

## MINUTES

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

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Amy Regier, on April 14, 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. Donavon Hawk (D)  
Rep. Jedediah Hinkle (R)  
Rep. Dennis R. Lenz (R)  
Rep. Brandon Ler (R)  
Rep. Bob Phalen (R)  
Rep. Ed Stafman (D)  
Rep. Mallerie Stromswold (R)  
Rep. Danny Tenenbaum (D)

**Members Excused:**

Rep. Barry Usher, Chair (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 400, 4/9/2021; HJ 32, 4/9/2021; HJ 34, 4/9/2021  
Executive Action on: SB 318; SB 344; SB 361; SB 353; SB 365; SB 370

08:02:11 Rep. Ler assumed the chair.

### **HEARING ON SB 400**

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

08:02:48 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB 400, Restrict governmental entity from interfering with parental rights.

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

08:09:42 Raye Newmeyer, self  
08:11:08 Rep. Skees joined the meeting.  
08:11:27 Tina Norcutt, self  
08:12:56 Garrett Bacon, self  
08:13:34 Dave Kesler, self

#### **EXHIBIT(juh71a01)**

08:18:53 Keith Newmeyer, self  
08:23:07 Debbie Westlake, self  
08:30:46 Dale Jolly, self  
08:34:11 Mike Hagman, self  
08:39:05 Rep. Skees left the meeting.  
08:39:48 Janee Webber, self  
08:43:30 Robin Mohs, self  
08:45:22 Denise Johnson, Montana Child Protection Alliance (MCPA)  
08:46:02 Rep. Hawk left the meeting.  
08:48:42 Terri Lackey, self  
08:49:27 Lillie Rutledge, self  
08:54:43 Alan Lackey, self  
08:57:01 Lita Pepion, self

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

08:58:14 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
09:01:49 Emily Dean, Montana School Boards Association (MTSBA)  
09:03:13 Robin Turner, self  
09:07:29 Dr. Elizabeth Beil, self  
09:09:59 Rep. Usher joined the meeting.  
09:10:32 Gail Goheen, self  
09:12:46 Rep. Skees rejoined the meeting.

#### **Informational Testimony:**

09:16:19 Adam Meyer, Department of Public Health and Human Services (DPHHS)

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

09:17:13 Rep. Berglee  
09:17:33 Adam Meyer, DPHHS  
09:19:03 Rep. Carlson  
09:21:33 Emily Dean, MTSBA  
09:22:54 Rep. Carlson  
09:25:41 Sen. Manzella

09:26:27 Rep. Carlson  
09:27:58 Adam Meyer, DPHHS  
09:28:30 Nick Domitrovich, Department of Public Health and Human Services (DPHHS)  
09:31:52 Vice Chair Kelker  
09:35:12 Gail Goheen, self  
09:36:36 Rep. Carlson  
09:37:28 Adam Meyer, DPHHS  
09:37:43 Rep. Gillette  
09:37:54 Rep. Usher  
09:38:23 Rep. J. Hinkle  
09:39:34 Sen. Manzella  
09:41:16 Rep. Phalen  
09:42:14 Sen. Manzella  
09:44:00 Rep. Stafman  
09:44:05 Rep. J. Hinkle left the meeting.  
09:44:40 Rep. Usher  
09:45:23 Rep. Stafman  
09:45:26 Rep. Hawk rejoined the meeting. Rep. Lenz left the meeting.  
09:48:37 Gail Goheen, self  
09:49:15 Rep. Gillette  
09:51:28 Sen. Manzella  
09:53:13 Rep. Gillette  
09:55:03 Gail Goheen, self  
09:55:22 Vice Chair Kelker  
09:56:02 Rachel Weiss, Legislative Services Division (LSD)  
09:57:22 Rep. Skees  
10:00:07 Gail Goheen, self  
10:00:28 Rep. Carlson  
10:01:39 Sen. Manzella  
10:02:44 Rep. Phalen  
10:03:12 Sen. Manzella

**Closing by Sponsor:**

10:04:47 Sen. Manzella

**EXHIBIT(juh71a02)**

10:09:03 Rep. Usher assumed the chair.

