

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on January 31, 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. 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. Theresa Manzella (R)  
Rep. Terry Moore (R)  
Rep. Shane A. Morigeau (D)  
Rep. Zac Perry (D)  
Rep. Derek Skees (R)

**Members Excused:**

Rep. Laurie Bishop (D)  
Rep. Dennis R. Lenz (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 264, 1/24/2019; HB 266, 1/23/2019; HB 268, 1/24/2019;  
HB 274, 1/24/2019  
Executive Action: HB 149, HB 182, HB 199, HB 210, HB 228, HB 233, HB 256,  
HB 257, HB 283, HJ 6

08:03:17 Chair Doane

**HEARING ON HB 264**

**Opening Statement by Sponsor:**

08:03:44 Rep. Frank Garner (R), HD 7, opened the hearing on HB 264, Revising requirements for dismissing child abuse and neglect petitions.

08:03:58 Rep. Morigeau left the meeting.

**Proponents' Testimony:**

08:05:18 Drew MacLeod, Montana Court Appointed Special Advocates/Guardian Ad Litem Association (CASA/GAL)

**EXHIBIT(juh19a01)**

08:06:49 Rep. Lenz entered the meeting.

08:08:46 Nikki Grossberg, Department of Public Health and Human Services (DPHHS)

**Opponents' Testimony:**

08:09:30 Ed Bartlett, Montana Judges Association

08:13:32 Jackie Jones, Montana County Attorneys Association (MCAA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:14:21 Vice Chair Kelker

08:14:58 Drew MacLeod, CASA/GAL

08:15:31 Vice Chair Kelker

08:16:04 Drew MacLeod, CASA/GAL

08:16:42 Rep. C. Knudsen

08:17:12 Ed Bartlett, Montana Judges Association

08:17:59 Rep. C. Knudsen

08:18:25 Ed Bartlett, Montana Judges Association

08:19:24 Jackie Jones, MCAA

08:21:50 Rep. Manzella

08:22:28 Jackie Jones, MCAA

08:23:36 Drew MacLeod, CASA/GAL

08:24:45 Vice Chair Usher

08:25:54 Jackie Jones, MCAA

08:28:39 Vice Chair Usher

08:29:18 Jackie Jones, MCAA

08:31:13 Vice Chair Kelker

08:31:36 Nikki Grossberg, DPHHS

08:32:07 Rep. Krotkov

08:32:33 Ed Bartlett, Montana Judges Association

08:34:34 Rep. Krotkov

08:34:51 Drew MacLeod, CASA/GAL

08:35:33 Vice Chair Kelker

08:36:44 Rep. Garner

08:36:53 Chair Doane  
08:37:08 Vice Chair Usher  
08:38:15 Ed Bartlett, Montana Judges Association  
08:38:59 Vice Chair Usher  
08:39:31 Ed Bartlett, Montana Judges Association

**Closing by Sponsor:**

08:40:36 Rep. Garner  
  
08:43:35 Recessed  
08:47:53 Reconvened

**HEARING ON HB 274**

**Opening Statement by Sponsor:**

08:47:57 Rep. Frank Garner (R), HD 7, opened the hearing on HB 274, Provide for the restoration of either party's name when a marriage is dissolved.

**Proponents' Testimony:**

08:50:34 Al Smith, Montana Trial Lawyers Association (MTLA)  
08:51:59 Ed Bartlett, State Bar of Montana

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

08:53:29 Rep. Garner

**HEARING ON HB 266**

**Opening Statement by Sponsor:**

08:54:15 Rep. Nancy Ballance (R), HD 87, opened the hearing on HB 266, Revise unlawful transactions with children offense to include tobacco products.

