

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 7, 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 302, 1/31/2019; HB 322, 1/31/2019; HB 359, 2/1/2019
Executive Action: HB 21, HB 146, HB 215, HB 256, HB 274

08:02:00 Chair Doane

HEARING ON HB 359

Opening Statement by Sponsor:

08:02:37 Rep. Sue Vinton (R), HD 56, opened the hearing on HB 359, Generally revise laws related to animal confinement in vehicles.

Proponents' Testimony:

08:05:04 Ed Halland, Self
08:05:33 Nanette Gilbertson, Humane Society of Western Montana
08:06:00 Rep. Lenz left the meeting.
08:06:36 Wendy Hergenraeder, Humane Society of the United States
08:07:35 Harris Himes, Big Sky Christian Center

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:08:27 Rep. Morigeau
08:09:04 Rep. Vinton
08:09:41 Rep. C. Knudsen
08:10:13 Rep. Vinton
08:10:38 Rep. B. Brown
08:11:42 Rep. Vinton
08:11:59 Rep. B. Brown
08:12:25 Rep. Vinton
08:13:04 Vice Chair Kelker
08:13:35 Rep. Vinton
08:13:56 Rep. Manzella
08:14:37 Rep. Vinton

Closing by Sponsor:

08:14:48 Rep. Vinton

HEARING ON HB 322

Opening Statement by Sponsor:

08:15:35 Rep. John Fuller (R), HD 8, opened the hearing on HB 322, Generally revise gun laws.

Proponents' Testimony:

08:18:49 Dan Fuchs, Montana Shooting Sports Association (MSSA)
08:20:31 Ed Halland, Self
08:21:05 Linda Heffernan, Self
08:21:21 Annie Bukacek, Self
08:21:36 Dave Wood, Self

08:22:04 Mattea Heffernan, Self

08:22:34 Patricia Wood, Self

Opponents' Testimony:

08:22:54 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)

Informational Testimony:

None

Questions from Committee Members and Responses:

08:24:49 Vice Chair Kelker

08:25:14 Dave Galt, MSPOA

08:25:39 Vice Chair Kelker

08:25:49 Dave Galt, MSPOA

08:26:33 Rep. B. Brown

08:26:55 Rep. Fuller

Closing by Sponsor:

08:27:07 Rep. Fuller

HEARING ON HB 302

Opening Statement by Sponsor:

08:28:24 Rep. Greg DeVries (R), HD 75, opened the hearing on HB 302, Constitutional amendment to define person.

Proponents' Testimony:

08:30:06 Garrett Bacon, Self

08:30:46 Bob Wagner, Self

08:34:29 Jonah Barnes, Self

08:38:30 Anita Milanovich, Montana Family Foundation

08:39:18 Wayne Beckman, Self

08:40:05 Harris Himes, Big Sky Christian Center

08:54:18 Kelli Estrella, Self

[EXHIBIT\(juh25a01\)](#)

08:56:01 Victoria J. LaMaur, Self

09:01:51 Mattea Heffernan, Self

09:02:35 Linda Heffernan, Self

09:05:26 Sandra Parda, Saints for Life at Carroll College

09:11:11 Frank Pope, Self

09:12:52 John Keenan, Self

09:14:24 Donna Elford, Self

09:19:21 Steve Wagner, Self

09:28:40 Patricia Wood, Self

09:30:50 Dave Wood, Self

09:31:30 Tim Schroeder, Self

09:32:16 Steve Bostrom, Self

09:35:32 Josh Moore, Self

09:38:16 Rachel Moore, Self

09:38:53 Jayson Heslep, Self
09:40:42 Christopher Miltenberger, Self
09:41:21 Vivian Heslep, Self
09:42:51 Annie Bukacek, Montana ProLife Coalition

[EXHIBIT\(juh25a02\)](#)

