

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on February 11, 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. Bill Harris (R)
Rep. Ellie Boldman Hill (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. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Diane Sands, Vice Chairman (D)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
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 321, 2/4/2011; SB 60, 2/4/2011; SB 72, 2/4/2011;
HB 412, 2/7/2011

Executive Action: SB 281, SB 368; SB 371

00:01:16 Rep. More arrived.

HEARING ON SB 72**Opening Statement by Sponsor:**

00:01:39 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 72, Revise contracting authority for community corrections programs.

00:02:17 Rep. Driscoll arrived.

00:02:36 Rep. Hansen arrived.

00:03:58 Rep. Sands arrived.

Proponents' Testimony:

00:05:01 Rhonda Schaffer, Administrator, Administrative & Financial Services Division, Department of Corrections (COR)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:06:23 Rep. Wagner

00:07:13 Pam Bunke, Administrator, Adult Community Corrections Division, COR

00:08:01 Chairman Peterson

00:08:31 Ms Bunke, COR

00:08:40 Ms Schaffer, COR

00:09:09 Chairman Peterson

00:09:39 Ms. Schaffer

00:10:00 Rep. Menahan

00:11:14 Ms Schaffer

00:12:27 Rep. Menahan

00:13:10 Ms Schaffer

00:13:21 Diana Koch, Legal Counsel, COR

00:14:35 Chairman Peterson

00:15:01 Ms Koch

00:15:05 Rep. Howard exited.

00:15:37 Chairman Peterson

00:15:52 Ms Koch

00:15:57 Chairman Peterson

00:16:21 Ms Koch

Closing by Sponsor:

00:17:45 Sen. Gillan

HEARING ON SB 60

Opening Statement by Sponsor:

00:20:44 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 60, Amend security credit freeze law to protect certain persons.

00:23:00 Rep. Howard returned.

Proponents' Testimony:

00:23:43 Kelly Hubbard, Attorney General's Office (AG)

EXHIBIT(juh34a01)

00:25:26 Rep. Howard exited.

00:25:57 Rep. Menahan exited.

00:26:20 Rep. O'Hara exited.

00:26:27 Bill Roberts, American Association of Retired Persons, Montana

EXHIBIT(juh34a02)

00:28:53 Clyde Dailey, Montana Credit Unions

00:30:22 Beth Brenneman, Disability Rights Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:31:21 Sen Gillan

00:34:01 Rep. Menahan returned.

00:34:11 Hearing closed.

00:34:53 Rep. Howard returned.

HEARING ON HB 412

Opening Statement by Sponsor:

00:34:24 Rep. Bill Harris (R), HD 30, opened the hearing on HB 412, Disclosure of financial support of civil suits against industrial operations.

00:35:31 Rep. O'Hara returned.

Proponents' Testimony: None

Opponents' Testimony:

00:38:32 Derf Johnson, Montana Environmental Information Center (MEIC)

00:42:47 Clayton Elliott, Northern Plains Resource Council

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:12 Rep. Wagner
00:45:35 Mr. Johnson
00:45:41 Rep. Wagner
00:46:02 Mr. Johnson
00:46:08 Rep. Wagner
00:46:33 Mr. Johnson
00:46:36 Rep. Wagner
00:47:27 Mr. Johnson

Closing by Sponsor:

00:48:09 Rep. Harris

00:48:39 Rep. Driscoll exited.
00:50:18 Chairman Peterson
00:50:22 Rep. Harris
00:50:58 Rep. Driscoll returned.
00:52:04 Vice Chairwoman Sands assumed the chairmanship.
00:52:15 Chairman Peterson exited.

HEARING ON HB 321

Opening Statement by Sponsor:

00:52:26 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 321, Nullify federal endangered species act.

01:12:28 Rep. Hansen exited.

