

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on March 20, 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. 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)

**Members Excused:** Rep. Ellie Boldman Hill (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: SB 306, 3/17/2015; SB 318, 3/17/2015; HJ 22, 3/17/2015; HB 612, 3/17/2015  
Executive Action: HB 309, HB 598, SB 360, SB 372, SB 384, SB 385

00:01:03 Chair J. Bennett

### **HEARING ON SB 318**

#### **Opening Statement by Sponsor:**

00:01:50 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 318, Revise laws related to partner and family member assault.

#### **Proponents' Testimony:**

00:02:03 Rep. Regier joined the meeting.

00:03:05 Jeff Sealey, Self

00:06:18 Anna Saverud, Domestic Violence Prosecutor, City of Bozeman and Self

00:10:31 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

#### **EXHIBIT(juh58a01)**

00:13:47 Mark Murphy, Montana County Attorneys Association (MCAA)

00:16:02 John Quandt, Self

00:21:50 Tabitha Mynor, Self

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:25:17 Rep. Meyers

00:26:03 Jeff Sealey, Self

00:27:16 Rep. Meyers

00:27:20 Jeff Sealey, Self

00:27:56 Rep. Kelker

00:28:52 Jeff Sealey, Self

00:30:14 Rep. McConnell

00:30:56 Robin Turner, MCADSV

00:32:59 Rep. Meyers

00:33:29 Robin Turner, MCADSV

00:33:57 Rep. Meyers

00:34:06 Robin Turner, MCADSV

00:34:30 Rep. Court

00:34:53 Jeff Sealey, Self

00:35:36 Rep. Doane

00:35:53 Jeff Sealey, Self

00:36:33 Rep. Doane

00:36:49 Jeff Sealey, Self

#### **Closing by Sponsor:**

00:37:38 Sen. Swandal

**HEARING ON HJ 22**

**Opening Statement by Sponsor:**

00:38:16 Rep. Bridget Smith (D), HD 31, opened the hearing on HJ 22, Interim study of law enforcement use of body-worn cameras.

**Proponents' Testimony:**

00:39:42 Jerry Williams, Montana Police Protective Association (MPPA)  
00:42:07 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

**Opponents' Testimony:** None

**Informational Testimony:**

00:43:25 Tom Butler, Colonel, Montana Highway Patrol (MHP)

**Proponents' Testimony:**

00:43:58 Niki Zupanic, ACLU of Montana  
[EXHIBIT\(juh58a02\)](#)

**Questions from Committee Members and Responses:**

00:45:06 Rep. Kelker  
00:46:03 Mark Murphy, MACOP  
00:47:26 Rep. Kelker  
00:47:49 Mark Murphy, MACOP  
00:48:38 Rep. Meyers  
00:49:28 Niki Zupanic, ACLU of Montana  
00:50:22 Rep. Meyers  
00:50:41 Niki Zupanic, ACLU of Montana  
00:51:55 Rep. MacDonald  
00:53:05 Jerry Williams, MPPA  
00:54:13 Rep. McConnell  
00:54:28 Rep. Hill joined the meeting.  
00:54:49 Mark Murphy, MACOP  
00:56:08 Rep. McConnell  
00:56:21 Mark Murphy, MACOP  
00:57:08 Rep. Doane  
00:57:26 Mark Murphy, MACOP  
00:58:02 Rep. Doane  
00:58:10 Mark Murphy, MACOP  
00:59:08 Rep. Doane  
00:59:22 Mark Murphy, MACOP  
01:00:23 Rep. Fiscus  
01:01:06 Mark Murphy, MACOP  
01:01:45 Rep. Fiscus  
01:01:58 Mark Murphy, MACOP

**Closing by Sponsor:**

01:02:33 Rep. Smith

**HEARING ON HB 612****Opening Statement by Sponsor:**

01:04:16 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 612, Establish child abuse court diversion pilot project.

**Proponents' Testimony:**

01:07:44 Rep. Brodehl, HD 9  
01:10:39 Beth McLaughlin, Administrator, Office of Court Administrator, Supreme Court  
01:13:38 Mark Murphy, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None**Informational Testimony:**

01:17:29 Sarah Corbally, Administrator, Child & Family Services Division (CFSD),  
Department of Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

