

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on January 25, 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. Ellie Boldman Hill (D)
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: 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:

Executive Action: HB 33, HB 67, HB 106, HB 109, HB 253, HB 95

EXECUTIVE ACTION ON HB 33

00:01:51 Mr. Niss, Legislative Services Division (LSD)

00:02:15 **Motion:** Rep. Kerns moved that **HB 33 DO PASS.**

00:03:25 **Motion:** Rep. Menahan moved that **HB 33 BE AMENDED.**
EXHIBIT(juh19a01)

Discussion:

00:05:43 Chairman Peterson
00:05:49 Mr. Niss
00:06:05 Rep. Menahan
00:06:10 Rep. Skattum
00:06:31 Rep. More

00:06:54 **Substitute Motion:** Rep. Bangerter made a substitute motion that **HB 33 BE AMENDED.**
EXHIBIT(juh19a02)

Discussion:

00:07:50 Chairman Peterson
00:09:22 Rep. Menahan
00:10:52 Chairman Peterson
00:11:01 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)
00:12:30 Rep. Sands
00:13:13 Chairman Peterson
00:13:19 Rep. Sands
00:14:24 Chairman Peterson
00:14:34 Rep. Hansen
00:16:09 Rep. Bangerter withdrew her substitute motion.
00:16:26 Chairman Peterson
00:16:31 Rep. Howard
00:16:57 Rep. Kerns

00:17:20 **Vote:** Motion carried 15-5 by roll call vote with Rep. Driscoll, Rep. Hansen, Rep. MacDonald, Rep. Sands and Rep. Wagner voting no.

00:19:53 **Motion:** Rep. Kerns moved that **HB 33 BE AMENDED.**
EXHIBIT(juh19a03)

Discussion:

00:20:19 Chairman Peterson
00:20:48 Rep. Driscoll
00:20:54 Mr. Niss

00:24:35 Rep. Sands
00:25:47 Rep. O'Hara
00:26:25 Rep. Warburton
00:26:47 Chairman Peterson
00:26:51 Rep. Loney
00:27:22 Chairman Peterson
00:27:28 Rep. Hansen
00:27:42 Rep. Menahan
00:28:24 Chairman Peterson

00:29:03 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hansen, Rep. Hill, Rep. MacDonald, Rep. Pease-Lopez, Rep. Sands and Rep. Wagner voting no.

00:30:03 **Motion:** Rep. Kerns moved that **HB 33 DO PASS AS AMENDED.**

Discussion:

00:30:47 Rep. Kerns
00:30:53 Rep. O'Hara
00:31:22 Rep. Wagner
00:33:15 Rep. Harris
00:34:31 Rep. Hill
00:34:56 Rep. Menahan
00:36:41 Chairman Peterson

00:38:09 **Vote:** Motion failed 8-12 by roll call vote with Rep. Harris, Rep. Howard, Rep. Loney, Rep. More, Rep. O'Hara, Rep. Peterson, Rep. Read and Rep. Regier voting aye.

00:39:31 **Motion/Vote:** Rep. Kerns moved that **HB 33 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 67

00:40:04 **Motion:** Rep. Menahan moved that **EXECUTIVE ACTION ON HB 67 BE POSTPONED** pending study of a new amendment.
EXHIBIT(juh19a04)

00:41:01 Mr. Niss

EXECUTIVE ACTION ON HB 106

00:41:55 **Motion:** Rep. Menahan moved that **HB 106 DO PASS.**

00:42:11 Mr. Niss

00:42:29 **Motion:** Rep. Warburton moved that **HB 106 BE AMENDED.**
EXHIBIT(juh19a05)

Discussion:

00:43:44 Rep. Menahan
00:44:37 Rep. Hansen
00:45:07 Rep. Warburton requested that **HB 106 BE POSTPONED** for the day pending drafting of a new amendment.
00:46:22 Rep. Menahan
00:46:32 Rep. Chairman
00:46:50 Discussion was suspended while Mr. Niss drafted a new amendment.

EXECUTIVE ACTION ON HB 109

00:47:42 **Motion/Vote:** Rep. MacDonald moved that **HB 109 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 106 (Continued)

00:50:03 Rep. Warburton withdrew her previous motion to amend, see Exhibit 5.

00:50:58: **Motion:** Rep. Warburton moved that **HB 106 BE AMENDED**.
[EXHIBIT\(juh19a06\)](#)

Discussion:

00:51:14 Rep. Pease-Lopez
00:51:22 Rep. Menahan

00:52:41 **Vote:** Motion carried unanimously by voice vote.

00:53:02 **Motion:** Rep. Kerns moved that **HB 106 DO PASS AS AMENDED**.

Discussion:

00:53:32 Chairman Peterson
00:53:47 Rep. Kerns
00:54:41 Chairman Peterson
00:55:14 Rep. Harris
00:55:54 Rep. Sands
00:56:08 Rep. Menahan
00:56:59 Chairman Peterson
00:57:11 Rep. Regier
00:58:02 Rep. O'Hara

00:58:31 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 253

01:00:06 **Motion:** Rep. Kerns moved that **HB 253 DO PASS.**

01:00:20 **Motion:** Rep. More moved that **EXECUTIVE ACTION ON HB 253 BE POSTPONED** until next week to allow time to draft an amendment.

Discussion:

01:00:43 Rep. Sands
01:01:00 Chairman Peterson
01:01:24 Rep. Skattum
01:02:20 Without objection, executive action was postponed.
01:02:51 Chairman Peterson
01:03:04 Meeting recessed until 9:15.
01:02:55 Meeting reconvened.
01:13:56 Chairman Peterson

EXECUTIVE ACTION ON HB 95

01:15:42 **Motion:** Rep. Harris moved to **RECONSIDER HB 95.**

Discussion:

01:15:51 Rep. More
01:16:16 Rep. Menahan
01:16:42 Rep. Driscoll

01:16:55 **Vote:** Motion carried 18-2 by voice vote with Rep. Kerns and Rep. Warburton voting no.

01:17:02 Chairman Peterson announced that HB 95 will be reconsidered at the next committee meeting, January 26.

ADJOURNMENT

01:18:47 Adjournment: 9:19 am

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh19aad.pdf](#))