

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on February 12, 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. 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. Seth Berglee (R)
Rep. Frank Fleming (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:

Executive Action on: HB 115; HB 237; HB 244; HB 257; HB 258; HB 293; HB 308; HB 309; HB 310; HB 313; HB 322; HB 325; HB 327; HB 331; SB 17; SB 39; SB 114; SB 127

EXECUTIVE ACTION ON HB 115

09:39:05 Rachel Weiss, Legislative Services Division (LSD)

09:39:20 **Motion:** Rep. A. Regier moved that **HB 115 DO PASS.**

09:39:39 **Motion:** Rep. A. Regier moved that **HB 115 BE AMENDED.**
EXHIBIT(juh30a01)

Discussion:

09:40:00 Rachel Weiss, LSD

09:41:17 Chair Usher

09:41:25 Rep. Bishop

09:42:22 Joe Carroll, Legislative Services Division (LSD)

09:42:32 Rep. Skees

09:43:12 Joe Carroll, LSD

09:43:20 Rachel Weiss, LSD

09:44:13 Rep. Skees

09:44:35 Chair Usher

09:44:47 Vice Chair Kelker

09:45:45 Rep. Carlson

09:46:21 Rep. Bishop

09:48:08 Rep. Skees

09:49:09 Chair Usher

09:49:38 Rep. France

09:50:56 Rep. Carlson

09:52:06 Vice Chair Kelker

09:53:56 Chair Usher

09:54:15 Rep. Lenz

09:54:46 Rep. J. Hinkle

09:55:22 **Vote:** Motion failed 8-11 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

09:56:28 Chair Usher

09:57:34 **Vote:** Motion carried 16-3 by roll call vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 237

09:59:14 Rachel Weiss, LSD

09:59:32 **Motion:** Rep. A. Regier moved that **HB 237 DO PASS.**

Discussion:

09:59:45 Rep. Stafman

10:00:31 **Motion:** Rep. A. Regier moved that **HB 237 BE AMENDED.**
EXHIBIT(juh30a02)

Discussion:

10:01:14 Rachel Weiss, LSD

10:04:07 **Vote:** Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

10:04:43 **Motion:** Rep. A. Regier moved that **HB 237 DO PASS AS AMENDED.**

Discussion:

10:04:53 Rep. J. Hinkle

10:06:08 Rep. Tenenbaum

10:07:12 Rep. Lenz

10:07:47 **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. Berglee and Rep. Fleming voted by proxy.

10:09:16 **Motion/Vote:** Rep. A. Regier moved that **HB 237 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 244

10:10:03 Rachel Weiss, LSD

10:10:23 **Motion:** Rep. A. Regier moved that **HB 244 DO PASS.**

Discussion:

10:10:42 Rep. Stafman

10:15:35 Rep. Skees

10:16:26 Rep. Gillette

10:16:55 **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. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 257

10:18:04 Rachel Weiss, LSD

10:18:46 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS.**

Discussion:

10:19:24 Rep. J. Hinkle

10:19:32 Rachel Weiss, LSD

10:22:00 **Motion/Vote:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**. 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. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a03\)](#)

10:23:21 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

10:23:33 **Motion:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**.

[EXHIBIT\(juh30a04\)](#)

Discussion:

10:24:10 Rep. J. Hinkle

10:26:03 Rep. Bishop

10:27:53 **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. Berglee and Rep. Fleming voted by proxy.

10:28:51 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

10:28:59 **Motion:** Rep. J. Hinkle moved that **HB 257 BE AMENDED**.

[EXHIBIT\(juh30a05\)](#)

Discussion:

10:31:23 Rep. Stafman

10:32:38 **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. Berglee and Rep. Fleming voted by proxy.

10:33:34 **Motion:** Rep. A. Regier moved that **HB 257 DO PASS AS AMENDED**.

Discussion:

10:33:57 Rep. France

10:36:16 **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. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 258

10:37:33 Rachel Weiss, LSD

10:37:52 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS**.

Discussion:

10:38:32 Rep. J. Hinkle

10:39:16 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. 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. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a06\)](#)

10:43:58 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:44:06 **Motion/Vote:** Rep. J. Hinkle moved that **HB 258 BE AMENDED**. 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. Berglee and Rep. Fleming voted by proxy.

[EXHIBIT\(juh30a07\)](#)

10:46:24 **Motion:** Rep. A. Regier moved that **HB 258 DO PASS AS AMENDED**.

