

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Amy Regier, on March 31, 2021 at 8:00 AM, in Room 137 Capitol

#### ROLL CALL

**Members Present:**

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. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Derek Skees (R)  
Rep. Ed Stafman (D)

**Members Excused:**

Rep. Barry Usher, Chair (R)  
Rep. Donavon Hawk (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**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 641, 3/26/2021; HB 659, 3/26/2021; HB 665, 3/26/2021; HB 685, 3/26/2021; HB 702, 3/26/2021; HB 703, 3/26/2021; HB 709, 3/26/2021  
Executive Action on: HB 641; HB 659; HB 665; HB 685; HB 702; HB 703; HB 709

**HEARING ON HB 709****Opening Statement by Sponsor:**

08:01:45 Rep. Matt Regier (R), HD 4, opened the hearing on HB 709, Revise double proxy marriage fee.

08:02:31 Rep. Skees left the meeting. Rep. Hawk joined the meeting.

**Proponents' Testimony:**

08:05:19 Randy Brodehl, self

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

08:08:18 Rep. Stafman  
08:09:09 Rep. Matt Regier  
08:09:23 Randy Brodehl, self  
08:11:54 Rep. Stafman  
08:13:32 Randy Brodehl, self  
08:13:49 Rep. Gillette  
08:15:13 Rep. Matt Regier  
08:15:35 Rep. Phalen  
08:15:55 Rep. Gillette  
08:16:49 Chair Regier  
08:17:00 Randy Brodehl, self

**Closing by Sponsor:**

08:18:11 Rep. Matt Regier

**HEARING ON HB 641****Opening Statement by Sponsor:**

08:19:00 Rep. Steve Gist (R), HD 25, opened the hearing on HB 641, Revise search and rescue dog training laws.

08:23:04 Rep. Lenz left the meeting.

**Proponents' Testimony:**

08:26:29 Scott Secor, Gallatin County Sheriff's Search and Rescue  
08:29:49 Sam Heigh, True North Search Dogs  
08:33:21 Colette Daigle-Berg, Western Montana Search Dogs

**[EXHIBIT\(juh63a01\)](#)**

08:34:25 Rep. J. Hinkle left the meeting.  
08:36:54 Mary Lehman, True North Search Dogs  
08:38:50 Jim Anderson, Gallatin County Sheriff's Office  
08:40:40 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

**Opponents' Testimony:** None

**Informational Testimony:** None

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

**Closing by Sponsor:**

08:41:38 Rep. Gist

08:41:40 Chair Usher joined the meeting. Rep. France and Rep. Hawk left the meeting.

### **EXECUTIVE ACTION ON HB 641**

08:47:15 **Motion/Vote:** Rep. A. Regier moved that **HB 641 DO PASS**. Motion carried unanimously by voice vote. Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Lenz, Rep. Skees, Rep. Stromswold and Rep. Tenenbaum voted by proxy.

### **HEARING ON HB 659**

**Opening Statement by Sponsor:**

08:48:38 Rep. Andrea Olsen (D), HD 100, opened the hearing on HB 659, Generally revise criminal laws.

08:50:24 Rep. Hawk, Rep. Tenenbaum, and Rep. Skees rejoined the meeting.

**Proponents' Testimony:**

08:52:29 Kate Cholewa, Montana Cannabis Information Association (MTCIA)

08:54:35 Rep. Skees

08:54:45 Kate Cholewa, MTCIA

08:55:02 Keaton Sunchild, Western Native Voice (WNV)

08:56:17 Beth Brenneman, Disability Rights Montana

08:56:50 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:59:51 Laurie Little Dog, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

09:01:56 Vice Chair Kelker

09:03:23 Rep. France rejoined the meeting.

