

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 17, 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 82, 1/11/2019; SB 84, 1/11/2019; SB 85, 1/11/2019; SB 86, 1/11/2019

Executive Action: SB 64; SB 82; SB 90

HEARING ON SB 82**Opening Statement by Sponsor:**

09:01:43 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 82, Revise laws relating to the transfer of property.

Proponents' Testimony:

09:06:03 Mike Rausch, attorney

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

09:10:14 Chair Regier

09:10:33 Sen. Fitzpatrick

Closing by Sponsor:

09:12:07 Sen. Fitzpatrick

HEARING ON SB 84**Opening Statement by Sponsor:**

09:12:36 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 84, Revise laws related to psychosexual evaluations of criminal defendants.

Proponents' Testimony:

09:15:34 Jesse Slaughter, sheriff, Cascade County

09:22:42 Jackie Jones, Montana County Attorneys Association (MCAA)

Opponents' Testimony: None**Informational Testimony:**

09:24:46 Rhonda Schaffer, director, Office of the Public Defender (OPD)

Questions from Committee Members and Responses:

09:25:38 Sen. Gross

09:26:18 Mr. Slaughter, Cascade County

09:27:42 Sen. Gross

09:28:15 Ms. Schaffer, OPD

09:28:49 Sen. Gross

09:28:56 Ms. Schaffer

09:29:12 Sen. Gross

09:29:29 Ms. Schaffer

09:29:37 Chair Regier

09:30:04 Ms. Schaffer

09:30:12 Sen. Fielder

09:30:38 Chair Regier

09:30:44 Sen. Fitzpatrick

09:31:54 Chair Regier

09:31:59 Sen. Fielder
09:32:15 Sen. Fitzpatrick
09:32:32 Sen. Fielder
09:32:56 Ms. Schaffer
09:33:20 Sen. Fielder
09:33:43 Ms. Schaffer
09:34:03 Sen. Fielder
09:34:26 Mr. Slaughter
09:36:40 Sen. Fielder
09:37:20 Sen. Fitzpatrick
09:37:50 Sen. Fielder
09:38:05 Sen. Fitzpatrick
09:38:26 Sen. MacDonald
09:39:16 Ms. Schaffer
09:39:31 Sen. MacDonald
09:39:54 Ms. Schaffer
09:40:07 Sen. Sands
09:40:41 Ms. Jones, MCAA
09:42:48 Sen. Sands
09:44:07 Ms. Jones
09:45:21 Sen. Sands
09:45:29 Chair Regier
09:46:11 Sen. Fitzpatrick
09:46:37 Chair Regier
09:46:51 Sen. Bennett
09:47:32 Sen. Fitzpatrick

Closing by Sponsor:

09:48:20 Sen. Fitzpatrick

HEARING ON SB 85

Opening Statement by Sponsor:

09:50:44 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 85, Revise process to refer veterans to veterans treatment court.

Proponents' Testimony:

09:52:42 Roger Hagan, Montana National Guard Officer and Enlisted Association
09:53:45 Gary White, American Legion of Montana

Opponents' Testimony: None

Informational Testimony:

09:54:14 Megan Coy, administrator, Programs and Facilities, Department of Corrections (DOC)

Questions from Committee Members and Responses:

09:54:43 Sen. Sands
09:54:50 Sen. Fitzpatrick
09:55:07 Sen. Sands

09:55:27 Sen. Fitzpatrick
09:55:53 Sen. Sands
09:56:17 Sen. Fitzpatrick
09:56:40 Sen. Sands
09:56:44 Sen. Gross
09:57:58 Sen. Fitzpatrick
09:58:26 Sen. Gross
09:59:02 Sen. Fitzpatrick
09:59:13 Chair Regier
09:59:27 Ms. Coy, DOC

Closing by Sponsor:

09:59:48 Sen. Fitzpatrick

HEARING ON SB 86

Opening Statement by Sponsor:

10:00:38 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 86, Revising laws regarding temporary orders of protection.

Proponents' Testimony:

10:02:38 Mike Rausch, attorney

10:10:59 Sen. Fielder left the hearing.

Opponents' Testimony: None

Informational Testimony:

10:16:14 Marti Vining, administrator, Child and Family Services Division, Montana Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

10:16:39 Sen. Esp
10:16:59 Sen. Fitzpatrick
10:17:14 Julianne Burkhardt, Legislative Services Division (LSD)
10:17:36 Chair Regier
10:18:12 Sen. Fitzpatrick
10:18:20 Chair Regier
10:18:27 Sen. Fitzpatrick
10:18:40 Sen. Sands
10:19:00 Ms. Vining, DPHHS
10:19:08 Sen. Sands
10:19:18 Ms. Vining

Closing by Sponsor:

10:19:28 Sen. Fitzpatrick

10:19:59 Chair Regier
10:20:29 Sen. MacDonald
10:20:37 Chair Regier

EXECUTIVE ACTION ON SB 64

10:21:16 **Motion:** Sen. Sands moved that **SB 64 DO PASS.**

Discussion:

10:21:26 Chair Regier
10:21:35 Ms. Burkhardt, LSD
10:23:17 Chair Regier
10:23:25 Sen. Sands
10:23:42 Chair Regier

10:24:00 **Motion:** Sen. Sands moved that **SB 64 BE AMENDED.**
EXHIBIT(jus09a01)

Discussion:

10:24:23 Ms. Burkhardt
10:26:28 Chair Regier
10:26:35 Ms. Burkhardt
10:26:45 Chair Regier
10:26:57 Ms. Burkhardt
10:27:29 Chair Regier

10:27:36 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. S. Sales voted by proxy.

10:27:55 **Motion:** Sen. Sands moved that **SB 64 DO PASS AS AMENDED.**

Discussion:

10:28:08 Sen. Sands
10:28:27 **Vote:** Motion carried 9-1 by voice vote with Sen. Vance voting no. Sen. Fielder and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 90

10:29:32 **Motion:** Sen. Sands moved that **SB 90 DO PASS.**

Discussion:

10:29:53 Chair Regier
10:30:01 Ms. Burkhardt
10:30:06 Chair Regier

10:30:12 **Vote:** Motion carried 9-1 by voice vote with Sen. Esp voting no. Sen. Fielder and Sen. S. Sales voted by proxy.

10:31:13 Chair Regier

EXECUTIVE ACTION ON SB 82

10:31:43 **Motion:** Sen. Sands moved that **SB 82 DO PASS.**

Discussion:

10:31:55 Sen. Hinebauch

10:32:30 Sen. Esp

10:32:55 **Vote:** Motion carried 8-2 by roll call vote with Sen. Hinebauch and Sen. Vance voting no. Sen. Fielder and Sen. S. Sales voted by proxy.

10:34:17 Sen. Sands

10:34:42 Chair Regier

10:34:49 Sen. Esp

10:35:36 Chair Regier

ADJOURNMENT

Adjournment: 10:36 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus09aad.pdf](#))