

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on February 18, 2015 at 8:00 A.M., 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)

**Members Excused:** Sen. Kris Hansen (R)  
Sen. Chas Vincent (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 165, 2/10/2015; HB 197, 2/10/2015; HB 207, 2/10/2015; SB 315, 2/14/2015

Executive Action: SB 291-Tabled, SB 315-Tabled, HB 197-Be Concurred In  
SR 9-Do Pass, SR 10-Do Pass, SR 11-Do Pass  
SB 266-Do Pass, SB 219-Do Pass As Amended,  
SJ 3-Do Pass As Amended, SB 253-Do Pass,  
HB 232-Be Concurred In, HB 165-Be Concurred In

**HEARING ON HB 207**

**Opening Statement by Sponsor:**

00:01:09 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 207, Prohibiting disclosure of media info from electronic communications services.

**Proponents' Testimony:**

00:06:44 John MacDonald, Montana Newspaper Association (MNA)  
[EXHIBIT\(jus37a01\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:08:58 Sen. Larsen  
00:09:20 Rep. Zolnikov  
[EXHIBIT\(jus37a02\)](#)

00:11:17 Sen. Driscoll  
00:11:51 Rep. Zolnikov  
00:12:27 Chairman Sales  
00:12:41 Rep. Zolnikov

**Closing by Sponsor:**

00:13:15 Rep. Zolnikov

**HEARING ON HB 165**

**Opening Statement by Sponsor:**

00:13:47 Rep. Keith Regier (R), HD 4, opened the hearing on HB 165, Revise grandparent/grandchild contact laws.

**Proponents' Testimony:**

00:15:27 George Glueckert, self, Helena  
[EXHIBIT\(jus37a03\)](#)

00:20:28 Gregg Trude, state director, Right to Life Montana (RTLTM)  
00:21:08 Laura Glueckert, self, Helena  
[EXHIBIT\(jus37a04\)](#)

**Opponents' Testimony:**

00:26:58 Katharine Donnelley, attorney, Helena

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:36:40 Sen. Fielder  
00:37:10 Rep. Regier  
00:38:03 Sen. Larsen  
00:39:10 Ms. Donnelley, attorney  
00:42:49 Sen. Moe  
00:43:37 Ms. Donnelley  
00:44:32 Sen. Swandal  
00:45:23 Ms. Donnelley  
00:46:27 Sen. Hinkle  
00:46:43 Chairman Sales  
00:47:23 Sen. Driscoll  
00:47:39 Ms. Donnelley

**Closing by Sponsor:**

00:48:48 Rep. Regier

**HEARING ON HB 197****Opening Statement by Sponsor:**

00:49:40 Rep. Keith Regier (R), HD 4, opened the hearing on HB 197, Provide for an enhanced sentence for assault on a pregnant woman.

**Proponents' Testimony:**

00:51:42 Gregg Trude, state director, Right to Life Montana (RTLMTM)  
00:52:37 Jeff Laszloffy, Montana Family Foundation (MFF)  
00:53:31 Matt Brower, executive director, Montana Catholic Conference (MCC)

**[EXHIBIT\(jus37a05\)](#)**

00:54:48 Jon Bennion, assistant attorney general, Department of Justice (DOJ)  
00:55:08 Maggie Moran, executive director, NARAL MT  
00:56:17 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:57:16 Sen. Sands  
00:57:38 Ms. Young, MCADSV

**Closing by Sponsor:**

00:59:43 Rep. Regier  
01:00:09 Recess  
01:13:46 Reconvene

**EXECUTIVE ACTION ON HB 197**

01:14:28 **Motion:** Sen. Swandal moved that **HB 197 BE CONCURRED IN.**

**Discussion:**

01:14:39 Sen. Sands  
01:14:51 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Driscoll will carry the bill.

**EXECUTIVE ACTION ON SR 9**

01:15:47 **Motion:** Sen. Sales moved that **SR 9 DO PASS.**

**Discussion:**

01:15:53 Sen. Fielder  
01:16:44 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SR 10**

01:17:12 **Motion:** Sen. Sales moved that **SR 10 DO PASS.**

**Discussion:**

01:17:25 Sen. Swandal  
01:17:34 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SR 11**

01:18:05 **Motion/Vote:** Sen. Sales moved that **SR 11 DO PASS**. Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

01:18:48 Chairman Sales

01:19:15 Julianne Burkhardt, Legislative Services Division (LSD)

**EXECUTIVE ACTION ON SB 291**

01:21:32 **Motion/Vote:** Sen. Kary moved that **SB 291 BE TABLED**. Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally, Sen. Moe and Sen. Sands voting no. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SB 266**

01:23:04 **Motion:** Sen. McNally moved that **SB 266 DO PASS**.

**Discussion:**

01:23:28 Sen. Swandal

01:24:00 Sen. Sands

01:24:11 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SB 219**

01:25:06 **Motion:** Sen. Swandal moved that **SB 219 DO PASS**.

