

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on April 4, 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: HJ 13, 3/19/2013; HB 433, 3/19/2013; SJ 22, 4/19/13

Executive Action: SJ 22-DO PASS, HB 345-BE CONCURRED IN AS AMENDED, HB 433-BE CONCURRED IN AS AMENDED, HB 74-BE CONCURRED IN, HB 478-BE CONCURRED IN AS AMENDED, HB 403-BE CONCURRED IN AS AMENDED, HB 497-BE CONCURRED IN AS AMENDED, HB 438-REMOVE FROM THE TABLE/FAILED, HB 555-RECONSIDER THE ACTION/FAILED TIE VOTE 6-6

HEARING ON HB 433**Opening Statement by Sponsor:**

00:21:01 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HB 433, Generally revise laws regarding registration of sexual and violent offenders.

Proponents' Testimony:

00:22:22 John Parker, Cascade County Attorney, Great Falls, Montana, Montana County Attorneys Association (MCAA)

00:24:32 Leo Gallagher, Lewis and Clark County Attorney, Helena, Montana, President, Montana County Attorneys Association (MCAA)

00:28:24 Bill Fulbright, Ravalli County Attorney, Hamilton, Montana

00:31:59 Jed Fitch, Beaverhead County Attorney, Dillon, Montana

00:34:18 Jon Bennion, Deputy Chief, Attorney General, Department of Justice (DOJ), State of Montana

00:35:31 Abigail St. Lawrence, Montana Association of Churches (MAC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:37:31 Sen. Wittich

00:37:48 Mr. Bennion, DOJ

00:39:47 Mr. Parker, MCCA

00:43:37 Sen. Vincent

00:44:11 Mr. Parker

00:44:56 Sen. Boulanger

00:45:22 Mr. Parker

00:45:58 Sen. Wittich

00:46:47 Mr. Parker

00:47:10 Sen. Augare

00:47:56 Mr. Bennion

00:48:58 Sen. Murphy

00:49:49 Mr. Gallagher, MCCA

00:52:06 Mr. Bennion

Closing by Sponsor:

00:52:34 Rep. O'Hara

HEARING ON HJ 13**Opening Statement by Sponsor:**

00:53:51 Rep. Forrestina (Frosty) Calf Boss Ribs (D), HD 15, opened the hearing on HJ 13, Joint Resolution to call on Congress to pass the Violence Against Women Act.

Proponents' Testimony:

00:55:53 Sarah Rossi, Public Policy Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:56:47 Linda Gryczan, Montana Women's Lobby (MWL)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:42 Sen. Fielder

00:58:27 Rep. Calf Boss Ribs

Closing by Sponsor:

00:59:26 Rep. Calf Boss Ribs

01:04:51 Recess

01:34:42 Reconvene

HEARING ON SJ 22**Opening Statement by Sponsor:**

01:34:53 Sen. Larry Jent (D), SD 32, opened the hearing on SJ 22, Interim study on family law procedure alternatives.

Proponents' Testimony:

01:37:19 Judge Beth Baker, Montana Supreme Court, Department of Justice (DOJ), State of Montana

01:40:11 Corbin Howard, Family Law Attorney, Billings, Montana

[EXHIBIT\(jus70a01\)](#)

[EXHIBIT\(jus70a02\)](#)

01:43:03 Christopher Manos, Executive Director, State Bar of Montana (SBM)

01:43:59 Ed Bartlett, Montana Judges Association (MJA), Billings, Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:45:18 Sen. Fielder
01:45:54 Mr. Bartlett, MJA
01:47:59 Sen. Murphy
01:48:19 Judge Baker, DOJ

Closing by Sponsor:

01:50:14 Sen. Jent

(Sen. Blewett absent from the hearing)

EXECUTIVE ACTION ON SJ 22

01:51:3 **Motion/Vote:** Sen. Larsen moved that **SJ 22 DO PASS**. Motion carried 12-0 by roll call vote. Sen. Blewett and Sen. Brenden voted by proxy.

EXECUTIVE ACTION ON HB 345

01:53:07 **Motion:** Sen. Wittich moved that **HB 345 BE CONCURRED IN**.

(Sen. Blewett returned to hearing)

01:53:25 **Motion:** Sen. Wittich moved that **HB 345 BE AMENDED**.
[EXHIBIT\(jus70a03\)](#)

Discussion:

01:53:42 Julianne Burkhardt, Legislative Services Division (LSD)
01:54:24 Sen. Wittich
01:57:50 Sen. Jent
01:58:44 Sen. Blewett

01:59:18 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden voted by proxy.

02:02:34 **Motion:** Sen. Wittich moved that **HB 345 BE CONCURRED IN AS AMENDED**.

Discussion:

02:02:45 Sen. Blewett
02:03:09 Sen. Wittich

02:04:20 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden voted by proxy. Sen. Jent will carry the bill.

EXECUTIVE ACTION ON HB 438

02:04:48 **Motion:** Sen. Wittich moved that **HB 438 BE REMOVED FROM TABLED.**

Discussion:

02:06:29 Sen. Blewett

02:07:07 Sen. Jent

02:07:47 **Vote:** Motion failed 5-6 by roll call vote with Sen. Boulanger, Sen. Fielder, Sen. Sales, Sen. Vincent and Sen. Wittich voting aye. (Present and voting members only)

EXECUTIVE ACTION ON HB 433

02:10:19 **Motion:** Sen. Driscoll moved that **HB 433 BE CONCURRED IN.**

Discussion:

02:11:12 Sen. Wittich

02:12:05 Sen. Driscoll

02:12:19 Ms. Burkhardt, LSD

02:12:56 **Motion/Vote:** Sen. Wittich moved that **HB 433 BE AMENDED** with a **CONCEPTUAL AMENDMENT FOR PAGE 2, LINE 8, INSERT "SUBSEQUENT."** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Brenden voted by proxy.

