

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on January 24, 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. Margaret (Margie) MacDonald, Vice Chair (D)  
Rep. Virginia Court (D)  
Rep. Alan Doane (R)  
Rep. Jennifer Eck (D)  
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. Mark Blasdel (R)  
Rep. Clayton Fiscus (R)  
Rep. Jenifer Gursky (D)  
Rep. David Halvorson (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:**

Executive action: HB 191, HB 211, HB 140, HB 168, HB 206, HB 196, HB 201

00:15:52 Chairman Kerns

**EXECUTIVE ACTION ON HB 191**

00:17:32 **Motion/Vote:** Rep. G. Bennett moved that **HB 191 BE TABLED**. Motion carried 19-0 by voice vote. Rep. Blasdel, Rep. Fiscus and Rep. Halvorson voted by proxy.

[EXHIBIT\(juh15a01\)](#)

00:18:10 Rep. Gursky arrived.

**EXECUTIVE ACTION ON HB 211**

00:18:21 **Motion/Vote:** Rep. G. Bennett moved that **HB 211 BE TABLED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus and Rep. Halvorson voted by proxy.

[EXHIBIT\(juh15a02\)](#)

**EXECUTIVE ACTION ON HB 140**

00:19:48 **Motion:** Rep. G. Bennett moved that **HB 140 DO PASS**.

**Discussion:**

00:20:08 Rep. Wagoner  
00:21:46 Rep. O'Neil  
00:22:213 Chairman Kerns  
00:22:43 Rep. Bennett  
00:23:38 Chairman Kerns

00:24:34 **Vote:** Motion carried 19-1 by roll call vote with Rep. O'Neil voting no. Rep. Blasdel, Rep. Fiscus and Rep. Halvorson voted by proxy.

**EXECUTIVE ACTION ON HB 168**

[EXHIBIT\(juh15a03\)](#)

00:26:04 **Motion:** Rep. G. Bennett moved that **HB 168 DO PASS AS AMENDED**.

**Discussion:**

00:26:46 Rep. Wagoner  
00:27:15 Rep. MacDonald  
00:27:40 Rep. Wagoner  
00:27:49 Rep. Bennett  
00:28:14 Chairman Kerns

00:28:45 **Vote:** Motion carried 14-6 by roll call vote with Rep. Bennett, Rep. Doane, Rep. Halvorson, Rep. Kerns, Rep. Smith and Rep. Wagoner voting no. Rep. Blasdel, Rep. Fiscus and Rep. Halvorson voted by proxy.

**EXECUTIVE ACTION ON HB 206**

[EXHIBIT\(juh15a04\)](#)

[EXHIBIT\(juh15a05\)](#)

00:30:36      **Motion:** Rep. G. Bennett moved that **HB 206 DO PASS.**

00:30:49      **Motion:** Rep. G. Bennett moved that **HB 206 BE AMENDED.**

[EXHIBIT\(juh15a06\)](#)

**Discussion:**

00:31:25      Rep. Bennett

00:32:49      Rep. MacDonald

00:34:04      Rep. Gursky

00:34:26      Rep. Bennett

00:35:15      Rep. O'Neil

00:35:40      Rep. Court

00:36:43      Rep. Regier

00:37:05      Rep. Wagoner

00:37:38      **Vote:** Motion carried 13-7 by roll call vote with Rep. Court, Rep. Hill, Rep. Kerns, Rep. MacDonald, Rep. O'Neil, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Fiscus and Rep. Halvorson voted by proxy.

00:38:47      **Motion:** Rep. G. Bennett moved that **HB 206 DO PASS AS AMENDED.**

**Discussion:**

00:38:57      Rep. MacDonald

00:39:25      **Motion:** Rep. Doane moved that **HB 206 BE AMENDED.**

[EXHIBIT\(juh15a07\)](#)

**Discussion:**

00:40:02      Ms Thigpen, Legislative Services Division (LSD)

00:40:18      Rep. Regier left the meeting.

