

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 11, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

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 222, 1/30/2015; SB 223, 1/30/2015; SB 224, 1/30/2015;
HB 195, 2/2/2015

Executive Action: SB 242-Do Pass As Amended, HB 195-Be Concurred In,
HB 25-Tied (failed; remains in committee), HB 37-Tabled,
SB 202-Tabled, SB 222-Tabled, SB 231-Tabled

HEARING ON HB 195

Opening Statement by Sponsor:

00:01:18 Rep. Nate McConnell (D), HD 89, opened the hearing on HB 195, Revise pretrial diversion laws.

[EXHIBIT\(jus31a01\)](#)

[EXHIBIT\(jus31a02\)](#)

Proponents' Testimony:

00:03:35 Niki Zupanic, American Civil Liberties Union (ACLU)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:04:14 Sen. Sands

00:04:24 Rep. McConnell

Closing by Sponsor:

00:06:05 Rep. McConnell

HEARING ON SB 223

Opening Statement by Sponsor:

00:06:36 Sen. Gordon Vance (R), SD 34, opened the hearing on SB 223, Generally revise bail bond laws.

Proponents' Testimony:

00:07:32 Jesse Lazlovich, Commissioner of Securities and Insurance, State Auditor (CSI),

00:12:08 Brad Aipperspach, Your Bondsman, Missoula

00:23:49 Kelly Reisbeck, self, bail bondsman

Opponents' Testimony:

00:24:44 Larry Carver, justice of the peace, Judith County, Montana Magistrates Association (MMA)

[EXHIBIT\(jus31a03\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:34:24 Sen. McNally
00:35:07 Mr. Laslovich, CSI
00:36:12 Sen. Moe
00:36:49 Mr. Laslovich

Closing by Sponsor:

00:37:08 Sen. Vance

HEARING ON SB 222

Opening Statement by Sponsor:

00:37:43 Sen. Gordon Vance (R), SD 34, opened the hearing on SB 222, Generally revise process service laws.

Proponents' Testimony:

00:39:08 Rod Young, Valley Bail Bonds, Belgrade

Opponents' Testimony:

00:43:06 Michael Moore, attorney, Missoula, Montana Collectors Association (MCA)
00:50:57 Jeff Koch, president, Collection Bureau Services, Missoula
00:53:08 Tom England, Centran Credit Services, Helena

Informational Testimony:

None

Questions from Committee Members and Responses:

00:54:15 Sen. Vincent
00:54:54 Sen. Vance
00:55:18 Scott Restvedt, self, Valley Bail Bonds (VBB)
00:57:20 Sen. Vincent
00:57:57 Sen. Vance
00:58:33 Sen. Fielder
00:59:04 Sen. Vance
00:59:24 Sen. Fielder
00:59:56 Mr. Restvedt, VBB
01:01:28 Sen. Hinkle
01:02:01 Mr. Restvedt

01:02:35 Sen. Kary
01:03:12 Sen. Vance
01:04:17 Mr. Restvedt
01:04:54 Sen. Sands
01:05:25 Niki Zupanic, American Civil Liberties Union (ACLU)
01:07:16 Sen. Vincent
01:08:22 Sen. Sands
01:08:51 Sen. Vance

Closing by Sponsor:

01:09:50 Sen. Vance

HEARING ON SB 224

Opening Statement by Sponsor:

01:11:08 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 224, Create a sentencing commission.

Proponents' Testimony:

01:15:31 Sen. Kristin Hansen, SD 14, Havre, also for Section D budget Sub-Committee
01:18:39 Mike Batista, director, Department of Corrections (COR)
01:24:49 Jon Bennion, assistant attorney general, Department of Justice (DOJ)
01:25:55 Niki Zupanic, American Civil Liberties Union (ACLU)
01:28:53 Gary Mihelish, physician, Re-entry Task Force, Department of Corrections (COR)
01:31:57 Beth McLaughlin, administrator, Supreme Court, State of Montana
01:32:45 William Hooks, chief prosecutor, Office of the Public Defender
01:33:31 Rudy Stock, self, also for Steve Cape, Montana Coalition for Safety and Justice
EXHIBIT(jus31a04)
01:34:27 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP)
01:35:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
01:37:01 Beth Brenneman, Disability Rights Montana (DRM)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:38:35 Sen. Sands
01:39:04 Sen. Wolken
01:39:36 Sen. Vincent
01:40:21 Sen. Wolken
01:42:43 Ms. Zupanic, ACLU
01:44:29 Sen. Vincent
01:44:59 Ms. Zupanic

Closing by Sponsor:

01:45:35 Sen. Wolken

01:46:07 Recess
01:59:46 Reconvene

EXECUTIVE ACTION ON SB 202

02:00:23 **Motion:** Sen. Sands moved that **SB 202 DO PASS.**

Discussion:

02:00:46 Sen. Fielder
02:03:09 Sen. Vincent

02:04:23 **Vote:** Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe, Sen. Sands and Sen. Swandal voting aye. Sen. Hansen voted by proxy.

