

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Keith Regier, on February 9, 2021 at 9:00 AM, in Room 303 Capitol

#### ROLL CALL

**Members Present in the Committee Room:**

Sen. Keith Regier, Chair (R)  
Sen. Tom McGillvray, Vice Chair (R)  
Sen. Bob Brown (R)  
Sen. John Esp (R)  
Sen. Chris Friedel (R)  
Sen. Jen Gross (D)  
Sen. Steve Hinebauch (R)  
Sen. Theresa Manzella (R)

**Members Present via Zoom Video Conference:**

Sen. Diane Sands, Vice Chair (D)  
Sen. Bryce Bennett (D)  
Sen. Susan Webber (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julianne Burkhardt, Legislative Branch  
Taylor Tyson, Remote Meeting Coordinator  
Jacelyn Sterling, Committee Secretary

**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 140, 2/4/2021; SR 12, 2/4/2021

Executive Action: HB 140 Be Concurred In; HB167 Be Concurred In as Amended; HB 171 Be Concurred In; HB 136 Be Concurred In

09:01:51 Chair Regier gave the duties of the Chair over to Vice Chair McGillvray.  
09:01:57 Sen. Esp entered the meeting.

### **HEARING ON SR 12**

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

09:02:04 Sen. Keith Regier (R), SD 3, opened the hearing on SR12, Confirm appointment of Associate Judge of the Montana Water Court.

**EXHIBIT(jus27a01)**

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

09:02:50 Stephen Brown, appointee  
09:06:48 Russ McElyea, chief water judge, Montana Water Court  
09:09:20 Krista Lee Evans, Senior Water Rights Coalition; Association Gallatin Agriculture Irrigators  
09:10:41 Lieutenant Governor Kristen Juras  
09:11:37 Ed Bartlett, Montana State Bar; Montana Judges Association  
09:12:51 Jon Metropoulos, Argos International Metropoulos Law Firm  
09:14:43 Mike Murphy, Montana Water Resources Association  
09:15:20 Jay Bodner, Montana Stockgrowers Association  
09:16:12 Rachel Cone, Montana Farm Bureau Federation

**Opponents' Testimony:** None

**Informational Testimony:** None

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

09:17:13 Sen. Sands  
09:17:52 Mr. Bartlett  
09:18:22 Sen. Sands  
09:25:15 Mr. Brown, appointee  
09:26:37 Sen. Sands  
09:26:52 Sen. Webber  
09:29:09 Mr. Brown  
09:30:20 Sen. Webber  
09:30:26 Sen. Bennett  
09:30:48 Mr. Brown  
09:33:59 Sen. Bennett  
  
09:34:09 Sen. Manzella left the meeting.  
  
09:34:43 Mr. Brown  
09:35:57 Chair McGillvray  
09:36:27 Mr. Brown

#### **Closing by Sponsor:**

09:37:37 Sen. Regier

**HEARING ON SB 140****Opening Statement by Sponsor:**

09:38:17 Sen. Keith Regier (R), SD 3, opened the hearing on SB140, Revise laws relating to the judiciary.

**Proponents' Testimony:**

09:41:43 Lieutenant Governor Kristen Juras  
[EXHIBIT\(jus27a02\)](#)

09:50:29 Mark Parker, citizen  
09:53:35 Henry Kriegel, Americans for Prosperity Montana  
09:54:36 Jay Bodner, Montana Stockgrowers Association  
09:55:39 Richard Cebull, Billings  
10:00:22 John Brenden, Scobey

**Additional Testimony Received:**

[EXHIBIT\(jus27a03\)](#)

**Opponents' Testimony:**

10:01:53 Bruce Spencer, Montana State Bar (MSB)  
[EXHIBIT\(jus27a04\)](#)  
[EXHIBIT\(jus27a05\)](#)

10:14:33 John Brown, district court judge, Gallatin County; chairman, Judicial Nominating Commission  
10:25:22 Ed Bartlett, Montana Judges Association, State Bar of Montana  
[EXHIBIT\(jus27a06\)](#)

10:31:49 Greg Dorrington, Montana Defense Lawyers Association  
10:33:23 Sam Forstag, American Civil Liberties Union (ACLU)  
10:34:46 Greg Todd, president, Montana Judges Association  
[EXHIBIT\(jus27a07\)](#)

