

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on January 20, 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. 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)  
Rep. Mike Menahan (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 102, 1/18/2011; HB 112, 1/18/2011; HB 146, 1/18/2011; HB 253, 1/18/2011

Executive Action: HB 12, HB 14, HB 27, HB 67, HB 69, HB 126

00:00:42 Rep. Menahan entered.

00:01:18 Chairman Peterson

**HEARING ON HB 102****Opening Statement by Sponsor:**

00:01:40 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 102, Revise probationary driver's license provisions for DUI court participation.

**Proponents' Testimony:**

00:05:41 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)

00:06:39 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:08:30 Kris Minard, self

00:09:08 Dexter Levandoski, Compliance Monitoring Systems

00:09:35 Jane Hamman, Montana Traffic Education Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:10:32 Rep. Menahan

**HEARING ON HB 112****Opening Statement by Sponsor:**

00:10:49 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 112, Clarify liquor laws related to serving underage and intoxicated persons.

**Proponents' Testimony:**

00:14:45 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue

00:17:58 Rebecca Sturdevant, MADD

00:18:30 Kris Minard, self

00:19:08 Brian Sandrock, self

00:22:09 Jane Hamman, Montana Traffic Educators

**Opponents' Testimony:** None

**Informational Testimony:** None

00:22:40 Vicki Turner, Director, Prevention Resource Center, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

00:23:11 Rep. Wagner  
00:24:46 Rep. Furey  
00:24:51 Ms Helfert  
00:25:31 Rep. Warburton  
00:26:58 Ms Helfert  
00:27:38 Rep. Warburton  
00:27:52 Ms Helfert  
00:28:39 Chairman Peterson  
00:29:36 Ms Helfert  
00:29:43 Rep. Wagner  
00:31:09 Rep. Furey

**Closing by Sponsor:**

00:31:37 Rep. Furey  
00:33:01 Rep. Kerns assumed chairmanship.

### **HEARING ON HB 146**

**Opening Statement by Sponsor:**

00:33:21 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 146, Increasing penalties for DUI.  
00:34:36 Rep. Harris returned.

**Proponents' Testimony:**

00:46:05 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ  
00:48:41 David Carter, Yellowstone County Attorney's Office  
00:53:11 Kris Minard, self  
00:54:03 Rebecca Sturdevant, MADD  
00:55:00 Jane Hamman, Montana Traffic Educators

**Opponents' Testimony:** None

**Informational Testimony:** None

00:56:18 Colleen Ambrose, Bureau Chief, Legal Services Bureau, Department of Corrections (COR)

00:56:42 Rep. Sands entered.  
0:56:57 Randi Hood, Chief Public Defender

**Questions from Committee Members and Responses:**

00:57:12 Rep. Harris  
00:57:18 Col. Tooley  
00:58:18 Rep. Harris  
00:59:01 Col. Tooley  
00:59:55 Rep. MacDonald  
01:01:01 Chairman Peterson  
01:03:01 Rep. Howard  
01:03:43 Col. Tooley  
01:03:50 Rep. Howard  
01:04:23 Col. Tooley  
01:04:46 Rep. Howard  
01:04:55 Co. Tooley  
01:05:01 Rep. Howard  
01:05:26 Col. Tooley  
01:05:33 Rep. Hansen  
01:06:48 Chairman Peterson  
01:07:07 Rep. Pease-Lopez  
01:08:08 Chairman Peterson  
01:08:26 Rep. Sands exited.  
01:08:33 Rep. Menahan exited.  
01:08:46 Rep. Hansen exited.  
01:10:12 Rep. Pease-Lopez  
01:10:57 Col. Tooley  
01:11:48 Rep. Wagner  
01:12:41 Ms. Hood  
01:12:46 Rep. Wagner  
01:13:15 Ms Hood  
01:13:28 Rep. Warburton  
01:14:21 Mr. Carter  
01:15:26 Rep. Sands returned.  
01:16:23 Rep. Hansen returned.  
01:16:41 Rep. Harris  
01:18:49 Rep. Menahan returned.  
01:19:16 Col. Tooley  
01:21:05 Rep. MacDonald  
01:22:11 Ms Ambrose  
01:22:49 Lena Havron, Budget Analyst for Secure Care, COR  
01:23:48 Rep. MacDonald  
01:24:23 Ms Havron  
01:24:58 Rep. Menahan exited.

