

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 18, 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. Anders Blewett (D)
Sen. Scott Boulanger (R)
Sen. Robyn Driscoll (D)
Sen. Jennifer Fielder (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Art Wittich (R)

Members Excused: Sen. Shannon Augare (D), Sen. John Brenden (R),
Sen. Chas Vincent (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 304, 3/12/2013; HB 459, 3/12/2013; SB 367, 3/6/2013
Executive Action: HB 304-BE CONCURRED IN, HB 168-BE CONCURRED IN,
HB 510-BE CONCURRED IN AS AMENDED, HB 369-BE
CONCURRED IN/MOTION WITHDRAWN, HB 355-TABLED

HEARING ON HB 304**Opening Statement by Sponsor:**

00:33:19 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 304, Generally revise concealed weapons laws.

Proponents' Testimony:

00:34:50 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA), Missoula, Montana
00:36:23 Brian Judy, Montana State Liaison, National Rifle Association (NRA)
00:39:13 Doug Nulle, retired Attorney, Clancy, Montana
00:42:26 Tim Ravndal, Montana Constitutional Defenders (MCD), Montana Oath Keepers (MOK), Montana Tenth Amendment Center (MTAC), Montana District 3 Weapons Collectors (MD3WC), Townsend, Montana
00:44:06 George Hudson, self
00:46:14 Rep. Jerry O'Neil (R), HD 3, Columbia Falls, Montana
00:47:07 Jean Ruppert, self, Butte, Montana
00:49:12 Paul Landsgaard, self, Bozeman, Montana
00:50:14 David Arbenz, self
00:50:43 Ronald Price, Emigrant, Montana

Opponents' Testimony:

00:52:54 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
01:00:20 Perry Johnson, Undersheriff, Ravalli County Sheriffs Office (RCSO), Hamilton, Montana, Board Member, Montana Sheriffs and Peace Officers Association (MSPOA)

EXHIBIT(jus58a01)

01:04:50 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

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

01:06:49 Sen. Jent
01:07:30 Rep. Kerns
01:08:52 Sen. Jent
01:09:44 Mr. Judy, NRA
01:11:35 Sen. Sales
01:12:07 Sheriff Johnson, RCSO
01:13:36 Sen. Larsen
01:14:16 Rep. Kerns
01:15:35 Sen. Fielder
01:15:55 Sheriff Johnson
01:17:19 Sen. Boulanger

01:17:38 Sheriff Johnson

Closing by Sponsor:

01:18:03 Rep. Kerns

HEARING ON HB 459

Opening Statement by Sponsor:

01:19:13 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 459, Revise privacy laws related to medical treatment and firearms.

Proponents' Testimony:

01:20:11 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA)

01:21:04 Brian Judy, Montana State Liaison, National Rifle Association (NRA)

01:21:56 Doug Nulle, retired Attorney, Clancy, Montana

01:24:02 Aimee Grmoljez, Montana Medical Association (MMA), Montana Hospital Association (MHA), Billings Clinic, All Catholic Hospitals

EXHIBIT(jus58a02)

01:25:07 Rep. Jerry O'Neil (R), HD 3, Columbia Falls, Montana

01:25:59 George Hudson, self

01:27:43 Jean Ruppert, self, Butte, Montana

01:29:03 Garnett Rope, self, Vaughn, Montana

01:30:34 Tim Ravndal, Montana Constitutional Defenders (MCD), Montana Oath Keepers (MOK), Montana Tenth Amendment Center (MTAC), Montana District 3 Weapons Collectors (MD3WC), Townsend, Montana

01:32:22 Paul Landsgaard, self, Bozeman, Montana

01:33:59 Ronald Price, Emigrant, Montana

Opponents' Testimony:

01:37:49 Don Judge, Montana Nurses Association (MNA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:42:03 Sen. Fielder

01:42:30 Mr. Judge, MNA

01:44:38 Sen. Fielder

01:44:56 Ms. Grmoljez, MMA/MHA

01:48:40 Sen. Fielder

01:49:04 Mr. Marbut, MSSA

01:51:07 Sen. Wittich

01:52:06 Mr. Marbut

01:58:03 Sen. Fielder

01:58:23 Ms. Rope, self

01:59:39 Sen. Wittich
02:01:13 Mr. Judge

Closing by Sponsor:

02:02:08 Rep. Kerns
[EXHIBIT\(jus58a03\)](#)

HEARING ON SB 367

Opening Statement by Sponsor:

02:04:54 Sen. Sue Malek (D), SD 46, opened the hearing on SB 367, Revise laws for DUI violations.