01:20:34 Rep. Eck  
01:21:13 Sarah Corbally, DPHHS  
01:22:23 Rep. Eck  
01:22:40 Sarah Corbally, DPHHS  
01:22:57 Beth McLaughlin, Supreme Court  
01:24:03 Rep. Eck  
01:24:50 Beth McLaughlin, Supreme Court  
01:26:46 Rep. Meyers  
01:27:46 Sarah Corbally, DPHHS  
01:28:37 Rep. Doane  
01:29:21 Rep. Dudik  
01:30:03 Rep. Doane  
01:30:33 Rep. Dudik  
01:31:46 Rep. Kelker  
01:33:37 Beth McLaughlin, Supreme Court  
01:35:25 Rep. Kelker  
01:36:35 Beth McLaughlin, Supreme Court  
01:37:39 Chair J. Bennett  
01:37:42 Rep. McConnell  
01:38:25 Rep. Dudik  
01:39:21 Rep. McConnell  
01:39:34 Rep. Dudik  
01:40:20 Rep. Eck  
01:41:09 Rep. Dudik  
01:42:57 Rep. Eck  
01:43:19 Rep. Dudik  
01:43:47 Rep. Doane  
01:44:43 Rep. Dudik  
01:45:58 Rep. Doane  
01:46:34 Rep. Dudik  
01:47:36 Chair J. Bennett  
01:48:24 Rep. Dudik

01:48:58 Beth McLaughlin, Supreme Court  
01:49:53 Chair J. Bennett  
01:50:15 Beth McLaughlin, Supreme Court

**Closing by Sponsor:**

01:50:24 Rep. Dudik  
  
01:51:31 Chair J. Bennett  
  
01:51:48 Recessed  
02:06:54 Reconvened  
  
02:06:56 Chair J. Bennett

**HEARING ON SB 306**

**Opening Statement by Sponsor:**

02:07:15 Elsie Arntzen (R), SD 26, opened the hearing on SB 306, Generally revise laws on notarial acts.

**Proponents' Testimony:**

02:11:26 Lori Hamm, Notary Program Specialist, Secretary of State (SOS) on behalf of Secretary Linda McCulloch

[EXHIBIT\(juh58a03\)](#)

[EXHIBIT\(juh58a04\)](#)

[EXHIBIT\(juh58a05\)](#)

02:18:29 Jim Brown, Montana Independent Bankers (MIB)  
02:19:17 Donya Parrish, Montana Credit Union Network (MCUN)  
02:20:25 Stuart Doggett, Montana Land Title Association (MLTA)  
02:21:17 Bruce Knudsen, Montana Automobile Dealers Association (MTADA)  
02:22:29 Steve Turkiewicz, Montana Bankers Association (MBA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:23:49 Rep. Regier  
02:24:24 Lori Hamm, SOS  
02:25:34 Rep. Regier  
02:25:51 Lori Hamm, SOS  
02:26:39 Rep. Meyers  
02:27:20 Sen. Arntzen  
02:27:41 Lori Hamm, SOS  
02:29:17 Rep. Regier  
02:29:28 Lori Hamm, SOS  
02:30:35 Rep. Regier  
02:30:44 Lori Hamm, SOS  
02:31:39 Rep. Regier  
02:32:04 Lori Hamm, SOS

02:32:55 Rep. Court  
02:33:14 Lori Hamm, SOS  
02:33:33 Rep. Court  
02:33:46 Lori Hamm, SOS

**Closing by Sponsor:**

02:34:23 Sen. Arntzen  
  
02:35:08 Chair J. Bennett  
02:37:59 Rep. Person  
02:38:11 Chair J. Bennett  
  
02:40:15 Recessed  
03:14:48 Reconvened  
  
03:14:49 Chair J. Bennett

**EXECUTIVE ACTION ON HB 598**

03:15:02 **Motion:** Rep. Doane moved that **HB 598 DO PASS.**

**Discussion:**

03:15:07 Helen Thigpen, Legislative Services Division (LSD)  
[EXHIBIT\(juh58a06\)](#)  
[EXHIBIT\(juh58a07\)](#)

03:15:46 **Motion:** Rep. Doane moved that **HB 598 BE AMENDED.**

**Discussion:**

03:15:55 Helen Thigpen, LSD  
03:16:17 Rep. Meyers left the meeting.  
03:16:31 Rep. Monforton  
03:17:15 Rep. McConnell  
03:18:31 Rep. Monforton  
03:19:12 Rep. MacDonald  
03:19:36 Rep. McConnell  
03:19:55 Rep. Monforton  
03:20:21 Rep. McConnell  
03:21:20 Rep. Fiscus  
03:21:58 Rep. Monforton  
  
03:22:30 **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. Meyers and Rep. Wagoner voted by proxy.  
  
03:23:26 **Motion:** Rep. Doane moved that **HB 598 DO PASS AS AMENDED.**

**Discussion:**

03:23:34 Rep. Person  
03:25:13 Rep. Hill  
03:27:33 Chair J. Bennett  
03:27:36 Rep. Hill  
03:27:44 Chair J. Bennett  
03:27:48 Rep. Kelker  
03:28:32 Rep. Regier left the meeting.  
03:29:09 Rep. Doane  
03:29:36 Rep. Monforton  
03:29:59 Rep. McConnell  
03:31:08 Rep. Monforton  
03:31:26 Rep. Court  
03:32:36 Rep. Pinocci  
03:33:07 Rep. Monforton  
03:37:12 Rep. Person

03:38:01 **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. Meyers, Rep. Regier and Rep. Wagoner voted by proxy.

