

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Gerald (Jerry) Bennett, on February 13, 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. 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. Sarah Laszloffy (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 370, 2/9/2015; HB 412, 2/9/2015
Executive Action: HB 227, HB 297, HB 344, HB 345, SB 93

00:01:03 Chair J. Bennett

HEARING ON HB 412

Opening Statement by Sponsor:

00:01:33 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 412, Generally revise minor in possession laws.

[EXHIBIT\(juh33a01\)](#)

Proponents' Testimony:

00:08:03 Niki Zupanic, Montana ACLU

00:09:14 Garrett Lankford, Montana Associated Students (MAS)

00:10:02 Jake Brown, Montana Public Interest Research Group (MontPIRG)

00:10:44 Sheena Rice, Montana Organizing Project (MOP) and Indian People's Action

00:12:13 John Quandt, Self

Opponents' Testimony:

00:15:07 Larry Epstein, Montana County Attorneys Association (MCAA)

Informational Testimony:

00:16:02 Lynn Zanto, Administrator, Rail, Transit and Planning Division, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:

00:18:53 Rep. Kelker

00:19:15 Rep. Zolnikov

00:19:57 Rep. Kelker

00:20:12 Rep. Kelker

00:20:35 Rep. Zolnikov

Closing by Sponsor:

00:21:17 Rep. Zolnikov

HEARING ON HB 370

Opening Statement by Sponsor:

00:23:12 Rep. David (Doc) Moore (R), HD 92, opened the hearing on HB 370, Generally revise death penalty laws.

Proponents' Testimony:

00:26:23 Chair J. Bennett

00:26:53 Susan DeBree, Self

[EXHIBIT\(juh33a02\)](#)

[EXHIBIT\(juh33a03\)](#)

00:34:46 Betsy Griffing, Self

[EXHIBIT\(juh33a04\)](#)

[EXHIBIT\(juh33a05\)](#)

[EXHIBIT\(juh33a06\)](#)

[EXHIBIT\(juh33a07\)](#)

00:40:41 Randy Steidl, Self

[EXHIBIT\(juh33a08\)](#)

00:44:42 Roy Brown, Self

[EXHIBIT\(juh33a09\)](#)

[EXHIBIT\(juh33a10\)](#)

[EXHIBIT\(juh33a11\)](#)

00:48:01 Terry Steinberg, Self

[EXHIBIT\(juh33a12\)](#)

00:51:43 Matt Randles, Self

[EXHIBIT\(juh33a13\)](#)

00:56:22 Franklin Brookhart, Episcopal Church

00:59:25 Chair J. Bennett

00:59:43 Carolyn Mad Plume, Self

[EXHIBIT\(juh33a14\)](#)

01:06:28 Keegan Flaherty, Montana Innocence Project (MTIP)

[EXHIBIT\(juh33a15\)](#)

01:08:18 Robert Filipovich, Self

[EXHIBIT\(juh33a16\)](#)

[EXHIBIT\(juh33a17\)](#)

[EXHIBIT\(juh33a18\)](#)

[EXHIBIT\(juh33a19\)](#)

01:09:54 Matt Brower, Montana Catholic Conference (MCC) and representing the two Roman Catholic Bishops in Montana from the Diocese of Helena and the Diocese of Great Falls-Billings

[EXHIBIT\(juh33a20\)](#)

[EXHIBIT\(juh33a21\)](#)

01:12:56 Heather Beaudoin, Conservatives Concerned About the Death Penalty (CCATDP)

[EXHIBIT\(juh33a22\)](#)

01:15:23 Abigail St. Lawrence, Montana Abolition Coalition (AbCo)

01:16:50 Jessica Crist, Lutheran Church and Montana Association of Christians (MAC)

[EXHIBIT\(juh33a23\)](#)

01:19:00 Ron Waterman, Self

[EXHIBIT\(juh33a24\)](#)

01:19:29 Robin Turner, Montana Coalition Against Domestic & Sexual Violence (MCADSV)

01:20:02 Scott Crichton, American Civil Liberties Union (ACLU)

01:20:19 Rachel Carroll Rivas, Montana Human Rights Network (MHRN)

[EXHIBIT\(juh33a25\)](#)

Opponents' Testimony:

01:21:07 Rep. Hollandsworth, HD 27

01:27:55 Rep. Berry, HD 40

01:35:51 Sen. Taylor, SD 6 and representing former State Senator Ethel Harding

01:41:17 Rep. Laszloffy joined the meeting.

