

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on March 17, 2015 at 8:00 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. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Chas Vincent (R)
Sen. Cliff Larsen (D)

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 474, 3/6/2015; HB 501, 3/12/2015; HB 344, 3/13/2015;

Executive Action: HB 204-Be Concurred In As Amended, HB 207-Be Concurred In
HB 446-Be Concurred In, HB 447-Be Concurred In As Amended
HB 448-Be Concurred In As Amended, HB 444-Be Concurred As
Amended-Postponed Action/Further discussion needed, HB 445-
Be Concurred In-Postponed Action/Further discussion needed,
HB 463-Tabled, SR 28-Be Adopted (This Executive Action was
not needed, Executive Action was done on 3/12/15.)

HEARING ON HB 344

Opening Statement by Sponsor:

00:00:57 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 344, Generally prohibit governmental use of license plate scanners.

[EXHIBIT\(jus55a01\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

00:11:28 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

00:14:22 Larry Epstein, Montana Association of Chiefs of Police (MACOP)

Informational Testimony:

None

Questions from Committee Members and Responses:

00:16:20 Sen. Kary

00:16:49 Rep. Zolnikov

00:18:53 Sen. Sands

00:19:23 Rep. Zolnikov

Closing by Sponsor:

00:22:40 Rep. Zolnikov

(Sen. Driscoll absent from the room)

EXECUTIVE ACTION ON HB 204

00:26:10 **Motion:** Sen. Fielder moved that **HB 204 BE CONCURRED IN.**

00:26:57 **Motion:** Sen. Fielder moved that **HB 204 BE AMENDED.**

[EXHIBIT\(jus55a02\)](#)

Discussion:

00:27:29 Julianne Burkhardt, Legislative Services Division (LSD)

00:28:51 Sen. Kary

00:28:55 Ms. Burkhardt, LSD

00:29:17 Sen. Sands

00:29:41 Ms. Burkhardt

00:30:12 Sen. Swandal
00:30:38 Sen. Sands
00:32:07 Sen. Fielder

00:32:30 **Vote:** Motion carried unanimously by voice vote. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy.

00:32:56 **Motion/Vote:** Sen. Fielder moved that **HB 204 BE CONCURRED IN AS AMENDED**. Motion carried 11-0 by roll call vote. Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy. Sen. Driscoll was excused. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 207

00:34:37 **Motion:** Sen. Fielder moved that **HB 207 BE CONCURRED IN**.

Discussion:

00:35:35 Sen. Moe
00:35:38 Julianne Burkhardt, Legislative Services Division (LSD)
00:35:45 Sen. Swandal
00:36:06 Sen. Sands
00:36:16 Sen. Fielder

00:36:49 **Vote:** Motion carried unanimously by voice vote. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 446

00:38:03 **Motion:** Sen. Fielder moved that **HB 446 BE CONCURRED IN**.

Discussion:

00:38:33 Sen. Moe
00:39:31 **Vote:** Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting no. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy. Sen. Vincent will carry the bill.

EXECUTIVE ACTION ON HB 447

00:41:26 **Motion:** Sen. Fielder moved that **HB 447 BE CONCURRED IN**.

00:41:49 **Motion:** Sen. Moe moved that **HB 447 BE AMENDED**.
[EXHIBIT\(jus55a03\)](#)

Discussion:

00:43:19 Sen. Swandal
00:43:30 Sen. Fielder

- 00:43:52 Sen. Moe
00:44:20 Sen. Fielder
00:45:37 Sen. Swandal
- 00:46:03 **Vote:** Motion carried 9-3 by voice vote with Sen. Fielder, Sen. Hansen and Sen. Vincent voting no. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy.
- 00:46:40 **Motion/Vote:** Sen. Fielder moved that **HB 447 BE CONCURRED IN AS AMENDED**. Motion carried 9-3 by roll call vote with Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 448

- 00:47:51 **Motion:** Sen. Fielder moved that **HB 448 BE CONCURRED IN**.
- 00:48:50 **Motion/Vote:** Sen. Moe moved that **HB 448 BE AMENDED**. Motion carried 8-4 by voice vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Vincent voting no. Sen. Driscoll, Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy.

