

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 18, 2013 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Mark Blasdel (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, 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 172, 1/11/2013
Executive Action: HB 50, HB 70, HB 74, HB 104, HB 80, HB 103

HEARING ON HB 172**Opening Statement by Sponsor:**

00:19:39 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 172, Allow Montana state bar attorney member to serve as a judge pro tem.
00:20:53 Rep. MacDonald arrived.

Proponents' Testimony:

00:21:13 Mary Phippen, Montana Magistrates Association (MMA)
00:24:11 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:08 Rep. MacDonald
00:26:15 Ms Phippen, MMA
00:26:25 Rep. MacDonald
00:26:47 Rep. Regier
00:27:11 Mr. Murphy, MCAA
00:27:39 Rep. Regier
00:28:20 Chairman Kern
00:28:22 Mr. Murphy, MCAA
00:28:26 Rep. Doane
00:28:29 Mr. Murphy, MCAA
00:28:37 Rep. Doane
00:29:00 Mr. Murphy, MCAA
00:29:44 Rep. Doane
00:29:58 Mr. Murphy, MCAA
00:30:40 Rep. Doane
00:30:44 Mr. Murphy, MCAA
00:32:49 Rep. Hill
00:33:17 Ms Phippen, MMA
00:33:28 Rep. Hill
00:33:40 Ms Phippen, MMA
00:33:49 Rep. O'Neil
00:34:15 Rep. O'Hara
00:34:25 Chairman Kerns
00:34:29 Mr. Murphy

Closing by Sponsor:

00:35:14 Rep. O'Hara

00:35:55 Recessed
00:38:13 Reconvened

00:38:18 Chairman Kerns
00:39:03 Rep. Hill
00:39:08 Chairman Kerns

00:39:11 Rep. Hill
00:39:18 Chairman Kerns

EXECUTIVE ACTION ON HB 50

00:39:28 **Motion:** Rep. G. Bennett moved that **HB 50 DO PASS.**

Discussion:

00:39:35 Rep. Regier

00:39 41 **Motion:** Rep. Regier moved that **HB 50 BE AMENDED.**
EXHIBIT(juh10a01)

Discussion:

00:39:52 Rep. Regier
00:42:16 Chairman Kerns
00:42:30 Rep. Regier
00:44:14 Chairman Kerns
00:44:54 Rep. MacDonald
00:45:23 Rep. Regier
00:45 28 Chairman Kerns
00:45:37 Ms Thigpen
00:46:41 Rep. MacDonald
00:47:22 Ms Thigpen
00:47:53 Chairman Kerns

00:47: 59 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel voted by proxy.

00:48:06 **Motion:** Rep. Regier moved that **HB 50 DO PASS AS AMENDED.**

Discussion:

00:49:20 Rep. Hill
00:49:54 Rep. Doane
00:50:10 Rep. Lynch
00:52:28 Rep. Laszloffy
00:53:10 Rep. Gursky
00:54:26 Rep. Wagoner
00:54:45 Rep. Court
00:55:39 Rep. MacDonald
00:57:19 Rep. Eck
00:57:37 Rep. Lenz
00:58:25 Rep. Warburton
00:59:25 Chairman Kerns

00:59:34 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 70

01:01:22 **Motion:** Rep. MacDonald moved that **HB 70 DO PASS.**

Discussion:

01:01:34 Chairman Kerns
01:01:38 Rep. MacDonald
01:02:48 Chairman Kerns

01:02:58 **Motion:** Rep. MacDonald moved that **HB 70 BE AMENDED.**

[EXHIBIT\(juh10a02\)](#)

[EXHIBIT\(juh10a03\)](#)

Discussion:

01:03:28 Chairman Kerns
01:03:36 Rep. MacDonald
01:06:36 Ms Thigpen
01:06:55 Rep. MacDonald
01:07:30 Rep. Regier
01:08:12 Rep. MacDonald
01:09:27 Rep. Regier
01:09:33 Chairman Kerns

01:09:48 **Motion:** Rep. Regier moved **to segregate the amendment.**

Discussion:

01:10:21 Chairman Kerns
01:10:26 Rep. MacDonald
01:10:35 Rep. O'Neil

01:10:49 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

01:11:51 **Motion:** Rep. Regier moved that **HB 70 BE AMENDED** by adopting paragraphs 2, 3 and 4 of amendment BH007003.aht.

Discussion:

01:12:16 Chairman Kerns
01:12:23 Rep. MacDonald
01:12:33 Rep. O'Neil

01:12:51 **Vote:** Motion carried 19-1 by voice vote with Rep. Warburton voting no. Rep. Blasdel voted by proxy.

01:13:16 **Motion:** Rep. MacDonald moved that **HB 70 DO PASS AS AMENDED.**

01:13:36 **Motion:** Rep. O'Neil moved that **HB 70 BE AMENDED.**

Discussion:

01:15:13 Rep. O'Neil
01:16:33 Chairman Kerns
01:16:47 Rep. O'Neil
01:17:01 Chairman Kerns
01:17:15 Rep. O'Neil
01:17:34 Rep. Gursky

01:18:21 Rep. O'Neil **WITHDREW MOTION HB 70 BE AMENDED.**

01:18:32 **Motion:** Rep. MacDonald moved that **HB 70 BE AMENDED.**

Discussion:

01:18:50 Rep. MacDonald
01:20:46 Rep. Wagoner
01:20:55 Rep. MacDonald

01:21:17 **Motion:** Rep. O'Neil moved a **Substitute Motion** to add amendment HB007001.aht.

