

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

Call to Order: Chair Amy Regier-R, on April 04, 2023 at 7:01 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. Jennifer Carlson (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. Laura Smith (D)
Rep. Zooey Zephyr (D)

Members Excused: Rep. Kim Abbott (D)
Rep. Casey Knudsen (R)
Rep. Lola Sheldon-Galloway (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 211 03/31/2023
SB 218 03/31/2023
SB 224 03/31/2023
SB 355 03/31/2023

SB 488 03/31/2023
SB 490 03/31/2023
SB 499 03/31/2023

Executive Action:

SB 11
SB 94
SB 154
SB 216
SB 265
SB 363
SB 400
SB 410

HEARING ON SB 218 - Revise laws pertaining to settlements

Opening Statement:

07:02:53 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 218, Revise laws pertaining to settlements.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

07:06:02 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 218.

HEARING ON SB 224 - Require court report on district court case numbers and substitutions

Opening Statement:

07:06:22 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 224, Require court report on district court case numbers and substitutions.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

07:09:02 Rep. Jennifer Carlson

07:09:30 Sen. Greg Hertz-R

Closing Statement:

07:10:00 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 224.

HEARING ON SB 490 - Generally revising the legislature's investigative powers

Opening Statement:

07:10:13 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 490, Generally revising the legislature's investigative powers.

[EXHIBIT\(230404JUH1\)](#)

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

07:17:42 Vice Chair Laurie Bishop

07:21:36 Rep. Lola Sheldon-Galloway joined the meeting.

07:22:04 Sen. Greg Hertz-R

Closing Statement:

07:22:32 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 490.

HEARING ON SB 211 - Article V convention commissioner selection and credentialing act

Opening Statement:

07:23:14 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB 211, Article V convention commissioner selection and credentialing act.

Proponent Testimony:

07:33:26 Terry Kramer, Self

07:35:54 Dan McLean, Self

07:37:25 Donna Chippewa, Self

07:38:38 Joe Hoseck, Self

07:41:24 Jacob Emrich, Self

07:42:02 Peggy Bates, Self

Opponent Testimony:

07:44:16 Ed Regan, Broadwater County Republican Central Committee (BCRCC)

07:48:40 Alan Lackey, Self

07:53:14 Connie Ciabatoni, Self

Informational Witness Testimony:

None

Questions from Committee:

07:55:05 Rep. Lola Sheldon-Galloway

08:15:52 Ed Regan, BCRCC

Closing Statement:

08:16:03 Sen. Tom McGillvray (R), SD 23, closed the hearing on SB 211.

[EXHIBIT\(230404JUH2\)](#)

HEARING ON SB 499 - Revise adverse possession laws relating to certain land and improvements

Opening Statement:

08:28:01 Sen. Tom McGillvray (R), SD 23, opened the hearing on SB 499, Revise adverse possession laws relating to certain land and improvements.

Proponent Testimony:

None

Opponent Testimony:

08:31:15 Todd O'Hair, Chamber of Commerce

[EXHIBIT\(230404JUH3\)](#)

08:35:34 Jason Callahan, Green Diamond Resource Company

08:37:31 Julia Altemus, Montana Wood Products Association

Informational Witness Testimony:

None

Questions from Committee:

08:38:57 Rep. Tom France

08:45:56 Sen. Tom McGillvray-R

Closing Statement:

08:46:45 Sen. Tom McGillvray (R), SD 23, closed the hearing on SB 499.

HEARING ON SB 488 - Abolish common law marriage

Opening Statement:

08:48:59 Sen. Daniel Zolnikov (R), SD 45, opened the hearing on SB 488, Abolish common law marriage.

Proponent Testimony:

08:54:06 Brad Belke, Self

Opponent Testimony:

None

Informational Witness Testimony:

08:56:45 Erika Johnston, Department of Public Health and Human Services

Questions from Committee:

08:57:23 Rep. Lola Sheldon-Galloway

09:02:48 Sen. Daniel Zolnikov-R

Closing Statement:

09:03:23 Sen. Daniel Zolnikov (R), SD 45, closed the hearing on SB 488.

HEARING ON SB 355 - Require disqualification of certain judges receiving political contributions

Opening Statement:

09:05:17 Sen. Brad Molnar (R), SD 28, opened the hearing on SB 355, Require disqualification of certain judges receiving political contributions.

Proponent Testimony:

None

Opponent Testimony:

09:11:57 Bruce Spencer, Montana Judges Association

[EXHIBIT\(230404JUH4\)](#)

09:17:46 Shawn Slinger, State Bar of Montana

09:19:05 Al Smith, Montana Trial Lawyers

Informational Witness Testimony:

None

Questions from Committee:

09:25:45 Rep. Neil Duram

09:28:09 Sen. Brad Molnar-R

Closing Statement:

09:29:54 Sen. Brad Molnar (R), SD 28, closed the hearing on SB 355.

09:34:17 **Recessed**

10:34:51 **Reconvened**

EXECUTIVE ACTION ON SB 11 - Generally revise criminal justice system laws

10:34:59 **Motion:** Vice Chair Brandon Ler moved that **SB 11 BE CONCURRED IN.**

10:35:25 **Motion:** Vice Chair Brandon Ler moved that **SB 11 BE AMENDED.**

Discussion:

10:35:41 Rachel Weiss

Vote: Motion carried unanimously by voice vote.

