

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 23, 2021 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Tom McGillvray, Vice Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bryce Bennett (D)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)

Members Excused:

Sen. Steve Hinebauch (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 92, 3/17/2021; HB 368, 3/17/2021; HB 382, 3/17/2021

Executive Action: HB 331 Be Concurred In as Amended; HB 333 Be Concurred In as Amended; HB 393 Be Concurred In; HB 478 Be Concurred In as Amended; HB 115 Be Concurred In as Amended

HEARING ON HB 368**Opening Statement by Sponsor:**

08:03:20 Rep. Sharon Greef (R), HD 88, opened the hearing on HB368, Adopt Uniform Premarital and Marital Agreements Act.

Proponents' Testimony:

08:06:42 Jacqueline Lenmark, Uniform Law Commission
[EXHIBIT\(jus57a01\)](#)

08:10:52 Gail Goheen, Family Law Section, State Bar of Montana
[EXHIBIT\(jus57a02\)](#)

08:16:19 P. Mars Scott, Family Law Section, State Bar of Montana
[EXHIBIT\(jus57a03\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:20:10 Sen. Manzella
08:21:42 Mr. Scott, State Bar
08:22:24 Chair Regier
08:27:01 Mr. Scott
08:27:13 Sen. Webber
08:27:58 Mr. Scott
08:28:21 Sen. Manzella
08:28:54 Mr. Scott
08:29:26 Chair Regier
08:29:36 Mr. Scott

Closing by Sponsor:

08:30:31 Rep. Greef

HEARING ON HB 92**Opening Statement by Sponsor:**

08:31:19 Rep. Kathy Kelker (D), HD 47, opened the hearing on HB92, Establish compensation program for wrongfully convicted individuals.

Proponents' Testimony:

08:36:27 Amy Sings In The Timber, Montana Innocence Project (MIP)
08:39:16 Patrick Webb, Americans For Prosperity Montana (AFP-MT)
08:41:51 Janee Weber, Montana State Council on Judicial Accountability
08:44:37 Patrick Webb, AFP-MT
[EXHIBIT\(jus57a04\)](#)

08:44:55 Bart Crabtree, Montana State Council on Judicial Accountability
08:46:01 Cody Marble, citizen

08:48:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

08:49:36 Laurie Little Dog, Bozeman

[EXHIBIT\(jus57a05\)](#)

Opponents' Testimony: None

Informational Testimony:

08:51:18 Brett Dahl, Department of Administration (DOA)

[EXHIBIT\(jus57a06\)](#)

Questions from Committee Members and Responses:

08:51:46 Chair Regier

08:52:08 Rep. Kelker

08:53:10 Chair Regier

08:54:56 Julianne Burkhardt, Legislative Services Division (LSD)

08:55:40 Sen. McGillvray

08:56:34 Mr. Dahl, DOA

08:56:57 Sen. McGillvray

08:57:09 Rep. Kelker

08:57:22 Ms. Burkhardt, LSD

08:57:59 Sen. McGillvray

08:59:32 Rep. Kelker

09:00:08 Sen. Esp

09:01:29 Rep. Kelker

09:02:37 Sen. Esp

09:02:43 Chair Regier

09:02:50 Rep. Kelker

09:02:58 Chair Regier

09:03:42 Mr. Webb, AFP-MT

09:04:54 Chair Regier

09:05:20 Sen. Webber

09:06:34 Mr. Webb

09:06:55 Chair Regier

09:06:59 Mr. Webb

09:07:16 Ms. Sings In The Timber, MIP

09:08:39 Sen. Webber

09:10:20 Rep. Kelker

09:10:51 Chair Regier

09:11:30 Sen. Sands

09:15:04 Rep. Kelker

Closing by Sponsor:

09:15:19 Rep. Kelker

HEARING ON HB 382

Opening Statement by Sponsor:

09:17:22 Rep. Willis Curdy (D), HD 98, opened the hearing on HB382, Generally revise the use of exploding targets.

