

BUSINESS REPORT

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

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, January 22, 2013
Place: Capitol

Time: 8:00 AM
Room: 137

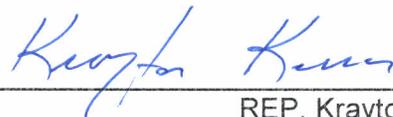
BILLS and RESOLUTIONS HEARD:

HB 196 - Revise property exemption laws related to judgment debtors
HB 201 - Revise personal property execution of judgment exemption
HJ 5 - Resolution to amend the US constitution regarding foreign treaties

EXECUTIVE ACTION TAKEN:

HB 16	Do pass as amended
HB 71	Do pass as amended
HB 72	Do pass

Comments:



REP. Krayton Kerns, Chair

HOUSE OF REPRESENTATIVES
Roll Call
JUDICIARY COMMITTEE

DATE: 1/22/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. JERRY BENNETT, VICE CHAIR	X	
REP. MARGIE MACDONALD, VICE CHAIR	X	
REP. ALAN DOANE	X	
REP. CAROLYN PEASE-LOPEZ	X	
REP. KEITH REGIER		X
REP. VIRGINIA COURT		X
REP. CLAYTON FISCUS	X	
REP. BRIDGET SMITH	X	
REP. DENNIS LENZ	X	
REP. JENNY ECK	X	
REP. KIRK WAGONER	X	
REP. SARAH LASZLOFFY	X	
REP. WENDY WARBURTON	X	
REP. ELLIE BOLDMAN HILL	X	
REP. JERRY O'NEIL	X	
REP. JENIFER GURSKY	X	
REP. DAVID HALVORSON	X	
REP. RYAN LYNCH	X	
SPEAKER MARK BLASDEL		exc
REP. KRAYTON KERNS, CHAIR	X	



HOUSE STANDING COMMITTEE REPORT

January 22, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 16** (first reading copy -- white) do **pass as amended**.

Signed: *Krayton Kerns*
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, lines 7 and 8.

Following: "PERSON" on line 7

Strike: "IF THE PERSON" on line 7 through "NEEDS" on line 8

Insert: "IN CERTAIN CASES"

2. Page 1, line 28.

Following: "means"

Insert: "
(a)"

3. Page 1, line 29.

Following: "disorder"

Insert: "and appears to require commitment;"

Following: "or"

Insert: "(b)"

4. Page 1, line 30.

Following: "person"

Insert: "who appears to be suffering from a mental disorder and appears to require commitment"

5. Page 2, line 1.

Committee Vote:

Yes 11, No 9

Fiscal Note Required

HB0016001SC.hjk

DC 1-22-13
12:00

Strike: "and" through "commitment"

6. Page 4, line 10.

Following: "When an emergency situation"

Insert: "as defined in 53-21-102"

7. Page 4, line 12.

Following: "appears"

Insert: "to have a mental disorder and"

8. Page 4, lines 16 through 18.

Following: "or to others" on line 16

Strike: "or" on line 16 through "mental disorder" on line 18

Following: "emergency situation"

Insert: "as defined in 53-21-102"

- END -



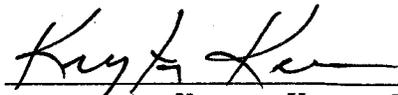
HOUSE STANDING COMMITTEE REPORT

January 22, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 71** (first reading copy -- white) do **pass as amended**.

Signed: 
Representative Krayton Kerns, Chair

And, that such amendments read:

1. Title, page 1, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "APPROPRIATION;" on line 8

Insert: "PROVIDING A COORDINATION INSTRUCTION REGARDING
APPROPRIATIONS FOR THE DEPARTMENT OF CORRECTIONS AND THE
MONTANA BOARD OF CRIME CONTROL;"

2. Title, page 1, line 9.

Strike: "AN EFFECTIVE DATE"

Insert: "EFFECTIVE DATES AND A TERMINATION DATE"

3. Page 4, following line 5.

Insert: "(9) The board shall report annually to the law and
justice interim committee regarding the status and
performance of the restorative justice grant programs
established in this section."

4. Page 4, following line 23.

Insert: "NEW SECTION. **Section 4. Restorative justice fund
created -- source of funding -- use of fund.** (1) There is an
account in the state special revenue fund established by 17-2-102
to be known as the restorative justice fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money from a state or local agency for
the purposes of 2-15-2013;

(c) a gift, donation, grant, legacy, bequest, or devise
made for the purposes of 2-15-2013; and

Committee Vote:

Yes 16, No 4

Fiscal Note Required

HB0071001SC.hjk

DC 1-22-13
4:15

(d) money received by the department of justice for the purpose of administering 46-15-411(2).

(3) Except as provided in subsection (2)(d), the fund may be used only to provide grants for restorative justice programs as provided in 2-15-2013 to community-based, including faith-based, organizations."

Renumber: subsequent sections

5. Page 4, line 29 through page 5, line 1.

Strike: section 5 in its entirety

Insert: "NEW SECTION. Section 6. Codification instruction.

[Section 4] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the provisions of Title 2, chapter 15, part 20, apply to [section 4]."

Insert: "NEW SECTION. Section 7. Coordination instruction. If both House Bill No. 2 and [this act] are passed and approved, then:

(1) the general fund appropriation for the department of corrections in House Bill No. 2 is decreased by \$200,000 for the biennium ending June 30, 2015; and

(2) the general fund appropriation for the Montana board of crime control for the purpose of funding the restorative justice grant program established in 2-15-2013 is increased by \$200,000 for the biennium ending June 30, 2015."

