

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

Call to Order: Chair Sen. Keith Regier-R, on February 23, 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. Steve Hinebauch (R)
Sen. Andrea Olsen (D)
Sen. Susan Webber (D)

Members Excused: Sen. Chris Friedel (R)
Sen. Kathy Kelker (D)
Sen. Theresa Manzella (R)

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 372 02/16/2023
SB 377 02/17/2023
SB 396 02/20/2023
SB 405 02/20/2023
SB 429 02/21/2023
SB 431 02/21/2023

Executive Action:

SB 250 DO PASS AS AMENDED
SB 355 DO PASS
SB 396 DO PASS
SB 405 DO PASS
SB 377 DO PASS
SB 429 DO PASS
SB 431 TO TABLE

SB 372 TO TABLE

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

Opening Statement:

08:04:00 Sen. Kenneth Bogner (R), SD 19, opened the hearing on SB 396, Revise electronic driver's license privacy laws.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:05:46 Sen. Jen Gross

08:06:15 Sen. Kenneth Bogner-R

08:06:18 Sen. Bob Brown

08:07:13 Sen. Kenneth Bogner-R

Closing Statement:

08:07:18 Sen. Kenneth Bogner (R), SD 19, closed the hearing on SB 396.

HEARING ON SB 405 - Require excusal of prospective jurors aged 75 and older

Opening Statement:

08:07:39 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 405, Require excusal of prospective jurors aged 75 and older.

08:07:54 Sen. Chris Friedel joined the meeting.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:08:50 Sen. Jen Gross
08:08:58 Sen. Jeremy Trebas-R
08:09:58 Sen. Keith Regier
08:10:02 Sen. Jeremy Trebas-R
08:10:20 Sen. Barry Usher

Closing Statement:

08:10:50 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 405.

HEARING ON SB 377 - Revise laws for courts of limited jurisdiction

Opening Statement:

08:11:18 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 377, Revise laws for courts of limited jurisdiction.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

08:13:15 Sen. Jen Gross
08:13:39 Sen. Steve Fitzpatrick-R

Closing Statement:

08:14:55 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 377.

HEARING ON SB 429 - Revise inventory law for certain estates

Opening Statement:

08:15:02 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 429, Revise inventory law for certain estates.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

08:16:38 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 429.

HEARING ON SB 431 - Revise laws related to judicial vacancy appointments

Opening Statement:

08:17:36 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 431, Revise laws related to judicial vacancy appointments.

08:18:14 Sen. Theresa Manzella joined the meeting.

Proponent Testimony:

08:21:47 Al Smith, Montana Trial Lawyers Association

Opponent Testimony:

08:22:43 Glen Oppel, Policy Director, Governor's Office

[EXHIBIT\(230223JUSa1\)](#)

Informational Witness Testimony:

08:27:44 Hannah Slusser, Boards and Appointments Advisor, Governor's Office

Questions from Committee:

08:28:20 Sen. Jen Gross
08:28:42 Sen. Chris Friedel-R
08:35:32 Sen. Jen Gross
08:36:15 Glen Oppel, Governor's Office
08:36:53 Hannah Slusser, Governor's Office
08:40:06 Sen. Jen Gross
08:40:23 Glen Oppel, Governor's Office
08:40:33 Sen. Keith Regier
08:42:00 Sen. Chris Friedel-R
08:42:04 Sen. Steve Hinebauch
08:42:31 Sen. Chris Friedel-R
08:44:03 Sen. Daniel Emrich
08:44:57 Sen. Chris Friedel-R
08:45:25 Sen. Bob Brown
08:45:46 Glen Oppel, Governor's Office
08:46:05 Hannah Slusser, Governor's Office
08:46:59 Sen. Barry Usher
08:47:49 Sen. Chris Friedel-R
08:48:55 Sen. Jen Gross
08:49:33 Glen Oppel, Governor's Office
08:50:00 Hannah Slusser, Governor's Office

Closing Statement:

08:50:43 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 431.

HEARING ON SB 372 - Requiring legislative appointment/confirmation of certain judges and justices

Opening Statement:

09:03:02 Sen. Daniel Emrich (R), SD 11, opened the hearing on SB 372, Requiring legislative appointment/confirmation of certain judges and justices.

