

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on February 21, 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. 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)

**Members Excused:** Rep. Mark Blasdel (R)  
Rep. Keith Regier (R)  
Rep. Wendy Warburton (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 432, 2/15/2013; HB 543, 2/19/2013  
Executive Action: HB 433, HB 504, HB 505, HB 522

00:14:19 Chairman Kerns

### HEARING ON HB 543

#### Opening Statement by Sponsor:

00:16:01 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HB 543, Create a statewide child sexual abuse prevention campaign.

[EXHIBIT\(juh39a01\)](#)

#### Proponents' Testimony:

00:28:00 Matthew Lowy, Self  
00:28:38 Rep. Doane left the meeting.  
00:30:47 Lisa Kauffman, Self

Opponents' Testimony: None

Informational Testimony: None

#### Questions from Committee Members and Responses:

00:31:44 Rep. Halvorson  
00:32:18 Mr. Lowy, Self  
00:32:23 Rep. Halvorson  
00:33:28 Mr. Lowy, Self  
00:34:39 Rep. Wagoner  
00:35:04 Rep. Dudik  
00:37:27 Rep. O'Neil  
00:37:55 Mr. Lowy, Self  
00:39:12 Rep. O'Neil  
00:39:21 Mr. Lowy, Self  
00:39:43 Rep. Gursky  
00:40:08 Rep. Dudik  
00:42:42 Rep. Gursky  
00:42:51 Rep. Dudik

#### Closing by Sponsor:

00:45:16 Rep. Dudik

### HEARING ON HB 432

#### Opening Statement by Sponsor:

00:46:12 Rep. Kimberly Dudik (D), HD 99, opened the hearing on HB 432, Generally revise laws related to child abuse and neglect cases.

[EXHIBIT\(juh39a02\)](#)

#### Proponents' Testimony:

01:06:19 Bill Hooks, Chief Public Defender, Office of Public Defender (OPD)  
01:08:05 Sarah Corbally, Administrator, Child and Family Services Division, Department of Public Health and Human Services (DPHHS)  
01:09:14 Brant Light, Chief Prosecutor, Attorney General's Office (AG)  
01:10:09 Wade Zolynski, Chief Appellate Defender, Office of the Public Defender (OPD)

01:10:48 Matthew Lowy, Self

**Opponents' Testimony:**

01:14:08 Lisa Kauffman, Self

01:28:35 Bruce Spencer, State Bar of Montana

**Informational Testimony:**

01:30:38 Beth McLaughlin, Administrator, Supreme Court (SC)

**Questions from Committee Members and Responses:**

01:32:05 Rep. Hill

01:33:58 Mr. Zolynski, OPD

01:34:31 Rep. Hill

01:34:46 Mr. Hooks, OPD

01:35:32 Rep. Wagoner

01:36:26 Rep. Dudik

01:37:37 Rep. MacDonald

01:38:39 Rep. Dudik

01:39:47 Rep. O'Neil

01:41:01 Mr. Zolynski, OPD

01:42:01 Rep. Halvorson

01:43:01 Ms Kauffman, Self

01:44:31 Rep. Smith

01:45:16 Rep. Dudik

01:48:29 Rep. Pease-Lopez

01:49:17 Rep. Dudik

01:51:41 Rep. Gursky

01:53:04 Rep. Dudik

01:58:19 Rep. Hill

01:59:33 Mr. Hooks, OPD

02:01:18 Rep. Hill

02:01:35 Mr. Hooks, OPD

02:02:05 Rep. Fiscus

02:02:42 Ms Kauffman, Self

02:05:16 Rep. Bennett

02:05:52 Ms Kauffman, Self

02:08:33 Rep. Lynch

02:09:21 Ms Kauffman, Self

02:09:58 Rep. Lynch

02:10:32 Ms Kauffman, Self

02:11:07 Rep. Court

02:11:40 Rep. Dudik

**Closing by Sponsor:**

02:14:41 Rep. Dudik

02:19:13 Recessed.

02:29:59 Reconvened with Rep. Blasdel, Rep. Doane, Rep. Regier, and Rep. Warburton absent.

**EXECUTIVE ACTION ON HB 504**

02:30:06 **Motion/Vote:** Rep. MacDonald moved that **HB 504 BE TABLED**. Motion carried 19-1 by voice vote with Rep. Fiscus voting no. Rep. Blasdel, Rep. Doane, Rep. Regier and Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 433**

02:31:40 **Motion:** Rep. G. Bennett moved that **HB 433 DO PASS**.

**Discussion:**

02:31:44 Rep. Eck  
02:33:38 Rep. Lynch  
02:34:29 Rep. Doane returned to the meeting.

02:35:31 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Regier and Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 505**

02:35:44 **Motion:** Rep. G. Bennett moved that **HB 505 DO PASS**.

**Discussion:**

02:36:03 Rep. MacDonald  
02:37:34 Rep. Eck  
02:39:00 Rep. Halvorson  
02:39:49 Rep. Hill  
02:40:27 Rep. Fiscus  
02:40:48 Rep. Gursky  
02:41:36 Rep. Pease-Lopez

02:43:41 **Vote:** Motion carried 12-8 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Regier and Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 522**

02:43:57 **Motion:** Rep. G. Bennett moved that **HB 522 DO PASS**.

**Discussion:**

02:44:11 Rep. Gursky  
02:44:24 Rep. Wagoner

02:44:44 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Regier and Rep. Warburton voted by proxy.

**EXECUTIVE ACTION ON HB 43**

02:45:06 **Motion/Vote:** Rep. MacDonald moved that **HB 43 BE REMOVED FROM TABLED**. Motion failed 8-9 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.

02:47:18 Chairman Kerns

**ADJOURNMENT**

Adjournment: 02:49:56

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh39aad.pdf](#))**