

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on April 14, 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 656, 4/9/2021; HB 658, 4/9/2021; HB 696, 4/9/2021; HB 709, 4/9/2021

Executive Action: HB 656 Be Concurred In as Amended; HB 658 Be Concurred In; HB 696 Be Concurred In; HB 709 Be Concurred In

08:00:39 Sen. Gross entered the meeting.

08:00:54 Sen. McGillvray entered the meeting.

### **HEARING ON HB 696**

#### **Opening Statement by Sponsor:**

08:01:08 Rep. Barry Usher (R), HD 40, opened the hearing on HB696, Generally revise crisis intervention training laws.

#### **Proponents' Testimony:**

08:03:08 Jim Anderson, Gallatin County Sheriff's Office (GCSO)

08:05:50 Matt Kuntz, executive director, National Alliance on Mental Illness (NAMI) Montana

08:07:17 Nanette Gilbertson, Montana County Attorneys' Association; Montana Sheriffs and Peace Officers Association

08:09:40 Dan Smith, Montana Police Protective Association; Montana Troopers Association

08:10:15 Jason Rittal, Montana Association of Counties

08:10:59 Abigail St. Lawrence, Montana Speech-Language-Hearing Association; Montana School for Special Needs and Gifted Children

08:12:31 Dr. Gary Mihelish, National Alliance on Mental Illness (NAMI)

[\*\*EXHIBIT\(jus71a01\)\*\*](#)

08:15:18 Leo Dutton, sheriff, Lewis and Clark County

08:18:43 Beth Breneman, Disability Rights Montana

08:19:10 Shane Hildenstab, Lewis and Clark County Sheriff's Office

[\*\*EXHIBIT\(jus71a02\)\*\*](#)

08:20:51 Bradley Hickok, sergeant, Gallatin County Sheriff's Office (GCSO)

[\*\*EXHIBIT\(jus71a03\)\*\*](#)

08:23:17 Jennifer Heglund, Montana Academy of Physicians Assistants

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

08:25:44 Chair Regier

08:25:56 Mr. Anderson, GCSO

08:26:31 Chair Regier

08:26:41 Mr. Anderson

08:27:22 Chair Regier

08:27:36 Mr. Anderson

08:28:03 Sen. Webber

08:29:51 Mr. Hickok, GCSO

08:30:41 Sen. Webber

08:31:17 Mr. Anderson

08:32:05 Sen. Esp

08:32:43 Mr. Dutton, Lewis and Clark County Sheriff's Office  
08:33:58 Rep. Usher  
08:34:57 Sen. Brown  
08:36:11 Rep. Usher  
08:37:42 Sen. Brown  
08:38:09 Rep. Usher  
08:38:31 Sen. Sands  
08:38:52 Rep. Usher  
08:39:18 Sen. McGillvray  
08:40:11 Mr. Mihelish, NAMI  
08:43:27 Sen. McGillvray  
08:43:44 Mr. Mihelish  
08:45:40 Sen. Hinebauch  
08:46:08 Rep. Usher  
08:46:44 Mr. Anderson  
08:47:38 Sen. Hinebauch  
08:47:46 Mr. Anderson  
08:48:22 Sen. Hinebauch  
08:48:34 Mr. Anderson  
08:48:55 Sen. McGillvray  
08:49:24 Rep. Usher  
08:50:00 Sen. McGillvray  
08:50:13 Rep. Usher  
08:51:29 Sen. Webber  
08:51:43 Mr. Anderson

**Closing by Sponsor:**

08:52:29 Rep. Usher

**HEARING ON HB 709**

**Opening Statement by Sponsor:**

08:55:25 Rep. Matt Regier (R), HD 4, opened the hearing on HB709, Revise double proxy marriage fee.

