

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

**Call to Order:** Chair Amy Regier-R, on April 05, 2023 at 7:05 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. Tom France (D)  
Rep. Jedediah Hinkle (R)  
Rep. SJ Howell (D)  
Rep. Greg Kmetz (R)  
Rep. Casey Knudsen (R)  
Rep. Wayne Rusk (R)  
Rep. Lola Sheldon-Galloway (R)  
Rep. Laura Smith (D)

**Members Excused:** Rep. Kim Abbott (D)  
Rep. Jodee Etchart (R)  
Rep. Donavon Hawk (D)  
Rep. Caleb Hinkle (R)  
Rep. Braxton Mitchell (R)  
Rep. Zoey Zephyr (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:

SB 333 03/31/2023  
SB 339 03/31/2023  
SB 376 04/01/2023  
SB 392 03/31/2023

SB 396 03/31/2023  
SB 397 03/31/2023  
SB 423 03/31/2023  
SB 445 03/31/2023

Executive Action:

SB 38  
SB 211 TO TABLE  
SB 218 BE CONCURRED IN  
SB 224 BE CONCURRED IN  
SB 326 TO TABLE  
SB 361 TO TABLE  
SB 419  
SB 443  
SB 459 BE CONCURRED IN  
SB 488 BE CONCURRED IN  
SB 490 BE CONCURRED IN AS  
AMENDED  
SB 499  
SB 294 BE CONCURRED IN

**HEARING ON SB 376 - Revise covenant laws**

**Opening Statement:**

07:06:19 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 376, Revise covenant laws.

**Proponent Testimony:**

07:08:24 Ella Smith, Montana Advocates for Children  
07:10:31 Robin Turner, Women's Foundation of Montana  
07:10:55 Sam Forstag, City of Bozeman  
07:12:16 Stephanie Baucus, Attorney, on behalf of former and current clients  
07:14:44 Dan Brooks, Billings Chamber of Commerce  
07:16:47 Greg Sullivan, City of Bozeman

**Opponent Testimony:**

07:18:07 Jaymie Bowditch, Montana Association of Realtors  
07:20:21 Ross Keogh, Self  
07:22:47 Alana Griffith, Self  
07:25:15 Bill Gowen, Montana Land Title Association  
[EXHIBIT\(230405JUH1\)](#)  
07:27:49 Pat Keim, Self  
07:29:56 Zoe King, Self  
07:32:31 Peggy Trenk, Montana Resources Association  
07:33:43 Alan Olson, Montana Petroleum Association  
07:34:59 Kerry Hegriberg, Montana Bankers Association  
07:36:03 Cory Shaw, Montana Building Industry Association  
07:36:50 Ronda Wiggers, Self  
07:37:55 Aimee Grmoljez, Self

07:39:41 Andy Skinner, Self  
07:41:59 Jeffery Yates, Triple Tree Ranch Owners' Association  
07:44:24 Tom Bourguignon, Self  
07:46:38 Randall Snyder, Self  
07:49:10 Peter Van Tuyn, Self  
08:05:39 Sam Sill, Montana Association of Realtors

**Informational Witness Testimony:**

None

**Questions from Committee:**

07:51:14 Rep. Greg Kmetz  
08:14:50 Sen. Kenneth Bogner-R

**Closing Statement:**

08:15:01 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 376.

**HEARING ON SB 339 - Establish reasonable childhood independence laws**

**Opening Statement:**

08:16:48 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 339, Establish reasonable childhood independence laws.

**Proponent Testimony:**

None

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

08:18:26 Rep. Jedediah Hinkle

08:20:40 Sen. Kenneth Bogner-R

08:21:29 Vice Chair Laurie Bishop

**Closing Statement:**

08:21:54 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 339.

**HEARING ON SB 396 - Revise electronic driver's license privacy laws**

**Opening Statement:**

08:22:17 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 396, Revise electronic driver's license privacy laws.

**Proponent Testimony:**

08:23:42 Robin Turner, American Civil Liberties Union of Montana (ACLU)

08:24:05 Steve Cape, Coalition of Safety and Justice

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

08:25:20 Rep. Lola Sheldon-Galloway

08:25:40 Sen. Kenneth Bogner-R

**Closing Statement:**

08:26:03 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 396.

**HEARING ON SB 423 - Generally revise liability related to firearm hold agreements**

**Opening Statement:**

08:27:13 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 423, Generally revise liability related to firearm hold agreements.

