

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 22, 2013 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Gerald (Jerry) Bennett, Vice Chair (R)
Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Virginia Court (D)
Rep. Keith Regier (R)

Members Absent: None

Staff Present: Karen Armstrong, Committee Secretary
Helen Thigpen, 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: HB 196, 1/16/2013; HB 201, 1/16/2013; HJ 5, 1/16/2013
Executive Action: HB 16, HB 71, HB 72

HEARING ON HB 196**Opening Statement by Sponsor:**

00:13:30 Rep. Tom Jacobson (D), HD 25, opened the hearing on HB 196, Revise property exemption laws related to judgment debtors.
00:15:18 Rep. Court arrived.

Proponents' Testimony:

00:19:01 Gary Deschenes, Attorney, Self
00:25:26 Flint Murfitt, Montana Legal Services (MLS)
00:28:57 Benjamin Tiller, Bankruptcy Attorney, Self
00:33:46 Jennifer Bezanson, American Association of Retired Persons (AARP), Montana

Opponents' Testimony:

00:34:27 Bruce Spencer, Attorney, Self
00:37:14 Jessie Luther, Montana Collectors Association (MCA)
00:38:07 Steve Turkiewicz, President, Montana Bankers Association (MBA)
00:39:06 Jim Brown, Montana Independent Bankers Association (MIBA)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:40:00 Rep. Jacobson

[EXHIBIT\(juh13a01\)](#)

HEARING ON HB 201**Opening Statement by Sponsor:**

00:41:47 Rep. Jennifer Eck (D), HD 82, opened the hearing on HB 201, Revise personal property execution of judgment exemption.

Proponents' Testimony:

00:46:00 Chuck Munson, Self
00:52:00 Jennifer Bezanson, American Association of Retired Persons (AARP), Montana

Opponents' Testimony:

00:52:33 Bruce Spencer, Attorney, Self
00:58:26 Michael Moore, Attorney, Montana Collectors Association (MCA)
[EXHIBIT\(juh13a02\)](#)
01:05:54 Steve Turkiewicz, President, Montana Bankers Association (MBA)
01:06:51 Jim Brown, Montana Independent Bankers Association (MIBA)
01:07:35 Jeff Koch, President, Collection Bureau Services (CBS)
01:11:55 Greg Chilcott, Ravalli County Commissioner, Montana Association of Counties (MACo)

Informational Testimony:

01:12:45 Flint Murfitt, Montana Legal Services (MLS)

Questions from Committee Members and Responses:

01:15:30 Rep. O'Neil
01:16:20 Mr. Moore, MCA
01:17:14 Rep. O'Neil
01:17:38 Mr. Moore, MCA
01:18:56 Rep. Lynch
01:19:24 Mr. Munson, Self
01:20:26 Rep. Lynch
01:21:22 Mr. Murfitt, MLS
01:23:58 Rep. Hill
01:25:13 Mr. Munson, Self
01:27:25 Rep. Doane
01:27:38 Mr. Koch, CBS
01:28:35 Rep. Doane
01:28:47 Mr. Koch, CBS
01:29:00 Rep. Gursky
01:30:00 Mr. Murfitt, MLS
01:31:05 Rep. Gursky
01:31:51 Mr. Murfitt, MLS
01:32:01 Chairman Kerns
01:32:27 Mr. Spencer, Self
01:33:50 Rep. Gursky
01:34:00 Mr. Spencer, Self
01:34:06 Rep. Lenz
01:34:55 Mr. Spencer, Self
01:35:18 Rep. Lenz
01:35:33 Mr. Spencer, Self
01:36:18 Rep. Lenz
01:36:51 Mr. Spencer, Self
01:38:00 Rep. Wagoner
01:38:14 Mr. Spencer, Self
01:38:18 Rep. Wagoner
01:38:26 Mr. Spencer, Self
01:40:08 Rep. Warburton
01:41:01 Mr. Moore, MCA
01:42:18 Rep. Warburton
01:42:45 Mr. Moore, MCA
01:43:50 Rep. Court
01:44:34 Mr. Spencer, Self
01:45:09 Rep. Court
01:45:30 Mr. Spencer, Self
01:45:53 Rep. Court
01:46:15 Mr. Spencer, Self
01:46:21 Chairman Kerns
01:46:26 Mr. Koch, CBS
01:46:56 Rep. Fiscus
01:47:34 Mr. Spencer, Self

Closing by Sponsor:

01:47:50 Rep. Eck

01:49:52 Recessed
02:02:33 Reconvened with Rep. MacDonald and Rep. Regier absent.

HEARING ON HJ 5

Opening Statement by Sponsor:

02:02:47 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HJ 5, Resolution to amend the US constitution regarding foreign treaties.

[EXHIBIT\(juh13a03\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:06:02 Rep. O'Neil
02:07:16 Rep. MacDonald returned to the meeting.

