

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 16, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Diane Sands, Vice Chairman (D)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Kris Hansen (R)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Ken Peterson, Chairman (R)
Rep. Krayton Kerns, Vice Chairman (R)
Rep. Mike Menahan (D)

Members Absent: Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Dan Skattum (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

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: SB 76, 3/4/2011; SB 153, 3/4/2011; SB 276, 3/4/2011;
SB 354, 3/4/2011
Executive Action: None

HEARING ON SB 276**Opening Statement by Sponsor:**

00:01:34 Sen. Tom Facey (D), SD 48, opened the hearing on SB 276, Generally revise deviate sexual conduct laws.

00:02:22 Rep. Skattum arrived.

00:03:25 Rep. MacDonald arrived..

Proponents' Testimony:

00:04:44 Jamee Greer, Montana Human Rights Network

00:09:02 Niki Zupanic, American Civil Liberties Union of Montana (ACLU)

00:11:15 Rep. O'Hara exited.

00:12:37 Linda Gryczan, self

EXHIBIT(juh59a01)

00:14:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

00:16:52 Rep. Howard arrived.

00:17:07 Larry Epstein, Montana County Attorneys' Association (MCAA)

00:18:32 Sam Griffel, self

EXHIBIT(juh59a02)

00:22:31 Lindsay Love, Planned Parenthood of Montana

Opponents' Testimony:

00:25:18 Harris Himes, Montana Eagle Forum

00:28:24 Rep. O'Hara returned.

00:31:23 Rep. Bangerter exited.

00:32:48 Rep. Menahan arrived.

00:34:25 Dallas Erickson, Montana Citizens for Decency Through Law

EXHIBIT(juh59a03)

00:37:55 Chairman Peterson arrived.

00:38:47 Rep. Bangerter returned.

00:39:01 Dr. William D. Wise, self

00:42:07 Margaret Mullaly, self

00:43:16 Lori Page, self

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

00:43:43 Rep. Wagner

00:44:47 Mr. Epstein, MCAA

00:45:23 Chairman Peterson

00:45:27 Rep. Wagner

00:45:44 Mr. Epstein

00:46:11 Rep. Wagner

00:46:35 Rep. Hill

00:46:43 Rep. Wagner

00:46:54 Mr. Epstein

00:47:29 Rep. Wagner

00:47:41 Mr. Epstein

00:48:01 Rep. Wagner

00:48:08 Mr. Epstein
00:48:44 Rep. Wagner
00:49:01 Rep. Loney
00:49:31 Ms. Gryczan
00:49:40 Rep. Loney
00:49:46 Dr. Wise
00:50:51 Rep. Regier
00:51:26 Kelsen Young
00:53:20 Vice Chairwoman Sands
00:54:06 Mr. Griffel
00:54:45 Vice Chairwoman Sands
00:55:07 Ms Zupanic, ACLU
00:56:54 Rep. Harris
00:57:11 Vice Chairwoman Sands exited.
00:57:50 Rep. Hansen exited.
00:57:57 Mr. Epstein
00:59:49 Rep. Wagner
00:59:53 Mr. Epstein
00:59:57 Rep. Hill
01:01:19 Mr. Epstein
01:02:49 Rep. Bangerter
01:03:19 Sen. Facey
01:04:12 Rep. Menahan
01:04:59 Mr. Hines
01:05:09 Rep. Loney exited.
01:06:23 Chairman Peterson
01:07:02 Sen. Facey
01:07:22 Rep. Loney returned.
01:07:43 Chairman Peterson
01:07:47 Ms Zupanic
01:08:06 Chairman Peterson
01:09:22 Ms Zupanic
01:10:02 Rep. O'Hara exited.
01:11:40 Chairman Peterson
01:12:31 Sen. Facey
01:12:48 Chairman Peterson
01:13:00 Rep. Warburton
01:13:05 Rep. O'Hara returned.
01:13:55 Rep. Hill objected to calling Sen. Jackson to be questioned.
01:14:58 Chairman Peterson requested a roll call vote to determine if Sen. Jackson would be allowed to testify. The objection was over-ruled by a 12 to 4 vote of those present and voting.
01:15:05 Rep. Warburton
01:15:13 Sen. Verdell Jackson
01:17:04 Rep. Driscoll
01:17:10 Chairman Peterson
01:17:14 Sen. Jackson
01:17:45 Rep. Hill
01:18:46 Ms Zupanic
01:19:35 Rep. Hill

01:20:05 Ms Zupanic
01:20:45 Rep. Skattum
01:21:17 Mr. Himes
01:22:58 Rep. Skattum
01:23:06 Mr. Himes
01:24:19 Rep. Wagner
01:25:48 Dr. Wise
01:26:00 Rep. Hansen returned.
01:26:27 Rep. Hansen exited.
01:27:08 Rep. Wagner
01:28:00 Dr. Wise
01:29:06 Rep. Wagner
01:29:23 Dr. Wise
01:29:32 Rep. MacDonald
01:29:47 Rep. Howard returned.
01:30:13 Vice Chairwoman Sands returned.
01:31:19 Ms Zupanic
01:31:42 Rep. MacDonald
01:32:01 Ms Zupanic
01:32:05 Rep. MacDonald
01:32:08 Ms Zupanic
01:32:11 Rep. MacDonald
01:32:17 Ms Zupanic
01:32:22 Rep. MacDonald
01:32:31 Ms. Zupanic
01:32:38 Rep. MacDonald
01:32:51 Ms. Zupanic
01:33:13 Rep. Pease-Lopez
01:34:12 Sen. Facey
01:34:21 Ms Zupanic

Closing by Sponsor:

01:35:42 Rep. Facey

01:28:02 Meeting recessed for 10 minutes.
01:54:20 Meeting resumed.
01:55:21 Chairman Peterson

HEARING ON SB 76

Opening Statement by Sponsor:

01:56:24 Sen. Larry Jent (D), SD 32, opened the hearing on SB 76, Provide parole for those sentenced to custody of DPHHS and in state facility.

