

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 18, 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. Jasmine Krotkov (D)
Rep. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Dennis R. Lenz (R)
Rep. David Dunn (R)
Rep. Shane A. Morigeau (D)
Rep. Casey Knudsen (R)

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: SB 23, 3/11/2019; SB 114, 3/11/2019; SB 26, 3/13/2019;
SB 205, 3/13/2019; SB 274, 3/13/2019
Executive Action: HB 480, HB 534, HB 500, SB 85, SB 82, SB 84, SB 36, HB 222

08:01:58 Chair Doane

HEARING ON SB 23

Opening Statement by Sponsor:

08:02:25 Sen. Keith Regier (R), SD 3, opened the hearing on SB 23, Require accommodations to employer-mandated vaccinations to be uniformly offered.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

08:04:19 Rep. Dunn entered the meeting.

08:05:22 Jim Murphy, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

08:05:41 Vice Chair Kelker

08:07:15 Jim Murphy, DPHHS

08:07:34 Rep. Krotkov

08:08:05 Jim Murphy, DPHHS

08:08:59 Rep. Krotkov

08:09:28 Sen. K. Regier

08:10:03 Vice Chair Kelker

08:10:32 Rachel Weiss, Legislative Services Division (LSD)

08:10:47 Vice Chair Kelker

08:11:27 Rachel Weiss, LSD

08:11:34 Rep. Manzella

08:12:14 Sen. K. Regier

08:12:30 Chair Doane

08:12:33 Sen. K. Regier

Closing by Sponsor:

08:12:42 Sen. K. Regier

HEARING ON SB 274

Opening Statement by Sponsor:

08:13:39 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 274, Revise drug scheduling laws.

Proponents' Testimony:

08:17:01 Rep. Lenz entered the meeting.

08:18:21 Rep. Morigeau entered the meeting.

08:19:34 Kurt Stembridge, Greenwich Biosciences

08:21:28 Tony King, Montana Board of Pharmacy

08:22:22 Marcie Bough, Montana Board of Pharmacy
08:24:02 Stuart Doggett, Montana Pharmacy Association
08:24:25 Aidan Myhre, Montana Bioscience Alliance

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:26:00 Vice Chair Kelker
08:26:26 Sen. Olszewski
08:28:37 Chair Doane
08:28:40 Sen. Olszewski

Closing by Sponsor:

08:28:46 Sen. Olszewski

HEARING ON SB 114

Opening Statement by Sponsor:

08:29:51 Sen. Jen Gross (D), SD 25, opened the hearing on SB 114, Generally revise stalking and orders of protection laws.

Proponents' Testimony:

08:29:59 Rep. Lenz left the meeting.
08:33:09 Anna Saverud, Attorney General's Office (AGO)
08:41:57 Ben Halverson, City of Billings, Yellowstone County Attorney's Office

[EXHIBIT\(juh55a01\)](#)

[EXHIBIT\(juh55a02\)](#)

08:48:33 Rachel Spint, self
08:50:11 Nancy Henriksson, self
08:56:37 Angela Miller, self
09:04:41 Theresa Goldberg, self
09:15:55 Diana Spint, self
09:18:01 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
09:20:42 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

09:21:29 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

09:23:56 Greg Mohr, Montana Magistrates Association
09:24:12 Peter Ohman, Office of the State Public Defender (OPD)

Questions from Committee Members and Responses:

09:24:30 Vice Chair Kelker

09:24:53 Peter Ohman, OPD
09:27:47 Vice Chair Kelker
09:28:19 Ben Halverson, City of Billings, Yellowstone County Attorney's Office
09:29:09 Vice Chair Kelker
09:29:37 Ben Halverson, City of Billings, Yellowstone County Attorney's Office
09:29:57 Chair Doane
09:30:05 Peter Ohman, OPD
09:31:00 Rep. Manzella
09:31:30 SK Rossi, ACLU
09:31:34 Rep. Manzella
09:32:00 SK Rossi, ACLU
09:32:25 Peter Ohman, OPD
09:33:06 Rep. Manzella
09:33:20 Peter Ohman, OPD
09:33:42 Rep. Bishop
09:34:05 Anna Saverud, AGO
09:35:21 Rep. Bishop
09:35:33 Anna Saverud, AGO
09:37:07 Rep. Bishop
09:37:45 Ben Halverson, City of Billings, Yellowstone County Attorney's Office
09:38:40 Rep. Krotkov
09:39:07 Peter Ohman, OPD
09:39:37 Rep. Krotkov
09:39:55 Peter Ohman, OPD
09:40:20 Ben Halverson, City of Billings, Yellowstone County Attorney's Office
09:41:09 Rep. Krotkov
09:41:21 Rep. Skees
09:42:33 Greg Mohr, Montana Magistrates Association
09:42:56 Rep. Skees
09:44:10 Greg Mohr, Montana Magistrates Association
09:44:15 Vice Chair Kelker
09:44:58 Jon Bennion, Attorney General's Office (AGO)
09:46:57 Rep. Bessette
09:47:46 Greg Mohr, Montana Magistrates Association
09:48:18 Chair Doane
09:48:22 Sen. Gross

Closing by Sponsor:

09:48:35 Sen. Gross

09:54:11 Recessed

10:05:36 Reconvened

HEARING ON SB 205**Opening Statement by Sponsor:**

10:05:59 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 205, Prevent abusers of vulnerable adults from benefiting financially.

