

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 5, 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. 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. Jane Gillette (R)  
Rep. Brandon Ler (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: SB 104, 2/3/2021  
Executive Action on: HB 189; HB 218; HB 223; HB 243; HB 261; HB 262; HB 263;  
SB 104

**HEARING ON SB 104**

**Opening Statement by Sponsor:**

08:05:27 Sen. Jeffrey Welborn (R), SD 36, opened the hearing on SB 104, Uniform Family Law Arbitration Act.

08:06:00 Rep. Gillette joined the meeting.

08:06:05 Rep. Farris-Olsen left the meeting.

**Proponents' Testimony:**

08:07:58 Lori Harshbarger, Montana State Bar Family Law Section

08:13:03 Jacqueline Lenmark, Uniform Law Commission

**EXHIBIT(juh25a01)**

08:20:07 Katie Mazurek, Element Law Group

08:22:20 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:24:33 Ryan Phelan, Montana State Bar Family Law Section

08:31:06 Mars Scott, Montana State Bar Family Law Section

08:34:20 Shelly Brander, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:37:04 Rep. Gillette

08:38:25 Mars Scott, Montana State Bar Family Law Section

08:39:31 Vice Chair Kelker

08:41:20 Mars Scott, Montana State Bar Family Law Section

08:41:55 Rep. Carlson

08:43:43 Lori Harshbarger, Montana State Bar Family Law Section

08:45:13 Chair Usher

08:45:43 Jacqueline Lenmark, Uniform Law Commission

**Closing by Sponsor:**

08:47:39 Sen. Welborn

08:51:32 Recess

10:02:27 Reconvened with Rep. Skees and Vice Chair Regier excused. Rep. Ler and Rep. Farris-Olsen were present.

**EXECUTIVE ACTION ON HB 114**

10:04:01 **Motion/Vote:** Rep. Kelker moved that **HB 114 BE REMOVED FROM TABLE**. Motion failed 7-10 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye.

**EXECUTIVE ACTION ON HB 189**

10:06:08 **Motion:** Rep. Lenz moved that **HB 189 DO PASS.**

**Discussion:**

10:06:21 Rachel Weiss, Legislative Services Division (LSD)

10:06:50 Vice Chair Regier rejoined the meeting.

10:06:54 **Motion/Vote:** Rep. Tenenbaum moved that **HB 189 BE AMENDED.** Motion carried 16-3 by roll call vote with Rep. Berglee, Rep. Fleming and Rep. Skees voting no. Rep. Skees voted by proxy.

**EXHIBIT(juh25a02)**

10:11:08 **Motion:** Rep. Lenz moved that **HB 189 DO PASS AS AMENDED.**

**Discussion:**

10:11:26 Vice Chair Kelker

10:12:45 Rep. Gillette

10:14:05 Rep. Tenenbaum

10:15:43 **Vote:** Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Skees voted by proxy.

10:16:47 **Motion/Vote:** Rep. Lenz moved that **HB 189 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 218**

10:17:08 **Motion:** Rep. Lenz moved that **HB 218 DO PASS.**

**Discussion:**

10:17:16 Rachel Weiss, LSD

10:17:43 Chair Usher

10:18:04 **Vote:** Motion carried unanimously by voice vote. Rep. Skees voted by proxy.

**EXECUTIVE ACTION ON HB 223**

10:19:02 **Motion:** Rep. Lenz moved that **HB 223 DO PASS.**

**Discussion:**

10:19:15 Rep. Farris-Olsen

10:22:12 Chair Usher

10:22:35 Rep. Phalen

10:23:20 Rep. France

10:24:15 Rep. Berglee

10:24:52 **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. Skees voted by proxy.

#### **EXECUTIVE ACTION ON HB 237**

10:26:02 **Motion:** Rep. Lenz moved that **HB 237 DO PASS**.

10:26:37 **Motion/Vote:** Rep. Usher moved to **POSTPONE CONSIDERATION ON HB 237**. Motion carried 18-0 by voice vote.

#### **EXECUTIVE ACTION ON HB 243**

10:26:59 **Motion:** Rep. Lenz moved that **HB 243 DO PASS**.

10:28:03 **Motion/Vote:** Rep. Bishop moved that **HB 243 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Skees voted by proxy.

#### **EXHIBIT(juh25a03)**

10:28:48 **Motion/Vote:** Rep. Lenz moved that **HB 243 DO PASS AS AMENDED**. Motion carried 17-2 by voice vote with Rep. Lenz and Rep. Skees voting no. Rep. Skees voted by proxy.

#### **EXECUTIVE ACTION ON HB 261**

10:29:35 **Motion:** Rep. Lenz moved that **HB 261 DO PASS**.

#### **Discussion:**

10:29:43 Rachel Weiss, LSD

10:30:23 Vice Chair Kelker

10:33:07 **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. Skees voted by proxy.

#### **EXECUTIVE ACTION ON HB 262**

10:34:07 **Motion:** Rep. Lenz moved that **HB 262 DO PASS**.

#### **Discussion:**

10:34:16 Rachel Weiss, LSD

10:34:41 Rep. Farris-Olsen

10:35:23 Rep. Carlson

10:36:50 Rep. Farris-Olsen

10:38:00 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. Fleming, Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. A. Regier, Rep. Skees and Rep. Usher voting no. Rep. Skees voted by proxy.

**EXECUTIVE ACTION ON HB 263**

10:38:37 **Motion:** Rep. Lenz moved that **HB 263 DO PASS.**

**Discussion:**

10:38:39 Rachel Weiss, LSD

10:39:05 Rep. Farris-Olsen

10:39:50 **Vote:** Motion carried 12-7 by roll call vote with Rep. Berglee, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. A. Regier, Rep. Skees and Rep. Usher voting no. Rep. Skees voted by proxy.

10:41:23 Rep. Carlson

**EXECUTIVE ACTION ON SB 104**

10:42:00 **Motion:** Rep. Lenz moved that **SB 104 BE CONCURRED IN.**

**Discussion:**

10:42:11 Rachel Weiss, LSD

10:42:29 Rep. Gillette

10:43:45 Rep. Stafman

10:43:53 Chair Usher

10:44:04 **Vote:** Motion carried unanimously by voice vote. Rep. Skees voted by proxy. Rep. Gillette will carry the bill.

10:44:45 Rep. Gillette

10:45:06 Rep. Farris-Olsen

10:45:28 Chair Usher

**ADJOURNMENT**

Adjournment:  
10:45:53

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh25aad.pdf](#))