

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 27, 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: HB 701, 3/20/2019; HB 718, 3/21/2019; HB 730, 3/22/2019;
HB 735, 3/22/2019; HB 741, 3/25/2019; HB 767, 3/26/2019
Executive Action: HB 741, HB 701, HB 718, HB 735, HB 730, HB 767

08:03:36 Chair Doane

HEARING ON HB 701

Opening Statement by Sponsor:

08:04:01 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 701, Generally revise criminal laws regarding sex offenses.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:04:32 Rep. Skees entered the meeting.
08:08:04 Vice Chair Kelker
08:08:19 Rep. Morigeau
08:08:29 Chair Doane
08:08:41 Rep. Morigeau
08:09:21 Rachel Weiss, Legislative Services Division (LSD)

Closing by Sponsor:

08:10:12 Rep. Morigeau

HEARING ON HB 718

Opening Statement by Sponsor:

08:10:43 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 718, Generally revise domestic violence protections.

[EXHIBIT\(juh63a01\)](#)

Proponents' Testimony:

08:16:39 Zoe Barnard, Department of Public Health and Human Services (DPHHS)
08:19:23 Ann Machek, self

[EXHIBIT\(juh63a02\)](#)

08:23:14 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:26:40 Recessed

08:27:16 Reconvened

08:27:33 Roxane Weikel, self

[EXHIBIT\(juh63a03\)](#)

[EXHIBIT\(juh63a04\)](#)

08:28:01 Eileen Brody, Moms Demand Action
[EXHIBIT\(juh63a05\)](#)

08:28:15 Kiely Lammers, self
[EXHIBIT\(juh63a06\)](#)

Opponents' Testimony:

None

Informational Testimony:

08:28:59 Paulette Kohman, self
[EXHIBIT\(juh63a07\)](#)

Questions from Committee Members and Responses:

08:31:13 Vice Chair Usher
08:35:02 Rep. Farris-Olsen
08:35:32 Chair Doane
08:35:48 Vice Chair Kelker
08:36:43 Rep. Farris-Olsen
08:37:55 Rep. Bishop
08:38:30 Rep. Farris-Olsen
08:39:32 Rep. T. Moore
08:40:31 Rep. Farris-Olsen
08:41:10 Chair Doane
08:41:16 Zoe Barnard, DPHHS
08:43:17 Rep. T. Moore
08:43:32 Chair Doane
08:43:43 Rep. Manzella
08:44:22 Rep. Farris-Olsen

Closing by Sponsor:

08:45:08 Rep. Farris-Olsen

HEARING ON HB 735

Opening Statement by Sponsor:

08:47:25 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 735, Revise campus free speech laws.

Proponents' Testimony:

08:48:32 Rep. Lenz entered the meeting.
08:49:15 Vice Chair Kelker
[EXHIBIT\(juh63a08\)](#)

08:49:50 David Herbst, Americans for Prosperity-Montana (AFP)
08:51:21 Kaleigh Cunningham, Americans for Prosperity-Montana (AFP)
08:53:09 Tanner Avery, Foundation for Individual Rights in Education (FIRE)
08:54:42 Conner Wise, self
08:56:05 Raymond Porter, self

08:58:09 Alexander MacLeod, Americans for Prosperity-Montana (AFP)
08:58:56 Reed Allen, self
08:59:16 Raye Newmeyer, self

Opponents' Testimony:

09:00:04 SK Rossi, American Civil Liberties Union of Montana (ACLU)
09:00:49 Garrett Lankford, Montana Human Rights Network (MHRN)

Informational Testimony:

None

Questions from Committee Members and Responses:

09:03:12 Chair Doane
09:03:34 Vice Chair Kelker
09:04:08 SK Rossi, ACLU
09:07:12 Vice Chair Kelker
09:07:34 SK Rossi, ACLU
09:08:07 Rep. Hopkins
09:10:22 Rep. C. Knudsen
09:11:13 Rep. Hopkins

Closing by Sponsor:

09:12:57 Rep. Hopkins

09:14:16 Recessed
09:23:01 Reconvened

HEARING ON HB 730

Opening Statement by Sponsor:

09:23:14 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 730, Increase penalties for certain crimes committed against a pregnant woman.

Proponents' Testimony:

09:25:17 Gregg Trude, Right to Life of Montana, National Right to Life

Opponents' Testimony:

09:28:12 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

09:30:54 Chair Doane
09:31:26 Gregg Trude, Right to Life of Montana, National Right to Life
09:31:41 Rep. Manzella
09:32:49 SK Rossi, ACLU
09:33:28 Chair Doane
09:33:57 SK Rossi, ACLU

Closing by Sponsor:

09:34:29 Rep. Sheldon-Galloway
09:35:25 Vice Chair Kelker
09:35:50 Chair Doane
09:36:52 Chair Doane ceded the gavel to Vice Chair Usher.

HEARING ON HB 741**Opening Statement by Sponsor:**

09:37:24 Rep. Alan Doane (R), HD 36, opened the hearing on HB 741, Revise when mug shots may be released.

Proponents' Testimony:

None

Opponents' Testimony:

09:40:03 John MacDonald, Montana Newspaper Association (MNA)
09:42:33 Matt Gibson, Montana Newspaper Association (MNA)
09:45:53 Dewey Bruce, Montana Broadcasters Association (MBA)
09:47:45 David McCumber, Montana Standard

[EXHIBIT\(juh63a09\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

09:49:46 Vice Chair Kelker
09:52:37 Rep. Doane
09:53:23 Rep. Manzella
09:53:33 Rep. Doane
09:54:32 Rep. C. Knudsen
09:55:17 Rep. Doane
09:55:38 Rep. Krotkov
09:56:26 Rep. Doane
09:56:41 Rep. Krotkov
09:57:01 Vice Chair Usher
09:57:41 Rep. Doane
09:58:00 Vice Chair Kelker
09:59:07 David McCumber, Montana Standard

Closing by Sponsor:

10:00:26 Rep. Doane
10:02:34 Rep. Doane resumed the Chair.