09:04:15 Rep. Olsen

09:05:12 Rep. Gillette

09:06:47 Keaton Sunchild, WNV

09:06:59 Chair Usher

09:07:18 Rep. Tenenbaum

09:07:38 Rep. Carlson

09:11:06 Rep. Olsen

09:12:00 Rep. Skees  
09:16:47 Rep. Olsen  
09:19:58 Chair Usher

**Closing by Sponsor:**

09:20:25 Rep. Olsen

09:20:46 Rep. Stromswold rejoined the meeting.

**EXECUTIVE ACTION ON HB 709**

09:23:11 **Motion:** Rep. A. Regier moved that **HB 709 DO PASS.**

09:23:20 **Motion/Vote:** Rep. A. Regier moved that **HB 709 BE AMENDED.** Motion carried 18-1 by voice vote with Rep. Tenenbaum voting no. Rep. Lenz voted by proxy.

**EXHIBIT(juh63a02)**

09:24:39 Rep. Stafman

09:25:36 **Motion:** Rep. A. Regier moved that **HB 709 DO PASS AS AMENDED.**

09:25:45 **Substitute Motion:** Rep. Stafman made a substitute motion to **POSTPONE CONSIDERATION ON HB 709.**

**Discussion:**

09:26:06 Rep. J. Hinkle

09:26:26 Rep. Gillette

09:26:35 **Vote:** Motion failed 6-13 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting aye. Rep. Lenz voted by proxy.

09:27:50 Rep. Tenenbaum

09:28:21 Rep. Stafman

09:29:00 Rep. Gillette

09:29:58 Rep. Hawk

09:30:08 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Lenz voted by proxy.

**EXECUTIVE ACTION ON HB 659**

09:31:39 **Motion:** Rep. A. Regier moved that **HB 659 DO PASS.**

**Discussion:**

09:31:54 Rep. Carlson

09:32:52 Rep. Skees

09:34:22 Vice Chair Kelker

09:35:22 Rep. Bishop

- 09:36:33 Rep. Tenenbaum  
09:38:38 Rep. Gillette  
09:38:54 Chair Usher  
09:40:36 Rachel Weiss, Legislative Services Division (LSD)
- 09:41:25 **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. Lenz voted by proxy.
- 09:42:24 **Motion/Vote:** Rep. A. Regier moved that **HB 659 BE TABLED**. Motion carried without objection.

### HEARING ON HB 665

#### Opening Statement by Sponsor:

- 09:43:03 Rep. Brandon Ler (R), HD 35, opened the hearing on HB 665, Generally revise criminal procedure law regarding booking photos and public info.

#### Proponents' Testimony:

- 09:45:21 Brian Thompson, Montana County Attorneys Association (MCAA)  
09:46:23 Rep. Skees and Chair Usher left the meeting.  
09:46:30 Vice Chair Regier assumed the chair.  
09:47:10 Janee Weber, self

#### Opponents' Testimony:

- 09:49:10 Rob Cook, Montana Newspapers Association  
09:49:47 Rhonda Wiggers, Montana Broadcasters Association

#### Informational Testimony: None

#### Questions from Committee Members and Responses:

- 09:50:46 Vice Chair Kelker  
09:51:36 Rob Cook, Montana Newspapers Association  
09:52:25 Rep. J. Hinkle  
09:53:07 Rep. Ler  
09:53:27 Rep. Tenenbaum  
09:53:46 Rep. Hawk left the meeting.  
09:53:58 Rep. Ler

#### Closing by Sponsor:

- 09:54:59 Rep. Ler
- 09:56:30 Chair Usher, Rep. Skees, and Rep. Lenz rejoined the meeting.

### EXECUTIVE ACTION ON HB 665

- 09:56:43 **Motion:** Rep. A. Regier moved that **HB 665 DO PASS**.

#### Discussion:

- 09:57:00 Rep. Ler

09:57:15 Rep. J. Hinkle

09:57:46 Rep. Ler

09:58:05 **Vote:** Motion carried 15-4 by roll call vote with Rep. Bishop, Rep. Hawk, Rep. Kelker and Rep. Stafman voting no. Rep. Hawk voted by proxy.

