

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on April 3, 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. 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. 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. Mark Blasdel (R)  
Rep. Sarah Laszloffy (R)  
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: HB 521, 3/27/2013; HB 619, 3/27/2013; HB 631, 3/27/2013;  
Executive Action: HB 521, HB 619, HB 631, HB 629, HR 5

00:24:46 Chairman Kerns

### HEARING ON HB 619

#### Opening Statement by Sponsor:

00:25:52 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 619, Constitutional referendum to specify no right to abortion or its public funding.

#### Proponents' Testimony:

00:31:42 Betty Babcock, Self

#### EXHIBIT(juh69a01)

00:35:08 Moe Wosepka, Executive Director, Montana Catholic Conference and Montana's Catholic Bishops

00:39:21 Tanya Shellnutt, State Director, Concerned Women for America (CWA)

00:41:31 Bill Myers, Montana Pro-Life Coalition

00:44:31 Roland Horst, Montana Pro-Life Coalition

#### EXHIBIT(juh69a02)

00:45:34 Derek Skees, Self

00:46:21 Natalie Champoux, Self

00:46:35 Jeff Laszloffy, Montana Family Foundation (MFF)

00:48:23 David Passieri, Self

00:48:38 Shirley Herrin, Self

#### Opponents' Testimony:

00:49:05 Niki Zupanic, Public Policy Director, American Civil Liberties Union (ACLU) Montana

00:53:47 Sarah Rossi, Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:54:52 Lindsey Love, Planned Parenthood Advocates of Montana (PPAM)

00:57:42 Lindsey Bourke, Director of Development, Outreach and Communications, Blue Mountain Clinic, Missoula

01:02:13 Kim Leighton, National Association for the Repeal of Abortion Laws (NARAL) Montana

01:04:19 Rep. Laszloffy arrived.

01:04:26 Emily Likins, Blue Mountain Clinic

#### Informational Testimony:

01:04:56 Jim Brown, Attorney

#### Questions from Committee Members and Responses:

01:05:38 Rep. MacDonald

01:06:07 Ms Zupanic, ACLU

01:06:42 Rep. MacDonald

01:06:54 Ms Zupanic, ACLU

01:07:03 Rep. MacDonald

01:07:25 Ms Zupanic, ACLU

01:08:00 Rep. MacDonald

01:08:57 Ms Love, PPAM

01:10:35 Rep. MacDonald

01:10:53 Ms Love, PPAM

01:11:47 Rep. Court  
01:12:17 Ms Zupanic, ACLU  
01:13:59 Rep. Court  
01:14:21 Ms Zupanic, ACLU  
01:14:28 Rep. Lynch left the meeting.  
01:14:55 Rep. Gursky  
01:15:45 Ms Zupanic, ACLU  
01:17:14 Rep. Gursky  
01:17:46 Ms Love, PPAM  
01:18:21 Rep. Gursky  
01:18:35 Ms Love, PPAM

**Closing by Sponsor:**

01:18:43 Rep. Warburton

**HEARING ON HB 521****Opening Statement by Sponsor:**

01:24:45 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 521, Referendum requiring parental consent for an abortion for a minor.

**Proponents' Testimony:**

01:27:02 Jeff Laszloffy, Montana Family Foundation (MFF)  
01:29:08 Shirley Herrin, Self  
01:29:23 Tanya Shellnutt, CWA

**EXHIBIT(juh69a03)**

01:32:59 Derek Skees, Self  
01:34:11 Roland Horst, MPA  
01:34:46 Laura d'Esterre, Montana Catholic Conference

**EXHIBIT(juh69a04)**

01:36:08 Betty Babcock, Self  
01:36:44 Natalie Champoux, Self  
01:37:18 David Passieri, Self

**Opponents' Testimony:**

01:38:08 Niki Zupanic, ACLU  
01:43:58 Sarah Rossi, MCADSV  
01:44:12 Rep. Eck left the meeting.  
01:46:45 Emily Likins, Blue Mountain Clinic  
01:50:23 Lindsey Love, PPAM  
01:51:28 Rep. Laszloffy left the meeting.  
01:54:43 Kim Leighton, NARAL Pro-Choice Montana  
01:57:07 Lindsey Bourke, Blue Mountain Clinic  
01:57:45 Rep. Lynch returned to the meeting.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:58:16 Rep. Warburton  
01:58:43 Ms. Leighton, NARAL Pro-Choice

01:58:48 Rep. MacDonald  
01:59:44 Ms Zupanic, ACLU  
02:01:07 Rep. Hill  
02:01:34 Ms Zupanic, ACLU  
02:02:54 Rep. Hill  
02:03:33 Ms Zupanic, ACLU  
02:03:41 Rep. Hill  
02:05:34 Rep. Bennett  
02:06:47 Rep. Laszloffy returned to the meeting.  
02:07:19 Rep. Hill  
02:07:52 Rep. Bennett  
02:08:15 Rep. Fiscus  
02:09:18 Ms Zupanic, ACLU  
02:12:31 Rep. Fiscus  
02:12:58 Ms Zupanic, ACLU  
02:14:53 Rep. Halvorson  
02:15:24 Rep. Bennett  
02:15:29 Rep. Warburton  
02:16:16 Mr. Laszloffy, MMF  
02:18:26 Rep. Gursky  
02:19:10 Rep. Bennett

**Closing by Sponsor:**

02:19:26 Rep. Bennett

**HEARING ON HB 631****Opening Statement by Sponsor:**

02:20:58 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 631, Constitutional amendment on crime victims.

