

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on April 4, 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. 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. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. David Halvorson (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: HJ 20, 3/27/2013; SB 320, 3/27/2013
Executive Action: HB 638, SB 107, SB 150, SB 238, SB 320, SJ 19, HJ 20

00:16:33 Chairman Kerns

HEARING ON HJ 20

Opening Statement by Sponsor:

00:17:42 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HJ 20, Study resolution on public defender operations and funding.

Proponents' Testimony:

00:20:33 Rep. Steve Gibson, HD 78

00:22:56 Beth McLaughlin, Supreme Court (SC) and Montana Judges Association (MJA)

00:24:52 Chris Manos, Executive Director, State Bar of Montana (SBM)

Opponents' Testimony: None

Informational Testimony:

00:25:47 Fritz Gillespie, Chairman, Public Defender Commission (PDC)

00:27:54 Mark Murphy, Montana County Attorneys Association (MCAA)

Questions from Committee Members and Responses:

00:29:56 Rep. MacDonald

00:31:20 Mr. Gillespie, PDC

00:32:39 Rep. Fiscus

00:33:31 Rep. Dudik

00:34:30 Rep. O'Neil

00:35:33 Mr. Manos, SBM

00:36:31 Rep. O'Neil

00:37:11 Mr. Manos, SBM

00:37:30 Rep. Gursky

00:38:57 Rep. Dudik

00:41:45 Rep. Warburton

00:42:19 Ms McLaughlin, SC, MJA

00:44:49 Rep. Warburton

00:45:08 Rep. Dudik

00:45:58 Rep. MacDonald

00:46:52 Rep. Dudik

00:47:13 Wade Zolynski, Chief Appellate Attorney, Office of the Public Defender (OPD)

Closing by Sponsor:

00:50:00 Rep. Dudik

HEARING ON SB 320

EXHIBIT(juh70a01)

Opening Statement by Sponsor:

00:50:39 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 320, Generally revise campaign finance and disclosure laws.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:37 Rep. Doane
00:59:12 Sen. Vincent
01:00:35 Rep. Doane
01:00:58 Sen. Vincent
01:01:35 Rep. Doane
01:01:59 Sen Vincent
01:02:15 Rep. MacDonald
01:03:46 Sen. Vincent
01:05:07 Chairman Kerns
01:05:22 Rep. Halvorson arrived.
01:05:50 Sen. Vincent

Closing by Sponsor:

01:08:40 Sen. Vincent

EXECUTIVE ACTION ON HB 638

01:09:40 **Motion/Vote:** Rep. Regier moved that **HB 638 BE TABLED**. Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON SB 107

01:10:36 **Motion:** Rep. G. Bennett moved that **SB 107 BE CONCURRED IN**.

Discussion:

01:10:59 Rep. O'Neil
01:12:18 Rep. MacDonald
01:13:43 Rep. O'Neil
01:14:54 Rep. Wagoner
01:15:25 Rep. Hill
01:16:54 Rep. Warburton
01:17:56 Rep. Eck
01:19:59 Rep. MacDonald
01:21:34 Rep. Hill

01:22:55 **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 and Rep. Pease-Lopez voted by proxy.

01:24:06 **Motion/Vote:** Rep. G. Bennett moved that **SB 107 BE TABLED AND THE VOTE REVERSED**. Motion carried 11-7 by voice vote of those present and voting with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald and Rep. Smith voting no. Rep. Blasdel and Rep. Pease-Lopez were absent and did not vote.

EXECUTIVE ACTION ON SB 150

01:24:41 **Motion:** Rep. G. Bennett moved that **SB 150 BE CONCURRED IN.**

Discussion:

01:24:53 Chairman Kerns

01:25:37 Rep. Gursky

01:25:54 **Substitute Motion/Vote:** Rep. Halvorson made a substitute motion that **SB 150 BE TABLED.** Substitute Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON SB 238

01:27:01 **Motion:** Rep. G. Bennett moved that **SB 238 BE CONCURRED IN.**

Discussion:

01:27:19 Chairman Kerns

01:27:24 Rep. Fiscus

01:28:47 Rep. O'Neil

01:29:45 Rep. Court

01:31:07 Rep. MacDonald

01:32:44 Rep. Smith

01:33:04 Rep. Eck

01:34:31 Rep. Warburton

01:35:18 Rep. Fiscus

01:35:38 Rep. O'Neil

01:36:19 Rep. Gursky

01:37:00 Rep. Eck

01:37:22 **Vote:** Motion failed 10-10 by roll call vote with Rep. Court, Rep. Doane, Rep. Eck, Rep. Gursky, Rep. Halvorson, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel and Rep. Pease-Lopez voted by proxy.

01:38:37 **Motion/Vote:** Rep. G. Bennett moved that **SB 238 BE TABLED AND THE VOTE REVERSED.** Motion carried 12-6 by voice vote of those present and voting with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch and Rep. Smith voting no. Rep. Blasdel and Rep. Pease-Lopez were absent and did not vote.

01:39:04 Chairman Kerns

EXECUTIVE ACTION ON SJ 19

01:40:54 **Motion:** Rep. G. Bennett moved that **SJ 19 BE CONCURRED IN.**

Discussion:

01:41:10 Rep. Fiscus

01:41:27 **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 and Rep. Pease-Lopez voted by proxy.

01:42:40 **Motion/Vote:** Rep. G. Bennett moved that **SJ 19 BE TABLED AND THE VOTE REVERSED**. Motion carried 12-6 by voice vote of those present and voting with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch and Rep. Smith voting no. Rep. Blasdel and Rep. Pease-Lopez were absent and did not vote.

EXECUTIVE ACTION ON SB 320

01:43:40 **Motion:** Rep. G. Bennett moved that **SB 320 BE CONCURRED IN**.

01:43:49 **Substitute Motion/Vote:** Rep. Court made a substitute motion that **SB 320 BE TABLED**. Substitute Motion carried 16-4 by roll call vote with Rep. Bennett, Rep. Blasdel, Rep. Regier and Rep. Warburton voting no. Rep. Blasdel and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HJ 20

01:46:16 **Motion:** Rep. G. Bennett moved that **HJ 20 DO PASS**.

Discussion:

01:46:28 Rep. Fiscus
01:47:07 Rep. Lynch
01:47:44 Rep. Bennett
01:48:18 Rep. O'Neil
01:48:44 Rep. Doane
01:48:57 Rep. MacDonald
01:50:00 Rep. Gursky
01:50:21 Chairman Kerns

01:52:08 **Vote:** Motion carried 19-1 by roll call vote with Rep. Halvorson voting no. Rep. Blasdel and Rep. Pease-Lopez voted by proxy.

ADJOURNMENT

Adjournment: 01:53:42

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh70aad.pdf](#))