

# Montana State Legislature

## **2015 SESSION ADDITIONAL DOCUMENTS**

Business Page [Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

\*Any other documents, which were submitted after the committee hearing was ended and/or was submitted late [within 48 hours], but regarding information in the committee hearing. Witness Statements that were not presented as exhibits.

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**2015 Legislative**

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**BUSINESS REPORT**  
**MONTANA SENATE**  
**64th LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Friday, February 6, 2015  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

HB 25 - Revise laws relating to housing for offenders - Rep. Margaret (Margie) MacDonald  
HB 26 - Adjust debt limit allowed for summary dissolution - Rep. Margaret (Margie) MacDonald  
SB 199 - Prohibit the application of foreign law in state courts - Sen. Janna Taylor

**EXECUTIVE ACTION TAKEN:**

**Comments:**

  
SEN. Scott Sales, Chair

# MONTANA STATE SENATE

## 2015 JUDICIARY COMMITTEE

# ROLL CALL

DATE: 2/6/15

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN, SENATOR SCOTT SALES	/	
VICE CHAIRMAN, SENATOR JENNIFER FIELDER	/	
SENATOR DIANE SANDS	/	
SENATOR ROBYN DRISCOLL	/	
SENATOR KRISTEN HANSEN		/
SENATOR JEDEDIAH HINKLE	/	
SENATOR DOUG KARY	/	
SENATOR CLIFF LARSEN	/	
SENATOR MARY MCNALLY	/	
SENATOR MARY SHEEHY MOE	/	
SENATOR NELS SWANDAL	/	
SENATOR CHAS VINCENT		/

**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

Friday, February 6, 2015

HB 25 - Revise laws relating to housing for offenders

Sponsor: Rep. Margaret (Margie) MacDonald

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Jim Nolan	HROC ASSOC, CONTINUED	✓		
	OF CARE			
ADRIANNE SCALHATEN	DEPT. CORRECTIONS	✓		
DR. GARY MATTHEWS	NAMI	✓		
Abigail St. Lawrence	MAC	✓		
Shene Morgan	(SK)	X		
TIMA NAB	MISSOULA	X		
Jim Quillen	Self	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.



**MONTANA STATE SENATE**  
**Visitors Register**  
**SENATE JUDICIARY COMMITTEE**

**Friday, February 6, 2015**

**SB 199 - Prohibit the application of foreign law in state courts**

**Sponsor: Sen. Janna Taylor**

**PLEASE PRINT**

Name	Representing	Support	Oppose	Info
Julie A. Moffitt		X		
Janet Walters		X		
HARRY SOLOMAN	SELF	X		
Dennis Nelson	Self	X		
Carol Nelson	Self	X		
Calvin BERINGER	SELF	X		
LEONARD CASTRO	SELF	X		
David Constant	Self	X		
Bruce Constant	self	X		
Barbara Austin	SELF	X		
Michael Heber	Self	X		
LYNZIE CASTRO	SELF	X		
Caroline Solomon	<del>Self</del> <del>for America</del>	X		
Norman W Johnson	Self	X		
Tom & Mary Osborne	Self	X		
Shirley Matsumoto	Self	X		
JAY TRASPANICE	Self	X		
Rosendo Manuel Pivas	MHRN		X	
James Quintin E. Helms	SELF	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

Good Morning, Mr./Mrs. Chair and Members of the Committee. My name is Tonya Shellnutt, and I am the state co-director for Concerned Women for America of Montana. CWA is the nation's largest public policy women's organization with over 500,000 members nationwide and over 2,100 members in Montana.

We strongly support SB199. Recent events have reminded us that the world is a very dangerous place, and many extreme ideologues are infiltrating our country and putting at risk the 200 years of freedom that we have enjoyed through our United States Constitution. Montana prides itself on being an independent state and one that has a big picture vision to look into the future to protect Montanans from potential harms. The long hard fought battles to empower women and minorities could be threatened if this bill is not passed. Are American women to have their rights stripped away by potentially being judged in court according to foreign laws or customs that do not hold women according to the same enlightened and higher standards that American law does?

If this bill is not passed, it can be said that foreign law can "invite manipulation" as judges will use foreign law, opinions and customs to interpret American matters in ways that allow them to skirt American Constitutional restraints and protections.

For these reasons, Concerned Women for America Montana stands in favor of SB199.

Tonya Shellnutt  
Co-Director  
CWA of Montana  
February 05, 2015

# Testimony in Support of The U.S. Constitution and SB 199

Chairman Sales & Members of the Senate Judiciary Committee,

Regretting that I am unable to testify in person today, I write to you as a man who has three significant reasons to be concerned about the passage of SB 199.

SENATE JUDICIARY  
EXHIBIT NO. 00001111111111111111  
Date 2/6/15  
SB199

First, I am a U.S. Marine infantry officer with nearly twelve years of experience, four deployments overseas spanning such theaters as Iraq, Afghanistan, and Africa, and current service in a reserve capacity as the Operations Officer of one of the Corps' two reserve Force Reconnaissance Companies. In that regard, I have had the opportunity to witness the application of foreign law in foreign countries in such a way that makes me truly appreciate the oath I've taken to the U.S. Constitution.