Proponents' Testimony:

01:03:04 Clarence Getz, self

Opponents' Testimony:

01:08:50 Ray Beck, Division Administrator, Conservation Resource Development Division, Department of Natural Resources (DNRC)
01:10:30 Bob Lane, Chief Legal Counsel, Department of Fish, Wildlife and Parks
EXHIBIT(juh34a03)
01:11:24 Rep. Hansen returned.
01:14:32 Janet Ellis, Montana Audubon
EXHIBIT(juh34a04)
01:17:27 Derek Goldman, Montana and Northern Rockies Mountain Field Representative with Endangered Species Coalition
EXHIBIT(juh34a05)
01:20:37 Rep. Menahan exited.
01:23:31 Mark Aagenes, Conservation Director, Trout Unlimited
01:24:07 Rep. Howard exited.
01:25:09 Steve Wade, Montana Contractors' Association

Informational Testimony

01:26:01 Greg Ames, Administrator, Montana Department of Agriculture

Questions from Committee Members and Responses:

01:26:35 Rep. Skattum
01:26:42 Chairman Peterson returned.
01:27:14 Rep. Howard returned.
01:27:15 Ms Ellis
01:27:22 Rep. Skattum
01:27:44 Ms Ellis
01:27:48 Rep. Skattum
01:28:04 Mr. Ames
01:28:15 Rep. Wagner
01:29:12 Mr. Lane
01:29:50 Rep. Wagner
01:30:38 Mr. Lane
01:30:57 Rep. More
01:31:29 Mr. Lane
01:32:34 Rep. More
01:33:07 Mr. Lane
01:33:45 Rep. Hill
01:33:53 Rep. Howard exited.
01:35:00 Chairman Peterson
01:35:02 Rep. Hill
01:35:48 Rep. Sands exited.
01:36:27 Vice Chairman Kerns
01:36:42 Rep. Harris
01:37:25 Mr. Goldman
01:37:36 Rep. Harris
01:37:42 Mr. Goldman
01:37:46 Rep. Howard returned.
01:37:57 Rep. Harris
01:39:19 Mr. Goldman
01:39:47 Rep. Warburton
01:39:55 Rep. Sands returned.
01:40:07 Rep. Hansen exited.
01:40:28 Vice Chairman Kerns
01:40:48 Rep. Warburton
01:41:00 Vice Chairman Kerns
01:41:07 Rep. MacDonald
01:42:25 Mr. Lane
01:42:49 Chairman Peterson
01:42:53 Rep. MacDonald
01:43:01 Chairman Peterson
01:43:06 Rep. MacDonald
01:43:14 Rep. Skattum
01:44:06 Mr. Wade
01:44:45 Rep. Sands exited.
01:44:52 Rep. Skattum
01:45:01 Mr. Wade
01:45:27 Rep. Skattum
01:45:37 Mr. Wade
01:45:59 Rep. Skattum

01:46:04 Rep. Sands returned.
01:46:11 Mr. Wade

Closing by Sponsor:

01:46:49 Vice Chairman Kerns

01:48:14 Meeting recessed for 15 minutes
02:07:09 Meeting resumed with Rep. Bangerter and Rep. Hansen absent.
02:08:18 Chairman Peterson resumed the chairmanship.

EXECUTIVE ACTION ON HB 281

02:08:53 **Motion:** Rep. Sands moved that **HB 281 DO PASS.**

02:09:02 Rep. Bangerter and Rep. Hansen returned.

02:09:20 **Motion:** Rep. Sands moved that **HB 281 BE AMENDED.**
EXHIBIT(juh34a06)

Discussion:

02:10:14 Rep. Bangerter
02:10:21 Chairman Peterson
02:11:30 Rep. Sands
02:13:07 Chairman Peterson
02:13:21 Rep. Sands
02:13:26 Chairman Peterson
02:13:38 Rep. Hands
02:13:58 Chairman Peterson
02:14:02 Rep. Hands
02:14:13 Rep. Wagner
02:14:32 Rep. Hands
02:14:49 Rep. Hill
02:15:22 Chairman Peterson
02:15:49 Rep. Menahan
02:16:40 Chairman Peterson
02:16:45 Rep. Menahan
02:17:00 Rep. Wagner

02:17:12 **Vote:** Motion carried unanimously by voice vote.

