

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Vice Chair Barry Usher, on April 16, 2019 at 8:00 AM, in Room 137
Capitol

ROLL CALL

Members Present:

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. Terry Moore (R)
Rep. Zac Perry (D)

Members Excused:

Rep. Dennis R. Lenz (R)
Rep. Derek Skees (R)
Rep. Theresa Manzella (R)
Rep. David Dunn (R)
Rep. Shane A. Morigeau (D)
Rep. Casey Knudsen (R)
Rep. Alan Doane, Chair (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: HJ 52, 4/10/2019; HJ 56, 4/11/2019; HJ 57, 4/11/2019; HJ 61,
4/15/2019; HR 4, 4/10/2019
Executive Action: HJ 52, HJ 56, HJ 57, HJ 61, HR 4

08:01:35 Chair Usher
08:02:08 Chair Usher ceded the gavel to Rep. Berglee.

HEARING ON HJ 52

Opening Statement by Sponsor:

08:02:27 Rep. Barry Usher (R), HD 40, opened the hearing on HJ 52, Study of sheriff qualifications.

Proponents' Testimony:

08:04:07 Leo Dutton, Sheriff-Coroner, Lewis and Clark County
08:05:37 Rep. Dunn, Rep. Morigeau, and Rep. C. Knudsen entered the meeting.
08:06:50 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:07:46 Rep. Bishop
08:08:31 Sheriff Dutton, Lewis and Clark County
08:09:10 Rep. Bishop
08:09:34 Sheriff Dutton, Lewis and Clark County

Closing by Sponsor:

08:09:50 Rep. Usher

HEARING ON HJ 56

Opening Statement by Sponsor:

08:11:58 Rep. Barry Usher (R), HD 40, opened the hearing on HJ 56, Request interim study on bullying.

Proponents' Testimony:

08:12:46 Rep. Manzella entered the meeting.
08:13:14 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
08:17:35 Jean Branscum, Montana Medical Association (MMA)
08:18:31 Abigail St. Lawrence, Montana Association of Gifted and Talented Education (AGATE), Montana Speech-Language-Hearing Association (MSHA)
08:20:07 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
08:20:36 Nanette Gilbertson, Montana County Attorneys Association (MCAA)
08:21:23 Beth Brenneman, Disability Rights Montana
08:23:02 Rep. Skees entered the meeting.
08:23:09 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:24:16 Jerry Williams, Montana Police Protective Association (MPPA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

08:25:37 Vice Chair Kelker
08:30:20 Rep. Usher
08:30:45 Rep. Bishop
08:31:10 Rep. Usher
08:31:30 Rep. Bishop
08:33:19 Rep. Usher

Closing by Sponsor:

08:34:24 Rep. Usher

08:35:03 Rep. Usher resumed as the Chair.

HEARING ON HR 4

Opening Statement by Sponsor:

08:35:25 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HR 4, House resolution expressing the sentiment for sexual assault survivor's day.

08:39:22 Chair Usher
08:39:27 Rep. Dudik
08:39:35 Chair Usher

Proponents' Testimony:

08:39:52 Tara Walker Lyons, self
08:42:34 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:44:16 Beth Brenneman, Disability Rights Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

08:45:45 Rep. Dudik

[EXHIBIT\(juh80a01\)](#)

[EXHIBIT\(juh80a02\)](#)

HEARING ON HJ 57**Opening Statement by Sponsor:**

08:48:19 Rep. Kathy Kelker (D), HD 47, opened the hearing on HJ 57, Interim study of homelessness, behavioral health disorders, and public safety.

[EXHIBIT\(juh80a03\)](#)

Proponents' Testimony:

08:56:06 SK Rossi, American Civil Liberties Union of Montana (ACLU)
08:59:34 Abigail St. Lawrence, Montana Association of Marriage and Family Therapists, Montana Association of Christians (MAC)
09:02:22 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
09:04:55 John MacDonald, City of Missoula
09:07:08 Jerry Williams, Montana Police Protective Association (MPPA)
09:08:39 Beth Brenneman, Disability Rights Montana
09:11:33 Nanette Gilbertson, Montana County Attorneys Association (MCAA), Montana Sheriffs and Peace Officers Association (MSPOA), Gallatin County Sheriff's Office
09:13:52 Jean Branscum, Montana Medical Association (MMA)
09:18:41 Terry Cunningham, Bozeman City Commission
09:21:02 Aimee Grmoljez, Behavioral Health Alliance, Billings Clinic

[EXHIBIT\(juh80a04\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:23:12 Rep. Manzella
09:24:54 Rep. Kelker
09:26:45 Rep. Manzella
09:27:18 Rep. Kelker

Closing by Sponsor:

09:28:36 Rep. Kelker

09:32:11 Recessed
09:40:44 Reconvened

HEARING ON HJ 61**Opening Statement by Sponsor:**

09:41:04 Rep. Seth Berglee (R), HD 58, opened the hearing on HJ 61, Interim study of common interest associations.

[EXHIBIT\(juh80a05\)](#)

Proponents' Testimony:

09:42:46 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

09:44:22 Steve Turkiewicz, Montana Bankers Association (MBA)
09:45:37 Sam Sill, Montana Association of Realtors (MAR)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

09:46:39 Rep. Bishop
09:47:51 Abigail St. Lawrence, MBIA

Closing by Sponsor:

09:48:45 Rep. Berglee

09:48:56 Chair Usher
09:49:03 Rachel Weiss, Legislative Services Division (LSD)
09:49:16 Chair Usher

09:49:33 Recessed
10:11:31 Reconvened with Rep. Lenz present and Rep. T. Moore and Rep. C. Knudsen excused.

