

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on February 26, 2019 at 8:02 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: SB 282, 2/22/2019; SB 286, 2/22/2019; SB 293, 2/22/2019; SB 294, 2/22/2019; SB 300, 2/22/2019; SB 303, 2/22/2019

Executive Action: SB 282 DO PASS; SB 304 DO PASS AS AMENDED; SB 308 DO PASS; SB 286 DO PASS; SB 300 DO PASS; SB 302 DO PASS; SB 294 TABLED; SB 303 TABLED; SB 293 TABLED; SB 273 TABLED

**HEARING ON SB 300****Opening Statement by Sponsor:**

08:02:30 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 300, Generally revise property laws to protect property rights.

[EXHIBIT\(jus41a01\)](#)

**Proponents' Testimony:**

08:05:58 Robin Hogan, self

08:10:22 Stephanie Baucus, self

**Opponents' Testimony:**

08:12:32 William Gowen, Montana Land Title Association (MLTA)

08:15:31 Sam Sill, Montana Association of Realtors (MAR)

08:16:46 Jeff Barber, Montana Association of Planners (MAP)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:17:53 Sen. MacDonald

08:18:15 Sen. Gross entered the hearing.

08:18:33 Ms. Baucus, self

08:21:01 Chair Regier

08:21:28 Mr. Barber, MAP

08:22:12 Chair Regier

08:22:17 Mr. Barber

**Closing by Sponsor:**

08:22:29 Sen. Bogner

**HEARING ON SB 282****Opening Statement by Sponsor:**

08:23:28 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 282, Allow unincorporated associations to sue and be sued.

**Proponents' Testimony:** None

**Opponents' Testimony:**

08:28:53 Joe DeFilippis, Secretary of State's Office (SOS)

08:32:04 Rep. Mike Hopkins, HD 92

**Informational Testimony:** None

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

**Closing by Sponsor:**

08:38:38 Sen. Fielder

**HEARING ON SB 286**

**Opening Statement by Sponsor:**

08:41:00 Sen. Bryce Bennett (D), SD 50, opened the hearing on SB 286, Generally revise laws on privacy.

[EXHIBIT\(jus41a02\)](#)

**Proponents' Testimony:**

08:44:39 Zuri Moreno, American Civil Liberties Union of Montana

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:45:19 Chair Regier

08:45:43 Sen. Bennett

08:46:16 Chair Regier

08:46:22 Sen. Bennett

**Closing by Sponsor:**

08:46:31 Sen. Bennett

**HEARING ON SB 294**

**Opening Statement by Sponsor:**

08:47:46 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 294, Revise laws related to employing individuals with criminal records.

**Proponents' Testimony:**

08:50:25 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)

**Opponents' Testimony:**

08:53:32 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:59:38 Sen. Gross

09:00:11 Sen. Hoven

09:01:24 Sen. Gross

09:01:47 Mr. Cape, MCSJ

09:04:52 Sen. Gross

09:05:53 Mr. Smith, MTLA

**Closing by Sponsor:**

09:09:11 Sen. Hoven

**HEARING ON SB 293****Opening Statement by Sponsor:**

09:11:38 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 293, Provide protections for landlords against tenants with criminal records.

**Proponents' Testimony:**

09:13:58 Steve Cape, Montana Coalition for Safety and Justice (MCSJ)  
09:19:49 Sam Forstag, Montana Associated Students (MAS)  
09:20:57 Brenna Love, Associated Students of the University of Montana (ASUM)  
09:21:43 Geneva Zoltek, Associated Students of Montana State University (ASMSU)

**Opponents' Testimony:**

09:22:36 Al Smith, Montana Trial Lawyers Association (MTLA)  
09:28:08 Kevin Olson, Probation and Parole Division, Department of Corrections (COR)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:32:48 Sen. Fielder  
09:33:44 Sen. Hoven  
09:34:07 Sen. Fielder  
09:35:20 Sen. Hoven  
09:35:34 Mr. Cape, MCSJ  
09:37:09 Sen. Fielder  
09:37:25 Mr. Cape  
09:37:37 Sen. Fielder  
09:37:42 Mr. Cape  
09:37:46 Sen. Fielder  
09:38:17 Ms. Zoltek, ASMSU  
09:38:40 Sen. Fielder  
09:39:11 Ms. Zoltek  
09:39:34 Sen. Fielder  
09:39:45 Ms. Zoltek  
09:40:00 Sen. Esp  
09:40:30 Mr. Cape  
09:40:49 Sen. Esp  
09:40:57 Mr. Cape  
09:41:00 Chair Regier  
09:41:42 Sen. Hoven  
09:41:48 Chair Regier  
09:41:51 Sen. Hoven  
09:42:28 Sen. Gross  
09:44:07 Sen. Hoven

**Closing by Sponsor:**

09:44:25 Sen. Hoven

**HEARING ON SB 303****Opening Statement by Sponsor:**

09:46:09 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 303, Revise laws related to national instant criminal background check system.

**Proponents' Testimony:**

09:53:07 Raph Graybill, chief legal counsel, Governor's Office (GOV)

09:54:15 President Sales entered the hearing.

