

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on February 12, 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. 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. Carolyn Pease-Lopez (D)  
Rep. Zac Perry (D)  
Rep. Randall Pinocci (R)

**Members Excused:** Rep. Matthew Monforton (R)  
Rep. Andrew Person (D)  
Rep. Keith Regier (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 281, 2/4/2015; HB 388, 2/4/2015; SB 139, 2/4/2015  
Executive Action: HB 328, SB 60, SB 67, SB 139

00:00:57 Chair J. Bennett

### HEARING ON SB 139

#### Opening Statement by Sponsor:

00:01:28 Sen. Diane Sands (D), SD 49, opened the hearing on SB 139, Revise jury selection laws.

#### Proponents' Testimony:

00:02:13 Rep. Regier joined the meeting.

00:04:29 Shirley Faust, Clerk of District Court, Missoula County and Montana Association of Clerks of District Court

#### EXHIBIT(juh32a01)

00:12:26 Mary "Marty" Phippen, Montana Magistrates' Association and representing Harold Blattie, Montana Association of Counties (MACo)

00:13:19 Lori Maloney, Clerk of District Court, Silver Bow County

00:14:09 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:15:02 Al Smith, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony: None

#### Informational Testimony:

00:16:11 Lisa Kimmet, Elections and Government Services, Elections and Government Services Division, Montana Secretary of State Linda McCulloch (SOS)

#### Questions from Committee Members and Responses:

00:16:52 Rep. Court

00:17:14 Sen. Sands

00:17:52 Rep. Court

00:18:05 Lisa Kimmet, SOS

00:18:31 Rep. Court

00:18:52 Lisa Kimmet, SOS

00:19:04 Rep. Meyers

00:19:48 Sen. Sands

00:20:01 Rep. Person joined the meeting.

00:20:07 Shirley Faust, Missoula County and Montana Association of Clerks of District Court

00:20:44 Rep. Eck

00:21:25 Rep. Monforton joined the meeting.

00:21:46 Shirley Faust, Missoula County and Montana Association of Clerks of District Court

00:23:34 Rep. Eck

00:23:47 Shirley Faust, Missoula County and Montana Association of Clerks of District Court

00:23:53 Rep. Eck

00:24:11 Shirley Faust, Missoula County and Montana Association of Clerks of District Court

00:24:48 Rep. Eck  
00:24:58 Shirley Faust, Missoula County and Montana Association of Clerks of District Court  
00:25:05 Rep. McConnell  
00:25:44 Shirley Faust Missoula County and Montana Association of Clerks of District Court

**Closing by Sponsor:**

00:26:51 Sen. Sands

**HEARING ON HB 388****Opening Statement by Sponsor:**

00:28:22 Rep. Randall Pinocci (R), HD 19, opened the hearing on HB 388, Generally revise self-defense laws.

**Proponents' Testimony:**

00:28:48 Gary Marbut, Montana Shooting Sports Association (MSSA)  
00:37:11 Doug Nulle, Self

**Opponents' Testimony:**

00:39:35 Kent Sipe, County Attorney, Musselshell County and Golden Valley County  
[EXHIBIT\(juh32a02\)](#)  
[EXHIBIT\(juh32a03\)](#)  
00:47:50 Rep. Monforton  
00:47:54 Rep. MacDonald  
00:48:13 Chair J. Bennett  
00:53:06 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP) and Montana Police Protective Association (MPPA)  
00:58:49 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)  
00:59:10 Joe Cohenour, Self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:01:42 Rep. McConnell  
01:02:26 Mark Murphy, MCAA, MACOP and MPPA  
01:04:16 Rep. McConnell  
01:04:38 Gary Marbut, MSSA  
01:05:08 Rep. Regier  
01:05:37 Kent Sipe, Musselshell County and Golden Valley County  
01:06:51 Rep. Regier  
01:07:04 Kent Sipe, Musselshell County and Golden Valley County  
01:07:37 Rep. Kelker  
01:08:18 Mark Murphy, MCAA, MACOP and MPPA  
01:09:21 Rep. Kelker  
01:09:29 Mark Murphy, MCAA, MACOP and MPPA  
01:10:33 Rep. Eck  
01:11:23 Mark Murphy, MCAA, MACOP and MPPA