10:46:40 **Motion:** Rep. Usher moved that **HB 258 BE AMENDED**.

[EXHIBIT\(juh30a08\)](#)

Discussion:

10:47:40 Rep. Gillette

10:47:50 Chair Usher

10:48:23 Rep. Carlson

10:48:37 Chair Usher

10:48:49 Brian Thompson, Montana County Attorneys' Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

10:49:30 Rep. Carlson

10:50:10 Brian Thompson, MCAA; MSPOA

10:50:30 Chair Usher

10:50:46 Rep. Carlson

10:51:02 Brian Thompson, MCAA; MSPOA

10:51:34 Chair Usher

10:51:52 Rep. Carlson

10:52:30 **Vote:** Motion failed 7-12 by roll call vote with Rep. Berglee, Rep. Fleming, Rep. A. Regier, Rep. Skees, Rep. Stafman, Rep. Stromswold and Rep. Usher voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:53:41 **Vote:** Motion failed 4-15 by roll call vote with Rep. J. Hinkle, Rep. Lenz, Rep. Ler and Rep. Phalen voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:54:57 **Motion/Vote:** Rep. A. Regier moved that **HB 258 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 293

10:55:17 Rachel Weiss, LSD

10:55:42 **Motion/Vote:** Rep. A. Regier moved that **HB 293 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 308

10:56:54 Rachel Weiss, LSD

10:57:16 **Motion/Vote:** Rep. A. Regier moved that **HB 308 DO PASS**. Motion failed 4-15 by roll call vote with Rep. Bishop, Rep. Hawk, Rep. Kelker and Rep. Stafman voting aye. Rep. Berglee and Rep. Fleming voted by proxy.

10:58:53 **Motion/Vote:** Rep. A. Regier moved that **HB 308 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 309

10:59:08 Rachel Weiss, LSD

10:59:41 **Motion/Vote:** Rep. A. Regier moved that **HB 309 DO PASS**. Motion carried unanimously by roll call vote. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 310

11:01:01 Rachel Weiss, LSD

11:01:30 **Motion/Vote:** Rep. A. Regier moved that **HB 310 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 313

11:02:14 Rachel Weiss, LSD

11:02:38 **Motion/Vote:** Rep. A. Regier moved that **HB 313 DO PASS**. Motion carried 15-4 by roll call vote with Rep. Farris-Olsen, Rep. France, Rep. Hawk and Rep. Stafman voting no. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 322

11:04:08 Rachel Weiss, LSD

11:04:31 **Motion/Vote:** Rep. A. Regier moved that **HB 322 DO PASS**. Motion carried 13-6 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 325

11:06:36 Rachel Weiss, LSD

11:06:56 **Motion:** Rep. A. Regier moved that **HB 325 DO PASS**.

Discussion:

11:07:11 Rep. France

11:08:04 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON HB 327

11:09:09 Rachel Weiss, LSD

11:09:24 **Motion:** Rep. A. Regier moved that **HB 327 DO PASS**.

Discussion:

11:09:37 Rep. Skees

11:10:14 Vice Chair Kelker

11:10:31 **Vote:** Motion failed 0-17 by voice vote.

11:10:45 **Motion/Vote:** Rep. A. Regier moved that **HB 327 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 331

11:11:12 Rachel Weiss, LSD

11:11:36 **Motion/Vote:** Rep. A. Regier moved that **HB 331 DO PASS**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

EXECUTIVE ACTION ON SB 17

11:12:25 Rachel Weiss, LSD

11:12:42 **Motion/Vote:** Rep. A. Regier moved that **SB 17 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy. Rep. Hawk will carry the bill.

EXECUTIVE ACTION ON SB 114

11:13:43 Rachel Weiss, LSD

11:14:09 **Motion:** Rep. A. Regier moved that **SB 114 BE CONCURRED IN**.

11:14:31 **Motion/Vote:** Rep. Farris-Olsen moved that **SB 114 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy.

EXHIBIT(juh30a09)

11:15:48 **Motion/Vote:** Rep. A. Regier moved that **SB 114 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Berglee and Rep. Fleming voted by proxy. Rep. Gillette will carry the bill.

11:17:00 Rep. Skees

11:17:32 Rep. Bishop

11:18:17 Rep. Stromswold

ADJOURNMENT

Adjournment: 11:18:41

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh30aad.pdf](#))