

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 12, 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. 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)

Members Excused: Rep. Mark Blasdel (R)
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 240, 2/5/2013; HB 302, 2/5/2013; HB 303, 2/5/2013

00:17:38 Chairman Kerns

HEARING ON HB 240

EXHIBIT(juh31a01)

Opening Statement by Sponsor:

00:19:56 Rep. Cary Smith (R), HD 55, opened the hearing on HB 240, Clarify constitutional provisions and law related to board of regents/u-system.

Proponents' Testimony:

00:23:02 Gary Marbut, President, Montana Shooting Sports Association (MSSA) and Western Montana Fish and Game Association (WMFGA)
00:30:14 Doug Nulle, Self
00:33:14 Lloyd Phillips, Self, Outdoor International Network
00:34:36 Garrett Bacon, Self
00:35:06 Tim Ravndal, Self
00:35:34 Chris Shipp, Self
00:36:59 Charles French, Associated Students of Montana State University (ASMSU)
00:38:18 Christine Gobrogge, Self
00:40:32 Ed Butcher, Self
00:42:04 Alexander Read, Self

EXHIBIT(juh31a02)

00:43:34 Brandon O'Brien, Self
00:44:44 Jessica Hall, Self
00:46:34 Levi Krutzfeldt, Self

EXHIBIT(juh31a03)

00:47:51 Logan Henke, Self
00:49:17 Paul Landsgaard, Self

Opponents' Testimony:

00:50:31 Kevin McRae, Associate Commissioner of Higher Education, Board of Regents
00:55:44 J. C. Weingartner, Montana Education Association-Montana Federation of Teachers (MEA-MFT)
01:00:05 John Bowenhollow, Self
01:04:48 John Oitzinger, Self
01:07:05 Sandy Oitzinger, Self

EXHIBIT(juh31a04)

01:11:05 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:11:48 Jamee Greer, Montana Human Rights Network (MHRN)

Informational Testimony:

01:12:15 Trey Cathey, Self
01:17:08 Rep. Hill
01:17:13 Chairman Kerns

Questions from Committee Members and Responses:

01:18:10 Rep. Hill
01:20:26 Mr. Shipp, Self

01:21:15 Rep. MacDonald
01:21:36 Mr. Shipp, Self
01:21:59 Rep. MacDonald
01:22:10 Mr. Shipp, Self
01:22:22 Rep. MacDonald
01:22:26 Mr. Shipp, Self
01:22:33 Rep. MacDonald
01:22:37 Mr. Shipp, Self
01:22:42 Rep. Court
01:23:02 Rep. Smith
01:23:09 Rep. Court
01:23:15 Rep. Smith
01:23:22 Rep. Court
01:23:33 Rep. Smith
01:23:51 Rep. Court
01:24:17 Rep. Smith
01:24:22 Rep. Court
01:24:46 Rep. Smith
01:25:15 Rep. MacDonald
01:25:49 Rep. Smith
01:26:23 Rep. MacDonald
01:26:46 Rep. Smith
01:26:58 Rep. MacDonald
01:27:27 Rep. Smith
01:27:40 Rep. Wagoner
01:28:01 Rep. Smith
01:28:49 Rep. Wagoner
01:29:03 Rep. Smith
01:29:32 Rep. Doane
01:29:54 Rep. Smith
01:30:08 Rep. Lenz
01:31:10 Ms Gobrogge, Self
01:32:19 Rep. Laszloffy
01:33:05 Mr. Weingartner, MEA-MFT
01:34:35 Rep. Laszloffy
01:34:45 Mr. Weingartner, MEA-MFT

Closing by Sponsor:

01:35:09 Rep. Smith

01:40:32 Recessed

01:47:28 Reconvened

HEARING ON HB 302

Opening Statement by Sponsor:

01:47:53 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 302, Prohibit state enforcement of any federal ban on semi-auto firearms/magazines.

Proponents' Testimony:

01:52:11 Gary Marbut, Montana Shooting Sports Association (MSSA) and Western
Montana Fish and Game Association (WMFGA)
01:56:45 Doug Nulle, Self
01:57:34 Lloyd Phillips, Self
01:58:48 Tim Ravndal, The Order of Constitutional Defenders and Oath Keepers
02:00:23 Dave Arbenz, Self
02:01:01 Doug Carpenter, Self
02:01:24 Terressa McDaniel, Self
02:02:08 Philip Gregory, Self
02:03:45 Ed Butcher, Self
02:06:04 Paul Landsgaard, Self
02:07:22 Trey Cathey, Self

[EXHIBIT\(juh31a05\)](#)

[EXHIBIT\(juh31a06\)](#)

02:08:41 Wayne Delzer, Self
02:09:18 James Delsigne, Self

Opponents' Testimony:

02:10:12 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

[EXHIBIT\(juh31a07\)](#)

02:15:16 Rep. O'Neil
02:15:28 Vice Chair Bennett
02:15:36 Mr. Smith, MSPOA
02:16:58 Leo Gallagher, Lewis and Clark County Attorney for Montana County Attorneys
Association (MCAA)
02:23:33 Larry Epstein, Montana Association of Chiefs of Police (MACOP)
02:24:52 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)
02:26:50 Jamee Greer, Montana Human Rights Network (HRN)
02:29:07 John Bowenhollow, Self

