

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on March 18, 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. Ellie Boldman Hill (D)  
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:** Rep. David Howard (R)  
Rep. Michael (Mike) More (R)

**Members Absent:** None

**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:**

Executive Action: HB 600, SB 68, SB 76, SB 114, SB 153, SB 185, SB 276, SB 324

**EXECUTIVE ACTION ON HB 600**

00:02:22 **Motion:** Rep. Kerns moved that **HB 600 DO PASS.**

**Discussion:**

00:02:46 Rep. Menahan

00:05:06 **Vote:** Motion failed 8-12 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Howard, Rep. Loney, Rep. O'Hara, Rep. Peterson, Rep. Regier and Rep. Warburton voting aye. Rep. Howard and Rep. More voted by proxy.

00:06:14 **Motion/Vote:** Rep. Kerns moved that **HB 600 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present.

**EXECUTIVE ACTION ON SB 68**

00:06:30 **Motion:** Rep. Kerns moved that **SB 68 BE CONCURRED IN.**

**Discussion:**

00:07:05 Vice Chairwoman Sands

00:07:21 Rep. Sands

00:08:12 Chairman Peterson

00:08:24 Rep. Warburton

00:09:06 Rep. Hansen

00:09:13 **Vote:** Motion carried 16-4 by roll call vote with Rep. Kerns, Rep. More, Rep. Skattum and Rep. Wagner voting no. Rep. Howard and Rep. More voted by proxy. Rep. Hansen will carry the bill.

**EXECUTIVE ACTION ON SB 76**

00:10:47 **Motion:** Rep. Kerns moved that **SB 76 BE CONCURRED IN.**

**Discussion:**

00:11:20 Chairman Peterson

00:11:44 Rep. Menahan

00:13:01 Chairman Peterson

00:13:16 Rep. Menahan

00:13:54 Chairman Peterson

00:14:21 Rep. MacDonald

00:14:44 Chairman Peterson

00:15:04 **Vote:** Motion carried unanimously by voice vote. Rep. Howard and Rep. More voted by proxy. Rep. Loney will carry the bill.

**EXECUTIVE ACTION ON SB 114**

00:16:02 **Motion:** Rep. Kerns moved that **SB 114 BE CONCURRED IN.**

00:16:07 Mr. Niss

00:17:01 **Motion:** Rep. Loney moved that **SB 114 BE AMENDED.**  
**EXHIBIT(juh61a01)**

**Discussion:**

00:17:36 Vice Chairwoman Sands  
00:17:55 Chairman Peterson  
00:18:07 Rep. Pease-Lopez  
00:18:46 Chairman Peterson  
00:19:22 Vice Chairwoman Sands  
00:19:51 Chairman Peterson

00:20:17 **Vote:** Motion failed 8-12 by roll call vote with Rep. Harris, Rep. Kerns, Rep. Loney, Rep. More, Rep. Read, Rep. Regier, Rep. Wagner and Rep. Warburton voting aye. Rep. Howard and Rep. More voted by proxy.

**Discussion:**

00:21:48 Rep. Menahan  
00:24:15 Vice Chairman Kerns  
00:25:27 Rep. Wagner  
00:26:14 Rep. Howard arrived.  
00:26:45 Rep. Harris  
00:26:49 Rep. Loney exited.  
00:26:56 Rep. O'Hara exited.  
00:27:35 Vice Chairwoman Sands exited.

00:28:15 **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. Rep. Loney, Rep. More, Rep. O'Hara and Rep. Sands voted by proxy. Rep. Wagner will carry the bill.

**EXECUTIVE ACTION ON SB 153**

00:29:54 **Motion:** Rep. Kerns moved that **SB 153 BE CONCURRED IN.**

**Discussion:**

00:30:03 Chairman Peterson  
00:30:39 Rep. Wagner  
00:31:09 Chairman Peterson  
00:31:15 Rep. O'Hara and Rep. Loney returned.  
00:31:44 Rep. Hansen  
00:33:04 Rep. MacDonald  
00:34:10 Rep. Warburton  
00:34:29 Chairman Peterson  
00:34:52 Rep. Warburton  
00:35:56 Chairman Peterson  
00:36:06 Rep. Warburton  
00:36:15 Rep. Menahan

00:37:52 **Vote:** Motion carried 17-3 by roll call vote with Rep. Harris, Rep. Read and Rep. Warburton voting no. Rep. More and Rep. Sands voted by proxy. Rep. Menahan will carry the bill.

### **EXECUTIVE ACTION ON SB 185**

00:39:15 **Motion:** Rep. Kerns moved that **SB 185 BE CONCURRED IN.**

#### **Discussion:**

00:39:36 Rep. Regier  
00:39:40 Vice Chairwoman Sands returned.  
00:43:43 Rep. MacDonald  
00:46:48 Rep. Pease-Lopez  
00:48:56 Vice Chairwoman Sands

#### **EXHIBIT(juh61a02)**

00:50:47 Rep. Hill  
00:52:50 Chairman Peterson  
00:54:46 Rep. Menahan  
00:56:25 Rep. Warburton

00:56:57 **Vote:** Motion failed 7-13 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting aye. Rep. More voted by proxy.

00:57:59 **Motion/Vote:** Rep. Kerns moved that **SB 185 BE TABLED AND THE VOTE REVERSED.** Motion carried 17-3 by voice vote with Rep. MacDonald, Rep. Pease-Lopez and Rep. Sands voting no.

### **EXECUTIVE ACTION ON SB 276**

00:58:25 **Motion:** Rep. Kerns moved that **SB 276 BE CONCURRED IN.**

#### **Discussion:**

00:58:41 Vice Chairwoman Sands  
01:00:52 Rep. Menahan  
01:03:26 Chairman Peterson  
01:05:04 Rep. Hill

01:07:35 **Vote:** Motion failed 7-13 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting aye. Rep. More voted by proxy.

01:07:44 **Motion/Vote:** Rep. Kerns moved that **SB 276 BE TABLED AND THE VOTE REVERSED.** Motion carried 13-7 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez, Rep. Read and Rep. Sands voting no. Rep. More voted by proxy.

**EXECUTIVE ACTION ON SB 324**

01:09:55     **Motion:** Rep. Kerns moved that **SB 324 BE CONCURRED IN.**

**Discussion:**

01:10:10     Chairman Peterson

01:10:22     Rep. Kerns

01:10:38     Chairman Peterson

01:10:45     **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. More voted by proxy. Rep. Skattum will carry the bill.

01:12:11     Chairman Peterson

01:12:39     Rep. Bangerter

**ADJOURNMENT**

01:12:45      Adjournment

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Karen Armstrong, Secretary

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**Additional Exhibit:**  
**[EXHIBIT\(juh61a03\)](#)**

Additional Documents:

**[EXHIBIT\(juh61aad.pdf\)](#)**