

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on February 12, 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. 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. Diane Sands, Vice Chair (D)

**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 205, 2/8/2019

Executive Action: SB 156 TABLED; SB 65 DO PASS AS AMENDED; HB 136 BE  
CONCURRED IN; HB 110 BE CONCURRED IN

SB 181 - MOTION WITHDRAWN

**HEARING ON SB 205****Opening Statement by Sponsor:**

09:02:00 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 205, Prevent abusers of vulnerable adults from benefiting financially.

09:02:06 President Sales entered the hearing.

09:03:30 Sen. Gross entered the hearing.

**Proponents' Testimony:**

09:04:23 Marissa Stockton, Office of the Montana State Auditor, Commissioner of Securities and Insurance

09:04:50 Adrienne Cotton, AARP Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:06:29 Sen. Fielder

09:07:02 Sen. Fitzpatrick

**Closing by Sponsor:**

09:08:32 Sen. Fitzpatrick

09:10:33 Julianne Burkhardt, Legislative Services Division (LSD)

09:10:48 Sen. MacDonald

09:11:02 Chair Regier

**EXECUTIVE ACTION ON SB 156**

09:15:56 **Motion:** Sen. Fielder moved that **SB 156 DO PASS**.

**Discussion:**

09:16:35 Ms. Burkhardt, LSD

09:18:39 Sen. Fielder

09:18:56 Ms. Burkhardt

09:19:36 **Motion:** Sen. Fielder moved that **SB 156 BE AMENDED**.

[EXHIBIT\(jus29a01\)](#)

**Discussion:**

09:19:51 Sen. Fielder

09:22:02 Sen. MacDonald

09:22:33 Sen. Gross

09:22:59 Ms. Burkhardt

09:25:03 Sen. Gross

09:25:33 **Vote:** Motion carried 8-2 by roll call vote with Sen. Esp and Sen. Vance voting no. Sen. Sands voted by proxy.

09:26:15 **Motion:** Sen. Fielder moved that **SB 156 DO PASS AS AMENDED.**

09:26:22 **Motion:** Sen. MacDonald moved that **SB 156 BE AMENDED.**  
[EXHIBIT\(jus29a02\)](#)

**Discussion:**

09:26:32 Sen. MacDonald

09:27:26 Ms. Burkhardt

09:33:42 Sen. MacDonald

09:34:49 Chair Regier

09:35:00 Sen. MacDonald

09:35:09 Ms. Burkhardt

09:35:34 Chair Regier

09:35:45 Sen. Fielder

09:35:52 Sen. MacDonald

09:36:21 **Vote:** Motion carried unanimously by roll call vote. Sen. Sands voted by proxy.

09:36:54 **Motion:** Sen. Fielder moved that **SB 156 DO PASS AS AMENDED.**

**Discussion:**

09:37:01 Chair Regier

09:37:16 Ms. Burkhardt

09:37:40 Sen. Sands entered the meeting.

09:38:00 Chair Regier

09:38:06 Ms. Burkhardt

09:38:25 President Sales

09:39:33 Chair Regier

09:39:44 President Sales

09:40:36 Sen. MacDonald

09:41:30 Sen. Fielder

09:43:13 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Fielder, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye.

09:43:59 **Motion/Vote:** Sen. Fielder moved that **SB 156 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 65**

09:44:50 **Motion:** Sen. Fielder moved that **SB 65 DO PASS.**

**Discussion:**

09:44:59 Chair Regier

09:45:10 Ms. Burkhardt

09:45:17 Chair Regier  
09:45:20 Ms. Burkhardt

09:45:53 **Motion:** Sen. Gross moved that **SB 65 BE AMENDED.**  
[EXHIBIT\(jus29a03\)](#)

**Discussion:**

09:46:14 Ms. Burkhardt  
09:46:57 Sen. Gross  
09:47:15 Ms. Burkhardt  
09:47:42 Sen. MacDonald  
09:48:42 Sen. Gross  
09:48:56 Sen. Esp

09:49:15 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Fielder and Sen. Sands voting no.

09:49:54 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**

09:50:07 **Motion:** Sen. Hinebauch moved that **SB 65 BE AMENDED.**  
[EXHIBIT\(jus29a04\)](#)

**Discussion:**

09:50:43 Ms. Burkhardt  
09:51:12 Chair Regier

09:51:29 **Vote:** Motion carried unanimously by roll call vote.