01:42:03 Jeff Laszloffy, Self

Informational Testimony:

01:46:40 Fritz Gillespie, Chair, Public Defender Commission, Office of the State Public Defender (OPD)

Questions from Committee Members and Responses:

01:47:13 Rep. Kelker
01:47:46 Robert Filipovich, Self
01:48:01 Rep. Kelker
01:48:29 Robert Filipovich, Self
01:48:34 Rep. Kelker
01:49:04 Robert Filipovich, Self
01:50:49 Rep. MacDonald
01:51:07 Rep. McConnell
01:52:06 Rep. Moore
01:52:39 Rep. McConnell
01:53:05 Rep. Moore
01:53:15 Rep. MacDonald
01:54:28 Betsy Griffing, Self
01:55:16 Rep. MacDonald
01:55:32 Betsy Griffing, Self
01:56:12 Rep. Monforton
01:56:47 Fritz Gillespie, Public Defender Commission
01:57:03 Rep. Monforton
01:57:14 Fritz Gillespie, Public Defender Commission
01:57:18 Rep. Monforton
01:57:33 Fritz Gillespie, Public Defender Commission
01:58:04 Rep. Fiscus
01:58:40 Betsy Griffing, Self
01:58:50 Rep. Fiscus
01:59:14 Betsy Griffing, Self
01:59:52 Rep. Wagoner
02:00:27 Rep. Moore
02:00:45 Rep. Eck
02:01:12 Fritz Gillespie, Public Defender Commission
02:01:29 Rep. Eck
02:01:40 Fritz Gillespie, Public Defender Commission
02:03:50 Rep. Meyers
02:04:36 Jessica Crist, Lutheran Church and MAC
02:05:12 Rep. Kelker
02:05:58 Roy Brown, Self
02:07:41 Rep. Hill
02:08:48 Matt Brower, MCC and representing the two Roman Catholic Bishops in Montana from the Diocese of Helena and the Diocese of Great Falls-Billings
02:09:48 Rep. Court
02:10:38 Roy Brown, Self
02:11:10 Rep. Eck
02:11:57 Randy Steidl, Self

Closing by Sponsor:

02:13:36 Rep. Moore

02:15:19 Chair J. Bennett
02:16:02 Recess
02:40:05 Reconvened
02:40:06 Chair J. Bennett

EXECUTIVE ACTION ON HB 297

02:40:24 **Motion:** Rep. Doane moved that **HB 297 DO PASS.**

Discussion:

[EXHIBIT\(juh33a26\)](#)

02:40:32 Helen Thigpen, Legislative Services Division (LSD)

[EXHIBIT\(juh33a27\)](#)

02:40:53 **Motion:** Rep. Court moved that **HB 297 BE AMENDED.**

Discussion:

02:41:11 Helen Thigpen, LSD
02:42:57 Rep. Court
02:43:59 Rep. Fiscus
02:44:53 Rep. Court
02:45:10 Rep. Doane
02:45:28 Helen Thigpen, LSD
02:45:42 Rep. Doane
02:45:58 Helen Thigpen, LSD

02:46:59 **Vote:** Motion carried unanimously by voice vote. Rep. Regier and Rep. Wagoner voted by proxy.

02:47:19 **Motion:** Rep. Doane moved that **HB 297 DO PASS AS AMENDED.**

Discussion:

02:47:36 Rep. Hess
02:48:24 Rep. Eck
02:49:23 Rep. Court
02:50:04 Rep. MacDonald
02:51:10 Rep. Person

02:51:48 **Vote:** Motion carried 16-5 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Laszloffy, Rep. Manzella and Rep. Pinocci voting no. Rep. Regier and Rep. Wagoner voted by proxy.

