

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on March 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. Jennifer Eck (D)  
Rep. Clayton Fiscus (R)  
Rep. Jenifer Gursky (D)  
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. Mark Blasdel (R)  
Rep. Alan Doane (R)  
Rep. David Halvorson (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 213, 2/28/2013; SB 189, 3/4/2013; SB 306, 3/4/2013  
Executive Action: SB 9, SJ 3, HB 527, HB 528, HB 434, HB 478, HB 403,  
SB 145, SB 213, SB 306

00:10:07 Chairman Kerns

**HEARING ON SB 189**

**Opening Statement by Sponsor:**

00:11:06 Sen. Roger Webb (R), SD 24, opened the hearing on SB 189, Revise partner and family member assault laws regarding out-of-state convictions.

**Proponents' Testimony:**

00:14:03 Larry Epstein, Montana County Attorneys Association (MCAA)

00:14:48 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:15:56 Rep. Fiscus

00:16:22 Mr. Epstein, MCAA

00:16:56 Rep. Fiscus

00:17:02 Mr. Epstein, MCAA

00:17:17 Rep. Fiscus

00:17:23 Mr. Epstein, MCAA

00:17:34 Rep. Eck

00:17:55 Mr. Epstein, MCAA

00:18:42 Rep. Eck

00:18:47 Mr. Epstein, MCAA

00:18:53 Rep. Eck

00:18:57 Mr. Epstein, MCAA

00:19:16 Rep. Eck

00:19:39 Mr. Epstein, MCAA

00:19:57 Rep. Smith

00:20:26 Mr. Epstein, MCAA

00:20:39 Rep. Smith

00:20:48 Mr. Epstein, MCAA

00:20:59 Rep. O'Neil

00:21:48 Mr. Epstein, MCAA

00:22:15 Rep. Hill

00:23:37 Mr. Epstein, MCAA

00:24:33 Rep. Hill

00:24:55 Mr. Epstein, MCAA

**Closing by Sponsor:**

00:25:49 Sen. Webb

**HEARING ON SB 213****Opening Statement by Sponsor:**

00:26:38 Sen. Cliff Larsen (D), SD 50, opened the hearing on SB 213, Revise sex offender registration laws.

**Proponents' Testimony:**

00:28:54 Jon Bennion, Department of Justice (DOJ)  
00:31:42 Megan Ashton, Montana State Crime Laboratory (MSCL)  
00:35:22 Mark Murphy, Montana County Attorneys Association (MCAA)  
00:38:39 Kelsen Young, Executive Director (MCADSV)  
00:39:20 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:40:12 Rep. Warburton  
00:40:31 Sen. Larsen  
00:41:17 Rep. O'Neil  
00:42:12 Mr. Bennion, DOJ  
00:42:25 Rep. O'Neil  
00:42:31 Mr. Bennion, DOJ  
00:42:49 Rep. Regier  
00:43:15 Ms Ashton, MSCL  
00:43:55 Rep. Regier  
00:44:02 Ms Ashton, MSCL  
00:44:20 Rep. Wagoner  
00:44:39 Ms Ashton, MSCL  
00:44:51 Rep. MacDonald  
00:45:11 Ms Ashton, MSCL  
00:45:55 Chairman Kerns  
00:46:02 Ms Ashton, MSCL  
00:46:08 Chairman Kerns  
00:46:14 Ms Ashton, MSCL  
00:47:58 Rep. Smith  
00:48:18 Ms Ashton, MSCL

**Closing by Sponsor:**

00:49:29 Rep. Larsen

**HEARING ON SB 306****Opening Statement by Sponsor:**

00:51:43 Sen. Alan Olson (R), SD 23, opened the hearing on SB 306, Revise partner family member assault laws.