[EXHIBIT\(jus55a04\)](#)

(Sen. Larsen entered the hearing room)

- 00:50:19 **Motion/Vote:** Sen. Moe moved that **HB 448 BE CONCURRED IN AS AMENDED**. Motion carried 9-3 by roll call vote with Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Driscoll, Sen. Hansen and Sen. Vincent voted by proxy. Sen. Swandal will carry the bill.

HEARING ON HB 474

Opening Statement by Sponsor:

- 00:51:26 Rep. Jennifer Eck (D), HD 79, opened the hearing on HB 474, Require child sexual abuse and child sex trafficking prevention efforts.

[EXHIBIT\(jus55a05\)](#)

[EXHIBIT\(jus55a06\)](#)

[EXHIBIT\(jus55a07\)](#)

Proponents' Testimony:

- 00:59:30 Derek VanLuchene, Ryan United
01:05:18 Rep. Sarah Laszloffy, HD 53, Laurel
01:07:09 Brian Kahn, self
01:09:46 Jon Bennion, assistant attorney general, Department of Justice (DOJ); also for Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:11:46 Larry Epstein, Montana Association of Chiefs of Police (MACOP); Montana
Police Protective Association (MPPA); Montana County Attorneys Association (MCAA)
01:12:59 Tammy Elser, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:14:40 Sen. Fielder
01:15:16 Mr. Kahn, self
01:17:14 Sen. Fielder
01:17:24 Mr. Bennion, DOJ
01:19:49 Sen. Sands
01:20:13 Mr. Epstein, MACOP; MPPA; MCAA

(Sen. Driscoll returned to the hearing room)

01:21:17 Sen. Swandal
01:21:42 Rep. Eck

Closing by Sponsor:

01:23:43 Rep. Eck

HEARING ON HB 501

Opening Statement by Sponsor:

01:26:01 Rep. Debra Lamm (R), HD 60, opened the hearing on HB 501, Revise laws
related to student data collection and privacy.

[EXHIBIT\(jus55a08\)](#)

Proponents' Testimony:

01:28:59 Lisa Russell, self, Laurel

[EXHIBIT\(jus55a09\)](#)

[EXHIBIT\(jus55a10\)](#)

[EXHIBIT\(jus55a11\)](#)

[EXHIBIT\(jus55a12\)](#)

01:37:39 Cindy Brooks, self, Eureka

[EXHIBIT\(jus55a13\)](#)

01:40:54 John Quandt, self, Billings

Opponents' Testimony:

01:43:40 Madalyn Quinlan, chief of staff, Office of Public Instruction (OPI)

01:52:38 Tammy Elser, self; educator/teacher

01:55:50 Laurie Barron, superintendent, Evergreen School, Kalispell

01:58:28 Rob Watson, superintendent, Bozeman Public Schools

[EXHIBIT\(jus55a14\)](#)

[EXHIBIT\(jus55a15\)](#)

02:03:14 Dan Zorn, assistant superintendent of schools, Kalispell Public Schools (KPS)

[EXHIBIT\(jus55a16\)](#)

02:05:30 John Rouse, superintendent, Browning Public Schools

02:07:13 Carol McKittrick, principal, Mountain View Elementary School, Great Falls

02:10:32 Tammy Lacey, superintendent, Great Falls Public Schools (GFPS)

02:12:05 Peter Donovan, executive director, Board of Public Education; also for Office of Public Instruction (OPI)

02:12:27 Bob Vogel, Montana School Boards Association (MTSBA)

02:12:49 Claudette Morton, Montana League of Women Voters (MTLWV)

02:13:06 Marco Ferro, MEA-MFT

02:13:17 Dianne Burke, Montana Quality Education Coalition (MQEC)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:13:46 Sen. Hinkle

