

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on January 23, 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. 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:** Rep. Matthew Monforton (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 173, 1/14/2015; HB 197, 1/14/2015  
Executive Action: HB 12, HB 19, HB 43, HB 88, HB 128, HB 129, HB 133, HB 161

00:01:18 Chair J. Bennett

**HEARING ON HB 173**

**Opening Statement by Sponsor:**

00:02:27 Rep. David (Doc) Moore (R), HD 92, opened the hearing on HB 173, Prohibit agency rule-making concerning marijuana.

[EXHIBIT\(juh15a01\)](#)

[EXHIBIT\(juh15a02\)](#)

[EXHIBIT\(juh15a03\)](#)

[EXHIBIT\(juh15a04\)](#)

[EXHIBIT\(juh15a05\)](#)

**Proponents' Testimony:**

00:05:58 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)

**Opponents' Testimony:**

00:08:52 Tayln Lang, Self

00:09:29 Rep. Monforton joined the meeting.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:12:08 Rep. Manzella

00:13:04 Talyn Lang, Self

00:13:56 Rep. Pease-Lopez

00:15:01 Rep. D. Moore

00:15:53 Rep. Pease-Lopez

00:16:01 Rep. Kelker

00:16:25 Rep. D. Moore

00:16:55 Rep. Kelker

00:17:04 Rep. D. Moore

00:17:34 Rep. McConnell

00:18:15 Rep. D. Moore

00:19:52 Rep. McConnell

00:20:19 Rep. D. Moore

00:20:27 Rep. McConnell

00:20:32 Rep. D. Moore

**Closing by Sponsor:**

00:22:10 Rep. D. Moore

**HEARING ON HB 197**

**Opening Statement by Sponsor:**

00:23:24 Rep. Keith Regier (R), HD 4, opened the hearing on HB 197, Provide for an enhanced sentence for assault on a pregnant woman.

**Proponents' Testimony:**

00:25:44 Gregg Trude, Right to Life of Montana  
00:27:34 Jeff Laszloffy, Montana Family Foundation  
00:30:05 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
00:33:47 Maggie Moran, NARAL Pro-Choice Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:35:12 Rep. Hill left the meeting.  
00:35:19 Rep. Court  
00:35:58 Rep. Regier

**Closing by Sponsor:**

00:36:30 Rep. Regier  
  
00:36:51 Chair J. Bennett  
  
00:37:10 Recess  
00:56:14 Reconvened  
  
00:56:15 Chair J. Bennett

**EXECUTIVE ACTION ON HB 12**

00:56:26 **Motion:** Rep. Doane moved that **HB 12 DO PASS.**

00:56:42 **Motion:** Rep. MacDonald moved that **HB 12 BE AMENDED.**  
[EXHIBIT\(juh15a06\)](#)

**Discussion:**

00:57:22 Helen Thigpen, Legislative Services Division (LSD)  
00:58:35 Rep. MacDonald  
00:59:06 Rep. McConnell  
00:59:35 Helen Thigpen, LSD  
01:00:02 Rep. Wagoner  
01:00:56 Chair J. Bennett  
01:01:04 Rep. McConnell  
01:01:39 Rep. Monforton  
01:02:32 Rep. Doane

- 01:03:09 Rep. McConnell  
01:03:46 Helen Thigpen, LSD  
01:04:34 Rep. Hess  
01:04:59 Rep. MacDonald  
01:05:23 Helen Thigpen, LSD
- 01:05:54 **Vote:** Motion carried 16-4 by voice vote with Rep. Berglee, Rep. Doane, Rep. Fiscus and Rep. Manzella voting no. Rep. Hill was excused.
- 01:06:25 **Motion/Vote:** Rep. Doane moved that **HB 12 DO PASS AS AMENDED**. Motion carried 11-10 by roll call vote with Rep. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Hess, Rep. Laszloffy, Rep. Manzella, Rep. Monforton, Rep. Regier and Rep. Wagoner voting no. Rep. Hill voted by proxy.

### **EXECUTIVE ACTION ON HB 19**

- 01:08:17 **Motion:** Rep. Doane moved that **HB 19 DO PASS**.