**Closing by Sponsor:**

01:13:24 Rep. Pinocci

**EXHIBIT(juh32a04)**

01:15:13 Chair J. Bennett

01:15:36 Recess

01:25:22 Reconvened

01:25:25 Chair J. Bennett

**HEARING ON HB 281****Opening Statement by Sponsor:**

01:25:43 Rep. Dale Mortensen (R), HD 44, opened the hearing on HB 281, Generally revise laws related to game wardens.

**Proponents' Testimony:**

01:27:33 Gary Marbut, Montana Shooting Sports Association (MSSA) and Western Montana Fish and Game Organization (WMFG)

01:32:53 Rep. Zolnikov, HD 45

01:35:56 Ed Butcher, Self

**EXHIBIT(juh32a05)**

01:46:02 Doug Nulle, Self

01:46:56 Rep. Ricci, HD 55

01:49:51 Rep. Fiscus, HD 43

01:52:07 Rep. B. Brown, Self

01:54:57 Ross Butcher, County Commissioner, Fergus County

01:55:44 Carl Seilstad, Self and Fergus County

01:56:27 Richard Dunbar, County Commissioner, Phillips County

01:56:45 Bob Gilbert, Walleyes Unlimited of Montana (WU)

02:01:01 Rep. Harris, HD 29

**EXHIBIT(juh32a06)****Opponents' Testimony:**

02:05:31 George Golie, Montana Game Wardens Association (MGWA)

02:13:36 Barbara C. Harris, Self

**EXHIBIT(juh32a07)**

02:25:05 Jim Kropp, Chief of Law Enforcement, Montana Department of Fish, Wildlife &amp; Parks (FWP) on behalf of Director

**EXHIBIT(juh32a08)**

02:35:36 Joe Cohenour, Self

02:40:15 Rob Bullis, Self

02:42:25 Joe Perry, Montana Sportsmen Alliance (MSA)

**EXHIBIT(juh32a09)**

02:45:58 Ed Grady, Self

**EXHIBIT(juh32a10)**

02:46:06 Rep. Regier left the meeting.

02:47:26 Mark Murphy, Montana County Attorneys Association (MCAA)

02:48:20 John Borgreen, Russell Country Sportsmens Association of Great Falls (RCSA)  
and Montana Sportsmen Alliance (MSA)  
02:50:25 Bill Geer, Hellgate Hunters and Anglers of Missoula (HHA)  
02:50:48 William Duncan, Self  
02:51:09 Jerry Davis, Montana Bowhunters Association (MBA)  
**EXHIBIT(juh32a11)**  
02:51:30 Nick Gevock, Montana Wildlife Federation (MWA)  
02:51:46 Stan Frasier, Helena Hunters and Anglers Association  
02:52:01 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

**EXHIBIT(juh32a12)**

**EXHIBIT(juh32a13)**

**EXHIBIT(juh32a14)**

**EXHIBIT(juh32a15)**

**EXHIBIT(juh32a16)**

**EXHIBIT(juh32a17)**

**EXHIBIT(juh32a18)**

**EXHIBIT(juh32a19)**

**EXHIBIT(juh32a20)**

**EXHIBIT(juh32a21)**

**Informational Testimony:**

02:52:25 Rep. Garner, HD 7

**Questions from Committee Members and Responses:**

02:52:50 Rep. Monforton  
02:53:44 Barbara C. Harris, Self  
02:54:32 Rep. Monforton  
02:54:39 Barbara C. Harris, Self  
02:54:57 Rep. Monforton  
02:55:16 Barbara C. Harris, Self  
02:55:42 Rep. Monforton  
02:56:04 Barbara C. Harris, Self  
02:57:46 Rep. MacDonald  
02:58:02 Ed Butcher, Self  
02:58:08 Rep. Kelker  
02:58:34 Jim Kropp, FWP  
02:59:29 Rep. Kelker  
02:59:37 Jim Kropp, FWP  
03:01:07 Rep. Berglee  
03:02:34 George Golie, MGWA  
03:03:15 Rep. Berglee  
03:03:51 George Golie, MGWA  
03:04:28 Rep. Pinocci  
03:04:58 Gary Marbut, MSSA  
03:05:40 Rep. Person  
03:05:59 Ed Grady, Self  
03:06:47 Rep. Doane  
03:07:30 Jim Kropp, FWP  
03:08:36 Rep. Doane

