

## MINUTES

### MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Scott Sales, on March 25, 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: HB 378, 3/25/2015; HB 587, 3/25/2015; SB 406, 3/25/2015

Executive Action: HB 330-Be Concurred In, HB 533-Be Concurred In As Amended  
HB 584-Be Concurred In, HB 258-Be Concurred In,  
HB 505-Tied, Bill remains in the Committee

**HEARING ON HB 378****Opening Statement by Sponsor:**

00:00:48 Rep. Tom Richmond (R), HD 56, opened the hearing on HB 378, Generally revise animal fighting laws.

**Proponents' Testimony:**

00:03:11 Rep. Frank Garner, HD 7, Kalispell  
00:06:04 Stacey Gordon, Humane Society of Western Montana (HSWM), Missoula  
00:08:24 Ingrid Rosenquist, attorney, Yellowstone County (YC), Billings  
00:12:00 Heather Gregory, animal control officer, Deer Lodge Police Department (DLPD)  
00:14:30 Rep. Gordon Pierson, HD 78, Deer Lodge  
00:15:35 Stuart Doggett, Montana Veterinary Medical Association (MTVMA)  
00:15:58 Marta Pierpoint, self; Humane Society of Western Montana (HSWM), Missoula  
00:18:34 Nannette Gilbertson, American Society for the Prevention of Cruelty to Animals (ASPCA)  
00:19:05 Tom Ebzery, Humane Society of the United States (HSUS)

[EXHIBIT\(jus62a01\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:19:53 Sen. Sands  
00:20:17 Rep. Richmond  
00:21:52 Sen. Moe  
00:22:17 Ms. Gordon, HSWM  
00:23:44 Sen. Kary  
00:24:01 Ms. Rosenquist, YC  
00:26:42 Chairman Sales  
00:26:51 Rep. Garner

**Closing by Sponsor:**

00:27:22 Rep. Richmond

**HEARING ON HB 587****Opening Statement by Sponsor:**

00:29:41 Rep. Keith Regier (R), HD 4, opened the hearing on HB 587, Requiring physical presence of practitioners when performing abortion services.

**Proponents' Testimony:**

00:33:10 Carol Kolar, health care provider, Helena

[EXHIBIT\(jus62a02\)](#)

00:41:50 Tracy Ullrey, Options Women's Clinic; also for David Roberts, physician, Billings

[EXHIBIT\(jus62a03\)](#)

[EXHIBIT\(jus62a04\)](#)

00:45:35 Michelle Reimer, nurse, executive director, Clear Choice Clinic, Kalispell; also for John Lavin, physician, Kalispell

[EXHIBIT\(jus62a05\)](#)

[EXHIBIT\(jus62a06\)](#)

00:51:10 Bonnie Mitchell, chief executive officer, Echoz Pregnancy Care Center, Great Falls; also for Honey Newton, North Valley Hospital

[EXHIBIT\(jus62a07\)](#)

[EXHIBIT\(jus62a08\)](#)

00:52:27 Gregg Trude, Right to Life Montana (RLM)

00:55:03 Matt Brower, executive director, Montana Catholic Conference (MCC)

[EXHIBIT\(jus62a09\)](#)

00:57:20 Dr. Diane Eodice, physician, Helena; also for Kara Roberts, Helena

[EXHIBIT\(jus62a10\)](#)

00:59:53 Robert Kolar, self

**Opponents' Testimony:**

01:00:22 Maggie Moran, NARAL Pro-Choice Montana; also for Blue Mountain Clinic, Missoula

[EXHIBIT\(jus62a11\)](#)

01:03:16 Martha Stahl, president/chief executive officer, Planned Parenthood of Montana (PPM); also for Planned Parenthood Advocates (PPA); also for American College of Obstetricians and Gynecologists (ACOG)

[EXHIBIT\(jus62a12\)](#)

01:06:59 Robin Turner, public policy director and legal director, Montana Coalition Against Domestic and Sexual Violence (MCADSV); also for National Institute for Reproductive Health

[EXHIBIT\(jus62a13\)](#)

[EXHIBIT\(jus62a14\)](#)

01:09:36 Kim Abbott, Montana Human Rights Network (MHRN); also for National Partnership for Women and Families

[EXHIBIT\(jus62a15\)](#)

01:11:11 Niki Zupanic, American Civil Liberties Union (ACLU); also for Susan Cahill,  
physician's assistant, Kalispell

[EXHIBIT\(jus62a16\)](#)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:14:22 Sen. Sands  
01:14:46 Ms. Zupanic, ACLU  
01:15:19 Sen. Larsen  
01:15:40 Ms. Moran, NARAL  
01:16:12 Sen. Larsen  
01:16:32 Rep. Regier  
01:19:18 Sen. Fielder  
01:19:35 Ms. Zupanic  
01:19:50 Sen. Fielder  
01:20:03 Mr. Trude, RLM  
01:21:07 Sen. McNally  
01:21:35 Ms. Stahl, PPM

**Closing by Sponsor:**

01:24:52 Rep. Regier

**HEARING ON SB 406**

**Opening Statement by Sponsor:**

01:26:26 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 406, Generally revise  
medical marijuana laws.

