

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on March 27, 2019 at 8:00 A.M., 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: SB 362, 3/22/2019; SB 348, 3/22/2019; SB 356, 3/22/2019; SB 357, 3/22/2019; HB 561, 3/22/2019; HB 543, 3/22/2019; HB 498, 3/22/2019

Executive Action: SB 354 DO PASS; SB 347 TABLED; SB 348 DO PASS; SB 362 MOTION WITHDRAWN; SB 356 MOTION WITHDRAWN; SB 357 TABLED; SB 326 DO PASS AS AMENDED

**HEARING ON SB 362****Opening Statement by Sponsor:**

08:03:09 Sen. Mike Lang (R), SD 17, opened the hearing on SB 362, Revise 24/7 sobriety program laws.

**Proponents' Testimony:**

08:04:46 Greg Mohr, Montana Magistrates Association (MMA)

**Opponents' Testimony:**

08:05:45 Tom Butler, chief, Montana Highway Patrol (MHP)

08:06:34 Sen. Gross and Sen. Vance entered the hearing.

08:08:39 Jessie Luther, Association of Montana Troopers (AMT)

08:14:51 John Iverson, SCRAM Systems

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:16:57 Sen. Sands  
08:18:02 Sen. Lang  
08:19:45 Sen. Sands  
08:19:51 Sen. Lang  
08:20:19 Chair Regier  
08:20:45 Ms. Luther, AMT  
08:21:18 Chair Regier  
08:21:35 Ms. Luther  
08:22:08 Chair Regier  
08:22:14 Ms. Luther  
08:22:36 Sen. Fielder  
08:22:57 Ms. Luther  
08:23:05 Chair Regier  
08:23:09 Ms. Luther  
08:23:39 Chair Regier  
08:24:01 Ms. Luther  
08:24:50 Chair Regier  
08:24:57 Ms. Luther  
08:25:20 Sen. Fielder  
08:25:30 Ms. Luther  
08:26:05 Sen. Fielder  
08:26:09 Ms. Luther  
08:26:24 Sen. Fielder  
08:26:28 Ms. Luther  
08:26:43 Sen. Sands  
08:26:57 Mr. Butler, MHP  
08:27:11 Sen. Sands  
08:27:22 Sen. Lang  
08:29:22 Sen. Sands  
08:29:30 Sen. Hinebauch

08:30:02 Sen. Vance left the hearing.

08:30:09 Mr. Mohr, MMA  
08:31:40 Sen. Fielder  
08:32:24 Mr. Mohr  
08:33:17 Sen. Fielder  
08:33:43 Mr. Mohr  
08:34:33 Sen. Fielder  
08:34:52 Mr. Mohr  
08:35:10 Sen. Fielder  
08:35:30 Mr. Mohr  
08:35:46 Sen. MacDonald  
08:36:39 Mr. Butler  
08:37:47 Sen. Esp  
08:38:02 Mr. Butler  
08:38:27 Sen. Esp  
08:38:41 Mr. Butler  
08:39:30 Chair Regier  
08:39:43 Sen. Lang  
08:40:44 Chair Regier  
08:40:55 Sen. Lang  
08:41:07 Chair Regier  
08:41:13 Sen. Lang

**Closing by Sponsor:**

08:41:21 Sen. Lang

08:42:02 Sen. Fielder assumed the chair.

**HEARING ON SB 348**

**Opening Statement by Sponsor:**

08:42:32 Sen. Keith Regier (R), SD 3, opened the hearing on SB 348, Generally revise laws related to probation and pretrial services.

**Proponents' Testimony:**

08:44:05 Jon Metropoulos, Missoula Correctional Services (MCS)

**Opponents' Testimony:**

08:49:47 Zuri Moreno, American Civil Liberties Union of Montana (ACLU)

**Informational Testimony:**

08:51:48 Glen Stinar, administrator, Montana Law Enforcement Academy, Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

08:52:15 Sen. Sands  
08:52:24 Sen. Regier  
08:52:53 Sen. MacDonald  
08:53:23 Mr. Stinar, DOJ

