

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 19, 2015 at 8:00 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)

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 129, 2/11/2015; SB 274, 2/11/2015; SB 298, 2/11/2015; SB 299, 2/16/2015; SB 304, 2/16/2015

Executive Action: SB 299-Tabled, SB 274-Tabled, SB 298-Do Pass As Amended, HB 129-Be Concurred In, HB 186-Be Concurred In, SB 223-Do Pass As Amended, SR 15-Be Adopted As Amended

HEARING ON SB 299

Opening Statement by Sponsor:

00:00:51 Sen. Fred Thomas (R), SD 44, opened the hearing on SB 299, Revising mandatory service of process laws for sheriffs.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

None

(Sen. Fielder absent from the hearing room)

EXECUTIVE ACTION ON SB 299

00:01:07 **Motion/Vote:** Sen. Swandal moved that **SB 299 BE TABLED**. Motion carried unanimously by voice vote. Sen. Fielder, Sen. Hansen and Sen. Vincent voted by proxy.

HEARING ON SB 304

Opening Statement by Sponsor:

00:02:01 Sen. Robyn Driscoll (D), SD 25, opened the hearing on SB 304, Revise protection of youth athlete laws.

Proponents' Testimony:

00:03:58 Leif Griffin, self, Missoula

00:06:14 Jim Smith, Montana Rural Education Association (MREA)

00:08:55 Chris Heard, chairman, Montana Board of Athletic Trainers (MBAT)

[EXHIBIT\(jus38a01\)](#)

00:10:48 Mona Jamison, Montana Physical Therapy Association (MPTA)

00:13:03 Mark Meredith, athletic trainer, Bozeman High School, Montana Athletic Trainers Association (MATA)
00:15:53 Aiden Myhre, Kalispell Regional Medical Center (KRMC), Kalispell
00:18:11 Jean Branscum, executive vice president, Montana Medical Association (MMA)
00:19:02 Aimee Gromeljez, Billings Clinic

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:19:38 Sen. Sands
00:19:52 Sen. Driscoll
00:20:31 Sen. Moe
00:21:08 Mr. Heard, MBAT
00:23:20 Sen. Hinkle
00:23:37 Sen. Driscoll
00:23:54 Sen. Kary
00:25:18 Sen. Driscoll

Closing by Sponsor:

00:25:59 Sen. Driscoll

00:27:20 Recess
00:32:02 Reconvene

(Sen. Fielder is present in the room)

HEARING ON HB 129

Opening Statement by Sponsor:

00:32:04 Rep. Ellie Boldman Hill (D), HD 90, opened the hearing on HB 129, Clarify who must move to amend parenting plan when one parent relocates.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:34:33 Rep. Hill

00:34:55 Recess

00:39:34 Reconvene

HEARING ON SB 298

Opening Statement by Sponsor:

00:39:50 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 298, Enforce provisions of the enabling act regarding sale of public lands.

[EXHIBIT\(jus38a02\)](#)

Proponents' Testimony:

00:45:31 Joe Balyeat, Americans for Prosperity Montana (AFP/MT)

Opponents' Testimony:

None

Informational Testimony:

00:46:21 Jon Bennion, assistant attorney general, Department of Justice (DOJ)

00:46:37 John Hagenruber, U.S. Forest Service (USFS)

Questions from Committee Members and Responses:

00:46:56 Sen. Larsen

00:47:57 Mr. Bennion, DOJ

00:49:29 Sen. Larsen

00:49:55 Sen. Fielder

00:51:51 Sen. Hinkle

00:52:13 Mr. Bennion

00:53:08 Sen. Hinkle

00:53:19 Sen. Fielder

00:54:24 Sen. Sands

00:54:40 Sen. Fielder

00:56:21 Sen. Sands

00:56:39 Mr. Hagenruber, USFS

Closing by Sponsor:

00:57:21 Sen. Fielder

HEARING ON SB 274

Opening Statement by Sponsor:

00:59:33 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 274, Prevent the federal government from selling public lands in Montana.

Proponents' Testimony:

01:01:45 Joe Balyeat, Americans for Prosperity Montana (AFP/MT)

Opponents' Testimony:

01:02:31 Tom France, attorney, National Wildlife Federation (NWF)
01:05:46 Nick Gevock, Montana Wildlife Federation (MWF)
01:06:19 Julia Altemus, Montana Wood Products Association (MWPA)
01:09:13 Jake Troyer, Montana Audubon (MA)
01:09:47 Eric Grove, self, Helena
01:11:41 Stan Frasier, Helena Hunters and Anglers Association
01:12:06 Ben Lamb, Montana Wilderness Association (MWA)

Informational Testimony:

01:12:28 John Hagenruber, U.S. Forest Service (USFS)

(Sen. Vincent is present in the room)