10:37:55 **Motion:** Vice Chair Brandon Ler moved that **SB 11 BE CONCURRED IN AS AMENDED.**

Vote: Motion carried unanimously by voice vote.

Carrier Assigned: Rep. Laurie Bishop

EXECUTIVE ACTION ON SB 94 - Generally revise laws related to recovery residences

10:38:41 **Motion:** Vice Chair Brandon Ler moved that **SB 94 BE CONCURRED IN.**

Discussion:

10:38:46 Rachel Weiss

10:39:02 **Motion:** Vice Chair Brandon Ler moved that **SB 94 BE AMENDED.**

Discussion:

10:39:26 Rachel Weiss

10:45:55 Rep. Jedediah Hinkle

10:45:58 Rep. Lola Sheldon-Galloway

10:46:08 Rachel Weiss

10:46:36 Rep. Jennifer Carlson

10:47:45 Rep. Lola Sheldon-Galloway

10:48:45 Rep. Casey Knudsen

Vote: Motion carried 17 - 2 by roll call vote with Rep. Duram, Rep. Hinkle, voting no.

10:50:24 **Motion:** Vice Chair Brandon Ler moved that **SB 94 BE AMENDED.**

Discussion:

10:50:38 Rachel Weiss

10:51:42 Rep. Jedediah Hinkle

10:54:07 Rep. Jennifer Carlson

Vote: Motion failed 12 - 7 by roll call vote with Rep. Deming, Rep. Duram, Rep. Hinkle, Rep. Hinkle, Rep. Kmetz, Rep. Mitchell, Rep. Sheldon-Galloway, voting yes.
Rep. Mitchell, By Proxy

10:56:34 **Motion:** Vice Chair Brandon Ler moved that **SB 94 BE CONCURRED IN AS AMENDED.**

Discussion:

10:56:44 Rep. Greg Kmetz

11:00:01 Rep. SJ Howell

11:01:31 Rep. Neil Duram

11:02:50 Rep. Jedediah Hinkle

Vote: Motion carried 12 - 7 by roll call vote with Rep. Deming, Rep. Duram, Rep. Hinkle, Rep. Hinkle, Rep. Kmetz, Rep. Knudsen, Rep. Sheldon-Galloway, voting no.

Carrier Assigned: Rep. Tom France

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

11:05:22 **Motion:** Vice Chair Brandon Ler moved that **SB 154 BE CONCURRED IN.**

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

Carrier Assigned: Rep. Lola Sheldon-Galloway

EXECUTIVE ACTION ON SB 216 - Revise laws related to litigation and products

11:06:55 **Motion:** Vice Chair Brandon Ler moved that **SB 216 BE CONCURRED IN.**

11:07:09 **Motion:** Vice Chair Brandon Ler moved that **SB 216 BE AMENDED.**

Discussion:

11:07:17 Rachel Weiss

11:08:40 Rep. Laura Smith

11:08:46 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.

11:10:05 **Motion:** Vice Chair Brandon Ler moved that **SB 216 BE CONCURRED IN AS AMENDED.**

Discussion:

11:10:17 Rep. Tom France

11:13:21 Rep. Braxton Mitchell joined the meeting.

11:14:40 Rep. Laura Smith

Vote: Motion carried 11 - 8 by roll call vote with Rep. Bishop, Rep. Carlson, Rep. Deming, Rep. France, Rep. Hawk, Rep. Howell, Rep. Smith, Rep. Zephyr, voting no.

Carrier Assigned: Rep. Casey Knudsen

EXECUTIVE ACTION ON SB 265 - Increase penalty for conviction of criminal activity of human trafficking

11:16:39 **Motion:** Vice Chair Brandon Ler moved that **SB 265 BE CONCURRED IN.**

11:16:43 **Motion:** Vice Chair Brandon Ler moved that **SB 265 BE AMENDED.**

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

11:19:17 **Motion:** Vice Chair Brandon Ler moved that **SB 265 BE CONCURRED IN AS AMENDED.**

Discussion:

11:20:08 Vice Chair Laurie Bishop

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

Carrier Assigned: Rep. Braxton Mitchell

EXECUTIVE ACTION ON SB 363 - Revising laws related to correctional officers

11:21:35 **Motion:** Vice Chair Brandon Ler moved that **SB 363 BE CONCURRED IN.**

Vote: Motion carried 17 - 2 by roll call vote with Rep. Howell, Rep. Zephyr,
voting no.

Carrier Assigned: Rep. Neil Duram

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

11:23:04 **Motion:** Vice Chair Brandon Ler moved that **SB 400 BE CONCURRED IN.**

Vote: Motion carried 17 - 2 by roll call vote with Rep. Bishop, Rep. Howell,
voting no.

Carrier Assigned: Rep. Braxton Mitchell

EXECUTIVE ACTION ON SB 410 - Removing duty of court administrator

11:24:28 **Motion:** Vice Chair Brandon Ler moved that **SB 410 BE CONCURRED IN.**

Discussion:

11:24:47 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.

Carrier Assigned: Rep. Amy Regier

Committee Discussion:

11:28:23 Rep. Jennifer Carlson
11:28:30 Vice Chair Laurie Bishop
11:28:45 Rep. Donavon Hawk
11:29:06 Chair Amy Regier
11:29:16 Rep. Jedediah Hinkle
11:29:28 Chair Amy Regier

ADJOURNMENT

Adjournment: 11:29:33

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230404JUHaad\)](#)