

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

Call to Order: Chair Amy Regier-R, on April 06, 2023 at 7:02 AM, in 137

ROLL CALL

Members Present: Rep. Amy Regier, Chair (R)
Rep. Laurie Bishop, Vice Chair (D)
Rep. Jennifer Carlson (R)
Rep. Lee Deming (R)
Rep. Neil Duram (R)
Rep. Jodee Etchart (R)
Rep. Tom France (D)
Rep. Caleb Hinkle (R)
Rep. Jedediah Hinkle (R)
Rep. SJ Howell (D)
Rep. Greg Kmetz (R)
Rep. Wayne Rusk (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Zooley Zephyr (D)

Members Excused: Rep. Kim Abbott (D)
Rep. Donavon Hawk (D)
Rep. Casey Knudsen (R)
Rep. Brandon Ler (R)
Rep. Braxton Mitchell (R)
Rep. Laura Smith (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 72 03/31/2023
SB 252 03/31/2023
SB 450 03/31/2023
SB 491 03/31/2023

Executive Action:

SB 333 TO TABLE
SB 339 BE CONCURRED IN
SB 359 BE CONCURRED IN
SB 392 BE CONCURRED IN AS
AMENDED
SB 396
SB 423
SB 445 BE CONCURRED IN AS
AMENDED
SB 464 BE CONCURRED IN
SB 471 TO TABLE

HEARING ON SB 252 - Expand state ethics laws to include the judicial branch and judges

Opening Statement:

07:04:08 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 252, Expand state ethics laws to include the judicial branch and judges.

Proponent Testimony:

07:08:05 Bruce Spencer, Montana Judges Association

Opponent Testimony:

None

Informational Witness Testimony:

07:09:21 Chris Gallas, Commissioner of Political Practices

Questions from Committee:

None

Closing Statement:

07:10:00 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 252.

HEARING ON SB 450 - Personal Freedom /Right of Conscience Act related to immunizations and drugs

Opening Statement:

07:13:06 Sen. Daniel Emrich (R), SD 11, opened the hearing on SB 450, Personal Freedom /Right of Conscience Act related to immunizations and drugs.

Proponent Testimony:

07:17:21 Robin Mohs, Self

07:20:13 Mariah Haaser, Self

07:21:57 Jo Vilhalur, Self

07:23:30 Cheryl Ross, Montana For Vaccine Choice
07:26:06 Lori Gilbert Lee, Self
07:28:53 Rebecca Schwartz, Self
07:30:31 Melissa Gaspar, Self
07:33:20 Dr. Christine Drivdal-Smith, Self
07:34:46 Andrew Liubrand, Self
07:37:32 Jolene Crum, Self

Opponent Testimony:

07:38:33 Katie Lovell, Self
07:40:00 Robert Filipovich, Self
07:40:00 Robert Filipovich, Self

[EXHIBIT\(230406JUH a1\)](#)

[EXHIBIT\(230406JUH a2\)](#)

[EXHIBIT\(230406JUH a3\)](#)

[EXHIBIT\(230406JUH a4\)](#)

[EXHIBIT\(230406JUH a5\)](#)

[EXHIBIT\(230406JUH a6\)](#)

[EXHIBIT\(230406JUH a7\)](#)

[EXHIBIT\(230406JUH a8\)](#)

[EXHIBIT\(230406JUH a9\)](#)

[EXHIBIT\(230406JUH a10\)](#)

[EXHIBIT\(230406JUH a11\)](#)

[EXHIBIT\(230406JUH a12\)](#)

[EXHIBIT\(230406JUH a13\)](#)

[EXHIBIT\(230406JUHa14\)](#)

[EXHIBIT\(230406JUHa15\)](#)

[EXHIBIT\(230406JUHa16\)](#)

07:42:17 Sophia Newcomer, Self

07:42:45 Rep. Laura Smith joined the meeting.

07:44:10 Vice Chair Brandon Ler joined the meeting.

07:45:06 Caitlin Jensen, Zero To Five Montana

07:47:03 Kerry Krepps, Florence Crittenton Family Services

07:49:21 Brandi Thomas, Self

07:51:13 Lauren Wilson, Montana Chapter of the American Academy of Pediatrics

07:54:04 Ella Smith, Montana Advocates for Children

07:56:32 Amanda Cahill, Montana Biotechnology

07:58:08 Jenny Mernan-Butcher, Montanans Organized for Education

07:59:38 Jean Branscum, Montana Medical Association

08:01:11 Cheryl Hutzenbiler, Self

08:02:24 Meghan Ballenger, Montana Child Care Resource and Referral Network

08:03:39 Dr. Marian Kummer, Montana Chapter of the American Academy of Pediatrics

08:04:59 Tammy Chirstofferson, Self

08:06:23 Roxane Weikel, Self

08:07:44 Dr. Paul Smith, Self

08:09:02 Edie McLean, Self

08:10:23 Kari Shirley, Self

08:11:53 Collette Box, Self

08:12:40 Rep. Casey Knudsen joined the meeting.

