

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on March 10, 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: HB 412, 3/5/2015; HB 436, 3/5/2015; HB 447, 3/5/2015; HB 448, 3/5/2015; SR 28, 3/5/2015

Executive Action: None

**HEARING ON HB 436**

**Opening Statement by Sponsor:**

00:01:03 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 436, Revising the Montana uniform trust code.

**Proponents' Testimony:**

00:01:39 Dirk Williams, chairman, Business, Estates, Trusts, Tax and Real Property Section (BETTR), State Bar of Montana

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:05:01 Rep. Dudik

**HEARING ON HB 447**

**Opening Statement by Sponsor:**

00:05:34 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 447, Revise right to participate laws related to attorney fees.

**Proponents' Testimony:**

00:11:19 John MacDonald, Montana Newspaper Association (MNA)  
00:15:35 Matt Gibson, The Missoula Independent Newspaper  
00:22:32 Jim Brown, self, attorney  
00:27:18 Mike Meloy, self, attorney, Helena  
00:34:37 Al Smith, Montana Trial Lawyers Association (MTLA)  
00:39:02 Derf Johnson, Montana Environmental Information Center (MEIC)

**Opponents' Testimony:**

00:40:48 Valerie Bashor, special assistant attorney general, Department of Public Health and Human Services (DPHHS)

**[EXHIBIT\(jus49a01\)](#)**

- 00:47:10 Mike Manion, chief legal counsel, deputy director, Department of Administration (DOA)  
00:48:32 Gregory Bonilla, managing defense counsel, Montana Association of Counties (MACo)  
00:55:20 David Nielsen, Montana League of Cities and Towns (MLCT)

**Informational Testimony:**

- 00:58:14 Dirk Williams, chairman, Business, Estates, Trusts, Tax and Real Property Section (BETTR), State Bar of Montana

**Questions from Committee Members and Responses:**

- 00:59:33 Sen. Moe  
01:00:11 Mr. Meloy, self  
01:08:23 Sen. McNally  
01:08:54 Rep. Wagoner  
01:12:21 Sen. Fielder  
01:12:56 Mr. Brown, self  
01:18:54 Sen. Larsen  
01:20:56 Mr. Meloy

**Closing by Sponsor:**

- 01:22:24 Rep. Wagoner

**HEARING ON HB 448****Opening Statement by Sponsor:**

- 01:25:27 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 448, Revise right to know laws related to attorney fees.

**Proponents' Testimony:**

- 01:28:26 Jim Brown, self, attorney  
01:33:13 John MacDonald, Montana Newspaper Association (MNA); also for Darrell Ehrlick, Billings Gazette

**[EXHIBIT\(jus49a02\)](#)**

- 01:35:24 Matt Gibson, The Missoula Independent Newspaper  
01:38:11 Mike Meloy, self, attorney, Helena  
01:45:16 Al Smith, Montana Trial Lawyers Association (MTLA)  
01:46:21 Derf Johnson, Montana Environmental Information Center (MEIC)

**Opponents' Testimony:**

- 01:46:45 Valerie Bashor, special assistant attorney general, Department of Public Health and Human Services (DPHHS)

**[EXHIBIT\(jus49a03\)](#)**

01:52:15 Mike Manion, chief legal counsel, deputy director, Department of Administration (DOA)  
01:54:08 Mark Murphy, Montana County Attorneys Association (MCAA)  
01:58:33 Gregory Bonilla, managing defense counsel, Montana Association of Counties (MACo)  
02:04:53 David Nielsen, Montana League of Cities and Towns (MLCT)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:06:19 Sen. Swandal  
02:06:47 Mr. Meloy, self

**Closing by Sponsor:**

02:08:36 Rep. Wagoner

**HEARING ON HB 412**

**Opening Statement by Sponsor:**

02:12:00 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 412, Generally revise minor in possession laws.

[EXHIBIT\(jus49a04\)](#)

**Proponents' Testimony:**

02:18:02 Jake Brown, Montana Public Interest Research Group (MontPIRG)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:20:10 Sen. Sands  
02:20:20 Rep. Zolnikov  
02:20:33 Sen. Hinkle  
02:20:43 Rep. Zolnikov

**Closing by Sponsor:**

02:21:09 Rep. Zolnikov

(Vice-Chair Sands assumed the role of Chairperson)

**HEARING ON SR 28**

**Opening Statement by Sponsor:**

02:21:40 Sen. Scott Sales (R), SD 35, opened the hearing on SR 28, Confirm Governor's appointees to the board of crime control.

[EXHIBIT\(jus49a05\)](#)

**Proponents' Testimony:**

02:22:18 Deb Mateucci, director, Montana Board of Crime Control (MBCC)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

02:23:18 Sen. Sales

(Sen. Sales resumed the role of Chairperson)

**ADJOURNMENT**

Adjournment: 11:25 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus49aad.pdf](#))**