**Proponents' Testimony:**

02:24:06 Derek Skees, Self

**Opponents' Testimony:**

02:25:13 Al Smith, Montana Trial Lawyers Association (MTLA)

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

02:29:58 Rep. Regier  
02:30:30 Rep. Fitzpatrick  
02:30:44 Rep. Regier  
02:30:54 Rep. Fitzpatrick  
02:31:05 Rep. MacDonald  
02:31:25 Mr. Smith, MTLA  
02:31:38 Rep. Bennett  
02:32:30 Mr. Smith, MTLA  
02:32:44 Rep. Bennett  
02:33:04 Mr. Smith, MTLA

02:33:18 Rep. Warburton  
02:33:41 Rep. Fitzpatrick  
02:34:48 Rep. MacDonald  
02:35:08 Rep. Fitzpatrick  
02:35:45 Rep. Court  
02:36:14 Rep. Fitzpatrick  
02:36:30 Rep. Court  
02:36:32 Rep. Fitzpatrick  
02:36:38 Rep. Fiscus  
02:37:39 Mr. Smith, MTLA

**Closing by Sponsor:**

02:38:25 Rep. Fitzpatrick  
  
02:39:31 Recessed.  
02:48:47 Reconvened with Rep. Blasdel, Rep. Eck, Rep. Laszloffy and Rep Pease-Lopez absent.

**EXECUTIVE ACTION ON HB 619**

02:49:48 **Motion:** Rep. G. Bennett moved that **HB 619 DO PASS.**

**Discussion:**

02:50:04 Rep. Warburton  
02:50:41 Rep. MacDonald  
02:52:08 Rep. Warburton  
02:52:32 Rep. Court  
02:53:42 Rep. Gursky  
02:54:20 Rep. Halvorson  
  
02:55:29 **Vote:** Motion carried 12-8 by roll call 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. Eck, Rep. Laszloffy and Rep. Pease-Lopez voted by proxy.

**EXECUTIVE ACTION ON HB 521**

02:56:43 **Motion:** Rep. G. Bennett moved that **HB 521 DO PASS.**  
  
02:57:08 **Motion:** Rep. G. Bennett moved that **HB 521 BE AMENDED.**  
[EXHIBIT\(juh69a05\)](#)

**Discussion:**

02:57:25 Ms Thigpen, Legislative Services Division (LSD)  
  
02:58:29 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Eck, Rep. Laszloffy and Rep. Pease-Lopez voted by proxy.  
  
02:58:53 **Motion:** Rep. G. Bennett moved that **HB 521 DO PASS AS AMENDED.**

**Discussion:**

02:59:00 Rep. MacDonald  
03:01:53 Rep. Hill  
03:03:07 Rep. Warburton  
03:06:01 Rep. Fiscus

03:07:00 **Vote:** Motion carried 12-8 by roll call 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. Eck, Rep. Laszloffy and Rep. Pease-Lopez voted by proxy.

**EXECUTIVE ACTION ON HB 631**

03:08:15 **Motion/Vote:** Rep. G. Bennett moved that **HB 631 DO PASS**. Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. O'Neil and Rep. Pease-Lopez voting no. Rep. Blasdel, Rep. Eck, Rep. Laszloffy and Rep. Pease-Lopez voted by proxy.

03:08:30 Rep Laszloffy returned to the meeting

**EXECUTIVE ACTION ON HB 629**

03:09:46 **Motion:** Rep. G. Bennett moved that **HB 629 DO PASS**.

**Discussion:**

03:09:57 Rep. Warburton  
03:11:41 Rep. Regier  
03:14:48 Rep. O'Neil  
03:17:11 Rep. Hill  
03:18:51 Rep. MacDonald  
03:21:33 Rep. Smith  
03:22:57 Rep. Court  
03:24:20 Rep. Gursky  
03:25:23 Rep. MacDonald  
03:26:31 Rep. Bennett

03:27:42 **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. Eck and Rep. Pease-Lopez voted by proxy.

03:28:45 **Motion/Vote:** Rep. G. Bennett moved that **HB 629 BE TABLED AND THE VOTE REVERSED**. Motion carried 11-6 by voice vote of those present and voting with Rep. Court, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Smith voting no. Rep. Blasdel, Rep. Eck and Rep. Pease-Lopez were absent and did not vote.

**EXECUTIVE ACTION ON HR 5**

03:29:09     **Motion:** Rep. Kerns moved that **HR 5 DO PASS.**

03:29:11     Rep. Regier left the meeting.

**Discussion:**

03:29:44     Rep. Court

03:30:14     **Vote:** Motion carried 13-7 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Blasdel, Rep. Eck, Rep. Pease-Lopez and Rep. Regier voted by proxy.

03:31:32     Chairman Kerns

Additional documents

**ADJOURNMENT**

Adjournment: 03:32:08

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh69aad.pdf](#))**