

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on March 30, 2021 at 8:00 A.M., in Room 303 Capitol

#### ROLL CALL

**Members Present:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Diane Sands, Vice Chair (D)  
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 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 244, 3/23/2021; HB 391, 3/23/2021; HB 480, 3/23/2021; HB 393, 3/23/2021

Executive Action: HB 380 Be Concurred In; HB 451 Be Concurred In; HB 463 Be Concurred In; HB 480 Be Concurred In; HJ 4 Be Concurred In as Amended

08:00:37 Chair Regier

### HEARING ON HB 244

#### Opening Statement by Sponsor:

08:01:13 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB244, Revise death penalty laws related to lethal injection.

#### Proponents' Testimony:

08:04:37 Austin Knudsen, Attorney General (AG)

#### [EXHIBIT\(jus62a01\)](#)

08:08:22 Sen. Gross entered the meeting.

08:11:18 Cory Swanson, Broadwater County attorney, Montana County Attorneys' Association (MCAA)

08:13:49 Nanette Gilbertson, MCAA

08:14:30 Shelby DeMars, Montana Police Protective Association

08:15:19 Marty Lambert, Gallatin County attorney, MCAA

#### Opponents' Testimony:

08:16:08 Sam Forstag, American Civil Liberties Union of Montana

08:20:26 Sue DeBree, Helena, United Methodist Church

08:26:21 Matthew Brower, Montana Catholic Conference

08:28:06 Rep. Ed Stafman, HD 62, Montana Association of Rabbis

08:34:32 Laurel Hesse, American Civil Liberties Union

08:38:24 Sen. McGillvray

08:39:23 Chair Regier

08:39:38 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

08:40:02 Oliver Dean Sanderford, Colorado

08:42:44 Heather Beaudoin, Conservatives Against the Death Penalty

08:45:20 Shannon Sweeney, Montana Association of Criminal Defense Lawyers

08:48:55 Amy Sings In The Timber, Montana Innocence Project

08:50:26 Sen. Gross left the meeting.

08:52:19 Shawn Reagor, Montana Human Rights Network

08:53:18 Daniel Viehland, United Methodist Church

08:55:35 Anna Viehland, United Methodist Church

#### Additional Testimony Received:

#### [EXHIBIT\(jus62a02\)](#)

#### Informational Testimony:

08:56:06 Tammy Plubell, assistant attorney general, Department of Justice

**Questions from Committee Members and Responses:**

08:56:38 Sen. Manzella  
08:57:12 Mr. Knudsen, AG  
08:58:19 Sen. Manzella  
08:58:39 Mr. Knudsen  
08:59:20 Sen. Friedel  
08:59:39 Mr. Knudsen

**Closing by Sponsor:**

09:01:15 Rep. Lenz

**HEARING ON HB 480****Opening Statement by Sponsor:**

09:03:42 Rep. Bill Mercer (R), HD 46, opened the hearing on HB480, Revise order of protection laws regarding incapacitated persons.

**Proponents' Testimony:**

[EXHIBIT\(jus62a03\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:07:06 Sen. McGillvray  
09:07:32 Rep. Mercer  
09:08:42 Chair Regier  
09:08:55 Rep. Mercer  
09:09:04 Sen. Sands  
09:10:47 Rep. Mercer

**Closing by Sponsor:**

09:12:12 Rep. Mercer

**HEARING ON HB 391****Opening Statement by Sponsor:**

09:12:43 Rep. Frank Fleming (R), HD 51, opened the hearing on HB391, Revise and enhance penalties for criminal distribution of dangerous drugs.

**Proponents' Testimony:**

09:14:16 Cory Swanson, attorney, Broadwater County; Montana County Attorneys' Association (MCAA)  
  
09:15:26 Sen. Bennett entered the meeting.  
  
09:20:24 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association  
09:21:34 Shelby DeMars, Montana Police Protective Association  
09:22:03 Alan Doane, Department of Justice

09:22:26 Marty Lambert, attorney, Gallatin County; MCAA

**Opponents' Testimony:**

09:23:25 Sam Forstag, American Civil Liberties Union

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:26:45 Chair Regier  
09:27:05 Mr. Swanson, MCAA  
09:29:21 Sen. Sands  
09:32:02 Mr. Swanson  
09:33:23 Sen. McGillvray  
09:36:52 Mr. Swanson

**Closing by Sponsor:**

09:38:22 Rep. Fleming

**HEARING ON SB 393**

**Opening Statement by Sponsor:**

09:39:20 Sen. Bob Keenan (R), SD 5, opened the hearing on SB393, Generally revise laws related to public's right to know and participate.

