

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 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. 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:

Sen. Chris Friedel (R)

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 309, 3/8/2021; HB 310, 3/8/2021; HB 325, 3/8/2021; HB 91, 3/8/2021

Executive Action: HB 35 Be Concurred In as Amended; HB 401 Be Concurred In; HB 402 Be Concurred In; HB 98 Be Concurred In; HB 91 Be Concurred In; HB 309 Be Concurred In; HB 310 Be Concurred In

HEARING ON HB 325

Opening Statement by Sponsor:

09:02:15 Rep. Barry Usher (R), HD 40, opened the hearing on HB325, Elect supreme court justices by districts.

Proponents' Testimony: None

Opponents' Testimony:

09:07:37 Bruce Spencer, State Bar of Montana
[EXHIBIT\(jus50a01\)](#)

09:11:26 Sam Forstag, American Civil Liberties Union (ACLU)
09:13:28 Margaret Bentwood, Montana League of Women Voters
[EXHIBIT\(jus50a02\)](#)

09:17:21 Al Smith, Montana Trial Lawyers Association
[EXHIBIT\(jus50a03\)](#)

09:20:56 Lauren Caldwell, Montana Federation of Public Employees (MFPE)

Additional Testimony Received:

[EXHIBIT\(jus50a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:22:11 Sen. Manzella
09:22:59 Mr. Spencer, State Bar
09:24:40 Sen. Manzella
09:24:48 Rep. Usher
09:26:12 Sen. Esp
09:26:55 Rep. Usher
09:27:05 Sen. Brown
09:28:50 Mr. Spencer
09:31:43 Chair Regier
09:34:00 Mr. Spencer
09:34:24 Sen. McGillvray
09:34:42 Rep. Usher
09:35:04 Sen. McGillvray
09:35:23 Sen. Bennett
09:39:11 Rep. Usher
09:41:09 Sen. Webber
09:42:30 Mr. Forstag, ACLU
09:43:28 Sen. Webber
09:43:45 Mr. Spencer
09:44:53 Sen. Hinebauch
09:48:32 Mr. Spencer
09:48:55 Sen. McGillvray
09:49:00 Mr. Spencer

09:49:09 Chair Regier
09:49:24 Mr. Spencer

Closing by Sponsor:

09:49:56 Rep. Usher

HEARING ON HB 309

Opening Statement by Sponsor:

09:52:58 Rep. Joe Read (R), HD 93, opened the hearing on HB309, Add tribal police/agents to MDT form.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

09:55:09 Rep. Read

HEARING ON HB 310

Opening Statement by Sponsor:

09:56:02 Rep. Alice Buckley (D), HD 63, opened the hearing on HB310, Generally revise sexual assault reporting laws.

Proponents' Testimony:

09:58:09 Nanette Gilbertson, Montana County Attorney's Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPO)
09:59:15 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:01:36 Sen. Bennett
10:02:02 Ms. Gilbertson, MCAA, MSPO
10:02:27 Chair Regier
10:02:44 Ms. Gilbertson
10:03:10 Ms. Young, MCADSV
10:05:02 Chair Regier
10:05:27 Ms. Young
10:06:01 Sen. Esp
10:06:52 Ms. Gilbertson
10:07:21 Sen. Esp

10:07:55 Rep. Buckley
10:09:00 Sen. Sands
10:11:31 Ms. Young

Closing by Sponsor:

10:13:24 Rep. Buckley

HEARING ON HB 91**Opening Statement by Sponsor:**

10:14:38 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB91, Revise violent offender registry laws.

Proponents' Testimony:

10:16:57 Janee Weber, Montana State Council on Judicial Accountability
10:18:40 Clemente Arciga, Welcome Back

[EXHIBIT\(jus50a05\)](#)

10:19:28 Jana Staton, Missoula

[EXHIBIT\(jus50a06\)](#)

10:20:48 Andy Hudak, Montana Sex Offender Treatment Association

[EXHIBIT\(jus50a07\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:24:19 Sen. Manzella
10:26:45 Rep. Farris-Olsen
10:27:38 Sen. Sands
10:29:57 Rep. Farris-Olsen
10:30:25 Sen. Manzella
10:31:23 Rep. Farris-Olsen
10:32:41 Chair Regier

Closing by Sponsor:

10:32:57 Rep. Farris-Olsen

10:34:24 Chair Regier

10:35:08 Recess

11:00:03 Reconvened

EXECUTIVE ACTION ON HB 35

11:00:07 Chair Regier

11:00:27 Julianne Burkhardt, Legislative Services Division (LSD)

11:01:32 Chair Regier

11:01:52 Ms. Burkhardt, LSD

11:02:10 Chair Regier

11:02:15 **Motion:** Sen. McGillvray moved that **HB 35 BE CONCURRED IN.**

11:02:45 **Motion:** Sen. Esp moved that **HB 35 BE AMENDED.**

[EXHIBIT\(jus50a08\)](#)

Discussion:

11:03:50 Sen. Gross

11:06:13 Chair Regier

11:06:20 Sen. Gross

11:06:44 Ms. Burkhardt

11:07:32 Sen. Bennett left the meeting.

