

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on February 18, 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: HB 215, 2/15/2021; HB 200, 2/15/2021; HB 223, 2/15/2021

Executive Action: HB 116 Be Concurred In; SB 215 Do Pass as Amended

**Committee Business:**

09:01:57 Sen. Sands  
09:02:05 Chair Regier

**HEARING ON HB 215****Opening Statement by Sponsor:**

09:02:45 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB215, Revise the definition of permissible fireworks.

**Proponents' Testimony:**

09:04:26 David Spencer, citizen  
09:05:08 Bruce Spencer, citizen  
09:06:56 Janee Weber, citizen

09:08:15 Sen. Bennett entered the meeting.

**Additional Testimony Received:**

[EXHIBIT\(jus34a01\)](#)

**Opponents' Testimony:**

09:08:29 Bruce Hennequin, Central Valley Fire District  
09:13:16 Lou Antonick, fire marshal, Helena City Fire Department  
09:18:02 Leonard Lundby, Cascade County Fire Council

09:18:49 Sen. Bennett objected.

09:18:57 Mr. Lundby continued his testimony.

09:20:18 Mike McIntosh, fire marshal, Great Falls

[EXHIBIT\(jus34a02\)](#)

09:23:58 Dann Babcox, Park County Rural Fire District  
09:28:35 Rich Cowger, president, Montana Fire Alliance (MFA)

[EXHIBIT\(jus34a03\)](#)

**Additional Testimony Received:**

[EXHIBIT\(jus34a04\)](#)

**Informational Testimony:**

09:31:03 Greg Archie, Department of Natural Resources and Conservation (DNRC)

[EXHIBIT\(jus34a05\)](#)

**Questions from Committee Members and Responses:**

09:31:34 Sen. Hinebauch  
09:32:06 Rep. Knudsen  
09:32:51 Sen. Hinebauch  
09:33:07 Rep. Knudsen  
09:33:39 Sen. Brown  
09:34:41 Mr. Babcox, Park County

09:34:56 Sen. Brown  
09:35:30 Rep. Knudsen  
09:36:04 Chair Regier  
09:36:14 Sen. Manzella  
09:37:34 Rep. Knudsen  
09:38:07 Sen. Manzella  
09:40:34 Mr. Babcox  
09:40:49 Sen. Sands  
09:41:29 Ms. Weber, citizen  
09:42:38 Sen. Sands  
09:47:08 Mr. Archie, DNRC  
09:47:42 Sen. Sands  
09:49:26 Mr. Cowger, MFA  
09:50:37 Sen. Sands  
09:50:49 Sen. Hinebauch  
09:52:01 Mr. Bruce Spencer  
09:52:33 Sen. Friedel  
09:54:13 Ms. Weber  
09:54:40 Sen. Friedel  
09:54:58 Rep. Knudsen

**Closing by Sponsor:**

09:55:36 Rep. Knudsen

**HEARING ON HB 200**

**Opening Statement by Sponsor:**

09:58:46 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB200, Establish laws prohibiting sanctuary cities in Montana.

**Proponents' Testimony:**

10:05:16 Scott Sales, Governor's Office  
10:07:12 Paul Nachman, Bozeman

[EXHIBIT\(jus34a06\)](#)

**Opponents' Testimony:**

10:11:09 Sam Forstag, American Civil Liberties Union (ACLU)  
10:15:22 Laurie Jean Allen, Montana Clergy

[EXHIBIT\(jus34a07\)](#)

10:18:03 SJ Howell, Montana Women Vote  
10:19:07 Kelli Twoteeth, citizen  
10:20:50 Iko'tsimiskimaki Beck, Indigenous Organizers Collective  
10:26:18 Laurie Little Dog, Bozeman

[EXHIBIT\(jus34a08\)](#)

10:28:41 Matthew Brower, Montana Catholic Conference

[EXHIBIT\(jus34a09\)](#)

10:31:07 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

10:33:02 Kelly Lynch, deputy director, Montana League of Cities and Towns  
[EXHIBIT\(jus34a10\)](#)

10:37:13 Mary Poole, Soft Landing Missoula  
[EXHIBIT\(jus34a11\)](#)

Additional Testimony Received:

[EXHIBIT\(jus34a12\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:41:01 Chair Regier  
10:41:15 Mr. Forstag, ACLU  
10:41:28 Sen. Manzella  
10:42:21 Rep. Holmlund  
10:42:37 Sen. Webber  
10:43:39 Rep. Holmlund

**Closing by Sponsor:**

10:44:12 Rep. Holmlund

### **HEARING ON HB 223**

**Opening Statement by Sponsor:**

10:46:11 Rep. Bill Mercer (R), HD 46, opened the hearing on HB223, Create statutory authority for sworn law enforcement officers to hold aliens.

