

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 12, 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. 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:

Executive Action: HB 532 BE CONCURRED IN AS AMENDED; HB 640 BE CONCURRED IN AS AMENDED; HB 645 TABLED; HB 745 BE CONCURRED IN; HB 749 BE CONCURRED IN; SJ 26 BE TABLED

EXECUTIVE ACTION ON HB 532

09:04:01 **Motion:** Sen. Fielder moved that **HB 532 BE CONCURRED IN.**

Discussion:

09:04:34 Julianne Burkhardt, Legislative Services Division

09:04:47 Sen. Esp

09:05:24 Rep. Bill Mercer, HD 46

09:06:43 Chair Regier left the meeting. Sen. Fielder assumed the Chair.

09:11:04 **Motion/Vote:** Sen. Esp moved that **HB 532 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Gross, Sen. K. Regier and Sen. S. Sales voted by proxy.

EXHIBIT(jus77a01)

09:11:55 **Motion:** Sen. Esp moved that **HB 532 BE CONCURRED IN AS AMENDED.**

09:11:59 Sen. Regier returned to the meeting and resumed the Chair.

09:12:06 **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. Esp will carry the bill.

EXECUTIVE ACTION ON HB 640

09:13:54 **Motion:** Sen. Fielder moved that **HB 640 BE CONCURRED IN.**

Discussion:

09:14:01 Chair Regier

09:14:05 Julianne Burkhardt, Legislative Services Division

09:15:56 **Motion:** Sen. Fielder moved that **HB 640 BE AMENDED.**

EXHIBIT(jus77a02)**Discussion:**

09:16:12 Ms. Burkhardt, LSD

09:17:07 Chair Regier

09:17:12 Ms. Burkhardt

09:17:25 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. S. Sales voted by proxy.

09:17:45 **Motion:** Sen. Fielder moved that **HB 640 BE CONCURRED IN AS AMENDED.**

09:17:55 **Motion:** Sen. Sands moved that **HB 640 BE AMENDED.**

EXHIBIT(jus77a03)**Discussion:**

09:20:42 Ms. Burkhardt

09:23:50 Sen. Gross entered the meeting.

09:26:59 Sen. Sands
09:29:16 Sen. MacDonald
09:32:33 Sen. Sands
09:32:45 Sen. Esp
09:33:21 Sen. Fielder
09:33:36 Chair Regier
09:34:12 Sen. MacDonald
09:34:35 Chair Regier

09:34:43 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

09:35:28 **Motion:** Sen. Sands moved that **HB 640 BE AMENDED.**
[EXHIBIT\(jus77a04\)](#)

Discussion:

09:38:05 Chair Regier
09:38:47 Sen. Sands
09:39:03 Sen. Fielder
09:39:22 Sen. Sands
09:40:02 Sen. Fielder
09:40:05 Sen. Sands
09:40:37 Sen. Fielder
09:40:42 Sen. Sands

09:40:52 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

09:41:40 Sen. Sands
09:42:09 Sen. Gross
09:42:35 Sen. MacDonald

09:43:23 **Vote:** Motion carried 8-2 by roll call vote with Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy. Sen. Bogner will carry the bill.

09:44:50 Sen. Bennett

EXECUTIVE ACTION ON HB 645

09:45:36 **Motion:** Sen. Fielder moved that **HB 645 BE CONCURRED IN.**

Discussion:

09:45:44 Chair Regier
09:45:51 Julianne Burkhardt, Legislative Services Division (LSD)

09:46:47 **Motion:** Sen. Sands moved that **HB 645 BE AMENDED.**
[EXHIBIT\(jus77a05\)](#)

Discussion:

09:47:00 Ms. Burkhardt, LSD
09:47:51 Sen. Sands
09:47:58 Ms. Burkhardt
09:49:09 Sen. Sands
09:49:14 Chair Regier
09:49:23 Ms. Burkhardt
09:49:48 Sen. Sands

09:50:04 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

09:50:55 Sen. Bennett
09:52:46 Chair Regier
09:53:19 Sen. Fielder

09:53:44 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.

09:54:20 **Motion/Vote:** Sen. Sands moved that **HB 645 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON HB 745

09:54:56 **Motion:** Sen. Fielder moved that **HB 745 BE CONCURRED IN**.

Discussion:

09:55:04 Chair Regier
09:55:13 Julianne Burkhardt, Legislative Services Division (LSD)
09:55:42 Sen. Sands

09:56:21 **Motion:** Sen. Sands moved that **HB 745 BE AMENDED**.
[EXHIBIT\(jus77a06\)](#)

Discussion:

09:56:31 Ms. Burkhardt, LSD

09:57:04 Sen. Esp left the meeting.

09:57:20 Sen. Sands
09:57:56 Chair Regier

09:58:18 **Vote:** Motion failed 5-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. Esp and Sen. S. Sales voted by proxy.

09:59:00 Sen. Sands
09:59:50 Chair Regier

- 09:59:57 Sen. Esp returned to the meeting.
- 10:00:29 Sen. MacDonald
- 10:01:11 **Vote:** Motion carried 8-2 by roll call vote with Sen. Hinebauch and Sen. Vance voting no. Sen. S. Sales voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 749

- 10:02:10 **Motion:** Sen. Fielder moved that **HB 749 BE CONCURRED IN.**

Discussion:

- 10:02:33 Chair Regier
- 10:02:49 Sen. MacDonald
- 10:03:36 **Vote:** Motion carried 7-3 by roll call vote with Sen. Hinebauch, Sen. S. Sales and Sen. Vance voting no. Sen. S. Sales voted by proxy. Sen. Gross will carry the bill.

EXECUTIVE ACTION ON SJ 26

- 10:04:54 **Motion:** Sen. Sands moved that **SJ 26 DO PASS.**

Discussion:

- 10:05:03 Sen. Sands
- 10:06:53 Chair Regier
- 10:07:21 **Vote:** Motion failed 4-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. MacDonald and Sen. Sands voting aye. Sen. S. Sales voted by proxy.
- 10:07:59 **Motion/Vote:** Sen. Fielder moved that **SJ 26 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

Committee Business:

- 10:08:10 Chair Regier
- 10:08:30 Julianne Burkhardt, Legislative Services Division (LSD)
- 10:08:46 Chair Regier
- 10:09:01 Recess
- 10:12:04 Reconvened
- 10:12:15 Sen. Sands
- 10:13:07 Sen. Fielder
- 10:13:39 Sen. Sands
- 10:14:52 Chair Regier
- 10:15:02 Sen. Fielder
- 10:15:58 Noah Horan, committee secretary
- 10:16:28 Ms. Burkhardt, LSD
- 10:16:48 Bobby Lavinder, committee aide

10:16:59 Sen. Sands
10:17:16 Sen. MacDonald
10:18:05 Sen. Gross
10:18:36 Chair Regier

ADJOURNMENT

Adjournment: 10:18 AM

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([jus77aad.pdf](#))