EXECUTIVE ACTION ON HB 16

02:07:28 **Motion:** Rep. Hill moved that **HB 16 DO PASS.**

Discussion:

02:08:00 **Motion:** Rep. Hill moved that **HB 16 BE AMENDED.**

[EXHIBIT\(juh13a04\)](#)

Discussion:

02:09:10 Rep. Hill
02:12:58 Rep. O'Neil
02:13:09 Helen Thigpen, Legislative Services Division (LSD)
02:15:52 Chairman Kerns
02:15:55 Rep. O'Neil
02:16:25 Ms Thigpen, LSD
02:16:42 Rep. Hill
02:20:29 Chairman Kerns
02:20:33 Rep. Laszloffy
02:20:58 Ms Thigpen, LSD
02:21:11 Rep. Laszloffy
02:21:33 Ms Thigpen, LSD
02:22:26 Rep. Laszloffy
02:22:31 Ms Thigpen, LSD
02:22:48 Rep. Laszloffy
02:22:53 Rep. Halvorson
02:23:38 Chairman Kerns
02:23:45 Ms Thigpen, LSD

02:24:11 Rep. Halvorson
02:24:22 Ms Thigpen, LSD
02:24:47 Rep. Lenz
02:25:41 Chairman Kerns
02:25:43 Ms Thigpen, LSD
02:26:27 Rep. Lenz
02:27:06 Chairman Kerns
02:27:12 Rep. Lenz
02:27:25 Ms Thigpen, LSD
02:28:11 Rep. Lenz
02:28:43 Ms Thigpen, LSD
02:29:19 Chairman Kerns
02:29:22 Rep. O'Neil
02:29:46 Chairman Kerns

02:29:52 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel and Rep. Regier voted by proxy.

02:30:54 **Motion:** Rep. Hill moved that **HB 16 DO PASS AS AMENDED.**

Discussion:

02:31:05 Rep. Hill
02:34:04 Rep. Warburton
02:35:06 Ms Thigpen, LSD
02:35:42 Chairman Kerns
02:35:48 Rep. Hill
02:37:29 Rep. Warburton
02:37:48 Rep. Hill
02:38:17 Rep. Court left the meeting.
02:38:44 Chairman Kerns
02:38:56 Rep. Doane
02:39:32 Rep. Lynch left the meeting.
02:39:49 Rep. MacDonald
02:40:29 Rep. Wagoner left the meeting.
02:41:10 Rep. Pease-Lopez
02:42:13 Rep. Hill
02:43:41 Rep. Eck
02:45:55 Chairman Kerns

02:46:02 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Blasdel, Rep. Doane, Rep. Fiscus, Rep. Halvorson, Rep. Kerns, Rep. Regier, Rep. Wagoner and Rep. Warburton voting no. Rep. Blasdel voted by proxy.

EXECUTIVE ACTION ON HB 71

02:49:01 **Motion:** Rep. MacDonald moved that **HB 71 DO PASS.**

Discussion:

02:49:16 Rep. MacDonald

02:51:34 **Motion:** Rep. G. Bennett moved that **HB 71 BE AMENDED.**
[EXHIBIT\(juh13a05\)](#)

Discussion:

02:52:04 Rep. Bennett
02:52:48 Ms Thigpen, LSD
02:54:23 Rep. MacDonald

02:55:30 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Court, Rep. Lynch, Rep. Regier and Rep. Wagoner voted by proxy.

02:55:46 **Motion:** Rep. G. Bennett moved that **HB 71 DO PASS AS AMENDED.**

02:56:09 **Motion:** Rep. O'Neil moved that **HB 71 BE AMENDED.**
[EXHIBIT\(juh13a06\)](#)

Discussion:

02:56:18 Rep. O'Neil
02:56:59 Rep. MacDonald
02:58:19 Rep. O'Neil
02:58:49 Rep. Doane
02:59:10 Rep. O'Neil
02:59:18 Rep. Pease-Lopez
02:59:39 Rep. MacDonald
03:00:46 Rep. O'Neil
03:01:20 Rep. MacDonald

03:01:32 **Vote:** Motion carried 11-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lenz, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Court, Rep. Lynch, Rep. Regier and Rep. Wagoner voted by proxy.

03:03:24 **Motion:** Rep. MacDonald moved that **HB 71 DO PASS AS AMENDED.**

Discussion:

03:03:37 Rep. Bennett
03:04:39 Rep. Fiscus
03:05:54 Chairman Kerns

03:06:05 **Vote:** Motion carried 16-4 by roll call vote with Rep. Blasdel, Rep. Doane, Rep. Kerns and Rep. Warburton voting no. Rep. Blasdel, Rep. Court, Rep. Lynch, Rep. Regier and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON HB 72

03:07:32 **Motion:** Rep. MacDonald moved that **HB 72 DO PASS.**

Discussion:

03:07:40 Rep. MacDonald

03:08:58 **Vote:** Motion carried 19-1 by roll call vote with Rep. Kerns voting no.
Rep. Blasdel, Rep. Court, Rep. Lynch, Rep. Regier and Rep. Wagoner voted by proxy.

03:10:34 Chairman Kerns

ADJOURNMENT

Adjournment: 03:10:34

Karen Armstrong, Secretary

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[EXHIBIT\(juh13a07\)](#)

Additional Documents:

[EXHIBIT\(juh13aad.pdf\)](#)