

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 27, 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 312, 2/22/2019; SB 313, 2/22/2019

Executive Action: SB 312 TABLED; SB 313 TABLED

HEARING ON SB 312**Opening Statement by Sponsor:**

08:02:23 Sen. Jason Small (R), SD 21, opened the hearing on SB 312, Create the looping in native communities network grant program.

08:04:04 Sen. Bennett entered the hearing.

08:04:24 Sen. Esp entered the hearing.

Proponents' Testimony:

08:05:37 Jordan Thompson, Confederated Salish and Kootenai Tribes (CSKT)

Opponents' Testimony: None**Informational Testimony:**

08:06:36 Jennifer Viets, program manager, Criminal Justice Information Network; manager, Missing Persons Clearinghouse, Department of Justice (DOJ)

08:07:10 Natalia Bowser, bureau chief, Crime Control Bureau, Department of Corrections (COR)

08:07:26 John Daugherty, administrator, Administrative Services Division, COR

Questions from Committee Members and Responses:

08:07:53 Sen. MacDonald

08:08:20 Ms. Bowser, COR

08:08:44 Sen. MacDonald

08:09:05 Ms. Viets, DOJ

08:10:07 Sen. MacDonald

08:10:26 Ms. Viets

08:11:02 Sen. MacDonald

08:11:19 Ms. Viets

08:11:32 Sen. Gross entered the hearing.

08:12:30 Sen. Fielder

08:12:53 Mr. Thompson, CSKT

08:13:34 Sen. Fielder

08:13:48 Mr. Thompson

08:14:15 Sen. Fielder

08:14:32 Sen. Small

08:15:17 Sen. Fielder

08:15:31 Sen. Small

08:15:52 Sen. Sands

08:16:16 Sen. Small

08:16:51 Sen. Sands

08:17:50 Sen. Small

08:18:58 Sen. Sands

08:19:35 Sen. Small

08:20:01 Sen. Sands

08:20:22 Sen. Small

08:21:41 Sen. Sands
08:21:55 Mr. Thompson
08:22:29 Sen. MacDonald
08:23:17 Mr. Daugherty, COR
08:25:33 Chair Regier
08:26:01 Sen. Small
08:26:18 Chair Regier
08:26:58 Mr. Thompson
08:27:42 Chair Regier
08:27:47 Sen. Small
08:28:09 Chair Regier
08:28:31 Sen. Small
08:28:54 Chair Regier

Closing by Sponsor:

08:29:05 Sen. Small

08:29:56 Sen. Sands
08:30:01 Chair Regier

EXECUTIVE ACTION ON SB 312

08:30:18 **Motion:** Sen. Fielder moved that **SB 312 DO PASS**.

Discussion:

08:30:25 Sen. Hinebauch
08:30:59 Sen. Sands
08:31:54 Sen. Fielder
08:32:54 Sen. Gross

08:34:01 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

08:34:41 **Motion/Vote:** Sen. Fielder moved that **SB 312 BE TABLED**. Motion carried 9-0 by voice vote. Sen. S. Sales was excused.

08:34:53 Chair Regier
08:35:08 Sen. Esp
08:36:58 Noah Horan, committee secretary

08:36:17 Recess
08:46:20 Reconvened

HEARING ON SB 313

Opening Statement by Sponsor:

08:46:33 Sen. Nate McConnell (D), SD 48, opened the hearing on SB 313, Generally revise enforcement of discrimination laws.

08:47:49 President Sales entered the meeting.

Proponents' Testimony:

08:59:29 Pat Fox, Montana Trial Lawyers Association (MTLA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:03:17 Sen. MacDonald
09:03:47 Sen. McConnell
09:04:35 Sen. MacDonald
09:04:40 Sen. McConnell
09:05:07 Sen. Gross
09:05:33 Sen. McConnell
09:06:48 Sen. Gross
09:06:59 Sen. McConnell
09:07:39 Sen. Sands
09:08:04 Sen. McConnell
09:08:57 Sen. Sands
09:09:00 Sen. McConnell
09:09:04 Sen. Sands
09:09:12 Sen. McConnell
09:09:27 Sen. Sands
09:09:37 Sen. McConnell
09:10:07 Chair Regier
09:10:15 Sen. McConnell
09:10:29 Chair Regier
09:10:37 Sen. McConnell
09:11:04 Chair Regier
09:11:06 Sen. McConnell

Closing by Sponsor:

09:11:14 Sen. McConnell

EXECUTIVE ACTION ON SB 313

09:11:43 **Motion:** Sen. Fielder moved that **SB 313 DO PASS.**

Discussion:

09:11:56 President Sales
09:12:35 Sen. Gross
09:13:22 Chair Regier
09:13:55 Sen. Sands

09:15:04 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **SB 313 BE TABLED.** Substitute Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no.

EXECUTIVE ACTION ON SB 312

09:15:54 **Motion/Vote:** Sen. Esp moved to **RECONSIDER THE PREVIOUS ACTION ON SB 312**. Motion carried 7-3 by roll call vote with Sen. Fielder, Sen. Hinebauch and Sen. Vance voting no.

09:17:04 **Motion:** Sen. Esp moved that **SB 312 DO PASS**.

Discussion:

09:17:19 Julianne Burkhardt, Legislative Services Division (LSD)

09:17:55 Sen. Esp

09:18:13 **Motion:** Sen. Esp moved **TO CONCEPTUALLY AMEND SB 312 AND ASKED THAT MINOR EDITING CHANGES BE ALLOWED**.

09:18:30 **Vote:** Motion carried unanimously by voice vote.

09:18:43 **Motion:** Sen. Esp moved that **SB 312 DO PASS AS AMENDED**

09:18:51 **Motion:** Sen. Fielder moved **TO CONCEPTUALLY AMEND SB 312 TO ADD A SUNSET AFTER SIX YEARS AND TO ALLOW THE DRAFTER DISCRETION OVER MINOR EDITING CHANGES**.

09:19:30 **Vote:** Motion carried unanimously by voice vote.

09:19:40 **Motion:** Sen. Esp moved that **SB 312 DO PASS AS AMENDED**.

09:19:55 **Motion:** Sen. Sands moved that **SB 312 BE CONCEPTUALLY AMENDED TO REQUIRE THE BOARD OF CRIME CONTROL TO REPORT TO THE STATE TRIBAL RELATIONS INTERIM COMMITTEE AND TO ALLOW THE DRAFTER DISCRETION OVER MINOR EDITING CHANGES**.

Discussion:

09:20:22 Sen. Hinebauch

09:20:32 Sen. Sands

09:21:07 Sen. Gross

09:21:24 Chair Regier

09:21:29 Ms. Burkhardt, LSD

09:21:52 Sen. Esp

09:22:12 Sen. Sands

09:22:26 Sen. Hinebauch

09:22:38 Sen. Fielder

09:23:08 Ms. Burkhardt

09:23:56 Without objection, Sen. Sands withdrew the motion.

09:24:09 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye.

09:24:57 **Motion/Vote:** Sen. Fielder moved that **SB 312 BE TABLED**. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 9:27 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus42aad.pdf](#))