

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on February 17, 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. 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. Dennis R. Lenz (R)
Rep. Brandon Ler (R)

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 351, 2/12/2021; HB 386, 2/12/2021; HB 399, 2/12/2021; HB
358, 2/12/2021

08:02:00 Chair Usher

HEARING ON HB 351

Opening Statement by Sponsor:

08:06:22 Rep. Ron Marshall (R), HD 87, opened the hearing on HB 351, Revise disability parking laws.

Proponents' Testimony:

08:09:26 Shyla Patera, North Central Independent Living Services (NCILS)

08:13:53 Beth Brenneman, Disability Rights Montana

08:14:55 Gina Lytle, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:11:27 Rep. Carlson

08:12:12 Rep. Marshall

08:17:21 Rep. Ler joined the meeting.

Closing by Sponsor:

08:21:30 Rep. Marshall

HEARING ON HB 386

Opening Statement by Sponsor:

08:23:15 Rep. Steve Gist (R), HD 25, opened the hearing on HB 386, Allow search and rescue auxiliary officers to carry weapon.

08:23:19 Rep. Gillette joined the meeting.

Proponents' Testimony:

08:26:53 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

08:27:51 Janee Weber, self

08:28:31 Ryan Dunster, Montana Sheriffs and Peace Officers Association (MSPOA)

08:30:54 Jesse Slaughter, Montana Sheriffs and Peace Officers Association (MSPOA);
Cascade County Sheriff's Office

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:32:19 Rep. Stafman

08:32:47 Rep. Gist

08:33:52 Nanette Gilbertson, MSPOA

08:34:50 Vice Chair Kelker
08:35:12 Nanette Gilbertson, MSPOA
08:35:57 Vice Chair Kelker
08:36:05 Jesse Slaughter, MSPOA; Cascade County Sheriff's Office
08:36:24 Rep. Carlson
08:37:00 Nanette Gilbertson, MSPOA
08:37:31 Rep. Phalen
08:37:50 Rep. Berglee
08:38:14 Rep. Fleming
08:38:54 Jesse Slaughter, MSPOA; Cascade County Sheriff's Office
08:39:29 Rep. Carlson
08:39:51 Chair Usher
08:40:11 Nanette Gilbertson, MSPOA
08:40:47 Rep. Carlson
08:41:07 Nanette Gilbertson, MSPOA
08:41:53 Chair Usher
08:42:29 Rachel Weiss, Legislative Services Division (LSD)
08:43:30 Rep. Bishop
08:45:40 Ryan Dunster, MSPOA
08:46:27 Chair Usher

Closing by Sponsor:

08:48:40 Rep. Gist

08:50:39 Brief Recess

09:04:32 Reconvened

EXECUTIVE ACTION ON HB 351

09:09:43 Rachel Weiss, LSD

09:10:01 **Motion:** Rep. A. Regier moved that **HB 351 DO PASS.**

Discussion:

09:10:13 Vice Chair Kelker

09:10:59 **Vote:** Motion failed 8-11 by roll call vote with Rep. Berglee, Rep. Farris-Olsen, Rep. Fleming, Rep. J. Hinkle, Rep. Ler, Rep. Phalen, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Lenz voted by proxy.

09:12:22 **Motion/Vote:** Rep. A. Regier moved that **HB 351 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 337

09:12:47 Rachel Weiss, LSD

09:13:07 **Motion:** Rep. A. Regier moved that **HB 337 DO PASS.**

Discussion:

09:13:16 Vice Chair Kelker

09:13:39 Rep. Bishop

09:14:49 Rep. Stafman

09:16:16 Rep. Berglee

09:18:09 Rep. Tenenbaum

09:18:34 Rep. Phalen

09:19:19 Rep. J. Hinkle

09:19:47 Rep. Skees

09:19:57 **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. Lenz voted by proxy.

EXECUTIVE ACTION ON HB 342

09:21:05 Rachel Weiss, LSD

09:21:26 **Motion:** Rep. A. Regier moved that **HB 342 DO PASS.**

09:21:33 **Motion:** Rep. A. Regier moved that **HB 342 BE AMENDED.**
EXHIBIT(juh33a01)

Discussion:

09:21:45 Rachel Weiss, LSD

09:23:27 Rep. Gillette

09:24:13 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Lenz voted by proxy.

