

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on February 6, 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. 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:** Rep. Ellie Boldman Hill (D)

**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: SB 60, 1/28/2015; SB 67, 1/28/2015; SB 93, 1/28/2015  
Executive Action: HB 89, HB 214, HB 274, SB 50, SB 59

00:01:08 Chair J. Bennett

### **HEARING ON SB 67**

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

00:01:19 Sen. Cliff Larsen (D), SD 47, opened the hearing on SB 67, Generally revise laws regarding missing persons.

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

00:03:19 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney General (AG), Department of Justice (DOJ)

[EXHIBIT\(juh27a01\)](#)

[EXHIBIT\(juh27a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

00:07:53 Rep. Fiscus  
00:08:31 Sen. Larsen  
00:10:10 Rep. Manzella  
00:11:07 Jon Bennion, AG  
00:12:55 Rep. Regier  
00:13:08 Jon Bennion, AG  
00:13:38 Rep. Eck  
00:13:59 Rep. Fiscus  
00:14:09 Jon Bennion, AG  
00:14:51 Rep. Fiscus  
00:15:02 Jon Bennion, AG

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

00:15:19 Sen. Larsen

### **HEARING ON SB 93**

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

00:17:29 Sen. Pat Connell (R), SD 43, opened the hearing on SB 93, Revise laws related to DUI convictions and restricted-use driving permit.

[EXHIBIT\(juh27a03\)](#)

**Proponents' Testimony:** None

#### **Opponents' Testimony:**

00:30:49 Larry Epstein, Montana County Attorneys Association (MCAA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:31:22 Rep. Regier  
00:31:35 Sen. Connell  
00:33:08 Rep. Regier  
00:33:30 Sen. Connell  
00:34:38 Rep. Regier  
00:34:43 Sen. Connell  
00:35:22 Rep. MacDonald  
00:35:37 Sen. Connell  
00:35:53 Rep. MacDonald  
00:36:27 Larry Epstein, MCAA  
00:36:33 Rep. Eck  
00:36:56 Larry Epstein, MCAA  
00:37:00 Rep. Eck  
00:37:02 Larry Epstein, MCAA  
00:37:26 Rep. Eck  
00:37:35 Larry Epstein, MCAA  
00:37:59 Rep. Eck  
00:38:04 Larry Epstein, MCAA  
00:38:09 Rep. Eck  
00:38:26 Chair J. Bennett  
00:38:38 Rep. Eck  
00:39:02 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney  
General (AG), Department of Justice (DOJ)  
00:39:33 Rep. Kelker  
00:40:25 Jon Bennion, DOJ  
00:41:31 Rep. Kelker  
00:42:36 Jon Bennion, DOJ  
00:43:43 Rep. Meyers  
00:44:32 Sen. Connell  
00:45:41 Rep. MacDonald left the meeting.  
00:46:15 Rep. Meyers  
00:46:54 Sen. Connell  
00:47:31 Rep. Monforton  
00:48:35 Sen. Connell  
00:50:22 Rep. Wagoner  
00:50:51 Sen. Connell  
00:51:16 Rep. McConnell  
00:52:15 Sen. Connell  
00:52:40 Rep. McConnell  
00:53:18 Sen. Connell  
00:54:24 Rep. Person  
00:55:02 Sen. Connell  
00:55:58 Rep. Person  
00:56:10 Rep. Eck  
00:57:36 Sen. Connell  
00:58:43 Rep. Pease-Lopez  
00:59:14 Sen. Connell

01:00:31 Rep. Doane  
01:00:48 Sen. Connell  
01:00:52 Rep. Doane  
01:00:58 Sen. Connell

**Closing by Sponsor:**

01:02:17 Sen. Connell

**HEARING ON SB 60**

**Opening Statement by Sponsor:**

01:04:28 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 60, Revising indecent exposure laws.

**Proponents' Testimony:**

01:06:23 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney General (AG), Department of Justice (DOJ)

**EXHIBIT(juh27a04)**

01:12:14 Jeff Laszloffy, Montana Family Foundation  
01:12:46 Larry Epstein, Montana County Attorneys Association (MCAA)  
01:13:35 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:14:07 Rep. Regier  
01:14:33 Jon Bennion, AG  
01:15:11 Rep. Doane  
01:15:42 Jon Bennion, AG  
01:15:58 Rep. Doane  
01:16:08 Jon Bennion, AG  
01:16:19 Rep. Doane  
01:16:29 Jon Bennion, AG  
01:17:04 Rep. McConnell  
01:17:17 Jon Bennion, AG  
01:17:47 Rep. Eck  
01:18:33 Jon Bennion, AG  
01:18:45 Rep. Eck  
01:19:05 Jon Bennion, AG  
01:20:11 Rep. Eck  
01:21:00 Jon Bennion, AG  
01:21:29 Mary Cochenour, Assistant Attorney General, Prosecution Services Bureau, Legal Services Division, Department of Justice (DOJ)  
01:21:48 Rep. Eck  
01:22:02 Mary Cochenour, DOJ  
01:22:29 Rep. Eck  
01:22:43 Mary Cochenour, DOJ

01:24:05 Rep. Eck  
01:24:36 Mary Cochenour, DOJ  
01:25:25 Rep. Manzella  
01:25:49 Jon Bennion, AG  
01:26:21 Rep. Manzella  
01:26:36 Jon Bennion, AG  
01:26:39 Rep. Regier  
01:26:50 Jon Bennion, AG  
01:27:03 Rep. Regier  
01:27:18 Jon Bennion, AG  
01:27:27 Rep. Regier  
01:27:39 Jon Bennion, AG