[EXHIBIT\(juh19a02\)](#)

**Proponents' Testimony:**

08:55:44 Ron Marshall, Freedom Vapes  
08:56:58 Rep. Skees left the meeting.  
08:58:04 Deanna Marshall, Freedom Vapes

[EXHIBIT\(juh19a03\)](#)

08:59:27 Rep. Bishop entered the meeting.  
08:59:58 Scott Boulanger, Vapor Technology Association (VTA)  
09:00:26 Derek Amburn, Mountain Man Vapor

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:01:26 Chair Doane  
09:01:48 Scott Boulanger, VTA  
09:02:00 Chair Doane  
09:02:07 Ron Marshall, Freedom Vapes  
09:03:06 Chair Doane  
09:03:16 Ron Marshall, Freedom Vapes

**Closing by Sponsor:**

09:03:28 Rep. Ballance

**HEARING ON HB 268****Opening Statement by Sponsor:**

09:04:50 Rep. Sharon Greef (R), HD 88, opened the hearing on HB 268, Revise conciliation rules in cases of divorce.

**Proponents' Testimony:**

09:05:51 Mars Scott, Montana State Bar  
09:10:43 Ryan Phelan, Montana State Bar  
09:14:39 Jeff Laszloffy, Montana Family Foundation

**Opponents' Testimony:**

09:17:24 SK Rossi, American Civil Liberties Union of Montana (ACLU), Montana Coalition Against Domestic and Sexual Violence (MCADSV)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:19:40 Rep. B. Brown  
09:20:02 Jeff Laszloffy, Montana Family Foundation  
09:21:07 Chair Doane  
09:21:32 Rep. Farris-Olsen  
09:21:51 Mars Scott, Montana State Bar  
09:22:40 Rep. Farris-Olsen  
09:23:02 Mars Scott, Montana State Bar  
09:23:29 Rep. Keogh  
09:23:56 Mars Scott, Montana State Bar

**Closing by Sponsor:**

09:25:04 Rep. Greef

09:26:18 Vice Chair Kelker

09:26:47 Chair Doane  
09:26:56 Recessed  
09:44:06 Reconvened  
09:44:06 Rep. Skees reentered the meeting.

**EXECUTIVE ACTION ON HB 233**

09:44:17 **Motion:** Vice Chair Usher moved that **HB 233 DO PASS.**

**Discussion:**

09:44:32 Rachel Weiss, Legislative Services Division (LSD)  
09:45:06 Chair Doane  
09:45:16 Rep. Farris-Olsen  
09:46:18 Vice Chair Usher  
09:47:01 **Vote:** Motion carried 11-8 by roll call vote with Rep. Besette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no. Rep. Morigeau voted by proxy.

**EXECUTIVE ACTION ON HB 228**

09:48:24 **Motion:** Vice Chair Usher moved that **HB 228 DO PASS.**

**Discussion:**

09:48:35 Rachel Weiss, LSD  
09:48:53 Chair Doane  
09:49:06 Rachel Weiss, LSD  
09:49:10 Chair Doane  
09:49:39 **Motion:** Vice Chair Usher moved that **HB 228 BE AMENDED.**  
[EXHIBIT\(juh19a04\)](#)

**Discussion:**

09:49:51 Rachel Weiss, LSD  
09:50:29 Chair Doane  
09:50:59 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.  
09:51:06 **Motion/Vote:** Vice Chair Usher moved that **HB 228 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

**EXECUTIVE ACTION ON HB 149**

09:51:58 **Motion:** Vice Chair Usher moved that **HB 149 DO PASS.**

**Discussion:**

09:52:07 Rachel Weiss, LSD  
09:53:08 Chair Doane

09:53:14 Rachel Weiss, LSD

09:53:34 Chair Doane

09:54:08 **Motion:** Vice Chair Kelker moved that **HB 149 BE AMENDED.**

[EXHIBIT\(juh19a05\)](#)

**Discussion:**

09:54:23 Rachel Weiss, LSD

09:55:28 Vice Chair Kelker

09:56:50 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

09:57:10 **Motion:** Vice Chair Usher moved that **HB 149 DO PASS AS AMENDED.**

09:57:53 **Motion:** Vice Chair Kelker moved that **HB 149 BE AMENDED.**

[EXHIBIT\(juh19a06\)](#)

