

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 14, 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. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Mike Menahan (D)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Dan Skattum (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Diane Sands, Vice Chairman (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Michael (Mike) More (R)
Rep. Bob Wagner (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:

Hearing & Date Posted: HB 600, 3/8/2011; SB 324, 3/8/2011

Executive Action: SB 149, SB 151, SB 238, SB 268, SB 337

00:01:25 Rep. Hill arrived.
00:03:26 Vice Chairwoman Sands arrived.

EXECUTIVE ACTION ON SB 149

00:04:04 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN.**

00:04:28 **Motion:** Rep. Warburton moved that **SB 149 BE AMENDED.**
EXHIBIT(juh57a01)

Discussion:

00:06:32 Rep. More arrived.

00:06:47 **Vote:** Motion carried 18-0 by voice vote. Rep. Wagner voted by proxy.
Rep. Hansen was absent and did not vote.

00:06:56 **Motion:** Rep. Regier moved that **SB 149 BE AMENDED.**
EXHIBIT(juh57a02)

Discussion:

00:08:04 Rep. Sands
00:08:30 Chairman Peterson
00:08:41 Rep. Menahan
00:09:32 Rep. Warburton
00:09:59 Rep. Regier
00:10:18 Rep. Howard
00:10:47 Rep. Regier
00:11:06 Rep. Howard
00:11:10 Rep. Regier
00:11:13 Rep. Driscoll
00:11:26 Rep. Hansen arrived.
00:11:34 Rep. Bangerter

00:12:15 **Vote:** Motion carried 18-1 by voice vote with Rep. Warburton voting no. Rep.
Wagner voted by proxy and Rep. Harris was absent and did not vote.

00:12:30 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN AS AMENDED.**

Discussion:

00:12:52 Rep. Sands
00:14:17 Rep. Menahan
00:14:44 Rep. Harris arrived.

00:14:53 **Substitute Motion:** Rep. Harris made a substitute motion that **SB 149 BE**
AMENDED.

EXHIBIT(juh57a03)

00:15:45 **Motion:** Rep. Sands moved that **PARAGRAPH 1 BE SEGREGATED FROM PARAGRAPH 2 OF THE AMENDMENT.**

Discussion:

00:16:29 Rep. Harris
00:17:36 Mr. Niss
00:18:30 Rep. Sands
00:18:39 Rep. Menahan
00:22:09 Chairman Peterson rescinded the motion to segregate.
00:22:21 Rep. Harris
00:22:45 Rep. MacDonald
00:24:55 Vice Chairman Kerns

00:26:01 **Vote:** Motion carried 19-1 by voice vote with Rep. More voting no. Rep. Wagner voted by proxy.

00:26:28 **Motion:** Rep. Kerns moved that **SB 149 BE CONCURRED IN AS AMENDED.**

Discussion:

00:26:55 Chairman Peterson
00:28:13 Rep. Bangerter
00:29:20 Vice Chairwoman Sands
00:30:08 Rep. Menahan
00:31:56 Rep. Kerns
00:32:35 Rep. Harris
00:33:30 Chairman Peterson
00:33:47 Rep. Kerns
00:34:14 Rep. Menahan
00:35:44 Rep. More
00:37:42 Rep. Menahan
00:38:09 Rep. Hansen
00:38:17 Rep. Howard
00:39:44 Rep. O'Hara
00:40:05 Rep. Menahan
00:42:19 Rep. Skattum
00:42:37 Rep. More
00:43:09 Rep. Kerns
00:43:28 Rep. Pease-Lopez
00:44:28 Chairman Peterson
00:44:40 Mr. Niss
00:46:06 Chairman Peterson
00:46:43 Rep. Bangerter
00:47:16 Rep. Regier
00:48:04 Rep. Harris
00:48:54 Rep. More

00:50:47 **Vote:** Motion carried 14-6 by roll call vote with Rep. Hansen, Rep. Kerns, Rep. More, Rep. Peterson, Rep. Skattum and Rep. Wagner voting no. Rep. Wagner voted by proxy. Rep. Harris will carry the bill.

