

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on March 6, 2013 at 9:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Scott Sales, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Scott Boulanger (R)  
Sen. Robyn Driscoll (D)  
Sen. Jennifer Fielder (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Chas Vincent (R)  
Sen. Art Wittich (R)

**Members Excused:** Sen. John Brenden (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**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 205, 2/26/2013; HB 302, 2/26/2013  
Executive Action: HB 45-Be Concurred In, HB 129-Be Concurred In,  
HB 131-Be Concurred In, HB 172-Be Concurred In

**HEARING ON HB 302****Opening Statement by Sponsor:**

00:13:13 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 302, Prohibit state enforcement of any federal ban on semi-auto firearms/magazines.

**Proponents' Testimony:**

00:15:08 Brian Judy, Montana State Liaison, National Rifle Association (NRA) also for Montana Shooting Sports Association (MSSA)

00:17:53 Randy Pinocci, self, Sun River, Montana

00:19:28 Michael Chandler, Western Montana Fish and Game Association (WMFGA), Missoula, Montana

00:20:06 Harvey Hollandsworth, self, Licensed Firearm Dealer, Brady, Montana

00:22:24 Royal Aubrey Davis, self, Attorney, Former Law Enforcement/Florida, Licensed Fire Arms Dealer, Helena, Montana

00:25:14 Tim Ravndal, self, Townsend, Montana, Constitutional Defenders and Oath Keepers (CDOK)

(Vice Chairman Sales assumed Chairman's role)

00:28:14 Garrett Bacon, self, East Helena, Montana

00:29:15 Wayne Delzer, self, Canyon Creek, Montana

00:29:56 Paul Landsgaard, self, Bozeman, Montana

00:30:49 Ronald Price, self, Park County, Montana

**Opponents' Testimony:**

00:35:33 Larry Epstein, Montana County Attorneys Association (MCAA)

00:37:11 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:38:54 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

[EXHIBIT\(jus48a01\)](#)

00:42:36 Perry Johnson, Undersheriff, Ravalli County, Hamilton, Montana

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:48:52 Sen. Wittich

00:50:41 Mr. Epstein, MCAA

00:57:46 Sen. Fielder

00:58:09 Sheriff Johnson

01:02:25 Sen. Driscoll

01:02:40 Mr. Hollandsworth, self

01:05:04 Sen. Driscoll

01:05:23 Rep. Kerns

01:05:30 Sen. Larsen

01:06:00 Rep. Kerns  
01:06:38 Sen. Sales  
01:07:09 Sheriff Johnson

**Closing by Sponsor:**

01:13:02 Rep. Kerns

**HEARING ON HB 205**

**Opening Statement by Sponsor:**

01:14:22 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 205, Eliminate prohibition on firearm sound reduction devices in the field.

**Proponents' Testimony:**

01:18:53 Brian Judy, Montana State Liaison, National Rifle Association (NRA), also for Montana Shooting Sports Association (MSSA)  
01:23:40 Todd Rathner, American Silencer Association (ASA)  
01:28:10 Tim Ravndal, self, Townsend Montana, Constitutional Defenders and Oath Keepers (CDOK)  
01:30:41 Rep. Kelly Flynn (R), HD 68, Townsend  
01:35:21 Randy Pinocci, self, Sun River, Montana  
01:39:49 Harvey Hollandsworth, self, Licensed Firearm Dealer, Brady, Montana  
01:44:23 Royal Aubrey Davis, self, Attorney, former Law Enforcement/Florida, Licensed Firearms Dealer, Helena, Montana  
01:47:07 Dale Poling, owner, Elite Iron Suppressors Systems, Potomac, Montana  
01:47:50 E.J. Redding, self  
01:48:46 Michael Chandler, self, Missoula, Montana, Western Montana Fish and Game Association (WMFGA)  
01:49:26 Ronald Price, self, Park County, Montana  
01:52:04 Rick LePage, self, East Helena, Montana  
01:53:00 Harvey Ravndal, self, Townsend, Montana  
01:53:37 Harvey Hollandsworth, self, Brady, Montana

**Opponents' Testimony:**

01:54:26 Vito Quatraro, Montana Sportsman Alliance (MSA), Hamilton, Montana  
[EXHIBIT\(jus48a02\)](#)  
[EXHIBIT\(jus48a03\)](#)  
01:59:28 George Golie, Montana Wildlife Federation (MFA)  
02:01:59 Jim Kropp, Chief of Law Enforcement, Department Fish Wildlife and Parks (FWP), State of Montana  
[EXHIBIT\(jus48a04\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:08:56 Sen. Jent  
02:10:01 Mr. Golie, MFA  
02:10:32 Sen. Jent  
02:11:21 Mr. Kropp, FWP  
02:12:57 Sen. Boulanger  
02:13:25 Mr. Rathner, ASA  
02:15:55 Sen. Fielder  
02:16:32 Mr. Kropp  
02:19:22 Sen. Murphy  
02:19:37 Mr. Hollandsworth, self

**Closing by Sponsor:**

02:20:36 Rep. Kerns

(Chairman Murphy resumes the Chairman's role)

02:22:57 Brief Recess  
02:26:59 Reconvened

(Sen. Vincent and Sen. Wittich absent from the hearing)

**EXECUTIVE ACTION ON HB 45**

02:28:39 **Motion:** Sen. Fielder moved that **HB 45 BE CONCURRED IN.**

**Discussion:**

02:28:58 Sen. Larsen

02:29:44 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Larsen will carry the bill.

**EXECUTIVE ACTION ON HB 129**

02:30:36 **Motion/Vote:** Sen. Larsen moved that **HB 129 BE CONCURRED IN.** Motion carried 9-3 by roll call vote with Sen. Boulanger, Sen. Fielder and Sen. Wittich voting no. Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Larsen will carry the bill.

**EXECUTIVE ACTION ON HB 131**

02:32:22 **Motion/Vote:** Sen. Blewett moved that **HB 131 BE CONCURRED IN.** Motion carried 12-0 by roll call vote. Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Blewett will carry the bill.

(Sen. Vincent returned to hearing)

**EXECUTIVE ACTION ON HB 172**

02:34:02      **Motion:** Sen. Larsen moved that **HB 172 BE CONCURRED IN.**

**Discussion:**

02:34:42      Sen. Sales

02:35:09      Sen. Murphy

02:35:15      Julianne Burkhardt, Legislative Services Division (LSD)

02:35:52      Sen. Jent

02:37:01      **Vote:** Motion carried 9-3 by roll call vote with Sen. Brenden, Sen. Fielder and Sen. Sales voting no. Sen. Brenden and Sen. Wittich voted by proxy. Sen. Blewett will carry the bill.

**ADJOURNMENT**

Adjournment: 11:30 A.M.

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**Additional Documents**

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Pam Schindler, Secretary

Additional Documents:

**EXHIBIT([jus48aad.pdf](#))**