**EXECUTIVE ACTION ON SB 360**

03:39:05 **Motion:** Rep. Doane moved that **SB 360 BE CONCURRED IN.**

**Discussion:**

03:39:17 Helen Thigpen, LSD  
[EXHIBIT\(juh58a08\)](#)  
[EXHIBIT\(juh58a09\)](#)

03:39:48 **Motion:** Rep. Doane moved that **SB 360 BE AMENDED.**

**Discussion:**

03:39:59 Helen Thigpen, LSD  
03:43:45 Rep. MacDonald  
03:45:18 Rep. Court  
03:45:55 Rep. Kelker  
03:47:10 Rep. Hill  
03:48:07 Helen Thigpen, LSD  
03:49:16 Rep. Hill  
03:49:26 Helen Thigpen, LSD  
03:49:53 Rep. Hill  
03:50:13 Helen Thigpen, LSD  
03:50:27 Rep. Hill  
03:51:04 Helen Thigpen, LSD  
03:51:28 Chair J. Bennett

03:51:46 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers, Rep. Regier and Rep. Wagoner voted by proxy.

03:52:01 **Motion:** Rep. Doane moved that **SB 360 BE CONCURRED IN AS AMENDED.**

03:52:19 **Motion:** Rep. Doane moved that **SB 360 BE AMENDED.**

**Discussion:**

03:52:24 Helen Thigpen, LSD

03:52:49 Rep. Monforton

03:53:25 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers, Rep. Regier and Rep. Wagoner voted by proxy.

03:53:36 **Motion:** Rep. Doane moved that **SB 360 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:53:48 Rep. MacDonald

03:56:30 Rep. Pease-Lopez

03:59:04 Rep. Doane

03:59:41 Rep. Eck

04:00:35 Rep. Monforton

04:01:33 Rep. Kelker

04:02:27 Rep. Berglee

04:02:34 **Substitute Motion/Vote:** Rep. Berglee made a substitute motion that **SB 360 BE TABLED.** Substitute Motion carried 14-7 by roll call vote with Rep. Court, Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. Monforton, Rep. Pease-Lopez and Rep. Person voting no. Rep. Meyers, Rep. Regier and Rep. Wagoner voted by proxy.

**EXECUTIVE ACTION ON SB 372**

04:04:04 **Motion:** Rep. Doane moved that **SB 372 BE CONCURRED IN.**

**Discussion:**

04:04:11 Helen Thigpen, LSD

04:04:31 Rep. Person

04:05:48 Rep. Court

04:06:28 **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. Meyers, Rep. Regier and Rep. Wagoner voted by proxy. Rep. Berglee will carry the bill.

**EXECUTIVE ACTION ON SB 384**

04:07:26 **Motion:** Rep. Doane moved that **SB 384 BE CONCURRED IN.**

**Discussion:**

04:07:35 Chair J. Bennett  
04:07:51 Helen Thigpen, LSD  
04:08:11 Rep. Person  
04:09:03 Rep. MacDonald

04:09:18 **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. Meyers, Rep. Regier and Rep. Wagoner voted by proxy. Rep. Manzella will carry the bill.

**EXECUTIVE ACTION ON SB 385**

04:10:16 **Motion:** Rep. Doane moved that **SB 385 BE CONCURRED IN.**

**Discussion:**

04:10:23 Helen Thigpen, LSD  
[EXHIBIT\(juh58a10\)](#)

04:10:51 **Motion:** Rep. Doane moved that **SB 385 BE AMENDED.**

**Discussion:**

04:11:05 Helen Thigpen, LSD  
04:11:25 Chair J. Bennett

04:11:40 **Vote:** Motion carried unanimously by voice vote. Rep. Meyers, Rep. Regier and Rep. Wagoner voted by proxy.

04:11:55 **Motion/Vote:** Rep. Doane moved that **SB 385 BE CONCURRED IN AS AMENDED.** 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. Meyers, Rep. Regier and Rep. Wagoner voted by proxy. Rep. Manzella will carry the bill.

04:13:11 Chair J. Bennett  
04:13:20 Rep. Kelker  
04:13:31 Chair J. Bennett

**EXECUTIVE ACTION ON HB 309**

04:13:57     **Motion:** Rep. Kelker moved that **HB 309 BE REMOVED FROM TABLE.**

**Discussion:**

04:14:15     Chair J. Bennett

04:14:20     Rep. Kelker

04:15:42     Helen Thigpen, LSD

**[EXHIBIT\(juh58a11\)](#)**

04:16:47     **Vote:** Motion carried 10-8 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Laszloffy, Rep. Manzella, Rep. Monforton and Rep. Pinocci voting no.

04:18:06     Rep. Eck

04:18:47     Chair J. Bennett

**ADJOURNMENT**

Adjournment: 04:19:29

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh58aad.pdf](#))**