

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on April 2, 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. 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. Dennis R. Lenz (R)
Rep. David Dunn (R)
Rep. Casey Knudsen (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 40, 3/15/2019; SB 136, 3/15/2019; SB 213, 3/18/2019; SB 255, 3/18/2019
Executive Action: SB 301, SB 192, SB 74, SB 220, SB 26, SB 205, SB 224, SB 90, SB 262, SB 313, SB 300

08:01:05 Chair Doane

HEARING ON SB 255

Opening Statement by Sponsor:

08:01:54 Sen. Edith (Edie) McClafferty (D), SD 38, opened the hearing on SB 255, Revise laws related to declaration of marriage.

[EXHIBIT\(juh68a01\)](#)

Proponents' Testimony:

08:04:27 Jessie Luther, Montana Association of Clerks of District Court

08:05:26 Bo Stuart, self

08:06:25 Rep. Skees left the meeting.

08:08:34 Rep. Dunn entered the meeting.

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

08:12:32 Sen. McClafferty

HEARING ON SB 136

Opening Statement by Sponsor:

08:13:23 Sen. Fred Thomas (R), SD 44, opened the hearing on SB 136, Revise laws related to intimidation crimes.

Proponents' Testimony:

08:15:34 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:16:58 Rep. Manzella

08:18:28 Sen. Thomas

08:19:48 Vice Chair Kelker

08:20:23 Sen. Thomas

08:21:06 Vice Chair Kelker

08:21:23 Sen. Thomas

08:22:37 Rep. Berglee

08:23:46 Jackie Jones, MCAA
08:25:34 Rep. Berglee
08:26:09 Jackie Jones, MCAA
08:27:11 Vice Chair Usher
08:27:38 Jackie Jones, MCAA
08:27:49 Rep. B. Brown
08:28:32 Jackie Jones, MCAA

Closing by Sponsor:

08:29:25 Sen. Thomas

HEARING ON SB 213

Opening Statement by Sponsor:

08:33:35 Sen. Edith (Edie) McClafferty (D), SD 38, opened the hearing on SB 213, Generally revise evidence laws.

Proponents' Testimony:

08:35:11 Jerry Williams, Montana Police Protective Association (MPPA), Montana Association of Chiefs of Police (MACOP)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:36:30 Rep. Berglee
08:37:15 Sen. McClafferty
08:37:27 Rep. Berglee
08:37:59 Sen. McClafferty
08:38:21 Chair Doane
08:38:45 Sen. McClafferty

Closing by Sponsor:

08:38:53 Sen. McClafferty

08:39:27 Recessed

08:53:14 Reconvened

HEARING ON SB 40

Opening Statement by Sponsor:

08:53:32 Sen. Frank Smith (D), SD 16, opened the hearing on SB 40, Require OPI to create and maintain electronic directory photograph repository.

Proponents' Testimony:

08:55:48 Siri Smillie, Governor's Office
08:56:42 Jennifer Viets, Montana Department of Justice (DOJ), Criminal Justice
Information Network (CJIN), Missing Persons Clearinghouse

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:59:05 Rep. Krotkov
08:59:41 Jennifer Viets, DOJ, CJIN, Missing Persons Clearinghouse

Closing by Sponsor:

09:00:26 Sen. F. Smith

09:02:02 Recessed
09:11:47 Reconvened

09:11:47 Rep. Lenz entered the meeting.

EXECUTIVE ACTION ON SB 301

09:11:59 **Motion:** Vice Chair Usher moved that **SB 301 BE CONCURRED IN.**

Discussion:

09:12:19 Vice Chair Kelker

09:13:48 **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. C. Knudsen and Rep. Skees voted by proxy.

09:14:45 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE SB 301.** Motion passed.

EXECUTIVE ACTION ON SB 192

09:15:10 **Motion:** Vice Chair Usher moved that **SB 192 BE CONCURRED IN.**

Discussion:

09:15:20 Vice Chair Kelker

09:16:01 **Vote:** Motion carried unanimously by voice vote. Rep. C. Knudsen and Rep. Skees voted by proxy. Vice Chair Usher will carry the bill.

