

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on March 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. Robert Farris-Olsen (D)  
Rep. Tom France (D)  
Rep. Jane Gillette (R)  
Rep. Jedediah Hinkle (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. Jennifer Carlson (R)  
Rep. Frank Fleming (R)  
Rep. Donavon Hawk (D)  
Rep. Dennis R. Lenz (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 220, 3/12/2021; SB 278, 3/12/2021; SB 303, 3/12/2021  
Executive Action on: HB 367, HB 634, HB 635, SB 178

08:01:29 Chair Usher  
08:02:00 Brief Recess  
08:19:08 Reconvened

### HEARING ON SB 220

#### **Opening Statement by Sponsor:**

08:20:42 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 220, Revise assault on a peace officer laws.

#### **EXHIBIT(juh53a01)**

08:21:52 Rep. Carlson joined the meeting. Rep. Skees left the meeting.

#### **Proponents' Testimony:**

08:23:40 Shelby DeMars, Montana Police Protective Association (MPPA)  
08:23:58 Rep. Gillette left the meeting.  
08:25:53 Joe Cohenour, self  
08:29:28 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)  
08:30:00 Jessie Luther, Association of Montana Troopers  
08:30:41 Dan Smith, self

#### **Opponents' Testimony:**

08:31:48 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

#### **EXHIBIT(juh53a02)**

08:33:57 Zuri Moreno, Montana Budget and Policy Center (MBPC); Indigenous Organizers Collective  
08:37:52 Beth Brenneman, Disability Rights Montana  
08:40:39 Steve Cape, Montana Coalition for Safety and Justice

#### **Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

08:43:43 Rep. J. Hinkle  
08:44:06 Sen. Cohenour  
08:44:27 Vice Chair Kelker  
08:47:15 Beth Brenneman, Disability Rights Montana  
08:48:32 Rep. Gillette  
08:50:47 Sen. Cohenour  
08:52:09 Chair Usher  
08:52:38 Shelby DeMars, MPPA  
08:54:20 Dan Smith, self  
08:55:02 Chair Usher  
08:55:42 Dan Smith, self  
08:55:53 Rep. France  
08:57:19 Sam Forstag, ACLU  
08:58:11 Rep. Tenenbaum  
08:59:12 Shelby DeMars, MPPA

09:00:55 Rep. Stafman  
09:01:47 Sam Forstag, ACLU  
09:02:18 Chair Usher  
09:02:57 Dan Smith, self

**Closing by Sponsor:**

09:03:09 Sen. Cohenour

**HEARING ON SB 278**

**Opening Statement by Sponsor:**

09:03:52 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 278, Generally revise civil liability law.

09:06:25 Rep. France left the meeting. Rep Skees rejoined the meeting.

**Proponents' Testimony:**

09:07:06 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

**Opponents' Testimony:**

09:08:37 Al Smith, Montana Trial Lawyers Association (MTLA)

09:08:45 Rep. Farris-Olsen left the meeting.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:14:53 Vice Chair Kelker

09:17:42 Sen. Hertz

09:18:10 Chair Usher

09:18:44 Sen. Hertz

**Closing by Sponsor:**

09:18:59 Sen. Hertz

09:19:50 Recess

09:30:50 Reconvened

**HEARING ON SB 303**

**Opening Statement by Sponsor:**

09:31:25 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB 303, Generally revise laws related to telecommunications contracts with state prisons.

09:33:30 Rep. Lenz, Rep. Gillette, and Rep. Farris-Olsen rejoined the meeting.

