

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on January 28, 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. Ellie Boldman Hill (D)  
Rep. Kathy Kelker (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)

**Members Excused:** Rep. Stephanie Hess (R)  
Rep. Kirk Wagoner (R)

**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 186, 1/22/2015; HB 210, 1/22/2015  
Executive Action: HB 28, HB 137, HB 165, HB 171, HB 173, HB 197, HB 204,  
HB 207, HB 210

00:01:22 Chair J. Bennett

### HEARING ON HB 186

#### Opening Statement by Sponsor:

00:01:57 Rep. Carolyn Pease-Lopez (D), HD 42, opened the hearing on HB 186, Revise laws related to protecting victims of sexual offenses.

#### Proponents' Testimony:

00:04:34 Rep. Hess joined the meeting

00:06:33 Ole Olson, Prosecutor, Sex Assault Team, Montana Office of the Attorney General (AG)

00:07:45 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

00:09:40 Mark Murphy, Montana County Attorneys Association (MCAA)

#### Opponents' Testimony: None

#### Informational Testimony:

00:11:08 Adrienne Slaughter, Government Relations Director, Director's Office, Department of Corrections (DOC)

#### Questions from Committee Members and Responses:

00:11:31 Rep. Hill

00:11:48 Ole Olson, AG

00:12:05 Rep. Hill

00:12:47 Ole Olson, AG

00:13:15 Rep. Hill

00:13:34 Ole Olson, AG

00:14:25 Rep. Regier

00:14:38 Ole Olson, AG

00:15:02 Rep. Regier

00:15:13 Ole Olson, AG

00:15:25 Rep. Regier

00:15:33 Ole Olson, AG

00:15:55 Rep. Meyers

00:17:03 Rep. Pease-Lopez

00:17:25 Rep. Meyers

00:17:38 Rep. Pease-Lopez

00:18:46 Rep. Kelker

00:19:24 Ole Olson, AG

00:20:06 Rep. Doane

00:20:38 Ole Olson, AG

00:21:20 Rep. Hill

00:22:00 Ole Olson, AG

00:22:59 Rep. Hill

00:23:14 Ole Olson, AG

00:23:54 Rep. Hess

00:24:16 Ole Olson, AG

**Closing by Sponsor:**

00:25:04 Rep. Pease-Lopez

00:25:15 Rep. Wagoner joined the meeting.

**HEARING ON HB 210****Opening Statement by Sponsor:**

00:26:26 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 210, Revise specialty assault laws.

**Proponents' Testimony:** None**Opponents' Testimony:**

00:30:29 Shane Shaw, Helena Football Officials Association (HFOA)

00:34:48 Captain John Schaffer, Great Falls Police Department

00:37:26 Officer Chris Kaneff, Missoula Police Department

00:41:09 Rep. Garner, HD 7

00:42:30 Rep. Regier left the meeting.

00:46:11 Mark Murphy, Montana Police Protective Association (MPPA)

00:48:20 Colonel Tom Butler, Montana Highway Patrol (MHP)

00:49:34 Olivia Tooley, Self

00:51:31 Catherine Nelsen, Self

00:52:37 Dan Miller, Montana Officials Association (MOA)

**EXHIBIT(juh19a01)**

00:57:42 Rick Deady, Self

**EXHIBIT(juh19a02)**

01:00:46 Officer Jessika Kynett, Livingston Police Department

01:01:46 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA) and  
Montana County Attorneys Association (MCAA)

01:03:36 Jerry Williams, Montana Police Protective Association (MPPA)

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

01:05:33 Rep. Meyers

01:06:48 Dan Miller

01:11:04 Rep. Hill

01:11:48 Jim Smith, MSPOA and MCAA

01:11:53 Larry Epstein, Montana Police Protective Association (MPPA)

01:12:38 Rep. Hill

01:12:53 Rep. Wagoner

01:13:19 Captain John Schaffer, Great Falls Police Department

01:13:29 Rep. Eck

01:13:37 Officer Chris Kaneff, Missoula Police Department

01:13:49 Rep. Eck

**Closing by Sponsor:**

01:14:26 Rep. Wagoner  
  
01:16:50 Chair J. Bennett  
  
01:17:10 Recess  
01:32:26 Reconvened  
  
01:32:29 Chair J. Bennett

**EXECUTIVE ACTION ON HB 28**

01:34:26 **Motion:** Rep. Doane moved that **HB 28 DO PASS.**

**Discussion:**

01:34:34 Rep. Eck  
[EXHIBIT\(juh19a03\)](#)

