

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on January 21, 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. Tom France (D)
Rep. Jane Gillette (R)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Frank Fleming (R)
Rep. Brandon Ler (R)

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Rachel Weiss, 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 35, 1/11/2021; HB 36, 1/11/2021; HB 98, 1/11/2021; HB 116,
1/11/2021
Executive Action on: HB 112; HB 136; HB 140; HB 167; HB 171; HB 144; HB 114

07:02:00 Chair Usher
07:05:52 Recess
07:42:32 Reconvened
07:43:00 Rep. Ler and Rep. Fleming joined the meeting.

EXECUTIVE ACTION ON HB 112

07:43:19 **Motion:** Rep. A. Regier moved that **HB 112 DO PASS.**
07:43:44 **Motion:** Rep. A. Regier moved that **HB 112 BE AMENDED.**
[EXHIBIT\(juh14a01\)](#)

Discussion:

07:44:05 Rachel Weiss, Legislative Services Division, LSD
07:44:46 Rep. Skees
07:45:09 **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.
07:46:28 **Motion:** Rep. A. Regier moved that **HB 112 DO PASS AS AMENDED.**

Discussion:

07:46:47 Rep. Stafman
07:49:12 Rep. Farris-Olsen
07:49:39 Chair Usher
07:51:38 Rep. J. Hinkle
07:52:39 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting no.

EXECUTIVE ACTION ON HB 136

07:54:17 **Motion:** Rep. A. Regier moved that **HB 136 DO PASS.**

Discussion:

07:54:28 Rep. Skees
07:55:10 **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.
07:56:55 Chair Usher
07:57:39 Rep. Stafman
07:58:01 Chair Usher

EXECUTIVE ACTION ON HB 140

07:58:34 **Motion:** Rep. A. Regier moved that **HB 140 DO PASS.**

Discussion:

07:58:49 Rep. Farris-Olsen
07:59:45 Vice Chair Kelker
08:00:54 Rep. Carlson
08:01:31 Rep. Skees
08:01:35 Rep. Berglee left the meeting.

08:02:26 **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. Rep. Berglee voted by proxy.

EXECUTIVE ACTION ON HB 167

08:04:00 **Motion:** Rep. A. Regier moved that **HB 167 DO PASS.**

Discussion:

08:04:14 Rep. Bishop
08:04:48 Rep. Berglee rejoined the meeting.
08:05:07 Rep. Gillette
08:05:34 Rep. Skees
08:06:21 Rep. France
08:07:05 Rep. J. Hinkle

08:07:13 **Motion:** Rep. A. Regier moved that **HB 167 BE AMENDED.**
[EXHIBIT\(juh14a02\)](#)

Discussion:

08:07:47 Chair Usher
08:07:51 Rachel Weiss, LSD

08:08:14 **Vote:** Motion carried unanimously by voice vote.

08:08:52 **Motion:** Rep. A. Regier moved that **HB 167 DO PASS AS AMENDED.**

Discussion:

08:09:02 Rep. J. Hinkle
08:10:01 Chair Usher

08:10:57 **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 171

08:12:00 **Motion:** Rep. A. Regier moved that **HB 171 DO PASS.**

Discussion:

08:12:16 Rep. Hawk

08:13:13 **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 114

08:14:33 **Motion:** Rep. A. Regier moved that **HB 114 DO PASS.**

Discussion:

08:15:05 Vice Chair Kelker

08:15:21 Rep. J. Hinkle

08:16:02 Rep. Tenenbaum

08:16:42 **Substitute Motion/Vote:** Rep. Berglee made a substitute motion that **HB 114 BE TABLED.** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 144

08:17:20 **Motion:** Rep. A. Regier moved that **HB 144 DO PASS.**

08:18:23 **Motion:** Rep. A. Regier moved that **HB 144 BE AMENDED.**
[EXHIBIT\(juh14a03\)](#)

Discussion:

08:19:23 Vice Chair Kelker

08:19:34 Rachel Weiss, LSD

08:20:00 **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.

