

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 2, 2019 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, 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. Jennifer Fielder, Vice Chair (R)
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: HB 217, 3/29/2019

Executive Action: HB 48 BE CONCURRED IN; HB 335 BE TABLED; HB 369 BE CONCURRED IN; HB 473 BE CONCURRED IN; HB 498 BE TABLED; HB 543 BE CONCURRED IN; HB 549 BE CONCURRED IN; HB 561 BE CONCURRED IN; HB 567 BE CONCURRED IN; HB 591 BE CONCURRED IN; HB 615 BE CONCURRED IN; HB 622 BE TABLED

HEARING ON HB 217**Opening Statement by Sponsor:**

09:03:20 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB 217, Remove suspension of driver's license as punishment for certain crimes.

Proponents' Testimony:

09:06:02 Don Jones, self

09:10:03 David Herbst, Americans for Prosperity Montana (AFP)

[EXHIBIT\(jus68a01\)](#)

09:15:48 Drew Geiger, Montana Collision Repair Association (MCRA)

09:17:38 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

[EXHIBIT\(jus68a02\)](#)

[EXHIBIT\(jus68a03\)](#)

09:20:00 Brad Griffin, Montana Restaurant Association (MRA)

09:21:02 Laurie Pope, self

09:22:28 Bruce Spencer, Montana State Bar

[EXHIBIT\(jus68a04\)](#)

09:26:06 Sydney Barry, Montana Coalition Against Domestic and Sexual Violence

09:26:32 SK Rossi, American Civil Liberties Union of Montana (ACLU)

[EXHIBIT\(jus68a05\)](#)

Opponents' Testimony:

09:31:40 Greg Mohr, Montana Magistrates Association (MMA)

[EXHIBIT\(jus68a06\)](#)

09:48:23 Bob Gilbert, Cities of Glendive and Colstrip

09:50:30 Kelly Mantooth, justice of the peace, Fergus County

10:00:54 Perry Miller, justice of the peace, Blaine County

10:11:53 Cassidy Blomgren, deputy prosecutor, City of Great Falls

10:23:36 Jennifer Ray, justice of the peace, Ravalli County

10:28:23 Kerry Burman, judge, City of Glendive

10:29:25 Jessie Connolly, justice of the peace, Sweetgrass County

10:32:52 Eric Bryson, Montana Association of Counties (MACo)

10:34:02 Bill Bronson, City of Great Falls, also speaking on behalf of the Montana League of Cities and Towns

Informational Testimony: None

Questions from Committee Members and Responses:

10:34:54 Sen. MacDonald

10:35:27 Rep. Knudsen

10:36:05 Sen. MacDonald

10:36:30 Rep. Knudsen

10:36:38 Sen. Sands entered the hearing.

10:36:55 Chair Regier
10:37:23 Mr. Mohr, MMA
10:37:58 Sen. Bennett
10:38:22 Mr. Herbst, AFP
10:41:22 Sen. MacDonald
10:41:57 Ms. Rossi, ACLU
10:43:25 Sen. MacDonald
10:43:40 Ms. Rossi
10:44:54 Sen. MacDonald
10:45:31 Ms. Rossi
10:46:36 Sen. Gross

Closing by Sponsor:

10:46:46 Rep. Knudsen

10:49:31 Recess

11:04:51 Reconvened

Sen. Vance and Sen. Gross did not return to the meeting.

EXECUTIVE ACTION ON HB 48

11:05:08 **Motion:** Sen. Sands moved that **HB 48 BE CONCURRED IN.**

Discussion:

11:05:41 Julianne Burkhardt, Legislative Services Division (LSD)

11:06:16 **Motion:** Sen. Sands moved that **HB 48 BE AMENDED.**
EXHIBIT(jus68a07)

Discussion:

11:06:28 Sen. Bennett

11:07:15 Chair Regier

11:07:25 Sen. Bennett

11:07:36 Chair Regier

11:08:00 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Fielder, Sen. Gross, Sen. S. Sales and Sen. Vance voted by proxy.

11:08:53 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. Gross, Sen. S. Sales and Sen. Vance voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 335

11:10:02 **Motion:** Sen. Sands moved that **HB 335 BE CONCURRED IN.**

11:10:23 Sen. Vance entered the meeting.

Discussion:

11:10:30 Julianne Burkhardt, Legislative Services Division (LSD)

11:10:44 **Motion:** Sen. Sands moved that **HB 335 BE AMENDED.**
EXHIBIT(jus68a08)

Discussion:

11:11:17 Ms. Burkhardt, LSD

11:13:04 Sen. MacDonald

11:13:49 Chair Regier

11:13:55 Sen. Hinebauch

11:14:04 Ms. Burkhardt

11:14:22 Sen. Sands

11:14:29 Chair Regier

11:14:38 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

11:15:05 **Motion:** Sen. Sands moved that **HB 335 BE CONCURRED IN AS AMENDED.**

Discussion:

11:15:15 Chair Regier

11:15:30 **Vote:** Motion failed 2-8 by roll call vote with Sen. Bennett and Sen. MacDonald voting aye. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