08:53:32 Sen. MacDonald  
08:54:16 Mr. Stinar  
08:55:15 Sen. MacDonald  
08:55:25 Mr. Stinar  
08:56:13 Chair Fielder  
08:56:24 Ms. Moreno, ACLU  
08:56:48 Sen. Sands  
08:57:13 Sen. Regier  
08:57:59 Sen. MacDonald  
08:58:30 Sen. Regier  
08:58:47 Sen. MacDonald  
08:58:54 Chair Fielder  
08:59:45 Sen. Regier  
09:00:01 Chair Fielder  
09:00:07 Mr. Metropoulos, MCS  
09:00:10 Chair Fielder  
09:00:46 Mr. Metropoulos  
09:01:12 Chair Fielder

**Closing by Sponsor:**

09:01:52 Sen. Regier

09:02:19 Sen. Regier resumed the chair.

**HEARING ON SB 356 AND SB 357**

**Opening Statement by Sponsor:**

09:03:08 Sen. Duane Ankney (R), SD 20, opened the hearing on SB 356 and SB 357, Generally revise campaign finance laws.

**Proponents' Testimony:**

09:06:11 Jeff Mangan, Commissioner of Political Practices (COPP)  
09:07:03 Mark Taylor, Montana Outfitters and Guides Association (MOGA)  
09:08:02 Anita Milanovich, Montana Family Foundation (MFF)  
09:16:24 Alan Olsen, Montana Petroleum Association (MPA)

**Opponents' Testimony:**

09:17:41 Al Smith, Montana Trial Lawyers Association (MTLA)

[EXHIBIT\(jus63a01\)](#)

09:27:28 Liz Moore, Montana Nonprofit Association (MNA)

**Informational Testimony:**

09:31:20 Jaime MacNaughton, chief legal counsel, Commissioner of Political Practices (COPP)

**Questions from Committee Members and Responses:**

09:31:47 Sen. Fielder  
09:32:11 Sen. Ankney  
09:32:17 Sen. Fielder

09:32:33 Sen. Ankney  
09:32:49 Sen. Fielder  
09:32:59 Sen. Ankney  
09:33:17 Sen. Fielder  
09:33:32 Ms. Milanovich, MFF  
09:34:16 Chair Regier  
09:34:32 Sen. Ankney  
09:34:56 Sen. MacDonald  
09:35:41 Mr. Mangan, COPP  
09:36:20 Sen. Fielder  
09:36:37 Ms. Milanovich  
09:36:59 Sen. Fielder  
09:37:13 Ms. Milanovich  
09:38:30 Sen. Fielder  
09:38:46 Ms. Milanovich  
09:39:08 Sen. MacDonald  
09:39:37 Mr. Mangan  
09:39:41 Sen. MacDonald  
09:39:51 Mr. Mangan  
09:40:00 Sen. MacDonald  
09:40:34 Mr. Smith, MTLA  
09:40:57 Sen. Gross  
09:41:23 Sen. Ankney  
09:42:02 Sen. Gross  
09:43:10 Sen. Ankney  
09:44:39 Sen. Gross  
09:45:45 Sen. Ankney  
09:46:19 Sen. Gross  
09:46:41 Sen. MacDonald  
09:48:15 Mr. Smith

**Closing by Sponsor:**

09:49:12 Sen. Ankney

**HEARING ON HB 561**

**Opening Statement by Sponsor:**

09:51:30 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 561, Revise child custody laws pertaining to the best interest of a child.

**Proponents' Testimony:**

09:54:06 Chris Thompson, self  
09:55:17 Nevada Thompson, self

**[EXHIBIT\(jus63a02\)](#)**

10:01:22 Jason Beals, self

**Opponents' Testimony:**

10:07:18 Corbin Howard, self

10:16:45 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence  
(MCADSV)

[EXHIBIT\(jus63a03\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:20:26 Sen. Sands

**Closing by Sponsor:**

10:21:19 Rep. Zolnikov

10:23:09 Sen. Bennett entered the hearing.