### HEARING ON HB 703

#### Opening Statement by Sponsor:

10:00:38 Rep. Jedediah Hinkle (R), HD 67, opened the hearing on HB 703, Prohibit the use of vaccination status or immunity passport for certain purposes.

#### Proponents' Testimony:

10:07:11 Kelly Klostermeyer, self

10:09:37 Heather Richards, self

10:12:56 Jessica Kirkendall, self

10:14:20 Matt Furlong, Montana Child Protection Alliance (MCPA)

10:15:02 Pascal Redfern, self

10:17:11 Anna Shchemelinin, self

10:22:42 Lacey Berg, self

10:44:24 Maria Wyrock, self

#### Opponents' Testimony:

10:24:28 Sean Slanger, Montana Biosciences Association

10:25:51 Heather O'Hara, Montana Hospital Association (MHA)

10:27:37 Nanette Gilbertson, Montana Advocates for Children

10:29:23 Stacey Anderson, Montana Primary Care Association (MPCA)

10:31:59 Erin McGowan, Association of Montana Public Health Officials (AMPHO)

10:33:52 Jean Branscum, Montana Medical Association (MMA)

10:38:28 Bill Warden, Biotechnology Innovation Organization

#### EXHIBIT(juh63a03)

10:39:05 Lauren Wilson, self

10:41:45 Kylee Bodley, American Academy of Pediatrics (AAP)

10:42:58 Rep. Berglee left the meeting.

#### Informational Testimony:

10:43:54 Dennison Rivera, Lewis and Clark Young Republicans

10:44:39 Vice Chair Kelker

10:45:30 Rep. Skees

10:45:59 Vice Chair Kelker

#### Questions from Committee Members and Responses:

10:46:55 Rep. Gillette

10:48:55 Rep. J. Hinkle

10:52:10 Vice Chair Kelker

10:53:04 Erin McGowan, Association of Montana Public Health Officials (AMPHO)

10:53:27 Heather O'Hara, MHA

10:55:46 Rep. Bishop

10:56:27 Lauren Wilson, self

10:56:56 Rep. Phalen  
10:57:14 Maria Wyrock, self  
11:00:50 Rep. Bishop  
11:01:29 Jean Branscum, MMA  
11:03:28 Rep. Stafman  
11:05:24 Erin McGowan, AMPHO  
11:05:59 Rep. Skees  
11:06:40 Lauren Wilson, self

**Closing by Sponsor:**

11:07:33 Rep. J. Hinkle

**HEARING ON HB 702**

**Opening Statement by Sponsor:**

11:11:09 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 702, Prohibit discrimination based on vaccine status or possessing immunity passport.

**Proponents' Testimony:**

11:13:42 Kelly Klostermeyer, self  
11:13:57 Heather Richards, self  
11:14:24 Jessica Kirkendall, self  
11:15:55 Matt Furlong, Montana Child Protection Alliance (MCPA)  
11:16:40 Darren Gaub, self  
11:18:30 Maria Wyrock, self

**EXHIBIT(juh63a04)**

11:23:15 Dennison Rivera, Lewis and Clark Young Republicans  
11:26:43 Tim McKenrick, self  
11:26:52 Rep. Berglee rejoined the meeting.  
11:27:41 Steve Cape, Montana Coalition for Safety and Justice  
11:31:24 Anna Shchemelinin, self  
11:35:20 Lacey Berg, self  
11:36:50 Denise Johnson, self

**Opponents' Testimony:**

11:38:39 Sean Slanger, Montana Bioscience Association

**EXHIBIT(juh63a05)**

11:39:49 Heather O'Hara, Montana Hospital Association (MHA)  
11:41:51 Erin McGowan, Association of Montana Public Health Officials (AMPHO)  
11:42:27 Nanette Gilbertson, Montana Advocates for Children  
11:44:11 Jean Branscum, Montana Medical Association (MMA)  
11:48:18 Stacey Anderson, Montana Primary Care Association (MPCA)  
11:49:54 Chair Usher left the meeting.  
11:50:00 Vice Chair Regier assumed the chair.  
11:50:38 Marian Kummer, self  
11:53:46 Lauren Wilson, American Academy of Pediatrics (AAP)  
11:56:05 Kylee Bodley, American Academy of Pediatrics (AAP)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

