

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on April 3, 2013 at 8:00 A.M., 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 403, 3/18/2013; HB 478, 3/18/2013; SB 392, 3/18/2013
Executive Action: HB 505-BE CONCURRED IN/MOTION FAILED-TIE VOTE
HB 233-BE CONCURRED IN AS AMENDED
HB 478-BE CONCURRED IN/MOTION WITHDRAWN
SB 392-DO PASS AS AMENDED, HB 355-BE CONCURRED IN

HEARING ON HB 478**Opening Statement by Sponsor:**

00:14:10 Rep. Sarah Laszloffy (R), HD 57, opened the hearing on HB 478, Revise laws regarding human trafficking.

[EXHIBIT\(jus69a01\)](#)

Proponents' Testimony:

00:19:09 Brett Linneweber, Park County Attorney (PCA), Livingston, Montana, Montana County Attorneys Association (MCAA), Founder, Sexual Assault Response Team (SART), Board Member, National Children's Alliance of Montana (NCA/MT)

00:24:30 Abigail St. Lawrence, Montana Association of Churches (MAC)

00:27:32 Jeff Laszloffy, Montana Family Foundation (MFF)

00:30:15 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ), State of Montana

00:32:13 Tonya Shellnutt, Concerned Women of American (CWA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:33:57 Sen. Fielder

00:34:43 Mr. Bennion, DOJ

00:35:43 Rep. Laszloffy

00:36:36 Mr. Linneweber, PCA

00:38:33 Sen. Murphy

00:39:01 Mr. Linneweber

00:41:17 Sen. Wittich

00:42:06 Mr. Linneweber

00:44:44 Sen. Murphy

00:45:24 Mr. Linneweber

Closing by Sponsor:

00:47:24 Rep. Laszloffy

HEARING ON HB 403**Opening Statement by Sponsor:**

00:49:00 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 403, Revising fees collected by district court clerks.

Proponents' Testimony:

00:50:30 Shirley Faust, Clerk of District Court, Missoula County, Missoula, Montana,
Member, Legislative Committee, Montana Association of District Courts
(MACDC)

[EXHIBIT\(jus69a02\)](#)

[EXHIBIT\(jus69a03\)](#)

01:05:03 Shantil Siaperas, Montana Association of Counties (MACo)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:05:42 Sen. Blewett

01:06:28 Ms. Faust, MACDC

01:07:22 Sen. Wittich

01:08:46 Ms. Faust

Closing by Sponsor:

01:09:45 Rep. Hill

HEARING ON SB 392

Opening Statement by Sponsor:

01:10:57 Sen. Christine Kaufmann (D), SD 41, opened the hearing on SB 392, Increase
authority of commissioner of political practices for noncompliance.

Proponents' Testimony:

01:15:26 Janet Ellis, self

01:16:53 Linda Gryczan, Montan League of Women Voters (MLWV)

01:17:32 John Barrows, Montana Newspaper Association (MNA)

01:18:06 Clayton Elliott, Montana League of Rural Voters (MLRV)

Opponents' Testimony: None

Informational Testimony:

01:18:40 Kym Trujillo, Data Tech, Commissioner of Political Practices (COPP), State of
Montana

Questions from Committee Members and Responses:

01:19:13 Sen. Wittich

01:20:04 Ms. Trujillo, COPP

01:22:00 Sen. Wittich
01:22:54 Sen. Kaufmann
01:25:21 Sen. Fielder
01:25:50 Ms. Trujillo

Closing by Sponsor:

01:27:42 Sen. Kaufmann

01:30:12 Brief Recess
01:42:20 Reconvene

EXECUTIVE ACTION ON SB 392

01:42:50 **Motion:** Sen. Blewett moved that **SB 392 DO PASS.**

Discussion:

01:43:09 Sen. Jent
01:45:06 Sen. Wittich
01:46:05 Sen. Blewett
01:46:56 Sen. Larsen
01:47:43 Sen. Wittich
01:49:17 Sen. Larsen
01:49:59 Sen. Wittich
01:50:48 Chairman Murphy
01:51:12 Julianne Burkhardt, Legislative Services Division, LSD
01:51:31 Sen. Driscoll
01:51:48 Sen. Wittich

01:52:02 Without objection, Sen. Blewett withdrew the **SB 392 DO PASS** motion.

EXECUTIVE ACTION ON HB 505

01:53:08 **Motion:** Sen. Sales moved that **HB 505 BE CONCURRED IN.**

Discussion:

01:53:35 Sen. Blewett
01:55:48 Sen. Fielder
01:57:10 Sen. Larsen
01:58:09 Sen. Wittich

02:03:44 **Vote:** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Boulanger, Sen. Brenden, Sen. Fielder, Sen. Murphy and Sen. Sales voting aye. Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON HB 233

02:04:53 **Motion:** Sen. Jent moved that **HB 233 BE CONCURRED IN.**
[EXHIBIT\(jus69a04\)](#)
[EXHIBIT\(jus69a05\)](#)

02:08:22 **Motion:** Sen. Jent moved that **HB 233 BE AMENDED.**
[EXHIBIT\(jus69a06\)](#)

Discussion:

02:11:52 Sen. Blewett
02:12:59 Sen. Murphy
02:13:42 Sen. Jent

(Sen. Larsen absent from the hearing)

02:16:07 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Larsen voted by proxy.

