

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on March 10, 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. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused: 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 384, 3/5/2021; HB 385, 3/5/2021; SB 200, 3/5/2021; SB 203, 3/5/2021

Executive Action on: HB 384, HB 385, SB 39, SB 127, SB 200, SB 203

HEARING ON SB 203**Opening Statement by Sponsor:**

08:03:42 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 203, Constitutional amendment regarding electronic communications.

08:03:50 Rep. Skees left the meeting.

Proponents' Testimony:

08:06:40 Kendall Cotton, Frontier Institute

08:08:14 David Herbst, Americans for Prosperity Montana (AFP)

08:10:27 Katjana Stutzer, Montana Public Interest Research Group (MontPIRG)

Opponents' Testimony:

08:11:24 Mark Murphy, Montana Association of Chiefs of Police (MACOP)

Informational Testimony: None

Questions from Committee Members and Responses:

08:16:54 Rep. Stafman

08:17:34 Sen. Bogner

08:18:26 Vice Chair Kelker

08:21:08 Sen. Bogner

08:21:50 Rep. Phalen

08:22:17 Sen. Bogner

08:22:48 Rep. Tenenbaum

08:24:08 Sen. Bogner

08:24:43 Chair Usher

08:25:23 Mark Murphy, MACOP

08:28:49 Chair Usher

08:29:16 Sen. Bogner

Closing by Sponsor:

08:30:24 Sen. Bogner

HEARING ON HB 384**Opening Statement by Sponsor:**

08:31:15 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 384, Increasing qualified electors required to sign statutory initiative petition.

[EXHIBIT\(juh48a01\)](#)

Proponents' Testimony: None

Opponents' Testimony:

08:36:58 Katjana Stutzer, Montana Public Interest Research Group (MontPIRG)

08:39:08 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

08:39:57 Ruthie Barbour, Forward Montana

08:40:34 Lauren Caldwell, Montana Federation of Public Employees (MFPE)

08:41:02 Rep. Stromswold left the meeting. Rep. Skees rejoined the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

08:43:01 Rep. France
08:45:48 Rep. Gunderson
08:46:19 Rep. Bishop
08:52:37 Rep. Gunderson
08:53:08 Rep. Hawk
08:54:00 Rep. Gunderson
08:54:16 Rep. Phalen
08:55:30 Katjana Stutzer, MontPIRG
08:55:38 Rep. Skees
08:58:00 Katjana Stutzer, MontPIRG
08:58:43 Chair Usher
08:59:08 Katjana Stutzer, MontPIRG

Closing by Sponsor:

08:59:51 Rep. Gunderson

HEARING ON HB 385

Opening Statement by Sponsor:

09:02:31 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 385, Increasing qualified electors required to sign constitutional initiative.

Proponents' Testimony: None

Opponents' Testimony:

09:04:12 Katjana Stutzer, Montana Public Interest Research Group (MontPIRG)
09:04:59 Ruthie Barbour, Forward Montana
09:05:24 Lauren Caldwell, Montana Federation of Public Employees (MFPE)

Informational Testimony: None

Questions from Committee Members and Responses:

09:07:05 Rep. Skees
09:09:56 Ruthie Barbour, MFPE
09:10:14 Rep. Berglee
09:12:44 Katjana Stutzer, MontPIRG
09:13:55 Rep. Carlson
09:14:17 Katjana Stutzer, MontPIRG
09:16:32 Rep. Skees
09:18:37 Katjana Stutzer, MontPIRG
09:19:29 Chair Usher
09:20:02 Ruthie Barbour, Forward Montana

Closing by Sponsor:

09:21:35 Rep. Gunderson

09:23:50 Rep. Tenenbaum

09:24:30 Recess
09:36:55 Reconvened with Rep. Gillette excused.

HEARING ON SB 200

Opening Statement by Sponsor:

09:37:06 Sen. Diane Sands (D), SD 49, opened the hearing on SB 200, Revise Uniform Real Property Transfer on Death Act.

