

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on March 9, 2015 at 9:00 A.M., 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. Theresa Manzella (R)  
Rep. Nate McConnell (D)  
Rep. Matthew Monforton (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Zac Perry (D)  
Rep. Andrew Person (D)  
Rep. Randall Pinocci (R)  
Rep. Kirk Wagoner (R)

**Members Excused:** Rep. Ellie Boldman Hill (D)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. G. Bruce Meyers (R)  
Rep. Keith Regier (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: SB 39, 2/23/2015; SB 90, 2/23/2015

00:00:52 Chair J. Bennett

### HEARING ON SB 39

#### Opening Statement by Sponsor:

00:02:17 Sen. Cary Smith (R), SD 27, opened the hearing on SB 39, Generally revise patent and copyright trolling laws.

#### Proponents' Testimony:

00:02:35 Rep. Hill joined the meeting.

00:03:33 Rep. MacDonald joined the meeting.

00:05:18 Rep. Regier joined the meeting.

00:06:08 Jon Bennion, Deputy Attorney General/Legislative Liaison, Office of the Attorney General (AG), Department of Justice (DOJ)

#### EXHIBIT(juh48a01)

00:08:30 Gary Carlson, Anderson ZurMuehlen

00:11:58 Dustin Stewart, Montana Building Industry Association (MBIA)

00:13:55 Steve Turkiewicz, Montana Bankers Association (MBA)

#### EXHIBIT(juh48a02)

00:15:44 Glenn Oppel, Montana Chamber of Commerce

00:16:58 Brad Griffin, Montana Retail Association (MRA)

00:17:26 Holly Franz, Montana Society of Certified Public Accountants (MSCPA)

00:18:10 Al Smith, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony: None

Informational Testimony: None

#### Questions from Committee Members and Responses:

00:20:52 Rep. Regier

00:21:18 Jon Bennion, DOJ

00:22:23 Rep. Regier

00:22:45 Jon Bennion, DOJ

00:23:25 Rep. Kelker

00:24:06 Jon Bennion, DOJ

00:24:50 Rep. McConnell

00:25:22 Jon Bennion, DOJ

00:26:05 Rep. McConnell

00:26:24 Jon Bennion, DOJ

00:26:40 Rep. Monforton

00:27:22 Jon Bennion, DOJ

00:28:05 Rep. Monforton

00:29:01 Jon Bennion, DOJ

00:29:39 Rep. Monforton

00:29:59 Sen. Smith

00:30:16 Rep. Monforton

00:30:23 Rep. Wagoner

00:31:07 Jon Bennion, DOJ

00:32:09 Rep. Wagoner

00:32:13 Rep. Kelker

00:33:05 Steve Turkiewicz, MBA  
00:33:05 Rep. Kelker  
00:33:11 Steve Turkiewicz, MBA

**Closing by Sponsor:**

00:34:12 Sen. Smith

00:35:15 Chair J. Bennett  
00:35:30 Sen. Smith

**HEARING ON SB 90****Opening Statement by Sponsor:**

00:35:48 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 90, Revise penalties eliminating jail time for certain misdemeanors.

**Proponents' Testimony:**

00:39:23 William Hooks, Chief Public Defender, Administration, Office of the State Public Defender (OPD)  
00:45:19 Niki Zupanic, ACLU of Montana

**Opponents' Testimony:**

00:47:42 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP) and Montana Police Protective Association (MPPA)  
00:56:04 Brad Griffin, Montana Retail Association (MRA)

**EXHIBIT(juh48a03)**

01:00:05 Rep. Eck left the meeting.  
01:00:32 Glenn Oppel, Montana Chamber of Commerce

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:01:00 Rep. MacDonald  
01:01:42 Sen. Swandal  
01:02:21 Rep. MacDonald  
01:02:29 Sen. Swandal  
01:03:38 Rep. Court  
01:04:04 William Hooks, OPD  
01:04:17 Rep. Court  
01:04:52 William Hooks, OPD  
01:05:45 Rep. Court  
01:06:38 Sen. Swandal  
01:06:45 Rep. Court  
01:07:03 Sen. Swandal  
01:07:36 Rep. Hill  
01:08:36 William Hooks, OPD  
01:09:16 Rep. Hill  
01:09:49 William Hooks, OPD  
01:10:45 Rep. Hill

01:11:14 William Hooks, OPD  
01:11:43 Rep. McConnell  
01:12:17 Sen. Swandal  
01:16:13 Rep. McConnell  
01:16:58 Sen. Swandal  
01:17:34 Rep. McConnell  
01:18:07 William Hooks, OPD  
01:19:26 Rep. Fiscus  
01:20:38 Mark Murphy, MCAA, MACOP and MPPA  
01:23:03 Rep. MacDonald  
01:23:29 William Hooks, OPD  
01:23:40 Rep. Monforton  
01:24:18 Mark Murphy, MCAA, MACOP and MPPA  
01:24:58 Rep. Monforton  
01:25:37 Mark Murphy, MCAA, MACOP and MPPA  
01:27:19 Rep. Wagoner  
01:27:58 Sen. Swandal  
01:28:22 Rep. Pinocci  
01:29:22 Sen. Swandal  
01:30:01 Rep. Pinocci  
01:30:06 Sen. Swandal  
01:30:20 Rep. Pease-Lopez  
01:31:10 Sen. Swandal

**Closing by Sponsor:**

01:31:46 Sen. Swandal

**EXHIBIT(juh48a04)**

01:32:53 Chair J. Bennett

01:34:31 Recessed

02:01:04 Reconvened

02:01:07 Chair J. Bennett

**EXECUTIVE ACTION ON HB 585**

02:02:23 **Motion:** Rep. Doane moved that **HB 585 DO PASS.**

**Discussion:**

02:02:36 Helen Thigpen, Legislative Services Division (LSD)

02:03:08 Rep. Pease-Lopez

02:05:30 Rep. McConnell

02:07:33 Rep. Regier

02:08:43 Rep. Kelker

02:11:39 Rep. Perry

02:12:36 Rep. Monforton

02:15:18 Rep. Doane

02:15:49 Rep. Pease-Lopez

02:17:03 Rep. MacDonald  
02:18:15 Rep. McConnell  
02:18:47 Chair J. Bennett

02:19:38 **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. Rep. Eck and Rep. Meyers voted by proxy.

02:20:35 **Motion/Vote:** Rep. Doane moved that **HB 585 BE TABLED**. Motion carried 19-0 by voice vote. Rep. Eck and Rep. Meyers were excused.

### **EXECUTIVE ACTION ON HB 587**

02:20:53 **Motion:** Rep. Doane moved that **HB 587 DO PASS**.

#### **Discussion:**

02:20:57 Helen Thigpen, LSD  
02:21:21 Rep. Regier  
02:21:56 Rep. Kelker  
02:24:50 Rep. Court  
02:27:09 Rep. Person  
02:28:02 Rep. Regier  
02:28:56 Rep. MacDonald

02:29:43 **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. Rep. Eck and Rep. Meyers voted by proxy.

02:30:51 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 02:31:37

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh48aad.pdf](#))**