(Sen. Larsen returned to hearing)

02:16:24 **Motion:** Sen. Jent moved that **HB 233 BE AMENDED.**
[EXHIBIT\(jus69a07\)](#)

Discussion:

02:18:49 Sen. Fielder
02:19:30 Sen. Jent
02:20:03 Sen. Wittich
02:21:02 Ms. Burkhardt, LSD
02:21:26 Jessie Luther, Association of Montana Troopers (AMT)
02:22:42 Sen. Boulanger
02:23:07 Sen. Jent

02:24:18 **Vote:** Motion carried 7-5 by roll call vote with Sen. Sales, Sen. Fielder, Sen. Vincent, Sen. Boulanger and Sen. Wittich voting no. Sen. Brenden voted by proxy.

02:24:28 **Motion:** Sen. Jent moved that **HB 233 BE CONCURRED IN AS AMENDED.**

Discussion:

02:24:37 Sen. Blewett
02:26:02 Ms. Luther, AMT
02:27:46 Sen. Fielder
02:28:33 Ms. Luther
02:30:05 Sen. Murphy
02:30:15 Ms. Burkhardt
02:31:15 Sen. Fielder

02:31:54 Sen. Sales
02:32:32 Ms. Burkhardt
02:33:13 Sen. Jent

02:34:42 **Vote:** Motion carried 9-3 by roll call vote with Sen. Murphy, Sen. Sales and Sen. Vincent voting no. Sen. Brenden voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 478

02:36:18 **Motion:** Sen. Driscoll moved that **HB 478 BE CONCURRED IN.**

Discussion:

02:36:31 Sen. Wittich
02:37:53 Chairman Murphy
02:38:33 Ms. Burkhardt
02:39:10 Sen. Wittich

02:39:24 Without objection, Sen. Driscoll withdrew the **HB 478 BE CONCURRED IN** motion.

EXECUTIVE ACTION ON SB 392

Discussion:

02:39:53 Sen. Wittich

02:41:23 **Motion:** Sen. Blewett moved that **SB 392 DO PASS.**

Discussion:

02:41:44 Sen. Wittich
02:42:07 Ms. Burkhardt
02:42:31 Sen. Wittich
02:43:30 Mary Baker, Program Director, Commissioner of Political Practices (COPP),
State of Montana
02:44:28 Sen. Wittich
02:44:35 Ms. Baker, COPP
02:45:24 Ms. Burkhardt
02:46:00 Chairman Murphy

02:46:20 Brief Recess
02:56:09 Reconvene

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

02:56:43 **Motion:** Sen. Wittich moved that **SB 392 BE AMENDED.**

[EXHIBIT\(jus69a08\)](#)

Discussion:

02:57:49 Ms. Burkhardt
02:58:05 Sen. Wittich
02:58:18 Sen. Augare
02:58:36 Ms. Burkhardt
02:58:54 Sen. Wittich

03:00:09 **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, Sen. Jent and Sen. Vincent voted by proxy.

03:01:11 **Motion/Vote:** Sen. Blewett moved that **SB 392 DO PASS AS AMENDED.** Motion carried 12-0 by roll call vote. Sen. Brenden, Sen. Jent and Sen. Vincent voted by proxy.

(Sen. Jent entered hearing)

EXECUTIVE ACTION ON HB 355

03:01:21 **Motion:** Sen. Driscoll moved that **HB 355 BE REMOVED FROM TABLED.**

Discussion:

03:03:00 Ms. Burkhardt

(Sen. Vincent entered hearing)

03:03:15 **Vote:** Motion carried 8-3 by roll call vote with Sen. Murphy, Sen. Sales and Sen. Wittich voting no. (Present and voting members only)

03:04:38 **Motion:** Sen. Driscoll moved that **HB 355 BE CONCURRED IN.**

Discussion:

03:05:17 Sen. Felder
03:05:29 Sen. Blewett
03:06:06 Sen. Wittich
03:06:46 Sen. Blewett

03:07:32 **Vote:** Motion carried 8-4 by roll call vote with Sen. Brenden, Sen. Murphy, Sen. Sales and Sen. Wittich voting no. Sen. Brenden voted by proxy. Sen. Fielder will carry the bill.

ADJOURNMENT

Adjournment: 10:54 A.M.

Pam Schindler, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([jus69aad.pdf](#))