

BUSINESS REPORT

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

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, February 15, 2011
Place: Capitol

Time: 8:00 AM
Room: 137

BILLS and RESOLUTIONS HEARD:

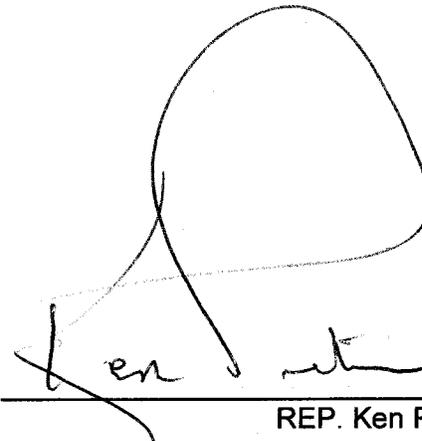
HB 425 - Revise offer of settlement
HB 442 - Revise concealed weapon permit
HB 480 - Revise laws relating to justice's court
HB 492 - Prohibit immigration sanctuary policies by local governments

EXECUTIVE ACTION TAKEN:

HB 274 Tabled
HB 299 No pass
HB 321 No pass
HB 382 Taken from Table
HB 412 No pass
HB 425 Postponed

HB 438 No pass
HB 442 Tabled
HB 480 No pass
HB 490 No pass
HB 492 No pass

Comments:



A large, stylized handwritten signature in black ink, appearing to read "Ken Peterson". The signature is written over a horizontal line.

REP. Ken Peterson, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: _____

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. KEN PETERSON, CHAIR	✓	
REP. KRAYTON KERNS, VICE CHAIR	✓	
REP. DIANE SANDS, VICE CHAIR	✓	
REP. MIKE MENAHAN	✓	
REP. ROBYN DRISCOLL	✓	
REP. KEITH REGIER		<i>exc ✓</i>
REP. DAN SKATTUM	✓	
REP. CLEVE LONEY	✓	
REP. MARGARET MACDONALD	✓	
REP. CAROLYN PEASE-LOPEZ	✓	
REP. MICHAEL MORE		
REP. LIZ BANGERTER	✓	
REP. WENDY WARBURTON	✓	
REP. BOB WAGNER	✓	
REP. ELLIE BOLDMAN HILL	✓	
REP. BILL HARRIS		<i>✓ exc</i>
REP. KRISTIN HANSEN	✓	
REP. DAVID HOWARD	✓	
REP. JESSE O'HARA	✓	
REP. JOE READ	✓	



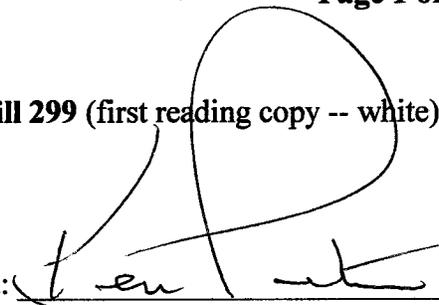
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 299** (first reading copy -- white) **do pass.**

Signed: 

Representative Ken Peterson, Chair

- END -

Committee Vote:

Yes 12, No 8

Fiscal Note Required

HB0299001SC.hgh

*John
2/15/11
1:55*



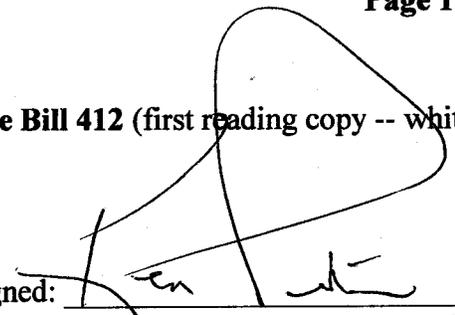
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 412** (first reading copy -- white) **do pass as amended.**

Signed: 

Representative Ken Peterson, Chair

And, that such amendments read:

1. Title, line 6.

Following: "PROVIDE"

Insert: "A CERTAIN AMOUNT OF"

2. Page 2, line 7.

Following: "assistance"

