

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 13, 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. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Shane A. Morigeau (D)

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 384, 2/7/2019; HB 395, 2/7/2019; HB 406, 2/7/2019
Executive Action: HB 297; HB 366; HB 421; HB 309; HB 359

08:03:21 Chair Doane
08:03:22 Rep. Skees left the meeting.
08:05:15 Rep. Morigeau entered the meeting.

HEARING ON HB 384

Opening Statement by Sponsor:

08:04:05 Rep. Tom Woods (D), HD 62, opened the hearing on HB 384, Establish penalties for assaulting member of press.

Proponents' Testimony:

None

Opponents' Testimony:

08:08:34 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:09:44 John MacDonald, Montana Newspaper Association

Informational Testimony:

None

Questions from Committee Members and Responses:

08:12:31 Rep. B. Brown
08:12:55 Rep. Woods

Closing by Sponsor:

08:13:21 Rep. Woods

08:14:49 Rep. Manzella
08:14:58 Chair Doane

HEARING ON HB 395

Opening Statement by Sponsor:

08:15:15 Rep. Frank Garner (R), HD 7, opened the hearing on HB 395, Revise bicycle passing laws.

Proponents' Testimony:

08:19:00 Doug Habermann, Bike Walk Montana
[EXHIBIT\(juh30a01\)](#)

08:27:58 Linda Gryczan, Self
[EXHIBIT\(juh30a02\)](#)

08:30:59 Marilee Brown, Citizens for a Safer Bozeman and Gallatin County
08:34:42 Rep. Lenz left the meeting.
08:34:46 Edward Moores Jr., Self
08:39:01 Bob Walker, Montana Trails, Recreation and Park Association (MTRPA)
08:41:19 Larry Epstein, Self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:44:11 Rep. Manzella
08:44:37 Larry Epstein
08:45:07 Rep. Manzella
08:45:16 Larry Epstein
08:45:23 Rep. Krotkov
08:45:55 Rep. Garner
08:46:49 Vice Chair Kelker
08:47:29 Rep. Garner
08:48:39 Vice Chair Kelker
08:49:16 Rep. Garner
08:49:49 Rep. B. Brown
08:50:51 Rep. Skees reentered the meeting.
08:51:16 Rep. Garner
08:52:44 Rep. B. Brown
08:52:59 Rep. Garner
08:53:15 Rep. DeVries
08:53:34 Rep. Garner
08:54:24 Rep. DeVries
08:54:36 Rep. Garner
08:55:08 Vice Chair Usher
08:59:02 Rep. Garner
08:59:52 Chair Doane
09:00:58 Doug Habermann, Bike Walk Montana

Closing by Sponsor:

09:01:06 Rep. Garner

09:01:19 Rep. Lenz reentered the meeting.

HEARING ON HB 406

Opening Statement by Sponsor:

09:02:47 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 406, Prohibit jurors from doing independent research.

Proponents' Testimony:

09:03:36 Lon Dale, Self
09:11:29 Pat Fox, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony:

None

Informational Testimony:

09:14:15 Greg Mohr, Montana Magistrates Association

Questions from Committee Members and Responses:

09:14:32 Rep. Skees
09:14:51 Greg Mohr, Montana Magistrates Association
09:15:07 Rep. C. Knudsen
09:15:59 Rep. Curdy
09:17:28 Rep. C. Knudsen
09:17:58 Greg Mohr, Montana Magistrates Association
09:19:35 Rep. Manzella
09:20:14 Greg Mohr, Montana Magistrates Association
09:20:56 Rep. B. Brown
09:21:34 Greg Mohr, Montana Magistrates Association
09:22:24 Rep. B. Brown
09:23:17 Greg Mohr, Montana Magistrates Association
09:23:51 Rep. Morigeau
09:24:34 Greg Mohr, Montana Magistrates Association
09:25:05 Rep. Morigeau
09:25:22 Greg Mohr, Montana Magistrates Association
09:25:48 Vice Chair Kelker
09:26:31 Greg Mohr, Montana Magistrates Association
09:27:14 Vice Chair Kelker
09:27:24 Greg Mohr, Montana Magistrates Association
09:27:48 Rep. Skees
09:28:10 Greg Mohr, Montana Magistrates Association
09:28:45 Rep. Skees
09:28:57 Greg Mohr, Montana Magistrates Association
09:29:23 Rep. Skees
09:29:52 Rep. Curdy
09:30:57 Rep. Skees
09:31:30 Rep. Curdy
09:32:11 Rep. DeVries
09:32:46 Greg Mohr, Montana Magistrates Association
09:33:46 Rep. Manzella
09:35:02 Greg Mohr, Montana Magistrates Association
09:35:51 Vice Chair Usher
09:36:19 Greg Mohr, Montana Magistrates Association
09:36:33 Vice Chair Usher
09:36:49 Greg Mohr, Montana Magistrates Association
09:37:09 Chair Doane
09:37:47 Greg Mohr, Montana Magistrates Association
09:38:39 Chair Doane
09:38:54 Greg Mohr, Montana Magistrates Association

