

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 10, 2017 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Nels Swandal (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

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 277, 2/1/2017; HB 278, 2/1/2017; HB 208, 2/3/2017
Executive Action: SB 2-Do Pass As Amended, SB 179-Do Pass As Amended,
HB 262-Be Concurred In, SB 177-Motion Withdrawn

HEARING ON HB 278

Opening Statement by Sponsor:

00:01:00 Rep. Matt Regier (R), HD 4, opened the hearing on HB 278, Provide option for drug treatment on a deferred sentence.

Proponents' Testimony:

00:03:45 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

00:05:50 Kevin Olson, administrator, Probation and Parole Division, Department of Corrections (DOC)

Questions from Committee Members and Responses:

00:06:14 Sen. Sands
00:06:34 Rep. Regier
00:06:49 Mr. Murphy, MCAA
00:11:36 Mr. Olson, DOC
00:12:19 Sen. Sands
00:12:37 Mr. Olson
00:15:52 Sen. MacDonald
00:16:26 Mr. Murphy
00:18:39 Chairman Regier
00:18:49 Mr. Murphy

Closing by Sponsor:

00:19:29 Rep. Regier

HEARING ON HB 277

Opening Statement by Sponsor:

00:20:24 Rep. Matt Regier (R), HD 4, opened the hearing on HB 277, Revise speedy trial laws for felony offenses.

[EXHIBIT\(jus30a01\)](#)

Proponents' Testimony:

00:25:36 Mark Murphy, Montana County Attorneys Association

Opponents' Testimony:

00:28:59 S.K. Rossi, ACLU
00:36:11 Tammy Plubell, assistant Attorney General, Appellate Bureau, Department of Justice (DOJ)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:41:01 Sen. Vincent
00:41:35 Ms. Plubell, DOJ
00:42:27 Chairman Regier
00:42:39 Ms. Plubell
00:43:17 Sen. Fielder
00:43:56 Rep. Regier
00:44:33 Sen. Sands
00:45:05 Rep. Regier
00:45:21 Sen. Sands
00:45:25 Ms. Plubell

Closing by Sponsor:

00:45:58 Rep. Regier

HEARING ON HB 208

Opening Statement by Sponsor:

00:50:53 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 208, Provide that it is unlawful to retaliate against public whistleblowers.

Proponents' Testimony:

00:55:24 Carol Bondy, self, former Audit Bureau chief, Department of Public Health and Human Services

Opponents' Testimony:

None

Informational Testimony:

01:00:54 Al Smith, Montana Trial Lawyers Association (MTLA)
01:01:22 Jonathon Motl, Commissioner of Political Practices (COPP)

Questions from Committee Members and Responses:

01:02:07 Sen. Gross
01:02:26 Mr. Smith, MTLA
01:05:03 Sen. Sands
01:05:30 Rep. Wagoner
01:06:40 Mr. Smith
01:06:56 Chairman Regier
01:07:20 Rep. Wagoner
01:07:47 Sen. Gross
01:08:09 Rep. Wagoner
01:10:30 Sen. Sands
01:10:40 Rep. Wagoner
01:10:51 Sen. MacDonald
01:11:38 Mr. Motl, COPP

Closing by Sponsor:

01:13:10 Rep. Wagoner

01:14:24 Brief Recess
01:21:39 Reconvene

EXECUTIVE ACTION ON SB 2

01:21:49 **Motion:** Sen. Fielder moved that **SB 2 DO PASS.**

01:22:47 **Motion:** Sen. Fielder moved that **SB 2 BE AMENDED.**
[EXHIBIT\(jus30a02\)](#)

Discussion:

01:26:25 Chairman Regier
01:26:40 Sen. Sands
01:27:20 Sen. Fielder
01:27:50 Sen. Hinkle
01:28:21 Chairman Regier

01:28:31 **Vote:** Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

01:28:41 **Motion:** Sen. Fielder moved that **SB 2 DO PASS AS AMENDED.**

Discussion:

01:28:50 Sen. Gross
01:28:59 Sen. Fielder
01:29:20 Sen. Sands

01:29:34 **Vote:** Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

EXECUTIVE ACTION ON SB 179

01:30:19 **Motion:** Sen. Fielder moved that **SB 179 DO PASS.**

01:31:31 **Motion:** Sen. Sands moved that **SB 179 BE AMENDED.**
EXHIBIT(jus30a03)

Discussion:

01:31:40 Julianne Burkhardt, Legislative Services Division

01:32:30 **Vote:** Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

01:32:47 **Motion/Vote:** Sen. Sands moved that **SB 179 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Swandal voted by proxy.

EXECUTIVE ACTION ON HB 262

01:33:45 **Motion:** Sen. Fielder moved that **HB 262 BE CONCURRED IN.**

Discussion:

01:34:17 Sen. MacDonald
01:37:34 Chairman Regier
01:38:06 Sen. Fielder
01:40:05 Sen. Gross
01:40:59 Sen. Sales
01:42:50 Sen. Vincent
01:43:21 Sen. Fielder
01:44:05 Sen. Boland
01:44:36 Sen. Hinebauch
01:44:56 Sen. MacDonald

01:46:01 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Swandal voted by proxy. Sen. Sales will carry the bill.

01:47:12 Chairman Regier

EXECUTIVE ACTION ON SB 177

01:47:47 **Motion:** Sen. Fielder moved that **SB 177 DO PASS.**

Discussion:

01:48:14 Sen. Gross
01:48:35 Sen. Sands

01:48:48 Without objection, Sen. Fielder withdrew the DO PASS motion.

Committee Business:

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| 01:49:03 | Chairman Regier |
| 01:49:27 | Sen. Sales |
| 01:49:37 | Chairman Regier |
| 01:49:52 | Sen. Sands |
| 01:50:25 | Sen. Sales |
| 01:50:32 | Sen. Gross |
| 01:51:02 | Sen. Fielder |

ADJOURNMENT

Adjournment: 10:51 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus30aad.pdf](#))