

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on March 26, 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. Dennis R. Lenz (R)  
Rep. Terry Moore (R)  
Rep. Shane A. Morigeau (D)  
Rep. Zac Perry (D)

**Members Excused:**

Rep. Derek Skees (R)  
Rep. Theresa Manzella (R)  
Rep. David Dunn (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 192, 3/14/2019; SB 224, 3/14/2019; SB 301, 3/14/2019;  
HB 659, 3/15/2019; HB 746, 3/25/2019; HB 750, 3/25/2019  
Executive Action: HB 655, HB 698, HB 659, HB 750, HB 746, HB 534

08:01:08 Chair Doane

### HEARING ON HB 659

#### Opening Statement by Sponsor:

08:01:40 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB659, Establish penalties for negligent injury or death of service animal.

#### Proponents' Testimony:

08:04:03 Jim Marks, National Federation of the Blind of Montana (NFB)  
08:09:01 Joy Breslauer, National Federation of the Blind of Montana (NFB)  
08:17:23 Harold Leigland, self  
08:22:30 Sheila Leigland, self  
08:24:53 Joel Peden, Montana Centers for Independent Living (MTCIL)  
08:27:02 Shyla Patera, North Central Independent Living Services (NCILS)  
08:27:33 Rep. Lenz left the meeting.  
08:29:11 Mark Sanders, self

#### Opponents' Testimony:

None

#### Informational Testimony:

None

#### Questions from Committee Members and Responses:

08:30:20 Rep. T. Moore  
08:30:43 Rep. Farris-Olsen  
08:32:14 Rep. T. Moore  
08:33:10 Rep. Farris-Olsen  
08:34:00 Rep. T. Moore  
08:34:33 Joel Peden, MTCIL

#### Closing by Sponsor:

08:36:07 Rep. Farris-Olsen

### HEARING ON SB 192

#### Opening Statement by Sponsor:

08:38:14 Sen. Mike Lang (R), SD 17, opened the hearing on SB192, Revise qualifications for firefighters.

[EXHIBIT\(juh62a01\)](#)

#### Proponents' Testimony:

08:40:55 Conn Butler, self  
08:42:21 Dave Maslowski, Montana State Firemen's Association (MSFA)

#### Opponents' Testimony:

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

08:43:26 Sen. Lang

**HEARING ON HB 750**

**Opening Statement by Sponsor:**

08:44:39 Rep. Dave Fern (D), HD 5, opened the hearing on HB750, Revise laws prohibiting robo calls and provide pol practices office may enforce.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:44:44 Rep. Bessette left the meeting.

08:51:53 Rep. B. Brown

08:52:33 Rep. Fern

08:53:00 Rep. B. Brown

08:53:20 Rep. Fern

**Closing by Sponsor:**

08:53:55 Rep. Fern

**HEARING ON HB 746**

**Opening Statement by Sponsor:**

08:55:30 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB746, Revise laws related to prepaid cards for prison release funds.

**Proponents' Testimony:**

08:57:17 SK Rossi, American Civil Liberties Union of Montana (ACLU)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:58:10 Chair Doane  
08:59:08 Rep. Farris-Olsen

**Closing by Sponsor:**

08:59:15 Rep. Farris-Olsen  
  
08:59:47 Recessed  
09:07:36 Reconvened  
  
09:07:36 Rep. Morigeau left the meeting.

**HEARING ON SB 224****Opening Statement by Sponsor:**

09:07:50 Sen. Tom Jacobson (D), SD 11, opened the hearing on SB224, Generally revise laws related to county road access.

**Proponents' Testimony:**

09:10:48 Eric Bryson, Montana Association of Counties (MACo)  
09:13:33 Charles Lane, self

**Opponents' Testimony:**

09:16:07 Abigail St. Lawrence, Rocky Mountain Stockgrowers Association (RMSGGA)  
[EXHIBIT\(juh62a02\)](#)

09:21:40 Chuck Denowh, United Property Owners of Montana (UPOM)  
[EXHIBIT\(juh62a03\)](#)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:23:10 Rep. Keogh  
09:25:28 Eric Bryson, MACo  
09:26:06 Vice Chair Kelker  
09:28:08 Sen. Jacobson  
09:30:50 Rep. Krotkov  
09:31:18 Eric Bryson, MACo  
09:31:26 Rep. Krotkov  
09:31:35 Eric Bryson, MACo  
09:33:11 Rep. Krotkov  
09:33:42 Sen. Jacobson  
09:34:36 Chair Doane  
09:35:52 Eric Bryson, MACo

**Closing by Sponsor:**

09:36:03 Sen. Jacobson

**HEARING ON SB 301****Opening Statement by Sponsor:**

09:38:38 Sen. Jason Small (R), SD 21, opened the hearing on SB301, Provide county commissioners must approve public road closures.