Discussion:

01:23:24 Rep. Regier
01:24:06 Rep. MacDonald
01:25:46 Rep. Eck
01:26:21 Rep. Regier
01:26:53 Rep. Halvorson
01:27:50 Rep. Eck

01:28:59 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel voted by proxy.

01:29:33 **Motion:** Rep. MacDonald moved that **HB 70 DO PASS AS AMENDED.**

Discussion:

01:29:37 Rep. MacDonald
01:30:40 Rep. Lenz
01:31:18 Rep. O'Neil
01:32:19 Rep. Bennett
01:32:42 Rep. Fiscus
01:33:32 Rep. Halvorson
01:34:12 Rep. MacDonald
01:35:20 Rep. Wagoner
01:35:50 Chairman Kerns

01:36:01 **Vote:** Motion carried 19-1 by roll call vote with Rep. Kerns voting no. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 71

01:37:48 **Motion:** Rep. MacDonald moved that **HB 71 DO PASS.**

Discussion:

01:38:52 Rep. MacDonald

01:39:18 Rep. MacDonald **WITHDREW MOTION HB 71 DO PASS.**

EXECUTIVE ACTION ON HB 74

01:40:11 Chairman Kerns

01:43:50 Ms Thigpen

01:44:20 Rep. MacDonald

01:44:33 Ms Thigpen

01:44:58 Rep. MacDonald

01:45:04 Ms Thigpen

01:45:13 **Motion:** Rep. MacDonald moved that **HB 74 DO PASS.**

01:45:43 Recessed

01:46:35 Reconvened

Discussion:

01:47:28 Chairman Kerns

01:47:34 **Motion:** Rep. Wagoner moved that **HB 74 BE AMENDED.**

EXHIBIT(juh10a04)

Discussion:

01:47:42 Rep. Wagoner

01:48:46 Rep. Regier

01:48:57 Rep. MacDonald

01:50:00 Chairman Kerns

01:50:13 Rep. Wagoner

01:50:56 Rep. Regier

01:51:17 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel voted by proxy.

01:52:29 **Motion:** Rep. MacDonald moved that **HB 74 DO PASS AS AMENDED.**

Discussion:

01:52:37 Rep. MacDonald

01:55:20 Rep. Doane

01:55:55 Rep. Warburton

01:57:19 Rep. Lenz

01:57:42 Rep. Gursky

01:58:02 Rep. Halvorson

01:58:46 Rep. Bennett

01:59:49 Rep. O'Neil
02:01:27 Rep. Wagoner
02:02:08 Rep. Pease-Lopez

02:04:01 **Vote:** Motion carried 17-3 by roll call vote with Rep. Bennett, Rep. Kerns and Rep. O'Neil voting no. Rep. Blasdel voted by proxy.

02:05:34 Rep. O'Neil

02:06:24 Recessed
02:23:21 Reconvened

EXECUTIVE ACTION ON HB 80

02:23:25 Chairman Kerns

02:23:33 **Motion:** Rep. G. Bennett moved that **HB 80 DO PASS.**

Discussion:

02:23:59 Rep. Lynch

02:24:24 **Motion:** Rep. Lynch moved that **HB 80 BE AMENDED.**
[EXHIBIT\(juh10a05\)](#)

Discussion:

02:24:32 Rep. Lynch
02:24:53 Rep. Wagoner
02:25:19 Rep. Lynch

02:25:53 **Vote:** Motion carried 19-1 by voice vote with Rep. O'Neil voting no. Rep. Blasdel voted by proxy.

02:26:07 **Motion:** Rep. G. Bennett moved that **HB 80 DO PASS AS AMENDED.**

Discussion:

02:26:28 Rep. Wagoner
02:26:46 Rep. Lynch

02:27:50 **Vote:** Motion failed 9-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez, Rep. Regier and Rep. Smith voting aye. Rep. Blasdel voted by proxy.

02:28:32 **Motion/Vote:** Rep. G. Bennett moved that **HB 80 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 103

02:28:57 **Motion:** Rep. MacDonald moved that **HB 103 DO PASS.**

Discussion:

02:29:28 Rep. MacDonald

02:30:00 Rep. Hill

02:32:14 Rep. O'Neil

02:32:52 Rep. Doane

02:33:02 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel voted by proxy.

02:33:51 **Motion/Vote:** Rep. G. Bennett moved that **HB 103 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 104

02:34:14 **Motion:** Rep. Regier moved that **HB 104 DO PASS.**

02:34:36 **Motion:** Rep. Regier moved that **HB 104 BE AMENDED.**
[EXHIBIT\(juh10a06\)](#)

Discussion:

02:35:17 Regier

02:35:22 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel voted by proxy.

02:36:40 **Motion:** Rep. Regier moved that **HB 104 DO PASS AS AMENDED.**

Discussion:

02:37:48 Rep. Hill

02:38:27 Rep. MacDonald

02:39:37 Rep. Fiscus

02:40:14 Rep. Regier

02:40:29 Rep. Gursky

02:40:58 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel voted by proxy.

ADJOURNMENT

Adjournment: 02:43:54

Karen Armstrong, Secretary

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[EXHIBIT\(juh10a07\)](#)
[EXHIBIT\(juh10a08\)](#)
[EXHIBIT\(juh10a09\)](#)
[EXHIBIT\(juh10a10\)](#)

Additional Documents:

[EXHIBIT\(juh10aad.pdf\)](#)