

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on January 11, 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 68, 1/7/2013; HB 103, 1/7/2013

**HEARING ON HB 103**

**Opening Statement by Sponsor:**

00:18:42 Rep. Amanda Curtis (D), HD 76, opened the hearing on HB 103, Authorize conflicts manager to hire attorney for post-conviction cases.

00:19:06 Rep. MacDonald arrived.

**Proponents' Testimony:**

00:20:21 Fritz Gillespie, Chair, Public Defender Commission (PDC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:25:09 Rep. Fiscus  
00:25:28 Rep. Curtis  
00:26:08 Mr. Gillespie, PDC  
00:27:03 Rep. Fiscus  
00:27:19 Mr. Gillespie, PDC  
00:27:36 Rep. Doane  
00:27:57 Mr. Gillespie, PDC  
00:29:38 Rep. Bennett  
00:29:59 Mr. Gillespie, PDC  
00:31:48 Rep. Lenz  
00:32:12 Mr. Gillespie, PDC  
00:33:22 Rep. Pease-Lopez exited  
00:34:31 Rep. O'Neil  
00:35:46 Mr. Gillespie, PDC  
00:35:17 Rep. O'Neil  
00:35:48 Mr. Gillespie, PDC  
00:36:02 Rep. Wagoner  
00:36:27 Mr. Gillespie, PDC  
00:37:05 Rep. Wagoner  
00:37:37 Mr. Gillespie, PDC  
00:38:58 Rep. Hill  
00:40:10 Bill Hooks, Chief Public Defender, Office of the Public Defender (OPD)  
00:41:17 Rep. Pease-Lopez returned  
00:44:48 Rep. Hill  
00:45:02 Mr. Hooks, OPD  
00:46:00 Rep. O'Neil  
00:46:16 Mr. Hooks, OPD  
00:46:20 Rep. O'Neil  
00:46:37 Mr. Hooks, OPD  
00:46:58 Rep. O'Neil  
00:47:05 Mr. Hooks, OPD  
00:47:09 Rep. O'Neil  
00:47:27 Mr. Hooks, OPD  
00:47:56 Chairman Kerns

00:48:01 Rep. Regier  
00:48:16 Mr. Gillespie, PDC  
00:48:27 Rep. Regier  
00:48:39 Mr. Gillespie, PDC  
00:50:02 Rep. Regier  
00:50:17 Mr. Gillespie, PDC  
00:50:23 Chairman Kerns

**Closing by Sponsor:**

00:50:28 Rep. Curtis  
00:51:14 Chairman Kerns

**HEARING ON HB 68**

**Opening Statement by Sponsor:**

00:51:52 Rep. Margaret (Margie) MacDonald (D), HD 54, opened the hearing on HB 68, Establish statewide re-entry task force for paroled offenders.

**Proponents' Testimony:**

00:57:01 Gayle Lambert, Division Administrator, Corrections Enterprise Division, Montana Department of Corrections (COR)  
01:00:31 Pam Bunke, Administrator of Adult Community Corrections, Department of Corrections (COR)  
01:05:05 Moe Wosepka, Director, Montana Catholic Conference  
01:10:47 Fern Osler, Executive Director, Parole Board  
01:11:23 Dr. Gary Mihelish, retired dentist, member of National Alliance on Mental Illness (NAMI)  
01:17:32 Steve Cape, Montana Coalition for Safety and Justice  
01:22:20 John Wilkinson, Executive Director, Montana Chapter, National Association of Social Workers  
01:23:59 James Gustafson, President, Opening Doors  
01:25:39 Robert Filipovich, self  
01:30:41 Nikki Zupanic, American Civil Liberties Union (ACLU)

**EXHIBIT(juh05a01)**

**EXHIBIT(juh05a02)**

01:33:41 Chairman Kerns

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:33:59 Rep. O'Neil  
01:34:31 Mr. Wosepka, Montana Catholic Conference  
01:35:42 Rep. O'Neil  
01:36:29 Rep. MacDonald  
01:38:21 Rep. Bennett  
01:40:01 Rep. MacDonald  
01:40:17 Rep. Bennett  
01:40:20 Rep MacDonald

