

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on March 28, 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. 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. Theresa Manzella (R)
Rep. Terry Moore (R)
Rep. Shane A. Morigeau (D)
Rep. Zac Perry (D)
Rep. Derek Skees (R)

Members Excused:

Rep. Barbara Bessette (D)
Rep. Dennis R. Lenz (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: HB 721, 3/21/2019; HB 728, 3/22/2019; HB 745, 3/25/2019;
HB 749, 3/25/2019; HB 763, 3/25/2019; HB 772, 3/26/2019
Executive Action: HB 749, HB 772, HB 728, HB 721, HB 745, HB 763

08:00:36 Chair Doane
08:00:43 Rep. Morigeau left the meeting.

HEARING ON HB 763

Opening Statement by Sponsor:

08:01:08 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 763, Generally revise corrections laws.

Proponents' Testimony:

08:02:40 Cynthia Wolken, Montana Department of Corrections (DOC)
08:03:16 Rep. Skees left the meeting.
08:05:31 Connie Winner, Montana Department of Corrections (DOC)
08:07:16 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:07:23 Rep. Dunn entered the meeting.
08:08:25 Beth Brenneman, Disability Rights Montana
08:09:32 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:09:52 David Andersen, Montana Association of Christians (MAC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:10:27 Rep. C. Knudsen
08:11:06 Cynthia Wolken, DOC
08:11:27 Rep. C. Knudsen
08:11:47 Cynthia Wolken, DOC
08:12:30 Vice Chair Kelker
08:12:55 Cynthia Wolken, DOC
08:13:26 Vice Chair Kelker
08:13:40 Cynthia Wolken, DOC
08:14:21 Rep. T. Moore
08:15:50 Cynthia Wolken, DOC
08:16:14 Chair Doane
08:16:33 Cynthia Wolken, DOC
08:17:13 Vice Chair Usher
08:17:39 Cynthia Wolken, DOC
08:18:41 Rep. C. Knudsen
08:20:04 Cynthia Wolken, DOC
08:20:23 Chair Doane
08:20:35 Rep. Lynch

Closing by Sponsor:

08:21:12 Rep. Lynch

HEARING ON HB 745**Opening Statement by Sponsor:**

08:23:51 Rep. Andrea Olsen (D), HD 100, opened the hearing on HB 745, Enact a student online personal information protection act.

Proponents' Testimony:

08:26:06 Rachel Cooper, Missoula County Public Schools

[EXHIBIT\(juh64a01\)](#)

[EXHIBIT\(juh64a02\)](#)

08:28:49 Morgan Smith, Montana Federation of Public Employees (MFPE)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:29:32 Vice Chair Usher

08:30:02 Rachel Cooper, Missoula County Public Schools

08:30:13 Vice Chair Usher

08:30:17 Rachel Cooper, Missoula County Public Schools

08:30:25 Rep. T. Moore

08:30:56 Rachel Cooper, Missoula County Public Schools

08:31:29 Rep. T. Moore

08:31:46 Rachel Cooper, Missoula County Public Schools

Closing by Sponsor:

08:32:06 Rep. Olsen

HEARING ON HB 721**Opening Statement by Sponsor:**

08:34:56 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 721, Revise fair notice of campaign material and misrepresentation of voting records.

Proponents' Testimony:

08:36:07 Rep. Kimberly Dudik, HD 94

08:39:05 Jaime MacNaughton, Office of the Commissioner of Political Practices (COPP)

08:39:56 Al Smith, Montana Trial Lawyers Association (MTLA)

08:41:18 Rep. Bridget Smith, HD 31

Opponents' Testimony:

None

Informational Testimony:

08:41:42 Dana Corson, Montana Secretary of State's Office (SOS)

Questions from Committee Members and Responses:

08:42:00 Rep. Bishop
08:42:38 Jaime MacNaughton, COPP
08:43:08 Chair Doane
08:43:32 Jaime MacNaughton, COPP
08:43:47 Rep. Manzella
08:44:40 Rep. Curdy
08:45:04 Rep. B. Brown
08:45:57 Jaime MacNaughton, COPP
08:46:15 Rep. B. Brown
08:46:30 Jaime MacNaughton, COPP

Closing by Sponsor:

08:47:25 Rep. Curdy

HEARING ON HB 728**Opening Statement by Sponsor:**

08:48:05 Rep. Bridget Smith (D), HD 31, opened the hearing on HB 728, Revise laws related to tribal DUI task forces.

