

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on March 16, 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. 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: SB 61, 3/10/2015; SB 101, 3/10/2015; SB 360, 3/10/2015

00:00:59 Chair J. Bennett

### HEARING ON SB 360

#### Opening Statement by Sponsor:

00:01:28 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 360, Revise public intoxication laws.

#### Proponents' Testimony:

00:03:17 Sam Smith, representing Dr. Ronald Smith, DDS  
00:09:24 Lenette Kosovich, Rimrock  
00:12:52 Officer Tony Nichols, Billings Police Department (BPD)  
00:18:31 Lisa Harmon, Downtown Billings Alliance (DBA) and Spare Change for Real Change  
00:26:36 Brent Brooks, City Attorney, City of Billings  
00:28:56 John MacDonald, City of Missoula  
00:29:43 Aimee Grmoljez, Billings Clinic  
00:32:05 Mike Foster, Five Catholic Hospitals in Montana  
00:33:22 David Nielsen, Montana League of Cities and Towns (MLCT)  
00:34:18 Ed Bartlett, Billings Chamber of Commerce

#### Opponents' Testimony:

00:35:12 Candace Payne, Addictions Consulting Group  
[EXHIBIT\(juh54a01\)](#)  
00:48:30 Niki Zupanic, ACLU of Montana

Informational Testimony: None

#### Questions from Committee Members and Responses:

00:52:21 Rep. Wagoner  
00:52:50 Sen. Kary  
00:52:57 Rep. Wagoner  
00:53:32 Sen. Kary  
00:53:47 Rep. Wagoner  
00:53:54 Sen. Kary  
00:54:29 Rep. MacDonald  
00:55:19 Brent Brooks, City of Billings  
00:55:54 Rep. MacDonald  
00:56:28 Brent Brooks, City of Billings  
00:57:06 Rep. MacDonald  
00:57:40 Brent Brooks, City of Billings  
00:58:25 Rep. MacDonald  
00:58:38 Brent Brooks, City of Billings  
00:59:01 Rep. Monforton  
00:59:33 Brent Brooks, City of Billings  
00:59:39 Rep. Monforton  
01:00:23 Brent Brooks, City of Billings  
01:00:57 Rep. Monforton  
01:01:25 Sen. Kary  
01:01:51 Rep. Monforton

01:02:39 Sen. Kary  
01:03:23 Rep. Fiscus  
01:03:56 Sen. Kary  
01:04:53 Rep. Fiscus  
01:05:23 Sen. Kary  
01:07:07 Chair J. Bennett  
01:07:31 Rep. Kelker  
01:08:21 Lenette Kosovich, Rimrock  
01:08:49 Rep. Kelker  
01:09:21 Lenette Kosovich, Rimrock  
01:09:52 Rep. Court  
01:10:39 Sen. Kary  
01:11:14 Rep. Court  
01:11:51 Sen. Kary  
01:12:03 Rep. Court  
01:13:09 Niki Zupanic, ACLU of Montana  
01:14:13 Rep. Pease-Lopez  
01:15:08 Lisa Harmon, DBA and Spare Change for Real Change  
01:15:53 Rep. Pease-Lopez  
01:16:14 Lisa Harmon, DBA and Spare Change for Real Change  
01:17:06 Rep. Pease-Lopez  
01:17:21 Niki Zupanic, ACLU of Montana  
01:18:22 Rep. Hill  
01:21:16 Brent Brooks, City of Billings  
01:21:58 Rep. Hill  
01:22:20 Brent Brooks, City of Billings  
01:23:01 Rep. Meyers  
01:23:36 Lisa Harmon, DBA and Spare Change for Real Change  
01:23:59 Rep. Meyers  
01:24:12 Lisa Harmon, DBA and Spare Change for Real Change  
01:24:50 Rep. McConnell  
01:25:31 Lenette Kosovich, Rimrock

**Closing by Sponsor:**

01:26:18 Sen. Kary

**HEARING ON SB 61**

**Opening Statement by Sponsor:**

01:28:17 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 61, Clarify courts' punitive authority.

**Proponents' Testimony:**

01:29:37 Fritz Gillespie, Public Defender Commission, Office of the State Public Defender (OPD)  
01:30:48 Niki Zupanic, ACLU of Montana

**Opponents' Testimony:**

01:31:08 Jessie Connolly, Montana Magistrates Association

**EXHIBIT(juh54a02)**

01:35:15 Karl Seel, Municipal Court Judge, Bozeman Municipal Court

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:38:36 Rep. Eck

01:39:10 Karl Seel, Bozeman Municipal Court

01:39:42 Rep. Eck

01:39:54 Karl Seel, Bozeman Municipal Court

01:40:43 Rep. Eck

01:40:57 Karl Seel, Bozeman Municipal Court

01:41:55 Rep. Kelker

01:42:20 Sen. Driscoll

01:43:31 Rep. McConnell

01:44:04 Sen. Driscoll

01:44:34 Fritz Gillespie, Public Defender Commission

01:45:42 Rep. McConnell

01:46:40 Jessie Connolly, Montana Magistrates Association

**Closing by Sponsor:**

01:47:42 Sen. Driscoll

01:48:40 Chair J. Bennett

01:48:45 Recessed

02:02:45 Reconvened

02:02:46 Chair J. Bennett

**HEARING ON SB 101****Opening Statement by Sponsor:**

02:02:58 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 101, Allow the Dept of Corrections to set minimum percentage of inmate earnings saved.

**Proponents' Testimony:**

02:05:33 Gayle Lambert, Division Administrator, Montana Correctional Enterprises, Montana Department of Corrections (DOC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:08:06 Rep. Berglee

02:08:45 Gayle Lambert, DOC

02:09:40 Rep. Wagoner

02:10:13 Gayle Lambert, DOC  
02:10:34 Rep. Wagoner  
02:10:42 Gayle Lambert, DOC  
02:11:30 Rep. Pinocci  
02:12:02 Gayle Lambert, DOC  
02:12:14 Chair J. Bennett  
02:12:51 Gayle Lambert, DOC  
02:13:19 Rep. Meyers  
02:13:52 Gayle Lambert, DOC  
02:14:12 Rep. Court  
02:14:45 Gayle Lambert, DOC

**Closing by Sponsor:**

02:15:06 Sen. Driscoll

02:15:34 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 02:16:36

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh54aad.pdf](#))**