

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 25, 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. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Clayton Fiscus (R)
Rep. Ryan Lynch (D)
Rep. Wendy Warburton (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 260, 1/22/2013; HB 276, 1/22/2013
Executive Action: HB 43, HB 68, HB 69, HB 165, HB 201, HB 237

HEARING ON HB 260

Opening Statement by Sponsor:

00:28:41 Rep. Tom Berry (R), HD 45, opened the hearing on HB 260, Revise civil contempt fine laws.

Proponents' Testimony:

00:29:52 Robert Jovick, Livingston, Self

00:30:48 Rep. Lynch arrived.

Opponents' Testimony: None

Informational Testimony:

00:40:24 Mark Murphy, Montana County Attorneys Association (MCAA)

00:42:10 Bruce Spencer, State Bar of Montana (SBM)

Questions from Committee Members and Responses:

00:42:30 Rep. Regier

00:42:46 Mr. Spencer, SBM

00:43:10 Rep. Regier

00:43:26 Chairman Kerns

00:43:30 Rep. O'Neil

00:44:01 Mr. Jovick, Self

00:44:48 Rep. O'Neil

00:45:03 Mr. Jovick, Self

00:45:42 Rep. MacDonald

00:46:12 Mr. Jovick, Self

00:46:19 Rep. MacDonald

00:46:51 Mr. Jovick, Self

00:47:17 Rep. Court

00:47:40 Mr. Jovick, Self

00:49:46 Rep. Court

00:50:20 Mr. Jovick, Self

00:51:28 Rep. Court

00:51:47 Mr. Jovick, Self

00:52:16 Rep. Wagoner

00:52:31 Mr. Jovick, Self

00:54:07 Rep. Wagoner

00:54:25 Mr. Jovick, Self

00:55:58 Rep. Halvorson

00:57:18 Mr. Murphy, MCAA

Closing by Sponsor:

00:59:01 Rep. Berry

HEARING ON HB 276**Opening Statement by Sponsor:**

01:00:23 Rep. Champ Edmunds (R), HD 100, opened the hearing on HB 276, Generally revise DUI laws.

Proponents' Testimony:

01:02:36 Dave Ponte, Self

Opponents' Testimony:

01:06:16 Nikki Zupanic, American Civil Liberties Union (ACLU) of Montana

01:10:34 Erik Brosten, Self

Informational Testimony:

01:12:28 Mark Murphy, Montana County Attorneys Association (MCAA)

Questions from Committee Members and Responses:

01:14:30 Rep. Bennett
01:15:22 Rep. Edmunds
01:16:07 Rep. Doane
01:16:40 Rep. Edmunds
01:16:47 Rep. Hill
01:17:02 Rep. Edmunds
01:17:11 Rep. Hill
01:17:18 Rep. Edmunds
01:17:37 Rep. Hill
01:17:53 Rep. Edmunds
01:18:07 Rep. MacDonald
01:18:44 Rep. Lynch
01:19:05 Rep. Edmunds
01:19:11 Rep. Halvorson
01:20:02 Rep. Edmunds
01:20:23 Rep. Wagoner
01:20:53 Rep. Edmunds
01:21:31 Rep. Wagoner
01:21:44 Rep. Edmunds

Closing by Sponsor:

01:21:55 Rep. Edmunds

01:22:39 Recessed

01:32:54 Reconvened with Rep. Regier, Rep. Warburton, Rep. Fiscus and Rep. Blasdel absent.

01:33:02 Chairman Kerns

EXECUTIVE ACTION ON HB 69

01:34:28 **Motion/Vote:** Rep. MacDonald moved that **HB 69 BE TABLED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus, Rep. Regier and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 201**EXHIBIT(juh16a01)**

01:35:14 **Motion:** Rep. Eck moved that **HB 201 DO PASS AS AMENDED**.

01:35:28 **Motion:** Rep. Eck moved that **HB 201 BE AMENDED**.

EXHIBIT(juh16a02)**Discussion:**

01:36:33 Rep. Eck
01:36:41 Rep. Regier returned to the meeting.
01:37:44 Rep. O'Neil
01:38:51 Rep. Eck
01:39:22 Rep. O'Neil
01:39:39 Rep. Eck
01:40:33 Rep. O'Neil
01:40:49 Rep. Eck

01:41:10 **Vote:** Motion carried 19-1 by voice vote with Rep. O'Neil voting no. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

01:41:42 **Motion:** Rep. Eck moved that **HB 201 DO PASS AS AMENDED**.

