

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 9, 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. 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: HB 457, 4/5/2019; HB 645, 4/5/2019; HB 763, 4/5/2019

Executive Action: HB 534 BE CONCURRED IN; HB 735 BE CONCURRED IN AS AMENDED

HEARING ON HB 763**Opening Statement by Sponsor:**

09:04:03 Rep. Ryan Lynch (D), HD 76, opened the hearing on HB 763, Generally revise corrections laws.

Proponents' Testimony:

09:06:00 Cynthia Wolken, Department of Corrections (DOC)
09:08:53 Connie Winner, DOC
09:10:28 Matt Brower, Montana Catholic Conference
09:11:57 SK Rossi, American Civil Liberties Union of Montana
09:13:14 Beth Brennehan, Disability Rights Montana

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

09:14:32 Sen. Sands
09:15:24 Ms. Wolken, DOC
09:16:36 Sen. Sands
09:17:14 Ms. Wolken
09:17:56 Sen. Sands
09:18:20 Ms. Wolken
09:18:45 Sen. Sands
09:19:01 Chair Regier
09:19:09 Ms. Wolken
09:19:43 Chair Regier
09:19:49 Sen. MacDonald
09:20:25 Ms. Wolken
09:21:25 Sen. MacDonald
09:22:01 Sen. Gross
09:22:25 Rep. Lynch
09:23:34 Sen. Gross
09:23:42 Rep. Lynch

Closing by Sponsor:

09:24:08 Rep. Lynch

HEARING ON HB 457**Opening Statement by Sponsor:**

09:27:13 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 457, Protect personal information of internet customers, require opt in consent.

[EXHIBIT\(jus74a01\)](#)

Proponents' Testimony:

09:34:41 Wes Krawczyk, self

[EXHIBIT\(jus74a02\)](#)

09:38:19 Patrick Guinard, self
09:40:28 Michael Toppen, Montana Public Interest Research Group
09:41:07 SK Rossi, American Civil Liberties Union of Montana

Opponents' Testimony:

09:42:16 Geoff Feiss, Montana Telecommunications Association (MTA)
09:48:11 Stacey Mueller, Blackfoot Telephone Cooperative (BTC)
09:53:22 Mark Baker, Charter Communications; AT&T

EXHIBIT(jus74a03)

10:05:39 Tom Ebzery, CenturyLink
10:08:59 Bridger Mahlum, Montana Chamber of Commerce
10:15:29 Aimee Grmoljez, Verizon

EXHIBIT(jus74a04)

10:18:07 Andrew Kingman, State Privacy and Security Coalition

EXHIBIT(jus74a05)

10:20:24 Margaret Morgan, T-Mobile

Informational Testimony:

10:21:19 Liz Bangerter, Department of Justice (DOJ)

Questions from Committee Members and Responses:

10:21:43 Sen. Vance
10:22:01 Rep. Zolnikov
10:22:45 Sen. Vance
10:23:05 Rep. Zolnikov
10:24:30 Sen. Fielder
10:25:04 Rep. Zolnikov
10:26:05 Sen. Gross
10:26:50 Rep. Zolnikov
10:27:33 Sen. Gross
10:27:44 Rep. Zolnikov
10:28:24 Sen. Gross
10:28:57 Rep. Zolnikov
10:29:39 Sen. Gross
10:30:02 Mr. Feiss, MTA
10:31:04 Sen. Gross
10:31:34 Mr. Feiss
10:31:50 Sen. Gross
10:32:11 Mr. Baker, Charter, AT&T
10:32:15 Sen. Gross
10:32:24 Mr. Baker
10:32:43 Sen. Gross
10:32:53 Mr. Baker
10:33:01 Sen. Gross
10:33:27 Mr. Baker
10:33:42 Sen. Gross
10:34:01 Ms. Grmoljez, Verizon

10:34:28 Chair Regier
10:34:40 Ms. Bangerter, DOJ
10:35:00 Sen. Bennett
10:35:50 Mr. Feiss
10:35:53 Sen. Bennett
10:36:17 Mr. Feiss
10:36:53 Sen. Bennett
10:37:15 Mr. Feiss
10:38:30 Sen. Bennett
10:38:54 Mr. Feiss
10:38:57 Sen. Bennett
10:39:22 Mr. Feiss
10:39:54 Sen. Gross
10:40:21 Ms. Mueller, BTC
10:40:31 Sen. Gross
10:40:37 Ms. Mueller

Closing by Sponsor:

10:40:55 Rep. Zolnikov

[EXHIBIT\(jus74a06\)](#)

HEARING ON HB 645

Opening Statement by Sponsor:

10:47:48 Rep. Katie Sullivan (D), HD 89, opened the hearing on HB 645, Establish the Montana Biometric Information Privacy Act.

