

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on January 9, 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. 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. 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 43, 1/7/2013; HB 69, 1/7/2013; HB 92, 1/7/2013; HB 93,  
1/7/2013; HB 139, 1/7/2013

**HEARING ON HB 92****Opening Statement by Sponsor:**

00:16:31 Rep. Amanda Curtis (D), HD 76, opened the hearing on HB 92, Remove public defender from certain court definitions.  
00:18:39 Chairman Kerns

**Proponents' Testimony:**

00:18:57 William Hooks, Chief Public Defender, Office of the Public Defender (OPD)  
00:23:24 Chairman Kerns  
00:23:30 Nikki Zupanic, Public Policy Director, American Civil Liberties (ACLU) of Montana  
00:25:46 Chairman Kerns

**Opponents' Testimony:**

00:25:57 Matt Kuntz, Executive Director, National Alliance on Mentally Ill (NAMI) Montana  
00:27:17 Chairman Kerns

**Informational Testimony:** None**Questions from Committee Members and Responses:**

0027:28 Chairman Kerns  
00:27:34 Rep. Hill  
00:29:09 Mr. Woods, OPD  
00:32:39 Chairman Kerns

**Closing by Sponsor:**

00:32:46 Rep. Curtis

**HEARING ON HB 93**

0033:30 Chairman Kerns

**Opening Statement by Sponsor:**

00:33:38 Rep. Edith (Edie) McClafferty (D), HD 75, opened the hearing on HB 93, Authorize fixed-fee contracts in certain cases.

**Proponents' Testimony:**

00:34:35 Chairman Kerns  
00:34:39 William Hooks, Chief Public Defender, Office of Public Defender (OPD)  
00:35:13 Chairman Kerns  
00:35:21 Mr. Hooks, OPD  
00:41:14 Chairman Kerns  
00:41:17 Wade Zolynski, Chief Appellate Defender, Office of the Public Defender (OPD)  
00:44:06 Chairman Kerns  
00:44:09 Mr. Hooks, OPD  
00:47:50 Chairman Kerns

**Opponents' Testimony:** None

**Informational Testimony:**

00:48:07 Nikki Zupanic, American Civil Liberties Union (ACLU)  
00:50:04 Chairman Kerns

**Questions from Committee Members and Responses:**

00:50:11 Rep. O'Neil  
00:50:20 Mr. Hooks (OPD)  
00:50:47 Rep O'Neil  
00:51:23 Mr. Hooks  
00:51:57 Rep. O'Neil  
00:52:02 Chairman Kerns  
00:52:17 Mr, Hooks  
00:53:12 Chairman Kerns

**Closing by Sponsor:**

00:53:21 Rep. McClafferty

**HEARING ON HB 139****Opening Statement by Sponsor:**

00:54:21 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 139, Update laws governing law enforcement communications system.

**Proponents' Testimony:**

00:54:55 Jon Bennion, Department of Justice (DOJ)  
00:57:26 Chairman Kerns

**Opponents' Testimony:**

00:57:34 Geoff Feiss, General Manager, Montana Telecommunications Association  
00:59:14 Rep. Hill exited.  
01:01:08 [EXHIBIT\(juh03a01\)](#)  
01:01:14 Chairman Kerns  
01:01:17 Bonnie Lorang, Montana Independent Telecommunications Systems  
01:03:02 Chairman Kerns

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:03:16 Rep. MacDonald  
01:03:28 Chairman Kerns  
01:03:29 Rep. MacDonald  
01:04:13 Mr. Bennion, DOJ  
01:04:54 Rep. MacDonald  
01:05:26 Mr. Bennion, DOJ  
01:05:44 Chairman Kerns  
01:05:50 Tom Butler, Montana Highway Patrol (MHP)  
01:06:11 Rep. MacDonald  
01:06:14 Chairman Kerns  
01:06:17 Rep. Regier  
01:06:47 Mr. Bennion, DOJ

01:07:12 Jennifer Viets, Department of Justice (DOJ)  
01:08:03 Chairman Kerns  
01:08:41 Rep. Regier left the meeting.

**Closing by Sponsor:**

01:08:14 Rep Lavin  
01:08:31 Recessed  
01:23:55 Reconvened

**HEARING ON HB 43**

**Opening Statement by Sponsor:**

01:25:07 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 43, Create jail suicide prevention program in DPHHS  
01:25:36 Chairman Kerns  
01:25:42 Rep. MacDonald continued opening statement  
01:34:13 Chairman Kerns