09:52:03 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**

09:52:11 **Motion/Vote:** Sen. Sands moved that **SB 65 BE AMENDED.** Motion carried unanimously by voice vote.

[EXHIBIT\(jus29a05\)](#)

09:52:57 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**

09:53:15 **Motion:** Sen. Fielder moved that **SB 65 BE AMENDED.**  
[EXHIBIT\(jus29a06\)](#)

**Discussion:**

09:53:25 Chair Regier  
09:54:25 Sen. Fielder  
09:54:41 Sen. Bennett  
09:55:06 Ms. Burkhardt  
09:57:16 Chair Regier  
09:57:49 Sen. Sands  
09:58:25 Chair Regier  
09:58:45 Sen. Gross  
09:59:09 Sen. Sands  
09:59:19 Ms. Burkhardt

- 10:00:06 Sen. Sands  
10:00:10 President Sales
- 10:00:28 **Vote:** Motion carried 7-3 by roll call vote with Sen. Bennett, Sen. Esp and Sen. Sands voting no.
- 10:01:05 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**
- 10:01:11 **Motion:** Sen. MacDonald moved that **SB 65 BE AMENDED.**  
[EXHIBIT\(jus29a07\)](#)

**Discussion:**

- 10:02:19 Chair Regier
- 10:02:30 **Vote:** Motion carried unanimously by voice vote.
- 10:02:38 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**
- 10:02:49 **Motion:** Sen. Bennett moved that **SB 65 BE AMENDED.**  
[EXHIBIT\(jus29a08\)](#)

**Discussion:**

- 10:03:18 Ms. Burkhardt  
10:04:53 Sen. Bennett  
10:07:26 Chair Regier  
10:07:35 Sen. Bennett  
10:08:14 Ms. Burkhardt
- 10:08:27 **Vote:** Motion carried unanimously by roll call vote.
- 10:09:03 **Motion:** Sen. Fielder moved that **SB 65 DO PASS AS AMENDED.**

**Discussion:**

- 10:09:12 Chair Regier  
10:09:58 Sen. Sands  
10:10:34 Chair Regier  
10:10:40 Sen. Gross  
10:10:54 Sen. Fielder  
10:11:22 Sen. Bennett  
10:12:24 Chair Regier  
10:12:33 Sen. Sands  
10:12:45 Chair Regier
- 10:12:49 **Vote:** Motion carried 8-2 by roll call vote with Sen. Hinebauch and Sen. Vance voting no.

**EXECUTIVE ACTION ON SB 181**

10:14:09 **Motion:** Sen. Gross moved that **SB 181 DO PASS.**

[EXHIBIT\(jus29a09\)](#)

[EXHIBIT\(jus29a10\)](#)

[EXHIBIT\(jus29a11\)](#)

[EXHIBIT\(jus29a12\)](#)

**Discussion:**

10:20:28 Chair Regier

10:20:33 Sen. Fielder

10:21:23 Sen. Sands

10:22:23 Sen. Esp

10:22:44 Sen. Gross

10:23:33 Sen. Fielder

10:24:25 Sen. Sands

10:24:37 Sen. Fielder

10:24:43 Without objection, Sen. Gross withdrew the motion.

**EXECUTIVE ACTION ON HB 136**

10:25:39 Chair Regier

10:25:50 **Motion:** Sen. Fielder moved that **HB 136 BE CONCURRED IN.**

**Discussion:**

10:25:59 Sen. Sands

10:26:22 **Vote:** Motion carried unanimously by voice vote. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 110**

10:27:03 **Motion:** Sen. Fielder moved that **HB 110 BE CONCURRED IN.**

**Discussion:**

10:27:14 Chair Regier

10:27:35 Sen. Sands

10:28:00 **Vote:** Motion carried unanimously by voice vote. Sen. Osmundson will carry the bill.

10:28:56 Sen. Sands

10:29:17 Ms. Burkhardt

10:29:37 Chair Regier

**ADJOURNMENT**

Adjournment: 10:30 AM

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Noah Horan, Secretary

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**Additional Documents**

Additional Documents:

**EXHIBIT([jus29aad.pdf](#))**