**Closing by Sponsor:**

01:27:57 Sen. Driscoll

**EXHIBIT(juh27a05)**

01:29:13 Chair J. Bennett  
  
01:29:25 Recessed  
01:38:31 Rep. Hill joined the meeting.  
01:45:03 Reconvened  
  
01:45:47 Chair J. Bennett

**EXECUTIVE ACTION ON HB 89**

01:45:55 **Motion:** Rep. Doane moved that **HB 89 DO PASS.**

**Discussion:**

01:46:03 Helen Thigpen, Legislative Services Division (LSD)

**EXHIBIT(juh27a06)**

01:46:47 **Motion:** Rep. Doane moved that **HB 89 BE AMENDED.**

**Discussion:**

01:46:56 Helen Thigpen, LSD

01:49:51 Rep. McConnell

01:50:30 **Vote:** Motion carried unanimously by voice vote. Rep. MacDonald voted by proxy.

01:50:50 **Motion:** Rep. Doane moved that **HB 89 DO PASS AS AMENDED.**

**Discussion:**

01:50:58 Rep. Hill  
01:51:42 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney  
General (AG), Department of Justice (DOJ)  
01:54:19 Rep. Kelker  
01:55:20 Rep. Doane  
  
01:55:50 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 214**

01:56:28 **Motion/Vote:** Rep. Doane moved that **HB 214 BE TABLED**. Motion carried  
unanimously by roll call vote.

[EXHIBIT\(juh27a07\)](#)

**EXECUTIVE ACTION ON HB 219**

01:57:31 **Motion:** Rep. Doane moved that **HB 219 DO PASS**.

**Discussion:**

01:57:39 Helen Thigpen, LSD

[EXHIBIT\(juh27a08\)](#)

01:58:08 **Motion:** Rep. Doane moved that **HB 219 BE AMENDED**.

**Discussion:**

01:58:22 Helen Thigpen, LSD  
01:59:07 Rep. MacDonald  
01:59:40 Helen Thigpen, LSD  
01:59:45 Chair J. Bennett  
02:00:07 Rep. MacDonald  
02:00:14 Rep. Wagoner  
02:00:21 Rep. Kelker

02:00:52 Without objection, Rep. Doane withdrew the **BE AMENDED** motion.

02:00:53 Without objection, Rep. Doane withdrew the **DO PASS** motion.

02:01:06 Chair J. Bennett  
02:01:31 Rep. McConnell  
02:01:38 Chair J. Bennett  
02:01:46 Rep. McConnell

**EXECUTIVE ACTION ON HB 274**

02:01:54     **Motion:** Rep. Doane moved that **HB 274 DO PASS.**

**Discussion:**

02:02:01     Helen Thigpen, LSD  
**EXHIBIT(juh27a09)**

02:02:43     **Motion:** Rep. Doane moved that **HB 274 BE AMENDED.**

**Discussion:**

02:03:00     Helen Thigpen, LSD  
02:05:29     Rep. Kelker  
02:06:28     Rep. Eck  
02:06:47     Rep. MacDonald  
02:06:56     Rep. McConnell  
02:07:53     Chair J. Bennett  
02:08:01     Helen Thigpen, LSD

02:08:40     **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.

02:09:35     **Motion:** Rep. Doane moved that **HB 274 DO PASS AS AMENDED.**

02:09:41     **Motion/Vote:** Rep. Court moved that **HB 274 BE TABLED.** Motion failed 9-12 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 aye.

02:11:10     Rep. Doane  
02:12:13     Rep. MacDonald  
02:13:04     Rep. Fiscus  
02:14:15     Rep. Court  
02:15:00     Rep. McConnell  
02:16:04     Rep. Wagoner  
02:16:27     Helen Thigpen, LSD  
02:16:38     Rep. Kelker  
02:17:20     Chair J. Bennett

02:18:12     **Vote:** Motion carried 11-10 by roll call vote with Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. McConnell, Rep. Pease-Lopez, Rep. Perry, Rep. Person and Rep. Wagoner voting no.

**EXECUTIVE ACTION ON SB 50**

02:19:16 **Motion:** Rep. Doane moved that **SB 50 BE CONCURRED IN.**

**Discussion:**

02:19:20 Helen Thigpen, LSD

02:19:51 Rep. Regier

02:20:44 **Vote:** Motion carried unanimously by voice vote. Rep. Hess will carry the bill.

**EXECUTIVE ACTION ON SB 59**

02:21:05 **Motion:** Rep. Doane moved that **SB 59 BE CONCURRED IN.**

**Discussion:**

02:21:18 Rep. McConnell

02:21:44 **Vote:** Motion carried 19-2 by voice vote with Rep. Hess and Rep. Laszloffy voting no. Rep. MacDonald will carry the bill.

02:22:05 Chair J. Bennett

02:22:36 Rep. MacDonald

02:22:40 Chair J Bennett

02:23:15 Rep. Doane

02:23:44 Chair J. Bennett

02:23:40 Rep. Regier

02:23:54 Chair J. Bennett

02:24:05 Rep. Person

02:24:10 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 02:24:56

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh27aad.pdf](#))**