

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

Call to Order: Chair Amy Regier-R, on February 17, 2023 at 8:04 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Kim Abbott (D)
Rep. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Jodee Etchart (R)
Rep. Donavon Hawk (D)
Rep. Caleb Hinkle (R)
Rep. Jedediah Hinkle (R)
Rep. SJ Howell (D)
Rep. Greg Kmetz (R)
Rep. Wayne Rusk (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Zooey Zephyr (D)

Members Excused: Rep. Jennifer Carlson (R)
Rep. Tom France (D)
Rep. Casey Knudsen (R)
Rep. Brandon Ler (R)
Rep. Braxton Mitchell (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 457 02/10/2023
HB 464 02/10/2023
HB 471 02/10/2023
HB 474 02/10/2023

Executive Action:

HB 322 DO PASS AS AMENDED
HB 404 TO TABLE
HB 419 DO PASS
HB 436 DO PASS AS AMENDED
HB 443 DO PASS
HB 491 DO PASS AS AMENDED

HEARING ON HB 464 - Establish Judicial Transparency Act

Opening Statement:

08:06:45 Rep. Paul Fielder (R), HD 13, opened the hearing on HB 464, Establish Judicial Transparency Act.

Proponent Testimony:

08:10:34 Donna Elford, Lewis and Clark Republican

08:11:38 Henry Kriegel, Americans for Transparency

08:12:15 Jeff Laszloffy, Montana Family Foundation

08:13:14 Karen O'Donnell, Self

08:14:11 Kathy Carlson, Self

08:15:02 Edwin Halland, Self

Opponent Testimony:

08:15:56 Bruce Spencer, Montana Judges Association

08:16:53 Rep. Tom France joined the meeting.

08:19:18 Shawn Slanger, State Bar

08:21:41 Al Smith, Montana Trial Lawyers Association

08:22:57 Rep. Caleb Hinkle left the meeting.

08:24:48 Lauren Caldwell, Montana Federation of Public Employees

08:26:50 Jocelyn Leroux, Montana Conservation Voters

08:28:08 Keegan Medrano, American Civil Liberties Union Montana, ACLUM

08:28:39 Shawn Reagor, Montana Human Rights Network

08:29:08 Courtney Smith, Forward Montana, (FM)

08:29:39 Ta'jin Perez, Western Native Voice, (WNV)
08:31:23 Robyn Morrison, League of Women Voters
08:32:44 Danielle Vazquez, Montana Women Vote, (MWV)
08:33:37 Deborah Hanson, Self

Questions from Committee:

08:21:25 Rep. Neil Duram
08:21:27 Sean Slanger
08:35:11 Rep. Greg Kmetz
08:35:12 Rep. Caleb Hinkle joined the meeting.
08:37:10 Bruce Spencer MJA
08:37:50 Rep. Donavon Hawk
08:38:45 Rep. Paul Fielder-R
08:38:55 Rep. Neil Duram
08:41:21 Bruce Spencer MJA
08:41:46 Rep. Neil Duram
08:42:19 Bruce Spencer MJA
08:43:18 Rep. Lola Sheldon-Galloway
08:46:33 Bruce Spencer MJA
08:47:24 Rep. Lola Sheldon-Galloway
08:47:47 Jeff Laszloffy MFF
08:49:53 Rep. SJ Howell
08:50:47 Donna Elford
08:51:13 Rep. SJ Howell
08:51:38 Donna Elford

08:52:23 Chair Amy Regier
08:52:32 Bruce Spencer MJA
08:53:00 Rep. Tom France
08:53:21 Jeff Laszloffy MFF
08:53:43 Rep. Jedediah Hinkle
08:55:30 Rep. Kim Abbott left the meeting.
08:56:09 Rep. Jedediah Hinkle
08:58:22 Bruce Spencer MJA
08:59:11 Rep. Lola Sheldon-Galloway
09:01:34 Bruce Spencer MJA
09:02:45 Rep. Lee Deming
09:04:59 Bruce Spencer MJA
09:05:04 Rep. Neil Duram
09:06:53 Karen O'Donnell

Closing Statement:

09:07:38 Rep. Paul Fielder (R), HD 13, closed the hearing on HB 464.

