

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on January 26, 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 127, 1/22/2021; SB 132, 1/22/2021

Executive Action: SJ 2 Be Tabled, HB 102 Be Concurred in as Amended, SB 104 Do Pass

HEARING ON SB 127

Opening Statement by Sponsor:

09:01:50 Sen. Chris Friedel (R), SD 26, opened the hearing on SB127, Revise laws on the selection of municipal court judges.

[EXHIBIT\(jus17a01\)](#)

Proponents' Testimony:

09:03:36 Rep. Larry Brewster, HD 44

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:04:54 Sen. Manzella

09:05:56 Sen. Friedel

09:06:36 Sen. Gross

09:07:26 Sen. Friedel

09:07:44 Sen. Sands

09:08:09 Sen. Friedel

09:08:24 Sen. Sands

09:08:35 Sen. Bennett

09:09:27 Sen. Friedel

Closing by Sponsor:

09:09:57 Sen. Friedel

09:10:57 Chair Regier passed the duties of the Chair to Vice Chair McGillvray.

HEARING ON SB 132

Opening Statement by Sponsor:

09:11:19 Sen. Keith Regier (R), SD 3, opened the hearing on SB132, Require accommodations to employer-mandated vaccinations to be uniformly offered.

Proponents' Testimony:

09:13:48 Robyn Mohs, citizen

Opponents' Testimony:

09:15:06 Marian Kummer, Montana Chapter of the American Academy of Pediatrics (MTAAP)

[EXHIBIT\(jus17a02\)](#)

Additional testimony received:

[EXHIBIT\(jus17a03\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:17:47 Sen. Hinebauch
09:18:29 Ms. Kummer, MTAAP
09:18:59 Sen. Manzella
09:19:42 Sen. Regier
09:20:24 Sen. Sands
09:21:16 Ms. Kummer
09:21:37 Sen. Gross
09:22:08 Sen. Regier
09:22:30 Sen. Gross
09:23:25 Sen. Regier
09:24:07 Sen. Brown
09:24:36 Ms. Kummer
09:24:56 Sen. Bennett
09:25:32 Sen. Regier
09:25:43 Julianne Burkhardt, Legislative Services Division (LSD)

Closing by Sponsor:

09:26:14 Sen. Regier

Sen Regier resumed the duties of the Chair.

09:27:48 Ms. Burkhardt, LSD

09:28:10 Recess

09:40:17 Reconvened

EXECUTIVE ACTION ON HB 102

09:40:31 **Motion:** Sen. McGillvray moved that **HB 102 BE CONCURRED IN.**

Discussion:

09:40:36 Chair Regier
09:41:59 Julianne Burkhardt, Legislative Services Division (LSD)
09:42:49 Sen. Esp
09:43:07 Ms. Burkhardt, LSD
09:43:15 Chair Regier
09:43:42 Sen. Esp
09:43:51 Chair Regier
09:44:04 Sen. Webber
09:44:25 Chair Regier
09:44:32 Ms. Burkhardt
09:44:54 Chair Regier

09:45:14 **Motion:** Sen. McGillvray moved that **HB 102 BE AMENDED.**
EXHIBIT(jus17a04)

Discussion:

09:45:23 Chair Regier
09:46:02 Sen. Sands

- 09:46:36 Sen. Bennett
- 09:47:47 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.
- 09:48:18 **Motion:** Sen. McGillvray moved that **HB 102 BE CONCURRED IN AS AMENDED.**
- 09:48:33 **Motion:** Sen. McGillvray moved that **HB 102 BE AMENDED.**
[EXHIBIT\(jus17a05\)](#)
- 09:49:48 **Substitute Motion:** Sen. Esp moved **TO SEGREGATE FROM THE AMENDMENT Page 6, Paragraph 9, Lines 4, 5, and 6.**

Discussion:

- 09:52:14 Chair Regier
- 09:52:22 Sen. Esp
- 09:52:31 Chair Regier
- 09:53:39 Sen. Bennett
- 09:54:15 Chair Regier
- 09:54:40 Sen. Hinebauch
- 09:54:48 Sen. Esp
- 09:56:03 Chair Regier
- 09:56:08 Sen. Esp
- 09:56:20 Sen. Hinebauch
- 09:56:29 Chair Regier
- 09:56:40 Julianne Burkhardt, Legislative Services Division (LSD)
- 09:57:25 Sen. Esp
- 09:57:46 Chair Regier
- 09:58:03 Sen Esp
- 09:59:17 Ms. Burkhardt, LSD
- 09:59:45 Chair Regier
- 10:00:25 Sen. Brown
- 10:01:07 Sen. Esp
- 10:01:26 Sen. Friedel
- 10:02:36 **Vote:** Substitute Motion failed 3-8 by roll call vote with Sen. Esp, Sen. Gross and Sen. McGillvray voting aye.
- 10:02:43 Chair Regier
- 10:03:09 Sen. Gross
- 10:04:04 Sen. Manzella
- 10:04:48 Sen. Brown
- 10:05:03 Sen. Gross
- 10:06:54 Chair Regier
- 10:07:04 Sen. Gross
- 10:07:21 Sen. McGillvray
- 10:08:13 Ms. Burkhardt
- 10:08:28 Sen. McGillvray

10:08:49 Ms. Burkhardt
10:09:09 Sen. Esp
10:11:25 Sen. Gross
10:12:42 Ms. Burkhardt

10:14:16 **Vote:** Motion failed 5-6 by roll call vote with Sen. Brown, Sen. Friedel, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting aye.