Proponents' Testimony:

08:49:59 Jim Summers, Fort Peck Tribe's Department of Law and Justice
08:53:11 Jeff Stiffarm, Fort Belknap Community Council

[EXHIBIT\(juh64a03\)](#)

08:55:36 Bill Runningfisher, self
08:56:53 Joshua Turnsplenty, Fort Belknap Tribal Police Department
08:57:36 Cinda Burd, Montana Native Vote (MNV)

Opponents' Testimony:

None

Informational Testimony:

08:58:18 Sheila Cozzie, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:

08:58:41 Vice Chair Kelker
08:59:58 Rep. B. Smith
09:01:12 Rep. Bishop
09:02:11 Sheila Cozzie, MDT
09:02:40 Janet Kenny, Montana Department of Transportation (MDT)
09:02:57 Rep. Bishop
09:05:02 Janet Kenny, MDT
09:05:51 Rep. Bishop
09:06:12 Rep. B. Smith
09:06:53 Rep. B. Brown
09:07:27 Jim Summers, Fort Peck Tribe's Department of Law and Justice
09:08:04 Vice Chair Usher
09:08:36 Janet Kenny, MDT

09:09:00 Vice Chair Usher
09:09:30 Janet Kenny, MDT
09:10:09 Vice Chair Usher
09:10:35 Rep. B. Smith
09:11:22 Chair Doane
09:11:42 Jim Summers, Fort Peck Tribe's Department of Law and Justice
09:12:12 Chair Doane
09:12:20 Jim Summers, Fort Peck Tribe's Department of Law and Justice
09:12:34 Chair Doane

Closing by Sponsor:

09:12:45 Rep. B. Smith

HEARING ON HB 772

Opening Statement by Sponsor:

09:14:19 Rep. Thomas Winter (D), HD 96, opened the hearing on HB 772, Providing protections, clarifications regarding employment contracts.

Proponents' Testimony:

09:18:08 Darrell Holzer, self
09:20:21 Al Smith, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony:

09:23:21 Cary Hegreberg, Montana Chamber of Commerce (MCC)
09:24:42 Chair Doane
09:24:52 Cary Hegreberg, MCC
09:25:05 Rep. Bessette entered the meeting.

Informational Testimony:

None

Questions from Committee Members and Responses:

09:26:15 Rep. Farris-Olsen
09:26:39 Al Smith, MTLA
09:26:55 Rep. Farris-Olsen
09:27:23 Al Smith, MTLA
09:28:02 Rep. C. Knudsen
09:28:52 Rep. Winter
09:29:50 Rep. Berglee
09:30:36 Rep. Winter
09:30:59 Rep. Berglee
09:31:43 Rep. Winter

Closing by Sponsor:

09:32:31 Rep. Winter

09:33:34 Recessed
09:47:43 Reconvened

09:47:51 Chair Doane

HEARING ON HB 749

Opening Statement by Sponsor:

09:48:09 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB749, Generally revise human trafficking laws.

[EXHIBIT\(juh64a04\)](#)

Proponents' Testimony:

09:56:39 Sarabeth Rees, Gallatin County Human Trafficking Task Force, Haven
10:01:10 Aja Desmond, Haven
10:04:10 Stephanie Baucus, Yellowstone County Area Human Trafficking Task Force
10:08:43 Cary Hegreberg, Montana Chamber of Commerce (MCC)
10:11:51 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

10:12:19 Deborah Kimmet, Business League of Massage Therapy and Bodywork (BLMTB)

[EXHIBIT\(juh64a05\)](#)

10:14:31 Chair Doane
10:14:45 Deborah Kimmet, BLMTB
10:21:13 Wendy Marsh, American Massage Therapy Association (AMTA)
10:21:24 Rep. Lenz entered the meeting.
10:24:34 Rep. Morigeau reentered the meeting.
10:26:28 Susan Carlson, Massage Board
10:31:30 Amanda Martin, self
10:33:34 Sally Beall, self
10:34:02 Barbara Calahan, self

Informational Testimony:

10:34:33 Gary Seder, Montana Department of Justice (DOJ)

Questions from Committee Members and Responses:

10:35:01 Vice Chair Usher
10:35:46 Rep. Zolnikov
10:36:22 Vice Chair Kelker
10:41:08 Wendy Marsh, AMTA
10:41:38 Rep. Manzella
10:42:27 Rep. Zolnikov

Closing by Sponsor:

10:42:48 Rep. Zolnikov

10:46:13 Vice Chair Kelker
10:46:20 Rachel Weiss, Legislative Services Division (LSD)
10:46:27 Chair Doane

10:46:44 Recessed
10:15:39 Reconvened
10:15:39 Rep. Skees reentered the meeting.

