

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on March 25, 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 615, 3/20/2015
Executive Action: HB 612, SB 61, SB 306, SB 318, SB 356, SB 371, SJ 3

00:00:54 Chair J. Bennett

HEARING ON HB 615

Opening Statement by Sponsor:

00:01:23 Rep. Carl Glimm (R), HD 6, opened the hearing on HB 615, Revise laws related to the fundamental rights under the MT constitution.

Proponents' Testimony:

00:01:40 Rep. Hess joined the meeting.

00:06:45 Chair J. Bennett

00:07:07 Jeff Laszloffy, Montana Family Foundation (MFF)

00:10:12 Matt Brower, Montana Catholic Conference (MCC) on behalf of the two Roman Catholic bishops in Montana from the Diocese of Helena and the Diocese of Great Falls-Billings

EXHIBIT(juh62a01)

00:12:34 Rep. Wagoner joined the meeting.

00:13:28 Greg Hamilton, Northwest Religious Liberty Association (NRLA)

EXHIBIT(juh62a02)

00:20:58 Jane Hamman, Self

00:22:24 Melani Burnett, Self

Opponents' Testimony:

00:23:21 James Nelson, Self

EXHIBIT(juh62a03)

00:28:52 Kelly Lynch, Division Administrator, Community Development Division, Department of Commerce (COM)

00:33:28 Chair J. Bennett

00:33:47 Colleen Ambrose, Special State Attorney General/Legal Council, Department of Corrections (DOC)

00:38:33 Shannon McDonald, Deputy Chief Legal Counsel, Office of Legal Affairs (OLA), Department of Health and Human Services (DPHHS)

EXHIBIT(juh62a04)

00:40:05 Rep. Regier left the meeting.

00:43:48 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

00:46:26 Niki Zupanic, American Civil Liberties Union (ACLU) of Montana

00:49:19 John MacDonald, City of Missoula

00:50:49 Tara DePuy, Montana Association of Counties (MACo)

00:53:12 Richard Thweatt, Montana Smart Growth Coalition

EXHIBIT(juh62a05)

EXHIBIT(juh62a06)

00:54:22 Maggie Moran, NARAL Pro-Choice Montana

00:56:05 Martha Stahl, Planned Parenthood of Montana and Planned Parenthood Advocates of Montana

00:57:47 Kellie McBride, YWCA of Helena

01:00:49 Reverend Tyler Amundson, Self

01:02:34 Kim Leighton, Pride Foundation

EXHIBIT(juh62a07)

01:03:56 Patricia Kemp, Self and Montana Human Rights Network (MHRN)
01:05:44 Scott Lockwood, Self
01:06:55 Susan DeBree, Self

Informational Testimony:

01:10:33 Jorge Quintana, Chief Legal, Secretary of State (SOS)

Questions from Committee Members and Responses:

01:11:36 Rep. Wagoner
01:12:26 Rep. Glimm
01:12:59 Rep. Wagoner
01:13:31 Rep. Glimm
01:14:18 Rep. Wagoner
01:14:44 Rep. Glimm
01:14:52 Rep. Kelker
01:16:10 Rep. Glimm
01:16:39 Rep. Kelker
01:17:13 Rep. Glimm
01:17:39 Rep. Manzella
01:18:59 Greg Hamilton, NRLA
01:20:16 Rep. Fiscus
01:21:21 James Nelson, Self
01:22:20 Rep. Fiscus
01:22:28 James Nelson, Self
01:23:15 Rep. Fiscus
01:23:29 Rep. Glimm
01:23:46 Rep. Hill
01:25:04 Rep. Glimm
01:25:37 Rep. Hill
01:26:07 Rep. Glimm
01:26:39 Rep. Hill
01:27:10 James Nelson, Self
01:32:24 Rep. Pinocci
01:32:58 Rep. Glimm
01:33:49 Rep. Pinocci
01:33:58 Rep. Monforton
01:34:35 James Nelson, Self
01:34:46 Rep. Monforton
01:35:10 James Nelson, Self
01:36:08 Rep. Monforton
01:36:24 James Nelson, Self
01:38:20 Rep. Pease-Lopez
01:39:42 Niki Zupanic, ACLU of Montana
01:40:13 Chair J. Bennett left the meeting and Rep. Doane assumed the role of chair.
01:41:16 Rep. Person
01:41:35 Rep. Glimm
01:41:39 Rep. Person
01:41:54 Rep. Glimm
01:42:02 Rep. Person
01:42:43 Rep. Glimm