00:40:35      **Rep. Doane WITHDREW MOTION HB 206 BE AMENDED**

00:40:43      Chairman Kerns

00:40:49      Rep. Gursky

00:41:04      Rep. MacDonald

00:41:31      Rep. O'Neil

00:41:44      Ms Thigpen, LSD

00:42:00      Chairman Kerns

00:42:24      **Vote:** Motion failed 10-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez, Rep. Regier, Rep. Smith and Rep. Warburton voting aye. Rep. Blasdel, Rep. Fiscus, Rep. Halvorson and Rep. Regier voted by proxy.

**EXECUTIVE ACTION ON HB 196**

**EXHIBIT(juh15a08)**

00:44:50     **Motion:** Rep. G. Bennett moved that **HB 196 DO PASS.**

**Discussion:**

00:45:04     Rep. MacDonald

00:46:10     **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. Smith and Rep. Warburton voting aye. Rep. Blasdel, Rep. Fiscus, Rep. Halvorson and Rep. Regier voted by proxy.

00:47:29     **Motion/Vote:** Rep. G. Bennett moved that **HB 196 BE TABLED AND THE VOTE REVERSED.** Motion carried 16-0 by voice vote of those present and voting.

**EXECUTIVE ACTION ON HB 201**

00:47:51     **Motion:** Rep. Eck moved that **HB 201 DO PASS.**

00:48:17     **Motion:** Rep. Eck moved that **HB 201 BE AMENDED.**

**EXHIBIT(juh15a09)**

00:48:50     **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus, Rep. Halvorson and Rep. Regier voted by proxy.

00:49:16     **Motion:** Rep. Eck moved that **HB 201 BE AMENDED.**

**EXHIBIT(juh15a10)**

**Discussion:**

00:49:46     Rep. Eck  
00:49:52     Rep. O'Neil  
00:51:04     Rep. Eck  
00:51:17     Rep. O'Neil  
00:51:35     Rep. Eck  
00:51:52     Rep. Gursky  
00:52:22     Rep. Eck  
00:52:25     Ms Thigpen, LSD

00:52:37     **Vote:** Motion carried 18-2 by voice vote with Rep. Kerns and Rep. O'Neil voting no. Rep. Blasdel, Rep. Fiscus, Rep. Halvorson and Rep. Regier voted by proxy.

00:53:21     **Motion:** Rep. Eck moved that **HB 201 DO PASS AS AMENDED.**

**Discussion:**

00:53:32     Rep. Eck  
00:55:12     Rep. Smith

00:56:03 Rep. Doane  
00:56:57 Rep. O'Neil  
00:57:15 Rep. Gursky  
00:57:45 Rep. Eck  
00:57:52 Rep. Gursky  
00:59:09 Rep. Wagoner  
01:00:25 Rep. Hill  
01:02:50 Rep. MacDonald  
01:03:54 Ms Thigpen, LSD  
01:04:29 Rep. Lynch  
01:05:06 Rep. Eck  
01:05:26 Rep. Lynch  
01:07:13 Rep. Doane  
01:07:53 Rep. Pease-Lopez  
01:10:55 Rep. Eck  
01:11:53 Rep. Wagoner  
01:12:21 Rep. Lenz

01:13:52 **Motion:** Rep. MacDonald moved that **HB 201 BE INDEFINITELY POSTPONED.**

01:13:54 Postponed without objection.

01:14:57 Rep. Eck **WITHDREW MOTION HB 201 DO PASS AS AMENDED**

01:15:31 Chairman Kerns  
01:15:54 Rep. MacDonald

[EXHIBIT\(juh15a11\)](#)

01:16:19 Chairman Kerns

[EXHIBIT\(juh15a12\)](#)

**ADJOURNMENT**

Adjournment: 01:16:19

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh15aad.pdf](#))**