

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on January 21, 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. 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)  
Rep. Kirk Wagoner (R)

**Members Excused:** None

**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 137, 1/14/2015; HB 161, 1/14/2015; HB 204, 1/14/2015  
Executive Action: HB 20, HB 25, HB 26, HB 37, HB 111, HB 130, HB 135, HB 139,  
HB 195

00:01:01 Chair J. Bennett

### **HEARING ON HB 161**

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

00:01:50 Rep. Vince Ricci (R), HD 55, opened the hearing on HB 161, Revise laws related to arson investigations.

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

00:02:44 Mike Spini, Fire Marshal, Billings Fire Department and Executive Board Member, Montana Chapter of the International Association of Arson Investigators, INC. (IAAI)

#### **EXHIBIT(juh13a01)**

00:05:32 Craig Trapp, Fire Marshal, City of Helena

00:06:15 Brian Reed, Montana State Council of Professional Fire Fighters (MSCOPFF)

00:06:31 John Semple, Montana Fire Alliance (MFA)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

00:07:17 Rep. Regier

00:07:38 Helen Thigpen, Legislative Services Division (LSD)

00:08:02 Rep. Pinocci

00:08:23 Rep. Ricci

00:08:37 Mike Spini, Fire Marshal, Billings Fire Department and IAAI

00:09:52 Rep. Pinocci

00:09:57 Mike Spini, Fire Marshal, Billings Fire Department and IAAI

00:10:20 Rep. Eck

00:10:58 Mike Spini, Fire Marshal, Billings Fire Department and IAAI

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

00:12:39 Rep. Ricci

00:13:03 Craig Trapp, Fire Marshal, City of Helena

00:14:37 Rep. Ricci

### **HEARING ON HB 137**

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

00:15:25 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 137, Address homeless prevention for people under Department of Corrections supervision.

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

00:22:40 Dave Schulz, Commissioner, Madison County and Montana Association of Counties (MACo)

00:23:23 Mark Murphy, Montana Police Protective Association (MPPA)

**Opponents' Testimony:** None

**Informational Testimony:**

00:25:19 Adrienne Slaughter, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

00:25:41 Rep. Kelker  
00:26:45 Rep. Hill  
00:27:44 Rep. Kelker  
00:28:11 Rep. Hill  
00:29:18 Rep. Eck  
00:29:41 Adrienne Slaughter, DOC  
00:31:53 Rep. Eck  
00:32:00 Adrienne Slaughter, DOC  
00:32:41 Rep. Doane  
00:33:09 Adrienne Slaughrer, DOC  
00:35:33 Chair J. Bennett  
00:36:01 Rep. Hill

**Closing by Sponsor:**

00:37:23 Rep. Hill

00:39:00 Chair J. Bennett

**HEARING ON HB 204****Opening Statement by Sponsor:**

00:40:05 Rep. Greg Hertz (R), HD 12, opened the hearing on HB 204, Revising laws relating to liability waivers and releases.

**Proponents' Testimony:**

00:42:55 Chair J. Bennett  
00:43:14 Patrick Tabor, Swan Mountain Group of Companies

[EXHIBIT\(juh13a02\)](#)

[EXHIBIT\(juh13a03\)](#)

[EXHIBIT\(juh13a04\)](#)

[EXHIBIT\(juh13a05\)](#)

00:48:53 Mark Staples, Self  
00:50:11 Rep. Hill left the meeting.  
00:53:01 John Richardson, 320 Guest Ranch  
00:56:29 Tug Averill, Flathead Lake Lodge  
00:57:05 Rep. Kelker left the meeting.  
01:01:22 David Smith, Helena Family YMCA and State Alliance of YMCA's  
01:01:43 Rep. Person left the meeting.  
01:03:12 Jean Johnson, Montana Outfitters & Guides Association

[EXHIBIT\(juh13a06\)](#)

01:06:35 Aidan Myhre, Kalispell Chamber of Commerce  
01:08:36 Robin Cunningham, Fishing Outfitters Association of Montana  
01:09:21 Rep. Eck left the meeting.  
01:09:33 Doug Abelim, Self  
01:10:40 Ed Bartlett, Montana Chamber of Commerce

01:11:41 Stuart Doggett, Montana Lodging and Hospitality Association (MLHA)  
01:12:30 Jay Bodner, Montana Stockgrowers Association (MSGA)  
01:13:48 Nicole Rolf, Montana Farm Bureau Federation (MFBF)

**Opponents' Testimony:**

01:16:36 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(juh13a07\)](#)

[EXHIBIT\(juh13a08\)](#)

