

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on April 1, 2021 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

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 Present by Zoom Video Conference:

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: SB 400, 3/29/2021; SB 402, 3/29/2021; HB 481, 3/24/2021; HB 517, 3/24/2021

Executive Action: HB 244 Be Concurred In; HB 479 Be Concurred In as Amended; HB 539 Be Concurred In as Amended; HB 449 Be Concurred In as Amended; SB 402 Do Pass; SB 400 Do Pass

Sen. McGillvray entered the meeting.

HEARING ON SB 402

Opening Statement by Sponsor:

08:01:16 Sen. Cary Smith (R), SD 27, opened the hearing on SB402, Generally revise laws related to the judiciary.

Proponents' Testimony: None

Opponents' Testimony:

[EXHIBIT\(jus64a01\)](#)

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

08:03:01 Sen. Smith

HEARING ON HB 517

Opening Statement by Sponsor:

08:03:35 Rep. Bill Mercer (R), HD 46, opened the hearing on HB517, Revise penalties related to underage marijuana possession and use.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:08:57 Sen. Sands
08:14:48 Rep. Mercer
08:15:22 Sen. Webber
08:17:36 Rep. Mercer

Closing by Sponsor:

08:18:01 Rep. Mercer

HEARING ON HB 481

Opening Statement by Sponsor:

08:19:22 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB481, Protect critical infrastructure.

[EXHIBIT\(jus64a02\)](#)

Proponents' Testimony:

08:21:34 Tony O'Donnell, Public Service commissioner, Eastern Montana

08:23:27 Gary Wiens, Montana Electric Cooperatives' Association
08:24:55 Peggy Trenk, Treasure State Resources Association (TSRA)
08:26:44 Lori Shaw, NorthWestern Energy
08:27:37 Alan Olson, Montana Petroleum Association
08:30:10 Dave Kesler, citizen
08:32:00 Daniel Brooks, Billings Chamber of Commerce

[EXHIBIT\(jus64a03\)](#)

Additional Testimony Received:

[EXHIBIT\(jus64a04\)](#)

Opponents' Testimony:

08:32:44 Jestin Dupree, Fort Peck Tribes (FPT)
08:36:17 Adriane Jawort, Montana Native Vote
08:39:38 Charles Walking Child, citizen
08:49:08 Henry Kriegel, Americans for Prosperity Montana
08:51:02 Jordan Thompson, Confederated Salish and Kootenai Tribes
08:51:50 Sam Forstag, American Civil Liberties Union (ACLU)

[EXHIBIT\(jus64a05\)](#)

08:57:02 Makenna Sellers, Northern Plains Resource Council
09:00:18 Witner Chase, Montana Conservation Voters
09:01:04 Joan Kresich, Northern Plains Resource Council
09:02:46 Lance Fourstar, chairman, Fort Peck Assiniboine Council

09:04:46 Sen. Manzella entered the meeting.

09:04:59 Kevin Garman, United Methodist Church
09:07:23 Dalayah Killsback, deputy political director, Western Native Voice, Indigenous Organizers Collective
09:09:54 Keaton Sunchild, political director, Western Native Voice
09:10:56 Dr. Lori Byron, Montana Academy of Pediatrics

[EXHIBIT\(jus64a06\)](#)

09:12:48 Robert Wilson, Bainville
09:15:13 Eliza Donahue, Forward Montana

[EXHIBIT\(jus64a07\)](#)

09:16:17 Derf Johnson, Montana Environmental Information Center (MEIC)
09:18:20 Andrew Werk, president, Fort Belknap Indian Community Tribal Council

[EXHIBIT\(jus64a08\)](#)

Additional Testimony Received:

[EXHIBIT\(jus64a09\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:20:26 Sen. Webber
09:22:37 Mr. Dupree, FPT

09:23:14 Sen. Sands
09:24:28 Mr. Forstag, ACLU
09:24:44 Sen. Bennett
09:26:17 Rep. Gunderson
09:27:04 Sen. Sands
09:28:48 Rep. Gunderson
09:29:04 Sen. Webber
09:29:51 Rep. Gunderson
09:30:12 Sen. McGillvray
09:32:22 Mr. Forstag
09:33:10 Sen. Sands
09:35:07 Mr. Forstag
09:35:20 Sen. Brown
09:37:00 Mr. Walking Child, citizen
09:38:49 Sen. Brown
09:40:24 Ms. Trenk, TSRA
09:41:02 Sen. Bennett
09:41:43 Mr. Johnson, MEIC
09:43:15 Sen. McGillvray
09:43:57 Rep. Gunderson

Closing by Sponsor:

09:44:52 Rep. Gunderson

HEARING ON SB 400

Opening Statement by Sponsor:

09:48:49 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB400, Restrict governmental entity from interfering with parental rights.

