

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on January 15, 2021 at 9:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bryce Bennett (D)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebauch (R)  
Sen. Theresa Manzella (R)

**Members Present by Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Susan Webber (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, 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: SB 104, 1/13/2021

Executive Action: SB 4, Do Pass as Amended; SB 31, Do Pass; SB 67, Do Pass; SB 68, Do Pass; SB 69, Do Pass

09:01:13 Chair Regier

[EXHIBIT\(jus10a01\)](#)

### HEARING ON SB 104

#### Opening Statement by Sponsor:

09:02:27 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SB104, Uniform Family Law Arbitration Act.

Sen. Bennett entered the meeting.

#### Proponents' Testimony:

09:04:30 Lori Harshbarger, Legislative Committee Family Law Section, Montana State Bar; Harshbarger Law Firm

[EXHIBIT\(jus10a02\)](#)

09:19:02 Jacqueline Lenmark, Uniform Law Commission

09:25:52 Katie Mazurek, Element Law Group

[EXHIBIT\(jus10a03\)](#)

09:30:54 Hilary Betson, Harshbarger Law Firm

[EXHIBIT\(jus10a04\)](#)

09:32:50 Eric Goldwarg, Bozeman

[EXHIBIT\(jus10a05\)](#)

09:35:58 Mars Scott, Legislative Committee Family Law Section, Montana State Bar

[EXHIBIT\(jus10a06\)](#)

Additional testimony received:

[EXHIBIT\(jus10a07\)](#)

Opponents' Testimony: None

#### Informational Testimony:

09:38:16 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

[EXHIBIT\(jus10a08\)](#)

#### Questions from Committee Members and Responses:

09:39:22 Sen. Friedel

09:44:02 Ms. Harshbarger

09:44:40 Sen. Friedel

09:44:53 Ms. Harshbarger

09:45:09 Sen. Esp

09:45:22 Ms. Harshbarger

09:46:00 Sen. Sands

09:50:29 Mars Scott

09:51:36 Sen. Sands

09:52:29 Ms. Young, MCADSV

09:55:52 Sen. Sands

Sen. McGillvray entered the meeting.

09:56:34 Mr. Scott, state bar  
09:57:11 Sen. Manzella  
09:57:49 Ms. Harshbarger, state bar  
09:58:52 Chair Regier  
10:02:43 Ms. Harshbarger  
10:03:27 Chair Regier  
10:03:46 Julianne Burkhardt, Legislative Services Division (LSD)  
10:04:15 Chair Regier

**Closing by Sponsor:**

10:04:35 Sen. Wellborn  
  
10:05:55 Chair Regier  
  
10:06:13 Recess

Sen Webber joined the meeting by zoom video conference.

10:20:36 Reconvened

**EXECUTIVE ACTION ON SB 4**

10:21:08 **Motion:** Sen. McGillvray moved that **SB 4 DO PASS.**

**Discussion:**

10:21:32 Julianne Burkhardt, Legislative Services Division (LSD)  
10:22:14 Chair Regier  
10:22:34 Ms. Burkhardt, LSD  
10:22:48 Chair Regier  
10:22:54 Jacelyn Sterling, committee secretary  
10:23:10 Chair Regier  
10:23:14 Sen. McGillvray  
10:23:33 Chair Regier

10:23:50 **Motion/Vote:** Sen. Manzella moved that **SB 4 BE AMENDED.** Motion carried unanimously by voice vote.

**EXHIBIT(jus10a09)**

10:25:14 **Motion:** Sen. McGillvray moved that **SB 4 DO PASS AS AMENDED.**

10:25:19 **Motion:** Sen. McGillvray moved that **SB 4 BE AMENDED.**

**EXHIBIT(jus10a10)**

**Discussion:**

10:26:34 Sen. Gross  
10:26:47 Sen. McGillvray

10:26:57 Sen. Friedel  
 10:27:13 Chair Regier  
 10:27:19 Sen. Sands  
 10:28:19 Sen. McGillvray  
 10:29:14 Sen Sands  
 10:30:05 Sen. Gross

10:30:50 **Vote:** Motion carried unanimously by voice vote.

10:31:06 **Motion/Vote:** Sen. McGillvray moved that **SB 4 DO PASS AS AMENDED.**  
 Motion carried 10-1 by roll call vote with Sen. Hinebauch voting no.

**EXECUTIVE ACTION ON SB 31**

10:32:47 **Motion:** Sen. McGillvray moved that **SB 31 DO PASS.**

**Discussion:**

10:32:57 Ms. Burkhardt  
 10:33:13 Sen. Sands

10:34:45 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 67**

10:35:12 **Motion:** Sen. McGillvray moved that **SB 67 DO PASS.**

**Discussion:**

10:35:34 Ms. Burkhardt

10:35:50 **Vote:** Motion carried unanimously by roll call vote.

**EXECUTIVE ACTION ON SB 68**

10:36:44 **Motion:** Sen. McGillvray moved that **SB 68 DO PASS.**

**Discussion:**

10:36:51 Ms. Burkhardt

10:37:14 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 69**

10:37:35 **Motion:** Sen. McGillvray moved that **SB 69 DO PASS.**

**Discussion:**

10:37:40 Ms. Burkhardt  
 10:38:17 Sen. Bennett  
 10:39:15 Sen. McGillvray

10:40:02 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

**Committee Business:**

10:40:51 Chair Regier  
10:41:17 Sen. Sands  
10:41:37 Chair Regier  
10:41:54 Ms. Burkhardt  
10:42:16 Sen. Esp  
10:42:35 Sen. Sands  
10:43:33 Chair Regier  
10:43:51 Sen. Webber  
10:44:22 Ms. Burkhardt

**ADJOURNMENT**

Adjournment: 10:44 AM

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Jacelyn Sterling, Secretary

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Additional Documents:

**EXHIBIT**([jus10aad.pdf](#))