

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 24, 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)
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: SB 357, 2/19/2015; SB 359, 2/19/2015; SB 360, 2/19/2015; SB 362, 2/19/2015; SB 383, 2/20/2015; SB 384, 2/20/2015; SB 385, 2/20/2015
Executive Action: SB 357-Tabled, SB 359-Tabled, SB 362-Tabled, SB 383-Tabled, SB 304-Tabled, SB 360-Do Pass, SB 384-Do Pass As Amended, SB 385-Do Pass, SB 371-Do Pass As Amended

HEARING ON SB 384

Opening Statement by Sponsor:

00:00:41 Sen. Roger Webb (R), SD 23, opened the hearing on SB 384, Court authorization required for notices of no contact between landlord & tenant.
[EXHIBIT\(jus42a01\)](#)

Proponents' Testimony:

00:03:53 John Sinrud, Montana Landlords Association (MLA)
00:05:42 Rick Linafelter, vice president, Montana Landlords Association (MLA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:06:40 Sen. Swandal
00:07:09 Mr. Sinrud, MLA
00:08:50 Sen. Sands
00:09:22 Sen. Webb
00:09:29 Mr. Sinrud
00:10:37 Sen. Sands
00:10:42 Sen. Swandal

Closing by Sponsor:

00:11:01 Sen. Webb

HEARING ON SB 385

Opening Statement by Sponsor:

00:11:34 Sen. Roger Webb (R), SD 23, opened the hearing on SB 385, Generally revise landlord tenant laws.

Proponents' Testimony:

00:12:36 John Sinrud, Montana Landlords Association (MLA)
00:16:18 Rick Linafelter, vice president, Montana Landlords Association (MLA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:17:38 Sen. Hinkle
00:18:30 Sen. Webb
00:18:54 Sen. Moe
00:19:33 Sen. Webb
00:20:17 Mr. Sinrud, MLA
00:21:24 Sen. Moe
00:21:41 Mr. Sinrud

Closing by Sponsor:

00:23:36 Sen. Webb

HEARING ON SB 357

Opening Statement by Sponsor:

00:24:16 Sen. Cynthia Wolken (D), SD 48, opened the hearing on SB 357, Generally revise DUI laws.

Proponents' Testimony:

00:26:08 Mark Murphy, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:28:57 Sen. Swandal
00:29:21 Mr. Murphy, MCAA
00:30:04 Sen. Sands
00:30:24 Mr. Murphy

Closing by Sponsor:

00:32:06 Sen. Wolken

HEARING ON SB 359

Opening Statement by Sponsor:

00:32:28 Sen. Christine Kaufmann (D), SD 40, opened the hearing on SB 359, Generally revise sentencing laws regarding penalties for certain crimes.

Proponents' Testimony:

None

Opponents' Testimony:

00:38:08 Mark Murphy, Montana County Attorneys Association (MCAA)

Informational Testimony:

00:42:35 William Hooks, chief public defender, Office of Public Defender (OPD), State of Montana

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:42:59 Sen. Kaufmann

HEARING ON SB 360

Opening Statement by Sponsor:

00:44:57 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 360, Revise public intoxication laws.

[EXHIBIT\(jus42a02\)](#)

Proponents' Testimony:

00:46:29 Sam Smith, property manager, Billings

00:47:47 Jeremy Morgret, branch manager, Stockman Bank, Billings; president, Downtown Billings Partnership (DBP)

00:49:55 Matt Lennick, police officer, City of Billings Police Department (BPD)

00:53:46 Brent Brooks, attorney, City of Billings

00:55:45 Lisa Harmon, chairperson, Downtown Billings Alliance (DBA)

00:59:38 Aimee Grmoljez, Billings Clinic, Rimrock Foundation

01:01:02 Bruce MacIntyre, Billings Chamber of Commerce (BCC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:02:12 Sen. McNally
01:03:03 Ms. Harmon, DBA
01:04:32 Sen. Larsen
01:05:00 Sen. Kary
01:05:36 Sen. Hinkle
01:06:00 Sen. Kary
01:10:12 Sen. Fielder
01:11:04 Mr. Lennick, BPD
01:11:57 Sen. Moe
01:12:55 Mr. Brooks, City of Billings
01:14:59 Sen. Hinkle
01:15:41 Mr. Brooks

Closing by Sponsor:

01:16:37 Sen. Kary

HEARING ON SB 362

Opening Statement by Sponsor:

01:17:56 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 362, Provide permanent duties for Water Court.