02:14:25 Ms. Quinlan, OPI

02:17:05 Sen. Hinkle

02:17:36 Mr. Zorn, KPS

02:18:50 Sen. Hinkle

02:19:38 Rep. Lamm

02:20:51 Sen. Sands

02:21:26 Mr. Vogel, MTSBA

(Sen. Vincent entered the hearing room)

02:25:39 Sen. Fielder

02:26:00 Ms. Quinlan

02:34:23 Sen. Moe

02:34:55 Ms. Lacey, GFPS

02:38:48 Sen. McNally

02:39:25 Rep. Lamm

02:39:36 Rep. Hinkle

02:40:28 Ms. Russell, self

02:43:03 Sen. Driscoll

02:43:11 Ms. Russell

Closing by Sponsor:

02:43:35 Rep. Lamm

02:48:26 Recess

03:03:01 Reconvene

EXECUTIVE ACTION ON HB 444

03:03:32 **Motion:** Sen. Fielder moved that **HB 444 BE CONCURRED IN.**

03:04:12 **Motion:** Sen. Fielder moved that **HB 444 BE AMENDED.**
EXHIBIT(jus55a17)

Discussion:

03:04:52 Julianne Burkhardt, Legislative Services Division (LSD)

03:05:56 Sen. Fielder

03:06:10 **Vote:** Motion carried 9-3 by voice vote with Sen. Driscoll, Sen. Larsen and Sen. Sands voting no. Sen. Hansen voted by proxy.

03:06:33 **Motion:** Sen. Fielder moved that **HB 444 BE CONCURRED IN AS AMENDED.**

03:06:42 **Motion:** Sen. Swandal moved that **HB 444 BE AMENDED.**
EXHIBIT(jus55a18)

Discussion:

03:09:44 Ms. Burkhardt, LSD

03:10:31 **Substitute Motion:** Sen. Hinkle moved to **SEGREGATE SECTION #5 FROM PREVIOUS AMENDMENT 44402.AJB.**

Discussion:

03:11:04 Ms. Burkhardt

03:11:27 Sen. Fielder

03:12:08 Sen. Kary

03:12:34 Sen. Sands

03:12:55 Without objection, Sen. Hinkle withdrew his motion.

03:13:12 **Vote:** Motion carried 8-4 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Sales voting no. Sen. Hansen voted by proxy.

Discussion:

- 03:14:03 Sen. Fielder
- 03:14:13 **Motion/Vote:** Sen. Sands moved that **HB 444 BE TABLED**. Motion failed 4-8 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. Sales and Sen. Sands voting aye. Sen. Hansen voted by proxy.
- 03:14:52 Ms. Burkhardt
- 03:15:19 Sen. Swandal
- 03:15:29 Chairman Sales
- 03:15:56 Sen. Fielder
- 03:16:03 Without objection, Chairman Sales postponed further action on HB 444.

EXECUTIVE ACTION ON HB 445

- 03:16:36 **Motion:** Sen. Fielder moved that **HB 445 BE CONCURRED IN**.

Discussion:

- 03:17:13 Chairman Sales
- 03:17:20 Without objection, Sen. Fielder withdrew her motion. Chairman Sales postponed further action on HB 445.

EXECUTIVE ACTION ON HB 463

- 03:18:16 **Motion/Vote:** Sen. Kary moved that **HB 463 BE TABLED**. Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Fielder, Sen. Hinkle, Sen. Moe and Sen. Swandal voting no. Sen. Hansen voted by proxy.

(SR 28-This executive action was not needed today. Executive action was taken on SR 28 3/12/15; this previous action was overlooked as the committee was waiting for the Preliminary Report and three day waiting period to elapse.)

EXECUTIVE ACTION ON SR 28

- 03:19:05 **Motion/Vote:** Sen. Fielder moved that **SR 28 BE ADOPTED**. Motion carried unanimously by voice vote. Sen. Hansen voted by proxy.

ADJOURNMENT

Adjournment: 11:23 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus55aad.pdf](#))