

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Krayton Kerns, on March 14, 2013 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Krayton Kerns, Chair (R)  
Rep. Gerald (Jerry) Bennett, Vice Chair (R)  
Rep. Clayton Fiscus (R)  
Rep. Jenifer Gursky (D)  
Rep. Ellie Boldman Hill (D)  
Rep. Sarah Laszloffy (R)  
Rep. Dennis R. Lenz (R)  
Rep. Ryan Lynch (D)  
Rep. Jerry O'Neil (R)  
Rep. Keith Regier (R)  
Rep. Bridget Smith (D)  
Rep. Kirk Wagoner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Margaret (Margie) MacDonald, Vice Chair (D)  
Rep. Mark Blasdel (R)  
Rep. Virginia Court (D)  
Rep. Alan Doane (R)  
Rep. Jennifer Eck (D)  
Rep. David Halvorson (R)  
Rep. Carolyn Pease-Lopez (D)

**Members Absent:** None

**Staff Present:** Karen Armstrong, Committee Secretary  
Helen Thigpen, Legislative Branch

**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 251, 3/8/2013; SB 267, 3/8/2013; SB 337, 3/8/2013; SB 372,  
3/8/2013  
Executive Action: SB 326

00:15:46 Chairman Kerns

### **HEARING ON SB 337**

#### **Opening Statement by Sponsor:**

00:17:58 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 337, Clarify standing provisions in Water Court proceedings.

#### **Proponents' Testimony:**

00:19:25 Mike Murphy, Montana Water Resources Association (MWRA)  
00:19:42 Rep. Eck arrived.  
00:19:49 Rep. Court arrived.  
00:20:20 Jay Bodner, Montana Stock Growers Association (MSGA)  
00:20:37 Rep. MacDonald arrived.  
00:21:04 Kristalee Evans, Senior Water Rights Coalition (SrWRC) and Association of Gallatin Agricultural Irrigators (AGAI)  
00:21:58 Holly Franz, Attorney, PPL Montana

#### **Opponents' Testimony:**

00:23:31 Mark Aagenes, Montana Trout Unlimited (TU)  
00:27:49 Bill Schenk, Attorney, Montana Department of Fish, Wildlife and Parks (FWP)  
**EXHIBIT(juh55a01)**  
00:32:15 Tim Davis, Water Resources Administrator, Department of Natural Resources and Conservation (DNRC)

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:34:08 Rep. MacDonald  
00:34:51 Sen. Hamlett, SD 10  
00:36:27 Rep. MacDonald  
00:37:04 Sen. Hamlett, SD 10  
00:37:25 Rep. O'Neil  
00:38:00 Mr. Schenk, FWP  
00:39:25 Rep. O'Neil  
00:39:38 Mr. Schenk, FWP  
00:39:48 Rep. Lynch  
00:40:05 Mr. Schenk, FWP  
00:40:52 Rep. Hill  
00:41:55 Mr. Schenk, FWP  
00:44:37 Rep. Warburton  
00:45:30 Ms Franz, PPL Montana  
00:52:25 Rep. Warburton  
00:52:36 Ms Evans, SrWRC and AGAI  
00:55:34 Rep. Fiscus  
00:56:00 Ms Evans, SrWRC and AGAI  
00:56:35 Rep. Fiscus  
00:57:00 Ms Evans, SrWRC and AGAI  
00:57:50 Rep. Fiscus  
00:58:01 Ms Evans, SrWRC and AGAI

