

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on February 3, 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. Diane Sands (D)  
Sen. Nels Swandal (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Kris Hansen (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: SJ 7, 1/23/2015; SB 209, 1/30/2015; SB 227, 1/30/2015  
Executive Action: HB 75-Be Concurred In, HB 136-Be Concurred In As Amended,  
SB 115-Do Pass As Amended,  
SB 187-Do Pass As Amended-TIE (motion failed), SJ 7-Tabled

**HEARING ON SB 227**

**Opening Statement by Sponsor:**

00:00:50 Sen. Jonathan Windy Boy (D), SD 16, opened the hearing on SB 227, Increase penalties for domestic violence offenders.

**Proponents' Testimony:**

00:03:48 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

00:05:49 Larry Epstein Montana County Attorneys Association (MCAA)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:06:24 Sen. Sands  
00:07:06 Ms. Young, MCADSV  
00:09:06 Sen. Moe  
00:09:47 Mr. Epstein, MCAA  
00:11:34 Sen. Moe  
00:11:57 Sen. Windy Boy  
00:13:09 Sen. Swandal  
00:13:25 Ms. Young  
00:15:33 Sen. Hinkle  
00:16:04 Sen. Windy Boy

**Closing by Sponsor:**

00:16:33 Sen. Windy Boy

00:17:54 Recess

00:19:15 Reconvene

**HEARING ON SB 209**

**Opening Statement by Sponsor:**

00:19:29 Sen. Matthew Rosendale (R), SD 18, opened the hearing on SB 209, Regulate vehicle event data.

**Proponents' Testimony:**

00:21:41 Niki Zupanic, American Civil Liberties Union (ACLU)  
00:24:31 Mary "Marty" Phippen, self  
00:25:24 Becky Stockton, self

**Opponents' Testimony:**

00:26:10 Mona Jamison, General Motors (GM)  
[EXHIBIT\(jus24a01\)](#)  
00:29:46 Greg VanHorssen, State Farm Insurance Company (SFIC), also for Bruce  
Spencer, Property Casualty Insurance (PCI), Allstate Insurance Company (AIC)  
00:34:16 Jacqueline Lenmark, American Insurance Association (AIA)  
00:38:00 John Metropoulos, Farmers Insurance Group (FIG)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:39:36 Sen. Larsen  
00:40:40 Sen. Rosendale  
00:42:08 Sen. Fielder  
00:42:21 Sen. Rosendale  
00:42:48 Sen. Hinkle  
00:43:36 Ms. Jamison, GM  
00:45:13 Sen. Swandal  
00:45:56 Mr. VanHorssen, SFIC

**Closing by Sponsor:**

00:47:26 Sen. Rosendale

**HEARING ON SJ 7****Opening Statement by Sponsor:**

00:49:24 Sen. Roger Webb (R), SD 23, opened the hearing on SJ 7, Joint resolution for a convention of the states to impose federal fiscal limits.

**Proponents' Testimony:**

00:56:35 Mark Meckler, president, Convention of States Action (CSA)  
01:08:23 Ken Kotoski, self  
01:09:53 Ken (Dr.) Eisinger, self, Seeley Lake  
01:13:27 Sandy Eisinger, self, Seeley Lake  
01:14:30 Jon Goff, self, Belgrade, also for Robin Hill, Billings  
[EXHIBIT\(jus24a02\)](#)

01:19:21 Jody Loomis, self, Helena  
01:20:25 Brandon DeShaw, self, veteran, Convention of States Action (CSA)  
01:22:44 Fritz Pettyjohn, self, Balanced Budget Amendment Task Force  
01:24:14 Jane Hamman, self, Clancy, Convention of States Action (CSA), also for Trudy McDonald  
01:28:14 Becky Stockton, self, Helena  
01:29:45 Martin Wangen, self, Convention of States Action (CSA)

[EXHIBIT\(jus24a03\)](#)

01:30:08 Janice Griffin, self  
01:30:15 Shirley Battershell, Clancy  
01:30:32 Marsha Austin, self  
01:30:39 Thornton Kotoski, self, Convention of States Action (CSA)

[EXHIBIT\(jus24a04\)](#)

[EXHIBIT\(jus24a05\)](#)

01:30:49 Sharon Grace, self  
01:30:55 Barbara Delsigne, self, Convention of States Action (CSA)  
01:31:04 James Delsigne, self, Convention of States Action (CSA)

**Opponents' Testimony:**

01:31:34 Robert Brown, self, Billings

[EXHIBIT\(jus24a06\)](#)

01:45:32 Ed Regan, self, Townsend

[EXHIBIT\(jus24a07\)](#)

01:50:27 Roger Nummerdor, self, Absorkee, also for Verna Summers

[EXHIBIT\(jus24a08\)](#)

01:53:32 Daniel Keder, self, Great Falls

[EXHIBIT\(jus24a09\)](#)

01:56:58 Dave Monte, self  
01:58:21 Derrell Poole, self, Hamilton  
01:59:50 Chris Stevens, self, Seeley Lake also for Janet Cunningham, Canyon Creek  
02:04:02 Dan Happel, self  
02:05:19 Jim Anderson, self, Choteau  
02:05:59 Jim Reinschmidt self, Whitehall  
02:06:14 John Hahn, self, Townsend  
02:06:24 Paul Landsgaard, self, Bozeman  
02:06:42 James Quillin, self  
02:07:06 Georgette Quillin, self  
02:07:16 Kathleen Androlewicz, self  
02:07:28 Phyllis Lamping, self  
02:07:47 Dean Powers, self  
02:07:58 Mirelle Stevens, self, Seeley Lake  
02:08:03 Jill Guthrie, Helena  
02:08:28 Lola Galloway, self, Great Falls

