

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 26, 2021 at 8:00 A.M., 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. Jen Gross (D)
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. Steve Hinebauch (R)

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: SR 47, 3/18/2021; HB 463, 3/18/2021; HB 479, 3/18/2021; HB 451, 3/18/2021

Executive Action: HB 439 Be Concurred In as Amended; HB 229 Be Concurred In; HB 382 Be Concurred In as Amended

08:01:46 Chair Regier gave the duties of the Chair over to Sen. Esp.

HEARING ON SR 47

Opening Statement by Sponsor:

08:02:01 Sen. Keith Regier (R), SD 3, opened the hearing on SR47, Confirm Governor's appointment to the 18th Judicial District.

[**EXHIBIT\(jus60a01\)**](#)

Proponents' Testimony:

08:02:30 Peter Ohman, appointee

[**EXHIBIT\(jus60a02\)**](#)

08:23:16 Rienne McElyea, district judge, Gallatin County

[**EXHIBIT\(jus60a03\)**](#)

08:25:58 Krista Lee Evans, Association of Gallatin Agriculture Irrigators

08:27:31 John Brown, district court judge, Gallatin County

08:29:55 Eric Brewer, Bozeman

[**EXHIBIT\(jus60a04\)**](#)

08:32:57 Bjorn Boyer, Gallatin County

08:35:15 Erin Murphy, deputy attorney, Gallatin County

08:39:17 Jordan Salo, deputy attorney, Gallatin County

08:46:07 Mark Murphy, citizen

08:48:42 Bruce Spencer, State Bar of Montana

08:51:11 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

08:54:00 Alanah Griffith, Bozeman

08:55:45 Ian McIntosh, Crowley Fleck Law Firm

08:57:48 Al Smith, Montana Trial Lawyers Association

08:58:48 Marty Lambert, Bozeman

[**EXHIBIT\(jus60a05\)**](#)

08:59:51 Andrew Breuner, Gallatin Gateway

[**EXHIBIT\(jus60a06\)**](#)

09:02:10 Greg Todd, district court judge, Billings; president, Montana Judges' Association

09:05:21 Holly Brown, retired district court judge, Gallatin County

09:10:03 Mike Salvagni, Belgrade

09:13:31 Lars Phillips, attorney, Bozeman

09:15:06 Matthew Haus, Bozeman

[**EXHIBIT\(jus60a07\)**](#)

Additional Testimony Received:

[**EXHIBIT\(jus60a08\)**](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:18:44 Sen. Manzella
09:22:59 Mr. Ohman, appointee
09:24:05 Sen. Manzella
09:24:12 Sen. Webber
09:27:03 Mr. Ohman
09:29:01 Sen. Brown
09:29:45 Mr. Ohman
09:32:15 Sen. McGillvray
09:39:23 Mr. Ohman
09:40:40 Sen. McGillvray
09:41:13 Mr. Ohman

Closing by Sponsor:

09:42:18 Sen. Regier

HEARING ON HB 463

Opening Statement by Sponsor:

09:45:23 Rep. Jeremy Trebas (R), HD 26, opened the hearing on HB463, Revise timeline for restriction on gift instrument or instrument of donor intent.

Proponents' Testimony:

09:49:28 Derek Oestreicher, general counsel, Attorney General's Office, Department of Justice (DOJ)
09:50:37 David Bell, CEO, Alps Insurance

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:52:19 Sen. Esp
09:52:35 Sen. Manzella
09:53:10 Mr. Oestreicher, DOJ
09:54:22 Sen. McGillvray
09:54:47 Mr. Oestreicher
09:55:26 Sen. McGillvray
09:55:41 Mr. Oestreicher
09:56:09 Sen. Sands
09:56:35 Rep. Trebas
09:56:56 Sen. Sands
09:57:17 Rep. Trebas

Closing by Sponsor:

09:57:30 Rep. Trebas

HEARING ON HB 479**Opening Statement by Sponsor:**

09:59:09 Rep. Katie Sullivan (D), HD 89, opened the hearing on HB479, Revise laws related to third party data privacy.

