

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 9, 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. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Margaret (Margie) MacDonald (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. Ellie Boldman Hill (D)
Rep. Jesse O'Hara (R)

Members Absent: 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: HB 332, 2/1/2011

Executive Action: HB 271, HB 371, HB 379, HB 382

HEARING ON HB 332**Opening Statement by Sponsor:**

00:00:59 Rep. Bob Wagner (R), HD 71, opened the hearing on HB 332, Restore the right of a fully informed jury.

EXHIBIT(juh32a01)

00:02:43 Rep. Menahan arrived.

Proponents' Testimony:

00:06:29 Don Doig, White Sulphur Springs, self

00:11:11 Alex Roots, attorney, Bozeman, self

00:13:35 Dana Christian, attorney, Livingston, self

00:18:12 Dale Grosfield, self

EXHIBIT(juh32a02)

00:19:30 Rep. O'Hara exited.

00:20:42 Rep. Sands exited.

00:21:12 Rep. Menahan exited.

00:22:29 Roger Roots, Livingston, self

EXHIBIT(juh32a03)**EXHIBIT(juh32a04)**

00:21:32 Rep. O'Hara returned.

00:24:43 Rep. Sands returned.

00:26:35 Rep. O'Hara exited.

00:27:17 Joel Boniek, self

00:32:07 Garrett Bacon, self

00:33:03 Franklin Shook, Willow Creek, self, Montana Oath Keepers

00:34:52 Rep. Menahan returned.

00:36:44 Dan Happel, self

00:38:21 Steve Hicks, White Sulphur Springs, self

00:38:56 Mike Fellows, Missoula, Montana Libertarian Party, Fully Informed Jury Association

EXHIBIT(juh32a05)

00:39:35 Jeff Hohn, self.

00:39:39 Doug Lair, self

00:39:57 Terry Baird, Big Timber, self

00:40:05 Gale Lair, self

Opponents' Testimony:

00:40:57 Jamee Greer, Montana Human Rights Network

00:43:25 Rep. Howard arrived.

00:43:38 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence

00:45:21 John Sullivan, Montana Defense Trial Lawyers' Association

00:53:40 Mark Murphy, Montana County Attorneys' Association (MCAA)

Informational Testimony:

01:01:44 Stewart Rhodes, Attorney, Kalispell
01:03:03 Chairman Peterson
01:03:14 Rep. Warburton
01:03:34 Chairman Peterson

Questions from Committee Members and Responses:

01:03:43 Rep. Driscoll
01:04:02 Rep. Wagner
01:04:11 Chairman Peterson
01:04:22 Rep. Driscoll
01:04:59 Rep. Wagner
01:05:16 Rep. Driscoll
01:05:37 Rep. Wagner
01:12:03 Rep. MacDonald exited.
01:12:20 Rep. Skattum
01:12:27 Mr. Rhodes
01:12:33 Rep. More
01:12:37 Mr. Murphy
01:12:39 Rep. MacDonald returned.
01:13:19 Rep. More
01:13:24 Dana Christian
01:16:12 Rep. More
01:16:18 Mr. Sullivan
01:17:50 Rep. More
01:20:44 Rep. Harris
01:21:51 Mr. Rhodes
01:22:15 Rep. MacDonald
01:22:52 Mr. Sullivan
01:23:47 Rep. MacDonald
01:24:15 Mr. Murphy
01:24:32 Rep. O'Hara returned.
01:25:03 Rep. MacDonald
01:25:33 Mr. Murphy
01:26:16 Rep. Loney
01:26:22 Ms Rossi
01:27:36 Rep. Loney
01:28:31 Mr. Sullivan
01:30:35 Rep. Howard
01:31:19 Mr. Murphy
01:33:07 Rep. Howard
01:33:32 Mr. Murphy
01:34:12 Rep. Howard
01:34:17 Mr. Murphy
01:34:56 Rep. Menahan
01:35:30 Mr. Roger Roots
01:36:08 Rep. Menahan
01:36:12 Mr. Roger Roots
01:36:19 Rep. Menahan
01:36:41 Mr. Roger Roots

01:37:09 Rep. Menahan
01:37:32 Mr. Roger Roots
01:38:44 Rep. Menahan
01:40:37 Mr. Roger Roots
01:41:01 Rep. Menahan
01:41:24 Mr. Roger Roots
01:42:00 Rep. Menahan
01:42:48 Mr. Roger Roots
01:43:43 Rep. Harris
01:44:43 Mr. Roger Roots
01:45:51 Rep. Skattum
01:46:31 Mr. Murphy
01:47:07 Rep. Skattum
01:47:40 Mr. Murphy
01:48:57 Rep. Skattum
01:49:19 Mr. Rhodes
01:50:21 Rep. Loney
01:50:56 Mr. Roger Roots
01:53:53 Chairman Peterson
01:54:08 Mr. Rhodes
01:56:12 Chairman Peterson
01:56:42 Mr. Roger Roots
01:57:33 Chairman Peterson
01:57:55 Mr. Roger Roots
01:58:03 Chairman Peterosn
01:58:07 Mr. Roger Roots
01:58:21 Chairman Peterson
01:58:39 Mr. Rhodes
01:59:46 Chairman Peterson
01:59:49 Mr. Rhodes
01:59:53 Chairman Peterson
02:00:04 Mr. Rhodes
02:00:11 Rep. Hansen

