

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on January 14, 2015 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Gerald (Jerry) Bennett, Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Alan Doane, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Jennifer Eck (D)
Rep. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Ellie Boldman Hill (D)
Rep. Sarah Laszloffy (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Keith Regier (R)
Rep. Kirk Wagoner (R)

Members Excused: Rep. Kathy Kelker (D)

Members Absent: None

Staff Present: McKenzie Chambers, 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 100, 1/7/2015; HB 141, 1/7/2015; HB 142, 1/7/2015

Executive Action: HB 32, HB 64, HB 75, HB 88, HB 133, HB 134, HB 136, HB 143

00:01:13 Chair J. Bennett

HEARING ON HB 100

Opening Statement by Sponsor:

00:01:44 Rep. Frank Garner (R), HD 7, opened the hearing on HB 100, Generally revise laws relating to the public safety officer training council.

Proponents' Testimony:

00:05:41 Perry Johnson, Executive Director, Public Safety Officer Standards & Training Council (POST), Montana Department of Justice (DOJ)

[EXHIBIT\(juh08a01\)](#)

[EXHIBIT\(juh08a02\)](#)

00:23:20 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)

00:24:13 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

00:25:46 Sheriff Chris Hoffman, Ravalli County Sheriff Office and President, Montana Sheriffs and Peace Officers Association (MSPOA)

00:29:22 Rep. Regier

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:02 Rep. Regier

00:27:33 Perry Johnson, POST

00:27:37 Rep. Regier

00:28:04 Perry Johnson, POST

00:29:23 Rep. Regier

00:29:45 Perry Johnson, POST

00:30:30 Rep. Court

00:31:12 Perry Johnson, POST

00:31:45 Rep. Meyers

00:32:37 Perry Johnson, POST

00:33:37 Rep. Meyers

00:34:05 Perry Johnson, POST

00:34:35 Rep. Fiscus

00:35:01 Perry Johnson, POST

00:35:36 Rep. Manzella

00:35:52 Perry Johnson, POST

00:36:26 Rep. Manzella

00:36:49 Perry Johnson, POST

00:38:31 Rep. Manzella

00:39:21 Perry Johnson, POST

00:40:28 Rep. Doane

00:41:00 Perry Johnson, POST

00:42:15 Rep. Doane

00:42:37 Perry Johnson, POST

00:43:19 Rep. Meyers

00:43:45 Perry Johnson, POST
00:45:36 Rep. Perry
00:46:01 Perry Johnson, POST
00:46:19 Rep. Perry
00:46:35 Perry Johnson, POST
00:46:58 Rep. Perry
00:47:12 Perry Johnson, POST

Closing by Sponsor:

00:48:16 Rep. Garner

00:50:46 Rep. Eck left the meeting.
00:50:25 Chair J. Bennett

HEARING ON HB 141

Opening Statement by Sponsor:

00:50:56 Rep. Mary Ann Dunwell (D), HD 84, opened the hearing on HB 141, Remove discretion of probation officer to authorize operation of vehicle.

Proponents' Testimony:

[EXHIBIT\(juh08a03\)](#)

00:52:19 Kevin Olson, Administrator, Probation and Parole Division (P&P), Department of Corrections (DOC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:55:22 Rep. Doane
00:55:50 Kevin Olson, DOC
00:56:38 Rep. Monforton
00:57:03 Kevin Olson, DOC
00:58:10 Rep. Meyers
00:58:23 Kevin Olson, DOC

Closing by Sponsor:

00:59:50 Rep. Dunwell

HEARING ON HB 142**Opening Statement by Sponsor:**

01:01:16 Ann Dunwell (D), HD 84, opened the hearing on HB 142, Generally revise laws related to peace officer status for investigators.

Proponents' Testimony:**EXHIBIT(juh08a04)**

01:02:46 Mike Batista, Director, Department of Corrections (DOC)
01:09:05 John Strandell, Investigations Bureau, Division of Criminal Investigation,
Department of Justice (DOJ)
01:09:55 Rep. Eck rejoined the meeting.
01:12:05 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:14:21 Rep. Wagoner
01:14:53 Mike Batista, DOC
01:14:56 Rep. Wagoner
01:15:06 Mike Batista, DOC
01:15:45 Rep. Wagoner
01:16:11 Mike Batista, DOC
01:16:48 Rep. Wagoner
01:17:20 Mike Batista, DOC
01:17:40 Rep. Meyers
01:18:35 Mike Batista, DOC
01:19:12 Rep. Regier
01:19:31 Mike Batista, DOC
01:20:59 Rep. Regier
01:22:19 Rep. Doane
01:22:49 Mike Batista, DOC
01:23:11 Rep. Doane
01:23:21 Mike Batista, DOC

Closing by Sponsor:

01:24:09 Rep. Dunwell

01:25:28 Chair J. Bennett

01:26:08 Recess
01:41:52 Reconvened

01:41:58 Chair J. Bennett

EXECUTIVE ACTION ON HB 32

01:42:01 **Motion:** Rep. Doane moved that **HB 32 DO PASS**.

