

MINUTES

MONTANA HOUSE OF REPRESENTATIVES

68th LEGISLATURE - REGULAR SESSION

COMMITTEE ON (H) JOINT APPROPS SUBCOM ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

Call to Order: Chair Rep. Bill Mercer-R, on February 20, 2023 at 9:03 AM, in 317A

ROLL CALL

Members Present: Sen. Tom McGillvray, Vice Chair (R)
Rep. Michele Binkley (R)
Rep. Emma Kerr-Carpenter (D)
Sen. Ryan Lynch (D)
Rep. Fiona Nave (R)
Sen. Shelley Vance (R)

Members Excused: Rep. Bill Mercer (R)

Staff Present: Macy McCauley, 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:

Executive Action:

09:05:12

Committee Discussion:

09:05:16 Sen. Tom McGillvray

09:05:23 **Motion:** Sen. Lynch moves DP101 as DO PASS,

09:06:22 **Motion/Vote:** DP101 as DO PASS. Motion carried unanimously by voice vote.

09:07:04 **Motion:** Sen. Lynch moves DP 102 as DO Pass

09:07:38

Committee Discussion:

09:09:16 Rep. Emma Kerr-Carpenter

09:07:42 **Motion/Vote:** DP102 as DO PASS. Motion carried 5 - 2 by roll call vote with Rep. Kerr-Carpenter, Sen. Lynch, voting no.

09:08:34 **Motion:** Rep. Kerr-Carpenter moves DP198 as DO PASS.

09:08:46

Committee Discussion:

09:08:49 Rep. Emma Kerr-Carpenter

09:09:39 Sen. Tom McGillvray

09:09:40 Rep. Emma Kerr-Carpenter

09:10:03 Cathy Duncan, LFD

09:10:24 Sen. Tom McGillvray

09:10:31 Cathy Duncan, LFD

09:11:15 Rep. Emma Kerr-Carpenter

09:11:16 Sen. Tom McGillvray

09:11:23 Sen. Ryan Lynch

09:12:17 Rep. Emma Kerr-Carpenter

09:11:42 **Motion/Vote:** DP198 as DO PASS. Motion carried unanimously by voice vote.

09:12:26 **Motion:** Sen. Lynch moves DP 199 as DO PASS.

09:12:33

Committee Discussion:

09:12:39 Sen. Ryan Lynch

09:12:53 **Motion/Vote:** DP199 as DO PASS. Motion carried unanimously by voice vote.

09:13:21

Committee Discussion:

09:13:27 Cathy Duncan, LFD

09:13:48 Sen. Ryan Lynch

09:13:59 **Motion:** Sen. Lynch moves DP 301 as DO PASS.

09:14:08

Committee Discussion:

09:14:16 Sen. Ryan Lynch

09:14:35 **Motion/Vote:** DP301 as DO PASS. Motion carried unanimously by voice vote.

09:15:06 **Motion:** Sen. Lynch moves DP302 as DO PASS.

09:15:17

Committee Discussion:

09:15:25 Sen. Ryan Lynch

09:15:35 Sen. Tom McGillvray

09:15:41 Sen. Ryan Lynch

09:15:50 **Motion/Vote:** DP 302 as DO PASS. Motion carried unanimously by voice vote.

09:16:08 **Motion:** Sen. Lynch moves DP 303 as DO PASS.

09:16:15

Committee Discussion:

09:16:21 Sen. Ryan Lynch

09:16:24 **Motion/Vote:** DP 303 as DO PASS. Motion carried unanimously by voice vote.

09:16:36 **Motion:** Sen. Lynch moves DP 306 as DO PASS.

09:16:45

Committee Discussion:

09:16:48 Sen. Ryan Lynch

09:16:59 Cathy Duncan, LFD

09:17:11 Rep. Emma Kerr-Carpenter

09:17:38 Sen. Ryan Lynch

09:17:57 Brent Doig, OBPP

09:18:24 Sen. Ryan Lynch

09:17:39 **Motion:** Sen. Lynch WITHDRAWS MOTION for DP 306.

09:18:06 **Motion:** Sen. Lynch moves DP 306 as DO PASS.

09:18:37 **Motion/Vote:** DP 306 as DO PASS. Motion carried unanimously by voice vote.

09:19:15 **Motion:** Sen. Lynch moves DP 401 as DO PASS.