08:13:12 Karen Filipovich, Montana Head Start Association

Informational Witness Testimony:

08:14:38 Tracy Moseman, Department of Public Health and Human Services

08:14:56 Paula Stannard, Department of Public Health and Human Services

08:15:20 Quinlan O'Connor, Department of Labor and Industry for the Human Rights Bureau

Questions from Committee:

08:15:53 Rep. Greg Kmetz

09:03:16 Sponsor

Closing Statement:

09:04:50 Sen. Daniel Emrich (R), SD 11, closed the hearing on SB 450.

HEARING ON SB 491 - Revise liability laws for persons engaging in a felony

Opening Statement:

09:14:19 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 491, Revise liability laws for persons engaging in a felony.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:16:23 Rep. SJ Howell

09:16:46 Sen. Steve Fitzpatrick-R

09:17:08 Rep. Greg Kmetz

09:17:17 Sen. Steve Fitzpatrick-R

Closing Statement:

09:17:32 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 491.

HEARING ON SB 72 - Revise judicial administration of water rights

Opening Statement:

09:17:43 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 72, Revise judicial administration of water rights.

Proponent Testimony:

09:20:40 Kristen Juras, Governor's Office

09:23:09 Anna Pakenham-Stevenson, Department of Natural Resources and Conservation

[EXHIBIT\(230406JUHa17\)](#)

[EXHIBIT\(230406JUHa18\)](#)

09:25:51 JM Peck, Self

09:27:58 Richard Roth, Self

09:30:43 Dusty Hahn, Self

09:31:53 Cliff Cox, Self

09:33:53 Dale Flikklma, Farmers Canal Company

09:35:44 Krista Lee Evans, Gallatin County Agricultures Irrigators

09:37:56 Holly Franz, Self

[EXHIBIT\(230406JUHa19\)](#)

09:40:23 John Scully, Self

09:43:59 Raylee Honeycutt, Montana Stock Growers Association

09:46:21 Mike Murphy, Montana Resources Association

09:48:11 Mike Cusick, Water Judication Advisory
09:50:52 Kelly Lynch, Montana League of Cities and Towns
09:52:07 Nicole Rolf, Montana Farm Bureau Association
09:53:48 Hertha Lund, Stock Growers Association
09:56:05 Ryan McLane, Northwestern Energy
09:58:33 Aimee Grmoljez, Crawley Fleck Law Firm
09:59:34 Clayton Elliot, Montana Trout Unlimited
10:02:22 Ross Keogh, Self
10:03:34 Andrew Gorder, Clark Fork Coalition

Opponent Testimony:

10:05:17 John Metropolous, Alliance for Local Water Management
10:07:51 Colleen Coyle, Water Attorney in Bozeman
10:10:20 Katherine Vandemore, William Sego
10:13:25 Edward Byrne, Self
10:16:30 Mary McCracken, Self
10:17:15 Rob Brandt, Park County Conservation
10:18:31 Carl Devries, Rock Creek Water Users Association
10:20:12 Mark Robertus, Rock Creek Water Users Association
10:22:22 Albert Foos, Rock Cree Water Users Association
10:24:11 Jasmine Krotov, Montana Farmers Union
10:25:59 Bill Hibnes, Big Timber Water Commissioner
10:27:31 Ross Morgan, Rocky Mountain Stock Growers Association
10:29:06 Ross Salmond, Alliance for Local Water Management
10:30:43 Lezlie Kinny, Water Commissioner

10:32:41 Jocelyn Galt-Cahill, Self
10:33:16 Steve Kelley, Self
10:36:14 Ken Miller, Self
10:37:27 Elena Gagliano, Self

Informational Witness Testimony:

10:39:41 Dana Corson, Secretary of State's Office

Questions from Committee:

10:40:01 Rep. Jedediah Hinkle
11:06:03 Krista Lee Evans
12:24:32 Pass Consideration on SB 392

Closing Statement:

11:06:54 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 72.

11:10:18 **Recessed**

11:51:46 **Reconvened**

EXECUTIVE ACTION ON SB 333 - Create offense of trespass by unmanned aerial vehicle

12:02:02 **Motion:** Vice Chair Brandon Ler moved that **SB 333 BE CONCURRED IN.**

12:02:10 **Motion:** Vice Chair Brandon Ler moved that **SB 333 BE AMENDED.**

Discussion:

12:02:57 Rep. Casey Knudsen

12:02:10 **Vote:** Motion failed 11 - 8 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Duram, Rep. Hinkle, Rep. Hinkle, Rep. Ler, Rep. Mitchell, Rep. Regier, voting yes.
Rep. Hinkle, Rep. Mitchell, By Proxy

12:04:32 **Motion:** Vice Chair Brandon Ler moved that **SB 333 BE CONCURRED IN.**

Discussion:

12:04:42 Rep. Casey Knudsen

- 12:05:05 Rep. Jodee Etchart
- 12:05:51 Rep. Lola Sheldon-Galloway
- 12:06:17 Rep. Jennifer Carlson
- 12:04:32 **Vote:** Motion failed 13 - 6 by roll call vote with Rep. Carlson, Rep. Deming, Rep. Duram, Rep. Ler, Rep. Mitchell, Rep. Regier, voting yes.
Rep. Mitchell, By Proxy
- 12:07:46 **Motion:** Vice Chair Brandon Ler moved that **SB 333 TO TABLE.**
- 12:07:46 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 339 - Establish reasonable childhood independence laws

- 12:08:09 **Motion:** Vice Chair Brandon Ler moved that **SB 339 BE CONCURRED IN.**

Discussion:

- 12:08:25 Rep. Neil Duram
- 12:08:26 Rep. Braxton Mitchell left the meeting.
- 12:08:30 Rep. Jedediah Hinkle left the meeting.
- 12:08:34 Rep. Caleb Hinkle left the meeting.
- 12:09:00 Rep. Zoey Zephyr
- 12:09:22 Rep. Wayne Rusk
- 12:09:41 Rep. Jennifer Carlson
- 12:10:11 Rep. Casey Knudsen
- 12:10:42 Vice Chair Laurie Bishop
- 12:08:09 **Vote:** Motion carried 16 - 3 by roll call vote with Rep. Duram, Rep. Rusk, Rep. Zephyr, voting no.

EXECUTIVE ACTION ON SB 359 - Prohibit tracking of firearms sales by financial institutions

- 12:13:41 **Motion:** Vice Chair Brandon Ler moved that **SB 359 BE CONCURRED IN.**
- 12:13:41 **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, Rep. Hawk, By Proxy

EXECUTIVE ACTION ON SB 392 - Revise determination of court costs for coal mining

12:14:58 **Motion:** Vice Chair Brandon Ler moved that **SB 392 BE CONCURRED IN.**

12:15:20 **Motion:** Vice Chair Brandon Ler moved that **SB 392 BE AMENDED.**

Discussion:

12:16:33 Vice Chair Laurie Bishop

12:15:20 **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.
Rep. France, Rep. Hawk, By Proxy

12:18:19 **Motion:** Vice Chair Brandon Ler moved that **SB 392 BE CONCURRED IN AS AMENDED.**

Discussion:

12:18:31 Rep. Lee Deming

12:18:57 Vice Chair Laurie Bishop

12:19:43 Rep. Laura Smith

12:20:26 Rep. Jennifer Carlson

12:21:27 Rep. Lee Deming

12:22:18 Rep. Casey Knudsen

12:22:59 Rep. SJ Howell

12:24:18 Rep. Casey Knudsen

12:24:20 Rep. Jedediah Hinkle

12:18:19 **Vote:** Motion failed unanimously by voice vote.

EXECUTIVE ACTION ON SB 396 - Revise electronic driver's license privacy laws

12:25:57 **Motion:** Vice Chair Brandon Ler moved that **SB 396 BE CONCURRED IN.**

Discussion:

12:26:25 Rep. Lola Sheldon-Galloway

12:25:57 **Vote:** Motion carried unanimously by voice vote.

12:25:57 **Carrier Assigned:** Rep. Braxton Mitchell

EXECUTIVE ACTION ON SB 423 - Generally revise liability related to firearm hold agreements

12:27:28 **Motion:** Vice Chair Brandon Ler moved that **SB 423 BE CONCURRED IN.**

12:27:28 **Vote:** Motion carried unanimously by roll call vote.

12:27:28 **Carrier Assigned:** Rep. Amy Regier

EXECUTIVE ACTION ON SB 445 - Allow a professional person to testify remotely in certain criminal proceedings

12:28:51 **Motion:** Vice Chair Brandon Ler moved that **SB 445 BE CONCURRED IN.**

12:28:59 **Motion:** Vice Chair Brandon Ler moved that **SB 445 BE AMENDED.**

12:28:59 **Vote:** Motion carried unanimously by voice vote.

12:29:46 **Motion:** Vice Chair Brandon Ler moved that **SB 445 BE CONCURRED IN AS AMENDED.**

12:29:46 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 464 - Revise laws related to eyewitness lineups

12:30:37 **Motion:** Vice Chair Brandon Ler moved that **SB 464 BE CONCURRED IN.**

Discussion:

12:30:59 Rep. Laura Smith

12:31:04 Rep. Zoey Zephyr left the meeting.

12:30:37 **Vote:** Motion carried 17 - 2 by voice vote with Rep. Duram, Rep. Rusk, voting no.

EXECUTIVE ACTION ON SB 471 - Generally revise alcohol, tobacco, and marijuana laws relating to children

12:32:16 **Motion:** Vice Chair Brandon Ler moved that **SB 471 BE CONCURRED IN.**

Discussion:

12:32:39 Vice Chair Laurie Bishop

12:33:07 **Motion:** Vice Chair Laurie Bishop moved that **SB 471 TO TABLE.**

12:33:07 **Vote:** Motion carried unanimously by roll call vote.

ADJOURNMENT

Adjournment: 12:35:09

Jamie Van Valkenburg, Secretary

Additional Documents: [EXHIBIT\(230406JUHaad\)](#)