**HEARING ON HJ 32**

**Opening Statement by Sponsor:**

10:10:28 Rep. Ed Stafman (D), HD 62, opened the hearing on HJ 32, Study of discrimination in Montana's criminal justice system.

**Proponents' Testimony:**

10:17:20 Adrian Jawort, Montana Native Voice (MNV)  
10:20:15 Amy Sings In The Timber, Montana Innocence Project (MTIP)  
10:22:22 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)  
10:23:27 Jasmine Krotkov, self

10:24:56 Laurie Little Dog, self  
10:26:07 Myshell Lyday, Montana Association of Criminal Defense Lawyers (MTACDL)  
10:27:48 Andy Werk Jr., Fort Belknap Indian Community  
10:31:15 Kelly Twoteeth, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

10:34:31 Rep. Skees  
10:41:49 Rep. Stafman  
10:42:57 Chair Usher  
10:42:52 Rep. Stafman  
10:43:55 Vice Chair Kelker  
10:44:32 Chair Usher  
10:45:11 Rep. Stafman

**Closing by Sponsor:**

10:45:52 Rep. Stafman  
  
10:46:02 Vice Chair Regier assumed the chair.  
10:50:18 Rep. Skees  
10:51:16 Vice Chair Kelker  
10:51:57 Rep. Hawk  
10:52:11 Rep. J. Hinkle and Rep. Lenz rejoined the meeting.

**HEARING ON HJ 34**

**Opening Statement by Sponsor:**

10:53:25 Rep. Barry Usher (R), HD 40, opened the hearing on HJ 34, Study of pretrial and presentence diversion programs.

**Proponents' Testimony:**

10:54:54 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA);  
Montana County Attorneys Association (MCAA)  
10:57:51 Amy Sings In The Timber, Montana Innocence Project (MTIP)  
10:58:54 Dan Brooks, Billings Chamber of Commerce  
11:00:04 Kelsie Harwood, Montana County Attorneys Association (MCAA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

11:02:06 Vice Chair Kelker  
11:02:47 Rep. Usher

**Closing by Sponsor:**

11:05:57 Rep. Usher

11:07:35 Rep. Usher resumed the chair.  
 11:10:51 Rep. Phalen  
 11:11:24 Rep. Skees  
 11:11:37 Rep. Hawk  
  
 11:11:55 Recess  
 11:32:44 Reconvened with Rep. Phalen, Rep. Tenenbaum, and Rep. Skees excused.

### **EXECUTIVE ACTION ON SB 318**

11:33:13 **Motion/Vote:** Rep. A. Regier moved to **RECONSIDER ACTION** on **SB 318**.  
 Motion carried without objection.

11:33:44 **Motion:** Rep. A. Regier moved that **SB 318 BE CONCURRED IN**.

11:33:51 **Motion:** Rep. A. Regier moved that **SB 318 BE AMENDED**.

[EXHIBIT\(juh71a03\)](#)

#### **Discussion:**

11:34:03 Rachel Weiss, Legislative Services Division (LSD)

11:35:27 Rep. Kelker

11:36:04 Rachel Weiss, LSD

11:37:12 Rep. Stafman

11:38:14 Rachel Weiss, LSD

11:38:29 **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. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

11:39:27 **Motion/Vote:** Rep. A. Regier moved that **SB 318 BE CONCURRED IN AS AMENDED**. 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. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy. Rep. Ler will carry the bill.

### **EXECUTIVE ACTION ON SB 344**

11:40:54 **Motion:** Rep. A. Regier moved that **SB 344 BE CONCURRED IN**.

#### **Discussion:**

11:41:01 Rachel Weiss, LSD

11:41:22 Chair Usher

11:41:38 Vice Chair Kelker

11:42:00 Rachel Weiss, LSD

11:43:44 Vice Chair Kelker

11:44:03 Rep. Bishop

11:45:19 Rep. Carlson

11:45:40 Vice Chair Kelker

11:47:00 Rep. Ler left the meeting.

11:46:13 Rep. Carlson

11:47:49 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. J. Hinkle, Rep. Kelker, Rep. Stafman and Rep. Tenenbaum voting no. Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy. Rep. Patelis will carry the bill.