02:52:46 Rep. Court

EXECUTIVE ACTION ON HB 344

02:53:26 **Motion:** Rep. Doane moved that **HB 344 DO PASS.**

Discussion:

02:53:37 Helen Thigpen, LSD
EXHIBIT(juh33a28)

02:54:02 **Motion:** Rep. Doane moved that **HB 344 BE AMENDED.**

Discussion:

02:54:11 Helen Thigpen, LSD
02:56:37 Rep. McConnell
02:56:45 Helen Thigpen, LSD
02:56:54 Rep. McConnell
02:57:02 Helen Thigpen, LSD
02:57:09 Rep. Hess
02:57:40 Rep. Kelker
02:58:04 Helen Thigpen, LSD

02:58:40 **Vote:** Motion carried unanimously by roll call vote. Rep. Regier and Rep. Wagoner voted by proxy.

02:59:41 **Motion:** Rep. Doane moved that **HB 344 DO PASS AS AMENDED.**

Discussion:

02:59:50 Rep. Eck
03:00:26 Helen Thigpen, LSD
03:00:49 Rep. MacDonald

03:01:48 **Vote:** Motion carried 11-10 by roll call vote with Rep. J. Bennett, Rep. Court, Rep. Eck, Rep. Hill, Rep. Kelker, Rep. MacDonald, Rep. Manzella, Rep. McConnell, Rep. Pease-Lopez and Rep. Perry voting no. Rep. Regier and Rep. Wagoner voted by proxy.

03:02:59 Rep. MacDonald

EXECUTIVE ACTION ON HB 345

03:03:40 **Motion:** Rep. Doane moved that **HB 345 DO PASS.**

Discussion:

03:03:49 Helen Thigpen, LSD
EXHIBIT(juh33a29)

03:04:20 **Motion:** Rep. Doane moved that **HB 345 BE AMENDED.**

Discussion:

- 03:04:27 Helen Thigpen, LSD
- 03:05:05 **Vote:** Motion carried unanimously by voice vote. Rep. Regier and Rep. Wagoner voted by proxy.
- 03:05:20 **Motion/Vote:** Rep. Doane moved that **HB 345 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Regier and Rep. Wagoner voted by proxy.

EXECUTIVE ACTION ON SB 93

- 03:06:01 **Motion:** Rep. Doane moved that **SB 93 BE CONCURRED IN.**

Discussion:

- 03:06:08 Helen Thigpen, LSD
[EXHIBIT\(juh33a30\)](#)
- 03:06:37 **Motion:** Rep. Doane moved that **SB 93 BE AMENDED.**

Discussion:

- 03:06:44 Helen Thigpen, LSD
- 03:08:06 Rep. Kelker
- 03:09:23 **Vote:** Motion carried unanimously by voice vote. Rep. Regier and Rep. Wagoner voted by proxy.
- 03:09:45** **Motion:** Rep. Doane moved that **SB 93 BE CONCURRED IN AS AMENDED.**

Discussion:

- 03:09:54 Rep. Manzella
- 03:10:17 Rep. Kelker
- 03:10:46 Rep. McConnell
- 03:10:53 Helen Thigpen, LSD
- 03:11:05 Rep. Monforton
- 03:12:23 Rep. Court
- 03:13:45 Rep. Hess
- 03:14:11 Rep. Monforton
- 03:15:04 Rep. Doane
- 03:15:26 Rep. McConnell
- 03:15:52 Rep. Doane
- 03:16:55 Rep. Meyers
- 03:17:22 Rep. McConnell
- 03:18:30 Rep. Eck
- 03:19:07 Rep. Kelker
- 03:19:45 Rep. Hill

03:20:33 **Vote:** Motion carried 14-7 by roll call vote with Rep. J. Bennett, Rep. Doane, Rep. Manzella, Rep. Monforton, Rep. Person, Rep. Regier and Rep. Wagoner voting no. Rep. Regier and Rep. Wagoner voted by proxy. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON HB 227

03:21:46 **Motion:** Rep. MacDonald moved that **HB 227 BE REMOVED FROM TABLE.**

Discussion:

03:23:38 Chair J. Bennett

03:23:42 Rep. MacDonald

EXHIBIT(juh33a31)

03:24:30 Chair J. Bennett

03:25:11 **Vote:** Motion carried 12-7 by roll call vote with Rep. J. Bennett, Rep. Berglee, Rep. Doane, Rep. Hess, Rep. Laszloffy, Rep. Monforton and Rep. Pinocci voting no.

03:26:12 Chair J. Bennett

ADJOURNMENT

Adjournment: 03:28:08

McKenzie Chambers, Secretary

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Additional Documents:

EXHIBIT([juh33aad.pdf](#))