### **HEARING ON HB 543**

**Opening Statement by Sponsor:**

10:25:46 Rep. Zach Brown (D), HD 63, opened the hearing on HB 543, Revise laws related to misdemeanor expungement.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

10:30:49 Greg Mohr, Montana Magistrates Association (MMA)

10:31:05 Heather Knight, Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

10:31:32 Sen. Sands

10:32:00 Ms. Knight, DOJ

10:32:20 Sen. Sands

10:32:48 Ms. Knight

10:33:07 Rep. Brown

10:33:56 Sen. Sands

10:34:03 Rep. Brown

**Closing by Sponsor:**

10:34:46 Rep. Brown

### **HEARING ON HB 498**

**Opening Statement by Sponsor:**

10:36:36 Rep. Jade Bahr (D), HD 50, opened the hearing on HB 498, Allow probationers and parolees to use medical marijuana.

**Proponents' Testimony:**

10:40:15 Alex Gray, SD Consultants

10:42:52 Michael Toppen, Montana Public Interest Research Group

10:43:31 Dorian Bomar, self

10:45:21 Mark Ibsen, self

10:46:26 Ben Boyce, self

**Opponents' Testimony:** None

**Informational Testimony:**

10:48:10 Kevin Olson, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

10:48:43 Sen. Fielder  
10:49:03 Mr. Ibsen, self  
10:50:48 Sen. Fielder  
10:50:58 Mr. Ibsen  
10:51:45 Sen. Sands  
10:52:12 Mr. Olson, DOC  
10:52:54 Sen. Sands  
10:53:11 Mr. Olson  
10:53:39 Sen. Sands  
10:53:59 Mr. Olson  
10:54:17 Sen. Sands  
10:54:50 Mr. Olson  
10:55:21 Sen. Fielder  
10:56:00 Mr. Ibsen  
10:57:54 Sen. Fielder  
10:58:13 Mr. Ibsen  
10:58:48 Sen. Fielder  
10:59:20 Mr. Ibsen  
10:59:54 Sen. Fielder  
11:00:25 Mr. Ibsen  
11:01:07 Sen. Gross  
11:01:48 Mr. Olson  
11:01:53 Sen. Gross  
11:01:59 Mr. Olson  
11:02:19 Sen. Gross

**Closing by Sponsor:**

11:02:31 Rep. Bahr  
  
11:05:53 Sen. Sands  
  
11:06:04 Recess  
11:18:01 Reconvened

**EXECUTIVE ACTION ON SB 354**

11:18:32 **Motion:** Sen. Fielder moved that **SB 354 DO PASS.**

**Discussion:**

11:18:39 Chair Regier  
11:18:57 Sen. Sands

11:21:19 Chair Regier

11:21:45 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 347**

11:22:34 **Motion:** Sen. Fielder moved that **SB 347 DO PASS**.

#### **Discussion:**

11:22:42 Chair Regier

11:22:45 Julianne Burkhardt, Legislative Services Division (LSD)

11:23:31 **Motion:** Sen. Fielder moved that **SB 347 BE AMENDED**.

**EXHIBIT(jus63a04)**

#### **Discussion:**

11:23:44 Chair Regier

11:24:13 Sen. Gross

11:24:39 Sen. Sands

11:25:50 Chair Regier

11:25:57 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Vance voted by proxy.

11:26:41 **Motion:** Sen. Fielder moved that **SB 347 DO PASS AS AMENDED**.

#### **Discussion:**

11:26:50 Sen. Sands

11:27:45 Sen. Fielder

11:29:28 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **SB 347 BE TABLED**. Substitute Motion carried 7-3 by roll call vote with Sen. Gross, Sen. Hinebauch and Sen. K. Regier voting no. Sen. S. Sales and Sen. Vance voted by proxy.

#### **EXECUTIVE ACTION ON SB 348**

11:30:23 **Motion:** Sen. Fielder moved that **SB 348 DO PASS**.

#### **Discussion:**

11:30:42 Chair Regier

11:31:17 Sen. Fielder

11:31:20 Chair Regier

11:31:30 Sen. MacDonald

11:31:41 Chair Regier

11:31:56 Sen. Fielder

11:32:34 Chair Regier

11:32:43 Sen. Sands  
 11:33:15 Sen. Gross  
 11:34:05 Chair Regier  
 11:34:10 Sen. Gross  
 11:34:44 Chair Regier  
 11:34:55 Sen. Sands  
 11:35:24 Chair Regier  
 11:35:41 Sen. Fielder  
 11:36:11 Sen. MacDonald  
 11:36:17 Sen. Gross  
 11:36:36 Sen. Fielder  
 11:36:40 Sen. MacDonald  
 11:37:17 Julianne Burkhardt, Legislative Services Division (LSD)

11:37:57 **Vote:** Motion carried 8-2 by roll call vote with Sen. Bennett and Sen. Gross voting no. Sen. S. Sales and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 362**

11:38:45 **Motion:** Sen. Fielder moved that **SB 362 DO PASS**.

