

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 14, 2017 at 9:00 AM, in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Scott Sales (R)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: None

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: SB 170, 1/8/2017; SB 200, 1/8/2017; HB 64, 1/9/2017; HB 247
1/9/2017

Executive Action: SB 174-Tabled, HB 278-Be Concurred In,
HB 258-Be Concurred In, SB 175-Do Pass-Motion Withdrawn

HEARING ON SB 170**Opening Statement by Sponsor:**

00:01:19 Sen. Steve Hinebauch (R), SD 18, opened the hearing on SB 170, Provide civil liability for unmanned aerial vehicle trespass.

Proponents' Testimony:

00:03:41 Chuck Denowh, United Property Owners of Montana (UPOM)

[EXHIBIT\(jus32a01\)](#)

[EXHIBIT\(jus32a02\)](#)

Opponents' Testimony:

00:15:02 Steve White, self, pilot, Bozeman

[EXHIBIT\(jus32a03\)](#)

00:23:01 Greg VanHorssen, State Farm Insurance

00:25:12 Webb Brown, Montana Chamber of Commerce

00:27:26 Peggy Trenk, Treasurer State Resources Association

00:29:25 Dave Galt, Montana Sheriffs and Peace Officers Association

00:30:00 Jessie Luther, Motion Picture Association of America

00:31:57 Jessica Sena, Montana Petroleum Association

00:33:36 Mark Baker, AT&T

00:35:36 Matt Jones, BNSF Railways

Informational Testimony:

00:37:01 Gary Wiens, Montana Electric Cooperatives Association

Questions from Committee Members and Responses:

00:37:33 Sen. Swandal

00:37:55 Mr. White, self

00:39:52 Sen. MacDonald

00:40:13 Mr. Denowh, UPOM

00:40:29 Sen. Vincent

00:40:55 Mr. Denowh

00:43:31 Sen. Gross

00:44:09 Sen. Hinebauch

00:46:44 Sen. Gross

00:46:49 Mr. Denowh

00:48:21 Sen. Fielder

00:49:23 Sen. Hinebauch

00:50:09 Sen. Hinkle

00:50:28 Mr. White

00:52:24 Sen. Hinkle

00:52:57 Mr. Denowh

00:53:18 Sen. Sands
00:53:39 Sen. Hinebauch
00:54:50 Mr. Denowh

Closing by Sponsor:

00:57:41 Sen. Hinebauch

HEARING ON HB 64

Opening Statement by Sponsor:

01:00:50 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 64, Revise child abuse diversion project laws.

Proponents' Testimony:

01:06:44 Beth McLaughlin, administrator, Montana Supreme Court (MSC)
01:07:56 Mark Murphy, Montana County Attorneys Association
01:11:37 Maurita Johnson, administrator, Children and Family Services, Department of Public Health and Human Services

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:12:41 Sen. Fielder
01:13:13 Rep. Dudik
01:15:39 Ms. McLaughlin, MSC
01:16:09 Sen. Fielder
01:16:29 Rep. Dudik
01:17:48 Sen. Gross
01:19:03 Rep. Dudik

Closing by Sponsor:

01:19:59 Rep. Dudik

HEARING ON HB 247

Opening Statement by Sponsor:

01:20:40 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 247, Revise laws on sexual abuse of children.

[EXHIBIT\(jus32a04\)](#)

Proponents' Testimony:

01:26:57 Bryan Lockerby, administrator, Department of Criminal Investigation, Department of Justice

01:27:30 Laura Smith, deputy director, Department of Public Health and Human Services

01:28:19 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:33:17 Sen. Fielder

01:33:53 Mr. Murphy, MCAA

01:35:03 Sen. Fielder

01:35:12 Rep. Dudik

01:35:58 Sen. Hinkle

01:37:25 Rep. Dudik

01:40:10 Sen. Vincent

01:41:10 Rep. Dudik

01:45:06 Sen. Vincent

01:45:36 Mr. Murphy

Closing by Sponsor:

01:50:04 Rep. Dudik

HEARING ON SB 200

Opening Statement by Sponsor:

01:51:39 Sen. Edward Buttrey (R), SD 11, opened the hearing on SB 200, Revise laws related to disposition of certain property held by law enforcement.

Proponents' Testimony:

01:55:06 Joseph Cik, assistant prosecuting attorney, City of Great Falls (CGF)
01:58:30 John Schaffer, Captain, City of Great Falls Police Department (GFPD); member,
Montana Association Chiefs of Police (MACOP); Montana Police Protective
Association (MPPA)

EXHIBIT(jus32a05)

02:02:17 David Nielsen, Montana League of Cities and Towns
02:07:22 Kelly Lynch, deputy director, chief legal counsel, Montana League of Cities and
Towns (MLCT)
02:07:56 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:09:43 Sen. Sands
02:10:17 Sen. Buttrey
02:10:41 Ms. Lynch, MLCT
02:11:11 Sen. Sands
02:11:24 Mr. Cik, CGF
02:14:04 Sen. Vincent
02:14:18 Sen. Buttrey
02:14:52 Sen. Vincent
02:15:16 Mr. Murphy, MACOP
02:18:46 Sen. Fielder
02:19:22 Ms. Lynch
02:24:16 Sen. Fielder
02:24:21 Mr. Schaffer, GFPD
02:26:31 Sen. Boland
02:27:23 Mr. Cik

Closing by Sponsor:

02:27:50 Sen. Buttrey

02:30:02 Brief Recess
02:40:13 Reconvene

Sen. Sales absent from the hearing room.

EXECUTIVE ACTION ON SB 174

02:40:27 **Motion:** Sen. Fielder moved that **SB 174 DO PASS.**

Discussion:

02:41:04 Sen. Hinkle

02:41:54 Sen. Gross

02:42:42 Sen. Sands

02:43:27 Sen. Hinkle

02:43:44 Chairman Regier

02:43:53 Julianne Burkhardt, Legislative Services Division

02:44:51 **Vote:** Motion failed 5-6 by roll call vote with Sen. Fielder, Sen. Hinebauch, Sen. Hinkle, Sen. K. Regier and Sen. Swandal voting aye. Sen. S. Sales voted by proxy.

02:44:56 **Motion/Vote:** Sen. Fielder moved that **SB 174 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 175

02:45:17 **Motion:** Sen. Fielder moved that **SB 174 DO PASS.**

02:45:42 Without objection, Sen. Fielder withdrew the DO PASS motion.

EXECUTIVE ACTION ON HB 278

02:46:02 **Motion/Vote:** Sen. Fielder moved that **HB 278 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 258

02:47:09 **Motion:** Sen. Fielder moved that **HB 258 BE CONCURRED IN.**

Discussion:

02:47:35 Sen. Fielder

02:48:15 Chairman Regier

02:48:21 Sen. Vincent

02:48:28 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy. Sen. Swandal will carry the bill.

Committee Business:

02:49:03 Chairman Regier

ADJOURNMENT

Adjournment: 11:50 A.M.

Pam Schindler, Secretary

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Additional Documents:

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EXHIBIT([jus32aad.pdf](#))