

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on February 15, 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: SR 11, 2/8/2019; HB 283, 2/8/2019; SB 238, 2/8/2019; SJ 11, 2/8/2019

Executive Action: SB 19 TABLED; HB 145 BE CONCURRED IN; HB 228 BE CONCURRED IN; SB 203 DO PASS; SB 147 DO PASS AS AMENDED; SB 184 DO PASS AS AMENDED; SB 155 MOTION WITHDRAWN; SB 181 TABLED; SB 229 DO PASS

**HEARING ON SR 11**

**Opening Statement by Sponsor:**

09:02:10 Sen. Jason Ellsworth (R), SD 43, opened the hearing on SR 11, Confirm Governor's appointee to 21st judicial district.

**Proponents' Testimony:**

09:07:55 Jennifer Lint, appointee  
09:09:25 Al Smith, Montana Trial Lawyers Association (MTLA)  
09:11:02 Ed Bartlett, Montana State Bar, speaking on behalf of Montana Judges Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:12:40 Sen. Fielder  
09:13:14 Ms. Lint, appointee  
09:13:52 Sen. Fielder  
09:14:03 Ms. Lint  
09:14:24 Sen. Gross  
09:15:42 Ms. Lint  
09:16:50 Chair Regier  
09:16:58 Ms. Lint  
09:17:26 Chair Regier

**Closing by Sponsor:**

09:17:52 Sen. Ellsworth

**HEARING ON HB 283**

**Opening Statement by Sponsor:**

09:18:46 Rep. Connie Keogh (D), HD 91, opened the hearing on HB 283, Correct cross-referencing errors in Montana's enactment of the UCCJEA.

[EXHIBIT\(jus32a01\)](#)

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

09:25:11 Rep. Keogh

**HEARING ON SB 238****Opening Statement by Sponsor:**

09:26:02 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 238, Provide for certification of rehabilitation for people with criminal records.

**Proponents' Testimony:**

09:28:31 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)

**Opponents' Testimony:**

09:34:13 Bridger Mahlum, Montana Chamber of Commerce

09:36:56 Ronda Wiggers, Helena Chamber of Commerce

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

09:38:35 Sen. MacDonald  
09:39:20 Sen. Hoven  
09:39:24 Sen. MacDonald  
09:39:48 Sen. Hoven  
09:40:53 Sen. MacDonald  
09:41:17 Sen. Hoven  
09:41:37 Sen. Fielder  
09:42:30 Sen. Hoven  
09:42:39 Sen. Bennett  
09:43:32 Sen. Hoven  
09:44:34 Sen. Gross  
09:45:37 Sen. Hoven  
09:45:45 Sen. Gross  
09:46:01 Sen. Hoven  
09:46:14 Sen. Gross  
09:46:31 Mr. Cape, MCSJ  
09:47:25 Sen. Gross  
09:48:00 Mr. Cape  
09:48:53 Sen. MacDonald  
09:49:37 Sen. Hoven  
09:50:20 Sen. MacDonald  
09:50:28 Sen. Hoven  
09:50:32 Chair Regier  
09:50:51 Mr. Cape  
09:52:00 Chair Regier  
09:52:12 Mr. Cape  
09:52:16 Chair Regier  
09:52:23 Mr. Cape

**Closing by Sponsor:**

09:52:48 Sen. Hoven

**HEARING ON SJ 11****Opening Statement by Sponsor:**

09:53:34 Sen. Diane Sands (D), SD 49, opened the hearing on SJ 11, Study legalizing marijuana recreationally for adult use.

**Proponents' Testimony:**

09:57:49 Kate Cholewa, Montana Cannabis Industry Association (MTCIA)

10:00:46 President Sales entered the hearing.

10:02:25 Alex Gray, SD Consultants

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

10:04:05 Sen. Gross

10:05:38 Sen. Sands

10:08:11 Sen. Gross

10:08:39 Sen. Sands

10:09:42 Sen. MacDonald

10:10:46 Sen. Sands

**Closing by Sponsor:**

10:11:47 Sen. Sands

**EXECUTIVE ACTION ON SB 19**

10:14:25 Chair Regier

10:15:55 Julianne Burkhardt, Legislative Services Division (LSD)

10:16:40 **Motion:** Sen. Fielder moved to **CREATE A COMMITTEE BILL COVERING TOPICS SIMILAR TO SB 19.**

**Discussion:**

10:17:07 Sen. Sands

10:17:31 Sen. MacDonald

10:18:13 **Vote:** Motion carried unanimously by voice vote.

10:18:24 Ms. Burkhardt, LSD

10:18:47 Chair Regier

10:19:08 **Motion/Vote:** Sen. Sands moved that **SB 19 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 145**

10:19:53 **Motion:** Sen. Fielder moved that **HB 145 BE CONCURRED IN.**

**Discussion:**

10:20:13 Sen. Sands

10:20:33 **Vote:** Motion carried unanimously by voice vote. Sen. Gross will carry the bill.

**EXECUTIVE ACTION ON HB 228**

10:21:27 **Motion:** Sen. Fielder moved that **HB 228 BE CONCURRED IN.**

**Discussion:**

10:21:45 Sen. Sands

10:22:13 **Vote:** Motion carried unanimously by voice vote. Sen. Esp will carry the bill.

