

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on March 24, 2021 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Diane Sands, Vice Chair (D)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Theresa Manzella (R)
Sen. Susan Webber (D)

Members Present by Zoom Video Conference:

Sen. Tom McGillvray, Vice Chair (R)
Sen. Bryce Bennett (D)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)

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: HJ 4, 3/18/2021; SR 46, 3/18/2021; SR 50, 3/18/2021; HB 439, 3/18/2021

HEARING ON SR 50

Opening Statement by Sponsor:

08:01:56 Sen. Diane Sands (D), SD 49, opened the hearing on SR50, Confirm Governor's appointee to the 8th Judicial District.

[EXHIBIT\(jus58a01\)](#)

Proponents' Testimony:

08:05:13 Michele Levine, appointee

[EXHIBIT\(jus58a02\)](#)

08:09:32 Sen. Brown entered the meeting.

08:15:03 Josh Racki, Cascade County attorney

08:16:11 Matt Meade, attorney, Great Falls

[EXHIBIT\(jus58a03\)](#)

08:18:00 Ed Bartlett, Montana Judges Association; State Bar of Montana

08:21:30 Kendra Wilde, Helena

[EXHIBIT\(jus58a04\)](#)

08:23:06 Amber Henning, Great Falls

[EXHIBIT\(jus58a05\)](#)

08:25:58 William Brooks, police officer, Great Falls

[EXHIBIT\(jus58a06\)](#)

08:27:34 Charles Kuether, Great Falls

[EXHIBIT\(jus58a07\)](#)

08:30:13 Claire Lettow, Great Falls

[EXHIBIT\(jus58a08\)](#)

08:32:31 Mercedes Oxford Kemp, Great Falls

[EXHIBIT\(jus58a09\)](#)

08:35:18 John Parker, district court judge, Great Falls

08:39:44 Kaylin Cunningham, detective, Great Falls

08:41:36 Nathan Prohaska, attorney, Great Falls

[EXHIBIT\(jus58a10\)](#)

08:44:39 Lucas Wallace, attorney, Helena

08:46:18 Al Smith, Montana Trial Lawyers Association

Additional Testimony Received:

[EXHIBIT\(jus58a11\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:47:15 Chair Regier
08:47:31 Mr. Meade, Great Falls
08:47:54 Chair Regier
08:51:40 Ms. Levine, appointee
08:52:10 Sen. Manzella
08:56:25 Ms. Levine
08:56:42 Sen. Bennett
08:57:00 Ms. Levine
08:58:21 Sen. McGillvray
09:05:24 Ms. Levine
09:05:44 Sen. McGillvray
09:06:21 Ms. Levine
09:07:16 Sen. Webber
09:07:37 Ms. Levine
09:09:01 Sen. Webber
09:09:16 Ms. Levine
09:10:06 Sen. Friedel
09:10:27 Ms. Levine
09:11:34 Sen. Friedel
09:11:47 Ms. Levine
09:12:12 Sen. Friedel
09:13:26 Ms. Levine
09:14:50 Sen. McGillvray
09:15:43 Ms. Levine
09:16:32 Sen. McGillvray
09:17:14 Ms. Levine
09:17:52 Sen. Manzella
09:20:08 Ms. Levine
09:21:01 Sen. Manzella
09:21:13 Ms. Levine
09:21:44 Sen. Esp

Closing by Sponsor:

09:22:23 Sen. Sands

09:23:50 Chair Regier gave the duties of the Chair to Vice Chair Esp.

HEARING ON SR 46

Opening Statement by Sponsor:

09:24:16 Sen. Keith Regier (R), SD 3, opened the hearing on SR46, Confirm Governor's appointment to the 1st Judicial District.

[EXHIBIT\(jus58a12\)](#)

Proponents' Testimony:

09:24:57 Judge Christopher Abbott, appointee
09:45:22 Matt Kuntz, executive director, NAMI Montana

09:47:13 Eric Gilmore, licensed clinical social worker; licensed addiction counselor; clinical director, substance abuse treatment program
 09:51:24 Mike Swingley, justice court of record, Lewis and Clark County
 09:55:40 Leo Dutton, sheriff, Lewis and Clark County
 09:57:30 James Reavis, Helena
 09:59:50 Sara Clerget, citizen
 10:04:21 Michael Kauffman, Lewis and Clark County; attorney, Drake Law Firm
 10:06:41 Leo Gallagher, attorney, Lewis and Clark County
 10:09:12 Mark Murphy, citizen
 10:11:53 Jenny Kaleczyc, attorney, Helena
 10:13:39 Ed Bartlett, Montana State Bar

