

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 23, 2021 at 8:00 A.M., 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
Heather Vande-Sante, 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 164, 2/18/2021; SB 241, 2/18/2021; SB 252, 2/18/2021; SB 282, 2/18/2021

Executive Action: HB 215 Be Concurred In; SJ 8 Do Pass; SB 194 Do Pass; SB 220 Do Pass as Amended; SB 240 Do Pass; SB 242 Do Pass as Amended

EXECUTIVE ACTION ON SB 220

08:01:29 **Motion:** Sen. McGillvray moved that **SB 220 DO PASS.**

Discussion:

08:01:37 Chair Regier

08:02:25 Sen. Sands

08:02:28 Chair Regier

08:03:18 Sen Friedel entered the meeting.

08:03:23 **Motion:** Sen. McGillvray moved that **SB 220 BE AMENDED.**
EXHIBIT(jus38a01)

Discussion:

08:03:38 Chair Regier

08:04:17 **Vote:** Motion carried unanimously by voice vote.

08:04:26 **Motion/Vote:** Sen. McGillvray moved that **SB 220 DO PASS AS AMENDED.**
Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands
and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 194

08:05:41 **Motion:** Sen. McGillvray moved that **SB 194 DO PASS.**

Discussion:

08:05:48 Chair Regier

08:06:26 Julianne Burkhardt, Legislative Services Division (LSD)

08:06:45 Sen. Friedel

08:07:03 Ms. Burkhardt, LSD

08:07:11 Sen. Friedel

08:07:20 Chair Regier

08:07:27 Sen. Friedel

08:07:53 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Friedel, Sen.
Gross, Sen. Sands and Sen. Webber voting no.

EXECUTIVE ACTION ON SB 240

08:08:35 Chair Regier

08:08:46 **Motion:** Sen. Manzella moved that **SB 240 DO PASS.**

Discussion:

08:09:35 Chair Regier

08:09:43 Sen. Gross

08:11:13 Sen. Sands

08:12:46 Chair Regier

08:13:15 Sen. Brown

08:14:00 Sen. Gross

08:14:52 **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 242

08:15:32 Chair Regier

08:15:38 **Motion:** Sen. Bennett moved that **SB 242 DO PASS**.

08:16:22 **Motion/Vote:** Sen. Bennett moved that **SB 242 BE AMENDED**. Motion carried unanimously by voice vote.

[EXHIBIT\(jus38a02\)](#)

08:18:17 **Motion:** Sen. Bennett moved that **SB 242 DO PASS AS AMENDED**.

Discussion:

08:19:33 Sen. Manzella

08:20:01 Chair Regier

08:20:14 Sen. Bennett

08:20:51 Sen. Brown

08:22:21 Sen. McGillvray

08:23:08 Sen. Friedel

08:23:37 **Vote:** Motion carried 8-3 by roll call vote with Sen. Brown, Sen. Hinebauch and Sen. K. Regier voting no.

EXECUTIVE ACTION ON SJ 8

08:24:25 **Motion/Vote:** Sen. McGillvray moved that **SJ 8 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 HB 215

08:25:39 **Motion:** Sen. McGillvray moved that **HB 215 BE CONCURRED IN**.

Discussion:

08:26:03 Sen. Brown

08:26:42 Sen. Sands

08:27:44 **Vote:** Motion carried 8-3 by roll call vote with Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 200

08:28:51 **Motion:** Sen. McGillvray moved that **HB 200 BE CONCURRED IN**.

Discussion:

08:28:58 Chair Regier
08:29:12 Sen. Esp
08:29:33 Chair Regier

08:29:38 Without objection, Sen. McGillvray withdrew the BE CONCURRED IN motion.

08:29:49 Chair Regier

08:30:33 Recess
09:00:38 Reconvened

HEARING ON SB 241**Opening Statement by Sponsor:**

09:01:02 Sen. JP Pomnichowski (D), SD 33, opened the hearing on SB241, Requiring the refund of residential lease application fees.

Proponents' Testimony:

09:08:09 Katjana Stutzer, Montana Public Interest Research Group
09:10:34 Rachel Schmidt, Associated Students of Montana State University (ASMSU)
09:11:57 Allison Reinhardt, Montana Associated Students (MAS)
09:13:14 Jack Rinck, Associated Students of the University of Montana (ASUM)
09:15:07 Shyla Patera, North Central Independent Living Services
[EXHIBIT\(jus38a03\)](#)

09:17:38 Sue Ellerman, Poverello Center Inc.
[EXHIBIT\(jus38a04\)](#)

09:20:50 Rob Gregoire, Bozeman
[EXHIBIT\(jus38a05\)](#)

09:23:58 Jeff Boyle, Bozeman
[EXHIBIT\(jus38a06\)](#)

09:28:24 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Additional Testimony Received:

[EXHIBIT\(jus38a07\)](#)

Opponents' Testimony:

09:30:16 John Sinrud, Montana Landlords Association (MLA)
09:36:50 P.J. McHugh, citizen

Additional Testimony Received:

[EXHIBIT\(jus38a08\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:39:00 Sen. Manzella
09:39:40 Mr. Sinrud, MLA
09:40:52 Sen. Manzella
09:41:09 Mr. Sinrud
09:42:41 Sen. Sands
09:43:04 Sen. Pomnichowski
09:43:45 Sen. Sands
09:47:00 Ms. Ellerman, Poverello Center
09:49:04 Sen. Sands
09:49:09 Sen. Hinebauch
09:51:03 Ms. Schmidt, ASMSU
09:51:23 Sen. Webber
09:54:41 Mr. Sinrud
09:55:44 Sen. Bennett
09:56:10 Sen. Pomnichowski
09:58:41 Sen. Friedel
09:59:08 Sen. Pomnichowski
10:00:15 Sen. Friedel
10:00:23 Mr. Sinrud

10:01:12 Jacelyn Sterling, committee secretary

10:01:29 Recess
10:12:43 Reconvened

Closing by Sponsor:

10:12:56 Sen. Pomnichowski

HEARING ON SB 252**Opening Statement by Sponsor:**

10:18:05 Sen. David Howard (R), SD 29, opened the hearing on SB252, Generally revise laws related to judicial review.

