

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 5, 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. Terry Moore (R)  
Rep. Shane A. Morigeau (D)  
Rep. Zac Perry (D)  
Rep. Derek Skees (R)

**Members Excused:**

Rep. Theresa Manzella (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 296, 1/31/2019; HB 304, 1/31/2019; HB 330, 2/1/2019; HB 361, 2/1/2019  
Executive Action: HB 264, HB 266, HB 268, HB 40, HB 54, HB 242, HB 282, HB 258

08:02:04 Chair Doane  
08:02:06 Rep. Manzella entered the meeting.  
08:02:37 Tom Butler, Montana Highway Patrol (MHP)  
08:04:27 Rep. B. Brown  
08:04:30 Tom Butler, MHP  
08:04:38 Chair Doane

[EXHIBIT\(juh23a01\)](#)

08:05:10 Vice Chair Kelker  
08:05:57 Rachel Weiss, Legislative Services Division (LSD)  
08:08:01 Vice Chair Kelker  
08:08:08 Rachel Weiss, LSD  
08:08:20 Chair Doane  
08:08:36 Vice Chair Usher

**HEARING ON HB 330**

**Opening Statement by Sponsor:**

08:09:26 Rep. Katie Sullivan (D), HD 89, opened the hearing on HB 330, Require hearing prior to waiver of rights in involuntary commitment proceedings.

**Proponents' Testimony:**

08:10:25 James Reavis, Self

[EXHIBIT\(juh23a02\)](#)

08:18:48 Beth Brenneman, Disability Rights Montana  
08:21:21 SK Rossi, American Civil Liberties Union of Montana (ACLU)

**Opponents' Testimony:**

08:21:54 Ed Bartlett, Montana Judges Association

[EXHIBIT\(juh23a03\)](#)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:30:24 Vice Chair Kelker  
08:35:22 James Reavis

**Closing by Sponsor:**

08:37:00 Rep. Sullivan

**HEARING ON HB 361**

**Opening Statement by Sponsor:**

08:37:56 Rep. Peggy Webb (R), HD 43, opened the hearing on HB 361, Revise telephone account requirements for prisons and detention centers.

**Proponents' Testimony:**

08:39:08 SK Rossi, American Civil Liberties Union of Montana (ACLU)  
08:40:28 Beth Brenneman, Disability Rights Montana

**Opponents' Testimony:**

08:40:56 Gayle Butler, Montana Correctional Enterprise Division, Department of Corrections (DOC)  
08:45:23 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)  
08:48:53 Travis Harris, Cascade County Sheriff's Office, Cascade County Detention Center  
08:53:29 Tom Ebzery, Century Link

**Informational Testimony:**

08:55:29 Cindy Jorgenson, Legislative Audit Division (LAD)

**Questions from Committee Members and Responses:**

08:55:50 Vice Chair Kelker  
08:56:37 Rep. P. Webb  
08:57:58 Rep. Bishop  
08:58:57 Gayle Butler, DOC  
08:59:46 Rep. Bishop  
08:59:51 Gayle Butler, DOC  
09:00:13 Vice Chair Kelker  
09:00:35 Cindy Jorgenson, LAD

**Closing by Sponsor:**

09:01:43 Rep. P. Webb  
  
09:03:04 Recessed  
09:10:10 Reconvened

**HEARING ON HB 304****Opening Statement by Sponsor:**

09:10:26 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 304, Establish liability requirements for smart cars.

[EXHIBIT\(juh23a04\)](#)

[EXHIBIT\(juh23a05\)](#)

[EXHIBIT\(juh23a06\)](#)

[EXHIBIT\(juh23a07\)](#)

**Proponents' Testimony:**

09:18:11 Pat Fox, Montana Trial Lawyers Association (MTLA)

**Opponents' Testimony:**

None

**Informational Testimony:**

09:20:45 John MacDonald, Alliance of Automobile Manufacturers

**Questions from Committee Members and Responses:**

09:21:30 Vice Chair Usher  
09:21:53 Rep. Morigeau  
09:23:33 Vice Chair Usher  
09:23:44 Rep. Morigeau  
09:23:52 Rep. T. Moore  
09:25:03 Rep. Morigeau  
09:27:05 Rep. T. Moore  
09:27:15 Pat Fox, MTLA  
09:29:21 Rep. Farris-Olsen  
09:29:58 Pat Fox, MTLA  
09:31:38 Chair Doane  
09:31:56 Vice Chair Usher left the meeting.  
09:32:00 Rep. Morigeau  
09:34:26 Chair Doane  
09:34:39 Rep. Morigeau  
09:35:38 Rep. C. Knudsen  
09:35:49 Rep. Morigeau  
09:36:00 Rep. Manzella  
09:36:15 Rep. Morigeau  
09:36:36 John MacDonald, Alliance of Automobile Manufacturers  
09:36:41 Rep. Manzella  
09:36:53 John MacDonald, Alliance of Automobile Manufacturers  
09:39:21 Rep. Manzella  
09:39:48 John MacDonald, Alliance of Automobile Manufacturers  
09:41:36 Chair Doane  
09:42:05 Pat Fox, MTLA  
09:43:29 Rep. DeVries  
09:43:50 Pat Fox, MTLA  
09:45:31 Vice Chair Kelker  
09:46:47 Pat Fox, MTLA  
09:47:33 Rep. Manzella left the meeting.