10:38:27 John Warner, Missoula  
10:50:49 Al Smith, Montana Trial Lawyers Association

**Additional Testimony Received:**

[EXHIBIT\(jus27a08\)](#)

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

10:51:54 Sen. Sands  
10:54:32 Mr. Brown, district court judge  
10:55:38 Sen. Sands  
10:57:59 Mr. Spencer, MSB  
11:01:21 Sen. Hinebauch  
11:02:24 Mr. Spencer  
11:03:38 Sen. Webber

11:05:54 Mr. Spencer  
11:06:09 Sen Esp.  
11:07:26 Ms. Juras, lieutenant governor  
11:11:47 Sen. Brown  
11:12:30 Ms. Juras  
11:14:39 Sen. Bennett  
11:15:20 Mr. Brown  
11:17:07 Sen. Bennett  
11:18:19 Mr. Spencer  
11:19:20 Sen. Bennett  
11:24:30 Ms. Juras  
11:25:55 Sen. Sands  
11:27:56 Sen. Regier  
11:28:16 Sen. Gross  
11:28:51 Ms. Juras  
11:28:58 Sen. Gross  
11:30:22 Sen. Friedel  
11:32:58 Mr. Spencer  
11:34:44 Sen. Esp  
11:37:25 Mr. Brown  
11:37:36 Sen. Esp  
11:37:59 Ms. Juras  
11:38:23 Sen. Esp  
11:38:59 Sen. Webber  
  
11:39:10 Sen. Friedel left the meeting.  
  
11:40:43 Mr. Brown  
11:41:32 Chair McGillvray  
11:41:42 Sen. Regier

**Closing by Sponsor:**

11:41:51 Sen. Regier  
  
11:42:25 Sen. Regier resumed the duties of the Chair.

**Committee Business:**

11:42:38 Sen. Sands  
11:42:52 Chair Regier  
11:43:01 Sen. Sands  
11:43:18 Chair Regier  
11:43:28 Sen. Sands  
11:43:42 Sen. Gross

**EXECUTIVE ACTION ON HB 136**

11:43:57 **Motion:** Sen. McGillvray moved that **HB 136 BE CONCURRED IN.**

**Discussion:**

11:44:29 Sen. Sands

11:45:59 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel and Sen. Manzella voted by proxy. Sen. Regier will carry the bill.

**EXECUTIVE ACTION ON HB 171**

11:46:59 **Motion:** Sen. McGillvray moved that **HB 171 BE CONCURRED IN.**

**Discussion:**

11:47:24 Sen. Sands

11:48:22 Sen. Bennett

11:49:46 Chair Regier

11:50:02 Sen. Esp

11:50:33 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel and Sen. Manzella voted by proxy. Sen. Manzella will carry the bill.

**EXECUTIVE ACTION ON HB 167**

11:51:25 Chair Regier

11:51:38 Julianne Burkhardt, Legislative Services Division (LSD)

11:51:48 Chair Regier

11:51:51 **Motion:** Sen. McGillvray moved that **HB 167 BE CONCURRED IN.**

11:52:00 **Motion:** Sen. McGillvray moved that **HB 167 BE AMENDED.**

[EXHIBIT\(jus27a09\)](#)

**Discussion:**

11:52:14 Ms. Burkhardt, LSD

11:53:19 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Friedel and Sen. Manzella voted by proxy.

11:53:57 **Motion:** Sen. McGillvray moved that **HB 167 BE CONCURRED IN AS AMENDED.**

**Discussion:**

11:54:17 Sen. Sands

11:54:58 Sen. Friedel returned to the meeting.

11:55:42 Sen. Brown

11:57:37 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella voted by proxy. Sen. McGillvray will carry the bill.

**EXECUTIVE ACTION ON HB 140**

11:58:28 **Motion:** Sen. McGillvray moved that **HB 140 BE CONCURRED IN.**

**Discussion:**

11:58:56 Sen. Sands

12:00:27 Sen. Webber

12:01:21 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. Manzella voted by proxy. Sen. Regier will carry the bill.

**ADJOURNMENT**

Adjournment: 12:02 PM

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Jacelyn Sterling, Secretary

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Additional Documents:

**EXHIBIT**([jus27aad.pdf](#))