

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 15, 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. 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)
Rep. Jennifer Eck (D)

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 104, 1/7/2013; HB 107, 1/7/2013; HB 137, 1/7/2013,
HB 16, 1/9/2013, HB 17, 1/9/2013

00:17:40 Chairman Kerns

HEARING ON HB 104

Opening Statement by Sponsor:

00:18:06 Rep. Keith Regier (R), HD 5, opened the hearing on HB 104, Criminalize offenses involving death to an unborn child.

Proponents' Testimony:

00:23:08 Jeff Laszloffy, Montana Family Foundation

00:26:17 Greg Trude, Executive Director, Right-to-Life Montana (RTLM)

EXHIBIT(juh07a01)

00:29:28 Laura d'Esterre, Cultural Vice Spokesperson, Montana Catholic Conference (MCC)

EXHIBIT(juh07a02)

Opponents' Testimony:

00:32:30 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

EXHIBIT(juh07a03)

00:34:27 Nikki Zupanic, American Civil Liberties Union (ACLU)

00:37:20 Lynsey Bourke, Director of Development, Outreach and Communication, Blue Mountain Clinic, Missoula (BMC)

00:41:04 Lindsay Love, Planned Parenthood Advocates of Montana (PPAM)

00:44:39 Kim Leighton, National Abortion Rights Action League (NARAL), Pro-Choice Montana

Informational Testimony: None

Questions from Committee Members and Responses:

00:46:43 Rep. Doane

00:47:13 Ms Bourke, BMC

00:47:30 Chairman Kerns

00:47:32 Rep. Doane

00:47:36 Ms Bourke, BMC

00:47:45 Rep. Doane

00:47:53 Ms. Bourke, BMC

00:48:28 Rep. Doane

00:48:34 Rep. O'Neil

00:48:48 Ms Bourke, BMC

00:48:54 Rep. O'Neil

00:49:02 Ms Bourke, BMC

00:49:19 Rep. O'Neil

00:49:32 Ms Bourke, BMC

00:49:36 Rep. O'Neil

00:49:45 Rep. Hill

00:49:52 Rep. O'Neil

00:50:04 Ms Bourke, BMC

00:50:11 Rep. O'Neil

00:50:25 Ms Bourke, BMC

00:50:31 Rep. O'Neil
00:50:41 Ms Bourke, BMC
00:50:51 Chairman Kerns
00:50:59 Rep. Fiscus
00:51:36 Ms Bourke, BMC
00:51:50 Rep. Fiscus
00:52:08 Ms Bourke, BMC
00:52:12 Rep. Fiscus
00:52:25 Rep. MacDonald
00:52:31 Chairman Kerns
00:52:58 Rep. Gursky
00:53:39 Ms Rossi, MCADSV
00:54:33 Rep. Pease-Lopez
00:55:29 Ms Zupanic, ACLU
00:56:59 Rep. Warburton
00:57:35 Mr. Trude, RTLM
00:58:23 Rep. Gursky
00:59:07 Rep. Regier
00:59:14 Rep. Gursky
00:59:24 Rep. Regier
00:59:31 Rep. Gursky
00:59:55 Ms Zupanic, ACLU
01:00:17 Rep. Halvorson
01:00:57 Rep. Regier
01:01:09 Rep. Halvorson
01:01:40 Rep. Regier
01:02:19 Rep. Halvorson
01:03:01 Ms Love, PPAM
01:03:52 Rep. Halvorson
01:04:12 Ms Love, PPAM
01:04:33 Rep. Hill
01:05:14 Mr. Trude, RTLM
01:05:20 Rep. Hill
01:05:32 Mr. Trude, RTLM
01:05:38 Rep. Hill
01:06:44 Mr. Trude, RTLM
01:06:30 Rep. Hill

Closing by Sponsor:

01:06:40 Rep. Regier

HEARING ON HB 107

01:07:40 Rep. Ryan Lynch (D), HD 74, opened the hearing on HB 107, Revise laws related to legal counsel representation in abuse and neglect cases.

