

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on March 12, 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. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Diane Sands (D)
Sen. Chas Vincent (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 446, 3/6/2015; HB 516, 3/6/2015; HB 518, 3/6/2015; HB 533, 3/6/2015; HB 584, 3/6/2015

Executive Action: HB 518-Be Concurred In, HB 111-Be Concurred In, HB 330-Be Concurred In As Amended, HB 227-Be Concurred In, SR 28-Be Adopted; HB 584-Be Concurred In; Motion Withdrawn, further discussion needed

HEARING ON HB 446

Opening Statement by Sponsor:

00:00:58 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 446, Revise campaign finance laws to authorize attorney fees for prevailing party.

Proponents' Testimony:

None

Opponents' Testimony:

00:10:22 Jonathon Motl, Commissioner of Political Practices (COPP)
[EXHIBIT\(jus51a01\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:29:26 Sen. Fielder
00:29:50 Mr. Motl, COPP
00:30:59 Sen. Hinkle
00:31:25 Mr. Motl
00:34:36 Sen. Driscoll
00:34:41 Chairman Sales
00:34:46 Sen. Hinkle
00:35:07 Mr. Motl
00:35:58 Sen. Larsen
00:37:24 Rep. Wagoner
00:38:29 Sen. Moe
00:39:08 Rep. Wagoner

Closing by Sponsor:

00:39:27 Rep. Wagoner, also for Rep. Mike Miller HD 58, Helmville; also for Jim Brown, attorney, Helena

[EXHIBIT\(jus51a02\)](#)

[EXHIBIT\(jus51a03\)](#)

[EXHIBIT\(jus51a04\)](#)

[EXHIBIT\(jus51a05\)](#)

HEARING ON HB 518

Opening Statement by Sponsor:

00:42:38 Rep. Ron Ehli (R), HD 86, opened the hearing on HB 518, Revise laws related to search warrants.

Proponents' Testimony:

00:43:46 Bill Fulbright, Ravalli County attorney, Hamilton
00:49:11 Garrett Bacon, self, East Helena
00:49:49 Mark Murphy, Montana County Attorneys Association (MCAA)
00:50:13 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:51:09 Sen. Fielder
00:51:50 Rep. Ehli
00:52:42 Mr. Fulbright, Ravalli County attorney

Closing by Sponsor:

00:55:51 Rep. Ehli

HEARING ON HB 533

Opening Statement by Sponsor:

00:56:53 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 533, Generally revise concealed weapon laws.

Proponents' Testimony:

01:03:11 Garrett Bacon, self, East Helena

Opponents' Testimony:

01:03:52 Nancy de Pastino, Moms Demand Action For Gun Sense In America (MDAGSA)
01:06:48 Bill Fulbright, Ravalli County attorney, Hamilton; Montana County Attorneys Association (MCAA)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:08:37 Rep. Wagner

HEARING ON HB 516

Opening Statement by Sponsor:

01:10:08 Rep. Margaret (Margie) MacDonald (D), HD 51, opened the hearing on HB 516, Revise petition for DNA testing laws.

Proponents' Testimony:

01:14:30 Keegan Flaherty, executive director, Montana Innocence Project (MIP); also for Larry Jent, board member, Montana Innocence Project (MIP)

[EXHIBIT\(jus51a06\)](#)

01:17:18 Abigail St. Lawrence, National Innocence Project (NIP)

[EXHIBIT\(jus51a07\)](#)

01:20:47 Niki Zupanic, American Civil Liberties Union (ACLU)

01:21:10 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

01:23:45 Brant Light, chief prosecutor, assistant attorney general, Department of Justice (DOJ)

01:30:51 Mark Murphy, Montana County Attorneys Association (MCAA)

[EXHIBIT\(jus51a08\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:39:53 Sen. Moe

01:40:38 Ms. St. Lawrence, NIP

01:42:44 Sen. Moe

01:43:00 Rep. MacDonald

01:43:05 Sen. Driscoll

01:43:24 Ms. Flaherty, MIP

01:43:44 Ms. St. Lawrence

Closing by Sponsor:

01:44:26 Rep. MacDonald

[EXHIBIT\(jus51a09\)](#)

HEARING ON HB 584

Opening Statement by Sponsor:

01:47:20 Rep. Randall Pinocci (R), HD 19, opened the hearing on HB 584, Revising retaliatory conduct laws related to landlords and tenants.