01:56:40 Vice Chairwoman Sands returned.
01:57:06 Rep. Howard returned.

Proponents' Testimony:

01:58:59 Deb Matteucci, Behavioral Health Program Facilitator, liaison between Department Public of Health and Human Services (DPHHS) and Department of Corrections (COR)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:03:47 Rep. More
02:04:20 Ms Matteucci, DPHHS
02:05:02 Rep. More
02:05:12 Ms Matteucci
02:05:48 Rep. MacDonald
02:06:20 Sen. Jent
02:06:47 Rep. Howard exited.
02:07:02 Rep. MacDonald
02:07:09 Sen. Jent
02:07:13 Rep. Menahan
02:08:09 Rep. Howard returned.
02:08:31 Ms Matteucci
02:09:24 Rep. Menahan
02:10:32 Ms Matteucci
02:12:24 Rep. Wagner
02:13:04 Ms Matteucci
02:13:29 Rep. Wagner
02:13:48 Ms Matteucci
02:14:05 Rep. Wagner
02:14:20 Craig Thomas, Executive Director, Board of Pardons and Parole
02:15:43 Chairman Peterson
02:15:58 Mr. Thomas
02:16:23 Chairman Peterson
02:16:45 Mr. Thomas
02:16:51 Chairman Peterson
02:16:57 Mr. Thomas
02:17:21 Chairman Peterson
02:17:33 Mr. Thomas
02:17:55 Chairman Peterson
02:18:15 Mr. Thomas

Closing by Sponsor:

02:19:12 Sen. Jent

HEARING ON SB 354**Opening Statement by Sponsor:**

02:20:01 Sen. Larry Jent (D), SD 32, opened the hearing on SB 354, Provide for Uniform Unsworn Foreign Declarations Act.

02:20:31 Vice Chairwoman Sands exited.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:23:36 Chairman Peterson
02:24:45 Sen. Jent
02:24:51 Rep. Menahan
02:25:09 Sen. Jent
02:25:41 Rep. Menahan
02:26:11 Sen. Jent
02:26:16 Rep. Menahan
02:26:20 Chairman Peterson
02:26:31 Rep. Harris
02:26:41 Sen. Jent
02:26:55 Rep. More
02:27:16 Sen. Jent
02:27:58 Chairman Peterson
02:28:14 Sen. Jent
02:28:41 Chairman Peterson
02:28:56 Sen. Jent
02:29:09 Rep. Warburton
02:29:28 Sen. Jent
02:29:36 Rep. Bangerter exited.

Closing by Sponsor:

02:29:22 Sen. Jent

HEARING ON SB 153

Opening Statement by Sponsor:

02:30:09 Sen. Larry Jent (D), SD 32, opened the hearing on SB 153, Revise guardian ad litem laws to allow judges' discretion in appointed counsel.

02:31:05 Rep. Bangerter returned.

Proponents' Testimony:

02:31:50 Larry Epstein, Montana County Attorneys Association (MCAA)
02:33:50 Chairman Peterson

Opponents' Testimony:

02:34:02 Kimberly Deschene, Meagher County Attorney

EXHIBIT(juh59a04)

Informational Testimony:

02:39:50 Larry Murphy, Contract Manager, Office of the State Public Defender,
Department of Justice (DOJ)
02:41:38 Chairman declared Mr. Murphy to be an opponent.
02:41:45 Mark Prichard, Attorney, Child and Family Services Division, Department of
Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

02:42:29 Rep. Menahan
02:42:41 Ms Deschene
02:42:46 Rep. Menahan
02:43:25 Ms Deschene
02:44:03 Rep. Menahan
02:44:12 Ms Deschene
02:44:36 Rep. Menahan
02:45:12 Mr. Epstein, MCAA
02:45:44 Rep. Menahan
02:46:14 Mr. Epstein
02:46:41 Rep. Harris
02:47:36 Ms Deschene
02:47:43 Rep. Hill exited.
02:49:54 Rep. Harris
02:50:02 Ms Deschene
02:50:51 Rep. Harris
02:51:28 Ms Deschene
02:51:32 Rep. Hill returned.
02:52:59 Rep. Harris
02:53:14 Ms Deschene
02:54:06 Rep. Warburton
02:54:50 Rep. Loney exited.
02:55:43 Ms Deschene
02:56:08 Chairman Peterson
02:56:24 Sen. Jent
02:56:38 Chairman Peterson
02:56:46 Sen. Jent
02:56:51 Rep. Howard exited.
02:57:11 Chairman Peterson
02:57:23 Sen. Jent
02:58:08 Rep. Loney returned.

Closing by Sponsor:

02:58:19 Sen. Jent

ADJOURNMENT

03:00:46 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh59aad.pdf](#))