

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 23, 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. Mary McNally (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Cliff Larsen (D)
Sen. Mary Sheehy Moe (D)
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 272, 2/17/2015; HB 315, 2/17/2015; SB 352, 2/17/2015; SB 356, 2/17/2015; SB 371, 2/19/2015; SB 372, 2/19/2015; SB 373, 2/19/2015

Executive Action: SB 356-Do Pass, SB 372-Do Pass, SB 318-Do Pass, SB 352-Tabled, SB 313-Tabled, SB 322-Tabled, SB 373-Tied (remains in the committee)

HEARING ON SB 352

Opening Statement by Sponsor:

00:00:44 Sen. Edward Buttrey (R), SD 11, opened the hearing on SB 352, Create offense related to assault on healthcare and emergency providers.

Proponents' Testimony:

00:03:44 Vicky Byrd, executive director, Montana Nurses Association (MNA)

[EXHIBIT\(jus41a01\)](#)

[EXHIBIT\(jus41a02\)](#)

[EXHIBIT\(jus41a03\)](#)

[EXHIBIT\(jus41a04\)](#)

00:13:45 Robert Drake, Tri-Lakes Volunteer Fire Department, Montana Fire Alliance (MFA)

00:15:47 Dick Brown, Montana Hospital Association (MHA)

00:16:10 Kiely Keane, Montana Medical Association (MMA)

00:16:47 J.C. Weingartner, MEA-MFT

00:17:04 Mike Foster, Catholic Hospitals of Montana

00:17:46 Bill Warden, Bozeman Deaconess, Bozeman; St. Peters Hospital, Helena; Benefis Healthcare, Great Falls

00:18:01 Amanda Harro, Montana Primary Care Association (MPCA)

00:18:22 Dr. Gary Mihelish, self, Helena

00:19:56 Aimee Grmoljez, Billings Clinic

Opponents' Testimony:

00:20:24 Beth Brenneman, attorney, Disability Rights Montana (DRM)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:21:51 Sen. Buttrey

HEARING ON HB 272

Opening Statement by Sponsor:

00:23:08 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 272, Adoption of the uniform collaborative law act.

Proponents' Testimony:

00:25:47 Tal Goldin, attorney, Wells & McKittrick; past president, Western Montana Bar Association; adjunct law professor, University of Montana Law School (UM), Missoula

[EXHIBIT\(jus41a05\)](#)

00:35:52 Hilary Oitzinger, attorney, Oitzinger Law and Mediation, Great Falls/Helena

[EXHIBIT\(jus41a06\)](#)

00:39:13 Karen Powell, commissioner, Uniform Law Commission (ULC)

00:40:44 Linda Gryczan, president, Montana Mediation Association (MMA)

00:41:52 Kathryn Mazurek, attorney, Brown, Uda, Dinwiddee and Mazurek Family Law, Bozeman

Opponents' Testimony:

00:48:02 Bruce Spencer, State Bar of Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

00:53:14 Sen. Swandal

00:53:22 Mr. Goldin, attorney

Closing by Sponsor:

01:01:54 Rep. Boldman Hill

HEARING ON HB 315

Opening Statement by Sponsor:

01:02:34 Rep. Bill Harris (R), HD 29, opened the hearing on HB 315, Revise the Montana Federal Mandates Act.

[EXHIBIT\(jus41a07\)](#)

[EXHIBIT\(jus41a08\)](#)

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

01:05:09 Amy Sassano, deputy budget director, Office of Budget and Planning Program
(OBPP), State of Montana

[EXHIBIT\(jus41a09\)](#)

Questions from Committee Members and Responses:

01:05:45 Sen. Fielder

01:06:21 Ms. Sassano, OBPP

Closing by Sponsor:

01:07:51 Rep. Harris

HEARING ON SB 356

Opening Statement by Sponsor:

01:10:37 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 356, Revise law
enforcement laws.

[EXHIBIT\(jus41a10\)](#)

Proponents' Testimony:

01:16:11 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

01:21:01 Jerry Williams, Montana Police Protective Association (MPPA)

Opponents' Testimony:

None

Informational Testimony:

01:23:58 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

01:24:58 Mark Murphy, Montana County Attorneys Association (MCAA)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:25:38 Sen. Fielder

HEARING ON SB 372**Opening Statement by Sponsor:**

01:27:52 Sen. Mark Blasdel (R), SD 4, opened the hearing on SB 372, Generally revise landlord tenant property laws.

