

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

Call to Order: Chair Brandon Ler-R, on February 15, 2023 at 8:01 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Jennifer Carlson (R)
Rep. Lee Deming (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. Laura Smith (D)
Rep. Zoey Zephyr (D)

Members Excused: Rep. Neil Duram (R)
Rep. Jodee Etchart (R)
Rep. Caleb Hinkle (R)
Rep. Brandon Ler (R)

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 385 02/08/2023
HB 397 02/08/2023
HB 425 02/08/2023
HB 436 02/08/2023

HB 437 02/10/2023

Executive Action:

HB 359 DO PASS AS AMENDED
HB 373 PASS CONSIDERATION
HB 398 DO PASS
HB 410 DO PASS
HB 414 TO TABLE
HB 415 TO TABLE
HB 428 TO TABLE
HB 429 TO TABLE

HEARING ON HB 397 - Allow DOJ to share SSNs with DOR in certain situations

Opening Statement:

08:03:13 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 397, Allow DOJ to share SSNs with DOR in certain situations.

Proponent Testimony:

08:06:57 Derek Bell, Montana Department of Revenue (DOR)

Opponent Testimony:

None

Informational Witness Testimony:

08:13:22 Logan Nordahl, Department of Revenue (DOR)

08:13:33 Laurie Bakri, Montana Motor Vehicle Division (MVD)

Questions from Committee:

08:13:56 Rep. Laura Smith

08:13:58 Rep. Bill Mercer-R

08:15:43 Rep. SJ Howell

08:16:10 Derek Bell (DOR)

08:18:00 Rep. SJ Howell

08:18:23 Derek Bell (DOR)

08:21:39 Vice Chair Laurie Bishop

08:22:23 Derek Bell (DOR)

08:24:04 Vice Chair Laurie Bishop

08:24:31 Derek Bell (DOR)

08:24:41 Logan Nordahl (DOR)

08:26:08 Rep. Lola Sheldon-Galloway

08:26:54 Rep. Bill Mercer-R

08:28:37 Rep. Lola Sheldon-Galloway
08:29:00 Derek Bell (DOR)
08:30:34 Rep. Lola Sheldon-Galloway
08:30:43 Laurie Bakri (MVD)
08:31:02 Rep. Tom France
08:33:17 Derek Bell (DOR)
08:33:36 Rep. Jedediah Hinkle
08:34:38 Derek Bell (DOR)
08:36:27 Rep. Neil Duram
08:37:15 Derek Bell (DOR)

Closing Statement:

08:39:26 Rep. Bill Mercer (R), HD 46, closed the hearing on HB 397.

HEARING ON HB 425 - Generally revising laws rel. to restitution payments under the Youth Court Act

Opening Statement:

08:40:26 Rep. Emma Kerr-Carpenter (D), HD 49, opened the hearing on HB 425, Generally revising laws rel. to restitution payments under the Youth Court Act.

Proponent Testimony:

08:45:04 Maggie Bornstein, American Civil Liberties Union
[EXHIBIT\(230215JUH1\)](#)
08:48:33 Michelle Lyday, Avitium Partners
08:52:20 Shannon Sweeney, Avitium Partners
08:54:32 Nicole Gomez, Montana Women Vote

Opponent Testimony:

None

Informational Witness Testimony:

08:55:55 Tom Bilteen, Youth Court Services Division

Questions from Committee:

08:56:28 Rep. Neil Duram
08:57:01 Rep. Emma Kerr-Carpenter-D
08:57:06 Michelle Lyday
08:59:18 Vice Chair Laurie Bishop
08:59:43 Michelle Lyday
09:00:20 Vice Chair Laurie Bishop
09:00:47 Michelle Lyday
09:03:22 Rep. Zooney Zephyr
09:04:06 Michelle Lyday
09:06:52 Rep. Lola Sheldon-Galloway
09:10:50 Tom Bilteen, YCS
09:12:36 Rep. Donavon Hawk
09:12:50 Michelle Lyday

Closing Statement:

09:13:30 Rep. Emma Kerr-Carpenter (D), HD 49, closed the hearing on HB 425.

HEARING ON HB 385 - Require evidence discovery in CPS cases

Opening Statement:

09:14:14 Rep. Jennifer Carlson (R), HD 69, opened the hearing on HB 385,
Require evidence discovery in CPS cases.

Proponent Testimony:

09:16:20 Nikki Grossberg, Child and Family Services
09:17:13 Bob Leach, Self
09:17:52 Maggie Bornstein, American Civil Liberties Union of Montana
09:18:18 Beth Brenneman, Montana Coalition Against Domestic and Sexual
Violence
09:19:46 Kathy Eakin, Self
09:22:51 Denise Johnson, Montana Child Protective Alliance
09:24:51 Jacob Handy, Self
09:26:11 Zilah Handy, Self
09:27:31 Chelsey Heart, Self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:30:59 Vice Chair Laurie Bishop
09:31:50 Nikki Grossberg, CFS
09:32:11 Rep. SJ Howell
09:32:50 Rep. Jennifer Carlson-R
09:33:36 Nikki Grossberg, CFS
09:34:03 Rep. SJ Howell
09:34:13 Rep. Laura Smith
09:34:59 Beth Brenneman, MCADSV
09:35:57 Rep. Laura Smith

09:36:14 Beth Brenneman, MCADSV

Closing Statement:

09:36:31 Rep. Jennifer Carlson (R), HD 69, closed the hearing on HB 385.