Proponents' Testimony:

09:54:56 Bart Crabtree, Montana State Council on Judicial Accountability
09:56:18 Bruce Meyers, council member, Keeping Native Families
10:04:17 Charles Walking Child, citizen
10:13:22 Keith Newmeyer, citizen
10:17:34 Matt Furlong, president, Montana Child Protection Alliance (MCPA)
10:21:41 Debbie Westlake, citizen
10:29:52 David Kesler, citizen

EXHIBIT(jus64a10)

10:40:52 Mike Hagman, citizen
10:50:15 Raye Newmeyer, citizen
10:51:16 Dale Jolly, citizen
10:53:38 Janae Weber, citizen
10:56:02 Morgan Hagman, citizen

11:05:27 Sen. Sands

11:05:55 Patrick Yawakie, Black Feet Tribe

Opponents' Testimony:

11:06:41 Michael Ramey, executive director, Parentalrights.org

[EXHIBIT\(jus64a11\)](#)

11:08:46 Kelly Santiago, board member, Montana Child Protection Alliance (MCPA)

11:10:13 Denise Johnson, communications director, MCPA

11:12:52 Gail Goheen, attorney, Hamilton

[EXHIBIT\(jus64a12\)](#)

11:15:36 Jule Walker, field services specialist, Montana Association of School Business Officials; Montana Rural Education Association; Montana School Boards Association; School Administrators of Montana; Montana Quality Education Association

[EXHIBIT\(jus64a13\)](#)

11:18:12 Amy Lord, family law attorney, Missoula

[EXHIBIT\(jus64a14\)](#)

11:20:24 Mars Scott, family law attorney, Missoula

[EXHIBIT\(jus64a15\)](#)

11:22:42 Diane Fladmo, Montana Federation of Public Employees

11:24:21 Kylee Bodley, executive director, Montana Chapter American Academy of Pediatrics (Montana AAP); Montana Medical Association

11:26:03 Elizabeth Beil, member, Montana AAP

[EXHIBIT\(jus64a16\)](#)

11:28:26 Lane McGill, Powderville

Additional Testimony Received:

[EXHIBIT\(jus64a17\)](#)

Informational Testimony:

11:30:21 Nicolas Domitrovich, acting chief legal counsel, Department of Public Health and Human Services (DPHHS)

Additional Proponents' Testimony:

11:31:29 Lillie Rutledge, Great Falls

[EXHIBIT\(jus64a18\)](#)

Questions from Committee Members and Responses:

11:34:08 Sen. Sands

11:39:02 Ms. Goheen, citizen

11:40:08 Sen. Brown

11:41:08 Sen. Manzella

11:41:37 Sen. Brown

11:43:27 Mr. Domitrovich, DPHHS

11:44:02 Sen. Bennett

11:44:33 Sen. Manzella

11:45:06 Sen. Bennett
11:46:41 Sen. Manzella

Closing by Sponsor:

11:47:05 Sen. Manzella

11:48:44 Chair Regier

11:49:13 Recess
12:00:39 Reconvened

Sen. Bennett and Sen. Esp were excused.

EXECUTIVE ACTION ON SB 402

12:00:47 Chair Regier

12:01:00 **Motion:** Sen. McGillvray moved that **SB 402 DO PASS.**

Discussion:

12:01:30 Chair Regier

12:02:12 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett and Sen. Esp voted by proxy.

