

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on February 21, 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. 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. Shane A. Morigeau (D)  
Rep. Casey Knudsen (R)

**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 530, 2/18/2019; HB 533, 2/18/2019; HB 498, 2/18/2019;  
HB 535, 2/18/2019; HB 567, 2/20/2019; HB 577, 2/20/2019  
Executive Action: HB 474, HB 463, HB 473, HB 486, HB 375, HB 495, HB 442,  
HB 530, HB 408, HB 409, HB 410

08:02:05 Chair Doane  
08:02:36 Rep. Morigeau entered the meeting.

**HEARING ON HB 530**

**Opening Statement by Sponsor:**

08:03:05 Rep. Neil Duram (R), HD 2, opened the hearing on HB 530, Generally revise railway rights of way laws regarding utilities.

**Proponents' Testimony:**

08:03:56 Geoff Feiss, Montana Telecommunications Association (MTA)

**Opponents' Testimony:**

08:06:30 Matt Jones, Burlington Northern Santa Fe (BNSF)  
08:07:42 Joe Racicot, Montana Rail Link (MRL)  
08:08:41 Bridger Mahlum, Montana Chamber of Commerce

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:09:15 Vice Chair Kelker

**Closing by Sponsor:**

08:09:23 Rep. Duram

08:10:00 Rep. Lenz left the meeting.

**HEARING ON HB 535**

**Opening Statement by Sponsor:**

08:10:11 Rep. Christopher Pope (D), HD 65, opened the hearing on HB 535, Revise certain notice requirements under the Montana Major Facility Siting Act.

**Proponents' Testimony:**

08:14:29 Stacy Gasvoda, Haymaker Wind, Absaroka Energy  
08:17:05 Rep. C. Knudsen entered the meeting.  
08:18:03 Jeff Fox, Renewable Northwest  
08:18:39 Doug Hardy, Montana Electric Cooperatives' Association (MECA)

**Opponents' Testimony:**

None

**Informational Testimony:**

08:19:44 Kristi Ponzoso, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

08:20:13 Rep. B. Brown  
08:20:31 Rep. Duram  
08:20:51 Rep. B. Brown

**Closing by Sponsor:**

08:21:01 Rep. Duram

**HEARING ON HB 533**

**Opening Statement by Sponsor:**

08:22:12 Rep. Jessica Karjala (D), HD 48, opened the hearing on HB 533, Prohibit the marriage of persons under 18 years of age.

[EXHIBIT\(juh37a01\)](#)

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:24:55 Rep. Skees entered the meeting.  
08:28:43 Rep. B. Brown  
08:29:09 Rep. Karjala  
08:29:45 Chair Doane  
08:29:57 Vice Chair Usher  
08:30:30 Rep. Karjala  
08:31:10 Vice Chair Kelker  
08:31:51 Rep. Karjala  
08:32:01 Vice Chair Kelker  
08:32:22 Rep. Karjala  
08:32:49 Rep. Berglee  
08:33:17 Rep. Karjala  
08:33:24 Rep. Berglee  
08:33:58 Rep. Karjala  
08:34:10 Rep. Berglee  
08:34:16 Chair Doane  
08:34:25 Rep. Karjala  
08:34:42 Chair Doane  
08:34:56 Rep. Karjala

**Closing by Sponsor:**

08:35:05 Rep. Karjala

**HEARING ON HB 498**

**Opening Statement by Sponsor:**

08:36:13 Rep. Jade Bahr (D), HD 50, opened the hearing on HB 498, Allow probationers and parolees to use medical marijuana.

**Proponents' Testimony:**

08:39:59 Michael Toppen, Montana Public Interest Research Group (MontPIRG)  
08:41:00 Alex Gray, SD Consulting  
08:42:47 Erica Siate, Self  
08:43:26 Garrett Lankford, Montana Human Rights Network (MHRN)  
08:44:05 Danielle Muggli, Patient Rights Network of Montana  
08:45:17 Angela Goodhope, Self  
08:46:30 SK Rossi, American Civil Liberties Union of Montana (ACLU)  
08:47:28 Kate Cholewa, Montana Cannabis Industry Association (MTCIA)  
08:47:40 Sen. Gross, SD 25  
08:48:35 Benjamin Back, Self  
08:49:12 Doreen Bomar, Self  
08:51:07 Kyle Nelson, Dermawerx Custom Tattoo, Helena's Got Your Six  
08:52:53 Nick Percival, Self