08:21:00 **Motion:** Rep. A. Regier moved that **HB 144 DO PASS AS AMENDED.**

Discussion:

08:21:17 Rep. Stafman

08:23:03 Rep. France

08:23:43 Rep. Skees

08:25:07 Rep. Berglee

08:26:25 Chair Usher

08:28:26 **Vote:** Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

08:29:33 Chair Usher

08:30:16 Recess

08:44:03 Reconvened

HEARING ON HB 98

Opening Statement by Sponsor:

08:46:30 Rep. Sharon Stewart Peregoy (D), HD 42, opened the hearing on HB 98, Extending the Missing Indigenous Persons Task Force and the LINC grant program.

EXHIBIT(juh14a04)

Proponents' Testimony:

09:05:13 Alan Doane, Department of Justice (DOJ)

09:07:25 Sen. Small

09:10:27 Colleen Campbell, self

09:13:55 Shane Scanlon, AT&T

09:14:55 Keaten Sunchild, Montana Native Vote

09:16:01 Laurie Little Dog, self

09:18:18 Laurel Hesse, American Civil Liberties Union (ACLU)

EXHIBIT(juh14a05)

09:18:56 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

09:19:57 Stacey Anderson, Montana Primary Care Association (MPCA)

09:21:10 Iko'tsimiskimaki Beck, Indigenous Organizers Collective

09:21:58 Daliyah Killsback, Western Native Voice (WNV)

09:23:12 Jan Strout, National Organization for Women (NOW)

09:25:14 Preston Parish, Montana Budget and Policy Center

09:25:48 SJ Howell, Montana Women Vote

09:26:37 Simon Cecil, Northern Plains Resource Council (NPRC)

09:27:51 Ellie Bundy, Confederated Salish and Kootenai Tribes

09:31:08 Danielle Vazquez, self

Opponents' Testimony: None

Informational Testimony:

09:32:28 Dana Toole, Montana Department of Justice (DOJ)

09:33:47 Tina Chamberlain, Montana Department of Justice (DOJ)

Questions from Committee Members and Responses:

09:34:29 Vice Chair Kelker

09:35:59 Rep. Gillette

09:36:47 Dana Toole, DOJ

09:40:57 Tina Chamberlain, DOJ

09:42:23 Dana Toole, DOJ
09:44:16 Rep. Carlson
09:45:52 Sen. Small
09:48:03 Chair Usher
09:48:25 Sen. Small

EXHIBIT(juh14a06)

09:50:43 Alan Doane, DOJ
09:51:37 Rep. Carlson
09:51:55 Rep. Skees
09:52:25 Alan Doane, DOJ
09:52:41 Rep. J. Hinkle
09:53:19 Sen. Small
09:54:40 Rep. Lenz
09:55:24 Dana Toole, DOJ
09:56:02 Rep. Lenz
09:56:40 Alan Doane, DOJ
09:57:14 Rep. Bishop
09:58:59 Sen. Small

Closing by Sponsor:

10:01:06 Rep. Stewart Peregoy

HEARING ON HB 116

Opening Statement by Sponsor:

10:04:45 Rep. Vince Ricci (R), HD 55, opened the hearing on HB 116, Indoor cleanup standards for methamphetamine.

EXHIBIT(juh14a07)

10:06:32 Chair Usher left the meeting.
10:06:35 Vice Chair Regier assumed the chair.