**Proponent Testimony:**

08:28:48 Ed Beall, Capital Sports of Helena  
08:31:45 Jason Swant, Prickly Pear Sportsmen's Association (PPSA)  
08:33:59 Rebecca Squires, Self  
08:35:09 Michael Hossfeld, Self  
08:37:03 Roger Hagan, Montana Department of the American Legion and Montana National Guard Associations  
08:38:18 Jennifer Prebble, Self  
08:38:52 Senator Mary Ann Dunwell, SD 42  
08:40:27 Matt Kuntz, NAMI Montana

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

08:41:49 Rep. Neil Duram  
08:42:58 Rep. Laura Smith

**Closing Statement:**

08:43:10 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 423.

**HEARING ON SB 445 - Allow a professional person to testify remotely in certain criminal proceedings**

**Opening Statement:**

08:44:04 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 445, Allow a professional person to testify remotely in certain criminal proceedings.

**Proponent Testimony:**

08:45:05 Brian Thompson, Montana Attorney Association

08:46:26 Paula Stannard, Department of Public Health and Human Services

08:47:56 Matt Kuntz, NAMI Montana

**Opponent Testimony:**

None

**Informational Witness Testimony:**

None

**Questions from Committee:**

08:49:38 Rep. Lola Sheldon-Galloway

08:53:19 Paula Stannard

**Closing Statement:**

08:53:31 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 445.

**HEARING ON SB 333 - Create offense of trespass by unmanned aerial vehicle**

**Opening Statement:**

08:54:24 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 333, Create offense of trespass by unmanned aerial vehicle.

[EXHIBIT\(230405JUH2\)](#)

**Proponent Testimony:**

09:00:10 Mark Lambracht, Montana Electric Cooperative Association

09:01:03 Steve Cape, Coalition of Safety and Justice

09:03:27 Charles Denowh, United Property Owners of Montana

**Opponent Testimony:**

09:05:07 Steve White, Self

09:07:54 Greg Van Horssen, State Farm

09:08:59 Bruce Spencer, NOMIC Montana

09:09:30 Brian Thompson, Montana Sheriffs and Peace Officers Association (MSPOA)

09:10:36 Robin Turner, American Civil Liberties Union of Montana (ACLUM)

09:13:01 Alan Olson, Montana Petroleum Association

09:13:41 Peggy Trenk, Treasure State Resources Association

09:14:16 Sam Sill, Montana Association of Realtors

09:14:55 Cory Shaw, Montana Building Association

**Informational Witness Testimony:**

None

**Questions from Committee:**

09:16:27 Rep. Tom France

09:34:59 Sen. Greg Hertz-R

**Closing Statement:**

09:35:43 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 333.

**HEARING ON SB 392 - Revise determination of court costs for coal mining**

**Opening Statement:**

09:37:44 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 392, Revise determination of court costs for coal mining.

**Proponent Testimony:**

09:39:24 John Metropoulos, Westmoreland Mining

09:41:18 George Harris, Montana Coal Counsel

09:43:50 Dave Galt, Navajo Transitional Energy Company

09:44:15 Shelby DeMars, Montana Association of Oil, Gas and Coal

**Opponent Testimony:**

09:45:14 Chris McLean, Self

09:48:22 Steve Charter, Self  
09:51:01 Pat Thiele, Bull Mountain Land Alliance  
[EXHIBIT\(230405JUH3\)](#)  
09:53:27 Bronya Lechtman, Northern Planes Resource Center  
09:53:59 Caryn Miske, Sierra Club

**Informational Witness Testimony:**

09:55:40 Angie Colamaria, Department of Environmental Quality

**Questions from Committee:**

09:56:06 Vice Chair Laurie Bishop  
10:10:39 Chris McLean, Self

**Closing Statement:**

10:11:58 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 392.

**HEARING ON SB 397 - Generally revise laws related to privacy and facial recognition technology**

**Opening Statement:**

10:14:23 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 397, Generally revise laws related to privacy and facial recognition technology.

**Proponent Testimony:**

10:25:16 Kendall Cotton, Frontier Institute  
10:26:57 Liam McCollum, Americans for Prosperity of Montana  
10:27:57 Katie Sullivan, HD 89  
10:29:21 Steve Cape, Coalition for Safety and Justice  
[EXHIBIT\(230405JUH4\)](#)

**Opponent Testimony:**

10:33:05 EJ Redding, Security Industry Association

10:34:58 Brian Thompson, Montana Sheriffs and Peace Officers Association  
(MSPOA)

10:36:25 Robin Turner, American Civil Liberties Union of Montana (ACLUM)

10:39:10 Colby Williams, Security Industry Association

**Informational Witness Testimony:**

10:41:43 Laurie Bakri, Motor Vehicle Department

**Questions from Committee:**

10:42:27 Rep. Greg Kmetz

10:58:53 Sen. Kenneth Bogner-R

**Closing Statement:**

10:59:57 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 397.

