

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

Call to Order: Chair Keith Regier-R, on February 22, 2023 at 8:02 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: Julianne Burkhardt, Attorney
Grace Gibney, Secretary

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 02/15/2023
SB 355 02/16/2023
SB 368 02/16/2023
SB 400 02/20/2023

Executive Action:

SB 256 DO PASS AS AMENDED
SB 313 DO PASS AS AMENDED
SB 307 DO PASS AS AMENDED
SB 325 DO PASS AS AMENDED
SB 326 DO PASS
SJ 11 DO PASS AS AMENDED
SB 172 DO PASS AS AMENDED
SB 400 DO PASS

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

Opening Statement:

08:03:44 Sen. John Fuller (R), SD 8, opened the hearing on SB 400, Extending permit for concealed carry from 4 to 5 years.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:07:02 Sen. John Fuller (R), SD 8, closed the hearing on SB 400.

EXECUTIVE ACTION ON SB 256 - Prohibit ownership of private property within state by citizens of enemy states

08:10:43 **Motion:** Sen. Barry Usher moved that **SB 256 DO PASS.**

Discussion:

08:12:13 Sen. Andrea Olsen

08:16:58 Chair Keith Regier

08:17:09 Vice Chair Jen Gross

08:17:59 Chair Keith Regier

08:18:16 **Motion:** Sen. Barry Usher moved that **SB 256 BE AMENDED.**

08:18:16 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

08:19:15 **Motion:** Sen. Barry Usher moved that **SB 256 DO PASS AS AMENDED.**

08:19:15 **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 SB 313 - Revise judiciary laws

08:24:15 **Motion:** Sen. Barry Usher moved that **SB 313 DO PASS.**

Discussion:

08:25:07 Sen. Chris Friedel

08:25:37 Chair Keith Regier

08:25:59 **Motion:** Sen. Barry Usher moved that **SB 313 BE AMENDED.**

Discussion:

08:26:09 Chair Keith Regier

08:26:42 Vice Chair Jen Gross

08:29:28 Sen. Chris Friedel

08:29:50 Vice Chair Jen Gross

08:25:59 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Olsen, voting no.

08:30:24 **Motion:** Sen. Jen Gross moved that **SB 313 BE AMENDED.**

Discussion:

08:30:42 Chair Keith Regier

08:30:24 **Vote:** Motion failed 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting yes.
Sen. Kelker, By Proxy

08:31:49 **Motion:** Sen. Barry Usher moved that **SB 313 DO PASS AS AMENDED.**

Discussion:

08:33:26 Sen. Bob Brown

08:33:31 Chair Keith Regier

08:31:49 **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 SB 307 - Revise reporting requirements for nonprofits and charitable trusts

08:34:44 **Motion:** Sen. Barry Usher moved that **SB 307 DO PASS.**

08:34:48 **Motion:** Sen. Barry Usher moved that **SB 307 BE AMENDED.**

08:34:48 **Vote:** Motion carried unanimously by voice vote.

08:35:38 **Motion:** Sen. Barry Usher moved that **SB 307 DO PASS AS AMENDED.**

Discussion:

08:35:53 Sen. Andrea Olsen

08:35:38 **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 SB 325 - Revise laws relating to the privacy of marital communications

08:39:57 **Motion:** Sen. Barry Usher moved that **SB 325 DO PASS.**

08:40:00 **Motion:** Sen. Chris Friedel moved that **SB 325 BE AMENDED.**

Discussion:

08:40:30 Sen. Chris Friedel

08:40:50 Sen. Daniel Emrich

08:42:17 here

08:42:34 Sen. Chris Friedel

08:40:00 **Vote:** Motion carried 9 - 2 by roll call vote with Sen. Emrich, Sen. Regier, voting no.

08:44:30 **Motion:** Sen. Jen Gross moved that **SB 325 BE AMENDED.**

Discussion:

08:46:07 Vice Chair Jen Gross

08:46:26 Sen. Chris Friedel

08:44:30 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Brown, Sen. Emrich, Sen. Hinebauch, Sen. Regier, Sen. Usher, voting no.