Discussion:

01:41:59 Rep. Halvorson
01:42:03 Chairman Kerns
01:42:42 Rep. Halvorson
01:43:05 Rep. Gursky
01:43:34 Rep. Wagoner
01:44:00 Ms Thigpen, LSD
01:44:09 Rep. Wagoner
01:44:23 Rep. Eck
01:45:04 Chairman Kerns

01:46:22 **Vote:** Motion failed 9-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lenz, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

01:47:37 **Motion/Vote:** Rep. G. Bennett moved that **HB 201 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON HB 237

01:48:12 **Motion:** Rep. Hill moved that **HB 237 DO PASS.**

01:48:36 **Motion:** Rep. Hill moved that **HB 237 BE AMENDED.**
EXHIBIT(juh16a03)

Discussion:

01:49:08 Rep. Hill

01:49:26 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

01:49:51 **Motion:** Rep. Hill moved that **HB 237 DO PASS AS AMENDED.**

Discussion:

01:49:58 Rep. Hill

01:54:44 **Motion:** Rep. O'Neil moved that **HB 237 BE AMENDED.**

Discussion:

01:55:22 Ms Thigpen, LSD

01:55:26 Rep. O'Neil **WITHDREW MOTION HB 237 BE AMENDED**

01:55:33 Rep. MacDonald
01:56:33 Chairman Kerns

01:57:15 **Vote:** Motion failed 9-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. O'Neil, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

01:58:31 **Motion/Vote:** Rep. G. Bennett moved that **HB 237 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON HB 165

01:59:01 **Motion:** Rep. G. Bennett moved that **HB 165 DO PASS.**

Discussion:

01:59:07 Rep. Regier
01:59:22 Rep. Gursky
01:59:52 Rep. Bennett
02:00:17 Rep. Regier
02:00:46 Chairman Kerns

02:02:49 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Gursky, Rep. Halvorson, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

02:03:53 **Motion/Vote:** Rep. G. Bennett moved that **HB 165 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 68

02:04:48 **Motion:** Rep. MacDonald moved that **HB 68 DO PASS**.

02:04:58 **Motion:** Rep. MacDonald moved that **HB 68 BE AMENDED**.
[EXHIBIT\(juh16a04\)](#)

Discussion:

02:05:18 Rep. MacDonald

02:08:32 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

02:08:51 **Motion:** Rep. MacDonald moved that **HB 68 DO PASS AS AMENDED**.

02:09:00 **Motion:** Rep. Regier moved that **HB 68 BE AMENDED**.
[EXHIBIT\(juh16a05\)](#)

Discussion:

02:09:08 Rep. Regier

02:10:17 Rep. MacDonald

02:11:13 Rep. Regier

02:11:36 **Vote:** Motion carried 11-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Halvorson, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

02:12:52 **Motion:** Rep. MacDonald moved that **HB 68 DO PASS AS AMENDED**.

Discussion:

02:13:10 Rep. MacDonald

02:15:03 Rep. Pease-Lopez

02:16:39 Rep. MacDonald

02:16:45 Rep. Pease-Lopez

02:16:53 Rep. MacDonald

02:17:05 Rep. Doane

02:17:22 Rep. MacDonald

02:19:00 Rep. Doane

02:19:05 Rep. MacDonald

02:19:21 Rep. Pease-Lopez
02:22:52 Rep. Bennett
02:24:24 Chairman Kerns

02:24:57 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Blasdel, Rep. Doane, Rep. Fiscus, Rep. Kerns, Rep. Lenz, Rep. Wagoner and Rep. Warburton voting no. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 43

02:26:19 **Motion:** Rep. MacDonald moved that **HB 43 DO PASS.**

02:26:33 **Motion:** Rep. MacDonald moved that **HB 43 BE AMENDED.**
[EXHIBIT\(juh16a06\)](#)

Discussion:

02:26:54 Rep. MacDonald
02:27:44 Chairman Kerns
02:28:24 Ms Thigpen, LSD

02:28:49 Recessed
02:37:47 Reconvened

02:38:39 Rep. MacDonald
02:39:28 Sheryl Wood, Associate Director, Montana Association of Counties (MACo)
02:40:13 Ms Thigpen, LSD
02:40:35 Ms. Wood, MACo
02:44:15 Rep. O'Neil
02:45:01 Ms Wood, MACo
02:46:08 Rep. MacDonald
02:46:38 Ms Thigpen, LSD
02:47:05 Rep. O'Neil
02:47:21 Rep. MacDonald
02:47:42 Rep. O'Neil
02:47:50 Rep. MacDonald
02:47:57 Rep. O'Neil
02:48:01 Rep. MacDonald
02:48:35 Rep. O'Neil
02:48:50 Rep. MacDonald
02:48:57 Rep. Doane
02:49:17 Chairman Kerns
02:49:29 Rep. MacDonald
02:49:42 Rep. Doane
02:49:49 Rep. MacDonald

02:50:51 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

02:51:45 **Motion:** Rep. MacDonald moved that **HB 43 DO PASS AS AMENDED.**

Discussion:

02:52:02 Rep. MacDonald

02:54:45 Chairman Kerns

02:55:41 **Vote:** Motion failed 9-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Halvorson, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Fiscus and Rep. Warburton voted by proxy.

02:57:28 **Motion/Vote:** Rep. G. Bennett moved that **HB 43 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

02:57:41 Chairman Kerns

EXHIBIT(juh16a07)

ADJOURNMENT

Adjournment: 02:58:15

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh16aad.pdf](#))