

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

Call to Order: Chair Sen. Keith Regier-R, on February 09, 2023 at 9:02 AM, in 303

ROLL CALL

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

Members Excused: Sen. Chris Friedel (R)
Sen. Jen Gross (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:

SB 278 02/06/2023

SB 279 02/06/2023

Executive Action:

SB 210 DO PASS AS AMENDED

SB 218 DO PASS

SB 247 DO PASS

SB 252 DO PASS

HB 79

HB 112

SB 169 DO PASS AS AMENDED

HEARING ON SB 278 - Authorize legislative officer intervention in declaratory judgment action

Opening Statement:

09:03:05 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 278, Authorize legislative officer intervention in declaratory judgment action.

09:03:30 Sen. Gross has arrived

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:07:13 Sen. Jen Gross

09:07:38 Sen. Steve Fitzpatrick-R

09:08:50 Sen. Andrea Olsen

09:09:28 Sen. Steve Fitzpatrick-R

09:11:50 Sen. Chris Friedel joined the meeting.

09:18:07 Sen. Regier has left

09:21:39 Sen. Theresa Manzella

09:22:33 Sen. Steve Fitzpatrick-R

09:24:18 Sen. Kathy Kelker

09:25:30 Sen. Steve Fitzpatrick-R

09:26:12 Sen. Barry Usher

09:26:32 Sen. Steve Fitzpatrick-R

09:27:31 Sen. Andrea Olsen

09:28:13 Sen. Steve Fitzpatrick-R
09:31:16 Sen. Susan Webber
09:32:51 Sen. Steve Fitzpatrick-R
09:34:32 Sen. Theresa Manzella
09:35:11 Sen. Steve Fitzpatrick-R

Closing Statement:

09:35:59 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 278.

HEARING ON SB 279 - Revise offer of settlement law

Opening Statement:

09:36:21 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 279, Revise offer of settlement law.

Proponent Testimony:

09:39:53 Charles Robinson, Montana Manufactures Association, Montana Chamber of Commerce
09:40:28 Aimee Grmoljez, Montana Bankers Association

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

09:41:36 Sen. Theresa Manzella
09:42:15 Sen. Steve Fitzpatrick-R
09:42:18 Sen. Daniel Emrich
09:43:00 Sen. Steve Fitzpatrick-R
09:47:50 Sen. Daniel Emrich

09:48:01 Charles Robinson, Montana Manufactures Association, Montana Chamber of Commerce

09:49:44 Sen. Susan Webber

09:50:13 Sen. Steve Fitzpatrick-R

09:53:10 Sen. Andrea Olsen

09:54:04 Sen. Steve Fitzpatrick-R

Closing Statement:

09:55:11 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 279.

EXECUTIVE ACTION ON SB 210 - Prohibit consent as a defense for physician-assisted suicide

10:45:19 **Motion:** Sen. Barry Usher moved that **SB 210 DO PASS.**

10:47:53 **Motion:** Sen. Jen Gross moved that **SB 210 BE AMENDED.**

10:47:53 **Vote:** Motion carried 10 - 1 by voice vote with Sen. Emrich, voting no.

10:48:38 **Motion:** Sen. Daniel Emrich moved that **SB 210 SEGREGATE 'AND KNOWINGLY'.**

10:48:38 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Emrich, voting no.

10:51:46 **Motion:** Sen. Barry Usher moved that **SB 210 DO PASS AS AMENDED.**

10:51:46 **Vote:** Motion carried 7 - 4 by voice vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.

EXECUTIVE ACTION ON SB 218 - Revise laws pertaining to settlements

10:52:43 **Motion:** Sen. Barry Usher moved that **SB 218 DO PASS.**

10:54:07 **Motion:** Sen. Barry Usher moved that **SB 218 BE AMENDED.**

10:54:07 **Vote:** Motion failed unanimously by voice vote.

10:57:21 **Motion:** Sen. Barry Usher moved that **SB 218 DO PASS.**

10:57:21 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.

EXECUTIVE ACTION ON SB 247 - Revise covenant laws

23:00:06 **Motion:** Sen. Barry Usher moved that **SB 247 DO PASS.**

23:00:06 **Vote:** Motion carried unanimously by voice vote.

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

23:01:31 **Motion:** Sen. Barry Usher moved that **SB 252 DO PASS.**

23:01:31 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 79 - Create sexual assault response network program and committee

23:03:53 **Motion:** Sen. Barry Usher moved that **HB 79 BE CONCURRED IN.**

23:06:04 **Motion:** Sen. Barry Usher moved that **HB 79 BE AMENDED.**

23:06:04 **Vote:** Motion carried unanimously by voice vote.

23:08:30 **Motion:** Sen. Jen Gross moved that **HB 79 BE AMENDED.**

23:08:30 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.

23:21:02 **Motion:** Sen. Barry Usher moved that **HB 79 BE CONCURRED IN AS AMENDED.**

23:21:02 **Vote:** Motion carried unanimously by voice vote.

23:21:02 **Carrier Assigned:** Sen. Keith Regier

EXECUTIVE ACTION ON HB 112 - Generally revise human trafficking laws

23:22:12 **Motion:** Sen. Barry Usher moved that **HB 112 BE CONCURRED IN.**

23:23:12 **Motion:** Sen. Barry Usher moved that **HB 112 BE AMENDED.**

23:23:12 **Vote:** Motion carried unanimously by voice vote.

23:24:21 **Motion:** Sen. Barry Usher moved that **HB 112 BE CONCURRED IN AS AMENDED.**

23:24:21 **Vote:** Motion carried unanimously by voice vote.

23:24:21 **Carrier Assigned:** Sen. Barry Usher

EXECUTIVE ACTION ON SB 169 - Generally revise punitive damage laws

- 23:24:00 **Motion:** Sen. Barry Usher moved that **SB 169 DO PASS.**
- 23:32:01 **Motion:** Sen. Barry Usher moved that **SB 169 BE AMENDED.**
- 23:32:01 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, By Proxy
- 23:32:44 **Motion:** Sen. Andrea Olsen moved that **SB 169 BE AMENDED.**
- 23:32:44 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Gross, By Proxy
- 23:43:05 **Motion:** Sen. Keith Regier moved that **SB 169 DO PASS AS AMENDED.**
- 23:43:05 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, By Proxy

ADJOURNMENT

Adjournment: 11:25:57

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230209JUSaad\)](#)