

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 26, 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. 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. Bryce Bennett (D)
Sen. Susan Webber (D)

Members Excused:

Sen. Jen Gross (D)

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 338, 2/19/2021; SB 290, 2/19/2021; SB 331, 2/24/2021; SB 373, 2/24/2021

Executive Action: SB 283 Do Pass as Amended; SB 290 Do Pass; SB 338 Do Pass; SB 331 Be Tabled; SB 373 Be Tabled

EXECUTIVE ACTION ON SB 283

08:07:03 Chair Regier

08:07:29 **Motion:** Sen. McGillvray moved that **SB 283 DO PASS.**

Discussion:

08:07:36 Chair Regier

08:07:58 **Motion:** Sen. McGillvray moved that **SB 283 BE AMENDED.**
EXHIBIT(jus41a01)

Discussion:

08:08:25 Chair Regier

Sen. Sands and Sen. Webber entered the meeting.

08:08:50 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett and Sen. Gross voted by proxy.

Sen. Bennett entered the meeting.

08:09:30 **Motion/Vote:** Sen. McGillvray moved that **SB 283 DO PASS AS AMENDED.**
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:

08:10:45 Chair Regier

08:12:32 Sen. Bennett

08:12:52 Sen. Sands

HEARING ON SB 338**Opening Statement by Sponsor:**

08:13:18 Sen. Mike Lang (R), SD 17, opened the hearing on SB338, Revise civil liability laws.

Proponents' Testimony:

08:16:46 Todd O'Hair, president and CEO, Montana Chamber of Commerce

08:18:26 Jay Bodner, Montana Stockgrowers Association; Montana CattleWomen

08:19:18 Krista Lee Evans, Senior Water Rights Coalition; Association of Gallatin
Agriculture Irrigators

08:20:04 Mike Murphy, Montana Water Resources Association

08:20:40 Nicole Rolf, Montana Farm Bureau Federation

08:21:39 Charles Robison, Montana Electric Cooperatives' Association

08:22:13 Peggy Trenk, Treasure State Resources Association

08:22:45 Alan Olson, Montana Petroleum Association

08:23:09 Ed Bartlett, Bozeman Area Chamber of Commerce

Opponents' Testimony:

08:24:13 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

08:27:35 Sen. Hinebauch
08:28:05 Sen. Lang
08:28:31 Chair Regier
08:28:41 Sen. Lang
08:28:59 Sen. Manzella
08:29:38 Mr. Smith, MTLA
08:29:58 Sen. Sands
08:30:18 Mr. Smith
08:31:09 Sen. McGillvray
08:32:01 Sen. Lang
08:32:21 Sen. Friedel
08:32:44 Mr. Smith
08:33:21 Sen. Friedel
08:33:39 Mr. Smith

Closing by Sponsor:

08:35:28 Sen. Lang

HEARING ON SB 290**Opening Statement by Sponsor:**

08:36:39 Sen. Carl Glimm (R), SD 2, opened the hearing on SB290, Prohibiting consent as a defense for physician-assisted suicide.

Proponents' Testimony:

08:43:27 Jeff Laszloffy, Montana Family Foundation (MFF)

[EXHIBIT\(jus41a02\)](#)

08:45:10 Bradley Williams, Montanans Against Assisted Suicide

[EXHIBIT\(jus41a03\)](#)

08:49:35 Matt Brower, Montana Catholic Conference

[EXHIBIT\(jus41a04\)](#)

08:52:19 Lieutenant Governor Kristen Juras

[EXHIBIT\(jus41a05\)](#)

08:55:18 Greg Hinkle, Thompson Falls

[EXHIBIT\(jus41a06\)](#)

08:57:46 Matt Valliere, Patients Rights Action Fund

[EXHIBIT\(jus41a07\)](#)

Opponents' Testimony:

09:01:24 Leslie Mutchler, Billings

[EXHIBIT\(jus41a08\)](#)

09:05:41 Roberta King, Missoula

[EXHIBIT\(jus41a09\)](#)

09:06:26 Mark Connell, Missoula

09:09:36 Colett Kirchhoff, M.D., Bozeman

09:12:41 Janice VanRiper, Missoula

[EXHIBIT\(jus41a10\)](#)

09:16:48 Dick Barrett, Missoula

09:20:02 James Bonnet, M.D., Kalispell

[EXHIBIT\(jus41a11\)](#)

09:23:29 Kenneth Younger, M.D., Bozeman

[EXHIBIT\(jus41a12\)](#)

09:26:16 Shawna Yates, Montana Medical Association

09:29:12 Amy Hetzler, Compassion and Choices

[EXHIBIT\(jus41a13\)](#)

09:32:33 Donna McCreedy, speaking for Dr. James McCreedy, retired physician, Kalispell

[EXHIBIT\(jus41a14\)](#)

Additional Testimony Received:

[EXHIBIT\(jus41a15\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:35:37 Sen. Brown

09:36:16 Sen. Glimm

09:37:04 Sen. Sands

09:37:47 Ms. Kirchhoff, Bozeman

09:39:43 Chair Regier

09:40:29 Mr. Younger, Bozeman

09:42:28 Sen. Webber

09:43:04 Sen. Glimm

Closing by Sponsor:

09:44:30 Sen. Glimm

HEARING ON SB 331

Opening Statement by Sponsor:

09:48:15 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB331, Revise parental care, custody, and control of children laws.

