

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 5, 2019 at 8:00 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. Scott Sales (R)
Sen. Gordon Vance (R)

Members Excused: Sen. Jennifer Fielder, Vice Chair (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 534, 4/4/2019; HB 640, 4/4/2019; HB 735, 4/4/2019

Executive Action: HB 217 TABLED; HB 590 BE CONCURRED IN AS AMENDED

08:04:34 President Sales entered the meeting.

08:04:47 Recess

08:10:00 Reconvened

Sen. Gross did not return to the meeting.

EXECUTIVE ACTION ON HB 217

08:10:14 **Motion:** Sen. Sands moved that **HB 217 BE CONCURRED IN.**

Discussion:

08:10:27 Julianne Burkhardt, Legislative Services Division (LSD)

08:11:01 **Motion:** Sen. Sands moved that **HB 217 BE AMENDED.**

EXHIBIT(jus71a01)

Discussion:

08:11:16 Ms. Burkhardt, LSD

08:12:21 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder, Sen. Gross and Sen. MacDonald voted by proxy.

08:12:40 **Motion:** Sen. Sands moved that **HB 217 BE CONCURRED IN AS AMENDED.**

Discussion:

08:12:51 Chair Regier

08:13:35 Sen. Sands

08:14:08 **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. MacDonald voted by proxy.

08:14:59 **Motion/Vote:** Sen. Esp moved that **HB 217 BE TABLED.** Motion carried 5-4 by voice vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Gross and Sen. Sands voted by proxy. Sen. Fielder was excused.

EXECUTIVE ACTION ON HB 590

08:15:47 **Motion:** Sen. Sands moved that **HB 590 BE CONCURRED IN.**

Discussion:

08:15:56 Julianne Burkhardt, Legislative Services Division (LSD)

08:16:44 **Motion:** Sen. Sands moved that **HB 590 BE AMENDED.**

EXHIBIT(jus71a02)

Discussion:

08:16:51 Ms. Burkhardt, LSD

08:16:55 Sen. MacDonald entered the meeting.

08:17:16 Chair Regier
08:18:41 Ms. Burkhardt
08:18:50 Chair Regier
08:18:53 Sen. MacDonald

08:19:44 **Vote:** Motion carried unanimously by voice vote. Sen. Fielder and Sen. Gross voted by proxy.

08:20:06 **Motion/Vote:** Sen. Sands moved that **HB 590 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Fielder and Sen. Gross voted by proxy. Sen. MacDonald will carry the bill.

08:20:56 Recess
09:02:35 Reconvened

HEARING ON HB 534

Opening Statement by Sponsor:

09:02:57 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 534, Increase penalties for 5th and subsequent DUI.

Proponents' Testimony:

09:04:45 Jackie Jones, Montana County Attorneys Association (MCAA)
09:07:12 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

09:08:17 Megan Coy, Department of Corrections (DOC)
09:11:10 SK Rossi, American Civil Liberties Union of Montana (ACLU)

Informational Testimony: None

Questions from Committee Members and Responses:

09:12:20 Sen. Sands
09:13:12 Ms. Jones, MCAA
09:15:29 Sen. Sands
09:15:43 Ms. Jones
09:16:17 Sen. Sands
09:16:52 Ms. Jones
09:17:51 Sen. Sands
09:18:30 Cynthia Wolken, Department of Corrections (DOC)
09:20:09 Chair Regier
09:20:15 Ms. Wolken, DOC
09:20:53 Sen. Bennett
09:21:16 Ms. Jones
09:22:13 Sen. Bennett
09:22:29 Ms. Jones
09:23:00 Sen. Bennett
09:23:07 Ms. Jones

Closing by Sponsor:

09:23:14 Rep. Mercer

HEARING ON HB 640**Opening Statement by Sponsor:**

09:27:11 Rep. Shane Morigeau (D), HD 95, opened the hearing on HB 640, Generally revise laws related to childhood sexual abuse.

Proponents' Testimony:

09:37:35 Sen. Kenneth Bogner, SD 19

09:38:14 Rep. Bill Mercer, HD 46

09:46:21 Dan Rice, self

EXHIBIT(jus71a03)

09:51:50 Mayre Flowers, self

09:53:24 Kristin Newby, self

09:55:30 Jackie Jones, Montana County Attorneys Association (MCAA)

10:04:47 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

10:10:00 Kristi Bice, self

Opponents' Testimony:

10:19:03 Bob Leach, self

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

10:22:03 Sen. MacDonald

10:22:50 Ms. Young, MCADSV

10:25:24 Sen. MacDonald

10:25:38 Ms. Young

10:26:24 Sen. MacDonald

10:26:36 Ms. Young

10:26:56 Sen. MacDonald

10:27:18 Ms. Young

10:28:14 Sen. Sands

10:29:27 Rep. Morigeau

10:32:13 Sen. Sands

10:33:20 Rep. Mercer

10:34:45 Sen. Sands

10:34:51 Rep. Mercer

10:34:58 Sen. Sands

10:36:28 Mr. Rice, self

10:38:15 Sen. Sands

10:39:08 Rep. Mercer

10:40:25 Sen. Sands

10:40:31 Rep. Mercer

10:41:21 Sen. Sands

10:41:38 Rep. Mercer

10:44:32 Sen. Sands
10:45:58 Rep. Mercer
10:48:26 Sen. Sands
10:49:14 Rep. Mercer
10:51:00 Sen. Sands
10:51:15 Sen. MacDonald
10:51:51 Ms. Young

Closing by Sponsor:

10:53:21 Rep. Morigeau

11:01:23 Sen. Gross returned to the hearing.

HEARING ON HB 735

Opening Statement by Sponsor:

11:03:23 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 735, Revise campus free speech laws.

Proponents' Testimony:

11:08:06 David Herbst, Americans for Prosperity

[EXHIBIT\(jus71a04\)](#)

11:10:08 Tyler Coward, Foundation for Individual Rights in Education
11:14:05 Maria Cole, The Jeff Cole Legacy Fund
11:18:19 Kaleigh Cunningham, Americans for Prosperity
11:21:13 Alexander MacLeod, intern, Americans for Prosperity Montana; chapter president, Young Americans for Liberty, Carroll College; speaking on behalf of Ethan Holmes, University of Montana
11:24:58 Raymond Porter, Young Americans for Liberty

Opponents' Testimony:

11:28:29 SK Rossi, American Civil Liberties Union of Montana (ACLU)

[EXHIBIT\(jus71a05\)](#)

Questions from Committee Members and Responses:

11:29:10 Sen. Sands
11:29:25 Ms. Rossi, ACLU

Opponents' Testimony:

11:29:36 Garrett Lankford, Montana Human Rights Network
11:31:31 Sam Forstag, Montana Associated Students
11:34:12 Helen Thigpen, Montana University System
11:39:59 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

11:43:43 Chair Regier
11:44:01 Ms. Thigpen, MUS

11:44:12 Chair Regier
11:44:15 Ms. Thigpen
11:44:32 Chair Regier
11:44:39 Ms. Thigpen
11:44:54 Sen. Bennett
11:45:39 Rep. Hopkins
11:46:07 Sen. MacDonald
11:46:20 Rep. Hopkins
11:49:01 Sen. MacDonald
11:49:10 Rep. Hopkins

Closing by Sponsor:

11:50:08 Rep. Hopkins

11:52:15 Chair Regier
11:52:30 Sen. Esp
11:52:39 Ms. Burkhardt
11:52:47 Sen. Esp
11:52:55 Ms. Burkhardt

ADJOURNMENT

Adjournment: 11:53 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus71aad.pdf](#))