

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on March 22, 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. 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. Keith Regier (R)  
Rep. Kirk Wagoner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Margaret (Margie) MacDonald, Vice Chair (D)  
Rep. Mark Blasdel (R)  
Rep. Virginia Court (D)  
Rep. Carolyn Pease-Lopez (D)  
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 150, 3/12/2013; SB 238, 3/12/2013; SJ 19, 3/12/2013  
HB 603, 3/18/2013; HR 5, 3/19,2013  
Executive Action: SB 153, SB 207

00:12:47 Chairman Kerns  
00:13:43 Rep. Court arrived.

### **HEARING ON SB 238**

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

00:13:57 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 238, Revise consumer reporting laws.

00:14:01 Rep. Smith and Rep. MacDonald arrived.

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

00:15:24 Niki Zupanic, American Civil Liberties Union (ACLU) Montana

#### **Opponents' Testimony:**

00:16:30 Brad Griffin, Montana Retail Association (MRA)  
00:18:14 Bruce Spencer, All-State Insurance  
00:20:00 Jessie Luther, Consumer Data Industry Association (CDIA)  
00:22:07 Aimee Grmoljez, Montana Bankers Association (MBA)  
00:23:01 Donya Parrish, Montana Credit Unions (MCU)

**Informational Testimony:** None

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

00:24:31 Rep. Court  
00:25:27 Sen. Hamlett  
00:25:50 Rep. Court  
00:26:06 Mr. Spencer, All-State Insurance  
00:26:26 Rep. Court  
00:26:50 Ms Parrish, MCU  
00:27:20 Rep. Court  
00:27:33 Ms Parrish, MCU  
00:28:00 Rep. Gursky  
00:29:03 Ms Zupanic, ACLU  
00:31:03 Rep. Gursky  
00:31:47 Ms Parrish, MCU  
00:32:07 Chairman Kerns  
00:32:17 Mr. Spencer, All-State Insurance  
00:32:56 Rep. Regier left the meeting.  
00:34:23 Rep. Gursky  
00:34:37 Mr. Spencer, All-State Insurance  
00:34:49 Rep. Eck  
00:35:08 Ms Luther, CDIA  
00:35:36 Rep. Eck  
00:35:52 Ms Luther, CDIA  
00:36:00 Rep. Eck  
00:36:15 Ms Parrish, MCU  
00:36:49 Rep. Eck  
00:37:02 Ms Parrish, MCU  
00:38:10 Rep. O'Neil

00:39:01 Ms Zupanic, ACLU  
00:40:28 Rep. O'Neil  
00:40:42 Mr. Spencer, All-State Insurance  
00:41:10 Rep. O'Neil  
00:41:15 Mr. Spencer, All-State Insurance  
00:41:51 Rep. Halvorson  
00:42:45 Mr. Spencer, All-State Insurance  
00:43:53 Rep. Halvorson  
00:44:17 Mr. Spencer, All-State Insurance  
00:44:44 Rep. Halvorson  
00:45:49 Mr. Spencer, All-State Insurance  
00:46:24 Rep. Halvorson  
00:46:36 Mr. Spencer, All-State Insurance  
00:46:57 Rep. Hill  
00:48:13 Ms Parrish, MCU  
00:49:09 Rep. Eck  
00:49:26 Ms Grmoljez, MBA  
00:50:57 Rep. Eck  
00:51:14 Ms Grmoljez, MBA  
00:51:52 Rep. Eck  
00:52:27 Ms Parrish, MCU  
00:53:16 Rep. Lynch  
00:53:52 Sen. Hamlett  
00:54:06 Rep. Lynch  
00:54:27 Sen. Hamlett  
00:54:53 Rep. Fiscus  
00:55:17 Ms Parrish, MCU  
00:55:32 Chairman Kerns  
00:55:39 Rep. Fiscus  
00:56:00 Ms Luther, CDIA  
00:57:03 Rep. Court  
00:57:36 Ms Luther, CDIA  
00:58:02 Rep. Court  
00:58:23 Ms Luther, CDIA

**Closing by Sponsor:**

00:58:40 Sen. Hamlett

[EXHIBIT\(juh62a01\)](#)

**HEARING ON SJ 19**

**Opening Statement by Sponsor:**

01:10:21 Cliff Larsen (D), SD 50, opened the hearing on SJ 19, Resolution encouraging implementation of I-166 provisions.

