

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Krayton Kerns, on March 15, 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. Clayton Fiscus (R)
Rep. David Halvorson (R)
Rep. Sarah Laszloffy (R)
Rep. Dennis R. Lenz (R)
Rep. Jerry O'Neil (R)
Rep. Keith Regier (R)
Rep. Bridget Smith (D)
Rep. Kirk Wagoner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Margaret (Margie) MacDonald, Vice Chair (D)
Rep. Mark Blasdel (R)
Rep. Virginia Court (D)
Rep. Alan Doane (R)
Rep. Jennifer Eck (D)
Rep. Jenifer Gursky (D)
Rep. Ellie Boldman Hill (D)
Rep. Ryan Lynch (D)
Rep. Carolyn Pease-Lopez (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: SB 107, 3/8/2013; SB 194, 3/8/2013
Executive Action: SB 372, SB 337, SB 267, SJ 18, SB 259, SB 133

00:15:24 Chairman Kerns
00:16:23 Rep. Eck arrived

HEARING ON SB 194

Opening Statement by Sponsor:

00:16:28 Sen. Anders Blewett (D), SD 11, opened the hearing on SB 194, Restrict the use of strip and body cavity searches.
00:16:55 Rep. Lynch, Rep. MacDonald, Rep. Hill, Rep. Court and Rep. Gursky arrived

Proponents' Testimony:

00:21:06 Niki Zupanic, American Civil Liberties Union (ACLU) Montana
[EXHIBIT\(juh56a01\)](#)

Opponents' Testimony:

00:26:46 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
[EXHIBIT\(juh56a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:32:17 Rep. Gursky
00:32:42 Mr. Smith, MSPOA
00:32:52 Rep. Gursky
00:32:57 Mr. Smith, MSPOA
00:33:45 Rep. Gursky
00:34:11 Mr. Smith, MSPOA
00:34:14 Rep. Gursky
00:34:19 Sen. Blewett, SD 11
00:35:16 Rep. Bennett left the meeting.
00:35:25 Rep. Gursky
00:35:44 Sen. Blewett, SD 11
00:35:59 Rep. Gursky
00:36:07 Sen. Blewett, SD 11
00:36:35 Rep. Regier
00:36:48 Sen. Blewett, SD 11
00:37:12 Rep. Halvorson
00:38:18 Mark Murphy, Montana County Attorneys Association (MCAA)
00:41:28 Rep. Halvorson
00:41:57 Mr. Murphy, MCAA
00:42:31 Rep. Halvorson
00:42:36 Rep. Eck
00:43:02 Ms Zupanic, ACLU
00:44:16 Rep. Eck
00:44:20 Ms Zupanic, ACLU
00:44:40 Rep. Hill
00:46:40 Mr. Smith, MSPOA
00:48:29 Rep. Hill
00:48:40 Mr. Smith, MSPOA
00:48:44 Rep. Lenz

00:49:31 Mr. Murphy, MCAA
00:50:38 Rep. Lenz
00:50:56 Mr. Murphy, MCAA
00:51:32 Rep. Fiscus
00:52:03 Ms Zupanic, ACLU
00:53:38 Rep. Warburton
00:54:01 Sen. Blewett, SD 11
00:54:23 Rep. Warburton
00:54:29 Rep. Laszloffy returned to the meeting.
00:54:39 Sen. Blewett, SD 11
00:54:49 Rep. Warburton
00:54:53 Sen. Blewett, SD 11
00:55:37 Rep. Warburton
00:56:08 Sen. Blewett, SD 11
00:56:47 Rep. Warburton
00:57:18 Mr. Smith, MSPOA
00:58:27 Rep. Smith
00:58:41 Sen. Blewett, SD 11

Closing by Sponsor:

00:59:40 Sen. Blewett, SD 11

HEARING ON SB 107

Opening Statement by Sponsor:

01:01:33 Sen. Tom Facey (D), SD 48, opened the hearing on SB 107, Generally revise deviate sexual conduct laws.