#### **Discussion:**

- 01:08:38 Rep. MacDonald  
01:10:29 Rep. Fiscus  
01:11:00 Rep. Regier  
01:11:21 Rep. MacDonald  
01:12:20 Rep. Eck  
01:12:27 Helen Thigpen, LSD  
01:14:33 Rep. Pease-Lopez  
01:15:55 Rep. Wagoner  
01:16:25 Rep. McConnell  
01:17:01 Rep. Regier  
01:17:16 Rep. MacDonald  
01:19:09 Rep. Doane  
01:19:28 Rep. MacDonald  
01:20:16 Rep. Kelker  
01:22:07 Chair J. Bennett  
01:22:15 Helen Thigpen, LSD  
01:23:12 Rep. Court  
01:23:41 Rep. MacDonald
- 01:23:55 **Vote:** Motion carried 11-10 by roll call vote with Rep. Bennett, Rep. Berglee, Rep. Doane, Rep. Fiscus, Rep. Laszloffy, Rep. Manzella, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Hill voted by proxy.
- 01:25:15 Chair J. Bennett

**EXECUTIVE ACTION ON HB 43**

01:25:34 **Motion:** Rep. Doane moved that **HB 43 DO PASS**

01:25:41 **Motion:** Rep. MacDonald moved that **HB 43 BE AMENDED.**  
**EXHIBIT(juh15a07)**

**Discussion:**

01:26:08 Helen Thigpen, LSD  
01:26:41 Rep. Regier  
01:26:51 Helen Thigpen, LSD  
01:27:27 Rep. MacDonald  
01:27:30 Rep. Hill rejoined the meeting.  
01:27:41 Rep. Eck  
01:27:53 Rep. MacDonald  
01:29:05 Rep. McConnell  
01:29:46 Helen Thigpen, LSD  
01:30:03 Rep. McConnell  
01:30:10 Helen Thigpen, LSD

01:30:33 **Vote:** Motion carried unanimously by voice vote.

01:30:46 **Motion:** Rep. Doane moved that **HB 43 DO PASS AS AMENDED.**

**Discussion:**

01:30:53 Rep. MacDonald  
01:31:45 Rep. Wagoner  
01:32:51 Rep. MacDonald  
01:34:15 Rep. Wagoner  
01:34:34 Rep. Hill  
01:35:48 Rep. Monforton  
01:36:11 Rep. MacDonald  
01:36:56 Rep. Monforton  
01:37:09 Rep. MacDonald  
01:38:24 Rep. Pease-Lopez

01:39:36 **Vote:** Motion carried 20-1 by roll call vote with Rep. Wagoner voting no.

**EXECUTIVE ACTION ON HB 88**

01:40:42 **Motion:** Rep. Doane moved that **HB 88 DO PASS.**

**Discussion:**

01:40:58 Chair J. Bennett  
01:41:06 Helen Thigpen, LSD  
**EXHIBIT(juh15a08)**  
**EXHIBIT(juh15a09)**  
01:41:44 Rep. Laszloffy  
01:41:50 Chair J. Bennett

01:42:26 Rep. Regier  
01:42:36 Rep. Doane  
01:42:42 Chair J. Bennett

01:42:50 Without objection, Rep. Doane withdrew the **DO PASS** motion.

01:42:51 **Motion:** Rep. Doane moved to **RECONSIDER THE MOTION** on **HB 88**.

**Discussion:**

01:43:05 Rep. Eck  
01:43:19 Rep. Laszloffy  
01:44:08 Rep. Eck  
01:44:21 Rep. Laszloffy  
01:44:40 Rep. Eck  
01:44:54 Chair J. Bennett  
01:45:09 Jon Bennion, Department of Justice (DOJ)  
01:45:58 Rep. Eck  
01:46:20 Jon Bennion, DOJ  
01:46:58 Rep. Eck  
01:47:21 Rep. McConnell  
01:47:31 Chair J. Bennett

01:47:45 **Vote:** Motion carried unanimously by voice vote.

01:48:05 **Motion:** Rep. Doane moved that **HB 88 DO PASS**.

01:48:17 **Motion:** Rep. Laszloffy moved that **HB 88 BE AMENDED**.

