

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on March 14, 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. Jen Gross (D)  
Sen. Steve Hinebauch (R)  
Sen. Margaret (Margie) MacDonald (D)  
Sen. Scott Sales (R)  
Sen. Gordon Vance (R)

**Members Excused:** Sen. John Esp (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: HB 268, 3/8/2019; HB 274, 3/8/2019; HB 335, 3/8/2019; HJ 5, 3/8/2019; HJ 6, 3/8/2019

Executive Action: HB 54 BE CONCURRED IN AS AMENDED; HB 98 BE CONCURRED IN AS AMENDED; HB 99 BE CONCURRED IN; HB 155 BE CONCURRED IN; HB 322 BE CONCURRED IN

**HEARING ON HJ 5****Opening Statement by Sponsor:**

09:03:22 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HJ 5, Study of deferred prosecution and pretrial diversion programs.

09:05:52 Sen. Gross entered the hearing.

**Proponents' Testimony:**

09:06:06 Wyatt Glade, Montana County Attorneys Association (MCAA)

09:08:56 Ole Olson, Attorney General's Office (DOJ)

09:09:19 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

09:10:50 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

09:11:21 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:11:50 Sen. Sands

09:12:36 Mr. Glade, MCAA

09:13:29 Sen. Sands

09:13:43 Mr. Glade

09:15:12 Sen. Sands

09:15:20 Sen. MacDonald

09:16:16 Rep. Dudik

09:16:22 Sen. Bennett entered the hearing.

09:17:07 Sen. MacDonald

09:17:26 Rep. Dudik

09:17:38 Chair Regier

09:18:24 Rep. Dudik

**Closing by Sponsor:**

09:18:55 Rep. Dudik

**HEARING ON HB 268****Opening Statement by Sponsor:**

09:20:22 Rep. Sharon Greef (R), HD 88, opened the hearing on HB 268, Revise conciliation rules in cases of divorce.

**Proponents' Testimony:**

09:21:33 Ryan Phelan, Montana State Bar

09:27:17 Anita Milanovich, Montana Family Foundation (MFF)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

09:29:05 Rep. Greef

### **HEARING ON HB 274**

**Opening Statement by Sponsor:**

09:29:45 Rep. Frank Garner (R), HD 7, opened the hearing on HB 274, Provide for the restoration of either party's name when a marriage is dissolved.

**Proponents' Testimony:**

09:31:33 Pat Fox, Montana Trial Lawyers Association (MTLA)

09:32:15 Ed Bartlett, Montana Judges Association (MJA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:32:44 Sen. Sands

09:33:05 Mr. Bartlett, MJA

**Closing by Sponsor:**

09:33:42 Rep. Garner

### **HEARING ON HB 335**

**Opening Statement by Sponsor:**

09:34:14 Rep. Connie Keogh (D), HD 91, opened the hearing on HB 335, Generally revise laws to create and amend parenting plans.

[EXHIBIT\(jus52a01\)](#)

**Proponents' Testimony:**

09:37:01 Ryan Phelan, Montana State Bar

**Opponents' Testimony:**

09:49:05 John Larson, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:56:03 Sen. Sands

09:56:58 Ms. Phelan, Montana State Bar

09:59:04 Sen. MacDonald

09:59:34 Ms. Phelan

10:01:31 Sen. MacDonald

**Closing by Sponsor:**

10:02:29 Rep. Keogh

**HEARING ON HJ 6****Opening Statement by Sponsor:**

10:03:25 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HJ 6, Study resolution on postincarceration employment opportunities.

**Proponents' Testimony:**

10:08:20 Amy Tenney, Montana Community Corrections Association (MCCA)

10:10:01 President Sales entered the hearing.

10:10:22 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

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

10:11:22 Gayle Butler, Montana Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

10:11:52 Sen. Sands

10:12:24 Rep. Dudik

10:12:50 Sen. Sands

10:13:33 Rep. Dudik

10:14:19 Sen. Sands

10:14:54 Ms. Butler, DOC

10:15:45 Sen. Sands

10:16:09 Ms. Butler

10:16:41 Sen. Sands

10:17:26 Sen. MacDonald left the hearing.

