

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 14, 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. 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. Ellie Boldman Hill (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 236, 1/24/2013; HB 370, 2/7/2013; HB 438, 2/12/2013

00:14:42 Chairman Kerns

HEARING ON HB 370

Opening Statement by Sponsor:

00:16:59 Rep. Doug Kary (R), HD 48, opened the hearing on HB 370, Abolish death penalty and replace with life in prison without parole.

Proponents' Testimony:

00:21:50 Marietta Jaeger Lane, Self

00:28:01 Rep. Hill arrived.

00:29:19 Jacqueline Lenmark, Montana Abolition Coalition

[**EXHIBIT\(juh33a01\)**](#)

00:34:51 Ronald Keine, Self

[**EXHIBIT\(juh33a02\)**](#)

00:40:58 Jessie McQuillan, Executive Director, Montana Innocence Project

[**EXHIBIT\(juh33a03\)**](#)

[**EXHIBIT\(juh33a04\)**](#)

[**EXHIBIT\(juh33a05\)**](#)

00:45:24 Diana Cote, Self

00:54:52 Bishop Michael Warfel, Montana Catholic Conference and Bishops

[**EXHIBIT\(juh33a06\)**](#)

01:01:32 Emily Roehm, Self

[**EXHIBIT\(juh33a07\)**](#)

01:03:50 Rev. Sue DeBree, Self

[**EXHIBIT\(juh33a08\)**](#)

01:08:45 LaVonne Hohn, Self (Testimony finished by Rev. DeBree)

01:12:38 Bob Filipovich, Self

[**EXHIBIT\(juh33a09\)**](#)

01:14:57 Rev. Sarah Beck, Abolition Coalition

[**EXHIBIT\(juh33a10\)**](#)

01:17:41 Melissa Barcroft, Self

[**EXHIBIT\(juh33a11\)**](#)

01:18:45 Jim Brown, Republican Legislators, Conservatives concerned about the Death Penalty

[**EXHIBIT\(juh33a12\)**](#)

01:19:15 Matt Kuntz, National Alliance on Mental Illness (NAMI) Montana

[**EXHIBIT\(juh33a13\)**](#)

01:20:31 Karla Gray, Former Chief Justice of Supreme Court, Self

[**EXHIBIT\(juh33a14\)**](#)

01:21:12 Karen Phaeler, Self

01:21:22 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU) Montana

[**EXHIBIT\(juh33a15\)**](#)

01:22:17 Jamee Greer, Montana Human Rights Network

01:22:25 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence

01:22:32 Frank Smith, Self

[**EXHIBIT\(juh33a16\)**](#)

Opponents' Testimony:

01:25:01 Jordan Hall, Self
01:30:49 Rep. Roy Hollandsworth, HD 28, Self
01:33:14 Rep. Tom Berry, HD 45, Self
01:39:43 Marty Lambert, Gallatin County Attorney
01:47:01 Tim Schroeder, Self
01:47:21 Brett Linneweber, Park County Attorney
01:57:27 Greg Harding, Self
02:01:25 Steve Eckels, Self
02:04:51 Gil Mangels, Self
02:09:13 Dave Harris, Self
02:11:47 Duane Mitchell, Richland County Commissioners
02:12:13 Jeff Laszloffy, Self
02:17:53 Lewis Smith, Powell County Attorney

EXHIBIT(juh33a17)

02:20:50 Loren Young, Richland County Commissioners

Informational Testimony:

02:22:02 Bill Hooks, Chief Public Defender, Office of the Public Defender (OPD)
02:24:12 Chairman Kerns

02:24:03 Recessed
02:29:27 Reconvened

Proponents' Testimony: (Continued)

02:30:04 Jacqueline Lenmark, Abolition Coalition

EXHIBIT(juh33a18)**Opponents' Testimony:** (Continued)

02:35:51 Lewis Smith, Powell County Attorney

Questions from Committee Members and Responses:

