

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on March 24, 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. Nate McConnell (D)
Rep. G. Bruce Meyers (R)
Rep. Matthew Monforton (R)
Rep. Zac Perry (D)
Rep. Andrew Person (D)
Rep. Randall Pinocci (R)
Rep. Keith Regier (R)

Members Excused: Rep. Jennifer Eck (D)
Rep. Ellie Boldman Hill (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. Theresa Manzella (R)
Rep. Carolyn Pease-Lopez (D)
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: SJ 3, 3/17/2015
Executive Action: HB 309, HB 427, HB 612, HJ 22, SB 295, SB 298

00:00:52 Chair J. Bennett

HEARING ON SJ 3

Opening Statement by Sponsor:

00:01:28 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SJ 3, Interim study of Crossroads Correctional Center and oversight of that facility.

Proponents' Testimony:

00:03:38 Sheena Rice, Montana Organizing Project (MOP) and Indian People's Action (IPA)

00:05:14 Terry Murphy, Self

Opponents' Testimony:

00:07:56 Mark Baker, Corrections Corporation of America (CCA) and Crossroads Correctional Facility

00:12:28 Rep. Wagoner and Rep. Hill joined the meeting.

Informational Testimony:

00:13:12 Adrienne Slaughter, Government Relations Director, Department of Corrections (DOC)

00:13:40 Rep. Brodehl, HD 9

Questions from Committee Members and Responses:

00:15:26 Rep. McConnell

00:15:48 Mark Baker, CCA and Crossroads Correctional Facility

00:15:58 Rep. McConnell

00:16:01 Mark Baker, CCA and Crossroads Correctional Facility

00:16:56 Rep. McConnell

00:17:05 Mark Baker, CCA and Crossroads Correctional Facility

00:17:25 Rep. McConnell

00:17:30 Mark Baker, CCA and Crossroads Correctional Facility

00:17:36 Rep. McConnell

00:17:58 Mark Baker, CCA and Crossroads Correctional Facility

00:18:15 Rep. Kelker

00:18:44 Adrienne Slaughter, DOC

00:19:03 Patrick Smith, Contract Placement Bureau Chief, Montana State Prison (MSP), Department of Corrections (DOC)

00:19:37 Rep. Meyers

00:20:03 Mark Baker, CCA and Crossroads Correctional Facility

00:20:23 David Berkebile, Warden, Crossroads Correctional Facility

00:20:43 Rep. Meyers

00:21:00 David Berkebile, Crossroads Correctional Facility

00:21:40 Rep. Meyers

00:22:24 David Berkebile, Crossroads Correctional Facility

00:24:02 Rep. Court

00:24:54 Mark Baker, CCA and Crossroads Correctional Facility

00:27:20 Rep. Court

00:27:32 Mark Baker, CCA and Crossroads Correctional Facility

00:27:54 David Berkebile, Crossroads Correctional Facility

00:28:29 Rep. Kelker
00:29:04 Sen. Driscoll
00:29:59 Rep. Kelker
00:30:16 Sen. Driscoll
00:30:37 Rep. Hill
00:31:21 Sen. Driscoll

EXHIBIT(juh61a01)

00:31:44 Rep. Pinocci
00:32:18 David Berkebile, Crossroads Correctional Facility
00:33:03 Rep. Pinocci
00:33:26 Patrick Smith, DOC
00:34:05 Rep. Pinocci
00:34:23 Patrick Smith, DOC
00:34:51 Rep. Pinocci
00:35:10 Patrick Smith, DOC
00:35:49 Rep. Court
00:36:33 David Berkebile, Crossroads Correctional Facility
00:37:53 Rep. Perry
00:38:13 Mark Baker, CCA and Crossroads Correctional Facility

Closing by Sponsor:

00:38:25 Sen. Driscoll

00:40:01 Chair J. Bennett

00:43:21 Recessed
01:21:51 Reconvened

01:22:03 Chair J. Bennett

EXECUTIVE ACTION ON HB 309

01:22:33 **Motion/Vote:** Rep. Doane moved that **HB 309 BE TABLED**. Motion carried unanimously by voice vote. Rep. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 427

01:23:09 **Motion:** Rep. Doane moved that **HB 427 DO PASS**.