**Proponents' Testimony:**

08:56:52 Jessie Luther, Montana Association of Clerks of District Courts (MACDC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:59:10 Sen. Webber  
08:59:22 Rep. Regier  
08:59:27 Sen. Webber  
08:59:35 Rep. Regier  
09:00:03 Sen. Webber  
09:00:09 Rep. Regier  
09:00:23 Sen. McGillvray

09:00:35 Rep. Regier  
09:01:26 Sen. Sands  
09:01:42 Rep. Regier  
09:02:02 Sen. Sands  
09:02:32 Rep. Regier  
09:02:49 Chair Regier  
09:03:27 Ms. Luther  
09:03:32 Chair Regier  
09:03:47 Julianne Burkhardt, Legislative Services Division (LSD)  
09:04:16 Chair Regier  
09:04:22 Ms. Burkhardt, LSD  
09:04:48 Chair Regier  
09:05:13 Ms. Luther, MACDC  
09:05:19 Sen. Esp  
09:05:32 Rep. Regier  
09:06:05 Sen. Bennett  
09:06:39 Ms. Luther

**Closing by Sponsor:**

09:07:12 Rep. M Regier

**HEARING ON HB 656****Opening Statement by Sponsor:**

09:07:38 Rep. Joe Read (R), HD 93, opened the hearing on HB656, Providing appropriations related to law enforcement within Flathead Reservation.

[EXHIBIT\(jus71a04\)](#)

**Proponents' Testimony:**

09:12:22 William Barron, commissioner, Lake County

[EXHIBIT\(jus71a05\)](#)

09:16:24 Steve Eschenbacher, attorney, Lake County  
09:28:48 Sen. Greg Hertz, SD 6  
09:30:07 Jason Rittal, Montana Association of Counties  
09:31:16 Rep. Mark Noland, HD 10

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:32:42 Chair Regier  
09:33:07 Rep. Read  
09:33:20 Sen. Webber  
09:33:48 Rep. Read  
09:34:30 Sen. Webber  
09:34:56 Mr. Eschenbacher, Lake County  
09:35:42 Sen. Webber  
09:35:58 Mr. Eschenbacher

09:36:49 Sen. Webber  
09:37:30 Mr. Eschenbacher  
09:38:38 Chair Regier  
09:38:57 Mr. Barron, Lake County  
09:39:29 Sen. Bennett  
09:39:51 Mr. Barron

**Closing by Sponsor:**

09:40:16 Rep. Read

**HEARING ON HB 658**

**Opening Statement by Sponsor:**

09:43:30 Rep. Gregory Frazer (R), HD 78, opened the hearing on HB658, Revise restrictive housing laws.

**Proponents' Testimony:**

09:45:04 Larry Nielsen, Montana Federation of Public Employees

**Opponents' Testimony:**

09:46:26 Sam Forstag, American Civil Liberties Union (ACLU)

09:51:16 Beth Brennenman, Disability Rights Montana (DRM)

[EXHIBIT\(jus71a06\)](#)

**Additional Proponents' Testimony:**

09:58:29 Cynthia Wolken, deputy director, Department of Corrections (DOC)

10:01:20 Connie Winner, clinical services administrator, DOC

10:04:05 Brian Gootkin, director, DOC

**Informational Testimony:**

10:04:35 Andres Haladay DOC

**Questions from Committee Members and Responses:**

10:04:53 Sen. Sands  
10:05:12 Mr. Gootkin DOC  
10:05:33 Ms. Wolken, DOC  
10:06:07 Sen. Sands  
10:06:14 Ms. Wolken  
10:06:23 Sen. Sands  
10:06:32 Ms. Wolken  
10:06:47 Rep. Frazer  
10:07:33 Sen. Sands  
10:07:46 Rep. Frazer  
10:09:23 Sen. Sands  
10:11:59 Ms. Wolken  
10:12:16 Sen. Sands  
10:12:28 Ms. Wolken  
10:13:13 Ms. Winner, DOC  
10:14:50 Sen. Sands  
10:15:03 Sen. Gross