HEARING ON HB 436 - Revise laws regarding the substitution of judges

Opening Statement:

09:37:46 Rep. Lola Sheldon-Galloway (R), HD 22, opened the hearing on HB 436, Revise laws regarding the substitution of judges.

Proponent Testimony:

09:39:21 Bart Crabtree, Montana State Counsel

09:39:55 Bob Leach, Self

09:40:29 Denise Johnson, Montana Child Protection Alliance

09:42:33 Jacob Handy, Self

Opponent Testimony:

09:43:39 Bruce Spencer, Montana Judges Association (MJA)

Informational Witness Testimony:

09:46:08 Nikki Grossberg, Child and Family Services (CFS)

Questions from Committee:

09:46:35 Rep. Neil Duram

09:48:35 Bruce Spencer, MJA

09:49:03 Rep. Zooney Zephyr

09:49:54 Bruce Spencer, MJA

09:50:45 Rep. Jennifer Carlson

09:54:01 Nikki Grossberg, CFS

09:54:33 Rep. SJ Howell

09:55:43 Nikki Grossberg, CFS
09:56:06 Rep. Tom France
09:56:40 Rep. Lola Sheldon-Galloway-R

Closing Statement:

09:57:58 Rep. Lola Sheldon-Galloway (R), HD 22, closed the hearing on HB 436.

HEARING ON HB 437 - Revise drug laws

Opening Statement:

09:59:17 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 437, Revise drug laws.

Proponent Testimony:

10:01:47 Alan Doane, Montana Department of Justice (DOJ)
10:02:44 Rebecca Decamera, Department of Public Health and Human Services
10:04:46 Court Jensen, Department of Agriculture (MDA)
10:05:52 Elizabeth Smalley, Department of Justice (DOJ)

Opponent Testimony:

None

Informational Witness Testimony:

10:08:27 Ed Hirsch, Montana Attorney General's office

Questions from Committee:

10:09:04 Rep. Zooey Zephyr
10:09:27 Rebecca Decamera
10:09:49 Alan Doane, DOJ
10:10:46 Elizabeth Smalley
10:11:16 Rep. Zooey Zephyr

10:11:45	Elizabeth Smalley
10:12:04	Rep. Zooey Zephyr
10:12:37	Rep. Katie Zolnikov-R
10:13:15	Rep. Neil Duram
10:13:58	Elizabeth Smalley
10:14:56	Rep. Neil Duram
10:15:09	Alan Doane DOJ
10:15:46	Rep. Neil Duram
10:16:03	Alan Doane DOJ
10:16:48	Rep. Neil Duram
10:17:01	Court Jensen
10:17:51	Rep. SJ Howell
10:20:35	Court Jensen
10:21:10	Rep. SJ Howell
10:21:18	Rep. Katie Zolnikov-R
10:22:08	Rep. SJ Howell
10:22:47	Rep. Katie Zolnikov-R
10:23:22	Rep. Jennifer Carlson
10:24:10	Ed Hirsch
10:25:34	Rep. Jennifer Carlson
10:26:03	Ed Hirsch
10:26:51	Rep. Jennifer Carlson
10:27:11	Rebecca Decamera
10:27:47	Rep. Jennifer Carlson

10:28:16 Rebecca Decamera
10:28:56 Rep. Jedediah Hinkle

Closing Statement:

10:29:15 Rep. Katie Zolnikov (R), HD 45, closed the hearing on HB 437.
10:33:33 **Recessed**
11:06:23 **Reconvened**

EXECUTIVE ACTION ON HB 359 - Prohibit minors from attending drag shows

11:06:34 **Motion:** Rep. Brandon Ler moved that **HB 359 DO PASS.**

Discussion:

11:06:55 Rachel Weiss

11:07:36 **Motion:** Rep. Brandon Ler moved that **HB 359 BE AMENDED.**

Discussion:

11:07:47 Rachel Weiss

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

11:10:08 **Motion:** Rep. Brandon Ler moved that **HB 359 BE AMENDED.**

Discussion:

11:10:15 Rachel Weiss

11:11:49 Rep. Zoey Zephyr

11:12:07 Vice Chair Laurie Bishop

11:13:04 Rep. SJ Howell

11:15:18 Rep. Jedediah Hinkle

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

11:17:13 **Motion:** Rep. Brandon Ler moved that **HB 359 DO PASS AS AMENDED.**

Discussion:

11:17:23 Rep. Zoey Zephyr

11:20:55 Rep. Jennifer Carlson
11:22:22 Rep. Donavon Hawk
11:23:09 Rep. SJ Howell
11:26:01 Rep. Neil Duram
11:27:29 Rep. Jedediah Hinkle
11:28:58 Rep. Zooey Zephyr
11:30:39 Rep. Donavon Hawk
11:31:12 Rep. Jennifer Carlson

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

EXECUTIVE ACTION ON HB 373 - Revise laws relating to unlawful transactions with children

11:32:40 **Motion:** Rep. Brandon Ler moved that **HB 373 DO PASS.**

Discussion:

11:32:52 Rachel Weiss

11:33:28 **Motion:** Rep. Brandon Ler moved that **HB 373 BE AMENDED.**

Discussion:

11:33:46 Rachel Weiss

11:34:46 Rep. Jennifer Carlson

11:36:36 Rep. Zooey Zephyr

11:37:09 Rep. Jennifer Carlson

11:37:10 Rep. Zooey Zephyr

11:37:58 Rep. Jennifer Carlson

11:38:49 Rep. Laura Smith

11:39:36 Chair Amy Regier

11:39:40 Rep. Brandon Ler withdrew the motion.

11:39:40 **Motion:** Rep. Brandon Ler moved that **HB 373 PASS CONSIDERATION.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 398 - Define recidivism for executive branch and judicial branch reporting

11:40:23 **Motion:** Rep. Brandon Ler moved that **HB 398 DO PASS.**

Discussion:

11:40:30 Rachel Weiss

11:40:51 Vice Chair Laurie Bishop

11:41:47 Rep. Zooney Zephyr

Vote: Motion carried 15 - 4 by roll call vote with Rep. Bishop, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON HB 410 - Establish a time limit for service of process

11:43:55 **Motion:** Rep. Brandon Ler moved that **HB 410 DO PASS.**

Discussion:

11:44:04 Rachel Weiss

11:44:07 Rep. Laura Smith

11:44:33 Rep. Tom France

11:44:44 Vice Chair Brandon Ler

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

EXECUTIVE ACTION ON HB 414 - Allow local governments to use red light cameras

11:46:21 **Motion:** Rep. Brandon Ler moved that **HB 414 DO PASS.**

Discussion:

11:46:28 Rachel Weiss

11:47:24 **Motion:** Rep. Brandon Ler moved that **HB 414 BE AMENDED.**

Discussion:

11:47:30 Rachel Weiss

Vote: Motion failed 12 - 7 by roll call vote with Rep. Bishop, Rep. France, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Smith, voting yes.

11:50:49 **Motion:** Rep. Brandon Ler moved that **HB 414 DO PASS.**

Discussion:

- 11:50:57 Rep. Tom France
Vote: Motion failed 18 - 1 by roll call vote with Rep. France, voting yes.
- 11:53:11 **Motion:** Rep. Brandon Ler moved that **HB 414 BE TABLED.**
Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 415 - Require septic system disclosure

- 11:53:24 **Motion:** Rep. Brandon Ler moved that **HB 415 DO PASS.**
Vote: Motion failed 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting yes.
- 11:55:47 **Motion:** Rep. Brandon Ler moved that **HB 415 BE TABLED.**
Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 428 - Generally revise mobile home park laws

- 11:56:05 **Motion:** Rep. Brandon Ler moved that **HB 428 DO PASS.**
- Discussion:**
- 11:56:31 Rachel Weiss
- 11:56:35 **Motion:** Rep. Brandon Ler moved that **HB 428 BE AMENDED.**
- Discussion:**
- 11:56:48 Rachel Weiss
- 11:56:59 Rep. SJ Howell
Vote: Motion carried 10 - 9 by voice vote with Rep. Deming, Rep. Etchart, Rep. Hinkle, Rep. Hinkle, Rep. Knudsen, Rep. Mitchell, Rep. Regier, Rep. Rusk, Rep. Sheldon-Galloway, voting no.
Rep. Hinkle, By Proxy
- 12:01:32 **Motion:** Rep. Brandon Ler moved that **HB 428 DO PASS AS AMENDED.**
Vote: Motion failed 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting yes.
Rep. Hawk, By Proxy
- 12:02:51 **Motion:** Rep. Brandon Ler moved that **HB 428 BE TABLED.**
Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 429 - Require notification of mobile home park sale with a right to purchase

12:01:20 **Motion:** Rep. Brandon Ler moved that **HB 429 DO PASS.**

Discussion:

12:01:28 Rachel Weiss
Rep. Tom France

12:03:01 Vice Chair Laurie Bishop
Vote: Motion failed 10-9 by roll call vote with Rep. Bishop, Rep. Duram, Rep. Etchart, Rep. France, Rep. Hawk, Rep. Howell, Rep. Mitchell, Rep. Smith, Rep. Zephyr, voting yes.

12:05:34 **Motion:** Rep. Brandon Ler moved that **HB 429 BE TABLED.**
Vote: Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 12:06:53

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230215JUHaad\)](#)