

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) JUDICIARY

Call to Order: Chair Rep. Amy Regier-R, on January 31, 2023 at 8:02 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Brandon Ler, Vice Chair (R)
Rep. Kim Abbott (D)
Rep. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Jedediah Hinkle (R)
Rep. SJ Howell (D)
Rep. Greg Kmetz (R)
Rep. Casey Knudsen (R)
Rep. Braxton Mitchell (R)
Rep. Wayne Rusk (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Zoey Zephyr (D)

Members Excused: Rep. Jennifer Carlson (R)
Rep. Jodee Etchart (R)
Rep. Caleb Hinkle (R)
Rep. Laura Smith (D)

Staff Present: Jamie Van Valkenburg, Secretary
Rachel Weiss, Research Analyst

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:

HB 326 01/27/2023

Executive Action:

HB 315 DO PASS

HB 234 DO PASS AS AMENDED
HB 301 DO PASS
SB 7
SB 91

HEARING ON HB 326 - Revise laws relating to the appointment of the judicial standards commission

Opening Statement:

08:02:50 Rep. Kerri Seekins-Crowe (R), HD 43, opened the hearing on HB 326, Revise laws relating to the appointment of the judicial standards commission.

Discussion:

[EXHIBIT\(230131JUH1\)](#)

Proponent Testimony:

None

Opponent Testimony:

08:07:07 Bruce Spencer, Montana Judges Association (MJA)

08:10:24 Sean Slanger, State Bar of Montana (SBMT)

Informational Witness Testimony:

08:12:50 Brent Mead, Department of Justice, (DOJ)

Questions from Committee:

08:13:16 Rep. Jedediah Hinkle

08:14:37 Sean Slanger (SBMT)

08:14:55 Rep. Casey Knudsen

08:15:10 Rep. Hinkle has arrived

08:15:20 Sean Slanger (SBMT)

08:15:29 Rep. Casey Knudsen

08:16:06 Rep. Kerri Seekins-Crowe-R

08:16:33 Rep. Zooey Zephyr

08:17:28 Sean Slanger (SBMT)

08:18:00 Rep. Neil Duram

08:21:06 Bruce Spencer (MJA)
08:21:38 Rep. Neil Duram
08:22:44 Sean Slanger (SBMT)
08:23:31 Rep. Laurie Bishop
08:24:15 Rep. Kerri Seekins-Crowe-R
08:24:39 Rep. Laura Smith
08:25:18 Bruce Spencer (MJA)
08:26:35 Rep. Jedediah Hinkle
08:28:24 Bruce Spencer (MJA)
08:29:35 Rep. Jedediah Hinkle
08:29:39 Rep. Kerri Seekins-Crowe-R
08:31:33 Rep. Tom France
08:32:22 Rep. Kerri Seekins-Crowe-R
08:32:24 Rep. Tom France
08:32:26 Bruce Spencer (MJA)

Closing Statement:

08:32:48 Rep. Kerri Seekins-Crowe (R), HD 43, closed the hearing on HB 326.
08:34:55 **Recessed**
08:59:06 **Reconvened**

EXECUTIVE ACTION ON HB 234 - Revise dissemination of obscene material to minors laws

09:00:55 **Motion:** Rep. Brandon Ler moved that **HB 234 DO PASS.**
09:01:07 **Motion:** Rep. Brandon Ler moved that **HB 234 BE AMENDED.**

Discussion:

09:01:16 Rachel Weiss

09:01:57 Rep. Jedediah Hinkle

09:02:37 Rep. Laurie Bishop

Vote: Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

Motion: Rep. Brandon Ler moved that **HB 234 DO PASS AS AMENDED.**

Vote: Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting no. Rep. Knudsen, By Proxy

EXECUTIVE ACTION ON HB 301 - Revise laws relating to dangerous drugs

09:21:11 **Motion:** Rep. Brandon Ler moved that **HB 301 DO PASS.**

Discussion:

09:21:26 Rachel Weiss

09:22:17 **Motion:** Rep. Brandon Ler moved that **HB 301 BE AMENDED.**

Discussion:

