

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on January 11, 2021 at 9:30 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

Rep. Barry Usher, Chair (R)  
Rep. Kathy Kelker, Vice Chair (D)  
Rep. Amy Regier, Vice Chair (R)  
Rep. Seth Berglee (R)  
Rep. Laurie Bishop (D)  
Rep. Jennifer Carlson (R)  
Rep. Robert Farris-Olsen (D)  
Rep. Frank Fleming (R)  
Rep. Tom France (D)  
Rep. Jane Gillette (R)  
Rep. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:**

Lydia Balian, Committee Secretary  
Rachel Weiss, Legislative Branch  
Joe Carroll, Legislative Branch  
Hallie Swain, Remote Meeting Coordinator

**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 91, 1/7/2021; HB 124, 1/7/2021  
Executive Action on: HB 28; HB 92; HB 102; HB 124

09:32:05 Chair Usher  
09:34:39 Rachel Weiss, Legislative Services Division (LSD)  
09:37:41 Chair Usher

**HEARING ON HB 91**

**Opening Statement by Sponsor:**

09:39:34 Rep. Robert Farris-Olsen (D), HD 79, opened the hearing on HB 91, Revise violent offender registry laws.

**Proponents' Testimony:**

09:42:55 Sam Forstag, American Civil Liberties Union of Montana (ACLU)  
09:43:41 Lonnie Hubbard, self  
09:45:37 Conrad Evarts, self

**Opponents' Testimony:**

09:48:32 Alan Doane, Montana Department of Justice (DOJ)

[EXHIBIT\(juh06a01\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:51:36 Vice Chair Kelker  
09:52:26 Rep. Farris-Olsen  
09:54:28 Rep. Gillette  
09:55:50 Alan Doane, DOJ  
09:56:07 Rep. Skees  
09:56:23 Rep. Farris-Olsen  
09:57:15 Rep. Tenenbaum  
09:57:48 Rep. Farris-Olsen

**Closing by Sponsor:**

09:58:15 Rep. Farris-Olsen

**HEARING ON HB 124**

**Opening Statement by Sponsor:**

10:01:00 Rep. Braxton Mitchell (R), HD 3, opened the hearing on HB 124, Suffering wildlife protection act.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

10:04:20 Rep. Mitchell  
10:04:44 Chair Usher  
10:05:11 Recess  
10:44:02 Reconvened  
10:44:22 Chair Usher

**EXECUTIVE ACTION ON HB 28**

10:44:37 **Motion/Vote:** Rep. A. Regier moved that **HB 28 DO PASS**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 92**

10:45:30 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS**.

**Discussion:**

10:45:50 Rep. J. Hinkle  
10:47:27 Rachel Weiss, Legislative Services Division (LSD)  
10:51:01 Rep. Farris-Olsen

10:51:27 **Motion:** Rep. Ler moved that **HB 92 BE AMENDED**.  
[EXHIBIT\(juh06a02\)](#)

**Discussion:**

10:52:27 Rachel Weiss, LSD  
10:52:50 Rep. Ler  
10:53:35 Vice Chair Kelker  
10:54:28 Rachel Weiss, LSD  
10:56:20 Chair Usher  
10:56:48 Rep. J. Hinkle  
10:57:09 Chair Usher  
10:57:48 Rep. France  
10:58:05 Rep. Farris-Olsen  
10:59:26 Chair Usher  
11:00:25 Rep. Carlson  
11:01:23 Chair Usher  
11:02:36 Rachel Weiss, LSD  
11:03:16 Rep. Fleming  
11:03:56 Rep. Berglee  
11:05:10 Rep. Farris-Olsen  
11:06:17 Rep. Tenenbaum  
11:06:58 Rachel Weiss, LSD

11:07:31 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. Fleming, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

11:09:13 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

11:09:25 **Motion:** Rep. J. Hinkle moved that **HB 92 BE CONCEPTUALLY AMENDED TO STRIKE THE WORDS "OR FEDERAL" FROM THE WORDING ADDED TO SECTION 6 AND THE TITLE BY REP. LER'S AMENDMENT.**

**Discussion:**

11:12:20 Rachel Weiss, LSD

11:13:02 SK Rossi, Innocence Project

11:13:48 **Vote:** Motion carried 17-2 by roll call vote with Rep. Skees and Rep. Usher voting no.

