

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

Call to Order: Chair Amy Regier-R, on March 21, 2023 at 8:00 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. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Jodee Etchart (R)
Rep. Tom France (D)
Rep. Donavon Hawk (D)
Rep. Caleb Hinkle (R)
Rep. Jedediah Hinkle (R)
Rep. SJ Howell (D)
Rep. Greg Kmetz (R)
Rep. Braxton Mitchell (R)
Rep. Wayne Rusk (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Laura Smith (D)
Rep. Zooey Zephyr (D)

Members Excused: Rep. Kim Abbott (D)
Rep. Jennifer Carlson (R)
Rep. Casey Knudsen (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:

SB 68 03/14/2023
SB 171 03/14/2023
SB 247 03/16/2023
SB 277 03/16/2023

SB 286 03/16/2023
SB 345 03/16/2023
SJ 15 03/16/2023

Executive Action:

SB 99
SB 105
SB 138
SB 149
SB 159
SB 229

HEARING ON SB 247 - Revise covenant laws

Opening Statement:

08:01:35 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 247, Revise covenant laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:05:21 Rep. Jedediah Hinkle

08:05:24 Sen. Steve Fitzpatrick-R

Closing Statement:

08:05:40 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 247.

HEARING ON SB 286 - Revise probate law regarding collection of personal property by affidavit

Opening Statement:

08:05:54 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 286, Revise probate law regarding collection of personal property by affidavit.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:08:33 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 286.

HEARING ON SB 68 - Revise laws related to coroner inquests for DOC facilities

Opening Statement:

08:09:34 Sen. Barry Usher (R), SD 40, opened the hearing on SB 68, Revise laws related to coroner inquests for DOC facilities.

Proponent Testimony:

08:10:31 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association (MSPOA)

08:15:19 Jim Anderson, Department of Corrections (DOC)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:13:36 Rep. Lola Sheldon-Galloway

08:14:50 Nanette Gilbertson, MSPOA

08:17:00 Rep. SJ Howell

08:17:40 Senator Barry Usher

08:22:30 Rep. Laura Smith

08:23:11 Jim Anderson, DOC

Closing Statement:

08:23:57 Sen. Barry Usher (R), SD 40, closed the hearing on SB 68.

HEARING ON SB 345 - Revise sex offender laws

Opening Statement:

08:24:45 Sen. Mark Noland (R), SD 10, opened the hearing on SB 345, Revise sex offender laws.

Proponent Testimony:

08:25:42 Alan Doane, Montana Department of Justice

08:26:30 Ann Dormady, Department of Criminal Investigation with the Department of Justice

08:26:59 Susanne Anders, Montana Sex and Violent Offender Registry

08:27:12 Nanette Gilbertson, Montana Sheriff and Peace Officers Association (MSPOA), Montana Association of Counties (MACo)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:28:04 Rep. Laura Smith

08:28:35 Sen. Mark Noland-R

Closing Statement:

08:28:39 Sen. Mark Noland (R), SD 10, closed the hearing on SB 345.

HEARING ON SJ 15 - Resolution on Marbury v. Madison

Opening Statement:

08:32:52 Sen. Tom McGillvray (R), SD 23, opened the hearing on SJ 15, Resolution on Marbury v. Madison.

Proponent Testimony:

08:49:47 Pascal Redfern, Self

08:55:22 Rick Jore, Self

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:59:04 Rep. Greg Kmetz

08:59:23 Sen. Tom McGillvray-R

09:00:40 Rep. Lee Deming

Closing Statement:

09:01:10 Sen. Tom McGillvray (R), SD 23, closed the hearing on SJ 15.

**HEARING ON SB 171 - Provide for distribution of certain property/funds after inmate dies
in custody**

Opening Statement:

09:05:22 Sen. Keith Regier (R), SD 3, opened the hearing on SB 171, Provide for distribution of certain property/funds after inmate dies in custody.

Proponent Testimony:

09:08:13 Jim Anderson, Department Chief for the Department of Corrections (DOC)

Informational Witness Testimony:

None

Questions from Committee:

09:09:42 Rep. Lola Sheldon-Galloway

09:12:01 Jim Anderson, DOC

Closing Statement:

09:12:55 Sen. Keith Regier (R), SD 3, closed the hearing on SB 171.

