

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 16, 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. Steve Hinebauch (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (D)
Sen. Jen Gross (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 258, 3/10/2021; HB 293, 3/10/2021; HB 436, 3/10/2021; HB 504, 3/10/2021
Executive Action on: HB 541; HB 293; SB 333

HEARING ON HB 293

Opening Statement by Sponsor:

08:02:06 Rep. Bill Mercer (R), HD 46, opened the hearing on HB293, Generally revise trust laws.

Proponents' Testimony:

08:03:52 Ed Eck, Uniform Law Commission (ULC)

08:09:24 Keith Tokerud, chairman, Business, Estate Trust, Tax and Real Estate Section, State Bar of Montana

[EXHIBIT\(jus52a01\)](#)

Additional Testimony Received:

[EXHIBIT\(jus52a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:11:37 Sen. Sands

08:15:08 Mr. Eck, ULC

08:15:25 Chair Regier

08:16:50 Mr. Eck

08:18:13 Sen. Hinebauch

08:18:44 Mr. Eck

08:19:57 Sen. McGillvray

08:23:39 Mr. Eck

Closing by Sponsor:

08:24:39 Rep. Mercer

HEARING ON HB 258

Opening Statement by Sponsor:

08:26:55 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB258, Revise laws related to firearms, ammunition, and accessories.

[EXHIBIT\(jus52a03\)](#)

Proponents' Testimony:

08:29:09 Gary Marbut, Montana Shooting Sports Association (MSSA)

08:31:00 Sen. Esp entered the meeting.

08:31:14 Darin Gaub, citizen

08:32:32 Brian Thompson, Montana Sheriffs and Peace Officers Association

08:34:48 Nephi Cole, director, National Shooting Sports Foundation (NSSF)

Additional Testimony Received:

[EXHIBIT\(jus52a04\)](#)

Opponents' Testimony:

08:37:47 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus52a05\)](#)

08:40:54 Jennifer Beazer, Moms Demand Action for Gun Sense

08:45:17 Jan Strout, National Organization for Women

[EXHIBIT\(jus52a06\)](#)

Additional Testimony Received:

[EXHIBIT\(jus52a07\)](#)

Additional Proponents' Testimony:

08:49:22 Keith Kubista, Stevensville

Informational Testimony: None

Questions from Committee Members and Responses:

08:50:39 Sen. Brown

08:52:14 Mr. Marbut, MSSA

08:53:00 Sen. Webber

08:55:25 Mr. Cole, NSSF

08:56:20 Sen. McGillvray

09:00:54 Mr. Marbut

Closing by Sponsor:

09:03:15 Rep. Hinkle

09:07:24 Recess

09:10:33 Reconvene

HEARING ON HB 504

Opening Statement by Sponsor:

09:10:54 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB504, Generally revise firearms and weapons laws.

[EXHIBIT\(jus52a08\)](#)

Proponents' Testimony:

09:12:00 Gary Marbut, Montana Shooting Sports Association

09:14:16 Darin Gaub, Helena

09:15:31 Brian Gosch, National Rifle Association - Montana

09:18:40 Nephi Cole, National Shooting Sports Foundation

09:21:30 Keith Kubista, Stevensville

Additional Testimony Received:

[EXHIBIT\(jus52a09\)](#)

Opponents' Testimony:

09:22:35 John MacDonald, Cities of Bozeman and Missoula
09:25:56 Kelly Lynch, Montana League of Cities and Towns

[EXHIBIT\(jus52a10\)](#)

Additional Testimony Received:

[EXHIBIT\(jus52a11\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:26:55 Sen. Bennett
09:29:31 Rep. Knudsen
09:30:18 Sen. Bennett
09:30:58 Julianne Burkhardt, Legislative Services Division (LSD)
09:32:07 Sen. McGillvray
09:33:48 Rep. Knudsen
09:34:24 Chair Regier
09:34:44 Rep. Knudsen
09:34:50 Chair Regier
09:34:54 Ms. Burkhardt, LSD
09:35:06 Sen. Brown
09:35:44 Rep. Knudsen
09:35:52 Sen. Sands
09:36:13 Rep. Knudsen
09:36:40 Sen. Sands

Closing by Sponsor:

09:36:53 Rep. Knudsen

HEARING ON HB 436**Opening Statement by Sponsor:**

09:38:36 Rep. Scot Kerns (R), HD 23, opened the hearing on HB436, Generally revise firearms laws.