01:41:03 Rep. Hill left the meeting.  
01:41:46 Rep. Bennett  
01:42:20 Ms Lambert (COR)  
01:42:58 Rep. Regier  
01:43:21 Ms Lambert (COR)  
01:44:42 Chairman Kerns  
01:44:48 Rep. Halvorson  
01:46:04 Rep. MacDonald  
01:47:46 Rep. Hill returned to the meeting.  
01:47:54 Rep. Halvorson  
01:48:12 Rep. MacDonald  
01:48:17 Rep. Halvorson  
01:49:17 Ms Zupanic (ACLU)  
01:49:32 Rep. Halvorson  
01:49:53 Ms Zupanic  
01:50:02 Rep. Halvorson  
01:50:33 Ms Zupanic  
01:52:36 Chairman Kerns  
01:52:42 Rep. Eck  
01:53:04 Rep. MacDonald  
01:53:15 Chairman Kerns  
01:53:17 Ms Lambert (COR)  
01:54:18 Rep. Eck  
01:54:25 Ms Lambert (COR)  
01:54:31 Rep. Eck  
01:54:49 Ms Lambert (COR)  
01:55:03 Rep. Lynch  
01:55:39 Ms Bunke (COR)  
01:56:54 Rep Lynch  
01:57:23 Ms Bunke (COR)  
01:58:18 Rep. Warburton  
01:58:21 Rep. MacDonald  
01:58:46 Rep. Hill  
01:59:25 Rep. MacDonald  
02:01:43 Rep. Hill  
02:02:08 Rep. MacDonald  
02:02:18 Chairman Kerns

**Closing by Sponsor:**

02:02:26 Rep. MacDonald  
  
02:05:08 Chairman Kerns  
02:06:00 Recessed  
02:17:52 Reconvened  
02:18:07 Chairman Kerns

**EXECUTIVE ACTION ON HB 92**

02:18:31 **Motion:** Rep. G. Bennett moved that **HB 92 DO PASS.**

**Discussion:**

02:18:46 Rep. Hill

02:20:16 Chairman Kerns

02:20:22 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

**EXECUTIVE ACTION ON HB 93**

02:20:46 **Motion:** Rep. G. Bennett moved that **HB 93 DO PASS.**

**Discussion:**

02:20:58 Rep. O'Neil

02:21:30 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

**EXECUTIVE ACTION ON HB 139**

02:21:56 **Motion:** Rep. G. Bennett moved that **HB 139 DO PASS.**

02:22:12 **Motion:** Rep. Regier moved that **HB 139 BE AMENDED.**

[EXHIBIT\(juh05a03\)](#) HB013901.aht

**Discussion:**

02:23:13 Rep. Regier

02:24:12 Vice Chair Bennett

02:23:59 Ms Thigpen

02:24:22 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

02:24:44 **Motion/Vote:** Rep. G. Bennett moved that **HB 139 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

**EXECUTIVE ACTION ON HB 42**

02:25:17 **Motion:** Rep. G. Bennett moved that **HB 42 DO PASS.**

**Discussion:**

02:25:34 Rep. Fiscus

02:26:03 Rep. Regier

02:26:23 Rep. Gursky

02:26:48 Chairman Kerns

02:27:05 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

**EXECUTIVE ACTION ON HB 44**

02:27:34 **Motion:** Rep. G. Bennett moved that **HB 44 DO PASS.**

**Discussion:**

02:27:48 Chairman Kerns

02:28:06 Rep. O'Neil

02:28:31 **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 voted by proxy.

02:29:54 **Motion/Vote:** Rep. G. Bennett moved that **HB 44 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

02:30:03 Chairman Kerns

02:30:54 Rep. Bennett

02:31:04 Ms Thigpen

02:31:28 Rep. MacDonald

02:33:11 Chairman Kerns

**EXECUTIVE ACTION ON HB 132**

02:33:16 **Motion/Vote:** Rep. G. Bennett moved that **HB 132 DO PASS.** Motion carried unanimously by roll call vote. Rep. Blasdel voted by proxy.

**EXECUTIVE ACTION ON HB 134**

02:34:41 **Motion:** Rep. G. Bennett moved that **HB 134 DO PASS.**

**Discussion:**

02:35:11 Rep. MacDonald

02:36:08 Rep. O'Neil

02:36:33 Chairman Kerns

02:36:58 **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.

02:38:28 **Motion/Vote:** Rep. G. Bennett moved that **HB 134 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel voted by proxy.

**ADJOURNMENT**

Adjournment: 02:39:45

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Karen Armstrong, Secretary

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**EXHIBIT(juh05a04)** Additional exhibit

Additional Documents:

**EXHIBIT(juh05aad.pdf)**