02:08:42 Ruth Costea, self, Great Falls

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:09:03 Sen. Hinkle  
02:10:00 Sen. Webb  
02:10:26 Sen. Vincent  
02:11:04 Sen. Webb  
02:12:15 Sen. Fielder  
02:13:11 Mr. Meckler, CSA  
02:14:14 Sen. Fielder  
02:14:24 Sen. Webb  
02:15:44 Sen. Hinkle  
02:16:36 Sen. Webb  
02:17:08 Chairman Sales  
02:17:28 Sen. Webb  
02:20:26 Chairman Sales  
02:20:44 Mr. Meckler  
02:21:31 Mr. Brown, self  
02:21:59 Chairman Sales  
02:22:22 Mr. Meckler  
02:24:10 Sen. Hinkle  
02:24:57 Mr. Brown

**Closing by Sponsor:**

02:26:49 Sen. Webb  
02:28:32 Recess  
02:40:29 Reconvene

(Sen. Driscoll and Sen. Vincent absent from the hearing)

**EXECUTIVE ACTION ON HB 75**

02:41:07 **Motion:** Sen. Swandal moved that **HB 75 BE CONCURRED IN.**

**Discussion:**

02:41:13 Sen. Sands

02:41:38 **Vote:** Motion carried unanimously by voice vote. Sen. Driscoll, Sen. Hansen and Sen. Vincent voted by proxy. Sen. Sands will carry the bill.

**Discussion Only On HB 34:**

02:42:14 Sen. Swandal

(Sen. Driscoll returned to the hearing)

**EXECUTIVE ACTION ON HB 136**

02:42:49 **Motion:** Sen. Fielder moved that **HB 136 BE CONCURRED IN.**

02:43:27 **Motion/Vote:** Sen. Kary moved that **HB 136 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

[EXHIBIT\(jus24a10\)](#)

02:44:43 **Motion/Vote:** Sen. Fielder moved that **HB 136 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Kary will carry the bill.

**EXECUTIVE ACTION ON SB 115**

02:45:53 **Motion:** Sen. Swandal moved that **SB 115 DO PASS.**

02:46:06 **Motion:** Sen. Swandal moved that **SB 115 BE AMENDED.**

[EXHIBIT\(jus24a11\)](#)

[EXHIBIT\(jus24a12\)](#)

**Discussion:**

02:49:46 Sen. Moe

02:50:13 Sen. Fielder

02:50:27 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:50:48 **Motion/Vote:** Sen. Swandal moved that **SB 115 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

[EXHIBIT\(jus24a13\)](#)

02:52:10 **Motion/Vote:** Sen. Swandal moved that **SB 115 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

[EXHIBIT\(jus24a14\)](#)

02:53:46 **Motion:** Chairman Sales moved that **SB 115 BE AMENDED.**

[EXHIBIT\(jus24a15\)](#)

**Discussion:**

02:55:06 Sen. Kary

02:55:32 Sen. Driscoll

02:55:59 Sen. Swandal  
02:57:11 Chairman Sales

02:59:05 **Vote:** Motion failed 4-8 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Vincent voting aye. Sen. Hansen and Sen. Vincent voted by proxy.

02:59:06 **Motion:** Sen. Swandal moved that **SB 115 DO PASS AS AMENDED.**

**Discussion:**

02:59:54 Sen. Fielder  
03:00:42 Sen. Hinkle  
03:01:35 Sen. McNally

03:02:10 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Chairman Sales and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

**Discussion Only On SB 185:**

03:03:16 Sen. Kary

**EXECUTIVE ACTION ON SB 186**

03:03:54 **Motion:** Sen. Kary moved that **SB 186 DO PASS.**

03:04:41 Without objection, Sen. Kary withdrew the **DO PASS SB 186** motion.

**EXECUTIVE ACTION ON SB 187**

03:05:00 **Motion:** Sen. Fielder moved that **SB 187 DO PASS.**

03:05:07 **Motion/Vote:** Sen. Fielder moved that **SB 187 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

**EXHIBIT(jus24a16)**

03:06:25 **Motion:** Sen. Fielder moved that **SB 187 DO PASS AS AMENDED.**

**Discussion:**

03:06:34 Sen. Sands  
03:07:10 Chairman Sales  
03:07:13 Sen. Sands  
03:07:39 Sen. Fielder  
03:07:46 Sen. Sands  
03:07:50 Julianne Burkhardt, Legislative Services Division (LSD)  
03:08:07 Chairman Sales

03:08:13 **Motion:** Sen. Sands moved that **SB 187 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO STRIKE SECTION #2 FROM PREVIOUS AMENDMENT.**

**Discussion:**

03:09:15 Sen. Hinkle  
03:09:40 Sen. Moe  
03:10:27 Sen. Fielder

03:11:40 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

03:12:20 **Motion/Vote:** Sen. Sands moved that **SB 187 DO PASS AS AMENDED.** Motion failed 6-6 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe, Sen. Sands and Sen. Swandal voting aye. Sen. Hansen and Sen. Vincent voted by proxy. (Vote tied; SB 187 remains in committee)

**EXECUTIVE ACTION ON SJ 7**

03:13:27 **Motion/Vote:** Sen. Larsen moved that **SJ 7 BE TABLED.** Motion carried 10-2 by roll call vote with Sen. Kary and Sen. Swandal voting no. Sen. Hansen and Sen. Vincent voted by proxy.

**ADJOURNMENT**

Adjournment: 12:17 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus24aad.pdf](#))**