

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on March 11, 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. Clayton Fiscus (R)
Rep. Stephanie Hess (R)
Rep. Kathy Kelker (D)
Rep. Sarah Laszloffy (R)
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. Jennifer Eck (D)
Rep. Ellie Boldman Hill (D)
Rep. Margaret (Margie) MacDonald (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: SB 209, 3/11/2015; SB 219, 3/11/2015; SB 224, 3/11/2015
Executive Action: HB 488, HB 539, SB 39, SB 131, SB 143

00:00:01 Chair J. Bennett

HEARING ON SB 209

Opening Statement by Sponsor:

00:01:45 Sen. Matthew Rosendale (R), SD 18, opened the hearing on SB 209, Regulate vehicle event data.

Proponents' Testimony:

00:01:54 Rep. MacDonald joined the meeting.

00:05:34 Rep. Eck joined the meeting.

00:06:09 Niki Zupanich, American Civil Liberties Union (ACLU) of Montana

Opponents' Testimony:

00:08:14 John MacDonald, Alliance of Automobile Manufacturers (Auto Alliance)

[EXHIBIT\(juh50a01\)](#)

00:12:31 Mona Jamison, General Motors (GM)

Informational Testimony: None

Questions from Committee Members and Responses:

00:16:37 Rep. Regier

00:17:11 John MacDonald, Auto Alliance

00:17:15 Rep. Regier

00:17:24 John MacDonald, Auto Alliance

00:18:00 Rep. Regier

00:18:04 John MacDonald, Auto Alliance

00:18:52 Rep. Kelker

00:19:34 John MacDonald, Auto Alliance

00:20:35 Rep. Kelker

00:20:51 John MacDonald, Auto Alliance

00:21:59 Rep. MacDonald

00:22:32 John MacDonald, Auto Alliance

00:22:59 Rep. MacDonald

00:23:07 John MacDonald, Auto Alliance

00:23:56 Rep. McConnell

00:24:45 Sen. Rosendale

00:26:15 Rep. McConnell

00:26:35 John MacDonald, Auto Alliance

00:27:46 Rep. McConnell

00:28:13 John MacDonald, Auto Alliance

00:29:04 Mona Jamison, GM

00:31:55 Rep. Manzella

00:32:16 John MacDonald, Auto Alliance

00:33:12 Chair J. Bennett

00:33:32 John MacDonald, Auto Alliance

00:34:14 Chair J. Bennett
00:34:30 John MacDonald, Auto Alliance
00:34:43 Chair J. Bennett
00:34:53 Helen Thigpen, Legislative Services Division (LSD)

Closing by Sponsor:

00:37:58 Sen. Rosendale

HEARING ON SB 224**Opening Statement by Sponsor:**

00:43:56 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 224, Create a commission to study criminal justice system.

Proponents' Testimony:

00:46:16 Mike Batista, Director, Director's Office, Department of Corrections (DOC)
00:50:24 Abigail St. Lawrence, Montana Association of Christians (MAC)
00:52:45 Beth Brenneman, Disability Rights Montana (DRM)
00:55:05 Niki Zupanic, ACLU
00:58:00 Rep. Eck left the meeting.
00:58:45 Sen. Hansen, SD 14
01:02:22 Rudy Stock, Self
01:04:11 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA)
01:06:23 Beth McLaughlin, Court Administrator, Office of Court Administrator, Montana Supreme Court
01:08:31 Wendy Johnson, Contracts Manager, Administration, Office of the State Public Defender (OPD)
01:09:24 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
01:10:49 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney General (AG), Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:11:58 Rep. Wagoner
01:13:21 Sen. Wolken
01:14:08 Rep. MacDonald
01:15:23 Sen. Wolken
01:16:10 Rep. MacDonald
01:16:19 Sen. Wolken
01:16:25 Rep. MacDonald
01:16:30 Sen. Wolken
01:16:32 Rep. MacDonald
01:17:33 Mike Batista, DOC
01:17:59 Rep. MacDonald
01:18:23 Mike Batista, DOC

01:19:25 Rep. Meyers
01:21:19 Sen. Wolken
01:22:12 Rep. Meyers
01:22:54 Sen. Wolken
01:23:22 Rep. Kelker
01:24:25 Mike Batista, DOC
01:27:02 Rep. Kelker
01:27:14 Mike Batista, DOC
01:27:37 Rep. Pease-Lopez
01:28:40 Mike Batista, DOC
01:29:25 Rep. Pease-Lopez
01:29:33 Mike Batista, DOC
01:29:46 Rep. Pease-Lopez
01:31:15 Sen. Wolken
01:31:43 Rep. Pease-Lopez
01:32:25 Sen. Wolken
01:32:49 Rep. Pease-Lopez
01:33:02 Rep. Court
01:33:20 Sen. Wolken
01:33:42 Rep. MacDonald
01:35:41 Mike Batista, DOC
01:37:11 Rep. Doane
01:38:00 Sen. Wolken
01:40:02 Rep. Doane
01:40:24 Sen. Wolken
01:40:49 Chair J. Bennett
01:41:44 Sen. Wolken

Closing by Sponsor:

01:42:16 Sen. Wolken

01:43:33 Chair J. Bennett

01:43:48 Recessed
01:58:45 Reconvened

01:58:46 Chair J. Bennett

HEARING ON SB 219

Opening Statement by Sponsor:

01:59:15 Sen. Janna Taylor (R), SD 6, opened the hearing on SB 219, Revise laws related to expunging certain records.

