

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on January 26, 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. 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. 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. Diane Sands, Vice Chairman (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 274, 1/20/2011; HB 292, 1/24/2011

Executive Action: HB 95

HEARING ON HB 292**Opening Statement by Sponsor:**

00:02:14 Rep. Dan Kennedy (R), HD 57, opened the hearing on HB 292, Constitutional referendum amending right to a clean and healthful environment.

Proponents' Testimony:

00:04:47 Don Allen, Western Environmental Trade Association (WETA)
00:07:01 Rep. Pease-Lopez exited.
00:12:03 Bob Winger, Boiler Makers' Union
00:12:49 Rep. Pease-Lopez returned.

Opponents' Testimony:

00:14:49 Mark Aagenes, Trout Unlimited
00:18:02 Ben Lamb, Conservation Director for State and National Issues, Montana Wildlife Federation

EXHIBIT(juh20a01)

00:20:18 Rep. O'Hara exited.
00:21:37 Jim Poseowitz, self
00:24:22 Connie Keogh, self
00:27:11 Wade Sikorski, self
00:28:49 David Scrimm, self
00:30:51 Bob Adams, Montana Conservation Voters Education Fund and Montana Conservation Voters

EXHIBIT(juh20a02)

00:31:18 Rep. Bangerter exited.
00:32:03 Rep. Loney exited.
00:34:18 Rep. Loney returned.
00:36:26 Richard Parks, Northern Plains Resource Council (NPRC)

EXHIBIT(juh20a03)

00:38:45 Gayle Joslin, self

EXHIBIT(juh20a04)

00:40:19 DarAnne Dunning, self
00:44:03 Janet Ellis, Montana Audobon Society
00:44:26 Anne Hedges, Montana Environmental Center
00:44:40 Jonathan Matthews, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:02 Rep. Warburton
00:45:24 Mr. Allen, WETA
00:45:50 Rep. Warburton
00:46:00 Mr. Allen
00:47:09 Rep. Wagner
00:49:01 Ms Dunning
00:52:33 Rep. Wagner
00:52:40 Rep. Howard exited.
00:54:17 Rep. O'Hara returned.
00:54:43 Ms Dunning
00:54:47 Rep. Read
00:55:36 Ms Dunning
00:55:43 Rep. Bangerter returned.
00:56:10 Rep. Howard returned.
00:57:47 Rep. Read
00:59:38 Ms Dunning
01:01:49 Rep. MacDonald
01:02:54 Rep. Kennedy
01:03:16 Rep. Hill
01:03:44 Shahid Haque-Hausrath
01:04:17 Rep. Hill
01:04:36 Mr. Hauque-Hausrath
01:05:28 Rep. Menahan exited.
01:05:44 Rep. Harris
01:09:58 Rep. Kennedy
01:10:08 Rep. Warburton
01:10:52 Rep. Hansen exited.
01:11:04 Ms Hedges
01:13:47 Rep. More
01:14:20 Rep. Menahan returned.
01:14:33 Rep. Hansen returned.
01:14:59 Mr. Lamb
01:15:57 Rep. Menahan and Rep. Hansen exited.
01:16:20 Rep. More
01:18:12 Mr. Lamb
01:18:16 Rep. More
01:18:27 Mr. Lamb
01:18:33 Rep. More
01:18:43 Mr. Lamb
01:19:02 Rep. More
01:19:32 Mr. Lamb

Closing by Sponsor:

01:19:51 Rep. Kennedy
01:23:15 Rep. Driscoll exited.
01:23:21 Rep. Skattum exited.

01:23:35 Rep. MacDonald exited.
01:24:14 Rep. Kerns assumed chairmanship
01:24:18 Chairman Peterson exited.

HEARING ON HB 274

Opening Statement by Sponsor:

01:24:32 Rep. David Howard (R), HD 60, opened the hearing on HB 274, Provide that employment of an unauthorized alien is unlawful.

EXHIBIT(juh20a05)

01:27:47 Rep. Driscoll returned.
01:28:20 Rep. MacDonald returned.
01:29:20 Rep. Bangerter exited.
01:34:49 Rep. Hansen and Rep. Menahan returned.

Proponents' Testimony:

01:36:16 Art Ellison, American Legion, Montana

EXHIBIT(juh20a06)

EXHIBIT(juh20a07)

01:39:35 Chairman Peterson returned.
01:45:38 Keith Allen, International Brotherhood of Electrical Workers, 233
01:48:52 Lisa Wamsley, self
01:49:37 Rep. Warburton exited.
01:50:30 J. D. Lynch, Montana Building and Construction Trades Council and Pacific Northwest Council of Carpenters
01:51:49 Fran Marceau, State Director, United Transportation Union
01:52:17 John Robert, Business Manager, Boilermakers Union and President, State Building Trades
01:53:01 Rep. More exited.
01:53:16 Mary Beveridge, self
01:54:41 Bob Winger, President, Boilermakers' Union in Montana
01:55:20 Rep. More returned.
01:55:55 Cary Hegreberg, Executive Director, Montana Contractors' Association
01:58:39 Rep. Warburton returned.
01:59:07 Dave Ponte, self
02:00:04 Aidan Myhre, Kalispell Chamber of Commerce
02:00:14 Rep. O'Hara exited.

Opponents' Testimony:

02:00:28 Deborah Smith, American Immigration Lawyers Association, Washington Chapter

EXHIBIT(juh20a08)

02:08:13 Brad Griffin, Montana Retail Association, Montana Restaurant Association, Montana Tire Dealers and Montana Equipment DealerseAssociation
02:09:16 Rep. Regier
02:10:12 Rep. Hansen exited.
02:13:10 Sahid Haque-Hausrath, Helena, immigration attorney
02:19:56 Rep. Wagner exited.