**Discussion:**

09:58:12 Rachel Weiss, LSD

09:58:57 Vice Chair Kelker

09:59:59 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

10:00:11 **Motion:** Vice Chair Usher moved that **HB 149 DO PASS AS AMENDED.**

10:00:59 **Motion:** Rep. Bishop moved that **HB 149 BE AMENDED.**

[EXHIBIT\(juh19a07\)](#)

**Discussion:**

10:01:30 Rep. Bishop

10:02:22 Rep. Lenz

10:02:46 **Vote:** Motion carried 13-6 by roll call vote with Rep. B. Brown, Chair Doane, Rep. C. Knudsen, Rep. Lenz, Rep. Skees and Vice Chair Usher voting no. Rep. Morigeau voted by proxy.

10:04:05 **Motion:** Vice Chair Usher moved that **HB 149 DO PASS AS AMENDED.**

10:04:51 **Motion:** Vice Chair Kelker moved that **HB 149 BE AMENDED.**

[EXHIBIT\(juh19a08\)](#)

**Discussion:**

10:05:07 Rachel Weiss, LSD

10:05:52 Rep. Lenz

10:06:17 Rep. Skees

10:06:31 Rachel Weiss, LSD

10:06:59 Rep. Skees

10:07:22 Rachel Weiss, LSD

10:07:56 Vice Chair Kelker  
10:08:19 Rep. Farris-Olsen  
10:08:27 Rep. Skees

10:08:53 **Vote:** Motion failed unanimously by voice vote. Rep. Morigeau voted by proxy.

10:09:33 Vice Chair Usher  
10:10:30 Chair Doane

10:10:58 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 149 BE TABLED**. Substitute Motion carried 11-8 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 no. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 199**

10:12:33 **Motion:** Vice Chair Usher moved that **HB 199 BE TABLED**.

#### **Discussion:**

10:12:49 Chair Doane  
10:13:05 Rep. Farris-Olsen  
10:13:19 Rep. Skees

10:13:50 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HJ 6**

10:14:25 **Motion:** Vice Chair Usher moved that **HJ 6 DO PASS**.

10:15:17 **Motion:** Rep. Skees moved that **HJ 6 BE AMENDED**.  
[EXHIBIT\(juh19a09\)](#)

#### **Discussion:**

10:15:27 Rep. Skees  
10:16:30 Vice Chair Kelker  
10:16:42 Rep. T. Moore  
10:17:05 Rep. Skees  
10:17:14 Rachel Weiss, LSD

10:17:58 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

10:18:16 **Motion:** Vice Chair Usher moved that **HJ 6 DO PASS AS AMENDED**.

10:18:37 **Motion:** Vice Chair Usher moved that **HJ 6 BE AMENDED**.  
[EXHIBIT\(juh19a10\)](#)

#### **Discussion:**

10:18:51 Rachel Weiss, LSD  
10:19:28 Chair Doane

10:20:01 Vice Chair Kelker  
10:20:17 Chair Doane

10:20:42 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

10:20:54 **Motion/Vote:** Vice Chair Usher moved that **HJ 6 DO PASS AS AMENDED.**  
Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 257**

10:21:49 **Motion:** Vice Chair Usher moved that **HB 257 DO PASS.**

10:22:24 **Motion:** Vice Chair Usher moved that **HB 257 BE AMENDED.**  
[EXHIBIT\(juh19a11\)](#)

#### **Discussion:**

10:22:39 Rachel Weiss, LSD  
10:23:05 Vice Chair Kelker

10:23:29 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

10:23:51 **Motion:** Vice Chair Usher moved that **HB 257 DO PASS AS AMENDED.**

#### **Discussion:**

10:24:03 Rep. B. Brown  
10:24:44 Rep. Berglee  
10:25:37 Vice Chair Kelker  
10:25:43 Rep. Farris-Olsen  
10:26:55 Vice Chair Usher  
10:28:25 Rep. C. Knudsen  
10:29:11 Rep. Berglee  
10:29:49 Rep. T. Moore  
10:30:08 Rep. Skees  
10:30:59 Vice Chair Usher  
10:31:56 Rep. Farris-Olsen  
10:32:15 Chair Doane