Proponent Testimony:

None

Opponent Testimony:

09:05:15 Bruce Spencer, State Bar of Montana
09:07:55 Sean Slanger, Montana Defense Trial Lawyers
09:09:04 Norane Appling-Freistadt, self
09:11:25 Paul Pacini, self
09:14:45 Marjean Heisler, self
09:15:50 Patrick Yawaki, self
09:17:10 Lauren Caldwell, Montana Federation of Public Employees
09:18:32 Robyn Morrison, League of Women Voters of Montana
09:20:54 Greyson Abid, Montana Chapter of the Sierra Club
09:22:55 Al Smith, Montana Trial Lawyers Association
09:24:21 Ta'jin Perez, Western Native Voice
09:25:15 Molly Bell, Montana Conservation Voters
09:26:07 Joan Kresich, self
09:27:07 Danielle Vazquez, Montana Women Vote
09:28:11 Craig McClure, self

Informational Witness Testimony:

None

Questions from Committee:

09:30:23 Sen. Jen Gross
09:31:02 Norene Appling-Freistadt, self
09:31:40 Sen. Theresa Manzella left the meeting.
09:31:54 Sen. Jen Gross
09:32:36 Paul Pacini, self
09:34:13 Sen. Steve Hinebauch
09:34:17 Sen. Theresa Manzella joined the meeting.
09:34:50 Norene Appling-Freistadt, self
09:36:41 Sen. Susan Webber
09:38:43 Sen. Daniel Emrich-R
09:39:38 Sen. Chris Friedel
09:42:37 Norene Appling-Freistadt, self
09:42:47 Sen. Jen Gross
09:43:46 Sen. Daniel Emrich-R
09:44:41 Sen. Keith Regier
09:45:09 Bruce Spencer, State Bar of Montana

Closing Statement:

09:45:22 Sen. Daniel Emrich (R), SD 11, closed the hearing on SB 372.

EXECUTIVE ACTION ON SB 250 - Adopt Safety of the Child First Act

10:27:16 **Motion:** Sen. Theresa Manzella moved that **SB 250 DO PASS.**
10:28:18 **Motion:** Sen. Theresa Manzella moved that **SB 250 BE AMENDED.**

Discussion:

10:28:48 Sen. Theresa Manzella
10:30:25 Sen. Jen Gross

10:28:18 **Vote:** Motion carried 7 - 4 by roll call vote with Sen. Gross, Sen. Kelker, Sen. Olsen, Sen. Webber, voting no.
Sen. Kelker, By Proxy

10:31:44 **Motion:** Sen. Theresa Manzella moved that **SB 250 DO PASS AS AMENDED.**

10:31:44 **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 355 - Require disqualification of certain judges receiving political contributions

10:33:04 **Motion:** Sen. Theresa Manzella moved that **SB 355 DO PASS.**

10:33:04 **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 SB 396 - Revise electronic driver's license privacy laws

10:35:29 **Motion:** Sen. Theresa Manzella moved that **SB 396 DO PASS.**

10:35:29 **Vote:** Motion carried 10 - 1 by voice vote with Sen. Emrich, voting no.

EXECUTIVE ACTION ON SB 405 - Require excusal of prospective jurors aged 75 and older

10:36:38 **Motion:** Sen. Theresa Manzella moved that **SB 405 DO PASS.**

Discussion:

10:36:52 Sen. Andrea Olsen

10:38:35 Sen. Daniel Emrich

10:39:46 Sen. Barry Usher left the meeting.

10:36:38 **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 377 - Revise laws for courts of limited jurisdiction

10:40:55 **Motion:** Sen. Theresa Manzella moved that **SB 377 DO PASS.**

Discussion:

10:41:05 Sen. Jen Gross

10:40:55 **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 429 - Revise inventory law for certain estates

10:42:34 **Motion:** Sen. Theresa Manzella moved that **SB 429 DO PASS.**

Discussion:

10:42:41 Sen. Barry Usher joined the meeting.

10:42:34 **Vote:** Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON SB 431 - Revise laws related to judicial vacancy appointments

10:43:57 **Motion:** Sen. Chris Friedel moved that **SB 431 DO PASS.**

Discussion:

10:44:06 Sen. Jen Gross

10:43:57 **Vote:** Motion failed 8 - 3 by roll call vote with Sen. Emrich, Sen. Friedel, Sen. Manzella, voting yes.

10:46:20 **Substitute Motion:** Sen. Barry Usher moved that **SB 431 TO TABLE.**

10:46:20 **Vote:** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 372 - Requiring legislative appointment/confirmation of certain judges and justices

10:47:10 **Motion:** Sen. Daniel Emrich moved that **SB 372 DO PASS.**

Discussion:

10:47:27 Sen. Bob Brown

10:48:22 Sen. Daniel Emrich

10:48:58 Sen. Barry Usher

10:47:10 **Vote:** Motion failed 6 - 5 by roll call vote with Sen. Emrich, Sen. Friedel, Sen. Hinebauch, Sen. Regier, Sen. Usher, voting yes.

10:49:59 **Substitute Motion:** Sen. Barry Usher moved that **SB 372 TO TABLE.**

10:49:59 **Vote:** Substitute Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 10:51:51

Grace Gibney, Secretary

Additional Documents: [EXHIBIT\(230223JUSaad\)](#)