09:44:28 Jonathan Heslep, Self
09:46:00 Ed Halland, Self

09:46:48 Recessed
09:52:23 Reconvened

Opponents' Testimony:

09:53:03 SK Rossi, American Civil Liberties Union of Montana (ACLU)
10:01:10 Sharon Deyo, Self
10:05:43 Laura Terrill, Planned Parenthood Advocates of Montana

[EXHIBIT\(juh25a03\)](#)

10:08:12 Aimee Grmoljez, Billings Clinic Center for Reproductive Medicine and Infertility

[EXHIBIT\(juh25a04\)](#)

10:11:31 Kelli Twoteeth, Indigenous Organizers Coalition
10:12:29 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

[EXHIBIT\(juh25a05\)](#)

10:15:28 Jennifer Hensley, Self
10:19:34 Cinda Burd, Western Native Voice (WNV)

[EXHIBIT\(juh25a06\)](#)

10:23:11 Kim Patterson, NARAL Pro-Choice Montana
10:26:59 Garrett Lankford, Montana Human Rights Network

[EXHIBIT\(juh25a07\)](#)

10:27:34 Sarah Howell, Montana Women Vote

[EXHIBIT\(juh25a08\)](#)

10:28:25 Faith Scow, Self
10:29:41 Ann Truesdell, National Association of Social Workers, Montana Chapter

[EXHIBIT\(juh25a09\)](#)

[EXHIBIT\(juh25a10\)](#)

10:34:02 Abigail St. Lawrence, Montana Association of Naturopathic Physicians (MANP)
10:35:08 Jessica Lahr, Self

[EXHIBIT\(juh25a11\)](#)

10:37:59 Mariah Gladstone, Self

10:39:47 Chair Doane
10:39:49 Bob Wagner
10:40:01 Chair Doane

Informational Testimony:

None

Questions from Committee Members and Responses:

10:40:28 Vice Chair Kelker
10:41:17 Aimee Grmoljez, Billings Clinic Center for Reproductive Medicine and Infertility
10:43:13 Rep. Skees
10:43:50 Cinda Burd, WNV
10:43:57 Rep. Skees
10:44:21 Cinda Burd, WNV
10:44:36 Rep. Skees
10:44:58 Annie Bukacek, Montana ProLife Coalition
10:46:45 Rep. Skees
10:47:05 Annie Bukacek, Montana ProLife Coalition
10:47:19 Vice Chair Usher
10:47:54 Kim Patterson, NARAL Pro-Choice Montana
10:48:40 Rep. Farris-Olsen
10:49:07 Annie Bukacek, Montana ProLife Coalition
10:49:19 Rep. Farris-Olsen
10:49:38 Rachel Weiss, Legislative Services Division (LSD)
10:49:50 Rep. B. Brown
10:50:34 Aimee Grmoljez, Billings Clinic Center for Reproductive Medicine and Infertility
10:51:24 Rep. Skees
10:51:53 Anita Milanovich, Montana Family Foundation

Closing by Sponsor:

10:52:12 Rep. DeVries

10:55:56 Recessed
11:11:40 Reconvened

11:11:41 Chair Doane
11:12:52 Vice Chair Kelker
11:13:01 Chair Doane

EXECUTIVE ACTION ON HB 215

11:13:49 **Motion:** Vice Chair Usher moved that **HB 215 DO PASS.**

Discussion:

11:14:08 Chair Doane

11:14:40 **Motion:** Vice Chair Kelker moved that **HB 215 BE AMENDED.**

EXHIBIT(juh25a12)

Discussion:

11:14:56 Chair Doane
11:15:02 Rachel Weiss, LSD
11:16:14 Chair Doane
11:16:22 Rachel Weiss, LSD
11:16:36 Vice Chair Kelker
11:16:40 Rachel Weiss, LSD
11:17:01 Chair Doane
11:17:08 Rachel Weiss, LSD

11:17:28 **Vote:** Motion carried unanimously by voice vote.

