

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 10, 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. Bill Harris (R)
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: None

Members Absent: Rep. Kris Hansen (R)
Rep. Ellie Boldman Hill (D)
Rep. Mike Menahan (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: SB 19, 2/4/2011; SB 21, 2/4/2011; SB 36, 2/7/2011;
SB 41, 2/4/2011; SB 67, 2/4/2011

Executive Action: HB 203; SB 19; SB 2; SB 41

00:01:42 Rep. Wagner exited.
00:01:48 Rep Sands exited.
00:19:04 Rep. Menahan arrived.

HEARING ON SB 36**Opening Statement by Sponsor:**

00:03:31 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 36, Revise court costs and attorney fees in water cases.

Proponents' Testimony:

00:03:34 Rep. Hansen arrived.
00:03:48 Krista Lee Evans, Association of Gallatin Agricultural Irrigators, Senior Water Rights Coalition
00:06:23 Don MacIntyre, attorney, Mountain Water Company, Missoula and self
00:16:54 Rep. Skattum exited.
00:09:59 Candace West, Chief Counsel, Department of Natural Resources and Conservation
00:10:26 Rep. Howard exited.
00:11:17 Mike Murphy, Montana Water Resources Association

Opponents' Testimony:

00:12:47 Brenda Lindlief-Hall, Tongue River Water Users' Association
EXHIBIT(juh33a01)
00:18:20 Delight Gollaher, self

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:24 Rep. Driscoll
00:24:52 Ms. Lindlief-Hall
00:25:02 Rep. Driscoll
00:26:03 Rep. Loney
00:26:08 Sen. Hamlett
00:26:28 Rep. Wagner returned.
00:27:53 Rep. Harris
00:28:25 Ms Gollaher
00:29:05 Rep. Harris
00:29:30 Ms Gollaher
00:30:36 Rep. Harris
00:31:41 Sen Hamlett
00:32:21 Rep. Harris
00:32:41 Chairman Peterson
00:32:51 Rep. Harris

00:33:09 Ms Lindlief-Hall
00:33:17 Rep. Harris
00:33:20 Ms Lindlief-Hall
00:34:12 Rep. Harris
00:35:04 Ms Lindlief-Hall
00:35:35 Rep. Skattum
00:35:51 Ms Lindlief-Hall
00:36:30 Rep. Skattum
00:36:57 Ms Gollaher
00:37:03 Rep. Skattum
00:37:09 Ms Gollaher
00:37:21 Rep. Skattum
00:37:39 Ms Gollaher
00:38:47 Rep. Skattum
00:39:19 Ms Gollaher
00:39:58 Rep. Warburton
00:40:54 Ms Evans
00:44:09 Rep. Warburton
00:44:26 Ms Evans
00:45:03 Rep. More
00:45:47 Ms Evans
00:46:20 Rep. More
00:46:37 Ms Evans
00:47:12 Rep. Wagner
00:47:35 Ms Evans
00:47:49 Rep. MacDonald exited.
00:48:03 Rep. Wagner
00:48:17 Ms Evans
00:48:33 Rep. MacDonald returned.
00:48:45 Rep. Wagner
00:48:54 Rep. Read exited.
00:49:11 Mr. MacIntyre
00:50:32 Rep. Loney
00:51:13 Ms Evans
00:51:18 Rep. Menahan exited.
00:51:43 Rep. Loney
00:51:58 Ms Evans
00:52:22 Rep. Skattum
00:52:55 Sen. Hamlett
00:53:45 Rep. Wagner
00:54:13 Rep. Howard exited.
00:54:50 Mr. MacIntyre
00:56:28 Rep. Read returned.
00:56:43 Rep. Wagner
00:57:01 Mr. MacIntyre
00:57:16 Rep. MacDonald
00:57:25 Rep. Sands returned.
00:58:08 Ms Lindlief-Hall
00:58:26 Rep. More
00:58:37 Ms Gollaher