01:43:18 Rep. Berglee
01:43:51 James Nelson, Self
01:44:34 Rep. Berglee
01:44:51 James Nelson, Self
01:45:09 Rep. Berglee
01:45:37 James Nelson, Self
01:47:04 Rep. J. Bennett rejoined the meeting and resumed the role of chair.
01:47:39 Rep. Berglee
01:48:22 Rep. Glimm
01:49:14 Rep. Kelker
01:50:18 James Nelson, Self
01:52:16 Rep. Eck
01:53:06 James Nelson, Self
01:54:12 Rep. Eck
01:54:25 James Nelson, Self
01:54:30 Rep. Meyers
01:55:15 Rep. Glimm
01:58:18 Rep. Hill
01:59:55 Chair J. Bennett
02:00:03 Rep. Hill
02:00:30 Kelly Lynch, COM
02:00:56 Rep. Court
02:01:45 Rep. Glimm
02:02:58 Rep. Manzella
02:04:02 James Nelson, Self
02:06:03 Rep. Monforton
02:06:25 James Nelson, Self
02:07:00 Rep. Court
02:07:49 Colleen Ambrose, DOC

Closing by Sponsor:

02:10:25 Rep. Glimm

02:11:15 Chair J. Bennett

02:14:03 Recessed
02:50:15 Reconvened

02:50:16 Helen Thigpen, Legislative Services Division (LSD)
02:50:59 Chair J. Bennett

EXECUTIVE ACTION ON SB 61

02:51:08 **Motion:** Rep. Doane moved that **SB 61 BE CONCURRED IN.**

Discussion:

02:51:13 Helen Thigpen, LSD
[EXHIBIT\(juh62a08\)](#)

02:51:35 **Motion:** Rep. Doane moved that **SB 61 BE AMENDED.**

Discussion:

02:51:44 Helen Thigpen, LSD
02:53:07 Rep. Hill

02:54:05 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

02:54:19 **Motion:** Rep. Doane moved that **SB 61 BE CONCURRED IN AS AMENDED.**

Discussion:

02:54:28 Rep. Hill

02:55:36 **Vote:** Motion failed 2-19 by roll call vote with Rep. MacDonald and Rep. Person voting aye. Rep. Regier voted by proxy.

02:56:24 **Motion/Vote:** Rep. Doane moved that **SB 61 BE TABLED.** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON SB 306

02:56:43 **Motion:** Rep. Doane moved that **SB 306 BE CONCURRED IN.**

Discussion:

02:56:52 Helen Thigpen, LSD
02:57:21 Rep. Wagoner

02:57:51 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy. Rep. Laszloffy will carry the bill.

EXECUTIVE ACTION ON SB 318

02:58:14 **Motion:** Rep. Doane moved that **SB 318 BE CONCURRED IN.**

Discussion:

02:58:20 Helen Thigpen, LSD

02:58:59 **Vote:** Motion carried 20-1 by roll call vote with Rep. Meyers voting no. Rep. Regier voted by proxy. Rep. Garner will carry the bill.

