

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on January 18, 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. 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. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None

**Members Absent:** Rep. Ellie Boldman Hill (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 245, 1/13/2011; HB 250, 1/13/2011

Executive Action: HB 18, HB 117, HB 235

00:01:48 Chairman Peterson

**HEARING ON HB 245****Opening Statement by Sponsor:**

00:02:40 Rep. Derek Skees (R), HD 4, opened the hearing on HB 245, Provide for reduction in size of supreme court.

**Proponents' Testimony:**

00:10:06 Rick Breckenridge, State Committeeman for Lake County Republican Party

**Opponents' Testimony:**

00:11:31 Joe Sullivan, President, State Bar of Montana  
00:15:16 J. C. Weingartner, Montana Education Association-Montana Federation of Teachers  
00:16:39 Al Smith, Montana Trial Lawyers' Association  
00:18:10 Leo Berry, Helena Attorney, Browning, Kaleczyc, Berry and Hoven, Montana Judges' Association  
00:20:17 Cindy Younkin, Attorney from Bozeman  
00:21:40 Brant Light, Chief Prosecutor, Attorney General's Office (AG)  
00:22:40 Larry Epstein, Montana County Attorneys' Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:23:22 Rep. Wagner  
00:23:54 Mr. Sullivan  
00:24:10 Rep. Wagner  
00:25:25 Mr. Sullivan  
00:26:33 Rep. Kerns  
00:27:35 Mr. Sullivan  
00:27:50 Rep. Kerns  
00:28:05 Rep. Skees  
00:28:34 Rep. Harris  
00:29:52 Mr. Sullivan  
00:30:48 Rep. Harris  
00:31:14 Mr. Sullivan  
00:31:58 Rep. Harris  
00:32:11 Mr. Sullivan  
00:32:25 Rep. Regier

00:32:50 Mr. Sullivan  
00:33:20 Rep. Bangerter  
00:33:52 Mr. Sullivan  
00:34:08 Rep. Bangerter  
00:34:29 Mr. Sullivan  
00:35:07 Rep. More  
00:36:16 Mr. Sullivan  
00:37:12 Rep. More  
00:37:59 Mr. Sullivan  
00:38:30 Rep. Driscoll exited.  
00:38:39 Chairman Peterson  
00:39:08 Mr. Sullivan  
00:39:14 Chairman Peterson  
00:39:34 Rep. Skees  
00:39:58 Chairman Peterson  
00:40:05 Rep. Driscoll returned.  
00:41:16 Rep Skees  
00:41:20 Chairman Peterson  
00:41:36 Rep. Skees  
00:42:28 Chairman Peterson  
00:42:40 Rep. Skees

**Closing by Sponsor:**

00:42:53 Rep. Skees  
00:46:16 Rep. Driscoll exited.  
00:46:18 Rep. Howard exited.

**HEARING ON HB 250**

**Opening Statement by Sponsor:**

00:46:26 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 250, Repeal 46-13-109 to conform with Montana Supreme Court opinion.

**[EXHIBIT\(juh13a01\)](#)**

**Proponents' Testimony:**

00:51:38 Brent Light, Chief Prosecutor, Attorney General's Office (AG)  
00:52:54 Rep. Howard returned  
00:53:32 Larry Epstein, Montana County Attorneys' Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:55:38 Rep. Regier  
00:55:59 Rep. Menahan  
00:58:27 Rep. More  
01:58:58 Rep. Menahan  
01:01:49 Rep. Wagner  
01:02:39 Rep. Menahan  
01:03:03 Rep. Wagner  
01:03:42 Rep. Menahan  
01:04:14 Rep. Wagner  
01:04:18 Rep. Menahan  
01:04:34 Rep. Wagner  
01:04:52 Rep. Epstein  
01:05:31 Rep. Wagner  
01:05:39 Mr. Epstein  
01:05:46 Rep. Howard  
01:06:36 Rep. Menahan  
01:07:22 Rep. Howard  
01:07:27 Mr. Light  
01:08:27 Rep. More  
01:09:31 Mr. Light  
01:10:08 Rep. Read  
01:10:44 Mr. Light  
01:11:09 Chairman Peterson  
01:11:21 Mr. Light  
01:11:24 Chairman Peterson  
01:11:57 Mr. Light  
01:12:00 Chairman Peterson  
01:12:11 Mr. Light

**Closing by Sponsor:**

01:12:28 Rep. Menahan  
01:13:16 Meeting recessed until 9:30  
01:29:45 Meeting resumed with Rep. Driscoll, Rep. Hill and Rep. MacDonald not present.

**EXECUTIVE ACTION ON HB 18**

01:30:08 **Motion:** Rep. Kerns moved that **HB 18 DO PASS.**  
01:30:18 Rep. More  
01:30:53 Chairman Peterson  
01:30:57 Rep. Menahan  
01:32:13 Chairman Peterson  
01:32:18 Rep. Wagner  
01:32:24 Rep. MacDonald entered.

01:33:08 Rep. Menahan  
01:33:42 Rep. Sands  
01:34:37 Rep. Menahan  
01:35:35 Rep. Sands  
01:35:52 Rep. Harris  
01:36:26 Rep. Hansen  
01:38:07 Rep. Wagner  
01:38:45 Rep. Menahan  
01:41:05 Rep. Kerns  
01:41:36 Rep. Warburton  
01:42:46 Rep. Hansen  
01:44:39 Rep. More  
01:45:45 Rep. Wagner  
01:46:42 Rep. Hansen  
01:47:03 Rep. Menahan  
01:47:15 Rep. Sands exited.  
01:47:17 Rep. MacDonald exited.  
01:47:42 Rep. Hansen  
01:48:44 Rep. Bangerter  
01:49:46 Rep. Read  
01:52:27 Rep. Howard  
01:53:42 Rep. Menahan  
01:54:58 Rep. Wagner  
01:55:03 Rep. Sands returned.  
01:56:37 Rep. Hansen  
01:57:50 Rep. Wagner  
01:57:55 Rep. MacDonald returned.  
01:58:08 Rep. Hansen  
01:58:42 Rep. Wagner  
01:54:58 Rep. Hansen  
01:56:37 Rep. Wagner  
01:57:50 Rep. Hansen  
01:58:08 Rep. Wagner  
01:58:42 Rep. Harris  
02:01:25 Chairman Peterson

02:03:16 **Vote:** Motion carried 12-6 by roll call vote with Rep. Harris, Rep. Kerns, Rep. More, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Driscoll and Rep. Hill were not present to vote.

#### **EXECUTIVE ACTION ON HB 117**

02:03:36 **Motion:** Rep. Kerns moved that **HB 117 DO PASS.**

02:03:45 Chairman Peterson

02:04:09 **Vote:** Motion carried 18-0 by voice vote. Rep. Driscoll and Rep. Hill were not present to vote.

**EXECUTIVE ACTION ON HB 235**

02:04:46     **Motion:** Rep. Kerns moved that **HB 235 DO PASS.**

02:05:29     Rep. Wagner

02:05:45     Rep. Driscoll returned.

02:06:40     Chairman Peterson

02:07:04     **Vote:** Motion carried 19-0 by roll call vote. Rep. Hill was not present to vote.

02:08:13     Rep. Hansen

02:08:21     Chairman Peterson

**ADJOURNMENT**

02:08:37      Adjournment: 10:10

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT**([juh13aad.pdf](#))