EXECUTIVE ACTION ON SB 74

09:16:45 **Motion:** Vice Chair Usher moved that **SB 74 BE CONCURRED IN.**

Discussion:

09:16:58 Vice Chair Kelker

09:17:40 **Vote:** Motion failed 9-10 by roll call vote with Rep. Berglee, Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. C. Knudsen and Rep. Skees voted by proxy.

09:18:41 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE SB 74**. Motion passed.

EXECUTIVE ACTION ON SB 220

09:18:56 **Motion/Vote:** Vice Chair Usher moved that **SB 220 BE CONCURRED IN**. Motion carried 14-5 by roll call vote with Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Rep. Krotkov and Rep. Perry voting no. Rep. C. Knudsen and Rep. Skees voted by proxy. Rep. Dunn will carry the bill.

EXECUTIVE ACTION ON SB 26

09:20:53 **Motion:** Vice Chair Usher moved that **SB 26 BE CONCURRED IN**.

09:21:58 **Motion:** Vice Chair Usher moved that **SB 26 BE AMENDED**.
[EXHIBIT\(juh68a02\)](#)

Discussion:

09:22:10 Vice Chair Usher

09:23:07 **Vote:** Motion carried unanimously by voice vote. Rep. C. Knudsen and Rep. Skees voted by proxy.

09:23:29 **Motion:** Vice Chair Usher moved that **SB 26 BE CONCURRED IN AS AMENDED**.

Discussion:

09:23:39 Rep. Morigeau

09:24:31 **Vote:** Motion carried unanimously by voice vote. Rep. C. Knudsen and Rep. Skees voted by proxy. Rep. Farris-Olsen will carry the bill.

EXECUTIVE ACTION ON SB 205

09:25:26 **Motion:** Vice Chair Usher moved that **SB 205 BE CONCURRED IN**.

Discussion:

09:25:37 Rachel Weiss, Legislative Services Division (LSD)

09:26:23 Vice Chair Kelker

09:26:32 Rachel Weiss, LSD

09:27:18 **Motion:** Rep. Lenz moved that **SB 205 BE AMENDED.**
[EXHIBIT\(juh68a03\)](#)

Discussion:

09:27:37 Chair Doane
09:27:45 Rachel Weiss, LSD
09:29:58 Rep. Lenz
09:30:54 Rep. Bishop
09:31:26 Rachel Weiss, LSD
09:31:34 Vice Chair Usher
09:32:19 Vice Chair Kelker
09:33:05 Chair Doane
09:33:15 Rep. Lenz

09:34:08 **Vote:** Motion carried 15-4 by roll call vote with Rep. B. Brown, Rep. DeVries, Rep. Manzella and Vice Chair Usher voting no. Rep. C. Knudsen and Rep. Skees voted by proxy.

09:35:04 **Motion/Vote:** Vice Chair Usher moved that **SB 205 BE CONCURRED IN AS AMENDED.** Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. DeVries, Rep. Manzella, Rep. Skees and Vice Chair Usher voting no. Rep. C. Knudsen and Rep. Skees voted by proxy. Rep. Mercer will carry the bill.

EXECUTIVE ACTION ON SB 224

09:36:49 **Motion:** Vice Chair Usher moved that **SB 224 BE CONCURRED IN.**

Discussion:

09:36:57 Vice Chair Kelker
09:37:40 Chair Doane
09:38:32 Vice Chair Kelker
09:38:51 Chair Doane

09:39:09 **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. C. Knudsen and Rep. Skees voted by proxy.

09:40:05 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE SB 224.** Motion passed.

EXECUTIVE ACTION ON SB 90

09:40:25 **Motion:** Vice Chair Usher moved that **SB 90 BE CONCURRED IN.**

Discussion:

09:40:39 Vice Chair Kelker

09:41:13 **Vote:** Motion carried 18-1 by voice vote with Rep. DeVries voting no. Rep. C. Knudsen and Rep. Skees voted by proxy. Chair Doane will carry the bill.

EXECUTIVE ACTION ON SB 262

09:42:16 **Motion:** Vice Chair Usher moved that **SB 262 BE CONCURRED IN.**

09:43:16 **Motion:** Rep. B. Brown moved that **SB 262 BE AMENDED.**
[EXHIBIT\(juh68a04\)](#)

Discussion:

09:43:28 Rep. B. Brown
09:44:07 Vice Chair Kelker
09:44:43 Rep. B. Brown

09:45:10 **Vote:** Motion carried unanimously by voice vote. Rep. C. Knudsen and Rep. Skees voted by proxy.