**Proponents' Testimony:**

09:41:01 Nick Gevock, Montana Wildlife Federation (MWF)  
09:42:06 Joel Weltzien, Montana Chapter of the Backcountry Hunters and Anglers (BHA)\_  
09:43:02 Pepper Petersen, Big Sky UAV  
09:44:37 Eric Bryson, Montana Association of Counties (MACo)

**Opponents' Testimony:**

09:48:00 Dan Conn, Rocky Mountain Stockgrowers Association (RMSGGA)  
09:49:11 Abigail St. Lawrence, Rocky Mountain Stockgrowers Association (RMSGGA)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

09:51:50 Vice Chair Kelker  
09:55:29 Eric Bryson, MACo  
09:55:38 Rep. Krotkov  
09:55:41 Rep. Skees entered the meeting.  
09:55:59 Eric Bryson, MACo  
09:57:06 Chair Doane  
09:57:30 Eric Bryson, MACo  
09:58:09 Abigail St. Lawrence, RMSGGA  
09:58:19 Chair Doane  
09:58:44 Abigail St. Lawrence, RMSGGA  
10:00:21 Vice Chair Usher  
10:00:41 Abigail St. Lawrence, RMSGGA

**Closing by Sponsor:**

10:01:05 Sen. Small  
  
10:01:58 Recessed  
10:09:22 Reconvened  
  
10:09:24 Chair Doane  
  
10:10:06 Recessed  
10:45:42 Reconvened  
  
10:45:42 Rep. Lenz reentered the meeting.  
10:45:42 Rep. Manzella entered the meeting.

**EXECUTIVE ACTION ON HB 655**

10:45:51 **Motion:** Vice Chair Usher moved that **HB 655 DO PASS.**

**Discussion:**

10:46:09 Rachel Weiss, Legislative Services Division (LSD)

10:47:26 **Motion:** Rep. C. Knudsen moved that **HB 655 BE AMENDED.**  
[EXHIBIT\(juh62a04\)](#)

**Discussion:**

10:47:37 Rep. C. Knudsen  
10:48:31 Rachel Weiss, LSD

10:49:16 **Vote:** Motion carried unanimously by voice vote. Rep. Bessette, Rep. Dunn and Rep. Morigeau voted by proxy.

10:49:47 **Motion:** Vice Chair Usher moved that **HB 655 DO PASS AS AMENDED.**

10:49:51 **Motion:** Rep. C. Knudsen moved that **HB 655 BE AMENDED WITHOUT SECTION 2 OF THE AMENDMENT.**  
[EXHIBIT\(juh62a05\)](#)

**Discussion:**

10:50:43 Chair Doane  
10:50:59 Rep. C. Knudsen  
10:52:12 Rachel Weiss, LSD  
10:52:58 Rep. Krotkov  
10:53:52 Rep. C. Knudsen

10:55:08 **Vote:** Motion carried unanimously by roll call vote. Rep. Bessette, Rep. Dunn and Rep. Morigeau voted by proxy.

10:56:04 **Motion:** Vice Chair Usher moved that **HB 655 DO PASS AS AMENDED.**

10:56:13 **Motion:** Chair Doane moved that **HB 655 BE AMENDED CONCEPTUALLY TO ADD A SUNSET DATE OF JULY 1, 2021.**

**Discussion:**

10:56:30 Chair Doane  
10:56:50 Rachel Weiss, LSD

10:57:09 Without objection, Chair Doane withdrew the BE AMENDED motion.

10:57:10 **Motion/Vote:** Chair Doane moved that **HB 655 BE AMENDED CONCEPTUALLY TO ADD A SUNSET DATE OF JUNE 30, 2021.** Motion carried unanimously by voice vote. Rep. Bessette, Rep. Dunn and Rep. Morigeau voted by proxy.