Proponents' Testimony:

01:29:44 John Sinrud, Montana Landlords Association (MLA)
01:31:33 Rick Linafelter, executive vice president, Montana Landlords Association (MLA)
01:31:55 Dennis Keaster, vice president, Helena Chapter, Montana Landlords Association (MLA)
01:32:58 William Staffeldt, self, landlord, president, Helena Chapter, Montana Landlords Association (MLA)
01:34:18 Robert Kolar, self, landlord, Helena
01:34:39 Steve Cichon, property manager, Bozeman
01:34:58 Sharon Lodge, president, Bozeman Chapter, Montana Landlords Association (MLA)

Opponents' Testimony:

01:35:40 Amy Hall, attorney, Montana Legal Services Association (MLSA)
[EXHIBIT\(jus41a11\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:41:23 Sen. Swandal
01:41:45 Ms. Lodge, MLA

Closing by Sponsor:

01:42:52 Sen. Blasdel

HEARING ON SB 371**Opening Statement by Sponsor:**

01:43:29 Sen. Mark Blasdel (R), SD 4, opened the hearing on SB 371, Generally revise landlord tenant property laws.

Proponents' Testimony:

01:44:37 John Sinrud, Montana Landlords Association (MLA)
01:45:56 Rick Linafelter, executive vice president, Montana Landlords Association (MLA)
01:46:17 Dennis Keaster, vice president, Helena Chapter, Montana Landlords Association (MLA)

01:48:53 William Staffeldt, self, landlord, president, Helena Chapter, Montana Landlords Association (MLA)
01:55:14 Robert Kolar, self, landlord, Helena
01:55:31 Steve Cichon, self, property manager, Bozeman
01:56:53 Sharon Lodge, president, Bozeman Chapter, Montana Landlords Association (MLA)

Opponents' Testimony:

01:58:57 Amy Hall, attorney, Montana Legal Services Association (MLSA)
[EXHIBIT\(jus41a12\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

02:09:17 Sen. Fiedler
02:09:42 Mr. Sinrud, MLA
02:12:03 Sen. Hinkle
02:13:38 Mr. Sinrud

Closing by Sponsor:

02:18:54 Sen. Blasdel

HEARING ON SB 373

Opening Statement by Sponsor:

02:19:48 Sen. Christine Kaufmann (D), SD 40, opened the hearing on SB 373, Revise laws related to restorative justice programs.

Proponents' Testimony:

02:24:55 Linda Gryczan, president, Montana Mediation Association (MMA)
02:29:06 Robin Turner, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
02:29:57 Rachel Carroll Rivas, Montana Human Rights Network (MHRN)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

02:30:49 Sen. Fielder
02:30:57 Sen. Kaufmann
02:36:39 Sen. Sands
02:36:43 Sen. Kaufmann
02:37:14 Sen. Hinkle
02:37:40 Sen. Kaufmann

Closing by Sponsor:

02:38:44 Sen. Kaufmann

02:39:19 Recess
02:54:38 Reconvene

EXECUTIVE ACTION ON SB 352

02:55:15 **Motion:** Sen. Driscoll moved that **SB 352 DO PASS.**

Discussion:

02:55:28 Sen. Sands
02:55:42 Chairman Sales

02:55:45 **Substitute Motion/Vote:** Sen. Swandal made a substitute motion that **SB 352 BE TABLED.** Substitute 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, Sen. Moe and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 356

02:57:22 **Motion:** Sen. Fielder moved that **SB 356 DO PASS.**

Discussion:

02:57:34 Sen. Swandal

02:57:43 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen, Sen. Larsen, Sen. Moe and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 373

02:58:24 **Motion:** Sen. Fielder moved that **SB 373 BE TABLED.**

Discussion:

02:58:33 Sen. Swandal
02:59:20 Sen. Fielder

03:00:01 Sen. Kary
03:00:10 Sen. Sands

03:01:19 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting aye. Sen. Hansen, Sen. Larsen, Sen. Moe and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 372

03:01:58 **Motion/Vote:** Sen. Swandal moved that **SB 372 DO PASS**. Motion carried 9-3 by voice vote with Sen. Driscoll, Sen. Larsen and Sen. Moe voting no. Sen. Hansen, Sen. Larsen, Sen. Moe and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 313

03:04:07 **Motion:** Sen. Driscoll moved that **SB 313 DO PASS**.

Discussion:

(Sen. Moe entered the hearing room)

03:04:22 Sen. Hinkle

03:05:29 **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 and Sen. Larsen and Sen. Vincent voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

EXECUTIVE ACTION ON SB 318

03:06:05 **Motion:** Sen. Swandal moved that **SB 318 DO PASS**.

Discussion:

03:07:28 Sen. Sands
03:07:47 Sen. Kary

03:07:51 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen, Sen. Larsen and Sen. Vincent voted by proxy.

EXECUTIVE ACTION ON SB 322

03:08:16 **Motion:** Sen. Fielder moved that **SB 322 DO PASS**.

Discussion:

(Sen. Vincent entered the hearing room)

03:09:12 Sen. Swandal

03:09:39

Substitute Motion/Vote: Sen. Driscoll made a substitute motion that **SB 322 BE TABLED**. Substitute Motion carried 8-4 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Sales voting no. Sen. Hansen and Sen. Larsen voted by proxy.

ADJOURNMENT

Adjournment: 11:10 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus41aad.pdf](#))