Secondly, I am currently employed as the Director of State Legislative Outreach for the Center for Security Policy – a non-profit non-partisan top-level national security educational corporation out of Washington DC. My daily occupation consists of educating citizens and lawmakers alike about the numerous national security threats to our Republic. I am extraordinarily blessed to have this as my "civilian occupation" because it keeps me engaged daily with the "non-kinetic" battle to protect the same Constitution to which I've sworn my oath as an Officer within the Department of Defense.

Finally, I am blessed to be married to a strong, loving, faithful woman who was born in your state and considers it home. She has endured the burden of my absence for much of a decade with the worry of a wife whose husband faced combat in some of the world's darkest places. Her repose during each of my deployments was accomplished through trips back to Montana with her family.

I hope that the Legislature might understand the strong expectation on the part of all three of the above influences that I do everything I can to support a piece of legislation that clearly aligns with the vision of our nation's founders and with our modern day concerned and patriotic citizenry.

Much the same as the goal of every U.S. military service member, law enforcement professional, and lawmaker, the goal of SB 199 is to defend U.S. citizens. SB 199's goal is a clear and unequivocal application of what *should* be the goal of all state courts: No U.S. Citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic. SB 199 defines Montana's public policy as it relates to foreign law and foreign legal doctrines that are at odds with the U.S. constitutional principles of equal protection and due process. As you well know, it is the job of the legislature to define your state's public policy, not the task of judges. Yet, without SB 199 Montana risks leaving its judges in a position where they must (1) know what foreign laws can infringe upon constitutional rights and (2) know that granting comity, choice of law, or choice of venue to judgments made within the scope of these foreign laws may be at odds with Montana and federal constitutional principles.

The second similarity between this legislation, its authors, your legislature, and the law enforcement officers and military personnel who swear an oath to our constitution is that it is neutral. Rightly so, those who defend our citizenry are required to shed prejudice in the conduct of their duties. You will find SB 199 has been constructed alongside this same rightly-guided principle as it is facially neutral and does not discriminate in any way based on faith of any kind.

Finally, because it is based on the model legislation of American Laws for American Courts (ALAC), SB 199 embodies another characteristic we desire in those who defend our Constitution: it is strong. In the states that have passed model forms of ALAC, it has never been challenged. On the contrary, there are instances where judges have applauded the legislation for giving them the tools they need to make the right judgments in their court rooms, thereby protecting their state's citizens. A testament to the strength of this legislation is the overwhelming support it has received on the voting floors of those states that have passed it. In senate chambers alone ALAC has passed 22-6 in Alabama, 57-1 in Arizona, 33-3 in Kansas, 33-3 in Louisiana, 40-3 in Oklahoma, 31-2 in North Carolina, and 32-0 in Tennessee.

It is my sincere hope and prayer that your legislature follows those listed above to overwhelmingly pass SB 199 for all the reasons I've mentioned, but also because of two more:

1. For the women of Montana: those who are most often treated unfairly by the application of foreign law, those who endure the ruggedness of your state yet could find themselves without the shelter of the constitution in your courtrooms, and those who have both served in the military and maintained the home front for men who have served.
2. For your veterans: those who have deployed in defense of your constitution, who have endured the ruthless violence of our nation's enemies, and those who hope to come back to your state for solitude and sanctuary. Let these brave warriors not come home to Montana to see their sacrifices squandered through the infringement of constitutional rights in the courtrooms of the state they call home.

Semper Fidelis is the Marine Corps' motto. Latin for "Always Faithful." I ask you to be always faithful to your women, to your veterans, to all your citizens – and most of all to your constitution – by enacting this important legislation.

Semper Fidelis,



Thomas J. Waller Jr.

# Middle East Forum

Daniel Pipes  
*President*

February 5, 2015

Dear Honorable members of the Montana Senate Judiciary Committee:

My name is Daniel Pipes, I am the president of the Middle East Forum, a Philadelphia-based research institute dedicated to promoting American interests. I have a A.B. and Ph.D. from Harvard University and have worked for the departments of State and Defense.

Unfortunately, I am not able to attend this hearing in person on SB199; instead I have provided written testimony to support SB199.

The U.S. government at all levels must preserve the primacy of its venerable and proven Constitution and resist foreign laws and customs becoming instituted. Already, we have seen justices on the Supreme Court and at other levels consider foreign laws and customs that violate the rights of the US Constitution.

There are plenty of documented cases where American citizens are being deprived at the state level of their constitutional rights because of the influence of foreign laws and customs that should have no constitutional validity in our society that is founded upon the Rule of Law.

SB199 has already been enacted in Kansas, Louisiana and Tennessee, where it protects the Constitutional rights of those states' citizens. At present, Arkansas, Florida, Texas and Michigan are considering similar legislation. Montana must join them to protect the integrity of its courts and the rights of its citizens, and it should do so before problems arise.

I therefore endorse SB199 as a law that upholds our cherished Constitutional liberties.

Sincerely,

Daniel Pipes  
President, Middle East Forum  
DanielPipes.org