

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on February 19, 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 398, 2/16/2021; HB 416, 2/16/2021; HB 426, 2/16/2021  
Executive Action on: HB 333; HB 342; HB 354; HB 368; HB 377; HB 386; HB 398;  
HB 401; HB 416 ; HB 426; HB 428; HB 399; HB 91

**HEARING ON HB 416****Opening Statement by Sponsor:**

08:05:24 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 416, Establishing educational requirements for child welfare system supervisors.

**Proponents' Testimony:**

08:08:24 Raye Newmeyer, Montana State Council on Judicial Accountability (MtSCOJA)

**Opponents' Testimony:**

08:09:32 Marti Vining, Department of Public Health and Human Services (DPHHS)

**Informational Testimony:**

08:13:35 Dr. Ryan Tolleson Knee, University of Montana (UM)

**Questions from Committee Members and Responses:**

08:14:37 Rep. Fleming  
08:15:36 Rep. Lenz  
08:16:54 Vice Chair Kelker  
08:17:22 Dr. Ryan Tolleson Knee, UM  
08:19:27 Rep. Bishop  
08:20:39 Marti Vining, DPHHS  
08:21:04 Rep. Carlson  
08:21:47 Rep. Lenz  
08:22:33 Vice Chair Regier  
08:22:56 Dr. Ryan Tolleson Knee, UM  
08:25:14 Rep. Bishop  
08:26:19 Dr. Ryan Tolleson Knee, UM

**Closing by Sponsor:**

08:27:37 Rep. Lenz  
  
08:33:23 Rachel Weiss, Legislative Services Division (LSD)  
08:33:58 Rep. Stafman

**HEARING ON HB 398****Opening Statement by Sponsor:**

08:34:34 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 398, Allow legislators to review child and family ombudsman records.

**Proponents' Testimony:**

08:38:48 Dana Toole, Montana Department of Justice (DOJ)  
08:40:09 Raye Newmeyer, self

**Opponents' Testimony:** None**Informational Testimony:** None

**Questions from Committee Members and Responses:** None**Closing by Sponsor:**

08:40:56 Rep. Lenz

**HEARING ON HB 426****Opening Statement by Sponsor:**

08:41:47 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 426, Revise laws regarding interactions between DPHHS and child and family ombudsman.

08:44:05 Chair Usher left the meeting.

08:44:10 Vice Chair Regier assumed the chair.

**Proponents' Testimony:**

08:44:20 Dana Toole, Montana Department of Justice (DOJ)

08:46:11 Raye Newmeyer, self

**Opponents' Testimony:** None**Informational Testimony:**

08:46:58 Marti Vining, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

08:47:47 Vice Chair Kelker

08:49:51 Dana Toole, DOJ

08:50:04 Vice Chair Kelker

**Closing by Sponsor:**

08:51:04 Rep. Lenz

08:53:45 Chair Usher rejoined the meeting.

08:55:27 Rep. Bishop

08:55:44 Rep. Lenz

08:55:53 Rep. Stafman

08:56:10 Rep. Lenz

08:56:36 Chair Usher

08:56:49 Rep. Carlson

08:57:32 Rep. Skees

08:58:04 Rep. Lenz

08:58:48 Recess

09:21:56 Reconvened

**EXECUTIVE ACTION ON HB 333**

09:22:19 Rachel Weiss, Legislative Services Division (LSD)

09:22:46 **Motion:** Rep. A. Regier moved that **HB 333 DO PASS.**

09:23:36 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE AMENDED.** Motion carried unanimously by voice vote.

**EXHIBIT(juh35a01)**

09:24:40 **Motion:** Rep. A. Regier moved that **HB 333 DO PASS AS AMENDED.**

**Discussion:**

09:24:53 Rep. J. Hinkle

09:25:19 Rep. Carlson

09:25:51 Rep. Bishop

09:26:01 Rep. Tenenbaum

09:27:26 Chair Usher

09:27:49 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Fleming, Rep. France, Rep. Hawk, Rep. Kelker, Rep. A. Regier, Rep. Stafman and Rep. Usher voting aye.

09:29:15 **Motion/Vote:** Rep. A. Regier moved that **HB 333 BE TABLED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 342**

09:29:39 Rachel Weiss, LSD

09:30:04 **Motion:** Rep. A. Regier moved that **HB 342 DO PASS AS AMENDED.**

**Discussion:**

09:30:29 Vice Chair Kelker

09:31:28 Rep. Skees

09:32:36 Rep. France

09:33:14 Rep. Farris-Olsen

09:36:17 Rep. J. Hinkle

09:37:55 Rep. Farris-Olsen

09:38:23 Rep. Stafman

09:39:47 Rep. Skees

09:40:35 Chair Usher

09:41:47 **Vote:** Motion carried 10-8 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

**EXECUTIVE ACTION ON HB 354**

09:43:21 Rachel Weiss, LSD

09:43:44 **Motion/Vote:** Rep. A. Regier moved that **HB 354 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 368**

09:44:09 Rachel Weiss, LSD

09:44:41 **Motion:** Rep. A. Regier moved that **HB 368 DO PASS**.

