

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on March 30, 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. Jennifer Carlson (R)
Rep. Robert Farris-Olsen (D)
Rep. Tom France (D)
Rep. Jane Gillette (R)
Rep. Donavon Hawk (D)
Rep. Bob Phalen (R)
Rep. Ed Stafman (D)
Rep. Mallerie Stromswold (R)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Laurie Bishop (D)
Rep. Frank Fleming (R)
Rep. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)
Rep. Derek Skees (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 242, 3/26/2021; SB 353, 3/26/2021; HB 658, 3/26/2021; HB 625, 3/26/2021
Executive Action on: HB 625; HB 656; SB 280; SB 283

HEARING ON SB 242**Opening Statement by Sponsor:**

08:04:20 Sen. Bryce Bennett (D), SD 50, opened the hearing on SB 242, Prohibit transfer or sale of consumer GPS data without permission.

EXHIBIT(juh62a01)

08:04:35 Rep. Skees, Rep. J. Hinkle, Rep. Ler and Rep. Bishop joined the meeting.

08:08:27 Rep. Gillette left the meeting.

Proponents' Testimony: None**Opponents' Testimony:**

08:11:54 Dan Smith, Montana Police Protective Association (MPPA)

08:13:06 Brian Thompson, Montana County Attorneys' Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

08:15:25 Jessie Luther, Association of Montana Troopers (AMT)

08:16:29 Brad Griffen, Montana Retail Association (MRA)

08:19:29 Bruce Spencer, National Association of Mutual Insurance Companies (NAMIC)

08:22:57 Greg Van Horssen, State Farm Insurance

08:24:14 Alan Doane, Montana Department of Justice (DOJ)

08:24:29 Jeff Feiss, Montana Telecommunications Association (MTA)

08:25:05 Rep. Skees left the meeting.

08:28:50 Pat Noonan, Internet Association

08:29:51 Margaret Morgan, T-Mobile

08:32:56 John MacDonald, Alliance for Automotive Innovation

08:35:30 Jennie Stapp, Montana State Library

08:37:48 Aimee Grmoljez, American Property Casualty Insurance Association (APCIA)

Informational Testimony:

08:39:09 Quinlan O'Connor, Montana Department of Labor and Industry (DLI)

Questions from Committee Members and Responses:

08:40:09 Vice Chair Regier

08:40:54 Jeff Feiss, MTA

08:41:29 Rep. Carlson

08:41:54 Sen. Bennett

08:42:31 Vice Chair Kelker

08:45:26 Sen. Bennett

08:46:26 Rep. Ler

08:48:11 Sen. Bennett

08:48:42 Rep. J. Hinkle

08:49:31 Brian Thompson, MCAA; MSPOA

08:50:53 Rep. J. Hinkle

08:51:13 Sen. Bennett

08:52:10 Rep. Tenenbaum

08:55:22 Margaret Morgan, T-Mobile

08:55:52 Vice Chair Kelker

08:56:34 Sen. Bennett

08:57:47 Rep. Phalen
08:58:08 Margaret Morgan, T-Mobile
08:59:32 Rep. Phalen
08:59:41 Aimee Grmoljez, APCIA
09:00:47 Rep. Phalen
09:00:55 Alan Doane, DOJ
09:01:28 Chair Usher
09:02:22 Alan Doane, DOJ
09:02:45 Chair Usher
09:03:08 Pat Noonan, Internet Association
09:04:21 Chair Usher
09:04:51 Aimee Grmoljez, APCIA
09:05:08 Chair Usher
09:05:20 Margaret Morgan, T-Mobile

Closing by Sponsor:

09:06:01 Sen. Bennett

09:08:29 Rep. Lenz joined the meeting.

HEARING ON SB 353**Opening Statement by Sponsor:**

09:10:32 Sen. Jen Gross (D), SD 25, opened the hearing on SB 353, Require probation /parole officers to inform re: restoration of rights.

Proponents' Testimony:

09:20:27 Patrick Webb, Americans for Prosperity Montana (AFP)
09:21:53 Beth Brennehan, Disability Rights Montana
09:22:34 Janee Webber, Montana State Council on Judicial Accountability
09:24:41 Jim Lochrie, self

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

09:30:37 Cynthia Wolken, Montana Department of Corrections (DOC)

Questions from Committee Members and Responses:

09:30:59 Vice Chair Kelker
09:34:07 Sen. Gross

Closing by Sponsor:

09:34:47 Sen. Gross

HEARING ON HB 658**Opening Statement by Sponsor:**

09:36:56 Rep. Gregory Frazer (R), HD 78, opened the hearing on HB 658, Revise restrictive housing laws.

