

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on March 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. 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. Kirk Wagoner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Mark Blasdel (R)  
Rep. Virginia Court (D)  
Rep. Alan Doane (R)  
Rep. Keith Regier (R)  
Rep. Bridget Smith (D)

**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 198, 3/7/2013; SB 259, 3/7/2013; SB 331, 3/7/2013;  
SJ 18, 3/8/2013;

00:18:49 Chairman Kerns

### **HEARING ON SJ 18**

#### **Opening Statement by Sponsor:**

00:20:04 Sen. Fred Thomas (R), SD 45, opened the hearing on SJ 18, Resolution for lower federal deficit spending and reducing debt.

#### **EXHIBIT(juh53a01)**

00:21:30 Rep. Smith and Rep. Court arrived.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:29:27 Rep. Smith  
00:29:47 Sen. Thomas  
00:30:19 Rep. Smith  
00:30:36 Sen. Thomas  
00:31:06 Rep. Gursky  
00:31:25 Sen. Thomas  
00:32:42 Rep. Gursky  
00:32:46 Sen. Thomas  
00:33:01 Rep. Gursky  
00:33:51 Sen. Thomas  
00:34:56 Rep. Halvorson  
00:35:31 Sen. Thomas  
00:36:59 Rep. Halvorson  
00:37:53 Sen. Thomas  
00:38:47 Rep. MacDonald  
00:39:47 Sen. Thomas  
00:41:20 Rep. Fiscus  
00:41:56 Sen. Thomas  
00:43:50 Rep. Fiscus  
00:44:07 Sen. Thomas  
00:44:12 Rep. O'Neil  
00:44:42 Sen. Thomas  
00:45:21 Rep. O'Neil  
00:45:32 Sen. Thomas

#### **Closing by Sponsor:**

00:46:16 Sen. Thomas

00:46:38 Chairman Kerns

#### **EXHIBIT(juh53a02)**

**HEARING ON SB 198****Opening Statement by Sponsor:**

00:47:03 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 198, Revise laws related to penalties for assault on a minor.

**Proponents' Testimony:**

00:50:20 Bill Fulbright, Ravalli County Attorney, Montana County Attorneys Association (MCAA)

01:00:37 John Parker, Cascade County Attorney

**EXHIBIT(juh53a03)**

01:04:07 Julie Pierce, Deputy Yellowstone County Attorney

01:09:34 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA) and Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:10:29 Rep. Bennett

01:11:18 Ms Pierce, Deputy Yellowstone County Attorney

01:13:05 Rep. Bennett

01:13:48 Ms Pierce, Deputy Yellowstone County Attorney

01:15:15 Rep. O'Neil

01:15:42 Mr. Fulbright, MCAA

01:16:40 Rep. Warburton

01:17:37 Mr. Parker, Cascade County Attorney

01:18:56 Rep. Warburton

01:19:02 Mr. Parker, Cascade County Attorney

01:19:49 Rep. Smith

01:20:15 Mr. Parker, Cascade County Attorney

01:21:28 Rep. Smith

01:21:48 Mr. Parker, Cascade County Attorney

01:22:50 Rep. Wagoner

01:23:10 Mr. Parker, Cascade County Attorney

01:23:36 Rep. Wagoner

01:24:03 Mr. Parker, Cascade County Attorney

01:24:36 Rep. Wagoner

01:24:44 Mr. Parker, Cascade County Attorney

01:25:04 Rep. Lenz

01:25:09 Mr. Parker, Cascade County Attorney

01:26:16 Rep. Eck

01:26:52 Mr. Fulbright, MCAA

01:28:23 Rep. Eck

01:28:40 Mr. Fulbright, MCAA

01:30:56 Rep. Eck

01:31:12 Mr. Fulbright, MCAA

01:31:20 Rep. Pease-Lopez

01:32:00 Ms Pierce, Deputy Yellowstone County Attorney

01:33:06 Rep. Pease-Lopez  
01:33:43 Ms Pierce, Deputy Yellowstone County Attorney  
01:35:11 Rep. Pease-Lopez  
01:35:48 Ms Pierce, Deputy Yellowstone County Attorney  
01:37:11 Rep. Warburton  
01:38:11 Mr. Fulbright, MCAA  
01:39:35 Rep. Warburton  
01:39:42 Mr. Fulbright, MCAA  
01:39:51 Rep. Warburton  
01:40:17 Mr. Fulbright, MCAA

**Closing by Sponsor:**

01:41:01 Sen. Thomas

**HEARING ON SB 259**

**Opening Statement by Sponsor:**

01:46:25 Sen. Elsie Arntzen (R), SD 27, opened the hearing on SB 259, Allow a court to vacate a conviction related to human trafficking.

**Proponents' Testimony:**

01:48:40 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence  
(MCADSV)

**[EXHIBIT\(juh53a04\)](#)**

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:49:49 Rep. Gursky  
01:51:16 Ms Rossi, MCADSV  
01:53:09 Rep. Gursky  
01:53:44 Ms Rossi, MCADSV  
01:54:27 Rep. Gursky  
01:54:43 Ms Rossi, MCADSV  
01:55:07 Rep. MacDonald  
01:56:34 Ms Rossi, MCADSV  
01:57:21 Rep. MacDonald  
01:57:35 Ms Rossi, MCADSV  
01:57:44 Rep. Gursky  
01:58:31 Sen. Arntzen  
01:59:37 Rep. Gursky  
01:59:54 Sen. Arntzen  
01:60:12 Rep. Regier arrived.

**Closing by Sponsor:**

02:00:04 Sen. Arntzen

02:02:24 Recessed.  
02:19:10 Reconvened.

### **HEARING ON SB 331**

#### **Opening Statement by Sponsor:**

02:19:18 Sen. Terry Murphy (R), SD 39, opened the hearing on SB 331, Revise laws related to process servers.

#### **Proponents' Testimony:**

02:20:55 Elizabeth Koch, President and Owner, Equity Management, Missoula

02:23:21 Lisa Mecklenberg Jackson, Attorney, Equity Management, Missoula

#### **EXHIBIT(juh53a05)**

02:26:57 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

02:28:19 Rep. Fiscus

02:29:06 Ms Mecklenberg Jackson, Equity Management

02:29:36 Rep. Warburton

02:30:04 Ms Mecklenberg Jackson, Equity Management

02:30:34 Rep. Eck

02:30:53 Ms Mecklenberg Jackson, Equity Management

02:31:13 Rep. Eck

02:31:21 Ms Mecklenberg Jackson, Equity Management

02:31:41 Chairman Kerns

02:31:56 Ms Mecklenberg Jackson, Equity Management

02:32:33 Chairman Kerns

02:32:37 Ms Mecklenberg Jackson, Equity Management

02:33:11 Rep. Laszloffy

02:33:20 Ms Mecklenberg Jackson, Equity Management

02:33:31 Rep. O'Neil

02:33:45 Ms Mecklenberg Jackson, Equity Management

02:34:12 Rep. Smith

02:34:26 Ms Mecklenberg Jackson, Equity Management

02:34:43 Chairman Kerns

02:34:50 Ms Mecklenberg Jackson, Equity Managrment

#### **Closing by Sponsor:**

02:35:28 Sen. Murphy

02:36:48 Chairman Kerns

02:37:20 Rep. MacDonald

#### **EXHIBIT(juh53a06)**

#### **EXHIBIT(juh53a07)**

**ADJOURNMENT**

Adjournment: 02:39:04

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh53aad.pdf](#))**