**Discussion:**

09:44:51 Vice Chair Kelker

09:45:30 **Vote:** Motion carried 17-2 by voice vote with Rep. Hawk and Rep. Lenz voting no.

**EXECUTIVE ACTION ON HB 377**

09:46:11 Rachel Weiss, LSD

09:46:32 **Motion/Vote:** Rep. A. Regier moved that **HB 377 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 386**

09:46:53 Rachel Weiss, LSD

09:47:13 **Motion:** Rep. A. Regier moved that **HB 386 DO PASS**.

09:47:19 **Motion/Vote:** Rep. Berglee moved that **HB 386 BE AMENDED**. Motion carried unanimously by voice vote.

**EXHIBIT(juh35a02)**

09:47:45 **Motion/Vote:** Rep. A. Regier moved that **HB 386 DO PASS AS AMENDED**. Motion carried 16-3 by voice vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Tenenbaum voting no.

**EXECUTIVE ACTION ON HB 398**

09:48:29 Rachel Weiss, LSD

09:48:51 **Motion/Vote:** Rep. A. Regier moved that **HB 398 DO PASS**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 399**

09:49:38 Rachel Weiss, LSD

09:50:35 **Motion:** Rep. A. Regier moved that **HB 399 DO PASS.**

09:50:42 **Motion:** Rep. Skees moved that **HB 399 BE AMENDED.**  
**EXHIBIT(juh35a03)**

**Discussion:**

09:51:09 Rep. Skees

09:52:04 Vice Chair Kelker

09:53:03 Rep. Gillette

09:53:37 Rep. Skees

09:54:18 Rep. Stafman

09:55:17 Rep. J. Hinkle

09:55:32 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

09:56:39 **Motion/Vote:** Rep. A. Regier moved that **HB 399 DO PASS AS AMENDED.** Motion carried 10-9 by roll call vote with Rep. Gillette, Rep. J. Hinkle, Rep. Lenz, Rep. Ler, Rep. Phalen, Rep. A. Regier, Rep. Skees, Rep. Stromswold and Rep. Usher voting no.

**EXECUTIVE ACTION ON HB 401**

09:58:02 Rachel Weiss, LSD

09:58:18 **Motion/Vote:** Rep. A. Regier moved that **HB 401 DO PASS.** 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.

**EXECUTIVE ACTION ON HB 416**

09:59:32 Rachel Weiss, LSD

09:59:47 **Motion:** Rep. A. Regier moved that **HB 416 DO PASS.**

**Discussion:**

10:00:08 Vice Chair Kelker

10:02:05 Rep. Carlson

10:03:36 Chair Usher

10:03:39 **Vote:** Motion carried 14-5 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no.

**EXECUTIVE ACTION ON HB 426**

10:04:39 Rachel Weiss, LSD

10:05:13 **Motion/Vote:** Rep. A. Regier moved that **HB 426 DO PASS**. Motion carried 16-3 by roll call vote with Rep. Bishop, Rep. Farris-Olsen and Rep. Stafman voting no.

**EXECUTIVE ACTION ON HB 428**

10:06:26 Rachel Weiss, LSD

10:06:43 **Motion:** Rep. A. Regier moved that **HB 428 DO PASS**.

**Discussion:**

10:06:52 Rep. Farris-Olsen

10:07:23 Chair Usher

10:07:37 **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.

10:09:03 Chair Usher

10:09:26 Rep. Ler

10:10:13 Chair Usher

10:11:48 Rep. Lenz

10:12:23 Rep. Carlson

10:12:46 Rep. Phalen

10:13:08 Rep. Ler

**EXECUTIVE ACTION ON HB 399**

10:13:34 **Motion:** Rep. Skees moved to **RECONSIDER THE MOTION** on **HB 399**.

**Discussion:**

10:13:40 Rep. Skees

10:16:02 Rep. Tenenbaum

10:16:52 Chair Usher

10:17:23 Vice Chair Kelker

10:17:42 Rep. Carlson

10:18:29 **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.

10:19:41 **Motion:** Rep. A. Regier moved that **HB 399 DO PASS**.

10:19:53 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 399 BE TABLED**. Substitute Motion carried 11-8 by roll call vote with Rep. Bishop, Rep.

Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no.

10:21:21 Chair Usher

**EXECUTIVE ACTION ON HB 91**

10:22:02 **Motion:** Rep. Farris-Olsen moved that **HB 91 BE REMOVED FROM TABLE.**

**Discussion:**

10:22:53 Rachel Weiss, LSD

10:23:09 Rep. Farris-Olsen

10:24:19 Chair Usher

10:25:13 Rep. Skees

10:25:34 Vice Chair Kelker

10:26:25 **Vote:** Motion carried unanimously by roll call vote.

10:27:47 **Motion/Vote:** Rep. A. Regier moved to **POSTPONE CONSIDERATION ON HB 91.** Motion carried unanimously by voice vote.

10:28:06 Rep. J. Hinkle

10:28:30 Chair Usher

**ADJOURNMENT**

Adjournment: 10:29:12

---

Lydia Balian, Secretary

lb

Additional Documents:

**EXHIBIT**([juh35aad.pdf](#))