08:47:40 **Motion:** Sen. Chris Friedel moved that **SB 325 DO PASS AS AMENDED.**

Discussion:

08:48:47 Sen. Andrea Olsen

08:47:40 **Vote:** Motion carried 10 - 1 by roll call vote with Sen. Olsen, voting no.

EXECUTIVE ACTION ON SB 326 - Generally revise crime laws

08:49:42 **Motion:** Sen. Chris Friedel moved that **SB 326 DO PASS.**

Discussion:

08:49:56 Vice Chair Jen Gross

08:50:54 Sen. Chris Friedel

08:52:13 Vice Chair Jen Gross

08:53:02 Vice Chair Barry Usher

08:53:23 Sen. Chris Friedel

08:49:42 **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 SJ 11 - Joint resolution defining law

08:55:48 **Motion:** Sen. Barry Usher moved that **SJ 11 DO PASS.**

08:55:52 **Motion:** Sen. Barry Usher moved that **SJ 11 BE AMENDED.**

Discussion:

08:56:09 Sen. Steve Hinebauch

08:56:13 Chair Keith Regier

08:55:52 **Vote:** Motion carried unanimously by voice vote.

08:56:37 **Motion:** Sen. Barry Usher moved that **SJ 11 DO PASS AS AMENDED.**

Discussion:

08:56:51 Sen. Andrea Olsen

09:00:36 Sen. Daniel Emrich

09:02:23 Vice Chair Jen Gross

09:03:00 Sen. Susan Webber

09:03:53 Sen. Steve Hinebauch

08:56:37 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

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

Opening Statement:

09:05:38 Sen. Greg Hertz (R), SD 12, opened the hearing on SB 333, Create offense of trespass by unmanned aerial vehicle.

Discussion:

[EXHIBIT\(230222JUSa1\)](#)

Proponent Testimony:

None

Opponent Testimony:

09:11:21 Vice Chair Barry Usher left the meeting.

09:11:24 Vice Chair Jen Gross left the meeting.

09:11:27 Greg VanHorsssen, State Farm Insurance Company

[EXHIBIT\(230222JUSa2\)](#)

09:16:12 Aimee Grmoljez, American Property and Casualty Insurance Association

09:17:01 Ryan Hall, Montana Electric Cooperative Association (MECA)

09:18:51 Allen Olsen, Montana Petroleum Association

09:21:52 Bridger Mahlum, Charter Communications

09:23:08 Sam Sill, Montana Association of Realtors

09:24:22 Peggy Trenk, Treasure State Resources Association

09:25:31 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association

09:26:21 Jake Ziska, Montana Association of Land Surveyors

[EXHIBIT\(230222JUSa3\)](#)

09:28:27 Steve White, self

09:31:29 Vice Chair Barry Usher joined the meeting.

Informational Witness Testimony:

09:36:12 Sonja Nowakowski, Department of Environmental Quality, Air, Energy and Mining Division

09:36:44 Brent Skorup, Drone and Telecommunications Attorney, The Mercatus Center at George Mason University

Questions from Committee:

09:38:05 Sen. Steve Hinebauch

09:38:38 Sen. Greg Hertz-R

09:40:07 Sen. Susan Webber

09:40:58 Sen. Greg Hertz-R

09:41:52 Chair Keith Regier

09:42:11 Ryan Hall, MECA

09:44:13 Sen. Theresa Manzella

09:45:28 Sen. Greg Hertz-R

09:46:07 Sen. Theresa Manzella

09:47:01 Steve White, self

09:51:13 Sen. Daniel Emrich

09:52:12 Brent Skorup, Drone and Telecommunications Attorney, The Mercatus Center at George Mason University

09:53:26 Sen. Daniel Emrich

09:54:40 Sen. Greg Hertz-R

09:57:46 Sen. Chris Friedel

09:58:03 Sen. Greg Hertz-R

09:59:53 Vice Chair Barry Usher

10:02:15 Sen. Greg Hertz-R

Closing Statement:

10:02:39 Sen. Greg Hertz (R), SD 12, closed the hearing on SB 333.