**Closing by Sponsor:**

09:48:01 Rep. Morigeau

**HEARING ON HB 296****Opening Statement by Sponsor:**

09:51:44 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB 296, Revise laws related to permissible fireworks.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

09:53:24 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:55:18 Vice Chair Kelker  
09:55:42 Rep. C. Knudsen  
09:56:02 Vice Chair Kelker  
09:56:08 Rep. C. Knudsen  
09:56:12 Vice Chair Kelker  
09:56:34 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
09:56:43 Vice Chair Kelker  
09:56:59 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
09:57:40 Rep. Berglee  
09:58:05 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
09:58:11 Rep. Berglee  
09:58:38 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
09:58:52 Rep. Bishop  
09:59:24 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
10:00:37 Rep. B. Brown  
10:01:16 Rep. C. Knudsen  
10:02:07 Rep. Skees  
10:02:37 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
10:03:20 Rep. Skees  
10:03:28 Leonard Lundby, Montana Fire Alliance, Manchester Volunteer Fire Department  
10:04:06 Rep. Lenz  
10:04:54 Rep. C. Knudsen

**Closing by Sponsor:**

10:06:04 Rep. C. Knudsen  
  
10:08:20 Chair Doane  
  
10:09:20 Recessed  
10:38:39 Reconvened  
  
10:38:39 Vice Chair Usher reentered the meeting.  
10:38:47 Chair Doane

**EXECUTIVE ACTION ON HB 264**

10:40:15 **Motion:** Vice Chair Usher moved that **HB 264 DO PASS.**

**Discussion:**

10:40:28 Rachel Weiss, Legislative Services Division (LSD)  
  
10:41:31 **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. Manzella voted by proxy.  
  
10:42:38 **Motion/Vote:** Without objection, Rep. B. Brown moved **TO TABLE HB 264.**  
Motion carried.

**EXECUTIVE ACTION ON HB 266**

10:42:56 **Motion:** Vice Chair Usher moved that **HB 266 DO PASS.**

**Discussion:**

10:43:04 Rachel Weiss, LSD

10:43:36 Rep. B. Brown

10:44:10 Rep. C. Knudsen

10:44:46 Vice Chair Kelker

10:45:28 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. T. Moore, Rep. Morigeau and Rep. Perry voting aye. Rep. Manzella voted by proxy.

10:46:28 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 266.** Motion carried.

**EXECUTIVE ACTION ON HB 268**

10:46:49 **Motion:** Vice Chair Usher moved that **HB 268 DO PASS.**

**Discussion:**

10:46:59 Rachel Weiss, LSD

10:48:12 **Motion:** Rep. Farris-Olsen moved that **HB 268 BE AMENDED.**  
**EXHIBIT(juh23a08)**

**Discussion:**

10:48:25 Rep. Farris-Olsen

10:49:20 Chair Doane

10:49:39 Rep. Farris-Olsen

10:50:28 Vice Chair Usher

10:50:45 Rep. Farris-Olsen

10:51:16 Rep. Bishop

10:51:37 Rep. Morigeau

10:52:57 Rep. Farris-Olsen

10:54:12 Chair Doane

10:54:15 Rep. Farris-Olsen

10:55:10 Rep. Lenz

10:55:43 Vice Chair Kelker

10:57:00 Rep. Farris-Olsen

10:57:34 Rep. Lenz

10:58:11 Rep. C. Knudsen

10:58:42 Rep. Farris-Olsen

11:00:15 Rep. Lenz

11:00:34 Rep. B. Brown

11:00:56 Rep. Skees

11:01:32 Vice Chair Kelker

11:03:26 Rep. T. Moore

11:04:59 Rep. Morigeau

- 11:06:16 Chair Doane  
11:07:04 Vice Chair Usher
- 11:07:59 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. B. Brown, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. Manzella voted by proxy.
- 11:08:47 Rep. Bishop left the meeting.
- 11:09:08 **Vote:** Motion carried 14-5 by roll call vote with Rep. Bessette, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Krotkov and Rep. Perry voting no. Rep. Bishop and Rep. Manzella voted by proxy.

#### **EXECUTIVE ACTION ON HB 40**

- 11:10:44 **Motion:** Vice Chair Usher moved that **HB 40 DO PASS.**

#### **Discussion:**

- 11:10:52 Rachel Weiss, LSD  
11:11:16 Chair Doane  
11:12:34 Rep. Morigeau  
11:14:15 Chair Doane  
11:14:57 Vice Chair Kelker  
11:16:24 Rep. Morigeau
- 11:18:51 **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. Bishop and Rep. Manzella voted by proxy.
- 11:19:54 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 40.** Motion carried.