Proponents' Testimony:

01:03:42 Sen. Christine Kaufmann, SD 41, Democratic Women's Caucus
01:04:49 Wade Zolynski, Self
01:07:36 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:09:56 Linda Gryczan, Self
01:10:47 Olivia Ruitta, Montana Women Vote
01:12:17 Kevin Hamm, Self
01:13:19 Mike Wessler, Self
01:14:31 Kim Leighton, National Association for Repeal of Abortion Laws (NARAL)
Pro-Choice Montana

EXHIBIT(juh56a03)

EXHIBIT(juh56a04)

01:17:04 Nicholas Schwaderer, HD 14
01:18:31 Mark Murphy, MCAA
01:21:41 Niki Zupanic, ACLU
01:24:38 Lindsay Love, Planned Parenthood Advocates of Montana (PPAMT)
01:27:29 Jamee Greer, Montana Human Rights Network

Opponents' Testimony:

01:30:37 Dallas Erickson, Montana Citizens for Decency Through Law (MCDTL)

[EXHIBIT\(juh56a05\)](#)

[EXHIBIT\(juh56a06\)](#)

01:35:32 Sen. Verdell Jackson, SD 5

01:40:29 Jeff Laszloffy, Montana Family Foundation

01:47:36 Linda Loendorf, Self

Informational Testimony: None

Questions from Committee Members and Responses:

01:48:34 Rep. O'Neil

01:49:11 Ms Zupanic, ACLU

01:50:32 Rep. O'Neil

01:50:54 Ms Zupanic, ACLU

01:51:45 Rep. MacDonald

01:52:18 Ms Zupanic, ACLU

01:53:37 Rep. Wagoner

01:54:36 Sen. Facey, SD 48

01:56:07 Rep. Hill

01:56:59 Mr. Murphy, MCAA

01:57:53 Rep. Hill

01:58:15 Mr. Murphy, MCAA

01:58:24 Rep. Hill

01:59:28 Mr. Erickson, MCDTL

02:00:54 Rep. Hill

02:01:40 Rep. Schwaderer, HD 14

02:02:47 Rep. Regier

02:02:51 Sen. Facey, SD 48

02:05:03 Rep. Regier

02:05:18 Sen Facey, SD 48

02:05:40 Rep. Gursky

02:06:34 Mr. Murphy, MCAA

02:07:52 Rep. Gursky

02:08:24 Mr. Murphy, MCAA

02:09:05 Rep. Hill

02:10:11 Mr. Murphy, MCAA

02:11:32 Rep. Hill

02:12:15 Mr. Murphy, MCAA

02:12:29 Rep. MacDonald

02:13:06 Rep. Bennett returned to the meeting.

02:13:27 Mr. Murphy, MCAA

02:14:25 Rep. O'Neil

02:15:45 Mr. Murphy, MCAA

02:17:14 Rep. Smith

02:17:33 Sen. Facey, SD 48

02:18:04 Rep. Smith

02:18:10 Ms Thigpen, Legislative Services Division (LSD)

02:18:21 Chairman Kerns

02:18:29 Rep. Hill

02:18:40 Chairman Kerns
02:18:48 Rep. Hill
02:18:54 Chairman Kerns
02:19:01 Rep. Warburton
02:19:08 Rep. Hill
02:19:16 Chairman Kerns
02:19:23 Rep. Hill
02:19:50 Chairman Kerns

Closing by Sponsor:

02:19:59 Sen. Facey, SD 48

02:25:49 Recessed.

02:40:44 Reconvened with Rep. Court and Rep. Lynch absent.

EXECUTIVE ACTION ON SJ 18

02:41:28 **Motion:** Rep. G. Bennett moved that **SJ 18 BE CONCURRED IN.**

02:41:43 **Motion:** Rep. G. Bennett moved that **SJ 18 BE AMENDED.**

[EXHIBIT\(juh56a07\)](#)

Discussion:

02:42:04 Ms Thigpen, LSD

02:42:13 Rep. Court returned to the meeting.

02:42:23 Rep. MacDonald

02:43:35 Rep. Fiscus

02:44:06 Rep. Lynch returned to the meeting.

02:44:12 **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. Doane and Rep. Pease-Lopez voted by proxy.

02:45:18 **Motion:** Rep. G. Bennett moved that **SJ 18 BE CONCURRED IN AS AMENDED.**

Discussion:

02:45:33 Rep. Gursky

02:45:55 Rep. Fiscus

02:46:33 **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. Doane and Rep. Pease-Lopez voted by proxy. Rep. Halvorson will carry the bill.