11:08:08 Sen. Hinebauch

11:08:37 Sen. Esp

11:09:21 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett and Sen. Friedel voted by proxy.

11:10:00 **Motion:** Sen. McGillvray moved that **HB 35 BE CONCURRED IN AS AMENDED.**

11:10:09 **Motion:** Sen. Brown moved that **HB 35 BE AMENDED.**

[EXHIBIT\(jus50a09\)](#)

Discussion:

11:11:05 Chair Regier

11:11:29 Sen. Webber

11:11:45 Chair Regier

11:11:59 Ms. Burkhardt

11:12:24 Chair Regier

11:12:33 Sen Bennett returned to the meeting.

11:12:37 Sen. Gross

11:13:40 Ms. Burkhardt

11:14:38 Sen. Gross

11:14:53 **Vote:** Motion carried unanimously by voice vote. Sen. Friedel voted by proxy.

11:15:06 **Motion:** Sen. McGillvray moved that **HB 35 BE CONCURRED IN AS AMENDED.**

Discussion:

11:15:15 Chair Regier

11:15:20 Sen. Esp

11:16:03 Sen. Webber
11:16:27 Sen. Sands
11:17:08 Chair Regier

11:17:20 **Vote:** Motion carried unanimously by voice vote. Sen. Friedel voted by proxy. Sen. Webber will carry the bill.

11:17:47 Sen. Webber
11:18:07 Sen. Gross

EXECUTIVE ACTION ON HB 401

11:18:28 **Motion:** Sen. McGillvray moved that **HB 401 BE CONCURRED IN.**

Discussion:

11:18:39 Julianne Burkhardt, Legislative Services Division (LSD)
11:18:48 Sen. Bennett
11:19:29 Sen. Manzella
11:19:58 Chair Regier
11:20:10 Sen. Gross

11:20:43 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel voted by proxy. Sen. Blasdale will carry the bill.

11:21:20 Sen. McGillvray left the meeting.

EXECUTIVE ACTION ON HB 402

11:21:56 **Motion:** Sen. Esp moved that **HB 402 BE CONCURRED IN.**

Discussion:

11:22:13 Sen. Bennett

11:23:59 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel and Sen. McGillvray voted by proxy. Sen. Blasdale will carry the bill.

EXECUTIVE ACTION ON HB 430

11:25:14 **Motion:** Sen. Esp moved that **HB 430 BE CONCURRED IN.**

Discussion:

11:25:28 Sen. Gross
11:25:45 Julianne Burkhardt, Legislative Services Division (LSD)
11:25:55 Sen. Gross
11:26:27 Chair Regier

11:26:35 Without objection, Sen. Esp withdrew the **BE CONCURRED IN** motion.

Discussion:

11:26:40 Sen. Hinebauch
11:27:00 Sen. Gross
11:27:14 Chair Regier
11:27:37 Sen. Esp
11:27:49 Chair Regier
11:28:02 Sen. Esp
11:28:09 Julianne Burkhardt, LSD
11:28:30 Sen. Esp

EXECUTIVE ACTION ON HB 98

11:28:59 **Motion:** Sen. Esp moved that **HB 98 BE CONCURRED IN.**

Discussion:

11:29:16 Sen. Brown

11:30:42 **Vote:** Motion carried 8-3 by roll call vote with Sen. Hinebauch, Sen. McGillvray and Sen. K. Regier voting no. Sen. Friedel and Sen. McGillvray voted by proxy. Sen. Small will carry the bill.

Discussion:

11:31:48 Chair Regier
11:31:50 Sen. Sands
11:32:06 Chair Regier

EXECUTIVE ACTION ON HB 91

11:32:26 **Motion:** Sen. Esp moved that **HB 91 BE CONCURRED IN.**

Discussion:

11:32:42 Chair Regier

11:32:51 Sen. Friedel joined the meeting.

11:33:23 **Vote:** Motion carried unanimously by voice vote. Sen. McGillvray voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 309

11:34:00 **Motion/Vote:** Sen. Esp moved that **HB 309 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. McGillvray voted by proxy. Sen. Hinebauch will carry the bill.

EXECUTIVE ACTION ON HB 310

11:35:07 **Motion/Vote:** Sen. Esp moved that **HB 310 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. McGillvray voted by proxy. Sen. Sands will carry the bill.

ADJOURNMENT

Adjournment: 11:36 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus50aad.pdf](#))