00:58:21 Rep. Fiscus  
00:58:27 Ms Evans, SrWRC and AGAI  
00:59:28 Rep. Fiscus  
00:59:48 Ms Evans, SrWRC and AGAI  
01:00:04 Rep. Court  
01:00:23 Mr. Davis, DNRC  
01:01:05 Rep. Court  
01:01:28 Mr. Davis, DNRC  
01:01:49 Rep. Court  
01:02:17 Sen. Hamlett, SD 10  
01:02:39 Rep. Court  
01:03:08 Sen. Hamlett, SD 10  
01:05:04 Rep. Court  
01:05:28 Sen. Hamlett, SD 10  
01:06:25 Rep. Hill  
01:06:56 Sen. Hamlett, SD 10  
01:07:09 Rep. Hill  
01:07:26 Sen. Hamlett, SD 10  
01:08:13 Rep. Hill  
01:08:38 Sen. Hamlett, SD 10  
01:08:54 Rep. MacDonald  
01:10:16 Mr. Davis, DNRC  
01:10:58 Rep. Court  
01:11:13 Mr. Davis, DNRC  
01:11:43 Rep. Court  
01:12:19 Mr. Davis, DNRC  
01:12:50 Rep. Smith  
01:12:59 Mr. Davis, DNRC

**Closing by Sponsor:**

01:13:26 Sen. Hamlett, SD 10

**HEARING ON SB 251**

**Opening Statement by Sponsor:**

01:17:45 Sen. Art Wittich (R), SD 35, opened the hearing on SB 251, Adopt the Montana Uniform Trust Code.

**Proponents' Testimony:**

01:22:04 Ed Eck, Uniform Law Commission (ULC)

[EXHIBIT\(juh55a02\)](#)

[EXHIBIT\(juh55a03\)](#)

[EXHIBIT\(juh55a04\)](#)

01:34:24 Kurt Alme, Business, Estates, Trust, Tax, and Real Property Section (BETTR)  
State Bar of Montana (SBM)

01:35:49 Larry Johnson, BETTR Section, SBM

01:36:54 Dirk Williams, BETTR Section, SBM

01:37:40 Jeffrey Glovan, BETTR Section, SBM

01:39:22 Nicole Rush, Montana Community Foundation

01:39:44 Chuck Willey, BETTR Section, SBM

01:40:52 Claudia Clifford, Advocacy Director, American Association of Retired Persons (AARP) Montana  
01:41:58 Marc Byske, BETTR Section, SBM  
01:43:03 Webb Brown, Montana Chamber of Commerce  
01:43:26 Steve Turkiewicz, Montana Bankers Association (MBA)  
01:43:52 Jon Bennion, Attorney General's Office (AG)  
01:44:41 Liz Moore, Executive Director, Montana Non-Profit Association (MNA)

**Opponents' Testimony:** None

**Informational Testimony:**

01:45:45 Melanie Hall, Commissioner, Montana Division of Banking and Financial Institutions

**Questions from Committee Members and Responses:**

01:46:24 Rep. O'Neil  
01:46:58 Sen. Wittich, SD 35  
01:47:29 Rep. O'Neil  
01:47:42 Sen. Wittich, SD 35  
01:48:05 Mr. Eck, ULC  
01:48:45 Rep. O'Neil  
01:49:06 Mr. Eck, ULC  
01:49:44 Rep. Wagoner  
01:50:39 Mr. Williams, BETTR Section, SBM  
01:51:27 Rep. Smith  
01:51:48 Mr. Eck, ULC  
01:53:09 Rep. Court  
01:53:37 Mr. Eck, ULC  
01:54:01 Rep. Court  
01:54:51 Mr. Eck, ULC  
01:55:59 Rep. Court  
01:56:18 Mr. Eck, ULC  
01:57:34 Rep. Court  
01:58:01 Mr. Eck, ULC

**Closing by Sponsor:**

01:59:25 Sen. Wittich, SD 35

**HEARING ON SB 267**

**Opening Statement by Sponsor:**

02:00:39 Sen. Fred Thomas (R), SD 45, opened the hearing on SB 267, Revise criminal procedure laws on nolo contendere.

