

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on March 16, 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. 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. Jedediah Hinkle (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: SB 240, 3/12/2021; SB 361, 3/12/2021; HJ 23, 3/12/2021; HB 634, 3/12/2021; HB 635, 3/12/2021

HEARING ON HJ 23**Opening Statement by Sponsor:**

08:06:09 Rep. Andrea Olsen (D), HD 100, opened the hearing on HJ 23, Interim study on enacting the uniform electronic legal materials act.

08:08:15 Rep. Lenz and Rep. Ler left the meeting.

Proponents' Testimony:

08:10:10 Bruce Spencer, State Bar of Montana

[EXHIBIT\(juh52a01\)](#)

08:12:51 Stacey Sterling, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:17:16 Rep. Gillette

08:22:24 Rep. Olsen

08:23:13 Rep. Carlson

08:23:52 Chair Usher

Closing by Sponsor:

08:24:07 Rep. Olsen

HEARING ON SB 240**Opening Statement by Sponsor:**

08:26:59 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB 240, Revise crime reporting laws.

Proponents' Testimony:

08:32:44 Alan Doane, Montana Department of Justice (DOJ)

08:33:06 Dan Smith, Montana Police Protective Association (MPPA)

08:33:41 Nanette Gilbertson, Montana Sheriffs and Police Officers Association (MSPOA);
Montana County Attorneys Association (MCAA)

08:35:24 Scott Burlingham, self

[EXHIBIT\(juh52a02\)](#)

Opponents' Testimony:

08:40:40 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

08:42:16 Allison Reinhardt, Montana Associated Students (MAS)

08:42:48 SK Rossi, Montana Innocence Project (MTIP)

08:44:01 Shawn Reagor, Montana Human Rights Network (MHRN)

08:44:31 Benjamin Halverson, self

08:47:02 Robin Turner, self

08:47:41 Rep. Carlson left the meeting. Rep. Ler rejoined the meeting.

08:52:39 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:53:26 Rep. Berglee left the meeting.
08:56:31 SJ Howell, Montana Women Vote (MWV)
08:57:53 Rachel Schmidt, Associated Students of Montana State University (ASMSU)

Informational Testimony: None

Questions from Committee Members and Responses:

08:58:32 Vice Chair Kelker
08:59:25 Benjamin Halverson, self
09:00:13 Rep. Skees
09:00:46 Sen. Manzella

Closing by Sponsor:

09:02:56 Sen. Manzella

HEARING ON SB 361

Opening Statement by Sponsor:

09:04:01 Sen. Brian Hoven (R), SD 13, opened the hearing on SB 361, Generally revise laws to establish certificate of rehabilitation.

09:04:15 Chair Usher left the meeting.
09:04:21 Vice Chair Regier assumed the chair.

Proponents' Testimony:

09:05:14 Patrick Webb, Americans for Prosperity Montana (AFP)

[EXHIBIT\(juh52a03\)](#)

09:05:52 Rep. Berglee and Rep. Carlson rejoined the meeting.
09:11:13 Steve Cape, Coalition for Safety and Justice
09:16:02 Rep. J. Hinkle joined the meeting.
09:17:29 SK Rossi, Montana Innocence Project (MTIP)
09:19:17 Sam Forstag, American Civil Liberties Union of Montana (ACLU)
09:20:15 Rep. Skees
09:20:44 Sam Forstag, ACLU
09:21:09 SJ Howell, Montana Women Vote (MWV)
09:23:44 Janee Weber, Montana State Council on Judicial Accountability
09:25:48 Rep. Usher rejoined the meeting.
09:33:15 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

09:26:35 Mike Menahan, Montana District Court Judges
09:38:38 Scott Twito, Montana County Attorney's Association (MCAA)
09:45:08 Al Smith, Montana Trial Lawyers Association (MTLA)
09:49:47 Dan Wilson, Montana Judges Association

Informational Testimony: None

Questions from Committee Members and Responses:

09:54:25 Rep. Fleming
09:54:52 Scott Twito, MCAA
09:58:10 Vice Chair Kelker
09:58:59 Steve Cape, Coalition for Safety and Justice
10:03:02 Rep. Bishop
10:05:00 Steve Cape, Coalition for Safety and Justice
10:06:12 Rep. France
10:06:51 Sen. Hoven
10:07:13 Rep. France
10:07:36 Scott Twito, MCAA
10:08:53 Rep. J. Hinkle
10:09:33 Sen. Hoven
10:10:36 Rep. Skees
10:11:29 Mike Menahan, Montana District Court Judges
10:12:41 Rep. Skees
10:15:30 Dan Wilson, Montana Judges Association

Closing by Sponsor:

10:16:32 Sen. Hoven

10:20:07 Brief Recess
10:26:50 Reconvened with Rep. Carlson and Rep. Ler excused.

