

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 20, 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. Theresa Manzella (R)  
Rep. Terry Moore (R)  
Rep. Zac Perry (D)

**Members Excused:**

Rep. Dennis R. Lenz (R)  
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 469, 2/15/2019; HB 486, 2/18/2019; HB 495, 2/18/2019  
Executive Action: HB 461; HB 454; HB 350; HB 338; HB 134

08:03:08 Chair Doane  
08:03:10 Rep. Morigeau entered the meeting.

### **HEARING ON HB 469**

#### **Opening Statement by Sponsor:**

08:03:34 Rep. Tschida (R), HD 97, opened the hearing on HB 469, Revising enforcement authority of game wardens.

#### **Proponents' Testimony:**

None

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

08:07:08 Dave Loewen, Fish, Wildlife and Parks (FWP)

#### **Questions from Committee Members and Responses:**

08:07:32 Vice Chair Usher

08:07:50 Rachel Weiss, Legislative Services Division (LSD)

#### **Closing by Sponsor:**

08:08:11 Rep. Tschida

08:09:10 Chair Doane

### **HEARING ON HB 495**

#### **Opening Statement by Sponsor:**

08:09:43 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 495, Expand exemptions from collections to include student loans.

[EXHIBIT\(juh36a01\)](#)

[EXHIBIT\(juh36a02\)](#)

#### **Proponents' Testimony:**

08:10:01 Rep. Skees entered the meeting.

08:11:41 Rep. Dunn entered the meeting.

08:13:35 Julian Adler, Montana Public Interest Research Group (MontPIRG)

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

None

#### **Questions from Committee Members and Responses:**

08:15:39 Rep. Skees

08:16:44 Julian Adler, MontPIRG  
08:16:51 Rep. T. Moore  
08:17:31 Rep. Farris-Olsen

**Closing by Sponsor:**

08:18:52 Rep. Farris-Olsen

**HEARING ON HB 486**

**Opening Statement by Sponsor:**

08:20:03 Rep. Bob Brown (R), HD 13, opened the hearing on HB 486, Revise judicial standards commission complaint process.

**Proponents' Testimony:**

08:22:12 Mark French, Self  
08:31:17 Pascal Redfern, Self

**Opponents' Testimony:**

08:39:09 Ed Bartlett, Montana Judges Association

[EXHIBIT\(juh36a03\)](#)

[EXHIBIT\(juh36a04\)](#)

08:51:00 Greg Mohr, Montana Magistrates Association  
08:57:17 Bruce Spencer, State Bar of Montana  
09:01:14 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:01:34 Rep. Skees  
09:02:05 Greg Mohr, Montana Magistrates Association  
09:02:22 Rep. Skees  
09:02:37 Greg Mohr, Montana Magistrates Association  
09:02:59 Al Smith, MTLA  
09:03:18 Rep. Skees  
09:03:52 Ed Bartlett, Montana Judges Association  
09:04:36 Rep. Skees  
09:05:01 Ed Bartlett, Montana Judges Association  
09:05:10 Vice Chair Kelker  
09:08:56 Ed Bartlett, Montana Judges Association  
09:09:02 Vice Chair Usher  
09:09:37 Rep. B. Brown  
09:10:40 Vice Chair Usher  
09:11:14 Ed Bartlett, Montana Judges Association  
09:12:09 Vice Chair Usher  
09:13:03 Ed Bartlett, Montana Judges Association  
09:14:02 Rep. Manzella

09:15:28 Ed Bartlett, Montana Judges Association  
09:15:46 Rep. Skees  
09:16:19 Greg Mohr, Montana Magistrates Association

**Closing by Sponsor:**

09:17:08 Rep. B. Brown

09:18:54 Chair Doane

09:19:11 Recessed

09:49:20 Reconvened

09:49:20 Rep. Lenz entered the meeting.

09:49:20 Rep. B. Brown left the meeting.