[EXHIBIT\(jus57a07\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

09:24:23 John Monzie, Fire Protection Bureau, Department of Natural Resources and Conservation (DNRC)

EXHIBIT(jus57a08)

Questions from Committee Members and Responses:

09:24:57 Sen. Webber
09:25:15 Rep. Curdy
09:25:41 Chair Regier
09:27:55 Rep. Curdy
09:28:09 Sen. Sands
09:30:06 Mr. Monzie, DNRC
09:30:29 Sen. Sands
09:32:43 Rep. Curdy
09:33:18 Chair Regier
09:33:20 Rep. Curdy
09:34:00 Chair Regier
09:34:14 Mr. Monzie
09:34:17 Chair Regier
09:34:25 Sen. Webber
09:35:35 Rep. Curdy
09:37:51 Sen. Esp
09:39:29 Mr. Monzie
09:39:46 Sen. Brown
09:43:30 Rep. Curdy
09:45:48 Sen. Brown
09:46:00 Chair Regier
09:46:21 Julianne Burkhardt, Legislative Services Division (LSD)
09:46:51 Chair Regier
09:47:03 Rep. Curdy
09:48:23 Ms. Burkhardt, LSD

Closing by Sponsor:

09:49:11 Rep. Curdy

Committee Business:

09:50:47 Chair Regier
09:51:09 Julianne Burkhardt, Legislative Services Division
09:51:46 Chair Regier

09:51:50 Recess
10:15:00 Reconvened

Sen. Gross was excused.

EXECUTIVE ACTION ON HB 331

10:15:21 **Motion:** Sen. McGillvray moved that **HB 331 BE CONCURRED IN.**

Discussion:

10:15:35 Julianne Burkhardt, Legislative Services Division (LSD)

10:15:39 **Motion:** Sen. McGillvray moved that **HB 331 BE AMENDED.**
EXHIBIT(jus57a09)

Discussion:

10:15:58 Julianne Burkhardt, LSD

10:17:56 Chair Regier

10:18:02 Sen. Manzella

10:18:26 Chair Regier

10:18:32 Sen. Bennett

10:19:19 **Vote:** Motion carried unanimously by roll call vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:19:50 **Motion/Vote:** Sen. McGillvray moved that **HB 331 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 333

10:21:30 **Motion:** Sen. McGillvray moved that **HB 333 BE CONCURRED IN.**

10:21:44 **Motion:** Sen. Sands moved that **HB 333 BE AMENDED.**
EXHIBIT(jus57a10)

Discussion:

10:22:21 Chair Regier

10:22:32 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:23:00 **Motion/Vote:** Sen. McGillvray moved that **HB 333 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 393

10:24:16 **Motion:** Sen. McGillvray moved that **HB 393 BE CONCURRED IN.**

Discussion:

10:24:34 Sen. Sands

10:25:28 Julianne Burkhardt, Legislative Services Division (LSD)

10:25:35 Chair Regier

10:25:47 Sen. Sands
10:25:53 Ms. Burkhardt, LSD
10:26:25 Sen. Sands

10:26:43 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. McGillvray will carry the bill.

EXECUTIVE ACTION ON HB 478

10:27:51 **Motion:** Sen. McGillvray moved that **HB 478 BE CONCURRED IN**.

10:28:08 **Motion:** Sen. McGillvray moved that **HB 478 BE AMENDED**.
[EXHIBIT\(jus57a11\)](#)

Discussion:

10:28:26 Julianne Burkhardt, Legislative Services Division (LSD)
10:29:40 Chair Regier
10:30:57 Sen. Sands
10:31:06 Ms. Burkhardt

10:31:26 **Vote:** Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

10:31:40 **Motion/Vote:** Sen. McGillvray moved that **HB 478 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Esp will carry the bill.

EXECUTIVE ACTION ON HB 115

10:33:48 **Motion:** Sen. McGillvray moved that **HB 115 BE CONCURRED IN**.

10:34:07 **Motion/Vote:** Sen. McGillvray moved that **HB 115 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Gross and Sen. Hinebauch voted by proxy.

[EXHIBIT\(jus57a12\)](#)

10:34:56 **Motion:** Sen. McGillvray moved that **HB 115 BE CONCURRED IN AS AMENDED**.

Discussion:

10:35:06 Sen. Sands
10:36:01 Chair Regier
10:36:06 Sen. Friedel
10:37:43 Sen. Sands

10:37:55 **Vote:** Motion carried 10-1 by roll call vote with Sen. Bennett voting no. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Esp will carry the bill.

Committee Business:

10:38:43 Chair Regier

10:38:58 Taylor Tyson, remote meeting coordinator
10:39:27 Sen. McGillvray
10:39:43 Chair Regier
10:40:12 Sen. Sands
10:40:29 Chair Regier
10:40:38 Sen. Friedel
10:40:46 Chair Regier
10:41:07 Julianne Burkhardt, Legislative Services Division (LSD)
10:41:36 Chair Regier
10:41:39 Ms. Burkhardt, LSD
10:41:42 Sen. Esp
10:42:00 Ms. Burkhardt

ADJOURNMENT

Adjournment: 10:42 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus57aad.pdf](#))