Closing by Sponsor:

02:01:04 Rep. Wagner

02:12:13 Meeting recessed until 10:30

02:31:16 Meeting resumed with Rep. More, Rep. O'Hara, Rep. Regier and Rep. Skattum, absent.

EXECUTIVE ACTION ON HB 379

02:31:48 **Motion:** Rep. Menahan moved that **HB 379 DO PASS.**

Discussion:

02:32:26 Vice Chairman Kerns

02:33:21 Rep Regier returned.

02:33:31 Rep. Wagner

02:34:37 Rep. Menahan

02:35:16 Rep. Skattum returned.
02:35:27 Rep. More returned.
02:37:09 Rep. Wagner
02:39:31 Rep. Howard
02:41:09 Rep. Harris
02:41:58 Rep. Menahan
02:43:43 Rep. More

02:45:43 **Vote:** Motion carried 12-8 by roll call vote with Rep. Harris, Rep. Kerns, Rep. Loney, Rep. More, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. O'Hara voted by proxy.

EXECUTIVE ACTION ON HB 382

02:47:05 **Motion:** Rep. Kerns moved that **HB 382 DO PASS.**

Discussion:

02:47:42 Rep. Kerns
02:48:30 Rep. Harris
02:49:19 Rep. Sands
02:50:07 Rep. MacDonald
02:50:35 Rep. Wagner
02:50:54 Chairman Peterson
02:51:03 Rep. MacDonald
02:52:15 Rep. More
02:54:49 Chairman Peterson

02:54:59 **Vote:** Motion failed 10-10 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Howard, Rep. Kerns, Rep. Loney, Rep. More, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye. Rep. O'Hara voted by proxy.

EXECUTIVE ACTION ON HB 371

02:58:07 **Motion:** Rep. Kerns moved that **HB 371 DO PASS.**

Discussion:

02:58:22 Chairman Peterson
02:58:37 Rep. Hansen
03:00:17 Rep. Wagner
03:01:13 Chairman Peterson
03:01:18 Vice Chairman Kerns
03:01:32 Rep. Hansen

03:01:42 **Vote:** Motion failed 8-12 by roll call vote with Rep. Hansen, Rep. Harris, Rep. More, Rep. Peterson, Rep. Read, Rep. Regier, Rep. Wagner and Rep. Warburton voting aye.

EXECUTIVE ACTION ON HB 271

Previous Executive Action on 2/8/2011

03:03:31 **Motion:** Rep. Kerns moved that **HB 271 DO PASS.**

03:03:46 Meeting recessed until copies of the bill could be made.

03:06:34 Mr. Niss

03:07:18 Meeting resumed.

03:07:26 **Motion:** Rep. Kerns moved that **HB 271 BE AMENDED.**

EXHIBIT(juh32a06)

Discussion:

03:07:44 Rep. Kerns

03:08:33 Rep. Sands

03:09:12 Rep. Kerns

03:10:12 Rep. Sands

03:11:17 Mr. Niss

03:12:08 Rep. Sands

03:12:17 Mr. Niss

03:12:44 Rep. Warburton

03:13:01 Rep. O'Hara returned.

03:13:18 Rep. Howard

03:15:09 Rep. Menahan

03:16:25 Vice Chairman Kerns

03:16:50 Rep. More

03:18:31 **Vote:** Motion carried 12-8 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez and Rep. Sands voting no.

03:19:51 **Motion:** Rep. Kerns moved that **HB 271 DO PASS AS AMENDED.**

03:19:59 Rep. MacDonald

03:20:36 Rep. Sands

03:21:17 Rep. Bangerter

03:22:05 Rep. Kerns

03:22:56 Rep. Bangerter

03:23:01 Rep. O'Hara exited.

03:23:40 Rep. Kerns

03:24:07 Rep. Howard

03:25:28 Rep. Driscoll

03:25:57 **Vote:** Motion failed 10-10 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Kerns, Rep. Loney, Rep. More, Rep. Peterson, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye.

03:27:32 Chairman Peterson

ADJOURNMENT

03:28:03 Adjournment:

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh32aad.pdf](#))