

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 3, 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. 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  
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 244, 1/29/2021; HB 261, 1/29/2021; HB 243, 1/29/2021

**HEARING ON HB 243**

**Opening Statement by Sponsor:**

08:04:04 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 243, Generally revise laws related to law enforcement officers.

**Proponents' Testimony:**

08:06:24 John MacDonald, City of Missoula

[EXHIBIT\(juh23a01\)](#)

08:08:03 Rep. Skees left the meeting.

08:08:13 Jaeson White, Missoula Police Chief

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:10:01 Rep. Fleming

08:10:31 Jaeson White, Missoula Police Chief

08:10:48 Rep. Carlson

08:12:15 Jaeson White, Missoula Police Chief

**Closing by Sponsor:**

08:12:56 Rep. Hopkins

**HEARING ON HB 244**

**Opening Statement by Sponsor:**

08:17:42 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 244, Revise death penalty laws related to lethal injection.

**Proponents' Testimony:**

08:19:58 Attorney General Austin Knudsen, Montana Department of Justice (DOJ)

[EXHIBIT\(juh23a02\)](#)

08:22:25 Rep. Skees rejoined the meeting.

08:25:23 Vice Chair Kelker

08:25:36 Marty Lambert, Gallatin County Attorney

08:28:01 Cory Swanson, Broadwater County Attorney

08:30:21 Nanette Gilbertson, Montana County Attorneys Association (MCAA)

08:31:31 Shelby DeMars, Montana Police Protective Association (MPPA)

**Opponents' Testimony:**

08:32:37 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

08:35:58 SK Rossi, Montana Innocence Project (MTIP)

08:38:09 Matthew Brower, Montana Catholic Conference

**EXHIBIT(juh23a03)**

08:39:50 Donna Williams, self

**Informational Testimony:**

08:41:20 Tammy Plubell, Montana Department of Justice (DOJ)

**Questions from Committee Members and Responses:**

08:42:21 Vice Chair Kelker

08:43:17 Tammy Plubell, DOJ

08:45:14 Vice Chair Kelker

08:45:44 SK Rossi, MTIP

08:46:49 Rep. Farris-Olsen

08:48:44 Sam Forstag, MTIP

08:49:19 Rep. Gillette

08:49:49 Sam Forstag, MTIP

08:50:49 Rep. Gillette

08:51:21 Attorney General Knudsen, DOJ

08:53:19 Rep. Bishop

08:57:09 Attorney General Knudsen, DOJ

08:58:20 Vice Chair Kelker

08:59:08 Rep. Berglee

09:00:11 Sam Forstag, ACLU

09:01:22 Rep. Farris-Olsen

09:03:20 SK Rossi, ACLU

09:04:06 Rep. Hawk

09:04:31 Chair Usher

09:05:08 Rep. Tenenbaum

09:05:47 Chair Usher

09:06:13 Rep. Skees

09:07:01 SK Rossi, ACLU

09:07:58 Rep. J. Hinkle

09:08:54 Attorney General Knudsen, DOJ

**Closing by Sponsor:**

09:10:38 Rep. Lenz

09:13:54 Recess

09:31:38 Reconvened

**HEARING ON HB 261****Opening Statement by Sponsor:**

09:33:06 Rep. Derek Skees (R), HD 11, opened the hearing on HB 261, Constitutional amendment for taxpayer protection act to limit tax types.

**Proponents' Testimony:** None**Opponents' Testimony:**

09:37:17 Bob Story, Montana Taxpayers Association (MonTax)

**EXHIBIT(juh23a04)**

09:45:26 Darryl James, Montana Infrastructure Coalition (MIC)

09:52:05 Shelby DeMars, Montana Association of Oil Gas & Coal Counties

09:54:39 Heather O'Loughlin, Montana Budget & Policy Center (MBPC)

09:58:38 SJ Howell, Montana Women Vote

10:00:48 Tim Burton, Montana League of Cities & Towns (MLCT)

10:01:43 Rep. Lenz left the meeting.

10:04:25 Erik Burke, Montana Federation of Public Employees (MFPE); Montana Public Education Center (MTPEC)

10:06:25 Dave Galt, Montana Chamber of Commerce

10:08:28 Dan Brook, Billings Chamber of Commerce

10:08:44 Chair Usher left the meeting.

10:08:51 Vice Chair Regier assumed the chair.

10:09:29 Jule Walker, Montana School Boards Association (MTSBA)

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

10:10:58 Rep. J. Hinkle

10:13:03 Bob Story, MonTax

10:13:18 Rep. J. Hinkle

10:15:56 Rep. Skees

10:16:29 Vice Chair Kelker

10:16:46 Chair Usher rejoined the meeting.

10:21:11 Bob Story, MonTax

10:22:29 Rep. France

10:25:44 Tim Burton, MLCT

10:26:39 Chair Usher

10:27:09 Rep. Carlson

10:32:05 Rep. Skees

10:33:37 Rep. Phalen

10:35:19 Jule Walker, MTSBA

10:35:46 Rep. Phalen

10:36:08 Rep. Skees

10:36:36 Vice Chair Kelker

10:37:23 Darryl James, MIC

10:38:50 Vice Chair Kelker

10:39:03 Bob Story, MonTax

10:40:11 Rep. Carlson

10:40:55 Bob Story, MonTax  
10:41:52 Chair Usher  
10:42:33 Bob Story, MonTax

**Closing by Sponsor:**

10:43:13 Rep. Skees  
  
10:49:02 Chair Usher  
10:53:14 Rep. Skees

**ADJOURNMENT**

Adjournment: 10:54:24

---

Lydia Balian, Secretary

lb

Additional Documents:

**EXHIBIT**([juh23aad.pdf](#))