

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Tom McGillvray, on March 19, 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. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (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 285, 3/15/2021; HB 331, 3/15/2021; HB 333, 3/15/2021; HB 393, 3/15/2021; HB 478, 3/15/2021

Executive Action: HB 223 Be Concurred In as Amended; HB 258 Be Concurred In as Amended; HB 325 Be Concurred In as Amended; HB 504 Be Concurred In as Amended; HB 285 Be Tabled; HB 541 Be Removed from the Table

Committee Business:

08:00:23 Sen. Sands
08:00:28 Chair McGillvray

HEARING ON HB 333

Opening Statement by Sponsor:

08:00:57 Rep. Barry Usher (R), HD 40, opened the hearing on HB333, Generally revise laws related to sexual and violent offenders.

Proponents' Testimony:

08:02:25 Shelby DeMars, Montana Police Protective Association (MPPA)
[EXHIBIT\(jus55a01\)](#)

08:03:01 Sen. Friedel entered the meeting.

08:06:18 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association; Montana County Attorneys' Association

08:07:10 Matthew Sayler, MPPA

08:09:37 Mayre Flowers, Kalispell

Additional Testimony Received:

[EXHIBIT\(jus55a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:11:30 Sen. Friedel
08:15:25 Ms. DeMars, MPPA
08:15:48 Sen. Manzella
08:17:19 Ms. DeMars
08:17:29 Sen. Gross
08:18:43 Mr. Sayler, MPPA
08:19:21 Sen. Gross
08:19:40 Sen. Sands
08:22:06 Rep. Usher
08:22:23 Sen. Sands
08:23:13 Julianne Burkhardt, Legislative Services Division
08:23:59 Sen. Sands
08:24:24 Rep. Usher
08:25:34 Sen. Sands
08:25:52 Sen. Manzella
08:26:32 Rep. Usher
08:26:58 Sen. Webber
08:27:13 Ms. DeMars
08:28:48 Chair McGillvray
08:29:11 Rep. Usher

08:29:24 Sen. McGillvray
08:30:48 Ms. DeMars

Closing by Sponsor:

08:31:26 Rep. Usher

HEARING ON HB 478

Opening Statement by Sponsor:

08:35:23 Rep. Derek Harvey (D), HD 74, opened the hearing on HB478, Generally revise DUI laws.

Proponents' Testimony:

08:37:00 Alan Doane, Department of Justice (DOJ)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:37:25 Sen. Friedel
08:38:33 Rep. Harvey
08:38:47 Mr. Doane, DOJ
08:39:12 Sen. Friedel
08:39:38 Mr. Doane

Closing by Sponsor:

08:39:51 Rep. Harvey

HEARING ON HB 393

Opening Statement by Sponsor:

08:40:32 Rep. Jane Gillette (R), HD64, opened the hearing on HB393, Revise laws related to amendment of a parenting plan due to change in residence.

Proponents' Testimony:

08:42:24 Gail Goheen, Corvallis

[EXHIBIT\(jus55a03\)](#)

08:47:35 Mars Scott, attorney, Missoula

08:49:38 Christopher Gillette, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:52:45 Sen. Gross
08:53:29 Mr. Scott, Missoula

08:54:28 Chair McGillvray
08:56:18 Mr. Gillette, Bozeman
08:56:47 Sen. Esp
08:57:08 Julianne Burkhardt, Legislative Services Division
08:57:27 Chair McGillvray
08:57:39 Sen. Webber
08:58:10 Mr. Scott

Closing by Sponsor:

08:58:51 Rep. Gillette

HEARING ON HB 331

Opening Statement by Sponsor:

09:00:19 Rep. Casey Knudsen (R), HD 33, opened the hearing on HB331, Requiring legislators to have access to adult and youth correctional facilities.