01:42:16 **Motion:** Rep. Wagoner moved that **HB 32 BE AMENDED**.
[EXHIBIT\(juh08a05\)](#)

Discussion:

01:43:56 Helen Thigpen, Legislative Services Division (LSD)

01:44:29 Rep. Eck

01:44:45 Rep. Monforton

01:45:00 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

01:45:32 **Motion/Vote:** Rep. Doane moved that **HB 32 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 64

01:46:20 **Motion:** Rep. Doane moved that **HB 64 DO PASS**.

Discussion:

01:46:48 Chair J. Bennett

01:47:08 Helen Thigpen, LSD

01:47:52 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 75

01:48:41 **Motion:** Rep. Doane moved that **HB 75 DO PASS**.

Discussion:

01:48:48 Helen Thigpen, LSD

01:49:18 Rep. Hill

01:50:18 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 88

01:50:45 **Motion:** Rep. Doane moved that **HB 88 DO PASS**.

Discussion:

01:50:56 Helen Thigpen, LSD

[EXHIBIT\(juh08a06\)](#)

[EXHIBIT\(juh08a07\)](#)

01:52:09 **Motion/Vote:** Rep. Laszloffy moved that **HB 88 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

01:53:11 **Motion:** Rep. Doane moved that **HB 88 DO PASS AS AMENDED**.

01:53:22 **Motion:** Rep. McConnell moved that **HB 88 BE AMENDED**.

Discussion:

01:53:45 Rep. Court
01:54:20 Helen Thigpen, LSD
01:54:45 Chair J. Bennett
01:55:03 Rep. MacDonald
01:55:33 Rep. McConnell
01:56:45 Rep. Laszloffy
01:57:08 Rep. Court
01:57:44 Rep. MacDonald
01:59:17 Rep. Regier
01:59:41 Chair J. Bennett

02:00:01 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

02:00:24 **Motion/Vote:** Rep. Doane moved that **HB 88 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

02:01:00 Rep. Person
02:02:26 Rep. Hill
02:05:07 Rep. Eck
02:06:57 Chair J. Bennett

02:07:50 **Motion/Vote:** Rep. Court moved **TO REQUEST A FISCAL NOTE ON HB 88**. Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.
Note: HB 88 awaiting the arrival of fiscal note in Committee. Bill will remain in Committee until further notice.

02:08:30 Rep. Fiscus
02:09:17 Chair J. Bennett
02:09:21 Rep. Eck

EXECUTIVE ACTION ON HB 133

02:09:45 **Motion:** Rep. Doane moved that **HB 133 DO PASS**.

Discussion:

02:10:12 Rep. Regier
02:10:26 Helen Thigpen, LSD
02:10:48 Chair J. Bennett
02:10:52 Helen Thigpen, LSD
02:11:25 Rep. Wagoner
02:13:22 Rep. MacDonald

02:15:54 Rep. McConnell
02:16:41 Rep. Wagoner
02:18:04 Rep. MacDonald

02:19:18 **Vote:** Motion failed 9-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Kelker voted by proxy.

02:20:55 **Motion/Vote:** Rep. Doane moved that **HB 133 BE TABLED**. Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 134

02:21:31 **Motion:** Rep. Doane moved that **HB 134 DO PASS**.

Discussion:

02:21:57 Helen Thigpen, LSD

02:22:32 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 136

02:22:54 **Motion:** Rep. Doane moved that **HB 136 DO PASS**.

Discussion:

02:23:04 Helen Thigpen, LSD

02:23:32 Rep. Fiscus

02:23:57 Rep. Eck

02:24:12 Rep. Fiscus

02:24:24 Rep. Eck

02:24:43 Rep. Wagoner

02:25:38 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

EXECUTIVE ACTION ON HB 143

02:25:54 **Motion:** Rep. Doane moved that **HB 143 DO PASS**.

Discussion:

02:25:59 Helen Thigpen, LSD

02:26:22 **Vote:** Motion carried unanimously by voice vote. Rep. Kelker voted by proxy.

02:26:46 Chair J. Bennett
02:27:11 Rep. Fiscus
02:27:17 Chair J. Bennett
02:27:44 Helen Thigpen, LSD
02:27:57 Chair J. Bennett

ADJOURNMENT

Adjournment: 02:28:26

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh08aad.pdf](#))