01:25:24 **Motion:** Sen. Swandal moved that **SB 219 BE AMENDED**.  
[EXHIBIT\(jus37a06\)](#)

**Discussion:**

01:26:00 Sen. Sands

01:26:13 Sen. Swandal

01:27:06 Sen. Sands

01:27:20 Sen. Swandal

01:27:25 Larry Epstein, Montana County Attorneys Association (MCAA)

01:27:38 Sen. Fielder

01:27:47 Sen. Swandal

01:27:54 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

01:28:05 **Motion/Vote:** Sen. Swandal moved that **SB 219 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

### HEARING ON SB 315

#### Opening Statement by Sponsor:

01:29:46 Sen. Roger Webb (R), SD 23, opened the hearing on SB 315, Make a third DUI a felony offense.

#### Proponents' Testimony:

None

#### Opponents' Testimony:

None

#### Informational Testimony:

01:30:37 Wade Zolynski, chief appellate defender, Office of Public Defender (OPD)  
01:31:03 Kevin Olson, chief administrator, Probation and Parole Division, Department of Corrections (COR)

#### Questions from Committee Members and Responses:

01:31:24 Sen. Swandal  
01:31:39 Mr. Olson  
01:31:56 Kara Sperle, budget bureau chief, Department of Corrections (COR)  
01:32:36 Sen. Swandal  
01:32:40 Mr. Olson  
01:33:16 Sen. Moe  
01:33:43 Sen. Webb  
01:33:59 Sen. Fielder  
01:34:20 Sen. Webb  
01:35:38 Sen. Larsen  
01:36:40 Mr. Zolynski, OPD  
01:39:16 Sen. Sands  
01:39:54 Larry Epstein, Montana County Attorneys Association (MCAA)  
01:41:29 Sen. Sands  
01:41:53 Sen. Webb  
01:43:20 Sen. Fielder  
01:43:43 Julianne Burkhardt, Legislative Services Division (LSD)  
01:44:14 Mr. Epstein, MCAA

#### Closing by Sponsor:

01:45:39 Sen. Webb

**EXECUTIVE ACTION ON SJ 3**

01:48:31 **Motion:** Sen. Driscoll moved that **SJ 3 DO PASS.**

01:49:39 **Motion:** Sen. Kary moved that **SJ 3 BE AMENDED.**  
**EXHIBIT(jus37a07)**

**Discussion:**

01:50:04 Sen. Sands  
01:50:34 Sen. Kary  
01:50:54 Sen. Driscoll

01:51:44 **Vote:** Motion carried 10-2 by roll call vote with Sen. Fielder and Sen. Hansen voting no. Sen. Hansen and Sen. Vincent voted by proxy.

01:51:49 **Motion:** Sen. Driscoll moved that **SJ 3 DO PASS AS AMENDED.**

**Discussion:**

01:51:55 Sen. Fielder  
01:52:27 Sen. Swandal  
01:52:42 Chairman Sales  
01:53:06 Sen. Driscoll  
01:53:37 Chairman Sales

01:53:44 **Vote:** Motion carried 11-1 by voice vote with Sen. Hansen voting no. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SB 315**

01:54:33 **Motion/Vote:** Sen. Driscoll moved that **SB 315 BE TABLED.** Motion carried 11-1 by roll call vote with Sen. Kary voting no. Sen. Hansen and Sen. Vincent voted by proxy. (Without objection, Sen. Hinkle requested that his vote be changed from No to Table, to Aye to Table, roll call sheet 10-2. See time stamp 2:00:28)

**EXECUTIVE ACTION ON SB 253**

01:55:36 **Motion:** Sen. McNally moved that **SB 253 DO PASS.**

**Discussion:**

01:55:58 Sen. Fielder

01:56:10 **Vote:** Motion carried 10-2 by roll call vote with Sen. Sales and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON HB 232**

01:57:31 **Motion:** Sen. Sands moved that **HB 232 BE CONCURRED IN.**

**Discussion:**

01:57:38 Sen. Fielder

01:58:03 Sen. Larsen

01:58:30 Sen. Sands

01:59:18 Chairman Sales

01:59:27 Sen. Swandal

01:59:57 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Larsen will carry the bill.

02:00:28 Sen. Hinkle (Discussion regarding changing his vote on previously acted upon SB 315 see time stamp 1:54:33.)

**EXECUTIVE ACTION ON HB 165**

02:01:29 **Motion:** Sen. Fielder moved that **HB 165 BE CONCURRED IN.**

**Discussion:**

02:01:37 Sen. Sands

02:01:50 Sen. Swandal

02:03:41 Chairman Sales

02:03:48 Sen. Swandal

02:04:24 Sen. Fielder

02:04:53 Sen. Sands

02:05:05 Julianne Burkhardt, Legislative Services Division (LSD)

02:05:16 Sen. Moe

02:05:44 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Moe will carry the bill.

02:06:17 Chairman Sales

02:06:35 Sen. McNally



**ADJOURNMENT**

Adjournment: 10:07 A.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus37aad.pdf](#))**