Proponents' Testimony:

09:38:36 Ed Eck, Uniform Law Commission (ULC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

09:46:29 Rep. Carlson
09:47:30 Ed Eck, ULC

Closing by Sponsor:

09:48:42 Sen. Sands

09:49:56 Rep. Carlson
09:50:16 Ed Eck, ULC
09:54:26 Rachel Weiss, Legislative Services Division (LSD)
09:55:03 Rep. J. Hinkle

EXECUTIVE ACTION ON HB 384

09:56:19 **Motion/Vote:** Rep. A. Regier moved that **HB 384 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. Rep. Gillette and Rep. Ler voted by proxy.

EXECUTIVE ACTION ON HB 385

09:57:59 **Motion:** Rep. A. Regier moved that **HB 385 DO PASS**.

Discussion:

09:58:10 Rep. France
09:59:03 Rep. Berglee
10:01:37 Rep. Farris-Olsen
10:02:43 Rep. Tenenbaum
10:04:01 Vice Chair Kelker
10:05:54 Rep. Stafman
10:07:13 Rep. J. Hinkle
10:08:05 Rep. France
10:11:24 Rep. Skees

10:12:59 **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. Gillette and Rep. Ler voted by proxy.

EXECUTIVE ACTION ON SB 39

10:14:07 Rachel Weiss, LSD

10:14:22 **Motion:** Rep. A. Regier moved that **SB 39 BE CONCURRED IN.**

10:15:16 **Motion:** Rep. Kelker moved that **SB 39 BE AMENDED.**

[EXHIBIT\(juh48a02\)](#)

Discussion:

10:15:51 Rachel Weiss, LSD

10:16:49 Vice Chair Kelker

10:23:43 Rep. J. Hinkle

10:24:22 Vice Chair Kelker

10:25:42 Chair Usher

10:25:52 Vice Chair Kelker

10:26:32 Rep. Skees

10:27:00 Vice Chair Kelker

10:28:51 Chair Usher

10:29:29 Rep. Skees

10:30:23 Rachel Weiss, LSD

10:30:55 **Vote:** Motion carried unanimously by voice vote. Rep. Gillette and Rep. Ler voted by proxy.

10:31:30 **Motion/Vote:** Rep. A. Regier moved that **SB 39 BE CONCURRED IN AS AMENDED.** Motion carried 17-0 by voice vote. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 127

10:32:42 Rachel Weiss, LSD

10:33:01 **Motion:** Rep. A. Regier moved that **SB 127 BE CONCURRED IN.**

Discussion:

10:34:02 Vice Chair Kelker

10:35:41 Rep. Skees

10:36:14 **Motion:** Rep. A. Regier moved that **SB 127 BE AMENDED.**

[EXHIBIT\(juh48a03\)](#)

Discussion:

10:37:07 Rep. Skees

10:39:13 Rachel Weiss, LSD

10:40:04 Chair Usher

10:40:35 Vice Chair Kelker

10:41:43 Rep. Carlson
10:42:44 Rep. Bishop
10:44:32 Rep. Skees

10:44:54 **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. Gillette and Rep. Ler voted by proxy.

10:45:53 **Vote:** Motion carried 14-5 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no. Rep. Brewster will carry the bill.

EXECUTIVE ACTION ON HB 200

10:49:29 **Motion/Vote:** Rep. A. Regier moved that **SB 200 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Gillette and Rep. Ler voted by proxy. Rep. Mercer will carry the bill.

EXECUTIVE ACTION ON SB 203

10:50:32 **Motion/Vote:** Rep. A. Regier moved that **SB 203 BE CONCURRED IN**. Motion carried 17-2 by voice vote with Rep. Kelker and Rep. Stafman voting no. Rep. Gillette and Rep. Ler voted by proxy. Rep. Zolnikov will carry the bill.

ADJOURNMENT

Adjournment: 10:52:35

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh48aad.pdf](#))