

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Gerald (Jerry) Bennett, on March 12, 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. 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. Matthew Monforton (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Zac Perry (D)  
Rep. Andrew Person (D)  
Rep. Randall Pinocci (R)  
Rep. Keith Regier (R)

**Members Excused:** Rep. Jennifer Eck (D)  
Rep. G. Bruce Meyers (R)  
Rep. Kirk Wagoner (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 586, 2/25/2015; SB 242, 2/25/2015; SB 253, 2/25/2015; SB 266, 2/25/2015

00:01:17 Chair J. Bennett

### **HEARING ON SB 266**

#### **Opening Statement by Sponsor:**

00:02:15 Sen. Mary McNally (D), SD 24, opened the hearing on SB 266, Provide for uniform act regarding fiduciary access to digital assets.

[EXHIBIT\(juh51a01\)](#)

[EXHIBIT\(juh51a02\)](#)

#### **Proponents' Testimony:**

00:05:42 Karen Powell, Uniform Law Commission (ULC)

00:08:40 David Dietrich, American Bar Association's Section on Real Property, Trust and Estate Law (RPTE) and State Bar of Montana's Section on Business, Estates, Trusts, Tax & Real Property (BETTR)

[EXHIBIT\(juh51a03\)](#)

00:08:57 Rep. Meyers joined the meeting.

00:17:36 Dirk Williams, State Bar of Montana's Section on Business, Estates, Trusts, Tax & Real Property (BETTR)

00:21:22 Donya Parrish, Montana Credit Union Network (MCUN)

00:23:11 Keith Tokerud, Self

00:25:23 Lane Shetterly, Uniform Law Commission (ULC)

[EXHIBIT\(juh51a04\)](#)

#### **Opponents' Testimony:**

00:31:42 Carl Szabo, NetChoice

[EXHIBIT\(juh51a05\)](#)

00:38:07 Dan Sachs, Facebook

00:44:45 Chuck Denowh, Internet Coalition

**Informational Testimony:** None

#### **Proponents' Testimony:**

00:46:01 Chuck Willey, Self

00:48:41 Chair J. Bennett

00:48:50 Chuck Willey, Self

00:49:09 Chair J. Bennett

#### **Questions from Committee Members and Responses:**

00:49:51 Rep. Hill

00:50:47 David Dietrich, RPTE and BETTR

00:51:16 Rep. Hill

00:51:28 David Dietrich, RPTE and BETTR

00:51:45 Rep. Hill

00:52:02 Dirk Williams, BETTR

00:52:45 Rep. McConnell

00:52:55 Carl Szabo, NetChoice

00:53:00 Rep. McConnell

00:53:57 Carl Szabo, NetChoice

00:54:11 Rep. McConnell

00:54:19 Carl Szabo, NetChoice  
00:56:15 Rep. McConnell  
00:56:37 Carl Szabo, NetChoice  
00:58:19 Rep. McConnell  
00:59:16 David Dietrich, RPTE and BETTR  
01:02:01 Rep. Kelker  
01:02:41 David Dietrich, RPTE and BETTR  
01:04:00 Rep. Fiscus  
01:04:50 Carl Szabo, NetChoice  
01:06:14 Rep. Fiscus  
01:06:28 Carl Szabo, NetChoice  
01:07:25 Rep. MacDonald  
01:08:18 Lane Shetterly, ULC  
01:09:57 Rep. MacDonald  
01:10:27 Lane Shetterly, ULC  
01:10:59 Rep. Eck joined the meeting.  
01:11:30 Rep. Regier  
01:11:54 David Dietrich, RPTE and BETTR  
01:12:25 Rep. Regier  
01:12:40 Carl Szabo, NetChoice  
01:14:02 Rep. Manzella  
01:14:43 Chuck Willey, Self  
01:15:27 Rep. Perry  
01:15:48 David Dietrich, RPTE and BETTR  
01:15:56 Rep. Monforton  
01:17:43 Dirk Williams, BETTR  
01:18:52 Rep. Monforton  
01:19:14 Carl Szabo, NetChoice  
01:20:29 Rep. Doane  
01:20:44 Carl Szabo, NetChoice  
01:20:52 Rep. Doane  
01:21:04 Carl Szabo, NetChoice  
01:21:39 Rep. Doane  
01:21:52 Carl Szabo, NetChoice  
01:22:19 Chair J. Bennett  
01:23:07 Dirk Williams, BETTR  
01:23:50 Chair J. Bennett  
01:24:27 Carl Szabo, NetChoice