02:14:02 **Motion/Vote:** Sen. Driscoll moved that **HB 433 BE CONCURRED IN AS AMENDED.** Motion carried 12-0 by roll call vote. Sen. Brenden voted by proxy. Sen. Driscoll will carry the bill.

EXECUTIVE ACTION ON HB 74

02:16:19 **Motion:** Sen. Blewett moved to **RECONSIDER THE ACTION** on **HB 74.**

Discussion:

02:16:57 Sen. Murphy

02:17:11 Sen. Sales

02:17:31 Ms. Burkhardt

02:17:59 Sen. Wittich

02:19:11 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Murphy, Sen. Sales, Sen. Vincent and Sen. Wittich voting no. Sen. Brenden voted by proxy.

Discussion:

02:20:08 Ms. Burkhardt

02:20:10 Sen. Murphy

02:20:13 **Motion:** Sen. Blewett moved that **HB 74 BE CONCURRED IN.**

Discussion:

02:20:27 Sen. Wittich

02:21:11 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Murphy, Sen. Sales, Sen. Vincent and Sen. Wittich voting no. Sen. Brenden voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON HB 478

02:22:03 **Motion:** Sen. Wittich moved that **HB 478 BE CONCURRED IN.**

02:22:14 **Motion:** Sen. Wittich moved that **HB 478 BE AMENDED.**

[EXHIBIT\(jus70a04\)](#)

Discussion:

02:24:42 Ms. Burkhardt

02:24:58 Sen. Fielder

02:25:36 Sen. Augare

02:26:50 Sen. Larsen

02:27:25 Sen. Wittich

02:28:59 Sen. Fielder

02:30:21 Sen. Blewett

02:30:28 **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 voted by proxy.

02:31:50 **Motion:** Sen. Wittich moved that **HB 478 BE CONCURRED IN AS AMENDED.**

Discussion:

02:32:04 Sen. Blewett

02:33:11 Sen. Augare

02:33:23 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Brenden voted by proxy. Sen. Arntzen will carry the bill.

EXECUTIVE ACTION ON HB 403

02:34:35 **Motion:** Sen. Blewett moved that **HB 403 BE CONCURRED IN.**

Discussion:

02:34:41 Sen. Fielder

02:35:30 Sen. Murphy

02:35:57 **Motion:** Sen. Wittich moved that **HB 403 BE AMENDED** with a **CONCEPTUAL AMENDMENT FOR PAGE 1, LINE 30, REDUCING FEE TO "25 CENTS"**.

Discussion:

02:37:58 Ms. Burkhardt

02:38:07 Sen. Wittich

02:38:57 Sen. Larsen

02:40:08 Sen. Wittich

02:42:42 Sen. Larsen

02:43:20 Sen. Wittich

02:44:40 Sen. Driscoll

02:45:24 **Vote:** Motion carried 9-3 by roll call vote with Sen. Augare, Sen. Driscoll and Sen. Murphy voting no. Sen. Brenden voted by proxy.

02:45:35 **Motion:** Sen. Wittich moved that **HB 403 BE CONCURRED IN AS AMENDED**.

Discussion:

02:45:44 Sen. Blewett

02:46:09 Sen. Fielder

02:46:20 Sen. Blewett

02:46:42 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden voted by proxy. Sen. Murphy will carry the bill.

EXECUTIVE ACTION ON HB 497

02:47:58 **Motion:** Sen. Fielder moved that **HB 497 BE CONCURRED IN**.

02:48:18 **Motion:** Sen. Fielder moved that **HB 497 BE AMENDED**.
[EXHIBIT\(jus70a05\)](#)

Discussion:

02:49:37 Sen. Blewett

(Sen. Boulanger absent from the hearing)

02:50:55 **Vote:** Motion carried 11-1 by roll call vote with Sen. Blewett voting no. Sen. Boulanger and Sen. Brenden voted by proxy.

02:50:57 **Motion:** Sen. Fielder moved that **HB 497 BE CONCURRED IN AS AMENDED**.

Discussion:

02:51:13 Sen. Blewett

02:52:23 Sen. Fielder

02:53:36 Sen. Larsen
02:54:20 Sen. Blewett
02:55:42 Sen. Wittich
02:57:26 Sen. Jent

(Sen. Boulanger returned to hearing)

02:57:54 **Vote:** Motion carried 9-3 by roll call vote with Sen. Blewett, Sen. Driscoll and Sen. Larsen voting no. Sen. Brenden voted by proxy. Sen. Fielder will carry the bill.

EXECUTIVE ACTION ON HB 555

02:58:44 **Motion:** Sen. Jent moved to **RECONSIDER THE MOTION** on **HB 555**.

Discussion:

03:02:13 Sen. Murphy

03:03:09 **Vote:** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Fielder, Sen. Jent and Sen. Larsen voting aye. Sen. Brenden voted by proxy.

ADJOURNMENT

Adjournment: 11:50 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus70aad.pdf](#))