

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 31, 2021 at 8:00 AM, 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 337, 3/24/2021; HB 509, 3/24/2021; HB 539, 3/24/2021

Executive Action: HB 92 Be Concurred In as Amended; HB 391 Be Concurred In; HB 257 Be Concurred In as Amended; SB 393 Be Tabled

08:00:57 Sen. Bennett entered the meeting.

08:01:07 Chair Regier

08:01:17 Sen. Hinebauch

HEARING ON HB 539

Opening Statement by Sponsor:

08:01:34 Rep. Barry Usher (R), HD 40, opened the hearing on HB539, Generally revise laws related to county attorneys.

08:01:58 Sen. McGillvray entered the meeting.

Proponents' Testimony:

08:03:52 Nanette Gilbertson, Montana County Attorneys' Association (MCAA)

08:04:33 Sen. Gross entered the meeting.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:10:03 Chair Regier

08:10:11 Ms. Gilbertson, MCAA

08:10:35 Sen. Sands

08:15:10 Ms. Gilbertson

Closing by Sponsor:

08:15:59 Rep. Usher

HEARING ON HB 509

Opening Statement by Sponsor:

08:17:41 Rep. Danny Tenenbaum (D), HD 95, opened the hearing on HB509, Revising robocall fines.

Proponents' Testimony:

08:21:33 Jane Amdahl, AARP Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:24:13 Sen. Manzella

08:25:02 Rep. Tenenbaum

08:25:52 Sen. McGillvray

08:28:07 Rep. Tenenbaum

08:28:23 Sen. Manzella

08:28:57 Rep. Tenebaum
08:30:20 Chair Regier
08:30:40 Rep. Tenebaum

Closing by Sponsor:

08:31:32 Rep. Tenebaum

HEARING ON HB 337

Opening Statement by Sponsor:

08:32:28 Rep. Caleb Hinkle (R),HD 68, opened the hearing on HB337, Constitutional amendment to define person.

Proponents' Testimony:

08:34:59 Jeff Laszloffy, Montana Family Foundation
08:36:29 Matt Furlong, Montana Child Protection Alliance
08:38:35 Bill Myers, Bigfork
08:43:58 Dennison Riveria, chairman, Lewis and Clark Young Republicans

EXHIBIT(jus63a01)

08:46:46 Mary McCracken, citizen
08:48:05 Diane Anders, citizen
08:49:39 Carolyn Truscott, Pro-Life Helena
08:51:08 Bonnie Stevens, citizen
08:52:48 Heather Richards, Gallatin County
08:53:20 Jill Guthrie, Helena
08:54:02 Larry Seed, Kalispell

EXHIBIT(jus63a02)

08:54:37 Donna Elford, Helena
08:55:46 Rod Sanchez, citizen
08:58:07 Kelli Estrella, citizen
09:00:04 John Pollard, citizen

EXHIBIT(jus63a03)

09:01:21 Rachel Moore, citizen
09:05:19 Mattea Heffernan, citizen
09:06:08 Linda Heffernan, citizen
09:10:37 Michael Cooper, Great Falls
09:14:01 Julie Martin, Kalispell
09:16:28 Melessa Pollard, citizen
09:17:19 Kelly Klostermeyer, citizen
09:18:35 Marie Wyrock, citizen
09:20:40 Dr. Annie Bukacek, Montana Pro-Life Coalition (MPC)

EXHIBIT(jus63a04)

09:27:30 Kaitlyn Ruch, Students for Life of America

EXHIBIT(jus63a05)

09:30:47 Jim Weber, Kalispell
[EXHIBIT\(jus63a06\)](#)

09:34:33 Susan Weber, citizen

09:37:10 John O'Neil, Kalispell

Additional Testimony Received:

[EXHIBIT\(jus63a07\)](#)

Opponents' Testimony:

09:41:02 Laurel Hesse, American Civil Liberties Union (ACLU)

09:45:15 Adriane Jawort, Montana Native Vote

09:47:34 SJ Howell, Montana Women Vote

09:50:03 Grace Benasutti, Forward Montana

09:50:57 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
(MCADSV)

09:53:33 Alison James

[EXHIBIT\(jus63a08\)](#)

09:56:20 Lauren Terrill, Planned Parenthood Advocates of Montana

Additional Testimony Received:

[EXHIBIT\(jus63a09\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:58:36 Sen. Webber

09:59:46 Ms. Hesse, ACLU

10:00:19 Chair Regier

10:00:33 Sen. Brown

10:03:07 Ms. Bukacek, MPC

10:05:45 Sen. Brown

10:06:48 Rep. Hinkle

10:07:29 Sen. Manzella

10:09:29 Ms. Hesse, ACLU

10:10:00 Sen. Manzella

10:10:31 Ms. Bukacek

10:11:21 Sen. Manzella

10:13:23 Ms. Young, MCADSV

10:14:10 Sen. Friedel

10:14:45 Ms. Bukacek

Closing by Sponsor:

10:18:17 Rep. Hinkle

10:20:03 Chair Regier

10:20:21 Recess

10:37:08 Reconvened

Sen. Gross was excused.

EXECUTIVE ACTION ON HB 92

Discussion:

10:37:25 Chair Regier
10:38:26 Julianne Burkhardt, Legislative Services Division (LSD)
10:38:45 Chair Regier
10:38:47 Ms. Burkhardt, LSD
10:39:09 Chair Regier

10:39:14 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN.**

Discussion:

10:39:29 Chair Regier
10:39:57 Ms. Burkhardt
10:41:06 Chair Regier
10:41:11 Ms. Burkhardt

10:41:30 **Motion:** Sen. McGillvray moved that **HB 92 BE AMENDED.**

[EXHIBIT\(jus63a10\)](#)

Discussion:

10:41:42 Sen. Esp

10:42:19 **Vote:** Motion carried 10-1 by roll call vote with Sen. Friedel voting no. Sen. Gross voted by proxy.

