

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on March 26, 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. Margaret (Margie) MacDonald (D)
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. Kirk Wagoner (R)

Members Excused: Rep. Sarah Laszloffy (R)
Rep. Theresa Manzella (R)
Rep. Keith Regier (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 627, 3/24/2015; HB 631, 3/24/2015; HB 633, 3/24/2015
Executive Action: HB 586, HB 593, HB 615, HB 627, HB 631, HB 633

00:01:40 Chair J. Bennett

HEARING ON HB 627

Opening Statement by Sponsor:

00:01:53 Rep. Randy Brodehl (R), HD 9, opened the hearing on HB 627, Task force to study the office of public defender.

[EXHIBIT\(juh63a01\)](#)

Proponents' Testimony:

00:02:16 Rep. Laszloffy joined the meeting.

00:05:11 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None

Informational Testimony:

00:10:43 Fritz Gillespie, Chair, Public Defender Commission, Office of the State Public Defender (OPD)

Questions from Committee Members and Responses:

00:11:02 Rep. Hill

00:12:29 Rep. Brodehl

00:15:22 Rep. Kelker

00:15:47 Rep. Brodehl

00:16:40 Rep. Kelker

00:17:37 Rep. Brodehl

00:18:34 Rep. Meyers

00:19:57 Fritz Gillespie, Public Defender Commission

00:20:59 Rep. Meyers

00:21:46 Fritz Gillespie, Public Defender Commission

00:23:26 Rep. MacDonald

00:25:24 Rep. Brodehl

00:27:37 Rep. MacDonald

00:28:17 Rep. Brodehl

Closing by Sponsor:

00:29:07 Rep. Brodehl

HEARING ON HB 631

Opening Statement by Sponsor:

00:30:08 Rep. Nicholas Schwaderer (R), HD 14, opened the hearing on HB 631, Create new judicial districts.

Proponents' Testimony: None

Opponents' Testimony:

00:35:08 Beth McLaughlin, Court Administrator, Office of Court Administrator, Supreme Court

[EXHIBIT\(juh63a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:22 Rep. Kelker
00:43:47 Rep. Schwaderer
00:44:43 Chair J. Bennett left the meeting and Rep. Doane assumed the role of chair.
00:44:46 Rep. Court
00:45:35 Rep. Schwaderer
00:46:57 Rep. Meyers
00:47:37 Rep. Schwaderer
00:47:52 Rep. Wagoner
00:48:41 Beth McLaughlin, Supreme Court
00:50:00 Chair Doane
00:50:30 Rep. Schwaderer

Closing by Sponsor:

00:51:10 Rep. Schwaderer

HEARING ON HB 633

Opening Statement by Sponsor:

00:53:00 Rep. Dale Mortensen (R), HD 44, opened the hearing on HB 633, Revise laws related to filming law enforcement officers.

Proponents' Testimony:

00:56:16 Rep. Zolnikov, HD 45

Opponents' Testimony:

01:00:38 Jennifer Hensley, Muddy Boot Productions
[EXHIBIT\(juh63a03\)](#)
01:12:55 John MacDonald, Montana Newspaper Association
01:17:35 Dewey Bruce, Montana Broadcasters Association (MBA)
01:19:29 Jessie Luther, Motion Picture Association of America (MPAA)

Informational Testimony:

01:22:58 Doug Mitchell, Deputy Director, Montana Department of Commerce (COM)
01:24:49 Jim Kropp, Chief of Law Enforcement, Department of Fish, Wildlife & Parks (FWP)

Questions from Committee Members and Responses:

01:25:08 Rep. Wagoner
01:25:56 Rep. Mortensen
01:27:17 Rep. Wagoner
01:27:36 Rep. Mortensen
01:27:39 Rep. Wagoner
01:28:15 Jennifer Hensley, Muddy Boot Productions
01:28:30 Rep. Wagoner
01:28:39 Jennifer Hensley, Muddy Boot Productions
01:29:03 Rep. Wagoner
01:29:10 Rep. Kelker

01:29:35 Jim Kropp, FWP
01:31:27 Rep. Kelker
01:31:50 Jim Kropp, FWP
01:33:17 Rep. Meyers
01:34:03 Doug Mitchell, COM
01:34:11 Rep. Meyers
01:34:15 Doug Mitchell, COM
01:34:19 Rep. Meyers
01:35:04 Doug Mitchell, COM
01:35:40 Rep. Pinocci
01:36:05 Jim Kropp, FWP
01:37:06 Rep. Pinocci
01:37:31 Jim Kropp, FWP
01:38:56 Rep. Pinocci
01:40:22 Rep. Zolnikov
01:42:07 Rep. Hess
01:42:27 Rep. Mortensen
01:42:35 Rep. Hess
01:43:02 Rep. Mortensen
01:43:44 Rep. Perry
01:44:07 Jennifer Hensley, Muddy Boot Productions
01:46:12 Rep. Berglee
01:47:06 Jennifer Hensley, Muddy Boot Productions
01:48:35 Rep. Wagoner
01:49:17 Rep. Zolnikov
01:50:06 Rep. Wagoner
01:50:30 Rep. Zolnikov
01:50:39 Rep. Wagoner
01:50:48 Rep. Court
01:51:26 Doug Mitchell, COM
01:51:56 Rep. Pinocci
01:53:30 Rep. Zolnikov
01:53:47 Chair Doane
01:54:14 Rep. Mortensen
01:54:17 Chair Doane
01:54:29 Jennifer Hensley, Muddy Boot Productions
01:54:52 Chair Doane
01:55:01 Jennifer Hensley, Muddy Boot Productions
01:55:10 Chair Doane
01:55:25 John MacDonald, Montana Newspaper Association

