

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on February 15, 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 369, 2/7/2013; HB 391, 2/7/2013
Executive Action: HB 205, HB 240, HB 302, HB 303, HB 304, HB 352, HB 358
HB 374, HB 384, HB 386, HB 446

00:15:19 Chairman Kerns

HEARING ON HB 369

Opening Statement by Sponsor:

00:16:18 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 369, Revise laws for courts of limited jurisdiction.

EXHIBIT(juh34a01)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:21:50 Rep. Fitzpatrick

HEARING ON HB 391

Opening Statement by Sponsor:

00:23:04 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 391, Requiring parental consent prior to an abortion for a minor.

Proponents' Testimony:

00:24:25 Jeff Laszloffy, Montana Family Foundation (MFF)

00:36:18 DeAnn Visser, LaVie, Billings

00:38:09 Janet Carson, Self

00:41:24 Laura D'Esterre, Montana Catholic Conference

00:44:28 Carol Kolar, Self

00:47:31 Gregg Trude, Self

Opponents' Testimony:

00:48:48 Niki Zupanic, American Civil Liberties Union (ACLU) Montana

EXHIBIT(juh34a02)

00:56:51 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:00:48 Lindsey Love, Planned Parenthood Advocates of Montana (PPAMT)

01:10:50 Kim Leighton, National Association for Repeal of Abortion Laws (NARAL) Pro-Choice Montana

01:14:33 Jamee Greer, Montana Human Rights Network

01:15:25 Caitlin Carroll, NARAL

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:22 Rep. Regier

01:17:56 Ms Zupanic, ACLU

01:19:14 Rep. Regier
01:19:33 Ms Zupanic, ACLU
01:20:23 Rep. Regier
01:20:40 Ms Zupanic, ACLU
01:21:20 Rep. Regier
01:21:46 Ms Rossi, MCADSV
01:22:07 Rep. Hill
01:23:07 Ms Zupanic, ACLU
01:25:48 Rep. Hill
01:26:22 Rep. Fiscus
01:27:03 Ms Zupanic, ACLU
01:27:38 Rep. Fiscus
01:27:56 Ms Zupanic, ACLU
01:28:27 Chairman Kerns
01:29:00 Ms Love, PPAMT
01:29:29 Rep. Fiscus
01:29:55 Ms Love, PPAMT
01:30:02 Rep. Fiscus
01:30:08 Ms Love, PPAMT
01:30:31 Rep. Gursky
01:30:45 Ms Visser, LaVie
01:31:18 Rep. Gursky
01:31:22 Ms Visser, LaVie
01:31:30 Rep. Gursky
01:32:04 Ms Visser, LaVie
01:32:12 Rep. Gursky
01:32:16 Ms Visser, LaVie
01:32:24 Rep. Gursky
01:32:38 Ms Visser, LaVie
01:33:05 Rep. Gursky
01:33:11 Ms Visser, LaVie
01:33:18 Rep. Gursky
01:33:45 Ms Rossi, MCADSV
01:35:05 Rep. Gursky
01:35:32 Ms Zupanic, ACLU
01:37:52 Rep. Eck
01:38:37 Ms Love, PPAMT
01:39:37 Rep. Halvorson
01:40:37 Mr. Laszloffy, MFF
01:40:59 Rep. Halvorson
01:41:18 Mr. Laszloffy, MFF
01:41:31 Rep. Halvorson
01:42:13 Mr. Laszloffy, MFF
01:43:17 Rep. Halvorson
01:44:48 Mr. Laszloffy, MFF
01:46:22 Rep. Court
01:46:53 Ms Love, PPAMT
01:47:00 Rep. Court
01:47:17 Ms Love, PPAMT
01:47:22 Rep. Court