**Discussion:**

01:48:33 Rep. Laszloffy  
01:48:38 Helen Thigpen, LSD  
01:49:59 Rep. McConnell  
01:50:44 Rep. Laszloffy  
01:50:50 Jon Bennion, DOJ  
01:51:37 Rep. McConnell  
01:51:45 Jon Bennion, DOJ

01:52:10 **Vote:** Motion carried 20-1 by roll call vote with Rep. McConnell voting no.

01:52:11 Rep. Pinocci left the meeting.

01:53:02 **Motion/Vote:** Rep. Doane moved that **HB 88 DO PASS AS AMENDED**. Motion carried unanimously by roll call vote. Rep. Pinocci voted by proxy.

**EXECUTIVE ACTION ON HB 128**

01:54:21 **Motion:** Rep. Doane moved that **HB 128 DO PASS.**

**Discussion:**

01:54:32 Helen Thigpen, LSD  
01:55:14 Rep. Hill  
01:55:32 Rep. Regier left the meeting  
01:55:58 Rep. Monforton  
01:56:11 Rep. Pinocci rejoined the meeting.  
01:56:16 Chair J. Bennett  
01:56:24 Rep. Monforton  
01:56:45 Rep. Hill  
01:57:08 Helen Thigpen, LSD

01:58:43 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

**EXECUTIVE ACTION ON HB 129**

01:59:02 **Motion:** Rep. Doane moved that **HB 129 DO PASS.**

**Discussion:**

01:59:11 Rep. Hill  
01:59:20 Chair J. Bennett

01:59:23 **Motion:** Rep. Hill moved that **HB 129 BE AMENDED.**  
**EXHIBIT(juh15a10)**

**Discussion:**

02:59:18 Helen Thigpen, LSD  
02:00:22 Rep. Hill  
02:00:50 Helen Thigpen, LSD  
02:03:03 Chair J. Bennett  
02:03:24 Rep. Doane  
02:04:18 Helen Thigpen, LSD  
02:04:32 Rep. Doane  
02:04:47 Helen Thigpen, LSD  
02:05:20 Rep. Hill  
02:07:01 Rep. Eck  
02:07:33 Rep. Hill

02:07:37 Without objection, Rep. Hill withdrew the **BE AMENDED** motion.

02:07:46 Rep. McConnell  
02:08:28 Rep. Wagoner

02:08:40 **Vote:** Motion carried 19-2 by roll call vote with Rep. Bennett and Rep. Doane voting no. Rep. Regier voted by proxy.

02:09:46 **Motion/Vote:** Rep. Doane moved that **HB 129 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

### **EXECUTIVE ACTION ON HB 133**

02:10:18 **Motion:** Rep. Doane moved that **HB 133 DO PASS**.

02:10:27 **Motion:** Rep. MacDonald moved that **HB 133 BE AMENDED**.  
[EXHIBIT\(juh15a11\)](#)

#### **Discussion:**

02:11:18 Helen Thigpen, LSD

02:12:35 Rep. MacDonald

02:13:29 Rep. Wagoner

02:14:10 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

02:14:34 **Motion:** Rep. Doane moved that **HB 133 DO PASS AS AMENDED**.

#### **Discussion:**

02:14:45 Rep. Hess

02:15:55 Rep. Wagoner

02:18:04 Rep. MacDonald

02:19:14 Rep. Court

02:19:36 Rep. Hess

02:19:53 Rep. Court

02:20:38 Chair J. Bennett

02:20:49 **Vote:** Motion carried 11-10 by roll call vote with Rep. Bennett, Rep. Doane, Rep. Hess, Rep. Laszloffy, Rep. Manzella, Rep. Meyers, Rep. Monforton, Rep. Pinocci, Rep. Regier and Rep. Wagoner voting no. Rep. Regier voted by proxy.

### **EXECUTIVE ACTION ON HB 161**

02:22:00 **Motion:** Rep. Doane moved that **HB 161 DO PASS**.

#### **Discussion:**

02:22:11 Helen Thigpen, LSD

02:22:37 **Vote:** Motion carried unanimously by voice vote. Rep. Regier voted by proxy.

02:22:54 Chair J. Bennett

02:23:22 Helen Thigpen, LSD

02:23:55 Rep. Eck

02:24:21 Rep. Court



02:24:38 Rep. Doane  
02:24:56 Rep. MacDonald  
02:25:36 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 02:26:50

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh15aad.pdf](#))**