EXECUTIVE ACTION ON HB 749

11:15:53 **Motion:** Vice Chair Usher moved that **HB 749 DO PASS.**
11:16:06 **Motion:** Vice Chair Usher moved that **HB 749 BE AMENDED.**
[EXHIBIT\(juh64a06\)](#)

Discussion:

11:16:21 Rachel Weiss, Legislative Services Division (LSD)
11:16:57 Chair Doane
11:17:01 Rachel Weiss, LSD
11:17:13 Rep. B. Brown
11:18:00 Rep. Bishop
11:19:22 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Krotkov, Rep. Lenz, Rep. T. Moore and Vice Chair Usher voting aye.
11:20:37 **Motion:** Vice Chair Kelker moved that **HB 749 BE AMENDED.**
[EXHIBIT\(juh64a07\)](#)

Discussion:

11:20:54 Rachel Weiss, LSD
11:22:46 Vice Chair Kelker
11:23:37 Vice Chair Usher
11:24:07 Rep. Lenz
11:24:49 Rep. C. Knudsen
11:25:36 Rachel Weiss, LSD
11:25:48 Vice Chair Kelker
11:26:28 Rep. B. Brown
11:26:48 Rep. C. Knudsen
11:27:19 **Vote:** Motion carried 16-3 by roll call vote with Rep. DeVries, Rep. Lenz and Vice Chair Usher voting no.
11:28:12 **Motion/Vote:** Vice Chair Usher moved that **HB 749 DO PASS AS AMENDED.**
Motion carried 15-4 by roll call vote with Rep. DeVries, Rep. C. Knudsen, Rep. Lenz and Vice Chair Usher voting no.

EXECUTIVE ACTION ON HB 772

11:29:39 **Motion:** Vice Chair Usher moved that **HB 772 DO PASS.**

Discussion:

11:29:54 Vice Chair Kelker

11:31:16 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **HB 772 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.

EXECUTIVE ACTION ON HB 728

11:32:21 **Motion:** Vice Chair Usher moved that **HB 728 DO PASS**.

Discussion:

11:32:34 Vice Chair Usher

11:33:27 Rep. C. Knudsen

11:34:04 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bessette, Rep. Bishop, Chair Doane, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye.

11:35:00 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE HB 728**. Motion passed.

EXECUTIVE ACTION ON HB 721

11:35:14 **Motion:** Vice Chair Usher moved that **HB 721 DO PASS**.

Discussion:

11:35:42 Rep. T. Moore

11:36:02 Vice Chair Kelker

11:37:17 **Substitute Motion/Vote:** Rep. Lenz made a substitute motion that **HB 721 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.

11:38:29 Rep. Farris-Olsen

11:38:56 Chair Doane

EXECUTIVE ACTION ON HB 745

11:39:05 **Motion:** Vice Chair Usher moved that **HB 745 DO PASS**.

Discussion:

11:39:24 Rachel Weiss, LSD

11:39:43 Rep. B. Brown

11:40:01 Vice Chair Kelker

11:40:15 **Vote:** Motion carried 16-3 by roll call vote with Rep. DeVries, Chair Doane and Rep. C. Knudsen voting no.

EXECUTIVE ACTION ON HB 763

11:41:14 **Motion:** Vice Chair Usher moved that **HB 763 DO PASS.**

Discussion:

11:41:24 Rachel Weiss, LSD

11:41:41 **Motion:** Vice Chair Usher moved that **HB 763 BE AMENDED.**
EXHIBIT(juh64a08)

Discussion:

11:41:51 Rachel Weiss, LSD

11:42:30 **Vote:** Motion carried unanimously by voice vote.

11:42:37 **Motion:** Vice Chair Usher moved that **HB 763 DO PASS AS AMENDED.**

11:42:43 **Motion:** Vice Chair Usher moved that **HB 763 BE AMENDED**
CONCEPTUALLY.

Discussion:

11:43:10 Chair Doane
11:43:22 Rachel Weiss, LSD
11:43:48 Vice Chair Usher
11:44:23 Rachel Weiss, LSD
11:44:46 Vice Chair Usher
11:44:59 Chair Doane
11:45:18 Vice Chair Kelker

11:45:25 Without objection, Vice Chair Usher withdrew the BE AMENDED motion.

11:45:39 Rep. Lenz
11:45:54 Vice Chair Kelker
11:46:48 Rep. C. Knudsen

11:47:38 **Vote:** Motion carried 13-6 by roll call vote with Rep. Berglee, Rep. DeVries,
Chair Doane, Rep. Dunn, Rep. Lenz and Rep. Manzella voting no.

11:48:41 Chair Doane

ADJOURNMENT

Adjournment: 11:48:13

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh64aad.pdf](#))