

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 25, 2021 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Diane Sands, Vice Chair (D)
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. Bryce Bennett (D)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Jacelyn Sterling, Committee Secretary
Taylor Tyson, Remote Meeting Coordinator

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 380, 3/19/2021; HB 386, 3/19/2021; HB 428, 3/19/2021; HB 449, 3/19/2021

Executive Action: HB 501, HB 499, HB 368, HB 555, HB 386, HB 428

HEARING ON HB 449**Opening Statement by Sponsor:**

08:01:09 Rep. Frank Garner (R), HD 7, opened the hearing on HB449, Revise pretrial release laws involving electronic monitoring.

Proponents' Testimony:

08:05:51 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association; Montana County Attorneys' Association
08:06:44 Shelby DeMars, Montana Police Protective Association
08:07:33 Jon Metropoulos, Missoula Correctional Services
08:09:41 Mayre Flowers, Kalispell
08:12:43 Shinnah Sullivan, Somers
08:15:09 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:20:47 Chair Regier
08:23:27 Rep. Garner
08:23:57 Sen. Sands
08:25:23 Rep. Garner
08:25:58 Sen. Sands
08:28:55 Ms. Young, MCADSV
08:29:30 Sen. Sands
08:30:07 Rep. Garner
08:30:17 Sen. Esp
08:32:06 Rep. Garner
08:32:54 Sen. Esp
08:33:19 Sen. McGillvray
08:36:34 Rep. Garner
08:36:59 Sen. Friedel
08:37:17 Sen. Gross
08:38:56 Rep. Garner
08:39:18 Sen. Gross
08:39:36 Ms. Young
08:40:29 Sen. Gross
08:40:52 Rep. Garner
08:41:13 Sen. Friedel
08:42:06 Sen. Gross
08:42:29 Sen. Friedel
08:42:55 Sen. Webber
08:43:34 Mr. Metropoulos, Missoula Correctional Services
08:43:59 Sen. Friedel
08:45:07 Sen. Webber
08:45:17 Sen. Friedel

Closing by Sponsor:

08:46:10 Rep. Garner

HEARING ON HB 386

Opening Statement by Sponsor:

08:47:07 Rep. Steve Gist (R), HD 25, opened the hearing on HB386, Allow search and rescue auxiliary officers to carry weapon.

Proponents' Testimony:

08:50:10 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

08:51:52 Ryan Dunster, MSPOA

08:53:38 Cory Hanson, volunteer, Cascade County Search and Rescue

08:55:12 Shelby DeMars, Montana Police Protective Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:55:43 Sen. Esp

08:56:42 Ms. Gilbertson, MSPOA

08:56:53 Chair Regier gave the duties of the Chair to Sen. Esp and left the meeting.

08:57:14 Chair Esp

08:57:20 Ms. Gilbertson

Closing by Sponsor:

08:57:50 Rep. Gist

HEARING ON HB 428

Opening Statement by Sponsor:

08:59:29 Rep. Bill Mercer (R), HD 46, opened the hearing on HB428, Generally revise civil liability laws related to state and local government.

Proponents' Testimony: None

Opponents' Testimony:

09:02:07 Sam Forstag, American Civil Liberties Union (ACLU)

09:03:00 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Informational Testimony: None

Questions from Committee Members and Responses:

09:03:58 Sen. Sands

09:04:19 Mr. Forstag, ACLU

09:05:47 Sen. Sands

09:06:03 Chair Esp

Closing by Sponsor:

09:06:23 Rep. Mercer

09:10:25 Recess

09:14:49 Reconvened

HEARING ON HB 380**Opening Statement by Sponsor:**

09:15:12 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB380, Revise appointment process for certain members of judicial standards commission.

Proponents' Testimony: None**Opponents' Testimony:**

09:17:21 Bruce Spencer, State Bar of Montana

Questions for Mr. Spencer and Responses:

09:21:14 Sen. Gross

09:21:21 Mr. Spencer, State Bar

Continued Opponents' Testimony:

09:22:16 Mike Menahan, judge, Lewis and Clark County

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

09:33:17 Sen. Brown

09:34:27 Rep. Seekins-Crowe

09:35:16 Chair Esp

09:35:35 Mr. Menahan, judge

09:36:23 Sen. Sands

09:38:23 Rep. Seekins-Crowe

09:38:41 Sen. Regier entered the meeting.

09:38:52 Sen. Sands

09:38:58 Rep. Seekins-Crowe

09:39:08 Sen. Sands

09:39:33 Mr. Menahan

09:39:57 Sen. Brown

09:40:22 Chair Esp

09:40:45 Sen. McGillvray

09:41:23 Mr. Menahan

Closing by Sponsor:

09:42:33 Rep. Seekins-Crowe

09:43:19 Sen. Regier resumed the duties of the Chair.