10:15:31 Ms. Wolken  
10:16:47 Sen. Gross  
10:17:19 Ms. Brenneman, DRM  
10:18:45 Sen. McGillvray  
10:25:29 Rep. Frazer  
10:26:48 Sen. Webber  
10:29:01 Ms. Wolken  
10:29:21 Ms. Winner  
10:30:03 Sen. Webber  
10:30:27 Ms. Winner  
10:30:57 Chair Regier  
10:32:35 Ms. Winner  
10:32:51 Mr. Gootkin  
10:33:22 Chair Regier  
10:33:37 Mr. Gootkin  
10:33:50 Sen. Gross  
10:35:18 Ms. Brenneman  
10:36:14 Sen. Friedel  
10:37:27 Mr. Forstag, ACLU  
10:39:10 Sen. Friedel  
10:39:53 Mr. Forstag

**Closing by Sponsor:**

10:40:24 Rep. Frazer  
  
10:43:12 Chair Regier  
  
10:43:43 Recess  
11:09:36 Reconvened

Sen. Friedel was excused.

**EXECUTIVE ACTION ON HB 696**

11:09:51 **Motion:** Sen. McGillvray moved that **HB 696 BE CONCURRED IN.**

**Discussion:**

11:10:10 Sen. Sands  
11:10:28 Sen. Esp

11:10:55 **Vote:** Motion carried unanimously by voice vote. Sen. Friedel voted by proxy.  
Sen. Gross will carry the bill.

**EXECUTIVE ACTION ON HB 709**

11:11:40 **Motion:** Sen. McGillvray moved that **HB 709 BE CONCURRED IN.**

**Discussion:**

11:11:52 Sen. Sands  
11:11:59 Chair Regier

11:12:09 Sen. Webber  
11:12:15 Chair Regier

11:12:30 **Vote:** Motion carried unanimously by voice vote. Sen. Friedel voted by proxy.  
Sen. Sands will carry the bill.

**EXECUTIVE ACTION ON HB 656**

11:13:30 **Motion:** Sen. McGillvray moved that **HB 656 BE CONCURRED IN.**

**Discussion:**

11:13:39 Chair Regier  
11:14:05 Julianne Burkhardt, Legislative Services Division (LSD)  
11:14:31 Sen. McGillvray  
11:14:42 Ms. Burkhardt, LSD  
11:14:48 Chair Regier

11:14:53 **Motion:** Sen. McGillvray moved that **HB 656 BE CONCEPTUALLY AMENDED.**

**Discussion:**

11:15:23 Sen. Sands  
11:15:32 Sen. McGillvray  
11:15:42 Sen Sands  
11:16:05 Ms. Burkhardt  
11:16:34 Sen. Sands  
11:16:43 Ms. Burkhardt  
11:17:07 Sen. Hinebauch  
11:17:26 Chair Regier

11:18:02 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel voted by proxy.

11:18:33 **Motion:** Sen. McGillvray moved that **HB 656 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:18:42 Sen. Webber  
11:19:18 Chair Regier  
11:19:41 Sen. Hinebauch  
11:20:04 Sen. Bennett  
11:20:38 Chair Regier  
11:21:00 Sen. Webber  
11:21:53 Chair Regier  
11:22:04 Sen. Esp  
11:22:16 Sen. Webber  
11:22:41 Sen. Esp  
11:22:50 Sen. Sands

11:23:37 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel voted by proxy. Sen. Hertz will carry the bill.

**EXECUTIVE ACTION ON HB 658**

11:24:32 **Motion:** Sen. McGillvray moved that **HB 658 BE CONCURRED IN.**

**Discussion:**

11:25:29 Sen. Sands  
11:26:26 Chair Regier  
11:26:46 Sen. Gross  
11:27:46 Sen. Brown  
11:28:23 Sen. Manzella  
11:29:09 Sen. Esp  
11:29:50 Chair Regier

11:30:04 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Manzella, Sen. Sands and Sen. Webber voting no. Sen. Friedel voted by proxy. Sen. Esp will carry the bill.

**ADJOURNMENT**

Adjournment: 11:31 AM

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Jacelyn Sterling, Secretary

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Additional Documents:

**EXHIBIT**([jus71aad.pdf](#))