

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on March 22, 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. Casey Knudsen (R)  
Rep. Jasmine Krotkov (D)  
Rep. Theresa Manzella (R)  
Rep. Terry Moore (R)  
Rep. Shane A. Morigeau (D)  
Rep. Zac Perry (D)

**Members Excused:**

Rep. Dennis R. Lenz (R)  
Rep. Derek Skees (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 21, 3/11/2019; SB 220, 3/11/2019; SB 223, 3/11/2019;  
SB 286, 3/11/2019  
Executive Action: SB 223, HB 439, HB 641, HB 457, Committee Joint Resolution

08:02:04 Chair Doane

### HEARING ON SB 220

#### Opening Statement by Sponsor:

08:02:39 Sen. Keith Regier (R), SD 3, opened the hearing on SB 220, Generally revise probation laws.

#### Proponents' Testimony:

08:05:13 Jon Metropoulos, Missoula Correctional Services (MCS)

08:08:03 Amanda Green, Beta Jail Alternatives Program and Misdemeanor Probation Office

[EXHIBIT\(juh59a01\)](#)

[EXHIBIT\(juh59a02\)](#)

08:08:36 Rep. Skees entered the meeting.

08:12:50 Erin McGowan, Montana Community Corrections Association

#### Opponents' Testimony:

08:13:29 SK Rossi, American Civil Liberties Union of Montana (ACLU)

#### Informational Testimony:

None

#### Questions from Committee Members and Responses:

08:14:29 Chair Doane

08:14:44 SK Rossi, ACLU

#### Closing by Sponsor:

08:15:22 Sen. K. Regier

08:15:32 Rep. B. Brown left the meeting.

### HEARING ON SB 21

#### Opening Statement by Sponsor:

08:16:27 Sen. Roger Webb (R), SD 23, opened the hearing on SB 21, Prohibit use of tanning devices by minors.

#### Proponents' Testimony:

08:18:26 Charlotte Kutsch, Montana Academy of Dermatology

08:25:37 Vicky Byrd, Montana Nurses Association (MNA), Montana Medical Association (MMA)

[EXHIBIT\(juh59a03\)](#)

08:29:31 Jacqueline Isaly, Lewis and Clark Public Health (LCPH), Association of Montana Public Health Officials (AMPHO), Montana Public Health Association (MPHA)

08:33:03 Lois Fitzpatrick, American Cancer Society Cancer Action Network (ACS CAN)

[EXHIBIT\(juh59a04\)](#)

08:36:34 Ashten Broadhead, self  
[EXHIBIT\(juh59a05\)](#)

08:44:21 Jodi Medlar, self  
[EXHIBIT\(juh59a06\)](#)

08:47:25 Karen Fairbrother, Dermatology Nurses' Association (DNA)  
[EXHIBIT\(juh59a07\)](#)  
[EXHIBIT\(juh59a08\)](#)  
[EXHIBIT\(juh59a09\)](#)  
[EXHIBIT\(juh59a10\)](#)

08:50:32 Kristin Page-Nei, American Cancer Society Cancer Action Network (ACS CAN),  
Cancer Support Community  
[EXHIBIT\(juh59a11\)](#)  
[EXHIBIT\(juh59a12\)](#)  
[EXHIBIT\(juh59a13\)](#)

08:54:54 Heather O'Hara, Montana Hospital Association (MHA)  
08:55:12 Stacey Anderson, Montana Primary Care Association (MPCA)  
08:55:21 Aimee Grmoljez, Billings Clinic

**Opponents' Testimony:**

08:55:48 SK Rossi, American Civil Liberties Union of Montana (ACLU)  
08:56:38 Joseph Levy, American Suntanning Association (ASA), International Smart Tan  
Network  
[EXHIBIT\(juh59a14\)](#)

09:12:05 Bianca Hunter, Malibu Tan

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:19:18 Vice Chair Kelker  
09:20:37 Sen. R. Webb  
09:21:07 Vice Chair Kelker  
09:21:30 Sen. R. Webb  
09:21:38 Vice Chair Usher  
09:21:56 Sen. R. Webb  
09:22:12 Vice Chair Usher  
09:22:38 Sen. R. Webb  
09:22:55 Rep. Manzella  
09:23:24 Joseph Levy, ASA, International Smart Tan Network  
09:28:27 Rep. C. Knudsen  
09:29:41 SK Rossi, ACLU  
09:30:01 Vice Chair Kelker  
09:30:29 Charlotte Kutsch, Montana Academy of Dermatology  
09:31:49 Rep. Manzella  
09:32:12 Bianca Hunter, Malibu Tan

09:33:14 Rep. Manzella  
09:33:29 Bianca Hunter, Malibu Tan  
  
09:33:44 Rep. Morigeau left the meeting.

**Closing by Sponsor:**

09:33:56 Sen. R. Webb  
  
09:35:45 Rep. Bessette left the meeting.

**HEARING ON SB 223**

**Opening Statement by Sponsor:**

09:37:37 Sen. Tom Jacobson (D), SD 11, opened the hearing on SB 223, Generally revise execution and judgment laws.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

09:40:55 Sen. Jacobson  
  
09:41:11 Rep. Skees

**HEARING ON SB 286**

**Opening Statement by Sponsor:**

09:41:30 Sen. Bryce Bennett (D), SD 50, opened the hearing on SB 286, Generally revise laws on privacy.