01:00:13 Chairman Peterson
01:00:43 Mr. MacIntyre
01:00:52 Chairman Peterson
01:01:13 Mr. MacIntyre
01:01:21 Chairman Peterson
01:01:27 Mr. MacIntyre
01:01:56 Chairman Peterson
01:02:56 Mr. MacIntyre
01:03:01 Chairman Peterson
01:03:49 Mr. MacIntyre
01:05:15 Chairman Peterson
01:06:02 Mr. MacIntyre
01:06:07 Chairman Peterson
01:07:06 Mr. MacIntyre
01:08:28 Chairman Peterson
01:08:35 Rep. Skattum
01:08:40 Rep. O'Hara exited.
01:09:03 Ms Gollaher
01:09:21 Rep. Wagner exited.
01:09:32 Rep. Skattum
01:09:58 Ms Lindlief-Hall
01:10:10 Rep. Howard returned.
01:10:43 Rep. Pease-Lopez exited.
01:11:03 Rep. Skattum
01:11:09 Rep. O'Hara returned.
01:11:16 Ms Lindlief-Hall
01:11:22 Rep. Menahan returned.
01:11:59 Rep. Skattum
01:12:28 Mr. MacIntyre
01:13:54 Rep. Harris
01:14:02 Rep. Wagner returned.
01:15:09 Ms Lindlief-Hall
01:15:16 Rep. Harris
01:15:50 Ms Lindlief-Hall
01:16:05 Rep. Harris
01:16:35 Mr. MacIntyre
01:17:34 Rep. Harris
01:18:12 Rep. More exited.
01:18:22 Ms West
01:19:01 Rep. Pease-Lopez returned.
01:19:39 Rep. More returned.
01:19:55 Chairman Peterson
01:22:53 Sen. Hamlett
01:22:59 Chairman Peterson

Closing by Sponsor:

01:23:05 Sen. Hamlett

01:25:02 Chairman Peterson
01:25:11 Rep. Sands exited.

EXECUTIVE ACTION ON HB 203

01:25:50 **Motion:** Rep. Kerns moved that **HB 203 DO PASS.**

Discussion:

01:26:43 Rep. Menahan
01:26:59 Rep. Sands returned.
01:28:43 Rep. Kerns
01:29:10 Rep. Howard
01:29:53 Rep. Harris
01:30:19 Rep. Wagner
01:32:40 Rep. Menahan
01:34:34 Rep. Wagner
01:36:39 Rep. Harris
01:37:35 Rep. O'Hara
01:38:40 Rep. Wagner
01:38:50 Rep. Skattum
01:39:36 Rep. MacDonald exited
01:39:51 Rep. Warburton
01:40:33 Rep. Menahan
01:41:05 Rep. MacDonald returned.
01:41:21 Rep. Warburton
01:42:52 Rep. Menahan
01:43:33 Rep. More
01:44:39 Rep. Menahan
01:45:39 Chairman Peterson
01:47:01 Rep. Menahan
01:49:01 Chairman Peterson
01:49:14 Rep. Menahan
01:49:20 Rep. Howard
01:50:04 Rep. Menahan

01:52:29 **Vote:** Motion carried 16-4 by roll call vote with Rep. Kerns, Rep. Peterson, Rep. Skattum and Rep. Wagner voting no. Rep. Hill voted by proxy.

01:52:32 Meeting recessed for 15 minutes.
02:07:16 Meeting resumed with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. Menahan, Rep. More, Rep. Regier, and Rep. Sands absent.
02:07:23 Vice Chairman Kerns assumed the chair.

HEARING ON SB 19

Opening Statement by Sponsor:

02:07:43 Rep. K. Peterson opened the hearing on SB 19, Provide for filing of affidavits of death in non-probate real property transfers.

02:09:23 Rep. Regier returned.
02:09:40 Rep. Driscoll returned.

02:11:06 Rep. Bangerter returned.
02:11:14 Rep. Menahan returned.
02:11:19 Sen. Shockley arrived.

Proponents' Testimony:

02:11:17 Linda Stahl, County Clerks and Recorders
02:12:47 Larry Epstein, Private Practice, Cut Bank
02:14:47 Rep. Sands returned.
02:15:35 Sen. Shockley

Opponents' Testimony: None

Informational Testimony: none

Questions from Committee Members and Responses:

02:16:32 Rep. Wagner
02:17:24 Sen. Shockley
02:18:29 Rep. Loney
02:19:01 Sen. Shockley
02:19:32 Rep. Warburton
02:20:18 Rep. More returned.