01:31:27 Rep. Hill rejoined the meeting.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:36:43 Rep. Wagoner  
01:37:21 Al Smith, MTLA  
01:37:36 Rep. Wagoner  
01:38:19 Al Smith, MTLA  
01:38:52 Rep. Monforton  
01:39:53 Mark Staples, Self  
01:40:42 Rep. Monforton  
01:42:15 Mark Staples, Self  
01:44:15 Rep. Monforton  
01:44:49 Mark Staples, Self  
01:45:53 Rep. McConnell  
01:46:39 Rep. Hertz  
01:47:07 Rep. Meyers  
01:48:04 Al Smith, MTLA  
01:49:28 Rep. Court  
01:50:04 Rep. Hertz  
01:50:13 Patrick Tabor, Swan Mountain Group of Companies

**Closing by Sponsor:**

01:51:09 Rep. Hertz  
  
01:52:47 Chair J. Bennett  
  
01:53:10 Recess  
02:06:33 Rep. Eck, Rep. Person and Rep. Kelker rejoined the meeting during recess.  
02:10:45 Reconvened

**EXECUTIVE ACTION ON HB 20**

02:10:54 **Motion:** Rep. Doane moved that **HB 20 DO PASS.**

**Motion:** Rep. Hill moved that **HB 20 BE AMENDED.**

[EXHIBIT\(juh13a09\)](#)

**Discussion:**

02:12:33 Rep. MacDonald

02:12:48 **Vote:** Motion carried 20-1 by roll call vote with Rep. J. Bennett voting no.

02:13:42 **Motion:** Rep. Doane moved that **HB 20 DO PASS AS AMENDED.**

**Discussion:**

02:13:48 Rep. Hill

02:14:55 **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.

02:16:14 **Motion/Vote:** Rep. Doane moved that **HB 20 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 25**

02:16:40 **Motion:** Rep. Doane moved that **HB 25 DO PASS.**

**Discussion:**

02:16:56 Helen Thigpen, LSD

02:17:11 Rep. MacDonald

**EXHIBIT(juh13a10)**

02:19:19 Rep. Court

02:20:56 Rep. Fiscus

02:22:07 Rep. Laszloffy

02:22:40 Rep. Regier

02:23:16 Rep. MacDonald

02:25:27 Rep. Pease-Lopez

02:26:29 Rep. MacDonald

02:27:26 Rep. Eck

02:29:12 **Vote:** Motion carried 12-9 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Manzella, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no.

**EXECUTIVE ACTION ON HB 26**

02:30:33 **Motion:** Rep. Doane moved that **HB 26 DO PASS.**

**Discussion:**

02:30:40 Helen Thigpen, LSD

02:31:23 Rep. MacDonald

**EXHIBIT(juh13a11)**

02:32:40 Rep. Regier

02:33:27 Chair J. Bennett

02:33:32 Rep. Wagoner

02:33:50 Rep. Regier

02:33:59 Rep. Doane  
02:34:09 Rep. Person  
02:34:54 Rep. Court

02:35:04 **Motion:** Rep. MacDonald moved that **HB 26 BE AMENDED.**

**Discussion:**

02:35:36 Chair J. Bennett  
02:35:44 Rep. Regier  
02:36:25 Rep. MacDonald  
02:36:30 Rep. Eck  
02:36:43 Chair J. Bennett

02:36:47 **Vote:** Motion failed 6-15 by roll call vote with Rep. J. Bennett, Rep. Doane, Rep. Fiscus, Rep. Hess, Rep. Manzella and Rep. Monforton voting aye.

02:38:00 Rep. Wagoner

02:38:30 **Vote:** Motion carried 18-3 by roll call vote with Rep. J. Bennett, Rep. Doane and Rep. Hess voting no.

**EXECUTIVE ACTION ON HB 37**

02:39:36 **Motion:** Rep. Doane moved that **HB 37 DO PASS.**

**Discussion:**

02:39:45 Helen Thigpen, LSD

**EXHIBIT(juh13a12)**

02:40:18 Rep. Person  
02:44:29 Rep. Monforton  
02:48:31 Rep. Meyers  
02:50:25 Rep. Kelker  
02:51:40 Rep. Hess  
02:52:16 Rep. Monforton  
02:52:21 Rep. Hess  
02:52:25 Rep. Monforton  
02:53:10 Rep. Hess  
02:53:34 Rep. Monforton  
02:55:42 Rep. Hill  
02:58:03 Rep. Monforton  
02:58:58 Chair J. Bennett

02:59:09 **Motion:** Rep. Monforton moved that **HB 37 BE AMENDED.**

**Discussion:**

02:59:38 Rep. Monforton  
03:00:30 Rep. Wagoner  
03:00:49 Rep. Monforton  
03:01:08 Rep. Wagoner

03:01:20 **Vote:** Motion failed 4-17 by roll call vote with Rep. Berglee, Rep. Manzella, Rep. Pinocci and Rep. Regier voting aye.

03:02:43 **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hess, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Meyers, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting no.

### **EXECUTIVE ACTION ON HB 111**

03:04:16 **Motion:** Rep. Doane moved that **HB 111 DO PASS**.

