

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 12, 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 185, 2/9/2021; SB 195, 2/9/2021; SB 200, 2/9/2021

Executive Action: SB 195 Be Tabled; SB 151 Be Tabled; SB 177 Be Tabled; SB 140 Do Pass As Amended; SB 172 Do Pass; SB 173 Do Pass; SB 178 Do Pass; HB 73 Be Concurred In, HB 144 Be Concurred In; SB 200 Do Pass

HEARING ON SB 185**Opening Statement by Sponsor:**

09:02:06 Sen. David Howard (R), SD 29, opened the hearing on SB185, Revise governor's emergency powers.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:04:28 Sen. Friedel
09:04:53 Sen. Howard
09:05:08 Sen. McGillvray
09:05:51 Sen. Howard

Closing by Sponsor:

09:06:01 Sen. Howard

HEARING ON SB 200**Opening Statement by Sponsor:**

09:06:54 Sen. Diane Sands (D), SD 49, opened the hearing on SB200, Revise Uniform Real Property Transfer on Death Act.

Proponents' Testimony:

09:08:11 Ed Eck, Uniform Law Commission (ULC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:13:25 Chair Regier
09:13:35 Mr. Eck, ULC
09:14:02 Sen. Hinebauch
09:14:22 Mr. Eck
09:14:55 Sen. McGillvray
09:15:21 Mr. Eck
09:16:51 Sen. McGillvray
09:17:23 Mr. Eck
09:17:58 Chair Regier
09:18:08 Mr. Eck

Closing by Sponsor:

09:18:23 Sen. Sands

09:19:30 Chair Regier

09:20:40 Recess
09:30:11 Reconvened

EXECUTIVE ACTION ON SB 195

09:30:23 **Motion/Vote:** Sen. McGillvray moved that **SB 195 BE TABLED**. Motion carried unanimously by voice vote.
[EXHIBIT\(jus30a01\)](#)

EXECUTIVE ACTION ON SB 151

09:30:45 **Motion/Vote:** Sen. Sands moved that **SB 151 BE TABLED**. Motion carried unanimously by voice vote.
[EXHIBIT\(jus30a02\)](#)

EXECUTIVE ACTION ON SB 177

09:31:07 **Motion/Vote:** Sen. Sands moved that **SB 177 BE TABLED**. Motion carried unanimously by voice vote.
[EXHIBIT\(jus30a03\)](#)

EXECUTIVE ACTION ON SB 140

09:31:30 **Motion:** Sen. McGillvray moved that **SB 140 DO PASS**.

Discussion:

09:31:35 Chair Regier

09:31:53 **Motion/Vote:** Sen. McGillvray moved that **SB 140 BE AMENDED**. Motion carried 8-3 by roll call vote with Sen. Bennett, Sen. Sands and Sen. Webber voting no.

[EXHIBIT\(jus30a04\)](#)

09:33:44 **Motion:** Sen. McGillvray moved that **SB 140 DO PASS AS AMENDED**.

09:33:55 **Motion:** Sen. Gross moved that **SB 140 BE AMENDED**.

[EXHIBIT\(jus30a05\)](#)

Discussion:

09:35:51 Chair Regier
09:36:42 Sen. Friedel
09:37:25 Sen. Sands
09:38:12 Sen. Gross
09:39:32 Sen. Bennett
09:40:08 Chair Regier
09:40:12 Sen. Gross
09:41:06 Sen. Esp

09:41:49 **Vote:** Motion failed 4-7 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting aye.

Discussion:

09:42:41 Sen. Sands
09:44:25 Sen. McGillvray
09:45:55 Sen. Hinebauch
09:46:47 Sen. Webber
09:47:09 Chair Regier
09:47:25 Sen. Gross
09:49:46 Chair Regier
09:49:54 Sen. Gross
09:50:12 Sen. Bennett
09:51:10 Sen. Esp
09:52:05 Chair Regier
09:52:43 Sen. Hinebauch

09:53:14 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 172

09:54:09 **Motion/Vote:** Sen. McGillvray moved that **SB 172 DO PASS**. Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 173

09:55:41 **Motion:** Sen. McGillvray moved that **SB 173 DO PASS**.

Discussion:

09:56:00 Chair Regier
09:56:10 Sen. Sands
09:57:18 Sen. McGillvray
09:58:00 Sen. Manzella
09:58:49 Sen. McGillvray
09:59:13 Sen. Brown
10:00:07 Sen. Gross
10:00:30 Sen. Hinebauch

10:01:09 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Manzella, Sen. Sands and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 178

10:02:12 **Motion:** Sen. Friedel moved that **SB 178 DO PASS**.

Discussion:

10:03:18 Sen. Sands
10:03:59 Sen. Friedel
10:04:16 Sen. Sands
10:04:42 Sen. Friedel
10:05:04 Sen. Sands

10:05:55 Sen. Esp
10:06:09 Chair Regier
10:06:51 Sen. Brown

10:08:18 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 172

10:09:03 Sen. Sands
10:09:37 Chair Regier
10:10:06 Sen. Hinebauch

10:10:40 **Motion:** Sen. Sands moved to **RECONSIDER THE ACTION ON SB 172.**

Discussion:

10:11:00 Chair Regier
11:11:11 Sen. Sands
10:11:15 Sen. Gross
10:11:24 Chair Regier

10:11:36 **Vote:** Motion carried unanimously by voice vote.

Discussion:

10:11:45 Sen. Gross

10:11:52 **Motion:** Sen. McGillvray moved that **SB 172 DO PASS.**

Discussion:

10:11:56 Sen Gross

10:12:28 **Vote:** Motion carried 10-1 by roll call vote with Sen. Gross voting no.

EXECUTIVE ACTION ON HB 73

10:13:42 **Motion:** Sen. McGillvray moved that **HB 73 BE CONCURRED IN.**

Discussion:

10:14:20 Chair Regier
10:14:48 Sen. Esp
10:15:00 Chair Regier
10:15:04 Sen. Sands
10:15:29 Sen. Gross

10:16:10 **Vote:** Motion carried unanimously by roll call vote. Sen. Lynch will carry the bill.

EXECUTIVE ACTION ON HB 144

10:17:08 **Motion:** Sen. McGillvray moved that **HB 144 BE CONCURRED IN.**

Discussion:

10:17:27 Sen. Sands

10:17:54 **Vote:** Motion carried unanimously by roll call vote. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON SB 200

Discussion:

10:18:24 Chair Regier

10:19:23 **Motion/Vote:** Sen. Sands moved that **SB 200 DO PASS**. Motion carried unanimously by voice vote. (vote not reported out of committee pending receipt of fiscal note)

Committee Business:

10:20:05 Chair Regier

10:20:15 Sen. Esp

10:20:27 Chair Regier

ADJOURNMENT

Adjournment: 10:20 AM

Jacelyn Sterling, Secretary

js

Additional Documents:

EXHIBIT([jus30aad.pdf](#))