**Proponents' Testimony:**

01:28:50 Taylin Lang, self

[EXHIBIT\(jus62a17\)](#)

01:32:50 Rep. Rae Peppers, HD 41, Lame Deer  
01:35:27 Matt Clinch, medical marijuana provider  
01:37:15 Kathleen Shannon, self, Billings  
01:40:16 Niki Zupanic, American Civil Liberties Union (ACLU)  
01:40:40 Dan Butler, self, Helena (is an opponent; please see below for testimony)  
01:41:43 Mort Reid, Montana Cannabis Information Association (MTCIA)

[EXHIBIT\(jus62a18\)](#)

01:45:46 Paul Matt, board member, Montana Cannabis Information Association (MTCIA)

01:48:17 Brian Chaszar, medical marijuana provider, Missoula

01:50:39 LaDeana Jeane, physician, naturopathic medicine, Billings

[EXHIBIT\(jus62a19\)](#)

**Opponents' Testimony:**

01:53:11 Dan Butler, self, Helena

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:54:44 Sen. Fielder  
01:56:07 Sen. Driscoll  
01:57:34 Sen. Fielder  
01:58:52 Ms. Jeane, physician  
02:01:45 Sen. Sands  
02:02:12 Sen. Driscoll  
02:04:18 Sen. Sands  
02:04:54 Ms. Zupanic, ACLU

**Closing by Sponsor:**

02:08:27 Sen. Driscoll  
02:09:11 Recess  
02:21:59 Reconvene

**EXECUTIVE ACTION ON HB 505**

02:22:45 **Motion:** Sen. Hinkle moved that **HB 505 BE CONCURRED IN.**

02:22:44 **Motion:** Sen. Fielder moved that **HB 505 BE AMENDED.**  
[EXHIBIT\(jus62a20\)](#)

**Discussion:**

02:23:01 Julianne Burkhardt, Legislative Services Division (LSD)  
02:23:42 Sen. Moe  
02:23:53 Ms. Burkhardt, LSD  
02:23:57 Sen. Fielder  
02:24:19 Sen. Moe  
02:24:43 Ms. Burkhardt  
02:25:00 Sen. Fielder  
02:25:03 Ms. Burkhardt  
02:25:28 Sen. Sands  
02:25:44 Sen. Hinkle  
02:26:29 Sen. Vincent  
02:26:41 Sen. Moe  
02:27:28 Sen. Larsen  
02:27:38 Sen. Vincent  
02:28:03 Sen. Kary

- 02:28:21 **Vote:** Motion carried 9-3 by roll call vote with Sen. Driscoll, Sen. Larsen and Sen. Sands voting no. Sen. Hansen voted by proxy.
- 02:28:57 **Motion:** Sen. Fielder moved that **HB 505 BE CONCURRED IN AS AMENDED.**
- 02:29:01 **Substitute Motion/Vote:** Sen. Driscoll made a substitute motion that **HB 505 BE TABLED.** Substitute Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Sales and Sen. Swandal voting no. Sen. Hansen voted by proxy.
- 02:30:32 Sen. Vincent (requested that he be allowed to change his vote; Chairman Sales ruled against his request.)
- 02:30:50 **Motion/Vote:** Sen. Fielder moved that **HB 505 BE REMOVED FROM TABLE.** 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.
- 02:31:39 **Motion/Vote:** Sen. Fielder moved that **HB 505 BE CONCURRED IN.** 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 voted by proxy.

#### **EXECUTIVE ACTION ON HB 330**

- 02:33:20 **Motion/Vote:** Sen. Fielder moved that **HB 330 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Hansen voted by proxy. Sen. Sales will carry the bill.

#### **EXECUTIVE ACTION ON HB 533**

- 02:34:28 **Motion:** Sen. Fielder moved that **HB 533 BE CONCURRED IN.**
- 02:35:01 **Motion:** Sen. Fielder moved that **HB 533 BE AMENDED.**  
[EXHIBIT\(jus62a21\)](#)

#### **Discussion:**

- 02:35:14 Chairman Sales  
02:35:40 Julianne Burkhardt, Legislative Services Division (LSD)  
02:36:49 Sen. Larsen  
02:36:53 Sen. Fielder  
02:37:05 Sen. Sands  
02:37:19 Sen. Swandal

- 02:38:28 **Vote:** Motion carried 8-4 by roll call vote with Sen. Driscoll, Sen. McNally, Sen. Moe and Sen. Swandal voting no. Sen. Hansen voted by proxy.

#### **Discussion:**

- 02:39:13 Sen. Fielder  
02:39:20 Sen. Larsen

02:39:50 Sen. Driscoll  
 02:40:26 Sen. Fielder  
 02:41:06 Sen. Moe  
 02:41:42 Sen. Fielder  
 02:42:16 Sen. Moe

02:42:26 **Motion/Vote:** Sen. Fielder moved that **HB 533 BE CONCURRED IN AS AMENDED**. 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. Sen. Kary will carry the bill.

**EXECUTIVE ACTION ON HB 584**

02:43:58 **Motion:** Sen. Fielder moved that **HB 584 BE CONCURRED IN**.

**Discussion:**

02:44:43 Sen. Moe  
 02:45:35 Sen. Swandal  
 02:48:04 Sen. Larsen  
 02:48:16 Sen. Swandal  
 02:48:40 Sen. Hinkle  
 02:50:28 Sen. Moe

02:50:45 **Vote:** Motion carried 10-2 by roll call vote with Sen. Driscoll and Sen. Moe voting no. Sen. Hansen voted by proxy. Sen. Hinkle will carry the bill.

**EXECUTIVE ACTION ON HB 258**

02:51:26 **Motion:** Sen. McNally moved that **HB 258 BE CONCURRED IN**.

**Discussion:**

02:52:03 Chairman Sales  
 02:52:42 Sen. Fielder  
 02:53:38 Sen. Larsen  
 02:54:31 Sen. McNally

02:55:39 **Vote:** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary and Sen. Sales voting no. Sen. Hansen voted by proxy. Sen. McNally will carry the bill.

02:56:30 Sen. Swandal

**ADJOURNMENT**

Adjournment: 12:05 P.M.

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Pam Schindler, Secretary

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Additional Documents:

**EXHIBIT([jus62aad.pdf](#))**