**Discussion:**

11:39:00 Julianne Burkhardt, Legislative Services Division (LSD)  
 11:39:19 Chair Regier  
 11:39:25 Ms. Burkhardt, LSD  
 11:39:36 Sen. Esp  
 11:40:03 Chair Regier  
 11:40:16 Sen. Sands  
 11:41:21 Chair Regier  
 11:41:47 Sen. MacDonald  
 11:42:27 Chair Regier

11:42:32 Without objection, Sen. Fielder withdrew the motion.

11:42:43 Chair Regier

**EXECUTIVE ACTION ON SB 357**

11:42:59 **Motion:** Sen. Fielder moved that **SB 357 DO PASS**.

11:43:12 Without objection, Sen. Fielder withdrew the motion.

**EXECUTIVE ACTION ON SB 356**

11:43:21 **Motion:** Sen. Fielder moved that **SB 356 DO PASS**.

**Discussion:**

11:43:29 Julianne Burkhardt, Legislative Services Division (LSD)  
 11:44:03 Chair Regier  
 11:44:06 Ms. Burkhardt, LSD

11:44:13 Chair Regier

11:44:18 Without objection, Sen. Fielder withdrew the motion.

**EXECUTIVE ACTION ON SB 357**

11:44:50 **Motion/Vote:** Sen. Fielder moved that **SB 357 BE TABLED**. Motion carried 9-1 by voice vote with Sen. Bennett voting no. Sen. S. Sales and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON SB 326**

11:46:09 **Motion:** Sen. Fielder moved that **SB 326 DO PASS**.

**Discussion:**

11:46:16 Chair Regier

11:46:24 Julianne Burkhardt, Legislative Services Division (LSD)

11:47:11 **Motion:** Sen. Fielder moved that **SB 326 BE AMENDED**.  
[EXHIBIT\(jus63a05\)](#)

**Discussion:**

11:47:27 Ms. Burkhardt, LSD

11:49:08 Sen. MacDonald

11:49:43 Ms. Burkhardt

11:50:16 Sen. MacDonald

11:50:48 Ms. Burkhardt

11:51:00 **Substitute Motion:** Sen. MacDonald made a Substitute Motion that **PARAGRAPH 18 OF THE AMENDMENT BE SEGREGATED AND CONSIDERED SEPARATELY**.

**Discussion:**

11:51:28 Sen. Esp

11:51:50 Sen. Fielder

11:52:06 Sen. MacDonald

11:52:43 Sen. Sands

11:52:58 Sen. Gross

11:53:42 Chair Regier

11:54:04 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales and Sen. Vance voted by proxy.

**Discussion:**

11:54:53 Sen. Gross

11:55:46 Sen. Bennett

11:56:44 Sen. MacDonald

11:57:12 Sen. Esp

11:57:34 Sen. MacDonald

11:57:43 **Vote:** Motion carried 7-3 by roll call vote with Sen. Bennett, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales and Sen. Vance voted by proxy.

11:58:29 **Motion/Vote:** Sen. Fielder moved that **SB 326 DO PASS AS AMENDED.** Motion carried 9-1 by roll call vote with Sen. Vance voting no. Sen. S. Sales and Sen. Vance voted by proxy.

**Committee Business:**

11:59:23 Chair Regier  
11:59:40 Julianne Burkhardt, Legislative Services Division (LSD)  
11:59:57 Chair Regier  
12:00:18 Ms. Burkhardt, LSD  
12:00:31 Chair Regier  
12:00:33 Sen. Esp  
12:00:45 Chair Regier  
12:01:01 Sen. Sands  
12:01:08 Sen. Fielder  
12:02:22 Sen. Sands  
12:02:25 Chair Regier

**ADJOURNMENT**

Adjournment: 12:03 PM

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Noah Horan, Secretary

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Additional Documents:

**EXHIBIT([jus63aad.pdf](#))**