

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 12, 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 95, 2/1/2019; HB 375, 2/5/2019
Executive Action: HB 302, HB 322, HB 48, HB 369, HB 380, HB 87, HB 173,
HB 284

08:02:12 Chair Doane

HEARING ON HB 375

Opening Statement by Sponsor:

08:02:47 Rep. Wendy McKamey (R), HD 19, opened the hearing on HB 375, Establishing incarceration standards for pregnant women.

08:02:55 Rep. Lenz left the meeting.

Proponents' Testimony:

08:06:38 Cynthia Wolken, Montana Department of Corrections (DOC)

08:08:17 David Andersen, Montana Association of Christians (MAC)

08:09:37 Abigail St. Lawrence, Montana Association of Naturopathic Physicians (MANP)

[EXHIBIT\(juh29a01\)](#)

[EXHIBIT\(juh29a02\)](#)

08:12:38 Kiley Gage, Young Women's Christian Association Helena (YWCA)

[EXHIBIT\(juh29a03\)](#)

08:13:47 Matt Brower, Montana Catholic Conference, Roman Catholic Bishops of Montana

[EXHIBIT\(juh29a04\)](#)

08:16:05 Jean Branscum, Montana Medical Association (MMA)

[EXHIBIT\(juh29a05\)](#)

08:19:27 Patricia Decker, Self

08:20:34 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:22:27 Gregg Trude, Right to Life

08:23:25 Beth Brenneman, Disability Rights Montana

08:25:49 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

08:28:14 Jackie Jones, Montana Sheriffs and Peace Officers Association (MSPOA)

08:32:39 Eric Bryson, Montana Association of Counties (MACo)

08:37:43 Johnnie Spurlock, Broadwater County Detention Center (BCDC)

08:39:56 Laura Jerome, Cascade County Detention Center

08:42:05 Alan Hughes, Lewis and Clark County Detention Center

[EXHIBIT\(juh29a06\)](#)

08:45:32 Joyce Young, Gallatin County Detention Center

08:47:57 Keith Kaululaau, Great Falls Adult Detention Center

08:49:47 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)

[EXHIBIT\(juh29a07\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

08:51:36 Rep. Manzella
08:52:42 Eric Bryson, MACo
08:54:03 Rep. Manzella
08:54:27 Joyce Young, Gallatin County Detention Center
08:55:41 Rep. Manzella
08:56:02 Joyce Young, Gallatin County Detention Center
08:56:47 Vice Chair Kelker
08:59:21 Alan Hughes, Lewis and Clark County Detention Center
08:59:26 Rep. Morigeau
08:59:56 Abigail St. Lawrence, MANP
09:00:46 Rep. C. Knudsen
09:00:55 Rep. Lenz reentered the meeting.
09:01:16 Alan Hughes, Lewis and Clark County Detention Center
09:01:56 Rep. C. Knudsen
09:02:56 Alan Hughes, Lewis and Clark County Detention Center
09:03:45 Rep. Skees
09:04:22 Cynthia Wolken, DOC
09:04:42 Rep. Skees
09:05:02 Cynthia Wolken, DOC
09:05:41 Rep. Skees
09:06:12 Jean Branscum, MMA
09:06:21 Rep. Skees
09:06:44 Jean Branscum, MMA
09:07:19 Vice Chair Kelker
09:07:58 Abigail St. Lawrence, MANP
09:10:00 Rep. Bishop
09:10:40 SK Rossi, ACLU
09:11:20 Rep. Bishop
09:11:33 Connie Winner, Department of Corrections (DOC)
09:11:39 Rep. Bishop
09:13:58 Connie Winner, DOC
09:14:31 Rep. T. Moore
09:15:59 Abigail St. Lawrence, MANP
09:18:17 Rep. Bessette
09:18:42 Abigail St. Lawrence, MANP
09:19:21 Rep. Skees
09:20:16 Jackie Jones, MSPOA
09:21:07 Rep. C. Knudsen
09:21:46 Beth Brenneman, Disability Rights Montana
09:22:13 Rep. C. Knudsen
09:22:34 Beth Brenneman, Disability Rights Montana
09:23:04 Vice Chair Usher
09:23:53 Cynthia Wolken, DOC
09:23:59 Vice Chair Usher
09:24:27 Rep. McKamey
09:24:30 Vice Chair Usher
09:24:39 Rep. McKamey
09:25:04 Vice Chair Usher
09:25:48 Alan Hughes, Lewis and Clark County Detention Center

09:25:54 Vice Chair Usher
09:26:04 Alan Hughes, Lewis and Clark County Detention Center
09:26:11 Rep. Farris-Olsen
09:28:54 SK Rossi, ACLU

Closing by Sponsor:

09:29:13 Rep. McKamey

09:33:02 Recessed
09:40:40 Reconvened

09:40:40 Rep. Skees left the meeting.