[EXHIBIT\(juh62a02\)](#)

**Proponents' Testimony:**

01:18:09 Matt Leow, I-166 Campaign Manager, Self

01:24:38 Sean McQuillan, Montana Public Interest Research Group (MontPIRG)

**Opponents' Testimony:**

01:25:28 Rep. Greg Hertz, HD 11, Self  
01:32:47 Tim Ravndal, Self

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:33:17 Rep. Wagoner  
01:33:58 Mr. Leow, Self  
01:34:32 Rep. Wagoner  
01:34:44 Mr. Leow, Self  
01:34:57 Rep. Wagoner  
01:35:33 Rep. O'Neil  
01:35:48 Mr. Leow, Self  
01:36:10 Chairman Kerns  
01:36:15 Rep. MacDonald  
01:36:20 Rep. O'Neil  
01:36:33 Rep. MacDonald  
01:36:44 Chairman Kerns  
01:36:54 Rep. O'Neil  
01:36:59 Mr. Leow, Self  
01:37:37 Rep. O'Neil  
01:38:20 Mr. Leow, Self  
01:38:34 Rep. O'Neil  
01:39:12 Mr. Leow, Self  
01:40:21 Rep. Fiscus  
01:41:08 Sen. Larsen  
01:41:37 Rep. Warburton left the meeting.  
01:41:48 Rep. Fiscus  
01:42:01 Sen. Larsen  
01:42:39 Rep. Doane  
01:43:11 Sen. Larsen

**Closing by Sponsor:**

01:43:50 Sen. Larsen

**HEARING ON SB 150****Opening Statement by Sponsor:**

01:45:55 Sen. Robyn Driscoll (D), SD 26, opened the hearing on SB 150, Prohibit state government from owning or using unmanned aerial vehicles.

[EXHIBIT\(juh62a03\)](#)

[EXHIBIT\(juh62a04\)](#)

**Proponents' Testimony:**

01:50:49 Niki Zupanic, ACLU

[EXHIBIT\(juh62a05\)](#)

[EXHIBIT\(juh62a06\)](#)

01:53:53 Tim Ravndal, Tenth Amendment Center, Oath Keepers, The Order of Defenders  
of the Constitution  
01:57:10 Doug Nulle, Self

**Opponents' Testimony:**

01:57:37 Larry Epstein, Montana County Attorneys Association (MCCA)

**Informational Testimony:**

02:00:36 Al Smith, Montana Trial Lawyers Association (MTLA)  
02:00:55 Rep. Lenz returned to the meeting.

**Questions from Committee Members and Responses:**

02:01:20 Rep. O'Neil  
02:01:57 Sen. Driscoll  
02:02:06 Rep. Fiscus  
02:02:39 Sen. Driscoll  
02:03:01 Rep. Gursky  
02:04:35 Rep. Regier returned to the meeting.  
02:04:53 Ms Zupanic, ACLU  
02:08:14 Rep. Gursky  
02:09:09 Sen. Driscoll  
02:09:31 Rep. Gursky  
02:09:39 Sen. Driscoll  
02:09:51 Rep. Wagoner  
02:10:23 Ms Zupanic, ACLU  
02:11:13 Rep. Wagoner  
02:11:20 Mr. Epstein, MCAA  
02:12:00 Rep. Eck  
02:12:33 Mr. Epstein, MCAA  
02:12:41 Chairman Kerns  
02:13:16 Mr. Smith, MTLA  
02:13:51 Chairman Kerns  
02:14:12 Mr. Smith, MTLA

**Closing by Sponsor:**

02:14:28 Sen. Driscoll  
  
02:15:35 Recessed.  
02:28:12 Reconvened with Rep. Eck, Rep. Lenz, Rep. Regier, and Rep. Lynch absent.

**HEARING ON HB 603**

**Opening Statement by Sponsor:**

02:28:17 Rep. Daniel Zolnikov (R), HD 47, opened the hearing on HB 603, Generally  
revise privacy laws and location information of electronic devices.