Proponents' Testimony:

09:40:19 Cynthia Wolken, Montana Department of Corrections (DOC)
09:40:54 Larry Nielsen, Montana Federation of Public Employees (MFPE)
09:41:39 Steffanie Turner, Montana Department of Corrections (DOC)
09:42:49 Aaron Meaders, self

Opponents' Testimony:

09:44:21 Beth Brenneman, Disability Rights Montana
09:49:23 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
09:50:52 Sam Forstag, American Civil Liberties Union of Montana (ACLU)
09:52:28 Janee Webber, Montana State Council on Judicial Accountability

Informational Testimony:

09:55:38 Andres Haladay, Montana Department of Corrections (DOC)

Questions from Committee Members and Responses:

09:56:01 Rep. Hawk
09:56:25 Beth Brenneman, Disability Rights Montana
09:56:43 Vice Chair Kelker
09:59:52 Rep. Frazer
10:01:27 Vice Chair Kelker
10:04:51 Cynthia Wolken, DOC
10:05:07 Rep. Tenenbaum
10:05:50 Rachel Weiss, Legislative Services Division (LSD)
10:06:47 Chair Usher
10:07:30 Rep. Tenenbaum
10:08:04 Rachel Weiss, LSD
10:08:24 Rep. Carlson
10:11:17 Rep. Berglee left the meeting. Rep. Fleming joined the meeting.
10:12:37 Aaron Meaders, self
10:13:33 Rep. Carlson
10:14:04 Beth Brenneman, Disability Rights Montana
10:14:51 Rep. Bishop
10:15:45 Cynthia Wolken, DOC
10:17:19 Rep. France left the meeting.
10:21:10 Steffanie Turner, Montana Department of Corrections (DOC)

Closing by Sponsor:

10:21:25 Rep. Frazer

HEARING ON HB 625**Opening Statement by Sponsor:**

10:22:31 Rep. Dennis Lenz (R), HD 53, opened the hearing on HB 625, Revise laws relating to the child and family ombudsman.

10:24:40 Chair User left the meeting.

10:24:45 Vice Chair Regier assumed the chair.

Proponents' Testimony:

10:25:12 Dana Toole, Montana Department of Justice (DOJ)

10:27:30 Beth Brenneman, Disability Rights Montana

10:29:07 Dave Kesler, self

EXHIBIT(juh62a02)

10:35:01 Denise Johnson, Montana Child Protection Alliance (MCPA)

10:39:25 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony: None

Informational Testimony:

10:44:32 Laura Smith, Department of Public Health and Human Services (DPHHS)

10:44:37 Rep. Berglee rejoined the meeting.

Questions from Committee Members and Responses:

10:45:07 Chair Usher

10:45:17 Rep. Lenz

Closing by Sponsor:

10:45:38 Rep. Lenz

10:50:10 Brief Recess

11:09:27 Reconvened with Rep. Skees present.

EXECUTIVE ACTION ON HB 625

11:10:04 **Motion:** Rep. Kelker moved that **HB 625 DO PASS.**

Discussion:

11:10:33 Rep. Lenz

11:11:12 **Motion:** Rep. A. Regier moved that **HB 625 BE AMENDED.**

EXHIBIT(juh62a03)**Discussion:**

11:11:35 Chair Usher

11:11:51 Rachel Weiss, LSD

11:12:48 Rep. Lenz

11:13:17 Without objection, Rep. A. Regier withdrew the BE AMENDED motion.

11:14:02 **Vote:** Motion carried unanimously by voice vote. Rep. France and Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON HB 656

11:14:54 **Motion:** Rep. A. Regier moved that **HB 656 DO PASS**.

Discussion:

11:15:24 Rachel Weiss, LSD

11:15:43 **Motion:** Rep. A. Regier moved that **HB 656 BE AMENDED**.
[EXHIBIT\(juh62a04\)](#)

Discussion:

11:15:53 Rachel Weiss, LSD

11:17:21 Chair Usher

11:17:29 Rachel Weiss, LSD

11:18:00 Rep. Skees

11:18:26 Rep. J. Hinkle

11:18:47 Rep. Berglee

11:19:51 Chair Usher

11:20:15 Vice Chair Kelker

11:20:45 Rep Tenenbaum

11:21:27 **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. France and Rep. Gillette voted by proxy.

11:22:32 **Motion:** Rep. A. Regier moved that **HB 656 DO PASS AS AMENDED**.

11:22:39 **Substitute Motion/Vote:** Rep. Hawk made a substitute motion that **HB 656 BE TABLED**. Substitute 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. France and Rep. Gillette voted by proxy.

11:23:42 **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. France and Rep. Gillette voted by proxy.

EXECUTIVE ACTION ON SB 280

11:24:47 **Motion:** Rep. A. Regier moved that **SB 280 BE CONCURRED IN**.

Discussion:

11:25:01 Rachel Weiss, LSD

11:25:24 Rep. Stafman

11:27:18 **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. France and Rep. Gillette voted by proxy. Rep. Phalen will carry the bill.

EXECUTIVE ACTION ON SB 283

11:28:31 **Motion:** Rep. A. Regier moved that **SB 283 BE CONCURRED IN.**

Discussion:

11:28:45 Rachel Weiss, LSD

11:29:03 **Vote:** Motion carried unanimously by voice vote. Rep. France and Rep. Gillette voted by proxy. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 370

11:30:00 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER THE MOTION** on **SB 370.** Motion carried without objection.

11:30:20 Chair Usher

11:30:33 Rachel Weiss, LSD

ADJOURNMENT

Adjournment: 11:31:50

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh62aad.pdf](#))