02:20:39 Bruce Spencer, Montana Automobile Association
02:21:35 Rep. Hansen returned.
02:22:53 Kelsen Young, Montana Coalition to Prevent Domestic and Sexual Violence
02:24:36 Rep. Wagner returned.
02:25:22 Rep. Read exited.
02:27:40 Diego Rivas, self
02:30:45 Jamee Greer, Montana Human Rights Network
02:31:56 Wade Sikorski, self

Informational Testimony:

02:33:16 Linda McCulloch, Secretary of State

EXHIBIT(juh20a09)

02:35:10 Frank Cote, Blue Cross and Blue Shield of Montana

02:36:02 Mark Cadwallader, Staff Attorney, Montana Department of Labor and Industry
(MDLI)

EXHIBIT(juh20a10)

02:38:13 Rep. Read returned.

Questions from Committee Members and Responses:

02:38:45 Rep. Driscoll
02:39:15 Mr. Ellison
02:39:40 Rep. Driscoll
02:40:02 Mr. Ellison
02:40:09 Rep. MacDonald
02:40:50 Mr. Cadwallader, MDLI
02:43:53 Rep. Loney
02:44:02 Ms Smith
02:46:44 Rep. Loney
02:47:20 Ms Young
02:47:44 Chairman Peterson
02:48:43 Rep. O'Hara returned.
02:48:52 Ms Smith
02:49:57 Chairman Peterson
02:50:05 Ms Smith
02:50:54 Chairman Peterson
02:51:26 Ms Smith
02:51:30 Chairman Peterson
02:51:38 Ms Smith
02:51:49 Chairman Peterson
02:53:05 Secretary McCulloch
02:53:29 Chairman Peterson
02:53:44 Secretary McCulloch
02:54:23 Rep. More
02:54:39 Rep. MacDonald exited.
02:54:51 Mr. Haque-Hausrath
02:54:57 Rep. More
02:55:08 Mr. Haque-Hausrath
02:55:37 Rep. More
02:55:54 Mr. Haque-Hausrath

02:56:37 Rep. More
02:57:14 Mr. Haque-Hausrath
02:57:22 Rep. More
02:57:30 Mr. Haque-Hausrath
02:58:37 Rep. Skattum
02:59:22 Mr. Cadwallader
02:59:27 Rep. Skattum
02:59:31 Rep. Sands exited.
02:59:32 Mr. Cadwallader
03:00:14 Rep. Skattum
03:00:24 Mr. Cadwallader
03:00:37 Rep. Regier
03:00:57 Secretary McCulloch
03:01:12 Chairman Peterson exited.
03:01:29 Rep. Wagner
03:01:58 Rep. Regier exited.
03:02:29 Ms Smith
03:03:14 Rep. Regier returned.
03:03:25 Rep. Wagner
03:03:47 Rep. MacDonald returned.
03:04:32 Ms Smith
03:05:09 Chairman Peterson returned.
03:05:21 Rep. Wagner
03:06:19 Mr. Haque-Hausrath
03:06:38 Rep. MacDonald exited.
03:07:59 Rep. Wagner
03:08:41 Mr. Haque-Hausrath
03:09:17 Rep. Hansen
03:09:35 Chairman Peterson exited.
03:10:13 Rep. Menahan exited.
03:10:26 Ms Smith
03:11:12 Rep. Menahan returned.
03:11:19 Rep. Hansen
03:11:25 Ms Smith
03:11:59 Rep. Sands returned.
03:12:08 Rep. Harris
03:12:29 Rep. Driscoll exited.
03:12:54 Rep. Hansen exited.
03:13:27 Mr. Cadwallader
03:14:07 Rep. Harris
03:14:46 Mr. Cadwallader
03:15:23 Rep. Harris
03:15:29 Chairman Peterson returned.
03:15:32 Rep. Hansen returned.
03:15:46 Rep. Wagner
03:16:52 Mr. Allen
03:17:08 Rep. Wagner
03:17:26 Mr. Allen
03:17:39 Rep. Sands exited.
03:17:55 Rep Wagner

03:18:23 Mr. Allen
03:18:56 Rep. More
03:19:23 Rep. Driscoll returned.
03:20:03 Secretary McCulloch
03:20:34 Rep. More
03:20:57 Secretary McCulloch
03:21:13 Rep. MacDonald returned.
02:21:15 Rep. Hansen returned.

Closing by Sponsor:

03:21:49 Rep. Howard

03:22:31 Rep. MacDonald exited.
03:22:45 Rep. Howard exited.
03:23:56 Rep. Sands returned.

EXECUTIVE ACTION ON HB 95

03:29:41 **Motion:** Rep. Kerns moved that **HB 95 DO PASS.**

Discussion:

03:30:21 Rep. Regier
03:31:12 Chairman Peterson
03:32:36 Rep. More
03:34:03 Rep. Sands
03:34:56 Rep. Harris
03:35:34 Rep. Wagner
03:36:45 Mr. Niss
03:37:41 Chairman Peterson

03:37:55 **Vote:** Motion carried 12-6 by roll call vote with Rep. Kerns, Rep. Loney, Rep. More, Rep. Read, Rep. Skattum and Rep. Warburton voting no. Rep. MacDonald voted by proxy. Rep. Bangerter and Rep. Howard were not present for the vote.

ADJOURNMENT

03:37:55 Adjournment: 11:43 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh20aad.pdf](#))