

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on February 19, 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. 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)

Members Excused:

Rep. Derek Skees (R)
Rep. David Dunn (R)
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 463, 2/15/2019; HB 473, 2/15/2019; HB 474, 2/15/2019
Executive Action: HB 335, HB 336, HB 189, HB 429, HB 406, HB 395

08:02:13 Chair Doane
08:02:15 Rep. Morigeau entered the meeting.

HEARING ON HB 463

Opening Statement by Sponsor:

08:02:34 Rep. Matt Regier (R), HD 4, opened the hearing on HB 463, Revise laws on supervision of certain probationers and defendants.

Proponents' Testimony:

08:06:00 Cory Swanson, County Attorney, Broadwater County
08:08:37 Rep. Skees entered the meeting.
08:13:07 Marty Lambert, Montana County Attorneys Association (MCAA)
08:16:05 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA),
Gallatin County Sheriff's Office
08:17:28 Cynthia Wolken, Montana Department of Corrections (DOC)
08:18:27 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)
08:18:51 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:19:35 Beth McLaughlin, Judicial Branch
08:20:12 Mayre Flowers, Self
08:21:46 Rep. Dunn entered the meeting.

Opponents' Testimony:

08:22:09 Rudy Stock, Self

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

08:23:57 Rep. M. Regier

HEARING ON HB 474

Opening Statement by Sponsor:

08:25:09 Rep. Thomas Winter (D), HD 96, opened the hearing on HB 474, Generally revise mobile home lot landlord tenant laws.

Proponents' Testimony:

08:29:48 Maureen Rude, NeighborWorks Montana
08:34:05 Ella Smith, Montana Women Vote

Opponents' Testimony:

08:35:11 John Sinrud, Montana Landlords Association (MLA)
08:39:47 Rep. Skees
08:39:58 John Sinrud, MLA

08:40:28 Andy Skinner, Self
[EXHIBIT\(juh35a01\)](#)

08:43:30 Rick Linafelter, Montana Landlords Association (MLA)
08:43:55 PJ McHugh, Self
08:46:07 Chair Doane ceded the gavel to Vice Chair Usher.
08:46:11 Rep. Doane left the meeting.
08:46:42 Steve Skinner, Self
08:50:06 Sam Sill, Montana Association of Realtors (MAR)
08:51:14 Mickie Imberi, Self
08:52:56 Jess Mortensen, Self

Informational Testimony:

None

Questions from Committee Members and Responses:

08:55:18 Rep. Skees
08:55:31 Rep. Winter
08:55:41 Rep. Manzella
08:56:06 John Sinrud, MLA
08:57:07 Rep. Bessette
08:57:26 Rep. Winter
08:59:20 Vice Chair Kelker
08:59:55 Steve Skinner, Self
09:02:21 Rep. B. Brown
09:02:43 John Sinrud, MLA
09:05:10 Rep. Berglee
09:05:43 Rep. Winter
09:07:42 Rep. Berglee
09:07:56 John Sinrud, MLA

Closing by Sponsor:

09:09:03 Rep. Winter

09:10:53 Vice Chair Usher ceded the gavel to Rep. Berglee.
09:11:38 Vice Chair Usher left the meeting.

HEARING ON HB 473

Opening Statement by Sponsor:

09:11:57 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 473, Specify entity responsible for investigations in long-term care facilities.

Proponents' Testimony:

09:14:36 Rose Hughes, Montana Health Care Association (MHCA)
[EXHIBIT\(juh35a02\)](#)

09:23:13 Eve Franklin, Montana Health Care Association (MHCA)

Opponents' Testimony:

09:27:54 Carter Anderson, Department of Public Health and Human Services (DPHHS)
09:28:13 Rep. Doane reentered the meeting.
09:29:51 Barbara Smith, Department of Public Health and Human Services (DPHHS)

Informational Testimony:

None

Questions from Committee Members and Responses:

09:32:31 Rep. Skees
09:34:37 Barbara Smith, DPHHS
09:35:36 Vice Chair Kelker
09:38:43 Barbara Smith, DPHHS
09:38:56 Rep. Skees
09:39:30 Carter Anderson, DPHHS
09:39:55 Rep. Skees
09:40:40 Carter Anderson, DPHHS

Closing by Sponsor:

09:40:52 Rep. Lenz

09:43:06 Rep. Doane resumed as the Chair.

09:43:13 Recessed
10:36:28 Reconvened

EXECUTIVE ACTION ON HB 335

10:36:39 **Motion:** Rep. Berglee moved that **HB 335 DO PASS.**

Discussion:

10:36:46 Rachel Weiss, Legislative Services Division (LSD)

10:37:43 **Motion:** Rep. Keogh moved that **HB 335 BE AMENDED.**
[EXHIBIT\(juh35a03\)](#)

Discussion:

10:38:05 Rachel Weiss, LSD
10:39:38 Rep. Keogh
10:43:12 Rep. Berglee
10:44:05 Rep. Keogh
10:44:13 Rachel Weiss, LSD
10:44:24 Chair Doane

10:44:38 **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. Vice Chair Usher voted by proxy.