EXHIBIT(jus58a13)

10:18:36 Jeff Hindoien, attorney, Helena
 10:22:37 Tara Harris, attorney, Helena
 10:27:28 Shawn Slanger, Jackson Murdo Grant Law Firm
 10:29:04 Michael McMahon, district judge, First Judicial District

EXHIBIT(jus58a14)

10:32:27 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
 10:36:07 Al Smith, Montana Trial Lawyers Association
 10:37:52 Gerald Hill, executive director, Court Appointed Special Advocates

EXHIBIT(jus58a15)**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

10:40:24 Sen. Sands
 10:41:15 Mr. Bartlett
 10:42:41 Sen. Sands
 10:43:04 Mr. Abbott, appointee
 10:43:44 Sen. Sands
 10:44:28 Mr. Abbott
 10:45:19 Sen. Manzella
 10:46:58 Mr. Abbott
 10:48:16 Sen. Manzella
 10:48:37 Mr. Abbott
 10:49:21 Sen. Manzella
 10:49:37 Sen. Webber
 10:50:07 Mr. Abbott
 10:50:51 Sen. Webber
 10:51:08 Mr. Abbott
 10:52:03 Sen. Webber
 10:52:30 Mr. Abbott
 10:53:10 Sen. McGillvray
 10:56:44 Mr. Abbott

Closing by Sponsor:

10:57:58 Sen. Regier

10:58:16 Sen. Regier resumed the duties of the Chair.

HEARING ON HB 439**Opening Statement by Sponsor:**

10:59:20 Rep. Steven Galloway (R), opened the hearing on HB439, Revise landlord tenant laws.

Proponents' Testimony:

11:01:58 John Sinrud, president, Montana Landlords Association (MLA)

11:03:30 Bill Brainard, citizen

[EXHIBIT\(jus58a16\)](#)

Opponents' Testimony:

11:07:29 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

11:12:12 Sergeant Clint Pullman, Lewis and Clark County Sheriffs Office

11:15:47 Sheriff Wynn Meehan, MSPOA

11:18:52 Amy Hall, Montana Legal Services Association

11:29:08 Rachel Schmidt, Associated Students of Montana State University

11:30:44 Katjana Stutzer, Montana Public Interest Research Group

11:32:42 Jack Rinck, Associated Students of the University of Montana

11:33:20 Allison Reinhardt, Montana Associated Students

11:33:57 Sam Forstag, American Civil Liberties Union

11:34:42 Alex Beal, justice of the peace, Missoula County

[EXHIBIT\(jus58a17\)](#)

11:40:20 Nicholas Eisele, MSPOA

11:42:05 David Carter, justice of the peace, Yellowstone County

[EXHIBIT\(jus58a18\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

11:43:47 Chair Regier

11:45:23 Mr. Sinrud, MLA

11:46:02 Chair Regier

11:46:14 Sen. Webber

11:46:36 Rep. Galloway

11:46:52 Mr. Sinrud

11:47:27 Sen. Friedel

11:47:59 Mr. Carter, Yellowstone County

11:49:50 Sen. Bennett

11:50:06 Mr. Beal, Missoula County

11:50:44 Sen. Bennett

11:51:23 Rep. Galloway

11:54:11 Sen. Esp

11:55:54 Mr. Beal

11:56:29 Sen. Esp
11:56:56 Mr. Sinrud

Closing by Sponsor:

11:57:18 Rep. Galloway

HEARING ON HJ 4

Opening Statement by Sponsor:

11:59:28 Rep. Mary Caferro (D), HD 81, opened the hearing on HJ4, Study criminal proceedings and commitment of people with mental illness.

Proponents' Testimony:

12:01:28 Matt Kuntz, executive director, NAMI Montana
12:04:51 Kiely Keane, Montana Medical Association
12:05:39 Sam Forstag, American Civil Liberties Union
12:06:16 Brian Gootkin, director, Department of Corrections
12:06:41 Nanette Gilbertson, Montana County Attorneys' Association
12:07:30 Laurie Little Dog, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

12:08:49 Chair Regier
12:09:44 Rep. Caferro
12:09:53 Sen. Gross
12:10:16 Rep. Caferro

Closing by Sponsor:

12:10:41 Rep. Caferro

ADJOURNMENT

Adjournment: 12:11 PM

Jacelyn Sterling, Secretary

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Additional Documents:

EXHIBIT([jus58aad.pdf](#))