11:01:25 **Recessed**

11:39:18 **Reconvened**

**EXECUTIVE ACTION ON SB 38 - Generally revise sex offender level designations**

11:39:31 **Motion:** Vice Chair Brandon Ler moved that **SB 38 BE CONCURRED IN.**

11:40:09 **Motion:** Vice Chair Brandon Ler moved that **SB 38 BE AMENDED.**

**Discussion:**

11:42:47 Rep. Jennifer Carlson

11:42:55 Rachel Weiss

11:44:27 Rep. Jennifer Carlson

11:44:33 Rachel Weiss

**Vote:** Motion carried unanimously by roll call vote.

11:46:13 **Motion:** Vice Chair Brandon Ler moved that **SB 38 BE CONCURRED IN AS AMENDED.**

**Vote:** Motion carried 15 - 4 by roll call vote with Rep. Bishop, Rep. France, Rep. Howell, Rep. Zephyr, voting no.  
Rep. France, Rep. Zephyr, By Proxy

**Carrier Assigned:** Rep. Jennifer Carlson

**EXECUTIVE ACTION ON SB 211 - Article V convention commissioner selection and credentialing act**

11:47:49 **Motion:** Vice Chair Brandon Ler moved that **SB 211 BE CONCURRED IN.**

**Discussion:**

11:47:54 Rachel Weiss

11:48:16 Rep. Jedediah Hinkle

11:49:06 Rep. Jennifer Carlson

11:50:08 Rep. Lola Sheldon-Galloway

**Vote:** Motion failed 16 - 3 by roll call vote with Rep. Carlson, Rep. Knudsen, Rep. Regier, voting yes.

11:51:30 **Motion:** Vice Chair Brandon Ler moved that **SB 211 BE TABLED.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 218 - Revise laws pertaining to settlements**

11:52:10 **Motion:** Vice Chair Brandon Ler moved that **SB 218 BE CONCURRED IN.**

**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. France, By Proxy

**EXECUTIVE ACTION ON SB 224 - Require court report on district court case numbers and substitutions**

11:53:42 **Motion:** Vice Chair Brandon Ler moved that **SB 224 BE CONCURRED IN.**

07:55:14 **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. France, By Proxy

**EXECUTIVE ACTION ON SB 326 - Generally revise crime laws**

11:57:42 **Motion:** Vice Chair Brandon Ler moved that **SB 326 BE CONCURRED IN.**

**Discussion:**

11:58:45 Vice Chair Laurie Bishop

11:58:47 Rep. Jedediah Hinkle

11:58:56 Rep. SJ Howell

**Vote:** Motion failed 14 - 5 by roll call vote with Rep. Carlson, Rep. Hinkle, Rep. Hinkle, Rep. Ler, Rep. Mitchell, voting yes.  
Rep. Hinkle, By Proxy

12:00:54 **Motion:** Vice Chair Brandon Ler moved that **SB 326 BE TABLED.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 361 - Prohibit discrimination by any person or entity because of firearms**

12:01:44 **Motion:** Vice Chair Brandon Ler moved that **SB 361 BE CONCURRED IN.**

12:01:49 **Motion:** Vice Chair Brandon Ler moved that **SB 361 BE TABLED.**

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

**EXECUTIVE ACTION ON SB 419 - Ban tik-tok in Montana**

12:03:05 **Motion:** Vice Chair Brandon Ler moved that **SB 419 BE CONCURRED IN.**

**Discussion:**

12:03:10 Rep. Zoey Zephyr

**Vote:** Motion carried 11 - 8 by roll call vote with Rep. Bishop, Rep. France, Rep. Hawk, Rep. Hinkle, Rep. Howell, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting no.  
Rep. France, Rep. Hinkle, By Proxy

**Carrier Assigned:** Rep. Amy Regier

**EXECUTIVE ACTION ON SB 443 - Revise POST council membership**

12:05:51 **Motion:** Vice Chair Brandon Ler moved that **SB 443 BE CONCURRED IN.**

