

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 7, 2013 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Clayton Fiscus (R)
Rep. Jerry O'Neil (R)
Rep. Wendy Warburton (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, 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 374, 2/5/2013; HB 385, 2/5/2013, HB 386, 2/5/2013
Executive Action: HB 269, HB 275

00:10:00 Chairman Kerns

HEARING ON HB 374

Opening Statement by Sponsor:

00:11:13 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 374, Authorize individual legislator standing to intervene in certain civil actions.

00:14:06 Rep. Fiscus arrived.

[EXHIBIT\(juh27a01\)](#)

Proponents' Testimony: None

Opponents' Testimony:

00:19:14 Mike Meloy, Attorney, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(juh27a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:28:31 Rep. Hill

00:28:50 Rep. Fitzpatrick

00:29:02 Rep. Regier

00:29:15 Rep. Fitzpatrick

00:29:36 Rep. Halvorson

00:30:18 Rep. Fitzpatrick

00:31:21 Rep. Halvorson

00:31:42 Rep. Fitzpatrick

00:32:06 Rep. Lenz

00:32:50 Rep. Fitzpatrick

00:33:50 Rep. Wagoner

00:34:57 Mr. Meloy, MTLA

00:36:11 Rep. Wagoner

00:36:27 Mr. Meloy, MTLA

00:37:33 Rep. Wagoner

00:38:00 Mr. Meloy, MTLA

00:38:53 Rep. MacDonald

00:41:09 Mr. Meloy, MTLA

00:44:11 Rep. Fiscus

00:45:11 Mr. Meloy, MTLA

00:46:08 Rep. Hill

00:47:06 Mr. Meloy, MTLA

00:50:32 Rep. MacDonald

00:51:20 Mr. Meloy, MTLA

00:51:57 Rep. Halvorson

00:52:52 Rep. Fitzpatrick

00:54:28 Rep. Halvorson

Closing by Sponsor:

00:55:02 Rep. Fitzpatrick

HEARING ON HB 385

Opening Statement by Sponsor:

00:57:10 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 385, Revise landlord tenant laws regarding tenant action that may harm premises.

Proponents' Testimony:

00:57:59 John Sinrud, Montana Landlords Association (MLA)
00:59:38 Rick Linafelter, Government Affairs Chair, Montana Landlords Association (MLA)
01:02:42 Steven Galloway, Landlord, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:07:20 Rep. Fiscus
01:07:38 Mr. Linafelter, MLA
01:08:17 Rep. Fiscus
01:08:33 Mr. Galloway, Self
01:09:41 Rep. Eck
01:10:01 Mr. Sinrud, MLA
01:11:34 Rep. Eck
01:11:44 Mr. Sinrud, MLA

Closing by Sponsor:

01:12:46 Rep. Lavin

HEARING ON HB 386

Opening Statement by Sponsor:

01:13:35 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 386, Revise penalty for fleeing from or eluding a peace officer.

Proponents' Testimony:

01:15:15 Roger Nasset, Chief, Kalispell Police Department (KPD)
01:20:29 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:23:02 Rep. Smith
01:23:21 Rep. Lavin
01:23:47 Rep. Doane
01:24:05 Chief Nasset, KPD
01:24:15 Rep. Doane
01:24:21 Chief Nasset, KPD
01:24:47 Rep. Pease-Lopez

01:25:19 Chief Nasset, KPD
01:26:23 Rep. Pease-Lopez
01:26:51 Chief Nasset, KPD
01:27:55 Rep. Fiscus
01:28:19 Chief Nasset, KPD
01:29:17 Rep. Fiscus
01:29:37 Chief Nasset, KPD
01:30:43 Rep. Fiscus
01:30:55 Chief Nasset, KPD
01:31:22 Rep. Wagoner
01:32:06 Rep. Lavin

Closing by Sponsor:

01:33:10 Rep. Lavin

01:33:59 Recessed
01:49:37 Reconvened

EXECUTIVE ACTION ON HB 269

01:49:49 **Motion:** Rep. G. Bennett moved that **HB 269 DO PASS.**

01:50:01 **Motion:** Rep. MacDonald moved that **HB 269 BE AMENDED.**
EXHIBIT(juh27a03)

Discussion:

01:50:42 Rep. MacDonald
01:51:56 Rep. Doane
01:52:08 Ms Thigpen, Legislative Services Division (LSD)
01:52:38 Rep. Eck
01:52:55 Ms Thigpen, LSD

01:53:08 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. O'Neil and Rep. Warburton voted by proxy.

01:53:18 **Motion:** Rep. G. Bennett moved that **HB 269 DO PASS AS AMENDED.**

Discussion:

01:53:44 Rep. Wagoner
01:54:31 Rep. Lenz

01:55:16 **Vote:** Motion failed 10-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Halvorson, Rep. Hill, Rep. Lenz, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. O'Neil and Rep. Warburton voted by proxy.

01:56:31 **Motion/Vote:** Rep. G. Bennett moved that **HB 269 BE TABLED AND THE VOTE REVERSED.** Motion carried 14-3 by voice vote of those present and voting with Rep. Court, Rep. Gursky and Rep. Smith voting no.

EXECUTIVE ACTION ON HB 275

[EXHIBIT\(juh27a04\)](#)

[EXHIBIT\(juh27a05\)](#)

[EXHIBIT\(juh27a06\)](#)

01:57:11 **Motion:** Rep. Regier moved that **HB 275 DO PASS.**

Discussion:

01:57:21 Rep. Regier

01:58:33 Rep. Lynch

01:58:55 Rep. Lenz

02:00:06 Rep. Gursky

02:00:42 Rep. Regier

02:00:47 Rep. Gursky

02:00:58 Rep. Regier

02:01:25 Rep. Gursky

02:01:35 Rep. Regier

02:01:39 Rep. Court

02:02:08 Rep. Doane

02:02:55 Rep. MacDonald

02:03:38 Rep. Lynch

02:04:55 Rep. MacDonald

02:05:09 Rep. Lynch

02:05:12 Rep. MacDonald

02:05:15 Rep. Pease-Lopez

02:05:41 Rep. Regier

02:06:25 Rep. Eck

02:07:54 Rep. Wagoner

02:08:40 Chairman Kerns

02:09:35 Rep. Regier

02:09:53 **Vote:** Motion carried 14-6 by roll call vote with Rep. Bennett, Rep. Blasdel, Rep. Doane, Rep. Kerns, Rep. O'Neil and Rep. Warburton voting no. Rep. Blasdel, Rep. O'Neil and Rep. Warburton voted by proxy.

02:11:09 Chairman Kerns

ADJOURNMENT

Adjournment: 02:11:38

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh27aad.pdf](#))