00:50:55 Meeting recessed until 9:00
01:01:15 Meeting resumed. Rep. Wagner was not present.

HEARING ON SB 324

Opening Statement by Sponsor:

01:01:03 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 324, Revise consumer protection laws and settlement proceeds.

[EXHIBIT\(juh57a04\)](#)

[EXHIBIT\(juh57a05\)](#)

[EXHIBIT\(juh57a06\)](#)

[EXHIBIT\(juh57a07\)](#)

[EXHIBIT\(juh57a08\)](#)

[EXHIBIT\(juh57a09\)](#)

Proponents' Testimony: None

Opponents' Testimony:

01:12:37 Ali Bovingdon, Office of Computer Protection, Attorney General's Office (AG)

[EXHIBIT\(juh57a10\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:22:02 Rep. Harris
01:22:39 Ms Bovingdon, AG
01:23:49 Rep. Harris
01:23:54 Ms Bovingdon
01:24:11 Rep. Hill
01:25:21 Ms Bovingdon
01:26:15 Rep. Hill
01:26:41 Ms Bovingdon
01:26:57 Rep. Bangerter
01:27:18 Ms Bovingdon
01:28:03 Chairman Peterson
01:28:32 Ms Bovingdon
01:28:50 Chairman Peterson
01:29:19 Ms Bovingdon
01:29:36 Rep. Pease-Lopez
01:30:33 Sen. Balyeat
01:30:48 Rep. Pease-Lopez
01:31:07 Sen. Balyeat
01:32:36 Rep. Pease-Lopez
01:33:01 Sen. Balyeat
01:34:26 Rep. Hansen
01:34:51 Rep. Howard exited.
01:35:17 Ms Bovingdon
01:36:21 Rep. MacDonald
01:37:12 Rep. Hansen exited.

01:37:19 Ms Bovingdon
01:38:24 Rep. MacDonald
01:38:41 Ms Bovingdon
01:39:09 Rep. Harris
01:39:45 Ms Bovingdon
01:40:12 Rep. Hansen returned.
01:40:28 Chairman Peterson
01:41:01 Ms Bovingdon
01:41:29 Chairman Peterson

Closing by Sponsor:

01:42:01 Sen. Balyeat

01:47:29 Rep. Howard returned.

HEARING ON HB 600

Opening Statement by Sponsor:

01:49:42 Rep. Ron Ehli (R), HD 88, opened the hearing on HB 600, Revise criminal laws re: endangering children with schedule 1 drugs.

Proponents' Testimony:

01:52:41 Mark Long, Executive Director, Narcotics Officers Association and Alliance for Drug Endangered Children
01:57:05 Rep. MacDonald and Rep. Menahan exited.
01:58:04 Rep. MacDonald and Rep. Menahan returned.
02:00:18 Rep. Read exited.
02:01:16 Ali Bovingdon, AG

Opponents' Testimony:

02:02:25 Joe Hoefflich, medical cannabis patient
02:04:46 Rep. Howard exited
02:04:52 Rep. More exited.
02:07:02 Rep. Read returned.
02:08:02 Barb Trego, self
02:10:19 Tom Daubert, Patients and Families United

EXHIBIT(juh57a11)

02:12:00 Rep. More returned.
02:15:27 Rep. Howard returned.
02:17:27 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)
02:18:17 Rep. O'Hara exited.
02:19:05 Rep. Menahan exited.

Informational Testimony: None

Questions from Committee Members and Responses:

02:19:24 Rep. Hill
02:21:30 Mr. Daubert
02:23:06 Rep. Bangerter
02:24:34 Ms Bovingdon, AG

02:24:51 Rep. Bangerter
02:25:06 Ms Bovingdon
02:25:17 Vice Chairwoman Sands
02:26:02 Rep. O'Hara returned.
02:26:19 Ms Bovingdon
02:27:00 Vice Chairwoman Sands
02:27:27 Rep. Ehli
02:28:09 Vice Chairwoman Sands
02:28:53 Rep. Ehli
02:29:46 Chairman Peterson
02:29:58 Mr. Daubert
02:30:18 Rep. Hansen exited.
02:31:17 Rep. Menahan returned.
02:32:44 Rep. Hansen returned.

