

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Vice Chair Tom McGillvray, on February 25, 2021 at 8:00 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. Steve Hinebauch (R)
Sen. Theresa Manzella (R)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (D)
Sen. Jen Gross (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 318, 2/19/2021; SB 271, 2/19/2021; SB 277, 2/19/2021; SB 280, 2/19/2021

Executive Action: SB 259 Do Pass; SB 318 Do Pass; SB 271 Do Pass; SB 280 Do Pass; SB 277 Do Pass; SB 256 Be Tabled

Committee Business:

08:01:32 Sen Sands
08:01:37 Chair McGillvray

HEARING ON SB 318

Opening Statement by Sponsor:

08:02:09 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB318, Revise laws relating to the judiciary.

Proponents' Testimony:

08:03:22 Alan Doane, speaking on behalf of Attorney General Austin Knudsen, Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:04:29 Sen. Gross
08:04:42 Mr. Doane, DOJ
08:05:12 Sen. Gross
08:05:26 Mr. Doane
08:05:32 Chair McGillvray
08:05:38 Mr. Doane
08:06:08 Sen. Sands
08:06:25 Mr. Doane
08:06:41 Sen. Sands
08:06:58 Chair McGillvray

08:07:05 Sen. Esp entered the meeting.

08:07:11 Mr. Doane
08:07:41 Sen. Sands
08:08:01 Chair McGillvray
08:08:09 Mr. Doane
08:08:19 Sen. Sands
08:08:27 Sen. Manzella
08:09:27 Sen. Sands
08:09:52 Julianne Burkhardt, Legislative Services Division (LSD)
08:10:57 Chair McGillvray
08:11:09 Ms. Burkhardt, LSD
08:11:51 Chair McGillvray

Closing by Sponsor:

08:12:00 Sen. Manzella

HEARING ON SB 271**Opening Statement by Sponsor:**

08:12:27 Sen. Carl Glimm (R), SD 2, opened the hearing on SB271, Allow judicial candidates to announce endorsements.

Proponents' Testimony:

08:13:25 Jeff Laszloffy, Montana Family Foundation

Opponents' Testimony:

08:16:50 John Mudd, executive director, State Bar of Montana

08:19:37 Sen. Hinebauch entered the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

08:20:41 Chair McGillvray

08:21:37 Mr. Mudd, State Bar

Closing by Sponsor:

08:24:24 Sen. Glimm

HEARING ON SB 280**Opening Statement by Sponsor:**

08:26:02 Sen. Carl Glimm (R), SD 2, opened the hearing on SB280, Revise vital statistics laws regarding sex designation on birth certificate.

Proponents' Testimony:

08:29:00 Jeff Laszloffy, Montana Family Foundation (MFF)

Opponents' Testimony:

08:33:42 Laurel Hesse, American Civil Liberties Union of Montana (ACLU)

08:36:35 SK Rossi, Cities of Missoula and Bozeman

08:38:13 Rachel Schmidt, Associated Students of Montana State University

08:39:03 Zuri Moreno, citizen

08:41:57 Shawn Reagor, Montana Human Rights Network (MHRN)

08:42:47 Sen. Friedel entered the meeting.

08:45:20 Allison Reinhardt, Montana Associated Students

08:46:11 Jack Rinck, Associated Students of the University of Montana

08:46:44 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

08:48:20 Ann Truesdell, National Association of Social Workers, Montana

08:49:50 Danielle Vazquez, Missoula

08:50:46 Kyndra Nevin, Rural Transgender Wellness Project

[EXHIBIT\(jus40a01\)](#)

Additional Testimony Received:

[EXHIBIT\(jus40a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

08:52:51 Sen. Sands
08:53:58 SK Rossi, Bozeman and Missoula
08:56:16 Sen. Sands
08:56:46 Mr. Reagor, MHRN
08:58:10 Sen. Sands
08:58:44 Sen. Manzella
08:59:10 Mr. Laszloffy, MFF
09:00:15 Sen. Bennett
09:00:44 Sen. Glimm
09:02:24 Chair McGillvray
09:02:53 Mr. Laszloffy
09:05:11 Sen. Webber
09:05:57 Sk Rossi
09:06:14 Ms. Heese, ACLU
09:07:04 Sen. Webber
09:09:09 Ms. Hesse
09:09:28 Mr. Reagor
09:09:35 Sen. Webber
09:09:55 Mr. Reagor
09:11:38 Sen. Manzella
09:12:13 Mr. Reagor
09:12:55 Sen. Manzella
09:13:03 Mr. Reagor
09:13:24 Sen. Manzella

Closing by Sponsor:

09:13:52 Sen. Glimm

09:15:41 Chair McGillvray turned the duties of the chair over to Sen. Esp.