HEARING ON HB 457 - Criminalize use of date rape drugs

Opening Statement:

09:11:37 Rep. Alice Buckley (D), HD 63, opened the hearing on HB 457,
Criminalize use of date rape drugs.

Proponent Testimony:

09:14:46 Lorelai Michael-Owens, Associated Students at Montana State University
09:15:47 Katie Fire Thunder, Self
09:17:19 Rep. Caleb Hinkle left the meeting.

09:17:39 Bridget Koony, Self
09:20:04 Alan Doane, Montana Department Of Justice, (DOJ)
09:20:33 Brian Thompson, Montana County Attorney Association, (MCAA)
09:21:26 Dan Smith, Montana Police Protective Association
09:22:40 Robin Turner, Montana Coalition Against Domestic and Sexual Violence
09:24:57 Kaitlyn Ruch, Associated Students of Carroll College
09:25:42 Maggie Bell, Montana Associated Students
09:26:04 Ethan Hanley, Associated Students of the University of Montana
09:26:31 Travis Spinder, Department of Justice
09:26:43 Rep. Jedediah Hinkle left the meeting.
10:36:45 Committee Discussion
12:08:16 Committee Discussion

Opponent Testimony:

09:27:10 Jennifer Hensley, City of Missoula

Questions from Committee:

09:29:09 Rep. Donavon Hawk
09:29:31 Rep. Alice Buckley-D
09:30:14 Rep. Neil Duram
09:30:56 Rep. Braxton Mitchell joined the meeting.
09:31:07 Rep. Lola Sheldon-Galloway left the meeting.
09:31:40 Rep. Caleb Hinkle joined the meeting.
09:31:58 Rep. Jennifer Carlson joined the meeting.
09:32:15 Jennifer Hensley
09:32:51 Rep. Neil Duram
09:33:32 Rep. Alice Buckley-D

09:34:58 Rep. Tom France
09:36:55 Brian Thompson MPPA
09:37:37 Rep. Greg Kmetz
09:38:17 Dan Smith MPPA
09:39:23 Rep. Kim Abbott joined the meeting.
09:39:30 Rep. Greg Kmetz
09:40:12 Tavis Spinder

Closing Statement:

09:40:30 Rep. Alice Buckley (D), HD 63, closed the hearing on HB 457.

09:41:11 Rep. Hinkle has arrived
09:43:29 Rep. Abbott has left
09:43:35 Rep. Deming has left

HEARING ON HB 474 - Revise background checks for employees with federal tax information

Opening Statement:

09:42:48 Rep. Dave Fern (D), HD 5, opened the hearing on HB 474, Revise background checks for employees with federal tax information.

Proponent Testimony:

09:44:25 Tony Zimmit, Montana Department of Revenue, (DOR)
09:44:54 Rep. Tom France left the meeting.
09:44:59 Rep. Greg Kmetz left the meeting.

Opponent Testimony:

None

Questions from Committee:

09:46:04 Vice Chair Laurie Bishop

09:46:47 Tony Zammit
09:46:59 Rep. Jedediah Hinkle
09:47:06 Rep. Lee Deming joined the meeting.
09:47:45 Tony Zammit
09:48:26 Rep. Kim Abbott joined the meeting.
09:48:44 Rep. Jedediah Hinkle
09:49:11 Tony Zammit
09:49:28 Rep. Greg Kmetz joined the meeting.

Closing Statement:

09:49:52 Rep. Dave Fern (D), HD 5, closed the hearing on HB 474.

09:51:03 Rep. Carlson has left
09:52:44 Rep. France has arrived
09:54:59 Rep. Zephyr has left
09:55:06 Rep. Howell has left

HEARING ON HB 471 - Establish religious exemption to prohibitions on abortion

Opening Statement:

09:50:47 Rep. Ed Stafman (D), HD 62, opened the hearing on HB 471, Establish religious exemption to prohibitions on abortion.