EXECUTIVE ACTION ON HJ 52

10:11:43 **Motion:** Rep. Berglee moved that **HJ 52 DO PASS.**

Discussion:

10:11:52 Vice Chair Kelker

10:12:15 **Motion:** Rep. Bishop moved that **HJ 52 BE CONCEPTUALLY AMENDED TO INSERT "AND CORONER" PRIOR TO "QUALIFICATIONS" ON LINE 20 AND "AND CORONERS" FOLLOWING "SHERIFFS" ON LINE 22.**

Discussion:

10:12:53 Rachel Weiss, Legislative Services Division (LSD)
10:13:27 Rep. B. Brown
10:13:50 Rep. Manzella
10:14:14 Vice Chair Kelker
10:14:51 Chair Usher
10:15:11 Rep. Bishop
10:15:26 Rep. Lenz

10:15:44 **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. Morigeau, Rep. Perry and Chair Usher voting aye. Rep. Doane, Rep. C. Knudsen and Rep. T. Moore voted by proxy.

10:16:57 **Vote:** Motion carried 11-8 by roll call vote with Rep. Berglee, Rep. B. Brown, Rep. DeVries, Rep. Doane, Rep. Dunn, Rep. C. Knudsen, Rep. Lenz and Rep. Skees voting no. Rep. Doane, Rep. C. Knudsen and Rep. T. Moore voted by proxy.

EXECUTIVE ACTION ON HJ 56

10:18:11 **Motion:** Rep. Berglee moved that **HJ 56 DO PASS.**

Discussion:

10:18:24 Vice Chair Kelker

10:18:50 Chair Usher

10:19:13 **Vote:** Motion carried 11-8 by roll call vote with Rep. Berglee, Rep. DeVries, Rep. Doane, Rep. Dunn, Rep. C. Knudsen, Rep. Lenz, Rep. Manzella and Rep. Skees voting no. Rep. Doane, Rep. C. Knudsen and Rep. T. Moore voted by proxy.

EXECUTIVE ACTION ON HJ 57

10:20:33 **Motion:** Rep. Berglee moved that **HJ 57 DO PASS.**

Discussion:

10:20:46 Vice Chair Kelker

10:21:11 Rep. B. Brown

10:21:52 Rep. Farris-Olsen

10:22:29 Chair Usher

10:24:20 **Vote:** Motion carried 17-2 by voice vote with Rep. DeVries and Rep. Lenz voting no. Rep. Doane, Rep. C. Knudsen and Rep. T. Moore voted by proxy.

EXECUTIVE ACTION ON HJ 61

10:25:26 **Motion:** Rep. Berglee moved that **HJ 61 DO PASS.**

Discussion:

10:25:40 Rep. Skees

10:25:59 **Vote:** Motion carried 18-1 by voice vote with Rep. DeVries voting no. Rep. Doane, Rep. C. Knudsen and Rep. T. Moore voted by proxy.

EXECUTIVE ACTION ON HR 4

10:26:34 **Motion:** Rep. Berglee moved that **HR 4 BE ADOPTED.**

Discussion:

10:26:45 Rep. Skees

10:27:29 **Motion:** Vice Chair Kelker moved that **HR 4 BE CONCEPTUALLY AMENDED TO DESIGNATE THE FIRST THURSDAY IN APRIL TO BECOME A DAY TO RECOGNIZE SURVIVORS OF SEXUAL ASSAULT.**

Discussion:

- 10:27:51 Chair Usher
10:28:08 Rep. Lenz
10:28:19 Rep. Krotkov left the meeting.
10:28:23 Chair Usher
- 10:28:59 **Vote:** Motion carried unanimously by voice vote. Rep. Doane, Rep. C. Knudsen, Rep. Krotkov and Rep. T. Moore voted by proxy.
- 10:29:51 **Motion:** Rep. Berglee moved that **HR 4 BE ADOPTED AS AMENDED.**

Discussion:

- 10:30:02 Rep. Morigeau
- 10:31:39 **Motion:** Rep. Morigeau moved that **HR 4 BE CONCEPTUALLY AMENDED TO STRIKE "CREATES" AND INSERT "CREATE" ON LINE 17 OF PAGE 1.**

Discussion:

- 10:32:04 Rep. Morigeau
10:32:29 Rep. Berglee
10:32:37 Rachel Weiss, LSD
- 10:33:04 **Vote:** Motion carried unanimously by voice vote. Rep. Doane, Rep. C. Knudsen, Rep. Krotkov and Rep. T. Moore voted by proxy.
- 10:33:38 **Motion/Vote:** Rep. Berglee moved that **HR 4 BE ADOPTED AS AMENDED.** Motion carried 17-2 by voice vote with Rep. DeVries and Rep. C. Knudsen voting no. Rep. Doane, Rep. C. Knudsen, Rep. Krotkov and Rep. T. Moore voted by proxy.
- 10:34:30 Chair Usher

ADJOURNMENT

Adjournment: 10:34:43

Abigail Konen, Clerk

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Additional Documents:

EXHIBIT([juh80aad.pdf](#))