

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Barry Usher, on March 25, 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. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)  
Rep. Danny Tenenbaum (D)

**Members Excused:**

Rep. Jennifer Carlson (R)  
Rep. Frank Fleming (R)  
Rep. Jane Gillette (R)  
Rep. Dennis R. Lenz (R)  
Rep. Mallerie Stromswold (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 316, 3/22/2021; SB 318, 3/22/2021; SB 338, 3/22/2021

**HEARING ON SB 316****Opening Statement by Sponsor:**

08:05:35 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 316, Generally revise civil liability laws regarding restoration.

08:05:53 Rep. Gillette and Rep. Carlson joined the meeting. Rep. Skees left the meeting.

**Proponents' Testimony:**

08:10:01 Alan Olson, Montana Petroleum Association (MPA)

08:11:11 Peggy Trenk, Treasure State Resource Association (TSRA)

**Opponents' Testimony:**

08:12:43 Al Smith, Montana Trial Lawyers Association (MTLA)

08:15:10 Alanah Griffith, self

**Informational Testimony:** None**Questions from Committee Members and Responses:**

08:19:31 Rep. Gillette

08:19:58 Alanah Griffith, self

08:20:40 Vice Chair Kelker

08:24:16 Sen. Fitzpatrick

08:25:02 Rep. Carlson

08:28:40 Sen. Fitzpatrick

08:29:00 Rep. France

08:29:27 Sen. Fitzpatrick

08:30:01 Vice Chair Kelker

08:30:20 Sen. Fitzpatrick

08:30:36 Rep. Bishop

08:32:59 Alanah Griffith, self

08:34:16 Chair Usher

**Closing by Sponsor:**

08:34:30 Sen. Fitzpatrick

**HEARING ON SB 338****Opening Statement by Sponsor:**

08:37:33 Sen. Mike Lang (R), SD 17, opened the hearing on SB 338, Revise civil liability laws.

**Proponents' Testimony:**

08:40:00 Nicole Rolf, Montana Farm Bureau Federation

08:40:05 Chair Usher left the meeting.

08:40:10 Vice Chair Regier assumed the chair.

08:41:22 Dave Galt, Montana Chamber of Commerce

08:41:52 David Smith, Montana Contractors Association (MCA)

08:42:56 Krista Lee Evans, Senior Water Rights Coalition; Association of Gallatin  
Agricultural Irrigators (AGAI)  
08:44:03 Mike Murphy, Montana Water Resources Association  
08:44:44 Jay Bodner, Montana Stock Growers Association (MSGA)  
08:45:33 Alan Olson, Montana Petroleum Association (MPA)  
08:46:08 Peggy Trenk, Treasure State Resources Association (TSRA)  
08:46:41 Duane Williams, Motor Carriers of Montana (MCM)  
08:47:07 Gary Wienes, Montana Electric Cooperatives Association (MECA)

**Opponents' Testimony:**

08:47:48 Al Smith, Montana Trial Lawyers Association (MTLA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

08:51:18 Rep. Stafman  
08:51:31 Chair Usher rejoined the meeting.  
08:51:47 Sen. Lang  
08:52:58 Rep. Stafman  
08:53:47 Al Smith, MTLA  
08:56:13 Rep. Tenenbaum  
08:57:54 Sen. Lang  
08:58:35 Vice Chair Kelker  
09:00:16 Al Smith, MTLA  
09:00:24 Rep. J. Hinkle  
09:01:20 Sen. Lang

**Closing by Sponsor:**

09:02:26 Sen. Lang

**HEARING ON SB 318**

**Opening Statement by Sponsor:**

09:04:04 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB 318, Revise laws relating to the judiciary.

[EXHIBIT\(juh59a01\)](#)

[EXHIBIT\(juh59a02\)](#)

09:14:43 Rep. Bishop  
09:15:18 Chair Usher  
09:15:58 Vice Chair Kelker  
09:17:38 Rep. J. Hinkle  
09:18:47 Rachel Weiss, Legislative Services Division (LSD)  
09:20:11 Sen. Howard  
09:20:57 Vice Chair Kelker  
  
09:22:11 Brief Recess  
09:44:40 Reconvened  
  
09:44:43 Without objection, Chair Usher suspended the hearing on SB 318.

09:45:50 Rep. Carlson  
09:46:11 Chair Usher  
10:02:48 Rep. Carlson  
10:03:14 Chair Usher  
10:03:55 Rep. Phalen

**ADJOURNMENT**

Adjournment: 10:04:25

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh59aad.pdf](#))