

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on January 30, 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. Scott Sales (R)  
Sen. Gordon Vance (R)

**Members Excused:** None

**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: HB 46, 1/25/2019; HB 89, 1/25/2019

Executive Action: SB 99 DO PASS; HB 117 BE CONCURRED IN; SB 136 DO  
PASS AS AMENDED; HB 46 BE CONCURRED IN; HB 89 BE  
CONCURRED IN

**HEARING ON HB 46****Opening Statement by Sponsor:**

09:02:09 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 46, Eliminate or revise MCA references to Article II, section 36, of MT Constitution.

09:02:47 Sen. MacDonald entered the hearing.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:06:48 Sen. Sands

09:07:18 Rep. Sheldon-Galloway

09:07:46 Sen. Sands

09:07:52 Rep. Sheldon-Galloway

09:08:36 Sen. Sands

09:08:41 Rep. Sheldon-Galloway

09:08:50 Sen. Sales entered the hearing.

09:09:12 Sen. Sands

09:09:24 Rep. Sheldon-Galloway

09:09:37 Julianne Burkhardt, Legislative Services Division (LSD)

09:10:19 Sen. Sands

**Closing by Sponsor:**

09:10:30 Rep. Sheldon-Galloway

**HEARING ON HB 89****Opening Statement by Sponsor:**

09:12:10 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 89, Revise public defender fees.

**Proponents' Testimony:**

09:13:10 Rhonda Schaffer, director, Office of the Public Defender (OPD)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:13:59 Sen. Bennett

09:14:23 Ms. Schaffer, OPD

09:14:54 Sen. Bennett

09:15:04 Ms. Schaffer

09:15:19 Sen. Sands  
09:15:55 Ms. Schaffer

**Closing by Sponsor:**

09:16:29 Rep. Morigeau  
  
09:17:22 Chair Regier

**EXECUTIVE ACTION ON SB 99**

09:18:06 **Motion:** Sen. Fielder moved that **SB 99 DO PASS.**

**Discussion:**

09:18:40 Sen. MacDonald  
09:20:12 Chair Regier  
09:20:36 Sen. Sands  
09:22:00 Sen. Esp  
09:22:33 Sen. Sands  
09:23:11 Sen. Esp  
09:23:24 Sen. Sands

09:23:39 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no.

**EXECUTIVE ACTION ON HB 117**

09:25:04 **Motion:** Sen. Fielder moved that **HB 117 BE CONCURRED IN.**

**Discussion:**

09:25:14 Chair Regier  
09:25:39 Sen. Sands  
09:26:00 Chair Regier

09:26:14 **Vote:** Motion carried unanimously by voice vote. Sen. Hinebauch will carry the bill.

**EXECUTIVE ACTION ON SB 136**

09:27:11 **Motion:** Sen. Fielder moved that **SB 136 DO PASS.**

**Discussion:**

09:27:22 Ms. Burkhardt, LSD  
[EXHIBIT\(jus18a01\)](#)  
[EXHIBIT\(jus18a02\)](#)

09:29:35 **Motion:** Sen. Esp moved that **SB 136 BE AMENDED.**

**Discussion:**

09:30:15 Chair Regier  
09:30:24 Sen. Esp

09:30:41 Sen. Sands

09:31:16 **Vote:** Motion carried unanimously by voice vote.

09:31:30 **Motion:** Sen. Fielder moved that **SB 136 DO PASS AS AMENDED.**

09:31:39 **Motion:** Sen. MacDonald moved that **SB 136 BE AMENDED.**

**Discussion:**

09:32:16 Chair Regier

09:32:28 Sen. MacDonald

09:32:59 Chair Regier

09:33:10 Sen. Gross

09:33:29 Chair Regier

09:33:37 Sen. Gross

09:33:57 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye.

09:34:43 **Vote:** Motion carried unanimously by roll call vote.

09:35:45 Sen. MacDonald

**EXECUTIVE ACTION ON HB 46**

09:37:16 **Motion:** Sen. Fielder moved that **HB 46 BE CONCURRED IN.**

**Discussion:**

09:37:30 Sen. Sands

09:38:15 **Vote:** Motion carried unanimously by voice vote. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 89**

09:38:52 **Motion/Vote:** Sen. Fielder moved that **HB 89 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Gross will carry the bill.

09:39:56 Chair Regier

**ADJOURNMENT**

Adjournment: 9:40 AM

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Noah Horan, Secretary

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Additional Documents:

**EXHIBIT([jus18aad.pdf](#))**