[EXHIBIT\(jus55a04\)](#)

Proponents' Testimony:

09:02:47 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
09:04:02 Janee Weber, Montana State Council on Judicial Accountability
09:05:21 May Simmons, Polson

[EXHIBIT\(jus55a05\)](#)

09:08:31 Laurie Little Dog, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:11:09 Sen. Brown
09:11:44 Rep. Knudsen
09:13:00 Sen. Esp
09:13:08 Rep. Knudsen
09:13:28 Sen. Sands
09:19:36 Rep. Knudsen
09:19:44 Chair McGillvray
09:19:52 Sen. Manzella
09:21:12 Rep. Knudsen
09:22:08 Sen. Gross
09:22:45 Rep. Knudsen
09:23:19 Sen. Friedel
09:23:54 Julianne Burkhardt, Legislative Services Division
09:24:22 Sen. Friedel
09:26:13 Ms. Gilbertson, MSPOA
09:27:22 Chair McGillvray
09:28:08 Ms. Gilbertson

Closing by Sponsor:

09:29:07 Rep. Knudsen

09:31:25 Recess

09:35:19 Reconvened

Sen. Regier returned to the meeting and took over the duties of the Chair.

HEARING ON HB 285

Opening Statement by Sponsor:

09:35:38 Rep. Jeremy Trebas (R), HD 26, opened the hearing on HB285, Create cigar bars.

Proponents' Testimony:

09:40:21 Cheryl Tusken, citizen

Questions from the Committee for Ms. Tusken:

09:41:17 Chair Regier

09:41:19 Ms. Tusken, citizen

Additional Proponents' Testimony:

09:41:29 Patrick Webb, Americans for Prosperity Montana (AFP)

09:43:22 Gage Henderson, Polson

[EXHIBIT\(jus55a06\)](#)

Additional Testimony Received:

[EXHIBIT\(jus55a07\)](#)

Opponents' Testimony:

09:46:20 Annie Tegan, Tobacco-Free Kids

[EXHIBIT\(jus55a08\)](#)

09:48:07 Bella Childre, Tobacco-Free Kids

09:48:54 Dr. David King, Belgrade

[EXHIBIT\(jus55a09\)](#)

09:52:09 Kristin Page-Nei, American Cancer Society Action Network

09:56:03 Ross Proseri, Missoula

[EXHIBIT\(jus55a10\)](#)

09:57:03 Kathy Rogers, pediatrician, Missoula

[EXHIBIT\(jus55a11\)](#)

09:58:36 Char Day, Americans for Nonsmokers' Rights

[EXHIBIT\(jus55a12\)](#)

10:01:11 Cynthia Stremba, Parents Against Vaping

10:02:59 Amanda Cahill, American Heart Association

10:04:37 Linda Beischel, Montana Public Health Association
[EXHIBIT\(jus55a13\)](#)

10:06:03 Carrie Nyssen, American Lung Association

10:07:56 Greg Dorrington, Montana Medical Association (MMA); Billings Clinic

Additional Testimony Received:

[EXHIBIT\(jus55a14\)](#)

Informational Testimony:

10:08:51 Becky Schlauch, Alcoholic Beverage Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

10:09:18 Sen. Hinebauch
10:09:56 Mr. Dorrington, MMA
10:10:05 Sen. Hinebauch
10:10:18 Sen. Manzella
10:10:51 Mr. Dorrington
10:11:00 Sen. Manzella
10:11:33 Ms. Schlauch, DOR
10:11:54 Sen. McGillvray
10:14:47 Mr. King, Belgrade
10:15:01 Sen. McGillvray
10:15:38 Rep. Trebas
10:15:55 Sen. McGillvray
10:16:00 Ms. Schlauch
10:16:29 Sen. McGillvray
10:19:20 Rep. Trebas
10:20:14 Sen. McGillvray
10:22:55 Mr. Webb, AFP
10:23:29 Sen. Webber
10:23:52 Ms. Schlauch
10:24:17 Sen. Bennett
10:25:23 Rep. Trebas
10:26:43 Chair Regier
10:30:18 Rep. Trebas
10:30:42 Sen. Sands
10:32:24 Ms. Schlauch
10:33:42 Sen. Manzella
10:35:10 Rep. Trebas
10:35:24 Sen. McGillvray
10:36:05 Rep. Trebas
10:36:35 Sen. McGillvray

Closing by Sponsor:

10:36:45 Rep. Trebas

10:39:27 Chair Regier

10:40:11 Recess
11:00:25 Reconvened

Sen. Brown and Sen. Friedel did not return to the meeting.