Closing by Sponsor:

09:39:23 Rep. Curdy

09:44:20 Recessed

10:20:28 Reconvened

10:20:29 Chair Doane

EXECUTIVE ACTION ON HB 297

10:22:04 **Motion:** Vice Chair Usher moved that **HB 297 DO PASS.**

Discussion:

10:22:14 Rachel Weiss, Legislative Services Division (LSD)

10:22:45 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 366

10:23:06 **Motion:** Vice Chair Usher moved that **HB 366 DO PASS.**

Discussion:

10:23:15 Rep. Farris-Olsen

10:23:47 Rep. B. Brown

10:24:06 Rep. Morigeau

10:24:33 Vice Chair Usher

10:24:40 Rep. Morigeau

10:24:49 **Vote:** Motion carried 17-2 by voice vote with Rep. DeVries and Vice Chair Usher voting no.

EXECUTIVE ACTION ON HB 421

10:25:30 **Motion:** Vice Chair Usher moved that **HB 421 DO PASS.**

Discussion:

10:25:40 Rachel Weiss, LSD

10:26:32 **Motion:** Rep. C. Knudsen moved that **HB 421 BE AMENDED.**

[EXHIBIT\(juh30a03\)](#)

Discussion:

10:26:42 Rep. C. Knudsen

10:27:26 Vice Chair Kelker

10:27:33 Rep. C. Knudsen

10:28:02 **Vote:** Motion carried unanimously by voice vote.

10:28:15 **Motion/Vote:** Vice Chair Usher moved that **HB 421 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 309

10:28:57 **Motion:** Vice Chair Usher moved that **HB 309 DO PASS.**

Discussion:

10:29:06 Rachel Weiss, LSD

10:29:29 Vice Chair Kelker

10:30:46 **Motion:** Vice Chair Kelker moved that **HB 309 BE AMENDED.**
EXHIBIT(juh30a04)

Discussion:

10:31:06 Rachel Weiss, LSD

10:32:40 Vice Chair Kelker

10:33:17 Rep. Skees

10:34:06 Rachel Weiss, LSD

10:34:59 Rep. Skees

10:35:26 Rachel Weiss, LSD

10:35:34 Rep. Krotkov

10:36:01 Rachel Weiss, LSD

10:36:26 Vice Chair Kelker

10:37:03 Rep. Lenz

10:38:00 Vice Chair Kelker

10:38:35 Rep. Lenz

10:39:12 **Vote:** Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Lenz and Rep. Manzella voting no.

10:40:24 **Motion:** Vice Chair Usher moved that **HB 309 DO PASS AS AMENDED.**

10:40:36 **Motion:** Rep. B. Brown moved that **HB 309 BE AMENDED.**
EXHIBIT(juh30a05)

Discussion:

10:40:45 Rep. B. Brown

10:41:15 Chair Doane

10:41:24 Rachel Weiss, LSD

10:41:48 Chair Doane

10:41:52 Rachel Weiss, LSD

10:42:07 **Vote:** Motion carried unanimously by voice vote.

10:42:14 **Motion:** Vice Chair Usher moved that **HB 309 DO PASS AS AMENDED.**

Discussion:

10:42:23 Rep. Skees

10:43:21 Vice Chair Kelker

10:44:27 Rep. Lenz

10:44:46 Vice Chair Usher

10:45:18 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 309 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.

EXECUTIVE ACTION ON HB 359

10:46:35 **Motion:** Vice Chair Usher moved that **HB 359 DO PASS**.

Discussion:

10:46:42 Rachel Weiss, LSD

10:47:10 Rep. Skees

10:47:57 Rep. DeVries

10:48:16 Rep. Farris-Olsen

10:48:33 Rep. Bishop

10:48:44 Rep. Morigeau

10:49:04 Rep. Manzella

10:49:42 Chair Doane

10:50:16 **Vote:** Motion failed 5-14 by roll call vote with Rep. Bessette, Rep. Bishop, Vice Chair Kelker, Rep. Morigeau and Rep. Perry voting aye.

10:51:14 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 359**. Motion carried.

10:51:24 Chair Doane

EXHIBIT(juh30a06)

10:52:24 Rachel Weiss, LSD

10:52:26 Chair Doane

10:52:34 Rachel Weiss, LSD

10:52:45 Rep. Skees

10:52:58 Rachel Weiss, LSD

10:53:46 Chair Doane

10:53:50 Rachel Weiss, LSD

10:53:54 Chair Doane

ADJOURNMENT

Adjournment: 10:54:02

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh30aad.pdf](#))