Questions from Committee Members and Responses:

01:12:43 Sen. Kary
01:13:22 Mr. Grove, self
01:15:08 Sen. Hinkle
01:15:44 Sen. Fielder
01:16:44 Sen. Hinkle
01:17:15 Mr. Gevock, MWF
01:18:25 Sen. Hinkle
01:18:32 Mr. Troyer, MA
01:19:08 Sen. Hinkle
01:19:27 Mr. Lamb, MWA
01:21:05 Sen. McNally
01:21:51 Mr. Grove
01:22:09 Chairman Sales
01:22:30 Mr. Grove

Closing by Sponsor:

01:23:14 Sen. Fielder
EXHIBIT(jus38a03)

01:27:26 Recess
01:38:52 Reconvene

(Sen. Vincent absent from the hearing room)

EXECUTIVE ACTION ON SB 298

01:39:16 **Motion:** Sen. Fielder moved that **SB 298 DO PASS.**

Discussion:

01:39:30 Sen. Kary
01:40:21 Sen. Fielder
01:40:39 Sen. Sands
01:41:26 Sen. Fielder
01:41:48 Julianne Burkhardt, Legislative Services Division (LSD)

01:42:05 **Motion:** Sen. Sands moved that **SB 298 BE AMENDED WITH A CONCEPTUAL AMENDMENT FOR PAGE 1, LINE 19, FOLLOWING THE WORD "PURSUE", INSERT, "TO THE EXTENT FEASIBLE".**

Discussion:

01:42:21 Ms. Burkhardt, LSD
01:43:00 **Vote:** Motion carried 11-1 by voice vote with Sen. Larsen voting no. Sen. Hansen and Sen. Vincent voted by proxy.

(Sen. Larsen absent from the hearing room)

01:43:25 **Motion/Vote:** Sen. Fielder moved that **SB 298 DO PASS AS AMENDED.** Motion carried 10-1 by roll call vote with Sen. Driscoll voting no. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Larsen was excused.

EXECUTIVE ACTION ON HB 129

01:44:38 **Motion:** Sen. Swandal moved that **HB 129 BE CONCURRED IN.**

(Sen. Larsen returned to the hearing room)

Discussion:

01:45:05 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON SB 274

01:45:34 **Motion:** Sen. Fielder moved that **SB 274 DO PASS.**

Discussion:

01:45:44 Sen. McNally
01:46:28 Sen. Vincent
01:46:59 Sen. Hinkle
01:47:12 Sen. Sands
01:47:35 Chairman Sales
01:48:28 Sen. Fielder

01:50:43 **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 and Sen. Vincent voted by proxy. Without objection, Chairman Sales reversed the vote and tabled the bill.

EXECUTIVE ACTION ON HB 186

01:51:52 Motion: Sen. Sands moved that **HB 186 BE CONCURRED IN.**

Discussion:

01:52:03 Sen. Vincent
01:52:23 Sen. Swandal

(Sen. Fielder absent from the room, Sen. Vincent present in the room)

01:52:39 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. Hansen voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON SB 223

01:53:45 Julianne Burkhardt, Legislative Services Division (LSD)

01:56:04 **Motion:** Sen. Vincent moved that **SB 223 DO PASS.**

01:56:10 **Motion:** Sen. Vincent moved that **SB 223 BE AMENDED**
EXHIBIT(jus38a04)

Discussion:

01:56:24 Sen. Sands
01:56:33 Ms. Burkhardt, LSD

01:56:52 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. Hansen voted by proxy.

01:57:02 **Motion/Vote:** Sen. Vincent moved that **SB 223 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote. Sen. Fielder and Sen. Hansen voted by proxy.

EXECUTIVE ACTION ON SR 15

01:58:50 **Motion:** Sen. Sales moved that **SR 15 BE ADOPTED.**

Discussion:

01:59:12 Sen. Moe

01:59:29 Sen. Sands

01:59:53 **Motion:** Sen. Sales moved that **SR 15 BE AMENDED BY SEGREGATING JUDGE SHEA FROM THE REST OF THE CANDIDATES AND TO CHANGE THE CARRIER OF SR 15 TO SEN. SANDS.**

Discussion:

02:00:22 Julianne Burkhardt, Legislative Services Division (LSD)

02:00:34 Sen. Sales

02:00:45 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. Hansen voted by proxy.

02:01:06 Sen. Larsen

02:01:23 Sen. Sales

02:01:26 **Motion/Vote:** Sen. Sales moved that **SR 15 BE ADOPTED AS AMENDED.**
Motion carried unanimously by voice vote. Sen. Fielder and Sen. Hansen voted by proxy.

02:02:47 Chairman Sales

ADJOURNMENT

Adjournment: 10:10 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus38aad.pdf](#))