Insert: "in the amount of \$100 or more"

3. Page 2, line 8.

Following: "(b)"

Strike: "The party enjoined or restrained may request a copy of the affidavit"

Insert: "A party obtaining a restraining order or an injunction shall serve or have served a copy of the affidavit upon the party restrained or enjoined at the time that the affidavit is"

- END -

Committee Vote:

Yes 14, No 6

Fiscal Note Required

HB0412001SC.hgh

*Ken
2/15/11
1:55*



HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 438** (first reading copy -- white) **do pass as amended.**

Signed:

Ken Peterson
Representative Ken Peterson, Chair

And, that such amendments read:

1. Page 2, line 14.

Following: "claim"

Insert: "by one of the parties against the other"

2. Page 2, line 14 through line 15.

Strike: "of one" on line 14 through "other" on line 15

Insert: ", physical abuse of a child, or abandonment"

3. Page 2, line 15.

Following: "abuse"

Insert: "or abandonment"

- END -

Committee Vote:

Yes 13, No 7

Fiscal Note Required

HB0438001SC.hgh

Ken Peterson
2/15/11
1:55



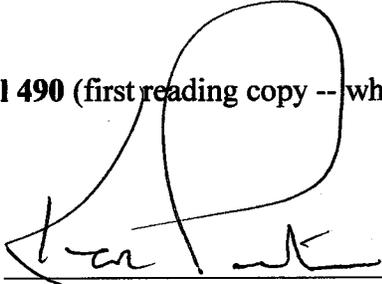
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 490** (first reading copy -- white) **do pass.**

Signed: 

Representative Ken Peterson, Chair

- END -

Committee Vote:

Yes 15, No 5

Fiscal Note Required

HB0490001SC.hgh

*xbm
2/15/11
1:55*



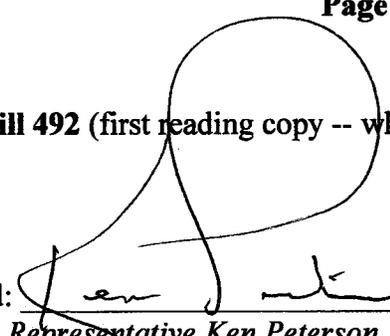
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 492** (first reading copy -- white) **do pass.**

Signed: 

Representative Ken Peterson, Chair

- END -

Committee Vote:

Yes 13, No 7

Fiscal Note Required

HB0492001SC.hgh

*Ken
2/15/11
1:55*



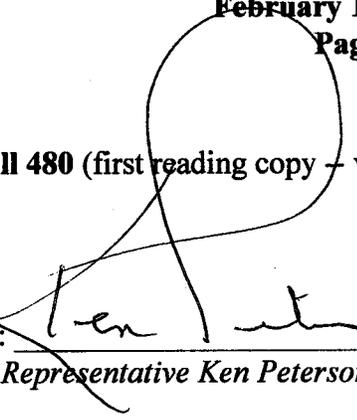
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 480** (first reading copy - white) **do pass as amended.**

Signed: 

Representative Ken Peterson, Chair

And, that such amendments read:

1. Title, line 4.

Following: "OF"

Insert: "A JUSTICE OF THE PEACE FOR A JUSTICE'S COURT NOT OF RECORD,"

Following: "ATTORNEY"

Insert: ", "

2. Page 1, line 13.

Following: "record, "

Insert: "another justice of the peace for a justice's court not of record,"

- END -

Committee Vote:

Yes 17, No 3

Fiscal Note Required

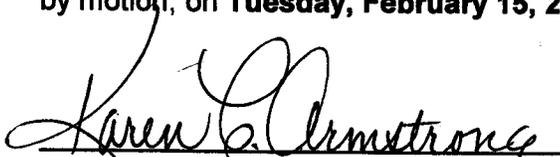
HB0480001SC.hgh

JP
2/15/11
1:55

BILL TABLED NOTICE

HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED
HB 274 - Provide that employment of an unauthorized alien is unlawful
HB 442 - Revise concealed weapon permit
by motion, on Tuesday, February 15, 2011.



