

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on February 8, 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. 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)

**Members Excused:** Rep. Mark Blasdel (R)  
Rep. Jenifer Gursky (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 335, 2/1/2013; HB 384, 2/5/2013  
Executive Action: HB 352, HJ 6

00:12:03 Chairman Kerns

**HEARING ON HB 335**

**Opening Statement by Sponsor:**

00:14:23 Rep. Jennifer Eck (D), HD 82, opened the hearing on HB 335, Revise sexual offender laws.

[EXHIBIT\(juh28a01\)](#)

**Proponents' Testimony:**

00:17:21 Ole Olson, Prosecutor, Department of Justice (DOJ)

[EXHIBIT\(juh28a02\)](#)

[EXHIBIT\(juh28a03\)](#)

00:26:17 Mark Murphy, Montana County Attorneys Association (MCAA) and Montana Police Protective Association (MPPA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:30:51 Rep. Regier  
00:31:07 Rep. Eck  
00:31:49 Rep. Regier  
00:32:10 Mr. Olson, DOJ  
00:32:26 Rep. Regier  
00:32:49 Mr. Olson, DOJ  
00:32:53 Rep. O'Neil  
00:33:02 Mr. Olson, DOJ  
00:33:08 Rep. O'Neil  
00:33:21 Mr. Olson, DOJ  
00:34:00 Rep. Pease-Lopez  
00:34:18 Mr. Olson, DOJ  
00:34:44 Rep. Fiscus  
00:35:00 Mr. Olson, DOJ  
00:35:15 Rep. Hill  
00:35:30 Mr. Olson, DOJ  
00:35:39 Rep. Hill  
00:35:50 Mr. Olson, DOJ  
00:35:56 Rep. Hill  
00:36:10 Mr. Olson, DOJ  
00:36:18 Rep. Court  
00:36:44 Mr. Olson, DOJ  
00:37:16 Rep. Court  
00:37:31 Mr. Olson, DOJ  
00:38:00 Rep. Halvorson  
00:38:47 Mr. Olson, DOJ  
00:39:50 Rep. Doane  
00:40:20 Mr. Olson, DOJ  
00:40:39 Rep. Doane

00:40:57 Mr. Olson, DOJ  
00:41:27 Rep. Lenz  
00:41:41 Mr. Olson, DOJ

**Closing by Sponsor:**

00:42:14 Rep. Eck

**HEARING ON HB 384**

**Opening Statement by Sponsor:**

00:43:00 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 384, Clarifying laws for suspension and expulsion of students related to firearms.

[EXHIBIT\(juh28a04\)](#)

**Proponents' Testimony:**

00:49:11 Doug Nulle, Montana Shooting Sports Association (MSSA)

[EXHIBIT\(juh28a05\)](#)

[EXHIBIT\(juh28a06\)](#)

00:55:18 Dave Arbenz, Self

**Opponents' Testimony:**

00:55:48 Debra Silk, Executive Director and General Counsel, Montana School Boards Association (MTSBA)

00:58:55 J. C. Weingartner, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:02:06 Rep. MacDonald

01:03:24 Ms Silk, MTSBA

01:05:12 Rep. Fiscus

01:05:50 Ms Silk, MTSBA

**Closing by Sponsor:**

01:06:20 Rep. O'Neil

**EXECUTIVE ACTION ON HB 352**

01:11:41 **Motion:** Rep. G. Bennett moved that **HB 352 DO PASS.**

01:11:53 **Motion:** Rep. Doane moved that **HB 352 BE AMENDED.**

[EXHIBIT\(juh28a07\)](#)

**Discussion:**

01:12:15 Rep. Doane

01:12:29 Rep. MacDonald

01:12:56 Rep. Doane

01:13:02 Rep. MacDonald

- 01:13:12 Rep. Doane  
01:13:22 Rep. Eck
- 01:13:39 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Gursky and Rep. Warburton voted by proxy.
- 01:14:15 **Motion:** Rep. G. Bennett moved that **HB 352 DO PASS AS AMENDED.**
- 01:14:21 **Motion:** Rep. O'Neil moved that **HB 352 BE AMENDED.**  
[EXHIBIT\(juh28a08\)](#)

**Discussion:**

- 01:14:34 Rep. O'Neil  
01:15:47 Rep. Regier  
01:16:17 Rep. O'Neil  
01:16:26 Rep. Regier  
01:16:45 Rep. O'Neil  
01:17:35 Rep. Lynch  
01:17:56 Rep. O'Neil  
01:18:04 Rep. Pease-Lopez  
01:18:18 Ms Thigpen, Legislative Services Division (LSD)  
01:18:57 Rep. MacDonald  
01:19:46 Mary Phippen, Montana Magistrates Association (MMA)  
01:21:07 Rep. MacDonald  
01:21:36 Beth McLaughlin, Administrator, Supreme Court (SC)  
01:22:56 Rep. Lynch  
01:23:21 Ms McLaughlin, SC  
01:23:43 Rep. O'Neil  
01:24:04 Ms McLaughlin, SC  
01:24:22 Rep. Hill  
01:24:46 Ms McLaughlin, SC  
01:26:01 Rep. Hill  
01:26:21 Ms McLaughlin, SC  
01:26:44 Rep. Wagoner  
01:27:14 Rep. O'Neil  
01:27:38 Chairman Kerns  
01:28:03 Rep. Halvorson
- 01:28:13 Rep. O'Neil **WITHDREW MOTION HB 352 BE AMENDED.**
- 01:28:26 Chairman Kerns, without objection, postponed additional action until next week.

**EXECUTIVE ACTION ON HJ 6****Discussion:**

- 01:28:38 Chairman Kerns  
01:29:43 Rep. MacDonald  
01:29:56 Rep. Hill  
01:30:02 Chairman Kerns

01:30:18     **Motion/Vote:** Rep. G. Bennett moved that **HJ 6 BE REMOVED FROM TABLED**. Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Gursky and Rep. Warburton voted by proxy.

01:31:27     Chairman Kerns

**ADJOURNMENT**

Adjournment: 01:31:53

---

Karen Armstrong, Secretary

ka

Additional Documents:

**EXHIBIT([juh28aad.pdf](#))**