

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Terry Murphy, on April 16, 2013 at 8:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Scott Sales, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Scott Boulanger (R)  
Sen. Robyn Driscoll (D)  
Sen. Jennifer Fielder (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Chas Vincent (R)  
Sen. Art Wittich (R)

**Members Excused:** Sen. John Brenden (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Pam Schindler, Committee Secretary

**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 521, 4/11/2013; HB 631, 4/11/2013; SR 67, 4/11/2013  
Executive Action: HB 631-BE CONCURRED IN, SR 67-BE ADOPTED, HB 521-BE CONCURRED IN, HB 603-BE CONCURRED IN AS AMENDED, HB 555-BE CONCURRED IN

**HEARING ON HB 631****Opening Statement by Sponsor:**

00:23:33 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 631, Constitutional amendment on crime victims.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:27:14 Sen. Blewett  
00:27:36 Rep. Fitzpatrick  
00:29:06 Sen. Wittich  
00:29:33 Rep. Fitzpatrick  
00:30:01 Sen. Boulanger  
00:30:30 Rep. Fitzpatrick

**Closing by Sponsor:**

00:31:12 Rep. Fitzpatrick

**HEARING ON HB 521****Opening Statement by Sponsor:**

00:31:45 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 521, Referendum requiring parental consent for an abortion for a minor.

**Proponents' Testimony:**

00:33:26 Laura d'Esterre, Culture of Life Spokesperson, Montana Catholic Conference (MCC)

[EXHIBIT\(jus80a01\)](#)

00:34:17 Curtis Almy, self  
00:35:40 Toby Jeanne Almy, self

**Opponents' Testimony:**

00:37:01 Niki Zupanic, ACLU  
00:40:09 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:43:37 Lindsay Love, Planned Parenthood Advocates/Montana (PPA/MT)  
00:48:22 Lynsey Burke, Director, Family Outreach, Blue Mountain Clinic, Missoula, Montana

00:52:05 Kim Leighton, NARAL/Pro-Choice Montana  
[EXHIBIT\(jus80a02\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:53:57 Sen. Wittich  
00:54:34 Ms. Zupanic, ACLU

**Closing by Sponsor:**

01:01:24 Rep. Bennett

(Vice-Chairman Sales assumed the Chairman's Role)

**HEARING ON SR 67**

**Opening Statement by Sponsor:**

01:03:42 Sen. Terry Murphy (R), SD 39, opened the hearing on SR 67, Confirm Governor's appointees to certain public safety boards and councils.

**Proponents' Testimony:**

01:05:08 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

01:06:39 Sen. Murphy

(Chairman Murphy resumed the Chairman's Role)

**EXECUTIVE ACTION ON HB 631**

01:08:10 **Motion:** Sen. Sales moved that **HB 631 BE CONCURRED IN.**

**Discussion:**

01:08:20 Sen. Blewett  
01:08:33 Julianne Burkhardt, Legislative Services Division (LSD)  
01:09:08 Sen. Blewett

(Sen. Jent absent from the hearing)

01:10:13 Sen. Fielder

01:10:59 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Brenden and Sen. Jent voted by proxy. Sen. Boulanger will carry the bill.

(Sen. Boulanger and Sen. Vincent absent from the hearing)

#### **EXECUTIVE ACTION ON SR 67**

01:12:23 **Motion/Vote:** Sen. Sales moved that **SR 67 BE ADOPTED**. Motion carried 12-0 by roll call vote. Sen. Boulanger, Sen. Brenden, Sen. Jent and Sen. Vincent voted by proxy.

(Sen. Vincent returned to the hearing)

#### **EXECUTIVE ACTION ON HB 521**

01:13:24 **Motion:** Sen. Sales moved that **HB 521 BE CONCURRED IN**.

#### **Discussion:**

01:13:52 Ms. Burkhardt, LSD

[EXHIBIT\(jus80a03\)](#)

01:14:30 Sen. Murphy

01:14:47 Sen. Blewett

01:15:41 **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll, Sen. Jent and Sen. Larsen voting no. Sen. Boulanger, Sen. Brenden and Sen. Jent voted by proxy. Sen. Murphy will carry the bill.

#### **EXECUTIVE ACTION ON HB 603**

01:16:35 **Motion:** Sen. Fielder moved that **HB 603 BE CONCURRED IN**.

#### **Discussion:**

01:16:47 Sen. Blewett

01:17:10 Ms. Burkhardt

01:18:00 Chairman Murphy

01:18:15 **Motion:** Sen. Blewett moved that **HB 603 BE AMENDED**.

[EXHIBIT\(jus80a04\)](#)

01:19:03 **Substitute Motion:** Sen. Blewett made a substitute motion **TO SEGREGATE SECTION THREE FROM REST OF AMENDMENT** for **HB 603**.

(Sen. Boulanger returned to the hearing)

**Discussion:**

- 01:20:15 Sen. Wittich  
01:20:30 Ms. Burkhardt  
01:20:40 Sen. Wittich
- 01:20:50 **Vote:** Substitute motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.
- 01:21:42 **Motion/Vote:** Sen. Blewett moved that **HB 603 BE AMENDED WITH SECTION (3) PAGE 1, LINE 19 "CRIMINAL" FROM REST OF AMENDMENT.** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Jent voted by proxy.
- 01:22:34 **Motion:** Sen. Fielder moved that **HB 603 BE AMENDED.**  
[EXHIBIT\(jus80a05\)](#)

**Discussion:**

- 01:23:22 Ms. Burkhardt  
01:23:32 Sen. Fielder  
01:24:49 Sen. Blewett  
01:25:53 Sen. Jent  
01:26:52 Sen. Sales  
01:27:01 Sen. Wittich
- 01:28:14 **Vote:** Motion carried 8-4 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Driscoll and Sen. Larsen voting no. Sen. Brenden and Sen. Jent voted by proxy.
- 01:28:54 **Motion/Vote:** Sen. Fielder moved that **HB 603 BE CONCURRED IN AS AMENDED.** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Jent voted by proxy. Sen. Wittich will carry the bill.

(Vice-Chairman Sales assumed Chairman's role)

**EXECUTIVE ACTION ON HB 555**

- 01:30:14 **Motion:** Sen. Murphy moved that **HB 555 BE CONCURRED IN.**

**Discussion:**

- 01:31:17 Sen. Wittich  
01:33:10 Sen. Fielder  
01:33:41 Sen. Wittich
- 01:34:27 **Vote:** Motion carried 12-0 by roll call vote. Sen. Brenden and Sen. Jent voted by proxy. Sen. Murphy will carry the bill.

**Committee Discussion:**

- 01:35:38 Sen. Blewett

01:36:44 Chairman Murphy  
01:37:32 Ms. Burkhardt  
01:37:59 Sen. Fielder  
01:38:39 Ms. Burkhardt  
01:39:01 Sen. Blewett  
01:40:50 Chairman Murphy  
01:41:14 Ms. Burkhardt  
01:41:20 Sen. Wittich  
01:42:19 Sen. Fielder  
01:43:13 Ms. Burkhardt  
01:43:38 Sen. Fielder

**ADJOURNMENT**

Adjournment: 9:25 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus80aad.pdf](#))**