HEARING ON HB 634

Opening Statement by Sponsor:

10:27:11 Rep. Derek Skees (R), HD 11, opened the hearing on HB 634, Constitutional amendment to revise legislator term limits.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:30:34 Rep. J. Hinkle
10:31:08 Rep. Skees
10:32:51 Rep. Tenenbaum
10:33:10 Rep. Skees
10:33:47 Vice Chair Kelker
10:34:12 Rep. Skees

Closing by Sponsor:

10:35:41 Rep. Skees

HEARING ON HB 635**Opening Statement by Sponsor:**

10:36:06 Rep. Derek Skees (R), HD 11, opened the hearing on HB 635, Constitutional amendment regarding vacancy for certain statewide offices.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

10:37:55 Chair Usher

10:38:19 Rep. Skees

Closing by Sponsor:

10:38:58 Rep. Skees

10:41:08 Recess

10:58:34 Reconvened with Rep. Bishop excused. Rep. Ler and Rep. Carlson were present.

EXECUTIVE ACTION ON HB 620

10:59:13 **Motion/Vote:** Rep. A. Regier moved that **HB 620 DO PASS**. Motion carried unanimously by roll call vote. Rep. Bishop voted by proxy.

EXECUTIVE ACTION ON HJ 23

11:00:47 **Motion:** Rep. A. Regier moved that **HJ 23 DO PASS**.

11:00:58 **Substitute Motion/Vote:** Rep. Phalen made a substitute motion that **HJ 23 BE TABLED**. Substitute 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. Bishop voted by proxy.

EXECUTIVE ACTION ON SB 168

11:02:01 **Motion/Vote:** Rep. A. Regier moved that **SB 168 BE CONCURRED IN**. Motion carried 17-2 by roll call vote with Rep. France and Rep. Tenenbaum voting no. Rep. Bishop voted by proxy.

11:03:18 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **SB 168 FOR THE PURPOSE OF AN AMENDMENT**. Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

11:04:33 **Motion:** Rep. A. Regier moved that **SB 168 BE CONCURRED IN**.

11:04:57 **Motion:** Rep. A. Regier moved that **SB 168 BE AMENDED**.
[EXHIBIT\(juh52a04\)](#)

Discussion:

11:05:08 Rachel Weiss, Legislative Services Division (LSD)

11:06:15 Vice Chair Kelker

11:06:29 Rachel Weiss, LSD

11:07:20 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

11:07:56 **Motion/Vote:** Rep. A. Regier moved that **SB 168 BE CONCURRED IN AS AMENDED**. Motion carried 17-2 by voice vote with Rep. Farris-Olsen and Rep. Hawk voting no. Rep. Bishop voted by proxy. Rep. France will carry the bill.

EXECUTIVE ACTION ON HB 560

11:10:20 **Motion:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **HB 560**.

Discussion:

11:10:28 Chair Usher

11:12:06 **Vote:** Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

11:12:29 **Motion/Vote:** Rep. A. Regier moved that **HB 560 BE TABLED**. Motion carried 18-0 by voice vote.

EXECUTIVE ACTION ON HB 544

11:12:55 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **HB 544**. Motion carried 18-1 by voice vote with Rep. Skees voting no. Rep. Bishop voted by proxy.

11:13:55 **Motion:** Rep. A. Regier moved that **HB 544 DO PASS**.

Discussion:

11:14:11 Rachel Weiss, LSD

11:14:25 **Motion:** Rep. A. Regier moved that **HB 544 BE AMENDED**.
[EXHIBIT\(juh52a05\)](#)

Discussion:

11:14:36 Rachel Weiss, LSD

11:16:01 Vice Chair Kelker

11:16:44 Chair Usher

11:17:09 Rep. Skees

11:17:28 Chair Usher

11:17:40 Rep. Carlson

11:18:08 Rep. Hawk
11:18:31 Rep. Stafman
11:18:56 Chair Usher
11:19:09 Rep. Skees
11:19:22 Rep. Berglee

11:19:45 Without objection, Rep. A. Regier withdrew the BE AMENDED motion.

11:19:56 **Substitute Motion/Vote:** Rep. Skees made a substitute motion that **HB 544 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Bishop voted by proxy.

ADJOURNMENT

Adjournment: 11:20:44

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh52aad.pdf](#))