

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 18, 2019 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Kathy Kelker, Vice Chair (D)
Rep. Barry Usher, Vice Chair (R)
Rep. Seth Berglee (R)
Rep. Barbara Bessette (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Greg DeVries (R)
Rep. David Dunn (R)
Rep. Robert Farris-Olsen (D)
Rep. Connie Keogh (D)
Rep. Casey Knudsen (R)
Rep. Jasmine Krotkov (D)
Rep. Dennis R. Lenz (R)
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused: None

Members Absent: None

Staff Present: Abigail Konen, Committee Clerk
Rachel Weiss, Legislative Branch

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 136, 1/14/2019; HB 149, 1/14/2019; HB 173, 1/14/2019; HB 202, 1/14/2019
Executive Action: HB 46, HB 96, HB 98, HB 99, HB 116

08:02:42 Chair Doane

HEARING ON HB 173

Opening Statement by Sponsor:

08:03:26 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 173, Revise consent laws for elementary or high school students in a school setting.

[EXHIBIT\(juh10a01\)](#)

Proponents' Testimony:

08:11:26 Rep. Peppers

08:12:45 Chair Doane

08:13:11 Mary Cochenour, Attorney General's Office (AGO)

08:15:29 Rep. Dudik

08:15:52 Dan Rice, Self

08:20:32 John Heenan, Self

08:22:26 Rep. Loge

08:22:56 John Perkins, Office of Public Instruction (OPI)

08:23:28 Rep. Peppers

08:24:06 Iko'tsimiskimaki Beck, Fort Belknap Indian Community Council

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:24:44 Rep. B. Brown

08:26:09 Dan Rice

08:26:47 Rep. B. Brown

08:26:58 Dan Rice

08:28:34 Rep. Perry

08:28:49 Dan Rice

08:29:09 Vice Chair Usher

08:30:00 Rep. Morigeau

08:31:31 Vice Chair Kelker

08:32:01 Rep. Morigeau

08:33:21 Chair Doane

Closing by Sponsor:

08:33:52 Rep. Morigeau

HEARING ON HB 149

Opening Statement by Sponsor:

08:36:27 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 149, Limiting when certain individuals are capable of consenting to sexual activities.

Proponents' Testimony:

08:41:31 Mary Cochenour, Attorney General's Office (AGO)
08:43:36 Dan Rice, Prairie County Attorney's Office
08:44:09 John Heenan, Self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:46:23 Rep. Bishop
08:47:43 Rep. Dudik
08:48:44 Rep. Lenz
08:49:24 Rep. Dudik
08:50:03 Rep. Lenz
08:51:10 Rep. Dudik
08:51:59 Vice Chair Usher
08:52:45 Rep. Dudik
08:53:31 Rep. B. Brown
08:54:21 Mary Cochenour, AGO

Closing by Sponsor:

08:54:55 Rep. Dudik

HEARING ON HB 136**Opening Statement by Sponsor:**

08:55:42 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 136, Abolish premarital blood test for women.

Proponents' Testimony:

08:57:51 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:58:12 Jessie Luther, Montana Association of Clerks of District Court

Opponents' Testimony:

None

Informational Testimony:

08:59:13 Jim Murphy, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

None

Closing by Sponsor:

08:59:41 Rep. Dudik

09:00:11 Recessed
09:08:03 Reconvened

09:08:03 Rep. Lenz left the meeting.

HEARING ON HB 202

Opening Statement by Sponsor:

09:08:29 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 202, Revise statute of limitations for victims.

09:11:20 Rep. Skees left the meeting.

Proponents' Testimony:

09:14:51 Tara Walker Lyons, Self

09:19:38 Dan Rice, Self

[EXHIBIT\(juh10a02\)](#)

09:25:36 Kristen Newby, Self

09:29:24 Sen. Smith, SD 16

09:30:43 Bryant Martin, Self

09:32:47 John Heenan, Self

[EXHIBIT\(juh10a03\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:40:24 Rep. Farris-Olsen

09:40:43 Dan Rice

09:41:28 Rep. Farris-Olsen

09:41:41 Dan Rice

09:43:28 Chair Doane

09:43:49 Dan Rice

09:44:43 Chair Doane

09:44:55 Dan Rice

09:45:23 Rep. C. Knudsen

09:46:04 Rep. Lenz reentered the meeting.

