

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

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

Members Excused:

Rep. Barry Usher, Vice Chair (R)
Rep. Dennis R. Lenz (R)
Rep. Derek Skees (R)
Rep. Shane A. Morigeau (D)

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: SB 52, 3/13/2019; SB 64, 3/13/2019; SB 88, 3/13/2019;
SB 261, 3/13/2019
Executive Action: SB 23, SB 274, HB 470, SB 261, SB 88, SB 64, SB 52, HB 483,
SB 205, SB 300

08:00:31 Chair Doane

[EXHIBIT\(juh58a01\)](#)

[EXHIBIT\(juh58a02\)](#)

08:00:40 Rep. Lenz entered the meeting.

HEARING ON SB 52

Opening Statement by Sponsor:

08:01:26 Sen. Diane Sands (D), SD 49, opened the hearing on SB 52, Generally revise laws on sexual assault kits.

Proponents' Testimony:

08:01:35 Vice Chair Usher entered the meeting.

08:01:41 Rep. Morigeau entered the meeting.

08:06:07 Jon Bennion, Attorney General's Office (AGO)

08:17:21 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:20:10 Heather O'Hara, Montana Hospital Association (MHA)

08:20:59 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:21:30 Vice Chair Kelker

08:21:54 Kelsen Young, MCADSV

08:24:14 Vice Chair Kelker

08:24:46 Kelsen Young, MCADSV

08:26:04 Rep. Lenz

08:28:24 Jon Bennion, AGO

08:28:45 Chair Doane

08:29:07 Sen. Sands

08:29:15 Jon Bennion, AGO

08:30:10 Chair Doane

08:30:22 Jon Bennion, AGO

08:30:36 Rep. B. Brown

08:30:59 Jon Bennion, AGO

Closing by Sponsor:

08:31:19 Sen. Sands

HEARING ON SB 64

Opening Statement by Sponsor:

08:34:06 Sen. Diane Sands (D), SD 49, opened the hearing on SB 64, Modernize child support statutes.

Proponents' Testimony:

08:37:47 Chad Dexter, Department of Public Health and Human Services (DPHHS)
08:39:50 Rep. B. Brown left the meeting.

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:42:51 Chair Doane
08:43:08 Chad Dexter, DPHHS
08:43:55 Chair Doane
08:44:15 Chad Dexter, DPHHS

Closing by Sponsor:

08:44:35 Sen. Sands

HEARING ON SB 88

Opening Statement by Sponsor:

08:45:47 Sen. Diane Sands (D), SD 49, opened the hearing on SB 88, Generally revise laws related to term "crime of violence".

Proponents' Testimony:

08:47:10 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:47:27 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

08:48:01 Sen. Sands

HEARING ON SB 261

Opening Statement by Sponsor:

08:48:33 Sen. Diane Sands (D), SD 49, opened the hearing on SB 261, Generally revise laws regarding sexual consent.

Proponents' Testimony:

08:51:38 Jackie Jones, Montana County Attorneys Association (MCAA), Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:52:49 Rep. Manzella

08:52:56 Sen. Sands

[EXHIBIT\(juh58a03\)](#)

[EXHIBIT\(juh58a04\)](#)

[EXHIBIT\(juh58a05\)](#)

[EXHIBIT\(juh58a06\)](#)

Closing by Sponsor:

08:53:17 Sen. Sands

08:53:51 Recessed

09:09:13 Reconvened

09:09:20 Chair Doane

09:09:36 Recessed

10:02:59 Reconvened

EXECUTIVE ACTION ON SB 23

10:03:16 **Motion:** Vice Chair Usher moved that **SB 23 BE CONCURRED IN.**

Discussion:

10:03:31 Vice Chair Kelker

10:04:15 **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. B. Brown voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON SB 274

10:05:45 **Motion/Vote:** Vice Chair Usher moved that **SB 274 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy. Vice Chair Kelker will carry the bill.

EXECUTIVE ACTION ON HB 470

10:06:42 **Motion:** Vice Chair Usher moved that **HB 470 DO PASS.**

Discussion:

10:06:50 Rachel Weiss, Legislative Services Division (LSD)

10:08:08 **Motion:** Vice Chair Kelker moved that **HB 470 BE AMENDED.**
EXHIBIT(juh58a07)

Discussion:

10:08:48 Joe Carroll, Legislative Services Division (LSD)

10:10:08 Chair Doane

10:10:12 Joe Carroll, LSD

10:10:16 Vice Chair Kelker

10:10:40 Joe Carroll, LSD

10:11:12 Rep. Skees

10:12:11 **Vote:** Motion failed 6-13 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Keogh, Rep. Krotkov and Rep. Morigeau voting aye. Rep. B. Brown voted by proxy.

10:13:15 Vice Chair Kelker

10:13:58 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 470 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.

EXECUTIVE ACTION ON SB 261

10:15:51 **Motion/Vote:** Vice Chair Usher moved that **SB 261 BE CONCURRED IN.** Motion carried 17-2 by voice vote with Rep. DeVries and Rep. C. Knudsen voting no. Rep. B. Brown voted by proxy. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 88

10:16:58 **Motion/Vote:** Vice Chair Usher moved that **SB 88 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy. Rep. Bishop will carry the bill.

