

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on April 11, 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: HB 745, 4/5/2019; HB 749, 4/5/2019; SJ 26, 4/5/2019

Executive Action: HB 421 BE CONCURRED IN; HB 439 BE CONCURRED IN AS AMENDED; HB 457 BE TABLED; HB 477 BE TABLED; HB 500 BE CONCURRED IN; HB 763 BE CONCURRED IN

**EXECUTIVE ACTION ON HB 421**

08:04:41 **Motion:** Sen. Fielder moved that **HB 421 BE CONCURRED IN.**

**Discussion:**

08:04:49 Chair Regier  
08:05:12 Julianne Burkhardt, Legislative Services Division  
08:05:30 Bobby Lavinder, committee aide  
08:05:41 Sen. Esp  
08:05:54 Sen. Hinebauch  
08:06:01 Sen. Fielder  
08:06:19 Rep. Julie Dooling, HD 70  
08:06:32 Chair Regier

08:06:50 Without objection, Sen. Fielder withdrew the motion.

**EXECUTIVE ACTION ON HB 439**

08:07:01 **Motion:** Sen. Fielder moved that **HB 439 BE CONCURRED IN.**

**Discussion:**

08:07:24 Julianne Burkhardt, Legislative Services Division (LSD)

08:09:53 **Motion:** Sen. Sands moved that **HB 439 BE AMENDED.**  
**EXHIBIT(jus76a01)**

**Discussion:**

08:10:03 Ms. Burkhardt, LSD  
08:10:10 Chair Regier  
08:10:18 Sen. Sands  
08:10:52 Ms. Burkhardt  
08:11:11 Sen. Sands  
08:11:31 Chair Regier  
08:11:58 Sen. Fielder  
08:13:04 Sen. Sands  
08:13:23 Sen. MacDonald  
08:14:09 Chair Regier

08:14:41 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Gross and Sen. S. Sales voted by proxy.

08:15:18 **Motion:** Sen. Fielder moved that **HB 439 BE AMENDED.**  
**EXHIBIT(jus76a02)**

**Discussion:**

08:16:35 Ms. Burkhardt  
08:17:09 Sen. Sands  
08:17:30 Ms. Burkhardt

08:18:30 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross and Sen. S. Sales voted by proxy.

08:19:16 **Motion:** Sen. Fielder moved that **HB 439 BE CONCURRED IN AS AMENDED.**

08:19:24 **Motion:** Sen. Fielder moved that **HB 439 BE AMENDED.**  
[EXHIBIT\(jus76a03\)](#)

**Discussion:**

08:19:43 Ms. Burkhardt

08:21:26 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

08:21:43 **Motion:** Sen. Fielder moved that **HB 439 BE CONCURRED IN AS AMENDED.**

**Discussion:**

08:21:51 Sen. Bennett

08:23:41 Sen. Fielder

08:25:03 **Vote:** Motion carried 9-1 by roll call vote with Sen. Bennett voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

**EXECUTIVE ACTION ON HB 421**

08:26:10 **Motion:** Sen. Fielder moved that **HB 421 BE CONCURRED IN.**

**Discussion:**

08:26:14 Sen. Sands

08:27:06 Sen. Fielder

08:28:06 Chair Regier

08:28:18 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Regier will carry the bill.

**EXECUTIVE ACTION ON HB 457**

08:29:11 **Motion:** Sen. Fielder moved that **HB 457 BE CONCURRED IN.**

08:29:15 Sen. Vance left the meeting.

08:29:30 Chair Regier

08:29:44 **Substitute Motion/Vote:** Sen. Esp made a Substitute Motion that **HB 457 BE TABLED.** Substitute Motion carried 9-1 by roll call vote with Sen. Bennett voting no. Sen. Gross, Sen. S. Sales and Sen. Vance voted by proxy.

**EXECUTIVE ACTION ON HB 477**

08:30:42 **Motion/Vote:** Sen. Fielder moved that **HB 477 BE TABLED**. Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Gross, Sen. S. Sales and Sen. Vance voted by proxy.

08:31:57 Sen. Bennett

08:32:32 Chair Regier

08:32:38 Sen. Vance returned to the meeting.

**EXECUTIVE ACTION ON HB 500**

08:32:44 **Motion:** Sen. Fielder moved that **HB 500 BE CONCURRED IN**.

**Discussion:**

08:32:53 Chair Regier

08:33:08 Sen. Sands

08:34:42 Chair Regier

08:35:02 Sen. Fielder

08:36:33 **Vote:** Motion carried 6-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

08:38:18 Julianne Burkhardt, Legislative Services Division

**EXECUTIVE ACTION ON HB 763**

08:38:48 **Motion:** Sen. Fielder moved that **HB 763 BE CONCURRED IN**.