**EXHIBIT(juh62a07)**

02:30:28 Rep. Eck returned to the meeting.  
02:33:10 Rep. Regier returned to the meeting.

**Proponents' Testimony:**

02:35:01 Niki Zupanic, ACLU  
02:37:45 Tim Ravndal, Tenth Amendment Center, Oath Keepers, The Order of Defenders of the Constitution.

**Opponents' Testimony:**

02:39:23 Bruce Spencer, Montana Automobile Dealers Association (MTADA) and Property Casualty Insurers of America (PCI)  
02:40:11 Rep. Lenz returned to the meeting.

**Informational Testimony:** None**Questions from Committee Members and Responses:**

02:45:29 Rep. Doane  
02:45:58 Rep. Zolnikov  
02:46:15 Rep. Doane  
02:46:42 Chairman Kerns  
02:46:45 Rep. Wagoner  
02:47:13 Rep. Zolnikov  
02:47:27 Rep. Gursky  
02:48:38 Rep. Zolnikov  
02:49:25 Rep. Gursky  
02:50:28 Rep. Zolnikov  
02:51:05 Rep. Regier  
02:51:40 Mr. Spencer, MADA/PCI  
02:52:24 Chairman Kerns  
02:52:32 Rep. Eck  
02:53:10 Rep. Zolnikov  
02:53:48 Rep. Eck  
02:54:19 Rep. Lynch returned to the meeting.  
02:54:35 Ms Zupanic, ACLU  
02:55:35 Rep. Doane  
02:56:11 Ms Thigpen, Legislative Services Division (LSD)  
02:56:32 Rep. Doane  
02:56:28 Ms Thigpen, LSD  
02:56:41 Rep. Gursky  
02:57:05 Ms Thigpen, LSD  
02:57:21 Rep. Gursky  
02:57:38 Rep. Zolnikov  
02:57:43 Rep. Gursky  
02:58:18 Rep. Zolnikov

**Closing by Sponsor:**

02:58:57 Rep. Zolnikov

**HEARING ON HR 5****Opening Statement by Sponsor:**

03:01:44 Rep. Krayton Kerns (R), HD 58, opened the hearing on HR 5, Resolution urging manufacturers of firearms, accessories to move to Montana.

**Proponents' Testimony:**

03:04:06 Doug Nulle, Montana Shooting Sports Association (MSSA)  
03:05:18 Tim Ravndal, Weapons Collectors Society, District 3, and The Order of  
Constitutional Defenders

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:06:31 Rep. Regier  
03:06:52 Rep. Kerns  
03:07:19 Rep. Regier  
03:07:26 Rep. Kerns  
03:07:37 Rep. Eck  
03:07:58 Rep. Kerns

**Closing by Sponsor:**

03:08:38 Rep. Kerns

**EXECUTIVE ACTION ON SB 153**

03:10:18 **Motion:** Rep. G. Bennett moved that **SB 153 BE CONCURRED IN.**

**Discussion:**

03:10:36 Rep. Fiscus  
03:10:44 Rep. Gursky  
03:11:14 Rep. Lynch  
03:11:36 Rep. Halvorson

03:13:10 **Vote:** Motion failed 5-15 by roll call vote with Rep. Court, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting aye. Rep. Blasdel, Rep. Pease-Lopez and Rep. Warburton voted by proxy.

03:14:36 **Motion/Vote:** Rep. G. Bennett moved that **SB 153 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Pease-Lopez and Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON SB 207**

03:15:10 **Motion:** Rep. G. Bennett moved that **SB 207 BE CONCURRED IN.**

**Discussion:**

03:15:27 Rep. Bennett  
03:15:39 Rep. O'Neil  
03:15:50 Rep. Fiscus  
03:16:29 Rep. Hill

03:17:05 **Vote:** Motion carried 19-1 by roll call vote with Rep. Doane voting no.  
Rep. Blasdel, Rep. Pease-Lopez and Rep. Warburton voted by proxy.  
Rep. MacDonald will carry the bill.

03:18:12 Chairman Kerns

**ADJOURNMENT**

Adjournment: 03:18:57

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh62aad.pdf](#))**