

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on March 24, 2011 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Liz Bangerter (R)  
Rep. Robyn Driscoll (D)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
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. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Kris Hansen (R)

**Members Absent:** Rep. Margaret (Margie) MacDonald (D)  
Rep. Michael (Mike) More (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 631, 3/21/2011

Executive Action: HB 631, SB 347

00:14:09 00:01:30 Chairman Peterson

### HEARING ON HB 631

#### Opening Statement by Sponsor:

00:01:36 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 631, Generally revise motor vehicle laws on ignition interlock requirements.

[EXHIBIT\(juh66a01\)](#)

[EXHIBIT\(juh66a02\)](#)

[EXHIBIT\(juh66a03\)](#)

[EXHIBIT\(juh66a04\)](#)

[EXHIBIT\(juh66a05\)](#)

00:04:28 Rep. MacDonald arrived.

00:06:02 Rep. More arrived.

00:14:25 Rep. MacDonald exited.

00:20:58 Rep. MacDonald returned.

00:27:07 Rep. O'Hara exited.

00:29:48 Rep. O'Hara returned.

00:30:44 Rep. Howard exited.

#### Proponents' Testimony:

00:32:13 Becky Sturdevant, Mothers Against Drunk Driving (MADD)

[EXHIBIT\(juh66a06\)](#)

00:34:21 Rep. Howard returned.

00:35:00 Rep. Howard exited.

00:35:56 Ali Bovingdon, Department of Justice (DOJ)

00:37:54 Larry Epstein, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

#### Informational Testimony:

00:40:24 Greg Noose, Chief, Records and Driver Control Bureau, Motor Vehicle Division, Department of Justice (DOJ)

#### Questions from Committee Members and Responses:

00:41:03 Rep. Bangerter

00:41:17 Rep. Sands exited.

00:41:25 Rep. MacDonald exited.

00:41:36 Rep. Hill exited.

00:42:02 Mr. Noose, DOJ

00:42:53 Rep. More

00:43:31 Mr. Noose

00:44:36 Rep. More

00:46:27 Mr. Noose

00:46:31 Rep. Hill returned.

00:46:46 Rep. MacDonald returned.

00:48:01 Rep. Wagner

00:50:01 Rep. Menahan

00:52:27 Rep. Regier

00:53:19 Mr. Noose  
00:54:14 Vice Chairwoman Sands returned.  
00:54:34 Rep. Regier  
00:54:48 Mr. Noose  
00:54:59 Rep. Warburton  
00:55:42 Rep. Menahan  
00:57:20 Rep. Warburton  
00:57:31 Mr. Noose  
00:58:14 Rep. Warburton  
00:59:02 Mr. Noose  
00:59:28 Rep. Warburton  
01:59:44 Rep. Menahan  
01:00:26 Rep. Warburton  
01:00:30 Rep. Menahan  
01:01:18 Mr. Noose  
01:02:41 Rep. Warburton  
01:03:10 Mr. Noose  
01:03:36 Rep. Wagner  
01:04:22 Rep. Menahan  
01:05:30 Rep. Wagner  
01:06:03 Rep. Menahan  
01:06:34 Rep. Wagner  
01:06:38 Rep. Menahan  
01:07:04 Rep. Read  
01:07:55 Rep. Menahan  
01:08:39 Rep. O'Hara exited.  
01:09:26 Rep. Read  
01:10:00 Rep. Menahan  
01:10:25 Mr. Noose  
01:11:16 Chairman Peterson  
01:12:19 Rep. Menahan  
01:13:07 Rep. O'Hara returned.

**Closing by Sponsor:**

01:13:28 Rep. Menahan  
  
01:13:42 Chairman Peterson  
01:15:10 Meeting recessed until 9:30  
01:29:03 Meeting resumed with Rep. Howard, Rep. O'Hara, Rep. Read, Rep. Hill, and Rep. Hansen absent.

**EXECUTIVE ACTION ON SB 347**

01:29:37 **Motion:** Rep. Regier moved that **SB 347 BE CONCURRED IN.**  
  
01:30:11 Mr. Niss  
01:31:04 Rep. Howard and Rep. O'Hara returned.  
01:31:45 Rep. Read returned.

