

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 20, 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. Chas Vincent (R)
Sen. Art Wittich (R)

Members Excused: Sen. John Brenden (R) Sen. Cliff Larsen (D)

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 287, 3/11/2013; HB 555, 3/11/2013
Executive Action: HB 335-BE CONCURRED IN, HB 385-BE CONCURRED IN, HB 485-BE CONCURRED IN, HB 374-BE CONCURRED IN, HB 459-BE CONCURRED IN AS AMENDED, HB 352-BE CONCURRED IN AS AMENDED, HB 369-TABLED, SB 367-TABLED, HB 438-BE CONCURRED IN/MOTION WITHDRAWN

HEARING ON HB 287

Opening Statement by Sponsor:

00:19:17 Rep. Daniel Salomon (R), HD 12, opened the hearing on HB 287, Enhance penalty for consumer protection violations.

Proponents' Testimony:

00:20:50 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus60a01\)](#)

[EXHIBIT\(jus60a02\)](#)

00:23:53 Donya Parrish, Montana Credit Unions (MTCU)

[EXHIBIT\(jus60a03\)](#)

00:25:34 Ryan Sullivan, Office of Consumer Protection, Assistant Attorney General, Department of Justice (DOJ), State of Montana

[EXHIBIT\(jus60a04\)](#)

00:26:07 Claudia Clifford, Advocacy Director, AARP/Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:36 Sen. Fielder
00:27:53 Mr. Bennion, DOJ
00:30:00 Sen. Sales
00:30:10 Mr. Bennion
00:32:54 Sen. Vincent
00:33:02 Mr. Bennion
00:34:57 Sen. Boulanger
00:35:30 Mr. Bennion
00:36:40 Sen. Augare
00:37:33 Mr. Bennion
00:38:13 Sen. Fielder
00:38:51 Mr. Bennion

Closing by Sponsor:

00:41:08 Rep. Salomon

HEARING ON HB 555

Opening Statement by Sponsor:

00:42:40 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 555, Revise mediation laws related to family law and domestic violence.

[EXHIBIT\(jus60a05\)](#)

Proponents' Testimony:

00:43:56 Eduardo Capalong, Associate Law Professor, School of Law, University of Montana (UM), Missoula, Montana

00:47:58 Linda Gryczan, President, Montana Mediation Association (MMA)

00:53:42 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

[EXHIBIT\(jus60a06\)](#)

00:56:19 Debra Lamm, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:58:10 Sen. Fielder

00:59:06 Prof. Capalong, UM

00:59:34 Julianne Burkhardt, Legislative Services Division (LSD)

01:00:13 Sen. Vincent

01:00:30 Rep. Hill

01:01:17 Prof. Capalong

01:02:11 Sen. Augare

01:02:24 Prof. Capalong

01:02:33 Ms. Gryczan, MMA

01:04:28 Chairman Murphy

01:04:37 Sen. Boulanger

01:05:07 Prof. Capalong

01:08:03 Sen. Fielder

01:08:13 Prof. Capalong

Closing by Sponsor:

01:08:36 Rep. Hill

01:10:12 Brief Recess

01:16:51 Reconvene

EXECUTIVE ACTION ON HB 335

01:17:20 **Motion:** Sen. Fielder moved that **HB 335 BE CONCURRED IN.**

Discussion:

01:17:50 Sen. Vincent

01:19:19 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 367

01:21:04 **Motion/Vote:** Sen. Sales moved that **HB 367 BE TABLED.** Motion carried 9-3 by roll call vote with Sen. Augare, Sen. Driscoll and Sen. Larsen voting no. Sen. Brenden and Sen. Larsen voted by proxy.

EXECUTIVE ACTION ON HB 385

01:23:34 **Motion:** Sen. Sales moved that **HB 385 BE CONCURRED IN.**

Discussion:

01:23:54 Sen. Blewett

01:24:12 Ms. Burkhardt, LSD

01:25:15 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Wittich will carry the bill.