HEARING ON HB 95

Opening Statement by Sponsor:

09:40:54 Rep. Jim Keane (D), HD 73, opened the hearing on HB 95, Generally revise laws relating to protection of vulnerable adults.

Proponents' Testimony:

09:41:55 Barbara Smith, Department of Public Health and Human Services (DPHHS)
[EXHIBIT\(juh29a08\)](#)

09:49:56 Mike Batista, American Association of Retired Persons (AARP)
09:54:47 Brett Olin, Montana State Auditor's Office (SAO)
09:56:33 Jane Amdahl, American Association of Retired Persons (AARP)
10:02:23 Jackie Jones, Area Agencies on Aging Association
10:07:28 Susan Gobbs, Gobbs Law
10:08:50 Beth Brenneman, Disability Rights Montana

Opponents' Testimony:

10:12:05 Bill Warden, National Association of Insurance and Financial Advisors (NAIFA)
10:13:25 Steve Turkiewicz, Montana Bankers Association (MBA)
10:19:30 Rose Hughes, Montana Health Care Association (MHCA)
[EXHIBIT\(juh29a09\)](#)
[EXHIBIT\(juh29a10\)](#)
[EXHIBIT\(juh29a11\)](#)

10:29:50 Rep. Skees reentered the meeting.
10:32:55 Eve Franklin, Montana Health Care Association (MHCA)
[EXHIBIT\(juh29a12\)](#)

10:33:27 Rep. C. Knudsen left the meeting.

Informational Testimony:

10:42:26 Michael Hagenlock, Department of Public Health and Human Services (DPHHS)
[EXHIBIT\(juh29a13\)](#)

10:42:52 Melanie Hall, Commissioner, Montana Division of Banking and Financial Institutions

Questions from Committee Members and Responses:

10:43:19 Vice Chair Kelker
10:45:48 Barbara Smith, DPHHS
10:46:06 Vice Chair Kelker
10:46:43 Michael Hagenlock, DPHHS
10:48:06 Vice Chair Kelker
10:48:33 Michael Hagenlock, DPHHS
10:49:13 Rep. T. Moore
10:49:59 Commissioner Hall, Montana Division of Banking and Financial Institutions

Closing by Sponsor:

10:53:24 Rep. Keane

10:54:37 Recessed
11:02:56 Reconvened

11:02:56 Rep. C. Knudsen reentered the meeting.

EXECUTIVE ACTION ON HB 302

11:03:13 **Motion:** Vice Chair Usher moved that **HB 302 DO PASS.**

Discussion:

11:03:22 Rachel Weiss, Legislative Services Division (LSD)
11:03:51 Rep. Perry
11:04:51 Rep. Bishop
11:06:09 Rep. Skees

11:07:40 **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 322

11:08:55 **Motion:** Vice Chair Usher moved that **HB 322 DO PASS.**

11:09:22 **Motion:** Vice Chair Usher moved that **HB 322 BE AMENDED.**
[EXHIBIT\(juh29a14\)](#)

Discussion:

11:09:36 Rachel Weiss, LSD
11:09:58 Rep. Morigeau

11:10:20 **Vote:** Motion carried unanimously by voice vote.

11:10:27 **Motion/Vote:** Vice Chair Usher moved that **HB 322 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 48

11:11:09 **Motion:** Vice Chair Usher moved that **HB 48 DO PASS.**

Discussion:

11:11:17 Rachel Weiss, LSD

11:11:47 Rep. Bishop

11:12:55 Rep. Berglee

11:13:42 Rep. Morigeau

11:15:08 Chair Doane

11:15:28 **Vote:** Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. DeVries, Chair Doane, Rep. C. Knudsen and Rep. Manzella voting no.

EXECUTIVE ACTION ON HB 369

11:16:44 **Motion:** Vice Chair Usher moved that **HB 369 DO PASS.**

11:17:45 **Motion:** Vice Chair Kelker moved that **HB 369 BE AMENDED.**
[EXHIBIT\(juh29a15\)](#)

Discussion:

11:18:00 Rachel Weiss, LSD

11:18:33 Vice Chair Usher

11:18:55 Rachel Weiss, LSD

11:19:51 Vice Chair Kelker

11:20:31 Chair Doane

11:20:40 **Vote:** Motion carried 11-8 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. Dunn, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella and Rep. Skees voting no.