10:57:46 **Motion:** Vice Chair Usher moved that **HB 655 DO PASS AS AMENDED.**

**Discussion:**

10:57:55 Rep. Farris-Olsen

10:58:23 **Vote:** Motion carried 11-8 by roll call vote with Rep. Besette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no. Rep. Besette, Rep. Dunn and Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 698**

10:59:33 **Motion:** Vice Chair Usher moved that **HB 698 DO PASS**.

#### **Discussion:**

10:59:39 Rachel Weiss, LSD

10:59:49 Rep. C. Knudsen

11:00:31 Vice Chair Kelker

11:00:56 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 698 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Besette, Rep. Dunn and Rep. Morigeau voted by proxy.

#### **EXECUTIVE ACTION ON HB 659**

11:01:38 **Motion:** Vice Chair Usher moved that **HB 659 DO PASS**.

11:02:28 **Motion:** Rep. Farris-Olsen moved that **HB 659 BE AMENDED**.  
[EXHIBIT\(juh62a06\)](#)

#### **Discussion:**

11:02:38 Rep. Farris-Olsen

11:03:03 **Vote:** Motion carried unanimously by voice vote. Rep. Besette, Rep. Dunn and Rep. Morigeau voted by proxy.

11:03:23 **Motion:** Vice Chair Usher moved that **HB 659 DO PASS AS AMENDED**.

#### **Discussion:**

11:03:31 Rep. Farris-Olsen

11:04:08 Chair Doane

11:04:28 Rep. Farris-Olsen

11:04:31 Rep. Morigeau entered the meeting.

11:05:29 Chair Doane

11:05:47 Rep. Farris-Olsen

11:07:01 Rep. Bishop

11:07:43 Rep. Besette entered the meeting.

11:08:19 Rep. B. Brown

11:09:10 Vice Chair Kelker

11:10:45 Vice Chair Usher

11:12:17 Rep. Farris-Olsen

11:13:45 Vice Chair Kelker

11:14:48 **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. Rep. Dunn voted by proxy.

11:15:43 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 659**. Motion passed.

#### **EXECUTIVE ACTION ON HB 750**

11:16:01 **Motion/Vote:** Vice Chair Usher moved that **HB 750 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. Dunn voted by proxy.

11:17:15 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 750**. Motion passed.

#### **EXECUTIVE ACTION ON HB 746**

11:17:36 **Motion:** Vice Chair Usher moved that **HB 746 DO PASS**.

11:18:50 **Motion:** Rep. Farris-Olsen moved that **HB 746 BE AMENDED**.  
[EXHIBIT\(juh62a07\)](#)

#### **Discussion:**

11:19:01 Rep. Farris-Olsen

11:19:28 **Vote:** Motion carried unanimously by voice vote. Rep. Dunn voted by proxy.

11:19:49 **Motion:** Vice Chair Usher moved that **HB 746 DO PASS AS AMENDED**.

#### **Discussion:**

11:19:58 Rep. Farris-Olsen

11:20:42 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. B. Brown, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. Dunn voted by proxy.

11:21:36 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 746**. Motion passed.

#### **EXECUTIVE ACTION ON HB 534**

11:21:58 **Motion/Vote:** Rep. C. Knudsen moved that **HB 534 BE REMOVED FROM THE TABLE**. Motion carried 12-6 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Keogh, Rep. Morigeau and Rep. Perry voting no. Rep. Dunn was excused.

11:23:46 **Motion:** Vice Chair Usher moved that **HB 534 DO PASS**.

**Discussion:**

11:23:53 Rep. C. Knudsen

11:24:47 **Motion:** Rep. C. Knudsen moved that **HB 534 BE AMENDED.**  
**[EXHIBIT\(juh62a08\)](#)**

**Discussion:**

11:24:55 Rep. C. Knudsen

11:26:30 Rep. T. Moore

11:26:46 Rep. C. Knudsen

11:27:16 **Vote:** Motion carried unanimously by roll call vote. Rep. Dunn voted by proxy.

11:28:04 **Motion:** Vice Chair Usher moved that **HB 534 DO PASS AS AMENDED.**

**Discussion:**

11:28:13 Rep. Morigeau

11:29:37 Chair Doane

11:30:06 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting no. Rep. Dunn voted by proxy.

11:31:06 Chair Doane

**ADJOURNMENT**

Adjournment: 11:31:15

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh62aad.pdf](#))