02:17:23 **Motion:** Rep. Sands moved that **HB 281 DO PASS AS AMENDED.**

Discussion:

02:18:01 Rep. Wagner
02:18:05 Rep. Loney
02:20:19 Rep. Regier
02:21:11 Rep. Hill
02:23:16 Rep. O'Hara
02:24:19 Rep. Warburton

02:24:54 Rep. MacDonald
 02:26:26 Rep. Skattum
 02:27:26 Rep. Harris
 02:28:26 Rep. Sands
 02:29:07 Rep. Skattum
 02:29:33 Rep. Wagner
 02:30:44 Rep. Hansen
 02:31:32 Rep. Menahan
 02:33:05 Chairman Peterson
 02:35:10 Rep. Harris
 02:35:51 Chairman Peterson
 02:36:14 Rep. Loney

02:36:54 **Vote:** Motion failed 9-11 by roll call vote with Rep. Driscoll, Rep. Harris, Rep. Hill, Rep. Loney, Rep. MacDonald, Rep. O'Hara, Rep. Pease-Lopez, Rep. Read and Rep. Sands voting aye.

02:38:05 **Motion/Vote:** Rep. Kerns moved that **HB 281 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 368

02:38:57 **Motion:** Rep. Warburton moved that **HB 368 DO PASS**.

02:39:04 Mr. Niss
 02:40:00 Rep. O'Hara exited.
 02:40:22 Rep. Sands exited.
 02:40:31 Chairman Peterson

02:40:39 **Motion:** Rep. Warburton moved that **HB 368 BE AMENDED**.
[EXHIBIT\(juh34a07\)](#)

Discussion:
 02:41:09 Rep. Warburton
 02:42:52 Rep. Sands

02:42:55 **Vote:** Motion carried 11-9 by roll call vote with Rep. Driscoll, Rep. Hansen, Rep. Hill, Rep. Howard, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez and Rep. Sands voting no. Rep. O'Hara voted by proxy.

02:42:58 **Motion:** Rep. Warburton moved that **HB 368 DO PASS AS AMENDED**.

02:44:25 **Motion:** Rep. Warburton moved that **HB 368 BE AMENDED**.
[EXHIBIT\(juh34a08\)](#)

Discussion:
 02:47:07 Rep. Sands
 02:47:28 Rep. Kerns
 02:47:44 Rep. O'Hara returned.

02:48:53 **Vote:** Motion failed 10-10 by roll call vote with Rep. Bangerter, Rep. Harris, Rep. Kerns, Rep. Loney, Rep. More, Rep. Peterson, Rep. Read, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye.

02:48:58 **Motion:** Rep. More moved that **HB 368 BE AMENDED.**
EXHIBIT(juh34a09)

Discussion:

02:49:53 Rep. MacDonald
02:51:01 Rep. Regier exited.
02:50:56 Rep. More
02:51:08 Rep. Kerns
02:51:40 Rep. Sands
02:52:05 Mr. Niss
02:58:10 Rep. More
02:59:16 Chairman Peterson
02:59:31 Rep. Warburton
03:02:51 Rep. Regier returned.

03:00:06 **Vote:** Motion carried 11-9 by roll call vote with Rep. Driscoll, Rep. Hansen, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. O'Hara, Rep. Pease-Lopez, Rep. Regier and Rep. Sands voting no. Rep. Regier voted by proxy.

03:01:19 **Motion:** Rep. Warburton moved that **HB 368 DO PASS AS AMENDED.**

Discussion:

03:05:41 Chairman Peterson
03:05:50 Rep. Warburton
03:06:07 Rep. Driscoll
03:06:45 Rep. More
03:08:32 Rep. Warburton
03:09:11 Rep. Sands
03:10:15 Rep. Harris
03:10:48 Chairman Peterson
03:11:46 Rep. Warburton
03:12:45 Chairman Peterson
03:13:01 Rep. Warburton
03:14:32 Rep. More
03:15:00 Rep. Harris

03:16:24 **Vote:** Motion failed 8-12 by roll call vote with Rep. Harris, Rep. Kerns, Rep. More, Rep. Read, Rep. Regier, Rep. Skattum, Rep. Wagner and Rep. Warburton voting aye.

03:17:35 **Motion/Vote:** Rep. Kerns moved that **HB 368 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 371

02:38:23 **Motion/Vote:** Rep. Kerns moved that **HB 371 BE TABLED**. Motion carried unanimously by voice vote.

ADJOURNMENT

03:18:06 Adjournment:

Karen Armstrong, Secretary

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Additional Exhibit:
[EXHIBIT\(juh34a10\)](#)

Additional Documents:
[EXHIBIT\(juh34aad.pdf\)](#)