10:32:51 **Vote:** Motion carried 10-9 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. Dunn, Rep. Farris-Olsen, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella and Rep. Skees voting no. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 256**

10:34:21 **Motion:** Vice Chair Usher moved that **HB 256 DO PASS.**

10:35:00 **Motion:** Rep. Keogh moved that **HB 256 BE AMENDED.**  
[EXHIBIT\(juh19a12\)](#)

**Discussion:**

- 10:35:23 Rachel Weiss, LSD
- 10:36:13 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.
- 10:36:27 **Motion:** Vice Chair Usher moved that **HB 256 DO PASS AS AMENDED.**
- 10:36:52 **Motion:** Rep. Keogh moved that **HB 256 BE AMENDED.**
- [EXHIBIT\(juh19a13\)](#)

**Discussion:**

- 10:37:10 Rep. Keogh
- 10:37:21 Rachel Weiss, LSD
- 10:38:03 Rep. Skees
- 10:38:10 Rachel Weiss, LSD
- 10:39:01 Rep. Manzella
- 10:39:13 Rachel Weiss, LSD
- 10:39:42 Vice Chair Usher
- 10:40:07 Rep. B. Brown
- 10:40:31 Rep. Keogh
- 10:40:47 Chair Doane
- 10:40:55 Vice Chair Usher
- 10:41:21 **Vote:** Without objection, motion failed by voice vote. Rep. Morigeau voted aye by proxy.
- 10:41:45 **Motion:** Vice Chair Usher moved **TO PASS CONSIDERATION ON HB 256.**
- 10:41:53 Chair Doane
- 10:42:09 Rachel Weiss, LSD
- 10:42:19 Chair Doane
- 10:42:26 Rep. B. Brown
- 10:42:41 Chair Doane
- 10:42:46 Rep. Berglee
- 10:42:58 Chair Doane
- 10:43:08 Rachel Weiss, LSD
- 10:43:29 Rep. Lenz
- 10:43:41 Chair Doane
- 10:44:09 **Vote:** Without objection, motion passed.
- 10:44:34 Chair Doane

**EXECUTIVE ACTION ON HB 182**

- 10:44:55 **Motion:** Vice Chair Usher moved that **HB 182 DO PASS.**

**Discussion:**

- 10:45:05 Rachel Weiss, LSD
- 10:45:18 Vice Chair Kelker

10:45:38 Chair Doane  
10:46:07 Rep. Farris-Olsen  
10:48:01 Rep. Skees  
10:48:38 Rep. Bishop  
10:50:13 Vice Chair Kelker  
10:52:12 Rep. T. Moore  
10:52:47 Rep. Skees  
10:53:27 Vice Chair Kelker  
10:53:57 Rep. Farris-Olsen  
10:55:49 Rep. Krotkov  
10:57:03 Vice Chair Usher  
10:57:55 Vice Chair Kelker  
10:58:37 Rep. Farris-Olsen

10:59:41 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Kelker, Rep. Keogh, Rep. Krotkov, Rep. T. Moore, Rep. Morigeau and Rep. Perry voting aye. Rep. Morigeau voted by proxy.

11:00:50 **Motion/Vote:** Vice Chair Usher moved that **HB 182 BE TABLED**. Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 210**

11:01:24 **Motion:** Vice Chair Usher moved that **HB 210 DO PASS**.

#### **Discussion:**

11:01:36 Rachel Weiss, LSD  
11:01:41 Rep. Skees

11:02:16 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. Bessette, Rep. Bishop, Rep. Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. Morigeau voted by proxy.

11:03:24 **Motion/Vote:** Vice Chair Usher moved that **HB 210 BE TABLED**. Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 283**

11:03:50 **Motion:** Vice Chair Usher moved that **HB 283 DO PASS**.

#### **Discussion:**

11:04:25 Rachel Weiss, LSD

11:04:48 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

11:05:14 Chair Doane

**ADJOURNMENT**

Adjournment: 11:05:21

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh19aad.pdf](#))