Closing by Sponsor:

02:32:55 Rep. Ehli

02:34:54 Meeting recessed until 10:45.
02:46:20 Meeting resumed with Rep. Bangerter, Rep. Read, Rep. Harris, and Rep. Wagner absent.

EXECUTIVE ACTION ON SB 151

02:47:10 **Motion:** Rep. Kerns moved that **SB 151 BE CONCURRED IN.**

Discussion:

02:47:15 Mr. Niss
02:47:28 Rep. Bangerter returned.
02:48:46 Rep. Read returned.
02:49:28 Rep. Harris returned.
02:51:04 Rep. Bangerter
02:51:25 Rep. Menahan
02:51:35 Rep. Hill
02:53:07 Rep. Harris

02:53:54 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion that **SB 151 BE TABLED.** Substitute Motion carried 17-3 by voice vote with Rep. Driscoll, Rep. MacDonald and Rep. O'Hara voting no. Rep. Wagner voted by proxy.

EXECUTIVE ACTION ON SB 238

02:54:40 **Motion:** Rep. Kerns moved that **SB 238 BE CONCURRED IN.**

Discussion:

02:55:00 Chairman Peterson
02:55:25 Rep. Warburton
02:55:57 Rep. Menahan

02:56:54 Chairman Peterson
02:57:00 Mary Phippen, Montana Magistrates Association (MMA)
02:57:48 Rep. MacDonald

02:58:03 **Motion:** Rep. K. Peterson moved that **SB 238 BE AMENDED.**
EXHIBIT(juh57a12)

Discussion:

02:58:22 Chairman Peterson
02:59:16 Rep. Howard
02:59:40 Chairman Peterson
02:59:45 Rep. Howard
02:59:55 Chairman Peterson

03:00:36 **Vote:** Motion carried 19 -1 by voice vote with Rep. Bangerter voting no. Rep. Wagner voted by proxy.

03:00:44 **Motion:** Rep. Kerns moved that **SB 238 BE CONCURRED IN AS AMENDED.**

Discussion:

03:00:58 Rep. Bangerter
03:01:41 Rep. More
03:02:04 Rep. Warburton
03:02:24 Rep. Howard
03:03:11 Chairman Peterson
03:04:02 Vice Chairman Kerns
03:04:20 Rep. Regier
03:04:40 Chairman Peterson
03:04:47 Ms Phippen, MMA
03:05:07 Rep. Regier
03:05:20 Rep. Skattum
03:05:50 Ms Phippen
03:06:31 Rep. Skattum
03:06:51 Ms Phippen
03:07:27 Chairman Peterson
03:08:00 Rep. Harris
03:08:23 Rep. O'Hara
03:09:03 Vice Chairwoman Sands

03:11:07 **Vote:** Motion carried 16-4 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Skattum and Rep. Warburton voting no. Rep. Wagner voted by proxy. Rep. Menahan will carry the bill.

EXECUTIVE ACTION ON SB 268

03:11:17 **Motion:** Rep. Kerns moved that **SB 268 BE CONCURRED IN.**

Discussion:

03:11:32 Rep. MacDonald

03:12:39 Chairman Peterson
03:12:44 Rep. MacDonald
03:13:59 Rep. Warburton
03:14:41 Rep. Hansen
03:15:12 Rep. Pease-Lopez
03:15:44 Rep. Harris

03:16:02 **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. Wagner voted by proxy. Rep. Peterson will carry the bill.

EXECUTIVE ACTION ON SB 337

03:17:19 **Motion/Vote:** Rep. Kerns moved that **SB 337 BE CONCURRED IN**. Motion carried 20-0 by voice vote. Rep. Wagner voted by proxy. Rep. Peterson will carry the bill.

03:21:20 Chairman Peterson

ADJOURNMENT

03:21:49 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh57aad.pdf](#))