Informational Testimony:

02:34:14 Paul Landsgaard, Self
02:34:36 Rep. MacDonald
02:35:10 Vice Chairman Bennett
02:35:25 Rep. MacDonald

Questions from Committee Members and Responses:

02:36:05 Rep. Fiscus
02:36:44 Rep. Kerns
02:36:57 Rep. Hill
02:38:06 Mr. Cathey, Self
02:38:54 Rep. Hill
02:39:22 Mr. Cathey, Self
02:39:55 Rep. Hill
02:40:16 Mr. Ravndal, The Order of Constitutional Defenders and Oath Keepers
02:41:25 Rep. Hill
02:41:37 Mr. Ravndal, The Order of Constitutional Defenders and Oath Keepers
02:41:49 Rep. MacDonald

02:42:52 Rep. Wagoner
02:43:06 Rep. MacDonald
02:43:16 Vice Chair Bennett
02:43:48 Mr. Delsigne, Self
02:44:54 Rep. Gursky
02:45:25 Mr. Phillips, Self
02:46:50 Rep. Gursky
02:47:01 Mr. Phillips, Self
02:47:13 Vice Chair Bennett
02:47:44 Rep. Kerns
02:48:02 Vice Chair Bennett
02:48:21 Rep. Kerns

Closing by Sponsor:

02:48:36 Rep. Kerns
02:49:42 Rep. Hill

HEARING ON HB 303

EXHIBIT(juh31a08)

Opening Statement by Sponsor:

02:50:36 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 303, Federal law enforcement officers should communicate with sheriff.

Proponents' Testimony:

02:55:34 Gary Marbut, Montana Shooting Sports Association (MSSA) and Western Montana Fish and Game Association (WMFGA)
03:05:24 Henry Kriegel, Bozeman Tea Party
03:11:39 Rep. Hill
03:11:46 Mr. Kriegel, Bozeman Tea Party
03:12:05 Doug Nulle, Self
03:13:02 Garrett Bacon, Self
03:13:52 Tim Ravndal, The Order of Constitutional Defenders of Montana and Oath Keepers
03:15:56 Lloyd Phillips, Self
03:17:16 Doug Carpenter, Self
03:18:02 Ed Butcher, Self
03:22:17 Trey Cathey, Self
03:25:22 Paul Landsgaard, Self

Opponents' Testimony:

03:26:25 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
03:32:09 Leo Gallagher, Lewis and Clark County Attorney, Montana County Attorneys Association (MCAA)
03:37:40 Larry Epstein, Montana Association of Chiefs of Police (MACOP)
03:38:40 Niki Zupanic, American Civil Liberties Union (ACLU) Montana
03:40:00 Jamee Greer, Montana Human Rights Network (MHRN)

EXHIBIT(juh31a09)

03:43:39 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

Informational Testimony: None

Questions from Committee Members and Responses:

03:45:59 Rep. Lynch
03:47:36 Mr. Marbut, MSSA, WMFGA
03:48:18 Rep. Lynch
03:48:40 Mr. Marbut, MSSA, WMFGA
03:49:06 Rep. MacDonald
03:49:48 Ms Zupanic, ACLU
03:49:58 Rep. MacDonald
03:50:11 Ms Zupanic, ACLU
03:51:48 Rep. MacDonald
03:52:13 Ms Zupanic, ACLU
03:52:24 Rep. MacDonald
03:52:29 Rep. Kerns
03:52:49 Rep. Smith
03:53:12 Mr. Marbut, MSSA, WMFGA
03:53:28 Rep. Smith
03:53:59 Mr. Marbut, MSSA, WMFGA
03:54:03 Rep. Smith
03:54:12 Mr. Marbut, MSSA, WMFGA
03:54:33 Rep. Wagoner
03:55:34 Rep. Kerns
03:55:56 Rep. Wagoner
03:56:00 Rep. Kerns
03:56:12 Rep. Fiscus
03:56:38 Rep. Kerns
03:56:44 Rep. Fiscus
03:57:03 Rep. Kerns
03:57:15 Rep. Lynch
03:57:41 Rep. Kerns
03:58:13 Rep. Court
03:58:56 Mr. Gallagher, MCAA
03:59:17 Rep. Court
03:59:38 Mr. Gallagher, MCAA
04:01:14 Rep. MacDonald
04:02:30 Mr. Gallagher, MCAA
04:03:53 Rep. MacDonald
04:04:37 Mr. Gallagher, MCAA
04:05:04 Rep. MacDonald
04:05:24 Mr. Gallagher, MCAA
04:06:00 Rep. Halvorson
04:06:37 Mr. Gallagher, MCAA
04:06:42 Rep. Halvorson
04:06:54 Mr. Gallagher, MCAA

Closing by Sponsor:

04:07:09 Rep. Kerns

04:08:17 Rep. Bennett

ADJOURNMENT

Adjournment: 04:08:37

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh31aad.pdf](#))