

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on January 15, 2021 at 8:00 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. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)

Members Absent: None

Staff Present:

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

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 73, 1/11/2021; HB 144, 1/11/2021
Executive Action on: HB 56; HB 78; HB 92; HB 105; HB 109; HB 110; HB 124; HB 126;
HB 73; HB 91

HEARING ON HB 144**Opening Statement by Sponsor:**

08:05:47 Rep. Paul Fielder (R), opened the hearing on HB 144, Revise laws for preserving authority of sheriffs, constables, and peace officers.

08:05:51 Rep. Ler joined the meeting.

Proponents' Testimony:

08:08:30 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

08:10:51 Jesse Slaughter, Montana Sheriffs and Peace Officers Association (MSPOA)

08:12:25 Nanette Gilbertson, Montana County Attorneys Association (MCAA); Association of Montana Troopers (AMT)

08:13:43 Cindi Hamilton, self

08:15:50 Shelby DeMars, Montana Police Protective Association (MPPA)

08:16:17 Raye Newmeyer, self

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

08:17:15 Vice Chair Kelker

08:18:47 Nanette Gilbertson, MCAA; AMT

08:19:22 Rep. France

08:21:14 Rep. Fielder

08:21:52 Rep. Stafman

08:21:57 Rep. Lenz joined the meeting.

08:22:00 Brief Recess

08:37:40 Reconvened

08:37:45 Rep. Stafman

08:38:14 Rachel Weiss, Legislative Services Division (LSD)

08:38:36 Rep. Stafman

08:39:27 Brian Thompson, MSPOA

Closing by Sponsor:

08:40:18 Rep. Fielder

08:42:02 Vice Chair Regier assumed the chair.

08:42:44 Rep. Lenz joined the meeting.

HEARING ON HB 73**Opening Statement by Sponsor:**

08:43:12 Rep. Barry Usher (R), HD 40, opened the hearing on HB 73, Generally revise laws related to the criminal justice oversight council.

Proponents' Testimony:

08:46:48 Nanette Gilberston, Montana County Attorneys Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

08:50:42 SK Rossi, self

08:52:10 Shelby DeMars, Montana Police Protective Association (MPPA)

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

08:54:07 Rep. J. Hinkle

08:54:45 Rep. Usher

08:55:15 Rep. Lenz

08:55:36 Rep. Usher

08:56:08 Rep. Tenenbaum

08:56:35 Rep. Usher

08:57:00 Rep. Carlson

08:58:16 Rep. Usher

Closing by Sponsor:

08:58:36 Rep. Usher

08:59:19 Recess

09:53:36 Reconvened

EXECUTIVE ACTION ON HB 56

09:53:52 **Motion:** Rep. A. Regier moved that **HB 56 DO PASS.**

09:54:29 **Motion/Vote:** Rep. Skees moved that **HB 56 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(juh10a01)

09:56:49 **Motion/Vote:** Rep. A. Regier moved that **HB 56 DO PASS AS AMENDED.** Motion carried 17-2 by roll call vote with Rep. Lenz and Rep. Ler voting no.

EXECUTIVE ACTION ON HB 78

09:58:22 **Motion:** Rep. A. Regier moved that **HB 78 DO PASS.**

09:59:14 **Motion:** Rep. Lenz moved that **HB 78 BE AMENDED.**
EXHIBIT(juh10a02)

Discussion:

10:00:29 Rep. Skees

10:00:34 Rep. Lenz

10:00:50 Rep. Bishop

10:03:02 Rep. Lenz

10:04:02 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France and Rep. Hawk voting no.

10:05:07 **Motion:** Rep. A. Regier moved that **HB 78 DO PASS AS AMENDED.**

Discussion:

10:05:15 Rep. Lenz

10:06:42 Rep. Gillette

10:07:02 Rep. Bishop

10:08:14 **Vote:** Motion failed 6-13 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker and Rep. Stafman voting aye.

10:09:32 **Motion/Vote:** Rep. A. Regier moved that **HB 78 BE TABLED.** Motion carried unanimously by voice vote.

10:10:28 Rep. Lenz

10:10:55 Rep. Carlson

EXECUTIVE ACTION ON HB 92

10:11:20 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **HB 92.** Motion carried unanimously by voice vote.

10:12:46 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

10:13:39 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE PREVIOUS AMENDMENT** on **HB 92.** Motion carried unanimously by voice vote.

10:16:51 **Motion:** Rep. Kelker moved that **HB 92 BE AMENDED.**
EXHIBIT(juh10a03)

Discussion:

10:17:32 Rachel Weiss, Legislative Services Division (LSD)

10:20:20 Vice Chair Kelker

10:21:18 Rep. Carlson

10:21:57 Vice Chair Kelker

10:22:42 Rep. Carlson
10:23:03 Vice Chair Kelker
10:23:15 Chair Usher
10:23:30 Rep. J. Hinkle
10:24:11 Vice Chair Kelker

10:24:18 **Vote:** Motion carried unanimously by roll call vote.

10:25:34 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

10:25:37 **Motion:** Rep. J. Hinkle moved that **HB 92 BE AMENDED.**
[EXHIBIT\(juh10a04\)](#)

Discussion:

10:28:22 Vice Chair Kelker

10:29:03 **Vote:** Motion carried unanimously by voice vote.

