

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on March 20, 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. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Chas Vincent (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Cliff Larsen (D)
Sen. Nels Swandal (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 297, 3/16/2015

Executive Action: HB 272-Be Concurred In, HB 315-Be Concurred In
HB 474-Be Concurred In As Amended, HB 516-Be Concurred In
As Amended, HB 297-Be Concurred In, HB 444-Tabled,
HB 445-Tabled, HB 468 Tabled, HB 501-Tabled
HB 258-Tied (Bill remains in the committee)HB 344-Tied (Bill
remains in the committee)
HB 533-Be Concurred In; Motion Withdrawn, further discussion is
needed

HEARING ON HB 297**Opening Statement by Sponsor:**

00:00:39 Rep. Virginia Court (D), HD 50, opened the hearing on HB 297, Prohibit texting while driving.

Proponents' Testimony:

00:06:25 Lori Byron, pediatrician, Crow Agency; also past president, Academy of Pediatrics

EXHIBIT(jus58a01)

00:09:35 Leona Schneemann, self

00:18:19 Larry Epstein, Montana Police Protective Association (MPPA); Montana Chiefs of Police (MCOP); Montana County Attorneys Association (MCCA); also for Erin McGowan, Montana Public Health Providers Association (MPHPA); Association of Montana Public Health Officials (AMPHO)

00:20:10 Aimee Grmoljez, Billings Clinic

00:22:43 Kiely Keane, Montana Medical Association (MMA)

00:23:18 Anna O'Donnell, public affairs, AAA Mountain-West, Helena

00:25:58 Shane Grimes, major, Montana Highway Patrol (MHP)

00:27:05 Jessie Luther, Montana Contractors Association (MCA)

00:28:01 Aidan Myhre, AT&T

00:29:46 Ed Bartlett, City of Billings; also for Billings Chamber of Commerce (BCC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:30:38 Sen. Sands

00:30:55 Rep. Court

00:31:56 Sen. Fielder

00:32:38 Rep. Court

00:33:20 Sen. Sands

00:33:42 Mr. Grimes, MHP

00:35:32 Sen. Moe

00:36:05 Mr. Grimes

00:36:34 Sen. Moe

00:36:49 Mr. Epstein, MPPA; MACOP; MCAA

00:37:06 Sen. McNally

00:37:34 Mr. Grimes

00:38:24 Sen. Hinkle

00:38:54 Rep. Court

00:39:56 Sen. Hinkle

00:40:28 Mr. Grimes

Closing by Sponsor:

00:41:06 Rep. Court

[EXHIBIT\(jus58a02\)](#)

00:45:20 Recess

00:56:36 Reconvene

EXECUTIVE ACTION ON HB 258

00:57:03 **Motion/Vote:** Sen. McNally moved that **HB 258 BE CONCURRED IN**. Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe, Sen. Sands and Sen. Vincent voting aye. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.

EXECUTIVE ACTION ON HB 272

00:59:42 **Motion:** Sen. Sands moved that **HB 272 BE CONCURRED IN**.

Discussion:

01:00:00 Julianne Burkhardt, Legislative Services Division (LSD)

01:00:29 Sen. Sands

01:00:47 **Vote:** Motion carried 11-1 by voice vote with Sen. Vincent voting no. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy. Sen. Driscoll will carry the bill.

EXECUTIVE ACTION ON HB 315

01:01:39 **Motion:** Sen. Fielder moved that **HB 315 BE CONCURRED IN**.

Discussion:

01:01:48 Julianne Burkhardt, Legislative Services Division (LSD)

01:02:24 **Vote:** Motion carried 7-5 by voice vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting no. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy. Sen. Fielder will carry the bill.

EXECUTIVE ACTION ON HB 344

01:03:19 **Motion:** Sen. Fielder moved that **HB 344 BE CONCURRED IN**.

01:03:42 **Motion:** Sen. Fielder moved that **HB 344 BE AMENDED**.

[EXHIBIT\(jus58a03\)](#)

Discussion:

- 01:04:05 Julianne Burkhardt, Legislative Services Division (LSD)
01:04:57 Sen. Sands
01:05:36 Sen. Fielder
- 01:07:06 **Vote:** Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting no. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.
- 01:07:41 **Motion:** Sen. Fielder moved that **HB 344 BE CONCURRED IN AS AMENDED.**

Discussion:

- 01:07:50 Sen. Moe
01:08:33 Sen. Hinkle
- 01:09:14 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Swandal and Sen. Vincent voting aye. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.

EXECUTIVE ACTION ON HB 444

- 01:10:03 Julianne Burkhardt, Legislative Services Division (LSD)
- 01:10:43 **Motion:** Sen. Fielder moved that **HB 444 BE CONCURRED IN AS AMENDED.**
(Amended in previous executive action, 3/17/15)

EXHIBIT(jus58a04)

- 01:11:05 **Motion/Vote:** Sen. Fielder moved to **RECONSIDER THE ACTION on HB 444 (TO REMOVE AMENDMENTS PREVIOUSLY ADDED)** Motion carried 9-3 by voice vote with Sen. Driscoll, Sen. Larsen and Sen. Sands voting no. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.
- 01:11:52 **Substitute Motion/Vote:** Sen. Vincent made a substitute motion that **HB 444 BE TABLED.** Substitute Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Sales, Sen. Sands and Sen. Vincent voting aye.