[EXHIBIT\(jus60a09\)](#)

Proponents' Testimony:

10:03:58 Kendall Cotton, president, Frontier Institute
10:05:49 Katjana Stutzer, Montana Public Interest Research Group
10:08:01 Henry Kriegel, Americans For Prosperity Montana
10:09:08 Anja Wookey-Huffman, citizen

Opponents' Testimony:

10:11:46 Brian Thompson, Montana County Attorneys' Association; Montana Sheriffs and Peace Officers Association
10:18:49 Gary Seder, chief, Crime Information Bureau, Montana Division of Criminal Investigation, Department of Justice
10:25:12 Shelby DeMars, Montana Police Protective Association (MPPA); also speaking on behalf of Jessie Luther, Association of Montana Troopers
10:27:17 Mark Murphy, Montana Association of Chiefs of Police
10:32:08 Dan Smith, citizen
10:34:07 Ben Halverson, deputy city attorney, Billings

[EXHIBIT\(jus60a10\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

10:36:42 Sen. Gross
10:37:06 Mr. Seder, DOJ
10:37:36 Sen. Webber
10:38:04 Ms. DeMars, MPPA

Closing by Sponsor:

10:38:28 Rep. Sullivan

HEARING ON HB 451**Opening Statement by Sponsor:**

10:40:43 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB451, Generally revise time served requirements.

Proponents' Testimony:

10:43:12 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:43:53 Sen. Brown
10:44:54 Rep. Olsen
10:46:00 Sen. Friedel
10:47:43 Rep. Olsen
10:48:26 Sen. Webber
10:48:43 Rep. Olsen
10:49:53 Sen. Manzella
10:51:13 Rep. Olsen
10:51:49 Sen. McGillvray
10:52:30 Rep. Olsen

Closing by Sponsor:

10:53:33 Rep. Olsen

10:53:59 Chair Regier

10:54:20 Recess
11:01:00 Reconvened

Sen. Bennett was excused.

EXECUTIVE ACTION ON HB 382

11:01:18 Sen. Esp.
11:01:24 Julianne Burkhardt Legislative Services Division (LSD)
11:01:48 Chair Regier
11:01:52 Ms. Burkhardt, LSD

11:01:57 **Motion:** Sen. Esp moved that **HB 382 BE CONCURRED IN.**

11:02:03 **Motion:** Sen. Esp moved that **HB 382 BE AMENDED.**
EXHIBIT(jus60a11)

11:03:08 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett voted by proxy.

11:03:16 **Motion:** Sen. Esp moved that **HB 382 BE CONCURRED IN AS AMENDED.**

Discussion:

11:03:31 Sen. Sands
11:03:46 Chair Regier

11:04:04 **Vote:** Motion carried 10-1 by roll call vote with Sen. Brown voting no. Sen. Bennett voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 439

11:05:27 **Motion:** Sen. Esp moved that **HB 439 BE CONCURRED IN.**

11:05:35 **Motion:** Sen. Esp moved that **HB 439 BE AMENDED.**
EXHIBIT(jus60a12)

Discussion:

11:06:41 Julianne Burkhardt, Legislative Services Division

11:08:03 Sen. Brown

11:08:45 Chair Regier

11:08:55 Sen. Brown

11:09:00 Sen. Sands

11:09:15 Sen. Bennett joined the meeting.

11:09:26 **Vote:** Motion carried 9-2 by roll call vote with Sen. Bennett and Sen. Gross voting no.

11:10:11 **Motion/Vote:** Sen. Esp moved that **HB 439 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. Blasdel will carry the bill.

Committee Discussion:

11:11:17 Chair Regier

11:11:30 Sen. Esp

11:11:42 Julianne Burkhardt, Legislative Services Division

11:11:44 Sen. Esp

EXECUTIVE ACTION ON HB 229

11:12:05 **Motion:** Sen. Esp moved that **HB 229 BE CONCURRED IN.**

Discussion:

11:12:38 Sen. Sands

11:13:23 Sen. Webber

11:14:10 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Regier will carry the bill.

ADJOURNMENT

Adjournment: 11:14 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus60aad.pdf](#))