11:16:19 **Motion/Vote:** Sen. Esp moved that **HB 335 BE TABLED.** Motion carried unanimously by voice vote. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 369

11:16:57 **Motion:** Sen. Sands moved that **HB 369 BE CONCURRED IN.**

Discussion:

11:17:06 Ms. Burkhardt

11:18:01 **Motion:** Sen. MacDonald moved that **HB 369 BE AMENDED.**
EXHIBIT(jus68a09)

Discussion:

11:18:09 Sen. MacDonald

11:19:49 Chair Regier

11:19:53 Sen. Sands

11:20:43 Sen. Esp

11:21:01 Sen. MacDonald

11:21:40 Chair Regier

11:21:43 Sen. MacDonald

11:22:12 Chair Regier

11:22:20 Sen. Esp

11:22:37 Sen. MacDonald

11:23:12 Sen. Sands

11:23:30 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Fielder, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

11:24:14 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. Sands and Sen. Vance voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

EXECUTIVE ACTION ON HB 473

11:25:34 **Motion:** Sen. Sands moved that **HB 473 BE CONCURRED IN.**

Discussion:

11:25:42 Chair Regier

11:26:15 Sen. Sands

11:26:44 Chair Regier

11:26:53 Sen. Esp

11:27:15 Sen. MacDonald

11:27:40 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 498

11:28:37 **Motion:** Sen. Sands moved that **HB 498 BE CONCURRED IN.**

11:29:06 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **HB 498 BE TABLED.** Substitute Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder, Sen. Gross and Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 543

11:30:03 **Motion:** Sen. Sands moved that **HB 543 BE CONCURRED IN.**

Discussion:

11:30:11 Chair Regier

11:30:48 Sen. MacDonald

11:31:23 Sen. Esp

11:31:41 Sen. MacDonald

11:31:54 Chair Regier

11:31:56 Julianne Burkhardt, Legislative Service Division (LSD)

11:32:57 Sen. MacDonald

11:33:12 Ms. Burkhardt, LSD

11:33:24 Sen. Hinebauch

11:33:37 Ms. Burkhardt

11:34:07 Sen. MacDonald
11:34:55 Ms. Burkhardt
11:37:03 Chair Regier
11:37:06 Ms. Burkhardt

11:37:48 Sen. Gross entered the meeting.

11:37:56 Sen. Esp
11:38:30 Chair Regier

11:38:44 **Vote:** Motion carried 6-4 by roll call vote with Sen. Fielder, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting no. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. MacDonald will carry the bill.

EXECUTIVE ACTION ON HB 549

11:40:03 **Motion:** Sen. Sands moved that **HB 549 BE CONCURRED IN.**

Discussion:

11:40:09 Chair Regier
11:40:52 Sen. Sands
11:41:13 Chair Regier

11:41:34 **Vote:** Motion carried 6-4 by roll call vote with Sen. Hinebauch, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting no. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 561

11:42:39 **Motion:** Sen. Sands moved that **HB 561 BE CONCURRED IN.**

Discussion:

11:42:45 Chair Regier
11:42:56 Sen. Sands
11:44:07 Chair Regier

11:44:24 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 567

11:45:19 **Motion:** Sen. Sands moved that **HB 567 BE CONCURRED IN.**

Discussion:

11:45:26 Chair Regier
11:45:41 Sen. MacDonald
11:46:48 Sen. Gross
11:47:14 Sen. Hinebauch
11:47:54 Sen. Sands

11:49:06 Chair Regier

11:49:42 Sen. Sands

11:50:23 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 591

11:51:18 **Motion:** Sen. Sands moved that **HB 591 BE CONCURRED IN.**

Discussion:

11:51:33 Chair Regier

11:51:55 Sen. Gross

11:52:16 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. Hinebauch will carry the bill.

EXECUTIVE ACTION ON HB 615

11:52:57 **Motion:** Sen. Sands moved that **HB 615 BE CONCURRED IN.**

Discussion:

11:53:14 Chair Regier

11:53:20 Sen. Sands

11:53:31 Chair Regier

11:54:25 Sen. Gross

11:54:44 **Vote:** Motion carried 9-1 by roll call vote with Sen. Vance voting no. Sen. Fielder and Sen. S. Sales voted by proxy. Sen. Gross will carry the bill.

EXECUTIVE ACTION ON HB 622

11:55:47 **Motion:** Sen. Sands moved that **HB 622 BE CONCURRED IN.**

Discussion:

11:56:04 Ms. Burkhardt

[EXHIBIT\(jus68a10\)](#)

11:57:14 **Motion:** Sen. Bennett moved that **HB 622 BE AMENDED.**

[EXHIBIT\(jus68a11\)](#)

Discussion:

11:57:33 Sen. Bennett

11:58:11 Chair Regier

11:58:16 Sen. Bennett

11:58:30

Substitute Motion/Vote: Sen. Esp made a Substitute Motion that **HB 622 BE TABLED**. Substitute Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Fielder and Sen. S. Sales voted by proxy.

ADJOURNMENT

Adjournment: 12:00 PM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus68aad.pdf](#))