EXECUTIVE ACTION ON SB 259

02:47:42 **Motion:** Rep. G. Bennett moved that **SB 259 BE CONCURRED IN.**

02:47:55 **Motion:** Rep. Lynch moved that **SB 259 BE AMENDED.**
EXHIBIT(juh56a08)

Discussion:

02:48:52 Rep. Gursky
02:50:29 Rep. Wagoner
02:50:56 Rep. Gursky
02:51:01 Ms Thigpen, LSD
02:51:12 Rep. Regier
02:51:57 Rep. Halvorson
02:52:43 Rep. Lynch
02:53:02 Rep. Halvorson
02:53:05 Rep. Laszloffy
02:53:22 Rep. Wagoner
02:53:35 Rep. Gursky
02:55:21 Rep. Wagoner
02:55:27 Rep. O'Neil
02:57:11 Rep. Lynch
02:57:59 Rep. Gursky
02:58:57 Rep. Wagoner

02:59:03 **Vote:** Motion carried 19-1 by roll call vote with Rep. O'Neil voting no. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

02:59:56 **Motion/Vote:** Rep. G. Bennett moved that **SB 259 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy. Rep. Laszloffy will carry the bill.

EXECUTIVE ACTION ON SB 133

03:01:27 **Motion:** Rep. G. Bennett moved that **SB 133 BE CONCURRED IN.**

03:01:37 **Motion:** Rep. Wagoner moved that **SB 133 BE AMENDED.**
EXHIBIT(juh56a09)

Discussion:

03:01:45 Rep. Wagoner
03:03:34 Rep. MacDonald

03:03:48 **Vote:** Motion carried unanimously by voice vote. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

03:04:13 **Motion/Vote:** Rep. G. Bennett moved that **SB 133 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Blasdel and Rep. Doane and Rep. Pease-Lopez voted by proxy. Rep. Wagoner will carry the bill.

EXECUTIVE ACTION ON SB 372

03:05:09 **Motion:** Rep. G. Bennett moved that **SB 372 BE CONCURRED IN**.

Discussion:

03:05:34 Rep. Eck
03:06:11 Rep. Lenz
03:07:22 Rep. MacDonald
03:08:00 Rep. Lenz
03:08:21 Rep. MacDonald

03:08:51 **Substitute Motion:** Rep. Lenz made a substitute motion that **SB 372 BE INDEFINITELY POSTPONED**.

03:09:21 **WITHOUT OBJECTION**, Rep. Bennett withdrew the **BE CONCURRED IN** motion.

03:09:40 Rep. Fiscus

EXECUTIVE ACTION ON SB 337

03:11:36 **Motion:** Rep. G. Bennett moved that **SB 337 BE CONCURRED IN**.

Discussion:

03:12:07 Rep. Court
03:14:07 Rep. Lynch
03:14:51 Rep. Warburton
03:15:32 Rep. Hill
03:17:48 Rep. Court
03:18:59 Rep. Fiscus

03:20:33 **Vote:** Motion carried 11-9 by roll call vote with Rep. Court, Rep. Eck, Rep. Gursky, Rep. Hill, Rep. Lynch, Rep. MacDonald, Rep. O'Neil, Rep. Pease-Lopez and Rep. Smith voting no. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy. Rep. Lenz will carry the bill.

EXECUTIVE ACTION ON SB 267

03:22:04 **Motion:** Rep. G. Bennett moved that **SB 267 BE CONCURRED IN**.

03:22:22 Chairman Kerns

03:22:40 **Motion:** Rep. O'Neil moved that **SB 267 BE AMENDED**.

[EXHIBIT\(juh56a10\)](#)

Discussion:

03:22:56 Rep. O'Neil
03:24:04 Rep. Hill
03:25:04 Rep. Wagoner
03:25:16 Rep. Regier
03:25:36 Rep. Fiscus
03:25:44 Rep. Hill
03:26:59 Rep. Fiscus
03:27:16 Rep. Hill

03:27:23 **Vote:** Motion failed 2-18 by roll call vote with Rep. O'Neil and Rep. Warburton voting aye. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy.

03:28:21 Rep. Gursky
03:28:33 Rep. Hill
03:28:37 Rep. Gursky
03:29:06 Rep. Hill
03:30:01 Rep. O'Neil
03:31:54 Rep. Wagoner
03:32:57 Rep. Eck

03:33:41 **Vote:** Motion carried 18-2 by roll call vote with Rep. O'Neil and Rep. Warburton voting no. Rep. Blasdel, Rep. Doane and Rep. Pease-Lopez voted by proxy. Rep. Fitzpatrick will carry the bill.

03:35:04 Chairman Kerns

ADJOURNMENT

Adjournment: 03:35:37

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh56aad.pdf](#))