Proponents' Testimony:

01:09:28 William Hooks, Chief Public Defender, Office of the Public Defender (OPD)
01:13:16 Beth McLaughlin, Supreme Court Administrator (SC)

01:14:43 Wade Zolynski, Chief Appellate Defender, Office of the Public Defender (OPD)
01:16:40 Nikki Zupanic, American Civil Liberties Union (ACLU)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:30 Rep. O'Neil
01:19:08 Mr. Hooks, OPD
01:21:26 Rep. O'Neil
01:22:49 Mr. Hooks, OPD
01:23:43 Rep. MacDonald
01:25:08 Mr. Hooks, OPD
01:25:37 Rep. Warburton
01:26:03 Mr. Hooks, OPD
01:26:07 Rep. Warburton
01:26:20 Mr. Hooks, OPD

Closing by Sponsor:

01:28:22 Rep. Lynch

HEARING ON HB 137

Opening Statement by Sponsor:

01:28:53 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HB 137, Clarify application of parole eligibility for juvenile offenders.

Proponents' Testimony:

01:33:36 Mardell Ployhar, Attorney General's Office (AG)
[EXHIBIT\(juh07a04\)](#)
01:39:02 Larry Epstein, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

Informational Testimony:

01:40:20 Jeremy Gersovitz, Deputy County Attorney, Lewis and Clark County

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:42:18 Rep. Dudik
01:42:26 Chairman Kerns
01:42:52 Recess
01:56:30 Reconvene
01:56:34 Chairman Kerns
01:57:14 Recess
01:57:27 Reconvene

HEARING ON HB 16**Opening Statement by Sponsor:**

01:57:33 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 16, Revise involuntary commitment and emergency detention laws.

Proponents' Testimony:

02:08:30 Matt Kuntz, Executive Director, National Alliance on Mental Illness (NAMI)
02:12:42 Kathy McGowan, Eastern Montana Mental Health Center (EMTMHC), Center for Mental Health (CMH) , Western Montana Mental Health Center (WMTMHC), Montana Sheriffs and Peace Officers Association (MSPOA)
02:14:41 Gary Mihelish, retired dentist
02:21:16 Bob Ross, South Central Community Mental Health Center
02:22:31 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association (MCPA), Montana Police Protective Association (MPPA)
02:29:00 Erik Brosten, self
EXHIBIT(juh07a05)
02:31:56 Chairman Kerns
02:32:43 Ryan Morton, self
02:35:27 Greg Chilcott, Ravalli County Commissioner; President, Montana Association of Counties (MACO)
02:36:18 Nancy Staigmilller, self

Opponents' Testimony: None

Informational Testimony:

02:39:20 Glenda Oldenburg, Addictive and Mental Disorders Division Administrator, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

02:40:13 Rep. Lenz
02:41:13 Ms McGowan, EMTMHC, CMH, WMTMHC, MSPOA
02:42:01 Rep. Lenz
02:42:10 Jodi Daly, Clinical Psychologist, Western Montana Mental Health Center, (WMTMHC), Center for Mental Health, (CMH)
02:46:38 Rep. Lenz
02:47:03 Dr. Daly, WMTMHC, CMH
02:47:13 Rep. Eck
02:47:28 Dr. Daly, WMTMHC, CMH
02:47:49 Rep. Eck
02:48:22 Mr. Kuntz, NAMI
02:52:11 Rep. Wagoner
02:52:42 Dr. Daly, WMTMHC, CMH
02:53:12 Rep. Wagoner
02:53:25 Dr. Daly, WMTMHC, CMH
02:53:50 Rep. Regier
02:54:25 Rep. Hill
02:55:02 Rep. Warburton
02:56:07 Mr. Murphy (MACo)
02:56:51 Rep. Halvorson

02:57:50 Ms McGowan, EMTMHC, CMH, WMTMHC, MSPOA
02:58:50 Chairman Kerns
02:59:07 Ms McGowan, EMTMHC, CMH, WMTMHC, MSPOA
02:59:38 Chairman Kerns
02:59:43 Mr. Chilcott, MACo
03:00:13 Rep. Warburton
03:00:46 Dr. Daly, WMTMHC, CMH
03:00:56 Rep. Warburton
03:01:05 Dr. Daly, WMTMHC, CMH

Closing by Sponsor:

03:01:13 Rep. Hill
03:03:10 Ms Thigpen

HEARING ON HB 17

Opening Statement by Sponsor:

03:04:18 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 17, Revise or eliminate certain DOJ advisory councils and reports.

Proponents' Testimony:

03:05:50 Pat Clinch, Deputy State Fire Marshal, State Fire Marshal's Office and Fire Prevention, Department of Justice (DOJ)
03:07:08 Matthew Dale, Office of Consumer Protection and Victim Services, Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:07:41 Rep. Lynch
03:07:57 Mr. Clinch, DOJ

Closing by Sponsor:

03:08:16 Rep. Hill

ADJOURNMENT

Adjournment: 03:09:05

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh07aad.pdf](#))