**Proponents' Testimony:**

09:39:07 Janee Weber, Montana State Council on Judicial Accountability (MTSCOJA)

[EXHIBIT\(juh53a03\)](#)

09:44:58 Sam Forstag, American Civil Liberties Union of Montana (ACLU)

09:45:40 Steve Cape, Coalition for Safety and Justice  
09:49:12 Henry Kriegel, Americans for Prosperity (AFP)  
09:51:40 Richard Shreves, self  
09:54:01 Bart Crabtree, self  
09:55:06 Clemente Arciga, self

**Opponents' Testimony:**

09:56:13 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Informational Testimony:**

10:04:36 Director Brian Gootkin, Department of Corrections (DOC)

**Questions from Committee Members and Responses:**

10:05:00 Vice Chair Kelker  
10:08:04 Director Brian Gootkin, DOC  
10:08:35 Rep. Gillette  
10:09:12 Director Brian Gootkin, DOC  
10:09:22 Rep. Bishop  
10:09:57 Janee Weber, MTSCOJA  
10:11:31 Rep. J. Hinkle  
10:12:02 Sen. McGillvray  
10:13:40 Rep. Carlson  
10:18:32 Director Brian Gootkin, DOC  
10:19:09 Chair Usher  
10:19:15 Rachel Weiss, Legislative Services Division (LSD)  
10:21:30 Vice Chair Kelker  
10:22:11 Sen. McGillvray  
10:22:27 Rep. J. Hinkle  
10:24:14 Director Brian Gootkin, DOC  
10:25:13 Rep. J. Hinkle  
10:28:56 Janee Weber, MTSCOJA  
10:30:11 Chair Usher  
10:30:21 Vice Chair Kelker  
10:30:41 Rachel Weiss, LSD  
10:31:00 Chair Usher  
10:35:09 Nanette Gilbertson, MSPOA  
10:36:02 Director Brian Gootkin, DOC

**Closing by Sponsor:**

10:36:19 Sen. McGillvray  
  
10:40:17 Recess  
10:56:40 Reconvened with Rep. Tenenbaum excused.

**EXECUTIVE ACTION ON HB 367**

10:57:18 **Motion:** Rep. A. Regier moved that **HB 367 DO PASS.**

10:57:50 **Motion:** Rep. A. Regier moved that **HB 367 BE AMENDED.**  
**EXHIBIT(juh53a04)**

**Discussion:**

10:58:08 Rachel Weiss, LSD

11:00:00 **Vote:** Motion carried 17-2 by voice vote with Rep. Bishop and Rep. Stafman voting no. Rep. Fleming, Rep. Hawk and Rep. Tenenbaum voted by proxy.

11:01:07 **Motion:** Rep. A. Regier moved that **HB 367 DO PASS AS AMENDED.**

**Discussion:**

11:01:17 Rep. J. Hinkle

11:02:03 **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. Fleming, Rep. Hawk and Rep. Tenenbaum voted by proxy.

**EXECUTIVE ACTION ON HB 634**

11:03:11 Rachel Weiss, LSD

11:03:32 Rep. Skees

11:04:17 **Motion/Vote:** Rep. A. Regier moved that **HB 634 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. Fleming, Rep. Hawk and Rep. Tenenbaum voted by proxy.

**EXECUTIVE ACTION ON HB 635**

11:05:23 Rachel Weiss, LSD

11:05:53 **Motion:** Rep. A. Regier moved that **HB 635 DO PASS.**

**Discussion:**

11:05:59 Rep. Skees

11:06:15 **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. Fleming, Rep. Hawk and Rep. Tenenbaum voted by proxy.

**EXECUTIVE ACTION ON SB 178**

11:07:14 Rachel Weiss, LSD

11:07:32 **Motion:** Rep. A. Regier moved that **SB 178 BE CONCURRED IN.**

**Discussion:**

11:07:42 Chair Usher

11:08:11 Rep. France

11:08:55 Vice Chair Kelker

11:10:12 Rep. Skees

11:12:24 Rep. Gillette

11:13:54 Rep. Berglee

11:17:13 Rep. Carlson

11:18:05 Rep. Lenz

11:19:12 Chair Usher

11:20:57 Rep. Berglee

11:21:34 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Kelker, Rep. Lenz, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Fleming, Rep. Hawk and Rep. Tenenbaum voted by proxy. Rep. Berglee will carry the bill.

11:22:42 Rep. Bishop

11:23:01 Chair Usher

11:24:25 Rep. J. Hinkle

**ADJOURNMENT**

Adjournment: 11:24:41

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh53aad.pdf](#))