09:57:36 John Mott, self

[EXHIBIT\(jus41a03\)](#)

[EXHIBIT\(jus41a04\)](#)

10:03:02 Paulette Kohman, self

[EXHIBIT\(jus41a05\)](#)

**Opponents' Testimony:**

10:12:22 Garrett Bacon, Montana Shooting Sports Association (MSSA)

10:15:14 Gina Satterfield, self

10:20:29 Cindi Hamilton, self

**Informational Testimony:**

10:25:44 Jennifer Viets, Criminal Justice Information Network, Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

10:26:25 Sen. Gross

10:26:52 Ms. Viets, DOJ

10:27:34 Sen. Gross

10:28:11 Ms. Viets

10:29:47 Sen. Gross

10:30:00 Sen. Sands

10:30:37 Ms. Kohman, self

10:30:53 Sen. Sands

10:31:07 Ms. Kohman

10:31:39 Sen. Sands

10:31:49 Ms. Kohman

10:31:56 Sen. Sands

10:32:09 Ms. Kohman

10:33:11 Sen. Fielder

10:33:51 Mr. Mott, self

10:33:57 Sen. Fielder

10:35:16 Mr. Mott

10:36:46 Sen. Fielder

10:37:00 Mr. Mott

10:37:10 Sen. Fielder

10:37:49 Mr. Mott

**Closing by Sponsor:**

10:39:06 Sen. MacDonald

10:43:34 Recess

10:55:59 Reconvened

Sen. Bennett and Sen. Vance were excused.

**EXECUTIVE ACTION ON SB 282**10:56:18 **Motion:** Sen. Fielder moved that **SB 282 DO PASS.****Discussion:**

10:56:39 Julianne Burkhardt, Legislative Services Division (LSD)

10:56:42 Sen. Fielder

10:57:23 Sen. Sands

10:57:45 Sen. Fielder

10:58:34 Sen. Gross

10:59:07 Sen. Fielder

10:59:45 Sen. Gross

11:00:03 Sen. Fielder

11:00:32 Sen. Gross

11:01:17 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Bennett and Sen. Vance voted by proxy.

11:01:57 Sen. Fielder left the meeting.

**EXECUTIVE ACTION ON SB 304**11:02:03 **Motion:** Sen. Sands moved that **SB 304 DO PASS.****Discussion:**

11:02:25 Ms. Burkhardt, LSD

11:02:36 Chair Regier

11:02:53 **Motion:** Sen. Sands moved that **SB 304 BE AMENDED.**[EXHIBIT\(jus41a06\)](#)**Discussion:**

11:03:20 Ms. Burkhardt

11:04:09 **Vote:** Motion carried 9-1 by roll call vote with Sen. Hinebauch voting no. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.11:04:55 **Motion:** Sen. Sands moved that **SB 304 DO PASS AS AMENDED.****Discussion:**

11:05:01 Sen. MacDonald

11:06:08 Sen. Sands  
11:06:53 Sen. Gross  
11:07:43 Sen. Hinebauch  
11:08:01 President Sales  
11:10:08 Chair Regier

11:10:33 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 308**

11:11:29 **Motion:** Sen. Sands moved that **SB 308 DO PASS.**

#### **Discussion:**

11:11:46 President Sales  
11:12:01 Sen. MacDonald  
11:13:03 Chair Regier

11:13:41 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 286**

11:14:36 **Motion:** Sen. Sands moved that **SB 286 DO PASS.**

#### **Discussion:**

11:15:14 Sen. Sands  
11:15:38 Chair Regier

11:15:54 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 300**

11:16:28 **Motion:** Sen. Sands moved that **SB 300 DO PASS.**

#### **Discussion:**

11:16:37 Chair Regier  
11:17:02 Sen. Sands

11:17:28 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 294**

11:17:56 **Motion:** Sen. Sands moved that **SB 294 DO PASS.**

**Discussion:**

- 11:18:03 Chair Regier  
11:18:16 Sen. Sands  
11:19:02 Chair Regier  
11:19:04 Sen. Sands
- 11:19:20 **Vote:** Motion failed 3-7 by roll call vote with Sen. Esp, Sen. Fielder and Sen. K. Regier voting aye. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.
- 11:20:00 **Motion/Vote:** Sen. Esp moved that **SB 294 BE TABLED**. Motion carried unanimously by voice vote. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 302**

- 11:20:50 **Motion:** Sen. Sands moved that **SB 302 DO PASS**.

**Discussion:**

- 11:20:56 Chair Regier  
11:21:04 Sen. Esp  
11:21:12 Chair Regier  
11:21:15 President Sales  
11:21:42 Sen. Hinebauch  
11:21:48 Sen. Esp
- 11:22:12 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett, Sen. Fielder and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 303**

- 11:22:52 **Motion:** Sen. MacDonald moved that **SB 303 DO PASS**.

**Discussion:**

- 11:24:07 Sen. Gross  
11:24:36 Sen. Esp
- 11:25:13 Sen. Fielder returned to the meeting.
- 11:26:02 Sen. Sands  
11:26:55 Sen. MacDonald  
11:28:28 Sen. Esp
- 11:29:12 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Bennett and Sen. Vance voted by proxy.
- 11:29:47 **Motion/Vote:** Sen. Fielder moved that **SB 303 BE TABLED**. Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Bennett and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 293**

11:31:39 **Motion:** Sen. Sands moved that **SB 293 DO PASS.**

**Discussion:**

11:32:00 Sen. Fielder

11:32:24 Sen. Vance returned to the meeting.

11:32:44 Sen. Bennett returned to the meeting.

11:33:16 Sen. Gross

11:33:46 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **SB 293 BE TABLED.** Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 273**

11:34:19 **Motion/Vote:** Sen. Sands moved that **SB 273 BE TABLED.** Motion carried unanimously by voice vote.

11:35:18 Chair Regier

**ADJOURNMENT**

Adjournment: 11:35 AM

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Noah Horan, Secretary

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**Additional Documents:**

Additional Documents:

**EXHIBIT([jus41aad.pdf](#))**