**Opponents' Testimony:**

None

**Informational Testimony:**

08:54:13 Katie Donath, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

08:54:38 Rep. Manzella  
08:55:06 Danielle Muggli, Patient Rights Network of Montana  
08:56:46 Rep. Manzella  
08:56:53 Danielle Muggli, Patient Rights Network of Montana  
08:57:00 Vice Chair Kelker  
08:57:20 Katie Donath, DOC  
08:57:46 Vice Chair Kelker  
08:58:09 Katie Donath, DOC  
08:58:24 Kate Cholewa, MTCIA  
09:02:40 Rep. Skees  
09:04:38 Katie Donath, DOC  
09:04:54 Rep. Skees  
09:06:14 Rep. Bahr

**Closing by Sponsor:**

09:06:46 Rep. Bahr  
  
09:08:17 Recessed  
09:17:37 Reconvened  
  
09:19:46 Rep. Farris-Olsen left the meeting.  
09:19:46 Rep. Lenz reentered the meeting.

**HEARING ON HB 577**

**Opening Statement by Sponsor:**

09:17:53 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 577, Establish protections for gun possession and purchase in Medical Marijuana Act.

**[EXHIBIT\(juh37a02\)](#)**

**Proponents' Testimony:**

09:21:40 Alex Gray, SD Consulting  
09:24:50 Kate Cholewa, Montana Cannabis Industry Association (MTCIA)  
09:26:52 Erica Siate, Self  
09:28:10 Danielle Muggli, Self  
09:28:39 Doreen Bomar, Self  
09:30:59 Nick Percival, Self

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:31:56 Vice Chair Kelker  
09:38:05 Rep. Zolnikov  
09:39:46 Rep. Berglee  
09:40:34 Rep. Zolnikov  
09:40:46 Rep. Berglee  
09:42:20 Rep. Zolnikov  
09:43:45 Rep. C. Knudsen  
09:44:12 Rep. Zolnikov  
09:46:19 Rep. Bishop  
09:47:01 Doreen Bomar  
09:47:31 Rep. Bishop  
09:47:54 Doreen Bomar  
09:49:21 Vice Chair Kelker  
09:49:30 Rachel Weiss, LSD

**[EXHIBIT\(juh37a03\)](#)**

09:49:54 Vice Chair Usher  
09:50:39 Rep. Berglee  
09:51:08 Vice Chair Usher  
09:51:35 Rep. Zolnikov  
09:52:01 Rep. Berglee

**Closing by Sponsor:**

09:52:47 Chair Doane

**HEARING ON HB 567**

**Opening Statement by Sponsor:**

09:53:32 Rep. Derek Skees (R), HD 11, opened the hearing on HB 567, Establish Montana school marshal program.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

09:55:37 Lance Melton, Montana School Boards Association (MTSBA)  
09:58:53 Perry Johnson, Self  
10:04:51 Jerry Williams, Montana Police Protective Association (MPPA)  
10:07:56 SK Rossi, American Civil Liberties Union of Montana (ACLU)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

10:09:56 Rep. Berglee  
10:10:46 SK Rossi, ACLU  
10:10:56 Rep. Berglee  
10:12:11 Jerry Williams, MPPA  
10:13:39 Vice Chair Kelker  
10:15:45 Lance Melton, MTSBA  
10:16:06 Rep. C. Knudsen  
10:16:57 Jerry Williams, MPPA  
10:18:08 Rep. Farris-Olsen reentered the meeting.  
10:18:32 Rep. Manzella  
10:19:05 Lance Melton, MTSBA  
10:19:23 Rep. Manzella  
10:19:44 Lance Melton, MTSBA  
10:20:06 Rep. B. Brown  
10:20:55 Rep. Skees  
10:21:01 Rep. Berglee  
10:21:36 Lance Melton, MTSBA

**Closing by Sponsor:**

10:22:06 Rep. Skees  
  
10:27:07 Chair Doane  
10:28:43 Rachel Weiss, Legislative Services Division (LSD)  
10:28:45 Chair Doane  
10:29:11 Rachel Weiss, LSD

[EXHIBIT\(juh37a04\)](#)

[EXHIBIT\(juh37a05\)](#)

[EXHIBIT\(juh37a06\)](#)

10:32:56 Chair Doane

10:33:05 Recessed  
11:01:00 Reconvened  
11:01:03 Chair Doane

**EXECUTIVE ACTION ON HB 474**

11:01:30 **Motion:** Vice Chair Usher moved that **HB 474 DO PASS.**

11:01:40 **Substitute Motion/Vote:** Rep. C. Knudsen made a substitute motion that **HB 474 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 463**

11:02:53 **Motion:** Vice Chair Usher moved that **HB 463 DO PASS.**

11:03:09 **Motion:** Vice Chair Usher moved that **HB 463 BE AMENDED.**  
[EXHIBIT\(juh37a07\)](#)

**Discussion:**

11:03:20 Rachel Weiss, Legislative Services Division (LSD)  
11:05:01 Rep. Bishop  
11:05:14 Rachel Weiss, LSD  
11:05:32 Vice Chair Kelker

11:05:50 **Vote:** Motion carried unanimously by voice vote.