Renumber: subsequent sections

6. Page 5, line 3.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) Except as provided in subsection (2), [this act]"

7. Page 5, following line 3.

Insert: "(2) [Section 4] is effective July 1, 2017."

8. Page 5, following line 3.

Insert: "NEW SECTION. Section 9. Termination. [Sections 1 through 3] terminate July 1, 2017."

- END -



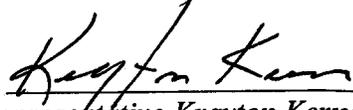
HOUSE STANDING COMMITTEE REPORT

January 22, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 72** (first reading copy -- white) do **pass**.

Signed: 
Representative Krayton Kerns, Chair

- END -

Committee Vote:

Yes 19, No 1

Fiscal Note Required

HB0072001SC.hjk

DC 1-22-13

12:00

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/22/2013 BILL NO 16 MOTION NO. _____
 MOTION: _____

amendment HB001601. aht

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		pr
REP. VIRGINIA COURT	X		
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/22/13 BILL NO 16 MOTION NO. _____
 MOTION: _____ *do pass as amended*

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR		X	
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE		X	
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER		X	pr
REP. VIRGINIA COURT	X		pr
REP. CLAYTON FISCUS		X	
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER		X	pr
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON		X	
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON		X	
REP. RYAN LYNCH	X		pr
SPEAKER MARK BLASDEL		X	pr
REP. KRAYTON KERNS, CHAIR		X	

11 9

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/22/2013 BILL NO 71 MOTION NO. _____

MOTION: _____
amendment HB 007101.ate

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR		X	
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ		X	
REP. KEITH REGIER	X		pr
REP. VIRGINIA COURT		X	pr
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH		X	
REP. DENNIS LENZ		X	
REP. JENNY ECK		X	
REP. KIRK WAGONER	X		pr
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL		X	
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY		X	
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH		X	pr
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR	X		

11 9

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/22/2013 BILL NO. 71 MOTION NO. _____
 MOTION: do pass as amended

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE		X	
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		pr
REP. VIRGINIA COURT	X		pr
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		pr
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON		X	
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		pr
SPEAKER MARK BLASDEL		X	pr
REP. KRAYTON KERNS, CHAIR		X	

16 4

HOUSE OF REPRESENTATIVES
Roll Call Vote
JUDICIARY COMMITTEE

DATE: 1/22/2013 BILL NO 72 MOTION NO. _____
 MOTION: do pass

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JERRY BENNETT, VICE CHAIR	X		
REP. MARGIE MACDONALD, VICE CHAIR	X		
REP. ALAN DOANE	X		
REP. CAROLYN PEASE-LOPEZ	X		
REP. KEITH REGIER	X		pr
REP. VIRGINIA COURT	X		pr
REP. CLAYTON FISCUS	X		
REP. BRIDGET SMITH	X		
REP. DENNIS LENZ	X		
REP. JENNY ECK	X		
REP. KIRK WAGONER	X		pr
REP. SARAH LASZLOFFY	X		
REP. WENDY WARBURTON	X		
REP. ELLIE BOLDMAN HILL	X		
REP. JERRY O'NEIL	X		
REP. JENIFER GURSKY	X		
REP. DAVID HALVORSON	X		
REP. RYAN LYNCH	X		pr
SPEAKER MARK BLASDEL	X		pr
REP. KRAYTON KERNS, CHAIR		X	

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Jerry Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 16		X			
AMD HB001601.AH+	X				
HB 71 ^{as amended} _{twice}	XB	X			
AMD HB007101.A+E	X				
" HB007101.AH+					
" HB007103.AH+	X				
HB 72	X				

Rep. [Signature]
(Signature)

Date 1/22/13

AUTHORIZED COMMITTEE PROXY

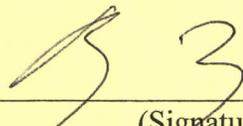
I request to be excused from the House Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Rep McDonald

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 001601.ahf	X				
HB 16	X				
HB 007101.ahf	X				
HB 007101.afe		X			
HB 71	X				
HB 72	X				

Rep. 
 (Signature)
 Ryan Lynch

Date 1-22-13

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:
Rep. MacDonald

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
HB 001601, aht	X				
HB 16	X				
HB 007101, aht	X		HB		
HB 007101, afe		X			
HB 71	X				
HB 70	X				

Rep. J. Court
(Signature)

Date 1-22-13

MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE

W

Tuesday, January 22, 2013

HB 201 - Revise personal property execution of judgment exemption

Sponsor: Representative Jennifer Eck

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Tom England	Centra Services		X	
Seff Koch	Collection Bureau SVL		X	
Michael Mober	MT Collectors Association		X	
CHRISTOPHER SANCHEZ	MT collectors Assoc.		X	
Gail Bourquinon	Collection Bureau Services		X	
Elizabeth Koch	Equity Management Inc		X	
Jennifer Whipple	Collection Bureau Services		X	
Flint Muffitt	Informational witness for MLSA	X		X
Beverly Benson	Self		X	
Steve Turkiewicz	MT Bankers		X	
Tom Brown	mis		X	
Chuck Munson	on behalf of self	X		
Jennifer Bezanson	AARP	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

