

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 16, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. John Esp (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Gordon Vance (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Noah Horan, Committee Secretary

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 22, 1/11/2019; SB 88, 1/11/2019; SB 90, 1/11/2019

Executive Action: SB 26 DO PASS AS AMENDED; SB 52 DO PASS; SB 88 DO PASS

HEARING ON SB 90**Opening Statement by Sponsor:**

09:01:45 Sen. Nate McConnell (D), SD 48, opened the hearing on SB 90, Revise laws on declaration of emergency or disaster.

Proponents' Testimony:

09:03:23 Maj. Gen. Matt Quinn, adjutant general, Montana National Guard
[EXHIBIT\(jus08a01\)](#)

09:05:36 Delila Bruno, administrator, Disaster and Emergency Services Division,
Department of Military Affairs (DMA)

09:08:51 Sonya Germann, administrator, Forestry Division, Department of Natural
Resources and Conservation (DNRC)

09:10:31 Raph Graybill, chief legal counsel, Governor's Office (GOV)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:12:50 Sen. Sands
09:13:14 Mr. Graybill, GOV
09:13:42 Sen. Sands
09:13:53 Mr. Graybill
09:14:41 Chair Regier
09:14:47 Mr. Graybill
09:15:06 Chair Regier
09:15:26 Ms. Bruno, DMA

Closing by Sponsor:

09:17:06 Sen. McConnell

HEARING ON SB 22**Opening Statement by Sponsor:**

09:17:41 Sen. Roger Webb (R), SD 23, opened the hearing on SB 22, Increasing the
victim and witness program surcharge.

[EXHIBIT\(jus08a02\)](#)

09:19:19 Sen. Gross entered the hearing.

Proponents' Testimony:

09:20:31 Marty Lambert, county attorney, Gallatin County
09:24:04 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

09:24:53 Patrick Webb, Americans for Prosperity Montana
09:27:51 Zuri Moreno, policy associate, American Civil Liberties Union (ACLU)

09:29:35 Greg Mohr, Montana Magistrates Association

Informational Testimony:

09:30:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

Questions from Committee Members and Responses:

09:31:20 Chair Regier
09:31:34 Mr. Lambert, Gallatin County
09:32:36 Sen. Sands
09:32:56 Mr. Lambert
09:33:53 Sen. Sands
09:34:16 Mr. Mohr, Montana Magistrates Association
09:34:47 Sen. Sands
09:35:23 Mr. Mohr
09:35:58 Sen. Sands
09:36:11 Mr. Mohr
09:36:45 Sen. Gross
09:37:04 Ms. Young, MCADSV
09:37:13 Sen. Gross
09:37:17 Ms. Young
09:37:25 Sen. Gross
09:37:28 Ms. Young
09:37:54 Sen. MacDonald
09:38:25 Mr. Mohr
09:39:30 Chair Regier
09:39:40 Mr. Mohr
09:40:42 Sen. Gross
09:41:15 Peter Ohman, Office of the Public Defender

Closing by Sponsor:

09:42:53 Sen. Webb

HEARING ON SB 88

Opening Statement by Sponsor:

09:46:05 Sen. Diane Sands (D), SD 49, opened the hearing on SB 88, Generally revise laws related to term "crime of violence".

Proponents' Testimony:

09:47:24 Marty Lambert, county attorney, Gallatin County
09:48:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None

Informational Testimony:

09:49:14 Peter Ohman, Office of the Public Defender

Questions from Committee Members and Responses: None

Closing by Sponsor:

09:50:08 Sen. Sands
09:51:02 Chair Regier

EXECUTIVE ACTION ON SB 26

09:52:31 **Motion:** Sen. Fielder moved that **SB 26 DO PASS.**

Discussion:

09:52:46 Chair Regier
09:52:59 Julianne Burkhardt, Legislative Services Division (LSD)
09:53:53 Chair Regier

09:54:11 **Motion:** Sen. Fielder moved that **SB 26 BE AMENDED.**
[EXHIBIT\(jus08a03\)](#)

Discussion:

09:54:31 Sen. Fielder
09:54:48 **Vote:** Motion carried 9-0 by voice vote. Sen. S. Sales was excused.
09:55:13 **Motion:** Sen. Fielder moved that **SB 26 DO PASS AS AMENDED.**

Discussion:

09:55:32 Sen. MacDonald
09:56:07 Sen. Esp
09:56:51 Chair Regier
09:56:55 **Vote:** Motion carried 8-1 by voice vote with Sen. Fielder voting no. Sen. S. Sales was excused.
09:57:30 Chair Regier
09:57:40 Sen. MacDonald
09:57:57 Chair Regier
09:58:09 Sen. Sands

EXECUTIVE ACTION ON SB 52

09:58:41 **Motion:** Sen. Sands moved that **SB 52 DO PASS.**

Discussion:

09:58:49 Sen. Sands
09:59:27 Chair Regier
09:59:50 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.
10:00:23 Chair Regier

EXECUTIVE ACTION ON SB 64

10:00:38 **Motion:** Sen. Sands moved that **SB 64 DO PASS.**

Discussion:

10:00:47 Sen. Sands

10:01:39 **Motion:** Sen. Sands moved that **SB 64 BE AMENDED.**
EXHIBIT(jus08a04)

Discussion:

10:02:08 Ms. Burkhardt, LSD

10:04:28 Chair Regier

10:05:04 Ms. Burkhardt

10:05:23 Chair Regier

10:05:46 Ms. Burkhardt

10:06:12 Sen. Sands

10:06:35 Chair Regier

10:06:47 Sen. Sands

10:07:04 Chair Regier

10:07:20 Without objection, Sen. Sands withdrew both motions.

10:07:37 Chair Regier

10:08:15 Sen. Sands

10:08:29 Chair Regier

EXECUTIVE ACTION ON SB 88

10:08:54 **Motion:** Sen. Sands moved that **SB 88 DO PASS.**

Discussion:

10:09:05 Sen. Sands

10:09:17 Chair Regier

10:09:29 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

10:10:10 Chair Regier

ADJOURNMENT

Adjournment: 10:11 AM

Noah Horan, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus08aad.pdf](#))