02:59:53 Rep. Laszloffy
02:59:56 Chair J. Bennett
03:00:06 Robin Turner, Self
03:00:17 Rep. Monforton changed his vote from a no to a yes on SB 318 upon permission of Chair J. Bennett.
03:00:33 Chair J. Bennett
03:00:36 Rep. Monforton
03:00:45 Chair J. Bennett

EXECUTIVE ACTION ON SB 356

03:01:12 **Motion:** Rep. Doane moved that **SB 356 BE CONCURRED IN.**

Discussion:

03:01:18 Helen Thigpen, LSD
[EXHIBIT\(juh62a09\)](#)

03:01:35 **Motion:** Rep. Doane moved that **SB 356 BE AMENDED.**

Discussion:

03:01:45 Helen Thigpen, LSD
03:02:11 Rep. Eck
03:02:32 Rep. Kelker
03:03:24 Rep. Court
03:04:07 Rep. McConnell
03:04:31 Rep. Doane
03:05:30 Rep. McConnell
03:05:43 Rep. Doane
03:06:40 Rep. Eck

03:06:56 **Vote:** Motion carried 20-1 by voice vote with Rep. MacDonald voting no. Rep. Regier voted by proxy.

03:07:12 **Motion/Vote:** Rep. Doane moved that **SB 356 BE CONCURRED IN AS AMENDED.** Motion carried 17-3 by voice vote with Rep. Kelker, Rep. MacDonald and Rep. Pease-Lopez voting no. Rep. Regier was excused. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 371

03:08:13 **Motion:** Rep. Doane moved that **SB 371 BE CONCURRED IN.**

Discussion:

03:08:20 Helen Thigpen, LSD
[EXHIBIT\(juh62a10\)](#)
[EXHIBIT\(juh62a11\)](#)
03:09:18 Rep. Person

03:09:31 **Motion:** Rep. Doane moved that **SB 371 BE AMENDED**.

Discussion:

03:09:45 Helen Thigpen, LSD

03:10:54 Rep. Person

03:11:32 **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. Regier voted by proxy.

03:12:23 **Motion/Vote:** Rep. Doane moved that **SB 371 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. Regier voted by proxy. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SJ 3

03:13:43 **Motion:** Rep. Doane moved that **SJ 3 BE CONCURRED IN**.

Discussion:

03:13:51 Helen Thigpen, LSD

03:14:15 Rep. Eck

03:14:45 Rep. Wagoner

03:15:28 Rep. Court

03:16:35 Rep. MacDonald

03:17:51 Rep. Fiscus

03:18:12 Rep. McConnell

03:18:32 Rep. Meyers

03:19:19 **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.

03:20:09 **Motion/Vote:** Rep. Doane moved that **SJ 3 BE TABLED**. Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 612

03:20:33 **Motion:** Rep. Doane moved that **HB 612 BE REMOVED FROM TABLE**.

Discussion:

03:20:43 Helen Thigpen, LSD

[EXHIBIT\(juh62a12\)](#)

03:20:57 Rep. Doane

03:21:08 Rep. Wagoner

03:21:19 **Vote:** Motion carried 20-0 by voice vote.

03:21:34 **Motion:** Rep. Doane moved that **HB 612 DO PASS**.

03:21:47 **Motion:** Rep. Doane moved that **HB 612 BE AMENDED**.

Discussion:

03:21:59 Helen Thigpen, LSD

03:23:04 Chair J. Bennett

03:23:24 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

03:23:34 **Motion/Vote:** Rep. Doane moved that **HB 612 DO PASS AS AMENDED**.
Motion carried 20-1 by voice vote with Rep. Fiscus voting no. Rep. Regier voted by proxy.

03:24:19 Chair J. Bennett

EXHIBIT(juh62a13)

03:24:56 Rep. Wagoner

03:26:33 Rep. Eck

03:26:59 Rep. McConnell

03:27:26 Rep. Wagoner

03:28:24 Rep. Fiscus

03:29:25 Chair J. Bennett

03:29:48 Rep. Eck

03:31:01 Chair J. Bennett

03:32:23 Rep. Court

03:32:24 Chair J. Bennett

03:32:39 Rep. Court

03:32:41 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:33:06

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh62aad.pdf](#))