09:25:22 **Motion:** Rep. A. Regier moved that **HB 342 DO PASS AS AMENDED.**

Discussion:

09:25:48 Rep. Gillette

09:26:40 Vice Chair Kelker

09:28:00 Rep. Phalen

09:28:31 Rep. France

09:31:33 Rep. Tenenbaum

09:34:14 Rep. Carlson

09:35:53 Rep. Skees

09:37:58 Chair Usher

09:40:47 Rep. J. Hinkle

09:41:13 Rachel Weiss, LSD
09:41:58 Rep. Hawk
09:42:19 Rep. Stafman
09:42:30 Rachel Weiss, LSD

09:44:07 **Motion/Vote:** Rep. Usher moved to **POSTPONE CONSIDERATION ON HB 342**. 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. Lenz voted by proxy.

EXECUTIVE ACTION ON HB 349

09:46:32 Rachel Weiss, LSD

09:47:13 **Motion:** Rep. A. Regier moved that **HB 349 DO PASS**.

Discussion:

09:47:28 Vice Chair Kelker
09:48:52 Rep. Carlson
09:50:10 Rep. Gillette
09:50:33 Rep. Stafman
09:52:43 Rep. Berglee
09:53:51 Rep. Carlson
09:54:38 Rep. Skees
09:55:13 Chair Usher

09:55:58 **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. Lenz voted by proxy.

HEARING ON HB 358

Opening Statement by Sponsor:

10:09:39 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 358, Generally revising privacy of settlements and public right to know laws.

Proponents' Testimony:

10:20:47 Sen. Esp

Opponents' Testimony:

10:23:30 Michael Manion, Montana Department of Administration (DOA)

Informational Testimony:

10:32:02 Jeremy Verhasselt, Legislative Audit Division (LAD)
[EXHIBIT\(juh33a02\)](#)

Questions from Committee Members and Responses:

10:33:16 Rep. Carlson
10:33:51 Jeremy Verhasselt, LAD
10:34:29 Vice Chair Kelker

10:36:27 Jeremy Verhasselt, LAD
10:37:00 Rep. Farris-Olsen
10:39:55 Rep. Mercer
10:41:01 Rep. Stafman
10:46:01 Rep. Mercer
10:50:50 Rep. Bishop
10:59:04 Rep. Mercer
11:00:11 Rep. Tenenbaum
11:00:46 Rep. Mercer
11:01:29 Vice Chair Kelker
11:05:10 Rep. Mercer
11:06:09 Rep. Tenenbaum
11:06:19 Rep. Mercer

Closing by Sponsor:

11:06:53 Rep. Mercer

HEARING ON HB 399

Opening Statement by Sponsor:

11:07:52 Rep. Mike Hopkins (R), HD 92, opened the hearing on HB 399, Revise criminal sentencing laws for youth offenders.

Proponents' Testimony:

11:13:55 Sam Forstag, American Civil Liberties Union of Montana (ACLU)
11:14:48 Janee Weber, self
11:17:08 Patrick Webb, Americans for Prosperity Montana (AFP)
11:19:04 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
11:21:17 Matthew Brower, Montana Catholic Conference
11:22:54 Clemente Arciga, Welcome Back

Opponents' Testimony:

11:24:20 Laurie Little Dog, self

Informational Testimony: None

Questions from Committee Members and Responses:

11:27:11 Rep. Bishop
11:28:12 Rep. Hopkins
11:29:17 Rep. Skees
11:31:18 Sam Forstag, ACLU
11:31:51 Rep. Skees
11:35:04 Rep. Hopkins
11:36:46 Rep. Tenenbaum
11:38:05 Rep. Hopkins

Closing by Sponsor:

11:39:10 Rep. Hopkins

ADJOURNMENT

Adjournment: 11:40:14

Lydia Balian, Secretary

lb

Additional Documents:

EXHIBIT([juh33aad.pdf](#))