[EXHIBIT\(jus74a07\)](#)

Proponents' Testimony:

10:54:05 Michael Toppen, Montana Public Interest Research Group

10:54:46 Patrick Guinard, self

10:55:55 SK Rossi, American Civil Liberties Union of Montana

10:56:11 Wes Krawczyk, self

10:57:06 Rep. Daniel Zolnikov, HD 45

Opponents' Testimony:

10:58:05 Rose Feliciano, Internet Association

[EXHIBIT\(jus74a08\)](#)

11:06:28 David Herbst, Americans for Prosperity Montana

[EXHIBIT\(jus74a09\)](#)

[EXHIBIT\(jus74a10\)](#)

11:08:51 Sen. Gross left the hearing.

11:11:41 Carl Szabo, NetChoice

[EXHIBIT\(jus74a11\)](#)

[EXHIBIT\(jus74a12\)](#)

11:16:13 Brad Griffin, Montana Retail Association

11:20:31 Andrew Kingman, State Privacy and Security Coalition

[EXHIBIT\(jus74a13\)](#)

[EXHIBIT\(jus74a14\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

11:27:35 Sen. Vance

11:27:47 Rep. Sullivan

Closing by Sponsor:

11:28:35 Rep. Sullivan

11:32:04 Recess

11:43:13 Reconvened

Sen. Vance did not return from recess.

11:43:29 Sen. Esp

EXECUTIVE ACTION ON HB 534

11:43:56 **Motion:** Sen. Fielder moved that **HB 534 BE CONCURRED IN.**

Discussion:

11:44:03 Chair Regier

11:44:39 Sen. MacDonald

11:45:02 Julianne Burkhardt, Legislative Services Division (LSD)

11:45:47 Sen. MacDonald

11:46:58 Chair Regier

11:47:17 Ms. Burkhardt, LSD

11:47:48 Chair Regier

11:48:13 Sen. MacDonald

11:49:01 Sen. Esp

11:49:40 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Vance voting no. Sen. Vance voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 735

11:51:12 **Motion:** Sen. Fielder moved that **HB 735 BE CONCURRED IN.**

Discussion:

11:51:38 Julianne Burkhardt, Legislative Services Division (LSD)

11:52:41 **Motion:** Sen. Fielder moved that **HB 735 BE AMENDED.**

[EXHIBIT\(jus74a15\)](#)

Discussion:

- 11:52:48 Ms. Burkhardt, LSD
- 11:56:20 Sen. Sands left the meeting.
- 11:56:31 Sen. Fielder
- 11:56:45 David Herbst, Americans for Prosperity Montana
- 11:57:13 President Sales
- 11:57:26 Ms. Burkhardt
- 11:57:53 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vance voting no. Sen. Sands and Sen. Vance voted by proxy.
- 11:58:38 **Motion:** Sen. Fielder moved that **HB 735 BE CONCURRED IN AS AMENDED.**

Discussion:

- 11:58:41 Sen. Gross
- 12:00:22 Sen. MacDonald
- 12:01:51 Sen. Fielder
- 12:01:57 Sen. Gross
- 12:02:12 Ms. Burkhardt
- 12:02:33 Sen. Fielder
- 12:03:57 **Vote:** Motion carried 8-2 by roll call vote with Sen. MacDonald and Sen. Sands voting no. Sen. Sands and Sen. Vance voted by proxy. Sen. Fielder will carry the bill.

Committee Business:

- 12:05:07 Sen. Esp
EXHIBIT(jus74a16)
- 12:06:49 Sen. Sands and Sen. Vance returned to the meeting.
- 12:07:58 Sen. MacDonald
- 12:08:10 Sen. Esp
- 12:08:35 Sen. Gross
- 12:09:00 Sen. Esp
- 12:09:09 Sen. Gross
- 12:09:57 Sen. Esp
- 12:10:33 Julianne Burkhardt, Legislative Services Division (LSD)
- 12:11:16 Sen. Gross
- 12:11:44 Chair Regier
- 12:11:48 Ms. Burkhardt, LSD
- 12:12:16 Sen. MacDonald
- 12:12:27 Ms. Burkhardt
- 12:14:09 Sen. Gross
- 12:14:50 Sen. Esp
- 12:15:08 Chair Regier
- 12:15:19 Ms. Burkhardt
- 12:15:49 Chair Regier

ADJOURNMENT

Adjournment: 12:16 PM

Noah Horan, Secretary

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Additional Documents:

Additional Documents:

EXHIBIT([jus74aad.pdf](#))