01:31:49 **Motion:** Rep. K. Peterson moved that **SB 347 BE AMENDED.**  
**EXHIBIT(juh66a07)**

01:32:17 Rep. MacDonald  
01:34:53 Mr. Niss  
01:38:47 Rep. MacDonald  
01:39:25 Chairman Peterson  
01:39:34 Rep. Bangerter  
01:40:21 Chairman Peterson  
01:40:25 Vice Chairwoman Sands  
01:41:59 Chairman Peterson  
01:42:04 Mr. Niss  
01:42:07 Chairman Peterson

01:42:13 **Vote:** Motion carried 18-0 by voice vote. Rep. Hill and Rep. Hansen were not present and did not vote.

01:42:27 **Motion:** Rep. Regier moved that **SB 347 BE CONCURRED IN AS AMENDED.**

01:42:41 Chairman Peterson  
01:42:52 Rep. O'Hara  
01:43:03 Chairman Peterson  
01:43:20 Vice Chairwoman Sands  
01:43:41 Mr. Niss  
01:49:50 Chairman Peterson

01:49:56 **Motion:** Rep. Sands moved that **SB 347 BE AMENDED.**  
**EXHIBIT(juh66a08)**

01:50:50 Chairman Peterson  
01:51:08 Rep. Harris  
01:52:27 Rep. More  
01:53:33 Rep. MacDonald  
01:54:54 Rep. Regier  
01:55:47 Chairman Peterson  
01:56:09 Vice Chairwoman Sands  
01:57:02 Rep. Bangerter asked to segregate the paragraphs in the amendment  
01:57:39 Chairman Peterson ordered segregation  
01:57:30 Rep. Bangerter  
01:58:40 Rep. Warburton  
01:59:18 Rep. Harris  
01:59:42 Chairman Peterson  
02:00:21 Rep. Harris  
02:00:56 Chairman Peterson  
02:01:11 Rep. Harris  
02:01:24 Chairman Peterson  
02:01:38 Rep. Read  
02:03:01 Vice Chairwoman Sands  
02:03:23 Rep. More  
02:03:58 Chairman Peterson

02:04:19 Rep. Bangerter  
02:04:29 Mr. Niss  
02:04:38 Vice Chairwoman Sands  
02:05:20 Regier withdrew motion that SB 347 be concurred in.  
02:05:45 Chairman Peterson  
02:05:51 Vice Chairwoman Sands  
02:06:05 Rep. Menahan  
02:06:17 Chairman Peterson

**EXECUTIVE ACTION ON HB 631**

02:07:07 **Motion:** Rep. Menahan moved that **HB 631 DO PASS.**

**Discussion:**

02:07:45 Rep. Menahan  
02:08:23 Chairman Peterson  
02:08:40 Rep. Warburton asked to delay consideration of the bill to allow for amendments.  
02:09:06 Rep. Menahan objected to the delay.  
02:10:29 Chairman Peterson ordered a roll call vote.  
02:10:32 Rep. Warburton  
02:10:36 Vice Chairwoman Sands  
02:10:48 Chairman Peterson

02:12:52 **Vote:** Request to delay consideration failed 6-12 by roll call vote with Rep. Harris, Rep. More, Rep. Peterson, Rep. Skattum, Rep. Wagner, Rep. Warburton voting aye. Rep. Harris was allowed to change his vote from aye to no.

02:12:45 Chairman Peterson  
02:12:59 Rep. Harris  
02:14:04 Rep. Warburton  
02:16:29 Chairman Peterson  
02:16:52 Rep. Bangerter  
02:17:01 Vice Chairwoman Sands  
02:17:06 Rep. Menahan  
02:18:39 Chairman Peterson

02:18:45 **Vote:** Motion carried 15-4 by roll call vote with Rep. More, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. Hansen voted by proxy. Rep. Kerns was absent and did not vote.

02:20:06 Rep. Menahan  
02:20:48 Rep. Wagner  
02:22:17 Chairman Peterson

**ADJOURNMENT**

02:22:30      Adjournment

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh66aad.pdf](#))**