**Discussion:**

12:05:58 Rachel Weiss

12:06:11 Rep. Neil Duram

12:06:17 **Motion:** Rep. Neil Duram moved that **SB 443 BE AMENDED.**

**Discussion:**

12:06:58 Rep. Neil Duram

**Vote:** Motion carried unanimously by roll call vote.

12:08:16 **Motion:** Vice Chair Brandon Ler moved that **SB 443 BE CONCURRED IN AS AMENDED.**

**Vote:** Motion carried 18 - 1 by voice vote with Rep. Carlson, voting no.

**Carrier Assigned:** Rep. Neil Duram

**EXECUTIVE ACTION ON SB 459 - Revise laws related to pretrial release**

12:09:29 **Motion:** Vice Chair Brandon Ler moved that **SB 459 BE CONCURRED IN.**

**Vote:** Motion carried 14 - 5 by roll call vote with Rep. Etchart, Rep. Ler, Rep. Mitchell, Rep. Regier, Rep. Sheldon-Galloway, voting no.  
Rep. Etchart, By Proxy

**EXECUTIVE ACTION ON SB 488 - Abolish common law marriage**

12:11:01 **Motion:** Vice Chair Brandon Ler moved that **SB 488 BE CONCURRED IN.**

**Discussion:**

12:11:09 Rachel Weiss

12:11:10 Rep. Laura Smith

12:12:46 Rep. Lola Sheldon-Galloway

12:13:26 Rep. Casey Knudsen

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

**EXECUTIVE ACTION ON SB 490 - Generally revising the legislature's investigative powers**

12:15:18 **Motion:** Vice Chair Brandon Ler moved that **SB 490 BE CONCURRED IN.**

12:15:25 **Motion:** Vice Chair Brandon Ler moved that **SB 490 BE AMENDED.**

**Discussion:**

12:16:14 Vice Chair Laurie Bishop

**Vote:** Motion carried 11 - 8 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Rusk, Rep. Smith, Rep. Zephyr, voting no.  
Rep. France, By Proxy

12:17:54 **Motion:** Vice Chair Brandon Ler moved that **SB 490 BE CONCURRED IN AS AMENDED.**

**Discussion:**

12:18:04 Rep. Neil Duram

**Vote:** Motion carried 10 - 9 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Kmetz, Rep. Rusk, Rep. Smith, Rep. Zephyr, voting no.  
Rep. France, By Proxy

**EXECUTIVE ACTION ON SB 499 - Revise adverse possession laws relating to certain land and improvements**

12:19:42 **Motion:** Vice Chair Brandon Ler moved that **SB 499 BE CONCURRED IN.**

12:20:10 **Motion:** Vice Chair Brandon Ler moved that **SB 499 BE AMENDED.**

**Discussion:**

12:20:19 Rachel Weiss

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

12:21:57 **Motion:** Vice Chair Brandon Ler moved that **SB 499 BE CONCURRED IN.**

**Discussion:**

12:22:12 Rep. Casey Knudsen

12:24:27 Rep. Donavon Hawk

12:24:28 Rep. Lola Sheldon-Galloway

12:24:29 Rachel Weiss

**Vote:** Motion carried 10 - 9 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Kmetz, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting no.  
Rep. France, By Proxy

12:22:16 **Motion:** Rep. Donavon Hawk moved that **SB 499 TO TABLE.**

**Vote:** Motion failed 10 - 9 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Kmetz, Rep. Knudsen, Rep. Smith, Rep. Zephyr, voting yes.  
Rep. France, By Proxy

13:11:09 **Motion:** Vice Chair Brandon Ler moved that **SB 499 BE CONCURRED IN AS AMENDED.**

**Vote:** Motion carried 10 - 9 by roll call vote with Rep. Bishop, Rep. Duram, Rep. France, Rep. Hawk, Rep. Howell, Rep. Kmetz, Rep. Knudsen, Rep.

Smith, Rep. Zephyr, voting no.  
Rep. Hawk, Rep. Zephyr, By Proxy

**Carrier Assigned:** Rep. David Bedey

**EXECUTIVE ACTION ON SB 294 - Establish the end of watch trust**

12:35:35      **Motion:** Vice Chair Brandon Ler moved that **SB 294 BE CONCURRED IN.**

**Vote:** Motion carried 16 - 3 by roll call vote with Rep. Knudsen, Rep. Sheldon-Galloway, Rep. Zephyr, voting no.  
Rep. Zephyr, By Proxy

**ADJOURNMENT**

Adjournment: 12:27:01

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Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230405JUHaad\)](#)