[EXHIBIT\(jus58a04\)](#)

[EXHIBIT\(jus58a05\)](#)

Proponents' Testimony:

02:17:13 Stan Morris, DMB Interlock Devices (DMBID), Billings, Montana
02:21:18 Mike Ruppert, CEO, Boyd Andrew Community Services (BASC), President,
Montana Addiction Service Providers (MASP)
02:24:56 Larry Epstein, Montana County Attorneys Association (MCAA)
02:27:26 Linda Stoll, Missoula County (MC)
02:27:55 Jean Ruppert, self, Butte, Montana
02:29:34 Jane Hamman, Montana Traffic Education Association (MTEA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:30:24 Sen. Fielder
02:30:48 Ms. Ruppert, self
02:31:23 Sen. Fielder
02:31:35 Sen. Malek

Closing by Sponsor:

02:32:30 Sen. Malek

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

EXECUTIVE ACTION ON HB 304

02:37:02 **Motion:** Sen. Sales moved that **HB 304 BE CONCURRED IN.**

Discussion:

02:37:23 Sen. Driscoll

02:37:42 Sen. Fielder
02:38:33 Sen. Larsen
02:39:15 Sen. Sales

02:41:08 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Augare, Sen. Boulanger, Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Vincent will carry the bill.

02:42:03 Chairman Murphy
02:42:05 Julianne Burkhardt, Legislative Services Division (LSD)

EXECUTIVE ACTION ON HB 168

02:42:54 **Motion/Vote:** Sen. Jent moved that **HB 168 BE CONCURRED IN**. Motion carried 11-1 by roll call vote with Sen. Driscoll voting no. Sen. Augare, Sen. Boulanger, Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Jent will carry the bill.

02:45:21 Sen. Larsen

EXECUTIVE ACTION ON HB 510

02:46:29 **Motion:** Sen. Sales moved that **HB 510 BE CONCURRED IN**.

02:46:41 **Motion/Vote:** Sen. Fielder moved that **HB 510 BE AMENDED**. Motion carried 12-0 by roll call vote. Sen. Augare, Sen. Boulanger, Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy.

EXHIBIT(jus58a06)

02:48:01 **Motion/Vote:** Sen. Sales moved that **HB 510 BE CONCURRED IN AS AMENDED**. Motion carried 12-0 by roll call vote. Sen. Augare, Sen. Boulanger, Sen. Brenden, Sen. Vincent and Sen. Wittich voted by proxy. Sen. Murphy will carry the bill.

EXECUTIVE ACTION ON HB 369

Discussion:

02:49:36 Sen. Larsen
02:49:48 Sen. Blewett

(Sen. Boulanger returned to the hearing)

02:51:53 Sen. Fielder
02:52:00 Sen. Blewett

02:53:22 **Motion:** Sen. Jent moved that **HB 369 BE CONCURRED IN**.

(Sen. Wittich returned to the hearing)

02:59:42 Ms. Burkhardt
03:00:37 Sen. Blewett

03:00:52 Without objection, Sen. Larsen withdrew the motion that **HB 369 BE CONCURRED IN.**

EXECUTIVE ACTION ON HB 355

03:01:36 **Motion:** Sen. Fielder moved that **HB 355 BE CONCURRED IN.**

Discussion:

03:03:04 Sen. Wittich
03:03:57 Ms. Burkhardt, LSD
03:06:09 Sen. Jent
03:08:47 Sen. Fielder
03:10:07 Sen. Larsen
03:10:52 Sen. Blewett
03:11:29 Ms. Burkhardt
03:12:26 Sen. Blewett
03:13:12 Sen. Fielder
03:14:54 Sen. Larsen
03:15:30 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ),
State of Montana
03:17:53 Sen. Blewett
03:18:03 Mr. Bennion, DOJ
03:19:59 Sen. Blewett
03:20:03 Sen. Jent
03:23:11 Sen. Larsen
03:23:49 Mr. Bennion

03:24:32 **Vote:** Motion failed 5-7 by roll call vote with Sen. Augare, Sen. Driscoll, Sen. Fielder, Sen. Jent and Sen. Larsen voting aye. Sen. Augare, Sen. Brenden and Sen. Vincent voted by proxy.

03:24:40 **Motion/Vote:** Sen. Sales moved that **HB 355 BE TABLED AND THE VOTE REVERSED.** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Augare, Sen. Brenden and Sen. Vincent voted by proxy.

ADJOURNMENT

Adjournment: 11:55 A.M.

Pam Schindler, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([jus58aad.pdf](#))