

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on January 26, 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. 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:

Rep. Laurie Bishop (D)

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 183, 1/22/2021; HB 189, 1/22/2021; HB 200, 1/22/2021
Executive Action on: SB 50

HEARING ON HB 200**Opening Statement by Sponsor:**

08:04:09 Rep. Kenneth Holmlund (R), HD 38, opened the hearing on HB 200, Establish laws prohibiting sanctuary cities in Montana.

08:08:19 Rep. Bishop joined the meeting.

Proponents' Testimony:

08:12:33 John Rogers, self

08:16:02 Paul Nachman, self

EXHIBIT(juh17a01)

08:21:15 Mark Limesand, self

08:24:27 Keith Kubista, self

Opponents' Testimony:

08:27:01 Laura Jean Allen, First Christian Church

08:28:23 Rep. Farris-Olsen

08:28:45 Chair Usher

08:29:11 SK Rossi, Cities of Bozeman and Missoula

08:32:46 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

08:36:46 Laurie Franklin, Montana Association of Rabbi's

08:38:49 Vice Chair Kelker

08:39:46 Rep. Skees

08:40:22 Rep. Bishop

08:41:03 Rep. Tenenbaum

08:41:36 Rep. Berglee

08:42:43 Rep. Stafman

08:44:30 Vice Chair Kelker

08:45:01 Laurie Franklin, Montana Association of Rabbi's

08:47:10 Rep. Skees

08:47:38 Vice Chair Kelker

08:48:16 Rep. J. Hinkle

08:48:38 Chair Usher

08:49:17 Jasmine Krotkov, self

08:51:30 Kelly Lynch, Montana League of Cities and Towns (MLCT)

08:55:28 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

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

08:57:33 Vice Chair Kelker

08:58:18 Laura Jean Allen, First Christian Church

09:00:58 Rep. Stafman

09:01:38 Sam Forstag, ACLU

09:02:28 Rep. Stafman

09:04:07 Kelly Lynch, MLCT

09:04:41 Rep. Bishop

09:05:13 Sam Forstag, ACLU
09:05:52 Rep. Skees
09:09:47 Sam Forstag, ACLU
09:10:23 Rep. Ler
09:10:24 Chair Usher left the meeting.
09:10:30 Vice Chair Regier assumed the chair.
09:10:43 Rep. Holmlund
09:11:01 Rep. J. Hinkle
09:12:07 Sam Forstag, ACLU
09:12:58 Rep. Carlson
09:14:00 Rep. Holmlund

Closing by Sponsor:

09:14:25 Rep. Holmlund

09:17:12 Recess
09:28:57 Reconvened

09:29:03 Rep. Lenz left the meeting.
09:29:03 Chair Usher rejoined the meeting.
09:29:04 Rep. Skees
09:29:47 Rep. Skees left the meeting.

HEARING ON HB 183

Opening Statement by Sponsor:

09:30:11 Rep. Danny Tenenbaum (D), HD 95, opened the hearing on HB 183, Eliminate requirement that offenders pay public defender fees.

Proponents' Testimony:

09:35:44 James Reavis, self
09:39:45 Rep. Berglee left the meeting.
09:40:55 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

Opponents' Testimony:

09:41:41 Nanette Gilberston, Montana County Attorneys Association (MCAA)
09:43:02 Dan Smith, Montana Police Protective Association (MPPA)
09:44:30 Marty Lambert, Montana County Attorneys Association (MCAA)
09:48:47 Cory Swanson, Montana County Attorneys Association (MCAA)

Informational Testimony: None

Questions from Committee Members and Responses:

09:50:32 Vice Chair Kelker
09:51:04 Rep. Tenenbaum
09:53:44 Rep. J. Hinkle
09:53:53 Rep. Gillette
09:56:55 Rep. Tenenbaum
09:59:56 Rep. Carlson
10:00:52 Marty Lambert, MCAA

10:02:42 Rep. Bishop
10:03:45 Chair Usher
10:04:01 Rep. Tenenbaum
10:05:54 Rep. Ler
10:09:28 Rep. Tenenbaum
10:10:48 Rep. Carlson
10:12:02 Cory Swanson, MCAA

Closing by Sponsor:

10:13:57 Rep. Tenenbaum

10:17:13 Chair Usher and Rep. Phalen left the meeting.
10:17:19 Vice Chair Regier assumed the chair.

HEARING ON HB 189

Opening Statement by Sponsor:

10:18:42 Rep. Danny Tenenbaum (D), HD 95, opened the hearing on HB 189, Generally revise criminal sentencing and judgment laws.

[EXHIBIT\(juh17a02\)](#)

Proponents' Testimony: None

Opponents' Testimony:

10:25:42 Shelby DeMars, Montana Police Protective Association (MPPA)
10:27:49 Nanette Gilberston, Montana Sheriffs and Peace Officers Association (MSPOA)
10:30:10 Marty Lambert, Montana County Attorneys Association (MCAA)

Informational Testimony: None

Questions from Committee Members and Responses:

10:34:18 Rep. Ler
10:36:56 Rep. Tenenbaum
10:37:25 Rep. Gillette
10:38:09 Rep. Tenenbaum
10:39:57 Rep. Stafman
10:40:42 Rep. Tenenbaum

Closing by Sponsor:

10:44:16 Rep. Tenenbaum

10:48:28 Chair Regier
10:49:04 Rep. France

10:49:19 Recess
11:18:19 Reconvened

11:18:24 Rep. Lenz and Rep. Berglee rejoined the meeting.

EXECUTIVE ACTION ON SB 50

11:18:51 **Motion:** Rep. A. Regier moved that **SB 50 BE CONCURRED IN.**

Discussion:

11:19:56 Vice Chair Kelker

11:20:05 Chair Usher

11:20:41 Rep. Carlson

11:20:56 **Vote:** Motion carried 14-5 by roll call vote with Rep. Berglee, Rep. Farris-Olsen, Rep. J. Hinkle, Rep. Ler and Rep. Tenenbaum voting no. Rep. Phalen voted by proxy. Rep. Kelker will carry the bill.

11:23:20 Rep. Skees

11:24:10 Vice Chair Kelker

11:25:06 Rep. France

11:26:05 Rep. Carlson

11:26:44 Rep. Hawk

11:27:08 Chair Usher

11:29:20 Vice Chair Kelker

11:30:05 Chair Usher

11:30:37 Rep. Gillette

11:31:11 Chair Usher

ADJOURNMENT

Adjournment: 11:31:33

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh17aad.pdf](#))