HEARING ON HB 767

Opening Statement by Sponsor:

10:03:08 Rep. Bradley Hamlett (D), HD 23, opened the hearing on HB 767, Primary enforcement of seatbelt laws with 10 years of reduced fines.

Proponents' Testimony:

10:07:20 Gregg Trude, Right to Life of Montana, National Right to Life

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

10:11:11 Rep. Skees
10:11:56 Rep. Hamlett

Closing by Sponsor:

10:12:16 Rep. Hamlett

10:14:39 Chair Doane
10:14:43 Rachel Weiss, Legislative Services Division (LSD)

10:15:18 Chair Doane

10:15:35 Recessed
11:03:00 Reconvened

EXECUTIVE ACTION ON HB 741

11:03:16 **Motion:** Vice Chair Usher moved that **HB 741 DO PASS.**

11:03:38 **Motion:** Vice Chair Usher moved that **HB 741 BE AMENDED.**
[EXHIBIT\(juh63a10\)](#)

Discussion:

11:03:49 Rachel Weiss, Legislative Services Division (LSD)
11:04:45 Chair Doane

11:05:07 **Vote:** Motion carried unanimously by voice vote.

11:05:24 **Motion:** Vice Chair Usher moved that **HB 741 DO PASS AS AMENDED.**

Discussion:

11:05:35 Rep. Manzella

11:06:14 **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 701

11:07:33 **Motion:** Vice Chair Usher moved that **HB 701 DO PASS.**

11:07:41 Rep. Morigeau
 11:08:49 Chair Doane
 11:08:57 Rep. Morigeau
 11:09:37 Chair Doane
 11:09:41 Rep. Morigeau
 11:10:43 Rachel Weiss, LSD
 11:11:41 Chair Doane
 11:12:00 Rachel Weiss, LSD
 11:13:05 Rep. Morigeau
 11:13:59 Chair Doane
 11:14:49 Vice Chair Kelker
 11:15:48 Rep. Lenz
 11:16:42 Rep. Morigeau
 11:18:49 Rep. Lenz
 11:19:14 Rep. B. Brown
 11:19:42 Rep. Morigeau

11:21:13 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Dunn, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye.

11:22:06 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 701.** Motion Passed.

EXECUTIVE ACTION ON HB 718

11:22:29 Rep. Morigeau left the meeting.

11:22:46 **Motion:** Vice Chair Usher moved that **HB 718 DO PASS.**

Discussion:

11:23:03 Rep. Farris-Olsen

11:23:37 **Motion:** Rep. Farris-Olsen moved that **HB 718 BE AMENDED.**
[EXHIBIT\(juh63a11\)](#)

Discussion:

11:23:47 Rep. Farris-Olsen
 11:24:14 Vice Chair Usher
 11:24:28 Rep. Farris-Olsen
 11:24:46 Chair Doane

11:25:09 **Vote:** Motion carried unanimously by voice vote. Rep. Morigeau voted by proxy.

11:25:30 **Motion:** Vice Chair Usher moved that **HB 718 DO PASS AS AMENDED.**

Discussion:

11:25:38 Rep. Manzella
11:27:34 Rep. Farris-Olsen
11:27:57 Rep. Manzella
11:28:01 Chair Doane
11:28:11 Rep. Manzella
11:28:53 Rep. Farris-Olsen
11:29:44 Rep. Keogh
11:31:09 Chair Doane
11:31:34 Rep. Farris-Olsen
11:32:11 Chair Doane
11:32:39 Rep. Farris-Olsen
11:33:29 Rep. Berglee
11:33:31 Rep. Keogh left the meeting.
11:34:15 Rep. Farris-Olsen
11:35:27 Vice Chair Usher
11:37:33 Chair Doane
11:37:42 Rep. Skees
11:38:40 Rep. Morigeau entered the meeting.
11:38:43 Rep. Lenz
11:39:56 Rep. Farris-Olsen

11:40:54 **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. Keogh voted by proxy.

11:41:51 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 718.** Motion passed.

EXECUTIVE ACTION ON HB 735

11:42:09 **Motion:** Vice Chair Usher moved that **HB 735 DO PASS.**

11:42:26 **Motion:** Vice Chair Kelker moved that **HB 735 BE AMENDED.**
[EXHIBIT\(juh63a12\)](#)

Discussion:

11:42:47 Rachel Weiss, LSD
11:44:46 **Vote:** Motion carried unanimously by voice vote. Rep. Keogh voted by proxy.
11:44:58 **Motion:** Vice Chair Usher moved that **HB 735 DO PASS AS AMENDED.**

Discussion:

11:45:08 Rep. Bishop

11:45:44 Rep. Skees

11:46:00 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen and Rep. Perry voting no. Rep. Keogh voted by proxy.

EXECUTIVE ACTION ON HB 730

11:47:09 **Motion:** Vice Chair Usher moved that **HB 730 DO PASS.**

11:47:20 **Substitute Motion/Vote:** Vice Chair Kelker made a substitute motion that **HB 730 BE TABLED.** Substitute Motion carried unanimously by roll call vote. Rep. Keogh voted by proxy.

EXECUTIVE ACTION ON HB 767

11:48:33 **Motion:** Vice Chair Usher moved that **HB 767 DO PASS.**

11:48:42 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 767 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. Rep. Keogh voted by proxy.

11:49:54 Chair Doane

ADJOURNMENT

Adjournment: 11:50:40

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh63aad.pdf](#))