**Proponents' Testimony:**

02:02:47 Mike Menahan, District Court Judge, First Judicial District  
[EXHIBIT\(juh55a05\)](#)  
02:07:59 Larry Epstein, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:10:03 Rep. Fiscus  
02:10:35 Mr. Epstein, MCAA  
02:11:31 Rep. Fiscus  
02:11:46 Mr. Epstein, MCAA  
02:12:15 Rep. O'Neil  
02:12:40 Mr. Epstein, MCAA  
02:13:14 Rep. O'Neil  
02:13:28 Mr. Epstein, MCAA  
02:13:51 Rep. O'Neil  
02:14:09 Mr. Epstein, MCAA  
02:14:33 Rep. Regier  
02:15:17 Judge Menahan  
02:17:30 Rep. Regier  
02:18:06 Judge Menahan  
02:18:43 Rep. Smith  
02:19:14 Judge Menahan  
02:19:40 Rep. Smith  
02:19:53 Judge Menahan

**Closing by Sponsor:**

02:20:42 Sen. Thomas, SD 45

**HEARING ON SB 372**

**Opening Statement by Sponsor:**

02:22:04 Sen. Scott Boulanger (R), SD 44, opened the hearing on SB 372, Revise landlord tenant laws regarding carbon monoxide detectors.

**Proponents' Testimony:**

02:23:44 John Sinrud, Montana Landlords Association (MLA)  
02:25:10 Joseph Sands, Montana State Council of Professional Fire Fighters (MSCOPFF)  
02:25:46 Bill Staffeldt, Vice President, MLA  
02:26:37 William Semenza, MLA

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:27:09 Rep. Regier  
02:27:36 Mr. Sinrud, MLA  
02:27:49 Mr. Sands, MSCOPFF  
02:28:01 Rep. Regier  
02:28:11 Mr. Sands, MSCOPFF  
02:28:26 Rep. Gursky  
02:29:01 Mr. Sands, MSCOPFF

02:29:32 Rep. Gursky  
02:30:13 Mr. Sands, MSCOPFF  
02:31:00 Rep. Gursky  
02:31:11 Mr. Sands, MSCOPFF  
02:31:19 Rep. Gursky  
02:32:00 Sen. Boulanger, SD 44  
02:32:17 Rep. Gursky  
02:33:02 Mr. Sinrud, MLA  
02:33:53 Rep. Gursky  
02:34:03 Mr. Staffeldt, MLA  
02:35:10 Rep. Lenz  
02:36:07 Mr. Sinrud, MLA  
02:36:19 Rep. Lenz  
02:36:35 Mr. Sinrud, MLA  
02:37:16 Rep. Lenz  
02:37:38 Mr. Sinrud, MLA  
02:38:26 Rep. Eck  
02:38:51 Mr. Sands, MSCOPFF  
02:39:21 Rep. Eck  
02:39:41 Mr. Sands, MSCOPFF  
02:40:14 Rep. Eck  
02:40:42 Mr. Sands, MSCOPFF  
02:41:14 Rep. Eck  
02:41:35 Mr. Sands, MSCOPFF  
02:41:40 Rep. Eck  
02:42:06 Mr. Sands, MSCOPFF  
02:42:21 Rep. Eck  
02:42:36 Mr. Sands, MSCOPFF  
02:42:41 Rep. Court  
02:43:43 Mr. Sands, MSCOPFF  
02:43:58 Rep. Court  
02:44:26 Mr. Sands, MSCOPFF

**Closing by Sponsor:**

02:44:44 Sen. Boulanger, SD 44

02:45:13 Chairman Kerns

**EXECUTIVE ACTION ON SB 326**

02:46:34 **Motion:** Rep. G. Bennett moved that **SB 326 BE CONCURRED IN.**

**Discussion:**

02:46:41 Chairman Kerns

02:46:50 Rep. Eck

02:48:09 **Vote:** Motion carried unanimously by roll call vote. Rep. Blasdel, Rep. Doane, Rep. Halvorson and Rep. Pease-Lopez voted by proxy. Rep. MacDonald will carry the bill.

**ADJOURNMENT**

Adjournment: 02:50:24

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT([juh55aad.pdf](#))**