EXECUTIVE ACTION ON HB 445

- 01:13:26 Julianne Burkhardt, Legislative Services Division (LSD)
- 01:13:50 **Motion:** Sen. Fielder moved that **HB 445 BE CONCURRED IN.**
- 01:14:50 **Motion:** Sen. Fielder moved that **HB 445 BE AMENDED.**
EXHIBIT(jus58a05)

Discussion:

01:15:08 Ms. Burkhardt, LSD

01:16:19 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Swandal voting aye. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.

01:17:45 **Vote:** Motion failed 4-8 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Swandal voting aye. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

EXECUTIVE ACTION ON HB 444

01:17:58 **Motion:** Sen. Sands moved to **RECONSIDER THE MOTION** on **HB 444**.

01:18:44 **Substitute Motion/Vote:** Sen. Sands made a substitute motion that **HB 444 BE TABLED**. Substitute Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary and Sen. Swandal voting no. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.

EXECUTIVE ACTION ON HB 468

01:19:58 **Motion:** Sen. Moe moved that **HB 468 BE CONCURRED IN**.

Discussion:

01:20:15 Sen. Kary

01:20:30 Chairman Sales

01:20:50 Sen. Sands

01:21:08 Chairman Sales

01:21:21 Sen. Hinkle

01:21:29 Julianne Burkhardt, Legislative Services Division (LSD)

01:22:37 **Vote:** Motion failed 5-7 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting aye. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

01:23:45 Sen. Sands

EXECUTIVE ACTION ON HB 474

01:25:47 **Motion:** Sen. Driscoll moved that **HB 474 BE CONCURRED IN**.

01:23:55 **Motion:** Sen. Driscoll moved that **HB 474 BE AMENDED**.

[EXHIBIT\(jus58a06\)](#)

Discussion:

01:24:56 Julianne Burkhardt, Legislative Services Division (LSD)
01:25:54 Rep. Jenny Eck, HD 79, Helena
01:26:45 Sen. Fielder

(Sen. Larsen entered the hearing room)

01:27:53 Ms. Burkhardt, LSD
01:27:42 Sen. Fielder
01:27:59 Sen Moe

01:29:26 **Vote:** Motion carried unanimously by roll call vote. Sen. Hansen and Sen. Swandal voted by proxy.

01:29:29 **Motion:** Sen. Moe moved that **HB 474 BE CONCURRED IN AS AMENDED.**

Discussion:

01:29:35 Sen. Sands
01:30:21 Chairman Sales
01:31:24 Sen. Driscoll
01:32:17 Sen. Sands
01:33:06 Sen. McNally

01:33:48 **Vote:** Motion carried 8-4 by roll call vote with Sen. Hansen, Sen. Hinkle, Sen. Sales and Sen. Vincent voting no. Sen. Hansen and Sen. Swandal voted by proxy. Sen. Moe will carry the bill.

EXECUTIVE ACTION ON HB 501

01:34:46 **Motion:** Sen. Fielder moved that **HB 501 BE CONCURRED IN.**

Discussion:

01:34:58 Sen. Vincent
01:35:16 Julianne Burkhardt, Legislative Services Division (LSD)
01:35:18 Sen. McNally
01:36:07 Sen. Fielder
01:38:02 Sen. Hinkle
01:38:29 Sen. Vincent

01:39:20 **Vote:** Motion failed 4-8 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Sales voting aye. Sen. Hansen and Sen. Swandal voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

(Sen. Larsen absent from the hearing room)

EXECUTIVE ACTION ON HB 516

01:41:22 **Motion:** Sen. Sands moved that **HB 516 BE CONCURRED IN.**

01:41:26 **Motion:** Sen. Sands moved that **HB 516 BE AMENDED.**
[EXHIBIT\(jus58a07\)](#)

Discussion:

01:41:41 Julianne Burkhardt, Legislative Services Division (LSD)
01:42:51 Sen. Moe

01:43:08 **Vote:** Motion carried unanimously voice vote. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy.

01:43:32 **Motion/Vote:** Sen. Sands moved that **HB 516 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Hansen, Sen. Larsen and Sen. Swandal voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON HB 533

01:44:35 **Motion:** Sen. Fielder moved that **HB 533 BE CONCURRED IN.**

Discussion:

01:44:50 Julianne Burkhardt, Legislative Services Division (LSD)
01:45:16 Without objection, Sen. Fielder withdrew her motion.

EXECUTIVE ACTION ON HB 297

01:45:56 **Motion:** Sen. Sands moved that **HB 297 BE CONCURRED IN.**

Discussion:

01:46:05 Sen. Moe
01:46:40 Sen. Kary
01:47:33 Sen. McNally
01:48:23 Sen. Fielder
01:49:07 Sen. Sands
01:49:48 Sen. Hinkle

01:50:36 **Vote:** Motion carried 6-5 by roll call vote with Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting no. Sen. Hansen and Sen. Larsen voted by proxy. Sen. Swandal was excused. Sen. Fielder will carry the bill.

Committee Business:

01:51:54 Chairman Sales
01:53:17 Sen. Driscoll

01:53:29 Sen. Hinkle
01:53:38 Sen. Moe
01:53:44 Chairman Sales

ADJOURNMENT

Adjournment: 10:55 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus58aad.pdf](#))