09:15:40 **Recessed**

09:52:39 **Reconvened**

EXECUTIVE ACTION ON SB 99 - Provide for a youth health protection act

09:52:43 **Motion:** Rep. Brandon Ler moved that **SB 99 BE CONCURRED IN.**

09:53:12 **Motion:** Rep. Casey Knudsen moved that **SB 99 BE AMENDED.**

Discussion:

09:54:24 Rep. Casey Knudsen

09:55:14 Vice Chair 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.

09:56:56 **Motion:** Rep. Brandon Ler moved that **SB 99 BE CONCURRED IN AS AMENDED.**

Motion: Rep. Casey Knudsen moved that **SB 99 BE AMENDED.**

Discussion:

09:57:34 Rep. Casey Knudsen

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

09:58:43 **Motion:** Rep. Brandon Ler moved that **SB 99 BE CONCURRED IN AS AMENDED.**

Discussion:

09:58:57 Rep. Donavon Hawk

09:59:47 Rep. SJ Howell

10:03:11 Rep. Zooey Zephyr

10:07:04 Rep. Braxton Mitchell

10:08:43 Rep. Zooey Zephyr

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

Carrier Assigned: Rep. Kerri Seekins-Crowe

EXECUTIVE ACTION ON SB 105 - Prohibit rent control of private property

10:10:24 **Motion:** Rep. Brandon Ler moved that **SB 105 BE CONCURRED IN.**

Discussion:

10:10:41 Rachel Weiss

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

Carrier Assigned: Rep. Brandon Ler

EXECUTIVE ACTION ON SB 138 - Provide for preservation of prescriptive easements on land acquired by state

10:12:25 **Motion:** Rep. Brandon Ler moved that **SB 138 BE CONCURRED IN.**

Discussion:

10:12:35 Rachel Weiss

Vote: Motion carried unanimously by voice vote.

Carrier Assigned: Rep. Casey Knudsen

EXECUTIVE ACTION ON SB 149 - Establish penalties for false reporting in child protective services cases

10:13:37 **Motion:** Rep. Brandon Ler moved that **SB 149 BE CONCURRED IN.**

Discussion:

10:13:45 Rachel Weiss

10:13:53 **Motion:** Rep. Brandon Ler moved that **SB 149 BE AMENDED.**

Discussion:

10:14:11 Rachel Weiss

Vote: Motion carried unanimously by voice vote.

10:16:35 **Motion:** Rep. Brandon Ler moved that **SB 149 BE CONCURRED IN AS AMENDED.**

Discussion:

10:16:49 Rep. SJ Howell

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

Carrier Assigned: Rep. Lola Sheldon-Galloway

EXECUTIVE ACTION ON SB 159 - Restrict use of eminent domain

10:21:00 **Motion:** Rep. Brandon Ler moved that **SB 159 BE CONCURRED IN.**

Discussion:

10:21:32 Rep. Tom France

10:23:48 Vice Chair Brandon Ler

10:24:09 Rep. Lola Sheldon-Galloway

10:24:41 Rep. Tom France

10:25:11 Vice Chair Brandon Ler

10:25:21 Rep. Lee Deming

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

Carrier Assigned: Rep. Lee Deming

EXECUTIVE ACTION ON SB 229 - Reimburse counties for actual witness costs

10:27:16 **Motion:** Rep. Brandon Ler moved that **SB 229 BE CONCURRED IN.**

10:27:41 **Motion:** Rep. Brandon Ler moved that **SB 229 BE AMENDED.**

Vote: Motion carried 16 - 3 by roll call vote with Rep. Hinkle, Rep. Howell, Rep. Zephyr, voting no.

Motion: Rep. Brandon Ler moved that **SB 229 BE CONCURRED IN AS AMENDED.**

Discussion:

10:30:08 Rep. Lola Sheldon-Galloway

10:31:58 Rachel Weiss

10:32:27 Rep. Lola Sheldon-Galloway

10:33:46 Rep. Laura Smith

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

Carrier Assigned: Rep. Laura Smith

ADJOURNMENT

Adjournment: 10:41:03

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230321JUHaad\)](#)