Proponents' Testimony:

01:47:38 John Sinrud, Montana Landlords Association (MLA)

01:48:37 Rickey Linafelter, Montana Landlords Association (MLA)

01:48:59 Dennis Keaster, vice president, Helena chapter, Montana Landlords Association (MLA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:50:14 Rep. Pinocci

01:50:41 Recess

02:02:30 Reconvene

EXECUTIVE ACTION ON HB 584

02:02:55 **Motion:** Sen. Swandal moved that **HB 584 BE CONCURRED IN.**

Discussion:

02:03:12 Sen. Driscoll

02:03:59 Sen. Moe

02:04:50 Sen. Fielder

02:05:55 Without objection, Sen. Swandal withdrew his motion.

02:06:15 Chairman Sales

EXECUTIVE ACTION ON HB 518

02:07:13 **Motion:** Sen. Moe moved that **HB 518 BE CONCURRED IN.**

Discussion:

02:07:18 Sen. Swandal

02:08:20 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 111

02:09:13 **Motion:** Sen. Fielder moved that **HB 111 BE REMOVED FROM TABLE.**
[EXHIBIT\(jus51a10\)](#)
[EXHIBIT\(jus51a11\)](#)
[EXHIBIT\(jus51a12\)](#)
[EXHIBIT\(jus51a13\)](#)

Discussion:

02:09:48 Sen. Moe

02:10:12 **Vote:** Motion carried 8-1 by roll call vote with Sen. Sales voting no. Sen. Hansen, Sen. Sands and Sen. Vincent were excused (present and voting only).

02:11:10 **Motion:** Sen. Fielder moved that **HB 111 BE CONCURRED IN.**

Discussion:

02:12:24 Sen. Larsen
02:13:05 Sen. Swandal
02:13:55 Sen. Moe

02:14:35 **Vote:** Motion carried 9-3 by roll call vote with Sen. Moe, Sen. Sales and Sen. Vincent voting no. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy. Sen. Fielder will carry the bill.

EXECUTIVE ACTION ON SR 28

02:16:03 **Motion:** Sen. Moe moved that **SR 28 BE ADOPTED.**

Discussion:

02:16:32 Chairman Sales

02:16:49 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON HB 330

02:17:51 **Motion:** Sen. Fielder moved that **HB 330 BE CONCURRED IN.**

02:19:31 **Motion/Vote:** Sen. Fielder moved that **HB 330 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy.

EXHIBIT(jus51a14)

02:19:53 **Motion:** Sen. Fielder moved that **HB 330 BE CONCURRED IN AS AMENDED.**

02:20:04 **Motion:** Sen. Sales moved that **HB 330 BE AMENDED.**

EXHIBIT(jus51a15)

Discussion:

02:21:47 Sen. Driscoll

02:22:07 Chairman Sales

02:23:03 Sen. Fielder

02:23:47 **Vote:** Motion carried 11-1 by roll call vote with Sen. Kary voting no. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy.

02:24:24 **Motion:** Sen. Fielder moved that **HB 330 BE CONCURRED IN AS AMENDED.**

Discussion:

02:24:34 Sen. McNally

02:24:56 **Vote:** Motion carried 11-1 by voice vote with Sen. Larsen voting no. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy. Sen. Sales will carry the bill.

EXECUTIVE ACTION ON HB 227

02:25:56 **Motion:** Sen. Moe moved that **HB 227 BE CONCURRED IN.**

Discussion:

02:26:11 Sen. Driscoll

02:26:48 Chairman Sales

02:27:36 Sen. Fielder

02:28:39 Sen. Larsen

02:29:32 Sen. Driscoll

02:29:59 Chairman Sales

02:30:30 Chad Dexter, child support enforcement division (CSED), Department of Public Health and Human Services (DPHHS)

02:33:08 Sen. Driscoll

02:33:35 Sen. McNally

02:34:24 Sen. Moe
02:35:06 Sen. Hinkle
02:35:46 Mr. Dexter, DPHHS
02:37:17 Chairman Sales
02:37:47 Mr. Dexter

02:38:37 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Sales and Sen. Vincent voting no. Sen. Hansen, Sen. Sands and Sen. Vincent voted by proxy. Sen. Sands will carry the bill.

ADJOURNMENT

Adjournment: 11:40 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus51aad.pdf](#))