Proponents' Testimony:

10:08:10 Jaymie Bowditch, Montana Association of Realtors (MAR)
10:09:32 Rep. J. Hinkle and Rep. Stromswold left the meeting.
10:13:50 Tiffany Ott, self
10:18:00 Mike Nugent, Montana Association of Realtors (MAR)
10:21:01 Sam Sill, Montana Association of Realtors (MAR)
10:21:57 Aimee Grmoljez, Montana Bankers Association (MBA)

Opponents' Testimony: None

Informational Testimony:

10:23:26 Jenny Chambers, Department of Environmental Equality (DEQ)

Questions from Committee Members and Responses:

10:24:10 Vice Chair Kelker
10:24:36 Jenny Chambers, DEQ

10:25:28 Rep. Skees
10:30:37 Jaymie Bowditch, MAR

Closing by Sponsor:

10:31:31 Rep. Ricci

10:32:13 Chair Usher rejoined the meeting.
10:32:24 Chair Usher

HEARING ON HB 35**Opening Statement by Sponsor:**

10:33:29 Rep. Sharon Stewart Peregoy (D), HD 42, opened the hearing on HB35,
Establish a missing persons review commission.

Proponents' Testimony:

10:39:55 Alan Doane, Montana Department of Justice (DOJ)
10:41:05 Colleen Campbell, self
10:41:49 Keaton Sunchild, Montana Native Vote
10:42:22 Laurie Little Dog, self
10:44:14 Josh Butterfly, Project Opening Doors
10:47:10 Dalayah Killsback, Western Native Voice (WNV)
10:48:38 Iko'tsimiskimaki Beck, Indigenous Organizers Collective
10:50:16 Ellie Bundy, Confederated Salish and Kootenai Tribes
10:53:33 Lauri Kindness, self

Opponents' Testimony: None**Informational Testimony:**

10:56:14 Dana Toole, Montana Department of Justice (DOJ)
10:56:35 Tina Chamberlain, Montana Department of Justice (DOJ)

Questions from Committee Members and Responses:

10:57:32 Rep. Carlson
10:58:28 Dana Toole, DOJ
10:59:23 Rep. Carlson
11:00:12 Rep. Phalen
11:00:40 Dana Toole, DOJ
11:02:48 Rep. Phalen
11:03:06 Rep. Skees
11:07:03 Dana Toole, DOJ
11:08:56 Rep. Gillette
11:09:56 Dana Toole, DOJ

Closing by Sponsor:

11:11:53 Rep. Stewart Peregoy

HEARING ON HB 36**Opening Statement by Sponsor:**

11:13:06 Rep. Sharon Stewart Peregoy (D), HD 42, opened the hearing on HB 36, Establish missing persons response team training grant program.

Proponents' Testimony:

11:18:07 Colleen Campbell, self
11:20:03 Chair Usher
11:20:41 Sam Forstag, American Civil Liberties Union (ACLU)

EXHIBIT(juh14a08)

11:21:47 Keaton Sunchild, Montana Native Vote
11:22:35 Sen. Small
11:23:16 Kelli Twoteeth, Indigenous Organizers Collective
11:24:36 Laurie Little Dog, self

EXHIBIT(juh14a09)

11:26:33 Simon Cecil, Northern Plains Resource Council (NPRC)
11:28:23 Dalayah Killsback, Western Native Voice (WNV)
11:29:57 Lauri Kindness, self
11:32:37 Ellie Bundy, Montana Missing Indigenous Persons Task Force (MMIP)
11:35:04 Souta Calling Last, Indigenous Vision

Opponents' Testimony: None**Informational Testimony:**

11:36:26 Dana Toole, Department of Justice (DOJ)
11:36:44 Tina Chamberlain, Department of Justice (DOJ)

Questions from Committee Members and Responses:

11:37:25 Rep. Gillette
11:38:26 Dana Toole, DOJ
11:40:07 Rep. Gillette
11:41:06 Rep. Stewart Peregoy
11:42:01 Rep. Carlson
11:43:18 Rep. Stewart Peregoy
11:46:21 Rep. Carlson
11:47:03 Chair Usher
11:48:03 Rachel Weiss, Legislative Services Division (LSD)
11:48:31 Rep. France

Closing by Sponsor:

11:49:42 Rep. Stewart Peregoy

11:51:34 Chair Usher
11:52:39 Jean Branscum, Montana Medical Association (MMA)

ADJOURNMENT

Adjournment: 11:55:08

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh14aad.pdf](#))