Proponents' Testimony:

09:40:33 Gary Marbut, Montana Shooting Sports Association (MSSA); National Rifle Association (NRA)
09:43:16 Matthew Mammoser, regional director, National Association for Gun Rights

[EXHIBIT\(jus52a12\)](#)

09:44:38 Brian Gosch, NRA

Additional Testimony Received:

[EXHIBIT\(jus52a13\)](#)

Opponents' Testimony:

09:45:41 Brian Thompson, Montana County Attorneys' Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

09:51:41 Shani Henry, Moms Demand Action for Gun Sense
[EXHIBIT\(jus52a14\)](#)

09:55:08 Mike Swingley, justice of the peace, Lewis and Clark County; Montana Magistrates Association (MMA)
 10:01:17 Ed Bartlett, Montana Judges Association (MJA)
 10:04:36 Jessie Luther, Montana Association of Clerks of District Courts
 10:06:26 Mark Murphy, Montana Association of Chiefs of Police
 10:08:56 Shelby DeMars, Montana Police Protective Association
 10:10:40 John MacDonald, Cities of Bozeman and Missoula; also speaking on behalf of Greg Dorrington, City of Billings
 10:13:23 Quint Nyman, deputy executive director, Montana Federation of Public Employees
 10:15:30 Marty Lambert, MCAA
 10:19:36 JP Gallagher, chief executive, Butte-Silver Bow

Additional Testimony Received:

[EXHIBIT\(jus52a15\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

10:21:49 Sen. Esp
 10:27:42 Rep. Kerns
 10:28:00 Sen. Esp
 10:28:36 Chair Regier
 10:28:43 Rep. Kerns
 10:29:05 Mr. Marbut, MSSA; NRA
 10:30:06 Sen. Esp
 10:30:16 Mr. Marbut
 10:30:21 Chair Regier
 10:30:31 Mr. Marbut
 10:30:56 Sen. Friedel
 10:31:32 Julianne Burkhardt, Legislative Services Division (LSD)
 10:34:57 Chair Regier
 10:35:13 Ms. Burkhardt, LSD
 10:36:26 Sen. Manzella
 10:37:29 Mr. Marbut
 10:40:58 Sen. Esp
 10:41:37 Mr. Lambert, MCAA
 10:42:12 Sen. Friedel
 10:42:59 Mr. Thompson, MCAA; MSPOA
 10:44:26 Sen. Friedel
 10:45:43 Mr. Bartlett, MJA
 10:47:56 Sen. Friedel
 10:48:10 Chair Regier
 10:50:17 Ms. Burkhardt
 10:50:40 Chair Regier
 10:52:03 Mr. Swingley, MMA
 10:53:43 Sen. Esp

10:55:55 Mr. Marbut

Closing by Sponsor:

10:57:09 Rep. Kerns

10:58:21 Recess

11:15:09 Reconvene

Sen. Gross left the meeting.

EXECUTIVE ACTION ON HB 430

11:15:22 **Motion:** Sen. McGillvray moved that **HB 430 BE CONCURRED IN.**

Discussion:

11:15:29 Chair Regier

11:16:02 Julianne Burkhardt, Legislative Services Division (LSD)

11:16:02 **Motion:** Sen. McGillvray moved that **HB 430 BE AMENDED.**

EXHIBIT(jus52a16)

Discussion:

11:17:07 Chair Regier

11:18:13 Ms. Burkhardt, LSD

11:18:17 Chair Regier

11:18:28 Without objection, Sen. McGillvray withdrew the BE AMENDED and BE CONCURRED IN motions.

EXECUTIVE ACTION ON HB 325

11:19:03 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN.**

Discussion:

11:19:25 Sen. Webber

11:20:39 Sen. Sands

11:21:32 Sen. Hinebauch

11:22:04 Sen. Esp

11:22:30 Without objection, Sen. McGillvray withdrew the BE CONCURRED IN motion.

EXECUTIVE ACTION ON HB 541

11:23:11 **Motion:** Sen. McGillvray moved that **HB 541 BE CONCURRED IN.**

Discussion:

11:23:32 Sen. Bennett

11:26:53 Sen. Brown

11:27:56 Sen. Webber

11:29:51 Sen. McGillvray

11:30:29 **Vote:** Motion failed 4-7 by roll call vote with Sen. Brown, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting aye. Sen. Gross voted by proxy.

11:31:16 **Motion/Vote:** Sen. Brown moved that **HB 541 BE TABLED**. Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON SB 333

11:31:50 **Motion:** Sen. McGillvray moved that **SB 333 DO PASS**.

11:32:17 **Motion:** Sen. McGillvray moved that **SB 333 BE AMENDED**.
[EXHIBIT\(jus52a17\)](#)

Discussion:

11:32:33 Julianne Burkhardt, Legislative Services Division (LSD)

11:34:59 Sen. Friedel

11:37:24 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

11:37:55 **Motion:** Sen. McGillvray moved that **SB 333 DO PASS AS AMENDED**.

Discussion:

11:38:38 Sen. Esp

11:39:03 Julianne Burkhardt, LSD

11:39:25 Sen. Friedel

11:39:39 Chair Regier

11:40:17 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross voted by proxy.

EXECUTIVE ACTION ON HB 293

11:41:10 **Motion:** Sen. McGillvray moved that **HB 293 BE CONCURRED IN**.

Discussion:

11:41:25 Sen. Sands

11:42:12 **Vote:** Motion carried unanimously by voice vote. Sen. Gross voted by proxy. Sen. Sands will carry the bill.

ADJOURNMENT

Adjournment: 11:43 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus52aad.pdf](#))