**Proponents' Testimony:**

10:56:41 Rep. Kenneth Holmlund, HD 38  
10:57:19 Paul Nachman, Bozeman

[EXHIBIT\(jus34a13\)](#)

**Opponents' Testimony:**

10:59:54 Sam Forstag, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus34a14\)](#)

11:08:30 SJ Howell, Montana Women Vote  
11:11:03 Laura Jean Allen, Montana Clergy  
11:14:58 Iko'tsimiskimaki Beck, Indigenous Organizers Collective  
11:21:01 Matthew Brower, Montana Catholic Conference

[EXHIBIT\(jus34a15\)](#)

11:22:41 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

11:23:57 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus34a16\)](#)

Additional Testimony Received:

[EXHIBIT\(jus34a17\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

11:25:49 Sen. Esp  
11:30:40 Rep. Mercer  
11:34:09 Sen. Webber  
11:34:43 Rep. Mercer  
11:35:24 Sen. McGillvray  
11:37:28 Ms. Allen, Montana Clergy  
11:37:34 Sen. Gross  
11:38:25 Mr. Forstag, ACLU  
11:39:50 Sen. Gross  
11:40:18 Mr. Forstag  
11:41:22 Sen. Webber  
11:44:16 Rep. Mercer  
11:45:19 Sen. Sands  
11:47:52 Mr. Forstag

**Closing by Sponsor:**

11:48:47 Rep. Mercer  
  
11:52:54 Chair Regier  
  
11:53:00 Recess  
12:02:23 Reconvened

**EXECUTIVE ACTION ON SB 215**

12:02:39 **Motion:** Sen. McGillvray moved that **SB 215 DO PASS.**

**Discussion:**

12:02:54 Julianne Burkhardt, Legislative Services Division (LSD)

12:02:58 **Motion:** Sen. McGillvray moved that **SB 215 BE AMENDED.**

**[EXHIBIT\(jus34a18\)](#)**

**Discussion:**

12:03:15 Julianne Burkhardt, LSD  
12:04:03 Chair Regier  
12:04:14 Sen. Friedel  
12:04:33 Ms. Burkhardt  
12:04:43 Sen. Brown  
12:05:00 Chair Regier  
12:05:28 Ms. Burkhardt  
12:06:13 Chair Regier

12:06:23 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella voted by proxy.

12:07:10 **Motion:** Sen. McGillvray moved that **SB 215 DO PASS AS AMENDED.**

**Discussion:**

12:07:19 Sen. Friedel  
12:08:12 Chair Regier  
12:08:23 Sen. Esp  
12:08:52 Chair Regier  
12:08:58 Ms. Burkhardt  
12:09:36 Chair Regier  
12:09:45 Sen. Sands  
12:12:18 Sen. Webber  
12:14:16 Sen. Bennett  
12:18:20 Sen. Friedel  
12:20:25 Sen. Gross

12:21:18 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella voted by proxy.

**EXECUTIVE ACTION ON HB 116**

12:22:30 **Motion/Vote:** Sen. McGillvray moved that **HB 116 BE CONCURRED IN**. Motion carried 9-2 by roll call vote with Sen. Manzella and Sen. Webber voting no. Sen. Manzella voted by proxy. Sen. McGillvray will carry the bill.

**Committee Business:**

12:23:55 Chair Regier  
12:24:07 Sen. Gross  
12:24:15 Chair Regier

**ADJOURNMENT**

Adjournment: 12:24 PM

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Jacelyn Sterling, Secretary

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Additional Documents:

**EXHIBIT**([jus34aad.pdf](#))