

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on April 13, 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. Jedediah Hinkle (R)
Rep. Dennis R. Lenz (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Ed Stafman (D)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Brandon Ler (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: HJ 26, 4/8/2021; HJ 29, 4/8/2021; HJ 31, 4/8/2021
Executive Action on: SB 219; SB 316; SB 220

08:03:09 Rep. Phalen assumed the chair.

HEARING ON HJ 31

Opening Statement by Sponsor:

08:03:59 Rep. Frank Fleming (R), HD 51, opened the hearing on HJ 31, Interim study of criminal-justice system data in Montana.

08:04:44 Rep. Skees left the meeting.

08:05:01 Rep. Stromswold joined the meeting.

Proponents' Testimony:

08:07:13 SK Rossi, American Civil Liberties Union of Montana (ACLU)

08:09:21 Henry Kriegel, Americans for Prosperity Montana (AFP)

EXHIBIT(juh70a01)

08:13:02 Sean Reagor, Montana Human Rights Network

08:13:24 Beth Brenneman, Disability Rights Montana

08:14:15 Nanette Gilbertson, Montana County Attorneys Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)

EXHIBIT(juh70a02)

08:16:35 Director Brian Gootkin, Department of Corrections (DOC)

08:16:58 Iko'tsimiskimaki Beck, self

08:17:53 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

08:18:49 Amy Sings In The Timber, Montana Innocence Project (MTIP)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

08:20:16 Rep. Fleming

08:21:15 Rep. Stromswold assumed the chair.

HEARING ON HJ 29

Opening Statement by Sponsor:

08:22:24 Rep. Neil Duram (R), HD 2, opened the hearing on HJ 29, Study of victim services and funding in Montana.

Proponents' Testimony:

08:24:00 Director Brian Gootkin, Department of Corrections (DOC)

08:24:16 Natalia Bowser, Montana Board of Crime Control (MBCC)

08:28:47 Rachel Schmidt, Associated Students of Montana State University (ASMSU)

08:29:09 Nanette Gilberston, Montana County Attorneys Association (MCAA); Montana Sheriffs and Peace Officers Association (MSPOA)
08:32:01 Allison Reinhardt, Montana Associated Students (MAS)
08:32:35 Beth Brenneman, Disability Rights Montana
08:33:22 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
08:37:05 Shantelle Gaynor, Missoula County Community Justice Department

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

08:40:09 Rep. Duram

HEARING ON HJ 26

Opening Statement by Sponsor:

08:42:00 Rep. Kathy Kelker (D), HD 47, opened the hearing on HJ 26, Study landlord-tenant laws.

08:46:11 Rep. Skees rejoined the meeting.

Proponents' Testimony:

08:48:25 Rachel Schmidt, Associated Students of Montana State University (ASMSU)

08:49:39 Allison Reinhardt, Montana Associated Students (MAS)

08:50:52 Shyla Patera, self

08:52:44 Jack Rinck, Associated Students of the University of Montana (ASUM)

Opponents' Testimony:

08:54:36 John Sinrud, Montana Landlord Association (MLA)

[EXHIBIT\(juh70a03\)](#)

08:59:27 Sharon Lodge, self

09:00:32 Rep. Ler joined the meeting.

Informational Testimony: None

Questions from Committee Members and Responses:

09:03:37 Rep. J. Hinkle

09:05:57 John Sinrud, MLA

09:07:01 Rep. Phalen

09:07:29 Rep. Kelker

09:09:27 Rep. Hawk

09:10:00 Rep. Kelker

Closing by Sponsor:

09:11:14 Rep. Kelker

09:13:03 Recess
09:32:25 Reconvened

EXECUTIVE ACTION ON SB 219

09:32:32 **Motion:** Rep. A. Regier moved that **SB 219 BE CONCURRED IN.**

Discussion:

09:32:42 Rep. Tenenbaum
09:32:51 Rachel Weiss, Legislative Services Division (LSD)