09:19:21

Committee Discussion:

09:19:27 Sen. Ryan Lynch

09:19:33 **Motion/Vote:** DP 401 as DO PASS. Motion carried unanimously by voice vote.

09:19:52 **Motion:** Sen. Lynch moves DP 402 as DO PASS.

09:19:59 **Motion/Vote:** DP 402 as DO PASS. Motion carried unanimously by voice vote.

09:20:26 **Motion:** Sen. Lynch moves DP 501 as DO PASS.

09:20:33

Committee Discussion:

09:20:37 Sen. Ryan Lynch

09:20:57 Rep. Emma Kerr-Carpenter

09:21:06 **Motion/Vote:** DP 501 as DO PASS. Motion carried unanimously by voice vote.

09:21:28 **Motion:** Sen. Lynch moves DP 503 as DO PASS.

09:21:36

Committee Discussion:

09:21:40 Sen. Ryan Lynch

09:21:51 **Motion/Vote:** DP 503 as DO PASS. Motion carried unanimously by voice vote.

09:22:07 **Motion:** Sen. Lynch moves DP 504 as DO PASS.

09:22:13 **Motion/Vote:** DP 504 as DO PASS. Motion carried unanimously by voice vote.

09:22:29 **Motion:** Sen. Lynch moves DP 505 as DO PASS.

09:22:37

Committee Discussion:

09:22:40 Sen. Ryan Lynch

09:22:56 Brent Doig, OBPP

09:22:58 Cathy Duncan, LFD

09:23:15 Sen. Ryan Lynch

09:23:19 Cathy Duncan, LFD

09:23:22 Brent Doig, OBPP

09:23:24 Sen. Ryan Lynch

09:23:47 **Motion/Vote:** DP 505 as DO PASS. Motion carried unanimously by voice vote.

09:24:04 **Motion:** Sen. Lynch moves DP 506 as DO PASS.

09:24:12

09:24:22 **Motion/Vote:** DP 506 as DO PASS. Motion carried unanimously by voice vote.

09:24:32 **Motion:** Sen. Lynch moves DP 599 as DO PASS.

09:24:54

Committee Discussion:

09:25:00 Rep. Emma Kerr-Carpenter

09:25:14 **Motion/Vote:** DP 599 as DO PASS. Motion carried unanimously by voice vote.

09:25:31 **Motion:** Sen. Lynch moves DP 802 as DO PASS.

09:25:42

Committee Discussion:

09:25:45 Sen. Ryan Lynch

09:25:53 **Motion/Vote:** DP 802 as DO PASS. Motion carried unanimously by voice vote.

09:26:06 **Motion:** Sen. Lynch moves DP 902 as DO PASS.

09:26:21

Committee Discussion:

09:26:25 Sen. Ryan Lynch

09:26:36 Sen. Tom McGillvray

09:27:05 Cathy Duncan, LFD

09:27:25 **Motion/Vote:** DP 902 as DO PASS. Motion carried unanimously by voice vote.

09:27:38 **Motion:** Sen. Lynch moves DP 99 as DO PASS.

09:27:57

Committee Discussion:

09:28:01 Sen. Ryan Lynch

09:28:03 **Motion/Vote:** DP 99 as DO PASS. Motion carried unanimously by voice vote.

09:28:20 **Motion:** Sen. Lynch moves DP 21002 as DO PASS.

09:28:35

Committee Discussion:

09:28:38 Sen. Ryan Lynch

09:29:09 **Motion/Vote:** DP 21002 as DO PASS. Motion carried unanimously by voice vote.

09:29:23 **Motion:** Sen. Lynch moves DP 21004 as DO PASS.

09:29:39 **Motion/Vote:** DP 21004 as DO PASS. Motion carried unanimously by voice vote.

09:30:00 **Motion:** Sen. Lynch moves DP 21005 as DO PASS.

09:30:35 **Motion/Vote:** DP 21005 as DO PASS. Motion carried unanimously by voice vote.

09:30:47 **Motion:** Sen. Lynch moves DP 2106 as DO PASS.

09:31:36

Committee Discussion:

09:31:42 Sen. Ryan Lynch

09:32:28 Rep. Fiona Nave

09:33:00 Sen. Shelley Vance

09:34:18 Cathy Duncan, LFD

09:34:21 Rep. Bill Mercer joined the meeting.

