

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Barry Usher, on April 20, 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. Laurie Bishop (D)
Rep. Robert Farris-Olsen (D)
Rep. Frank Fleming (R)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Dennis R. Lenz (R)
Rep. Brandon Ler (R)
Rep. Ed Stafman (D)
Rep. Danny Tenenbaum (D)

Members Excused:

Rep. Seth Berglee (R)
Rep. Jennifer Carlson (R)
Rep. Jane Gillette (R)
Rep. Jedediah Hinkle (R)
Rep. Bob Phalen (R)
Rep. Derek Skees (R)
Rep. Mallerie Stromswold (R)

Members Absent: None

Staff Present:

Lydia Balian, Committee Secretary
Joe Carroll, 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 333, 4/16/2021; HJ 41, 4/16/2021
Executive Action on: HJ 41; SB 303; SB 333; SB 400

HEARING ON HJ 41**Opening Statement by Sponsor:**

08:02:26 Rep. Jeremy Trebas (R), HD 26, opened the hearing on HJ 41, Study of innocence commissions and conviction integrity units.

08:02:52 Rep. Lenz left the meeting. Rep. Gillette joined the meeting.

Proponents' Testimony:

08:05:06 Henry Kriegel, Americans for Prosperity Montana (AFP)

08:06:45 Amy Sings In The Timber, Montana Innocence Project (MTIP)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:08:30 Vice Chair Kelker

08:09:34 Rep. Trebas

Closing by Sponsor:

08:10:14 Rep. Trebas

EXECUTIVE ACTION ON HJ 41

08:11:57 **Motion:** Rep. A. Regier moved that **HJ 41 DO PASS**.

Discussion:

08:12:05 Rep. Gillette

08:12:23 Rep. Phalen joined the meeting.

08:12:33 Chair Usher

08:13:04 Vice Chair Kelker

08:14:41 **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. Berglee, Rep. Carlson, Rep. J. Hinkle, Rep. Lenz, Rep. Skees and Rep. Stromswold voted by proxy.

08:15:36 **Motion/Vote:** Rep. A. Regier moved that **HJ 41 BE TABLED**. Motion carried without objection.

08:15:55 Rep. Hawk assumed the chair.

HEARING ON SB 333 CONTINUED**Opening Statement by Sponsor:**

08:16:31 Sen. Brad Molnar (R), SD 28, opened the hearing on SB 333, Generally revise drug and human trafficking laws.

Proponents' Testimony:

08:23:45 Patrick Yawakie, Blackfeet Tribe
08:25:09 Dan Brooks, Billings Chamber of Commerce (COM)

Opponents' Testimony:

08:27:22 Brian Thompson, Montana County Attorneys Association (MCAA)
08:30:39 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)
08:32:53 Mark Murphy, Montana Association of Chiefs of Police (MACOP)
08:36:23 Marty Lambert, self

Informational Testimony:

08:39:44 Tamrah Chatriand, Montana Department of Justice (DOJ)

Questions from Committee Members and Responses:

08:40:16 Vice Chair Kelker
08:41:33 Tamrah Chatriand, DOJ
08:41:47 Rep. France
08:42:14 Sen. Molnar
08:43:18 Rep. France
08:43:40 Brian Thompson, MCAA
08:43:53 Mark Murphy, MACOP
08:44:32 Rep. France
08:44:45 Mark Murphy, MACOP

Closing by Sponsor:

08:46:15 Sen. Molnar

EXECUTIVE ACTION ON SB 333

08:50:56 **Motion:** Rep. A. Regier moved that **SB 333 BE CONCURRED IN.**

08:51:11 **Substitute Motion/Vote:** Rep. Ler made a substitute motion that **SB 333 BE TABLED.** Substitute Motion carried 16-3 by roll call vote with Rep. Farris-Olsen, Rep. France and Rep. Tenenbaum voting no. Rep. Berglee, Rep. Carlson, Rep. J. Hinkle, Rep. Lenz, Rep. Skees and Rep. Stromswold voted by proxy.

08:52:59 Brief Recess

09:03:49 Reconvened with Rep. Berglee and Rep. Skees present.

EXECUTIVE ACTION ON SB 303

09:04:10 **Motion:** Rep. A. Regier moved that **SB 303 BE CONCURRED IN.**

Discussion:

09:04:36 Vice Chair Kelker

09:04:59 Chair Usher

09:07:22 **Motion:** Rep. A. Regier moved that **SB 303 BE AMENDED.**

EXHIBIT(juh75a01)

Discussion:

09:07:32 Vice Chair Kelker

09:08:30 Rep. Fleming

09:09:24 Chair Usher

09:10:04 Rep. Bishop

09:10:46 Rep. France

09:11:25 Chair Usher

09:12:43 Rep. Tenenbaum

09:13:40 Chair Usher

09:14:04 **Vote:** Motion carried 18-1 by roll call vote with Rep. France voting no. Rep. Carlson, Rep. J. Hinkle, Rep. Lenz and Rep. Stromswold voted by proxy.

09:15:03 **Motion/Vote:** Rep. A. Regier moved that **SB 303 BE CONCURRED IN AS AMENDED.** Motion carried 15-0 by voice vote. Rep. Kelker will carry the bill.

EXECUTIVE ACTION ON SB 400

09:16:28 **Motion:** Rep. A. Regier moved that **SB 400 BE CONCURRED IN.**

09:17:24 **Motion:** Rep. A. Regier moved that **SB 400 BE AMENDED.**

EXHIBIT(juh75a02)

Discussion:

09:17:40 Joe Carroll, Legislative Services Division (LSD)

09:18:27 Vice Chair Kelker

09:18:45 Rep. Skees

09:19:04 **Vote:** Motion carried 15-0 by voice vote.

09:19:20 **Motion:** Rep. A. Regier moved that **SB 400 BE CONCURRED IN AS AMENDED.**

Discussion:

09:19:28 Vice Chair Kelker

09:20:28 Rep. Gillette

09:20:45 Rep. Berglee left the meeting.

09:21:32 Rep. Phalen

09:23:22 Vice Chair Kelker

09:23:28 Rep. Ler left the meeting.

09:26:52 Rep. Bishop

09:27:17 Chair Usher

09:27:33 Rep. Skees

09:29:25 Rep. Tenenbaum

09:31:43 Rep. Stafman

09:33:16 Rep. Skees

09:33:38 **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. Berglee, Rep. Carlson, Rep. J. Hinkle, Rep. Lenz, Rep. Ler and Rep. Stromswold voted by proxy. Rep. Phalen will carry the bill.

ADJOURNMENT

Adjournment: 09:35:31

Lydia Balian, Secretary

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Additional Documents:

EXHIBIT([juh75aad.pdf](#))