02:36:45 Rep. Fiscus
02:37:40 Mr. Hooks, OPD
02:38:25 Rep. Fiscus
02:38:59 Mr. Hooks, OPD
02:39:36 Rep. MacDonald
02:40:43 Mr. Hooks, OPD
02:47:04 Chairman Kerns
02:47:11 Rep. Court
02:47:42 Mr. Hooks, OPD
02:48:54 Rep. Eck
02:49:33 Justice Gray, Self
02:51:43 Rep. Lenz
02:52:13 Mr. Hooks, OPD
02:54:48 Rep. MacDonald
02:55:49 Mr. Keine, Self
02:57:50 Rep. Eck
02:58:34 Rep. Smith
03:00:32 Rep. Pease-Lopez

03:01:30 Rev. Roeme, Self
 03:03:08 Rep. Smith
 03:03:50 Rep. Hill
 03:05:41 Ms McQuillan, Montana Innocence Project

Closing by Sponsor:

03:08:56 Rep. Kary

HEARING ON HB 236

Opening Statement by Sponsor:

03:11:35 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 236, Eliminate license exemption for certain private adolescent treatment programs.

Proponents' Testimony:

03:18:21 Darcy Kelly, Montana Board of Private Alternative Adolescent Residential or Outdoor Programs (PAARP), Business Standards Division, Montana Department of Labor and Industry (DLI)

EXHIBIT(juh33a19)

03:23:59 Darcy Kelly, Self
 03:30:46 Beth Brennenman, Disability Rights Montana (DRM)

EXHIBIT(juh33a20)

03:34:20 Matt Kuntz, Executive Director, National Alliance on Mental Illness (NAMI)
 03:35:48 Sarah Corbally, Administrator, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)

EXHIBIT(juh33a21)

Opponents' Testimony:

03:39:16 Jeff Laszloffy, Montana Family Foundation
 03:46:45 Robert Larsson, Director, Pinehaven Christian Children's Ranch and School (PCCRS)

EXHIBIT(juh33a22)

04:06:16 Chairman Kerns
 04:06:51 Cory Green, Self
 04:10:59 Steve Hinebauch, Self
 04:11:52 Travis Butcher, Self
 04:14:11 Jenae Butcher, Self
 04:14:37 Josh Butcher, Self
 04:15:46 Adam Houghton, Self
 04:17:55 Deanne Haines, Self
 04:19:23 J. C. Croan, Self
 04:21:11 Elvan Lamb, Self
 04:22:30 Chuck Swenson, Self
 04:23:43 Laura Silgen, Self
 04:24:34 William Sutley, Self

Informational Testimony:

04:25:37 Joslyn Hunt, Attorney, DLI

Questions from Committee Members and Responses:

04:27:30 Rep. Smith
 04:28:05 Mr. Larsson, PCCRS
 04:31:13 Rep. Gursky
 04:31:35 Mr. Larsson, PCCRS
 04:33:12 Rep. Lynch
 04:33:53 Mr. Larsson, PCCRS
 04:34:21 Rep. MacDonald
 04:35:20 Beth Brenneman, DRM
 04:36:13 Rep. Pease-Lopez
 04:36:40 Mr. Sutley, Self
 04:39:09 Rep. Eck
 04:40:11 Ms Brenneman, DRM
 04:40:37 Rep. Eck
 04:40:56 Ms Corbally, DPHHS
 04:41:16 Rep. Eck
 04:41:43 Ms Corbally, DPHHS
 04:41:57 Rep. Court
 04:42:14 Mr. Larsson, PCCRS
 04:42:43 Rep. Court
 04:42:51 Mr. Larsson, PCCRS

Closing by Sponsor:

04:43:06 Rep. Hill

HEARING ON HB 438

Opening Statement by Sponsor:

04:51:32 Rep. Nancy Ballance (R), HD 89, opened the hearing on HB 438, Establish procedures for landlord tenant actions in justice court.

Proponents' Testimony:

04:52:28 John Sinrud, Montana Landlords Association
 04:52:56 Ricky Linafelter, Montana Landlords Association
 04:53:29 Sharon Lodge, Bozeman Landlords and Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

04:54:41 Rep. Ballance
 04:55:10 Chairman Kerns

ADJOURNMENT

Adjournment: 04:55:36

Karen Armstrong, Secretary

ka

Additional Documents:

EXHIBIT([juh33aad.pdf](#))