09:49:33 Chair Doane

**EXECUTIVE ACTION ON HB 461**

09:50:00 **Motion:** Vice Chair Usher moved that **HB 461 DO PASS.**

**Discussion:**

09:50:07 Rachel Weiss, Legislative Services Division (LSD)

09:50:46 Rep. Keogh

09:51:08 Rep. Dunn

09:51:25 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 454**

09:51:57 **Motion:** Vice Chair Usher moved that **HB 454 DO PASS.**

**Discussion:**

09:52:02 Rachel Weiss, LSD

09:52:21 Chair Doane

09:52:46 Rep. Morigeau

09:54:00 Rep. C. Knudsen

09:55:00 Chair Doane

09:55:42 **Vote:** Motion failed unanimously by voice vote. Rep. B. Brown voted by proxy.

09:56:04 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 454.**  
Motion carried.

**EXECUTIVE ACTION ON HB 350**

09:56:46 **Motion/Vote:** Vice Chair Usher moved that **HB 350 DO PASS.** 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. Rep. B. Brown voted by proxy.

09:57:53 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 350**.  
Motion carried.

#### **EXECUTIVE ACTION ON HB 338**

09:58:16 **Motion:** Vice Chair Usher moved that **HB 338 DO PASS**.

#### **Discussion:**

09:58:25 Rachel Weiss, LSD

09:59:32 **Motion:** Rep. Morigeau moved that **HB 338 BE AMENDED**.  
[EXHIBIT\(juh36a05\)](#)

#### **Discussion:**

09:59:46 Rachel Weiss, LSD

10:01:19 **Vote:** Motion carried 18-1 by voice vote with Rep. DeVries voting no. Rep. B. Brown voted by proxy.

10:01:37 **Motion:** Vice Chair Usher moved that **HB 338 DO PASS AS AMENDED**.

#### **Discussion:**

10:01:54 Rep. Krotkov

10:03:24 Rep. Skees

10:03:46 Chair Doane

10:04:08 Rep. Keogh

10:04:38 **Vote:** Motion failed 4-15 by roll call vote with Rep. Bishop, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. B. Brown voted by proxy.

10:05:33 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 338**.  
Motion carried.

#### **EXECUTIVE ACTION ON HB 134**

10:05:54 **Motion:** Vice Chair Usher moved that **HB 134 DO PASS**.

#### **Discussion:**

10:06:09 Rachel Weiss, LSD

10:07:17 **Motion:** Vice Chair Kelker moved that **HB 134 BE AMENDED**.  
[EXHIBIT\(juh36a06\)](#)

#### **Discussion:**

10:07:40 Rachel Weiss, LSD

10:09:09 Vice Chair Kelker

10:10:38 Rachel Weiss, LSD

10:10:58 Rep. Skees

10:11:47 Rachel Weiss, LSD

10:12:05 Rep. Skees

10:12:45 Rachel Weiss, LSD  
10:13:05 Vice Chair Kelker  
10:13:44 Rep. Morigeau  
10:14:43 Rep. Krotkov  
10:15:32 Rachel Weiss, LSD  
10:15:45 Rep. Bishop  
10:16:20 Rep. Krotkov  
10:16:47 Rachel Weiss, LSD  
10:17:03 Vice Chair Kelker  
10:18:26 Chair Doane  
10:19:42 Rep. Skees  
10:21:01 Vice Chair Usher

10:21:33 **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. Skees and Vice Chair Usher voting no. Rep. B. Brown voted by proxy.

10:22:32 **Motion:** Vice Chair Usher moved that **HB 134 DO PASS AS AMENDED.**

**Discussion:**

10:22:44 Rep. Lenz  
10:23:36 Rep. Morigeau  
10:24:41 Rep. Skees  
10:26:00 Chair Doane  
10:26:05 Rachel Weiss, LSD

**EXHIBIT(juh36a07)**

10:27:01 Chair Doane  
10:27:25 Vice Chair Usher  
10:27:36 Rep. Lenz

10:27:57 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 134 BE TABLED.** Substitute Motion carried 10-9 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Manzella, Rep. Morigeau and Rep. Perry voting no. Rep. B. Brown voted by proxy.

10:29:18 Chair Doane

**ADJOURNMENT**

Adjournment: 10:30:46

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh36aad.pdf](#))