Proponent Testimony:

09:57:23 Sue DeBree, Self
09:59:11 Sharon Patton-Griffin, Self
10:01:40 Keegan Medrano, American Civil Liberties Union of Montana, (ACLUM)
10:04:58 Patricia Hogan, Self
10:05:24 Rep. Donavon Hawk left the meeting.

10:05:45 Rep. SJ Howell joined the meeting.
10:05:55 John Lund, Evengelical Lutheran Church of America in Missoula
10:06:46 Rep. Jodee Etchart left the meeting.
10:08:14 Laurie Franklin, Montna Association of Rabbis, (MAOR)
10:09:40 Lecretia Humphrey, Self
10:11:24 Margo Rinehart, Self
10:13:35 Connie Campbell-Pearson, Self
10:14:35 Jessica Crist, Self
10:14:59 Rep. Jodee Etchart joined the meeting.

Opponent Testimony:

10:16:44 Jeff Laszloffy, Montana Family Foundation
10:17:44 Rep. Caleb Hinkle left the meeting.
10:17:58 Rep. Donavon Hawk joined the meeting.
10:18:54 Gail Asbury, Self
10:21:10 Sharon Neson, Self
10:23:35 Robin Sertell, Self
10:24:53 Rep. Zooey Zephyr joined the meeting.
10:26:05 Russel Sias, Self
10:27:54 Donna Elford, Self
10:28:42 Kaitlyn Ruch, Students for Life Action
10:30:03 Rep. Caleb Hinkle joined the meeting.
10:30:09 Rep. Tom France left the meeting.
10:30:51 Jill Gutherie, Self
10:33:38 Kathy Carlson, Self

10:34:22 Charles Lorenzen, Self
10:37:13 Miichelle Whitesitt, Self
10:38:07 Paul McElory, Self
10:40:38 Elke West, Pro Life Bitterroot
10:43:42 Cindy Roscoe, Self
10:44:09 Rep. Tom France joined the meeting.
10:45:01 Edwin Halland, Self

Questions from Committee:

10:46:59 Rep. Greg Kmetz
10:47:17 Jeff Laszloffy MFF
10:50:06 Rep. Braxton Mitchell
10:50:28 Caitlin Ruch
10:50:54 Rep. Kim Abbott
10:53:06 Jeff Laszloffy MFF
10:53:31 Rep. Jedediah Hinkle
10:54:01 Rep. Kim Abbott left the meeting.
10:55:10 Rep. SJ Howell
10:55:29 Keegan Medrano ACLU
10:56:56 Rep. Jedediah Hinkle
10:56:59 Keegan Medrano ACLU
10:57:10 Vice Chair Laurie Bishop
10:57:58 Rep. Ed Stafman-D
10:59:50 Rep. Donavon Hawk left the meeting.
11:00:12 Rep. SJ Howell

11:01:23 Rep. Ed Stafman-D
11:02:16 Rep. Lee Deming
11:04:21 Rep. Lola Sheldon-Galloway joined the meeting.
11:04:39 Rep. Jedediah Hinkle left the meeting.
11:06:48 Rep. Ed Stafman-D

Closing Statement:

11:07:05 Rep. Ed Stafman (D), HD 62, closed the hearing on HB 471.

11:15:20 **Recessed**

EXECUTIVE ACTION ON HB 322 - Generally revise laws related to standing masters

11:36:23 **Motion:** Rep. Braxton Mitchell moved that **HB 322 DO PASS.**

Discussion:

11:36:33 Rachel Weiss

11:37:16 **Motion:** Rep. Caleb Hinkle moved that **HB 322 BE AMENDED.**

Discussion:

11:37:26 Rep. Jedediah Hinkle joined the meeting.

11:37:30 Rep. Donavon Hawk joined the meeting.

11:37:36 Rep. Jennifer Carlson joined the meeting.

11:37:59 Rep. Caleb Hinkle

11:38:38 Rep. Tom France

11:37:16 **Vote:** Motion carried unanimously by voice vote.