**Closing by Sponsor:**

01:25:41 Chairman Peterson

**HEARING ON HB 253**

**Opening Statement by Sponsor:**

01:31:15 Rep. Gordon Hendrick (R), HD 14, opened the hearing on HB 253, Provide for recovery of costs for DUI conviction.

01:31:40 Chairman Peterson exited.

01:33:49 Chairman Peterson returned.

**Proponents' Testimony:**

01:34:32 David Carter, Yellowstone County Attorney's Office

01:35:03 Rebecca Sturdevant, MADD

**Opponents' Testimony:** None

**Informational Testimony:** None

01:35:36 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ

**Questions from Committee Members and Responses:**

01:36:01 Rep. Sands  
01:37:03 Rep. Hendrick  
01:37:45 Rep. Howard returned.  
01:38:01 Rep. Sands  
01:38:40 Rep. Hendrick  
01:39:05 Rep. Sands  
01:39:43 Rep. Hendrick  
01:40:12 Rep. Warburton  
01:40:18 Rep. Regier  
01:41:03 Rep. Hendrick  
01:41:12 Rep. Regier  
01:41:16 Rep. Hendrick  
01:41:51 Rep. Regier  
01:42:15 Rep. Hendrick  
01:42:20 Rep More  
01:42:58 Rep. Hendrick  
01:43:12 Rep. More  
01:43:35 Rep. Hendrick  
01:44:43 Rep. Wagner  
01:45:31 Rep. Hendrick

**Closing by Sponsor:**

01:45:53 Rep. Hendrick  
01:46:43 Chairman Peterson  
01:47:23 Meeting recessed until 10:05  
02:00:41 Meeting resumed with Rep. O'Hara, Rep. Howard not present.

**EXECUTIVE ACTION ON HB 12**

02:01:53 **Motion:** Rep. Kerns moved that **HB 12 DO PASS.**

02:03:23 Rep. Skattum exited.

**Discussion:**

02:02:23 Rep. Menahan  
02:03:00 Rep. O'Hara arrived.  
02:03:08 Rep. Kerns  
02:03:32 Rep. Bangerter  
02:03:46 Chairman Peterson  
02:04:14 Rep. Hansen  
02:05:27 Rep. MacDonald  
02:06:31 Rep. Skattum returned.  
02:06:46 Rep. Pease-Lopez  
02:07:44 Rep. Regier  
02:08:42 Chairman Peterson  
  
02:09:18 **Vote:** Motion carried 19-1 by roll call vote with Rep. Kerns voting no. Rep. Howard voted by proxy.  
  
02:10:44 Rep. Howard returned.

**EXECUTIVE ACTION ON HB 14**

02:10:55 **Motion:** Rep. Menahan moved that **HB 14 DO PASS.**

**Discussion:**

02:11:11 Vice Chairman Kerns  
02:11:46 Rep. Menahan  
02:12:32 Rep. Wagner  
02:12:51 Rep. Menahan  
02:13:08 Mr. Niss  
02:15:36 Rep. Wagner  
02:16:34 Rep. Menahan  
02:18:06 Rep. Hansen  
02:18:35 Rep. More  
02:19:26 Rep. Menahan  
02:19:59 Rep. Wagner  
02:20:26 Rep. Menahan

02:20:50 **Vote:** Motion carried 15-5 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no.

#### **EXECUTIVE ACTION ON HB 27**

02:22:40 **Motion:** Rep. Kerns moved that **HB 27 DO PASS.**

#### **Discussion:**

02:22:46 Rep. More  
02:23:48 Rep. Sands  
02:24:19 Chairman Peterson  
02:24:49 Rep. Wagner  
02:25:33 Rep. Regier  
02:26:03 Rep. Harris  
02:27:13 Chairman Peterson

02:29:05 **Vote:** Motion failed 5-15 by roll call vote with Rep. Bangerter, Rep. Howard, Rep. O'Hara, Rep. Peterson and Rep. Regier voting aye.