**EXECUTIVE ACTION ON SB 203**

10:22:59 **Motion:** Sen. Fielder moved that **SB 203 DO PASS.**

**Discussion:**

10:23:14 Sen. Sands

10:24:00 Sen. Esp

10:24:18 Chair Regier

10:24:45 Sen. Sands

10:25:18 Chair Regier

10:25:46 Sen. Gross

10:26:01 Ms. Burkhardt

10:26:18 **Vote:** Motion carried unanimously by voice vote.

10:26:41 Sen. MacDonald

**EXECUTIVE ACTION ON SB 147**

10:27:54 **Motion:** Sen. MacDonald moved that **SB 147 DO PASS.**

10:28:05 **Motion:** Sen. MacDonald moved that **SB 147 BE AMENDED.**  
**EXHIBIT(jus32a02)**

**Discussion:**

10:34:06 Chair Regier

10:34:30 Ms. Burkhardt

10:35:04 **Vote:** Motion carried unanimously by roll call vote.

10:35:54 **Motion:** Sen. MacDonald moved that **SB 147 DO PASS AS AMENDED.**

**Discussion:**

10:36:29 Sen. Sands

10:37:24 **Vote:** Motion carried 8-2 by roll call vote with Sen. Hinebauch and Sen. Vance voting no.

**EXECUTIVE ACTION ON SB 184**

10:38:12 **Motion:** Sen. Fielder moved that **SB 184 BE REMOVED FROM TABLE.**

**Discussion:**

10:39:45 Chair Regier

10:40:12 Sen. Sands

10:40:18 Ms. Burkhardt

10:41:14 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no.

10:42:06 **Motion:** Sen. Fielder moved that **SB 184 DO PASS AS AMENDED.**

**Discussion:**

10:42:52 Sen. Bennett

10:44:29 Sen. Fielder

10:45:14 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no.

**EXECUTIVE ACTION ON SB 155**

10:46:47 **Motion:** Sen. Fielder moved that **SB 155 DO PASS.**

10:47:24 **Motion:** Sen. Fielder moved that **SB 155 BE AMENDED.**

[EXHIBIT\(jus32a03\)](#)

**Discussion:**

10:47:50 Ms. Burkhardt

10:49:08 Sen. Fielder

10:50:48 Ms. Burkhardt

10:52:17 President Sales

10:52:35 Chair Regier

10:52:45 Ms. Burkhardt

10:53:25 President Sales

10:54:44 Chair Regier

10:54:51 Sen. Fielder

10:56:52 Ms. Burkhardt

10:58:11 Sen. MacDonald

10:58:34 Ms. Burkhardt

10:59:09 Sen. MacDonald

11:00:35 Sen. Esp

11:01:14 Sen. Gross

11:01:25 Chair Regier  
11:01:55 Sen. Fielder  
11:03:10 Sen. Gross  
11:03:30 Sen. Fielder  
11:03:40 Sen. Gross  
11:03:45 Sen. Fielder  
11:03:50 Ms. Burkhardt  
11:04:12 Chair Regier  
11:04:15 Sen. Hinebauch  
11:04:29 Ms. Burkhardt  
11:04:55 Sen. Fielder  
11:05:12 Ms. Burkhardt  
11:05:34 Sen. Fielder  
11:05:43 Ms. Burkhardt  
11:05:48 Chair Regier  
11:05:57 Sen. Fielder  
11:06:14 Sen. Sands  
11:06:50 Chair Regier  
11:07:07 President Sales  
11:07:40 Sen. Fielder  
11:08:26 Chair Regier

11:08:29 Without objection, Sen. Fielder withdrew both motions.

11:08:42 Chair Regier  
11:09:30 Sen. Fielder  
11:09:38 Ms. Burkhardt  
11:09:53 Chair Regier

**EXECUTIVE ACTION ON SB 181**

11:10:57 **Motion:** Sen. Gross moved that **SB 181 DO PASS.**

11:11:08 **Motion:** Sen. Fielder moved that **SB 181 BE AMENDED.**  
[EXHIBIT\(jus32a04\)](#)

**Discussion:**

11:11:45 Sen. Gross  
11:12:35 Ms. Burkhardt  
11:13:11 Sen. Fielder

11:14:04 **Vote:** Motion carried unanimously by roll call vote.

11:14:43 **Motion:** Sen. Fielder moved that **SB 181 DO PASS AS AMENDED.**

**Discussion:**

11:14:49 President Sales  
11:16:24 Sen. Hinebauch  
11:17:01 Sen. Gross

11:19:20 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Fielder, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye.

11:19:52 **Motion/Vote:** Sen. Fielder moved that **SB 181 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 229**

11:20:57 **Motion:** Sen. Fielder moved that **SB 229 DO PASS**.

**Discussion:**

11:21:10 Chair Regier

11:21:26 Sen. MacDonald

11:21:54 Chair Regier

11:21:58 Sen. Esp

11:22:19 **Vote:** Motion carried 6-4 by roll call vote with Sen. Hinebauch, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting no.

**ADJOURNMENT**

Adjournment: 11:22 AM

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Noah Horan, Secretary

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**Additional Documents:**

Additional Documents:

**EXHIBIT([jus32aad.pdf](#))**