09:34:26 Sen. Ryan Lynch

09:34:56 Sen. Tom McGillvray

09:35:13 Rep. Bill Mercer

09:36:44 Rep. Fiona Nave

09:35:05 **Motion/Vote:** DP 2106 as DO PASS.

09:35:16 Rep. Mercer takes over as Chair.

09:37:34 **Substitute Motion:** Vice Chair McGillvray moves DP 2106 as TO BE AMENDED.

09:37:34 **Vote:** Motion carried 4 - 3 by voice vote with Rep. Kerr-Carpenter, Rep. Nave, Sen. Lynch, voting no.

09:37:56

Committee Discussion:

09:38:00 Sen. Ryan Lynch

09:38:16 Sen. Tom McGillvray

09:39:56

Committee Discussion:

09:40:06 Rep. Emma Kerr-Carpenter

09:40:08 Rep. Bill Mercer

09:40:41 Sen. Ryan Lynch

09:40:49 Rep. Bill Mercer

09:40:55 Cathy Duncan, LFD

09:41:11 Rep. Bill Mercer

09:41:30 **Motion:** Chair Mercer moves to RECONSIDER ACTIONS on DP 199.

09:42:28 **Motion/Vote:** RECONSIDER ACTIONS on DP 199. Motion carried unanimously by voice vote.

09:43:00 **Motion/Vote:** DP 199 DO PASS AS RECONSIDERED. Motion carried unanimously by voice vote.

09:47:06 Recessed

10:37:53 Reconvened

10:38:02

Committee Discussion:

10:38:09 Rep. Bill Mercer

10:39:00 Rep. Fiona Nave

10:39:17 Rep. Emma Kerr-Carpenter

10:39:18 Rep. Bill Mercer

10:39:29 **Motion:** Chair Mercer moves to RECONSIDER ACTIONS on DP 199, DP 301, DP 501, DP 503 and DP 599.

10:40:04

Committee Discussion:

10:40:08 Rep. Fiona Nave

10:40:37 Cathy Duncan, LFD

10:40:38 Rep. Bill Mercer

10:41:27 Cathy Duncan, LFD

10:41:41 Rep. Bill Mercer

10:41:44 **Motion/Vote:** RECONSIDER ACTIONS on DP 199, DP 301, DP 501, DP 503 and DP 599. Motion carried unanimously by voice vote.

10:42:21 **Motion:** Chair Mercer moves DP 199, DP 301, DP 501, DP 503 and DP 599 as DO PASS AS AMENDED.

10:42:35

Committee Discussion:

10:42:38 Rep. Emma Kerr-Carpenter

10:43:10 Rep. Bill Mercer

10:43:51 **Motion/Vote:** DP 199, DP 301, DP 501, DP 503 and DP 599 as DO PASS AS AMENDED. Motion carried unanimously by voice vote.

10:44:20 Rep. Kerr-Carpenter moves TO RECONSIDER ACTIONS on DP 21006.

10:44:31 **Motion:** Rep. Kerr-Carpenter moves TO RECONSIDER ACTIONS on DP 21006.

10:44:41 **Motion/Vote:** TO RECONSIDER ACTIONS on DP 21006. Motion carried 5 - 2 by voice vote with Rep. Mercer, Sen. McGillvray, voting no.

10:45:14 **Motion:** Rep. Kerr-Carpenter moves DO PASS AS AMENDED on DP 21006.

10:45:26 **Motion/Vote:** DO PASS AS AMENDED on DP 21006. Motion carried 5 - 2 by voice vote with Rep. Mercer, Sen. McGillvray, voting no.

10:45:41

Committee Discussion:

10:45:51 Sen. Ryan Lynch

10:45:51 Rep. Bill Mercer

10:46:27 Sen. Tom McGillvray

10:46:40 Sen. Ryan Lynch
10:47:03 Rep. Bill Mercer
10:47:12 Walker Hopkins LFD
10:47:51 Rep. Bill Mercer
10:47:52 Natalia Bowser, DOJ
10:48:36 Rep. Bill Mercer
10:49:35 **Motion:** Vice Chair McGillvray moves DP 101 as DO PASS.
10:50:01

Committee Discussion:

10:50:21 Sen. Tom McGillvray
10:50:44 Rep. Bill Mercer
10:51:45 Sen. Tom McGillvray
10:52:11 Rep. Bill Mercer
10:52:42 Sen. Ryan Lynch
10:53:01 Brent Doig, OBPP
10:53:16 Rep. Bill Mercer
10:55:00 Cathy Duncan, LFD
10:55:31 Sen. Tom McGillvray
10:55:43 **Motion/Vote:** DP 101 as DO PASS. Motion carried unanimously by voice vote.
10:56:07 DP 101
10:56:27 **Motion:** Vice Chair McGillvray moves DP 102 as DO PASS.
10:57:05

Committee Discussion:

10:57:11 Sen. Tom McGillvray

10:57:33 Sen. Ryan Lynch

10:57:51 Rep. Bill Mercer

10:59:33 Sen. Ryan Lynch

11:00:49 **Motion/Vote:** DP 102 as DO PASS. Motion carried unanimously by voice vote.

11:01:01 **Motion:** Vice Chair McGillvray moves DP 104 as DO PASS.

11:01:10

Committee Discussion:

11:01:17 Sen. Tom McGillvray

11:01:25 **Motion/Vote:** DP 104 Motion carried unanimously by voice vote.

11:01:47 Sen. Lynch has left

11:01:55 **Motion:** Vice Chair McGillvray moves DP 105 as DO PASS.

11:02:01

11:02:18 **Motion/Vote:** DP 105 Motion carried unanimously by voice vote.

11:02:33 **Motion:** Chair Mercer moves DP 106 as DO PASS.

11:02:46

Committee Discussion:

11:03:05 Rep. Bill Mercer

11:04:08 Cathy Duncan, LFD

11:04:19 **Motion/Vote:** DP 106 Motion carried unanimously by voice vote.

11:04:31 Sen. Lynch has arrived

11:05:07

Committee Discussion:

- 11:05:19 Sen. Tom McGillvray
- 11:05:42 Rep. Bill Mercer
- 11:06:52 Cathy Duncan, LFD
- 11:07:14 Rep. Bill Mercer
- 11:07:34 Walker Hopkins LFD
- 11:07:59 Rep. Bill Mercer
- 11:09:41 **Motion:** Sen. Lynch moves TO RECONSIDER ACTIONS on DP 207.
- 11:10:26 **Motion/Vote:** TO RECONSIDER ACTIONS on DP 207. Motion carried unanimously by voice vote.
- 11:10:31 **Motion:** Sen. Lynch moves DP 207 as DO PASS AS AMENDED.
- 11:10:52 **Motion/Vote:** DP 207 DO PASS AS AMENDED. Motion carried unanimously by voice vote.
- 11:11:12 **Motion:** Sen Lynch moves TO RECONSIDER ACTIONS on DP 2031, DP 2032, DP 2033, DP 2034, DP 2035 and DP 2306.
- 11:12:18 **Motion/Vote:** TO RECONSIDER ACTIONS on DP 2031, DP 2032, DP 2033, DP 2034, DP 2035 and DP 2306. Motion carried unanimously by voice vote.
- 11:12:41
- Committee Discussion:**
- 11:12:52 Sen. Ryan Lynch
- 11:12:53 Rep. Bill Mercer
- 11:12:54 Walker Hopkins LFD
- 11:12:59 **Motion:** Sen Lynch moves DP 203 as DO PASS.
- 11:13:14 **Motion/Vote:** DP 203 as DO PASS. Motion carried unanimously by voice vote.
- 11:13:44 **Motion:** Sen. Lynch moves DP 2111, DP 2112 and DP 2113 as TO RECONSIDER.

11:14:02 **Motion/Vote:** Sen. Lynch moves DP 2111, DP 2112 and DP 2113 as TO RECONSIDER. Motion carried unanimously by voice vote.

11:14:16 **Motion:** Sen. Lynch moves DP 2111 as DO PASS AS AMENDED.

11:14:25 **Motion/Vote:** DP 2111 as DO PASS AS AMENDED. Motion carried unanimously by voice vote.

11:15:07 **Motion:** Sen. Lynch moves to RECONSIDER ACTIONS on DP 209.

11:15:23

Committee Discussion:

11:15:28 Sen. Ryan Lynch

11:16:08 Rep. Bill Mercer

11:16:09 Cathy Duncan, LFD

11:16:15 Walker Hopkins LFD

11:16:58 Sen. Ryan Lynch

11:17:58 Rep. Bill Mercer

11:18:10 Rep. Michele Binkley

11:18:25 Rep. Fiona Nave

11:18:47 Sen. Ryan Lynch

11:19:25 Rep. Bill Mercer

11:21:08 Sen. Ryan Lynch

11:21:40 Sen. Tom McGillvray

11:22:07 Cathy Duncan, LFD

11:22:29 Sen. Tom McGillvray

11:22:59 Rep. Bill Mercer

11:16:40 **Motion:** Sen. Lynch moves DP 209 as DO PASS.