Proponents' Testimony:

None

Opponents' Testimony:

01:21:18 Holly Franz, Senior Water Rights Coalition (SRWRC)
01:23:54 Krista Lee Evans, Association of Gallatin Agricultural Irrigators (AGAI)
01:24:39 Mike Murphy, Montana Water Resources Association (MWRA)
01:25:29 Chelcie Cremer, Montana Farm Bureau Federation (MFBF), also for Montana Stockgrowers Association (MSA)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:26:27 Sen. Hamlett

HEARING ON SB 383

Opening Statement by Sponsor:

01:27:50 Sen. Bradley Hamlett (D), SD 15, opened the hearing on SB 383, Eliminate term limits for legislative and elected officials.

Proponents' Testimony:

01:30:16 John Esp, Montana Association of Counties (MACo)

Opponents' Testimony:

01:31:38 Ed Butcher, self, former Montana state legislator

Informational Testimony:

None

Questions from Committee Members and Responses:

01:41:34 Sen. Sands
01:41:57 Mr. Esp, MACo
01:42:26 Sen. Sands
01:42:29 Sen. Hamlett
01:42:53 Sen. McNally
01:43:14 Sen. Hamlett

Closing by Sponsor:

01:43:44 Sen. Hamlett

01:45:59 Recess
02:00:21 Reconvene

EXECUTIVE ACTION ON SB 357

02:00:57 **Motion:** Sen. Swandal moved that **SB 357 DO PASS.**

Discussion:

02:01:35 Sen. Moe
02:02:03 Sen. Sands

02:02:24 Sen. Swandal
02:03:47 Sen. Fielder
02:04:06 Julianne Burkhardt, Legislative Services Division (LSD)

02:04:44 **Vote:** 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 voted by proxy.

02:06:19 **Motion/Vote:** Sen. Swandal moved that **SB 357 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 voted by proxy.

EXECUTIVE ACTION ON SB 359

02:06:30 **Motion:** Sen. Moe moved that **SB 359 DO PASS**.

Discussion:

02:06:37 Sen. Hinkle

02:07:08 **Substitute Motion:** Sen. Kary made a substitute motion that **SB 359 BE TABLED**.

Discussion:

02:07:16 Sen. Larsen

02:07:32 **Vote:** Motion carried 7-5 by roll call vote with Sen. Driscoll, Sen. Fielder, Sen. Larsen, Sen. Moe and Sen. Sands voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 360

02:09:06 **Motion:** Sen. Kary moved that **SB 360 DO PASS**.

Discussion:

02:09:13 Sen. Hinkle
02:09:50 Sen. Fielder
02:10:49 Sen. Sands
02:11:50 Sen. Driscoll
02:12:11 Sen. McNally
02:12:33 Sen. Hinkle

02:12:53 **Vote:** Motion carried unanimously by roll call vote. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 362

02:13:41 **Motion/Vote:** Sen. Sands moved that **SB 362 BE TABLED**. Motion carried 8-4 by voice vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Larsen voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 383

02:14:14 **Motion:** Sen. Swandal moved that **SB 383 BE TABLED.**

Discussion:

02:14:30 Sen. Vincent
02:15:27 Sen. Fielder
02:15:40 Sen. Moe
02:16:00 Sen. Larsen
02:16:36 Sen. Vincent
02:17:02 Chairman Sales

02:17:09 **Vote:** Motion carried 9-3 by voice vote with Sen. Driscoll, Sen. Larsen and Sen. Sands voting no. Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SB 384

02:17:43 **Motion:** Sen. Kary moved that **SB 384 DO PASS.**

Discussion:

02:17:54 Sen. Swandal
02:18:26 Chairman Sales

(Sen. Vincent left the hearing room)

02:19:28 **Motion:** Sen. Fielder moved that **SB 384 BE AMENDED.**
EXHIBIT(jus42a03)

Discussion:

02:19:39 Julianne Burkhardt, Legislative Services Division (LSD)
02:19:57 Sen. Fielder
02:20:05 Ms. Burkhardt, LSD
02:20:22 Sen. Swandal
02:20:32 Sen. Sands
02:20:45 Ms. Burkhardt
02:21:07 Sen. Swandal

