

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

Call to Order: Chair Amy Regier-R, on March 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. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Tom France (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. Zooey Zephyr (D)

Members Excused: Rep. Kim Abbott (D)
Rep. Jennifer Carlson (R)
Rep. Jodee Etchart (R)
Rep. Donavon Hawk (D)
Rep. Caleb Hinkle (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 11 03/29/2023
SB 154 03/29/2023
SB 361 03/29/2023
SB 363 03/29/2023

SB 400 03/29/2023
SB 410 03/29/2023

Executive Action:

SB 19
SB 96
SB 172
SB 180 TO TABLE
SB 201
SB 368 TO TABLE
SB 377
HB 921 TO TAKE FROM THE
TABLE

HEARING ON SB 11 - Generally revise criminal justice system laws

Opening Statement:

08:03:09 Sen. Barry Usher (R), SD 40, opened the hearing on SB 11, Generally revise criminal justice system laws.

Proponent Testimony:

08:07:53 Shelby DeMars, Montana Police Protective Association

08:09:26 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association

08:11:49 Henry Kriegle, Americans For Prosperity

08:13:00 Jim Anderson, Montana Department of Corrections

08:13:34 Alex Sterhan, Montana Department of Justice

Opponent Testimony:

None

Informational Witness Testimony:

08:14:22 Amy Carlson

08:14:29 Brett Schandelson, Office of the State Public Defender

Questions from Committee:

08:14:57 Rep. Tom France

08:18:42 Sen. Barry Usher-R

Closing Statement:

08:18:46 Sen. Barry Usher (R), SD 40, closed the hearing on SB 11.

HEARING ON SB 363 - Revising laws related to correctional officers

Opening Statement:

08:20:45 Sen. Barry Usher (R), SD 40, opened the hearing on SB 363, Revising laws related to correctional officers.

Proponent Testimony:

08:22:00 Jim Anderson, Department of Corrections
08:23:43 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association
08:24:43 Shelby DeMars, Montana Police Protection Association
08:25:07 Larry Nealson, Montana Federation of Public Employees

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:25:46 Rep. Greg Kmetz
08:26:11 Jim Anderson

Closing Statement:

08:26:52 Sen. Barry Usher (R), SD 40, closed the hearing on SB 363.

HEARING ON SB 410 - Removing duty of court administrator

Opening Statement:

08:27:18 Sen. Barry Usher (R), SD 40, opened the hearing on SB 410, Removing duty of court administrator.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:29:14 Sen. Barry Usher (R), SD 40, closed the hearing on SB 410.

HEARING ON SB 361 - Prohibit discrimination by any person or entity because of firearms

Opening Statement:

08:29:56 Sen. John Fuller (R), SD 8, opened the hearing on SB 361, Prohibit discrimination by any person or entity because of firearms.

Proponent Testimony:

08:31:40 Gary Marbut, Montana Shooting Sports Association

08:33:51 Harriett Vaughn, Self

08:34:26 Michael Rasmussen, Self

Opponent Testimony:

08:35:09 David Smith, Montana Contractor Association

08:36:04 Don Harris, Department of Administration

08:36:43 Shani Henry, Self

08:38:57 Charles Robison, Montana Chamber of Commerce

[EXHIBIT\(230331JUH1\)](#)

[EXHIBIT\(230331JUH2\)](#)

08:42:01 Karen Smith, Montana's Credit Unions

[EXHIBIT\(230331JUH3\)](#)

08:44:05 Ameer Grmoliz, Montana Bankers Association

[EXHIBIT\(230331JUH4\)](#)

[EXHIBIT\(230331JUHa5\)](#)

08:46:48 Scott Boulanger, Montana Independent Bankers
08:48:46 Eddie Black, Vocal Credit Union
08:50:24 Shawn Reagor, Montana Human Rights Network
08:51:39 Troy Sturdevant, Vocal Credit Union
08:53:57 Rex Phipps, Garfield County Bank
08:56:09 Kristy Tate, Mile High Federal Credit Union
08:56:42 Jan Strout, National Organization for Women

Informational Witness Testimony:

None

Questions from Committee:

08:58:37 Rep. Wayne Rusk
09:20:01 Rex Phipps

Closing Statement:

09:20:54 Sen. John Fuller (R), SD 8, closed the hearing on SB 361.