11:57:05 Rep. J. Hinkle  
11:57:49 Chair Usher rejoined the meeting.  
12:00:26 Maria Wyrock, self  
12:02:37 Rep. Bishop  
12:03:00 Lauren Wilson, self  
12:04:32 Rep. Phalen  
12:05:02 Erin MCGowen, AMPHO

**Closing by Sponsor:**

12:05:48 Rep. Carlson  
  
12:05:52 Rep. Lenz and Rep. Skees left the meeting.

**EXECUTIVE ACTION ON HB 702**

12:08:57 **Motion/Vote:** Rep. A. Regier moved that **HB 702 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. Hawk, Rep. Lenz and Rep. Skees voted by proxy.

**EXECUTIVE ACTION ON HB 703**

12:10:09 **Motion:** Rep. A. Regier moved that **HB 703 DO PASS**.  
  
12:10:14 **Motion:** Rep. A. Regier moved that **HB 703 BE AMENDED**.  
[EXHIBIT\(juh63a06\)](#)

**Discussion:**

12:10:35 Rep. J. Hinkle  
12:10:44 Rachel Weiss, LSD  
  
12:11:08 **Vote:** Motion carried 12-7 by voice vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Hawk, Rep. Lenz and Rep. Skees voted by proxy.  
  
12:11:42 **Motion:** Rep. A. Regier moved that **HB 703 DO PASS AS AMENDED**.

**Discussion:**

12:11:51 Rep. Stafman  
12:12:49 Rep. J. Hinkle  
12:13:35 Chair Usher  
  
12:13:49 **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. Hawk, Rep. Lenz and Rep. Skees voted by proxy.

**HEARING ON HB 685****Opening Statement by Sponsor:**

12:14:56 Rep. Brad Tschida (R), HD 97, opened the hearing on HB 685, Revise judicial standards laws.

**Proponents' Testimony:**

12:20:06 Bart Crabtree, Montana State Council on Judicial Accountability  
12:22:51 Matt Furlong, Montana Child Protection Alliance (MCPA)  
12:27:01 Tim McKenrick, self  
12:28:30 Janee Weber, self

**Opponents' Testimony:**

12:31:48 Judge Mike Menahan, Montana 1st Judicial District Court  
12:36:04 Bruce Spencer, State Bar of Montana  
12:39:40 Mike Swingley, Montana Magistrates Association  
12:43:34 Gregory Todd, Montana Judges Association  
12:47:59 Pascal Redfern, self

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

12:52:41 Rep. Gillette  
12:53:07 Rep. Tschida  
12:53:18 Vice Chair Kelker  
12:55:29 Judge Mike Menahan, Montana 1st Judicial District Court  
12:58:15 Rep. Bishop  
12:58:48 Bruce Spencer, State Bar of Montana  
12:59:11 Rep. Carlson  
12:59:53 Rep. Tschida  
12:59:58 Rep. Berglee  
13:00:29 Vice Chair Kelker  
13:01:25 Bruce Spencer, State Bar of Montana  
13:01:56 Rep. Stromswold and Rep. Stafman left the meeting.

**Closing by Sponsor:**

13:02:27 Rep. Tschida  
  
13:05:56 Chair Usher  
13:06:28 Rep. Tschida

**EXECUTIVE ACTION ON HB 685**

13:06:45 **Motion/Vote:** Rep. A. Regier moved that **HB 685 DO PASS**. Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. Fleming, Rep. France, Rep. Gillette, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Hawk, Rep. Lenz, Rep. Skees, Rep. Stafman and Rep. Stromswold voted by proxy.

**ADJOURNMENT**

Adjournment: 13:09:08

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh63aad.pdf](#))