01:36:11 **Motion:** Rep. Eck moved that **HB 28 BE AMENDED.**  
[EXHIBIT\(juh19a04\)](#)

**Discussion:**

01:36:35 Helen Thigpen, Legislative Services Division (LSD)  
01:37:15 Rep. McConnell  
01:37:50 Rep. Eck  
01:38:08 Rep. McConnell  
01:38:16 Rep. Eck

01:38:31 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

01:38:49 **Motion:** Rep. Doane moved that **HB 28 DO PASS AS AMENDED.**

**Discussion:**

01:38:56 Rep. Eck  
[EXHIBIT\(juh19a05\)](#)  
01:39:11 Helen Thigpen, LSD  
01:40:00 Rep. Eck  
01:41:22 Rep. Hess  
01:41:40 Rep. Eck  
01:42:47 Rep. Pease-Lopez  
01:43:22 Rep. Eck

01:44:12 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

**EXECUTIVE ACTION ON HB 137**

01:44:36 **Motion:** Rep. Doane moved that **HB 137 DO PASS.**

**Discussion:**

01:44:49 Rep. Hill

01:47:27 Rep. McConnell

01:48:05 Rep. Hill

01:49:33 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Regier voted by proxy.

01:50:35 **Motion/Vote:** Rep. Doane moved that **HB 137 BE TABLED.** Motion carried 20-0 by voice vote. Rep. Regier was excused.

01:50:50 Rep. Hill

**EXECUTIVE ACTION ON HB 165**

01:51:05 **Motion:** Rep. Doane moved that **HB 165 DO PASS.**

**Discussion:**

01:51:20 Helen Thigpen, LSD

01:51:55 Rep. Eck

01:53:13 Rep. Doane

01:53:53 Rep. Eck

01:54:19 Rep. Meyers

01:54:54 Rep. MacDonald

01:56:15 Rep. McConnell

01:56:59 Chair J. Bennett

01:57:58 **Vote:** Motion carried 19-2 by voice vote with Rep. Eck and Rep. Pease-Lopez voting no. Rep. Regier voted by proxy.

**EXECUTIVE ACTION ON HB 171**

01:58:32 **Motion/Vote:** Rep. Doane moved that **HB 171 BE TABLED.** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

**EXECUTIVE ACTION ON HB 173**

01:59:35 **Motion:** Rep. Doane moved that **HB 173 DO PASS.**

**Discussion:**

01:59:46 Helen Thigpen, LSD

02:00:13 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no. Rep. Regier voted by proxy.

#### **EXECUTIVE ACTION ON HB 197**

02:01:29 **Motion/Vote:** Rep. Doane moved that **HB 197 DO PASS**. Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

#### **EXECUTIVE ACTION ON HB 204**

02:02:39 **Motion:** Rep. Doane moved that **HB 204 DO PASS**.

#### **Discussion:**

02:02:46 Helen Thigpen, LSD  
02:03:26 Rep. Person  
02:05:57 Rep. Kelker  
02:07:00 Rep. McConnell  
02:08:18 Rep. Fiscus  
02:08:46 Rep. Eck  
02:09:21 Rep. Court  
02:10:59 Chair J. Bennett

02:11:23 **Vote:** Motion carried 17-4 by roll call vote with Rep. Eck, Rep. Hill, Rep. MacDonald and Rep. McConnell voting no. Rep. Regier voted by proxy.

#### **EXECUTIVE ACTION ON HB 207**

02:12:31 **Motion:** Rep. Doane moved that **HB 207 DO PASS**.

#### **Discussion:**

02:12:44 Helen Thipen, LSD

02:13:19 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

#### **EXECUTIVE ACTION ON HB 210**

02:13:42 **Motion/Vote:** Rep. Doane moved that **HB 210 BE TABLED**. Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

02:14:22 Chair J. Bennett  
02:14:25 Rep. Court  
02:15:15 Chair J. Bennett  
02:15:43 Rep. Eck  
02:16:08 Chair J. Bennett  
02:16:32 Rep. McConnell  
02:16:36 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 02:17:13

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh19aad.pdf](#))**