03:09:10 Jim Kropp, FWP  
03:11:30 Rep. Doane  
03:11:37 Jim Kropp, FWP  
03:12:04 Rep. Court  
03:12:38 Jim Kropp, FWP  
03:13:35 Rep. Court  
03:13:53 Jim Kropp, FWP  
03:14:39 Rep. Court  
03:15:05 Jim Kropp, FWP  
03:15:32 Rep. Manzella  
03:16:51 Jim Kropp, FWP  
03:17:28 Barbara C. Harris, Self

**Closing by Sponsor:**

03:18:29 Chair J. Bennett  
  
03:20:23 Recessed  
  
03:30:22 Rep. Wagoner joined the meeting.  
03:31:33 Chair J. Bennett  
  
03:32:07 Caucused  
  
03:39:28 Reconvened

**EXECUTIVE ACTION ON SB 60**

03:39:48 **Motion:** Rep. Doane moved that **SB 60 BE CONCURRED IN.**

**Discussion:**

03:40:03 Helen Thigpen, Legislative Services Division (LSD)

03:40:33 **Motion:** Rep. Doane moved that **SB 60 BE AMENDED.**  
**EXHIBIT(juh32a22)**

**Discussion:**

03:40:51 Helen Thigpen, LSD  
03:41:35 Rep. Eck

03:42:26 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:42:39 **Motion:** Rep. Doane moved that **SB 60 BE AMENDED.**  
**EXHIBIT(juh32a23)**

**Discussion:**

03:42:50 Helen Thigpen, LSD

03:43:31 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:43:41 **Motion:** Rep. Doane moved that **SB 60 BE AMENDED.**  
[EXHIBIT\(juh32a24\)](#)

**Discussion:**

03:43:55 Helen Thipen, LSD  
03:44:10 Rep. Eck  
03:44:16 Helen Thigpen, LSD

03:44:55 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:45:05 **Motion/Vote:** Rep. Doane moved that **SB 60 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Regier voted by proxy. Rep. MacDonald will carry the bill.

**EXECUTIVE ACTION ON SB 67**

03:45:42 **Motion:** Rep. Doane moved that **SB 67 BE CONCURRED IN.**

**Discussion:**

03:45:51 Helen Thigpen, LSD

03:46:23 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy. Rep. Kelker will carry the bill.

**EXECUTIVE ACTION ON SB 139**

03:46:44 **Motion:** Rep. Doane moved that **SB 139 BE CONCURRED IN.**

**Discussion:**

03:46:54 Helen Thigpen, LSD  
[EXHIBIT\(juh32a25\)](#)

03:47:15 **Motion/Vote:** Rep. Doane moved that **SB 139 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:47:41 **Motion:** Rep. Doane moved that **SB 139 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:47:50 Rep. Court

03:48:07 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy. Rep. McConnell will carry the bill.

**EXECUTIVE ACTION ON HB 328**

03:48:29 **Motion:** Rep. Doane moved that **HB 328 DO PASS.**

**Discussion:**

03:48:35 Helen Thigpen, LSD  
03:48:55 Rep. Hill  
03:50:48 Rep. Pease-Lopez left the meeting  
03:50:52 Rep. Court  
03:51:48 Rep. Person  
03:52:33 Rep. McConnell  
03:53:13 Rep. Kelker  
03:54:01 Rep. Meyers  
03:54:38 Rep. Doane

03:54:51 **Vote:** Motion carried 12-9 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 no. Rep. Pease-Lopez and Rep. Regier voted by proxy.

03:55:54 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 03:56:09

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh32aad.pdf](#))**