Proponents' Testimony:

09:52:44 Cathy Eakin, citizen
09:57:39 Denise Johnson, Montana Child Protection Alliance
10:01:11 Brooke Carlson, Fort Benton

Opponents' Testimony:

10:03:11 Jesse Slaughter, Montana Sheriffs and Peace Officers Association (MSPOA)
10:08:19 Dan Smith, Montana Police Protective Association
10:11:46 Katie Cunningham, detective, Great Falls Police Department (GFPD)
10:17:33 Justin Kambic, detective, Cascade County Sheriff's Office (CCSO)

EXHIBIT(jus41a16)

10:22:09 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
10:25:22 Adam Price, GFPD

10:28:43 Marti Vining, administrator, Department of Public Health and Human Services
10:29:53 Lynelle Amen, Children's Alliance of Montana, Billings
10:31:59 Marty Lambert, Montana County Attorneys' Association, Gallatin County
10:35:05 Juli Pierce, guardian ad litem, Billings

EXHIBIT(jus41a17)**Additional Testimony Received:****EXHIBIT(jus41a18)****EXHIBIT(jus41a19)****Informational Testimony:** None**Questions from Committee Members and Responses:**

10:38:11 Chair Regier
10:41:26 Mr. Slaughter, MSPOA
10:42:06 Sen. Webber
10:44:12 Ms. Cunningham, GFPD
10:45:51 Sen. Brown
10:47:13 Ms. Cunningham
10:48:35 Sen. McGillvray
10:49:09 Mr. Kambic, CCSO
10:52:35 Sen. Hinebauch
10:53:19 Mr. Slaughter, MSPOA
10:56:16 Sen. Esp
10:56:34 Mr. Slaughter

Closing by Sponsor:

10:56:48 Sen. Manzella

HEARING ON SB 373**Opening Statement by Sponsor:**

11:02:34 Sen. Diane Sands (D), SD 49, opened the hearing on SB373, Generally revise sex offender registry laws.

Proponents' Testimony:

11:11:14 Jenee Weber, Montana State Council on Judicial Accountability
11:13:46 Andy Hudak, Montana Sex Offender Treatment Association (MSOTA)
11:16:45 Jim Lochrie, Butte
11:20:18 Bart Holt, National Association for Rational Sexual Offense Laws
11:23:01 Jana Staton, Missoula

Opponents' Testimony:

11:26:06 Shinnah Sullivan, Kalispell
11:29:23 Wendy Miller, Bigfork
11:32:23 Madison Mattioli, assistant attorney general, Department of Justice (DOJ)
11:35:30 Erica Siate, Butte

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

11:36:28 Sen. Friedel
11:36:57 Sen. Sands
11:37:09 Chair Regier
11:37:34 Mr. Hudak, MSOTA
11:37:44 Chair Regier
11:38:02 Mr. Hudak
11:39:11 Chair Regier
11:39:39 Ms. Mattioli, DOJ
11:40:14 Chair Regier
11:40:23 Sen. Friedel
11:42:10 Mr. Hudak

Closing by Sponsor:

11:43:32 Sen. Sands
11:46:38 Chair Regier

EXECUTIVE ACTION ON SB 338

11:47:07 **Motion/Vote:** Sen. McGillvray moved that **SB 338 DO PASS**. 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 290

11:48:38 **Motion/Vote:** Sen. McGillvray moved that **SB 290 DO PASS**. 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 331

11:49:47 **Motion:** Sen. Manzella moved that **SB 331 DO PASS**.

Discussion:

11:50:00 Sen. Sands

11:51:14 Sen. Webber
11:53:36 Chair Regier
11:54:25 Sen. Esp
11:57:19 Sen. Hinebauch
11:58:53 Sen. Brown
12:00:13 Sen. Sands
12:03:16 Sen. Brown
12:03:44 Sen. Esp
12:04:11 Sen. Manzella
12:04:15 Sen. Esp
12:04:19 Sen. Manzella
12:04:46 Chair Regier
12:04:49 Sen. Manzella
12:04:55 Sen. Esp
12:05:29 Sen. Manzella
12:06:13 Sen. Esp
12:06:18 Sen. Manzella
12:06:25 Sen. Esp
12:06:39 Sen. Manzella
12:06:49 Sen. Esp
12:07:44 Sen. Friedel
12:10:14 Chair Regier
12:10:49 Sen. McGillvray

12:11:38 **Vote:** Motion failed 4-7 by roll call vote with Sen. Brown, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting aye.

12:12:33 **Motion/Vote:** Sen. McGillvray moved that **SB 331 BE TABLED**. Motion carried 10-1 by voice vote with Sen. Friedel voting no. Sen. Gross voted by proxy.

Committee Discussion:

12:13:10 Sen. Sands

EXECUTIVE ACTION ON SB 373

12:14:13 **Motion/Vote:** Sen. Sands moved that **SB 373 BE TABLED**. Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

12:14:39 Chair Regier

ADJOURNMENT

Adjournment: 12:15 PM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus41aad.pdf](#))