Proponents' Testimony:

10:09:57 Adrian Cotton, American Association of Retired Persons Montana (AARP)
10:11:10 Jackie Jones, Montana Association of Community Disability Service Providers

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

10:12:39 Vice Chair Kelker
10:13:11 Sen. Fitzpatrick
10:15:17 Vice Chair Kelker
10:15:41 Sen. Fitzpatrick
10:16:02 Chair Doane
10:16:27 Sen. Fitzpatrick
10:17:12 Chair Doane
10:17:22 Sen. Fitzpatrick
10:17:34 Vice Chair Usher
10:19:15 Sen. Fitzpatrick
10:20:27 Vice Chair Usher
10:21:05 Sen. Fitzpatrick
10:22:01 Rep. T. Moore
10:22:46 Sen. Fitzpatrick
10:23:40 Rep. T. Moore
10:24:13 Sen. Fitzpatrick
10:24:44 Rep. Keogh
10:25:50 Sen. Fitzpatrick
10:26:37 Rep. Keogh
10:27:09 Sen. Fitzpatrick

Closing by Sponsor:

10:28:10 Sen. Fitzpatrick

HEARING ON SB 26**Opening Statement by Sponsor:**

10:28:55 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 26, Remove requirement for state to pay travel costs for prosecution witnesses.

Proponents' Testimony:

10:31:16 Beth McLaughlin, Supreme Court

[EXHIBIT\(juh55a03\)](#)

10:34:03 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

10:37:01 Jon Bennion, Attorney General's Office (AGO)

Questions from Committee Members and Responses:

10:37:17 Rep. Skees
10:37:42 Jon Bennion, AGO
10:38:19 Rep. Skees
10:38:35 Sen. Fitzpatrick
10:39:04 Chair Doane
10:39:26 Beth McLaughlin, Supreme Court
10:39:55 Chair Doane
10:40:08 Beth McLaughlin, Supreme Court

Closing by Sponsor:

10:41:50 Sen. Fitzpatrick

10:42:57 Chair Doane

10:44:12 Recessed
11:15:38 Reconvened

11:15:38 Rep. Lenz reentered the meeting.

EXECUTIVE ACTION ON HB 480

11:15:50 **Motion:** Vice Chair Usher moved that **HB 480 DO PASS.**

Discussion:

11:15:59 Rachel Weiss, Legislative Services Division (LSD)
11:16:21 Chair Doane
11:16:28 Rep. Skees
11:16:55 Rep. B. Brown
11:17:12 Rep. Manzella
11:17:37 Rep. Bishop
11:18:16 Rep. Berglee

11:19:18 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 480 BE TABLED.** Substitute Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker and Rep. Keogh voting no. Rep. C. Knudsen voted by proxy.

EXECUTIVE ACTION ON HB 534

11:20:33 **Motion:** Vice Chair Usher moved that **HB 534 DO PASS.**

Discussion:

11:20:42 Rachel Weiss, LSD
11:21:03 Rep. Krotkov
11:22:33 Rep. Morigeau
11:24:44 Chair Doane

- 11:25:10 Rep. Morigeau
11:27:50 Vice Chair Usher
11:29:28 Rep. Morigeau
11:30:40 Rep. Lenz
11:31:26 Rep. Skees
11:31:43 Rep. T. Moore
11:32:42 Vice Chair Kelker
- 11:34:37 **Vote:** Motion failed 9-10 by roll call vote with Rep. Berglee, Rep. B. Brown, Chair Doane, Rep. Dunn, Rep. Lenz, Rep. Manzella, Rep. T. Moore, Rep. Skees and Vice Chair Usher voting aye. Rep. C. Knudsen voted by proxy.
- 11:35:39 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 534**. Motion passed.

EXECUTIVE ACTION ON HB 500

- 11:36:14 **Motion:** Vice Chair Usher moved that **HB 500 DO PASS**.

Discussion:

- 11:36:25 Rachel Weiss, LSD
11:36:56 Rep. Bishop
11:37:49 Vice Chair Kelker
11:40:11 Rep. Berglee
11:41:20 Rep. Krotkov
11:41:51 Rep. Skees
11:42:35 Rep. Manzella
- 11:43:50 **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. C. Knudsen voted by proxy.

EXECUTIVE ACTION ON SB 85

- 11:45:02 Chair Doane
- 11:45:17 **Motion:** Vice Chair Usher moved that **SB 85 BE CONCURRED IN**.

Discussion:

- 11:45:28 Rachel Weiss, LSD
11:45:35 Rep. Berglee
- 11:46:00 **Vote:** Motion carried unanimously by voice vote. Rep. C. Knudsen voted by proxy. Rep. Berglee will carry the bill.
- 11:46:24 Chair Doane

EXECUTIVE ACTION ON SB 82

11:46:47 **Motion/Vote:** Vice Chair Usher moved that **SB 82 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. C. Knudsen voted by proxy. Rep. Moore will carry the bill.

EXECUTIVE ACTION ON SB 84

11:47:37 **Motion/Vote:** Vice Chair Usher moved that **SB 84 BE CONCURRED IN**. Motion carried 18-1 by voice vote with Rep. Manzella voting no. Rep. C. Knudsen voted by proxy. Rep. Bessette will carry the bill.

EXECUTIVE ACTION ON SB 36

11:48:48 **Motion/Vote:** Vice Chair Usher moved that **SB 36 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. C. Knudsen voted by proxy. Chair Doane will carry the bill.

EXECUTIVE ACTION ON HB 222

11:49:48 **Motion:** Vice Chair Usher moved that **HB 222 DO PASS**.

Discussion:

11:49:57 Rachel Weiss, LSD
11:50:03 Rep. Perry
11:50:32 Chair Doane
11:51:25 Rep. Morigeau
11:54:21 Rep. Krotkov

11:55:05 **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. Rep. C. Knudsen voted by proxy.

11:55:59 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 222**. Motion passed.

11:56:11 Chair Doane

ADJOURNMENT

Adjournment: 11:56:54

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh55aad.pdf](#))