Closing by Sponsor:

01:55:39 Rep. Mortensen

01:56:15 Chair Doane
01:57:22 Helen Thigpen, Legislative Services Division (LSD)

EXHIBIT(juh63a04)

01:57:52 Recessed
02:33:49 Reconvened

02:33:50 Chair Doane
02:34:11 Larry Epstein, Self
02:35:21 Chair Doane
02:35:44 Helen Thigpen, LSD

EXECUTIVE ACTION ON HB 586

02:36:22 **Motion:** Rep. Wagoner moved that **HB 586 BE TABLED.**

Discussion:

02:36:34 Helen Thigpen, LSD

02:36:58 **Vote:** Motion carried unanimously by voice vote. Rep. J. Bennett, Rep. Manzella and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 593

02:37:23 **Motion:** Rep. Wagoner moved that **HB 593 DO PASS.**

02:37:31 **Motion:** Rep. Wagoner moved that **HB 593 BE AMENDED.**

Discussion:

02:37:45 Helen Thigpen, LSD
02:42:11 Chair Doane
02:42:22 Rep. Person
02:43:00 Rep. Wagoner
02:43:11 Chair Doane

02:43:39 **Vote:** Motion carried unanimously by voice vote. Rep. J. Bennett, Rep. Manzella and Rep. Regier voted by proxy.

02:44:00 **Motion/Vote:** Rep. Wagoner moved that **HB 593 DO PASS AS AMENDED.** Motion carried 17-4 by roll call vote with Rep. Eck, Rep. Hess, Rep. Laszloffy and Rep. Perry voting no. Rep. J. Bennett, Rep. Manzella and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 615

02:45:29 **Motion:** Rep. Wagoner moved that **HB 615 DO PASS.**

Discussion:

02:45:38 Helen Thigpen, LSD
02:46:10 Rep. Eck
02:47:40 Rep. Pease-Lopez
02:50:19 Rep. Kelker

02:52:19 **Substitute Motion:** Rep. McConnell made a substitute motion that **HB 615 BE TABLED.**

Discussion:

02:52:49 Rep. Wagoner
02:52:52 Helen Thigpen, LSD

02:52:58 Without objection, Rep. McConnell withdrew the **BE TABLED** motion.

02:53:11 Rep. Hill
02:56:28 Rep. Fiscus
02:57:33 Rep. Person
02:58:43 Rep. Berglee
03:00:26 Rep. Meyers
03:02:13 Rep. Monforton
03:05:26 Chair Doane
03:05:49 Rep. MacDonald
03:09:15 Rep. Kelker
03:10:42 Rep. McConnell
03:11:47 Rep. Wagoner
03:12:24 Rep. J. Bennett rejoined the meeting.

03:12:30 **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. J. Bennett, Rep. Manzella and Rep. Regier voted by proxy.

03:13:17 Rep. J. Bennett resumed the role of chair.

EXECUTIVE ACTION ON HB 627

03:13:43 **Motion:** Rep. Wagoner moved that **HB 627 DO PASS**.

Discussion:

03:13:52 Helen Thigpen, LSD

03:14:25 **Motion:** Rep. Wagoner moved that **HB 627 BE AMENDED**.

Discussion:

03:14:34 Helen Thigpen, LSD

03:14:58 **Vote:** Motion carried unanimously by voice vote. Rep. Manzella and Rep. Regier voted by proxy.

03:15:14 **Motion:** Rep. Wagoner moved that **HB 627 DO PASS AS AMENDED**.

Discussion:

03:15:24 Rep. Hill
03:17:07 Rep. Wagoner
03:17:40 Rep. MacDonald
03:18:35 Rep. Doane
03:19:04 Chair J. Bennett

03:19:20 Rep. Hill
03:19:56 Rep. MacDonald
03:20:46 Rep. Court
03:21:23 Rep. Meyers
03:21:40 Rep. McConnell
03:21:53 Chair J. Bennett

03:22:29 **Vote:** Motion carried unanimously by voice vote. Rep. Manzella and Rep. Regier voted by proxy.
Fiscal note was received on March 27th, 2015 and upon Chair J. Bennett's approval, bill was passed out of committee.

EXECUTIVE ACTION ON HB 631

03:22:59 **Motion/Vote:** Rep. Wagoner moved that **HB 631 BE TABLED**. Motion carried unanimously by voice vote. Rep. Manzella and Rep. Regier voted by proxy.

EXECUTIVE ACTION ON HB 633

03:23:23 **Motion:** Rep. Wagoner moved that **HB 633 DO PASS**.

Discussion:

03:23:31 Helen Thigpen, LSD
03:23:55 Rep. Doane
03:24:35 Rep. Kelker
03:25:06 Rep. MacDonald

03:25:47 **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. Manzella and Rep. Regier voted by proxy.
Fiscal note for HB 633 failed to arrive before deadline. Bill was not reported out of committee.

03:26:41 Chair J. Bennett
03:26:54 Rep. Meyers
03:27:04 Chair J. Bennett
03:28:04 Rep. McConnell
03:28:09 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:29:44

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh63aad.pdf](#))