02:04:46 **Substitute Motion/Vote:** Sen. Vincent made a substitute motion that **SB 202 BE TABLED.** Substitute Motion carried 8-4 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally and Sen. Moe voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON HB 25

02:06:41 **Motion:** Sen. Fielder moved that **HB 25 BE CONCURRED IN.**

02:06:48 **Motion:** Sen. Fielder moved that **HB 25 BE AMENDED.**
[EXHIBIT\(jus31a05\)](#)

Discussion:

02:08:34 Sen. Larsen
02:08:44 Sen. Fielder
02:08:55 Julianne Burkhardt, Legislative Services Division, LSD
02:09:10 Sen. Fielder

02:09:18 Without objection, Sen. McNally requested that **SECTION 2 OF AMENDMENT 002501.AJB BE SEGREGATED FROM THE REST OF THE AMENDMENT.**

Discussion:

02:09:47 Sen. Hinkle

02:11:14 **Motion/Vote:** Sen. Kary moved that **HB 25 BE AMENDED WITH SECTION 3 OF AMENDMENT 002501.AJB.** Motion carried 8-4 by roll call vote with Sen. Kary, Sen. Moe, Sen. Sales and Sen. Swandal voting no. Sen. Hansen voted by proxy.

02:11:51 **Motion:** Sen. Driscoll moved that **HB 25 BE AMENDED WITH SECTION 2 OF AMENDMENT 002501.AJB.**

Discussion:

02:13:37 Sen. Swandal

02:14:17 Sen. Sands

02:14:56 Sen. Hinkle

02:15:45 Sen. Larsen

02:16:27 Sen McNally

02:17:09 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting aye. Sen. Hansen voted by proxy.

02:17:52 Ms. Burkhardt, LSD

02:18:36 **Motion:** Sen. Vincent moved that **HB 25 BE AMENDED WITH SECTION 1 OF AMENDMENT 002501.AJB.**

Discussion:

02:19:15 Ms. Burkhardt

02:19:42 Sen. Vincent

02:20:01 Sen. Sands

02:20:36 Sen. Fielder

02:21:18 Sen. Larsen

02:21:45 Ms. Burkhardt

02:22:06 Sen. Fielder

02:22:25 Sen. Sands

02:22:49 Chairman Sales

02:23:05 Sen. Moe

02:23:49 Sen. Vincent

02:24:09 **Vote:** Motion carried 9-3 by roll call vote with Sen. Larsen, Sen. McNally and Sen. Sales voting no. Sen. Hansen voted by proxy.

02:25:06 **Motion:** Sen. Swandal moved that **HB 25 BE CONCURRED IN AS AMENDED.**

Discussion:

02:25:21 Chairman Sales

02:26:39 **Vote:** Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe, Sen. Sands and Sen. Swandal voting aye. Sen. Hansen voted by proxy. (Bill remains in committee)

EXECUTIVE ACTION ON SB 187

02:27:33 **Motion:** Sen. Swandal moved to **RECONSIDER THE ACTION** on **SB 187 (TIED; FAILED IN COMMITTEE 2/3/15).**

02:28:00 Without objection, Sen. Swandal withdrew the **MOTION** to **RECONSIDER SB 187.**

EXECUTIVE ACTION ON HB 195

02:28:47 **Motion/Vote:** Sen. Swandal moved that **HB 195 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Hansen voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON SB 222

02:29:52 **Motion/Vote:** Sen. Vincent moved that **SB 222 BE TABLED.** Motion carried 11-1 by roll call vote with Sen. Hinkle voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON HB 37

02:30:52 **Motion:** Sen. Swandal moved that **HB 37 BE CONCURRED IN.**

02:31:16 **Substitute Motion/Vote:** Sen. Vincent made a substitute motion that **HB 37 BE TABLED.** Substitute Motion carried 11-1 by roll call vote with Sen. Swandal voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 242

02:33:02 **Motion:** Sen. Fielder moved that **SB 242 DO PASS.**

02:33:11 **Motion:** Sen. Hinkle moved that **SB 242 BE AMENDED.**
[EXHIBIT\(jus31a06\)](#)

Discussion:

02:35:46 Sen. Kary

02:36:03 Sen. Swandal

02:36:23 Julianne Burkhardt, Legislative Services Division LSD

02:37:19 Chairman Sales
02:37:23 Sen. Swandal

02:38:05 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen voted by proxy.

02:38:24 Sen. Vincent

02:38:53 **Motion/Vote:** Sen. Fielder moved that **SB 242 DO PASS AS AMENDED.**
Motion carried 11-1 by voice vote with Sen. Vincent voting no. Sen. Hansen
voted by proxy.

EXECUTIVE ACTION ON SB 231

02:39:56 **Motion:** Sen. Swandal moved that **SB 231 DO PASS.**

Discussion:

02:40:04 Sen. Moe
02:40:29 Sen. Fielder

02:40:49 **Vote:** Motion failed 4-8 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen.
Sands and Sen. Swandal voting aye. Sen. Hansen voted by proxy. Without
objection, Chairman Sales **REVERSED THE VOTE AND TABLED THE BILL.**

ADJOURNMENT

Adjournment: 11:43 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus31aad.pdf](#))