Closing by Sponsor:

02:20:55 Rep. Peterson

HEARING ON SB 21

Opening Statement by Sponsor:

02:21:24 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 21, Court dismissal of case with no action.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:25:13 Sen Shockley

HEARING ON SB 41

Opening Statement by Sponsor:

02:25:32 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 41, Allow cities to establish courts of record.

Proponents' Testimony:

02:29:49 Mary Phippen, Montana Magistrates Association
02:30:23 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)
02:31:03 Mark Murphy, Montana Chiefs of Police Association, Montana Police Protective Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:33:36 Rep. Sands
02:33:56 Sen. Shockley
02:35:30 Rep. Wagner
02:36:02 Sen. Shockley
02:37:40 Rep. Wagner
02:37:58 Sen. Shockley
02:38:16 Rep. Wagner
02:39:02 Sen. Shockley

Closing by Sponsor:

02:46:19 Sen. Shockley

HEARING ON SB 67**Opening Statement by Sponsor:**

02:42:57 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 67, Temporarily suspend juvenile delinquency intervention program annual evaluation.

Proponents' Testimony:

02:46:20 Lois Menzies, Court Administrator, Supreme Court
02:46:51 Rep. Regier exited.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:47:54 Rep. More
02:48:09 Sen. Shockley
02:49:04 Rep. MacDonald
02:49:26 Ms Menzies
02:50:36 Rep. MacDonald
02:50:48 Ms Menzies
02:51:03 Rep. MacDonald
02:51:23 Ms Menzies

Closing by Sponsor:

02:51:49 Sen. Shockley

02:53:07 Chairman Peterson
02:54:11 Rep. Sands
02:54:20 Chairman Peterson
02:54:32 Rep. Warburton
02:54:37 Chairman Peterson
02:54:46 Rep. Hansen
02:55:05 Rep. Wagner
02:55:15 Chairman Peterson
02:55:36 Rep. Wagner
02:56:03 Rep. Hansen

EXECUTIVE ACTION ON SB 19

02:56:52 **Motion:** Rep. Kerns moved that **SB 19 BE CONCURRED IN.**

02:57:49 **Motion/Vote:** Rep. Kerns moved that **SB 19 BE AMENDED.** Motion carried 19-0 by voice vote. Rep. Hill was not present.

EXHIBIT(juh33a02)

02:57:58 **Motion:** Rep. Kerns moved that **HB 19 BE CONCURRED IN AS AMENDED.**

Discussion:

02:58:02 Rep. Skattum
02:58:07 Chairman Peterson
02:58:11 Rep. Skattum
02:58:24 Vice Chairman Kerns
02:58:41 Chairman Peterson
02:59:02 Mr. Niss
03:00:08 Chairman Peterson

03:00:24 **Vote:** Motion carried 19-0 by voice vote. Rep. Peterson will carry the bill. Rep. Hill was not present to vote.

03:00:42 **Motion:** Rep. Kerns moved that **SB 19 BE PLACED ON THE CONSENT CALENDAR.**

03:00:51 Rep. Menahan
03:01:50 Rep. More
03:02:31 Rep. Regier
03:03:02 Rep. Skattum
03:03:17 SB 19 will not go to the consent calendar because four committee members objected.

EXECUTIVE ACTION ON SB 21

03:03:54 **Motion:** Rep. Kerns moved that **SB 21 BE CONCURRED IN.**

Discussion:

03:04:09 Chairman Peterson

03:04:56 Rep. Menahan

03:05:25 Chairman Peterson

03:06:14 **Vote:** Motion carried 19-0 by voice vote. Rep. Bangerter will carry the bill.
Rep. Hill was not present for the vote.

EXECUTIVE ACTION ON SB 41

03:06:44 **Motion:** Rep. Kerns moved that **SB 41 BE CONCURRED IN.**

03:07:00 **Substitute Motion:** Rep. Wagner made a substitute motion that **SB 41 BE POSTPONED.**

03:07:15 Without objection, executive action was delayed.

03:07:37 Rep. Hansen

03:08:01 Chairman Peterson

ADJOURNMENT

03:08:09 Adjournment:

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT([juh33aad.pdf](#))