

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on January 22, 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. 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. Brandon Ler (R)
Rep. Bob Phalen (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Seth Berglee (R)
Rep. Frank Fleming (R)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Derek Skees (R)

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 84, 1/11/2021; HB 115, 1/11/2021
Executive Action on: HB 84; HB 113

HEARING ON HB 84

Opening Statement by Sponsor:

08:04:05 Rep. Julie Dooling (R), HD 70, opened the hearing on HB 84, Generally revise driver laws.

08:04:06 Rep. J. Hinkle, Rep. Berglee, and Rep. Skees, and joined the meeting.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

EXECUTIVE ACTION ON HB 84

08:06:17 **Motion/Vote:** Rep. A. Regier moved that **HB 84 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 113

08:06:44 **Motion:** Rep. A. Regier moved that **HB 113 DO PASS**.

08:06:59 **Motion:** Rep. A. Regier moved that **HB 113 BE AMENDED**.
[EXHIBIT\(juh15a01\)](#)

Discussion:

08:08:43 Rep. Stafman
08:09:40 Chair Usher
08:10:03 Rachel Weiss, Legislative Services Division (LSD)
08:12:57 Vice Chair Kelker
08:13:51 Chair Usher
08:14:05 Vice Chair Regier
08:14:33 Chair Usher
08:15:32 Vice Chair Kelker

08:15:45 Recess
08:46:50 Reconvened

08:47:25 Rep. Lenz joined the meeting.
08:47:27 Rep. Stafman
08:48:34 Rep. Farris-Olsen
08:49:12 Rep. Gillette
08:49:39 Rep. Tenenbaum

08:50:29 Rep. Skees
08:51:44 Chair Usher

08:52:03 **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. Rep. Fleming voted by proxy.

08:53:12 **Motion:** Rep. A. Regier moved that **HB 113 DO PASS AS AMENDED.**

08:53:18 **Motion/Vote:** Rep. Kelker moved that **HB 113 BE TABLED.** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting aye. Rep. Fleming voted by proxy.

08:54:41 Rep. Bishop
08:55:12 Rep. Stafman
08:55:47 Rep. Stromswold

08:56:31 **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.

08:57:46 Rep. Stafman
08:58:18 Chair Usher
08:58:33 Rep. Stafman

08:59:18 Recess
10:07:05 Reconvened

HEARING ON HB 115

Opening Statement by Sponsor:

10:07:25 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 115, Increase penalties for 5th and subsequent DUI.

10:08:18 Vice Chair Regier left the meeting.

Proponents' Testimony:

10:12:11 Scott Twito, Montana County Attorneys' Association (MCAA)
10:23:24 Kelsie Harwood, Montana County Attorneys' Association (MCAA)
10:26:17 Wyatt Glade, Montana County Attorneys' Association (MCAA)
10:30:03 Jesse Slaughter, Montana Sheriffs and Peace Officers Association (MSPOA)
10:32:36 Dan Smith, Montana Police Protective Association (MPPA)
10:33:17 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
10:36:54 Jed Fitch, Beaverhead County Attorney
10:43:11 Alan Doane, Montana Department of Justice (DOJ)
10:44:11 Mike Yakawich, City of Billings
10:45:02 Ashlee Archer, Montana County Attorneys' Association (MCCA)
10:47:59 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

Opponents' Testimony:

10:50:43 Sam Forstag, American Civil Liberties Union (ACLU)

[EXHIBIT\(juh15a02\)](#)

10:54:28 Keaton Sunchild, Montana Native Vote (MNV)

10:57:40 Janee Weber, self

Informational Testimony: None

Questions from Committee Members and Responses:

11:01:47 Rep. Carlson
11:02:34 Scott Twito, MCAA
11:05:14 Vice Chair Kelker
11:07:27 Scott Twito, MCAA
11:08:13 Rep. Gillette
11:10:21 Rep. Mercer
11:10:56 Wyatt Glade, MCAA
11:11:42 Rep. Skees
11:12:30 Rep. Mercer
11:12:57 Scott Twito, MCAA
11:12:58 Chair Usher left the meeting.
11:13:05 Vice Chair Kelker assumed the chair.
11:14:00 Rep. Mercer
11:14:54 Rep. Skees
11:15:45 Sam Forstag, ACLU
11:16:26 Rep. J. Hinkle
11:20:50 Scott Twito, MCAA
11:22:13 Chair Usher rejoined the meeting.
11:22:20 Vice Chair Kelker
11:24:45 Rep. Berglee left the meeting.
11:25:58 Scott Twito, MCAA
11:27:07 Rep. Stafman
11:30:44 Scott Twito, MCAA
11:31:48 Rep. France
11:32:46 Scott Twito, MCAA
11:34:20 Rep. Lenz
11:38:14 Rep. Mercer

Closing by Sponsor:

11:39:22 Rep. Mercer

ADJOURNMENT

Adjournment: 11:42:37

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh15aad.pdf](#))