

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Alan Doane, on April 5, 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. Bob Brown (R)  
Rep. Greg DeVries (R)  
Rep. David Dunn (R)  
Rep. Connie Keogh (D)  
Rep. Jasmine Krotkov (D)  
Rep. Theresa Manzella (R)  
Rep. Terry Moore (R)  
Rep. Zac Perry (D)

**Members Excused:**

Rep. Laurie Bishop (D)  
Rep. Barbara Bessette (D)  
Rep. Robert Farris-Olsen (D)  
Rep. Dennis R. Lenz (R)  
Rep. Derek Skees (R)  
Rep. Shane A. Morigeau (D)  
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 37, 4/1/2019; SB 43, 4/1/2019; SB 259, 4/1/2019; SB 312, 4/2/2019  
Executive Action: SB 147, SB 100, SB 21, SB 136, SB 37, SB 43, SB 259, SB 312, SB 74

08:00:28 Chair Doane  
08:00:51 Rep. Farris-Olsen entered the meeting.

### **HEARING ON SB 37**

#### **Opening Statement by Sponsor:**

08:00:59 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 37, Revise laws related to recording of parole board hearings.

#### **Proponents' Testimony:**

08:02:02 Rep. Bishop entered the meeting.  
08:04:41 John Daugherty, Department of Corrections (COR), Board of Pardons and Parole (BOPP)  
08:07:52 David Andersen, Montana Association of Christians (MAC)

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

None

#### **Questions from Committee Members and Responses:**

None

#### **Closing by Sponsor:**

08:08:33 Sen. MacDonald

### **HEARING ON SB 43**

#### **Opening Statement by Sponsor:**

08:09:35 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 43, Allow omnibus hearings to be conducted remotely.

#### **Proponents' Testimony:**

08:11:00 Chad Wright, Office of the State Public Defender (OPD)  
08:11:55 David Andersen, Montana Association of Christians (MAC)

#### **Opponents' Testimony:**

None

#### **Informational Testimony:**

08:12:18 Greg Mohr, Montana Magistrates Association

#### **Questions from Committee Members and Responses:**

08:12:33 Rep. Bishop  
08:13:09 Chad Wright, OPD

#### **Closing by Sponsor:**

08:13:49 Sen. MacDonald

**HEARING ON SB 312****Opening Statement by Sponsor:**

08:14:57 Sen. Jason Small (R), SD 21, opened the hearing on SB 312, Create the looping in native communities network grant program.

**Proponents' Testimony:**

08:18:19 Jordan Thompson, Confederated Salish and Kootenai Tribes (CSKT)  
08:18:30 Vice Chair Usher left the meeting.  
08:19:58 David Andersen, Montana Association of Christians (MAC)

**Opponents' Testimony:**

None

**Informational Testimony:**

08:20:48 John Daugherty, Department of Corrections (COR)  
08:21:15 Jennifer Viets, Montana Missing Persons Clearinghouse, Criminal Justice Information Network (CJIN), Department of Justice (DOJ)  
08:21:40 Laura Obert, Commissioner, Broadwater County, National Criminal Justice Association, National Association of Counties, Montana Association of Counties (MACo), Board of Crime Control, Youth Justice Council

**Questions from Committee Members and Responses:**

08:23:03 Vice Chair Kelker  
08:23:50 Jennifer Viets, Montana Missing Persons Clearinghouse, CJIN, DOJ  
08:24:07 Rep. Morigeau entered the meeting.  
08:24:55 Rep. Bishop  
08:25:14 Jennifer Viets, Montana Missing Persons Clearinghouse, CJIN, DOJ  
08:28:03 Rep. Bishop  
08:28:24 Sen. Small  
08:29:27 Chair Doane  
08:29:53 Sen. Small

**Closing by Sponsor:**

08:31:31 Sen. Small  
  
08:33:00 Recessed  
08:40:46 Reconvened with Rep. C. Knudsen and Rep. Skees present.

**HEARING ON SB 259****Opening Statement by Sponsor:**

08:40:56 Sen. Dee Brown (R), SD 2, opened the hearing on SB 259, Revising laws related to youth boating safety.

**Proponents' Testimony:**

08:44:15 Phil Kilbreath, Montana Department of Fish, Wildlife and Parks (FWP)  
[EXHIBIT\(juh71a01\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

08:47:58 Chair Doane  
08:48:40 Sen. D. Brown  
08:48:54 Phil Kilbreath, FWP

**Closing by Sponsor:**

08:49:32 Sen. D. Brown  
  
08:51:25 Chair Doane  
08:51:39 Rachel Weiss, Legislative Services Division (LSD)  
08:52:18 Vice Chair Kelker  
08:52:22 Chair Doane  
  
08:53:05 Recessed  
09:47:30 Reconvened with Rep. Lenz present and Rep. Krotkov and Rep. Morigeau excused.

**EXECUTIVE ACTION ON SB 147**

09:47:37 **Motion:** Rep. Berglee moved that **SB 147 BE CONCURRED IN.**

**Discussion:**

09:47:44 Vice Chair Kelker  
09:48:14 Chair Doane  
09:48:23 Rep. Manzella  
09:48:47 Chair Doane  
09:48:49 Rep. Bessette entered the meeting.  
09:48:59 Rep. Bishop  
09:49:34 Chair Doane  
09:49:45 Vice Chair Kelker  
09:50:37 Chair Doane  
  
09:51:00 **Vote:** Motion carried unanimously by voice vote. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy. Vice Chair Kelker will carry the bill.