10:15:23 Sen. Esp
10:16:01 Chair Regier
10:16:08 Ms. Burkhardt

10:16:41 **Motion:** Sen. Esp moved that **HB 102 BE AMENDED.**
EXHIBIT(jus17a06)

Discussion:

10:17:54 Chair Regier
10:18:08 Sen. Esp
10:18:42 Sen. Manzella
10:19:18 Sen. Esp
10:19:31 Sen. Friedel
10:20:11 Ms. Burkhardt
10:21:30 Sen. Manzella
10:21:46 Sen. Esp
10:22:06 Sen. Sands
10:22:46 Sen. Esp

10:23:07 **Vote:** Motion failed 3-8 by roll call vote with Sen. Esp, Sen. Friedel and Sen. McGillvray voting aye.

10:24:03 **Motion:** Sen. Manzella moved to **RECONSIDER THE MOTION ON AMENDMENT HB102.2.8.**

Discussion

10:24:53 Sen. Gross
10:25:14 Chair Regier
10:25:48 Ms. Burkhardt
10:26:03 Chair Regier
10:26:31 Sen. McGillvray
10:26:45 Chair Regier
10:26:56 Sen. McGillvray
10:27:18 Sen. Esp
10:27:41 Ms Burkhardt
10:28:00 Chair Regier
10:28:11 Jacelyn Sterling, committee secretary

10:28:25 Recess
10:38:22 Reconvened

10:38:23 Chair Regier

10:39:07 Ms. Burkhardt

10:39:18 Sen. Manzella restated her earlier motion. (see timestamp 10:24:03)

Discussion:

10:39:33 Chair Regier

10:39:43 Ms. Burkhardt

10:40:03 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

10:40:45 **Motion:** Sen. Manzella moved that **HB 102 BE AMENDED.**
EXHIBIT(jus17a07)

Discussion:

10:42:09 Chair Regier

10:42:27 Without objection, Sen. Esp **MOVED TO DIVIDE THE QUESTION AND SEGREGATE SECTIONS 3 AND 9 OF AMENDMENT HB102.2.8.**

Discussion:

10:42:40 Chair Regier

10:42:46 Ms. Burkhardt

10:42:55 Chair Regier

10:43:41 **Vote:** Motion to amend HB102 with sections 1-2, 4-8, and 10-12 of Amendment HB102.2.8 failed 4-7 by roll call vote with Sen. Esp, Sen. Manzella, Sen. McGillvray and Sen. K. Regier voting aye.

Discussion:

10:44:32 Chair Regier

10:44:47 Sen. Brown

10:45:08 Sen. Esp

10:45:29 Sen. Hinebauch

10:45:43 Chair Regier

10:45:53 Sen. Hinebauch

10:46:07 Chair Regier

10:46:44 **Vote:** HB 102 BE CONCURRED IN AS AMENDED carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella will carry the bill.

Discussion:

10:47:36 Chair Regier

10:47:55 Sen. Sands

10:48:38 Chair Regier

10:48:51 Sen. Sands

EXECUTIVE ACTION ON SB 104

10:49:28 **Motion:** Sen. McGillvray moved that **SB 104 DO PASS.**

Discussion:

10:49:33 Chair Regier
10:49:50 Julianne Burkhardt, Legislative Services Division (LSD)
10:50:01 Sen. Gross
10:51:28 Chair Regier

10:51:47 **Vote:** Motion carried 10-1 by roll call vote with Sen. McGillvray voting no.

EXECUTIVE ACTION ON SJ 2

10:52:38 **Motion:** Sen. McGillvray moved that **SJ 2 DO PASS.**

10:55:56 Sen. Brown left the meeting.

Discussion:

11:02:27 Sen. Sands
11:03:17 Sen. Manzella
11:06:01 Sen. Esp

11:08:14 **Vote:** Motion failed 4-7 by roll call vote with Sen. Esp, Sen. Hinebauch, Sen. McGillvray and Sen. K. Regier voting aye. Sen. Brown voted by proxy.

Discussion:

11:09:14 Chair Regier
11:09:29 Sen. Hinebauch
11:10:22 Chair Regier

11:10:31 **Motion:** Sen. Bennett moved that **SJ 2 BE TABLED.**

Discussion:

11:11:00 Julianne Burkhardt, Legislative Services Division (LSD)
11:11:26 Chair Regier
11:11:34 Ms. Burkhardt, LSD
11:11:44 Chair Regier

11:12:18 **Vote:** Motion carried 7-4 by roll call vote with Sen. Esp, Sen. Hinebauch, Sen. McGillvray and Sen. K. Regier voting no. Sen. Brown voted by proxy.

11:13:11 Chair Regier

ADJOURNMENT

Adjournment: 11:13 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus17aad.pdf](#))