02:29:11 **Motion/Vote:** Rep. Kerns moved that **HB 27 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

#### **EXECUTIVE ACTION ON HB 67**

02:29:37 **Motion:** Rep. Menahan moved that **HB 67 DO PASS.**

02:29:46 Rep. Menahan asked to segregate Paragraph 1 from Paragraphs 2 and 3 of the amendment.

#### **EXHIBIT(juh15a01)**

02:31:12 Chairman Peterson

02:33:18 **Motion:** Rep. Menahan moved that **HB 67 BE AMENDED BY ADOPTING ONLY THE FIRST PARAGRAPH OF THE AMENDMENT.**

#### **Discussion:**

02:34:01 Rep. Regier  
02:34:12 Chairman Peterson

02:34:25 **Vote:** Motion carried unanimously by voice vote.

02:34:42 **Motion:** Rep. Hansen moved that **HB 67 BE AMENDED BY ADOPTING PARAGRAPHS 2 AND 3 OF THE AMENDMENT.**

**Discussion:**

02:35:10 Rep. Hansen  
02:37:20 Chairman Peterson  
02:37:37 Rep. Menahan  
02:39:00 Rep. Bangerter  
02:40:09 Rep. Howard  
02:40:50 Rep. Warburton  
02:41:48 Rep. Menahan  
02:43:11 Rep. Wagner  
02:44:16 Rep. Hansen  
02:44:57 Rep. Harris

02:46:03 **Vote:** Motion carried 19-1 by voice vote with Rep. Menahan voting no.

02:46:22 **Motion:** Rep. Menahan moved that **HB 67 DO PASS AS AMENDED.**

**Discussion:**

02:46:43 Rep. Hansen  
02:48:19 Rep. Menahan  
02:48:50 Chairman Peterson  
02:49:21 Rep. Hansen  
02:49:26 Rep. Menahan  
02:49:49 Rep. Hansen  
02:50:20 Chairman Peterson

02:50:26 **Motion:** Rep. Hansen moved that **HB 67 BE AMENDED TO CHANGE THE ASSESSMENT DEADLINE TO 60 DAYS.**

**Discussion:**

02:50:54 Rep. Menahan  
02:51:18 Rep. Howard  
02:51:54 Rep. Menahan

02:52:03 **Substitute Motion/Vote:** Rep. Menahan made a substitute motion that **HB 67 BE POSTPONED FOR THE DAY TO ALLOW FURTHER DISCUSSION.**  
Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 69**

02:53:22 **Motion:** Rep. Menahan moved that **HB 69 DO PASS.**

**Discussion:**

02:53:59 Rep. More  
02:55:14 Rep. Howard  
02:55:41 Vice Chairman Kerns

02:55:56 Rep. Menahan  
02:57:21 Rep. Warburton  
02:58:27 Rep. Menahan  
02:59:50 Rep. MacDonald  
03:00:17 Rep. Menahan  
03:00:41 Rep. Hill  
03:01:02 Rep. Hansen  
  
03:04:23 **Vote:** Motion carried 15-5 by roll call vote with Rep. Kerns, Rep. More, Rep. Pease-Lopez, Rep. Wagner and Rep. Warburton voting no.

**EXECUTIVE ACTION ON HB 126**

03:05:44 **Motion:** Rep. Hansen moved that **HB 126 DO PASS.**  
  
03:06:04 **Motion:** Rep. Hansen moved that **HB 126 BE AMENDED.**  
**EXHIBIT(juh15a02)**

**Discussion:**

03:06:29 Rep. Sands  
03:07:05 Rep. Hansen  
03:09:37 Chairman Peterson  
  
03:09:54 **Vote:** Motion carried unanimously by voice vote.  
  
03:10:19 **Motion:** Rep. Hansen moved that **HB 126 DO PASS AS AMENDED.**  
  
03:10:28 Rep. More  
03:10:54 Rep. Sands  
03:11:10 Mr. Niss  
  
03:11:36 **Vote:** Motion carried 19-1 by roll call vote with Rep. Pease-Lopez voting no.

**ADJOURNMENT**

03:13:09      Adjournment: 11:20 am

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh15aad.pdf](#))**