 Rep. Sands  
00:06:27 Chairman Peterson

**HEARING ON HB 18****Opening Statement by Sponsor:**

00:07:54 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 18, Vehicular homicide under the influence - minor prosecuted as adult.

**Proponents' Testimony:**

00:11:42 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD) and Montana Common Sense Coalition

**EXHIBIT(juh12a01)**

00:13:07 Mark Murphy, Montana County Attorneys' Association (MCAA)  
00:15:45 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)

**Opponents' Testimony:**

00:17:02 Niki Zupanic, American Civil Liberties Union (ACLU)

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

00:19:51 Rep. Menahan  
00:20:47 Mr. Murphy, MCAA  
00:22:27 Rep. Menahan  
00:23:22 Mr. Murphy  
00:24:07 Chairman Peterson  
00:24:13 Rep. Wagner  
00:24:42 Mr. Murphy  
00:25:44 Rep. Wagner  
00:25:56 Mr. Murphy  
00:26:50 Chairman Peterson  
00:27:13 Mr. Murphy  
00:27:46 Chairman Peterson  
00:28:49 Ms Zupanic, ACLU  
00:30:09 Chairman Peterson

**Closing by Sponsor:**

00:30:22 Rep. Taylor

**HEARING ON HB 235**

**Opening Statement by Sponsor:**

00:32:03 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 235, Allow parties to liens to enter into arbitration.

**Proponents' Testimony:**

00:35:20 Dustin Stewart, Montana Building Industry Association

00:35:53 Cary Hegreberg, Montana Contractors' Association

00:36:27 Jon Bennion, Montana Chamber of Commerce

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:37:10 Rep. Harris

00:37:21 Rep. Fitzpatrick

00:38:02 Chairman Peterson

00:38:28 Rep. Fitzpatrick

00:38:52 Chairman Peterson

00:39:12 Rep. Fitzpatrick

00:29:16 Rep. O'Hara entered.

**Closing by Sponsor:**

00:39:33 Rep. Fitzpatrick

**HEARING ON HB 240**

**Opening Statement by Sponsor:**

00:40:04 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 240, Revise eminent domain laws.

[EXHIBIT\(juh12a02\)](#)

**Proponents' Testimony:**

00:46:16 Chuck Hahn, self

00:57:12 Rep. Howard entered.

00:59:01 Rep. Menahan exited.

01:00:08 Chairman Peterson  
01:00:33 Curt Diehl, self  
01:03:26 Chuck Denowh, United Property Owners of Montana  
01:03:50 Rep. Menahan entered.  
01:04:05 Rep. Driscoll exited.  
01:04:50 John Youngberg, Montana Farm Bureau Federation  
01:05:35 Erroll Rice, Montana Stockgrowers' Association.  
01:06:48 Clayton Elliott, Northern Plains Resource Council  
**EXHIBIT(juh12a03)**  
01:08:15 Bill Petrovish, self  
01:09:42 Carol Lambert, Women Involved in Farm Economics (WIFE)  
01:10:45 Terry Bannan, self

**Opponents' Testimony:**

01:13:07 John Fitzpatrick, Northwestern Energy  
**EXHIBIT(juh12a04)**  
01:23:17 Rep. Driscoll entered.  
01:32:43 Chairman Peterson

**Informational Testimony:**

01:33:06 Jim Lynch, Director, Montana Department of Transportation (MDT)  
01:37:31 Chairman Peterson

**Questions from Committee Members and Responses:**

01:37:56 Rep. Harris  
01:38:17 Rep. Sands exited.  
01:39:26 Mr. Hahn  
01:41:27 Rep. Harris  
01:42:34 Mr. Hahn  
01:43:16 Rep. Harris  
01:43:40 Mr. Hahn  
01:45:12 Rep. Wagner  
01:46:35 Mr. Fitzpatrick  
01:48:16 Rep. Wagner  
01:48:40 Mr. Fitzpatrick  
01:49:02 Rep. Wagner  
01:49:30 Mr. Fitzpatrick  
01:49:44 Rep. MacDonald  
01:49:56 Mr. Lynch, MDT  
01:50:55 Rep. Driscoll  
01:51:33 Mr. Fitzpatrick  
01:52:02 Rep. Loney  
01:52:30 Chairman Peterson  
01:52:38 Mr. Fitzpatrick  
01:53:16 Rep. Loney  
01:53:30 Mr. Fitzpatrick  
01:55:28 Chairman Peterson  
01:55:34 Rep. Hansen

