

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on March 21, 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. 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. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Mark Blasdel (R)
Rep. Ellie Boldman Hill (D)
Rep. Carolyn Pease-Lopez (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 153, 3/12/2013; SB 160, 3/12/2013; SB 196, 3/12/2013;
SB 207, 3/8/2013

00:13:20 Chairman Kerns

HEARING ON SB 196

Opening Statement by Sponsor:

00:14:30 Sen. Matthew Rosendale (R), SD 19, opened the hearing on SB 196, Generally revise criminal laws.

[EXHIBIT\(juh61a01\)](#)

[EXHIBIT\(juh61a02\)](#)

00:17:04 Rep. Hill arrived.

00:18:17 Rep. MacDonald arrived.

Proponents' Testimony:

00:18:31 Niki Zupanic, American Civil Liberties Union (ACLU) Montana

[EXHIBIT\(juh61a03\)](#)

[EXHIBIT\(juh61a04\)](#)

00:21:21 Tim Ravndal, Self

00:23:00 Larry Epstein, Montana County Attorneys Association (MCAA) and Montana Association of Chiefs of Police (MACOP)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:02 Rep. Warburton

00:26:03 Sen. Rosendale

00:26:57 Rep. Warburton

00:27:08 Sen. Rosendale

00:27:34 Rep. Halvorson

00:28:33 Sen. Rosendale

00:28:57 Rep. Regier

00:29:20 Sen. Rosendale

00:29:32 Ms Zupanic, ACLU

Closing by Sponsor:

00:30:00 Sen. Rosendale

HEARING ON SB 153

Opening Statement by Sponsor:

00:30:50 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 153, Revise public service commission districts.

[EXHIBIT\(juh61a05\)](#)

[EXHIBIT\(juh61a06\)](#)

[EXHIBIT\(juh61a07\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:50 Rep. Fiscus
00:37:20 Sen. Thomas
00:38:50 Rep. MacDonald
00:39:24 Sen. Thomas
00:42:18 Rep. MacDonald
00:42:28 Sen. Thomas
00:42:47 Rep. O'Neil
00:43:12 Sen. Thomas
00:43:32 Rep. Wagoner
00:43:43 Sen. Thomas
00:44:02 Rep. Wagoner
00:44:11 Sen. Thomas

Closing by Sponsor:

00:44:26 Sen. Thomas

HEARING ON SB 160

Opening Statement by Sponsor:

00:44:52 Sen. Mitch Tropila (D), SD 12, opened the hearing on SB 160, Creating the offense of criminal child endangerment.

Proponents' Testimony:

00:49:25 John Parker, Cascade County Attorney
00:53:48 Bill Fulbright, Ravalli County Attorney
01:01:19 Detective Noah Scott, Child and Sexual Abuse Division, Great Falls Police Department
01:03:27 Detective Jesse Slaughter, Great Falls Police Department, Montana Police Protective Association (MPPA)
01:05:38 Dr. Bo Smelko, Montana Sex Offender Treatment Association (MSOTA)
01:06:46 Abigail St. Lawrenace, Montana Association of Churches (MAC)
01:08:39 Kelson Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:10:41 Todd Garrison, Executive Director, ChildWise Institute

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:12:14 Rep. Regier
01:12:27 Sen. Tropila
01:13:24 Rep. Regier
01:13:38 Sen. Tropila
01:13:46 Rep. Regier
01:14:25 Sen. Tropila
01:14:58 Rep. Regier