09:43:55 Recess
10:05:25 Reconvened

10:05:41 Sen. Gross
10:05:55 Chair Regier

EXECUTIVE ACTION ON HB 501

10:06:12 **Motion:** Sen. Esp moved that **HB 501 BE CONCURRED IN.**

Discussion:

10:06:31 Julianne Burkhardt, Legislative Services Division (LSD)

10:06:57 **Motion:** Sen. Esp moved that **HB 501 BE AMENDED.**
EXHIBIT(jus59a01)

Discussion:

10:07:54 Sen. Bennett
10:08:06 Ms. Burkhardt, LSD
10:09:18 Chair Regier
10:09:22 Ms. Burkhardt
10:10:03 Sen. Bennett
10:10:33 Ms. Burkhardt
10:10:48 Sen. Bennett
10:11:03 Ms. Burkhardt
10:11:49 Sen. Sands

10:12:49 **Vote:** Motion failed 4-7 by roll call vote with Sen. Esp, Sen. Friedel, Sen. Hinebauch and Sen. McGillvray voting aye.

10:13:36 **Motion/Vote:** Sen. Manzella moved that **HB 501 BE AMENDED.** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no.

EXHIBIT(jus59a02)

10:15:15 **Motion:** Sen. Esp moved that **HB 501 BE CONCURRED IN AS AMENDED.**

Discussion:

10:15:26 Sen. Webber
10:16:21 Sen. Sands
10:17:24 Sen. Bennett
10:18:33 Sen. McGillvray
10:19:47 Sen. Esp
10:20:37 Chair Regier
10:20:57 Sen. Sands
10:21:56 Sen. Esp
10:22:16 Sen. Sands
10:22:26 Sen. Hinebauch
10:23:27 Sen. Sands

10:24:45 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Regier will carry the bill.

Discussion:

10:25:40 Sen. Esp
10:26:09 Sen. Sands

EXECUTIVE ACTION ON HB 499

10:26:27 **Motion/Vote:** Sen. Esp moved that **HB 499 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Manzella will carry the bill.

EXECUTIVE ACTION ON HB 368

10:27:32 **Motion:** Sen. Esp moved that **HB 368 BE CONCURRED IN**.

Discussion:

10:27:49 Sen. Sands
10:28:59 Sen. McGillvray
10:30:11 Chair Regier

10:30:57 **Vote:** Motion carried 9-2 by roll call vote with Sen. Brown and Sen. K. Regier voting no. Sen. Sands will carry the bill.

10:31:42 Sen. Sands

EXECUTIVE ACTION ON HB 555

10:32:35 **Motion:** Sen. Esp moved that **HB 555 BE CONCURRED IN**.

10:32:43 **Motion:** Sen. Esp moved that **HB 555 BE AMENDED**.
[EXHIBIT\(jus59a03\)](#)

10:32:53 Chair Regier

10:33:12 **Vote:** Motion carried unanimously by voice vote.

10:33:20 **Motion:** Sen. Esp moved that **HB 555 BE CONCURRED IN AS AMENDED**.

Discussion:

10:33:33 Chair Regier
10:34:00 Julianne Burkhardt, Legislative Services Division
10:34:12 Sen. Sands
10:34:22 Chair Regier
10:34:42 Sen. Sands
10:34:58 Chair Regier
10:35:01 Sen. Esp
10:35:15 Sen. Hi nebauch
10:35:31 Chair Regier
10:35:38 Sen. McGillvray

10:35:51 **Vote:** Motion carried unanimously by voice vote. Sen. Regier will carry the bill.

10:36:18 Chair Regier

EXECUTIVE ACTION ON HB 386

10:36:38 **Motion:** Sen. Esp moved that **HB 386 BE CONCURRED IN.**

Discussion:

10:36:48 Sen. Sands

10:37:08 **Vote:** Motion carried unanimously by voice vote. Sen. Brown will carry the bill.

10:37:38 Chair Regier

EXECUTIVE ACTION ON HB 428

10:38:08 **Motion:** Sen. Esp moved that **HB 428 BE CONCURRED IN.**

Discussion:

10:38:19 Sen. Sands

10:38:46 Sen. Friedel

10:38:56 Chair Regier

10:39:09 Sen. Sands

10:39:18 Chair Regier

10:39:32 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Esp will carry the bill.

Discussion:

10:40:15 Sen. Esp

10:40:36 Chair Regier

10:41:02 Sen. McGillvray

10:41:12 Chair Regier

ADJOURNMENT

Adjournment: 10:42 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus59aad.pdf](#))