11:21:43 **Motion:** Vice Chair Usher moved that **HB 369 DO PASS AS AMENDED.**

Discussion:

11:22:00 Vice Chair Usher

11:23:00 Vice Chair Kelker

11:23:29 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. Dunn, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella and Rep. Skees voting no.

EXECUTIVE ACTION ON HB 380

11:24:43 **Motion:** Vice Chair Usher moved that **HB 380 DO PASS.**

Discussion:

11:24:52 Rachel Weiss, LSD

11:25:51 **Motion:** Vice Chair Kelker moved that **HB 380 BE AMENDED.**
EXHIBIT(juh29a16)

Discussion:

11:26:05 Vice Chair Kelker

11:26:57 **Vote:** Motion carried unanimously by voice vote.

11:27:15 **Motion:** Vice Chair Usher moved that **HB 380 DO PASS AS AMENDED.**

Discussion:

11:27:23 Rep. Skees

11:28:33 Rep. Bessette

11:28:53 Rep. C. Knudsen

11:29:29 **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.

11:30:34 Vice Chair Kelker

11:31:29 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 380.**
Motion carried.

11:31:44 Chair Doane

11:32:08 Vice Chair Kelker

11:32:16 Rep. C. Knudsen

EXECUTIVE ACTION ON HB 87

11:32:53 **Motion:** Vice Chair Usher moved that **HB 87 DO PASS.**

Discussion:

11:33:05 Rachel Weiss, LSD

11:33:45 Vice Chair Kelker

11:34:50 Chair Doane

11:34:53 Vice Chair Kelker

11:35:00 Chair Doane

11:35:17 **Motion:** Vice Chair Kelker moved that **HB 87 BE AMENDED.**

Discussion:

11:35:33 Vice Chair Kelker

11:38:00 **Vote:** Motion carried 18-1 by voice vote with Rep. Lenz voting no.

11:38:16 **Motion:** Vice Chair Usher moved that **HB 87 DO PASS AS AMENDED.**

11:38:25 **Motion:** Vice Chair Usher moved that **HB 87 BE AMENDED.**

Discussion:

11:38:37 Rachel Weiss, LSD
11:39:15 Chair Doane
11:39:25 Rep. Morigeau
11:39:47 Chair Doane
11:39:55 Rachel Weiss, LSD

11:40:16 **Vote:** Motion carried unanimously by voice vote.

11:40:34 **Motion:** Vice Chair Usher moved that **HB 87 DO PASS AS AMENDED.**

Discussion:

11:40:43 Rep. Lenz
11:41:15 Rep. Skees
11:42:12 Vice Chair Kelker
11:44:35 Rep. Farris-Olsen
11:45:18 Rachel Weiss, LSD
11:45:44 Rep. Skees
11:46:12 Rep. Farris-Olsen
11:46:22 Rep. Skees
11:46:28 Vice Chair Kelker

11:47:10 **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.

11:48:11 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 87.**
Motion carried.

EXECUTIVE ACTION ON HB 173

11:48:30 **Motion:** Vice Chair Usher moved that **HB 173 DO PASS.**

Discussion:

11:48:39 Rachel Weiss, LSD

11:50:11 **Motion:** Rep. Morigeau moved that **HB 173 BE AMENDED.**

[EXHIBIT\(juh29a17\)](#)

Discussion:

11:50:35 Rep. Morigeau
11:53:22 Rep. Berglee
11:53:32 Rep. Morigeau

11:54:06 **Vote:** Motion carried unanimously by voice vote.

11:54:15 **Motion:** Vice Chair Usher moved that **HB 173 DO PASS AS AMENDED.**

Discussion:

11:54:22 Rep. Morigeau

11:55:44 Rep. B. Brown

11:56:03 **Vote:** Motion carried 18-1 by voice vote with Rep. DeVries voting no.

EXECUTIVE ACTION ON HB 284

11:56:29 **Motion:** Vice Chair Usher moved that **HB 284 DO PASS.**

Discussion:

11:56:46 Rep. C. Knudsen

11:57:13 Rep. Keogh

11:58:05 Chair Doane

11:58:11 Rachel Weiss, LSD

11:58:30 Rep. B. Brown

11:59:00 Rep. Berglee

11:59:41 Rep. Manzella

11:59:53 Rep. Skees

12:00:34 Rep. Bishop

12:02:30 Vice Chair Usher

12:03:35 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. C. Knudsen, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no.

12:04:36 Chair Doane

12:04:49 Rep. Morigeau

ADJOURNMENT

Adjournment: 12:05:06

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh29aad.pdf](#))