**Closing by Sponsor:**

01:25:44 Sen. McNally

**HEARING ON SB 253****Opening Statement by Sponsor:**

01:30:22 Sen. Mary McNally (D), SD 24, opened the hearing on SB 253, Provide for uniform act for powers of appointment for estate planning.

**Proponents' Testimony:**

01:31:40 Chuck Willey, State Bar of Montana's Section on Business, Estates, Trusts, Tax & Real Property (BETTR)

**EXHIBIT(juh51a06)**

01:32:27 Chair J. Bennett left the meeting and Rep. Doane assumed the role of chair.

01:35:30 Dirk Williams, State Bar of Montana's Section on Business, Estates, Trusts, Tax & Real Property (BETTR)

01:36:18 Rep. J. Bennett rejoined the meeting and resumed the role of chair.

01:37:42 Chair J. Bennett

01:37:46 Dirk Williams, BETTR

01:38:04 Keith Tokerud, Self

01:41:02 Karen Powell, Uniform Law Commission (ULC)

01:41:57 David Dietrich, American Bar Association's Section on Real Property, Trust and Estate Law (RPTE)

01:42:38 Hanna Warhank, State Bar of Montana's Section on Business, Estates, Trusts, Tax & Real Property (BETTR)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:44:16 Rep. Monforton

01:44:49 Chuck Willey, BETTR

01:46:08 Rep. Monforton

01:46:29 Karen Powell, ULC

**Closing by Sponsor:**

01:46:47 Sen. McNally

01:47:07 Chair J. Bennett

01:47:21 Sen. McNally

01:47:28 Rep. Monforton

01:47:37 Sen. McNally

01:47:57 Chair J. Bennett

01:48:02 Recessed

01:58:20 Reconvened

01:58:21 Chair J. Bennett

**HEARING ON SB 242****Opening Statement by Sponsor:**

01:58:43 Sen. Roger Webb (R), SD 23, opened the hearing on SB 242, Revise laws related to providing alcohol to minors.

**Proponents' Testimony:**

01:59:44 Coleen Smith, Youth Connections

**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

02:04:26 Rep. Hill  
02:05:13 Sen. Webb  
02:05:25 Rep. Eck  
02:05:42 Sen. Webb  
02:05:56 Rep. Fiscus  
02:06:08 Sen. Webb  
02:06:34 Rep. Fiscus  
02:06:48 Sen. Webb  
02:06:50 Rep. Fiscus  
02:07:10 Sen. Webb  
02:07:14 Rep. Fiscus  
02:07:48 Sen. Webb  
02:08:33 Rep. Fiscus  
02:08:41 Rep. Kelker  
02:09:45 Sen. Webb  
02:09:51 Rep. Regier  
02:10:30 Sen. Webb  
02:10:33 Rep. Regier  
02:10:54 Sen. Webb  
02:11:26 Rep. Regier  
02:11:45 Sen. Webb  
02:12:10 Rep. Eck  
02:12:48 Sen. Webb  
02:13:01 Rep. Eck  
02:13:14 Helen Thigpen, Legislative Services Division (LSD)  
02:13:24 Rep. Eck  
02:13:34 Helen Thigpen, LSD  
02:14:01 Rep. Berglee  
02:14:23 Sen. Webb  
02:15:09 Rep. Wagoner joined the meeting.  
02:15:14 Rep. Berglee  
02:15:54 Sen. Webb  
02:16:54 Rep. Fiscus  
02:17:26 Sen. Webb  
02:17:39 Rep. Fiscus  
02:18:16 Sen. Webb

02:18:32 Rep. Court  
02:19:07 Sen. Webb  
02:19:15 Rep. Hill  
02:20:20 Sen. Webb  
02:20:26 Rep. Doane  
02:20:45 Sen. Webb  
02:21:09 Chair J. Bennett  
02:21:35 Coleen Smith, Youth Connections  
02:22:01 Chair J. Bennett  
02:22:13 Coleen Smith, Youth Connections

**Closing by Sponsor:**

02:22:28 Sen. Webb

02:23:05 Chair J. Bennett

**HEARING ON HB 586****Opening Statement by Sponsor:**

02:23:25 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 586, Revise laws related to aerial drones.

