

Montana State Legislature

2015 SESSION ADDITIONAL DOCUMENTS

Business Page [Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

*Any other documents, which were submitted after the committee hearing was ended and/or was submitted late [within 48 hours], but regarding information in the committee hearing. Witness Statements that were not presented as exhibits.

Montana Historical Society Archives

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2015 Legislative

E-Document Specialist Susie Hamilton

BUSINESS REPORT

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

HOUSE JUDICIARY COMMITTEE

Date: Tuesday, February 3, 2015
Place: Capitol

Time: 8:00 AM
Room: 137

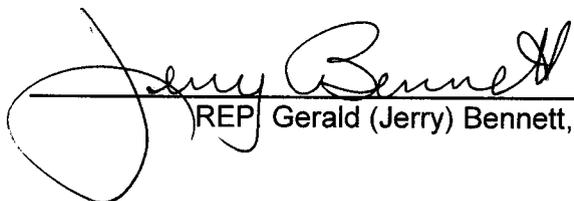
BILLS and RESOLUTIONS HEARD:

HB 214 - Generally revise boating laws related to DUI offenses - Rep. David (Doc) Moore
HJ 4 - Joint resolution for balanced budget amendment - Rep. Matthew Monforton
SB 26 - Clarifying laws regarding electronic submitting of search warrants - Sen. Nels Swandal

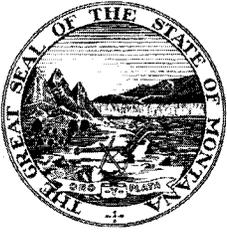
EXECUTIVE ACTION TAKEN:

None

Comments:



REP Gerald (Jerry) Bennett, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR	X	
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	X	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK	X	
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD	X	
REP. ELLIE BOLDMAN HILL	X	
REP. CAROLYN PEASE-LOPEZ	X	X
REP. SARAH LASZLOFFY	X	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER		X
REP. JERRY BENNETT, CHAIRMAN	X	

21 MEMBERS

**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Tuesday, February 3, 2015

SB 26 - Clarifying laws regarding electronic submitting of search warrants

Sponsor: Sen. Nels Swandal

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Jon Benson	DOT	✓		
MARK LONG	DOT	✓		
James Quinn	self	✓		
Demetrius Sullivan	self	X		
Sally O'Leary	MC AA	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Tuesday, February 3, 2015

HJ 4 - Joint resolution for balanced budget amendment

Sponsor: Rep. Matthew Monforton

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Riley Johnson	NFIB	X		
Roger Nummerdon	SELF		X	
ED REGAN	SELF		X	
JIM REINSMUND	SELF		X	
Dean Powers	self		X	
John Hahn	self		X	
Dow Meek	"		X	
CLARENCE D. GETZ	"		X	
Jim Anderson	self		X	
Daniel Kieder	self		X	
William "Bill" Summers	Self		X	
Ted L. Simpson	"		X	
MURNA SUMMERS	"		X	
Lois B. Simpson	"		X	
Susan Getz	"		X	
Janet Cunningham	"		X	
ROBERT SMOWS	"		X	
Derrell Padé	"		X	
DAN HAPPEL	"		X	
PAUL LANDSGAARD	SELF		X	
Mirelle Stevens	Self		X	
Victoria Stevens	Self		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives
Visitors Register
HOUSE JUDICIARY COMMITTEE**

Tuesday, February 3, 2015

HJ 4 - Joint resolution for balanced budget amendment

Sponsor: Rep. Matthew Monforton

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Chris Foxens	Myself		X	
Lola Galloway	myself		X	
Ruth Costea	myself		X	
Robert Brown	Myself		X	
Brent Mead	MPI	X		
Heather O'Laughlin	MBPC		X	
Fritz Pettyjohn	BBA Task Force	X		
WILLIAM FRUTH	BBA TASK FORCE	X		
Kim Abbott	MHRN		X	
ROBERTS KOLAR	SELF	X		
Betty Stockton	SELF	X		
Nathleen Androszewicz	self		X	
Jim Quillin	SELF		X	
Deorgetta Quillin	self		X	
Eric Burke	MEA-MET		X	
Ken Kerper	myself	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Chambers, McKenzie

**ADDITIONAL
DOCUMENTS**

From: Jendro, Ron
Sent: Tuesday, February 03, 2015 1:12 PM
To: Thigpen, Helen; Chambers, McKenzie
Subject: question about open container in HB 214 hearing
Attachments: Opencontainer.docx

Helen and McKenzie

I was at the Judiciary committee hearing on HB 214 and there was a question about open container and if it would apply to this bill. Open container does not include boats currently nor would it if this bill passes. I have attached the open container statute to make available to the committee during executive action. Thanks, Ron

Ron Jendro
Enforcement
FWP
(406)444-0136

61-8-460. Unlawful possession of open alcoholic beverage container in motor vehicle on highway. (1) Except as provided in subsection (2), a person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.

(2) This section does not apply to an open alcoholic beverage container:

- (a) in a locked glove compartment or storage compartment;
- (b) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment;
- (c) behind the last upright seat of a motor vehicle that is not equipped with a trunk;
- (d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or
- (e) in the immediate possession of a passenger:
 - (i) of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or
 - (ii) in the living quarters of a camper, travel trailer, or motor home.

(3) (a) A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100.

(b) A violation of this section is not a criminal offense within the meaning of 3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section against the insured or increase premiums because of the violation. The surcharges provided for in 3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.

History: En. Sec. 1, Ch. 348, L. 2005.

61-8-461. Definitions. As used in 61-8-460, the following definitions apply:

(1) "Alcoholic beverage" means a compound produced for human consumption as a drink that contains 0.5% or more of alcohol by volume.

(2) "Bus" means a motor vehicle with a manufacturer's rated seating capacity of 11 or more passengers, including the driver.

(3) "Camper" has the meaning provided in 61-1-101.

(4) "Highway" has the meaning provided in 61-1-101, including the shoulders of the highway.

(5) "Motor home" has the meaning provided in 61-1-101.

(6) "Motor vehicle" has the meaning provided in 61-1-101.

(7) "Open alcoholic beverage container" means a bottle, can, jar, or other receptacle that contains any amount of an alcoholic beverage and that is open or has a broken seal or the contents of which are partially removed.

(8) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while the driver or a passenger is seated in the vehicle, including an unlocked glove compartment.