

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on February 1, 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. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Mike Menahan (D)  
Rep. Michael (Mike) More (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. David Howard (R)

**Members Absent:** Rep. Jesse O'Hara (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:**

Bills Heard: None  
Executive Action: HB 102, HB 253, HB 292

**EXECUTIVE ACTION ON HB 102**

00:02:33 **Motion:** Rep. Menahan moved that **HB 102 DO PASS.**

**Discussion:**

00:04:03 Rep. O'Hara arrived.  
00:06:22 Vice Chairman Kerns  
00:06:36 Rep. Menahan  
00:07:39 Rep. Hansen  
00:08:16 Rep. Menahan  
00:09:34 Rep. Hansen  
00:09:40 Rep. Menahan  
00:09:44 Rep. Hansen  
00:09:48 Mr. Niss  
00:09:52 Rep. Hansen  
00:10:49 Mr. Niss  
00:10:56 Rep. Hill exited.  
00:11:05 Rep. Hansen  
00:11:09 Rep. Wagner  
00:11:13 Rep. Hill returned.  
00:11:23 Rep. Hansen  
00:11:29 Rep. Wagner  
00:11:53 Rep. Hansen  
00:12:48 Rep. Wagner  
00:12:54 Rep. Menahan  
00:14:50 Rep. Hansen  
00:15:10 Mr. Niss  
00:17:01 Rep. Hansen

00:17:16 **Motion:** Rep. Wagner moved that **HB 102 BE POSTPONED TO ALLOW FURTHER DISCUSSION.**

00:17:41 Chairman Peterson announced that the **MOTION PASSED WITHOUT OBJECTION.**

00:18:10 Chairman Peterson  
00:18:22 Rep. More

**EXECUTIVE ACTION ON HB 253**

00:18:52 **Motion:** Rep. Kerns moved that **HB 253 DO PASS.**

**Discussion:**

00:19:36 Rep. Regier  
00:20:01 Rep. Driscoll  
00:20:25 Rep. Skattum  
00:20:41 Rep. Harris  
00:21:17 Rep. Hansen  
00:22:12 Rep. Wagner

00:22:33 Rep. Sands

00:23:33 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion that **HB 253 BE TABLED AND THE VOTE REVERSED.** Substitute Motion carried 17-3 by roll call vote with Rep. Regier, Rep. Wagner and Rep. Warburton voting no. Rep. Howard voted by proxy.

### **EXECUTIVE ACTION ON HB 292**

00:24:27 **Motion:** Rep. Kerns moved that **HB 292 DO PASS.**

#### **Discussion:**

00:24:44 Rep. MacDonald  
00:27:01 Rep. Driscoll  
00:27:41 Rep. Warburton  
00:28:40 Rep. Harris  
00:29:55 Rep. Hill  
00:30:54 Rep. Regier  
00:31:27 Rep. Menahan  
00:32:06 Chairman Peterson

00:32:45 **Vote:** Motion carried 14-6 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting no. Rep. Howard voted by proxy.

#### **Discussion:**

00:34:15 Chairman Peterson  
00:34:51 Rep. Sands  
00:35:06 Chairman Peterson  
00:35:27 Rep. Hansen  
00:35:31 Chairman Peterson  
00:35:35 Rep. Sands  
00:35:40 Chairman Peterson  
00:36:19 Rep. Menahan  
00:36:32 Chairman Peterson  
00:36:41 Rep Menahan  
00:40:33 Chairman Peterson

00:40:43 **Motion:** Rep. Sands moved that **A COMMITTEE BILL BE DRAFTED IN RESPONSE TO A SUPREME COURT REQUEST FOR CLARIFICATION OF INTENT RELATIVE TO 46-18-203, MONTANA CODE ANNOTATED.**

**EXHIBIT(juh25a01)**

00:41:03 Chairman Peterson  
00:41:33 Rep. Hansen  
00:42:21 Rep. Wagner

00:42:49 Rep. Menahan

00:43:21 Rep. Wagner

00:43:50 Rep. Menahan

00:43:54 Rep. Wagner

00:44:47 Rep. Menahan

00:44:50 Rep. Wagner

00:45:03 Rep. Menahan

00:45:11 **Vote:** Motion carried 19-1 by roll call vote with Rep. More voting no. Rep. Howard voted by proxy.

00:46:40 Chairman Peterson appointed Representatives Menahan, Hansen, and Bangerter to draft a bill.

**ADJOURNMENT**

00:48:34      Adjournment: 8:51 am

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh25aad.pdf](#))**