01:47:43 Ms Love, PPAMT
01:47:58 Rep. Court
01:48:8 Ms Love, PPAMT
01:48:30 Rep. Court
01:48:38 Ms Love, PPAMT
01:48:44 Rep. Court
01:49:07 Ms Love, PPAMT
01:49:19 Rep. Court
01:49:43 Ms Love, PPAMT
01:49:52 Rep. Hill
01:51:40 Rep. Bennett
01:53:50 Rep. Hill
01:54:31 Rep. Bennett
01:54:55 Rep. Lenz
01:55:45 Mr. Laszloffy, MFF
01:55:58 Rep. Lenz
01:56:26 Mr. Laszloffy, MFF
01:59:29 Rep. Smith
01:59:51 Ms Love, PPAMT
01:59:67 Rep. Smith
02:00:03 Ms Love, PPAMT
02:00:39 Rep. Smith
02:00:56 Ms Visser, LaVie
02:01:04 Rep. Halvorson
02:02:39 Mr. Laszloffy, MFF
02:03:34 Rep. Laszloffy
02:05:12 Ms Love, PPAMT
02:06:06 Rep. Laszloffy
02:06:20 Ms Love, PPAMT
02:06:31 Rep. Laszloffy
02:06:37 Ms Love, PPAMT
02:06:43 Rep. Lynch
02:07:34 Ms Zupanic, ACLU
02:10:10 Rep. Lynch
02:10:39 Ms Zupanic, ACLU

Closing by Sponsor:

02:12:16 Rep. Bennett

02:15:03 Recessed

02:26:18 Reconvened

02:26:24 Chairman Kerns

EXECUTIVE ACTION ON HB 205

02:27:06 **Motion:** Rep. Kerns moved that **HB 205 DO PASS.**

Discussion:

02:27:19 Rep. Lynch
02:28:00 Rep. Doane
02:28:20 Rep. MacDonald
02:29:25 Chairman Kerns
02:29:44 Rep. MacDonald
02:29:51 Rep. Hill
02:30:53 Rep. Wagoner

02:31:20 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 240

02:32:31 **Motion:** Rep. G. Bennett moved that **HB 240 DO PASS.**

Discussion:

02:32:38 Rep. MacDonald
02:34:44 Rep. Gursky
02:36:41 Rep. Regier
02:37:01 Rep. Hill
02:38:59 Rep. Wagoner

02:39:41 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 302

02:40:51 **Motion:** Rep. G. Bennett moved that **HB 302 DO PASS.**

Discussion:

02:40:59 Chairman Kerns
02:41:32 Rep. Lynch
02:42:28 Rep. Doane
02:42:35 Rep. MacDonald
02:43:56 Rep. Gursky

02:44:20 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 303

02:45:29 **Motion:** Rep. G. Bennett moved that **HB 303 DO PASS.**

Discussion:

02:45:37 Chairman Kerns
02:46:11 Rep. Hill

02:47:45 Rep. Gursky
02:48:13 Rep. Pease-Lopez
02:49:11 Rep. Gursky
02:49:23 Rep. Fiscus
02:50:41 Rep. Eck

02:52:01 **Vote:** Motion carried 11-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Laszloffy, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 304

02:53 28 **Motion:** Rep. G. Bennett moved that **HB 304 DO PASS.**

Discussion:

02:53:56 Rep. Hill
02:54:37 Rep. MacDonald

02:56:37 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 335

02:58:28 **Motion:** Rep. Eck moved that **HB 335 DO PASS.**

02:58:35 **Motion:** Rep. Eck moved that **HB 335 BE AMENDED.**
[EXHIBIT\(juh34a03\)](#)

Discussion:

02:58:46 Rep. Eck
03:00:06 Rep. Wagoner

03:00:15 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Warburton voted by proxy.

03:00:29 **Motion:** Rep. Eck moved that **HB 335 DO PASS AS AMENDED.**

Discussion:

03:00:36 Rep. Eck
03:01:18 Rep. O'Neil
03:01:55 Rep. Eck
03:02:08 Ms Thigpen, Legal Services Division (LSD)
03:02:33 Rep. Doane
03:02:46 Ms Thigpen, LSD
03:03:21 Rep. O'Neil
03:03:38 Rep. Lynch
03:04:25 Rep. Wagoner

03:04:29 **Vote:** Motion carried 19-1 by roll call vote with Rep. O'Neil voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 352

03:05:33 **Motion:** Rep. G. Bennett moved that **HB 352 DO PASS AS AMENDED.**

03:06:03 **Motion:** Rep. O'Neil moved that **HB 352 BE AMENDED.**
EXHIBIT(juh34a04)

Discussion:

03:06:28 Rep. O'Neil
03:07:33 Rep. Regier
03:07:52 Rep. Lenz
03:08:11 Rep. Lynch
03:09:01 Rep. Pease-Lopez
03:09:11 Ms Thigpen, LSD
03:10:02 Rep. O'Neil

03:10:54 **Vote:** Motion failed 9-11 by roll call vote with Rep. Doane, Rep. Eck, Rep. Fiscus, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. O'Neil, Rep. Regier and Rep. Smith voting aye. Rep. Blasdel and Rep. Warburton voted by proxy.