EXECUTIVE ACTION ON SB 64

10:18:19 **Motion/Vote:** Vice Chair Usher moved that **SB 64 BE CONCURRED IN.** Motion carried 18-1 by voice vote with Rep. Lenz voting no. Rep. B. Brown voted by proxy. Rep. Keogh will carry the bill.

EXECUTIVE ACTION ON SB 52

10:19:21 **Motion:** Vice Chair Usher moved that **SB 52 BE CONCURRED IN.**

Discussion:

10:19:31 Vice Chair Kelker

10:19:51 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy. Rep. Manzella will carry the bill.

EXECUTIVE ACTION ON HB 483

10:20:23 **Motion/Vote:** Vice Chair Usher moved that **HB 483 DO PASS**. Motion failed unanimously by voice vote. Rep. B. Brown voted by proxy.

10:21:04 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 483**. Motion passed.

EXECUTIVE ACTION ON SB 205

10:21:27 **Motion:** Vice Chair Usher moved that **SB 205 BE CONCURRED IN**.

Discussion:

10:21:41 Rachel Weiss, LSD

[EXHIBIT\(juh58a08\)](#)

10:23:21 **Motion:** Rep. Berglee moved that **SB 205 BE AMENDED**.

[EXHIBIT\(juh58a09\)](#)

Discussion:

10:23:42 Rep. Morigeau

10:24:11 Rep. DeVries

10:24:42 Chair Doane

10:24:48 Rachel Weiss, LSD

10:24:59 Chair Doane

10:25:06 Vice Chair Kelker

10:25:43 Chair Doane

10:25:53 Without objection, Rep. Berglee withdrew the BE AMENDED motion.

10:26:00 Chair Doane

10:26:11 **Substitute Motion/Vote:** Without objection, Vice Chair Usher made a substitute motion **TO PASS CONSIDERATION ON SB 205**. Motion passed.

EXECUTIVE ACTION ON SB 300

10:26:44 **Motion:** Vice Chair Usher moved that **SB 300 BE CONCURRED IN**.

Discussion:

10:27:28 Vice Chair Kelker

10:28:00 Rachel Weiss, LSD

10:28:52 Vice Chair Kelker

10:29:03 Rachel Weiss, LSD

10:29:29 **Motion:** Vice Chair Usher moved that **SB 300 BE AMENDED**.

[EXHIBIT\(juh58a10\)](#)

Discussion:

- 10:29:40 Chair Doane
10:29:58 Rachel Weiss, LSD
10:31:49 Rep. Skees
10:32:44 Vice Chair Kelker
10:34:31 Rep. Berglee
10:35:24 Rep. C. Knudsen
10:36:04 Rep. Berglee
10:36:56 Rep. C. Knudsen
10:37:06 Rep. Lenz
10:38:37 Rep. Bishop
10:39:49 Rep. Berglee
10:40:20 Chair Doane
10:40:38 Vice Chair Kelker
10:41:24 Rep. Morigeau
10:41:58 Rep. Skees
10:43:32 Rep. Lenz
- 10:44:16 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. Bishop, Rep. B. Brown, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Morigeau and Rep. Perry voting aye. Rep. B. Brown voted by proxy.
- 10:45:48 Rep. Keogh
10:46:10 Rep. T. Moore
10:47:27 Rep. Berglee
10:48:10 Chair Doane
- 10:48:15 **Motion/Vote:** Rep. Berglee moved **TO SEGREGATE SECTION 8 FROM AMENDMENT SB03002.AKA.** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.
- 10:48:51 **Motion:** Rep. Berglee moved that **SB 300 BE AMENDED WITH SECTION 8 FROM AMENDMENT SB03002.AKA.**

Discussion:

- 10:49:11 Rachel Weiss, LSD
10:49:40 Rep. Skees
- 10:50:00 **Vote:** Motion carried unanimously by voice vote. Rep. B. Brown voted by proxy.
- 10:50:12 **Motion:** Rep. Usher moved that **SB 300 BE CONCURRED IN AS AMENDED.**
- 10:50:24 **Motion:** Rep. C. Knudsen moved that **SB 300 BE AMENDED CONCEPTUALLY TO ADD "REAL" IN FRONT OF "PROPERTY" ON LINE 29.**

Discussion:

- 10:50:56 Rachel Weiss, LSD
10:51:33 Rep. C. Knudsen
10:51:44 Rachel Weiss, LSD
10:52:14 Rep. C. Knudsen

10:52:27 Chair Doane
10:52:47 Vice Chair Kelker
10:53:11 Rep. Morigeau
10:53:37 Vice Chair Kelker

10:54:24 Recessed
11:06:29 Reconvened

11:06:49 Without objection, Rep. C. Knudsen withdrew the BE AMENDED motion.

11:07:14 **Motion/Vote:** Without objection, Rep. Berglee moved **TO PASS CONSIDERATION ON SB 300**. Motion passed.

11:07:42 Rep. Morigeau

ADJOURNMENT

Adjournment: 11:08:36

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh58aad.pdf](#))