[EXHIBIT\(jus38a09\)](#)**Proponents' Testimony:**

10:21:42 Bart Crabtree, president, State Council on Judicial Accountability
10:22:10 Anna Shehemelinin, citizen

Opponents' Testimony:

10:23:13 Bruce Spencer, State Bar of Montana
10:30:50 Brian Thompson, Montana County Attorneys' Association (MCAA)

Informational Testimony: None**Questions from Committee Members and Responses:**

10:32:51 Sen. Friedel
10:34:08 Mr. Spencer, State Bar
10:35:05 Sen. Friedel

10:35:21 Mr. Spencer
10:36:03 Sen. McGillvray
10:36:41 Mr. Spencer
10:37:54 Sen. Sands
10:38:44 Mr. Spencer

Closing by Sponsor:

10:40:12 Sen. Howard

HEARING ON HB 164

Opening Statement by Sponsor:

10:43:31 Rep. Connie Keogh (D), HD 91, opened the hearing on HB164, Revise temporary automatic domestic relations orders.

Proponents' Testimony:

10:46:06 Debra Steigerwalt, Missoula
[EXHIBIT\(jus38a10\)](#)

10:53:09 Mars Scott, Family Law Section, Montana State Bar
[EXHIBIT\(jus38a11\)](#)

10:56:15 Gail Goheen, Family Law Section, Montana State Bar
[EXHIBIT\(jus38a12\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

11:01:42 Sen. Bennett
11:02:18 Mr. Scott, State Bar
11:03:02 Sen. McGillvray
11:03:43 Ms. Steigerwalt, citizen
11:04:21 Sen. McGillvray
11:04:26 Ms. Steigerwalt
11:05:42 Sen. Sands
11:06:13 Ms. Steigerwalt
11:08:10 Sen. Sands
11:08:44 Ms. Goheen, State Bar

Closing by Sponsor:

11:11:39 Rep. Keogh

HEARING ON SB 282

Opening Statement by Sponsor:

11:13:31 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB282, Assert right of parent to direct child healthcare.

Proponents' Testimony:

11:16:27 Amanda Gallagher, Great Falls
11:17:58 Wade McAlpine, Great Falls
11:18:40 Heather Richards, Belgrade
11:20:02 Charlotte Sanborn, citizen
11:21:43 Therese Frank, citizen
11:24:26 Holly Russell, citizen
11:25:17 Anna Shehemelinin, citizen
11:26:59 Brooke Carlson, Fort Benton
11:28:24 Maria Wyrock, Montanans for Vaccine Choice; Montanans for Health and Parental Rights
11:29:18 Jessica Kirkendall, Flathead Valley
11:31:24 Cathy Eakin, citizen
11:32:05 Denise Johnson, Montana Child Protection Alliance (MCPA)
11:35:23 Garrett Bacon, East Helena
11:36:11 Jami Kidd, Hamilton
11:38:18 Donna Elford, Helena
11:42:32 Lanae Higgins, citizen
11:44:51 Jessica Fruitman, Lake County

Opponents' Testimony:

11:45:55 Aimee Grmoljez, Billings Clinic; also speaking on behalf of Frank Cote, Catholic Hospitals
11:48:47 Elizabeth Beil, M.D., Montana Chapter American Academy of Pediatrics

[EXHIBIT\(jus38a13\)](#)

Additional Proponents' Testimony:

11:52:18 Rebecca Schwartz, Whitefish

Additional Opponents' Testimony:

11:54:05 Lane McGill, Powderville
11:56:17 Kiely Keane, Montana Medical Association
12:00:26 Stacey Anderson, Montana Primary Care Association

[EXHIBIT\(jus38a14\)](#)

12:01:47 Ann Truesdell, National Association of Social Workers, Montana

12:05:58 Megan Bailey, Missoula

[EXHIBIT\(jus38a15\)](#)

12:09:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV), also speaking for Beth Brenneman, Disabilities Rights Montana

Additional Testimony Received:

[EXHIBIT\(jus38a16\)](#)

Informational Testimony:

[EXHIBIT\(jus38a17\)](#)

Questions from Committee Members and Responses:

12:15:04 Sen. Friedel

12:16:31 Ms. Young, MCADSV
12:17:20 Sen. McGillvray
12:18:01 Sen. Manzella
12:19:03 Sen. Brown
12:19:57 Sen. Manzella

Closing by Sponsor:

12:20:28 Sen. Manzella

Committee Business:

12:21:44 Chair Regier
12:21:54 Julianne Burkhardt, Legislative Services Division (LSD)
12:22:32 Chair Regier
12:23:15 Sen. Friedel
12:23:28 Chair Regier
12:23:44 Sen. Friedel

ADJOURNMENT

Adjournment: 12:23 PM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus38aad.pdf](#))