HEARING ON SB 400 - Extending permit for concealed carry from 4 to 5 years

Opening Statement:

09:23:40 Sen. John Fuller (R), SD 8, opened the hearing on SB 400, Extending permit for concealed carry from 4 to 5 years.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:25:36 Rep. Casey Knudsen

09:26:17 Sen. John Fuller-R

Closing Statement:

09:26:22 Sen. John Fuller (R), SD 8, closed the hearing on SB 400.

HEARING ON SB 154 - Define the right to privacy to clarify no right to abortion

Opening Statement:

09:26:47 Sen. Keith Regier (R), SD 3, opened the hearing on SB 154, Define the right to privacy to clarify no right to abortion.

Proponent Testimony:

09:30:06 Sharon Nason, Self

09:31:40 Cathy Carlson, Self

09:33:42 Cindy Roscoe, Self

[EXHIBIT\(230331JUH6\)](#)

09:34:36 Kaitlin Ruch, Students for Life Action

09:36:42 Donna Elford, Self

09:37:31 Gail Asbury, Self

09:38:34 Jeff Laszloffy, Montana Family Foundation

09:40:17 Dave Swaim, Self

09:41:00 Robin Sertell, Self

09:42:33 Jessie Browning, Self

Opponent Testimony:

09:44:30 Ann Angus, Self

09:46:07 Robin Turner, American Civil Liberties Union of Montana, Coalition Against Domestic and Sexual Violence

[EXHIBIT\(230331JUH7\)](#)

[EXHIBIT\(230331JUH8\)](#)

09:48:55 Quinn Leighton, Planned Parenthood Advocates
09:51:12 Sean Reagor, Montana Human Rights Network
09:52:22 Ethan Hanley, Associated Students of the University of Montana
09:53:44 Stephanie McDowell, Self
09:55:47 Tannis Holm, Edmiston and Colton Law Firm
09:57:53 Stacy Tempel-St. John, Self
10:00:50 Catherine Parke, Montana Democratic Socials of American
10:02:49 Nicole Smith, Blue Mountain Clinic

Informational Witness Testimony:

None

Questions from Committee:

10:04:20 Rep. Lee Deming
10:08:13 Ethan Hanley

Closing Statement:

10:08:47 Sen. Keith Regier (R), SD 3, closed the hearing on SB 154.
10:09:52 **Recessed**
10:55:51 **Reconvened**

EXECUTIVE ACTION ON SB 19 - Generally revise disorderly conduct sentencing laws

10:56:19 **Motion:** Vice Chair Brandon Ler moved that **SB 19 BE CONCURRED IN.**
10:56:47 **Motion:** Rep. Jedediah Hinkle moved that **SB 19 BE AMENDED.**

Discussion:

10:58:36 Rep. Wayne Rusk

10:59:30 Rep. Laura Smith
10:59:58 Rep. Jedediah Hinkle
11:01:06 Rep. Jennifer Carlson
11:01:36 Rep. Jedediah Hinkle
11:02:29 Rep. Laura Smith
11:03:23 Rep. Jedediah Hinkle
11:04:02 Rep. Wayne Rusk
11:04:27 Rep. Neil Duram
11:05:49 Rep. SJ Howell
12:42:14 **Vote:** Motion carried 10 - 9 by roll call vote with Rep. Duram, Rep. Etchart, Rep. France, Rep. Kmetz, Rep. Ler, Rep. Mitchell, Rep. Rusk, Rep. Smith, Rep. Zephyr, voting no.
11:09:07 **Motion:** Vice Chair Brandon Ler moved that **SB 19 BE CONCURRED IN AS AMENDED.**

Discussion:

11:09:26 Rep. Lola Sheldon-Galloway
11:09:38 Rep. Jedediah Hinkle
11:09:47 Rep. Tom France
12:42:14 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no. Rep. Hawk, By Proxy
11:09:07 **Carrier Assigned:** Rep. Wayne Rusk
10:59:34 Rep. Carlson has arrived
10:59:40 Rep. Etchart has arrived

EXECUTIVE ACTION ON SB 96 - Create separate definition for persistent felony offender under supervision

11:12:25 **Motion:** Vice Chair Brandon Ler moved that **SB 96 BE CONCURRED IN.**
11:12:29 **Motion:** Vice Chair Brandon Ler moved that **SB 96 BE AMENDED.**
12:42:14 **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, By Proxy