03:12:22 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 358

03:13:57 **Motion:** Rep. G. Bennett moved that **HB 358 DO PASS.**

Discussion:

03:13:53 Chairman Kerns
03:15:08 Rep. MacDonald
03:16:07 Chairman Kerns
03:16:33 Rep. O'Neil

03:17:32 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 374

02:18:38 **Motion:** Rep. G. Bennett moved that **HB 374 DO PASS.**

Discussion:

03:18:45 Chairman Kerns
03:19:12 Rep. Wagoner
03:19:41 Rep. Eck
03:20:11 Rep. Lenz
03:20:49 Rep. MacDonald

03:21:59 Chairman Kerns
 03:22:11 Rep. Pease-Lopez
 03:22:34 Rep. O'Neil
 03:22:59 Rep. Hill
 03:26:16 Rep. Smith
 03:26:24 Rep. Halvorson

03:27:55 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 384

03:28:58 **Motion:** Rep. O'Neil moved that **HB 384 DO PASS.**

Discussion:

03:29:16 Rep. O'Neil
 03:31:21 Rep. Eck
 03:32:09 Rep. MacDonald
 03:32:35 Rep. Court
 03:32:59 Rep. O'Neil
 03:33:52 Rep. Court

03:34:57 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

EXECUTIVE ACTION ON HB 386

03:35:53 **Motion:** Rep. G. Bennett moved that **HB 386 DO PASS.**

Discussion:

03:36:01 Chairman Kerns

03:36:15 **Motion:** Rep. Court moved that **HB 386 BE AMENDED.**
[EXHIBIT\(juh34a05\)](#)

Discussion:

03:36:24 Rep. Court
 03:35:51 Rep. Doane
 03:38:13 Ms Thigpen, LSD
 03:38:29 Rep. MacDonald
 03:39:07 Ms Thigpen, LSD

03:39:27 **Vote:** Motion carried 16-4 by roll call vote with Rep. Doane, Rep. Kerns, Rep. Laszloffy and Rep. Lenz voting no. Rep. Blasdel and Rep. Warburton voted by proxy.

03:41:01 **Motion:** Rep. G. Bennett moved that **HB 386 DO PASS AS AMENDED**.

Discussion:

03:41:15 Rep. Wagoner
03:41:47 Rep. MacDonald
03:42:35 Rep. O'Neil
03:43:15 Rep. Lynch
03:43:56 Rep. Eck
03:44:45 Rep. Court
03:45:09 Rep. Fiscus
03:45:40 Rep. Smith
03:45:56 Chairman Kerns
03:46:14 Rep. Hill

03:46:36 **Vote:** Motion failed 7-13 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Lynch, Rep. MacDonald, Rep. Regier and Rep. Smith voting aye. Rep. Blasdel and Rep. Warburton voted by proxy.

03:47:41 **Motion/Vote:** Rep. G. Bennett moved that **HB 386 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote of those present and voting.

03:47:52 Rep. Laszloffy left the meeting.

EXECUTIVE ACTION ON HB 446

03:48:07 **Motion:** Rep. G. Bennett moved that **HB 446 DO PASS**.

Discussion:

03:48:17 Chairman Kerns
03:48:23 Rep. MacDonald
03:49:25 Rep. Hill

03:50:00 **Vote:** Motion carried 14-6 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel, Rep. Laszloffy and Rep. Warburton voted by proxy.

03:50:59 Chairman Kerns
03:54:27 Rep. MacDonald
03:55:23 Chairman Kerns

ADJOURNMENT

Adjournment: 03:55:50

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh34aad.pdf](#))