10:29:23 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

10:29:37 **Motion:** Rep. J. Hinkle moved that **HB 92 BE AMENDED.**
[EXHIBIT\(juh10a05\)](#)

Discussion:

10:29:53 Chair Usher
10:30:24 Rep. J. Hinkle
10:33:14 Rachel Weiss, LSD
10:33:45 Chair Usher
10:33:59 Rachel Weiss, LSD
10:37:59 Rep. Farris-Olsen
10:39:11 Chair Usher
10:39:48 Rep. J. Hinkle
10:40:47 Rep. Carlson
10:41:56 Vice Chair Kelker
10:43:55 Rep. Berglee
10:45:38 Rep. Farris-Olsen
10:46:42 Rep. J. Hinkle

10:48:01 **Vote:** Motion failed 9-10 by roll call vote with Rep. Berglee, Rep. Fleming, Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. A. Regier and Rep. Skees voting aye.

10:49:13 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

10:49:23 **Motion:** Rep. Ler moved that **HB 92 BE AMENDED.**
EXHIBIT(juh10a06)

Discussion:

10:50:59 Rep. Hawk
10:51:14 Rep. Ler
10:51:26 Chair Usher

10:53:01 **Vote:** Motion failed 4-15 by roll call vote with Rep. J. Hinkle, Rep. Ler, Rep. Skees and Rep. Stromswold voting aye.

10:54:07 **Motion:** Rep. A. Regier moved that **HB 92 DO PASS AS AMENDED.**

Discussion:

10:54:19 Rep. J. Hinkle
10:55:52 Rep. Carlson
10:57:04 Rep. Tenenbaum

10:58:40 **Vote:** Motion carried unanimously by roll call vote.

10:59:46 Brief Recess
11:12:13 Reconvened

EXECUTIVE ACTION ON HB 105

11:12:20 **Motion/Vote:** Rep. A. Regier moved that **HB 105 DO PASS.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 109

11:13:19 **Motion/Vote:** Rep. A. Regier moved that **HB 109 DO PASS.** Motion failed 3-16 by roll call vote with Rep. Bishop, Rep. France and Rep. Kelker voting aye.

11:14:55 **Motion/Vote:** Rep. A. Regier moved that **HB 109 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 110

11:15:13 **Motion:** Rep. A. Regier moved that **HB 110 DO PASS.**

Discussion:

11:15:40 Rep. Tenenbaum
11:17:30 Rep. Carlson
11:18:45 Rep. J. Hinkle

- 11:19:28 **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.
- 11:20:23 **Motion/Vote:** Rep. A. Regier moved that **HB 110 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 124

- 11:20:42 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **HB 124**. Motion carried unanimously by roll call vote.
- 11:23:14 **Motion:** Rep. A. Regier moved that **HB 124 DO PASS**.
- 11:23:20 **Motion:** Rep. J. Hinkle moved that **HB 124 BE AMENDED**.
[EXHIBIT\(juh10a07\)](#)

Discussion:

- 11:27:23 Chair Usher
- 11:29:50 Rep. Carlson
- 11:31:38 Chair Usher
- 11:32:17 Rachel Weiss, LSD
- 11:32:42 Chair Usher
- 11:32:59 Rep. Phalen
- 11:33:23 Rep. J. Hinkle
- 11:34:18 Chair Usher
- 11:34:25 Rep. Berglee
- 11:35:02 Rep. Hawk
- 11:35:12 Rep. J. Hinkle
- 11:35:20 Chair Usher
- 11:36:09 **Vote:** Motion failed 4-15 by roll call vote with Rep. Berglee, Rep. J. Hinkle, Rep. Ler and Rep. Phalen voting aye.
- 11:37:43 Rep. J. Hinkle
- 11:38:49 Chair Usher
- 11:39:21 Rep. Berglee left the meeting.
- 11:39:37 Rep. Phalen
- 11:40:28 Rep. Lenz
- 11:41:00 Rep. Carlson
- 11:41:37 Rep. Farris-Olsen
- 11:42:18 Rachel Weiss, LSD
- 11:42:45 Rep. Farris-Olsen
- 11:42:59 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. Tenenbaum and Rep. Usher voting no. Rep. Berglee voted by proxy.

EXECUTIVE ACTION ON HB 126

11:44:22 **Motion:** Rep. A. Regier moved that **HB 126 DO PASS.**

Discussion:

11:44:45 Vice Chair Kelker

11:45:40 **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. Rep. Berglee voted by proxy.

11:46:38 **Motion/Vote:** Rep. A. Regier moved that **HB 126 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 73

11:46:46 **Motion/Vote:** Rep. A. Regier moved that **HB 73 DO PASS.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 91

11:47:49 **Motion:** Rep. A. Regier moved that **HB 91 DO PASS.**

Discussion:

11:48:07 Rep. Farris-Olsen

11:49:42 Rep. Carlson

11:51:53 Rep. Farris-Olsen

11:52:52 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 91 BE TABLED.** Substitute Motion carried unanimously by voice vote.

11:53:50 Vice Chair Kelker

11:54:36 Chair Usher

11:54:47 Vice Chair Kelker

11:55:46 Rep. Lenz

11:56:58 Rep. Skees

11:58:44 Chair Usher

ADJOURNMENT

Adjournment: 11:59:07

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh10aad.pdf](#))