

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 24, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, 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. Scott Sales (R)
Sen. Gordon Vance (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (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 21, 1/18/2019; SB 136, 1/18/2019

Executive Action: SB 85 DO PASS AS AMENDED; SB 95 TABLED

HEARING ON SB 21**Opening Statement by Sponsor:**

09:01:45 Sen. Roger Webb (R), SD 23, opened the hearing on SB 21, Prohibit use of tanning devices by minors.

Proponents' Testimony:

09:04:31 Dr. Charlotte Kutsch, Montana Academy of Dermatology
09:13:09 Drenda Niemann, health officer, Lewis and Clark Public Health; Association of Montana Public Health Officials; Montana Public Health Association (MPHA)

[EXHIBIT\(jus14a01\)](#)

09:16:33 Lois Fitzpatrick, self

[EXHIBIT\(jus14a02\)](#)

09:19:44 Ashten Broadhead, self
09:23:49 Becky Franks, Cancer Support Community Montana
09:26:50 Claire Kennedy, self
09:27:42 Kelsey Phelps, self
09:30:56 Karen Fairbrother, self

[EXHIBIT\(jus14a03\)](#)**[EXHIBIT\(jus14a04\)](#)****[EXHIBIT\(jus14a05\)](#)****[EXHIBIT\(jus14a06\)](#)**

09:34:37 Molly Taylor, self
09:36:54 Heather O'Hara, Montana Hospital Association
09:41:15 Jean Branscum, Montana Medical Association

[EXHIBIT\(jus14a07\)](#)

09:43:41 Kristin Page-Nei, American Cancer Society Cancer Action Network

[EXHIBIT\(jus14a08\)](#)**[EXHIBIT\(jus14a09\)](#)****[EXHIBIT\(jus14a10\)](#)**

09:45:39 Erin McGowan, American Cancer Society Cancer Action Network

Opponents' Testimony:

09:46:32 SK Rossi, American Civil Liberties Union of Montana (ACLU)

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

09:48:50 Sen. MacDonald
09:49:12 Ms. Rossi, ACLU
09:49:22 Sen. MacDonald
09:49:39 Ms. Kutsch, Montana Academy of Dermatology
09:49:56 Sen. Sands
09:50:20 Ms. Kutsch
09:51:12 Sen. Sands

09:51:55 Ms. Page-Nei, Cancer Action Network
09:52:56 Sen. Sands
09:53:08 Ms. Page-Nei
09:53:21 Ms. Kutsch
09:53:52 Sen. Sands
09:54:12 Ms. Kutsch
09:54:39 Sen. Sands
09:54:52 Ms. Kutsch
09:55:18 Sen. Sands
09:55:46 Sen. Webb
09:55:54 Sen. Hinebauch
09:56:19 Sen. Webb
09:57:31 Sen. Sands
09:57:54 Ms. Kutsch
09:58:36 Sen. Sands
09:58:54 Ms. Kutsch
09:58:59 Sen. Gross
09:59:17 Sen. Sales
09:59:41 Sen. Webb
09:59:59 Chair Regier
10:00:23 Ms. Kennedy, self
10:00:28 Chair Regier
10:00:34 Ms. Kennedy
10:00:43 Chair Regier
10:00:51 Ms. Kutsch
10:01:26 Chair Regier
10:01:31 Ms. Kutsch
10:02:19 Chair Regier
10:02:26 Ms. Kutsch
10:02:47 Chair Regier
10:02:54 Ms. Kutsch
10:03:10 Chair Regier
10:03:17 Ms. Kutsch
10:03:24 Chair Regier
10:03:29 Ms. Kutsch
10:04:04 Chair Regier
10:04:56 Sen. Webb
10:05:24 Sen. Sands
10:05:46 Ms. Kutsch
10:06:55 Sen. Sands
10:07:25 Ms. Kutsch
10:08:06 Sen. Sands
10:08:39 Sen. Webb
10:09:03 Sen. Sands

Closing by Sponsor:

10:09:17 Sen. Sands

HEARING ON SB 136**Opening Statement by Sponsor:**

10:11:56 Sen. Fred Thomas (R), SD 44, opened the hearing on SB 136, Revise laws related to intimidation crimes.

Proponents' Testimony:

10:14:58 Bill Fulbright, county attorney, Ravalli County
10:22:45 Jackie Jones, Montana County Attorneys Association (MCAA)
10:23:26 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

Opponents' Testimony:

10:26:58 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony:

10:28:59 Rhonda Schaffer, Office of the Public Defender (OPD)

10:29:04 Sen. Sales left the hearing.

Questions from Committee Members and Responses:

10:29:18 Sen. MacDonald
10:29:50 Sen. Thomas
10:30:09 Sen. Sands
10:30:38 Mr. Fulbright, Ravalli County
10:31:56 Sen. Sands
10:32:31 Mr. Fulbright
10:35:09 Sen. Sands
10:35:47 Mr. Fulbright
10:39:18 Sen. Sands
10:39:42 Mr. Fulbright
10:40:30 Sen. Sands
10:40:51 Mr. Fulbright
10:41:35 Sen. Sands
10:42:22 Mr. Fulbright
10:44:19 Sen. Gross
10:45:19 Mr. Murphy, MACOP
10:46:45 Sen. Gross
10:47:18 Sen. Thomas
10:47:52 Sen. Gross
10:48:24 Mr. Murphy
10:49:23 Chair Regier
10:49:43 Mr. Murphy
10:51:23 Chair Regier
10:51:55 Mr. Murphy
10:53:55 Chair Regier
10:54:14 Mr. Murphy
10:56:05 Sen. Sands
10:56:42 Sen. Thomas
10:58:08 Sen. Sands

Closing by Sponsor:

10:58:21 Sen. Thomas

10:59:24 Recess
11:12:50 Reconvened

EXECUTIVE ACTION ON SB 85

11:13:04 **Motion:** Sen. Sands moved that **SB 85 DO PASS.**

Discussion:

11:13:14 Julianne Burkhardt, Legislative Services Division (LSD)

11:14:00 **Motion:** Sen. Sands moved that **SB 85 BE AMENDED.**
EXHIBIT(jus14a11)

Discussion:

11:14:19 Sen. Gross
11:15:18 Ms. Burkhardt, LSD
11:16:58 Chair Regier
11:17:05 Ms. Burkhardt

11:17:54 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. S. Sales voted by proxy.

11:18:10 **Motion:** Sen. Sands moved that **SB 85 DO PASS AS AMENDED.**

Discussion:

11:18:23 Sen. MacDonald
11:19:04 Chair Regier

11:19:21 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 95

11:20:02 **Motion:** Sen. Sands moved that **SB 95 DO PASS.**

Discussion:

11:20:23 Sen. Sands
11:21:30 Ms. Burkhardt
11:21:48 Sen. Sands
11:22:00 Ms. Burkhardt
11:22:15 Sen. Sands
11:23:04 Ms. Burkhardt
11:23:55 Sen. Esp
11:24:09 Chair Regier
11:24:19 Sen. Gross
11:24:37 Ms. Burkhardt
11:25:23 Chair Regier

11:25:38 **Motion/Vote:** Sen. Esp moved that **SB 95 BE TABLED**. Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder and Sen. S. Sales voted by proxy.

11:26:40 Chair Regier

11:27:12 Sen. MacDonald

ADJOURNMENT

Adjournment: 11:27 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus14aad.pdf](#))