Discussion:

10:45:42 Vice Chair Kelker
10:46:07 Rep. Bishop
10:46:38 Rep. C. Knudsen
10:47:06 Rep. Farris-Olsen
10:47:57 Rep. Berglee

10:48:35 **Vote:** Motion carried 17-2 by voice vote with Rep. Farris-Olsen and Rep. Morigeau voting no. Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 336

10:49:18 **Motion:** Rep. Berglee moved that **HB 336 DO PASS.**

Discussion:

10:49:25 Rachel Weiss, LSD

10:50:13 **Motion:** Rep. Keogh moved that **HB 336 BE AMENDED.**
[EXHIBIT\(juh35a04\)](#)

Discussion:

10:50:28 Rachel Weiss, LSD
10:53:12 Vice Chair Kelker
10:53:23 Rachel Weiss, LSD
10:53:52 Rep. Keogh
10:56:22 Chair Doane
10:56:54 Rep. Keogh
10:57:00 Chair Doane
10:57:23 Rep. Keogh
10:57:31 Rachel Weiss, LSD
10:58:26 Vice Chair Kelker
10:59:32 Chair Doane
10:59:52 Rachel Weiss, LSD
11:00:10 Rep. Skees
11:00:51 Rep. Keogh
11:01:14 Rep. Skees
11:01:32 Rep. Keogh

11:02:01 **Vote:** Motion carried 12-7 by roll call vote with Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella, Rep. Skees and Vice Chair Usher voting no. Vice Chair Usher voted by proxy.

11:03:01 **Motion:** Rep. Berglee moved that **HB 336 DO PASS AS AMENDED.**

Discussion:

11:03:15 Vice Chair Kelker

11:04:07 **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. Vice Chair Usher voted by proxy.

11:04:58 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE HB 336**.
Motion carried.

EXECUTIVE ACTION ON HB 189

11:05:17 **Motion:** Rep. Berglee moved that **HB 189 DO PASS**.

Discussion:

11:05:24 Rachel Weiss, LSD

11:05:44 Vice Chair Kelker

11:06:29 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 189 BE TABLED**. Substitute Motion carried unanimously by roll call vote. Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 429

11:07:54 **Motion:** Rep. Berglee moved that **HB 429 DO PASS**.

Discussion:

11:08:01 Rachel Weiss, LSD

11:09:03 Vice Chair Kelker

11:09:56 Rep. Lenz

11:12:06 Rep. Farris-Olsen

11:13:25 Rep. Morigeau

11:14:39 Rep. Skees

11:17:44 Rep. Bishop

11:21:10 Rep. Krotkov

11:23:16 Rep. Morigeau

11:24:18 **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. Vice Chair Usher voted by proxy.

11:25:10 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE HB 429**.
Motion carried.

EXECUTIVE ACTION ON HB 406

11:25:27 **Motion:** Rep. Berglee moved that **HB 406 DO PASS**.

Discussion:

11:25:35 Rachel Weiss, LSD

11:26:22 **Motion:** Vice Chair Kelker moved that **HB 406 BE AMENDED**.
[EXHIBIT\(juh35a05\)](#)

Discussion:

11:26:36 Rachel Weiss, LSD

11:27:28 Rep. Skees

- 11:27:43 Rachel Weiss, LSD
11:28:13 Rep. Skees
11:28:32 Rachel Weiss, LSD
11:28:59 Vice Chair Kelker
11:29:49 Rep. Bishop
11:30:08 Rep. Morigeau
- 11:31:05 **Vote:** Motion carried 15-4 by voice vote with Rep. B. Brown, Chair Doane, Rep. Lenz and Vice Chair Usher voting no. Vice Chair Usher voted by proxy.
- 11:31:32 **Motion:** Rep. Berglee moved that **HB 406 DO PASS AS AMENDED.**

Discussion:

- 11:31:40 Rep. Skees
11:32:26 Chair Doane
11:32:53 Vice Chair Kelker
11:34:54 Rep. B. Brown
- 11:35:22 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 406 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. Vice Chair Usher voted by proxy.

EXECUTIVE ACTION ON HB 395

- 11:36:25 **Motion:** Rep. Berglee moved that **HB 395 DO PASS.**

Discussion:

- 11:36:32 Rachel Weiss, LSD
11:37:02 Rep. Skees
11:37:37 Rep. Morigeau
11:39:26 Rep. T. Moore
11:40:45 Rep. B. Brown
11:41:50 Chair Doane
11:41:55 Rep. B. Brown
11:41:59 Vice Chair Kelker
11:44:23 Chair Doane
- 11:45:06 **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. Vice Chair Usher voted by proxy.
- 11:45:53 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE HB 395.** Motion carried.
- 11:46:10 Chair Doane
11:46:58 Rachel Weiss, LSD

ADJOURNMENT

Adjournment: 11:47:18

Abigail Konen, Clerk

ak

Additional Documents:

EXHIBIT([juh35aad.pdf](#))