

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 28, 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. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (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)

Members Excused: None

Members Absent: Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)
Rep. Wendy Warburton (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:

Hearings: None

Executive Action: SB 97; SB 347

00:01:33 Rep. Hill arrived.
00:01:43 Rep. More arrived.
00:01:59 Chairman Peterson

EXECUTIVE ACTION ON SB 347

00:02:04 **Motion:** Rep. Kerns moved that **SB 347 BE CONCURRED IN.**

Discussion:

00:02:22 Chairman Peterson
00:02:42 Rep. Sands
00:03:00 Chairman Peterson

00:03:31 **Motion:** Rep. Sands moved that **SB 347 BE AMENDED.**

EXHIBIT(juh69a01)

Discussion:

00:04:07 Rep. Sands
00:04:33 Chairman Peterson
00:04:37 Rep. Sands
00:04:43 Rep. Warburton arrived.
00:05:03 Mr. Niss
00:05:08 Rep. Sands
00:05:28 Rep. Read
00:05:39 Chairman Peterson
00:05:44 Rep. Read
00:06:37 Chairman Peterson
00:06:47 Rep. O'Hara
00:07:01 Chairman Peterson
00:07:09 Rep. Read
00:07:22 Rep. Driscoll
00:07:42 Rep. Sands
00:08:20 Candace West, Legal Counsel for Department of Natural Resources and Conservation (DNRC)
00:09:16 Rep. Warburton
00:09:56 Chairman Peterson
00:10:00 Rep. Warburton
00:10:15 Rep. Hansen
00:10:45 Rep. Read
00:12:30 Rep. Hansen
00:14:07 Chairman Peterson
00:14:50 Rep. Hansen
00:15:27 Mr. Niss
00:15:30 Rep. Hansen
00:16:17 Chairman Peterson
00:16:32 Vice Chairwoman Sands asked to segregate Paragraph 1 from Paragraph 2 of the amendment.
00:16:40 Without objection, Chairman Peterson ordered segregation.

- 00:16:48 **Motion:** Rep. Sands moved **TO ADOPT ONLY PARAGRAPH 1 OF THE AMENDMENT**. Motion carried unanimously by voice vote. Rep. Harris was not present and did not vote.
- 00:17:12 **Motion:** Rep. Kerns moved that **SB 347 BE CONCURRED IN AS AMENDED**.
- 00:17:30 **Motion:** Rep. Read moved that **SB 347 BE AMENDED**.
[EXHIBIT\(juh69a02\)](#)
- 00:17:48 Rep. Read asked to segregate Pararaph 1 from Paragraphs 2 and 3 of the amendment.
- 00:18:10 Without objection, Chairman Peterson ordered segregation.
- 00:18:46 **Motion/Vote:** Rep. Read moved **TO ADOPT ONLY PARAGRAPHS 2 AND 3 OF THE AMENDMENT**. Motion carried unanimously by voice vote. Rep. Harris was not present and did not vote.
- 00:19:18 **Motion:** Rep. Kerns moved **THAT SB 347 BE CONCURRED IN AS AMENDED**.
- 00:19:31 **Motion:** Rep. Hansen moved **THAT SB 347 BE CONCEPTUALLY AMENDED SO THAT ON PAGE 5, LINE 16 THE WORD " A" BETWEEN "OF" AND "COMMON" BE STRICKEN AND REPLACED WITH THE WORD "THE"**.
- 00:20:14 Rep. Sands
- 00:20:27 Rep. Regier
- 00:20:51 Rep. Harris arrived.
- 00:20:58 Chairman Peterson
- 00:21:23 Mr. Niss
- 00:21:47 Chairman Peterson
- 00:21:56 **Vote:** Motion carried unanimously by voice vote.
- 00:22:08 **Motion:** Rep. Kerns moved that **SB 347 BE CONCURRED IN AS AMENDED**.
- 00:22:21 **Motion:** Rep. Sands moved that **SB 347 BE AMENDED**.
[EXHIBIT\(juh69a03\)](#)
- Discussion:**
- 00:23:06 Rep. Regier
- 00:23:12 Vice Chairwoman Sands
- 00:23:50 **Vote:** Motion carried unanimously by voice vote.
- 00:23:59 **Motion:** Rep. Kerns moved that **SB 347 BE CONCURRED IN AS AMENDED**.