**Discussion:**

08:38:57 Chair Regier

08:39:10 Sen. MacDonald

08:40:22 Sen. Sands

08:41:34 Sen. Fielder

08:43:00 **Vote:** Motion carried 6-4 by roll call vote with Sen. Hinebauch, Sen. K. Regier, Sen. S. Sales and Sen. Vance voting no. Sen. Gross and Sen. S. Sales voted by proxy. Sen. Fielder will carry the bill.

08:44:12 Recess

09:02:22 Reconvened

**HEARING ON HB 749****Opening Statement by Sponsor:**

09:02:34 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 749, Generally revise human trafficking laws.

09:07:31 Sen. Gross entered the hearing.

**Proponents' Testimony:**

09:10:18 Chris Kukulski, city administrator, City of Billings

[EXHIBIT\(jus76a04\)](#)

09:17:09 Dan Brooks, Billings Chamber of Commerce

09:18:43 Wendy Marsh, self

09:19:55 Anita Milanovich, Montana Family Foundation

09:20:27 Debra Kimmet, self

09:22:46 Bryan Lockerby, Department of Justice (DOJ)

09:24:57 Glory Blue Earth-Highley, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:26:10 Chair Regier

09:26:35 Mr. Lockerby, DOJ

09:27:29 Chair Regier

09:27:38 Mr. Lockerby

09:27:43 Chair Regier

09:27:55 Mr. Lockerby

09:28:39 Chair Regier

09:28:55 Mr. Lockerby

09:30:29 Chair Regier

09:30:38 Mr. Lockerby

**Closing by Sponsor:**

09:30:59 Rep. Zolnikov

**HEARING ON HB 745**

**Opening Statement by Sponsor:**

09:33:54 Rep. Andrea Olsen (D), HD 100, opened the hearing on HB 745, Enact a student online personal information protection act.

**Proponents' Testimony:**

09:37:38 Rep. Daniel Zolnikov, HD 45

09:38:35 Paul Kozlowitz, Montana Educational Technologists Association (META)

[EXHIBIT\(jus76a05\)](#)

09:43:35 Morgan Smith, Montana Federation of Public Employees

09:44:07 Kirk Miller, School Administrators of Montana (SAM)

**Opponents' Testimony:**

09:49:24 Pat Noonan, Internet Association

[EXHIBIT\(jus76a06\)](#)

[EXHIBIT\(jus76a07\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:52:04 Sen. MacDonald  
09:52:46 Mr. Miller, SAM  
09:53:35 Sen. MacDonald  
09:54:16 Mr. Kozlowitz, META  
09:55:04 Sen. MacDonald  
09:55:22 Mr. Kozlowitz  
09:55:52 Sen. Fielder  
09:56:12 Rep. Olsen  
09:57:39 Chair Regier  
09:57:56 Rep. Olsen  
09:58:43 Chair Regier  
09:58:56 Rep. Olsen

**EXHIBIT(jus76a08)**

09:59:53 Chair Regier  
10:00:09 Mr. Kozlowitz  
10:00:26 Chair Regier  
10:00:33 Mr. Kozlowitz  
10:00:44 Chair Regier  
10:01:00 Mr. Kozlowitz  
10:01:33 Chair Regier  
10:01:44 Mr. Kozlowitz  
10:02:18 Chair Regier  
10:02:35 Mr. Kozlowitz  
10:03:40 Chair Regier  
10:03:58 Rep. Olsen  
10:05:01 Sen. Sands  
10:05:39 Rep. Olsen  
10:06:58 Sen. Sands  
10:07:51 Rep. Olsen

**Closing by Sponsor:**

10:08:57 Rep. Olsen

**HEARING ON SJ 26**

**Opening Statement by Sponsor:**

10:11:39 Sen. Diane Sands (D), SD 49, opened the hearing on SJ 26, Study resolution on the uniform parentage act of 2017.

**Proponents' Testimony:**

10:12:45 Jacqueline Lenmark, Uniform Law Commission (ULC)  
10:21:33 Susan Ridgeway, self

**Opponents' Testimony:**

10:30:58 Jeff Laszloffy, Montana Family Foundation  
10:35:58 Anita Milanovich, Montana Family Foundation

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:36:31 Chair Regier  
10:36:48 Ms. Lenmark, ULC  
10:37:26 Chair Regier  
10:37:36 Sen. Fielder  
10:38:13 Sen. Sands  
10:40:19 Sen. Fielder  
10:40:31 Sen. Sands  
10:40:36 Sen. Fielder  
10:40:55 Sen. Sands

**Closing by Sponsor:**

10:41:46 Sen. Sands  
  
10:42:33 Chair Regier

**ADJOURNMENT**

Adjournment: 10:42 AM

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Noah Horan, Secretary

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Additional Documents:

**EXHIBIT([jus76aad.pdf](#))**