11:39:50 **Motion:** Rep. Braxton Mitchell moved that **HB 322 DO PASS AS AMENDED.**

11:39:50 **Vote:** Motion carried 18 - 1 by voice vote with Rep. Knudsen, voting no.
Rep. Knudsen, By Proxy

11:39:32 **Reconvened**

EXECUTIVE ACTION ON HB 404 - Revise DUI first time offense laws

11:40:06 **Motion:** Rep. Braxton Mitchell moved that **HB 404 DO PASS.**

Discussion:

11:40:12 Rachel Weiss

11:40:27 Rep. Neil Duram

11:41:01 **Motion:** Rep. Neil Duram moved that **HB 404 BE AMENDED.**

Discussion:

11:41:19 Rep. Neil Duram

11:41:01 **Vote:** Motion carried 18 - 2 by roll call vote with Rep. Bishop, Rep. Smith, voting no.
Rep. Smith, By Proxy

11:43:52 **Motion:** Rep. Braxton Mitchell moved that **HB 404 DO PASS AS AMENDED.**

Discussion:

11:43:59 Rep. Neil Duram

11:44:47 Rep. Donavon Hawk left the meeting.

11:45:57 Rep. SJ Howell

11:46:41 Rep. Greg Kmetz

11:43:52 **Vote:** Motion failed 11 - 8 by roll call vote with Rep. Deming, Rep. Duram, Rep. France, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Sheldon-Galloway, voting yes.
Rep. Ler, By Proxy

12:15:23 **Motion:** Rep. Amy Regier moved that **HB 404 TO TABLE.**

12:15:23 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 419 - Allow bonding for injunctions that prevent hunting or harvesting of game

11:49:17 **Motion:** Rep. Braxton Mitchell moved that **HB 419 DO PASS.**

Discussion:

11:49:23 Rep. Zooey Zephyr

11:50:58 Rep. Jedediah Hinkle

11:49:17 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
Rep. Hawk, Rep. Smith, By Proxy

EXECUTIVE ACTION ON HB 436 - Revise laws regarding the substitution of judges

11:52:41 **Motion:** Rep. Braxton Mitchell moved that **HB 436 DO PASS.**

11:52:49 **Motion:** Rep. Braxton Mitchell moved that **HB 436 BE AMENDED.**

Discussion:

11:52:55 Rachel Weiss

11:53:29 Rep. Lola Sheldon-Galloway

11:52:49 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
Rep. Hawk, Rep. Smith, By Proxy

11:55:09 **Motion:** Rep. Braxton Mitchell moved that **HB 436 DO PASS AS AMENDED.**

11:55:09 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting no.
Rep. Knudsen, Rep. Smith, By Proxy

EXECUTIVE ACTION ON HB 443 - Revise discrimination law regarding realtors and other professionals

11:57:44 **Motion:** Rep. Braxton Mitchell moved that **HB 443 DO PASS.**

Discussion:

11:57:51 Rep. SJ Howell

11:59:11 Rep. Jedediah Hinkle

12:00:36 Rep. Lola Sheldon-Galloway

12:01:32 Rep. Donavon Hawk joined the meeting.

12:01:34 Rep. Donavon Hawk left the meeting.

12:01:42 Vice Chair Laurie Bishop

11:57:44 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.
Rep. Hawk, Rep. Smith, By Proxy

EXECUTIVE ACTION ON HB 491 - Provide for Highway Patrol meritorious service recognition

12:03:54 **Motion:** Rep. Braxton Mitchell moved that **HB 491 DO PASS.**

Discussion:

12:04:01 Rachel Weiss

12:04:48 **Motion:** Rep. Braxton Mitchell moved that **HB 491 BE AMENDED.**

Discussion:

12:04:53 Rachel Weiss

12:05:06 Rep. Neil Duram

12:04:48 **Vote:** Motion carried unanimously by voice vote.

12:07:05 **Motion:** Rep. Braxton Mitchell moved that **HB 491 DO PASS AS AMENDED.**

12:07:05 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 12:09:32

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230217JUHaad\)](#)