11:14:49 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

**Discussion:**

11:15:14 Rep. J. Hinkle

11:15:49 Vice Chair Kelker

11:16:37 Rep. Skees

11:17:00 Chair Usher

11:17:20 **Vote:** Motion carried unanimously by voice vote.

11:18:02 Rep. Lenz

11:18:50 Chair Usher

11:19:49 Rep. J. Hinkle

11:20:14 Chair Usher

11:20:38 Rep. Lenz

11:20:56 Rep. Berglee

11:21:07 Rep. Skees

11:21:54 Chair Usher

11:21:57 Rep. Berglee

11:23:12 Chair Usher

11:24:16 Rep. Carlson

11:24:36 Chair Usher

**EXECUTIVE ACTION ON HB 102**

11:24:54 **Motion:** Rep. A. Regier moved that **HB 102 DO PASS.**

11:25:07 **Motion:** Rep. Berglee moved that **HB 102 BE AMENDED.**  
[EXHIBIT\(juh06a03\)](#)

**Discussion:**

11:25:55 Rep. Berglee

11:33:50 Vice Chair Kelker

11:34:32 Chair Usher

11:34:37 Rep. Berglee

11:35:22 Rep. Bishop

11:35:58 Rep. Berglee  
11:36:57 Chair Usher  
11:37:27 Rachel Weiss, LSD  
11:38:37 Rep. Bishop  
11:39:14 Rep. J. Hinkle  
11:39:45 Rep. Berglee  
11:40:33 Rep. J. Hinkle  
11:40:54 Rep. Carlson  
11:43:04 Rep. Berglee  
11:44:50 Rep. Tenenbaum  
11:45:28 Rep. Berglee  
11:46:29 Vice Chair Kelker  
11:49:19 Rep. Berglee  
11:51:04 Rep. France  
11:52:17 Rep. Berglee

11:53:53 **Vote:** Motion carried unanimously by roll call vote.

11:55:24 **Motion:** Rep. A. Regier moved that **HB 102 DO PASS AS AMENDED.**

11:55:36 **Motion:** Rep. Berglee moved that **HB 102 BE CONCEPTUALLY AMENDED TO AMEND SECTION 4 TO ADD A SUBSECTION (8) TO CLARIFY THAT SCHOOL BOARD TRUSTEES CAN EXERCISE AUTHORITY GIVEN TO THEM UNDER 45-8-361.**

**Discussion:**

11:56:34 Rep. Lenz  
11:57:05 Rep. Berglee  
11:58:31 Rep. Stafman  
11:58:59 Rep. Berglee  
11:59:26 Rep. Tenenbaum  
11:59:41 Rep. Berglee

11:59:56 **Vote:** Motion carried unanimously by voice vote.

12:00:24 **Motion:** Rep. A. Regier moved that **HB 102 DO PASS AS AMENDED.**

12:00:35 **Motion:** Rep. Kelker moved that **HB 102 BE AMENDED.**

[EXHIBIT\(juh06a04\)](#)

**Discussion:**

12:01:03 Rep. Stafman  
12:06:50 Chair Usher  
12:07:05 Rep. Berglee  
12:09:23 Chair Usher  
12:10:33 Vice Chair Kelker  
12:11:24 Rep. Berglee  
12:13:35 Rep. Farris-Olsen  
12:14:21 Rep. Stafman  
12:15:48 Rep. Skees

12:16:27 Rep. Gillette

12:17:06 Chair Usher

12:17:29 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye.

12:18:48 **Motion:** Rep. A. Regier moved that **HB 102 DO PASS AS AMENDED.**

**Discussion:**

12:19:04 Rep. Lenz

12:19:10 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

**EXECUTIVE ACTION ON HB 124**

12:20:17 **Motion:** Rep. A. Regier moved that **HB 124 DO PASS.**

12:20:37 **Substitute Motion/Vote:** Rep. J. Hinkle made a substitute motion that **HB 124 BE TABLED.** Substitute Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. A. Regier, Rep. Skees and Rep. Stafman voting aye.

12:22:51 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Stafman and Rep. Tenenbaum voting no.

12:24:23 Rep. J. Hinkle

12:24:41 Chair Usher

12:25:01 Rep. Skees

**ADJOURNMENT**

Adjournment: 12:25:56

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh06aad.pdf](#))