03:04:55 **Motion:** Rep. Regier moved that **HB 111 BE AMENDED**.  
[EXHIBIT\(juh13a13\)](#)

#### **Discussion:**

03:05:07 Rep. Regier

03:05:33 Rep. Monforton left the meeting.

03:06:35 Chair J. Bennett

03:06:41 **Vote:** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

03:06:58 **Motion:** Rep. Doane moved that **HB 111 DO PASS AS AMENDED**.

#### **Discussion:**

03:07:15 Rep. Regier

03:08:12 Rep. McConnell

03:08:31 Rep. Regier

03:08:42 **Vote:** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

### **EXECUTIVE ACTION ON HB 130**

03:09:15 **Motion:** Rep. Doane moved that **HB 130 DO PASS**.

#### **Discussion:**

03:09:22 Helen Thigpen

03:09:44 **Motion:** Rep. Laszloffy moved that **HB 130 BE AMENDED**.  
[EXHIBIT\(juh13a14\)](#)

#### **Discussion:**

03:10:56 Rep. Hill

03:11:06 **Vote:** Motion carried 19-2 by voice vote with Rep. Eck and Rep. McConnell voting no. Rep. Monforton voted by proxy.

03:11:49 **Motion:** Rep. Eck moved that **HB 130 BE AMENDED.**  
[EXHIBIT\(juh13a15\)](#)

**Discussion:**

03:12:20 Rep. Hill

03:13:20 Rep. Wagoner

03:13:52 **Vote:** Motion failed 10-11 by roll call vote with Rep. Court, Rep. Eck, Rep. Kelker, Rep. Laszloffy, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry, Rep. Person and Rep. Regier voting aye. Rep. Monforton voted by proxy.

03:15:14 **Motion:** Rep. Doane moved that **HB 130 DO PASS AS AMENDED.**

**Discussion:**

03:15:22 Rep. Laszloffy

03:16:28 Rep. Regier

03:17:06 Rep. Court

03:17:40 Rep. Hill

03:18:45 **Vote:** Motion carried 16-5 by roll call vote with Rep. J. Bennett, Rep. Court, Rep. Eck, Rep. Perry and Rep. Regier voting no. Rep. Monforton voted by proxy.

**EXECUTIVE ACTION ON HB 135**

03:20:00 **Motion:** Rep. Doane moved that **HB 135 DO PASS.**

**Discussion:**

03:20:09 Helen Thigpen, LSD

[EXHIBIT\(juh13a16\)](#)

03:20:25 **Motion/Vote:** Rep. Eck moved that **HB 135 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

03:21:50 **Motion:** Rep. Doane moved that **HB 135 DO PASS AS AMENDED.**

**Discussion:**

03:22:03 Rep. Eck

03:22:38 **Vote:** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

**EXECUTIVE ACTION ON HB 139**

03:22:56 **Motion:** Rep. Doane moved that **HB 139 DO PASS.**

**Discussion:**

03:23:09 Helen Thigpen, LSD  
**EXHIBIT(juh13a17)**

03:23:46 **Motion/Vote:** Rep. Regier moved that **HB 139 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

03:24:45 **Motion/Vote:** Rep. Doane moved that **HB 139 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Monforton voted by proxy.

03:25:16 Chair J. Bennett

**EXECUTIVE ACTION ON HB 195**

03:25:22 **Motion:** Rep. Doane moved that **HB 195 DO PASS.**

**Discussion:**

03:25:30 Helen Thigpen, LSD  
03:25:54 Rep. McConnell  
03:26:29 Rep. Wagoner  
03:27:12 Rep. McConnell

03:28:43 **Vote:** Motion carried 12-9 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Laszloffy, Rep. Meyers, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Monforton voted by proxy.

03:30:02 Rep. MacDonald  
03:30:20 Chair J. Bennett  
03:30:26 Helen Thigpen, LSD

**EXHIBIT(juh13a18)**

03:30:36 Rep. Eck  
03:31:25 Chair J. Bennett  
03:31:27 Rep. Eck  
03:31:29 Chair J. Bennett  
03:31:34 Rep. Eck  
03:31:55 Chair J. Bennett  
03:32:00 Rep. Eck  
03:32:27 Chair J. Bennett

**EXECUTIVE ACTION ON HB 37**

03:32:38     **Motion:** Rep. Eck moved to **RECONSIDER THE MOTION** on **HB 37**.

**Discussion:**

03:32:46     Rep. Regier

03:33:08     **Vote:** Motion failed 8-12 by roll call vote with Rep. Court, Rep. Eck, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry and Rep. Person voting aye. Rep. Hill was excused.

03:34:38     Chair J. Bennett

03:34:45     Helen Thigpen, LSD

03:35:02     Chair J. Bennett

**ADJOURNMENT**

Adjournment: 03:35:32

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh13aad.pdf](#))**