

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 29, 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: SB 53, 1/23/2013; HJ 6, 1/22/2013
Executive Action: SB8, SB 50, HB 206, HB 276

00:14:22 Chairman Kerns

HEARING ON SB 53

Opening Statement by Sponsor:

00:15:47 Sen. Robyn Driscoll (D), SD 26, opened the hearing on SB 53, Revise penalties for certain misdemeanor offenses.

Proponents' Testimony:

00:17:21 Fritz Gillespie, Chair, Public Defender Commission (PDC)

EXHIBIT(juh19a01)

00:18:07 Rep. MacDonald arrived.

00:25:21 Cil Robinson, Montana Board of Crime Control (MBCC)

Opponents' Testimony:

00:26:24 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)

00:36:33 Teague Westrope, Billings City Attorney's Office

EXHIBIT(juh19a02)

00:42:29 Jed C.Fitch, Beaverhead County Attorney

00:47:59 Kevin Olson, Administrator, Law Enforcement Academy, Montana Department of Justice (DOJ)

00:49:28 Craig Watson, Assistant Chief for Field Operations, Montana Highway Patrol (MHP)

00:51:44 Jeff Hindoien, Helena City Attorney

EXHIBIT(juh19a03)

00:58:06 Leo Gallagher, Lewis and Clark County Attorney

Informational Testimony: None

Questions from Committee Members and Responses:

01:01:42 Rep. O'Neil

01:02:50 Mr. Murphy, MCAA, MACOP, MPPA

01:04:19 Rep. Fiscus

01:04:44 Mr. Murphy, MCAA, MACOP, MPPA

01:07:04 Rep. Fiscus

01:07:42 Mr. Murphy, MCAA, MACOP, MPPA

01:08:36 Rep. Fiscus

01:08:44 Mr. Murphy, MCAA, MACOP, MPPA

01:09:13 Rep. Hill

01:10:22 Mr. Gillespie, PDC

01:11:32 Rep. Hill

01:11:54 Mr. Gillespie, PDC

01:13:29 Rep. Hill

01:13:57 Mr. Gillespie, PDC

01:14:05 Rep. Hill

01:14:18 Mr. Gillespie, PDC

01:14:43 Chairman Kerns

01:15:12 Mr. Murphy, MCAA, MACOP, MPPA

01:20:52 Chairman Kerns

Closing by Sponsor:

01:21:00 Senator Driscoll

01:22:18 Chairman Kerns

EXECUTIVE ACTION ON SB 8

01:23:20 **Motion/Vote:** Rep. G. Bennett moved that **SB 8 BE CONCURRED IN**. Motion carried 19-1 by voice vote with Rep. Gursky voting no. Rep. Blasdel and Rep. Regier voted by proxy. Rep. Wagoner will carry the bill.

EXECUTIVE ACTION ON SB 50

01:24:42 **Motion/Vote:** Rep. G. Bennett moved that **SB 50 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Regier voted by proxy. Rep. O'Neil will carry the bill.

EXECUTIVE ACTION ON HB 206

01:25:57 **Motion:** Rep. G. Bennett moved to **RECONSIDER THE MOTION** on **HB 206**.

Discussion:

01:26:10 Chairman Kerns

01:27:25 Rep. G. **Bennett WITHDREW MOTION** to **RECONSIDER THE MOTION** on **HB 206**.

01:27:39 Recessed

01:43:31 Reconvened

01:43:35 **Motion/Vote:** Rep. Halvorson moved to **RECONSIDER THE MOTION** on **HB 206**. Motion carried 17-3 by roll call vote with Rep. Blasdel, Rep. Doane and Rep. O'Neil voting no. Rep. Blasdel and Rep. Regier voted by proxy.

01:44:52 **Motion/Vote:** Rep. Halvorson moved that **HB 206 DO PASS AS AMENDED**. Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Blasdel, Rep. Doane, Rep. Fiscus, Rep. Kerns, Rep. Laszloffy, Rep. Lenz, Rep. O'Neil and Rep. Wagoner voting no. Rep. Blasdel and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 276

01:46:37 **Motion:** Rep. G. Bennett moved that **HB 276 DO PASS**.