Discussion:

00:24:10 Rep. Sands

00:24:26 Chairman Peterson

00:24:34 Rep. More

00:24:46 **Vote:** Motion carried unanimously by voice vote. Rep. Hansen will carry the bill.**EXECUTIVE ACTION ON SB 97**00:25:18 **Motion:** Rep. Kerns moved that **SB 97 BE CONCURRED IN.**

00:26:36 Mr. Niss

00:27:55 **Motion:** Rep. K. Peterson moved that **SB 97 BE AMENDED.****EXHIBIT(juh69a04)****Discussion:**

00:28:21 Vice Chairwoman Sands

00:28:54 Mr. Niss

00:31:19 Rep. Regier

00:31:25 Rep. Howard exited.

00:31:28 Chairman Peterson

00:32:05 Rep. Loney

00:32:35 Chairman Peterson

00:32:48 Mr. Niss

00:34:58 Rep. Bangerter

00:35:29 Mr. Niss

00:35:59 Vice Chairwoman Sands

00:36:02 Rep. Bangerter

00:36:18 Mr. Niss

00:39:31 Rep. Harris

00:40:22 Mr. Niss

00:42:36 Chairman Peterson

00:42:55 Rep. Warburton

00:43:16 Rep. Hansen

00:44:04 Mr. Niss

00:45:19 Rep. Howard returned.

00:46:42 Chairman Peterson

00:46:46 Rep. Hansen

00:47:35 Mr. Niss

00:48:39 Vice Chairwoman Sands

00:49:35 Mr. Niss

00:52:57 Vice Chairwoman Sands

00:54:17 Chairman Peterson

00:54:49 Vice Chairwoman Sands

00:55:28 Chairman Peterson

00:55:48 Rep. Hansen

00:56:40 Chairman Peterson

00:56:47 Rep. Read exited.

00:56:52 Rep. More

00:58:41 **Vote:** Motion failed 5-15 by roll call vote with Rep. Driscoll, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Peterson voting aye. Rep. Read voted by proxy.

00:59:53 **Motion:** Rep. Warburton moved that **SB 97 BE AMENDED.**
[EXHIBIT\(juh69a05\)](#)

01:00:19 Vice Chairwoman Sands
01:00:58 Rep. Menahan
01:01:51 Chairman Peterson
01:02:14 Rep. Loney
01:02:49 Chairman Peterson
01:02:58 Rep. Warburton

01:03:41 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. More, Rep. Pease-Lopez, Vice Chairwoman Sands and Rep. Wagner voting no. Rep. Read voted by proxy.

01:04:47 **Motion:** Rep. Kerns moved that **SB 97 BE CONCURRED IN AS AMENDED.**

01:04:54 **Motion:** Rep. Bangerter moved that **SB 97 BE AMENDED.**
[EXHIBIT\(juh69a06\)](#)

01:05:17 Chairman Peterson
01:05:28 Rep. Regier
01:05:38 Chairman Peterson
01:05:43 Vice Chairwoman Sands
01:06:06 Rep. Regier
01:06:20 Vice Chairwoman Sands
01:06:37 Chairman Peterson
01:06:43 Mr. Niss
01:07:48 Vice Chairwoman Sands
01:08:10 Beth Brenneman, Disability Rights Montana
01:09:35 Chairman Peterson
01:10:08 Ms Brenneman
01:10:13 Rep. Bangerter withdrew her amendment

01:10:25 **Vote:** Motion carried 14-6 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Vice Chairwoman Sands voting no. Rep. Read voted by proxy. Rep. Peterson will carry the bill.

01:12:32 Chairman Peterson
01:13:03 Rep. Skattum
01:13:19 Chairman Peterson
01:13:24 Vice Chairwoman Sands
01:13:27 Chairman Peterson
01:13:36 Rep. Menahan
01:13:40 Chairman Peterson
01:13:56 Rep. O'Hara

ADJOURNMENT

01:15:03 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh69aad.pdf](#))