HEARING ON SB 277

Opening Statement by Sponsor:

09:16:07 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB277, Generally revising laws related to state's rights.

Proponents' Testimony:

09:24:30 Cindi Hamilton, citizen

09:29:19 Sen. Regier entered the meeting.

Opponents' Testimony:

09:31:55 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus40a03\)](#)

Additional Testimony Received:
[EXHIBIT\(jus40a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:35:29 Sen. Manzella
09:36:50 Sen. McGillvray
09:37:27 Sen. Bennett
09:39:18 Sen. McGillvray
09:39:26 Sen. Bennett
09:39:41 Sen. Hinebauch
09:40:34 Sen. McGillvray
09:41:35 Sen. Webber
09:42:07 Sen. McGillvray
09:42:56 Sen. Webber
09:43:19 Sen. McGillvray
09:43:42 Sen. Manzella
09:44:19 Sen. McGillvray

Closing by Sponsor:

09:44:35 Sen. McGillvray

Sen. Regier assumed the duties of the chair.

Committee Business:

09:44:49 Chair Regier
09:45:26 Julianne Burkhardt, Legislative Services Division LSD
09:45:31 Chair Regier

09:45:51 Recess
10:10:31 Reconvened

Sen. Gross was excused.

EXECUTIVE ACTION ON SB 256

10:10:40 **Motion:** Sen. McGillvray moved that **SB 256 DO PASS.**

Discussion:

10:10:50 Chair Regier
10:11:07 Julianne Burkhardt, Legislative Services Division (LSD)
10:11:20 Sen. Manzella

10:12:45 **Vote:** Motion failed 4-7 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting aye. Sen. Gross voted by proxy.

10:13:34 **Motion/Vote:** Sen. McGillvray moved that **SB 256 BE TABLED.** Motion carried 9-2 by voice vote with Sen. Gross and Sen. Sands voting no. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 259

10:14:11 **Motion:** Sen. McGillvray moved that **SB 259 DO PASS.**

Discussion:

10:14:26 Sen. Manzella
10:15:17 Chair Regier
10:15:22 Julianne Burkhardt, Legislative Services Division (LSD)
10:15:30 Sen. Esp
10:16:57 Sen. McGillvray
10:17:29 Sen. Manzella
10:17:32 Sen. McGillvray
10:18:22 Sen. Sands
10:19:55 Sen. Webber

10:21:29 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 283

10:22:17 **Motion:** Sen. McGillvray moved that **SB 283 DO PASS.**

Discussion:

10:22:23 Chair Regier
10:22:36 Julianne Burkhardt, Legislative Services Division (LSD)
10:22:56 Chair Regier
10:23:08 Julianne Burkhardt, LSD
10:23:12 Chair Regier
10:23:40 Without objection, Sen. McGillvray withdrew the DO PASS motion.

EXECUTIVE ACTION ON SB 318

10:24:00 **Motion:** Sen. McGillvray moved that **SB 318 DO PASS.**

Discussion:

10:24:11 Sen. Manzella
10:24:46 Julianne Burkhardt, Legislative Services Division (LSD)
10:26:04 Sen. Bennett
10:26:21 Ms. Burkhardt, LSD
10:27:23 Sen. Bennett
10:27:45 Ms. Burkhardt

10:28:47 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 271

10:29:21 **Motion:** Sen. McGillvray moved that **SB 271 DO PASS.**

Discussion:

10:29:30 Chair Regier
10:29:42 Sen. Sands
10:30:35 Sen. Bennett
10:31:52 Chair Regier
10:32:29 Sen. Brown
10:33:35 Sen. Webber
10:34:16 Sen. Hinebauch

10:34:28 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 280

10:35:14 **Motion:** Sen. McGillvray moved that **SB 280 DO PASS.**

Discussion:

10:35:38 Sen. Bennett
10:37:24 Sen. McGillvray
10:38:48 Sen. Sands
10:40:34 Sen. Webber
10:41:54 Sen. Manzella
10:43:41 Chair Regier

10:43:58 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 277

10:44:35 **Motion:** Sen. McGillvray moved that **SB 277 DO PASS.**

Discussion:

10:45:51 Sen. Brown
10:46:42 Sen. Webber
10:47:33 Sen. Sands
10:49:47 Sen. Esp
10:51:15 Sen. Bennett

10:52:43 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy.

Committee Business:

10:53:17 Chair Regier
10:54:57 Julianne Burkhardt, Legislative Services Division (LSD)
10:55:14 Chair Regier
10:55:29 Sen. Sands
10:55:42 Chair Regier

ADJOURNMENT

Adjournment: 10:56 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus40aad.pdf](#))