Discussion:

01:46:46 Rep. Hill

01:47:34 **Motion:** Rep. Hill moved that **HB 276 BE AMENDED**.

[EXHIBIT\(juh19a04\)](#)

Discussion:

- 01:48:17 Rep. Halvorson
 01:49:12 Rep. O'Neil
 01:49:27 Rep. Fiscus
 01:49:52 Rep. O'Neil
- 01:50:00 **Vote:** Motion failed 10-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Laszloffy, Rep. Lynch, Rep. MacDonald, Rep. O'Neil, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel and Rep. Regier voted by proxy.
- 01:50:58 **Motion/Vote:** Rep. G. Bennett moved that **HB 276 DO PASS**. Motion failed 1-19 by roll call vote with Rep. Warburton voting aye. Rep. Blasdel and Rep. Regier voted by proxy.
- 01:52:46 **Motion/Vote:** Rep. G. Bennett moved that **HB 276 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.
- 01:53:01 Rep. Warburton

HEARING ON HJ 6**Opening Statement by Sponsor:**

- 01:53:50 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HJ 6, Resolution encouraging implementation of I-166 provisions.

[EXHIBIT\(juh19a05\)](#)**Proponents' Testimony:**

- 01:59:31 Matt Leow, Stand with Montanans: Corporations Aren't People, Ban Corporate Campaign Spending (SWM)

[EXHIBIT\(juh19a06\)](#)

- 02:05:01 Carol Mackin, Peoples Power League

[EXHIBIT\(juh19a07\)](#)

- 02:09:17 Sam Thompson, Montana Public Interest Research Group (MTPIRG)

- 02:09:58 Mark Mackin, Self

[EXHIBIT\(juh19a08\)](#)

- 02:13:35 Sean McQuillan, Self

- 02:14:49 Hiedi Handford, Self

- 02:17:25 Ross Prospero, Montana Conservation Voters

- 02:19:24 Terry Minnow, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

Opponents' Testimony:

- 02:20:29 Rep. Clayton Fiscus, Self and family

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

- 02:23:33 Rep. O'Neil

02:23:50 Mr. Leow, SWM
02:24:53 Rep. O'Neil
02:24:14 Mr. Leow, SWM
02:24:50 Rep. O'Neil
02:24:56 Mr. Leow, SWM
02:25:38 Rep. O'Neil
02:26:16 Mr. Leow, SWM
02:26:43 Rep. O'Neil
02:27:12 Mr. Leow, SWM
02:27:24 Rep. O'Neil
02:27:36 Mr. Leow, SWM
02:27:41 Rep. O'Neil
02:28:11 Mr. Leow, SWM
02:28:34 Rep. O'Neil
02:28:55 Mr. Leow, SWM
02:29:08 Chairman Kerns
02:29:21 Rep. O'Neil
02:29:35 Mr. Leow, SWM
02:30:48 Chairman Kerns
02:31:56 Mr. Leow, SWM
02:31:19 Rep. O'Neil
02:32:00 Mr. Leow, SWM
02:32:17 Rep. O'Neil
02:33:24 Mr. Leow, SWM
02:34:06 Rep. MacDonald
02:34:58 Mr. Leow, SWM
02:36:47 Rep. Halvorson
02:37:44 Ms Thigpen, Legal Services Division (LSD)
02:38:04 Rep. Halvorson
02:38:50 Ms Thigpen, LSD
02:39:06 Rep. Halvorson
02:39:13 Rep. Pease-Lopez
02:39:54 Rep. Hill
02:41:39 Rep. Halvorson
02:42:07 Rep. Hill
02:42:12 Rep. Regier returned to the meeting.

Closing by Sponsor:

02:42:52 Rep. Hill
02:43:38 Chairman Kerns

ADJOURNMENT

Adjournment: 02:43:38

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh19aad.pdf](#))