10:17:34 Sen. Sands

**Closing by Sponsor:**

10:18:01 Rep. Dudik

10:20:08 Chair Regier

10:20:20 Recess

10:32:43 Reconvened

**EXECUTIVE ACTION ON HB 54**10:33:04 **Motion:** Sen. Fielder moved to **RECONSIDER HB 54.****Discussion:**

10:33:20 Sen. Fielder

- 10:34:04 Chair Regier  
10:34:31 Sen. Vance  
10:34:41 Julianne Burkhardt, Legislative Services Division (LSD)
- 10:35:09 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vance voting no. Sen. Esp and Sen. MacDonald voted by proxy.
- 10:35:59 **Motion:** Sen. Fielder moved that **HB 54 BE CONCURRED IN.**
- 10:36:05 **Motion:** Sen. Fielder moved that **HB 54 BE AMENDED.**  
[EXHIBIT\(jus52a02\)](#)

**Discussion:**

- 10:36:20 Chair Regier  
10:36:34 Sen. Fielder  
[EXHIBIT\(jus52a03\)](#)
- 10:38:43 Chair Regier  
10:38:49 Sen. Sands  
10:39:04 Sen. Gross
- 10:39:32 **Vote:** Motion carried unanimously by roll call vote. Sen. Esp and Sen. MacDonald voted by proxy.
- 10:40:08 **Motion:** Sen. Fielder moved that **HB 54 BE CONCURRED IN AS AMENDED.**
- Discussion:**
- 10:40:16 Sen. Gross
- 10:41:23 **Vote:** Motion carried 8-2 by roll call vote with Sen. Hinebauch and Sen. Vance voting no. Sen. Esp and Sen. MacDonald voted by proxy. Sen. Fielder will carry the bill.
- 10:42:41 Sen. Fielder

**EXECUTIVE ACTION ON HB 98**

- 10:43:13 **Motion:** Sen. Fielder moved that **HB 98 BE CONCURRED IN.**
- 10:44:04 **Motion:** Sen. Fielder moved that **HB 98 BE AMENDED.**  
[EXHIBIT\(jus52a04\)](#)
- Discussion:**
- 10:44:14 Sen. Fielder  
10:44:58 Sen. Sands
- 10:45:08 **Vote:** Motion carried unanimously by voice vote. Sen. Esp and Sen. MacDonald voted by proxy.

10:45:25 **Motion/Vote:** Sen. Fielder moved that **HB 98 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Esp and Sen. MacDonald voted by proxy. Sen. Fielder will carry the bill.

**EXECUTIVE ACTION ON HB 99**

10:46:47 **Motion:** Sen. Fielder moved that **HB 99 BE CONCURRED IN**.

**Discussion:**

10:47:03 Sen. Sands

10:47:25 **Vote:** Motion carried unanimously by voice vote. Sen. Esp and Sen. MacDonald voted by proxy. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 155**

10:48:17 **Motion/Vote:** Sen. Fielder moved that **HB 155 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Esp and Sen. MacDonald voted by proxy. Sen. Sales will carry the bill.

**EXECUTIVE ACTION ON HB 322**

10:49:26 **Motion:** Sen. Fielder moved that **HB 322 BE CONCURRED IN**.

**Discussion:**

10:49:37 Chair Regier

10:49:57 Sen. Sands

10:50:42 **Vote:** Motion carried 8-2 by roll call vote with Sen. Gross and Sen. MacDonald voting no. Sen. Esp and Sen. MacDonald voted by proxy. Sen. Hinebauch will carry the bill.

**ADJOURNMENT**

Adjournment: 10:51 AM

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Noah Horan, Secretary

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Additional Documents:

**EXHIBIT**([jus52aad.pdf](#))