09:46:37 Sen. Gross entered the meeting.

**Proponents' Testimony:**

09:51:10 Eric Bryson, Montana Association of Counties (MACo)  
09:55:38 Kelly Lynch, deputy director, Montana League of Cities and Towns (MLCT)  
[EXHIBIT\(jus62a04\)](#)

10:01:33 Greg Dorrington, City of Billings  
[EXHIBIT\(jus62a05\)](#)

10:03:02 Emily Dean, director, Montana School Boards Association

**Opponents' Testimony:**

10:04:06 Derf Johnson, Montana Environmental Information Center  
10:10:54 Rebecca Harbage, Department of Environmental Quality  
[EXHIBIT\(jus62a06\)](#)

10:16:20 Rob Cook, Montana Newspaper Association  
10:18:41 Ronda Wiggers, Montana Broadcasters Association  
10:23:30 Quinlan O'Connor, Department of Labor and Industry  
[EXHIBIT\(jus62a07\)](#)

10:28:12 Erica Siate, Butte  
10:33:35 Andres Haladay, Department of Corrections

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:39:48 Sen. Bennett  
10:40:21 Mr. Bryson, MACo  
10:40:31 Ms. Lynch, MLCT  
10:41:29 Sen. Bennett  
10:41:54 Ms. Lynch  
10:43:03 Sen. Bennett  
10:43:22 Ms. Lynch  
10:43:59 Sen. Manzella  
10:44:35 Mr. Bryson  
10:44:54 Sen. Hinebauch  
10:45:51 Sen. Keenan  
10:46:43 Sen. Webber  
10:48:10 Sen. Keenan  
10:48:26 Sen. Sands  
10:49:00 Sen. Keenan  
10:49:22 Mr. Bryson  
10:49:53 Sen. Sands  
10:50:00 Mr. Bryson  
10:50:06 Sen. McGillvray  
10:50:37 Sen. Keenan  
10:50:48 Sen. McGillvray

**Closing by Sponsor:**

10:51:18 Sen. Keenan  
  
10:52:28 Chair Regier  
  
10:52:46 Recess  
11:10:08 Reconvened

**EXECUTIVE ACTION ON HB 380**

11:10:26 **Motion:** Sen. McGillvray moved that **HB 380 BE CONCURRED IN.**

**Discussion:**

11:10:33 Julianne Burkhardt, Legislative Services Division  
  
11:10:54 **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:**

11:12:05 Chair Regier  
11:12:10 Sen. Esp

**EXECUTIVE ACTION ON HB 451**

11:12:58 **Motion:** Sen. McGillvray moved that **HB 451 BE CONCURRED IN.**

**Discussion:**

11:13:10 Sen. Gross  
11:13:40 Sen. Brown

11:14:15 **Vote:** Motion carried unanimously by voice vote. Sen. Brown will carry the bill.

**EXECUTIVE ACTION ON HB 463**

11:14:59 **Motion:** Sen. McGillvray moved that **HB 463 BE CONCURRED IN.**

**Discussion:**

11:15:13 Sen. Esp  
11:15:29 Julianne Burkhardt, Legislative Services Division

11:15:54 **Vote:** Motion carried unanimously by voice vote. Sen. McGillvray will carry the bill.

**EXECUTIVE ACTION ON HJ 4**

11:16:35 **Motion:** Sen. McGillvray moved that **HJ 4 BE CONCURRED IN.**

**Discussion:**

11:16:44 Julianne Burkhardt, Legislative Services Division  
11:16:49 Chair Regier

11:16:54 **Motion:** Sen. Esp moved that **HJ 4 BE AMENDED.**  
[EXHIBIT\(jus62a08\)](#)

**Discussion:**

11:17:37 Chair Regier  
11:17:44 Sen. Esp  
11:18:07 Chair Regier

11:18:36 **Vote:** Motion carried unanimously by voice vote.

11:18:44 **Motion/Vote:** Sen. McGillvray moved that **HJ 4 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 480**

11:19:23 Chair Regier

11:19:55 **Motion:** Sen. McGillvray moved that **HB 480 BE CONCURRED IN.**

**Discussion:**

11:20:03 Sen. Sands

11:20:34 **Vote:** Motion carried unanimously by voice vote. Sen. Esp will carry the bill.

**ADJOURNMENT**

Adjournment: 11:21 AM

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Jacelyn Sterling, Secretary

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Additional Documents:

**EXHIBIT([jus62aad.pdf](#))**