

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 4, 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. Robert Farris-Olsen (D)  
Rep. Tom France (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. Jennifer Carlson (R)  
Rep. Frank Fleming (R)  
Rep. Jane Gillette (R)  
Rep. Donavon Hawk (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: HJ 4, 2/2/2021; SB 17, 2/2/2021; SB 31, 2/2/2021; SB 47,  
2/2/2021  
Executive Action on: HJ 4; SB 31; SB 47

**HEARING ON SB 47**

**Opening Statement by Sponsor:**

08:04:02 Sen. Ryan Lynch (D), SD 37, opened the hearing on SB 47, Generally revise laws related to DOC commits.

**Proponents' Testimony:**

08:06:32 Nanette Gilbertson, Montana Sheriffs and Police Officers Association (MSPOA);  
Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:**

08:08:01 Director Brian Gootkin, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

08:09:03 Vice Chair Kelker  
08:12:32 Sen. Lynch  
08:13:29 Rep. France  
08:14:09 Sen. Lynch  
08:14:57 Rep. Tenenbaum  
08:15:35 Director Brian Gootkin, DOC

**Closing by Sponsor:**

08:16:35 Sen. Lynch

**HEARING ON HJ 4**

**Opening Statement by Sponsor:**

08:20:48 Rep. Mary Caferro (D), HD 81, opened the hearing on HJ 4, Study criminal proceedings and commitment of people with mental illness.

[EXHIBIT\(juh24a01\)](#)

**Proponents' Testimony:**

08:24:16 Matt Kuntz, National Alliance on Mental Illness Montana (NAMI Montana)

[EXHIBIT\(juh24a02\)](#)

08:29:16 Dr. Gary Mihelish, self  
08:36:07 Director Brian Gootkin, Department of Corrections (DOC)  
08:37:21 Beth Brenneman, Disability Rights Montana  
08:40:47 Jennifer Preble, self  
08:42:29 Nancy Leifer, League of Women Voters Montana  
08:44:15 Zach Brown, Gallatin County Commission

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:48:59 Rep. J. Hinkle  
08:49:35 Rep. Caferro  
08:50:18 Matt Kuntz, NAMI Montana  
08:51:23 Rep. J. Hinkle  
08:51:45 Rep. Caferro  
  
08:52:24 **Motion/Vote:** Rep. A. Regier moved that **HJ 4 BE ADOPTED**. Motion carried 15-0 by voice vote.

**Closing by Sponsor:** None

**HEARING ON SB 31**

**Opening Statement by Sponsor:**

08:54:13 Sen. Mary McNally (D), SD 24, opened the hearing on SB 31, Require consideration of less restrictive options in guardianship proceedings.

**Proponents' Testimony:**

08:58:28 Adrienne Cotton, Montana Area Agencies on Aging Association (M4A)  
08:58:30 Rep. Carlson and Rep. Gillette joined the meeting.  
09:01:17 Beth Breneman, Disability Rights Montana  
09:03:09 Chair Usher left the meeting.  
09:03:16 Vice Chair Regier assumed the chair.  
09:03:42 Sarah McClain, State Law Library of Montana  
09:07:01 Scott Reichner, American Association of Retired Persons (AARP)  
09:09:05 Chair Usher rejoined the meeting.  
09:10:29 Joel Peden, Montana Association of Centers for Independent Living (MTCIL)  
09:13:56 Shyla Patera, North Central Independent Living Services (NCILS)  
09:16:24 Travis Hoffman, Summit Independent Living

[EXHIBIT\(juh24a03\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

09:19:34 Sen. McNally

**EXECUTIVE ACTION ON SB 31**

09:20:12 **Motion/Vote:** Rep. A. Regier moved that **SB 31 BE CONCURRED IN**. Motion carried 17-0 by voice vote. Rep. Lenz will carry the bill.

09:21:40 Rep. Skees

**EXECUTIVE ACTION ON SB 47**

09:22:55 **Motion/Vote:** Rep. A. Regier moved that **SB 47 BE CONCURRED IN**. Motion carried 17-0 by voice vote. Rep. Usher will carry the bill.

09:25:01 Chair Usher

09:26:52 Rachel Weiss, Legislative Services Division (LSD)

09:28:40 Vice Chair Kelker

09:31:54 Rachel Weiss, LSD

09:32:31 Rep. France

09:32:59 Rep. Phalen

09:33:19 Rep. J. Hinkle

**ADJOURNMENT**

Adjournment: 09:33:45

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh24aad.pdf](#))