**Proponents' Testimony:**

01:34:23 Nikki Zupanic, American Civil Liberties Union (ACLU)  
01:39:59 Chairman Kerns  
01:40:06 Sheryl Wood, Associate Director, Montana Association of Counties (MACo)  
01:44:14 Chairman Kerns  
01:44:17 Jim Smith, Montana Sheriffs and Peace Officers Association  
01:46:41 Chairman Kerns  
01:46:50 Steve Cape, Montana Coalition for Safety and Justice  
01:48:58 Chairman Kerns  
01:49:00 Matt Kuntz, Executive Director, National Alliance on Mental Illness (NAMI) Montana  
01:51:20 Chairman Kerns  
01:51:23 Dr. Gary Mihelish, retired dentist, Helena, member of NAMI  
01:53:23 Chairman Kerns  
01:53:28 Kathy McGowan, Eastern Montana Mental Health Center, Center for Mental Health, Western Montana Mental Health Center, Sheriffs and Peace Officers Association  
01:57:17 Chairman Kerns  
01:57:19 Beth Brenneman, Staff Attorney, Disability Rights Montana  
01:59:46 Chairman Kerns  
01:59:49 Bob Ross, South Central Montana Community Health Center  
02:01:11 Chairman Kerns  
02:01:13 Larry Epstein, Montana County Attorneys Association (MCAA)  
02:01:47 Chairman Kerns  
02:01:49 Gordon Morris, Lewis and Clark County Commission, Detention Officers in Lewis and Clark County  
02:02:12 Chairman Kerns

**Opponents' Testimony:** None

**Informational Testimony:**

02:02:25 Karl Rosston, Suicide Prevention Coordinator, Department of Health and Human Services (DPHHS)  
02:03:03 Chairman Kerns

**Questions from Committee Members and Responses:**

02:03:09 Rep. O'Neil  
02:03:31 Ms Zupanic, ACLU  
02:04:05 Rep. O'Neil  
02:04:09 Ms Zupanic, ACLU  
02:06:29 Rep. O'Neil  
02:06:53 Ms Zupanic, ACLU  
02:08:20 Chairman Kerns  
02:08:35 Rep. O'Neil  
02:09:15 Ms Zupanic, ACLU  
02:11:26 Chairman Kerns  
02:11:29 Rep. Bennett  
02:11:40 Karl Roston, DPHHS  
02:11:51 Rep. Bennett  
02:12:10 Mr. Rosston, DPHHS  
02:14:32 Chairman Kerns  
02:14:35 Mr. Rosston, DPHHS  
02:14:56 Rep. Bennett  
02:15:13 Mr. Rosston, DPHHS  
02:15:47 Chairman Kerns  
02:15:50 Rep. Wagoner  
02:16:00 Rep. MacDonald  
02:16:12 Rep Wagoner  
02:16:26 Rep. MacDonald  
02:17:00 Chairman Kerns  
02:17:07 Rep. Fiscus  
02:17:24 Chairman Kerns  
02:17:31 Rep. Fiscus  
02:17:53 Rep. MacDonald  
02:18:33 Chairman Kerns  
02:18:35 Rep. Halvorson  
02:18:43 Chairman Kerns  
02:18:45 Rep. Halvorson  
02:19:14 Rep. MacDonald  
02:20:14 Rep. Halvorson  
02:20:37 Rep. MacDonald  
02:20:59 Chairman Kerns

**Closing by Sponsor:**

02:21:10 Rep. MacDonald

**HEARING ON HB 69****Opening Statement by Sponsor:**

02:24:31 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 69, Create jail suicide prevention program in board of crime control.  
02:26:18 Chairman Kerns

**Proponents' Testimony:**

02:26:21 Nikki Zupanic, American Civil Liberties Union (ACLU)  
02:28:49 Chairman Kerns  
02:28:54 Matt Kuntz, (NAMI)  
02:29:57 Chairman Kerns  
02:30:01 Steve Cape, Montana Coalition for Safety and Justice  
02:31:10 Chairman Kerns  
02:31:16 Beth Breneman, Disability Rights Montana  
02:32:01 Chairman Kerns

**Opponents' Testimony:**

02:32:10 Sheryl Wood, Montana Association of Counties (MACo)  
02:33:40 Chairman Kerns  
02:33:45 Mary Phippen, Montana Magistrates Association (MMA)

**EXHIBIT(juh03a02)****EXHIBIT(juh03a03)**

02:36:28 Rep. Pease-Lopez exited  
02:37:18 Rep. Pease-Lopez returned  
02:38:40 Rep. Hill exited  
02:39:31 Chairman Kerns  
02:39:34 Jim Smith, Montana Sheriffs and Peace Officers Association  
02:41:33 Chairman Kerns

**Informational Testimony:**

02:41:43 Don Merritt, Compliance Performance Bureau Chief, Montana Board of Crime Control.  
02:42:56 Rep. Hill  
02:43:04 Karl Rosston,(DPHHS)  
02:43:19 Chairman Kerns  
02:43:23 Kevin Olson, Administrator, Montana Law Enforcement Academy  
02:43:40 Chairman Kerns

**Questions from Committee Members and Responses: None****Closing by Sponsor:**

02:43:56 Rep. Lavin  
02:44:51 Chairman Kerns

**ADJOURNMENT**

Adjournment: 02:44:51

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Karen Armstrong, Secretary

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**EXHIBIT(juh03a04)** Additional exhibit

Additional Documents:

**EXHIBIT(juh03aad.pdf)**