09:45:23 **Motion/Vote:** Vice Chair Usher moved that **SB 262 BE CONCURRED IN AS AMENDED.** Motion carried 12-7 by roll call vote with Rep. DeVries, Rep. Dunn, Rep. C. Knudsen, Rep. Manzella, Rep. T. Moore, Rep. Skees and Vice Chair Usher voting no. Rep. C. Knudsen and Rep. Skees voted by proxy. Rep. Keogh will carry the bill.

EXECUTIVE ACTION ON SB 313

09:47:26 **Motion:** Vice Chair Usher moved that **SB 313 BE CONCURRED IN.**

Discussion:

09:47:46 Vice Chair Kelker
09:49:07 Rep. Morigeau
09:50:19 Rep. B. Brown
09:51:06 Chair Doane

09:51:36 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bessette, Rep. Bishop, Vice Chair Kelker, Rep. Keogh, Rep. Krotkov, Rep. Morigeau and Rep. Perry voting aye. Rep. C. Knudsen and Rep. Skees voted by proxy.

09:52:32 **Motion/Vote:** Without objection, Vice Chair Usher moved **TO TABLE SB 313.** Motion passed.

09:52:40 Chair Doane

[EXHIBIT\(juh68a05\)](#)

[EXHIBIT\(juh68a06\)](#)

[EXHIBIT\(juh68a07\)](#)

[EXHIBIT\(juh68a08\)](#)

09:53:02 Recessed
10:03:26 Reconvened

10:03:26 Rep. Skees entered the meeting.
10:03:26 Rep. Bishop left the meeting.

EXECUTIVE ACTION ON SB 300

10:03:31 **Motion:** Vice Chair Usher moved that **SB 300 BE CONCURRED IN AS AMENDED ON MARCH 21, 2019.**

Discussion:

10:03:39 Chair Doane
10:04:02 Rachel Weiss, LSD

10:05:13 **Motion:** Vice Chair Kelker moved that **SB 300 BE AMENDED.**
[EXHIBIT\(juh68a09\)](#)

Discussion:

10:05:33 Rachel Weiss, LSD

10:07:52 Without objection, Vice Chair Kelker withdrew the BE AMENDED motion.

10:08:08 **Motion:** Rep. Berglee moved that **SB 300 BE AMENDED.**
[EXHIBIT\(juh68a10\)](#)

Discussion:

10:08:20 Rachel Weiss, LSD
10:08:58 Rep. Berglee

10:09:56 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop and Rep. C. Knudsen voted by proxy.

10:10:20 **Motion:** Vice Chair Usher moved that **SB 300 BE CONCURRED IN AS AMENDED.**

10:10:31 **Motion:** Rep. Berglee moved that **SB 300 BE AMENDED.**
[EXHIBIT\(juh68a11\)](#)

Discussion:

10:10:45 Rep. Berglee
10:12:09 Rep. Morigeau
10:12:34 Chair Doane
10:12:39 Rachel Weiss, LSD

10:12:54 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop and Rep. C. Knudsen voted by proxy.

10:13:23 **Motion:** Vice Chair Usher moved that **SB 300 BE CONCURRED IN AS AMENDED.**

Discussion:

10:13:31 Vice Chair Kelker
10:13:41 Rachel Weiss, LSD
10:14:19 Rep. Berglee

10:15:45 Vice Chair Kelker

10:16:18 Rep. T. Moore

10:20:56 Rep. Lenz

10:21:32 Vice Chair Kelker

10:21:59 Rep. Manzella

10:24:13 **Vote:** Motion carried 17-2 by roll call vote with Rep. Lenz and Rep. T. Moore voting no. Rep. Bishop and Rep. C. Knudsen voted by proxy. Rep. Berglee will carry the bill.

10:25:30 Chair Doane

10:26:28 Vice Chair Usher

EXHIBIT(juh68a12)

10:27:24 Rep. Krotkov

10:27:37 Chair Doane

10:28:33 Rep. Keogh

10:28:41 Chair Doane

ADJOURNMENT

Adjournment: 10:29:24

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh68aad.pdf](#))