**Proponents' Testimony:**

00:53:41 Joseph Cik, Deputy County Attorney, Lincoln County

00:57:52 Mark Murphy, MCAA

00:58:17 Kelsen Young, MCADSV

[EXHIBIT\(juh50a01\)](#)[EXHIBIT\(juh50a02\)](#)[EXHIBIT\(juh50a03\)](#)[EXHIBIT\(juh50a04\)](#)[EXHIBIT\(juh50a05\)](#)[EXHIBIT\(juh50a06\)](#)[EXHIBIT\(juh50a07\)](#)[EXHIBIT\(juh50a08\)](#)[EXHIBIT\(juh50a09\)](#)

01:01:28 Niki Zupanic, American Civil Liberties Union (ACLU) Montana

[EXHIBIT\(juh50a10\)](#)**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:03:10 Rep. O'Neil

01:03:50 Mr. Murphy, MCAA

01:04:35 Rep. Regier

01:05:01 Mr. Cik, Deputy Lincoln County Attorney

01:05:13 Rep. Regier

01:05:24 Mr. Cik, Deputy Lincoln County Attorney

01:06:02 Rep. Wagoner

01:06:23 Mr. Cik, Deputy Lincoln County Attorney

01:07:35 Rep. Wagoner

01:08:29 Mr. Cik, Deputy Lincoln County Attorney

01:09:28 Rep. Hill

01:10:06 Sen. Larsen

01:10:11 Rep. MacDonald

01:10:40 Mr. Murphy, MCAA

**Closing by Sponsor:**

01:11:55 Sen. Olson

01:14:33 Recessed.

01:28:24 Reconvened.

**EXECUTIVE ACTION ON SB 9**01:34:26 **Motion:** Rep. G. Bennett moved that **SB 9 BE CONCURRED IN.**01:34:42 **Motion:** Rep. MacDonald moved that **SB 9 BE AMENDED.**[EXHIBIT\(juh50a11\)](#)

**Discussion:**

01:34:59 Rep. MacDonald  
 01:37:18 Rep. Wagoner  
 01:37:28 Rep. MacDonald  
 01:38:03 Rep. Wagoner  
 01:39:03 Rep. MacDonald

01:39:09 **Vote:** Motion carried 19-1 by voice vote with Rep. Lenz voting no. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted by proxy.

01:39:41 **Motion:** Rep. G. Bennett moved that **SB 9 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:39:52 Rep. Lynch  
 01:40:31 Rep. O'Neil  
 01:41:25 Rep. MacDonald  
 01:43:44 Rep. Court  
 01:44:49 Rep. Fiscus  
 01:46:13 Rep. Pease-Lopez

01:48:30 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted by proxy.

01:49:30 **Motion/Vote:** Rep. G. Bennett moved that **SB 9 BE TABLED AND THE VOTE REVERSED.** Motion carried 15-2 by voice vote with Rep. Court and Rep. Smith voting no. Rep. Blasdel, Rep. Doane and Rep. Halvorson were not present and did not vote.

**EXECUTIVE ACTION ON SJ 3**

01:50:29 **Motion/Vote:** Rep. G. Bennett moved that **SJ 3 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted by proxy. Rep. Kerns will carry the bill.

**EXECUTIVE ACTION ON HB 527**

01:52:12 **Motion:** Rep. Hill moved that **HB 527 DO PASS.**

**Discussion:**

01:52:31 Rep. Hill  
 01:53:43 Rep. O'Neil  
 01:55:17 Rep. Gursky  
 01:57:36 Rep. Eck  
 01:58:41 Rep. Laszloffy  
 02:00:26 Rep. Smith  
 02:00:53 Rep. Warburton  
 02:02:00 Rep. Court

02:03:05 Rep. Pease-Lopez  
02:03:26 Rep. Hill  
02:03:34 Rep. Pease-Lopez  
02:05:51 Rep. Fiscus  
02:07:22 Rep. Bennett

02:08:38 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted by proxy.

02:09:51 **Motion/Vote:** Rep. G. Bennett moved that **HB 527 BE TABLED AND THE VOTE REVERSED**. Motion carried 12-8 by voice vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted aye by proxy.

#### **EXECUTIVE ACTION ON HB 528**

02:10:54 **Motion:** Rep. Hill moved that **HB 528 DO PASS**.

#### **Discussion:**

02:11:06 Rep. Hill  
02:12:02 Rep. MacDonald  
02:13:00 Rep. Regier  
02:13:29 Rep. Laszloffy  
02:13:50 Rep. Hill  
02:14:23 Rep. Laszloffy  
02:14:30 Rep. Hill  
02:15:00 Rep. Pease-Lopez  
02:15:12 Rep. Smith left the meeting.  
02:15:24 Rep. Hill  
02:16:01 Rep. Gursky  
02:16:48 Rep. Eck

02:18:26 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy.