02:21:23 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:21:37 **Motion/Vote:** Sen. Moe moved that **SB 384 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:22:06 Ms. Burkhardt

EXECUTIVE ACTION ON SB 385

02:22:25 **Motion:** Sen. Hinkle moved that **SB 385 DO PASS.**

02:22:37 **Motion:** Sen. Hinkle moved that **SB 385 BE AMENDED WITH A CONCEPTUAL AMENDMENT CHANGING THE TIME FOR GUEST STAYS TO 14 DAYS.**

Discussion:

02:24:05 Sen. Larsen

02:24:38 Sen. Fielder

02:25:05 Sen. Hinkle

02:25:30 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Sales, Sen. Swandal and Sen. Vincent voting aye. Sen. Hansen and Sen. Vincent voted by proxy.

Discussion:

02:26:15 Sen. Sands

02:26:36 Sen. Swandal

02:27:42 Sen. Moe

02:28:15 Sen. Larsen

02:28:56 Sen. Kary

02:29:37 **Vote:** 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 371

02:30:28 **Motion:** Sen. Fielder moved that **SB 371 DO PASS.**

02:30:56 **Motion:** Sen. Fielder moved that **SB 371 BE AMENDED.**
[EXHIBIT\(jus42a04\)](#)

02:32:41 **Motion:** Sen. McNally moved that **SB 371 ALSO BE AMENDED WITH A CONCEPTUAL AMENDMENT TO MAKE THE LANGUAGE ON LINE FOUR THE SAME LANGUAGE AS ON PAGE 5 AND TO BE ADDED TO THE PREVIOUS AMENDMENT 37101.ajb.**

Discussion:

02:31:03 Julianne Burkhardt, Legislative Services Division (LSD)

02:31:38 Sen. Hinkle

02:33:26 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

02:33:38 **Motion/Vote:** Sen. Fielder moved that **SB 371 DO PASS AS AMENDED**.
Motion carried unanimously by roll call vote. Sen. Hansen and Sen. Vincent
voted by proxy.

EXECUTIVE ACTION ON SB 304

02:34:44 **Motion:** Sen. Driscoll moved that **SB 304 DO PASS**.

02:34:50 **Motion:** Sen. Kary moved that **SB 304 BE AMENDED**.
[EXHIBIT\(jus42a05\)](#)

Discussion:

02:35:59 Julianne Burkhardt, Legislative Services Division (LSD)
02:36:25 Sen. Driscoll
02:36:36 Ms. Burkhardt, LSD
02:36:59 Sen. Driscoll
02:37:51 Sen. Fielder

(Sen. Vincent returned to the hearing room)

02:38:36 Sen. Moe
02:39:09 Sen. Larsen
02:40:14 Sen. Kary
02:41:00 Sen. Driscoll
02:41:14 Sen. Swandal

02:42:04 **Vote:** Motion failed 5-7 by roll call vote with Sen. Fielder, Sen. Hansen, Sen.
Hinkle, Sen. Kary and Sen. Swandal voting aye. Sen. Hansen voted by proxy.

02:42:41 **Motion:** Sen. Moe moved that **SB 304 BE AMENDED**.
[EXHIBIT\(jus42a06\)](#)

Discussion:

02:44:26 Sen. Fielder
02:44:38 Sen. Moe
02:44:46 Ms. Burkhardt
02:44:58 Sen. Driscoll

02:45:10 **Vote:** Motion carried 7-5 by roll call vote with Sen. Hinkle, Sen. Kary, Sen.
Sales, Sen. Swandal and Sen. Vincent voting no. Sen. Hansen voted by proxy.
Without objection, Chairman Sales granted Sen. Fielder's request to
change the proxy vote of Sen. Hansen from an Aye to No. Motion failed 6-6 by
roll call vote with Sen. Driscoll, Sen. Fielder, Sen. Larsen, Sen. McNally, Sen.
Moe and Sen. Sands voting aye. Sen. Hansen voted by proxy.

Discussion:

02:46:55 Sen. Fielder
02:47:36 Sen. Larsen

02:49:05

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 voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

ADJOURNMENT

Adjournment: 10:51 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus42aad.pdf](#))