09:46:49 Dan Rice

09:48:11 Rep. Farris-Olsen

09:48:27 Dan Rice

Closing by Sponsor:

09:48:57 Rep. Morigeau

09:55:01 Chair Doane

09:55:18 Recessed

10:09:44 Reconvened

10:09:44 Rep. Skees reentered the meeting.
10:09:53 Chair Doane
10:10:59 Vice Chair Kelker
10:11:23 Chair Doane
10:12:17 Rep. Lenz
10:12:53 Rep. Morigeau
10:15:02 Rep. Farris-Olsen
10:15:27 Chair Doane
10:16:26 Rep. Morigeau
10:16:44 Chair Doane

EXECUTIVE ACTION ON HB 46

10:17:47 **Motion:** Vice Chair Usher moved that **HB 46 DO PASS.**

10:18:21 **Motion:** Vice Chair Usher moved that **HB 46 BE AMENDED.**
EXHIBIT(juh10a04)

Discussion:

10:18:37 Rachel Weiss, Legislative Services Division (LSD)
10:20:18 Chair Doane
10:20:22 Rachel Weiss, LSD
10:20:36 Vice Chair Kelker
10:20:51 Rachel Weiss, LSD
10:21:42 Rep. C. Knudsen
10:22:10 Rachel Weiss, LSD
10:22:26 Rep. B. Brown
10:22:58 Rachel Weiss, LSD
10:23:11 Vice Chair Kelker
10:23:35 Rachel Weiss, LSD
10:24:19 Vice Chair Kelker
10:24:36 Rachel Weiss, LSD

10:24:59 **Vote:** Motion carried unanimously by voice vote.

10:25:15 **Motion/Vote:** Vice Chair Usher moved that **HB 46 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 116

10:26:06 **Motion:** Vice Chair Usher moved that **HB 116 DO PASS.**

Discussion:

10:26:13 Chair Doane
10:26:27 Rep. Farris-Olsen
10:27:35 Chair Doane

10:28:16 **Vote:** Motion failed unanimously by voice vote.

10:28:44 **Motion/Vote:** Vice Chair Usher moved that **HB 116 BE TABLED**. Without objection from the committee, motion passed.

EXECUTIVE ACTION ON HB 96

10:29:25 **Motion:** Vice Chair Usher moved that **HB 96 DO PASS**.

Discussion:

10:29:50 Rep. Manzella
10:31:16 Rep. Farris-Olsen
10:31:57 Vice Chair Kelker

10:32:42 **Vote:** Motion carried 18-1 by roll call vote with Rep. Besette voting no.

EXECUTIVE ACTION ON HB 98

10:34:20 Chair Doane

10:34:45 **Motion:** Vice Chair Usher moved that **HB 98 DO PASS**.

10:35:01 **Motion:** Vice Chair Usher moved that **HB 98 BE AMENDED**.

Discussion:

10:35:15 Rachel Weiss, LSD

10:36:48 **Vote:** Motion carried unanimously by voice vote.

10:37:02 **Motion:** Vice Chair Usher moved that **HB 98 DO PASS AS AMENDED**.

Discussion:

10:37:15 Rep. Berglee

10:37:43 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 99

10:38:10 **Motion/Vote:** Vice Chair Usher moved that **HB 99 DO PASS**. Motion carried unanimously by voice vote.

10:38:42 Chair Doane
10:38:49 Rep. Skees
10:38:59 Vice Chair Usher
10:39:10 Rep. Skees
10:39:14 Rep. Lenz
10:39:18 Chair Doane

ADJOURNMENT

Adjournment: 10:39:35

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh10aad.pdf](#))