[EXHIBIT\(juh50a02\)](#)

[EXHIBIT\(juh50a03\)](#)

[EXHIBIT\(juh50a04\)](#)

[EXHIBIT\(juh50a05\)](#)

Proponents' Testimony:

02:02:08 Niki Zupanic, ACLU of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:03:16 Rep. Meyers
02:03:29 Sen. Taylor
02:03:41 Rep. Meyers
02:03:52 Sen. Taylor
02:05:03 Rep. Meyers
02:05:12 Sen. Taylor
02:05:45 Mark Murphy, Self
02:07:36 Rep. McConnell
02:08:04 Sen. Taylor
02:09:33 Rep. McConnell
02:10:21 Sen. Taylor
02:10:38 Mary Phippen, Montana Magistrates' Association
02:12:26 Rep. McConnell
02:12:51 Sen. Taylor
02:13:22 Rep. Regier
02:13:34 Mary Phippen, Montana Magistrates' Association
02:14:26 Chair J. Bennett
02:14:33 Sen. Taylor
02:15:05 Rep. MacDonald
02:15:53 Niki Zupanic, ACLU of Montana
02:17:51 Rep. Regier
02:18:13 Mary Phippen, Montana Magistrates' Association

Closing by Sponsor:

02:20:11 Sen. Taylor

02:21:41 Chair J. Bennett

02:23:30 Recessed
02:56:45 Reconvened

02:56:47 Chair J. Bennett

EXECUTIVE ACTION ON HB 488

02:57:03 **Motion:** Rep. Doane moved that **HB 488 DO PASS.**

Discussion:

02:57:10 Helen Thigpen, LSD

02:58:43 **Motion:** Rep. Doane moved that **HB 488 BE AMENDED.**
EXHIBIT(juh50a06)

Discussion:

02:58:52 Rep. Regier
 03:00:30 Rep. MacDonald
 03:01:25 Rep. Regier
 03:01:43 Rep. McConnell
 03:02:25 Rep. Regier
 03:02:27 Rep. McConnell
 03:02:39 Rep. Regier
 03:02:42 Rep. McConnell
 03:02:52 Rep. Regier
 03:03:19 Rep. McConnell
 03:04:08 Rep. Person

03:05:06 **Vote:** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill voted by proxy.

03:05:31 **Motion/Vote:** Rep. Doane moved that **HB 488 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Eck and Rep. Hill voted by proxy.

EXECUTIVE ACTION ON HB 539

03:06:13 **Motion/Vote:** Rep. Doane moved that **HB 539 BE TABLED.** Motion carried 15-6 by voice vote with Rep. Eck, Rep. Hill, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez and Rep. Perry voting no. Rep. Eck and Rep. Hill voted by proxy.

[EXHIBIT\(juh50a07\)](#)

[EXHIBIT\(juh50a08\)](#)

EXECUTIVE ACTION ON SB 39

03:07:34 **Motion:** Rep. Doane moved that **SB 39 BE CONCURRED IN.**

Discussion:

03:07:42 Helen Thigpen, LSD

[EXHIBIT\(juh50a09\)](#)

03:08:09 **Motion:** Rep. Doane moved that **SB 39 BE AMENDED.**

Discussion:

03:08:26 Rep. McConnell
 03:08:29 Helen Thigpen, LSD
 03:09:49 Rep. Regier left the meeting.
 03:09:56 Rep. Doane
 03:10:10 Rep. McConnell
 03:10:28 Aimee Grmoljez, Montana Bankers Association (MBA)
 03:10:47 Rep. Monforton

03:11:14 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill and Rep. Regier voted by proxy.

03:11:37 **Motion/Vote:** Rep. Doane moved that **SB 39 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill and Rep. Regier voted by proxy. Rep. McConnell will carry the bill.

EXECUTIVE ACTION ON SB 131

03:12:35 **Motion:** Rep. Doane moved that **SB 131 BE CONCURRED IN**.

Discussion:

03:12:46 Chair J. Bennett

03:13:00 Rep. Pinocci

03:13:25 Chair J. Bennett

03:13:50 Helen Thigpen, LSD

03:14:47 **Vote:** Motion carried unanimously by voice vote. Rep. Eck, Rep. Hill and Rep. Regier voted by proxy. Rep. Doane will carry the bill.

EXECUTIVE ACTION ON SB 143

03:15:35 **Motion:** Rep. Doane moved that **SB 143 BE CONCURRED IN**.

Discussion:

03:15:46 Helen Thigpen, LSD

[EXHIBIT\(juh50a10\)](#)

03:16:33 **Motion:** Rep. Doane moved that **SB 143 BE AMENDED**.

Discussion:

03:16:49 Helen Thigpen, LSD

03:17:18 Rep. Doane

03:17:35 **Vote:** Motion carried 16-5 by voice vote with Rep. Eck, Rep. Hill, Rep. McConnell, Rep. Pease-Lopez and Rep. Person voting no. Rep. Eck, Rep. Hill and Rep. Regier voted by proxy.

03:18:30 **Motion:** Rep. Doane moved that **SB 143 BE CONCURRED IN AS AMENDED**.

Discussion:

03:18:43 Rep. Kelker

03:20:45 Rep. Person

03:22:28 Rep. MacDonald

03:25:10 Rep. McConnell

03:25:42 Rep. Berglee

03:29:34 Rep. Monforton

03:34:04 Rep. Meyers

03:35:10 Rep. Manzella

03:36:43 Rep. Court

03:38:14 Rep. Wagoner

03:39:38 Rep. Fiscus

03:40:14 **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. Eck, Rep. Hill and Rep. Regier voted by proxy. Rep. Berglee will carry the bill.

03:41:14 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:42:01

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh50aad.pdf](#))