

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 5, 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: HB 20, 2/1/2019; SB 181, 2/1/2019

Executive Action: SB 114 DO PASS AS AMENDED; SR 8 BE ADOPTED; SR 9 BE ADOPTED; HB 96 TABLED

Committee Business

09:01:21 Tom Butler, colonel, Montana Highway Patrol (MHP)
09:02:42 Chair Regier
09:02:49 Mr. Butler, MHP
09:03:39 Sen. Gross
09:03:54 Mr. Butler
09:04:09 Sen. Esp
09:04:44 Sen. Sands
09:04:51 Chair Regier

HEARING ON SB 181**Opening Statement by Sponsor:**

09:05:22 Sen. Jen Gross (D), SD 25, opened the hearing on SB 181, Revising probation and parole officer duties.

EXHIBIT(jus23a01)

09:06:37 Sen. MacDonald entered the hearing.

Proponents' Testimony:

09:09:47 SK Rossi, American Civil Liberties Union of Montana (ACLU)
09:11:15 Kevin Olson, administrator, Probation and Parole Division, Department of Corrections (COR)
09:12:32 Lauren Caldwell, Montana Federation of Public Employees
09:13:23 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence
09:13:56 Cinda Burd, Western Native Voice

EXHIBIT(jus23a02)

09:16:16 Michael Toppen, Montana Public Interest Research Group (MontPIRG)
09:16:57 John Old Elk, Montana Native Vote

EXHIBIT(jus23a03)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:19:16 Sen. Fielder
09:19:43 Mr. Olson, COR
09:20:29 Sen. Fielder
09:20:38 Mr. Olson
09:21:05 Sen. Fielder
09:21:15 Mr. Olson
09:21:37 Chair Regier
09:21:45 Mr. Olson
09:22:01 Chair Regier
09:22:04 Mr. Olson
09:22:07 Sen. Esp
09:22:26 Mr. Olson
09:23:06 Sen. Esp

09:23:16 Mr. Olson
09:23:25 Sen. Fielder
09:23:55 Sen. Gross

Closing by Sponsor:

09:25:52 Sen. Gross

HEARING ON HB 20

Opening Statement by Sponsor:

09:27:25 Rep. Rae Peppers (D), HD 41, opened the hearing on HB 20, Revising laws related to the report of missing children.

Proponents' Testimony:

09:32:01 Bryan Lockerby, administrator, Division of Criminal Investigation, Montana Department of Justice (DOJ)
09:33:25 Brian Frost, Montana Criminal Justice Information Network (CJIN)
09:35:00 Jason Smith, director, Indian Affairs, Governor's Office
09:35:32 SK Rossi, American Civil Liberties Union of Montana (ACLU)
09:35:46 Colleen Campbell, Western Native Voice
09:36:11 Cinda Burd, Western Native Voice
09:36:52 Melissa Schlichting, deputy attorney general, Attorney General's Office (AG)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:37:53 Sen. Sands
09:39:11 Mr. Lockerby, DOJ
09:40:21 Ms. Schlichting, AG
09:41:41 Sen. Fielder
09:42:15 Rep. Peppers
09:42:40 Sen. Fielder
09:42:59 Rep. Peppers

Closing by Sponsor:

09:43:45 Rep. Peppers

09:44:27 Chair Regier

09:44:49 Recess
10:01:08 Reconvened. Sen. Vance did not return to the meeting.

EXECUTIVE ACTION ON SB 114

10:02:13 **Motion:** Sen. Gross moved that **SB 114 DO PASS.**

10:03:27 **Motion:** Sen. Gross moved that **SB 114 BE AMENDED.**

EXHIBIT(jus23a04)

Discussion:

- 10:03:46 Julianne Burkhardt, Legislativ Services Division (LSD)
- 10:05:53 **Vote:** Motion carried 8-0 by voice vote. Sen. S. Sales and Sen. Vance were excused.
- 10:06:54 **Motion:** Sen. Gross moved that **SB 114 DO PASS AS AMENDED.**

Discussion:

- 10:07:04 Sen. Fielder
- 10:07:18 Sen. Gross
- 10:08:58 Sen. Fielder
- 10:09:18 Chair Regier
- 10:09:24 Ms. Burkhardt, LSD
- 10:09:47 Sen. Fielder
- 10:09:58 Sen. Sands
- 10:10:35 Sen. Gross
- 10:12:15 Sen. Sands
- 10:12:35 Sen. Gross
- 10:12:45 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vance voting no. Sen. S. Sales and Sen. Vance voted by proxy.
- 10:13:49 Sen. MacDonald

EXECUTIVE ACTION ON SR 8

- 10:15:13 **Motion/Vote:** Sen. Fielder moved that **SR 8 BE ADOPTED.** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

EXECUTIVE ACTION ON SR 9

- 10:16:21 **Motion:** Sen. Fielder moved that **SR 9 BE ADOPTED.**

Discussion:

- 10:16:44 Sen. Sands
- 10:17:45 Chair Regier
- 10:18:05 Sen. Hinebauch
- 10:18:23 Ms. Burkhardt
- 10:18:48 Sen. Hinebauch
- 10:19:25 Sen. MacDonald
- 10:19:57 Sen. Fielder
- 10:20:32 Sen. MacDonald
- 10:21:31 Sen. Sands
- 10:22:28 **Vote:** Motion carried 8-2 by roll call vote with Sen. Fielder and Sen. Hinebauch voting no. Sen. S. Sales and Sen. Vance voted by proxy.
- 10:23:19 Sen. Sands

EXECUTIVE ACTION ON HB 96

10:23:41 **Motion:** Sen. Fielder moved that **HB 96 BE CONCURRED IN.**

Discussion:

10:23:57 Chair Regier

10:24:50 Sen. Bennett

10:25:21 Chair Regier

10:25:38 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales and Sen. Vance voted by proxy.

10:26:14 **Motion/Vote:** Sen. Sands moved that **HB 96 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Sen. S. Sales and Sen. Vance voted by proxy.

10:26:44 Chair Regier

10:26:49 Sen. Sands

ADJOURNMENT

Adjournment: 10:27 AM

Noah Horan, Secretary

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Additional Documents

Additional Documents:

EXHIBIT([jus23aad.pdf](#))