**EXECUTIVE ACTION ON SB 100**

09:51:40 **Motion:** Rep. Berglee moved that **SB 100 BE CONCURRED IN.**

**Discussion:**

09:51:54 Rep. Bishop  
09:53:06 Rep. Manzella

09:53:28 **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. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy. Rep. M. Regier will carry the bill.

#### **EXECUTIVE ACTION ON SB 21**

09:54:55 **Motion:** Rep. Berglee moved that **SB 21 BE CONCURRED IN.**

09:55:16 **Motion:** Vice Chair Kelker moved that **SB 21 BE AMENDED.**  
[EXHIBIT\(juh71a02\)](#)

#### **Discussion:**

09:55:33 Rachel Weiss, Legislative Services Division (LSD)

09:56:25 Vice Chair Kelker

09:56:57 **Vote:** Motion carried 13-6 by roll call vote with Rep. B. Brown, Rep. DeVries, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella and Rep. Skees voting no. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

09:58:02 **Motion:** Rep. Berglee moved that **SB 21 BE CONCURRED IN AS AMENDED.**

#### **Discussion:**

09:58:10 Rep. Skees

09:58:32 Rep. Bishop

09:59:50 Rep. B. Brown

10:00:29 **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. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

10:01:27 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE SB 21.** Motion passed.

#### **EXECUTIVE ACTION ON SB 136**

10:01:41 **Motion:** Rep. Berglee moved that **SB 136 BE CONCURRED IN.**

10:01:50 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **SB 136 BE TABLED.** Substitute Motion carried 18-1 by roll call vote with Rep. C. Knudsen voting no. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

#### **EXECUTIVE ACTION ON SB 37**

10:02:50 **Motion:** Rep. Berglee moved that **SB 37 BE CONCURRED IN.**

#### **Discussion:**

10:03:03 Vice Chair Kelker

10:03:22 Chair Doane

10:03:49 **Vote:** Motion carried unanimously by voice vote. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy. Vice Chair Kelker will carry the bill.

**EXECUTIVE ACTION ON SB 43**

10:04:31 **Motion:** Rep. Berglee moved that **SB 43 BE CONCURRED IN.**

**Discussion:**

10:04:44 Vice Chair Kelker

10:05:20 **Vote:** Motion carried unanimously by voice vote. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy. Rep. Farris-Olsen will carry the bill.

10:05:48 Vice Chair Kelker

**EXECUTIVE ACTION ON SB 259**

10:06:05 **Motion:** Rep. Berglee moved that **SB 259 BE CONCURRED IN.**

10:06:19 **Motion:** Rep. Perry moved that **SB 259 BE AMENDED.**  
[EXHIBIT\(juh71a03\)](#)

**Discussion:**

10:06:33 Rep. Perry

10:07:00 **Vote:** Motion carried unanimously by voice vote. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

10:07:14 **Motion:** Rep. Berglee moved that **SB 259 BE CONCURRED IN AS AMENDED.**

10:07:25 **Motion:** Rep. Perry moved that **SB 259 BE AMENDED.**  
[EXHIBIT\(juh71a04\)](#)

**Discussion:**

10:07:38 Rep. Perry

10:07:57 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. DeVries, Chair Doane, Rep. C. Knudsen, Rep. Lenz, Rep. T. Moore, Rep. Skees and Vice Chair Usher voting no. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

10:09:08 **Motion:** Rep. Berglee moved that **SB 259 BE CONCURRED IN AS AMENDED.**

**Discussion:**

10:09:13 Rep. Skees

10:10:07 **Substitute Motion/Vote:** Rep. B. Brown made a substitute motion that **SB 259 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. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

**EXECUTIVE ACTION ON SB 312**

10:11:14 **Motion:** Rep. Berglee moved that **SB 312 BE CONCURRED IN**.

**Discussion:**

10:11:31 Rep. Manzella

10:13:05 **Vote:** Motion failed 5-14 by roll call vote with Rep. Bessette, Rep. Bishop, Chair Doane, Rep. C. Knudsen and Rep. Perry voting aye. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher voted by proxy.

10:14:10 **Motion/Vote:** Without objection, Rep. Berglee moved **TO TABLE SB 312**. Motion carried.

**EXECUTIVE ACTION ON SB 74**

10:14:24 **Motion:** Vice Chair Kelker moved that **SB 74 BE REMOVED FROM TABLE**.

10:14:55 Rachel Weiss, LSD

10:15:46 **Vote:** Motion failed 7-9 by roll call vote with Rep. Berglee, Rep. Bessette, Rep. Bishop, Rep. Farris-Olsen, Vice Chair Kelker, Rep. Keogh and Rep. Perry voting aye. Rep. Krotkov, Rep. Morigeau and Vice Chair Usher were excused.

10:16:54 Chair Doane

10:17:35 Rep. Bishop

**ADJOURNMENT**

Adjournment: 10:17:59

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Abigail Konen, Clerk

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Additional Documents:

**EXHIBIT**([juh71aad.pdf](#))