### **EXECUTIVE ACTION ON SB 361**

11:49:40 **Motion:** Rep. A. Regier moved that **SB 361 BE CONCURRED IN.**

#### **Discussion:**

11:50:32 Rep. France

11:54:56 Rep. J. Hinkle

11:55:11 **Motion:** Rep. France moved that **SB 361 BE AMENDED.**  
[EXHIBIT\(juh71a04\)](#)

#### **Discussion:**

11:55:34 Rep. J. Hinkle

11:56:17 Rep. Berglee

11:56:52 **Vote:** Motion carried 10-9 by roll call vote with Rep. Berglee, Rep. Carlson, Rep. Fleming, Rep. Ler, Rep. Phalen, Rep. A. Regier, Rep. Skees, Rep. Stromswold and Rep. Usher voting no. Rep. Ler, Rep. Phalen, Rep. Skees and Rep. Tenenbaum voted by proxy.

11:57:44 **Motion:** Rep. A. Regier moved that **SB 361 BE CONCURRED IN AS AMENDED.**

#### **Discussion:**

11:58:09 Rep. Gillette

12:00:08 Rep. J. Hinkle

12:00:31 Rep. Skees rejoined the meeting.

12:01:03 Rep. France

12:01:57 Chair Usher

12:02:35 **Vote:** Motion carried 12-7 by roll call vote with Rep. Carlson, Rep. Gillette, Rep. Ler, Rep. Phalen, Rep. A. Regier, Rep. Skees and Rep. Usher voting no. Rep. Ler, Rep. Phalen and Rep. Tenenbaum voted by proxy. Rep. France will carry the bill.

**EXECUTIVE ACTION ON SB 353**

12:03:53 **Motion:** Rep. A. Regier moved that **SB 353 BE CONCURRED IN.**

**Discussion:**

12:04:06 Rachel Weiss, LSD

12:04:46 Rep. France, Rep. Hawk, and Rep. Fleming left the meeting.

12:06:13 Vice Chair Kelker

12:06:24 **Vote:** Motion failed 9-10 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Farris-Olsen, Rep. France, Rep. Hawk, Rep. Kelker, Rep. Stafman, Rep. Stromswold and Rep. Tenenbaum voting aye. Rep. Fleming, Rep. France, Rep. Hawk, Rep. Ler, Rep. Phalen and Rep. Tenenbaum voted by proxy.

12:07:34 **Motion/Vote:** Rep. A. Regier moved that **SB 353 BE TABLED.** Motion carried without objection.

**EXECUTIVE ACTION ON SB 365**

12:08:11 **Motion:** Rep. A. Regier moved that **SB 365 BE CONCURRED IN.**

**Discussion:**

12:08:18 Rachel Weiss, LSD

12:08:34 **Vote:** Motion carried unanimously by roll call vote. Rep. Fleming, Rep. France, Rep. Hawk, Rep. Ler, Rep. Phalen and Rep. Tenenbaum voted by proxy. Rep. Regier will carry the bill.

**EXECUTIVE ACTION ON SB 370**

12:09:49 **Motion:** Rep. A. Regier moved that **SB 370 BE CONCURRED IN.**

**Discussion:**

12:10:09 Rachel Weiss, LSD

12:10:27 Chair Usher

12:10:58 **Substitute Motion/Vote:** Rep. Kelker made a substitute motion that **SB 370 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. Fleming, Rep. France, Rep. Hawk, Rep. Ler, Rep. Phalen and Rep. Tenenbaum voted by proxy.

12:12:07 **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. France, Rep. Hawk, Rep. Ler, Rep. Phalen and Rep. Tenenbaum voted by proxy. Rep. Ler will carry the bill.

**EXECUTIVE ACTION ON SB 315**

12:13:40 **Motion:** Rep. A. Regier moved that **SB 315 BE CONCURRED IN.**

**Discussion:**

12:13:56 Rachel Weiss, LSD

12:14:07 **Substitute Motion:** Rep. Skees made a substitute motion to **ADJOURN.**

**Discussion:**

12:14:32 Rep. Bishop

12:14:56 **Vote:** Motion carried 8-7 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, Rep. Hawk and Rep. Tenenbaum voted by proxy.

**ADJOURNMENT**

Adjournment: 12:16:19

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Lydia Balian, Secretary

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Additional Documents:

**EXHIBIT**([juh71aad.pdf](#))