01:23:18 **Substitute Motion:** Rep. Hill made a substitute motion that **HB 427 BE TABLED**.

Discussion:

01:23:28 Helen Thigpen, Legislative Services Division (LSD)

01:25:09 **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. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

01:25:17 **Motion:** Rep. Regier moved that **HB 427 BE AMENDED.**
[EXHIBIT\(juh61a02\)](#)

Discussion:

01:26:04 Rep. Hill
01:26:28 Rep. Kelker
01:27:20 Rep. Regier
01:27:40 Rep. Kelker
01:27:52 Rep. Regier
01:28:07 Rep. McConnell
01:28:35 Brian Bramblett, Attorney, Department of Natural Resources and Conservation (DNRC)
01:28:42 Rep. McConnell
01:28:51 Brian Bramblett, DNRC
01:30:25 Chair J. Bennett
01:30:32 Rep. Monforton
01:30:40 Chair J. Bennett
01:31:16 Brian Bramblett, DNRC
01:31:42 Rep. Person
01:33:26 Rep. Wagoner

01:34:07 **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. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

01:35:04 **Motion:** Rep. Doane moved that **HB 427 DO PASS AS AMENDED.**

Discussion:

01:35:15 Rep. Hill
01:35:35 Rep. McConnell

01:36:12 **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. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HB 612

01:37:10 **Motion:** Rep. Doane moved that **HB 612 DO PASS.**

Discussion:

01:37:25 Helen Thigpen, LSD

01:37:42 Rep. Doane

01:38:21 Rep. McConnell

01:39:00 Rep. Kelker

01:41:46 **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. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

01:42:48 **Motion/Vote:** Rep. Doane moved that **HB 612 BE TABLED.** Motion carried unanimously by voice vote. Rep. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON HJ 22

01:43:10 **Motion:** Rep. Doane moved that **HJ 22 DO PASS.**

Discussion:

01:43:16 Helen Thigpen, LSD

01:43:40 **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. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

01:44:37 **Motion/Vote:** Rep. Doane moved that **HJ 22 BE TABLED.** Motion carried unanimously by voice vote. Rep. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

EXECUTIVE ACTION ON SB 295

01:45:02 **Motion:** Rep. Doane moved that **SB 295 BE CONCURRED IN.**

Discussion:

01:45:08 Helen Thigpen, LSD

[EXHIBIT\(juh61a03\)](#)

01:45:32 **Motion/Vote:** Rep. Doane moved that **SB 295 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Eck, Rep. MacDonald, Rep. Manzella and Rep. Pease-Lopez voted by proxy.

01:46:05 Rep. Laszloffy and Rep. Hill left the meeting

01:46:10 **Motion:** Rep. Doane moved that **SB 295 BE CONCURRED IN AS AMENDED.**

Discussion:

01:46:28 Rep. Person
01:46:38 Rep. Manzella joined the meeting.
01:47:01 Rep. Wagoner
01:47:21 Rep. Berglee
01:48:30 Rep. Perry
01:48:49 Rep. Wagoner
01:49:16 Rep. Court
01:50:54 Rep. Pinocci
01:51:44 Rep. Monforton
01:52:18 Rep. Fiscus
01:53:15 Rep. Regier
01:53:47 Rep. Manzella
01:54:49 Rep. Regier left the meeting.
01:54:54 Chair J. Bennett

01:55:54 **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. Eck, Rep. Hill, Rep. Laszloffy, Rep. MacDonald, Rep. Pease-Lopez and Rep. Regier voted by proxy. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 298

01:57:11 **Motion:** Rep. Doane moved that **SB 298 BE CONCURRED IN.**

Discussion:

01:57:17 Helen Thigpen, LSD
01:57:46 **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. Eck, Rep. Hill, Rep. Laszloffy, Rep. MacDonald, Rep. Pease-Lopez and Rep. Regier voted by proxy. Rep. Manzella will carry the bill.

01:58:51 Chair J. Bennett
01:59:32 Rep. Person
02:00:37 Rep. Wagoner
02:02:20 Rep. Person
02:03:19 Rep. Wagoner
02:04:15 Rep. Fiscus

EXHIBIT(juh61a04)

02:05:27 Chair J. Bennett

ADJOURNMENT

Adjournment: 02:06:51

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh61aad.pdf](#))