10:42:51 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN AS AMENDED.**

Discussion:

10:42:59 Chair Regier
10:43:15 Sen. Esp
10:43:39 Ms. Burkhardt
10:45:23 Chair Regier
10:45:34 Patrick Webb, Americans For Prosperity (AFP)
10:46:06 Chair Regier
10:46:14 Mr. Webb, AFP
10:46:17 Chair Regier
10:46:38 Sen. Esp
10:46:45 Ms. Burkhardt
10:47:02 Chair Regier
10:47:06 Ms. Burkhardt
10:48:13 Mr. Webb

10:48:25 **Motion/Vote:** Sen. McGillvray moved that **HB 92 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Gross voted by proxy.

[EXHIBIT\(jus63a11\)](#)

10:48:52 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN AS AMENDED.**

Discussion:

10:49:00 Chair Regier
10:49:23 Ms. Burkhardt
10:50:38 Mr. Webb
10:51:12 Chair Regier
10:51:17 Mr. Webb
10:51:36 Sen. Esp

10:52:03 **Motion/Vote:** Sen. McGillvray moved that **HB 92 BE AMENDED.** Motion carried 6-5 by roll call vote with Sen. Brown, Sen. Esp, Sen. Friedel, Sen. McGillvray and Sen. K. Regier voting no. Sen. Gross voted by proxy.

EXHIBIT(jus63a12)

10:53:01 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN AS AMENDED.**

Discussion:

10:53:08 Chair Regier
10:53:17 Ms. Burkhardt
10:54:53 Mr. Webb

10:55:17 **Motion:** Sen. Esp moved that **HB 92 BE AMENDED.**

EXHIBIT(jus63a13)

10:55:33 Sen. Sands left the meeting.

10:55:58 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross and Sen. Sands voted by proxy.

10:56:28 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN AS AMENDED.**

Discussion:

10:56:37 Sen. Esp

10:56:41 Sen. Sands entered the meeting.

10:57:07 **Motion/Vote:** Sen. Manzella moved to **RECONSIDER THE ACTION ON AMENDMENT HB 92.3.6.** Motion carried 9-1 by voice vote. Sen. Bennett voted no. Sen. Gross was excused.

Discussion:

10:57:49 Sen. Bennett

10:57:54 **Motion:** Sen. K. Regier moved that **HB 92 BE AMENDED.** (see exhibit 12)

Discussion:

10:58:15 Sen. Manzella
10:58:21 Chair Regier

10:59:33 **Vote:** Motion failed 5-6 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Hinebauch, Sen. Sands and Sen. Webber voting aye. Sen. Gross voted by proxy.

10:59:37 **Motion:** Sen. McGillvray moved that **HB 92 BE CONCURRED IN AS AMENDED.**

10:59:54 Chair Regier

11:00:15 Recess
11:18:24 Reconvened

Sen. Esp was excused.

11:18:29 Chair Regier

11:18:54 **Vote:** Motion carried unanimously by voice vote. Sen. Esp and Sen. Gross voted by proxy. Sen. Regier will carry the bill.

11:19:40 Sen. Esp entered the meeting.

11:19:47 Sen. Sands
11:19:57 Chair Regier
11:20:28 Julianne Burkhardt, Legislative Services Division (LSD)
11:20:31 Sen. Esp
11:20:46 Ms. Burkhardt, LSD
11:20:54 Chair Regier

EXECUTIVE ACTION ON HB 257

11:21:04 Chair Regier

11:21:25 **Motion:** Sen. McGillvray moved that **HB 257 BE CONCURRED IN.**

Discussion:

11:21:33 Julianne Burkhardt, Legislative Services Division (LSD)
11:22:49 Chair Regier
11:22:57 Ms. Burkhardt, LSD
11:24:02 Chair Regier
11:24:11 Ms. Burkhardt

11:24:16 **Motion/Vote:** Sen. McGillvray moved that **HB 257 BE AMENDED.** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy.

EXHIBIT(jus63a14)

11:25:07 **Motion:** Sen. McGillvray moved that **HB 257 BE CONCURRED IN AS AMENDED.**

Discussion:

11:25:16 Sen. Sands

11:26:08 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross voted by proxy. Sen. Blasdel will carry the bill.

EXECUTIVE ACTION ON HB 391

11:27:20 **Motion:** Sen. McGillvray moved that **HB 391 BE CONCURRED IN.**

Discussion:

11:27:33 Sen. Sands

11:28:30 Sen. Hinebauch left the meeting.

11:28:38 Sen. Esp

11:29:00 Chair Regier

11:29:14 Sen. Sands

11:29:53 Sen. Esp

11:30:14 Sen. Sands

11:31:04 Sen. Brown

11:31:55 Sen. Webber

11:32:42 Chair Regier

11:33:20 Sen. Friedel

11:34:17 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Brown, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Gross and Sen. Hinebauch voted by proxy. Sen. Friedel will carry the bill.

EXECUTIVE ACTION ON SB 393

11:35:40 **Motion:** Sen. McGillvray moved that **SB 393 DO PASS.**

Discussion:

11:35:54 Sen. Sands

11:36:10 **Substitute Motion/Vote:** Sen. McGillvray made a substitute motion that **SB 393 BE TABLED.** Substitute Motion carried 10-1 by voice vote with Sen. Esp voting no. Sen. Gross and Sen. Hinebauch voted by proxy.

Committee Business:

11:36:44 Chair Regier

ADJOURNMENT

Adjournment: 11:37 AM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus63aad.pdf](#))