EXECUTIVE ACTION ON HB 485

01:26:29 **Motion/Vote:** Sen. Sales moved that **HB 485 BE CONCURRED IN.** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON HB 438**Discussion:**

01:27:54 Sen. Fielder

01:28:42 Ms. Burkhardt

01:29:33 Without objection, Sen. Fielder withdrew the motion that **HB 438 BE CONCURRED IN.**

Discussion:

01:29:36 Sen. Wittich

01:29:43 Sen. Fielder

EXECUTIVE ACTION ON HB 459

01:30:36 **Motion:** Sen. Sales moved that **HB 459 BE CONCURRED IN.**

Discussion:

01:30:56 Sen. Wittich
01:31:06 Ms. Burkhardt

01:33:30 **Motion:** Sen. Wittich moved that **HB 459 BE AMENDED.**
EXHIBIT(jus60a07)

Discussion:

01:35:26 Sen. Sales
01:37:24 Sen. Murphy
01:37:50 Sen. Wittich
01:38:22 Sen. Fielder

01:38:49 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Brenden and Sen. Larsen voted by proxy.

01:39:30 **Motion:** Sen. Wittich moved that **HB 459 BE AMENDED.**
EXHIBIT(jus60a08)

Discussion:

01:41:32 Sen. Sales
01:41:39 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Larsen voted by proxy.

Discussion:

01:42:26 Ms. Burkhardt
01:42:37 Sen. Wittich
01:42:45 **Motion/Vote:** Sen. Sales moved that **HB 459 BE CONCURRED IN AS AMENDED.** Motion carried 10-2 by roll call vote with Sen. Augare and Sen. Jent voting no. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Sales will carry the bill.

EXECUTIVE ACTION ON HB 352

01:44:02 **Motion:** Sen. Blewett moved that **HB 352 BE CONCURRED IN.**

01:44:10 **Motion:** Sen. Blewett moved that **HB 352 BE AMENDED.**
EXHIBIT(jus60a09)

Discussion:

01:45:55 Sen. Fielder
01:46:27 Sen. Blewett
01:48:44 Sen. Augare
01:49:53 Sen. Sales
01:50:06 Sen. Blewett
01:51:10 Sen. Sales
01:51:18 Sen. Wittich
01:53:38 Sen. Boulanger

01:54:25 **Vote:** Motion carried 8-4 by roll call vote with Sen. Brenden, Sen. Fielder, Sen. Sales and Sen. Vincent voting no. Sen. Brenden and Sen. Larsen voted by proxy.

01:54:29 **Motion/Vote:** Sen. Blewett moved that **HB 352 BE CONCURRED IN AS AMENDED**. Motion carried 10-2 by roll call vote with Sen. Sales and Sen. Vincent voting no. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON HB 369

01:56:16 **Motion:** Sen. Sales moved that **HB 369 BE CONCURRED IN**.

Discussion:

01:56:24 Sen. Blewett
01:59:25 Sen. Wittich
01:59:42 Sen. Sales
02:00:15 Sen. Blewett
02:01:09 Sen. Wittich
02:01:45 Sen. Jent
02:01:50 Sen. Blewett
02:02:17 Sen. Wittich
02:02:52 Sen. Jent
02:03:56 Sen. Fielder
02:04:15 Sen. Wittich
02:05:56 Chairman Murphy

02:06:00 **Substitute Motion/Vote:** Sen. Vincent made a substitute motion that **HB 369 BE TABLED**. Substitute Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Larsen voted by proxy.

Discussion:

02:06:59 Sen. Jent

EXECUTIVE ACTION ON HB 374

02:08:08 **Motion:** Sen. Wittich moved that **HB 374 BE CONCURRED IN**.

Discussion:

02:08:17 Sen. Blewett

02:08:58 Sen. Wittich

02:11:54 Sen. Blewett

02:13:59 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Brenden and Sen. Larsen voted by proxy. Sen. Wittich will carry the bill.

ADJOURNMENT

Adjournment: 11:58 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus60aad.pdf](#))