09:33:11 **Motion:** Rep. Tenenbaum moved that **SB 219 BE AMENDED.**
EXHIBIT(juh70a04)

Discussion:

09:33:59 Rachel Weiss, LSD
09:34:57 Rep. Tenenbaum
09:36:29 Rep. J. Hinkle
09:36:42 Rep. Tenenbaum
09:36:56 Rep. Carlson
09:37:13 Rep. Tenenbaum
09:38:28 Rep. Carlson
09:38:50 Chair Usher
09:39:35 Rep. Carlson
09:40:07 Vice Chair Kelker
09:41:22 Rep. Bishop
09:41:53 Rep. Tenenbaum
09:43:36 Rep. J. Hinkle
09:44:07 Rep. Tenenbaum
09:49:34 Rep. Berglee
09:51:22 Rep. France
09:52:27 Rep. Tenenbaum
09:53:43 Rep. Bishop
09:55:08 Rep. Carlson
09:58:17 Chair Usher

10:01:10 **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.

10:02:15 Rep. Skees
10:02:39 Rep. Stafman
10:03:29 Rep. Skees
10:03:47 Chair Usher
10:04:03 Rep. Lenz
10:04:12 Rep. Stafman
10:04:47 Chair Usher
10:05:11 Rep. France
10:05:47 Vice Chair Kelker
10:07:45 Chair Usher

10:08:21 Rep. Carlson
10:09:16 Rep. Tenenbaum

10:10:15 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Ler, Rep. Stromswold and Rep. Tenenbaum voting no. Rep. Berglee will carry the bill.

EXECUTIVE ACTION ON SB 316

10:11:39 **Motion:** Rep. A. Regier moved that **SB 316 BE CONCURRED IN.**

Discussion:

10:11:48 Rachel Weiss, LSD

10:12:17 **Motion:** Rep. A. Regier moved that **SB 316 BE AMENDED.**
[EXHIBIT\(juh70a05\)](#)

Discussion:

10:12:25 Rachel Weiss, LSD

10:14:06 **Vote:** Motion carried 12-7 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Skees, Rep. Stafman and Rep. Tenenbaum voting no.

10:15:05 **Motion/Vote:** Rep. A. Regier moved that **SB 316 BE CONCURRED IN AS AMENDED.** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Stromswold will carry the bill.

EXECUTIVE ACTION ON SB 220

10:16:44 **Motion:** Rep. A. Regier moved that **SB 220 BE CONCURRED IN.**

Discussion:

10:16:51 Rachel Weiss, LSD

10:17:16 **Motion:** Rep. A. Regier moved that **SB 220 BE AMENDED.**
[EXHIBIT\(juh70a06\)](#)

Discussion:

10:17:24 Rachel Weiss, LSD

10:18:29 **Vote:** Motion carried unanimously by voice vote.

10:18:47 **Motion:** Rep. A. Regier moved that **SB 220 BE CONCURRED IN AS AMENDED.**

Discussion:

10:19:12 Rep. Carlson
10:20:52 Rachel Weiss, LSD
10:21:18 Vice Chair Kelker
10:22:51 Rachel Weiss, LSD

10:23:24 **Substitute Motion/Vote:** Rep. Tenenbaum made a substitute motion that **SB 220 BE TABLED**. Substitute Motion failed 7-12 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. J. Hinkle, Rep. Kelker, Rep. Lenz, Rep. Stafman and Rep. Tenenbaum voting aye.

10:24:32 Rep. Berglee
10:26:07 Rep. Carlson

10:26:38 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bishop, Rep. Farris-Olsen, Rep. France, Rep. J. Hinkle, Rep. Kelker, Rep. Lenz, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Garner will carry the bill.

10:27:58 Rep. France
10:29:52 Chair Usher
10:30:28 Rep. Berglee
10:31:03 Rep. Lenz
10:31:38 Rep. Stafman
10:32:00 Rep. Skees

ADJOURNMENT

Adjournment: 10:33:38

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh70aad.pdf](#))