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

Opening Statement:

10:05:40 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:

10:10:24 Sean Slanger, Montana State Bar, Montana Judges Association

10:11:40 Al Smith, Montana Trial Lawyers

Informational Witness Testimony:

None

Questions from Committee:

10:16:54 Sen. Daniel Emrich

10:17:36 Sponsor

10:18:19 Sen. Andrea Olsen

10:19:27 Sponsor

10:21:10 Sen. Susan Webber

10:24:40 Sen. Andrea Olsen

10:26:55 Sponsor

Closing Statement:

10:31:06 Sen. Brad Molnar (R), SD 28, closed the hearing on SB 355.

HEARING ON SB 368 - Generally revise laws related to minors

Opening Statement:

10:32:18 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 368,
Generally revise laws related to minors.

Proponent Testimony:

10:36:46 Matt Furlong, Montana Child Protection Alliance (CPA)
10:41:36 Jacob Handy, self
10:44:17 Zilah Handy, self
10:45:08 Elliot Handy, self
10:45:44 Denise Johnson, Montana Child Protection Alliance (CPA)

Opponent Testimony:

10:49:47 Robin Turner, Montana Coalition Against Domestic and Sexual Violence
10:57:07 Judge Leslie Halligan, Montana Fourth Judicial District Court

Informational Witness Testimony:

11:03:13 Nikki Grossberg, Montana Child and Family Services (DPHHS)

Questions from Committee:

11:03:41 Sen. Theresa Manzella
11:04:47 Matt Furlong, CPA
11:10:00 Vice Chair Barry Usher
11:10:37 Judge Leslie Halligan, Montana Fourth Judicial District Court
11:12:02 Sen. Andrea Olsen
11:12:31 Sen. Jeremy Trebas-R
11:13:47 Sen. Daniel Emrich
11:15:26 Nikki Grossberg, DPHHS
11:15:39 Sen. Daniel Emrich
11:16:32 Sen. Jeremy Trebas-R

Closing Statement:

11:18:01 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 368.

EXECUTIVE ACTION ON SB 172 - Generally revise bail bond laws

11:32:28 **Motion:** Sen. Chris Friedel moved that **SB 172 DO PASS.**

11:32:47 **Motion:** Sen. Chris Friedel moved that **SB 172 BE AMENDED.**

Discussion:

11:33:56 Sen. Chris Friedel

11:35:19 Vice Chair Jen Gross

11:36:54 Sen. Andrea Olsen

11:38:06 Sen. Chris Friedel

11:38:42 Julianne Burkhardt

11:39:02 Sen. Chris Friedel

11:32:47 **Vote:** Motion carried 9 - 2 by voice vote with Sen. Olsen, Sen. Webber, voting no.

11:40:12 **Motion:** Sen. Chris Friedel moved that **SB 172 DO PASS AS AMENDED.**

Discussion:

11:40:32 Vice Chair Jen Gross

11:41:43 Sen. Chris Friedel

11:42:56 Sen. Susan Webber

11:43:02 Sen. Daniel Emrich

11:43:16 Sen. Andrea Olsen

11:40:12 **Vote:** Motion carried 6 - 5 by roll call vote with Sen. Kelker, Sen. Manzella, Sen. Olsen, Sen. Usher, Sen. Webber, voting no.
Sen. Kelker, By Proxy

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

11:45:22 **Motion:** Sen. Barry Usher moved that **SB 400 DO PASS.**

Discussion:

11:45:33 Vice Chair Jen Gross left the meeting.

11:45:43 Vice Chair Barry Usher

11:45:22 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Gross, Sen. Kelker, By Proxy

ADJOURNMENT

Adjournment: 11:48:40

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230222JUSaad\)](#)