11:15:22 **Motion:** Vice Chair Brandon Ler moved that **SB 96 BE CONCURRED IN AS AMENDED.**

Discussion:

11:15:33 Rep. Neil Duram

12:42:14 **Vote:** Motion carried 12 - 7 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Hinkle, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no. Rep. Hawk, Rep. Hinkle, By Proxy

11:15:22 **Carrier Assigned:** Rep. Neil Duram

EXECUTIVE ACTION ON SB 172 - Generally revise bail bond laws

11:16:53 **Motion:** Vice Chair Brandon Ler moved that **SB 172 BE CONCURRED IN.**

12:42:14 **Vote:** Motion carried 11 - 8 by roll call vote with Rep. Carlson, Rep. Duram, Rep. Etchart, Rep. Kmetz, Rep. Knudsen, Rep. Regier, Rep. Rusk, Rep. Sheldon-Galloway, voting no.

11:16:53 **Carrier Assigned:** Rep. Caleb Hinkle

EXECUTIVE ACTION ON SB 180 - Generally revise court-appointed special advocate and guardian ad litem laws

11:18:12 **Motion:** Vice Chair Brandon Ler moved that **SB 180 BE CONCURRED IN.**

11:18:40 **Motion:** Vice Chair Laurie Bishop moved that **SB 180 BE AMENDED.**

12:42:14 **Vote:** Motion failed 12 - 7 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Howell, Rep. Sheldon-Galloway, Rep. Smith, Rep. Zephyr, voting yes. Rep. Hawk, By Proxy

11:21:16 **Motion:** Vice Chair Brandon Ler moved that **SB 180 BE CONCURRED IN AS AMENDED.**

12:42:14 **Vote:** Motion failed 10 - 9 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Duram, Rep. Hinkle, Rep. Hinkle, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Sheldon-Galloway, voting yes. Rep. Hinkle, By Proxy

11:22:40 **Motion:** Vice Chair Brandon Ler moved that **SB 180 TO TABLE.**

12:42:14 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 201 - Revise judicial recusal laws when parties made campaign contributions

- 11:23:05 **Motion:** Vice Chair Brandon Ler moved that **SB 201 BE CONCURRED IN.**
- 11:23:08 **Motion:** Vice Chair Brandon Ler moved that **SB 201 BE AMENDED.**
- 12:42:14 **Vote:** Motion carried 15 - 4 by roll call vote with Rep. Bishop, Rep. Hawk, Rep. Howell, Rep. Zephyr, voting no.
Rep. Hawk, By Proxy
- 11:24:58 **Motion:** Vice Chair Brandon Ler moved that **SB 201 BE CONCURRED IN AS AMENDED.**
- 12:42:14 **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, By Proxy
- 11:24:58 **Carrier Assigned:** Rep. Amy Regier
- 11:23:23 Rep. Hinkle has left

EXECUTIVE ACTION ON SB 368 - Generally revise laws related to minors

- 11:26:17 **Motion:** Vice Chair Brandon Ler moved that **SB 368 BE CONCURRED IN.**
- Discussion:**
- 11:26:41 Rep. Greg Kmetz
- 11:27:46 Rep. Neil Duram
- 11:28:20 Vice Chair Laurie Bishop
- 11:28:29 **Motion:** Vice Chair Laurie Bishop moved that **SB 368 TO TABLE.**
- 12:42:14 **Vote:** Motion carried 13 - 6 by roll call vote with Rep. Carlson, Rep. Hinkle, Rep. Hinkle, Rep. Ler, Rep. Mitchell, Rep. Sheldon-Galloway, voting no.
Rep. Hinkle, Rep. Hinkle, By Proxy

EXECUTIVE ACTION ON SB 377 - Revise laws for courts of limited jurisdiction

- 11:29:38 **Motion:** Vice Chair Brandon Ler moved that **SB 377 BE CONCURRED IN.**
- 12:42:14 **Vote:** Motion carried unanimously by roll call vote.
- 11:29:38 **Carrier Assigned:** Rep. Greg Kmetz

EXECUTIVE ACTION ON HB 921 - Revise laws related to state settlement money

- 11:31:00 **Motion:** Rep. Neil Duram moved that **HB 921 TO TAKE FROM THE TABLE.**
- 12:42:14 **Vote:** Motion tied 8 - 8 roll call vote

ADJOURNMENT

Adjournment: 11:34:50

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230331JUHaad\)](#)