

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 8, 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
Joe Carroll, 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 217, 1/31/2019; HB 369, 2/4/2019; HB 380, 2/4/2019
Executive Action on: HB 334; HB 348; HB 347; HB 330; HB 304; HB 361; HB 296;
HB 147; HB 306

08:01:48 Chair Doane

HEARING ON HB 380

Opening Statement by Sponsor:

08:02:25 Rep. Emma Kerr-Carpenter (D), HD 49, opened the hearing on HB 380, Allow award of double the sum of wrongfully withheld security deposit.

Proponents' Testimony:

08:03:55 Brenna Love, Associated Students of the University of Montana (ASUM)
08:07:42 Rep. Lenz left the meeting.
08:09:08 Geneva Zoltek, Associated Students of Montana State University (ASMSU)
08:11:48 Michael Toppen, Montana Public Interest Research Group (Mont PIRG)
08:13:37 Sam Forstag, Montana Associated Students (MAS)

[EXHIBIT\(juh26a01\)](#)

Opponents' Testimony:

None

Informational Testimony:

08:17:05 Greg Mohr, Montana Magistrates Association

Questions from Committee Members and Responses:

08:17:25 Vice Chair Kelker
08:17:49 Greg Mohr, Montana Magistrates Association
08:18:08 Vice Chair Kelker
08:18:46 Greg Mohr, Montana Magistrates Association
08:20:03 Rep. Morigeau
08:20:40 Greg Mohr, Montana Magistrates Association
08:20:45 Rep. C. Knudsen
08:21:41 Rep. Kerr-Carpenter
08:22:36 Rep. Manzella
08:23:27 Greg Mohr, Montana Magistrates Association
08:24:18 Rep. Berglee
08:25:03 Greg Mohr, Montana Magistrates Association
08:25:20 Vice Chair Usher
08:26:24 Rep. Kerr-Carpenter
08:27:39 Vice Chair Usher
08:28:05 Rep. Kerr-Carpenter
08:28:31 Rep. Morigeau
08:29:59 Rep. Kerr-Carpenter
08:30:29 Rep. Farris-Olsen

Closing by Sponsor:

08:31:09 Rep. Kerr-Carpenter

HEARING ON HB 369**Opening Statement by Sponsor:**

08:33:16 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 369, Generally revise criminal justice laws.

Proponents' Testimony:

08:35:06 Abigail St. Lawrence, Innocence Project
08:35:54 Marty Lambert, Gallatin County, Montana County Attorneys Association (MCAA)
08:38:16 Brian Gootkin, Gallatin County Sheriff's Office, Montana Sheriffs and Peace Officers Association (MSPOA)
08:38:41 Nanette Gilbertson, Montana Community Corrections Association
08:39:21 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:39:56 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

None

Informational Testimony:

08:40:38 Cynthia Wolken, Montana Department of Corrections (DOC)

Questions from Committee Members and Responses:

08:40:57 Rep. Manzella
08:41:38 Rep. Lynch
08:42:31 Rep. Skees
08:43:05 Cynthia Wolken, DOC
08:43:13 Rep. Lynch

Closing by Sponsor:

08:43:46 Rep. Lynch

08:44:31 Recessed
08:52:09 Reconvened

08:52:09 Rep. Farris-Olsen left the meeting.

HEARING ON HB 217**Opening Statement by Sponsor:**

08:52:30 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB 217, Remove suspension of driver's license as punishment for certain crimes.

Proponents' Testimony:

08:54:47 Dave Herbst, Americans for Prosperity Montana (AFP-MT)
09:01:02 Abigail St. Lawrence, Montana Building Industry Association (MBIA)
09:01:56 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
09:02:39 SK Rossi, American Civil Liberties Union of Montana (ACLU)

[EXHIBIT\(juh26a02\)](#)

09:09:25 Paul Flores, Montana Collision Repair Association (MCRA), Rick's Auto Body
Incorporated
09:11:41 Sarah Howell, Montana Women Vote
09:12:37 Drew Geiger, Self

Opponents' Testimony:

09:13:53 Greg Mohr, Montana Magistrates Association
EXHIBIT(juh26a03)

09:23:49 Jason Rittal, Montana Association of Counties (MACo)
09:24:18 Kelly Mantooh, Fergus County Justice of the Peace, Lewistown City Court
Judge
09:30:31 David Carter, Yellowstone County Justice of the Peace
09:35:56 Jessie Connolly, Sweet Grass County Justice of the Peace, Big Timber City
Judge, Montana Magistrates Association

Informational Testimony:

None

Questions from Committee Members and Responses:

09:43:05 Vice Chair Kelker
09:43:33 David Carter, Yellowstone County Justice of the Peace
09:45:16 Vice Chair Kelker
09:45:28 David Carter, Yellowstone County Justice of the Peace
09:46:44 Rep. Bishop
09:47:12 SK Rossi, ACLU
09:49:51 Vice Chair Usher
09:50:00 Rep. Lenz reentered the meeting.
09:50:29 Judge Mantooh, Fergus County, Lewistown City Court
09:50:48 Vice Chair Usher
09:51:52 Judge Mantooh, Fergus County, Lewistown City Court
09:53:00 Vice Chair Usher
09:53:29 Judge Mantooh, Fergus County, Lewistown City Court
09:53:41 Rep. Perry
09:53:58 Rep. C. Knudsen
09:56:05 Rep. B. Brown
09:56:32 Rep. C. Knudsen

Closing by Sponsor:

09:57:13 Rep. C. Knudsen

10:00:11 Recessed
10:32:40 Reconvened

10:32:44 Chair Doane
10:32:47 Rep. Farris-Olsen
10:33:34 Chair Doane

EXECUTIVE ACTION ON HB 334

10:33:44 **Motion:** Vice Chair Usher moved that **HB 334 DO PASS.**

Discussion:

10:33:51 Rachel Weiss, Legislative Services Division (LSD)

10:34:34 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 348

10:34:56 **Motion:** Vice Chair Usher moved that **HB 348 DO PASS.**

Discussion:

10:35:03 Rachel Weiss, LSD

10:35:23 Rep. B. Brown

10:35:42 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 347

10:36:05 **Motion:** Vice Chair Usher moved that **HB 347 DO PASS.**

Discussion:

10:36:11 Rachel Weiss, LSD

10:36:38 Rep. Skees

10:37:16 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 330

10:37:43 **Motion:** Vice Chair Usher moved that **HB 330 DO PASS.**

Discussion:

10:37:52 Rachel Weiss, LSD

10:38:09 Rep. Farris-Olsen

10:38:35 **Vote:** Motion failed 5-14 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Morigeau and Rep. Perry voting aye.

10:39:32 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 330.** Motion carried.

EXECUTIVE ACTION ON HB 304

10:39:50 **Motion:** Vice Chair Usher moved that **HB 304 DO PASS.**

Discussion:

10:39:57 Rachel Weiss, LSD

10:40:54 **Motion:** Rep. Morigeau moved that **HB 304 BE AMENDED.**
[EXHIBIT\(juh26a04\)](#)

Discussion:

10:41:08 Rep. Morigeau
10:42:42 Chair Doane
10:43:02 Rep. Morigeau
10:45:20 Rep. Skees
10:45:30 Rep. Morigeau
10:45:32 Rep. Skees
10:45:59 Rep. Morigeau
10:47:19 Rep. Farris-Olsen

10:47:57 **Vote:** Motion carried 17-2 by roll call vote with Chair Doane and Rep. Lenz voting no.

10:48:52 **Motion:** Vice Chair Usher moved that **HB 304 DO PASS AS AMENDED.**

Discussion:

10:49:03 Rep. T. Moore
10:50:16 Vice Chair Usher
10:50:56 Rep. Morigeau
10:51:22 Rep. Manzella left the meeting.
10:52:54 Rep. Skees

10:53:21 **Vote:** Motion carried 11-8 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella, Rep. T. Moore and Vice Chair Usher voting no. Rep. Manzella voted by proxy.

EXECUTIVE ACTION ON HB 361

10:54:39 **Motion:** Vice Chair Usher moved that **HB 361 DO PASS.**

Discussion:

10:54:47 Rachel Weiss, LSD
10:55:24 Rep. Bishop
10:55:45 Rep. Dunn

10:55:58 Rep. Manzella reentered the meeting.

10:56:05 **Vote:** Motion failed 2-17 by roll call vote with Rep. Bessette and Rep. Morigeau voting aye.

10:57:02 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 361.** Motion carried.

EXECUTIVE ACTION ON HB 296

10:57:19 **Motion:** Vice Chair Usher moved that **HB 296 DO PASS.**

Discussion:

10:57:27 Rachel Weiss, LSD

10:57:53 Rep. Farris-Olsen

10:58:04 Rep. B. Brown

10:58:15 **Vote:** Motion carried unanimously by voice vote.**EXECUTIVE ACTION ON HB 147**10:58:35 **Motion:** Vice Chair Usher moved that **HB 147 DO PASS.****Discussion:**

10:58:42 Rachel Weiss, LSD

10:59:13 Rep. Farris-Olsen

10:59:36 **Substitute Motion/Vote:** Rep. Farris-Olsen made a substitute motion that **HB 147 BE TABLED.** Substitute 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.

11:00:40 Vice Chair Usher

11:01:04 Chair Doane

11:01:10 Rep. Farris-Olsen

11:01:37 **Motion:** Vice Chair Usher moved that **HB 147 BE AMENDED.**
EXHIBIT(juh26a05)**Discussion:**

11:01:47 Rachel Weiss, LSD

11:02:27 Rep. B. Brown

11:02:46 Rachel Weiss, LSD

11:03:08 **Vote:** 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.11:04:08 **Motion:** Vice Chair Usher moved that **HB 147 DO PASS AS AMENDED.****Discussion:**

11:04:21 Rep. Morigeau

11:04:35 **Vote:** 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.**EXECUTIVE ACTION ON HB 306**11:05:37 **Motion:** Vice Chair Usher moved that **HB 306 DO PASS.**

Discussion:

11:06:08 Rachel Weiss, LSD

11:06:26 **Motion:** Rep. C. Knudsen moved that **HB 306 BE AMENDED.**
[EXHIBIT\(juh26a06\)](#)

Discussion:

11:06:39 Rep. C. Knudsen

11:07:11 Vice Chair Usher

11:07:23 **Vote:** Motion carried unanimously by voice vote.

11:07:37 **Motion:** Vice Chair Usher moved that **HB 306 DO PASS AS AMENDED.**

Discussion:

11:07:46 Chair Doane

11:08:19 Rep. Bishop

11:08:37 Rep. Farris-Olsen

11:08:59 Vice Chair Usher

11:10:00 **Vote:** Motion failed 4-15 by roll call vote with Rep. Berglee, Rep. DeVries, Rep. Lenz and Vice Chair Usher voting aye.

11:10:58 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 306.**
Motion carried.

11:11:08 Chair Doane

[EXHIBIT\(juh26a07\)](#)

[EXHIBIT\(juh26a08\)](#)

11:11:51 Rachel Weiss, LSD

[EXHIBIT\(juh26a09\)](#)

11:12:47 Chair Doane

ADJOURNMENT

Adjournment: 11:13:04

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh26aad.pdf](#))