

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) JUDICIARY

Call to Order: Chair Sen. Keith Regier-R, on January 26, 2023 at 9:02 AM, in 303

ROLL CALL

Members Present: Sen. Keith Regier, Chair (R)
Sen. Jen Gross, Vice Chair (D)
Sen. Barry Usher, Vice Chair (R)
Sen. Bob Brown (R)
Sen. Daniel Emrich (R)
Sen. Chris Friedel (R)
Sen. Steve Hinebauch (R)
Sen. Theresa Manzella (R)
Sen. Andrea Olsen (D)
Sen. Susan Webber (D)

Members Excused: Sen. Kathy Kelker (D)

Staff Present: Grace Gibney, Secretary
Madelyn Krezowski, Attorney

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:

HB 83 01/23/2023
HB 111 01/23/2023
SB 201 01/23/2023

Executive Action:

HB 149
SB 171 DO PASS AS AMENDED
SB 160 DO PASS AS AMENDED
SB 183 DO PASS
SB 191 DO PASS AS AMENDED
SR 6 DO PASS
HB 83
HB 111

HEARING ON HB 83 - Revise administration of Family Violence Prevention Services Act grants

Opening Statement:

09:03:46 Rep. Amy Regier (R), HD 6, opened the hearing on HB 83, Revise administration of Family Violence Prevention Services Act grants.

Proponent Testimony:

09:04:57 Nikki Grossberg, Child and Family Services, Department of Health and Human Services (DPHHS)

09:06:56 Kelsen Young, Montana Collation Against Domestic and Sexual Violence

Opponent Testimony:

None

Informational Witness Testimony:

09:08:54 Natalia Bowser, Montana Board of Crime Control (MBCC)

Questions from Committee:

09:09:17 Sen. Jen Gross

09:09:34 Natalia Bowser, MBCC

09:10:19 Sen. Keith Regier

09:11:19 Nikki Grossberg, DPHHS

Closing Statement:

09:11:32 Rep. Amy Regier (R), HD 6, closed the hearing on HB 83.

HEARING ON HB 111 - Revise laws related to assignment of counsel at public expense

Opening Statement:

09:12:00 Rep. Jodee Etchart (R), HD 48, opened the hearing on HB 111, Revise laws related to assignment of counsel at public expense.

Proponent Testimony:

09:12:56 Robin Turner, American Civil Liberties Union of Montana

09:14:37 Brian Smith, Public Defender Division

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:16:27 Sen. Barry Usher
09:17:01 Brian Smith, Public Defender Division
09:19:08 Sen. Keith Regier
09:20:04 Brian Smith, Public Defender Division
09:20:11 Sen. Andrea Olsen
09:21:32 Brian Smith, Public Defender Division
09:21:38 Sen. Theresa Manzella
09:21:59 Brian Smith, Public Defender Division

Closing Statement:

09:22:50 Rep. Jodee Etchart (R), HD 48, closed the hearing on HB 111.

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

Opening Statement:

09:24:15 Sen. Greg Hertz (R), SD 12, opened the hearing on SB 201, Revise judicial recusal laws when parties made campaign contributions.

Discussion:

[EXHIBIT\(230126JUSa1\)](#)

Proponent Testimony:

09:31:06 Lant Barney, Hallin and Associates

Opponent Testimony:

09:33:02 Sean Slanger, Montana State Bar
09:35:18 Bruce Spencer, Montana Judges Association

09:40:28 Al Smith, Montana Trial Lawyers Association (MTLA)

Informational Witness Testimony:

09:48:24 Chris Gallus, Commissioner of Political Practice Governors Office (COPP)

09:51:02 Scott Cook, Office of Commissioner of Political Practice (COPP)

Questions from Committee:

09:51:42 Sen. Theresa Manzella

09:51:45 Sean Slanger, Montana State Bar

09:55:07 Sen. Theresa Manzella

09:55:54 Al Smith, MTLA

09:55:59 Sen. Keith Regier

09:56:01 Sen. Greg Hertz-R

09:57:21 Sen. Jen Gross

09:57:30 Scott Cook, COPP

10:02:08 Sen. Jen Gross

10:02:10 Bruce Spencer

10:04:11 Sen. Susan Webber

10:06:42 Sen. Barry Usher

10:07:49 Sean Slanger, Montana State Bar

10:09:41 Sen. Jen Gross

10:09:55 Bruce Spencer, Montana Judges Association

10:11:25 Sen. Jen Gross

10:11:27 Al Smith, MTLA

10:13:53 Sen. Daniel Emrich

10:14:25 Scott Cook, COPP

10:15:32 Sen. Daniel Emrich

10:15:35 Chris Gallus, COPP
10:16:54 Sean Slanger, Montana State Bar
10:19:01 Sen. Andrea Olsen
10:23:26 Al Smith, MTLA
10:23:35 Sen. Andrea Olsen
10:24:12 Sen. Greg Hertz-R
10:26:00 Sen. Susan Webber
10:27:13 Sen. Greg Hertz-R
10:29:24 Sen. Andrea Olsen

Closing Statement:

10:32:15 Sen. Greg Hertz (R), SD 12, closed the hearing on SB 201.

EXECUTIVE ACTION ON HB 149 - Generally revise laws related to 9-1-1 program

11:03:07 **Motion:** Sen. Barry Usher moved that **HB 149 BE CONCURRED IN.**
11:03:07 **Vote:** Motion carried unanimously by voice vote.
11:03:07 **Carrier Assigned:** Sen. Daniel Emrich

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

11:04:55 **Motion:** Sen. Barry Usher moved that **SB 171 DO PASS.**
11:05:52 **Motion:** Sen. Bob Brown moved that **SB 171 BE AMENDED.**
11:05:52 **Vote:** Motion carried unanimously by voice vote.
11:06:57 **Motion:** Sen. Barry Usher moved that **SB 171 DO PASS AS AMENDED.**
11:06:57 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Olsen, voting no.

EXECUTIVE ACTION ON SB 160 - Generally revise drug and human trafficking laws

11:11:54 **Motion:** Sen. Barry Usher moved that **SB 160 DO PASS.**
11:11:54 **Vote:** Motion failed unanimously by voice vote.

- 11:12:02 **Motion:** Sen. Barry Usher moved that **SB 160 BE AMENDED.**
- 11:12:02 **Vote:** Motion carried unanimously by voice vote.
- 11:16:43 **Motion:** Sen. Barry Usher moved that **SB 160 DO PASS AS AMENDED.**
- 11:16:43 **Vote:** Motion carried 9 - 2 by roll call vote with Sen. Emrich, Sen. Kelker, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SB 183 - Provide for jury trials in cases involving termination of parental rights

- 11:18:06 **Motion:** Sen. Barry Usher moved that **SB 183 DO PASS.**
- Discussion:**
- 11:19:22 Sen. Theresa Manzella
- 11:19:24 Sen. Andrea Olsen
- 11:20:01 Sen. Daniel Emrich
- 11:18:06 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SB 191 - Revise preliminary injunction laws

- 11:23:00 **Motion:** Sen. Barry Usher moved that **SB 191 DO PASS.**
- 11:24:56 **Motion:** Sen. Barry Usher moved that **SB 191 BE AMENDED.**
- 11:24:56 **Vote:** Motion carried unanimously by voice vote.
- 11:27:04 **Motion:** Sen. Barry Usher moved that **SB 191 DO PASS AS AMENDED.**
- 11:27:04 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON SR 6 - Confirm governor's appointees for the judicial standards commission

- 11:31:06 **Motion:** Sen. Barry Usher moved that **SR 6 DO PASS.**
- 11:31:06 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

EXECUTIVE ACTION ON HB 83 - Revise administration of Family Violence Prevention Services Act grants

11:34:16 **Motion:** Sen. Barry Usher moved that **HB 83 BE CONCURRED IN.**

11:34:16 **Vote:** Motion carried unanimously by voice vote.

11:34:16 **Carrier Assigned:** Sen. Jen Gross

EXECUTIVE ACTION ON HB 111 - Revise laws related to assignment of counsel at public expense

11:36:10 **Motion:** Sen. Barry Usher moved that **HB 111 BE CONCURRED IN.**

11:36:10 **Vote:** Motion carried unanimously by voice vote.

11:36:10 **Carrier Assigned:** Sen. Barry Usher

ADJOURNMENT

Adjournment: 11:37:52

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230126JUSaad\)](#)