(For the Committee)



(For the Chief Clerk of the House)

1:58 2/15
(Time) (Date)

February 15, 2011

Karen Armstrong, Secretary

Phone: (406) 444-4607



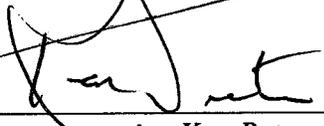
HOUSE STANDING COMMITTEE REPORT

February 15, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 321** (first reading copy -- white) **do pass.**

Signed: 

Representative Ken Peterson, Chair

- END -

Committee Vote:

Yes 13, No 7

Fiscal Note Required

HB0321001SC.hgh

JP
2/15/11
1:55

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO. 274 MOTION NO. _____
 MOTION: _____ *failed reverse E*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM		✓	
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON		✓	
REP. BOB WAGNER		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS		✓	<i>proxy</i>
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 299 MOTION NO. _____
 MOTION: _____ *passed*

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR	✓		
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM		✓	
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD	✓		
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON		✓	
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR		✓	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO. 412 MOTION NO. 2
MOTION: amendment 2

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER		✓	
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON		✓	
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR		✓	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 412 MOTION NO. _____
 MOTION: _____ *passed*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		<i>proxy</i>
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 438 MOTION NO. 1
 MOTION: amend passed

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN	✓		
REP. ROBYN DRISCOLL	✓		
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: _____ BILL NO. 438 MOTION NO. _____
MOTION: _____ *bill*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER		✓	
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 490 MOTION NO. passed
 MOTION: _____

B

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ	✓		
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		proxy
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 492 MOTION NO. _____
 MOTION: _____ Passes

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER		✓	
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO. 480 MOTION NO. _____
 MOTION: _____ passed

B

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR	✓		
REP. MIKE MENAHAN	✓		
REP. ROBYN DRISCOLL	✓		
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD	✓		
REP. PEASE-LOPEZ	✓		
REP. MICHAEL MORE		✓	
REP. LIZ BANGERTER	✓		
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 442 MOTION NO. _____
MOTION: _____

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR		✓	
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL	x ✓		
REP. KEITH REGIER	x ✓		
REP. DAN SKATTUM		✓	
REP. CLEVE LONEY		✓	
REP. MARGARET MACDONALD	x ✓		
REP. PEASE-LOPEZ	x ✓		
REP. MICHAEL MORE		✓	
REP. LIZ BANGERTER		✓	
REP. WENDY WARBURTON		✓	
REP. BOB WAGNER		✓	
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS		✓	
REP. KRISTIN HANSEN		✓	
REP. DAVID HOWARD		✓	
REP. JESSE O'HARA	x ✓		
REP. JOE READ		✓	
REP. KEN PETERSON, CHAIR	x ✓		

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO 392 MOTION NO. _____
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER		✓	
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD		✓	
REP. JESSE O'HARA		✓	
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR		✓	

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HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 2/15/2011 BILL NO. ~~321~~ 321 MOTION NO. _____
 MOTION: reconsider passed

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. KRAYTON KERNS, VICE CHAIR	✓		
REP. DIANE SANDS, VICE CHAIR		✓	
REP. MIKE MENAHAN		✓	
REP. ROBYN DRISCOLL		✓	
REP. KEITH REGIER	✓		
REP. DAN SKATTUM	✓		
REP. CLEVE LONEY	✓		
REP. MARGARET MACDONALD		✓	
REP. PEASE-LOPEZ		✓	
REP. MICHAEL MORE	✓		
REP. LIZ BANGERTER		✓	
REP. WENDY WARBURTON	✓		
REP. BOB WAGNER	✓		
REP. ELLIE BOLDMAN HILL		✓	
REP. BILL HARRIS	✓		
REP. KRISTIN HANSEN	✓		
REP. DAVID HOWARD	✓		
REP. JESSE O'HARA	✓		
REP. JOE READ	✓		
REP. KEN PETERSON, CHAIR	✓		

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