

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### JOINT SELECT COMMITTEE FOR SETTLEMENT ACCOUNTABILITY

**Call to Order:** Chair John Esp, on February 25, 2019 at 10:03 A.M., in Room 303  
Capitol

#### ROLL CALL

**Members Present:**

Sen. John Esp, Chair (R)  
Rep. Kimberly Dudik (D)  
Sen. Steve Fitzpatrick (R)  
Rep. Bradley Hamlett (D)  
Rep. Forrest Mandeville (R)  
Sen. Nate McConnell (D)  
Rep. Bill Mercer (R)  
Sen. JP Pomnichowski (D)  
Sen. Keith Regier (R)

**Members Excused:** Rep. Alan Doane (R)

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Nadine Spencer, 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 532, 2/19/2019

Executive Action: HB 343 - Do Pass

Adopted the Committee Rules of Procedure

**Committee Business:**

10:03:57 Chairman Esp

[EXHIBIT\(jss40a01\)](#)

**Motion/Vote:**

10:04:20 Rep. Mercer moved to **ADOPT THE COMMITTEE RULES OF PROCEDURE**.  
The motion carried unanimously by voice vote. Rep. Doane voted by proxy.

10:05:08 Chairman Esp

**HEARING ON HB 532**

**Opening Statement by Sponsor:**

10:05:42 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 532, Generally revising privacy of settlements and public right to know laws.

**Proponents' Testimony:** None

**Opponents' Testimony:**

10:13:07 Mike Manion, chief legal counsel, deputy director, Department of Administration (DOA)

10:31:19 Andy Forsythe, attorney, Moulton Bellingham, P.C., Billings

10:43:34 Quinlan O'Connor, Risk Management and Tort Defense Division, DOA

10:51:37 Bill Gianoulas, Risk Management and Tort Defense Division, DOA

10:52:53 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

10:54:23 Al Smith, Montana Trial Lawyers Association

**Informational Testimony:**

10:57:40 Raph Graybill, chief legal counsel, Governor's Office (GOV)

**Questions from Committee Members and Responses:**

10:58:15 Sen. McConnell

10:58:41 Rep. Mercer

11:05:31 Sen. McConnell

11:05:50 Rep. Mercer

11:07:34 Sen. McConnell

11:08:51 Rep. Mercer

11:10:14 Sen. McConnell

11:12:03 Rep. Mercer

11:12:54 Sen. Regier

11:13:25 Mr. Graybill, GOV

11:13:48 Sen. Regier

[EXHIBIT\(jss40a02\)](#)

11:14:08 Mr. Graybill

11:14:20 Sen. Regier

11:14:52 Mr. Graybill

11:15:53 Sen. Regier

11:15:59 Mr. Graybill redirect

11:16:20 Mr. Forsythe, self

11:16:29 Sen. Regier  
11:16:34 Mr. Forsythe  
11:16:38 Sen. Regier  
11:16:53 Rep. Dudik  
11:17:24 Mr. Graybill  
11:19:03 Rep. Dudik  
11:19:15 Mr. Graybill  
11:19:55 Rep. Dudik  
11:20:12 Mr. Graybill  
11:20:28 Rep. Dudik  
11:20:39 Mr. Graybill  
11:21:35 Rep. Dudik  
11:22:12 Mr. Graybill  
11:22:52 Rep. Hamlett  
11:23:53 Mr. Graybill  
11:25:21 Rep. Hamlett  
11:25:49 Mr. Graybill  
11:26:54 Rep. Hamlett  
11:28:14 Mr. Manion, DOA  
11:29:27 Rep. Hamlett  
11:29:44 Mr. Manion  
11:30:26 Rep. Hamlett  
11:30:56 Mr. Manion  
11:31:23 Sen. McConnell  
11:32:29 Mr. Gianoulis, DOA  
11:33:11 Sen. McConnell  
11:33:39 Mr. Gianoulis  
11:35:08 Chairman Esp  
11:35:57 Mr. Graybill  
11:36:33 Chairman Esp  
11:36:54 Rep. Mercer  
11:37:44 Rep. Hamlett  
11:38:51 Mr. Forsythe  
11:40:38 Rep. Dudik  
11:41:16 Mr. Graybill  
11:42:02 Chairman Esp  
  
11:43:03 Sen. McConnell left the hearing.  
  
11:43:37 Mr. Graybill redirect  
11:43:48 Mr. Manion  
11:44:18 Chairman Esp  
11:44:45 Mr. Manion  
11:45:46 Rep. Hamlett  
11:46:32 Mr. Forsythe  
11:47:55 Sen. Pomnichowski  
11:48:57 Mr. Manion  
11:49:38 Sen. Pomnichowski  
11:50:18 Mr. Graybill  
11:50:27 Sen. Pomnichowski

11:52:05 Mr. Graybill

**Closing by Sponsor:**

11:52:39 Rep. Mercer

**EXECUTIVE ACTION ON HB 343**

11:59:04 **Motion:** Sen. Pomnichowski moved that **HB 343 DO PASS.**

**Discussion:**

11:59:13 Rep. Dudik

11:59:39 Rep. Hamlett

12:00:27 Rep. Mercer

12:00:49 Rep. Hamlett

12:00:55 Rep. Mercer

12:01:38 Rep. Hamlett

12:02:12 Sen. Pomnichowski

12:02:58 Rep. Mercer

12:03:37 **Vote:** Motion carried unanimously by voice vote. Rep. Doane and Sen. McConnell voted by proxy.

12:04:12 Chairman Esp

**ADJOURNMENT**

Adjournment: 12:04 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT([jss40aad.pdf](#))**