11:23:09 **Motion/Vote:** DP 209 as DO PASS. Motion carried 5 - 2 by voice vote with Rep. Kerr-Carpenter, Sen. Lynch, voting no.

11:24:02 **Motion:** Sen. Lynch moves to RECONSIDER ACTIONS on DP 396.

11:24:19

Committee Discussion:

11:24:25 Rep. Bill Mercer

11:24:40 Sen. Ryan Lynch

11:25:02 **Motion/Vote:** DP 396 as RECONSIDER ACTIONS. Motion carried unanimously by voice vote.

11:25:24 **Motion:** Sen. Lynch moves DP 396 as DO PASS AS AMENDED.

11:25:47 **Motion/Vote:** DP 396 as DO PASS AS AMENDED. Motion carried 6 - 1 by voice vote with Rep. Mercer, voting no.

11:26:21 **Motion:** Sen. Lynch moves to RECONSIDER ACTIONS on DP 399.

11:26:36

Committee Discussion:

11:26:40 Sen. Ryan Lynch

11:27:10 **Motion/Vote:** DP 399 as RECONSIDER ACTIONS. Motion carried unanimously by voice vote.

11:27:26 **Motion/Vote:** Sen. Lynch moves 399 as DO PASS AS AMENDED.

11:27:34 **Motion/Vote:** 399 as DO PASS AS AMENDED. Motion carried unanimously by voice vote.

11:28:11 **Motion:** Sen. Lynch moves to RECONSIDER ACTIONS on DP 401.

11:28:23

Committee Discussion:

11:28:27 Sen. Ryan Lynch

- 11:28:33 **Motion/Vote:** DP 401 as RECONSIDER ACTIONS Motion carried unanimously by voice vote.
- 11:29:02 **Motion:** Sen. Lynch moves DP 401 as DO PASS AS AMENDED.
- 11:29:21 **Motion/Vote:** DP 401 as DO PASS AS AMENDED Motion carried unanimously by voice vote.
- 11:29:34 **Motion:** Sen. Lynch moves to RECONSIDER ACTIONS on DP 402.
- 11:29:43 **Motion/Vote:** DP 402 as RECONSIDER ACTIONS. Motion carried unanimously by voice vote.
- 11:29:55 **Motion:** Sen. Lynch moves DP 402 as DO PASS AS AMENDED.
- 11:30:05 **Motion/Vote:** DP 402 as DO PASS AS AMENDED. Motion carried unanimously by voice vote.
- 11:30:45 **Motion:** Sen. Lynch moves DP 214 as DO PASS.
- 11:31:39

Committee Discussion:

- 11:31:52 Walker Hopkins LFD
- 11:33:15 Rep. Bill Mercer
- 11:33:26 Sen. Ryan Lynch
- 11:33:37 Sen. Tom McGillvray
- 11:34:13 Sen. Ryan Lynch
- 11:34:49 Rep. Bill Mercer
- 11:34:51 Sen. Tom McGillvray
- 11:35:09 Walker Hopkins LFD
- 11:36:37 Sen. Ryan Lynch
- 11:37:34 Rep. Bill Mercer
- 11:37:46 Natalie Smitham ,(DOC)

11:38:56 Sen. Ryan Lynch
11:39:11 Natalie Smitham ,(DOC)
11:39:57 Sen. Ryan Lynch
11:40:12 Rep. Emma Kerr-Carpenter left the meeting.
11:40:19 Natalie Smitham ,(DOC)
11:40:34 Sen. Ryan Lynch
11:41:17 Natalie Smitham ,(DOC)
11:41:26 Rep. Bill Mercer
11:42:11 Sen. Ryan Lynch
11:42:13 **Motion:** Sen. Lynch WITHDRAWS MOTION on DP 214.
11:42:54

Committee Discussion:

11:42:58 Rep. Bill Mercer
11:43:03 Rep. Emma Kerr-Carpenter joined the meeting.

ADJOURNMENT

Adjournment: 11:43:18

Macy McCauley, Secretary

Additional Documents: [EXHIBIT\(230220JCHaad\)](#)