#### **EXECUTIVE ACTION ON HB 54**

- 11:20:08 **Motion:** Vice Chair Usher moved that **HB 54 DO PASS.**

#### **Discussion:**

- 11:20:18 Rachel Weiss, LSD  
11:20:43 Chair Doane  
11:21:17 Vice Chair Kelker  
11:22:07 Rep. Morigeau
- 11:22:50 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop and Rep. Manzella voted by proxy.

#### **EXECUTIVE ACTION ON HB 242**

- 11:23:27 **Motion:** Vice Chair Usher moved that **HB 242 DO PASS.**

**Discussion:**

11:23:32 Chair Doane  
11:23:40 Rachel Weiss, LSD

11:25:11 **Motion:** Rep. Lenz moved that **HB 242 BE AMENDED.**  
[EXHIBIT\(juh23a09\)](#)

**Discussion:**

11:25:26 Rep. Lenz  
11:26:13 Rep. C. Knudsen  
11:26:44 Rep. Morigeau  
11:27:01 Rep. Lenz

11:27:12 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bessette, Rep. Bishop, Vice Chair Kelker, Rep. Krotkov, Rep. Lenz, Rep. Manzella, Rep. T. Moore and Vice Chair Usher voting aye. Rep. Bishop and Rep. Manzella voted by proxy.

11:28:18 **Motion:** Rep. Farris-Olsen moved that **HB 242 BE AMENDED.**  
[EXHIBIT\(juh23a10\)](#)

**Discussion:**

11:28:25 Rep. Farris-Olsen

11:29:33 **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. Bishop and Rep. Manzella voted by proxy.

11:30:39 Rep. C. Knudsen  
11:31:03 Rep. B. Brown

11:31:41 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 242 BE TABLED.** Substitute Motion carried 15-4 by roll call vote with Rep. Bishop, Vice Chair Kelker, Rep. Krotkov and Rep. Morigeau voting no. Rep. Bishop and Rep. Manzella voted by proxy.

**EXECUTIVE ACTION ON HB 282**

11:33:06 **Motion:** Vice Chair Usher moved that **HB 282 DO PASS.**

**Discussion:**

11:33:15 Rachel Weiss, LSD

11:34:18 **Motion:** Rep. Morigeau moved that **HB 282 BE AMENDED.**  
[EXHIBIT\(juh23a11\)](#)

**Discussion:**

11:34:35 Rep. Morigeau  
11:35:54 Rep. B. Brown

11:36:47 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop and Rep. Manzella voted by proxy.

11:37:13 **Motion:** Vice Chair Usher moved that **HB 282 DO PASS AS AMENDED.**

11:37:24 **Motion:** Rep. Morigeau moved that **HB 282 BE AMENDED.**  
[EXHIBIT\(juh23a12\)](#)

**Discussion:**

11:37:53 Rep. Farris-Olsen  
11:38:12 Rep. Morigeau  
11:38:30 Vice Chair Usher  
11:39:08 Rep. Skees  
11:39:25 Rep. Morigeau  
11:39:57 Vice Chair Kelker  
11:40:34 Rep. C. Knudsen  
11:41:14 Rachel Weiss, LSD  
11:41:59 Rep. C. Knudsen  
11:42:22 Rachel Weiss, LSD  
11:42:45 Rep. C. Knudsen  
11:43:09 Rep. Berglee  
11:44:10 Rachel Weiss, LSD  
11:44:22 Rep. Berglee  
11:44:36 Rachel Weiss, LSD

11:45:07 **Vote:** Motion carried 17-2 by roll call vote with Rep. Lenz and Vice Chair Usher voting no. Rep. Bishop and Rep. Manzella voted by proxy.

11:46:09 **Motion:** Vice Chair Usher moved that **HB 282 DO PASS AS AMENDED.**

**Discussion:**

11:46:29 Rep. DeVries  
11:46:55 Vice Chair Kelker

11:47:28 **Vote:** Motion carried 17-2 by roll call vote with Rep. DeVries and Rep. C. Knudsen voting no. Rep. Bishop and Rep. Manzella voted by proxy.

**EXECUTIVE ACTION ON HB 258**

11:48:39 **Motion:** Vice Chair Usher moved that **HB 258 DO PASS.**

**Discussion:**

11:48:45 Rachel Weiss, LSD  
11:49:20 Vice Chair Kelker  
11:50:16 Rep. Lenz  
11:52:06 Rep. T. Moore  
11:53:32 Rep. Berglee

- 11:54:34 **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. Bishop and Rep. Manzella voted by proxy.
- 11:55:40 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 258.** Motion carried.
- 11:55:54 Chair Doane

**ADJOURNMENT**

Adjournment: 11:56:00

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh23aad.pdf](#))