EXECUTIVE ACTION ON HB 223

11:01:22 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN.**

Discussion:

11:01:36 Chair Regier
11:02:31 Sen. Esp
11:02:48 Chair Regier
11:02:53 Sen. Esp
11:03:14 Chair Regier

11:03:20 **Motion:** Sen. McGillvray moved that **HB 223 BE AMENDED.**
EXHIBIT(jus55a15)

Discussion:

11:03:33 Julianne Burkhardt, Legislative Services Division (LSD)
11:04:58 Chair Regier
11:05:08 Ms. Burkhardt, LSD
11:05:26 Sen. Gross

11:05:51 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:06:32 **Motion:** Sen. McGillvray moved that **HB 223 BE CONCURRED IN AS AMENDED.**

Discussion:

11:06:43 Sen. Sands
11:07:19 Sen. Gross

11:08:48 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy. Sen. Regier will carry the bill.

EXECUTIVE ACTION ON HB 325

11:09:33 Chair Regier

11:09:48 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN.**

Discussion:

11:09:59 Julianne Burkhardt, Legislative Services Division (LSD)
11:10:09 Chair Regier

11:10:12 **Motion:** Sen. Esp moved that **HB 325 BE AMENDED.**
[EXHIBIT\(jus55a16\)](#)

Discussion:

11:11:03 Sen. Bennett
11:11:56 Chair Regier
11:12:07 Sen. Esp
11:12:21 Sen. Hinebauch
11:12:30 Chair Regier
11:12:34 Sen. Bennett

11:13:35 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown and Sen. Friedel voted by proxy.

11:14:06 **Motion:** Sen. McGillvray moved that **HB 325 BE CONCURRED IN AS AMENDED.**

Discussion:

11:14:13 Sen. Sands
11:15:40 Sen. Bennett
11:16:40 Chair Regier
11:17:01 Sen. Webber
11:18:01 Chair Regier
11:18:23 Sen. Gross
11:18:56 Sen. Esp

11:19:09 Sen Friedel entered the meeting.

11:19:53 Chair Regier
11:20:07 Sen. Gross

11:20:27 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 504

11:21:34 **Motion:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN.**

Discussion:

11:21:43 Chair Regier
11:21:45 Julliane Burkhardt, Legislative Services Division (LSD)

11:21:50 **Motion:** Sen. McGillvray moved that **HB 504 BE AMENDED.**
[EXHIBIT\(jus55a17\)](#)

Discussion:

11:22:18 Ms. Burkhardt, LSD

11:23:17 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy.

11:23:46 **Motion/Vote:** Sen. McGillvray moved that **HB 504 BE CONCURRED IN AS AMENDED**. Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Hinebauch will carry the bill.

EXECUTIVE ACTION ON HB 258

11:25:39 **Motion/Vote:** Sen. McGillvray moved that **HB 258 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Brown voted by proxy. Sen. Manzella will carry the bill.

Discussion:

11:26:57 Sen. Esp
 11:27:49 Chair Regier
 11:28:17 Julianne Burkhardt, Legislative Services Division
 11:28:57 Chair Regier

EXECUTIVE ACTION ON HB 285

11:29:14 **Motion/Vote:** Sen. McGillvray moved that **HB 285 BE TABLED**. Motion carried 6-5 by roll call vote with Sen. Brown, Sen. Friedel, Sen. Hinebauch, Sen. Manzella and Sen. K. Regier voting no. Sen. Brown voted by proxy.

EXECUTIVE ACTION ON HB 541

11:30:22 **Motion:** Sen. Esp moved that **HB 541 BE REMOVED FROM TABLE**.

Discussion:

11:31:11 Sen. Sands

11:31:28 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett voted by proxy.

Committee Business:

11:32:03 Chair Regier
 11:32:17 Sen. Esp
 11:32:49 Chair Regier
 11:33:08 Sen. Sands
 11:33:12 Julianne Burkhardt, Legislative Services Division
 11:33:21 Chair Regier
 11:33:28 Sen. Esp
 11:33:32 Sen. Gross
 11:33:36 Chair Regier

ADJOURNMENT

Adjournment: 11:34 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus55aad.pdf](#))