09:22:33 Rachel Weiss

09:22:48 Rep. Jedediah Hinkle

09:24:11 Rep. Brandon Ler

09:24:50 Rep. Laura Smith

09:25:00 Rep. Laurie Bishop

Vote: Motion failed 11 - 8 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Etchart, Rep. Hinkle, Rep. Hinkle, Rep. Knudsen, Rep. Sheldon-Galloway, Rep. Zephyr, voting yes. Rep. Knudsen, By Proxy

09:27:02 **Motion:** Rep. Jedediah Hinkle moved that **HB 301 BE AMENDED.**

Discussion:

09:27:18 Rep. Jedediah Hinkle

09:28:54 Rep. Lola Sheldon-Galloway

09:29:15 Rachel Weiss

09:29:37 Rep. Lola Sheldon-Galloway

09:29:44 Rachel Weiss

09:29:54 Rep. Jennifer Carlson
09:30:23 Rachel Weiss
09:33:17 Rep. Donavon Hawk
09:33:19 Rep. Laurie Bishop
09:33:59 Rep. Jennifer Carlson
09:35:49 Rep. Jedediah Hinkle
09:37:27 Rep. Lola Sheldon-Galloway
09:37:36 Rep. Laurie Bishop

Vote: Motion failed 10 - 9 by voice vote with Rep. Carlson, Rep. Deming, Rep. Etchart, Rep. Hinkle, Rep. Hinkle, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Sheldon-Galloway, voting yes.
Rep. Mitchell, By Proxy

Discussion:

09:40:21 Rep. Neil Duram
09:40:56 Rep. Jedediah Hinkle
09:41:25 **Motion:** Rep. Brandon Ler moved that **HB 301 DO PASS.**

Vote: Motion carried 10 - 9 by roll call vote with Rep. Bishop, Rep. France, Rep. Hinkle, Rep. Hinkle, Rep. Howell, Rep. Knudsen, Rep. Sheldon-Galloway, Rep. Smith, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 315 - Remove minimum penalty for suspended license

09:43:14 **Motion:** Rep. Brandon Ler moved that **HB 315 DO PASS.**

Discussion:

09:43:21 Rachel Weiss
09:43:28 Rep. Zooey Zephyr
09:44:21 Rep. Casey Knudsen

09:43:14 **Vote:** Motion failed 10 - 9 by roll call vote with Rep. Deming, Rep. Hinkle, Rep. Hinkle, Rep. Howell, Rep. Knudsen, Rep. Mitchell, Rep. Rusk, Rep. Smith, Rep. Zephyr, voting yes.
Rep. Mitchell, By Proxy

09:45:34 **Motion:** Rep. Brandon Ler moved that **HB 315 BE TABLED.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 7 - Revising laws related state prisons and county detention center telecommunications

09:46:34 **Motion:** Rep. Brandon Ler moved that **SB 7 BE CONCURRED IN.**

Discussion:

09:46:46 Rachel Weiss

09:46:47 Rep. Neil Duram

09:47:18 Rep. Donavon Hawk

09:47:35 Rep. Lee Deming

Vote: Motion carried unanimously by voice vote.

Carrier Assigned: Rep. Wayne Rusk

EXECUTIVE ACTION ON SB 91 - Eliminate jail penalties for littering

09:48:13 **Motion:** Rep. Brandon Ler moved that **SB 91 BE CONCURRED IN.**

Discussion:

09:48:23 Rachel Weiss

09:48:51 **Motion:** Rep. Brandon Ler moved that **SB 91 BE AMENDED.**

Discussion:

09:48:57 Rachel Weiss

09:49:19 Rep. Jennifer Carlson

09:50:16 Rep. Zoey Zephyr

09:50:38 Rep. Lola Sheldon-Galloway

Vote: Motion carried 14 - 5 by roll call vote with Rep. Bishop, Rep. Hinkle, Rep. Hinkle, Rep. Howell, Rep. Zephyr, voting no.

09:53:04 **Motion:** Rep. Brandon Ler moved that **SB 91 BE CONCURRED IN AS AMENDED.**

Discussion:

09:53:20 Rep. Neil Duram

Vote: Motion carried 14 - 5 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Duram, Rep. Kmetz, Rep. Ler, voting no.

09:53:04 **Carrier Assigned:** Rep. Lola Sheldon-Galloway

ADJOURNMENT

Adjournment: 09:57:01

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230131JUHaad\)](#)