[EXHIBIT\(juh59a15\)](#)

[EXHIBIT\(juh59a16\)](#)

**Proponents' Testimony:**

09:45:11 Michael Toppen, Montana Public Interest Research Group (MontPIRG)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:46:32 Vice Chair Kelker  
09:47:12 Sen. Bennett  
09:47:48 Vice Chair Kelker  
09:48:06 Sen. Bennett  
09:48:48 Rep. Dunn  
09:49:19 Sen. Bennett  
09:49:40 Rep. Skees  
09:50:08 Sen. Bennett  
09:50:22 Chair Doane  
09:51:48 Sen. Bennett  
09:52:23 Rep. C. Knudsen  
09:52:40 Sen. Bennett  
09:53:00 Rep. C. Knudsen  
09:54:14 Sen. Bennett

**Closing by Sponsor:**

09:55:12 Sen. Bennett

09:56:55 Recessed  
10:11:31 Reconvened

10:11:41 Chair Doane

[EXHIBIT\(juh59a17\)](#)

[EXHIBIT\(juh59a18\)](#)

10:11:53 Rachel Weiss, Legislative Services Division (LSD)

[EXHIBIT\(juh59a19\)](#)

10:13:27 Rep. Bishop  
10:13:40 Rachel Weiss, LSD  
10:14:25 Chair Doane

10:15:49 Recessed  
11:04:17 Reconvened with Rep. B. Brown, Rep. Morigeau, and Rep. Bessette present.

11:04:27 Rachel Weiss, LSD

**EXECUTIVE ACTION ON SB 223**

11:05:31 **Motion/Vote:** Vice Chair Usher moved that **SB 223 BE CONCURRED IN**.  
Motion carried unanimously by voice vote. Rep. Moore will carry the bill.

**EXECUTIVE ACTION ON HB 439**

11:06:22 **Motion:** Vice Chair Usher moved that **HB 439 DO PASS**.

**Discussion:**

11:06:37 Vice Chair Kelker

11:08:15 **Motion:** Vice Chair Usher moved that **HB 439 BE AMENDED**.  
[EXHIBIT\(juh59a20\)](#)

**Discussion:**

11:09:22 Vice Chair Usher

11:10:50 **Vote:** Motion carried unanimously by voice vote.

11:10:58 **Motion:** Vice Chair Usher moved that **HB 439 DO PASS AS AMENDED**.

**Discussion:**

11:11:11 Chair Doane

11:11:19 **Vote:** Motion carried 12-7 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. Dunn, Rep. C. Knudsen, Rep. Manzella and Rep. T. Moore voting no.

**EXECUTIVE ACTION ON HB 641**

11:12:28 **Motion:** Vice Chair Usher moved that **HB 641 DO PASS**.

11:12:40 **Substitute Motion/Vote:** Vice Chair Kelker made a substitute motion that **HB 641 BE TABLED**. Substitute Motion carried 14-5 by roll call vote with Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. Manzella and Rep. Skees voting no.

**EXECUTIVE ACTION ON HB 457**

11:13:56 **Motion:** Vice Chair Usher moved that **HB 457 DO PASS**.

**Discussion:**

11:14:17 Rep. C. Knudsen

11:14:47 Rep. Skees

11:15:27 Rep. Manzella

11:16:18 Vice Chair Kelker

11:16:25 Vice Chair Usher

11:16:39 Rachel Weiss, Legislative Services Division (LSD)

11:17:26 Vice Chair Usher

11:17:33 Rachel Weiss, LSD

11:17:39 Vice Chair Usher

11:18:12 Rep. Zolnikov

11:18:51 Rep. Berglee

11:20:13 Rep. Krotkov

11:21:56 Rep. Morigeau

11:22:18 **Motion/Vote:** Rep. Morigeau moved that **HB 457 BE AMENDED**. Motion carried 13-6 by roll call vote with Rep. Berglee, Rep. Bessette, Rep. Farris-Olsen, Rep. C. Knudsen, Rep. Manzella and Rep. Skees voting no.

[EXHIBIT\(juh59a21\)](#)

11:23:56 **Motion:** Vice Chair Usher moved that **HB 457 DO PASS AS AMENDED.**

**Discussion:**

11:24:06 Rep. Skees  
11:24:36 Vice Chair Usher  
11:25:07 Rep. C. Knudsen

11:25:38 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Chair Doane, Vice Chair Kelker, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella, Rep. T. Moore and Rep. Skees voting no.

**EXECUTIVE ACTION ON RESOLUTION PROPOSAL**

11:27:19 Vice Chair Kelker  
11:27:26 Rep. Farris-Olsen left the meeting.  
11:29:14 Rep. C. Knudsen  
11:30:10 Chair Doane  
11:30:19 Vice Chair Kelker  
11:30:46 Rep. Keogh  
11:32:01 Rep. C. Knudsen  
11:32:41 Vice Chair Kelker  
11:33:08 Vice Chair Usher  
11:33:44 Rep. Bishop  
11:34:58 Rep. Bessette  
11:35:22 Rep. C. Knudsen

11:35:38 **Motion:** Rep. C. Knudsen moved **TO DRAFT A COMMITTEE BILL REGARDING THE RESIDENTIAL LANDLORD AND TENANT ACT OF 1977.**

11:35:52 Chair Doane  
11:36:05 Rep. B. Brown  
11:36:23 Chair Doane  
11:36:47 Rep. B. Brown  
11:37:16 Rep. C. Knudsen  
11:37:50 Rep. B. Brown  
11:38:07 Chair Doane  
11:38:56 Rachel Weiss, LSD

11:39:14 **Vote:** Motion carried 18-1 by roll call vote with Rep. Dunn voting no. Rep. Farris-Olsen voted by proxy.

11:40:11 Vice Chair Usher  
11:40:21 Chair Doane  
11:41:27 Rep. Morigeau  
11:46:17 Chair Doane

**ADJOURNMENT**

Adjournment: 11:47:15

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh59aad.pdf](#))