01:15:15 Mr. Parker, Cascade County Attorney
01:15:39 Rep. O'Neil
01:16:09 Sen. Tropila
01:17:42 Rep. O'Neil
01:18:15 Sen. Tropila
01:19:17 Rep. O'Neil
01:19:39 Sen. Tropila
01:20:15 Rep. O'Neil
01:20:39 Sen. Tropila
01:21:18 Rep. Wagoner
01:22:07 Mr. Parker, Cascade County Attorney
01:23:46 Rep. MacDonald
01:24:25 Mr. Parker, Cascade County Attorney
01:25:58 Rep. Halvorson
01:26:40 Mr. Parker, Cascade County Attorney
01:27:34 Rep. Halvorson
01:27:47 Mr. Parker, Cascade County Attorney
01:28:20 Rep. Halvorson
01:28:28 Mr. Parker, Cascade County Attorney
01:29:30 Rep. Halvorson
01:29:38 Rep. Gursky
01:30:32 Mr. Parker, Cascade County Attorney
01:32:33 Rep. Gursky
01:33:10 Ms Young, MCADSV
01:36:38 Rep. Lenz
01:37:04 Mr. Parker, Cascade County Attorney
01:38:10 Rep. Lenz
01:38:19 Mr. Parker, Cascade County Attorney
01:39:14 Rep. Lenz
01:39:37 Mr. Parker, Cascade County Attorney
01:40:03 Rep. Eck
01:40:28 Jon Bennion, Attorney General's Office, Department of Justice (DOJ)
01:41:09 Rep. Doane
01:41:37 Mr. Parker, Cascade County Attorney
01:42:35 Rep. Doane
01:42:48 Mr. Parker, Cascade County Attorney
01:43:24 Rep. Warburton
01:43:54 Mr. Parker, Cascade County Attorney
01:46:19 Rep. Warburton
01:46:33 Mr. Parker, Cascade County Attorney
01:46:37 Rep. Warburton
01:46:45 Mr. Parker, Cascade County Attorney
01:46:49 Rep. Smith
01:47:12 Mr. Parker, Cascade County Attorney
01:47:32 Rep. Smith
01:47:38 Mr. Parker, Cascade County Attorney
01:48:07 Rep. Smith
01:48:26 Mr. Parker, Cascade County Attorney
01:48:54 Rep. O'Neil
01:49:22 Mr. Parker, Cascade County Attorney

01:50:32 Chairman Kerns
01:51:33 Mr. Parker, Cascade County Attorney
01:52:48 Rep. Hill
01:53:48 Mr. Parker, Cascade County Attorney

Closing by Sponsor:

01:55:00 Sen. Tropila

01:58:30 Recessed.
02:14:03 Reconvened.

HEARING ON SB 207

Opening Statement by Sponsor:

02:14:17 Sen. Kendall Van Dyk (D), SD 25, opened the hearing on SB 207, Adopt Uniform Partition of Heirs Property Act.

[EXHIBIT\(juh61a08\)](#)

[EXHIBIT\(juh61a09\)](#)

Proponents' Testimony:

02:19:45 Kris Prinzing, Self
02:27:59 David Dietrich, Agricultural Real Estate and Estate Planning Attorney, Self
02:36:16 Karen Powell, Uniform Law Commission (ULC)
02:38:51 Bruce Spencer, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:40:08 Rep. O'Neil
02:41:28 Mr. Dietrich, Self
02:43:37 Rep. Fiscus
02:44:07 Mr. Spencer, Self
02:44:19 Rep. Fiscus
02:44:23 Mr. Spencer, Self
02:44:28 Rep. Fiscus
02:44:39 Mr. Spencer, Self
02:44:55 Rep. Fiscus
02:45:13 Mr. Spencer, Self
02:45:41 Rep. Fiscus
02:45:59 Mr. Spencer, Self
02:46:34 Rep. Fiscus
02:46:44 Mr. Spencer, Self
02:47:07 Rep. Fiscus
02:47:28 Mr. Spencer, Self
02:47:38 Mr. Dietrich, Self
02:50:30 Rep. Fiscus
02:50 41 Mr. Dietrich, Self
02:51:41 Rep. Regier

02:52:43 Mr. Dietrich, Self
02:53:53 Rep. Regier
02:54:08 Mr. Dietrich, Self
02:54:37 Rep. Regier
02:54:48 Mr. Dietrich, Self
02:58:25 Rep. Regier
02:58:36 Mr. Dietrich, Self
02:59:11 Rep. Regier
02:59:27 Mr. Dietrich, Self
03:00:23 Rep. MacDonald
03:00:47 Mr. Dietrich, Self
03:01:30 Rep. MacDonald
03:02:14 Mr. Dietrich, Self
03:03:09 Rep. MacDonald
03:03:41 Mr. Dietrich, Self
03:05:53 Rep. Wagoner
03:06:42 Mr. Dietrich, Self
03:07:32 Rep. Hill
03:09:24 Ms Powell, ULC
03:12:18 Rep. Bennett
03:13:23 Mr. Dietrich, Self
03:14:44 Rep. Doane
03:14:56 Mr. Dietrich, Self
03:16:05 Rep. Doane
03:16:41 Mr. Dietrich, Self
03:18:35 Rep. Doane
03:18:47 Mr. Dietrich, Self

Closing by Sponsor:

03:19:58 Sen. Van Dyk

ADJOURNMENT

Adjournment: 03:23:16

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh61aad.pdf](#))