

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 22, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)

Members Absent: Rep. Krayton Kerns, Vice Chairman (R)
Rep. Ellie Boldman Hill (D)
Rep. Dan Skattum (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:

Executive action: SB 15, SB 42, SB 354, SB 217

EXECUTIVE ACTION ON SB 15

00:01:29 Rep. Hill arrived.

00:01:42 **Motion:** Rep. Regier moved that **SB 15 BE CONCURRED IN.**

00:02:35 **Motion:** Rep. Regier moved that **HR 15 BE AMENDED.**
EXHIBIT(juh64a01)

00:03:04 Rep Kerns arrived.

Discussion:

00:03:13 Rep. Regier

00:03:23 Chairman Peterson

00:03:58 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:04:16 **Motion:** Rep. Regier moved that **SB 15 BE CONCURRED IN AS AMENDED.**

00:04:37 **Substitute Motion:** Rep. Regier made a substitute motion that **SB 15 BE AMENDED.**
EXHIBIT(juh64a02)

Discussion:

00:04:51 Rep. Warburton

00:05:21 Rep. Regier

00:05:25 Rep. More

00:05:55 Rep. Hansen

00:07:51 Rep. Pease-Lopez

00:08:27 Rep. Skattum arrived.

00:09:00 Chairman Peterson

00:09:09 Rep. Wagner

00:10:51 Rep. Harris

00:11:06 Rep. Howard

00:11:51 Rep. Bangerter arrived.

00:12:02 Chairman Peterson

00:12:40 Rep. Menahan

00:13:24 **Vote:** Motion carried 15-5 by roll call vote with Rep. Bangerter, Rep. More, Rep. Pease-Lopez, Rep. Wagner and Rep. Warburton voting no. Rep. Sands voted by proxy.

00:14:43 **Motion:** Rep. Kerns moved that **SB 15 BE CONCURRED IN AS AMENDED.**

Discussion:

00:14:52 Rep. Menahan

00:15:37 Rep. Howard exited.

00:17:16 Rep. Menahan

00:18:33 **Vote:** Motion carried 15-5 by roll call vote with Rep. Kerns, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Howard and Rep. Sands voted by proxy. Rep. Regier will carry the bill.

EXECUTIVE ACTION ON SB 42

00:20:12 **Motion:** Rep. Kerns moved that **SB 42 BE CONCURRED IN.**

00:20:48 **Motion:** Rep. Menahan moved that **SB 42 BE AMENDED.**
EXHIBIT(juh64a03)

Discussion:

00:21:26 Rep. Menahan
00:22:38 Rep. Howard returned.
00:22:42 Chairman Peterson
00:22:45 Rep. Menahan
00:22:50 Chairman Peterson
00:22:56 Rep. Harris
00:23:07 Rep. Menahan
00:24:02 Rep. Harris
00:24:05 Chairman Peterson

00:24:09 **Vote:** Motion carried unanimously by voice vote. Rep Sands voted by proxy.

00:24:17 **Motion:** Rep. Kerns moved that **SB 42 BE CONCURRED IN AS AMENDED.**

Discussion:

00:24:25 Rep. More
00:24:59 Rep. Menahan
00:26:25 Rep. Warburton
00:26:38 Rep. Howard
00:28:17 Rep. Bangerter
00:31:18 Rep. O'Hara
00:32:07 Chairman Peterson

00:32:43 **Vote:** Motion carried 15-5 by roll call vote with Rep. Kerns, Rep. More, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Sands voted by proxy. Rep. Howard will carry the bill.

EXECUTIVE ACTION ON SB 354

00:34:15 **Motion:** Rep. Kerns moved that **SB 354 BE CONCURRED IN.**

Discussion:

00:34:32 Rep. Warburton
00:35:10 Rep. More
00:35:31 Rep. Loney

- 00:35:55 Chairman Peterson
00:36:27 Rep. Hill
00:36:50 Chairman Peterson
- 00:37:03 **Vote:** Motion failed 8-12 by roll call vote with Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez, Rep. Peterson and Rep. Sands voting aye. Rep. Sands voted by proxy.
- 00:38:23 **Motion/Vote:** Rep. Kerns moved that **SB 354 BE TABLED AND THE VOTE REVERSED**. Motion carried 18-1 by voice vote with Rep. Peterson voting no. Rep. Sands was absent and did not vote.

EXECUTIVE ACTION ON SB 217

Previously tabled March 10, 2011

- 00:41:07 **Motion/Vote:** Rep. Regier moved that **SB 217 BE RECONSIDERED**. Motion carried 11-9 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Howard, Rep. Loney, Rep. Menahan, Rep. O'Hara, Rep. Read, Rep. Wagner and Rep. Warburton voting no. Rep. Sands voted by proxy.
- 00:41:18 **Motion:** Rep. Kerns moved that **SB 217 BE CONCURRED IN**.
- 00:42:30 **Motion:** Rep. Menahan moved that **SB 217 BE AMENDED**.
[EXHIBIT\(juh64a04\)](#)

Discussion:

- 00:43:08 Rep. Menahan
00:47:54 Rep. Regier
00:47:08 Rep. Menahan
00:48:49 Rep. Hansen
00:49:14 Rep. Menahan
00:49:20 Rep. Hansen
00:49:25 Rep. Menahan
- 00:49:57 **Vote:** Motion carried unanimously by roll call vote. Rep. Sands voted by proxy.
- 00:50:56 **Motion:** Rep. Kerns moved that **SB 217 BE CONCURRED IN AS AMENDED**.
- 00:51:02 **Substitute Motion:** Rep. Menahan made a substitute motion that **SB 217 BE AMENDED**.
[EXHIBIT\(juh64a05\)](#)

Discussion:

- 00:51:14 Rep. Menahan
00:52:43 Chairman Peterson
00:53:00 Rep. Menahan
00:53:39 Chairman Peterson
- 00:54:14 **Vote:** Motion carried 13-6 by roll call vote with Rep. Driscoll, Rep. Hill,

Rep. MacDonald, Rep. Pease-Lopez, Rep. Peterson and Rep. Regier voting no.
Rep. Sands did not vote.

00:55:27 **Motion:** Rep. Kerns moved that **SB 217 BE CONCURRED IN AS AMENDED.**

Discussion:

00:55:34 Rep. O'Hara
00:55:49 Rep. Hill
00:57:15 Rep. Harris
00:58:45 Rep. Howard
00:59:58 Rep. Regier
01:00:28 Rep. More
01:01:42 Rep. Bangerter
01:02:10 Rep. Menahan
01:04:28 Chairman Peterson

01:05:49 **Vote:** Motion failed 8-12 by roll call vote with Rep. Driscoll, Rep. Hill,
Rep. Loney, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez
and Rep. Sands voting aye. Rep. Sands voted by proxy.

01:05:54 **Motion/Vote:** Rep. Kerns moved that **SB 217 BE TABLED AND THE VOTE
REVERSED.** Motion carried unanimously by voice vote of those present and
voting.

ADJOURNMENT

01:06:27 Adjournment

Karen Armstrong, Secretary

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Additional exhibits:

[EXHIBIT\(juh64a06\)](#)

[EXHIBIT\(juh64a07\)](#)

[EXHIBIT\(juh64a08\)](#)

Additional Documents:

[EXHIBIT\(juh64aad.pdf\)](#)