01:56:38 Rep. Flynn  
01:57:20 Rep. Sands entered.  
01:57:29 Chairman Peterson  
01:57:35 Rep. More  
01:58:16 Rep. Flynn  
01:58:32 Chairman Peterson  
01:58:38 Rep. Wagner  
01:59:15 Rep. Flynn  
01:59:22 Mr. Hahn  
02:01:10 Rep. Hansen  
02:02:11 Mr. Lynch  
02:02:49 Rep. Hansen  
02:03:02 Mr. Hahn  
02:03:51 Rep. Hansen  
02:03:59 Chairman Peterson  
02:04:19 Mr. Lynch  
02:04:27 Chairman Peterson  
02:04:34 Mr. Lynch  
02:04:40 Chairman Peterson  
02:05:22 Mr. Hahn  
02:05:25 Chairman Peterson  
02:05:50 Rep. Hansen exited.  
02:06:40 Mr. Hahn  
02:07:43 Chairman Peterson  
02:07:49 Mr. Hahn  
02:07:54 Chairman Peterson  
02:08:35 Mr. Hahn  
02:09:09 Chairman Peterson  
02:09:34 Mr. Hahn  
02:09:38 Chairman Peterson

**Closing by Sponsor:**

02:09:51 Rep. Flynn  
02:12:15 Meeting recessed.  
02:28:42 Meeting resumed with Rep. Skattum and Rep. Howard absent.

**EXECUTIVE ACTION ON HB 149**

- 02:29:33     **Motion:** Rep. O'Hara moved that **HB 149 DO PASS.**
- 02:29:44     Chairman Peterson  
02:30:00     Rep. O'Hara  
02:30:21     Rep. Sands
- 02:31:18     **Vote:** Motion failed 4-14 by voice vote with Rep. O'Hara, Rep. Regier, Rep. Wagner and Rep. Warburton voting aye. Rep. Howard and Rep. Skattum were not present for the vote.
- 02:32:05     **Motion/Vote:** Rep. Kerns moved that **HB 149 BE TABLED AND THE VOTE REVERSED.** Motion carried 18-0 by voice vote. Rep. Howard and Rep. Skattum were not present for the vote.

**EXECUTIVE ACTION ON HB 199**

- 02:32:21     **Motion:** Rep. O'Hara moved that **HB 199 DO PASS.**
- 02:32:33     Chairman Peterson  
02:32:41     Rep. More
- 02:33:34     **Motion:** Rep. Harris moved that **HB 199 BE AMENDED** to exclude the word "union" from the two places where it appears.
- 02:33:41     Mr. Niss  
02:34:06     Rep. Howard entered.  
02:34:20     Mr. Niss  
02:34:44     Rep. Sands  
02:35:00     Rep. Wagner  
02:35:29     Chairman Peterson  
02:35:33     Rep. MacDonald  
02:37:00     Rep. Wagner  
02:37:36     Rep. Harris
- 02:40:06     **Vote:** Motion carried 14-5 by roll call vote with Rep. Driscoll, Rep. MacDonald, Rep. Pease-Lopez, Rep. Peterson and Rep. Sands voting no. Rep. Skattum was not present for the vote.
- 02:40:13     Chairman Peterson  
02:40:25     Rep. Sands
- 02:40:28     **Motion:** Rep. Kerns moved that **HB 199 DO PASS AS AMENDED.**

**Discussion:**

02:40:55 Rep. Skattum entered.  
02:41:34 Chairman Peterson  
02:41:37 Rep. Menahan  
02:41:45 Chairman Peterson

02:42:14 **Vote:** Motion failed 6-14 by roll call vote with Rep. Harris, Rep. Loney, Rep. O'Hara, Rep. Regier, Rep. Wagner and Rep. Warburton voting aye.

02:43:45 **Motion/Vote:** Rep. Kerns moved that **HB 199 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 200**

02:43:58 **Motion:** Rep. O'Hara moved that **HB 200 DO PASS**.

02:44:32 Rep. Menahan  
02:45:10 Rep. Loney  
02:45:37 Rep. Hansen

02:46:13 **Substitute Motion/Vote:** Rep. Menahan made a substitute motion that **HB 200 BE TABLED**. Substitute Motion carried 17-3 by voice vote with Rep. Loney, Rep. O'Hara and Rep. Regier voting no.

02:47:05 Rep. Hansen  
02:47:09 Chairman Peterson  
02:47:16 Diane Sands  
02:47:24 Rep. Hansen  
02:47:33 Chairman Peterson  
02:47:48 Rep. Sands  
02:48:09 Rep. More  
02:48:52 Chairman Peterson  
02:49:41 Rep. Bangerter  
02:49:56 Rep. Sands  
02:50:40 Chairman Peterson

**ADJOURNMENT**

02:50:47      Adjournment: 11:50 am

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Karen Armstrong, Secretary

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**EXHIBIT(juh12a05)** Informational packet found in Room 137 January 18, 2011.

Additional Documents:

**EXHIBIT(juh12aad.pdf)**