11:17:46 **Motion:** Vice Chair Usher moved that **HB 215 DO PASS AS AMENDED.**

Discussion:

11:18:00 Rep. C. Knudsen
11:18:24 Vice Chair Kelker
11:18:46 Rachel Weiss, LSD
11:19:27 Rep. Skees
11:19:53 Rachel Weiss, LSD
11:20:13 Rep. Skees
11:20:29 Rachel Weiss, LSD
11:20:59 Rep. Skees
11:21:33 Vice Chair Kelker
11:22:00 Chair Doane
11:22:06 Rep. Skees
11:22:36 Chair Doane
11:22:42 Rachel Weiss, LSD
11:22:56 Vice Chair Kelker
11:24:52 Rep. Farris-Olsen
11:25:24 Rep. Skees
11:26:20 Chair Doane

11:26:30 **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.

11:27:26 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 215.** Motion carried.

EXECUTIVE ACTION ON HB 146

11:27:48 **Motion:** Vice Chair Usher moved that **HB 146 DO PASS.**

11:28:42 **Motion:** Vice Chair Usher moved that **HB 146 BE AMENDED.**

[EXHIBIT\(juh25a13\)](#)

Discussion:

11:28:54 Rachel Weiss, LSD
11:29:14 Vice Chair Kelker

- 11:29:18 Rachel Weiss, LSD
- 11:30:29 **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.
- 11:31:24 **Motion:** Vice Chair Usher moved that **HB 146 DO PASS AS AMENDED.**

Discussion:

- 11:31:39 Rep. Skees
- 11:32:12 Rep. Farris-Olsen
- 11:33:29 Rep. Morigeau
- 11:34:15 Vice Chair Usher
- 11:35:14 Rep. Berglee
- 11:36:09 **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.

EXECUTIVE ACTION ON HB 256

- 11:37:27 Chair Doane
- 11:37:40 **Motion:** Vice Chair Usher moved that **HB 256 DO PASS AS PREVIOUSLY AMENDED ON JANUARY 31, 2019.**

Discussion:

- 11:38:09 Chair Doane
- 11:38:31 **Motion:** Rep. Keogh moved that **HB 256 BE AMENDED.**
[EXHIBIT\(juh25a14\)](#)

Discussion:

- 11:38:50 Rachel Weiss, LSD
[EXHIBIT\(juh25a15\)](#)
- 11:40:08 **Vote:** Motion carried unanimously by voice vote.
- 11:40:29 **Motion/Vote:** Vice Chair Usher moved that **HB 256 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 21

- 11:41:19 **Motion:** Vice Chair Usher moved that **HB 21 DO PASS.**
- 11:41:34 **Motion:** Vice Chair Usher moved that **HB 21 BE AMENDED.**
[EXHIBIT\(juh25a16\)](#)

Discussion:

- 11:41:45 Rachel Weiss, LSD

11:42:08 Chair Doane
11:42:32 Rep. Bishop
11:42:53 Chair Doane

11:43:20 **Vote:** Motion carried unanimously by voice vote.

11:43:28 **Motion/Vote:** Vice Chair Usher moved that **HB 21 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 274

11:44:07 **Motion:** Vice Chair Usher moved that **HB 274 DO PASS.**

11:45:08 **Motion:** Rep. Skees moved that **HB 274 BE AMENDED.**
[EXHIBIT\(juh25a17\)](#)

Discussion:

11:45:22 Rep. Skees
11:45:45 Rep. Bishop
11:46:09 Chair Doane
11:46:18 Rep. Morigeau

11:47:04 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. DeVries, Chair Doane, Rep. Lenz, Rep. Manzella, Rep. T. Moore, Rep. Skees and Vice Chair Usher voting aye.

11:48:28 **Vote:** Motion carried 18-1 by voice vote with Rep. DeVries voting no.

ADJOURNMENT

Adjournment: 11:49:09

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh25aad.pdf](#))