[EXHIBIT\(juh51a07\)](#)

**Proponents' Testimony:** None

**Opponents' Testimony:**

02:30:26 Chuck Flynn, Montana Pilots Association

[EXHIBIT\(juh51a08\)](#)

[EXHIBIT\(juh51a09\)](#)

[EXHIBIT\(juh51a10\)](#)

[EXHIBIT\(juh51a11\)](#)

02:43:29 Mark Lambrecht, Treasure State Resource Industry Association (TSRIA)

02:46:51 Dave Galt, Montana Petroleum Association (MPA)

02:48:41 Gary Forrester, MDU Resources Group, Inc. (MDU)

02:49:26 Greg Van Horssen, State Farm Insurance Company and representing American Insurance Association (AIA), Property Casualty Insurers Association of America (PCIAA) and Farmers Insurance Group

02:52:27 Barbara Ranf, BNSF Railway Company

[EXHIBIT\(juh51a12\)](#)

[EXHIBIT\(juh51a13\)](#)

**Informational Testimony:**

02:53:40 Larry Epstein, Montana County Attorneys Association (MCAA)

**Questions from Committee Members and Responses:**

02:54:05 Rep. Hess

02:54:28 Rep. Curdy

02:55:33 Rep. Hess

02:55:59 Rep. Curdy

02:56:20 Rep. Hess  
02:56:40 Rep. Curdy  
02:57:31 Rep. Wagoner  
02:57:56 Chuck Flynn, Montana Pilots Association  
02:57:58 Rep. Wagoner  
02:58:01 Chuck Flynn, Montana Pilots Association  
02:58:13 Rep. Wagoner  
02:58:22 Chuck Flynn, Montana Pilots Association  
02:58:25 Rep. Wagoner  
02:58:48 Chuck Flynn, Montana Pilots Association  
02:59:19 Rep. Wagoner  
02:59:27 Chuck Flynn, Montana Pilots Association  
02:59:38 Rep. Wagoner  
02:59:38 Chuck Flynn, Montana Pilots Association  
02:59:49 Rep. Berglee  
03:00:20 Rep. Curdy  
03:00:26 Rep. Berglee  
03:00:29 Rep. Curdy  
03:02:33 Rep. Berglee  
03:02:51 Rep. Curdy  
03:03:24 Rep. Berglee  
03:03:51 Rep. Curdy  
03:05:33 Rep. Kelker  
03:06:32 Gary Forrester, MDU  
03:08:20 Rep. Doane  
03:08:41 Dave Galt, MPA  
03:08:43 Rep. Doane  
03:09:32 Dave Galt, MPA  
03:10:04 Rep. Doane  
03:10:37 Dave Galt, MPA  
03:10:49 Rep. Court  
03:11:30 Rep. Curdy  
03:12:58 Rep. Eck  
03:13:20 Larry Epstein, MCAA  
03:14:09 Chair J. Bennett  
03:14:32 Mark Lambrecht, TSRIA  
03:15:40 Rep. McConnell  
03:16:44 Larry Epstein, MCAA  
03:17:58 Rep. McConnell  
03:18:12 Chair J. Bennett  
03:18:35 Rep. Curdy

**Closing by Sponsor:**

03:18:42 Rep. Curdy

03:22:51 Chair J. Bennett

**ADJOURNMENT**

Adjournment: 03:23:30

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McKenzie Chambers, Secretary

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Additional Documents:

**EXHIBIT([juh51aad.pdf](#))**