02:19:36 Rep. Hill  
02:20:55 Rep. Lenz  
02:21:29 Rep. Fiscus  
02:22:09 Rep. MacDonald  
02:23:18 Rep. Fiscus  
02:24:07 Chairman Kerns

02:25:02 **Motion/Vote:** Rep. G. Bennett moved that **HB 528 BE TABLED AND THE VOTE REVERSED**. Motion carried 12-7 by voice vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted aye by proxy. Rep. Smith was absent and did not vote.

#### **EXECUTIVE ACTION ON HB 434**

02:25:36 **Motion:** Rep. G. Bennett moved that **HB 434 DO PASS**.

#### **Discussion:**

02:25:48 Rep. Regier

02:26:20 Rep. Woods

02:28:02 Rep. Lenz

02:29:05 Rep. Fiscus

02:29:22 **Vote:** Motion failed 5-15 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill and Rep. Lynch voting aye. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy.

02:30:29 **Motion/Vote:** Rep. G. Bennett moved that **HB 434 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Halvorson voted aye by proxy. Rep. Smith was absent and did not vote.

#### **EXECUTIVE ACTION ON HB 478**

02:30:56 **Motion:** Rep. Laszloffy moved that **HB 478 DO PASS**.

02:31:12 **Motion:** Rep. O'Neil moved that **HB 478 BE AMENDED**.  
[EXHIBIT\(juh50a12\)](#)

#### **Discussion:**

02:31:19 Rep. O'Neil

02:33:10 Rep. Lenz

02:33:52 Rep. Laszloffy

02:34:57 Rep. Wagoner

02:35:52 Rep. O'Neil

02:36:26 Rep. Regier

02:36:53 Rep. O'Neil

02:37:14 Rep. Regier

02:37:22 Rep. O'Neil

02:37:30 Rep. Warburton

02:38:52 Rep. O'Neil

02:39:13 Rep. Warburton

02:39:49 Rep. O'Neil

02:40:40 **Vote:** Motion failed 5-15 by roll call vote with Rep. Kerns, Rep. MacDonald, Rep. O'Neil, Rep. Smith and Rep. Warburton voting aye. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy.

02:42:00 Rep. MacDonald  
02:42:37 Rep. Laszloffy  
02:42:46 Ms Thigpen, Legislative Services Division (LSD)

02:43:05 **Vote:** Motion carried 15-5 by roll call vote with Rep. Court, Rep. Kerns, Rep. MacDonald, Rep. O'Neil and Rep. Smith voting no. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy.

#### **EXECUTIVE ACTION ON HB 403**

02:45:12 **Motion:** Rep. Hill moved that **HB 403 DO PASS.**

#### **Discussion:**

02:45:34 Rep. Hill  
02:47:05 Rep. Wagoner  
02:47:20 Rep. Regier

02:47:30 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted aye by proxy.

#### **EXECUTIVE ACTION ON SB 145**

02:48:04 **Motion:** Rep. G. Bennett moved that **SB 145 BE CONCURRED IN.**

#### **Discussion:**

02:48:20 Rep. MacDonald  
02:50:26 Rep. Hill  
02:51:05 Rep. Wagoner  
02:51:45 Rep. Eck

02:52:42 **Vote:** Motion carried 18-2 by roll call vote with Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy. Rep. Wagoner will carry the bill.

#### **EXECUTIVE ACTION ON SB 213**

02:54:20 **Motion/Vote:** Rep. G. Bennett moved that **SB 213 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy. Rep. Lynch will carry the bill.

#### **EXECUTIVE ACTION ON SB 306**

02:56:02 **Motion/Vote:** Rep. G. Bennett moved that **SB 306 BE CONCURRED IN.** Motion carried 18-2 by roll call vote with Rep. Kerns and Rep. Warburton voting no. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Smith voted by proxy. Rep. Regier will carry the bill.

02:57:41 Chairman Kerns

**ADJOURNMENT**

Adjournment: 02:59:12

---

Karen Armstrong, Secretary

ka

Additional Documents:

**EXHIBIT([juh50aad.pdf](#))**