EXECUTIVE ACTION ON SB 400

12:03:00 **Motion:** Sen. Manzella moved that **SB 400 DO PASS.**

12:03:12 **Motion/Vote:** Sen. Manzella moved that **SB 400 BE AMENDED.** Motion failed 4-7 by roll call vote with Sen. Esp, Sen. Gross, Sen. Hinebauch and Sen. Manzella voting aye. Sen. Bennett and Sen. Esp voted by proxy.

EXHIBIT(jus64a19)

12:04:49 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Bennett and Sen. Esp voted by proxy.

EXECUTIVE ACTION ON HB 479

12:05:43 **Motion:** Sen. McGillvray moved that **HB 479 BE TABLED.**

12:06:11 Without objection, Sen. McGillvray withdrew the BE TABLED motion.

12:06:18 **Motion:** Sen. McGillvray moved that **HB 479 BE CONCURRED IN.**

Discussion:

12:06:41 Julianne Burkhardt, Legislative Services Division

12:08:18 **Motion:** Sen. McGillvray moved that **HB 479 BE AMENDED.**
[EXHIBIT\(jus64a20\)](#)

Discussion:

12:08:40 Sen. Gross

12:09:07 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy.

12:09:24 **Motion:** Sen. McGillvray moved that **HB 479 BE CONCURRED IN AS AMENDED.**

Discussion:

12:09:35 Sen. Sands

12:09:59 **Vote:** Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy. Sen. Bennett will carry the bill.

EXECUTIVE ACTION ON HB 539

12:10:48 **Motion:** Sen. McGillvray moved that **HB 539 BE CONCURRED IN.**

Discussion:

12:10:58 Julianne Burkhardt, Legislative Services Division

12:12:22 Chair Regier

12:12:31 Ms. Burkhardt, LSD

12:13:07 **Motion/Vote:** Sen. McGillvray moved that **HB 539 BE AMENDED.** Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy.

[EXHIBIT\(jus64a21\)](#)

12:13:43 **Motion:** Sen. McGillvray moved that **HB 539 BE CONCURRED IN AS AMENDED.**

Discussion:

12:13:56 Sen. Sands

12:14:20 Chair Regier

12:14:28 Sen. McGillvray

12:14:48 **Motion:** Sen. McGillvray moved that **HB 539 BE AMENDED.**
[EXHIBIT\(jus64a22\)](#)

Discussion:

12:15:18 Ms. Burkhardt

12:15:35 Chair Regier

12:15:39 Sen. Gross

12:16:59 Nanette Gilbertson, Montana County Attorneys' Association

12:17:33 Chair Regier

12:17:58 Ms. Burkhardt

12:18:21 Chair Regier

12:18:31 Ms. Burkhardt
12:19:17 Chair Regier
12:19:32 Without objection, Sen. McGillvray withdrew the BE AMENDED motion.

12:19:38 **Motion/Vote:** Sen. Sands moved that **HB 539 BE CONCEPTUALLY AMENDED**. Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy.

12:20:20 **Motion/Vote:** Sen. McGillvray moved that **HB 539 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy. Sen. Sands will carry the bill.

EXECUTIVE ACTION ON HB 244

12:21:20 **Motion/Vote:** Sen. McGillvray moved that **HB 244 BE CONCURRED IN**. Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Gross, Sen. McGillvray, Sen. Sands and Sen. Webber voting no. Sen. Bennett and Sen. Esp voted by proxy. Sen. Brown will carry the bill.

EXECUTIVE ACTION ON HB 449

12:23:00 **Motion:** Sen. McGillvray moved that **HB 449 BE CONCURRED IN**.

Discussion:

12:23:09 Chair Regier
12:23:18 Julianne Burkhardt, Legislative Services Division (LSD)
12:23:23 Chair Regier
12:23:48 Ms. Burkhardt, LSD
12:24:01 Sen. Friedel

12:25:20 **Motion/Vote:** Sen. K. Regier moved that **HB 449 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy.

EXHIBIT(jus64a23)

12:26:02 **Motion/Vote:** Sen. McGillvray moved that **HB 449 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Bennett and Sen. Esp voted by proxy. Sen. Regier will carry the bill.

ADJOURNMENT

Adjournment: 12:27 PM

Jacelyn Sterling, Secretary

js

Additional Documents:

EXHIBIT([jus64aad.pdf](#))