

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on March 13, 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. 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. Keith Regier (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** Rep. Mark Blasdel (R)  
Rep. Alan Doane (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Bridget Smith (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: SB 134, 3/5/2013; SB 326, 3/8/2013  
Executive Action: SB113, SB 189, SB 331

00:16:17 Chairman Kerns

### HEARING ON SB 134

#### Opening Statement by Sponsor:

00:17:26 Sen. John Brenden (R), SD 18, opened the hearing on SB 134, Revise elder abuse laws.  
00:18:36 Rep. Warburton arrived.  
00:18:56 Rep. Smith arrived.

#### Proponents' Testimony:

00:22:30 Joy Bruck, State President, American Association of Retired Persons (AARP) Montana

#### EXHIBIT(juh54a01)

00:24:33 Scott Twito, Yellowstone County Attorney  
00:28:03 Kelly Williams, Administrator, Senior and Long Term Care Division, Department of Public Health and Human Services (DPHHS)  
00:30:07 Rep. MacDonald left the meeting.

#### EXHIBIT(juh54a02)

00:31:11 Mark Murphy, Montana County Attorneys Association (MCAA)  
00:33:08 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:33:23 Jon Bennion, Attorney General's Office (AG)  
00:34:04 Bill Mercer, Board Member, Big Sky Senior Services  
00:36:18 Donya Parrish, Montana Credit Union Network (MCUN)  
00:38:55 Bradley Williams, Montanans Against Assisted Suicide

Opponents' Testimony: None

Informational Testimony: None

#### Questions from Committee Members and Responses:

00:39:33 Rep. Gursky  
00:40:08 Mr. Twito, Yellowstone County Attorney  
00:40:13 Rep. MacDonald returned to the meeting.  
00:41:56 Rep. Gursky  
00:42:13 Mr. Twito, Yellowstone County Attorney  
00:42:18 Rep. Gursky  
00:42:42 Mr. Twito, Yellowstone County Attorney  
00:43:06 Rep. Gursky  
00:43:14 Mr. Twito, Yellowstone County Attorney  
00:43:43 Rep. Regier  
00:44:05 Mr. Twito, Yellowstone County Attorney  
00:45:10 Rep. Regier  
00:45:30 Mr. Twito, Yellowstone County Attorney  
00:46:28 Rep. Regier  
00:46:36 Mr. Twito, Yellowstone County Attorney  
00:46:49 Rep. MacDonald  
00:47:22 Mr. Twito, Yellowstone County Attorney  
00:48:06 Rep. Warburton

00:48:47 Mr. Murphy, MCAA  
00:49:25 Rep. Warburton  
00:49:34 Mr. Murphy, MCAA

**Closing by Sponsor:**

00:49:44 Sen. Brenden

**HEARING ON SB 326**

**Opening Statement by Sponsor:**

00:52:25 Sen. Sue Malek (D), SD 46, opened the hearing on SB 326, Revise sexual assault laws and parental rights.

**Proponents' Testimony:**

00:53:44 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:54:58 Rep. O'Neil left the meeting.  
00:55:38 Mark Murphy, MCAA  
00:57:58 Cristie Spring Fitzgerald, Self  
00:58:52 Rep. O'Neil returned to the meeting.

**EXHIBIT(juh54a03)**

00:59:34 Rosemary Miller, Executive Director, Catholic Social Services in Montana  
01:03:37 Lindsey Love, Planned Parenthood Advocates of Montana (PPAM)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:07:29 Rep. Regier  
01:07:39 Sen. Malek  
01:07:51 Mr. Murphy, MCAA  
01:09:08 Rep. Regier  
01:09:14 Mr. Murphy, MCAA  
01:09:20 Rep. Regier  
01:09:35 Mr. Murphy, MCAA  
01:09:39 Rep. Regier  
01:09:58 Mr. Murphy, MCAA  
01:11:46 Rep. Wagoner  
01:12:25 Mr. Murphy, MCAA  
01:13:16 Rep. Wagoner  
01:13:26 Mr. Murphy, MCAA  
01:14:11 Rep. Wagoner  
01:14:31 Mr. Murphy, MCAA  
01:14:46 Rep. MacDonald  
01:15:37 Mr. Murphy, MCAA  
01:16:32 Rep. MacDonald  
01:16:02 Mr. Murphy, MCAA  
01:17:21 Rep. O'Neil  
01:18:04 Mr. Murphy, MCAA

01:18:47 Rep. O'Neil  
01:19:12 Mr. Murphy, MCAA  
01:19:36 Rep. Smith  
01:19:51 Sen. Malek  
01:21:14 Rep. Smith  
01:21:36 Sen. Malek

**Closing by Sponsor:**

01:22:17 Sen Malek  
  
01:24:31 Recessed.  
01:37:27 Reconvened.  
  
01:38:06 Chairman Kerns

**EXECUTIVE ACTION ON SB 113**

01:38:12 **Motion/Vote:** Rep. G. Bennett moved that **SB 113 BE TABLED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

**EXHIBIT(juh54a04)**

01:39:15 Chairman Kerns

**EXECUTIVE ACTION ON SB 189**

01:40:52 **Motion:** Rep. G. Bennett moved that **SB 189 BE CONCURRED IN**.

**Discussion:**

01:41:03 Chairman Kerns  
01:41:15 Rep. Regier  
01:41:29 Ms Thigpen, Legislative Services Division

01:41:42 **Motion:** Rep. Regier moved that **SB 189 BE AMENDED**.

**EXHIBIT(juh54a05)**

**Discussion:**

01:41:54 Ms Thigpen, LSD  
  
01:42:26 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.  
  
01:43:30 **Motion/Vote:** Rep. G. Bennett moved that **SB 189 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy. Rep. Laszloffy will carry the bill.

**EXECUTIVE ACTION ON SB 331**

01:44:32 **Motion:** Rep. G. Bennett moved that **SB 331 BE CONCURRED IN.**

**Discussion:**

01:44:49 Chairman Kerns

01:45:48 Rep. Fiscus

01:46:57 Rep. Smith

01:47:03 Rep. O'Neil

01:47:57 Chairman Kerns

01:48:09 **Vote:** Motion failed 7-13 by roll call vote with Rep. Blasdel, Rep. Fiscus, Rep. Halvorson, Rep. Lenz, Rep. O'Neil, Rep. Regier and Rep. Wagoner voting aye. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

01:49:31 **Motion/Vote:** Rep. G. Bennett moved that **SB 331 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

**ADJOURNMENT**

Adjournment: 01:50:55

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh54aad.pdf](#))**