11:06:07 **Motion/Vote:** Vice Chair Usher moved that **HB 463 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 473**

11:06:44 **Motion:** Vice Chair Usher moved that **HB 473 DO PASS.**

**Discussion:**

11:06:53 Vice Chair Kelker  
11:07:23 Rep. Lenz  
11:08:23 Rep. Bishop

11:09:03 **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 486**

11:10:13 **Motion:** Vice Chair Usher moved that **HB 486 DO PASS.**

**Discussion:**

- 11:10:29 Rachel Weiss, LSD  
11:11:25 Rep. B. Brown  
11:11:44 Rep. Farris-Olsen  
11:12:33 Chair Doane
- 11:12:47 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. DeVries, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella, Rep. Skees and Vice Chair Usher voting aye.
- 11:13:46 **Motion/Vote:** Without objection Vice Chair Usher moved **TO TABLE HB 486**. Motion carried.

**EXECUTIVE ACTION ON HB 375**

- 11:14:09 **Motion:** Vice Chair Usher moved that **HB 375 DO PASS**.
- 11:14:30 **Substitute Motion/Vote:** Rep. C. Knudsen made a substitute motion that **HB 375 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 495**

- 11:15:48 **Motion:** Vice Chair Usher moved that **HB 495 DO PASS**.

**Discussion:**

- 11:15:56 Rachel Weiss, LSD  
11:16:17 Rep. Farris-Olsen
- 11:16:50 **Vote:** Motion failed 9-10 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 aye.
- 11:17:55 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 495**. Motion carried.

**EXECUTIVE ACTION ON HB 442**

- 11:18:46 **Motion:** Vice Chair Usher moved that **HB 442 DO PASS**.

**Discussion:**

- 11:18:57 Rachel Weiss, LSD
- 11:19:45 **Substitute Motion/Vote:** Vice Chair Kelker made a substitute motion that **HB 442 BE TABLED**. Substitute 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 530**

11:21:15 **Motion:** Vice Chair Usher moved that **HB 530 DO PASS.**

11:21:31 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 530 BE TABLED.** Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 408**

11:22:04 **Motion:** Vice Chair Usher moved that **HB 408 DO PASS.**

**Discussion:**

11:22:10 Rep. Lenz

11:22:41 **Motion:** Rep. Lenz moved that **HB 408 BE AMENDED.**  
**EXHIBIT(juh37a08)**

**Discussion:**

11:22:54 Rep. Lenz

11:24:41 Rep. T. Moore

11:25:30 Rep. B. Brown left the meeting.

11:25:47 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.

11:26:15 **Motion/Vote:** Vice Chair Usher moved that **HB 408 DO PASS AS AMENDED.**  
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. Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 409**

11:27:39 **Motion:** Vice Chair Usher moved that **HB 409 DO PASS.**

**Discussion:**

11:27:47 Rep. Lenz

11:28:04 Rep. Bessette left the meeting.

11:29:54 Vice Chair Kelker

11:31:53 Rep. Morigeau

11:33:12 Vice Chair Usher

11:34:02 Rep. T. Moore

11:34:52 **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. Rep. Bessette and Rep. B. Brown voted by proxy.

**EXECUTIVE ACTION ON HB 410**

11:36:12 **Motion:** Vice Chair Usher moved that **HB 410 DO PASS.**

**Discussion:**

11:36:22 Rep. Lenz

11:37:09 **Motion:** Rep. Lenz moved that **HB 410 BE AMENDED.**  
**[EXHIBIT\(juh37a09\)](#)**

**Discussion:**

11:37:20 Rep. Lenz  
11:38:00 Rep. Bishop  
11:38:22 Rachel Weiss, LSD  
11:38:31 Chair Doane  
11:38:33 Rep. Lenz  
11:38:53 Vice Chair Kelker

11:41:39 **Vote:** Motion carried unanimously by voice vote. Rep. Bessette and Rep. B. Brown voted by proxy.

11:41:57 **Motion/Vote:** Vice Chair Usher moved that **HB 410 DO PASS AS AMENDED.** 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. Rep. Bessette and Rep. B. Brown voted by proxy.

11:43:16 Chair Doane

**ADJOURNMENT**

Adjournment: 11:44:21

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh37aad.pdf](#))