

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 24, 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. 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:

Rep. Seth Berglee (R)
Rep. Barry Usher, Vice Chair (R)

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 244, 1/18/2019; HB 245, 1/18/2019; HB 246, 1/18/2019
Executive Action: HB 36, HB 47, HB 97, HB 110, HB 145, HB 155, HJ 5

08:01:58 Chair Doane
08:02:31 Rep. Gunderson

HEARING ON HB 245

Opening Statement by Sponsor:

08:02:49 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 245, Constitutional amendment to revise initiative signature requirements.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:06:03 Rep. Dunn
08:06:19 Rep. Gunderson
08:07:18 Vice Chair Kelker
08:07:44 Rep. Gunderson
08:08:08 Chair Doane
08:10:43 Rep. Gunderson

Closing by Sponsor:

08:11:23 Rep. Gunderson

HEARING ON HB 244

Opening Statement by Sponsor:

08:13:26 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 244, Constitutional amendment to change const. amendment signature requirements.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:15:01 Rep. Skees
08:15:23 Rep. Gunderson
08:16:34 Rep. Manzella
08:17:15 Rep. Gunderson
08:18:28 Rep. Manzella

08:18:56 Rep. Gunderson
08:20:14 Rep. Lenz
08:20:45 Rep. Gunderson

Closing by Sponsor:

08:21:39 Rep. Gunderson

HEARING ON HB 246

Opening Statement by Sponsor:

08:22:44 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 246, Revise laws for out-of-state subpoenas.

Proponents' Testimony:

None

Opponents' Testimony:

08:26:02 Bruce Spencer, State Bar of Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

08:31:06 Rep. Morigeau
08:31:45 Bruce Spencer, State Bar of Montana
08:32:37 Rep. Farris-Olsen
08:32:58 Bruce Spencer, State Bar of Montana
08:34:32 Rep. Farris-Olsen
08:34:46 Bruce Spencer, State Bar of Montana
08:34:58 Rep. C. Knudsen
08:35:29 Bruce Spencer, State Bar of Montana

Closing by Sponsor:

08:36:30 Rep. Sheldon-Galloway

08:38:33 Chair Doane

08:38:42 Recessed
08:39:35 Reconvened

08:39:36 Chair Doane
08:40:31 Rachel Weiss, Legislative Services Division (LSD)
08:40:44 Chair Doane
08:41:33 Rep. C. Knudsen
08:41:42 Rachel Weiss, LSD
08:41:49 Chair Doane

08:42:19 Recessed
09:32:30 Reconvened

09:32:35 Chair Doane

09:33:24 **Motion/Vote:** Vice Chair Kelker moved that **SECTION 2 SUBSET D OF THE RULES OF PROCEDURE BE AMENDED TO INCLUDE THE WORDS "OR SURROGATE DESIGNATED BY EITHER VICE CHAIR"**. Motion carried 17-0 by voice vote. Rep. Berglee and Vice Chair Usher were excused.

09:34:06 Vice Chair Kelker

09:34:17 Chair Doane

09:34:25 Rep. Skees

09:34:40 Chair Doane

EXECUTIVE ACTION ON HB 36

09:35:43 **Motion:** Vice Chair Kelker moved that **HB 36 DO PASS**.

Discussion:

09:36:04 Rachel Weiss, LSD

09:37:21 **Motion:** Vice Chair Kelker moved that **HB 36 BE AMENDED. EXHIBIT(juh14a01)**

Discussion:

09:37:33 Rachel Weiss, LSD

09:38:15 Rep. Skees

09:38:45 Rep. Farris-Olsen

09:39:18 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:39:50 **Motion:** Vice Chair Kelker moved that **HB 36 DO PASS AS AMENDED**.

Discussion:

09:40:02 Rep. Manzella

09:40:25 Rep. Farris-Olsen

09:40:59 Rep. Morigeau

09:41:19 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 36 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 47

09:42:06 **Motion:** Vice Chair Kelker moved that **HB 47 DO PASS**.

Discussion:

09:42:11 Chair Doane

09:42:21 Rachel Weiss, LSD

09:42:30 Chair Doane

09:42:51 **Motion:** Rep. T. Moore moved that **HB 47 BE AMENDED**.

Discussion:

09:43:13 Rachel Weiss, LSD

09:46:47 Chair Doane

09:47:19 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:47:46 Rachel Weiss, LSD

09:47:55 **Motion:** Vice Chair Kelker moved that **HB 47 DO PASS AS AMENDED**.

09:48:31 **Motion:** Rep. Manzella moved that **HB 47 BE AMENDED**.

[EXHIBIT\(juh14a02\)](#)

Discussion:

09:48:45 Rachel Weiss, LSD

09:49:58 Rep. Manzella

09:50:23 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:50:44 **Motion/Vote:** Vice Chair Kelker moved that **HB 47 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 97

09:51:47 **Motion:** Vice Chair Kelker moved that **HB 97 DO PASS**.

Discussion:

09:51:53 Chair Doane

09:52:18 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. Berglee and Vice Chair Usher voted by proxy.

09:53:29 **Motion/Vote:** Rep. Skees moved that **HB 97 BE TABLED**. Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 110

09:54:38 **Motion:** Vice Chair Kelker moved that **HB 110 DO PASS**.

Discussion:

09:54:44 Chair Doane

09:54:58 **Motion:** Rep. B. Brown moved that **HB 110 BE AMENDED**.

[EXHIBIT\(juh14a03\)](#)

Discussion:

09:55:16 Rachel Weiss, LSD

09:55:43 Rep. B. Brown

09:56:10 Rep. Farris-Olsen

09:56:26 Rep. B. Brown

09:56:39 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

09:56:57 **Motion/Vote:** Vice Chair Kelker moved that **HB 110 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 145

09:57:47 **Motion:** Vice Chair Kelker moved that **HB 145 DO PASS.**

Discussion:

09:57:52 Chair Doane

09:58:33 Rep. Skees

09:58:55 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 155

09:59:44 **Motion:** Vice Chair Kelker moved that **HB 155 DO PASS.**

Discussion:

09:59:50 Chair Doane

10:00:05 **Motion:** Rep. C. Knudsen moved that **HB 155 BE AMENDED.**
[EXHIBIT\(juh14a04\)](#)

Discussion:

10:00:20 Rachel Weiss, LSD

10:01:10 Rep. Farris-Olsen

10:01:35 Rep. C. Knudsen

10:01:53 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:02:12 **Motion/Vote:** Vice Chair Kelker moved that **HB 155 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HJ 5

10:03:00 **Motion:** Vice Chair Kelker moved that **HJ 5 DO PASS.**

Discussion:

10:03:07 Chair Doane

10:03:24 **Motion:** Rep. Morigeau moved that **HJ 5 BE AMENDED.**
EXHIBIT(juh14a05)

Discussion:

10:03:40 Rachel Weiss, LSD

10:04:14 Vice Chair Kelker

10:04:34 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:04:55 **Motion:** Vice Chair Kelker moved that **HJ 5 DO PASS AS AMENDED.**

Discussion:

10:05:10 Rachel Weiss, LSD

10:05:17 Vice Chair Kelker

10:05:32 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Vice Chair Usher voted by proxy.

10:05:52 Chair Doane

ADJOURNMENT

Adjournment:
10:06:17

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh14aad.pdf](#))