

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on January 30, 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. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Jenifer Gursky (D)
Rep. David Halvorson (R)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Ryan Lynch (D)
Rep. Jerry O'Neil (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Mark Blasdel (R)
Rep. Ellie Boldman Hill (D)

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 275, 1/23/2013; HB 290, 1/24/2013
Executive Action: HB 235, HB 260

00:12:35 Chairman Kerns

EXECUTIVE ACTION ON HB 260

00:14:06 **Motion:** Rep. G. Bennett moved that **HB 260 DO PASS.**

00:14:19 **Motion:** Rep. O'Neil moved that **HB 260 BE AMENDED.**
EXHIBIT(juh20a01)

Discussion:

00:16:21 Rep. MacDonald

00:16:47 Ms Thigpen, Legislative Services Division (LSD)

00:17:40 Rep. MacDonald

00:18:20 Rep. O'Neil **WITHDREW MOTION HB 260 BE AMENDED**

00:18:36 **Motion:** Rep. O'Neil moved that **HB 260 BE AMENDED.**
EXHIBIT(juh20a02)

Discussion:

00:19:31 Rep. O'Neil

00:20:12 Rep. MacDonald

00:20:31 **Vote:** Motion carried 18-2 by voice vote with Rep. Halvorson and Rep. Regier voting no. Rep. Hill and Rep. Blasdel voted by proxy.

00:20:51 **Motion:** Rep. G. Bennett moved that **HB 260 DO PASS AS AMENDED.**

Discussion:

00:21:04 Chairman Kerns

00:21:13 Rep. MacDonald

00:21:30 **Vote:** Motion failed 6-14 by roll call vote with Rep. Fiscus, Rep. Gursky, Rep. Hill, Rep. Lenz, Rep. Lynch and Rep. Regier voting aye. Rep. Blasdel and Rep. Hill voted by proxy.

00:23:23 **Motion/Vote:** Rep. G. Bennett moved that **HB 260 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

HEARING ON HB 275

Opening Statement by Sponsor:

00:24:08 Rep. Keith Regier (R), HD 5, opened the hearing on HB 275, Revise DUI laws.
EXHIBIT(juh20a03)

Proponents' Testimony:

00:27:35 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Police Protection Association (MPPA)

00:35:33 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD) and Montana
Common Sense Coalition (MCSC)

[EXHIBIT\(juh20a04\)](#)

[EXHIBIT\(juh20a05\)](#)

00:37:53 Rep. Hill arrived.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:40:47 Rep. MacDonald
00:41:45 Mr. Murphy, MCAA, MPPA
00:43:08 Rep. MacDonald
00:43:20 Mr. Murphy, MCAA, MPPA
00:44:02 Rep. MacDonald
00:44:27 Mr. Murphy, MCAA, MPPA
00:45:32 Rep. Warburton
00:45:54 Mr. Murphy, MCAA, MPPA
00:47:12 Rep. Warburton
00:47:21 Mr. Murphy, MCAA, MPPA
00:47:59 Rep. Warburton
00:48:21 Mr. Murphy, MCAA, MPPA
00:48:57 Rep. O'Neil
00:49:08 Mr. Murphy, MCAA, MPPA
00:50:12 Rep. O'Neil
00:50:20 Mr. Murphy, MCAA, MPPA
00:51:05 Rep. O'Neil
00:51:10 Mr. Murphy, MCAA, MPPA
00:51:32 Rep. Halvorson
00:52:05 Mr. Murphy, MCAA, MPPA
00:53:01 Rep. Halvorson
00:53:35 Mr. Murphy, MCAA, MPPA
00:53:56 Rep. Halvorson
00:54:16 Mr. Murphy, MCAA, MPPA

Closing by Sponsor:

00:54:33 Rep. Regier
00:55:06 Chairman Kerns

HEARING ON HB 290

Opening Statement by Sponsor:

00:56:08 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 290, Provide that jury
may judge facts and application of law to the facts.

[EXHIBIT\(juh20a06\)](#)

[EXHIBIT\(juh20a07\)](#)

[EXHIBIT\(juh20a08\)](#)

Proponents' Testimony:

01:03:22 Don Doig, Self
01:06:33 Steve Hicks, Self
01:07:36 Tim Ravndal, Self
01:10:42 Laura O'Neil, Self

EXHIBIT(juh20a09)

01:17:45 George Hudson, Self
01:19:24 Richard Szczech, Self
01:20:57 John O'Neil, Self

Opponents' Testimony:

01:22:33 Bruce Spencer, State Bar of Montana (SBM)
01:25:44 Bob Wagner, Self
01:37:28 Jamee Greer, Montana Human Rights Network (MHRN)

Informational Testimony: None**Questions from Committee Members and Responses:** None**Closing by Sponsor:**

01:38:59 Rep. O'Neil

01:44:15 Recessed
01:51:45 Reconvened

EXECUTIVE ACTION ON HB 235**EXHIBIT(juh20a10)**

Motion: Rep. Hill moved that **HB 235 DO PASS AS AMENDED.**

Discussion:

01:52:06 Rep. Hill
01:58:08 Rep. Fiscus
01:59:52 Rep. Warburton
02:01:25 Chairman Kerns

02:06:01 **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting aye. Rep. Blasdel voted by proxy.

02:07:14 **Motion/Vote:** Rep. G. Bennett moved that **HB 235 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote of those present and voting.

02:07:33 Chairman Kerns
02:08:24 Rep. Court
02:08:34 Rep. Fiscus
02:09:25 Chairman Kerns

ADJOURNMENT

Adjournment: 02:10:30

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh20aad.pdf](#))